

2.11 The Deputy of St. Mary of the Chief Minister regarding the Terms of Reference of the Napier Review:

Would the Chief Minister explain to Members exactly what happened within his department which meant that items (d) and (e) of the terms of reference for the Napier Review did not reach the States Greffe and were therefore not printed as part of R.39/2010 and advise how they were transmitted to Mr. Napier?

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

I refer the Deputy of St. Mary to the answers I provided to the Deputy of St. Martin on 18th January and 15th February, answers (e) and (b) respectively. The error occurred when the terms of reference were sent from my department to the Greffe. Unfortunately the second page of the terms of reference, which contained parts (d) and (e) and all of section 3 did not get transmitted. Hence the reason why R.39 of 2010 only contained part 1 and part 2(a) to (c). I stress that was a fault of my department and not a fault of the Greffe. The full terms of reference, which included parts (d) and (e) were sent to Mr. Napier attached to the letter confirming his appointment to undertake this review and those were sent on 25th March 2010.

2.11.1 The Deputy of St. Martin:

I would hope that the Chief Minister would come clean with the answer. Will the Chief Minister accept that part (d) was removed on 9th April so therefore part (d) should never have gone on R.39? In actual fact, part (d) was not shown in the full Napier Report. Will the Minister confirm that is a fact? It was no error, it was a fact that part (d) was removed on 9th April so therefore should have never ever gone forward to the Council of Ministers or to the Greffier for printing.

Senator T.A. Le Sueur:

I have responded to this question before and part (d) was not removed. I signed a Ministerial Decision which contained part (d). That decision should have been submitted to the Greffe on 13th April. Unfortunately, as I have just said, the second page of the document was not transmitted and that was where the error occurred but part (d) was contained in the Ministerial Decision.

2.11.2 The Deputy of St. Martin:

Could the Chief Minister inform Members, if part (d) was intended to be in the terms of reference, why is part (d) not included in the final report by Mr. Napier?

Senator T.A. Le Sueur:

Because Mr. Napier chose to not deal with that aspect since he already had access to the affidavit from Mr. Power, which was referred to in part (d), and therefore felt it was superfluous, but that is a matter for Mr. Napier's choice and not mine.

The Deputy Bailiff:

The Chief Minister has answered the question but it does not relate to the main question, which is what happened within his department in relation to the terms of reference. Now are there any other questions? Deputy, final supplementary?

2.11.3 The Deputy of St. Mary:

I am still baffled because we now have the Chief Minister telling us that a Q.C. was sent terms of reference (a), (b), (c), (d) and (e) on 25th March attached to the letter sent to him. In his final report, he leaves out one of the terms of reference. Can the

Chief Minister tell us if it is customary for bodies or individuals appointed by this House or appointed by the Council of Ministers - I am not sure which - is it customary for such bodies or individuals to leave out a term of reference from their final report?

The Deputy Bailiff:

Deputy, the question concerns what happened in the department in relation to items (d) and (e), why they did not reach the States Greffe and how they were transmitted to Mr. Napier. Your question relates to Mr. Napier's findings so is therefore not related to this question.

The Deputy of St. Mary:

May I rephrase the question? My original question asks the Chief Minister to advise how the terms of reference were transmitted to Mr. Napier and he has said that they were attached to the letter, all of them, (a), (b), (c), (d) and (e) on 25th March which went to Mr. Napier. So I am asking, if they all went to Mr. Napier, then it seems to be impossible because I am casting doubt, I suppose, on that statement. I am asking the Chief Minister to confirm that they were sent to Mr. Napier in the light of the fact that they did not appear in his final report.

Senator T.A. Le Sueur:

Yes, I can perhaps understand the Deputy's confusion but I can confirm, because I have the copies in front of me that terms (a), (b), (c), (d) and (e), were all sent to Mr. Napier on 25th March.