

2015.09.08

**4.4 Deputy M.R. Higgins of the Chief Minister regarding officers appointed to liaise with the Committee of Inquiry for document provision:**

Will the Chief Minister explain why 2 officers, appointed to liaise with the Committee of Inquiry for document provision, are present at the majority of hearings and explain how their normal duties are being covered, at what cost, and where the budget has been allocated from, and whether he is aware of any concerns regarding the potential impact of their attendance at hearings?

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

The 2 officers are working alongside the States lawyers to ensure all the required documents are identified and made available to the Inquiry as soon as possible. These positions were established to help control the States legal costs for the Care Inquiry. Previous duties of these officers have been covered by recruitment and service redesign at no additional recurrent cost to the Health and Social Services Department.

**4.4.1 Deputy M.R. Higgins:**

Yes, the role of the 2 officers, as has just been stated, is to supply the Committee of Inquiry with the documents they require, something which States departments and the Law Officers' Department appear to be failing to do, according to the chair of the Inquiry. Should these officers, rather than sitting in the hearing, be going into the departments and getting the documents the Care Inquiry requires?

**Senator I.J. Gorst:**

They are instructed to deliver documents requested by the Inquiry as soon as possible, and that is my instruction to them. How they break up their duties is a matter for them. If it is not working satisfactorily then of course I am pleased to speak to them.

**4.4.2 Senator Z.A. Cameron:**

Given that these 2 officers were previously employed as managers of that service is it appropriate that they should be employed by the taxpayer in this role? As a former employee of that service I do find their presence concerning.

**Senator I.J. Gorst:**

Of course I answered questions on this issue at the time of the change and the service redesign. If I recollect, certainly one of the officers - I am not sure about the other - was involved in the Historic Redress Scheme and was aware of cases and supported the States lawyers and therefore was ideally suited to be able to help with the sourcing of documents and was aware of those issues. The Senator has, prior to my vacation, met with me to say that she is concerned, and I need to explore those concerns further. I know that the officers are aware of not being present in the hearing room if they think it might cause distress or if there are other staff members perhaps who consider themselves to be whistle-blowers, so I think they do handle it carefully but they have to continue to do so.

**4.4.3 Deputy M. Tadier:**

It follows on. Is it not the case that these individuals themselves are being put in an invidious position given the fact that they work for the department which is, albeit perhaps in the past, having allegations made of it about the duty of care before the Committee of Inquiry? Perhaps the Chief Minister is already thinking along those lines, that perhaps in hindsight and perhaps going forward there should be a different set of individuals without any kind of perception of conflict fulfilling that administrative role.

**Senator I.J. Gorst:**

Sadly, in such an inquiry there could be a perception of conflict from any States employee. I hope they manage that conflict well. As I said, I have been made aware that there are concerns and I want to consider those further. But there are reasons why certainly one of those individuals is experienced in this area, and I think that that brings value to the support that the States needs to give to the Inquiry.

**4.4.4 Deputy M.R. Higgins:**

Is the Chief Minister aware that one of these individuals is the subject of complaint from myself for a modern day cover-up of trying to suppress information getting to an elected Deputy? Does he think in those circumstances that person should be involved with this Inquiry, which is supposed to be getting to the truth?

**Senator I.J. Gorst:**

The Inquiry is independent of the States and of States employees but the States have to provide information that the Inquiry requests, where they can, in a timely manner. I of course would not be aware, and I do not know to whom the Deputy has made the complaint or what form the complaint was in. If it is appropriate for me to see that complaint and consider it - and I cannot see that it would be - then I would.

[10:15]

But surely the people to whom the complaint has been made are the ones who should adjudicate upon it if it is within their remit. If they ask me to take action then I will do so accordingly.