

**QUESTIONS TO BE ASKED OF THE PRESIDENT OF THE POLICY AND RESOURCES  
COMMITTEE ON TUESDAY 9th SEPTEMBER 2003, BY SENATOR P.V.F. LE CLAIRE**

**Question 1**

- (a) Would the President confirm that the minutes of the Committee of 3rd of July 2003, state –

*‘The Committee directed the Greffier to establish with the Bailiff the level of holdings which would be considered material, so that members with an interest could declare such interests, and if appropriate, withdraw from the debate’?*

- (b) Would the President explain why the Committee only directed the Greffier to establish this ruling with the Bailiff after several Committee meetings had already taken place on this subject following the declarations of interest made in January 2003, by certain members and H.M. Attorney General?

**Answer**

- (a) Yes.
- (b) The request had nothing to do with the declarations of interest in January 2003. It related solely to the future debate by the States. We were aware that the States debate would result in a final decision on the settlement option and that members would benefit from the Bailiff’s advice. We did not conclude negotiations with Les Pas until the end of May and in June we were working on the matters to be concluded before the settlement could be put before the States. July was, therefore, the appropriate time to ask for advice.

**Question 2**

Would the President confirm that the Committee Minutes of 26th June 2003, state that–

*‘the committee decided to seek an extra States sitting on 16th September 2003 for the debate and authorised H.M. Solicitor General to ask Les Pas Holdings Limited for a further extension until the end of July 2003, in order that the matter could be lodged at the last States sitting on 29th July 2003, to avoid questions being raised by Members before the main debate’,*

and, if so, would he explain why this rationale was used, and how it fits in with the policy of more open government that he has referred to in this Assembly on several occasions?

**Answer**

Yes, the minutes of 26th June do state that which is printed in the question. However, I have to say that this is a prime case of an extract from a minute being quoted out of context: not only the context of that minute as a whole, but also the context of the whole series of meetings and discussions that were taking place at that time. The particular minute quoted by the Senator goes on to state:

*‘The Committee concurred that it would release a statement to the media when the report and proposition was lodged ‘au Greffe’, advising that due to legal implications it was unable to comment further. It was considered that it would not now be necessary to request an ‘in camera’ debate and H.M. Solicitor General was authorised to ask Les Pas if they were content for paragraph 13 of the settlement conditions to be altered accordingly.’*

Taken as a whole, rather than indicating a desire to conceal information, the minute reflects the Committee’s attempts to be open and accountable.

The delay in lodging until the end of July was not to avoid questions being asked. The delay was a result simply

of the need to ensure that the Projet to be presented to the States was agreed by all affected parties and, given the complexities of the issues, was as accurate but succinct as possible. The side effect of this necessary delay was that States members would not have an opportunity to ask formal questions until after the summer recess.

The Committee was and is seeking complete, open and full discussions on these matters. But it has been constrained, as we all are, by the ongoing court case and the requirement for the utmost confidentiality when discussing any legal matters. Members will, I am sure, appreciate the Committee's utter frustration at having to deal with this important matter with, in effect, one hand tied behind its backs.

Our concern about questions was in relation to the legal issues which, we were advised, should not be discussed publicly before the States' debate. If questions were asked prior to that, which were of a legal nature, either we would not have been able to answer them - which is totally unsatisfactory - or in trying to answer them, we could have jeopardised the court case.

The States decision will inevitably be affected by the legal advice given to members and it is not possible for that advice to be given publicly until the matter is finally resolved. What the Committee was seeking to avoid, was for members to be faced with uninformed comment and debate before the legal advice was made available to them. There is nothing worse than to have to take such an important decision against a background of un-informed comment and rash statements.