

23.04.18

**2 Deputy M. Tadier of the Chief Minister regarding the cancellation of the independent review into an unlawful search of premises (OQ.69/2023)**

Will the Chief Minister advise what progress has been made in respect of the independent review into the unlawful search of premises allegedly linked to Roman Abramovich prior to the subsequent statement on 24th January 2023, when the decision to cancel this review was taken and why it was cancelled, given that she had advised it would not impact on ongoing legal proceedings?

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

Apologies, I am struggling to find the right answer. But as the Deputy is aware, following my announcement I discovered that I had a conflict. I was not aware of that at the time of calling for an independent investigation, therefore I have had to recuse myself and I have had no further part in these discussions, which is why I offered to the Deputy that either the Deputy Chief Minister or Deputy Gorst might be better people to answer this question.

**4.2.1 Deputy M. Tadier:**

The Chief Minister is answering the question. There is nothing legally or under Standing Orders prevents her from doing so. While I will, hopefully, ask in due course about what that conflict of interest is, I do not want to use my supplementary question to do that. The supplementary question is: what is it in that conflict of interest that prevents the Chief Minister from explaining or indeed delegating the request that she made back in November for an independent review to another one of her Ministers? In other words, just because she believes she has a conflict of interest, which she thinks means that she can no longer take part in this, it was, nonetheless, her words and her decision to have an independent review and will she explain why that independent review has not happened?

**Deputy K.L. Moore:**

I can only repeat the elements from my first answer, when I called for an independent review I was not aware that I had a conflict of interest. Since that time and since learning of that conflict I have both declared it and recused myself of any further involvement. Therefore, I am not party to the discussions and nor can I answer the Deputy's question.

**The Deputy Bailiff:**

Chief Minister, under Standing Order 106 you are obliged to clearly state the nature of the conflict of interest. **[Approbation]**

**Deputy K.L. Moore:**

With pleasure, Sir. I believe it is a matter of ... it was stated in a judgment that has been published by the Court that my husband's firm acted for one of the parties in this case for a small number of days and, therefore, I consider that I have a conflict in this matter.

**Deputy M. Tadier:**

When was the conflict of interest identified, please; that would be helpful?

**Deputy K.L. Moore:**

I could not tell the Deputy of the exact date but that was raised with me at the earliest possible moment.

**Deputy M. Tadier:**

I do have a point of order, the Chief Minister has answered a written question on this and she has given the reasons why there was not an independent review in that written question, which was answered; she made a statement on 24th January. But in between the last sitting I submitted a written question which has been answered on this very subject by the Chief Minister. The argument that she is using now that she cannot answer the question, which she has already answered in written form, is simply not viable, simply not tenable, Sir, and I would like you to rule on that, as to whether the conflict of interest, which she is declaring, prevents her from answering an oral question which she has already answered in written format.

**The Deputy Bailiff:**

Deputy, the Chief Minister has responded the way she has. She has identified the conflict of interest, which she says prevents her from answering further and I do not think I can make any further ruling in relation to that matter.

**Deputy M. Tadier:**

Sir, the ruling I would like you to make is does that conflict of interest prevent her from answering under Standing Orders? Because I have been advised by the Greffe, who I believe spoke to you, saying that there is nothing within the conflict of interest because it is not financial that prevents the Chief Minister from answering this question in an open and transparent way, as she would normally be required to do under the code of conduct.

**The Deputy Bailiff:**

Deputy, you are correct in the sense that Standing Order 106 only prevents persons from voting if they have a financial interest. Members are entitled to ask questions and respond to questions, notwithstanding the existence of conflicts, as long as they identify the nature of that conflict. The Chief Minister, if she wished and was able to answer the question, could answer the question but what she said is that owing to the conflict she is no longer involved in this particular issue and, therefore, cannot answer your question; that is my understanding of what she said. You must make of that answer what you will but the Chief Minister has identified the conflict and given an answer to this question, in my judgment.

**Deputy M. Tadier:**

Those are my 2 questions and I wonder if there are any other questions from Members.

**4.2.2 Deputy S.Y. Mézec:**

The Chief Minister has identified in part the nature of the conflict.

[10:45]

But could she further elaborate and say which party it was in this case that they were connected to?

**Deputy K.L. Moore:**

Sir, I think you will have some sympathy. But I do not know generally who my husband's clients are and, therefore, I am afraid I could not even recall which of the parties in this matter; it was the client at that time.

**Deputy S.Y. Mézec:**

A brief supplementary then, Sir. Is that on the public record that can be found?

**Deputy K.L. Moore:**

I believe it is, yes.

**4.2.3 Deputy L.V. Feltham:**

The Chief Minister in her answer said that she had acted on a matter before finding out that she had a conflict of interest. What steps has she subsequently taken to ensure that she identifies potential conflicts of interest sooner so that she is not taking any actions on matters in which she has a conflict of interest?

**Deputy K.L. Moore:**

I do not believe that I could do anything in a more expedient manner than I did.

**4.2.4 Deputy M.B. Andrews of St. Helier North:**

What communications have taken place with the Assistant Chief Minister to take a lead on this because I am a bit concerned in terms of looking at the timeframe now? We are looking at a 6-month period where no action has been taken to make sure that some investigation is formally taken where there has been wrongdoing.

**Deputy K.L. Moore:**

The Deputy Chief Minister and the Minister for Treasury and Resources have both been dealing with this matter. I did offer Deputy Tadier the opportunity to ask the question of either of those Ministers and he declined. Therefore, I am unable to answer because I do not have that information.

**4.2.5 Deputy M. Tadier:**

First of all, we will get to the bottom of this sooner or later, whether or not it requires a proposition to this Assembly to in fact have the independent inquiry that the Chief Minister said she wanted back in November. But can the Chief Minister explain why she was able to answer a written question that I put on 12th April only a few days ago, which she has answered but she is not able to answer an oral question in this Assembly on that matter?

**Deputy K.L. Moore:**

My understanding would be that that written question was provided by another person and agreed by another person and not myself. Perhaps there was an error in defining that in the answer, for which of course I regret.