

2.13 Deputy T.M. Pitman of the Minister for Economic Development regarding the level of background checks undertaken before a candidate was proposed for appointment as a Commissioner of the Jersey Financial Services Commission:

What level of background checks, if any, are undertaken before a candidate is proposed for appointment as a Commissioner of the Jersey Financial Services Commission?

Senator A.J.H Maclean (The Minister for Economic Development):

The background checks that are undertaken before a candidate is proposed for appointment as a Commissioner for the Jersey Financial Services Commission are as follows: firstly the taking up of references; secondly, consulting with the existing commissioners and the executive directors of the commission; and thirdly, undertaking open source checks and checks via the commission's enforcement division.

2.13.1 Deputy T.M. Pitman:

Supplementary? I am very unhappy to have to ask this because I do not feel that I should. But does the Minister really think it is fair and proper, and the Constable of St. John raised this in the in camera sitting 2 weeks ago ...

The Bailiff:

I hope you are going to ...

Deputy T.M. Pitman:

No, I certainly will not be mentioning any names. Does the Minister think it right and does a show a good and proper system in place when a Member has to stand up and raise issues - very serious issues - about allegations that have been made in front of members of the public under oath at a scrutiny hearing, because I felt very awkward, I had to do that, I could not ignore it. Does that suggest to the Minister that this process is in any way effective enough?

Senator A.J.H Maclean:

I am thoroughly satisfied with the process, I am not thoroughly satisfied with the questions that are being asked in open forum such as this. The purpose for in camera is for exactly that reason so that Members can ask questions they deem suitable and appropriate during a process such as this. Not today.

Deputy T.M. Pitman:

Sorry, that is not really a fair answer. I have not named the gentleman and I would not but when it was put to the Minister he said: "Well, none of this has been substantiated." I know individuals who have been interviewed by police so there has been some kind of inquiry, is the Minister aware of this and should he not have made that knowledge available to Members before leaving them in a situation where I certainly had to abstain because I could not vote yes or no?

[11:30]

Senator A.J.H Maclean:

It was the Deputy's choice to abstain if he was not satisfied with the answers that he was given. The recruitment process, as I have already stated is a very robust and complete process that I am thoroughly satisfied with and so, for that matter, are the Jersey Appointments Commission and indeed the commission themselves, and the Board of Commissioners. I think I prefer to leave it there. I think it is perfectly satisfactory.

2.13.3 Deputy M. Tadier:

I know we are on delicate ground here because obviously things that happen in camera are not to be discussed. My question though is the Minister ... I think basically what Deputy Trevor Pitman is asking here is that if an allegation is made during any appointment process and the Minister knows about it but then deliberately or consciously withholds that information from Members, is that not a very serious issue and one that should make Members and the Minister consider his own position?

Senator A.J.H. Maclean:

I am not withholding any information from anybody at all. Some rumour, some speculation, has been raised in an in camera debate, none of which has been substantiated, and as far as I am concerned that is the end of the matter. The Members were perfectly aware that the particular proposition was being brought forward. The opportunity existed to come forward and ask me to look into the matter, which I would have been more than happy to do, instead of that it was raised during the debate in camera and now continues to be raised in the public forum which I think is inappropriate. Thank you. **[Approbation]**

2.13.4 Deputy M. Tadier:

If I may have a supplementary? The point here ... the simple question is first of all, did the Minister know, and presumably he was privy to what the background checks were for those individuals, what the allegations, or the previous investigations, had been. Secondly, does he not think that it would have been appropriate for other Members to know that first coming from the Minister rather than coming from a Back-Bencher who, I believe, on his conscience had to raise any issues which he thought were relevant to that debate?

Senator A.J.H. Maclean:

I have nothing further to add. There was no information that came forward to me that concerned me or, indeed, the commissioners or indeed the Jersey Appointments Commission. I am perfectly satisfied with the process and I feel that the matter is now closed.

Deputy M. Tadier:

Can I raise a point of order because the question has not been answered? The question was did the Minister know, previously, of the allegation that was made by a Back-Bencher that concerned him and concerned certain other Members. If the Minister did know that then I think he had a duty to inform other Members, that is all the question. I just want a yes or no.

Senator A.J.H. Maclean:

I hear a lot of speculation. I hear a lot of rumour. I am not prepared to pass on anything unless it is substantiated. I have heard nothing that has been substantiated. Consequently, there was nothing to say to Members. If the Member in question, the Deputy, had concerns he could have raised it

with me. I would, more than happily, have looked into the matter. I have since raised questions directly and again nothing has been substantiated. I have nothing further to add.

The Bailiff:

Very well, Deputy Trevor Pitman, do you wish a final question?

2.13.5 Deputy T.M. Pitman:

Yes, I do not want to labour the point but it is fine for Members to stamp their feet but these are very serious allegations and the Minister's words on that day were that: "Nothing had been substantiated" which, to me, suggests that he knew. Now, surely, other Members should have known. I know that police inquiries have been made, did the Minister, at least, know that? If he knew that surely he should have advised other Members, just out of fairness. To say the matter is closed really is not good enough.

Senator A.J.H. Maclean:

I am sounding like a parrot. These are opinions, they are speculations; nothing has been substantiated. What I suggest is that the Deputy considers the source of the rumour and considers how reliable that source is likely to have been.

The Bailiff:

One moment, I think the question, Minister, was whether you were aware of the fact that there was a rumour.

Senator A.J.H. Maclean:

I am aware of very many rumours. As I have said, one cannot make decisions based on rumours.

Deputy T.M. Pitman:

Final supplementary?

The Bailiff:

One more, yes.

2.13.6 Deputy T.M. Pitman:

What we are getting at is when these checks were made was there anything on a police file, or whatever, because my source is not just some blog, or whatever. I know an individual was interviewed about these allegations and I must say, just for the record, it is not former Senator Syvret, although he was the one who raised this at Scrutiny. So that is why I am concerned, it has not just come from one source.

Senator A.J.H. Maclean:

I was not speculating who the source was. I just said the Deputy might like to re-examine the source that he got this information from. No, I was not aware of any particular police records or anything else of that nature. As I have said, nothing was raised during the recruitment process and

as far as I am concerned it was a thoroughly comprehensive robust recruitment process and the J.F.S.C. (Jersey Financial Services Commission) and the board, themselves, were perfectly satisfied with the outcome, as indeed I am.