

23.11.07

10 Deputy L.V. Feltham of the Chief Minister regarding conflicts of interest (OQ.221/2023)

Will the Chief Minister advise how conflicts of interest are acknowledged and managed when Ministers are discussing policies and making decisions?

Deputy K.L. Moore (The Chief Minister):

Ministers and Assistant Ministers are personally responsible for their conduct and are expected to make declarations at the earliest opportunity. They do so at meetings of the Council of Ministers or in other forums where discussing policies. They may also seek advice from officials or from myself. As addressed in Written Question 54 - apologies, Sir, the print is rather small - the treatment of such a declaration depends on its nature, with the course of action either being for the Minister to remove themselves from the meeting or, having made the declaration, to remain in the meeting.

[11:00]

2.10.1 Deputy L.V. Feltham:

Can the Chief Minister confirm whether any Ministers have sought such advice within the past year and, if so, have they removed themselves from decision-making processes and also conversations related to policy decisions?

Deputy K.L. Moore:

As I outlined in my earlier answer, declarations of interest and questions about conflict arise relatively frequently. Those are logged in the relevant minutes of meetings and people take decisions and actions that are relevant to the circumstances, whether that may be to withdraw for some discussions or whether that is just to simply declare the interest and to remain in the meeting. But that is very much a case-by-case decision.

Deputy L.V. Feltham:

Sorry, Sir, I do not think I got an answer because I asked whether Ministers had withdrawn from conversations in the past year.

The Deputy Bailiff:

Well, I think the Chief Minister said it happened relatively frequently, so I think the question was answered.

2.10.2 Deputy R.J. Ward:

Does the Chief Minister advise her Ministers, as the leader of the Council of Ministers, should she believe that there is a financial conflict, for example, in any proposition that is coming forward to the Assembly? There may be in the future a concern over any profits that are made from the reallocation of monies, for example.

Deputy K.L. Moore:

It would certainly be my hope that no Minister was going to benefit from profits as a result of any decisions that are made by the Government. As I think I said earlier, we regularly discuss any concerns about conflict, seek advice from officials and we deal with each matter on a case-by-case basis.

2.10.3 Deputy R.J. Ward:

The Chief Minister said that it is a hope. We all have hopes, but are there any situations whereby the Chief Minister ... what is the responsibility later on should one of these conflicts of interest prove to be that way? Would the Chief Minister have expected to have seen this or would the Chief Minister simply say: "It is up to the Minister themselves and, therefore, it is nothing to do with me"? Because that to me does not strike me as transparent in terms of the leadership of the Council of Ministers.

Deputy K.L. Moore:

I somewhat take issue with the transparency point. As I have laid out, those conflicts are declared and it is the responsibility of a Minister to do so at their earliest opportunity. However, if subsequently it is found that there is something that has not been declared, then of course through seeking advice and considering the circumstances of that, then action would need to be taken.

2.10.4 Deputy L.V. Feltham:

Given the Chief Minister has confirmed that it is up to the Ministers to identify themselves when they have conflicts or potential conflicts or perhaps even perceived conflicts that they should be declaring and acting upon, has the Government provided training and information to Ministers to enable them to adequately make those decisions so that we can be assured that conflicts of interest are, indeed, being managed appropriately?

Deputy K.L. Moore:

In the early stages of the Government when we agreed our code of conduct, et cetera, there have been sessions that referred to conflicts of interest. That was raised at an early stage and it continues, as I have already stated, to remain a live point of discussion as we continue.