

4.5 Deputy T.M. Pitman of the Chief Minister regarding the Assistant Minister with responsibility for External Affairs reading confidential documents in public:

Following his meeting with the businessmen, plural, who raised concern at seeing the Assistant Minister with responsibility for external affairs reading confidential documents in full view of the public on a flight, does the Chief Minister support the Assistant Minister's views expressed on 14th May 2013 that the allegations were inaccurate and gave a fictitious and malicious account and if not, will he now be asking his Assistant Minister to resign?

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

Senator Bailhache's interest in this matter is as a Back-Bencher and member of the lay community of the Church of England in Jersey. This issue does not form part of his official responsibilities as an Assistant Minister. As to Senator Bailhache's views on the matter, they are his own and do not require support from others.

4.5.1 Deputy T.M. Pitman:

I just draw the Chief Minister's attention to the Ministerial Code of Conduct and perhaps he can explain. It does say that Ministers who knowingly mislead the States will be expected to offer their resignation to the Chief Minister. Does this apply to Assistant Ministers with responsibility for external affairs or are Assistant Ministers permitted to mislead the Assembly at will whenever they are exposed as telling the exact opposite to the truth?

Senator I.J. Gorst:

I can reiterate, as I said in my opening answer, that Senator Bailhache's views on this matter are his own and they are well recorded in this Assembly. They do not require support from myself or others and, of course, as the Deputy well knows, the Ministerial Code of Conduct covers Ministers and Assistant Ministers.

4.5.2 Deputy M.R. Higgins:

Does the Chief Minister think that the 2 businessmen were lying in their version of the events and the fact that it does totally contradict his Assistant Minister's statement to this House, does he not think that his answer is unsatisfactory?

Senator I.J. Gorst:

As I have said, I am not to be drawn ... I have no reason to doubt the 2 businessmen, nor have I reason to doubt Senator Bailhache.

4.5.3 Deputy M.R. Higgins:

How can the Chief Minister square the circle on that? One or the other has obviously got it wrong. Now, which version of events does the Chief Minister take on board because the Assistant Minister told this House he did not have documents that had the names of the individuals on the aeroplane in view of the public and yet the 2 businessmen stated quite categorically that he did.

Senator I.J. Gorst:

Senator Bailhache, if I recall from Hansard, said he did not recall reading anything other than what has become known as the Korris Report.

4.5.4 Deputy R.G. Le Hérissier:

Is the Chief Minister saying in his answer by distinguishing between the Assistant Chief Minister's role on the Executive and that he performs as a Back-Bencher, is he saying in matters of the utmost importance and behaviour that there is a difference to be drawn between the standards applied to our Back-Bench behaviour and the standards that are applied to our Executive behaviour?

Senator I.J. Gorst:

I am not saying that at all but I am saying that, as Senator Bailhache himself said, any information with regard to this particular issue came to him either as a Back-Bencher or as a lay member of the Church of England in Jersey and some Members are trying to draw me in as if it were part of an official responsibility, which it was not.

4.5.5 Deputy R.G. Le Hérissier:

Can I have clarification from the Chief Minister? Does he believe the standards applied in both of our roles should, in essence, be similar?

Senator I.J. Gorst:

As I have already accepted.

4.5.6 Deputy G.P. Southern of St. Helier:

Does the Chief Minister consider that the use of the description “fictitious and malicious account” given by his Assistant Minister is a breach of the Code of Conduct of Members in requesting Members to treat all members of the public with respect?

Senator I.J. Gorst:

Members seem intent on trying to draw me into something from an activity that was undertaken by a Back-Bencher Member in a Back-Bench capacity and in his capacity as a lay member of the Church of England in Jersey. I do not think that they would request the same of any other Back-Bencher. As I said, Senator Bailhache’s views on this matter are his own and they do not require support from me or others.

4.5.7 Deputy G.P. Southern:

Surely on this issue, the Code of Conduct applies to all Members, not just Assistant Ministers, in the conduct of their business?

Senator I.J. Gorst:

If that is the feeling of the Member, perhaps he should refer the matter to P.P.C. (Privileges and Procedures Committee).

4.5.8 Deputy M. Tadier:

Does the Chief Minister accept that he has responsibility for the behaviours and the conduct of his Ministers, irrespective of whether they are performing a role which is directly related to their portfolio or not?

Senator I.J. Gorst:

I have been quite clear. If that were the case, then I should be held responsible for everybody’s activity in this Assembly and I do not think that that would be a reasonable position to take.

4.5.9 Deputy M. Tadier:

Obviously this is complicated because if the Assistant Minister were acting in a different capacity, it does relate to external relations, which is his portfolio. But the question here which needs to be answered is that there is an allegation which is hanging over Senator Bailhache’s head that he misled this Assembly or, from Deputy Trevor Pitman, that he may have lied because he said that the claims of the Deputy and of the businessmen were fictitious and malicious. The Chief Minister has met with the businessmen. Does the Chief Minister believe that the allegations of the Deputy and the businessmen are fictitious and malicious? That last part is my question.

Senator I.J. Gorst:

As I have said throughout this discourse, Members seem to be wishing me to act as a judge. That is not part of my responsibility as Chief Minister.

4.5.10 Deputy T.M. Pitman:

What an embarrassment the Chief Minister's responses are but I thank him for revealing to the public that he is not fit, in my opinion, to lead this Government. If I could just refer him to his Assistant Minister's answer, because he is not a Back-Bencher, as we just heard. He said: "I have already said that the document is fictitious and malicious" and he said I produced a document purporting, i.e. pretending, to be an email from a member of the public. The Chief Minister has met those 2 gentlemen. He knows they are telling the truth. He knows they can identify documents that the Assistant Minister said that he did not have. Is he going to do something appropriately and at least ask his Assistant Minister to apologise to me and to this Assembly and to those 2 members of the public or is he going to do what he normally does, show utter weakness and do nothing?

Senator I.J. Gorst:

I have been quite clear in my answers this morning. Members are trying to get me to act as investigator and judge on these matters. That cannot be appropriate. Perhaps I could say, however, in Senator Bailhache's defence in this regard, it was the questioner this morning who thrust into my hand 5 minutes before a States sitting, at the last but one States sitting... and I passed that on to Senator Bailhache. There was no name attached to that. It could not from that document be ascertained whether it was a fictitious document or not.

Deputy T.M. Pitman:

It is a leading answer. I must put that on the record.

Senator I.J. Gorst:

I beg to differ. That is exactly the point as was at that point in time and I believe now 2 weeks ago.

Deputy T.M. Pitman:

And the Senator has met with 2 physical people.