

2.9 Deputy M. Tadier of St. Brelade of the Chief Minister regarding whether Mr. Napier was invited to come to Jersey to present his report to States Members:

Will the Chief Minister confirm that Mr. Napier was invited to come to Jersey to present his report to States Members and, if so, will he state when this was and why he has not yet come over?

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

When the publication of the report was imminent I asked the Deputy Chief Executive to ascertain whether Mr. Napier was able and willing to come to Jersey to present it and to answer questions. I can confirm that such questions were put to Mr. Napier on 17th August 2010, and Mr. Napier's response was in the negative. Following subsequent requests from States Members, the question was again put to him in October and again received the same response. Mr. Napier felt that the report speaks for itself and that his presence was unnecessary.

2.9.1 Deputy M. Tadier:

Does the Chief Minister accept that asking to ascertain whether he was able to come to Jersey or not is not the same as inviting somebody to come over to present a report and to address States Members? Can the Chief Minister categorically say that Mr. Napier was invited to come over, i.e. "We want you to come over to Jersey to present the findings of your report and take questions" or was it not done in that fashion?

Senator T.A. Le Sueur:

He was invited to come. In my original answer I said I asked the Chief Executive to ascertain whether Mr. Napier was willing to come to Jersey. He said no.

2.9.2 The Deputy of St. Mary:

Does the Chief Minister believe that Mr. Napier knows the kind of response that his report will get from the authorities? He may have thought: "I do not need to present it because the authorities will take my report seriously. They will write a full response. They will take the necessary action." In fact none of that has happened and perhaps that is why Mr. Napier thought: "I do not need to present the report." Would the Chief Minister now reconsider that in the light of the effective brush-off that his report has had from the authorities?

Senator T.A. Le Sueur:

I am sure that Mr. Napier is well able to make up his own mind, but as I say, I did request that he be asked a second time recognising the concerns the Deputy expresses, Mr. Napier repeated on being asked a second time he saw no reason to come to Jersey.

2.9.3 The Connétable of St. Helier:

Would the Chief Minister agree that in future when a report of this type is commissioned that it should be standard procedure for the Chief Minister to expect that the report writer present his findings or her findings to States Members?

Senator T.A. Le Sueur:

It all depends on whether one wants to get the best person for the job or not. Some people may decide that if they have to come to Jersey to present their report they do not wish to take part in the process. In this case, it was not part of the original terms

of reference, and Mr. Napier believes - and I believe it is quite correct - that he is fully entitled to take whichever stance he chooses.

2.9.4 Deputy P.V.F. Le Claire:

Can I ask the Chief Minister, because this Assembly decided not to conduct a Committee of Inquiry, which would have allowed witnesses to have easy access to the people that were inquiring, and also because of the final acknowledgement this morning that the author of the report was unwilling and unable to come over, does he not now consider that perhaps he has chosen the weaker option?

Senator T.A. Le Sueur:

No, part of the terms of reference given to Mr. Napier, and contained in the terms of reference, were that if he felt that there was a need for a Committee of Inquiry he should say so as part of his report. He specifically addressed that in his report and said that, in his view, there was no need for a Committee of Inquiry.

2.9.5 Deputy P.V.F. Le Claire:

Could that be perhaps that he had nobody to substantiate the evidence that he was informed of and had he have been here he might have had that evidence?

Senator T.A. Le Sueur:

I do not think that is particularly relevant. The report was produced by Mr. Napier and contains his findings to the effect that he did not consider a Committee of Inquiry necessary because all the facts and information had been provided to him.

2.9.6 The Deputy of St. Martin:

Will the Chief Minister confirm, as a result of an exchange of emails between himself and myself, that it was the understanding that Mr. Napier was coming to Jersey and he could not come until 20th September? In other words, Mr. Napier had agreed to come over but could not come over until the 20th. That was in an email to me. Will the Chief Minister confirm that?

Senator T.A. Le Sueur:

I confirm that I sent an email to the Deputy of St. Martin in which I said that Mr. Napier would be unable to come to Jersey before 20th September. I, like the Deputy, also hoped that Mr. Napier would come to the Island to present his report; he has chosen not to and I respect his views. I accept that at the time I was hoping, as was the Deputy of St. Martin, that he would come to do that task.

2.9.7 Deputy M. Tadier:

How persuasive was the Chief Minister or his officers in asking and insisting Mr. Napier come over, and does he believe that if perhaps the Deputy of St. Martin were to extend that offer now for States Members, who wish to be party to that, he would have more success?

Senator T.A. Le Sueur:

That I cannot say. Mr. Napier was quite categoric in his views. I have a copy of the note that he responded to the Deputy Chief Executive, and I have no reason to doubt that he would maintain that view today.