

2.12 Deputy M.R. Higgins of the Chief Minister regarding an extension of the time limit for the submission of applications under the Historic Abuse Redress Scheme:

Is the Chief Minister prepared to extend the time limit for the submission of applications under the Historic Abuse Redress Scheme until a week after the debate on P.80/2012, currently scheduled for 9th October 2012, and if not, why not?

Senator I.J. Gorst:

The Historic Abuse Redress Scheme was designed to provide an alternative method to full court proceedings. The scheme allows 6 months for the claimants to come forward and submit a claim. This timeframe was agreed with lawyers acting for all named claimants prior to establishment of the scheme. The scheme was well-publicised when it was launched and I am not aware of any reasonable justification for the time period to be extended beyond 30th September 2012. In the event that any applications are submitted after 30th September, they will be rejected, save where exceptional circumstances exist to justify them being allowed in. Any such applications would be considered on a case by case basis.

2.12.1 Deputy M.R. Higgins:

A supplementary, Sir. I must say, I find this totally unreasonable. I have brought a proposition to the States asking for the full details of the scheme to be discussed by this Assembly. I have concerns about the way part of the scheme has been implemented by States lawyers and other aspects of the scheme, and I think it is important this House hears all the evidence and makes a decision. I do not see any reason why the States Chief Minister, for example, should not allow anyone to bring in a claim at any time up until after the States has heard that proposition. I must also add that I am aware that according to Williamson's Report, he mentions in one particular sentence: "I would therefore recommend that in order to avoid conflict with the redress scheme and various ongoing police matters." There are at least 17 people who have named an individual who works in the Civil Service in this Island who has not been brought to book and certainly not been brought to a court to answer the charges that have been levelled against him. I think if you close off this scheme at the present time, you will deny people the right to get proper redress. Will the Minister reconsider and at least allow an extension until after the debate on 8th or 9th October?

Senator I.J. Gorst:

The Deputy has made various allegations in his arriving to his question. I believe that the scheme is clear, the scheme documents have been published and are available in the public domain. The Deputy has not, as far as I am aware, sought meetings with the scheme lawyers or brought forward particular cases that he is dissatisfied with. I am more than happy to meet with him if he has particular cases and parts of the process that he is not happy with but he has not made clear at all what they are or why the scheme should be extended. I, in my initial answer, was quite careful. If there is reasonable justification for it to be extended, then of course the Council of Ministers would consider that. Outside of that, the scheme will close and claims will be rejected, as I said, save where exceptional circumstances exist to justify in them being allowed in. I believe that that delivers what the Deputy wants and the States will consider his proposition in due course.

2.12.2 Deputy T.M. Pitman:

I am glad Deputy Higgins raised what he did, because it means I will not be the only one getting into trouble. I raised this very serious issue at the meeting yesterday - as the Chief Minister will know - and I think it is important that the Assembly knows that it is not Deputy Higgins making these allegations, they are from 17 different people, some of whom have only been brought forward in comparatively recent times. So my question to the Chief Minister would be this: people have waited in some cases 60 years for justice. What difference does a couple of weeks

make in delaying so we can hear this proposition? What difference does 2 weeks really make? Please answer that, Chief Minister.

Senator I.J. Gorst:

It has been quite clear from the start 6 months ago when the scheme would be closing. As I said, the scheme was set up in liaison with United Kingdom Q.C. (Queen's Counsel) advice in liaison with lawyers representing claimants, and that was right and proper.

[11:15]

If there are exceptional reasons that would justify it being kept open longer then, of course, I am prepared to listen to those but, so far, I have not heard them. The Deputy and the questioner seem to be conflating 2 issues. This is about the Historic Abuse Redress Scheme and they seem to keep referring to personal cases which do not relate to whether those claimants will be entitled to make a claim under this scheme and be entitled to compensation.

2.12.3 Deputy R.G. Le Hérisier:

In the event that the States were to accept Deputy Higgins' proposition, what would be the stand of the Chief Minister?

Senator I.J. Gorst:

I am not sure quite what the Deputy is asking me. If the States accept Deputy Higgins' proposition, then they accept it and the scheme comes forward for debate in this Assembly.

The Bailiff:

Do you have a final question, Deputy Higgins?

2.12.4 Deputy M.R. Higgins:

Yes, Sir. Has the Chief Minister not learned anything from the history of this whole child abuse scheme that the more the States will not be flexible, will not be open, the more people believe there is a cover-up? Basically, why not keep it open for a few weeks longer? It is not going to hurt; we have the debate, let us get everything out in the open and see if the scheme is acceptable. If it is, fine, we go forward then and then people can finally make their claims towards the States. But every time the States puts up barriers, you know: "Closing date 30th" and so on, people suspect there are things go on behind the scenes.

Senator I.J. Gorst:

With that logic, we would never close the scheme and the scheme would be running on indefinitely. I do not accept it; the scheme has now been open for 6 months. As I have said to the Deputy, if he has reasonable justification for asking me to keep it open then, of course, I will consider that. I have been what I believe is more than reasonable but so far, and certainly including in the Deputy's proposition, there does not appear to me to be any reasonable grounds to do so. If the Deputy can come forward with reasonable grounds, then I will consider it.

Deputy M.R. Higgins:

If I can just say that the Chief Minister knows I do not like doing deals behind the scenes; let us get everything in the open in front of the States.

Senator I.J. Gorst:

There is no deal behind the scene and I really do not know what the Deputy is referring to. If he wishes to make a case for the scheme to be kept open, there must be reasonable grounds and he must come forward with them.