

2021.09.14

14 Deputy I. Gardiner of the Chief Minister regarding seeking legal advice (OQ.184/2021)

Will the Chief Minister advise why he has stated in his public communications that he has received and followed legal advice when section G of the Code of Engagement between Scrutiny Panels and the P.A.C. (Public Accounts Committee) and the executive forbids Ministers, the Council of Ministers, Scrutiny and P.A.C. from disclosing they have even sought legal advice?

Senator J.A.N. Le Fondré (The Chief Minister):

In reference to the departure of the former C.E.O., I can confirm I first sought the consent of the Attorney General before referring to the fact that I sought legal advice. The Attorney General took the view that the fact that advice had been sought and could be referred to in this instance, given the exceptional nature of the case, and because the matter could not be fully understood by P.A.C. unless there was reference to the fact that legal advice had been sought. To the best of my recollection and belief on other occasions when I may have referred to the fact that I received legal advice, it has either been because States Members have already been made aware by law officers that advice had been given, or when the topic of questioning has been around a legal interpretation or it has been in hearings with a law officer present, drawing an obvious conclusion to the fact that we have received legal advice.

8.14.1 Deputy I. Gardiner:

Thank you to the Chief Minister for using the example of mentioning legal advice for the exit of the former chief executive. Would the Minister agree it should be a balance because P.A.C. was not allowed to indicate whether it has received legal advice of any kind?

Senator J.A.N. Le Fondré:

I cannot directly comment on that because that is the relationship between P.A.C. and the law officers rather than between the Government and the law officers. That is a matter for P.A.C. and the law officers, if I have understood the question correctly.

Deputy I. Gardiner:

Can I clarify my question? Would the Chief Minister agree that it should be balanced if one side, the executive side, is allowed to use legal advice or it is mentioned that they had legal advice, on the balance on the same matters the scrutiny of P.A.C. should be allowed to mention that they might have legal advice? It is about the balance between executive and Scrutiny.

The Bailiff:

I will allow that as a clarification of the earlier question.

Senator J.A.N. Le Fondré:

I am not sure I can add much more. The point is it is not my decision. It is the decision of the law officers so I do not know the circumstances that relate to that relationship. In terms of equity, it does not seem illogical what the Deputy is saying but I am sure it depends on the exact specifics. I do not think I can comment.