

### **3.2 Deputy S. Pitman of St. Helier of the Minister for Home Affairs regarding the publication of the affidavit submitted to the Wiltshire investigation by the former Chief of Police:**

Will the Minister explain why he has not yet made public the 62,000-word affidavit submitted to the Wiltshire investigation by the former Chief of Police and advise when it will be published?

#### **Senator B.I. Le Marquand (The Minister for Home Affairs):**

As a follow-on from previous answers, I needed to obtain specialist legal advice on the issue of libel. That advice was that, as I was not under any legal duty to make the statement - it is a statement, not an affidavit - public, the risks of a libel action were substantial. As a result of this, it became clear that there would need to be substantially more redaction of the document, probably with whole sections being redacted. Indeed I wondered whether it might be better to ask the former Chief of Police to rewrite his statement so as to explain his position while omitting the potentially libellous references. However, during the summer there was a further development with what purports to be the majority of the statement being placed with minimal redaction on a blog site. In the light of this I cannot now properly proceed with this task as originally envisaged because any person reading a fully redacted version could then find elsewhere the full text, which would completely defeat the whole purpose of redaction. I have to say that throughout this process, including the disciplinary process, I have constantly faced a situation in which confidential documents have been put into the public domain and this is yet a further example of that.

#### **3.2.1 Deputy S. Pitman:**

The Minister has twice, in July 2010 and in March 2011, promised Members that he would release reports of the confidential Wiltshire Report. Despite assuring Back-Benchers that he would also publish the Chief of Police's side of the story, more than 2 years on nothing has happened. Does the Minister for Home Affairs not concede that if the affidavit is not now released in full immediately, despite what he has just said, the only conclusion can be that the Council of Ministers has something very disturbing to hide?

#### **Senator B.I. Le Marquand:**

I must make the position clear. In relation to this situation, I was not under a duty to do this piece of work. I was urged to do so by the former Scrutiny Panel. I decided so to do, so that alongside the Wiltshire Report could stand, for posterity, the former Chief Officer's statements in a redacted form. Redaction was incredibly important because there were all sorts of allegations contained there that should not be in the public domain: references to individuals. I have to think about fairness to the other individuals involved. Now, the fact is that purported versions of the document now do exist on another website. Frankly, I cannot go ahead. It would simply be totally unfair to the people who should have the benefit of the process of redaction. I do, however, still leave open the possibility of going back to the former Chief Officer, as I have mentioned, and saying to him: "Look, we cannot now do this as originally intended because this has been cut across by the irresponsible actions of people who have put an unredacted form into the public domain but would you like, as an alternative, to have the opportunity to produce an alternative statement which takes out the potentially libellous matters?" That, I think, is the very best I can do.

#### **3.2.2 Deputy M. Tadier of St. Brelade:**

The Minister seems to take very seriously this leak which has made the document public, even though it has not officially been released to the public. What action has the Minister considered taking against the individual who has published this information, on the internet presumably, and will he share with us the legal advice and the current position of the Minister?

#### **Senator B.I. Le Marquand:**

The cat is out of the bag, frankly, in relation to this one and so legal action would be a substantial waste of time. I can only regret, however, that matters unredacted have been put into the public domain in this way, in an utterly irresponsible manner, which is entirely unfair on those who should have had the benefit of redaction.

### **3.2.3 Deputy M. Tadier:**

If the Minister is genuinely concerned, as I am sure he is, about fairness to individuals named in the documents without a response, even though now it is in the public domain, will the Minister be pushing for a full Committee of Inquiry into historic child abuse allegations which will also give the opportunity for this document to be given to whoever chairs that commission so that they can look at the facts independently and, if need be, exonerate or corroborate the allegations within that document?

**Senator B.I. Le Marquand:**

No, of course not.

### **3.2.4 Deputy T.M. Pitman of St. Helier:**

The Minister for Home Affairs talks about irresponsibility. Given that this Wiltshire Report was never intended to be put into the public domain - it was confidential and what the Minister did was unprecedented - does he not think that he was very irresponsible himself?

**Senator B.I. Le Marquand:**

It was absolutely vital that the public know, as best as I was able to advise them, of the information from the independent and thorough report of Wiltshire, what had gone wrong in relation to this particular situation. I am very surprised that Deputy Pitman, who is normally in favour of openness, should be suggesting that I should have suppressed this document.

### **3.2.5 Deputy S. Pitman:**

Given that the Minister for Home Affairs felt able to take the unprecedented step of releasing a confidential report intended only for a disciplinary case, can he enlighten us as to why he refuses to do the same with the South Yorkshire Report into concealment of child abuse at the Sea Cadets? Does he not believe in consistency?

**The Deputy Bailiff:**

I do not think that arises out of this particular question, Deputy; besides which, I think it is the subject of some other question.