

STATES OF JERSEY



TRANSCRIPTS OF '*IN CAMERA*' DEBATES: RELEASE TO THE JERSEY INDEPENDENT CARE INQUIRY

Lodged au Greffe on 15th December 2015
by Deputy M.R. Higgins of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree, in accordance with the provisions of Standing Order 160(4), that –
 - (i) the transcript of the Statement of the Minister for Home Affairs relating to the suspension of the Chief Officer of the States of Jersey Police that was made “*in camera*” on 2nd December 2008 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 (including the transcript of the questions to the Minister that followed the Statement and his answers to those questions) should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols;
 - (ii) the transcript of the Statement by the Minister for Home Affairs regarding the suspension of the Chief Officer of the States of Jersey Police that was made “*in camera*” on 10th March 2009 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 (including the transcript of the questions to the Minister that followed the Statement and his answers to those questions) should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols;
 - (iii) the transcript of the debate on Proposition P.9/2010 “Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police” made “*in camera*” on 24th February 2010 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols;
 - (iv) the transcript of the debate on Proposition P.48/2012 “Statement made ‘*in camera*’ on 2nd December 2008: release of transcript” that was made “*in camera*” on 23rd May 2012 in accordance with the provisions of Article 9(4) of the Police Force (Jersey) Law 1974 should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols;
 - (v) the transcript of any other “*in camera*” statement or debate relating to the suspension of the Chief Officer of the States of Jersey Police should be made available to the Independent Jersey Care Inquiry to be used in accordance with the Inquiry’s protocols;

- (b) to grant leave to members of the States, in accordance with the provisions of Article 36(1) of the States of Jersey Law 2005, to give evidence in respect of the proceedings of the States to the Independent Jersey Care Inquiry if called to do so.

DEPUTY M.R. HIGGINS OF ST. HELIER

REPORT

On 2nd March 2011 the States Assembly formally requested the Council of Ministers to establish a Committee of Inquiry to investigate a number of ‘unresolved issues’ in relation to historical abuse in the Island; and on 6th March 2013 the States Assembly agreed the [Terms of Reference](#) for a Committee of Inquiry to undertake a wide-ranging investigation into historical child abuse in Jersey.

The Care Inquiry commenced its investigation on 3rd April 2014, and since then it has been diligently carrying out its duties with the aim of completing its report by December 2016.

To date some £11.3 million has been expended by the Independent Care Inquiry team, and a further £4.1 million has been spent by States Departments. In addition, a further £2 million in compensation has been paid to abuse victims under the Historic Redress Scheme, and States’ lawyers have received over £2.2 million to date.

On 1st December 2015, the solicitors acting for the Independent Jersey Care Inquiry wrote to the Greffier of the States to ask for copies of the “*in camera*” statements and debates that took place in the States Assembly relating to the suspension of the former Chief Officer of the States of Jersey Police to be released to them. The Greffier advised the Inquiry Team that they could only be released if a proposition for their release was presented to the States of Jersey Assembly and the members of the Assembly consented to their release.

At the Inquiry hearing on 10th December 2014, Mr. Oliver Glasgow, acting for the Greffier, made an application to the Panel members asking for them to adjourn that morning’s hearing at which a leaked copy of a transcript which was in the public domain was to be discussed. It was requested that a proposition be lodged ‘*au Greffe*’ for this matter to be properly considered by the Assembly.

Mrs. Frances Oldham, Q.C., Chairman of the Inquiry, stated after Mr. Glasgow’s application –

“The application for an adjournment today is granted on the basis that this inquiry will be assisted by a full transcript of all in-camera debates relevant to our terms of inquiry. This is a matter of urgency and it is central to the work that we have undertaken. As chair of this inquiry I have emphasized from the outset our commitment to openness and transparency.”

I was asked by the lawyers acting for the Inquiry if I could assist by lodging a proposition to the States for the release of these documents and I readily agreed to do so. These “*in camera*” documents are urgently required by the Independent Jersey Care Inquiry in accordance with the terms of the Inquiry, and in my opinion they should be supplied so that the Inquiry team can complete their work on time and with the full facts.

Paragraph (b) of the proposition has been added on the advice of Greffier of the States. Article 36(1) of the States of Jersey Law 2005 is in the following terms –

“36 Evidence of proceedings not to be given without leave

- (1) Subject to this Part and standing orders, no member of the States or officer of the States and no person employed to take minutes before the States or any committee or panel established under standing orders shall give evidence elsewhere –
 - (a) in respect of the contents of such minutes or the contents of any document laid before any of those bodies; or
 - (b) in respect of any proceedings or examinations held before any of those bodies,without the prior consent of the body concerned.”

The provision exists to protect parliamentary privilege and the autonomy of the Assembly by ensuring that members or officers do not give evidence about States proceedings to a court or inquiry without the prior consent of the Assembly. This paragraph seeks that formal consent to avoid any inadvertent breach of Article 36(1).

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this Proposition.