

2.9 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the alteration of the Napier terms of reference:

It is a case of third time lucky; maybe this time. Given that the explanations given as to why and when the Napier terms of reference were altered to refer to decisions taken after R.39/2010 was presented to the States, will the Chief Minister inform Members when this was done and who was party to the decision and explain why he and the Deputy of St. Martin were not party to those discussions?

Senator T.A. Le Sueur (The Chief Minister):

In answer to the Deputy's questions in October and November of this year, I referred to the changes that were made to the terms of reference and to the confirmation received from the former Chief of Police that he would fully participate in the investigation. I do not recall making any reference to decisions being taken after R.39 was presented to the States. The former Chief of Police confirmed to the Deputy Chief Executive in a letter dated 31st March 2010 that he would fully participate in the investigation, that date being well before R.39 was presented to the States. Because there was agreement between Mr. Power and Mr. Napier concerning participation that would enable Mr. Napier to gain full access to information, there was no need to involve either myself or the Deputy of St. Martin.

2.9.1 The Deputy of St. Martin:

From the answers given I cannot understand the logic of removing part (d). Surely if the former Police Chief was going to assist with the review then part (d) should have remained as part of the terms of reference so those people mentioned in the Chief Officer's affidavit could all have been interviewed. Does the Chief Minister agree?

Senator T.A. Le Sueur:

Yes, Mr. Napier had access to all the information he required and had it not been the case then I agree with the Deputy that the part (d) could have been left in there. But as there was the categorical assurance from the former Chief Officer of Police, it was no longer necessary.

The Bailiff:

The Deputy of St. Mary and then I will come back to you.

2.9.2 The Deputy of St. Mary:

Does the Chief Minister not agree that there a difference between making a document available to Napier - namely the affidavit of the former Chief Officer of Police - and including in the terms of reference that Napier will consider that affidavit and what flows from it. There is a world of difference and in his answer on 19th October the Chief Minister said he no doubt considered the allegations referred to in that affidavit and he treated them accordingly, not if it was excluded from the terms of reference. Would the Chief Minister like to comment on the difference between giving someone a document and asking them to look carefully at that document?

Senator T.A. Le Sueur:

There is a difference between receiving an affidavit and acting on it. What was being quite clear from reading the report of Mr. Napier is that not only was the report received, it was acted upon and there was full dialogue between Mr. Napier and the

former Chief Officer of Police in order to elaborate any matters which were not adequately disclosed in that affidavit.

2.9.3 The Deputy of St. Martin:

The Chief Minister will no doubt have looked at all the documents that were circulating between the respective people and he will have known that there was a letter dated 21st April from the Deputy Chief Executive to Mr. Power asking him if he would agree. So therefore that was a week after R.39 was published. As the Chief Minister has agreed that I could have oversight of the Napier review but I never did, will he agree that maybe I and one other States Member could be party to have a look at the exchange of documents between the various people at some time in the near future?

Senator T.A. Le Sueur:

I do not have the details of any letter on 21st April to hand. I stand by my statement that the former Chief Officer had confirmed in a letter dated 31st March. This matter has been going on for some months now and I do not see any point in the Deputy or any other Member trying to rake through correspondence which, by its nature, is correspondence between individuals and does not form part of the terms of reference. We have a full report from Mr. Napier, I have committed to bring forward the recommendations approved by the States at the last sitting and that should suffice for all Members at this stage.

2.9.4 The Deputy of St. Martin:

Could I just press, the Minister did not answer the second part, will he allow me to have the sight of the exchange of documents as per our agreement that I would have oversight?

The Bailiff:

I thought he said no.

Senator T.A. Le Sueur:

The agreement was that the Deputy and myself should be kept fully informed of the outcome of the proceedings, I do not think it is extended to seeing every single item of correspondence going in all directions from all parties. That would strike me as being totally unnecessary and cumbersome.

The Bailiff:

Very well, we will move then to question 10 which the Deputy of St. John will ask of the Minister for Economic Development. Deputy.