

4.14 Deputy R.G. Le Hérisier of the Chief Minister regarding an independent inquiry into allegations that the Assistant Minister for External Relations obtained and read in public confidential documents associated with the suspension of the Dean:

Would the Chief Minister establish an independent inquiry to report expeditiously about the allegations that the Assistant Minister for External Relations has obtained and read in public confidential documents associated with the suspension of the Dean and, if not, why not?

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

If an offence is alleged under the law, a Statutory Code of Practice has been breached or a Code of Conduct for Elected Members has not been complied with then a complaint should be submitted to the relevant authority or body who will then investigate.

4.14.1 Deputy R.G. Le Hérisier:

Despite having drawn a line between people in their Back-Bench and their Executive role, would the Chief Minister not acknowledge in order that the integrity of the individuals concerned and of the House be upheld that a proper independent inquiry would be a much better way rather than avoiding the issue continually.

Senator I.J. Gorst:

Personally I have to say I agree with P.P.C.'s proposal for a commissioner that would deal with these exact issues, because then it takes the politics out of them and they can be reviewed appropriately once appropriate complaints, if they are to be made, have been made.

4.14.2 Deputy T.M. Pitman:

Given that the Minister himself is very keen to make complaints about people when they tell the truth - I have been a victim of that - should he not now, as Chief Minister, put a complaint in when someone is certainly not telling the truth. My 2 businessmen, good, honest, hard-working contributors to the economy stand accused of being malicious, fictitious and liars, as I do myself.

[11:15]

Senator I.J. Gorst:

I do not believe that they do stand accused of that. The Deputy will know that I had a meeting with them. Unfortunately since that meeting the first time I have seen Senator Bailhache was this morning in the States Building. Of course, I will relay the contents of that meeting, but as I have said previously I stand by the answer I gave. That certainly is not my interpretation of what Senator Bailhache said in answering the question previously.

4.14.3 Deputy T.M. Pitman:

Can I have a supplementary? If I may refer back to that meeting with the 2 businessmen, if I can pretty much quote the Chief Minister's words to the 2 gentlemen. He said they should consider complaining to P.P.C., but must be aware that the person they would be complaining about sat on that committee. Does he agree that that was a bit of intimidation there?

Senator I.J. Gorst:

Absolutely not. It was merely a reflection of that body. I would not wish for those particular individuals to be unaware of that prior to making a complaint. If a complaint was made about a Member of this Assembly to P.P.C. and a Member of this Assembly sat on that body I would have no doubt whatsoever that the Member of P.P.C. would remove themselves for the purposes of both hearing and dealing with such a complaint.

4.14.4 Deputy T.A. Vallois:

The code of conduct for the Ministers is fairly open and wide and also includes the code for the Assistant Ministers. Could the Chief Minister advise whether the complaints that have been made have been made about the Assistant Minister or whether they have just been made about Senator Bailhache?

Senator I.J. Gorst:

That is a very good question. I have maintained, as Senator Bailhache did when he has been dealing with these particular issues that he was acting, yes, as a Member of this Assembly, but more importantly as a lay member of the Church of England in Jersey. That is where the differential arises from.

4.14.5 Deputy M.R. Higgins:

As the documents that Senator Bailhache was supposed to be reading on the plane included police statements and various other documents, if he was a member of the church, where did he get those documents? He is a Member of the States, just as we are, he is no longer a member of the Judiciary, how did he get access to official documents of that sort that has the names?

Senator I.J. Gorst:

I am not sure how I am expected to answer such a question. This is part of the problem I find myself in today. I am being expected to be investigator, judge and jury in a particular case. I do not think that is the role of the Chief Minister. Having said all that, I do understand that Senator Bailhache is intending, whether it is able to happen today or not is in doubt, because of the workload, with your permission, Sir, to make a personal statement on this matter.

The Bailiff:

Very well. Deputy Tadier and then final question Deputy Le Hérissier.

4.14.6 Deputy M. Tadier:

I am concerned with the Chief Minister's response both to this question and the previous one, because it seems to me the Chief Minister could quite happily respond to these by saying the reason we do not need an investigation and the reason that I am not going to take any action is because my Assistant Minister has not acted inappropriately. He has done nothing wrong. In the absence of the Chief Minister making that statement to the Assembly it forces Members to read between the lines and to presume that there is a grey area as to the allegations that have been made by another Member in this Assembly. So, will the Chief Minister take swift action, whatever that may be, whether it is an independent investigation or his obligations under the code of conduct to give a response to ascertain whether or not the Assistant Minister has acted entirely appropriately or inappropriately.

Senator I.J. Gorst:

As I have just indicated, a number of questions this morning really would be more appropriately and rightly addressed to Senator Bailhache, who is in a position to be able to answer them. As I said, I think it is his intention to make a public statement and we shall await that statement.

Deputy M. Tadier:

Sir, a point of order, if it a statement by the Assistant Minister in his independent capacity, surely that is a personal statement which does not allow the questions to be asked of the Assistant Minister.

The Bailiff:

That is correct. Final question then Deputy Le Hérissier.

4.14.7 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge that in order that the impugning of both sets of individuals does not continue, we should stop trying to take sides - or people do - and that he will make a strong recommendation to P.P.C. to set up in anticipation of the commissioner role... to set up an independent investigation, so that we do not have to continue hearing 2 very different sides of a story. Thank you.

Senator I.J. Gorst:

That might indeed be a good way forward. I am, of course, disappointed that we do not yet have the commissioner. I understand why that has been delayed to work with Guernsey. But, we should not be in this Assembly... and I know that is exactly what Members are trying to get me to do, take sides as such. However, Senator Bailhache has been clear. I have not yet had the opportunity to speak to him and I will be doing so in due course. I hope that he, indeed as he is intending to do - whether that be today or not - is intending to make a personal statement.