

WRITTEN QUESTION TO H.M. ATTORNEY GENERAL BY SENATOR S. SYVRET

ANSWER TO BE TABLED ON TUESDAY 29TH APRIL 2008

Question

“Will the Attorney General provide a detailed explanation of what formal, written policy exists to guide him, the Solicitor General and members of the judiciary in respect of avoiding conflicts of interest and the appearance of conflicts of interest?”

Will the Attorney General explain how members of the public are able to access any such policy?”

Answer

There are currently no formal written departmental policies to guide me and the Solicitor General in respect of avoiding conflicts of interest. In practice however, in a small jurisdiction like Jersey, we are conscious of the need to be sensitive to real and perceived conflicts of interest. There are a number of steps we take to avoid potential conflicts of interest including ensuring that the matter is dealt with by the appropriate Crown Officer or, in some cases, by taking independent advice. It is, for example, always the case that any criticism of the Attorney General is dealt with by the Solicitor General and vice versa. But above all, it requires an attitude of mind and a commitment to acting with integrity which is something which Islanders have always expected of their Crown Officers.

I believe, accordingly, that there are effective safeguards in place. I propose however to consider with the Solicitor General the extent to which the situation may be improved by the creation of a formal written policy and whether this would add value to the way the Crown Officers’ business is done. If it is concluded that such a policy would be helpful, it would of course be made publicly available.

I have been authorised by the Bailiff to state that the Jersey Judicial Association, comprising all those exercising judicial functions in Jersey, adopted a Code of Conduct in July 2007. The Code deals, amongst other matters, with conflicts of interest. The Code has not yet been published, but I am advised the Association is giving consideration to the desirability of doing so.