

2.8 Deputy R.G. Le Hérissier of the Chief Minister regarding the independence of the post of Comptroller and Auditor General:

What reassurances, if any, will be given to candidates for the post of Comptroller and Auditor General that preserve and enhance the independence of the office?

Senator I.J. Gorst (The Chief Minister):

I, together with the Chairman of the Public Accounts Committee, am currently discussing with the National Audit Office a temporary contract of service which I believe will ensure the independence of the office is maintained.

2.8.1 Deputy R.G. Le Hérissier:

We have heard the often trumpeted phrase: “Lessons have been learnt.” I wonder, given the considerable attacks that have been made upon the methods and, by implication, the integrity of the C.A.G. (Comptroller and Auditor General), could the Chief Minister be clearer and tell us how he will explain these recent incidents to candidates and how he will explain to them that they themselves will be protected from, where they have occurred, unwarranted attacks?

Senator I.J. Gorst:

Hopefully the indication that I gave in my opening answer, if we can secure the National Audit Office to provide a temporary contract of service - let us say for 6 months - that will give some stability and renewed independence to the office. Of course it is right that the National Audit Office and any future candidate understands what has recently occurred as a result of the retired Comptroller and Auditor General. We must be absolutely clear about that with any incoming person into the office. The reason I am confident around that is because the National Audit Office has processes and procedures in place which will be removed in the first instance from the performance of the duties here. Therefore any incumbent will be able to rely upon those to provide satisfaction of independence and hopefully it will mean that those processes are followed in a slightly removed way and therefore can provide that confidence.

2.8.2 Deputy G.P. Southern:

Does the Minister agree with the statement made in answer to written question 7026 today, a serious allegation made by the Minister for Treasury and Resources, that elements of the Comptroller and Auditor General’s report are not capable of independent corroboration?

Senator I.J. Gorst:

I have not had the pleasure of reading the Minister for Treasury and Resources’ written question yet so I do not know quite what the context is. Of course the Minister for Treasury and Resources at the last sitting outlined some of his concerns with regard to process.

2.8.3 Deputy G.P. Southern:

Does the Chief Minister further support the call in P.68 for a Committee of Inquiry into the resignation of the Comptroller and Auditor General?

Senator I.J. Gorst:

Like any other Member I have the same number of hours in a day. That proposition was on my desk, it is by my side now to be read, so I have not read it, so I cannot comment on the grounds for which it is being called. However, I would say that following on from the questioner, I do believe that it is very important that the independence of the office is maintained. Therefore, I am not certain that a Committee of Inquiry where potentially the former Comptroller and Auditor General would have to appear before and release - I am not sure whether it would be required - evidence, and discuss his process, is helpful to the independence of that office. However, it may indeed be that a new incumbent of the office feels that carrying out an inquiry themselves is the appropriate way to go to hopefully answer some of the questions which remain.

2.8.4 Senator S.C. Ferguson:

In the spirit of the question, how will the Chief Minister explain to any new Auditor General that, despite his independent role, he will be vilified if he is critical of the regime and in effect his reports will be ignored?

Senator I.J. Gorst:

I do not believe that I will have to do that. I have clearly talked about lessons to be learned. I have found the Comptroller and Auditor General's previous reports to be helpful. I am bringing forward, and Members will see in the Medium Term Financial Plan, investment in areas that the Comptroller and Auditor General highlighted needed investment in. That is the correct course of action. Perhaps I could just point out of course that it will not simply be me and therefore I have to be careful this morning what I say because this is very clearly a joint role, and it will be for the Chairman of the Public Accounts Committee and myself to consider how those approaches are made and obviously the information provided and how that is relayed.

2.8.5 Deputy M. Tadier:

It seems to me that the outgoing Comptroller and Auditor General left because, as he said, his role had become politicised and his report had become politicised but it had not become politicised by himself because obviously he was independent. So it seems to me the question we should be asking today is what reassurances will the Chief Minister be seeking from his Ministers to ensure that the role of Comptroller and Auditor General remains one of independence? Because it seems to me - and I hope the Chief Minister will agree - that it is not the Comptroller and Auditor General who is at fault, rather it was his own Minister or Ministers who politicised this issue and made the outgoing C.A.G. resign.

Senator I.J. Gorst:

I am not aware that any Minister made the outgoing Comptroller and Auditor General resign and I think it is unfair to say so. The Comptroller and Auditor General wrote to me saying that he had decided to resign and he gave the grounds. It is extremely important that the Office of the Comptroller and Auditor General is independent. Sometimes the questions in this Assembly and the opinions that I am being asked to proffer are not helpful for the independence of that role. It should not be for me or politicians sometimes to behave in that manner. I believe that each Minister recognises the need for the Comptroller and Auditor and General to be independent.

2.8.6 Deputy M. Tadier:

In that case, does he not accept that while it may well be valid for material and substantive critiques of a report to be made in the context of a censure motion in this Assembly, when statements criticising a report are made by Ministers, casting aspersions on the content and, perhaps by extension, on the character of the individual who created the report in the public domain, that is making the Office of the Comptroller and Auditor General political, especially when the said individual is not able to make a response in the public domain and therefore has to resign in order to maintain his own integrity and that of the States of Jersey?

Senator I.J. Gorst:

I am not aware of any character reference made with regard to the former Comptroller and Auditor General. I have said very clearly that the office must be independent and free from political influence but that is quite different to the fact that no office should be above question. It is and can be right to question, and from questions one would hope that answers would arise.

2.8.7 Deputy J.A. Martin:

The Chief Minister bangs on about staying independent. Two questions ago he replied: "Up until this report I found the C.A.G.'s report always very helpful and have incorporated some of their recommendations." My question of this Comptroller and Auditor General - the Minister

speaks of a new Comptroller who will have recourse to the Audit Commission - who did employ this Comptroller and Auditor General? He was not retiring, he was resigning, and the Minister has said "retiring" a couple of times; quite clearly he resigned. Who does he have recourse to if we do not have a Committee of Inquiry? Is he not a member of the Audit Commission? Can he not have recourse to the Audit Commission? People are shaking their heads so obviously we oddly employed this Comptroller and Auditor General somehow. Can I have an answer please?

Senator I.J. Gorst:

It is my understanding that the office has recourse to this Assembly and that is the mechanism in place to ensure that no individual politician has undue influence but it is the Assembly as a whole which makes the appointment.

[10:45]

But the law requires that the Chairman of the Public Accounts Committee and myself bring forward a name for approval by this Assembly.

2.8.8 Deputy J.A. Martin:

On the question of independence then, why did the Chief Minister say that all other reports except this one were helpful?

Senator I.J. Gorst:

I am not sure that I said "were helpful". I will have to listen to Hansard to see if I did. But certainly no other report has caused the controversy that this one has caused.

2.8.9 Deputy M.R. Higgins:

Does the Chief Minister have any reason to doubt the integrity and competence of the previous Comptroller and Auditor General and does he, again, following on from Deputy Martin, doubt the quality of any of his reports?

Senator I.J. Gorst:

Information came to me which raised questions. While not wanting to have any political influence, I believed, upon advice, that it was right that that information was put into the public domain. Those questions remain so it is not a matter of the terms in which the questioner wishes to phrase the question; they are the facts of the situation.

2.8.10 Deputy M.R. Higgins:

Can I just seek clarification? Would the Chief Minister just confirm that he is doubting the integrity and competence of the Comptroller and Auditor General? That is what he is saying effectively.

Senator I.J. Gorst:

I have been quite clear. Members are trying to pull me into a politicisation of the Office of the Comptroller and Auditor General and I will not do that. Information was provided to me which, upon advice, I felt that I had no choice but to provide to Members.

Deputy M.R. Higgins:

Can the Chief Minister tell us where the appointment came from? Sorry, it is important this ...

2.8.11 Connétable D.J. Murphy of Grouville:

Would the Chief Minister please acknowledge that the only information that came into his hands arrived in his hands after the vote of censure was proposed on his Minister for Treasury and Resources?

Senator I.J. Gorst:

Yes.

2.8.12 Deputy G.P. Southern:

I return back to the statement made by the Minister for Treasury and Resources. Does the Chief Minister consider the statement that elements of the Comptroller and Auditor General's report are not capable of independent corroboration impugns the reputation for competence of the outgoing Comptroller and Auditor General?

Senator I.J. Gorst:

I do not believe that it does. I have been quite careful, as I believe becomes a requirement of my office, that I do not politicise the Office of the Comptroller and Auditor General and I will not be drawn into doing so.

2.8.13 Deputy R.G. Le Hérisier:

A 3-part question.

The Bailiff:

We will see about that, Deputy.

Deputy R.G. Le Hérisier:

Given the reliance he has placed upon advice received, would he announce to the Assembly upon whose advice did he release that email? Would he, secondly, announce to the Assembly why he did not release the full picture as opposed to just one email at a highly contentious time as outlined by the Constable of Grouville. Thirdly, how does he intend to convey this confused, confusing and very worrying picture to the National Audit Office as they embark upon the recruitment of a successor?

The Bailiff:

I suggest you answer just the first 2, Chief Minister. They appear to link; the third appears to be very different.

2.8.14 Senator I.J. Gorst:

Yes, perhaps I would prefer to answer the first and the last. I hope that the Deputy will not be surprised, and I know it is not customary to say so in this Assembly - and I am not making eye contact with anyone - but I took appropriate legal advice. The full picture: I am not sure to what the Deputy is referring when he talks about the full picture. The report of the Comptroller and Auditor General has already been released. The final one, I am quite happy to answer that: in a very straightforward way. I suspect that the National Audit Office might also ask for copies of Hansard, of questions and answers in this Assembly. It is absolutely right that we deal with it in a straightforward way.