

2.6 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the Napier Terms of Reference:

The Chief Minister stated that paragraph (d) of the Napier terms of reference was included in the Ministerial Decision he signed on 13th April 2011 but this paragraph was not part of the terms of reference set out in the final report; would the Chief Minister therefore give precise information about when this paragraph was removed?

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

I refer the Deputy of St. Martin to the answer I provided on 18th January 2011, when I provided an extract of an email received from Mr. Napier confirming that he did not see the relevance of paragraph (d), as soon as it became clear that Mr. Power was willing to talk to him. With this confirmation Mr. Napier did not include the paragraph (d) in his final report but did make reference to the affidavit, which clearly demonstrates that he did refer to it as part of the investigation. As previously indicated, paragraphs (d) and (e) were not removed but inadvertently omitted when my Ministerial Decision was uplifted to the Livelink system on 13th April 2010.

2.6.1 The Deputy of St. Martin:

The Chief Minister mentions part (d) not being included but will the Chief Minister accept that part (d) was part of the recommendations or part of the terms of reference as agreed by this House way back when we had a debate, therefore it should have been part of the terms of reference in the final report? Will the Chief Minister say exactly when that was removed, was it on 9th April, because if it was then did he sign his Ministerial Decision without being told that part (d) had been removed?

Senator T.A. Le Sueur:

I have tried to make it clear that part (d) was not removed, it was accidentally omitted. It was part of the decision I signed on 13th April, it was not part of the decision which was reported to the States in R.39. The question was, does it have any relevance to the terms of the report of Mr. Napier and because of the information, which I have said elsewhere in my answers both today and earlier this year, Mr. Napier was satisfied he did not need to refer to paragraph (d) in his final report.

2.6.2 The Deputy of St. Mary:

The Chief Minister has told us that paragraphs (d) and (e) went to the Greffe on the last page, and were then inadvertently not printed as part of R.39. Can the Chief Minister explain how it is that paragraph (e) turned up in the terms of reference of Napier and his final report carries paragraph (e)? How did that get into the terms of reference if it was dropped to the Greffe?

Senator T.A. Le Sueur:

Because Mr. Napier was perfectly well aware of the original terms of reference.

2.6.3 The Deputy of St. Mary:

That reply is quite astonishing because the original terms of reference have paragraph (d) and paragraph (e) in them. Can the Chief Minister confirm that paragraph (e) without paragraph (d) arrived in the terms of reference, which Mr. Napier worked to, from his department? They did not reach Mr. Napier from the Greffe. They reached Mr. Napier from his department.

Senator T.A. Le Sueur:

Certainly, I can confirm they would not have arrived from the Greffe, they would have come from my department. I cannot say at this stage what caused Mr. Napier to write his report in the way he did.

[10:15]

2.6.4 The Deputy of St. Martin:

I find it difficult for the Chief Minister knows that he and I were supposed to have oversight of the review and for us not to have been told, I think the Chief Minister will accept, is not acceptable. Is he satisfied that when he signed his Ministerial Decision on 13th April that part (d) was not going to be included in the review as agreed by the States previously?

Senator T.A. Le Sueur:

No, when I signed the Ministerial Decision, which I have here, and which I circulated to all States Members last week, I was expecting to see part (d) and part (e) in the actual final review. The fact that part (d) was not in the final review of Mr. Napier did not cause me the slightest concern because Mr. Napier referred constantly in his report to the matters which related to part (d), and therefore any omission was of no consequence.