

2017.03.14

4.11 Deputy M. Tadier of the Chief Minister regarding the position of Senator A.J.H Maclean and Senator L.J. Farnham following the publication of ‘Jersey Innovation Fund’ (R.3/2017): [1(169)]

Will the Chief Minister state whether, following the publication of the Comptroller and Auditor General’s report entitled: ‘*Jersey Innovation Fund*’ (R.3/2017), Senator Farnham and / or Senator Maclean offered to resign as Ministers, or whether he, as Chief Minister, asked them to resign?

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

The Deputy asked me this question at the last States sitting and I have nothing further to add to what I have said previously.

4.11.1 Deputy M. Tadier:

It is a shame that indeed I am being put in a position where I have to ask a very similar question, because the Minister not only did not answer this question, but he did not even seek to answer the question, which, I suggest, goes against the Code of Conduct for States Members and for Ministers which says that: “In a leadership role, Ministers should try to maintain and strengthen the public trust and confidence in the integrity of the States and its Members in conducting public business.” By not giving a straight answer to what is a very straight question, I would suggest that the Minister is falling foul of this part of the Code of Conduct. So, I would like to give the Chief Minister a second chance to give a straight answer to this question, because we know that either the 2 individuals in question did offer to resign, or they did not, or they were asked to resign, or they were not. It should be a very simple matter that the Chief Minister can clear up now.

Senator I.J. Gorst:

I maintain the answer to all of these and related questions, which the Member, and his colleagues, seem intent on continuing to ask. The Assistant Minister, who had political responsibility for the fund when the Comptroller and Auditor General’s report was published, did the honourable thing. I think he should be congratulated for that. Members of this Assembly have come up to me and said: “Who is doing his work? Who is undertaking the role that he undertook?” I said, in answer to questions in this Assembly, that he is missed in certain regards, perhaps particularly as I said at the last States sitting in regard to Brexit and the relationships that we are building there. The other 2 Ministers are getting on with their job and the reviews are being undertaken. When we have those reviews, if action is required, action will be taken. This is not about a witch hunt for an individual Minister, either that one that did the honourable thing, or the 2 who are currently getting on with the work that this Assembly has asked them to undertake. It is about understanding what happened and then acting accordingly.

4.11.2 Deputy G.P. Southern:

My colleague quoted the bits on leadership in our Code of Conduct. I will turn to the part on openness: “Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection, or confidentiality, clearly demand.” So, will the Chief Minister exhibit that openness and say whether he asked, or whether resignations were offered and, if not, why not? Will he give us those reasons in the name of openness?

Senator I.J. Gorst:

I understand what the questioner and the previous questioner is trying to achieve, but getting on with having the reviews completed, allowing those Ministers to get on with their work; that is the right thing to do. To provide answers, ultimately, to this Assembly and not to go on a witch hunt, or deliver a short-term political manoeuvre. The Assistant Minister, with responsibility at the time, has done the honourable thing, and I know that is part of what is distressing the individuals who are asking the questions this morning. He has done the honourable thing; we should now, I believe, allow those reviews to undertake their work and then, if action is required, after they have been completed, action will be taken. That is the right time to take action.

4.11.3 Deputy S.Y. Mézec:

A simple question for the Chief Minister: did either Senator Farnham, or Senator Maclean, offer to resign as Minister or, if not, did he ask them to resign? It is a simple question, simple answer, and we can move on.

The Bailiff:

It has been asked and the Chief Minister has given you the answer he is going to give you and it really is ...

Deputy S.Y. Mézec:

Is that the position we are in where Ministers can stand up in this Assembly and point blank refuse to answer questions and the Presiding Officer will simply say: "Well that is okay, we can move on." Are we not able to push this issue?

The Bailiff:

Deputy, the Presiding Officer is making no comment about the quality of the answer, or the quality of the question, or anything else. The Presiding Officer is simply saying that this particular question has now been asked 3 times and it has been answered in a particular way 3 times and Members, frankly, will have to make the best they can with that.

4.11.4 Deputy A.D. Lewis:

The Chief Minister will be aware that P.A.C. are doing a review into this and we are discussing matters with officers, not obviously with Ministers. However, could the Minister advise as to whether he has had any approach from the Economic Affairs Scrutiny Panel, because that is the place where Ministers can be brought to account and questioned on this issue? I am not aware of any review being asked for at the moment. Has he had any discussions at all with the Chairman of the Economic Affairs Scrutiny Panel?

Senator I.J. Gorst:

Yes, I have, and they are taking the view - which I think is the correct approach - to allow the current reviews to be undertaken and then to make a decision about whether they wish to do a further review in light of those investigations.

4.11.5 Deputy S.Y. Mézec:

This is a different question, seeing as my previous one will not be allowed to be answered for some reason that I simply cannot figure out. Would the Chief Minister accept that, by not answering this question - point blank refusing to take part in what is a legitimate democratic process, where elected Members should be holding the Executive to account - does he accept that by not taking part in that democratic process, he is prolonging this issue for much longer than it needs to be prolonged and that if he just answered it we could get on with it and move on?

Senator I.J. Gorst:

I am answering it and I am answering it in the way that I think is appropriate, and that is that the Assistant Minister, who had responsibility at the time of the publication of the Comptroller and Auditor General's report, has done the honourable thing and stood aside to allow the work and the reviews to be undertaken without fear or favour. The 2 other Ministers are getting on with their work that this Assembly has asked them to do. If those reports say that there are further individuals, who need to be held to account for their action, or inaction, then that action will be taken at that time.

The Bailiff:

Thank you, Chief Minister, you said that before. Deputy Mézec, the answer to your question is that Standing Order 10, paragraph 8 says: "A question shall not raise an issue, which, in the current session has been fully answered, or to which an answer has been refused."

Deputy S.Y. Mézec:

I fully agree with that, but the question has not been answered so it is a waste of time being here if ...

The Bailiff:

From your perspective an answer has been refused.

4.11.6 Senator P.F.C. Ozouf:

Is the Chief Minister aware that Reform member Deputy Mézec may have broken, himself, the Code of Conduct by potentially ...

The Bailiff:

That is out of order, Senator.

Senator P.F.C. Ozouf:

Well, it is about the circumstances of it. He basically tweeted the statement and then went outside and said everything I had done was toxic.

The Bailiff:

Senator, I am sorry, that is out of order. The question is about whether Senators Farnham and Maclean offered to resign, or whether the Chief Minister asked them to resign; and it is not about anything else.

[12:30]

4.11.7 Deputy M. Tadier:

We find ourselves in a difficult situation where a Member can ask a question about X and then a Minister - or the Chief Minister in this case - chooses to answer a question about Y or Z. The problem I had is that I did not ask a question about Senator Ozouf, the former Assistant Chief Minister, and I did not ask a question about whether the current Ministers are doing a good job. I asked a very straight question about whether resignations had been offered, or asked for, and the Chief Minister has refused to do that. Does the Minister accept by not giving a straight answer to this, he is putting me in a very difficult position where I have to consider either a vote of censure, or referring this matter to P.P.C.; and that it is counterproductive from the Chief Minister's own point of view, who wants to draw a line under this issue, and similarly to me; I want to get a straight answer to this issue, so that we can look at the reviews. Does the Minister accept that is not the

best course of action and that he should be quite able to give a straight yes, or no, answer to these questions?

Senator I.J. Gorst:

I absolutely understand that the 3 Members opposite see themselves as the opposition party to the Government and everything that happens in this Assembly, and that is a perfectly legitimate position for them to take. But, let them not try to masquerade under trying to get to the truth, trying to be open and transparent; they have one aim and that is to deliver instability into this community at a time when we need more stability. **[Approbation]** Only at the last States sitting, we saw them refuse to maintain our autonomy. It is a litany of examples that I could talk about today - I will not do that, because you will draw me in and I have 90 seconds. I am not endeavouring to draw a line under this issue. I can say that, because there are 3 reviews being undertaken into these issues, which will legitimately answer legitimate questions that Members of this Assembly have. Let us deal with the facts, let us allow those reviews to do their work. If action needs to be taken, action will be taken. Let us not point fingers at individuals and going on a witch hunt, which are not about those individuals, they are simply about removing this Government and delivering instability to our community and it cannot be right. **[Approbation]**

Deputy G.P. Southern:

Through the Chair, if I may, could the Chair point out what part of that question allowed the Chief Minister to accuse us 3 of promoting instability?

The Bailiff:

I think the question was: will the Chief Minister draw a line under it, or agree that a line could be drawn under it better by answering the question, and the Chief Minister has interpreted that as a basis for what he has just said and that is a matter for Members to take, or leave, as they feel like.

Deputy G.P. Southern:

Is that not impugning motive, sir?

The Bailiff:

No, I do not think I heard the Chief Minister impugning any motive. I think he was talking about the effect, as he sees it, of the questions and the attacks that were being brought.