

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY L.V. FELTHAM OF ST. HELIER CENTRAL
QUESTION SUBMITTED ON MONDAY 13th FEBRUARY 2023
ANSWER TO BE TABLED ON MONDAY 20th FEBRUARY 2023**

Question

Will the Chief Minister advise whether Ministers have declared any actual, potential, or perceived conflicts of interest during any meetings of the Council of Ministers; and if any conflicts of interest have been declared, how they were managed?

Answer

Ministers have made declarations at the Council of Ministers where they consider an actual or perceived conflict of interest may exist, with each Council of Minister's agenda having a designated time slot at the start of the meeting for that to be done.

The treatment of that 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. It is a decision for the Chief Minister and the declaring Minister, in each instance, to determine how they wish to proceed.

The addition of a dedicated slot at the start of meetings is a new development for this Government, seeking to introduce more formality into the process of making declarations.

In addition, the Code of Conduct and Practice for Ministers and Assistant Ministers was updated by this Government in 2022, including expanding the provisions to deliver more clarity and advice to identify and manage conflicts. The latest provisions being as below.

Naturally, all areas of governance are maintained under review.

"4. Avoiding Conflict of Interest

Ministers and Assistant Ministers must identify and actively address any actual or perceived conflict of interest between their ministerial responsibilities and their private interests, or any other public role they hold, including their role as a constituency representative, ensuring that any conflict does not compromise their judgement, the conduct of government, or place themselves under an improper obligation.

Where a conflict or perceived conflict relates to the Minister's portfolio, the Minister or Assistant Ministers should be guided by the general principle that they should either dispose of the interest giving rise to the conflict, or take alternative steps to manage the conflict, which can include transferring a ministerial responsibility to another Minister, or in relation to a more minor matter, a delegation to an Assistant Minister. In some cases, it may not be possible to devise a mechanism to avoid such an actual or perceived conflict of interest, for example, due to the significance and nature of the conflict, and in any such case, the Chief Minister must be consulted, and it may be necessary for the Minister to cease to hold ministerial office.

Where the conflict relates to a matter outside of a Minister's area of responsibility, but the Minister or Assistant Minister is part of a wider discussion at the Council of Ministers, or in other ministerial meetings, they should declare this at the earliest opportunity, the declaration should be recorded, and the Minister or Assistant Minister would generally be asked to recuse themselves from any discussions.

In considering the above, the extent of the conflict, whether it is a conflict generally held by many people, and how direct or substantial it is to the interests of the Minister or Assistant Minister, should be considered.

A perceived conflict of interest should generally be treated as seriously as an actual conflict, and Ministers are expected to err on the side of caution in the wider interests of the government and maintaining public confidence.”