

## **2.4 Deputy T.M. Pitman of the Chief Minister regarding the terms of reference for the historic abuse enquiry as proposed by Verita:**

Will the Chief Minister clarify precisely what the perceived problems are with the terms of reference for the Historic Abuse Inquiry as proposed by Verita? Would he state whether Mr. Andrew Williamson has been engaged to review the terms of reference and, if so, what the cost of his engagement is?

### **Senator I.J. Gorst (The Chief Minister):**

There is no question in my mind that a Committee of Inquiry is needed to provide help with closure of this difficult and long-running period. The Verita terms of reference were open-ended as a strategy. I have therefore asked Mr. Andrew Williamson, an experienced Social Services Director from the United Kingdom, who also has much experience of working in Jersey, to review the original terms of reference to see whether they could be set in such a way as to ensure that unanswered questions are investigated and answers are provided without the requirement to reopen individual cases. The cost of Mr. Williamson's work has amounted to £2,000 to date and I expect that the total cost of his work in relation to reviewing the terms of reference will not exceed £10,000.

### **2.4.1 Deputy T.M. Pitman:**

Perhaps the Chief Minister could enlarge for me and perhaps a few others what he means by "open-ended". More specifically, can he ensure that having decided we did not need independence to do the Electoral Commission, for instance, can he give assurances that we will come up with a format that will ensure closure for those people who were victims and, just as importantly, that those who are ultimately found to be responsible will be held to account?

### **Senator I.J. Gorst:**

As I said in answer to questions on this subject before, I will be in a position where I can lodge the terms of reference for the Committee of Inquiry to this Assembly for Members rightly to decide. At the same time, I will be appending any other work which has been undertaken to get to those terms of reference. Equally I, of course, would like to think that closure could be brought but these are very difficult long-running issues and I think that what we can hope for is that people are able to move on with their lives. I am not certain that for lots of people closure will be found by a Committee of Inquiry but I hope that it will help with the healing process and it will allow some answers to be given. With regard to the open-ended nature, that of course is very difficult because we have a responsibility to ensure that a Committee of Inquiry reaches its findings in an appropriate timescale and within a suitable budget. What I have been concerned about is that every person appearing before the inquiry might feel that if it is too adversarial, they need to instruct legal counsel and that, of course, will change the budget and the cost requirements entirely.

### **2.4.2 Deputy J.M. Maçon of St. Saviour:**

Can the Chief Minister explain the process about how external parties can contribute to Mr. Williamson's review, given that they might be best placed to indicate what these unanswered questions are?

### **Senator I.J. Gorst:**

Yes, the Deputy raises a very good point that he raised at the last sitting. Mr. Williamson will be on the Island again this week and I will be meeting with him to ensure that that is done, so that individuals that we perhaps are not aware of now - albeit some I have written to and invited to meet with Mr. Williamson... perhaps some are not yet aware of that and would like to and we need to ensure that they have that ability to do so prior to lodging.

### **2.4.3 Deputy M. Tadier:**

Will the Chief Minister provide the dates of - if he has them available, and if not to provide them and circulate them - when Verita was initially commissioned to provide the terms of reference, when they reported back and when Mr. Williamson was commissioned to produce further terms of references?

[10:00]

**Senator I.J. Gorst:**

I do not have those dates with me. Members are well aware that this has dragged on far longer than I would have liked and I am keen to bring a proposition to this Assembly so we can decide and the work can get started. I can provide those dates but I will certainly, of course, be including them in any proposition lodged as well so that Members are fully informed and are able to make a decision with all the facts in front of them.

**2.4.4 Deputy M. Tadier:**

Would the Chief Minister agree that the terms of reference set by Verita were not faulty? Rather, they were politically unacceptable to certain Members of the Council of Ministers? If they were faulty, would the Chief Minister explain how it came about that it was the Council of Ministers who commissioned Verita and why did they not set their own terms of reference and their own criteria to make sure that what Verita reported back was acceptable and in line with the terms of reference that the States Assembly agreed only recently before that?

**Senator I.J. Gorst:**

That is quite a multi-faceted question. I would not wish to use the word “faulty” for the terms of reference but more as I did with regard to open-ended and wanting to limit the need for those appearing before the Committee of Inquiry to have to instruct legal support at that point. I can reassure Members that they will be able to judge for themselves when the terms of reference are before them. That is absolutely right and proper, and not that it is just simply the domain of either me as the Chief Minister or the Council of Ministers.

**2.4.5 Deputy R.G. Le Hérissier of St. Saviour:**

I wonder if the Chief Minister could elaborate on his earlier comment - which I found confusing - as to the presentation of individual cases to the inquiry. Could he agree that these cases will indeed be put forward, albeit perhaps not in the adversarial sense that he quite rightly does not wish? Secondly, will it adopt any of the procedures of a truth and reconciliation approach?

**Senator I.J. Gorst:**

Deputy Le Hérissier raises once again 2 good points. I went through Hansard to look at the points that he raised previously, where he asked me how I was going to ensure that the Committee of Inquiry was carried out in a timely and cost-effective manner and this morning he has asked me about the *modus operandi* of the Committee of Inquiry; will it be more like a truth and reconciliation committee? All those issues were and are in my mind and that is, to a large extent, why I asked Mr. Williamson to do the review because we have got to be clear that a Committee of Inquiry is not a truth and reconciliation committee. This Assembly has chosen that it wants to have a Committee of Inquiry and I will be bringing forward terms of reference that I hope allow a more reconciliatory approach rather than an adversarial approach, which can be the hallmark of a Committee of Inquiry.

**2.4.6 Deputy R.G. Le Hérissier:**

Could the Chief Minister explain his earlier comments about how individual cases will be dealt with?

**Senator I.J. Gorst:**

Sorry, yes. Sometimes when there is more than one question in one question, I forget to answer the earlier part. Again, the Deputy makes a very good point. Of course individuals must be allowed to appear before the committee and talk about their experiences because that is the way that answers, I hope, will be provided. Albeit that might be quite difficult but that is quite different from an adversarial approach where people feel that they need to have legal representation because they are being challenged and because it is a much more confrontational approach. That is what we wish to avoid.

**2.4.7 Deputy T.M. Pitman:**

I imagine I am probably in a fairly small minority of Members who have read some of the statements of what happened to people. I have to say they made me both sick and angry. So while cost is important in all things, can the Chief Minister agree with me that when it comes to justice, cost should never be an excuse that that will not be fulfilled? Can he, in answering that, ensure that those people who spoke to Verita and did not know about Mr. Williamson's involvement will also be able to discuss what has happened with Mr. Williamson himself?

**Senator I.J. Gorst:**

I am committed to a Committee of Inquiry and that is right and proper. Ultimately we should make our decision in light of hopefully getting some answers and helping the healing process and helping people to move on, albeit with the caveat that I have said. Therefore budgetary considerations should not be at the forefront of our mind. However, of course, we all have a responsibility to ensure that costs in any project are controlled. Sorry, could the Deputy just remind me of the second part?

**Deputy T.M. Pitman:**

Yes, of course. Could the Chief Minister just advise ... obviously many people have not known about Mr. Williamson's involvement, so will those people who have spoken to Verita now be able to speak to Mr. Williamson?

**Senator I.J. Gorst:**

The Deputy makes a very good point. It is not something that I had considered in that format but that is a good way of dealing with the issue that Deputy Maçon spoke about which is to re-contact all those who contacted the Verita terms of reference.