

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 2nd JULY 2008

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The Roll was called and the Deputy Greffier of the States led the Assembly in Prayer.

PUBLIC BUSINESS - resumption

Deputy S.C. Ferguson of St. Brelade:

May I make a statement to the House quickly. The vacancy on the Public Accounts Committee will be taken by Deputy Roy Le Hérisier. Unfortunately, due to an oversight, it should have come to the States yesterday but we will bring a proper proposition to the States next week.

The Greffier of the States (in the Chair):

Just to clarify, Madam Chairman, you wish to nominate Deputy Le Hérisier for the new member of the Public Accounts Committee.

Deputy S.C. Ferguson:

I apologise. He is such a wonderful character I am taking the States asset for granted. I apologise for taking them in vain.

1. Council of Ministers: Vote of No Confidence (P.99/2008)

The Greffier of the States (in the Chair):

Very well, so that matter will be listed for the supplementary order paper next Tuesday. The debate resumes on the proposition of Senator Syvret that the States have no confidence in the Council of Ministers.

1.1 Deputy G.C.L. Baudains of St. Clement:

Well what an interesting day we had yesterday. Having listened to the Chief Minister and then Minister for Economic Development, 2 of the few Ministers that have spoken so far, we heard how wonderful everything is. One could be forgiven for thinking it was too good to be true, which of course it is. A gleaming portrayal that was selective, carefully avoiding the more unfavourable parts. In fact I did begin to think their speeches were somewhat similar. I wonder if the Communications Unit had a hand in this. Perhaps they are running evening classes, I do not know. But there seemed to be much embellishment. The Chief Minister's input was relatively non specific whereas Senator Ozouf's in fact had more detail. Apparently we learned that visitor numbers are up. I believe they are, but if my memory serves me correctly that is only when you compare it with last year, which is one of the worst on record. How has this occurred? I thought we had done away with the Tourism Committee and replaced it with an organisation consisting mainly of tourism operators. So I ask how can the Minister claim credit for that? Especially as the last figures I saw suggested a reduction in the tourism budget with a commensurate increase in the assistance of the finance industry. We heard about diversification. Well, it is indeed true that one or 2 businesses have been given assistance to get on to the bottom rung of the ladder. But they are hardly likely to be competing with our finance industry in the short term. So when he did say that in the past the economy had prospered despite government, but that was no longer the case, I have to say well I think nothing much has changed. I have never had much confidence in reports when they are the subject of the investigation of the people who wrote them. As I said when I started, we had an interesting day yesterday but I think we did wander around a little going somewhat off course. To the extent that I wondered when I was having a coffee break whether another debate had started without my realising it. Hardly likely, I have to say as I only ever go as far as the next room where, of course, the speaker relays precisely to me what is happening in this Chamber. Sadly, the same cannot be said for the Council. I have to say that the number of times in this Assembly when there is only 3 or 4 Ministers present is not unusual, and there are some persistent offenders. But more importantly, and the point I would wish to make, is that with the exception of one or 2, and Senator Vibert springs to mind, most are not only missing from the Chamber, they,

unlike myself, are not in the next room either. When I referred to Senator Vibert, I meant he was in the next room. Sorry, just to make it clear I realise what I was saying could have been ambiguous. But the situation is that they are not in the next room, they are not generally to be found in the building. If, in fact, that is true, I think it is another marker that either ministerial government is not working or several Ministers are not up to the job and cannot cope with it. I spoke just a few seconds ago about wandering off course. Well, I think we should be absolutely clear what this proposition is about. I know it has been alleged a week or so ago this is simply an electioneering gimmick. Perhaps those who make that suggestion have forgotten that the proposer is not standing for election. It is easier to jump to conclusions when attacking the messenger as a diversion to the real issue. Others have said: "What is the point so close to election time? No one is going to go through the exercise of finding new Ministers if they will only be in the office a couple of months, what is the point?" I am afraid those making those comments are the ones who are missing the point because to follow that argument to its logical conclusion it would mean that Ministers could do what they like during the last 3 terms of any session in the knowledge they do so with impunity. That is simply not acceptable. When is the right time? It is not in the first year because Ministers are finding their feet. Not in the last year because it is too close to the election. It seems to me that Ministers are unaccountable and the idea that they are accountable is an illusion. The reality is the move from committee to ministerial government has not been the success those now defending their positions claimed it would be. We were promised huge savings. We have seen some but not huge ones, such as the recycled £20 million. We were promised quicker decisions. I have always maintained that government, like justice, must first and foremost come up with the right decision. Only after that criteria has been fulfilled should one consider swiftness. The decisions we have witnessed over the last 3 years, especially the last few months, have at times certainly been speedy. Unfortunately, they have also been ill-advised and incompetent, requiring this Assembly to undo some of them. Ultimately, therefore, those decisions have taken longer, not to mention the effort and resources required to address the mistake or the inconvenience and distress to the public. Going back a while I think of the Les Pas fiasco, the sale of the Girls' College, the traffic island at Beaumont, the infamous 30 mile an hour stickers, the proposition from Home Affairs, the airport appointment, the waterfront development, it goes on like some nightmare. I was just thinking this morning, what about the compost at La Collette? The disgusting smell of compost frequently pervades the surrounding area, this morning is no exception, the car park at Snow Hill seems to smell like a composting area itself. Why is nothing done about it? Why is there apparent wilful disregard of the statutory nuisance law? It has been suggested - and I put it no more strongly than that - that Health and Social Services, who administer the law, will not act because it would be against another Minister, Transport and Technical Services. Perhaps this is what is meant by collective responsibility. Then we have the Council's comments where they are trying to justify themselves on past performance. Well, apart from not being a terribly convincing document, I am minded to draw an analogy, a driver goes over the yellow line and causes an accident. His defence, well he stopped at the yellow line many times before so this lapse should be taken in context. I do not imagine, the magistrate would be terribly impressed. We could, of course, as it has been suggested, bring votes of no confidence in the individual Ministers with which we are not satisfied. Well, clearly, that would involve severally separate debates but it would also deny the opportunity to ventilate failings of the collective nature as encompassed by the Council of Ministers. Another consideration, of course, is the fact that some of these Ministers will be leaving at the next election. Some voluntary, some perhaps otherwise. Therefore impossible to examine their failures if we leave this debate until after the elections, which brings me back to a comment I made a few moments ago that when Ministers appear to be failing towards the end of our 3 year term must that always mean that they are immune from the normal procedures of accountability? Because if it does then this Government is completely unaccountable. I am not prepared to tolerate such a scenario even though a successful outcome to this proposition might cause inconvenience. I believe that is a minor issue compared with the public perception of doing nothing. If we just wring our hands and agree that things are not quite as rosy as the Chief Minister's garden, that we

really have not the strength of character to do anything about it. I am sure there is not one Member in this House who is not aware that this legislature has never been held in lower regard. Indeed, it is difficult to imagine how it could get any lower. How much longer can this Assembly afford to ignore public opinion and indulge in the business as usual: "Things are working quite well" when it is patently obvious that not only have the wheels come off ministerial government, but the rest of the vehicle is rapidly assuming the appearance of something that has been fly tipped. We have to act and now is the time to do so. I have never been comfortable making personal attacks on fellow Members, I believe in attacking the argument, not the person, which causes me something of a dilemma because identifying a catalogue of failures by any particular Minister will inevitably lead to criticism of that person. I have no desire, and I am sure Members have not either, to hear an hour's monologue depicting the failure of every Minister that I believe relevant to this proposition. How, therefore, does one address these failures without being personal? Well, it is not easy. There is another reason why I support the proposition as it addresses the problem in more general terms and is why I broadly support the report accompanying it. Indeed, if Members wonder why the report accompanying it is possibly less forthright than they might have imagined it would be, they can blame me because I requested some modifications before I would lend my name to it. I have been unhappy with the performance of ministerial government, as Members will know, for some time, because I believe it has failed to deliver. But what we are addressing here is failure by the present Council of Ministers to provide competent government. Issues such as I.T.I.S. (Income Tax Instalment System) and G.S.T. (Goods and Services Tax), even to this day, have not been fully sorted out when they should have been sorted out before introduction. We have various leases which have been unsatisfactory. St. Helier Yacht Club, for example; the issue of the sale of the Girls' College; as I have said before, the Beaumont roundabout, the 30 stickers, et cetera. Several orders have been made in haste, clearly without due diligence. What concerns me is that previously such situations would not have pertained because before there were 6 or 7 minds to apply to any problem, now there is only one so that one has to be even more careful than previously because otherwise the result is inevitably more mistakes. Those who were previous presidents of the committee and had the assistance of other minds to address the issue, who may have relied upon that committee for support, suddenly find they are on their own and, in some cases, cannot cope. The Council of Ministers was supposed to be a sort of overgrown committee which would allow Ministers to act collectively thereby mitigating the loss of committee membership. It seems to me that has not worked either or the examples I gave a moment ago would not have occurred. It seems the only collectiveness is of an unacceptable nature. Yesterday I think it was the Chief Minister who said - but my recollection may be wrong and I am sure he will pull me up if I am - it was inadvertently let slip that Assistant Ministers had been roped in to support the opposition to this proposition. A clear indication to my mind, as if we need reminding, that party politics do exist in Jersey but the problem is there is only one party. Of course the *pièce de résistance* was the waterfront debate brought in the name of the Council, which we are all aware has caused the Government to sink into even lower regard than that previously existing. That is why we needed this debate, because as usual there were 2 choices but I think we should be clear what they are. Members can vote 'contre' and by so doing let the public know that they are perfectly satisfied with the way our government has performed in the last 3 years, and especially in the last few months. Or they can vote 'pour' and indicate that they are not satisfied. Referring to a comment I just made a few seconds ago, it will be interesting to see exactly how the present one party system works in a day where, for example, Assistant Ministers will vote to keep themselves in office and endorse a failed government, or whether they vote on the merits of the proposition. So in conclusion I think it fits the situation nicely, I would sum up our present Council of Ministers with a comment once made by the present Mayor of London when he said: "My friends, as I have discovered myself there are no disasters, only opportunities." Indeed opportunities for fresh disasters. Thank you.

1.2 Senator B.E. Shenton:

I must admit Senator Syvret's opening speech was one of the very worst that I have had to endure in this Assembly since I entered politics. Because it was not about the people of Jersey and it was not about the Council of Ministers, it was not even about politics in Jersey, it was very much a me, me, me speech telling us **[Approbation]** how wrong we all are and how the former Minister has got it so right. Yes, he is the father of the House, a politician of 17 years standing and until quite recently was a Member of the Council of Ministers. Senator Syvret has in the past described this Assembly as a bunch of gangsters and half-wits. This is actually probably one of the least insulting descriptions that he has levied upon this Chamber. The no confidence proposition was therefore signed by 3 of these gangsters and half-wits and I shall be grateful if the Senator will let us know in which category each one sits when he sums up. **[Laughter]** It would be very easy to turn the other cheek in a debate such as this and not react to the erroneous assertions being made but I believe it is about time the public opened their eyes and realise that they have been hoodwinked by a failed Minister bitter about his sacking and determined to seek retribution on those that dismissed him. In this speech I shall seek to show why this Assembly and the public should ignore the arguments of Senator Syvret. His patronising remarks in his proposition reveal a man with a much higher opinion of himself than the majority of the population have of him. Unlike Senator Syvret, Deputy Breckon, Deputy Baudains and Deputy Duhamel, I understand the ministerial system, a new system that is full of flaws, flaws that have to be sorted out in a considered non aggressive way. I probably understand it better than they do because I was not involved in its construction and therefore I understand what it is rather than what I perceived it to be when it was devised. There are faults with the Council of Ministers and I have been heavily critical both as a Minister and on the Scrutiny Sub Panels. However, ministerial government needs fixing not destroying. We need to treat what we have with respect. The decision today is are you a mechanic willing to repair the defects or a wrecker willing to destroy everything? Unfortunately Senator Syvret was a good Health Minister but a disastrous Social Services Minister. He never bothered to connect with his employees, visit residential homes and places such as Greenfields, follow up on policy, he never gave written direction, minuted meetings with follow up tasks, or kept on top of things. He even admitted as much in his opening speech. Albeit, of course, it was not his fault. How convenient the attack on the children's service when he became aware of the police investigation. He is very much a Teflon politician and you have got to question what he has actually achieved in 17 years. I think it is about time he stopped hiding from the fact that he was responsible for child protection for many, many years. In his opening speech he spoke of a particular failing at Social Services where he deemed the Child Protection Handbook so deficient that he went over to see them. He goes on to say that he found out later that the changes were not acted on. But whose fault was this? Should he not, as Minister, have kept on top of the situation? Is he blaming others to deflect the blame from himself? I would like to deal with the points raised in the proposition regarding myself as Health Minister. With regard to the pandemic flu preparations I inherited a situation whereby basic procedures had not been followed and the most obvious of questions had not been asked. But with Senator Syvret's lack of business or management experience I doubt whether he would have known what questions to ask. It was a situation, like the Children's Service, where myself and Senator Perchard have been left to sort out Senator Syvret's mess. An announcement was made that vaccines would be purchased without the funding authorisation of the States Assembly being in place. Since Senator Syvret's sacking much work has been done regarding the logistics of the distribution of vaccine, quantifying the liability to be borne by the States and in ensuring certainties of supply. I thank the Health Scrutiny Panel for their report yesterday that says that the work has now been done. With regard to the allegation that I proactively and publicly attacked the police investigation into child abuse, this is just completely and utterly false. I am a family man, married to someone who was brought up in the care system in the U.K. (United Kingdom). The announcement of the murdered child, with the open invitation to a media eager to lap up the words of those quick to denigrate Jersey and the unhealthy special relationship between Senator Syvret and the police, had nothing to do with the real child abuse tragedies that have affected so many. **[Approbation]** The child abuse victims were callously used for political purposes and now we

have opened up old wounds, I fear that some may never close. On child abuse matters the police have mine and Senator Perchard's full and complete support. With regard to the assertions that Health and Social Services is full of manifestly deficient senior officers, which I assume were employed during his long career in charge, I would like to draw Senator Syvret's attention to his own track record as an employee of the taxpayer. In 2007 he was present for just 59 of 171 votes, an attendance record of 34.5 per cent. So far in 2008 he has voted just 27 times out of a possible 90; a 30 per cent attendance record in this Chamber. He is not a member of scrutiny, he is not a member of the Executive, he has no excuse for not voting in debates. Rather interestingly, he was not even present for the part of the waterfront debate that he based his no confidence vote on. He was on défaut that day. Mind you, nor was Deputy Le Claire, who was a fellow no confidence signatory. I would not tolerate such attendance records among my staff at Health and Social Services and I wonder sometimes whether the Senators should consider sacking themselves. In summary, it is not the Council of Ministers that have let the public down. It is a poll topping Senator who refuses to accept responsibility, who runs to the U.K. at the slightest whim, and a man who has moved from an enthusiastic Minister to a destructive communist in 2 short years.

[Approbation]

1.3 Deputy S.C. Ferguson:

Yes, that is a very hard act to follow. In actual fact my particular comments were that as far as the report accompanying the proposition goes, it was a bit like the old music hall joke, that we are all out of step except the Senator. I happen to agree with him that the Council of Ministers is not perfect, but then neither is anybody else. What particularly bothers me is that this proposition, as are some of the other speeches, is entirely destructive and there is nothing constructive contained in it. If you are going to pull down the castle, you do need to have something to put in its place. We have had a number of grievances aired, which is very cathartic but is it useful? We have been given an either/or scenario of economic growth. Well if there is no economic growth then we will stagnate and that would make life very difficult for the finance industry and if that leaves we will either be a county of England or dependent on the E.U. (European Union) which means we will be back to tourism, agriculture and growing cabbages. I think there is a balance to be struck between the 2 extremes which will be hard work, as all compromises are to set up. We heard about the carbon footprint effect of the Esplanade buildings. Well, you know, sorry, that is past history, they are developing green cement and it is equally possible that we could revert to lime cement as used by the Romans. One man's crisis is another man's opportunity. I am also curious about Deputy Southern's estimates of G.S.T. I was playing with my calculator last night and it just seemed to me that if I were paying £1,000 a year in G.S.T. then my disposal income must be £33,000 a year and if I am paying £1,500 in G.S.T. then it is probably around about £50,000. We will no doubt argue about it in the coffee room afterwards. **[Approbation]** I am not going to comment on all the grievances that have been aired. I am really rather sad that my own pet hobby horse, and arguably the most important, has been overlooked. The state of financial management within the States, particularly in the area of controlling spending. It is unfortunate that when the Council of Ministers, and indeed many States Members, see extra income, it is a bit like a cartoon, you can see the pound signs lighting up in their eyes and they are full of ideas as to how to spend it. If women ran the household budgets like that then the Petty Debts Court would be overflowing. I think one of my prime disappointments in this Council of Ministers is the somewhat cavalier manner in which the recent report on the spending review has been treated. I hope in his reply that perhaps the Chief Minister will put my mind to rest and say that it is being attended to very seriously. I do live in hope that the suggested economies will be introduced in the business plan. I happen to think that it is essential that spending is curbed. I do not know what the 3 wise economists will say but my instincts, and those of the bank for international settlements, tell me that it is time to exhibit caution where additional or unnecessary spending is concerned. I will no doubt return to this theme in future debates. On the other hand, I think we are finally getting notice taken of Scrutiny. Scrutiny has scored some notable successes with various reports and the public are beginning to

rely on scrutiny reports for an understanding of what policies mean. Some Ministers even read reports sensibly and react constructively when they might otherwise disagree with them. I would suggest that these are the effective Ministers. I think perhaps many of the problems between Ministers and Members is somewhat like the problems between politicians and the public. They do not listen. The Council of Ministers do not have the monopoly over good ideas, and the rest of the House does not like to be ignored. I do not either. I do happen to think though that the relationship is improving, albeit with a few rough edges here and there. I do not happen to think that the current proposition is in the best interests of the Island but it is useful. It demonstrates that there are a number of amendments that we require to the States of Jersey Law. For instance, to allow the Chief Minister to reshuffle the Ministers. I suppose the effect of this is a bit like an end of term report. The Senator might perhaps give the Council of Ministers an F, I think somewhere between a B minus and a B. However, I will not be supporting the proposition.

1.4 Deputy A.E. Pryke of Trinity:

There has been much talk yesterday and today about policies, non involvement by all Members, but this is the Assembly that has the ultimate say in any policies that the Minister brings forward and to that stage we are all accountable. We are very quick to gripe, to complain, but Jersey is a good place to live. That is not achieved by accident or overnight. Our economy is thriving. We have a good health and education system. It is the envy of quite a few places around the world. How has this been reached? This has been reached by good ground work achieved by past as well as present day States Members. I would like to pick up a point that Deputy Southern mentioned yesterday, it is a shame he is not here. He mentioned that the poorest of society is now worse off with the introduction of income support. I would like to challenge him on that and say the real point, the real poorest people in our society, the ones that really live on the fringe in our Island, are certainly better off with income support. They are the homeless who are on our streets, and also who stay in shelter. I stress that they are certainly better off in our new income support system. One area that can be improved is in the area of communication from Council of Ministers to other Members. If communication is not a priority then the perception could be that there are issues that are hidden. Deputy Power mentioned that there should be an Assistant Minister with responsibility for agriculture. There is - he is the Assistant Minister for Economic Development. So if Members are not aware of this then the public have no chance. The Council of Ministers is doing a good job but, as in any organisation, it is not perfect. We, as an Assembly, must take some part of the responsibility too. We are elected to make decisions, however difficult and uncomfortable that might be, for the benefit of the people of Jersey.

1.5 Senator M.E. Vibert:

I do not intend to make a very long speech, I am sure Members will appreciate. The Deputy of St. Martin said yesterday about Ministers getting up to defend their departments. I feel it would be wasting Members' and the public's time in eulogising my department's achievements in a long speech. I believe both States Members and the public are aware of the excellence of our education system, the high achievements of our sportsmen and women, and the strength of Jersey's cultural life. I do not intend or seek to take credit for all this. I inherited an already very good service and my job has been to ensure the conditions were there for these achievements to flourish, grow and improve. I believe I have succeeded in that. Our schools with their internationally recognised emphasis on critical skills and assessment for learning have not only improved the standard of the exam results year on year, but also excel in allowing all our young people to reach their potential. I was particularly saddened that within his speech Senator Syvret decided to name and be uncomplimentary about 2 of the Island's secondary schools. I utterly refute the Senator's suggestion that any of our schools merely operate a system of containment. I thank the Constable of St. Helier for defending one of the schools which he had visited so that he knew first hand the claims to be false. As far as I am aware, Senator Syvret has never visited any of the Island's secondary schools. If he had - and I invite him to do so - any honest views would have to be

markedly different to those he expressed. All our secondary schools produce superb results and achievements for their pupils. As a Minister I have also seen an increase in the number of degree courses being made available locally, including a new foundation degree in finance, while also trialling the International Baccalaureate in one of our sixth forms [**Approbation**]. I particularly thank Deputy Gorst who is a keen support of the International Baccalaureate. Another Member, and I am sorry he is not in the Chamber, Deputy Breckon I believe it was, mentioned without the committee system there were fewer politicians available to visit schools. The Deputy may remember, that shortly after becoming Minister I wrote to all States Members urging them all to make contact and develop a relationship with their local schools, and I know a number have and thank them for it, as I saw this a way of overcoming not having 6 committee members to go around. Briefly turning to sport, there have been continued increases in the number of people playing sport and keeping fit, so vitally important for nurturing a healthy community. While our top sportsmen and women have proved themselves to be some of the best in the world. Our bowls team have just won 2 British titles. The Island now has a cultural strategy pointing the way forward locally after this Assembly approved plans I brought forward last year. What charges has Senator Syvret laid against me as the Minister for Education, Sport and Culture and the Council Ministers to warrant a no confidence vote? In his report accompanying his proposition he says I have failed to deliver on early years' education. Wrong I am afraid, Senator, I delivered a way forward but the States last year decided there was not enough money available to implement my proposals for 20 hours free nursery education for all 3 to 4 year-olds, but I can assure the Senator and Members, and I hope they will be more generous this year, that I will be trying again but I believe it is something we should be offering to all our 3 to 4 year-olds. The Senator's other assertion that the childcare sector is in chaos is utter nonsense. I suggest he asks J.E.Y.A. (Jersey Early Years Association) who we work closely with, and others, whether they think they are in chaos. Perhaps if the Senator had attended many, or any, of the public meetings involving childcare over the past 3 years he might have a different view. Of course, the Senator is critical of me for, in his view, failing to respond appropriately to concerns over the alleged child protection failures he raised. I stand by my actions. As soon as the Senator raised such concerns I immediately agreed to and insisted on their being an independent inquiry into his claims and I reviewed all child protection issues under my purview to be satisfied that any concerns were historic and children today were not knowingly currently at risk. What I refused to do was to condemn, without evidence, whole swathes of our childcare professionals who are doing a very dedicated job. I refuse to condemn them on the say so of Senator Syvret without any evidence. I repeatedly asked him for hard evidence of current problems and issues. All I seemed to get in reply was the: "Get out, it is self evident." No, it was not and it is not. Everyone is innocent until proved guilty and I await Andrew Williamson's report to the States, his independent review, later this week. The Senator also said that both I and the Home Affairs Minister did not support the appointment of the current chair of the Jersey Child Protection Committee. Wrong again. What both I and Senator Kinnard did not support was the summary sacking of the previous chair of the committee without any consultation and that Senator Syvret not only did that but appointed a new chair without seeing fit to consult either Senator Kinnard and myself as Members with him of the corporate parent of the Children's Executive. Senator Syvret's excuse in one of his many vituperative emails for not consulting Senator Kinnard and myself was that Senator Kinnard and I were hopelessly conflicted because of our positions. Yet, apparently, Senator Syvret, who had been responsible for child protection for the previous 8 years was not. In fact a letter sent to Senator Syvret from Senator Kinnard and myself states: "From the information which you have provided the new chair (and I say that instead of using the name) would seem eminently qualified." In that letter we also asked to meet the new chair at the earliest possible opportunity, which we did. She has our full support. I refer briefly to the general accusations made by the Senator against the Council of Ministers as a whole, or should I say the whole political system of the Island for the past 3 decades as a whole. Senator Syvret wants to sweep it all away. I note, the Senator did not seek to sweep it all away or bring a vote of no confidence in the Council of Ministers when he was a Member of the Council of Ministers for 18 months, so what has

changed? The only material change is Senator Syvret is no longer a Minister. It would appear to me, that Senator Syvret does not so much have no confidence in the Council of Ministers as such as have no confidence in the States as a whole. It was the States, all of us, who the Senator has referred to as clowns on more than one occasion in his emails. It was the States, all of us, who sacked him as a Minister. It was the States as a whole, all of us, who elected this Council of Ministers which he now wants to sack. But unfortunately for the Senator he cannot do what I am sure he would really like to do, and that is bring a vote of no confidence in the States as a whole. Why does the Senator want to sweep away the whole political establishment, the States as a whole? Why? Because we the States consistently refuse to accept his view of the world. Some Members who have spoken have expressed concerns about the ministerial system of government. Some of those concerns which I share. I certainly do not believe we have got the system absolutely right yet and we need to be more inclusive involving States Members in Council of Ministers' thinking and deliberations. But that is a totally separate issue to a vote of no confidence in the Council of Ministers. Some Members may also have some concerns about the actions of individual Ministers, but again this is a separate issue to a vote of no confidence in the Council of Ministers as a whole. There is no suggestion that this Council of Ministers has got everything right and has not made any mistakes. But, I do not believe any case has been made for a vote of no confidence in the current Council of Ministers and I urge Members to reject it.

1.6 Deputy P.J.D. Ryan of St. Helier:

A very short while ago we heard speech from Senator Shenton that was very much a hearts and minds speech, it was very powerful. I intend to speak in a much more measured way because I do not think that it does much good to have that kind of speech, although a very good speech it was, and I applaud him for the quality of the speech, if nothing else. So to be a little bit more measured, and I hope both sides in this will appreciate that I am trying to be as measured as possible. I think Senator's Syvret's proposition basically falls into 2 categories. There is the general performance of the Council of Ministers and then there is the Haut de La Garenne and the child abuse part of it, which I think in its own right is a separate section. So let us just talk first of all about the general performance. There have been some mistakes. The T.T.S. (Transport and Technical Services), Victoria Avenue, for example, is one. The Jersey College for Girls' sale is another. But I think generally it is the overall policies, such as immigration, economic, fiscal policy, the waterfront that the Senator really takes issue with. However, in the absence of party politics it is the strategic plan where the States sorts out policy for the 3 year life of this Assembly. So unless the Council of Ministers have strayed from that blueprint, and there were many amendments at the time - that were passed at that time - unless it has - and in my view I do not think it has strayed to any great extent - I am afraid that test of a vote of no confidence must fail in my book. I do not think the Council of Ministers has strayed very far from the strategic plan that we as an Assembly agreed. So let us move on a little bit. I think though there is the question of style that goes along with this Council of Ministers and their general performance. When I talk about style I am talking about principally the Chief Minister, Senator Walker, who is perhaps not trusted as much as he could be. He has tried in the last 2 years to address that but unfortunately the die was cast 6 to 8 years ago and once a particular style is set it is difficult to break it down. My own view is that he missed a huge trick when he did not submit himself for election 2 and a half years ago. It would have been a riskier path to take in terms of his personal political ambition but I believe that he would have gained trust and admiration from sections of the electorate that unfortunately he still does not have full trust from at this point. I think he missed a trick. I would have been a brave move to take but I believe he missed a trick there. The paradox is that if Senator Walker is not trusted by sections of the electorate, he is actually trusted by States Members. He is trusted because of his team leading strengths, his close quarters communication skills and generally those kinds of issues. The paradox is that Senator Syvret is probably trusted by that same large section of the electorate just referred to, although probably not by all sections but, nevertheless, Senator Syvret is not trusted by States Members who recognise his shortcomings in terms of interpersonal skills, these are often hidden

from the public, and perhaps his lack of team leading and motivational skills generally. So that is the paradox. But we must return now really to the central motivation that lies behind Senator Syvret's vote of no confidence. That is, of course, the Haut de La Garenne child abuse inquiry. I doubt that without that we would not be sitting here together at the moment discussing a vote of no confidence. It is, of course, tied and linked to the Senator's sacking from the Council of Ministers and the circumstances that surround that and the ensuing child abuse inquiry, et cetera. It resulted in a public relations debacle. I suppose many of us felt that for Senator Syvret to have stayed in the Council of Ministers for 18 months was a miracle in itself. Senator Walker and Senator Syvret are about as far apart politically as you can get. Perhaps Senator Syvret, in hindsight, would have been a better scrutineer. The Senator accuses the Council of Ministers in his motion of ineptitude. When I talk about the public relations debacle that followed the announcement of the police inquiry, I believe that Senator Syvret is, in this instance, right. Leaving aside the political dangers of finally getting rid of the Senator after several false starts over something as sensitive as child abuse and the performance of the officers involved in child protection, and the Senator's handling of that, we were then treated, after a short phony war, to probably the most damaging political fallout I think I can remember in the last 30 years. Much more damaging than necessary because for a period of time the personal political egos of the Council of Ministers in general, and the Chief Minister in particular, took precedence over sound public relations common sense. This was not in the public interest. One would have thought that someone with Senator Walker's history and experience of the media would have known better. One P.R. (public relations) and media disaster led to further compounding and more P.R. disasters. It is not sufficient to give us a reason. The fact is that Senator Syvret was deliberately trying his best to create such media events and stir up controversy. It takes 2 to tango. In public relations terms, this was always clearly a no win for the Council of Ministers and a no win for the Island. The spectacle of 2 of Jersey's senior politicians publicly falling out over something like a child abuse inquiry for a time created an added unwelcome newsworthiness dimension that was, in itself, totally unnecessary and self defeating. But what about Senator Syvret's part in this debacle. I have made the accusation of political ego taking precedence over public interest. Senator Syvret must shoulder at least some of this blame, although no doubt he will say that it was in the public interest, and the victims of child abuse possibly, that he create as much noise in the media as possible. But one cannot help but notice the similarity in political ego terms between his position and that of Senator Walker. It is the plain truth to say that all politicians have egos. A strong ego is a necessary defence mechanism against the criticism that any politician must endure. But the problem comes when ego overrules public interest. So it is difficult to support a motion of no confidence when you are not totally confident in the motives of the bringer of that motion. On this point, for me anyway, Senator Syvret's motion fails to win my vote. Traditionally a successful motion bringer of a no confidence motion inherits the job of the politician he brings down. Should Senator Syvret be Chief Minister? Absolutely not. Should Senator Syvret stay in the States? Probably, in my view, with a caveat. I will come to that. The Senator's contribution to Island politics is that no one in power can afford to sit comfortably and that is just as it should be. Those with ambition to hold the reins of power should recognise that and accept it. Here is the caveat. If only Senator Syvret would learn that modifying some of his language would be much more likely to achieve his political goals and ambitions, then I believe he would be a much, much better States Member. But he is right about one thing, the very fact that we are sitting here today, listening in part to the Council of Ministers defending their record, is entirely healthy, and as he says in many mature democracies this is likely to be a fairly regular occurrence and should be treated with that kind of attitude. We should not be afraid of it. However, we must be sure that personal agendas are not the driving force of this kind of motion. If they are the bringer of the motion must expect rough treatment from this Assembly and quite likely from the public at the ballot box.

1.7 Senator T.J. Le Main:

What I really have to respond to is Senator Syvret's speech but really, he cannot be allowed to continue to wreak havoc, cause concerns to many Jersey people with his continued totally irrational behaviour and his continued forays to the U.K. and crying on the shoulders of U.K. M.P.s (Members of Parliament) who are no friends of the people of Jersey. This is the same Senator who was in charge of Health and Social Services for 8 years, who did nothing about child abuse or concerns, the same Senator who did not visit Greenfields or any of the other issues as said by Senator Shenton. This is the same Senator who had turned upon his loyal Jersey employees. I sat on the Health and Social Services for a number of years and at one stage was Vice President, so I have worked with all these employees. These employees have devoted their lives to working for the good of the people of Jersey. He accuses staff, civil servants and others, of cover ups, lies and much more. We have asked him: "Where is the evidence?" Of course he cannot prove or provide evidence. I stand up here today defending these people that are falsely accused by the Senator with all his allegations. It is really unfair when people cannot defend themselves against malicious allegations. This is a Senator, who in my opinion worked well with the Chief Minister and his co-Ministers up to the time of his behaviour, which was a cause for concern. It was this Assembly who dismissed him from his post as Health Minister. You have only got to look, at the lies and absolute garbage that the Senator posts on his blog site. I just cannot understand how he has managed to get away with it, how nobody has sued him for defamation. It is the most ridiculous unparliamentary behaviour that I have ever seen by a States Member or any Member of Parliament or otherwise in the 30 years I have been a Member of this House. I ask Members, is this the action of someone who claims to represent the people of Jersey? He may, yes, but most people I speak to, are very concerned at his behaviour and continued attacks on everyone: the Governor, the Bailiff, the A.G. (Attorney General), the judiciary. He runs down Members of this Assembly and treats them with scorn. This is the same Senator that signed up to the strategic plan and many of the States policies agreed by this Assembly. Now, he disagrees with them as failed policies pursued by the Council of Ministers. In his proposition, Senator Syvret complains about housing policies. But just like several other Members who will not come to the Housing Population Department for explanations on policies he may disapprove of or fail to understand. Senator Syvret has had numerous invitations over the years to attend information presentations on policy changes, et cetera, but he has never attended. In fact in all the years that I have been involved with Housing, which is probably about 14 or 15 years, I cannot remember ever him representing a constituent at Housing. There are very many people who rely on the stability of this Government, on full employment, the reputation of being a fair, safe place to live and work, with a judiciary and regulatory system second to none. This has been dented recently by the actions of this man. He has had attacks on virtually everyone he disagrees with. He has forays, as I say, crying to Jack Straw, Austin Mitchell and others who would close down our well regulated finance industry tomorrow. An industry which brings huge benefits for Health, Education, and much of it feeds through from that industry down to the ordinary man in the streets. It is quite obvious his behaviour will continue. He is a man hell-bent on destruction. I ask but why, it is his Jersey people, why is he hell-bent on destroying them? Senator Walker was absolutely correct when he said: "He is trying to shaft Jersey." No truer words said. Of course we have other Members of this Assembly who represent themselves at election time as independents and then come into this Assembly as members of a party. These people, also, in my view, are not friends of Jersey. They are no friends of our main industry, finance. Deputy Baudains said: "How long can we ignore public opinion?" But whose public opinion? The public opinion I get from the majority of the people, yes, there are some concerns but the public opinion that I receive, is they do not support Senator Syvret and a majority of the people in this Island do not support him or some of the other party members. They do not, in my view, have respect for our culture and traditions, of which as a Jerseyman I am so proud. They get rid of the Connétables, the link between the people in the Parishes and this Assembly ...

The Greffier of the States (in the Chair):

Senator, will you come back to the proposition? Your views on Members of the Assembly that may be members or may not be members of different parties has absolutely nothing to do with this proposition, Senator.

Senator T.J. Le Main:

I am coming back, I am on it already. I would like to say that we have Senator Syvret and one or 2 others who would get rid of the Connétables. They want to get rid of the Bailiff, our Dean, our gracious and respected Governor, and much more. I cannot finish without saying that in listening to some of these Members speaking about my particular portfolio of housing issues, I am amazed how so out of touch they are with the reality of the issues they raised. They were totally and are opposed to current States approved housing policies, the Property Plan was one example. I ask Members who heard these Members yesterday on the subject of housing to please speak to me because they were so wrong and made speeches which were untrue, or they just do not understand. While on my feet I have to say that Members of the Assembly who belong to parties, if allowed to get away with it, including Senator Syvret, will destroy the culture and traditions of this Island. We need to make sure that this does not happen their give it all away policies, their tax on wealthy and wealth.

Senator S. Syvret:

Point of order, Sir.

Senator T.J. Le Main:

No I am not prepared to ... there is no point of order.

The Greffier of the States (in the Chair):

The Senator made a point of order, which may require a ruling from the Chair so could you please regain your seat, for a moment.

Senator S. Syvret:

Yes, my understanding is that Members cannot make false assertions about other Members. I just wonder whether Senator Le Main could name which party he imagines me to be a member of.

Senator T.J. Le Main:

I did not say you were a member of a party, I said members of a party and Senator Syvret, if you listen carefully.

The Greffier of the States (in the Chair):

I understood your comment, Senator, to imply that Senator Syvret was a member of a party.

Senator T.J. Le Main:

I am sure my speech will no doubt offend one or 2 Members of the Assembly but I have a duty to the thousands of people who voted for me, who trusted me with their vote at the last election, that I need to fight their corner and the corner of the employees in the public sector that are being castigated and accused of lies and cover ups without any evidence from the Senator. It is clearly the Senator's intention to bring down this States Assembly. The way he treats people, they way he calls us idiots, and everybody is an idiot and a clown, et cetera, and I just have to stand to support our loyal employees who cannot defend themselves. Senator Syvret is quite clear that the policies promoted by current political initiatives of the Council of Ministers, he wants to bring down. Finally I would like to say that I congratulate the Bailiff and his Liberation Day speech and also his welcoming speech for the new Assistant Magistrate last week. Well done, I hope you are listening. **[Laughter]** Finally, I am totally fed up with the current destruction tactics being promoted by Senator Syvret. It is not about getting rid of the Council of Ministers, it is all about getting rid of

this Government and he is right and everybody else is wrong. I will not be supporting this proposition, as you can imagine. **[Laughter]**

1.8 Deputy P.N. Troy of St. Brelade:

When I came into the States Chamber yesterday I had the intention of perhaps supporting the proposition based on 2 issues. Firstly, the appalling fiasco over the second part of the waterfront debate in which it is obvious that Ministers were misled or were totally ignorant of the information which they should have had in their possession. Secondly, because of the fact that the Council of Minister is signed up to an environmentally flawed policy relying on a grotesque Energy from Waste plant coupled with a miniscule recycling rate of 36 per cent. The policy as proposed by the Transport and Technical Services Minister and supported by the Council of Ministers is destined to go down in history as the biggest political and environmental mistake ever undertaken in Jersey. The Chief Minister launched his environmental initiative recently, and I was there at the Royal Hotel, but his continued support of the Transport and Technical Service proposals is illogical and flies in the face of environmentally friendly Jersey. Before spending £105 million of taxpayer's money, as far as I am aware, not even one of the Members of the Council of Ministers has been to look at alternative waste recycling systems. If you were going to go out and buy a car you might go and look at 3 or 4 different cars before you decided which one to buy. We should, as the Environment Scrutiny Panel suggest, be moving towards a recycling rate in excess of 50 per cent and having an environmentally friendly processing plant. I feel that this is the biggest issue facing the Island. The course of action that we take on the Energy from Waste plant versus greater recycling and an environmentally friendly plant defines Jersey in the European context. The rest of Europe is aiming for higher recycling rates. Jersey is going in the opposite direction; a measly 36 per cent, only raised from 33 per cent because of pressure from the Scrutiny Panel. Yesterday when I suggested to a Minister, admittedly, before I heard Senator Syvret's speech, that I was contemplating support of the proposition so as to send a shot across the bows of the Council of Ministers, I was asked if I still wanted to be an Assistant Minister. If it is just to lick the boots of others, the answer is no. **[Approbation]** If it is to give my opinion on policy and to be of value to the Government and to my Island, then yes. The problem, though, for me was that Senator Syvret's proposition, when he presented it, was brought for all the wrong reasons. He obviously has a massive chip on his shoulder and is severely affected by his removal as Health Minister. Even then, I think he does not recognise that he could not have continued in office. How could he have continued in office when he was at such loggerheads with his senior staff? It would not have worked. I think he still does not see it that way. The Haut de la Garenne horror is still being investigated by police and we must have confidence that the police will prosecute those who have acted inappropriately. The current police investigation is strictly beyond the scope of this Assembly, but what we can do is reconfirm that we are totally against child abuse of any sort and ensure that our future systems and procedures in relation to childcare and child protection are of the very highest quality. Where do I go with my vote? Senator Syvret's speech did not inspire me. It was more a lament on the method of his removal from office and convinces me that he will lose this vote of no confidence. If I vote in favour of the proposition it is merely to demonstrate my total disapproval of the Harcourt scenario; not the Waterfront Masterplan. I admit, I favour the Waterfront Masterplan, but the Harcourt scenario, where Harcourt think that they can get away with not providing information to the States, I totally disapprove of that. I do today want to register my total disapproval of the waste strategy and my total disapproval of the fact that when we are spending hundreds of millions of pounds the Council of Ministers do not even go and look at the alternatives. It is not just £105 million because there are a lot of other add-on costs to that as well. It is probably closer to £150 million that will be invested in the whole plant and management. This is one of the biggest expenses that the Island has to undertake. I do seriously believe that the waste debate coming up shortly should be delayed and that the Council of Ministers should really concentrate on whether it is the right strategy because I believe it is currently a totally flawed strategy. If I thought it was going to be a close vote today I might have abstained from voting, but I

think this vote is going to be lost. I have no desire to see the Council of Ministers removed from office. I did like some of the concepts, that Ministers should be shuffled every now and again because sometimes they do get a bit stale in their positions. That is something that should be looked at. I am going to vote with the proposition today purely to demonstrate that I feel that the waste strategy is totally flawed and that it is the worst decision that the Council of Ministers will ever undertake. I also want to prove that not all Assistant Ministers are boot lickers. **[Laughter]**

1.9 Deputy J. Gallichan of St. Mary:

Following on from the previous speaker, quite a lot of his sentiment I could agree with, although I think the waste debate is for another day and some of the Harcourt criticism is probably better levied at W.E.B. (Waterfront Enterprise Board) than the Council. I would just like to pick up on a point that Deputy Baudains raised. He asked a question about whether he was satisfied with the Council of Ministers. I have to say that I am not entirely satisfied with things as they are now, but that does not mean I am going to support this motion. There are a number of things about the way the Council of Ministers operates which still cause me concern nearly 3 years into this new system of government. None of these will be solved by this motion. They are more the domain of the ongoing Machinery of Government Review, and that is where they should be dealt with. Deputy Baudains sought to negate the potential disruption to our government by a complete reorganisation at this stage in the term of government. He asks: "When is the right time to bring such a motion?" The answer should be that just as the ministerial system needs to mature, so the non-executive must also continue to evolve to gear up to make an even evermore robust and valuable contribution so that more and more the Council of Ministers' policies come to this House for debate in a well-rounded and inclusive format where the major questions have been aired before the debate and where all Members are enabled to make constructive criticism. In such a scenario we should not arrive at such a drastic situation where a blanket vote such as this is necessary in order to rein in the Council. We would be able to target deficient Ministers with a sniper's rifle and not this scattergun. Again, this is more the domain of the Machinery of Government Review. I believe in fact that to contemplate a whole-scale reshuffle now ... and make no mistake, it would be a reshuffle for all of us, because if the Council goes the Assistant Ministers go. If you want change then you have to break up Scrutiny to fill those ranks. Everything we have worked so hard for in Scrutiny, everything ... after 3 years, I am just finding my feet into effective Scrutiny. Scrutiny is becoming more and more valuable. The panel I am on has got a huge work programme that we are determined to bring before the end of this term. This would completely negate everything we have been working for. It would also either mean that policies that are tabled now would go through, or they would be withdrawn, or they would not be properly scrutinised. Either way, that is just not the right way to govern this Island. Senator Syvret is at least honest in his report when he says that it does not have to succeed; even if it does not succeed it achieves his major aim of exposing the supporters of the establishment. To bring this kind of proposal for that reason, and knowing the disruption it would cause, has to be questioned by every reasonable Member. Let me say to the Senator, any questioning, let me make it clear where my support lies. I love this Island. I am happy and I feel privileged to have such a stable and safe environment in which to bring up my family. I am grateful that our economic strength means that my children, like everyone else's children, will have a better than even chance of gaining good employment in a range of trades when they leave their excellent state schools or finish university, if they choose to go. The fact that they have that choice is something that we should be proud of. I am conscious that we have to take difficult decisions for robust reasons in order to secure long-term security for the standards of care and the standard of living that we have come to expect. That, I am afraid, is just the burden of being a States Member. It is what you have to take on board when you come here. The fact that these unpopular decisions, as well, of course, as the less contentious ones, are the result of Council of Ministers' proposals is incidental. It is an obvious effect of executive government. It is just simply how it was designed to work. The fact that the proposals are adopted by a House in which the Executive has an engineered minority - again, thanks to the previous speaker - must mean that

there is simply no viable alternative identified and put forward at the time of debate. I will continue to take decisions on a case-by-case basis, regardless of who brings them, based on their merit and their long-term effect on my Island and with the benefit of as much impartial background advice as I can gather from whatever source. I will not be bullied into popular short-termist voting to the detriment of my Island by anyone, including Senator Syvret.

1.10 Deputy R.G. Le Hérissier of St. Saviour:

I rise on behalf of the marginalised and the Sitting on the Fence Party. **[Laughter]** I would like to congratulate the Deputy of St. Mary, even though I totally disagree with the conclusions that she reached, but I thought she put it very well. I have struggled, like a lot of people in this debate, between the issue of whether the Council should be held to account and there is no doubt that political accountability does not work. I did have an answer, which was totally ignored by other people, from the Chief Minister a few weeks ago on that matter where he did say it was working and if I did not like it I was to send my proposals to P.P.C. (Privileges and Procedures Committee), which was a fairly standard answer, I should add. This is how it is working. The second thing is, the great cloud over this debate, of course, the suitability of the so-called Chief Minister in waiting, which is, I have said, for example, Senator Le Main. I think, the Council of Ministers is like a curate's egg. I think the Chief Minister and his team ... the Chief Minister in particular, he is a very, very hard worker. He is an absolutely committed worker. I think he takes loyalty to extremes, and people like me have suffered from that because what it means is you cannot get mature political debate because there is this limited definition of what is loyal and what is not loyal. That, sadly, has gone through Jersey politics a long time and you have some spectacular victims of that. I suppose Norman Le Brocq would be one of the major ones, for example. That is something I do not like, but I certainly do admire the work rate, I do admire the dedication and the absolute commitment, even if at times, it is misdirected. It is like a curate's egg. The point remains, if you go around, and Senator Le Main and ourselves - and I was with him the other afternoon - we do sometimes speak to the same people, but clearly we are getting different views from them. The view of the public is, of course, that it is a government disconnected and it goes beyond whinging. We know Jersey people have a legendary reputation for whinging and complaining and never being terribly happy with the world. Go a bit further, rather like Senator Walker's taxi driver, and essentially they are happy, even though that taxi driver no doubt rewrote the whole policy of Jersey from town to the airport. No doubt if you were to go to Gorey you would also get world peace thrown in and a solution to the Zimbabwe issue and so forth. I only generally manage to make it to town or the airport. It is a government disconnected from the electorate. As Deputy Power said, the real difference between this and the usual moan and the usual bunch of discontent on the margins of Jersey politics that can usually be written off as professional malcontents, is that traditional Jersey has climbed on the bandwagon, and they are much unhappier with what is happening. Why they are unhappy, is while they would no doubt buy into the general thrust of what the Council is doing, they bought into this view, which of course has been perpetuated since I suppose the Jersey Progressive Party became the dominant party in 1948, that business people have to run the Government because they knew how to run things. That is what is really disillusioning them; that they have a group of business people essentially dominant in the Government and they see a government that is not terribly efficient. They cannot also grapple with the fact, as cannot Deputy Ferguson, that we have not, in their view, managed to make cutbacks. People who brought up ideas like Mr. Keen and other people, they have essentially been rubbished for their efforts, so to speak, and they are really, really worried. Also, they are worried while they have gone along with growth and the impetus to growth that people like the Economic Development Minister dedicate themselves to, they feel that the limits to growth have been reached in the terms that it has really started to undermine very clearly - as opposed to sort of a low-level moaning way - the things that they value. They really believe that it is undermining the very basis of what they hold dear and that is a very worrying issue. I think they are just worried because of this ... despite the enormously energetic efforts of people like Senator Ozouf, they are just worried about the one-horse economy

in which we find ourselves. It is this disconnection from the electorate, and it is getting worse and worse. Part of the problem, I am afraid, is the Government does believe in spin and we have reached a situation, where it believes in its own spin. That is always, to be polite, Mr. Blair realised, a very dangerous situation because then you get sort of self-referencing where basically you keep convincing yourself you are right, you only speak to people who tell you you are right, and your little world becomes, in a sense, narrower and narrower and more and more self-enclosed. The electorate do feel that and the traditional electorate feel that. We would be wrong, as was Senator Le Main despite his great inroads into that electorate, to conclude that everybody still thinks things are wonderful because that is not the way they think. The other thing that has happened, is the Council of Ministers and the Chief Minister, they are very good at tactical victories and tactical advantages. Some of it reflects itself in what Deputy Baudains, in the press a few weeks ago, described as this bullying style. I am afraid, - and both the Chief Minister and Senator Syvret are brilliant, but utterly misguided exponents - we have had the politics of the street fighter dominating Jersey politics in the last few months and that is really distressing a lot of the electorate. Not only in the sense why are you spending so much time squabbling with each other, but why is it so ugly? Why is it so vindictive? That is really, really upsetting people in large parts. We can have all these tactical victories, we can marginalise people, we can bully people, but ultimately it does visit itself upon you if you engage in those tactics. Obviously, politics no longer becomes authentic, you do not have proper debates, it just becomes a question of cynical manoeuvring. I am afraid, both the Chief Minister - to an extent is an exponent - or the Council, some of his Members are an exponent of that art, as is, probably the best exponent of all, Senator Syvret, who is undoubtedly one of the most shrewd and cunning politicians Jersey has had for a long time. Whether that results in the promotion of the public interest is of course another matter. This polarisation, what it has done, it has destroyed ... I used to have a lot of debates and I never quite believed the former Deputy Dubras about consensus. He was a great believer in consensus government and, as we all know, we used to have these great meetings where we all examined our navel and found out the common ground and so forth. They used to go on for a long time, just like States sittings. I have come to the conclusion, that is what has been destroyed: consensus government. Partly it has happened because of ministerial government, of which I have been a supporter, but I was never a supporter of ministerial government without the democratic reforms. Unfortunately, as we all know, we have not had those. It has destroyed consensus, it has polarised the community, and it has led to the self-enclosed nature of this Council of Ministers. Senator Syvret might well argue, and he might well have a point - as Deputy Duhamel did yesterday - there comes a time in any organisation where you need, for want of a better term, a cathartic experience, you need to shake things up, you get too complacent. I would agree with him. I would not agree with Senator Syvret's scorched-earth policy and nihilism where he seems to be, as Senator Le Main did say, totally moving in the direction that there has to be a scorched-earth policy in the hope that some green shoots of grass will reappear and there will be good-minded people to take over the system. I think it will lead, ultimately, to destruction. It will lead to total collapse. I do not think we will ever reach there. Deputy Duhamel did make a point; what is so unusual about governments falling out of favour? Most countries, have elections. As in Britain at the moment, you are seeing this increasing disillusionment with government and there will be an election and perhaps there will be a change. There is nothing wrong with this; this happens. People want new personalities and it is as much about personality sometimes as it is about policy. I do not see why we are so afraid. We talk and talk - as did Senator Walker in his answer to me the other week, his written answer how everything is working perfectly well with political accountability - about it, but quite clearly, we are unable to take that final step towards political accountability and say: "There is another way forward." That brings me, to another paradox of the system. It was a system designed for political parties and if you have political parties, of course, you have the chance of alternative policies. Sadly, we do not. We have still got this notion, as expounded by Senator Le Main, that you have to have loyalty, but it just happens we have another different set of policies; tough luck if you do not agree with those policies. It would, obviously, be a much better way of operating the system if we

had political parties. As Senator Le Main has made clear, any whisper of parties, particularly left-wing parties, of course, brings the wrath of God, almost, upon one. That brings me to the issue of ... There has been a lot of talk and Deputy Ryan, engaged in his amateur psychoanalysis about Senator Syvret's role. There is this feeling that Senator Syvret is on the road to martyrdom and he does want us to sue him, he does want us, again, to throw him out. He wants to cement his relationship with the electorate because he sees us as a bunch of total idiots. The problem is, if we are to look seriously at this we have to look at Senator Syvret as the next Chief Minister, or he may have another person - I do not know, perhaps he could speak to this - as the next Chief Minister. Because we really have to say to ourselves: "Can you lead us to your new Jerusalem? What is your vision of the world?" Senator Syvret did make a lot of compromises with the establishment and I do remember, although it was never re-quoted, when I asked, for example, when the allegations about Senator Syvret's links with Attac came and I asked the Chief Minister a question, did he and the Senator have major differences on tax policy, the Chief Minister said: "No." He said essentially there were no differences. I did notice when the Senator was arguing for G.S.T. and so forth, with exemptions, that he was moving towards the middle ground with a lot of the Council's policies. Although it suits him at the moment to put himself at the extreme, perhaps the extremes are not as great as he would say. It is slightly off the point, but like others, I have to say I do give credit to the Senator for the work he has done, the bravery, sometimes misplaced, in moving this issue forward and his attempt to break through, which I think has gone crazy, I have to say, but at least his initial attempt to break through what he sees as the complacency and the stagnation of the system. I have been horrified, by the findings on various sites and in the paper of people guilty before they are tried. **[Approbation]** I have been horrified. If, the Senator is to be our Chief Minister, I want a commitment from him, not only for these victims for which he has rightly been fighting, I want a commitment from him that these people who have been identified and found guilty in all sorts of ways without any chance to reply, that they are going to be put through normal processes and given the right. Because it is a test of any criminal justice system that the most - and I have worked in this system for some years - odious people in society get the right to a fair trial and get the right to have the evidence against them put properly. They are not subject to political barracking and to politicking and so forth. I want that commitment, from the Senator if he is putting himself, as he is, as the putative Chief Minister. This notion, that people are found guilty because the Senator has examined the evidence and found them guilty, I find horrifying. It is a form of Calvinist sort of authoritarianism which absolutely makes me despair and I think it undermines the very values which quite rightly the Senator has committed himself to fighting for. That is my little Senator Shenton debate, thank you. Yes, there is more, thank you, Senator Vibert, although I am not going to go through a list of the guilty, you will be glad to hear; of the politically guilty. Just to sum up, I think ... and I have tried to separate out the no-confidence motion from the personality of the person pushing it because it is so easy to bring the 2 together and to reach a conclusion. I think the Senator, is fully entitled to say so. I do suspect, as I think Deputy Troy said, part of the reason for this is that a list of the guilty will be produced at the next election, i.e. those who did not vote for it; that is obviously part of the motive. It is right that the Council of Ministers be held to account. It is right that we examine policies; we are very poor at doing this. It would be nice to know, we could get away from the kind of terrible, vindictive, incestuous and horribly negative in-fighting that has dominated Jersey politics for the last month. That said, I think the Senator is right to answer it, but I want to hear, what the Senator's way forward is. Without a vision the people perish. I certainly felt in the speech yesterday I was perishing at a fast rate without a vision. What is the Senator's vision? Other than a Jersey where everybody leaves, finance collapses, we all put a cow in the back garden and we return to some kind of bucolic paradise. What is the vision of the Senator? I know he does have ideas and I wish they would be re-emphasised. That is what I want to hear, rather than to just descend into total chaos.

1.11 Deputy J.A. Hilton of St. Helier:

I, like the previous speaker, have struggled during the last 6 to 9 months to understand exactly where Senator Stuart Syvret has been coming from. I could not let this occasion pass without saying something in defence of the people that I come into daily contact with at the Housing Department and other departments as well. In a way, I thank him for bringing this proposition today because it has given us all a chance to get those things off our chests that have been bothering us for a very long period of time. Unlike Deputy Ryan, I applaud Senator Shenton's speech this morning because he said an awful lot this morning that really I would have liked to have said, but for various reasons have not in the past for fear of inflaming the situation even more. I do thank him and take my hat off to him for saying what he said this morning. I really wanted to defend, in particular, the Housing Department staff. Senator Syvret has, on lots of different occasions in the past, made bullying, vindictive, cutting comments about various members of staff across the States of Jersey and I speak as I find at the end of the day, and I can only speak how I have found in the past few years. Certainly, the people I have worked with in the various departments that I have had contact with have carried out their duties in a very honest, hard-working way, and I have nothing but praise for them. I really wanted to say that because those people are not in a position to defend themselves. The other thing I really wanted to mention, Senator Syvret has mentioned in his speech yesterday that 85 per cent of the population are against this Council of Ministers. I would like to know exactly where he gets his evidence from, really. I know there has been a major, major upset this year over G.S.T. and the fact that 19,000 people signed a petition and were totally against it. I did not support the motion for G.S.T., but I accept that every single Member in this House has been democratically voted in by the people on this Island. I respect the decision made by the majority in this House to implement G.S.T. I do not agree with it, but I respect their decision to make that choice. I do not go along with Deputy Baudains' comments about Assistant Ministers: "Will they vote to keep themselves in office or support a failing government?" I think that is absolute nonsense. I think you only need to look at the record, Deputy Baudains, to see that, indeed, I have not supported every major policy brought to this House by the Council of Ministers. I judge as I find and, on balance, I do not find the Council of Ministers wanting. There are things that they have brought to this House that I do not agree with but, on balance, I am happy, I am content to allow them to remain in office until the end of their term. Thank you.

1.12 Deputy K.C. Lewis of St. Saviour:

I will be brief. I believe Senator Syvret's proposition does have some valid points that I hope the Council of Ministers will take on board. We have moved from a committee system to a ministerial system. Many of the former committee presidents are now Ministers. I believe many, many mistakes have been made and there is much to repair: G.S.T., Waterfront, the abuse inquiry, and some ministerial orders which come under the "what were they thinking" variety. I believe this proposition will fail and I believe Senator Syvret knows that, but I am not going to send this Council of Ministers to the scrap yard like some old wreck; I am going to be like a panel beater and try and get it into some kind of shape. I believe the people of Jersey, in a few months' time, will decide who will and who will not sit in this Assembly.

The Greffier of the States (in the Chair):

If no other Member wishes to speak in accordance with standing order 1032F I will call upon the Chief Minister to speak again before I call on Senator Syvret to reply.

1.13 Senator F.H. Walker (The Chief Minister):

I will run relatively briefly, I hope - although I will not be altogether brief - over what I think are the major comments that have been made during the debate. The debate kicked off with Deputy Southern, who, of course, is Chairman of the Economic Affairs Scrutiny Panel and, yet again, showing in that capacity his direct opposition to the core of our economy, his direct opposition to the finance industry, not for the first time, ignoring the fact that the finance industry ...

Deputy G.P. Southern of St. Helier:

That is factually inaccurate as a point of order. The Chief Minister is misquoting me entirely.

The Greffier of the States (in the Chair):

Deputy, the Senator is not giving way; I do not think it is a point of order.

Senator F.H. Walker:

I will ask your team to get the record out and distribute it to Members at some point after this debate and Members can reach their own conclusions whether or not Deputy Southern is for or against the finance industry. As far as I am concerned, the evidence is total. Absolutely crystal. He ignores - he manages to ignore - or at least never mentions in this House the contribution the finance industry makes to the employment of local people and to the funding of our health and education services. He has suggested that the economic policies are all wrong, they are not serving Jersey correctly, and therefore he will support the vote of no confidence in the Council of Ministers. He also suggested that we cannot have environmental success with economic success. I would say you cannot have environmental success unless you have economic success because to protect the environment and to enhance the environment you have to invest in the environment and you need money; the money we get from the finance industry tax receipts to do that. Deputy Scott Warren backed that point up by saying quite rightly that finance pays for health and education and then going on, though, to say that there are, as I fully accepted and fully accepted in my first speech, social and environmental issues yet to be addressed. Of course there are and there always will be. No government will ever achieve a position where it can say: "We have done everything we need for the environment. We have done everything we need for the social needs of our people." They will never get there and nor should they ever get there. There are improvements that need to be made and there are challenges that need to be met. I was very grateful for the contribution from the Constable of St. Helier. I am particularly pleased that he identified a number of issues in St. Helier where the Council of Ministers have been supporting initiatives in terms of street cleaning, safer St. Helier, et cetera. He, again, was one of those who said that we all have things we want to do better and he is right. Every single Member of this House has things they want to do better. The Council of Ministers is absolutely no exception. Deputy Breckon said: "It is not about personalities, it is about policies." Although things may have changed a little in this morning's debate, that is the fundamental. That is the fundamental. He said that the Council of Ministers are being observed in the way they are implementing the policies of this House because the policies we are working to, as Deputy Ryan pointed out, are not the Council of Ministers' policies, not any more; they are the policies of this House. We are being observed, and we want to be observed, on how we are delivering on the policies, the challenges, if you like, the objectives, that this House has set to us. I am absolutely at home with that. He was another one who said: "We have not quite got it right." I absolutely agree again. It would have been pretty miraculous had we come up with a totally perfect system. I do not think it would have been possible, at least straight away. The Isle of Man has had ministerial government for something now like 20 years and it is still evolving. They are still finding things they can improve. Jersey will be no exception. Of course there are things that can be done better. Of course there always will be. What we are in here is we are in the very early stages of an evolutionary process to bring to Jersey the best system of government that we can possibly engineer. I do not believe, that Deputy Breckon made any telling points in his speech which justify a vote of no confidence. I would ask him to refer to Senator Shenton's remarks: "Is he a mechanic or a wrecker?" If he wants to be a mechanic then work with us, work with Scrutiny, work with P.P.C., work with States Members generally to improve the system. Do not throw it out overnight on the basis of a limited number of errors and failures measured against a very considerable number of successes and achievements. The Deputy of St. Martin, who presumably is convinced one way or the other now because he is not in the House, said that he would need convincing why he should not support the proposition. I do not know whether he has been convinced either way by the debate we have heard and I do not know

whether he will be convinced either way by my concluding remarks. I certainly hope he will be. Deputy Fox is another one who said that the system is not perfect. Of course it is not. There have been frustrations, but it is moving forward, and it is moving forward. A long way to go, but it is moving forward. Deputy Power said, and he is quite right, that this debate has given Members the opportunity to discuss and the opportunity to listen. I do wish - and I think this is something we all should consider - there were ways we could do that, have, if you like, a similar sort of debate about the successes, the failures, the policies, without it being based on a vote of no confidence. That would be healthy, that would be sensible, that would be positive and progressive. This is destructive and negative and we could, and should, I think, give that some consideration. Deputy Le Claire made some comments about Senator Syvret being vilified and sacked from his position as Health Minister. I do not accept that the vilification was that way round at all. My view is that the vilification was very much the other way round and I am sure the Deputy will recall that the Senator was dismissed from his role as Health Minister not because of child abuse, but because of what Members - not the Council of Ministers exclusively, by any means - viewed as his unacceptable conduct as a Minister. I very much regret that as I said at the time of that debate, but that was, Members agreed, a necessary response to his behaviour at the time. Deputy Le Claire has very strong views about the issue of the Waterfront Enterprise Board and its Chairman and as he mentioned in his speech, I have discussed one or 2 aspects of that with him. There will be comment from the Council of Ministers to be circulated in due course later today, which I hope he and others will find some agreement with. Senator Ozouf, I thought, made an excellent speech in support - as one would expect, of course - of the economy, mentioning as he did that we have a world-class finance industry. I cannot believe the approach of some Members of this House who continue to denigrate and talk down the finance industry to which every single person they represent owes so much. Has it caused high prices in Jersey? Yes, of course it has. What is the alternative? As another speaker mentioned, it is to go back basically to a horse and cart type Island because tourism, agriculture and no other sector of the economy could possibly support the Jersey we know today. It is just not economically possible. Let us celebrate what we have got here, which is the envy of just about every other government you could talk to. Let us celebrate it and let us be grateful for it rather than continually trying to talk it down and talk it away into the ever-welcoming arms of our competitors. **[Approbation]** Senator Ozouf also said, referring to Senator Syvret's comments of fiscal failure: "Well, if this is fiscal failure when we have no debt, very sound finances, and, by comparative standards, very, very big reserves indeed" if this is fiscal failure, then he, like me, is more than happy to own up to it and to be counted against it. He also talked about the diversification work that he and his team have undertaken quite rightly, and there is a lot of work - I referred to this as well - 800 businesses being supported by the Jersey Enterprise Scheme, something like 250 business start-ups under the Enterprise Scheme; every effort going in to support other businesses outside the finance industry. The new links from the airport, the cheap airfares from a whole variety of destinations are tremendous examples of diversification policies working and biting and quite rightly so. The Senator also went on - and I will come on to it a little bit later myself - about the need for more positive engagement with Scrutiny. I will do it now. I absolutely agree. Other speakers have said that Scrutiny is paying an ever more important part in the ministerial government system. It is. I personally have had some very, very good experiences with the Scrutiny Panels I have worked with. The Corporate Affairs Scrutiny Panel under Deputy Ryan's Chairmanship, a sub-panel on dairy, a sub-panel on the waterfront deal; every panel that I have dealt with I have had a constructive relationship with and have benefited from it. There is still more work to be done, there is still relationship building to be done, of course there is, but Scrutiny is a vitally important way of holding Ministers to account and a vitally important part of the process. It works both ways. If Ministers are going to co-operate with Scrutiny as Scrutiny wants, Scrutiny need to co-operate - without ever losing the ability to criticise as they wish - and to engage with Ministers on agreed terms. Sadly, that does not necessarily always happen. Generally speaking it does, but there is some improvement ... we can all look at improvement and we all should look at improvement. Deputy Baudains said: "Ministers are not accountable." We do have

Scrutiny, we do have a Public Accounts Committee, we do have a Comptroller and Auditor General, all of which are new. They are all there to hold the Council of Ministers to account. That is exactly what they are there for. Then, of course, we have the States. One or 2 Members have referred to orders, and perhaps unwise orders taken too quickly, whatever the personal view may be, but, as I said in my opening speech, on 2 of those occasions they have come back to the States. Ultimately, the States does hold the Council of Ministers to account. Frankly, I think it is absolute rubbish to suggest that the Council of Ministers is unaccountable. I do not know how many more levels of accountability should be built into the system, but there certainly seems to me to be quite enough and very effective ones at that. Deputy Baudains also referred to mistakes made by the Council of Ministers, which I held my hands up and admitted to in my opening speech. Yes, there have been mistakes and, yes, mistakes hit the headlines. Yes, mistakes are seized upon by the media and then seized upon by the people for whatever purpose. What is not so easy to get over, and this is a connectivity with the public issue which I fully accept, or as eagerly seized upon, are the successes, because the successes are boring, basically, but the successes are there in our record, in the annual performance plan. They are there for States Members to see, they are there for the media to see, and they are there for the public to see. The mistakes versus successes ratio sits very heavily in favour of the Council of Ministers. Again, it is a record that I am more than happy to be counted against. Deputy Baudains also said that there is no evidence, or little evidence, of the Council of Ministers acting collectively. It is interesting because we get that criticism on the one hand and the criticism that loyalty goes too far in terms of working together on the other. I am not quite sure which criticism holds more sway. In fact, the Council of Ministers does work exceptionally well, in my view. I have run many management teams, run many boards in my time. I have seldom seen a group of people, of individuals, who will argue like crazy and will oppose each other like crazy, I have seldom seen a group work together so effectively and to come up with such enormous output; 270 propositions to this House in 2 years. That would not have been achieved under the old committee system and it would not have been achieved without constructive engagement and teamwork. I did say in my opening speech that I would avoid personal comments. Indeed, I think I said that the Council of Ministers would avoid personal comments about Senator Syvret, and that was until I heard Senator Shenton speak. **[Laughter]** I have to say he was absolutely right. I am not going to review what he said, but it is high time that Members were reminded of the totally derogatory statements that Senator Syvret has made about all of us and the regard that he has for every single Member of this House, which is obviously zero. I think Members should remember that and I think Senator Shenton was right to remind them of that position. It was Senator Shenton, and I thought it was a highly impressive speech, who said: "We have a new system with flaws" and I apologise for using his quote earlier, but I will do it again. "We have a new system which does have flaws." Of course it does; I have already covered that. The question for Members today, to a great extent, is are you a mechanic who wants to work to improve the system, to overcome those flaws, or are you a wrecker who wants to throw the whole lot out overnight and start again according to the political ideologies and policies of Senator Syvret? That really is the decision and I will come on to that a bit more when I get to Deputy Le Hérissier. Senator Shenton is absolutely right when he says that the child abuse scandal has been shamefully hijacked as part of a political agenda. He was absolutely right and we should not forget that. Deputy Ferguson said: "There is nothing constructive in the proposition" and she went on to talk about the economy, as others have done, and about States spending. I hope that she, as Chairman of the Public Accounts Committee, will acknowledge that the States spending record in 2007 has been a huge improvement over previous years in that expenditure has risen more slowly than in previous years. With the exception of what is a small, nevertheless very unwelcome, overspend on the Victoria Avenue system, there have been no overspends on capital projects; exactly the reverse of the culture of the States under the old committee system a number of years ago. She too has referred to the notable successes of Scrutiny. I would say that Scrutiny's record is very akin to the Council of Ministers; generally very good, but could do better. What is wrong with that? That is a viable position, a sensible, acceptable, unavoidable position for this stage in our

Government's evolution. The Deputy of Trinity said: "People are very quick to complain, but Jersey is a good place to live and it has not been achieved by accident." It has not been achieved by accident. We do not have a great economy by accident. We do not have low unemployment by accident. We do not have low inflation - much lower than we used to have - by accident. We do not have a new income support system by accident. We do not have pensions that are automatically linked to average earnings, unlike the U.K., by accident. We do not have a great countryside by accident. We do not have an ever-improving town by accident. We do not have safer streets by accident. None of those things are by accident. **[Approbation]** She is absolutely right, although it is not widely acknowledged, and I accept that, around the Island, none of these things that make Jersey the special place it is have happened by accident. They have happened by design. Is Jersey really the mess that Senator Syvret has referred to? Is it really the crumbling wreck of decades of political mismanagement and political abuse? I do not see it. That is not the Island I live in. It is clearly not the Island the Deputy of Trinity and most other Members of this House live in either. When you boil it down, it is not the Island the public of Jersey live in either. They do love to complain, they do love to moan but, at the same time, they know the quality of their Island. They sometimes forget how it has been achieved but, nevertheless, underlying it all, they know what the quality of their Island is. Senator Vibert talked about our schools, another great example of where Jersey is head and shoulders above most other jurisdictions. We achieve amazing exam results. We have, in the main now, a whole range of beautiful new schools, well managed, where our kids are being well educated. Again, I do not recognise the type of school environment referred to by Senator Syvret in his proposition. Senator Vibert, like others, has said in terms of the attacks on our civil servants: "Where is the evidence?" It is not good enough to say: "I have found these people guilty, sack them." I must have 38 emails telling me that over the last so many months. It is just not good enough. It is not natural justice and natural justice is the only way. **[Approbation]** You can take that on further. Deputy Le Hérissier asked this, if this is all swept away, if the Council of Ministers goes and ministerial government probably, or quite possibly, with it, what is the alternative? What is the vision? The alternative vision for the future? We just do not know because we are quite deliberately, I suspect, not told. It is all about destruction, not construction. That is what lies totally behind this proposition. Deputy Ryan was, as he said, measured and he was measured. He said, basically, there were 2 reasons, 2 categories, in this report and proposition: general performance of the Council of Ministers and the child abuse scandal and horrors, as I think, he called it. He was absolutely spot on when he said: "The strategic plan is the policy of the States." Again, I go back to Deputy Le Hérissier. The States had every alternative when it debated the strategic plan to come up with alternative policies, every alternative, so every alternative to amend policies along the way for the last 2 and a half years. What the Council of Ministers have done is adhere to the policies agreed by the States and gone about the job of delivering on those. I think Deputy Ryan was absolutely right. He said: "If we have not failed, if we have not strayed from those policies, then the vote of no confidence, in that respect, is not justified." Again, I think he is absolutely right. He went on to talk about the P.R. debacle of the Haut de la Garenne child abuse thing. I absolutely agree with him. I make no excuses for it because I could and should have handled the early days better. I think after that we really did get a grip on it. What we had was a heady combination for the media. We had media who distrust Jersey - nationally, here I am talking about - in the first place. We had a child abuse scandal with the suggestion that we had multiple child murder, obviously going to attract the attention of the media. Then we had a politician who was doing everything within his power through the national media to talk Jersey down. I will repeat my comment that Senator Syvret was and is trying to shaft Jersey internationally. Of that I have no doubt whatsoever. Where I do disagree with Deputy Ryan, and I hope I am right, I do not believe it was clash of egos at all. What I was doing, or what I was hoping to do, trying to do, nothing to do with ego and nobody else could do it, was protect my Island against the unbelievable vilification, lies and distortions that were being printed and broadcast every single day for a period of weeks. **[Approbation]** Senator Le Main exposed the agenda behind the report and proposition and exposed it thoroughly and fully. Deputy Troy had me

scratching my head, he really did, because I will accept he is not a boot licker; although, if his Minister is sacked he may need to suck up to the new Social Security Minister. **[Laughter]** That is a possibility. To suggest that he is going to support a vote of no confidence on the basis that he has issues over Harcourt, which criticisms should be aimed more at other parties, I think, than the Council of Ministers, and he does not agree with the Energy from Waste plant, I find that extraordinary. Oh, and to vote in favour of it because he knows it is going to lose. Hang on, Deputy, where are your policies here? Where are the Deputy's real beliefs? The time to debate, discuss and express the Deputy's beliefs, are in the debate on the Energy from Waste plant when it comes to this House next week. **[Approbation]** It cannot be considered a viable reason for supporting this vote of no confidence. I am sorry, I think the Deputy has got it wrong. I hope, being the intelligent man he is and being the wonderful Assistant Minister we know him to be **[Laughter]** I yet hope that he will change his mind. The Deputy of St. Mary said she is not entirely satisfied with ministerial government and, as I have made clear, nor am I and nor should any of us be and nor any of us is claiming to be. She said, and I thought it was a very passionate speech: "I love my Island and there is so much good about this Island which the report and proposition absolutely fails to acknowledge. There is nothing constructive. There is no recognition of the quality of Jersey in this proposition anywhere to be found. Not, I think, a single, solitary word." Here we have a good Jersey girl, if I may say so, saying: "I love my Island and my Island has real quality." I think nearly all of us - nearly all of us - would very much sign up to that. Again, could our Island be better? Yes, of course it could. Should we now be working more closely and more proactively together to make it better? Yes, of course we should. This proposition will not achieve that; it will achieve, in fact, exactly the reverse. She was so right to say she will not be bullied into taking short-term, populist policies by anyone, including Senator Syvret. She is so right in saying that what the job of all us, as Members of the States, is to get our policies right for the long-term benefit of the people of Jersey, the people we represent. That is exactly what I believe the record of the Council of Ministers suggests we are doing. Deputy Le Hérissier enhanced his position as Chairman of Sitting on the Fence Party quite measurably. I am still not completely sure which way he is going to vote; I think he is going to vote in favour of the proposition. He did point out to us quite rightly the fact the guilty before charged culture that Senator Syvret brings to this debate and has brought to Jersey politics over the last few months. He did talk about the in-fighting between me and Senator Syvret. Until today, I do not think I have referred to Senator Syvret in public for a number of months because I was conscious of the fact that the public were getting sick and tired of in-fighting, or what they perceived as in-fighting, over Haut de la Garenne. You cannot accuse me, in my view, of engaging in in-fighting in recent weeks and over the last most recent months. He painted us a picture, or semi-picture, of Senator Syvret as the next Chief Minister. That is quite right. If that is what the States want and that is what States Members really believe the public want, then perhaps Members should vote in favour of the vote of no confidence. That is, I would suggest, quite a decision for Members to take. Deputy Hilton spoke very strongly, and I am grateful to her, in support of staff and said that bullying is just not acceptable. She is, again, absolutely right. Finally, Deputy Lewis said, quite correctly: "The people will decide the future" and that is the only way it should be. This vote of no confidence will not decide the future; the people will decide at the end of the year. That is exactly how a democracy should be working. Although there is absolutely no doubt in my mind, and I think virtually every other Members' minds, that this vote of no confidence has been brought on the back of a personal agenda, I do agree, in some respects, that it is good we are here. It is good we are able to have a debate about the record of the Council of Ministers. I have already suggested, and I suggest again, that there should be better ways of achieving that than a vote of no confidence. That is something, I think, for us to think about and Members to think about in relation with P.P.C. in particular. I am more than happy for Members to judge the Council of Ministers on our record. I would be extremely disappointed if Members judged us against any other criteria. It is our record of adhering to States policies, our record of delivering on those States policies, against which we are happy to be judged and against which we should be judged. Personal agendas should be shoved very firmly to one side. This is about the

future of Jersey's government. Is it doing well? Is it doing badly? You need to decide. Members need to decide, but they should decide, in my view, based firmly on our record over the last 2 and a half years. A record of having grappled with, and come up with solutions to, or at least put forward options on, all the difficult challenges that Jersey faces, be it tax, be it economic, be it environmental, be it social. We have addressed in one way or another all of those issues, and if not come forward with policies which in nearly every case the States has accepted, put forward options for Scrutiny to consider, Members to consider, and indeed the public to consider. We have shied away from nothing, and that is one of the reasons why our popularity is not as great as I would like it. We have shied away from nothing. Deputy Hilton mentioned G.S.T. How can any government introduce a totally new system of taxation and be popular among the people who have to pay more as a result? Of course, it is totally forgotten how we adjusted the income tax system and income support systems in support of the less well off and middle earners as a result. What people see, naturally enough, is G.S.T. and they do not like paying more tax. That is fair enough. Do we have much chance of being massively popular on the back of that and some high profile errors put forward by the J.E.P. (*Jersey Evening Post*) when our record of achievement is not also being put forward? Probably not. Over 270 reports and propositions in 2 years of which, according to Greffe records, we have had the support for all but 2, is some record. I wonder if any Member here believes if they had been on the Council of Ministers that the Council would have performed better? I wonder. We are not perfect. We are not pretending to be perfect. We never can be perfect. We never could be perfect. We are delivering on the policies that this House has laid down for us to deliver on. It is a record, I believe, any government would be delighted in and any government would be proud of. We should believe, going back to G.S.T. briefly, that it was of course endorsed by this House on no fewer than I think 4 occasions as the least worst alternative to protecting the future of everyone who lives in Jersey. If Members think that the Island is really the mess that this report and proposition suggests and that we really have had decade upon decade of total political failure then Members should vote in favour of the proposition. If Members want a Council of Ministers that embraces the ideologies and the philosophies of Senator Syvret and his supporters, the time for change movement, and others, and they want to see Senator Syvret, or someone with his policies, as Chief Minister, and the Council of Ministers which probably would reflect similar views, if they genuinely believe that is in the best interest of Jersey they should vote in favour of this proposition. If they want a Council of Ministers which courts popularity and shies away from addressing the challenges that have faced, do face, and will always face Jersey, then they should vote in favour of this proposition. If, on the other hand, they want a Council of Ministers that has a proven record, and I would go so far as to say an outstanding record, of performance, warts and all, and they want a Council of Ministers that will face up to the tough challenges, take the decisions that are necessary to protect the Island's long-term future for the people of Jersey generally, protect our quality of life, if they want to accept that the system is good, but needs improving and they want to be a mechanic rather than a wrecker, then they should vote against this proposition. [Approbation]

1.14 Senator S. Syvret:

This debate has been so much just like old times. I will go on to deal with a couple of those particular nostalgic speeches a little later on, but we have in Senator Ozouf another budding plausibility peer and in Senator Shenton a mini-me of his father.

Senator B.E. Shenton:

I will take that as a compliment. [Laughter] [Approbation]

Senator S. Syvret:

We will see about that. Members will be glad to know that I do not plan to plough through precisely what each Member said; I will just deal with a few key points. Make no mistake; this proposition does most clearly chime with the great majority of people in Jersey. It is such is the

state of the polity the casting of a judgment on a political era. In many respects, some of the speeches we have heard, particularly this morning, do indeed cast a black and damning judgment. Let us reflect upon the debate we have had and ask ourselves what is demonstrated. Someone - I think it was Senator Walker, or it may have been an aside from another one of the Senators' benches - referred to the generally very low public opinion of the Council of Ministers and went on to make a contemptuous remark concerning the broadly dissatisfied contributors to the Radio Jersey phone in. It was stated that many of those contributors were sat in the gallery. Those remarks, let us note them, are a telling example of just how much contempt this establishment has for the views of the public. In general terms, the response to the proposition has been feeble, weak and vacuous. Consider the speeches of Senator Walker, Senator Ozouf, Senator Shenton and others and test those speeches against the core fundamental points upon which the vote is brought, these being that this is a Council which is pursuing the very same style and type of policies as their committee predecessors. The policies are disconnected, mutually exclusive, and exhibit a near complete lack of leadership. Just consider those looming fundamental points which sit like an elephant in the room. The policies of this Council are irrational in that they are, in many cases, so mutually exclusive. I said in a debate that the Council of Ministers - and this was one of the major points that underpinned the proposition in my report and my speech - had an ingrained inability to deal with the facts, the evidence and the truth. That, indeed, has been demonstrated again during this debate. I have to draw Members' attention to a matter I will perhaps come back to a little later that the Council of Ministers have tried to skate around and avoid and make only the most fragmentary passing reference to a fundamental problem in their comments on this proposition, which is its completely dishonest, provably demonstrably dishonest assertions concerning the chronology of events as to when I began raising the issues and what I was going to intend to do about them. I invite members of the public to look up the comments on the States Greffe website; those comments assert that the Council of Ministers decided to act in response to my concerns in June. No, they did not; I expressed those concerns publicly in this Chamber - and it is in the Hansard document should anyone wish to see it - in the final meeting before the summer recess in answer to a question from Deputy Martin. Those are the evidenced facts. Imagine if a Back-Bencher, or I, somebody, had brought this kind of set of comments to the Assembly and it had contained such a fundamentally key, crucial, deliberate example of dishonesty. We would be crucified, absolutely crucified. Yet this Council of Ministers and Senator Walker think they can just blithely skate around that kind of issue. Turning to some of my notes, in his opening speech Senator Walker said that this proposition is an attempt to get rid of the establishment. Yes, and what is wrong with that? People are entitled to seek to change political regimes, political governing parties in democratic states by opposing them and seeking to have other politicians replace them. It is normal. In the remark of Senator Walker, we see illustrated yet again a complete inability to grasp the most rudimentary standards of what takes place quite normally in modern functioning democracies. The Senator went on to suggest that my activities were an attempt to undermine 800 years of independence. But no, they are not. But what my actions most certainly are, are an attempt to make the Government of this Island, the Executive, this Assembly, its legislature and, yes, the judiciary capable of meeting the standards that we expect to find in modern, western, functioning democracies. That is my objective, and achieving that objective would only strengthen Jersey's standing and position. Senator Walker and quite a number of other Members said that I have not stated what my alternative policies would be to him and his Council. That is certainly true, because my understanding of Standing Orders is that the debate is supposed to focus on the context and substance of the proposition, and that is why I have brought it, framed it and spoken to it as a vote of no confidence in the present Council of Ministers. I think it would have been quite a serious departure from the requirements of Standing Orders were I to stand here and instead spend hours talking about my preferred policies. I am certainly happy to discuss those policies with any Members should they so wish. But this debate was not the time for doing it. Senator Walker asserted another quite remarkable thing. He said that he and his Council of Ministers were the tough guys, the responsible statesmen who were ready and willing to make unpopular decisions -

the implication being that I and others who do not agree with him are only concerned with populist issues which do not deal with the hard, difficult realities of governing a community. Of course, again, the most cursory examination of the facts shows the complete opposite to be the case. I, for example, in my opening speech said some things that most certainly were not populist or popular, but they are inescapable facts, but facts which this Council of Ministers and their committee predecessors have always avoided. For example, I said plainly to the people of Jersey: "We cannot have it all. We cannot protect our environment and we cannot carry on having population growth. We cannot carry on engaging in vast development schemes, and encouraging yet more dependency on a particular industry without creating yet more inflation and more vulnerability." There are unpopular, difficult, hard choices that this community needs to make with the guidance of its selected representatives. Yet we see this Council of Ministers completely unwilling and incapable of facing up to those difficult decisions. To give another example, the same old policy, just imagining that a bit more population growth, bit more inward migration, will solve the problem of an ageing society. No, it will not. We have an ageing society. That is going to be a significant problem for this community, make no mistake about it; and coping with it, the measures we may have to engage in, in terms of better Social Security provision and care may well be not popular or liked. But at least they would be honest. They would not be trying to con the public into thinking that these dangers for the future in respect of the dependency ratio in the Island can simply be addressed by just another few years more of inward migration. I am sorry, to pretend, as this Council of Ministers does, that that kind of policy can work, is a clear example of their total failure to face up to reality. Senator Walker said, as I think a couple of other Members said, that public sector staff are good and that my kind of attacks on them was utterly deplorable, or words to that effect. Again, let us return to the facts. I have said, on numerous occasions, that the vast majority of public employees are good, dedicated members of the work force, and they do a good job. But I, certainly, in the course of the past 14 to 16 months, have been forced by the evidence to conclude that, in fact, our civil service does not represent some utopian model of perfection, and there are clear examples of failure, deficiency and professional inadequacy among some of its higher reaches. Consider how absurd the alternative argument is. Were our system of senior civil service perfect, we would be unique as an administration on the face of the planet. It just is not a realistic approach. I will come on to these issues perhaps later when addressing the speech made by Senator Vibert, but he and Senator Walker asserted and a number of others did again and again, that I had produced no evidence - or they could see no evidence from me - that justified my complaints, my allegations, against staff. This again, I am afraid, is an example of that inability to deal with reality. In fact, I wrote a blog entry about this some months ago, called: "Black is white, black is white, black is white: the culture of the States of Jersey. Just repeat something long enough and often enough and repeat it enough, and it will suddenly become, eventually, a fact." Senator Walker referred to the fact that we had about the lowest range of taxes in pretty much the whole world. Well, I would not argue with that, certainly as far as those who are in the happy position of taking advantage of our tax system are concerned - certainly a rate of zero tax for multi-multi-millionaires is a pretty low rate. Again I have to refer, and I will come back to this later, to the attempt made by Senator Walker to fudge and dodge around the issue of the chronology of events. He said that the truth will come out. Well, I hope that it is going to come out, and I am pretty confident that it will. But there is already a lot of truth available. If there is any rewriting of history taking place, to quote a phrase that Senator Walker used, it is by him and this Council of Ministers. For evidence of that, just witness the complete falsehood I have already described in their official comments. If that is not an example of rewriting history, I do not know what is. He asserted that this Council of Ministers was committed to transparency. Where? I mean, it may have happened - perhaps I missed it - but where has been the rabid interjection on the part of Senator Walker and this Council of Ministers to the Privileges and Procedures Committee's decision to try and roll back from us having a Freedom of Information Law? I cannot say I have heard a word about that from Senator Walker or this Council of Ministers. Deputy Power made an interesting point. Some other Members echoed his point when he suggested: "Oh would it not just be better if there was a kind of

a Cabinet reshuffle mechanism by which the Chief Minister could just shuffle around his Ministers as and when he chose?" The danger of that, quite obviously, and I would have thought most Members of this Assembly would be concerned about it, is that it would be taking away from this Chamber, this legislature, a significant degree of power and control it has over who sits on the executive benches. You would be surrendering an immensely important power and handing it to a Chief Minister and, in the Jersey context, unlike a prime minister, a person who does not have a party political backing behind him for his mandate and his powers. Yes. Senator Ozouf - his speech was the typical immensely polished and very, very plausible performance - very brash, confident assertion, assertion; assertion. As I said, it reminds me very much of a former Senator, Pierre Horsfall, in much of what he said. Senator Ozouf said that I was only destructive and I never offered any policies, and he spoke to some extent about the fiscal policies of this Council of Ministers who he seems to think are marvellous. Well, I did, in fact, bring a very substantial report and proposition to this Assembly in 2004 which sought a comprehensive, transparent, publicly-engaged inquiry into all of the taxation options this community faces, all of the things that we could choose to do, and Senator Ozouf, Senator Walker and most other Members simply voted against it - voted against merely having a transparent inquiry. Not doing this, that or the other tax, or making any radical decisions; simply a transparent inquiry which would engage the public about these things. Just the investigation - and they voted against it. Senator Ozouf sits there now muttering: "We did it. We did it." What happened was, the policies were largely structured, formed and driven forward by the group called FISBAG (Finance Industry Business Advisory Group) in connection with the then Finance and Economics Committee, and once they had pretty much decided what they were going to do, they then went out to public consultation. That is not a transparent inquiry. So, Senator Ozouf said he wants to hear solutions. Well, I think there could well have been a number of solutions in that particular document so far as fiscal policy is concerned. He went on to say that we are a great success. We have half a billion pounds as a strategic reserve, and no public debt. After the 40, say, years, those 4 decades of the gold-rush period of burgeoning and colossal economic development and growth in Jersey, vast fortunes being made here, to hold up a mere £500,000 in reserve as an example of something ... yes, half a billion. Half a billion pounds, which happens to be less than one year's current public expenditure. Less than one year's current public expenditure. Are we supposed to regard that as an example of the competence of the establishment in general terms over the last 30, 40 years? I do not think so. The gold-rush decades have passed us by and we have a mess of potage to show for it. Senator Ozouf really ought to be more clear when he makes reference to public debt. There are such things as off balance sheet public debts, and we do in fact have quite a significant number of those in different ways. Senator Ozouf said that this was largely just a personal thing from me, and that my individual position, my individual case was unimportant. Indeed, that is absolutely so. That is certainly true. Let us face it. I could leave this Assembly and get whacked with the AK47 of our latest 1(1)(k) resident. But if this Council of Ministers was serious about such policies as genuinely improving the built environment, genuinely enabling people to share in the wealth of the community, they would not have failed to deliver the town park. Turning to the speech of Senator Shenton, as I said, it was just like old times. Vintage Shenton. Absolutely. Could have been taken from a tape of a State sitting 20, 30 years ago. Bellowing, shouting, bullying, bluster. **[Laughter]** It is all my fault, and apparently I am a communist. He suggested that my speech did not address the issues of the people of Jersey. Again, another example of the clear disjoint between fact and this Council of Ministers. As the Hansard sheets will show, I spoke a great deal about some of the profound issues that are confronting and facing this community. He also said something that is quite inaccurate in trying to defend his intervention as far as the planning for the flu pandemic is concerned. Financial provision was being made, and the Council of Ministers was, in fact, on the cusp of that business plan. You could come to the Assembly and seek the additional funding, get the funding agreed with. In the interim, I was replaced by Senator Shenton, and Senator Shenton had that effort pulled from the debate. So, the money was going to be found, and it was going to be agreed by this Assembly. He said another thing, again, that was simply completely untrue, wrong,

and just not compatible with the evidence, as anyone could see on the most cursory examination of the facts. He said I only criticised the Children's Service after the police investigation. Again, I refer to that meeting back in July last year in this Assembly, where I publicly expressed grave concerns about the Children's Service, and at that point I had no ...

The Bailiff:

Members must allow the Senator to complete his speech, please.

Senator S. Syvret:

Well, Senator Shenton has just said I am lying. I would like to know in what way does he disputes that I made those public remarks in answer to a question in this Assembly in July 2007.

Senator B.E. Shenton:

I believe the police investigation started in 2006.

Senator S. Syvret:

That is absolutely right, and I have never denied it. I was unaware of the police investigation, and remained so until November last year. Some Members would be unwise to make glib assertions about these kind of things, because certainly in quite a number of the probable cases that will come to court I am going to be a witness in various contexts, and everything I have said concerning this episode, I am completely and 100 per cent ready and confident to say under oath in court and be cross-examined on. Senator Shenton imputed I had some special relationship with the police. No, I do not. My relationship with the police is no more and no less than that of any other law-abiding citizen who happens to be well-placed to help in a particular inquiry. Senator Shenton also said something that was truly quite extraordinary. He was referring to the failure of the senior officers of the department to modernise the Child Protection Handbook following my intervention; and he seemed to suggest that that was my fault. I am sorry, but do Members really think that the voting, tax-paying public out there spend half a billion pound a year on public services, a significant portion of which is spent on very expensive, supposed experts? Do Members really think that it is okay and acceptable not to expect senior, highly-paid officers to carry out their jobs properly? Because if Members think that and agree with the view of Senator Shenton, I can tell you for a fact you are badly out of step with public opinion. Senator Shenton asserted quite vociferously that he did not denigrate the police or the police inquiry. Well, let us remember that this is a man who sent an email around his ministerial colleagues in which he described the chief investigating officer as "Lenny Henry", implying that he was some kind of comedian; and similar remarks that were essentially hostile to the police inquiry later appeared from the Senator in the *Mail* newspaper. Senator Shenton went on to just spend a great deal of time attacking me, and he essentially, like a lot of the other Members, fails to accept again a clear, evidenced, proven fact. I have been the only politician with involvement in this portfolio in the post-war years to recognise the child protection failures, to speak out against it and try and do something about it. None of my predecessors did, including Senator Shenton's father. Last year, I spent 2 months working 7 day weeks, sometimes 24 hour days. I had countless meetings with victims, many of which were harrowing for them and me. For many of these victims, I was the first and only person in any position of authority who had listened to them, taken them seriously, and believed them. I had to do all of these things while fighting off the political attacks on me by this Council of Ministers. I had to go through all of that in an effort to try and help many of the victims, generally a cohort of people who have been treated like filth by our society for decades. What was my reward for having to go through all this work? We have seen it on display yet again in some of the speakers in this Assembly this morning; for example, the one from Senator Shenton. I get denigrated, oppressed, lied to, lied about, and people like Senator Shenton calling me a communist. This is the reward I get for having been the first politician to expose these things and try and deal with them. I once said to Senator Shenton's father

across the Chamber - or said of him, through the chair - during a debate when he had made a speech very, very similar, about a different subject, but frankly I ...

Senator P.F.C. Ozouf:

What has this got to do with the vote of no confidence?

Senator S. Syvret:

It has got everything to do with the vote of no confidence, because I am responding to the points that were made against me. There was a debate about a different subject, but the speech that Senator Shenton's father made was pretty much identical in terms of its tone, its style, its aggression, its shouting, its bullying, its banging fist on the desk and just vacuous assertion rather than dealing with the evidence; and I said on that occasion, and I make the same remark in the same context now concerning this Senator Shenton's speech, to quote Macbeth: "It is a tale told by an idiot, full of sound and fury, signifying nothing." Moving on to some of the other speeches, I am repeatedly amazed at the ability of some Members to so brazenly stand in this Chamber and speak untruths. Senator Vibert says he did respond properly to the child protection issues. No, he did not; and I will explain some of those issues a little later. He asserts again, along with his Council of Ministers' colleagues, that I gave no evidence to justify my concerns. That is simply untrue. Senator Vibert and others chose to put the concerns of staff and their senior managers first. I chose to put the concerns of the service's clients first. The evidence I did adduce, the evidence I did draw the attention of the Council of Ministers to, included the Grand Prix policy document, which was the own policy document of the institution. It describes a regime of punitive and coercive solitary confinement which is manifestly unlawful. I supplied further evidence in terms of a 4 page initial legal opinion from Chris Callender of the Howard League for Penal Reform, who also in very measured legal terms said that he could not see, essentially, how this policy could be lawful. There are also accounts given to me which I relayed to the Council of Ministers from some victims. I also drew the Council of Ministers' attention repeatedly, as I did to Senator Vibert and Senator Kinnard - because it can only be the case they have never read it - I showed them precisely the relevant clauses in the Children's Law, the relevant actual quite simple and clear and unambiguous requirements to protect and defend the health and welfare of children. I pointed out how the Grand Prix policy and other similar things were not compatible with that law. To further illustrate the case, I drew the attention of the Council of Ministers to the National Care Standards for Children in Care. These are all examples of evidence that was given to the Council of Ministers. But as I said earlier, we are faced with the situation where we have seen on display throughout this debate, both yesterday and today, the same old Jersey establishment attitude: refuse to face up to the fact, carry on asserting long enough, loudly enough and often enough the opposite and you think that you will eventually become believed. I will further go on to illustrate the, frankly, inadequacy of Senator Vibert in dealing with these issues and responding to them towards the end of my report. Moving through the remarks of Senator Le Main, I would like to thank him for mentioning my blog. If you just Google Stuart Syvret blog you will get to it quite easily. But really nothing he said merits a particular response of any note. It was a typical Senator Le Main speech, again, pretty much the style of the old Jersey establishment politician .. bluster and vacuous posturing. The Deputy of St. Mary said she loves the Island. Indeed, so do I. But beware patriotism. It is, of course, the last refuge of the scoundrel. We must not let affection for our Island cloud our vision, and alter our judgment. As good as this community is, there are things that we are getting wrong, and things that we have got wrong; and there are things that are not right with the whole of the public administration at present. Do not take my word for that. Just consider the Haut de la Garenne inquiry, and the decades upon decades of issues that that is bringing to the fore. Is that the product of a perfect functioning society? I think not. The Deputy said it was a safe place for her children to walk the streets. That is as may be. But we know - I certainly know - many, many children, usually the poor and the marginalised, who have not had that kind of safety over the years and the decades. Deputy Le Hérissier suggested that there was too much ugly street-fighting in clashes

between me and the Chief Minister. Well, that is as may be, but again I refer to the fact of the answers I gave in this Assembly in July. It was not my decision, my wish, my choice, that a great, tremendous and appalling political controversy should erupt out of it all. It was Senator Walker and his ministerial colleagues who decided that they were going to make a big political controversy out of it by getting rid of me and stopping me engaging in the initiatives I had proposed. So I ask Deputy Le Hérissier to think why - if he really believes it - there should be so much - as he puts it - political street fighting, given the remarks I have already made about the vitriolic attacks which are made upon me. Certainly, I give some in return but one is entitled to defend one's self. Deputy Le Hérissier, again, suggested if I was going to be the next Chief Minister. No, I have no intention of ever being a candidate for the post again, as I have said publicly on many other occasions. So it is not my job to stand here and promulgate some New Jerusalem, as he put it, and also I would make the point again that this debate is about the vote of no confidence. It was not a debate for me or other Members to be standing here and spending hours talking about what we would do instead. Maybe we should have that kind of debate. Good idea, but this is not the occasion for it. Certainly, I will not be a candidate for the post of Chief Minister. Why on earth would anyone other than a complete fool wish to take the helm of the Titanic just before it slips beneath the waves? **[Laughter]** Returning to Senator Walker's summing-up speech or his response, he suggested that I do not have a great deal of respect or confidence in all Members of this Assembly. That is not, again, entirely accurate; just most of them, I think you could say probably, quite fairly. **[Laughter]** That, I would suggest, is something I tend to have in common with most of the people of the Island. Senator Walker made, again, another of his preposterous assertions when he said that I had politically hijacked the child protection controversy. Again, I make the point. Cast your minds back to the beginning of the whole controversy. It was no decision or wish of mine for it to be a political row. It was Senator Walker and his Council of Ministers who chose to politicise it and use it simply as a convenient opportunity to attack me and get rid of me. Senator Walker also suggested that, in my media comments made in recent months, I have simply been trying to bring down the Island. I would like people - certainly, if no Members of this Assembly wish to, certainly anyone listening - to just think about the profundity of misunderstanding; of failure to grasp the true awful magnitude of what it is we are dealing with. That controversy which has erupted was not made by me. It has erupted because we, as a State, as an administration and, in some respects, as a community, have failed to properly address Child Protection issues for decade after decade after decade. That is the cause of the controversy and the bad publicity for Jersey and if we want to repair some of the damage of that bad publicity, the best thing we could do, the most responsible thing we could do would be to face up to the facts of what has taken place. Be honest and show that we have the maturity and ability to deal with it. I wish to conclude by returning to a point I made at the beginning of this debate. The Council of Ministers states in its report: "A vote for this proposition will not result in a sea change in Island politics." As I suggested at the beginning of this debate, indeed such may well be the likely outcome of a vote in favour of this proposition. No sea change. We elect a new Council of Ministers; there will be a bit of shuffling around; a bit of a storm in the papers for a couple of weeks and then it will all be back to business as usual. But as I said earlier, a vote against this proposition, on the other hand, may well be the catalyst which, at the last, will free this community from the self-interested short-termist incompetent tyranny of the misrule of a secret unopposed political party. I will not say: "In my hand, I have a piece of paper"; we all know what happened to him. I have in my bag a piece of paper. This document is the draft Jersey Charter document. It fits on a couple of sides of A4 and I intend to do everything in my power to develop it, refine it, explore the issues that I have drafted in it with other concerned people and then do all I can to see candidates fielded under the Jersey Charter banner in the forthcoming elections. I may, of course, not succeed in bringing about the necessary sea change in Jersey politics but I am at least going to try. This community finally needs someone to deliver to them at least the opportunity of meaningful change. As Senator Walker and others remarked: "It is the people who ultimately decide the fate of this Government and of the community." Absolutely correct. The people may, contrary to my assessment, be delighted with the current standards. I do

not think so somehow but they may be. In which case, my efforts to bring about a change will fail. But a change is necessary and I want to finish off by illustrating that point and it is another part of the evidence and it illustrates the utter deficiency of Senator Vibert, Senator Kinnard in particular and, generally, the Council of Ministers to face up to the issues. This is a copy of a report called "*The Pindown Experience and the Protection of Children.*" It was written by 2 very eminent people; Allan Levy QC and Barbara Kahan and it was published in 1991 following the Pindown scandal at Staffordshire County Council. This is the yardstick by which all other reports into Child Protection failures are gauged against. Its methodology, its comprehensiveness, its rigour, its absolute dealing with the facts, its reliance on proper evidence and certainly I am very, very much looking forward to comparing and contrasting the forthcoming report of Mr. Williamson with this document. But let me describe a little of what this controversy was about and I will quote a little bit from the report. This is the definition of the so-called Pindown Methodology: "Pindown is referred to in many different ways in the documentation we received. The following is a list of some of them; basic Pindown, total Pindown, full Pindown, heavy Pindown" and so on and so on. There is a whole list: "With some exceptions, the names in the main give a clue as to the approach used in the practice of Pindown. What, however, are the minimum criteria which qualify the practice as Pindown? It is almost impossible to be absolutely precise but we decided that 4 features were usually present. Firstly, isolation for part of the time in part of the children's home cordoned off - a special or Pindown unit; secondly, removal of ordinary clothing part of the time and the enforced wearing of shorts or nightclothes; thirdly, being told to have to earn privileges; and fourthly, being allowed to attend school or schoolroom in the unit and then being required to change back into shorts or nightclothes after returning from the school. Full or total Pindown, in our view, must have the following features. Firstly, persistent isolation in a part of a children's home cordoned off as a special Pindown unit; secondly, removing of ordinary clothing for lengthy periods and the enforced wearing of shorts or nightclothes; thirdly, persistent loss of all privileges; fourthly, having to knock on the door to impart information, for example, a wish to visit the bathroom and, fifthly, non-attendance at school, no writing or reading materials, no television, no radio and even no visits." Now, this report was written in 1991 and it brought about the end back then of those kind of practices and policies. Yet, these are very much precisely the kind of policies which appear to have passed completely by the senior civil servants responsible for this field of activity for over 2 decades. This report may as well never have occurred as far as the Jersey methodology is concerned and I want to illustrate this and I do hope Members will listen to this because I am going to quote from a letter I have received from a young man in prison. I will not identify him or any of the other names he mentions but it is a description of his experiences in the secure unit here in Jersey: "I am writing this factual letter to tell you of some of my many experiences at the secure units and to help with any inquiries my time at them could be. It was over one year ago but my first night there was quite scary but I got through it. It was the morning that worried me but I saw someone I knew to be [the name]. I have known him for many years and asked him how long he had been down here. He stated: 'About a week' but I was soon to find out that this was wrong and they were locked up 23 hours a day and when I say 'they', I mean identified person one, identified person 2 and identified person 3." It goes on: "All former inmates. Anyway, moving on a few weeks later while on remand, I was sat in what we called the day room. It is where we spent the daytime watching TV. I was sat on the corner of a piece of furniture when I was told I was to sit on it properly. I refused and was pulled off and then restrained to the floor. After that, I was taken to secure, stripped naked and left in a cell with no mattress, a cold floor and no clothes and left for hours. I was bruised and distressed and, still to this day, it winds me up. A bit later on, a social worker came to see me naked and upset and gave me some clothes. When she left, I was locked up for 23 hours a day for 3 weeks in a cell with only a skylight." That is the truth of the situation. This young man and others like him, we, the States of Jersey, have abused. This kind of conduct, this kind of policy is utterly, utterly reprehensible and ethically bankrupt, quite aside from being a straightforward criminal offence. Just how successful was this approach? This young man - like so many of the other people that have gone through the system - is in jail right

now. So that is about how effective that approach has been. I referred obliquely to Neville Chamberlain. Following his disastrous tenure which saw a barely prepared Britain confronting world war, one of his own friends, Leo Amery, during the Norway Debate of 1940, quoted some famous words of Oliver Cromwell's: "Cromwell, when addressing the Rump Parliament in April 1653, spoke some words which could not be improved upon for our present circumstances. These same words, I now address to Senator Walker: "You have been sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go." I maintain the proposition and ask for the appel.

POUR: 8

Senator S. Syvret
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy S. Pitman (H)

CONTRE: 41

Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Deputy J.J. Huet (H)
 Deputy C.J. Scott Warren (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy I.J. Gorst (C)
 Deputy of St. Mary

ABSTAIN:2

Deputy R.C. Duhamel (S)
 Deputy P.N. Troy (B)

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

If Members agree, the Assembly will adjourn until 2.15 p.m.

LUNCHEON ADJOURNMENT

2. Chief Minister: Vote of Censure (P.100/2008)

The Bailiff:

The next item on the Order Paper is Chief Minister: Vote of Censure in the name of Deputy Southern. May I ask the Greffier to read the proposition?

The Greffier of the States:

The States are asked to decide whether they are of the opinion to censure the Chief Minister for not providing full and accurate information to the Assembly in relation to financial and economic considerations during the debate on the Esplanade Quarter Masterplan and, in the absence of such information, misleading the Assembly about the financial analysis of the proposed developer.

Deputy P.J.D. Ryan of St. Helier:

Before we start the debate, may I simply say to you that, for this debate P.100 and also for the next 2, P.97 and P.98, my company has a direct pecuniary interest involving developers on the waterfront generally and including W.E.B.. In this particular instance, on P.100, one might question whether I am conflicted or not but I do believe that it would be impossible to address all of the issues to do with this particular debate without referring to Harcourt and some of the things that went on between the Chief Minister and Harcourt. So I would prefer to be safe and declare an interest on that as well.

The Bailiff:

Very well. The Deputy declares an interest and that will be logged by the Greffier. Before I call upon Deputy Southern to move the proposition, I wonder if I might say from the Chair - and this touches, to a certain degree, upon some of the matters raised just now by Deputy Ryan - that the next 3 propositions for debate are all obviously interrelated to an extent. I am sure that Members do not want to have 3 debates with Members repeating themselves 3 times and certainly, so far as the Chair is concerned, I shall try to prevent Members from doing that if they have a mind to do so. But may I therefore request Members to bear in mind that what is under debate at this stage is the proposition of Deputy Southern in relation to the conduct of the Chief Minister and that other wider matters are not to be raised now and can be reserved for a later stage.

2.1 Deputy G.P. Southern:

I will attempt to do my best to heed precisely your words. I am rather glad that we have had the luncheon interval between the last debate and this one in case any Members were tempted to think that there was some sort of continuity between the 2. The 2 are very different propositions. This is very much smaller scale but it has the common theme of holding to account the accountability of Ministers to this House. A motion of censure is a mechanism for this House to discipline its Ministers and to ensure that the House is treated fairly at all times. Somewhere in the debate around the waterfront, there has to be some responsibility for the actions that have been taken. Where that responsibility lies is up to this House. It could well be that it decides on this debate that responsibility lies with the Chief Minister who headed up the debate and has steered progress thus far. It could well be that responsibility is shared or belongs with W.E.B. directors - and that is for another time - or even the Chairman. It could well be that Members decide that there are questions to be asked about responsibility even of Harcourt and certainly there appears to have been a lack of communication between some of those players in the whole scene and the Chief Minister. I start with coverage in the media of the Chief Minister which has him saying, for example: "It has become clear over the last few days that I am being portrayed as a fool because I apparently did not check my information carefully enough, incompetent as a result or, indeed, a liar." Now, he made those remarks in relation to an apology he has already given to Deputy Baudains and to this House over misleading the House over a court case. Can I point out at this stage that the court case has

nothing to do with this proposition? That is in no way connected to it. What I am concerned with is the information that I believe was lacking from the debate; vital information which came from the PwC financial accountability assessment of Harcourt and the economic impact assessment updated by the Economic Adviser. Both of those elements, I believe, this House should have been made aware of and aware accurately of their contents as part of a proper reasoned, rational debate on the waterfront and that did not happen. The Minister then went on to say to the media: “My job is now to fully provide that level of transparency that everyone is seeking, and to address the very understandable concerns, I shall provide that level of reassurance and transparency. Whether that ultimately leads to the development agreement being signed with Harcourt will depend on the information they provide. My job (after the debate and after the furore) is now to provide that level of transparency everyone is seeking.” The question is why did the Chief Minister not see that as his job then in the debate? Remember, we are in ministerial government. We are supposed to be having more informed debates than we have had in the past and I believe that did not happen. He then goes on to say: “I am aiming to have that transparency all done by the no confidence vote on 1st July. All the questions will be answered fully and openly and show who was responsible for what.” That apparently has been done for the court case. It has not yet been done, I believe, for the issues that I am raising. Now, very helpfully, in his comments, the Chief Minister has summed up the issues that we need to decide on very succinctly, so in his comments, he says: “The case for me to answer centres on 3 issues; whether the PwC and Economic Adviser’s reports contain information which is important to the proper consideration of the decision to proceed.” So what is the content and is it important? Let us examine that today. Two, the extent of the Chief Minister’s knowledge and understanding of the contents of these reports, indeed, let us examine that and then his - meaning the Chief Minister’s - consequent actions and statements before and during debate on P.60, absolutely. Now, the Chief Minister has put it that he is either a fool or a liar.

Senator F.H. Walker:

On a point of correction. I said I was “neither”, not “either.” **[Laughter]**

Deputy G.P. Southern:

I shall, of course, rephrase that, that he was neither a fool nor a liar. But that is not the question in deciding between the 2. Either, neither or both is not the central issue. The central issue is, was the House misled in that debate, whether accidentally and in all innocence - the fool - or deliberately, consciously - the liar - or perhaps a little bit of both. The key is, was the House misled? If it was, then it was a sorry day for debate in the House and this House, I believe, should mark that by a motion of censure.

The Bailiff:

I am sorry to interrupt you but I must confess to have been confused by the last few sentences that you have pronounced. I think it is important that Members should be clear what it is you are alleging against the Chief Minister so that Members know what they are being asked to censure him for and my understanding from your report ...

Deputy G.P. Southern:

For misleading the House.

The Bailiff:

Yes, but you seem to be suggesting that there was an intentional misleading of the House and that is a very serious matter. If you are going to ...

Deputy G.P. Southern:

No, I am pointing out that it is for the House to decide what the issue is and whether that misleading was deliberate or not. I am going to expand the case and I think you will find I will be

suggesting that it was not deliberate. Nonetheless, it was a mistake and, if you like, 'the fool' is the ground that we are on and if you will let me do that, I think that is a valid point.

The Bailiff:

Well, you are entitled to move the proposition in any way which you think right. I just want to be clear what it is you are suggesting. If you are not suggesting that the Chief Minister deliberately misled the Assembly, and I must say that I understood from your report that you were not doing that, I think it would be a good thing not to go down that particular road.

Deputy G.P. Southern:

I heed your words, and I will do my best to follow them and I accept your adjustment. Yes, the Minister poses the 3 questions but unfortunately he does not go on to answer them, which is a bit of a shame. On (1) did the PwC and Economic Adviser's report contain information which is important to the proper consideration? In response to (1), he merely says: "The PwC Report was provided to W.E.B. on a commercial and in-confidence basis and should not have been released beyond the board and officers of W.E.B. I do not believe I could either distribute it or quote from it in a public arena." That does not answer the question posed, did it contain information germane to the debate? It just says: "I do not believe I could either distribute it or refer to it." Did the Minister acquaint himself properly with the content of those reports, and certainly the PwC report, in the first place, and thereby ensure that he accurately reflected to the House what was in it? I think the answer is no, he did not, and my argument is that thereby, he misled the House. He then went on to say: "A summary of the Economic Adviser's report was released to Members and the public in March 2006. The full report has now been released to Members (the Economic Adviser's report). It clearly illustrates the economic benefit of the proposed development and would, if anything, have been of more value to the supporters of P.60 than to its opponents. I believe that all the information required for the debate was available to Members." Again, how well did the Chief Minister inform himself around this debate? He now says this report was not confidential in any way and the original report about the economic impact dated back to 2006 and had been released and yet, on the night before the debate when I asked him and on the morning of the debate, he refused me access to that report and said: "No, it is confidential." So how accurate again about its contents was he at the time? When he informed the States about that report, how well was he doing? Not very well at all, I would suggest. A report that is supposed to be confidential and was refused to be released to anyone in that debate turned out not to be confidential and to be common knowledge. It also turned out to be an economic impact assessment of the previous scheme. Remember the one with the 2 towers? It was a report on the impact of that. Now, obviously, some of the considerations were similar but the whole balance of the new scheme was completely different and the update is quite significant. How important was it to Members to have that economic impact or to have an understanding of that economic impact at the time? I think it was absolutely critical. Whether or not it swayed on one side or the other, the information should have been there and it was not. So in his answers, he has not addressed the first question and I will address that shortly. On (2) the extent of the Chief Minister's knowledge and understanding of the contents of these reports. As has been made crystal clear to us by the Deputy Chief Minister in his responses to my questions quite recently, and in the statement of comments, as the Deputy Chief Minister confirmed in his answer to a question from the Deputy on 10th June 2008: "I had not seen the PwC financial capacity report until it was distributed after the debate on P.60, nor do I believe it would be appropriate for me to do so." Here is the Chief Minister leading what I and others have described as the most significant development for the economy of the Island and of its capital, St. Helier, for the past 100 years and he does not see fit to acquaint himself with the contents of an absolutely critical and seminal document so that he can accurately inform this House of the nature of its contents and the balance of what it is saying. Instead, he appears to have relied on a very shallow understanding of that which I believe has led him to mislead us. He then goes on under (3) to address what he says: "(3) The consequent actions and statements before and during debate on

P.60” but if Members turn to page 4 of the comments and section 3, that is entirely - entirely - to do with court cases of which I have no interest and this motion is not concerned so from page 4 onwards it may be appropriate to another debate on another day but certainly not to this one because that is not the case. So questions posed accurately but not answered accurately. So, first point. Would it be appropriate that Members should have had information contained in the PwC report? If Members will bear with me: “Members were able to read after the debate was concluded the crucial assessment in section 2.2 of the ratio of company turnover (a) to peak annual construction cost, (b) as a means to test whether a particular development is likely to overstretch a partner. The ratio of (a) to (b) to be achieved is nominally 5 to 1. That is a suitable ratio that says everything is fine, this is absolutely spot on. The table below shows a ratio of only 1.41 to 1, so not 4 to 1, or 3 and a half to 1, not close, but significantly, 1.4 and not 5 to 1”, significant major difference in the score and below it is the test comment “Fail”. Now, we are told that somehow Harcourt is a different kind of beast, that this test was never intended for this sort of set-up. Well, if that were the case, why did PwC, a respected world-renowned set of accountants, financial experts, run that test? We have been told since at the W.E.B. presentation that this test was designed for a P.F.I. (Private Finance Initiative) mechanism and I asked the Chairman at the time: “Will you distinguish what the difference between the P.F.I. and our set-up is” because, for the life of me, I cannot particularly see a massive difference. A P.F.I. runs by a private company bidding for government work, say a hospital, in order to build it. They raise the capital. They take the risk and they have a contract that for a number of years they then take the profit. The government gets the building, the hospital or the school, off its balance sheet. Both sides are happy. Bingo. You get a new hospital. What is the difference in this case? W.E.B. contract a bidder, a developer, who agrees to build a development, takes the risk, puts up funding to assure the risk and takes the profit, for, in this case a remarkably long time, 150 years. The States gets its waterfront development, offices and retail, et cetera, off balance sheet, no risk to itself. Where is the difference? It is exactly like a P.F.I. The test is appropriate and, significantly, it fails the test. Whether I am right or wrong, should this House have known about that reservation and about that test? Of course it should, of course it should. We are supposed to be making decisions on behalf of the people in an informed way and we did not know about that until afterwards. Instead, we were informed very clearly “the ruler has been run over Harcourt thoroughly and they have come up A1 every time.” That is the message, the summary, that we got of this evidence from the Chief Minister, 1.4 to 1 instead of 5 to 1, test result “fail”. Is that A1 every time? It is not. That is misleading. We then look at section 2.2, a major chunk of the document. Paragraph one says clearly: “As a result, we (PwC) would recommend a wider consideration of Harcourt’s financial capacity.” Paragraph 2: “The proposed scheme therefore appears to represent a substantial commitment in comparison to the company’s 2006 year end values” and my voice contained my emphasis, not theirs. Paragraph 3: “Harcourt management suggest that the true market value of their total property portfolio is in the region of 1.1 billion euros although we have not been provided with any data to substantiate this.” So you tell me how much you think your house is worth. You do not get a surveyor along to assess it to give you an independent valuation and I am supposed to believe that your house is worth X. I take it on your word. No, that is not the case, and if it is the case of 1.1 billion euros at a time when that property portfolio is undergoing the credit crunch with the bottom falling out of the hotels’ market, with the bottom, certainly in the U.K. and in many parts, falling out of the property market, not here, not yet, but certainly happening. I did not deliberately look at my estate agent friend then ... colleague. **[Laughter]** No evidence to substantiate it, okay. “At the same time, recent turbulence in global financial markets may impact on trading conditions in property markets and associated values.” A cautionary note if ever there was one and yet we are told this is a glowing report, this is A1 every time. That is not A1 every time. It is urging caution. Even the Comptroller and Auditor General, in his most recent report, has highlighted that and he said: “I was going to come out very strongly against this deal but I have drawn back from that position because I agree that the report does not say ‘do not go ahead’, it says ‘proceed with caution’” but where in the exposure in what was said to us did we hear the words of caution? We did not. We heard no

words of caution. We heard glowing reports A1! Bingo! We were misled. Paragraph 4, as I say - and bear with me, I will read the whole lot out because I think it is absolutely critical - reads as follows: "A peak annual construction cost of £69 million may appear less material in the context of values quoted by Harcourt management. However, caution should be exercised as the bulk of the group's asset base is not liquid." The bulk of the group's asset base is not liquid. It keeps its properties whenever it can and trades on them. It borrows on them. The market has just fallen. In this context, their business model relies to some degree on the ability to raise funds from banks on the back of property values. This ability is influenced by a number of factors, including the bank's capacity and willingness to lend and their pricing of risk. "As part of its assessment of the ongoing suitability of Harcourt as a development partner, we would recommend that W.E.B. should consider requesting detailed information from Harcourt concerning the valuations of the company's full property portfolio in order to provide comfort on the level of the company's reported net asset base." These are serious reservations and yet they were not communicated to this House. Now, I am accused of taking those - they are substantial reservations - of being selective about picking them and yet all I see is a set of selective quotes, the relatively positive ones, but they are not very heavyweight on page 3 and 4 of the Chief Minister's response, very selective. We were told: "What we did do, we gave you information in the Appendix D, the evaluation pro forma." Well, let us have a look at that. Is that significantly different? Is it glowing? Is it A1 all the way through? Let us examine it. We start with: "Gross profit margins were volatile." That means up and down, unreliable "over the period between 2004 and 2006. In 2006, overall gross profit levels remained static at 46 million." Talking about the margins: "Such margins were, however, also impacted by exceptional contribution of £11 million to the directors' pension schemes in 2005 (some pension scheme) and foreign exchange differences." Later on: "In overall terms, profit before tax increased substantially from a net loss as restated as 5.9 million euros in 2004 to a profit of 4.2 million in 2005 falling back to a profit of £2 million in 2006." We are talking about a company which is making a profit before tax of £2 million on an asset worth £1.1 billion. Think about it. I would expect better from a corner shop. Now talking about gearing, we were told specifically both by directors and by the Minister that gearing levels were low. Let us have a look at what it says about gearing levels: "Gearing levels set out above appear substantial in comparison with net assets. While these net assets have increased significantly during the review period, reflecting substantial investment and a buoyant property market (note, the previously buoyant property market no longer by any means guaranteed) thereby substantially reducing gearing levels. These gearing levels remain significant." So not low but significant and these are accountants, exciting by comparison with actuaries but then they do not use exciting words. They use words like "significant" and it is up to you to read into them what they mean by that. Significant. It certainly does not mean low.

Deputy I.J. Gorst of St. Clement:

I wonder if I could ask the Deputy to withdraw that slur. **[Laughter]**

Deputy G.P. Southern:

There is absolutely no slur intended. I think the life of an accountant is far more exciting than the life of an actuary and I think that is probably true of most people **[Laughter]** relatively speaking. No slur intended. **[Laughter]**. Probably listed in the list of dangerous sports. Sorry. I continue: "The main impact of the group's key solvency ratio, (current assets, the current liability) is the predominantly short-term nature of the group's debt. Of the reported gross debt balance of £405 million at 31st December 2006, only £59 million, (14.6 per cent) is repayable in more than one year." 2005, it is 5.8 per cent. That is a lot of short-term borrowing. That report is not glowing. That report is not one of low gearing. That report is not one of a green light and nor is it A1 and yet those sorts of statements were being made about it, A1, glowing report, by the Chief Minister and the States directors of W.E.B. That was seriously misleading. The non-confidential reports on the economic impact again should have been useful, should have been known. That was the original February 2006 report. I just happened to have it on my computer. I received it in March 2006 and

it talks about, for example, direct employment of the order of 3,500 people when the centre is up and running. It is the previous one and that was adjusted by the Economic Advisers' report to accommodate some of the changes and to reassess some of the figures. For example, on displacement, a very significant factor in the whole debate, displacement where an increase in activity or employment leads to reduced activity or employment elsewhere in the Island, i.e., what impact is that going to have on the old town, as we are now increasingly calling it? Are we going to suck down businesses from the old town into the new town or do we close down shops? Are we going to damage or harm our traditional town centre? The Economic Adviser's update said the displacement figures were too low. We should account for greater displacement than we had previously. Should Members have known about that before deciding whether to go for this big A project in this place, that it was likely to have a larger impact than previously thought on the back of town? Yes, I think they should have done but, instead, that was, on the day, kept confidential and not referred to at all. On leakage, for example: "Leakage being the extent to which benefits of the activity, employment income, company profit, leak outside the Island." The starting point was 95 per cent of the materials used on that site will come from the U.K. That will be almost all leakage. In terms of repatriating profit, I do not know what the question is but the answer is that the question should certainly have been asked and that material should have been there for Members to refer to in coming to their decision. So that was the material that was missing. The impression that was given to us was one that was totally green light, that there were no reservations, this was A1 all the way through. This was a glowing report which talked about low gearing and all those statements were a gloss, were not an accurate reflection of what was in those particular reports which I believe were misleading. Now, the good Deputy behind me, Deputy Mezbourian, as she said **[Laughter]** - well she is behind me - on the day: "It is naïve of them (meaning the Council of Ministers) to bring a proposition of this substance without producing some other due diligence and without being prepared to answer questions." Naïve. I ask Members if they share Deputy Mezbourian's conviction that the Chief Minister is naïve, because he certainly did not bring that information and he certainly did not answer those questions and I looked through Hansard and there were 3 occasions when we discussed or debated the possibility of going into camera to hear some of that due diligence. Deputy Duhamel asked, Deputy de Faye at one stage suggested it, that it might be an appropriate time and I certainly asked but was told I was too late. So there was an opportunity and Members did want to find out about due diligence and were unable to do so. Even one of the Ministers wanted to have a little consideration about due diligence and was not able to do so because eventually we did not go to in camera and we did not reveal any of that information. I believe that defect as well seriously impacted on the level and the quality of that debate. So is the Chief Minister naïve? No. He is a longstanding politician with a great deal of expertise and he knows exactly how to present things in the way he wishes. He is perfectly capable and I have heard him on many occasions before say statements, produce statements similar to the following: "I am led to believe that this is A1." "My advice is that the report is glowing." "W.E.B (whoever, director, chairman, managing director), have assured me that this deal is sound." All of those ways of saying something without saying something could have been used. No misleading. "I am assured", "Hand on heart", "I have been told", in which case the responsibility does not come back to the Chief Minister, it goes to whoever advised him. Directors, W.E.B. chairman, W.E.B. M.D. (managing director), and the responsibility, the cup, passes to somebody else. Possibly legitimate, had he used those words, but he did not. He never said: "My advisers", he never said: "My advice", he never said: "W.E.B. have informed me", he never said: "I believe", the old belief statement. Not fact, not fiction, but belief. He said: "The ruler has been run over Harcourt thoroughly and they have come up A1 every time." That is simply blatantly not true and the Chief Minister did not know it at the time because all he had were some glossed-over assurances, and he had not lifted the lid a little, he had not poked on an issue of this magnitude, he had not done his homework. Thereby he seriously misled the House and as he has said now in his comments and I believe this is an admission which seals the deal: "I now accept the comments I made upon it (the report) and the information called for by the board of W.E.B., that they came up A1 every time,

were something of an overstatement and I accept that they were, however, based on information I had received and I made them in good faith.” “Were something of an overstatement.” I wish this House to add to that statement: “I accept that these statements were something of an overstatement, and this House believes seriously misled the House.” I propose the censure and I think the House should take this opportunity to call its Chief Minister into line by passing such a motion of censure. I think it is entirely appropriate that we should do so and I think it is entirely timely that we should do so. I propose the motion and I await Members comment.

The Bailiff:

Is the proposition seconded? [**Seconded**] Senator Walker?

2.2 Senator F.H. Walker:

The motion obviously is, as we have heard in the Deputy’s speech, all about his allegation that I seriously misled the House and should be censured as a result. He said early in his speech that it had nothing to do with the lawsuit, nothing to do with the legal case in Nevada, but yet he quoted me as saying - incorrectly quoted me, not the only incorrect quote we have had today, incidentally - but incorrectly quoted me as saying I was either a fool or a liar and as I corrected him, I said: “I was neither a fool nor a liar” but that was specifically in relation to the statement I made on the Nevada case in this House for which I have already apologised and for which I apologise again. I sincerely regret putting myself and putting the House in that position. But the Deputy has said that has nothing to do with this proposition and therefore nor has my quote got anything to do with this proposition, because it never referred to the PwC or the Economic Adviser’s report. So I think it is very important for us all to remember that P.60, the Masterplan which is of course the debate upon which all this is focused, did not ask the States to sign up to a deal with Harcourt. The P.60 proposition was quite specific. There were 2 parts. It was to approve the Masterplan and to agree to a lease to W.E.B. of land under a 150-year lease. It did not permit anyone to do a deal with Harcourt and therefore I think that the whole basis of this proposition is flawed. Yes, it is true to say that the Council of Ministers provided information on Harcourt in our own report accompanying P.60, but that was to give Members the clearest possible indication of what the Masterplan could lead to for Jersey. At no stage did it ever suggest we were committed to Harcourt or any other development, yet the Deputy’s proposition and his speech today is entirely focused on the due diligence relating to Harcourt and the Economic Adviser’s report, which are 2 separate things which I will deal with separately. As I said in the debate on P.60, no deal could be struck with Harcourt or any other developer until and unless bank guarantees were secured, up-to-date due diligence was carried out and a number of other security checks and safeguards and guarantees were available to W.E.B. and through them to the Island. So, the PwC report which is exclusively on Harcourt is not relevant to P.60 and is not a relevant basis upon which to bring this vote of censure. I have been accused of not presenting the PwC report to this House, but the fact is, and I do not know how well the Deputy understands this, the Waterfront Enterprise Board is a limited liability company governed by the company law of Jersey. When a report is provided commercially and in confidence, which is the basis upon which the PwC report was presented to the board, it is not available without the consent of the authors and without the consent of the subject company. It is not available to be distributed to other people and that includes Chief Ministers. It is a report prepared under commercial and in confidence controls for the board of a limited liability company, so I could not properly release it. I accept it has now been released in good faith by Senator Perchard. I did not believe, and I still do not believe, that I could properly release it to Members nor that it could properly form a part of our debate, and I will come on to something relevant to that a bit later. I think this is an important point of principle, because there is a legal position here under the Companies Law. The Economic Adviser’s report is of course different. The Economic Adviser’s report is a report prepared by an officer of the States, and I am sorry but when I said to the Deputy as he suggests, and I cannot remember it but I will take his word for it, that it was confidential I had assumed he was referring to the PwC report because it

clearly was not ... the Economic Advisor's report was clearly not confidential, a summary had been put in the hands of States Members and the public in March 2006. Now how could I claim, when it is already in the public arena, justifiably that it is confidential? I mean, that is obviously a nonsense. Now the full report is available to Members and it would have been very helpful, I believe, to the case of those who support the Masterplan, to have quoted from its conclusions. £35 to £50 million of additional economic value to the Island, plus another £25 million if a new finance banking institution was attracted to Jersey. That would have suited the case I made and others made very nicely indeed to have quoted from that, but I do not believe the fact that we did not constitutes in any way an established reality that I misled the States. I just do not think that is sustainable. I would add that both reports, and indeed a lot of other reports as was confirmed by the Chairman of the Sub-Panel, the Deputy of St. Peter, went to Scrutiny. So there is no question of withholding information, no question of trying to cover up anything that was relevant. As it properly should and as our process has called for, it all went to Scrutiny, exactly as it should have happened. Exactly so. So everything was undertaken in the proper way. Now the second question, did I see the PwC report? Answer, no, I did not see the PwC report until it was distributed after the debate a couple of weeks ago, and nor could I have done nor should I have done. That was a report which was for the board of W.E.B. It was released to scrutiny under the confidential banner which is absolutely as it should be, but it is not my role to ask W.E.B. to produce to me all the reports that they received commercially and in confidence. Now I do accept that the comments about them coming up A1 every time, as I said in my report, were somewhat over the top. I do not accept that I have not done my homework, because the comments I made were based firmly on advice received and I did make that clear, I believe, at the time of the debate. The Deputy says it would have been better had I said: "I am advised that" and I agree with him. I do agree with that point. I accept that. I still do not think the difference merits a vote of censure. But, the fundamental point is the PwC report was about Harcourt. The debate on P.60, the proposition before the States, the decision taken by the States, was not. The decision taken by the States was to approve the Masterplan, one, and to approve the 150-year lease to W.E.B., 2. On the clear understanding that no development agreement could or would be reached with Harcourt or anyone else until all the guarantees and other assurances and up-to-date due diligence had been received. So I have not materially misled the States in the States taking any of its decisions. I am accused of misleading quotes. Well, I would argue and suggest that the Deputy - and I at least did mine by mistake, inadvertently - is seeking to mislead the States in the comments that he has used in his report, because they are so selective in terms of what is drawn from the PwC report, they are so selective, and he has failed totally to mention any of the positive aspects of the PwC report at all, and quite knowingly done that because he had a copy of the report in front of him when he wrote his own report accompanying his proposition. For example, does he draw attention on page 15 of the PwC report to the statement: "Harcourt has modest gearing levels in comparison to the level of reported group assets"? No. Does he draw attention to the fact that the Dun & Bradstreet statistics suggest that Harcourt demonstrates a lower risk of failure than the industry average? No. He focuses on the word "fail" but does not make any reference: "Do they have a lower risk of failure than the industry average"? Quite a significant point in the overall report. Does he go on to say that information provided by Harcourt suggests that the reported gross and net asset values do not fully reflect the value of the group's property portfolio and its capacity to deliver schemes? No. Does he go on to say as the report does, also suggest that in advancing funds such banks had confidence in the ability of Harcourt to deliver schemes and repay debt as it falls due? No. Does he go on to talk about the confirmations dated May 2007 which confirm that the group Harcourt have longstanding relationships with the respective banks with no concerns noted on Harcourt's track record in operating its accounts? Again, no. Does he mention a range of historic evidence to support Harcourt's claim that it will be able to secure and contribute the level of equity funding necessary to progress the proposed scheme? No. Also, I would point out and I made this very, very clear in the debate that again no development agreement with Harcourt was possible until PwC had undertaken a bang up-to-date due diligence report. This is historic and nothing could have

happened in terms of committing the Island to anything until a new PwC, bang up-to-date due diligence report had been prepared. So the Deputy has not in any shape ... he accuses me of not putting over a balanced view of the PwC report but I would make exactly the same accusation against him and maybe I should bring a vote of censure against him, but frankly I do not think either I or the House are really ready for that. But it is a fact. We also do not hear from the Deputy, yet he has got it, the quote from the Comptroller and Auditor General's report. Now, let us stop to think a minute about the Comptroller and Auditor General. He is, as he has demonstrated and as the Chairman of the Public Accounts Committee will definitely confirm, he is absolutely totally independent. He is his own person and he is incredibly experienced, incredibly knowledgeable and a real expert. What did he say in his report? Well, his paragraph 68 says, and I quote, with your permission: "The board minute records that the view of the board was that the report was satisfactory, which in view of the 2 matters I have mentioned above may be thought overstated and thus may be thought possibly to have been a distorted view. On reflection and further examination I have discarded this negative view." Then he goes on: "The basis on which the PwC report questioned the size of Harcourt was the application of a rule of thumb which was intended to indicate instances in which W.E.B. should show caution in proceeding, rather than to suggest that W.E.B. should not proceed. Whatever the board minute may have said W.E.B. has proceeded carefully by, for example, requiring Harcourt to agree to provide acceptable bank guarantees that it will meet its obligations under an eventual development agreement. It should also be remembered that W.E.B. has experience of Harcourt successfully completing an admittedly smaller project." So, we do not hear that from the Deputy and yet he has ...

Deputy G.P. Southern:

If I may, a point of correction. I did inform the House today, in my speech, that that is exactly what happened. The Comptroller and Auditor General was minded to say: "Watch out" and the he came back from it because he said: "Proceed with caution." It was about not stopping the process, proceeding with caution. That is exactly what I said. You are repeating my words.

Senator F.H. Walker:

That is exactly what W.E.B. are doing and exactly what I told the States W.E.B. would be doing. Absolutely exactly. **[Approbation]** So, I do not accept that the Deputy's assertions are valid, nor that the quotes he has put forward in support of it are anything remotely approaching a full and accurate reflection of the reports he has in his possession. There are other misquotes in the Deputy's report. He talks, for example, about: "Do we wish to commit ourselves to creating a further 4,500 jobs?" when he has the evidence in front of him in the Economic Adviser's report that the number of jobs, the increase would be much, much less than that. It would in fact be 1,336 which over a 10-year period equates to 130 per annum. That is a deliberate attempt to mislead this House. Where did the 4,500 come from? It certainly did not come from the Economic Adviser's report. Where did it come from? So, the Deputy also misrepresents the issue about going into camera. It was me who offered, without being asked, who offered the opportunity to this House to go into camera during the debate so that I could disclose more financial information which I could not disclose in the public arena, and the House decided not to go into camera. That was not my choice. I was ready to do so. I offered to do so to provide the sort of information I guess that Deputy Mezbourian was referring to in her speech. I could not provide it in the public domain but the offer was made to provide it to Members nonetheless, and that offer was not taken up. What the Deputy has not said in his report is that when he asked if we could go into camera I had already summed up and sat down. The debate was over and the Bailiff so ruled. I think that too is an important point. I do not believe there is any substance for this vote of censure. I did not meaningfully mislead the States in the debate. Had the debate been about signing a development agreement with Harcourt, then possibly, just possibly, the Deputy may have a point, but it was not and I repeat again, no deal could be struck, can be struck, would ever have been struck without all the additional guarantees that I referred to, all the cautionary aspects that I referred to in the debate.

I do not believe that this vote of censure is in any way justified. It is not justified because, firstly, the PwC report was not relevant to P.60. Secondly, the Economic Adviser's report was already, or a summary of it, was already in the public domain. Thirdly, I offered to go into camera to disclose further information which the States, for very good reasons I think, did not take up. So, I absolutely reject the notion that I misled the States in any material way whatsoever and I hope Members will support me in voting out this vote of censure. **[Approbation]**

2.3 Deputy P.V.F. Le Claire of St. Helier:

I tried to enter this debate with my full attention and while I was trying to listen to the proposer I was commenting upon something to my colleague to my left, so I apologise if that distracted Members. It certainly did distract the proposer of the motion who said quite rightly: "I can hear you perfectly well, Deputy Le Claire" and a jolly good ticking off he gave me. I shall recover. I think it is most important that Members pay heed to the speakers in the Assembly and give them due attention when they are speaking, therefore I find it remarkable that the proposer of this motion exited the Chamber during the Chief Minister's response to him. If it is rude to talk it is ruder to walk. In the past we have seen votes of censure rarely brought, because of the severity of the motion itself. In the past I have supported a motion of censure against Senator Walker where I believe and I believed at the time that he had made an error of judgment. The States did not agree and the censure was not levelled at the Chief Minister, at the Senator at the time. Here today we see the Chief Minister, the same Senator, facing another vote of censure from the same quarters as it came in the last censure, on something that really is the flimsiest of grounds that I have ever heard a proposition being made. **[Approbation]** I do not mind it being on the record that when I disagree with Senator Walker I vote against him. When I disagree with Senator Walker I speak against him, as he will confirm. But I would not want the public to think, nor other Members to think, that when I disagree with Deputy Southern I do not vote against him, and when I disagree with what he is saying I do not speak against him either. Deputy Southern, stood up and quite clearly told us about his moral judgment of passing the cup when one is advised of something. Now, I was expecting a whole lot more from the Deputy than what has been presented. If there is more to come then shame on the Deputy for not having told us before the Chief Minister spoke in his defence, but if this is all that we are considering then he sets himself up for the fall in his own proposition. He says: "If the Chief Minister had been advised, if he was working on somebody else's information, the cup would pass." The cup of responsibility would pass, and here we have just clearly heard that the Chief Minister was acting upon information that he had received and was acting in good faith. How can we honestly stand up for the rest of the afternoon and bicker backwards and forwards about something so flimsy? I do not have a problem having a problem with Senator Walker, and I do not have a problem having a problem with Deputy Southern either. Today in this debate my problem is with Deputy Southern. Regardless of whether or not one supports the waterfront, a lot of this has surfaced to the detriment of Jersey, a lot of it needed debating but if this is all there is for this type of a motion then we are getting pretty much to the bottom of the barrel. P.60, the Masterplan of the waterfront, as quite rightly pointed out by the Chief Minister, dealt with the scheme and the assignment of the property and also the issue about the public purchase, compulsory purchase issue. A confidential document which was not released has been used as the reason for bringing the motion, and in his proposal to bring a censure on the Chief Minister I am sorry, but unless one was very, very gifted one could have been confused into believing that the States were deliberately misled and that is what we are being asked to consider. Until the Bailiff's interjection I was at a loss to understand exactly what it was we were being asked, but as far as I can see we are being asked: "Do we believe that the Chief Minister deliberately misled the States?" No, we are not. We are just being asked, even if he did not deliberately do it, we should punish him anyway. Obviously my speech is not as well rounded as it could be but I am sorry the proposal and the proposition and the speech of Deputy Southern today, if that is all you have got to go on, go away and do some more work. **[Approbation]**

2.4 Senator F.E. Cohen:

I hardly knew Senator Walker before my election, in fact we had only met twice. The second time I had such a deep impression on him that he cannot remember the event. **[Laughter]** However, in the 2 and a half years I have known him I have grown to respect and admire him. He is hard-working, deeply committed to delivering improvement to Jersey and a great team builder, and let us not forget that he and others have been responsible for the economic comfort that all Islanders enjoy today. This censure motion is about negative politics. It achieves nothing and the Chief Minister does not deserve this. It is politics of the very worst kind. It is politics I find quite frankly deeply distasteful. **[Approbation]** The Chief Minister has apologised to the House. He did not intentionally mislead the House and every Member knows that to be the truth. He took action immediately Deputy Power informed him of an impending action in Nevada. He was assured in writing that there was no action. He followed this by checking the situation during the debate and the information he was provided with was inaccurate. The Chief Minister immediately informed this House when he found out that the information he had given was wrong and he immediately apologised to the House. The Chief Minister is not a mind reader and he does not have a crystal ball. He is entitled to rely on the information given to him and that is what he did. He does not deserve this motion of censure and I strongly urge Members to vote against it.

2.5 Deputy S.C. Ferguson:

Deputy Southern has brought a number of points to be answered, but as he and I discussed after the original debate I think Scrutiny missed a trick. We should have examined the effect of the policy on the town, on the waterfront, at an early stage and this would have given us access to all the reports. I think there are questions as to the operation of W.E.B., but this is a debate for another time. The second part of the proposition was to allow the Treasury Minister to go forward with the proposal. If any of the safeguards were not in place then the Treasury Minister would not go forward. It is on that basis that Members supported the proposition. Now, you know, I feel that there should be further investigation on Harcourt, particularly since the summary of questions at the press conference or the briefing do not include my particular questions. I am a bit upset. But I think we do need more investigation. We understand that there will be further due diligence and a third party evaluation of properties up-to-date, however the fact that the Chief Minister received incorrect information reeks of incompetence, but not the fault of the Chief Minister. One of the reasons we went for a ministerial government was the fact that things would be done quicker, and I think that Ministers are entitled to rely on the information received from officers. If Ministers were to start double-checking and to micro-manage everything that comes to them, then we would be back in the old committee stage and the States would grind to a halt. I really feel that, yes, there are follow-ups to this particular matter, but I do not feel that the censure is a particularly helpful one.

2.6 Senator T.J. Le Main:

I am very happy to follow Senator Cohen in everything he said. In 30 years of being in this Assembly I think this is a very, very sad time when we have politicians who every night are either on the radio or the *J.E.P.* saying and misleading all kinds of issues and Deputy Southern is a great user of the media. He promotes his policies or his views very often with wrong information. Look at the G.S.T. only in the last few days, promoting G.S.T. costing every family £1,000. Again, proven wrong by the Treasury. Look at yesterday's speech on housing issues. Again, wrong and misleading this Assembly. So the public are getting fed up with the likes of Deputy Southern's damaging tactics. He is using and abusing the rules of this Assembly. I hope at the end of the year that the electorate will vote accordingly. This censure motion as presented is, I say, an abuse of this House. There is nothing there. It is only recently Deputy Southern put a complaint to P.P.C. about me. Data protection, being friendly with and going on holiday with developers. Again, what did he do? Nothing. The P.P.C. Committee has not even come up with the evidence. No evidence at all. Subsequently I get a letter yesterday from P.P.C. to say that the matter is finished. But why, why this personal vendetta, and he is on a personal vendetta against the Chief Minister and certain

Members of this Assembly, including me. I have worked for many years with Senator Walker and I can assure this Assembly that he is a great chap to work with. He can mould people to work with him, honestly and good, and he is the most honest and truthful person that I have had the pleasure of working with over many years. I only hope that at the end of this year the electorate will see the wreckers in this Assembly and quite honestly I hope they vote accordingly. Thank you.
[Approbation]

2.7 Connétable D.J. Murphy of Grouville:

I shall be short, as usual. I would just like to say that I am quite amazed at Deputy Southern attempting to tear apart a balance sheet belonging to a billion pound company that only made 2 million dollars, as if that were a negative point. Does he not realise these companies can afford to hire accountants who specialise in only making 2 million dollars out of a company that size?
[Laughter] I am not going to take up any more time, I am just going to say that in 2005 I was a new boy here, then, and I was extremely honoured to be asked by Senator Walker to sign as one of the 6 proposers for him to be First Minister. I have to say, having worked with him over the last 3 or 4 years, we have had our fall outs, we have disagreed on things, and everything else, but if he asked me to do it again I would gladly do it. **[Approbation]**

2.8 Deputy J.J. Huet of St. Helier:

Just to follow on basically what the Constable of Grouville has just said, I was one of the other 6 but, I sometimes believe we are going back to second childhood. I really do. I think this is ... I mean, do not get me wrong, I am not thinking of women by any means, because they are much more sensible, but sometimes I really despair. It is like having a group of schoolchildren. I have had my differences with Senator Walker on a regular basis but I have never had any problems, because all you have to do is either go and see him or phone him up. We do not have to get to the situation that we have got to in this Chamber, it is utterly ridiculous. Has nobody ever heard of a phone call? I think this has gone on ... this is ridiculous, this situation that we have got ourselves into, no wonder the public think we are slightly mental. I mean, mental slightly, it is more than slightly, I think, it comes into it. All I say, is the quicker that we put this to bed and go home the better. Thank you.

2.9 Deputy C.J. Scott Warren of St. Saviour:

I remain concerned about why Harcourt did not feel it necessary to update the information they had given 2 days previously to the Chief Minister. In my opinion it is Harcourt that needs further scrutiny and it is Harcourt that owes this House an apology. I believe, that the Chief Minister did act in good faith and that he did not deliberately mislead this House. I will not be supporting this vote of censure.

The Bailiff:

Connétable of St. Ouen.

2.10 Connétable K.P. Vibert of St. Ouen:

Some 4 years ago I in fact sat in your chair and addressed a group of French politicians about the move by this House to ministerial government, and as I walked across the Royal Square afterwards with a senior French Senator he told me how intrigued he was at what we were proposing, but I do distinctly remember that he said that it would need a saint to lead it. He said that what we had set up was going to be very, very difficult to control and, I have been very fortunate in that the Council of Ministers decided to ask the Chairman of the Comité des Connétable to sit on the Council as a non-voting Member, and so probably I am in a unique position, having been the fly on the wall since the Council of Ministers was established, and I have to say, that I can say no more than that I think Senator Walker has done an extremely good job of leading that Council. If you had sat down when the Council was nominated and looked at the varying political opinions ...

The Bailiff:

Connétable, may I respectfully draw your attention to the fact that this is not a vote of no confidence in The Chief Minister, it is a vote of censure in relation to specific actions?

The Connétable of St. Ouen:

I am coming back to that. **[Laughter]** Very quickly, very quickly. I think that everyone would have accepted that it was going to be a very difficult job. Now today, the Chief Minister is faced with this vote of censure and I think the vote of censure illustrates how ignorant the proposer is of business. Chairing the Council of Ministers must be akin to chairing a major company directors' meeting where very, very varying opinions exist and I think, that this vote of censure, has very little to speak in its favour. I urge Members to vote against it.

2.11 Deputy C.H. Egré of St. Peter:

I rise not to defend, I hope, the Chief Minister, but to deal with some fact. As the Chief Minister mentioned, our Scrutiny Sub-Panel looked at the deal. We reviewed that deal and came to the conclusion, as you heard me speak in the last debate, and said that that deal was good for the Island. We took the advice of Mr. Robert Wragg who had served us well in previous sub-panels. We also highlighted the fact that if Scrutiny wished to there may be some benefit in looking at the socio-economic elements of what was going on, but what we are talking about here is the financial deal that went on. We were happy and we still are that the deal as put together is good value for Jersey. Deputy Baudains in his wisdom during the debate, and I congratulate him for that, produced some alarming facts on the morning of that debate. Those alarming facts were defended by the Chief Minister at the time. But he did do his homework on that morning, he did do his homework on that lunchtime and he came back to the House on the same day, and I would congratulate any Minister to do that, and apologise, not just because we are talking about the Chief Minister in his role, but we are talking about any Minister. It was dealt with on the day and is certainly not worth sanction.

2.12 Deputy J.A. Martin of St. Helier:

It does always disappoint me but never surprises me that when we start to talk about a vote of censure or criticise someone we get the old stories of what a lovely person they are and: "I would be honoured to do this, that and the other." I personally do not have a problem. We have had our differences over the years and this, to me, is not personal. I was not in the debate so I was not misled but I have come to this fresh, and on both sides of the argument we either believe as I read in the comments from the Minister, and remembering this was the representative, the Chief Minister presenting a proposition to this House, forget Harcourt, in his own words to deliver to W.E.B. a lease for 150 years, to basically go on and then develop it or come to other agreements with different leaseholders. But the Minister did not do his homework. He admits he did not do his homework. He stood in this House, he says, in his own comments: "I do not feel that I should have seen the comments, the PricewaterhouseCoopers report." Now, this is a financial report. Now, whether he feels in hindsight he should not have seen the report that would be what I would be thinking. I reckon, that the Chief Minister ... and this is, do I want to give him a vote of censure on this point? I think I must. In the last few months and on this massive piece ... if it had been Scrutiny and we had arrived with anything like this it would have been kicked out of this Chamber. I am surprised to hear the Chair of the Scrutiny Panel suggest that there is a little bit more work needed. When the Minister comes to us, hand on heart, and tells us things that obviously he did believe at the time, because he had not researched and he had not dug deep enough, he has failed to represent his story or the report to this House correctly. Now, to me, that is exactly what happened. As Deputy Southern has said, this is not about Harcourt but as I was not in the debate I went and got P.60 and it does say as the last thing that they will go on and develop with Harcourt. But that again is an aside. I want to know we were persuaded, or the House that were sitting that day, were persuaded to sign the lease with W.E.B. so then they can go and find a developer. Now whether it be Harcourt or not, W.E.B. and the Chief Minister had not got together so the Chief Minister was

not then in a position to fully tell us what is going on. Now we are told the leases will be signed and we are going to have to be in a position to just trust the Treasury Minister that everything adds up. Because unless I am mistaken once this was done and it was agreed for W.E.B. to ... we are going to sign the lease with W.E.B. nothing will come back to this House again, and the Chief Minister, is nodding to me. So I am sorry. If we were not given complete ... and because of his own admission he either felt he did not need to see reports, or he did not ask, I would say the latter, again he took his eye off the ball. He has got a few months and he has been, if you say ... I have called him a good Chief Minister, because I would imagine in refereeing the lot that he has got he has probably not done a bad job [Laughter] but when he is presenting a proposition as the Chief Minister, he should, I am sorry, have had all the facts passed on and if he had known about this he should have drawn our attention to go into camera himself. That is what he should have done, so I am sorry, and I am going to upset people, it is not a vote in Mr. Senator or our Chief Minister, it is in his actions of what happened to build up to the debate, during debate and even comments after to defend his position. I do not think they are good enough and I really ...but I will vote for this motion of censure.

The Deputy of St. Peter:

Just as a point of clarification if I may, when my Sub-Panel looked into the issue it had a very, very narrow remit and the point I made was that the socio-economic element could be looked at by another panel. It was not my panel's responsibility. We just looked at the financial deal and that is what we are talking about, the financial deal.

2.13 Deputy S. Power of St. Brelade:

It is very, very brief. Can I point out to the Chief Minister in the P.100 comments on the appendix on page 5, item number 4 it refers to an email that I sent on 19th May. That is the second email I sent. The first one was sent the week before and I would ask that the Chief Minister note that the first warning about the Nevada lawsuit was an extract from the *Las Vegas Sun Sentinel* on 16th May, so the actual appendix is inaccurate in that I had warned him the week before. I would like to make a number of brief points. I believe that the Chief Minister was misled and that was because of factors outside the Chief Minister's control. I remember the day of the debate, or the day and a half of the debate, I remember seeing the Chief Minister, indeed with Senator Routier and I think at one stage with Deputy de Faye, out in the corridor to this door here discussing various aspects of the information with senior officers and executives. I fully believe that the Chief Minister was not given accurate information when he got on his feet during that debate. I also accept that the Chief Minister cannot process or access every piece of information, every document, every report that comes through the Chief Minister's office or through the Council of Ministers. He has to rely on officers, he has to rely on senior officers, he has to rely in this case on W.E.B. or on his Ministers and Assistant Ministers. I do believe that there is no fault with the Chief Minister in what has happened. The situation we have now is that the system in this particular debate let the Chief Minister down. The system was flawed and the Chief Minister has got to find out who put him in the position he was in. I certainly am waiting to hear about that. So therefore I cannot support Deputy Southern's proposition and I felt it important to say these few words.

2.14 Senator P.F.C. Ozouf:

During the lunch time adjournment I conducted my own small amount of research on what exactly a motion of censure is, because nobody really has explained to this Assembly, and certainly the mover of this proposition has not explained, what the misdemeanour of a motion of censure is. It is quite difficult from an internet search, desk-based internet search, to find out what the level of misdemeanour in the case of a misdemeanour actually is. It is quite clear, however, from the summary of what I found out, because there is nothing from our own Standing Orders which describe what a censure motion is. It is quite clear to me that a motion of censure is, and I quote something from an article that I found on the internet: "A parliamentary motion traditionally put

before a parliament by normally an opposition in the hope of defeating or weakening a government.” The Constable of St. Ouen mentioned French matters. There is a French article on Wikipedia that describes in the French language the motion of censure as the most serious of issues, normally leading to the resignation of a government or a president or a prime minister. It is very clear to me that a motion of censure must be reserved ... and we are in a sense charting some uncharted waters in Jersey, we have never, I do not think, had a vote of censure and so in many ways we are setting the standard at which a motion of censure has been accepted. The fact is that we are, in some ways, entering uncharted waters. I think that Deputy Southern in his summing up needs to explain whether or not he thinks that any error that has not been apologised for deserves a vote of censure. Certainly I have been on the receiving end of all sorts of information from Deputy Southern and frankly I am standing here and wondering whether or not the boot should not be on the other foot in some respect. I think this is a politically motivated vote of censure. It is brought and seconded by 2 Members with a known political view of the Council of Ministers. I wish to align myself absolutely with the remarks of Senator Cohen and Senator Le Main in the words of support that they gave to Senator Walker. I understand that they are not entirely relevant to the debate that we are debating, whether or not there has been a problem, but I wish to offer my support to the Chief Minister. I have worked with him for all the 8 and half years of my States career and I think that he has delivered and discharged his duties with appropriateness and excellently. I do not believe the vote of censure measure, which is an extreme measure, should be regarded as the most serious parliamentary sanction on the case that has been made and I urge Members to reject the proposition.

2.15 Deputy J.B. Fox of St. Helier:

This is one of those type of cases where a vote of censure, in my opinion, is a very serious thing to put up. Indeed I was grateful to Senator Ozouf for putting it in such defined and clarified words of what censure is. It is very important. From my point of view the Chief Minister ... as has already been said, as you start up a new government in a completely different throng from the previous committee government and you are bringing all the people together, all the information together, and inevitably we are in a learning process and not everything works as well necessarily all the time. But in this particular case, and sticking to the point as much as possible, the Chief Minister receives the information from a number of different sources and he takes on board ... he does the double checks and the checks as far as he can. But he cannot do everything. That is why he has a team of people with him, or she has a team of people with her, and you check out as best as you can. But in this case we also have the double safeguard that nothing is going to be put into a concrete solution until certain other things happen. The “certain other things happen” is the financial aspects are double checked, there is guarantees from the bank and all sorts of other factors from Pricewaterhouse and others, et cetera, have to be brought into fruition before the States of Jersey commits itself to a lasting development with a developer, whether it be Harcourts or anybody else. I will be quite honest with you; the whole point of having a ministerial system is that you have people that also act as scrutiny. In this case, it was Deputy Baudains who comes up with something from the internet which was not known. Good on him that he has taken the trouble and done some work and brought out some information that was not known at the time. But also good on the Chief Minister that he immediately went away to find out what the real circumstances of the case were and it had affected all that he had said and everybody else has said and then immediately brought it back to the States and was man enough to apologise that it had not been as he had previously thought. No one has lost anything. Everybody has been upfront with what they found and we still have the checks and balances. We still have the basic system that was there to safeguard. In other words, nothing was going to happen until we had written guarantees from the bank and various other checks and balances had been brought into play. This is what government is all about. I do not think that this censure is appropriate on this particular occasion and I will not be supporting it.

2.16 Deputy G.C.L. Baudains:

Just for information, Senator Ozouf suggested that we were exploring new territory and had not yet had a censure motion. In fact we have previously had one and that was also regarding Senator Walker.

The Bailiff:

There has been one before that too.

Deputy G.C.L. Baudains:

Most probably, and that has escaped my memory. I believe this particular proposition has been brought in haste, possibly before we had time to digest all the issues surrounding the Esplanade debate. We all know it is in fact true that the Chief Minister did mislead the Assembly, but as other Members have said, Deputy Fox and the Deputy of St. Peter, it is also true that as soon as the Chief Minister was aware that the information he had supplied was incorrect he apologised and corrected his mistake. He did, I believe, over embellish other details of the deal but that is not an issue here. Really what is the issue is can he be expected to do the sort of basic research which we as Back-Benchers frequently do? I do not think he can. He is entitled surely to rely upon the information which he receives from those who advise him. It is they who have let him down and I do not believe that is a reason to censure him. It is not his fault but it is his responsibility. There is a difference. I do notice rather late in the day that some members of W.E.B. have offered their resignation and I am glad to see at last they have accepted their responsibility. I think that is where we should focus our attention, not on to the Chief Minister.

2.17 Deputy A. Breckon:

I would just like to bring Members back to the proposition because what it asks us to do is censure the Chief Minister for not providing full and accurate information to the Assembly in relation to the financial and economic considerations, et cetera. I remember the debate and there was a bit of ping pong between Senator Walker and Deputy Baudains at the time. It was: "No, you are mistaken." "No, you are not." "No, it is not this." The issue for me, was, was the debate influenced by that? Indeed an apology was made but the apology was made to a few groans after the vote was taken. So if the information had been known before the vote what would the vote have been and there is perhaps a debate to be had about that later in the day or tomorrow. But Senator Walker was insistent, and that he might have been wrongly advised or not advised, whatever, of this was not the case and it was getting rather strained and that point was getting laboured, and it did go backwards and forwards across the House and the apology came after the vote. Sometimes somebody has to be responsible. How many times has something gone wrong and nobody is responsible? I remember years ago we had a P.70 group that was set up to manage projects and when the marina went pear-shaped, overrun, who is responsible? Nobody was responsible. What Senator Walker said was true, when he was at Finance and Economics things turned around a bit, these overruns did change, so we cannot go back, as we have been reminded to the good old, bad old days. Now if this decision had been simple and it had been a tuppence ha'penny thing and whatever else then perhaps we could have lived with it and said: "Well, hang on, you know, okay, we move on." But because it was so monumental, it was wrapped up in this deal that was going to lead the Island forward and the other implications for the town and the knock on effect, because it was such a big decision that was wrapped up in this and it was big money, then perhaps our ignorance is not a defence for us making that decision. Perhaps we should have all been better briefed but we had the booklets and names were known and who was involved. But if there is a fault, I think, it is ... the Chief Minister was answerable in here but if I was in his position - and I am not - then somebody's head would have rolled already because to some extent my sympathy is he is accountable for something, and I think Deputy Baudains mentioned, sometimes you cannot dig down that deep, you have to rely on the advice you are given. I do not believe there was anything dishonest, if that is the right term, in what he said and what he had done because he is big enough and brave enough to

tell it as it is and then make the case. I do not have a problem with that but I think in this instance for me, I have not quite made my mind up yet, it is a marginal decision but somebody at some time, and maybe the order of this debate is out of line, somebody has to be responsible for us not having enough information. Okay, we got an apology after the vote was taken. For me, that was a disappointment because other Members might not have voted the way they did, they might have voted another way but, having said, that, when that comes after ... and Deputy Baudains was in the corner there, he was more or less told he was wrong and that turned out not to be the case and for me that was one of the issues and the House was misled, perhaps innocently. But, having said that, I have not seen any action elsewhere that justifies somebody's head rolling and somebody's head has to roll, somebody has to be accountable.

2.18 Deputy F.J. Hill of St. Martin:

I think it is a question really whether does the punishment fit the crime. I think we all think that Senator Walker is a wonderful chap. I hope he is going to be a wonderful cricketer next week, because we will no doubt need his runs. But the debate today is not about whether he is a wonderful chap, it is whether he should be censured for doing something wrong. Deputy Baudains rightly brought forward information which should have been checked by the Chief Minister before he castigated Deputy Baudains. I think that is where Senator Walker was wrong and it is because he was so positive that he was right and Deputy Baudains was wrong that the vote was taken. I voted along with Senator Walker, based on the information he gave me. Unfortunately, as Deputy Breckon has reminded us, the vote was taken, the error was found and to the credit of the Senator, he did apologise and even more so to the credit of Deputy Baudains, the apology was accepted. Now, again, I personally do not think the punishment fits the crime. I personally think that the censure is too great and that is why I will not support the proposition. However, what I would ask Ministers, I certainly feel from this side that quite often Members like Deputy Baudains and myself, we come forward with information and somehow or another because we are coming forward with it, it is not worth the paper it is written on and whatever our Minister says is right. What I would ask in future, Ministers, please check your facts. If a Back-Bencher does come forward with information, check your facts before castigating the opponent. But I will not be supporting the proposition.

2.19 Senator J.L. Perchard:

My recollections of the debate that day are that the Chief Minister's only mistake was one that was made by myself and my fellow colleagues at the time, as directors of W.E.B., Senator Routier and Deputy Huet. We all responded in an effort to be helpful to Members to questions raised during the debate on the specifics of their relationship between the preferred developers, Harcourt, and W.E.B. Of course, the report and proposition P.62 had nothing to do with developers and their relationship with the Waterfront Enterprise Board. It was simply about approving the excellent Masterplan and facilitating the transfer of land, to W.E.B. to enable W.E.B. to undertake the necessary legal actions to put a package ready to sign. The Chief Minister, I and my fellow representatives on the board of W.E.B. at the time responded too sensitively I suggest. We should have reminded Members that the debate was not about the choice of developer. We tried to be helpful. Deputy Baudains raised the very important points of litigation in Nevada which was news to me, which was denied. One just believed that there was an attempt to undermine the whole Masterplan. The debate took a course, that it was not intended to take in that we became defensive and we started to talk about the details of the preferred developer, we should have resisted. What must happen now is that once W.E.B. have arranged the details with the preferred developer, that this House, before the deal is signed, gives their approval. I think there is no alternative now. I say, the Chief Minister's only mistake on that day was the same mistake that Deputy Huet, Senator Routier and I made, that we were trying to be helpful to Members and it was I, in an effort to be helpful, who made available to Members the PwC report from September 2007 on the financial capacity of Harcourt, which incidentally I would like to remind Members was marked in personally

addressed envelopes with red typing that said: “Private and Confidential.” It stayed that way for a matter of minutes and at least one Member, for certain one Member, will know who it was that released that into the public domain. The Chief Minister’s only mistake on that day was to be helpful and if Deputy Southern was really trying to do justice to this whole debate it would be I that would be facing the vote of censure.

2.20 Senator S. Svyret:

Just briefly. I will not be supporting this vote of no confidence - tempting though it might be under some circumstances ... vote of censure, I am sorry. Because I have always, throughout my time as States Member voted and spoken on the way that I thought was correct and justifiable at the time. I do, as other Members, think that the motion of censure against Senator Walker is somewhat excessive for the circumstances involved. Yes, the Senator came to the Assembly with some incorrect and misleading information but as soon as he discovered that he came to the Assembly, informed us of the error and apologised for it. It seems to me that that is the sensible way to proceed and that Members ought to take that kind of apology, that kind of admission of failure on face value. That seems to me to be entirely realistic. Because if every time ... I have been a committee person to the Minister and it is often difficult in debates and under questioning and so on to always be completely certain that you are getting things 100 per cent accurate all of the time. It is possible to make mistakes and get things wrong but the point is that as long as one admits that they got things wrong and informs the Assembly as soon as possible, then that is the appropriate way forward. Were that not the case, if any member of the Executive or any Scrutiny Panel Chairman, or anything of that nature were to stand in this Assembly and face the potential of votes of censure for every single occasion that they might make some inadvertent error in what they were saying to the Assembly, then frankly it would be a recipe for chaos. Certainly no good to this community. That said, I do wonder again, as I have intimated in previous debates, just who are the relevant responsible supposed professionals paid with large quantities of public money who failed to advise Senator Walker accurately? Are they going to be held to account? The Island’s legislature, the Island’s Parliament, has been misled, inadvertently, by Senator Walker but due to the incompetence, at best, of the relevant professionals. I for one, as I said in the previous debate, have had enough of that lack of accountability. The supposed professionals who are paid vast amounts of money must start being accountable for their errors. **[Approbation]**

2.21 Senator P.F. Routier:

I think it might be worthwhile reminding us that the proposer of this proposition has discounted the Nevada case issue. I think in his opening remarks, but unfortunately a number of Members have picked up on that and majored on that as part of the debate, which is rather unfortunate, so we can discount that as any particular reason for considering a motion of censure. So that leaves us with what Deputy Southern was considering was the PwC report and the economic impact study. I have to say this debate is, to my mind, one of the saddest, disappointing debates of all the debates we are having over the next couple of days because it is so flimsy as Deputy Le Claire has said, I find it very distasteful that it has been picked up on very, very, thin pieces of selective information which the Deputy is focusing on. Members will be aware, as no doubt we will have an opportunity to discuss my role as a director of the Waterfront Enterprise Board in a later debate, the focus of the PwC report, as Senator Perchard was saying, was a private and confidential report which was provided to W.E.B. on a private and confidential basis, which we were tied to by the provider of that report. So I recognise that Members may not like that idea that things can be private and confidential and need to know all the details but in saying that, I remind myself of the debate itself which was not about the actual progressing with Harcourt and the way forward. The Deputy has been very selective in highlighting the matters within the PwC report. My intention of speaking in this debate was not to go into great depth into the report but only to focus on one thing which was one of the things which helped me to decide that it was still worth progressing with Harcourt. That was the comment that the transaction should proceed and to monitor it carefully. That is the clear

advice of that report. The Deputy is shaking his head, but that is the very, very clear advice in the report and I believe that my fellow directors of W.E.B. made a correct decision to have that report in mind when it is decided that there were going to be further assessments to be made nearer the time when and if the developer is able to bring forward bank guarantees, and only at that stage. Because if the developers are not able to provide bank guarantees, then the deal does not go ahead. So I am afraid the Deputy is trying to inflate the importance of this PwC report. It had no bearing on the debate itself that we had to decide about whether to progress with the Waterfront Masterplan. The PwC report will in future, up to date reports, have a bearing obviously and more importantly though will be the ability of the banks to provide guarantees, that is the vital thing that needs to be in place. I have to say that the Deputy's understanding and reading of the report, I am not sure how many of these sorts of reports he has ever read in his business career, but certainly I have read a few in my time and have been the subject of some of those reports. The understanding, I am afraid, is rather shallow. His understanding, and he accused the Chief Minister of having a shallow understanding of this but I am afraid the Deputy's understanding ... I am sure if any Member reads the whole report in an even-handed way they can come to an assessment that it is worth progressing with these people, with these developers. All the reports I have ever read in my life are always very, very cautious. They are always cautious. You will never get someone who gives an absolutely glowing, glowing report, and it is a mechanism which companies use to find out whether it is worth progressing. But we know, for the States benefit and the public's benefit, that we will be relying eventually on the bank guarantees and the report. The report is informative but no more than that. I suggest to Members that this proposition should be thrown out.

2.22 Deputy R.G. Le Hérisier:

Just a few quick words. It has been mentioned by the Deputy of St. Martin about the fact that certain people were not picked up, and there is no doubt that while we all agree that politics is about hyperbole and exaggerated language and we all play along with that and we all try and look under the surface, the point is, as the Deputy of St. Martin has made, that a Member kept insisting he had one version of events and that Member was getting more and more exaggerated answers to turn down that particular version of events. I would say, in future, if that were to happen the right thing to do, as indeed the Chief Minister was to do later in the day after a remonstrance in the coffee room, is: "There is something wrong here, give me a few hours, I will go away and check it." That would have been the right way to have totally killed the issue at birth, so to speak, if I may use inappropriate language. The second thing, it has not been a good day for Scrutiny. We did have a good report from Scrutiny, it was used in the debate in a much broader sense than that report was ever intended to be used and there is no doubt the trick that Scrutiny missed - and it is partly to do with the fact that we volunteered to do reports rather than that we systematically identify areas which must be scrutinised - was here was coming the States one of the biggest issues of all times and it demanded one of the most rigorous and broad based scrutiny's to try and wheedle out these particular issues and to deal with these issues. We did not do that. We found ourselves in that role that the States so often finds itself in of 53 people trying instantly on the day, often without no prior experience, to become experts. We stumbled and stumbled through it. Luckily we stumbled through in the right way but it was a stumbling action and I hope, that we in scrutiny learn that for the future and are much more aggressive proactively in the way that we operate.

The Bailiff:

I call upon Senator Walker to reply.

2.23 Senator F.H. Walker:

This is an unusually personal debate, and personal report and proposition, and it is more difficult to respond to perhaps than other motions, but I have to say I am very deeply grateful indeed to all those who have spoken, particularly, of course, those who have spoken against the proposition and in my support, and for some of the very much appreciated remarks they have made. I am obviously

particularly pleased that a number of Ministers have referred to the team work of the Council of Ministers and referred in very complimentary terms to it. I do not know what is wrong with the others **[Laughter]** but, I really am very grateful indeed to all Members who have spoken in such terms. Deputy Le Claire kicked off by saying this motion is brought on the flimsiest of grounds and that has been picked up by quite a number of speakers. Quite rightly so, because it is. In fact, as I said in my earlier speech, there is no real justification for it at all. He did say, he did not have a problem in having a problem with me and I have to say I do not have a problem in having a problem with him. **[Laughter]** But I prefer it when we do not. Senator Cohen - and I thank him for his very kind remarks - said I could not remember the second time I met him but, no, goodness me, he has made an impact on me since and he will not likely be forgotten this time, I can say that. But he did say that this is politics of the worst kind and he is right. Deputy Ferguson said that there are questions over W.E.B.'s role in this but that is for another time and she is absolutely right. Senator Le Main focused a little on the misleading quotes of Deputy Southern, particularly in the last couple of days on G.S.T. where he is not only misleading this House, but is misleading the public and I do not think that is a position that he should be putting himself in. He accuses me of not checking my facts, well my goodness me, we have got example, after example, after example of the way he has failed to check his. I was particularly grateful to the Constable of Grouville for not only the fact that he supported me at the time I became Chief Minister but in fact he said he would continue to do so and I really do appreciate that. Deputy Scott Warren said that Harcourt did not update me, and therefore the States, on the position in relation to Nevada but I would make the point generally, and I will not refer to it again I think, a number of speakers have focused on the Nevada court case, whereas Deputy Southern has made it completely clear that that is not the topic for the vote of censure, and Harcourt were not the topic of the debate that we had. But she is absolutely right though, if things are to move forward Harcourt do need further scrutiny and that has always been essentially built into the plan. She is absolutely right, also, when she says that Harcourt should apologise. But in fact Harcourt have apologised, they issued a statement apologising a number of days ago. The Constable of St. Ouen referred to the fact, and I am delighted that he has, that he sat on the Council of Ministers in an ex-officio capacity and I am delighted that we have been able to have that link with the Connétable and I am very pleased with his supportive comments. He also made the point that he thought Deputy Southern ignorant of business and I can only agree. The Deputy of St. Peter confirmed - he made one speech and then a point of clarification - what Scrutiny have done. I do not agree with Deputy Le Hérisier, I do not think it has been a bad day for Scrutiny. I think Scrutiny, given the remit that they had, did an absolutely first class job, it was thoroughly analysed with professional advice. I do not quite see why it should be a bad day for Scrutiny. Perhaps it is a bad day because some speakers disagree with the findings that the panel arrived at but I do not think they should be accused of not doing a thorough job. Deputy Martin said it is not personal, and I know it is not. In fact she was also focusing on the fact that this was about Harcourt, and doing a deal with Harcourt, whereas the debate was not about doing a deal, as I have said already, with Harcourt. She said that clearly W.E.B. and I or Ministers or whatever, had not got together. Well, in fact, we did get together and everything I said was based on information received. I have also, as I mentioned at the presentation to States Members at the Halliwell Theatre last week, I have also had an apology from the Chief Executive of W.E.B. which I said at the time I accepted and I do. I do rely on the advice I receive. Any Minister, any Chief Minister has to do that. I have to say normally the advice I receive is excellent and accurate. That includes the Chief Executive of W.E.B. I have based many decisions and come to many conclusions based upon the waterfront and W.E.B. and a number of those inevitably in recent times have been on the basis of information supplied by the Chief Executive. He did get it wrong in terms of how he advised me this time but he has put his hand up and he apologised and admitted to it. Senator Ozouf said that a vote of censure is one of the most serious votes that an Assembly can handle and normally leads to resignation, and he is absolutely right. He is also absolutely right to say there is no doubt this is politically motivated, and it is noticeable that most, if not all, of those supporting it are members of the J.D.A. (Jersey Democratic Alliance)

political party. I am grateful to Deputy Fox for his supportive comments and also to Deputy Baudains. I think I have already referred to the fact that I did, as he did, rely on information. Deputy Breckon, on the other hand, says that it may have affected the vote. I do not believe that is the case because, again, I think he misses the point because it was not about Harcourt and it was not about the deal. That was not the decision that has been recorded in the minutes and the records of the States. The Deputy of St. Martin also was referring to the Nevada case basically in his speech but I do appreciate the fact he is not going to support the motion. Also Senator Perchard was absolutely right when he, too, said that the original debate had nothing to do with Harcourt, and he is also right when he said that those of us who were in support of the proposition should have reminded Members of that more strongly during the debate. We did allow ourselves to get lured almost into a debate about Harcourt and we should have been clearer and crisper and said: "This is not the topic for today's debate." We were trying to help, in fact we should have resisted. The biggest surprise of the afternoon, as I think Members will possibly appreciate, is the fact that Senator Syvret spoke very supportively about my role in this and I am grateful for that. I am grateful for that. It is a surprise but nonetheless welcome. I do accept the points he made. Senator Routier said this is one of the saddest and most disappointing reports and propositions in debate we have had and said that Deputy Southern was trying to inflate the importance of PwC for his own political objectives. That I think is undeniably the case. Deputy Le Hérissier, again, I think was referring to the Nevada legal case which is not, as Deputy Southern has said, part of the proposition. But I am grateful to him also for confirming he will not be supporting the proposition. I have listened with gratitude and some Members will not believe this, but also with humility to a number of the comments that have been made in this debate and I am and will remain extremely grateful for the supportive comments that have been made, and I look forward, of course, to those comments being reflected in the vote.

The Bailiff:

I call upon Deputy Southern to reply.

2.24 Deputy G.P. Southern:

I will not go through the full roll call list, I will thank everybody for their contribution to the debate, I will apologise now for appearing to be a little harsh with Deputy Le Claire, it was not meant to be, and come back to the central issue. I am asked to explain whether I think every error should be the result of a motion to censure, and the answer is obviously not. Yes, it is a serious motion but I believe on such an important debate, and in the way in which it happened in that information was not known by the Chief Minister, i.e. under his own admission he had not asked and thought to examine the background underneath his proposition, a major proposition and I believe that he should have done because that enabled him effectively to mislead this House by painting a picture that was not true. There were reservations expressed in the due diligence around the use of Harcourt and that that was in no way expressed to this House as we were making our decision. It is not good enough, I think, to say of course the decision on that day was not about Harcourt. The fact is we know we are proceeding with Harcourt. They are the preferred developer, they have invested heavily in the project. We are not going to abandon them lightly.

Senator F.H. Walker:

If the Deputy will allow, may I correct him on that. We do not know that we are going to proceed with Harcourt, we know no such thing. Any deal with Harcourt is subject to all the guarantees, all the assurances and all the security that I have referred to in the previous debate and again this afternoon.

Deputy G.P. Southern:

Notwithstanding that addition of information, many in the House believe that we shall proceed with Harcourt and I think rightly so. Yet nowhere, nowhere, in the debate on the day was there any

single word of caution from the States directors of W.E.B., from the Chief Minister himself who was heading up the debate, that there was any reservation at all. It was all glowing and Senator Routier said: "These reports are like this, they are not glowing" and yet they were described by his fellow director as glowing. This is misleading, it was creating an artificial sense of comfort which was not true. There were reservations expressed, the Minister did not bother himself to find out about them and therefore accurately reflect to us what was happening on the decision we were making. So, no, I do not believe a vote of censure every time but this House must find a way of holding its Ministers responsible. We are told now a motion of censure is too heavy to do anything with. A motion of no confidence is the nuclear weapon. What have we got? Maybe it is time P.P.C. started to look at our rules and regulations. How are we to hold Ministers to account? Because somebody is responsible for what is being described now as the Chief Minister being misinformed, or inadequately informed. Where will that responsibility and accountability lie? If the House today votes against this motion of censure they will be saying: "Well, it does not lie with the Chief Minister. He did his best, he may have made a mistake, he may have slightly overegged the pudding but, never mind, it is not his fault. He was given the impression the pudding had a lot of eggs in it." That metaphor really was not worth pursuing, was it? Just briefly then, somebody surely in this House must say that the buck stops somewhere. Who is going to be held accountable? Is it the W.E.B. directors later on? I do not know. Somebody somewhere must be held accountable. We have not covered ourselves in glory in this debate. I believe we were effectively misled. With that I will maintain the proposition and call for the appel, please.

The Bailiff:

I ask any Member in the precinct who wishes to vote to return to his or her seat and I ask the Greffier to open the voting which is for or against the proposition of Deputy Southern. If all Members who wish to vote have done so, I will ask the Greffier to close the voting and I can say that the proposition has been lost, 2 votes were cast in favour, 47 votes against. **[Approbation]**

Male Speaker:

Can we have the 2 please?

The Greffier of the States:

Deputy Southern and Pitman voted pour. [INSERT VOTE TABLE]

3. Esplanade Quarter, St. Helier: Masterplan – rescindment (P.97/2008)

The Bailiff:

We come next to Projet 97 in the name of Deputy Baudains, Esplanade Quarter Masterplan - Rescindment. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 4th June 2008 in which they approved paragraph (1) of the proposition relating to the Esplanade Quarter, St. Helier: Masterplan, and to their Act dated 5th June 2008 in which they approved paragraph (2) of the proposition, and to agree to rescind their decision to approve: (a) paragraph (1) of the said proposition; and (b) paragraph (2) of the said proposition.

Senator L. Norman:

Before the Deputy makes his proposition could I say that since the last debate on this issue I have discovered that I have a close relative who is a director of a company which is likely to be involved in the delivery of the Masterplan as currently approved. In these circumstances, I feel slightly conflicted and I should declare an interest in this proposition and indeed the next one on the removal of the Waterfront Enterprise Board directors and withdraw.

The Bailiff:

Thank you, Senator. Senator Norman has declared an interest and the Greffier will make a note of that. Deputy Baudains.

3.1 Deputy G.C.L. Baudains:

I think we have all at some time wondered whether we could find a conflict. I have been down the waterfront a few times myself but unfortunately that does not preclude me from this debate. What I would like to start by saying, is what this proposition is not about. It is not about blame, although obviously like other Members I have not been impressed by the number of people lining up to say: "It was not me." As we have discussed in the last debate, it would probably be more helpful if instead of saying: "Do not blame me" those involved said: "It was not my fault but I take responsibility." Because, as Deputy Breckon has said, until we have accountability and responsibility this sort of situation is going to continue time and time again. Sadly, even now, I believe some have not understood the situation, even now it appears that some would like to push the deal through on the pretence that there is just a couple of minor financial irritations and as soon as we have resolved those we will carry on as if nothing has happened. I am concerned about that attitude because any decision made anywhere, especially in this Assembly, is only as good as the information upon which it is based. The information available to Members in this case, I believe, fell into only 3 categories. Inaccurate, incomplete or, in one case, withheld. I am desperately trying to find one piece of all the information we were given that was wholly accurate. I believe in a court of law, which obviously you would be in a position to know, under these circumstances the judgment would be struck out. I believe that is exactly what we need to do with our waterfront decision. I started by saying what this debate is not about and I would add it is not about redebating the entire waterfront issue either. I will obviously be referring to some examples as I go along but this, as I say, is not with the intention of reopening the debate on those particular matters. I will refer to examples simply to illustrate the deficiencies that existed with the information we were given in the Esplanade debate. As such I will be challenging the information given to us at that time to demonstrate that the decision we came to is unsound and that the matter has to come back at a later date with complete and accurate information. Possibly early in the next session so that it enables members of the public to have a view on this because I do believe it is becoming abundantly clear that we have failed to carry the public with us on this particular issue. It is really not good enough for something to be basically pushed through this Assembly, and there are still, as I have said, one or 2 who appear to be still pressing to have this deal pushed through in a short period of time. I have to ask, as indeed some members of the public are asking, who are these people representing? Are they representing the developer or the public of Jersey? I believe this Assembly has been put in an unnecessary position. Some have assumed, as was the situation in the debate we have finished, that the Nevada lawsuit is central to our concerns. All we have got to do is prove that it is not really an issue and all is well, all the problems will evaporate. Well, not so. At the time I raised the lawsuit issue merely as an example that we did not have all the information. In fact Hansard may prove me incorrect but I believe I mentioned the Irish lawsuit as well. At the time all I was trying to do was to demonstrate that the rosy picture being painted of the entire deal was removed from the reality of the situation, and since then, of course, a number of other issues have come to light. In fact, almost on a daily basis. It is a matter of fact that I am really not bothered whether Harcourt or Harry Worth's brother does this development because whether they are the right choice is only one of a raft of issues surrounding the proposed development. I used the Nevada issue merely to demonstrate by example that the gung-ho attitude of everything is perfect, let us just get on with it, was rather naive and foolish. The picture being painted was not sufficiently close to reality for my liking. A project of this magnitude, should it go wrong, could be disastrous for Jersey and I am not referring to the potential 3 years of traffic mayhem on top of an already dire traffic situation. I am not even talking about the effect on Jersey and this economy of turning the gateway to our Island into a building site for the next 10 or 11 years, matters which were apparently so minor during debate I do not recall them being mentioned. Which conveniently

leads me into the issues surrounding the Masterplan itself, essentially part one of the original proposition. In my view, and I know I am not alone in this analysis, parts one and 2 are inextricably linked. You cannot really have one without the other. But I have, as Members will have noticed, in the main proposition separated the issue so that Members can vote on them separately if they choose. Although, as I say, for reasons that may become obvious in a moment I maintain that the 2 in fact do go hand in hand. So what concerns me about part one of P.60 the Esplanade Quarter debate? Well, I have to say first of all as we have said during the debate, I am sure we are all grateful to the Planning Minister for having moved things on from the disaster which existed previously, matters are clearly getting out of control. What has been achieved is widely accepted as being better than what went before. I agree with that myself. But I ask not is it better but rather is it right? If I may take the sunken road for a moment, we were not told why sinking below the ground is so vital. We were told it was for connectivity. I have difficulty with that because the road known as the Esplanade will continue to exist. There will be other new roads within the development to cost, including a new road to be built to the south of the development. I presume Members did study the plan before the debate. So there will not be an area devoid of roads as some Members, I think, presumed. There will be at least 3 roads to cross. Perhaps more importantly people crossing from the old town to the waterfront will not be doing so at the area of the sunken road. People do not go from Roselle to Corbiere to get to town but that is what was really suggested. People take the shortest route, and the shortest route from the old town, centre of the old town, to the new town or vice versa is where they cross now, the under pass. The only people using the facility provided by the £45 million tunnel will be those crossing from one part of the new development to another part of the new development. So I have to ask, where was the evidence to support their position? Where was the environmental impact assessment? We were not given either. Excavation: we were told hopefully between 20 and 80 per cent of the excavated material would be recycled. That is rather unlikely. The area is not a reclamation site. It is an uncompacted dump. You cannot recycle incinerator ash and all the other rubbish that was dumped there. The truth is it was more likely 100 per cent will go into La Collette. We were told the developer would pay normal tipping charges. Well, maybe. I believe the Planning Minister was unaware that Harcourt were expecting the same consideration that the Les Pas site enjoys, which is free dumping. What about ventilation? A tunnel will be bad enough but there is an underground roundabout as well. Traffic will be stopped. The air will be potentially poisonous unless there is massive extraction fans. So apart from the huge running and maintenance costs, on top of lighting the tunnel 24 hours a day - a really environmentally friendly idea this - where will the extracted gases be directed? We were not told. Will they be disbursed among the new houses and offices or somehow wrapped up and sent for recycling? None of these details was available to Members and this is the crux of my argument, the lack of reliable information. If I could just finish with the road issue. Let us imagine for a moment that there was solid rock in the area where it is proposed to sink the new road, we would not even be considering it. So there are alternatives. What I am suggesting is we should have had options to choose from. Instead we had one plan or the Minister's resignation. I am afraid that is not good enough. Then there is the plan itself. It is a block layout yet the requirement for office accommodation was made on the basis large firms would use the area. But a block layout is not ideal for large firms. They need a linear layout. Either straight or curved so they can have all their floor area in one building instead of scattered possibly among several buildings or maybe divided by roads as well. I am advised that there is a good example in Guernsey that could have been copied. So, again, where was the alternative and where was the explanation? We were told 600,000 square feet of office space was required by 14 firms. Where was the analysis? The data is apparently considerably out of date and it was evidence, according to the PricewaterhouseCooper's report, gathered from local surveyors on behalf of the developer. Was that cost checked? Apparently not. I have checked and at present there appears there is one firm that might move there, not the 14 suggested. So yet another lynchpin of the proposal is, at the very least, questionable. Unless we are to drag another 1,000 or so workers into Jersey, what will happen to the vacated offices in the present town? Knocked down

for more flats one can only presume. Well, I know this is a personal opinion but to me St. Helier is rapidly becoming one large housing estate when towns really need to be a mix of business and residential if we are going to avoid social problems that are beyond our imagination at the moment. Where was the analysis and environmental impact assessment of the effect this development will have on the present town? Members did not have that information. I believe most of the problems have occurred because we have one architect and one developer. I really have difficulty understanding the concept behind having one developer. In fact I would have thought that Senator Ozouf would have been alert to this. Why is there no competition? Where is the driving force to get on with the job to build it well and on time? Where is the incentive to sell or rent the finished product at competitive prices? There should be more than one developer, preferably 3, all building parts of the Masterplan. That way not only would competition sharpen up the developer's act but Jersey's exposure, the thing we have been so concerned about these last few days, that would be slashed as well. We would no longer have all our eggs in one basket. I believe the Council of Ministers assurance that nothing can go wrong because it would all be guaranteed is unreliable. I have to say that it does appear to me that if W.E.B. are organising it the only guarantee we have got is that it will go wrong. Surely no guarantee, especially in the present economic climate, will fully protect Jersey. Let us just imagine that we did choose Harcourt, or indeed any other firm, but let us imagine that the same thing happen to us as has been alleged to have happened elsewhere. The job is started and slowly it starts to unravel. In reality what would we do? The implication that if they do not work for 30 days or any of the other triggers that apply, that we just walk along to a bank somewhere and pick up the money is farcical. The developer will claim he is working to the agreement or that others have let him down. There will be lawsuits, they will drag on for ages, maybe years, assuming we could afford them in the first place. We were not too excited about fighting the Les Pas deal. Meanwhile work would grind to a halt. What if it all went so wrong the developer pulled out? Apparently we would take over the site. It appears to me that W.E.B. and the Council have not realised that they would have to approach a new developer and it would then be on his terms, not ours. Do they not also realise that a new developer taking over somebody else's work might very well refuse to guarantee anything, because they did not do the ground work? They might even require all ground work to be done again, possibly at our expense. I really am concerned about the people steering this project. But, of course, we would not have any of these worries with multiple developers, and it does appear to me that if the plan is really as good as it has been made out to be, developers will be queuing up to do it. Of course, that I think would require it being taken out of W.E.B.'s hands but it is another debate. So much for the Masterplan part one. What about part 2? I believe this is where we do find that parts one and 2 are inextricably linked. Because it occurs to me that Members believed that part one related solely to design and part 2 was the financial arrangement to bring it to fruition. Well, that is not quite so. Part 2 (a), (b) and (c) relate to the public leasing the entire Esplanade Quarter to W.E.B. for 150 years at a nominal rent and to pass any contracts necessary to achieve that. Nowhere does it refer to the developer or any agreement with him as was explained by the Chief Minister in the previous debate we have just had. If we look at part one, and I do apologise to Members, I had considered redistributing P.60 for convenience but I must admit I overlooked it. If we return to part one we see that part 1(a) relates to the adoption of the plan as an agreed framework for development, and thanks to adopting the Connétable of St. Helier's amendment, a condition that the £50 million, and possibly £25 million overage, be ring fenced for the regeneration of St. Helier. So it does occur to me that this Masterplan generates precisely nothing. All the income is absorbed rectifying potential damage it will do to the rest of St. Helier. Parts (b) and (c) relate to acquiring a strip of land held by Axa Sunlife while (d) and (e) concern authorisation to facilitate (b) and (c) so there is no mention of Harcourt there. The only place, that I believe the financial aspects of the development and our relationships with the developer arise, is by inference in part 1(a). If you want the scheme then you accept Harcourt and the deal. Admittedly, if we reverse our decision on part 2, W.E.B. would not get the land so the deal could not proceed. But I believe the idea that part 2 is a financial aspect creating part one is not the case. Members may have been confused by the way the proposition was

constructed. The Planning Minister proposing part one and the Chief Minister giving us financial details of the deal under part 2. The Council clearly decided for reasons better known to itself it would bring one proposition but debate it in 2 parts. I believe that was unhelpful and it gave Members an erroneous impression as to what was happening. So if we assume the financial deal with the preferred developer was a consequence of 1(a) what were we told? We were told the States would receive £50 million. That is not true. If we look at the report of P.60 we see the payment is in 3 tranches over 8 years. There were no precise details but they were made clear during W.E.B.'s presentation. There, is a world of difference between putting £50 million in the bank today and putting £8 million in 47 months' times, £31 million at 68 months and £11 million at 92 months, because if one assumes, say for argument's sake, 5 per cent compound interest, that equates to a shortfall of over £13 million. In other words, we do not get £50 million, we have the equivalent of £37 million. Not to mention, and I think this may have been overlooked, W.E.B. buying back the 520 space car park estimated at a build cost of £13 million out of the original £8 million payment. I am not quite sure if that means we get a £13 million car park for £8 million or we have to pay the extra £5 million later. We are not told. Let us not forget we already have a car park, so this underground one is yet another liability arising from the development. So the £50 million, like I am afraid so much else surrounding the debate, was misleading. The actual capital gain is not £50 million but nearer £30 million. That is not allowing for potential undervaluation of the site. Reputable agents have put a value of £50 million on the residential element alone. Another 50, and possibly more would accrue from the rest of the site. But we are getting the equivalent of £30 million, plus maybe another £25 million if we are lucky. To me, not a very good deal. Then just to return briefly to the issue of the sunken road. We are told it would cost the developer £45 million. Maybe it will, but of course if we did not sink the road that would another £45 million generated, not spent, which could accrue, but perhaps that is where the missing millions went. So when we were told that the road would be sunk at no cost to the public, in fact I got tired of hearing that repeated during the debate, I am afraid it was not true. We were told the sunken road would be an asset to us. Well, I am afraid it is a liability. It does occur to me that perhaps some Ministers have difficulty differentiating between a liability and an asset in not counting for the £500,000 a year and rising cost to service the tunnel on top of future maintenance because I note in the report to the P.60 the Council suggested raising the Island-wide rate to meet this. I presume Members did notice that. So this is some asset. The environmental cost does not bear thinking about. Was it the same week the Chief Minister launched his Green Credentials campaign? I do not remember. The point is, when Members adopted P.60 they did so in ignorance. It was on the basis of: "Trust me, it will be really wonderful." Well, I am afraid that given what has come to light since the debate and is still emerging, trust is not good enough. The Assembly needs facts. Whether we made the right decision or whether we made the wrong decision is not material. What is important is that the decision is made with all the information on the table including the knowledge that this huge project has the public's endorsement. At present it is becoming pretty obvious that the public do not endorse it. I am told at the last presentation of the plan it was not well received, so why the gung-ho press on attitude? If Members do care about public perception of government, they cannot allow the decision on P.60 to stand. The remedy is to rescind P.60 by adopting my proposition and allow the Council to return with a new, more straightforward and clear proposition that clearly sets out the pros, the cons, alternatives and risk management. It is all very well, having frantic research done after the event but I have to ask how well can the missing information be researched in just a few days and what use is it now? We have learned to our cost before guarantees and words of comfort are meaningless, all that matters is the words of the proposition and whether or not we adopt them. Nothing else has any bearing or standing. So anything said now or any comfort given now about P.60 is irrelevant. So we need to know, why the road has to be sunk and the alternatives; why the design is block instead linear; the current demand for commercial office space; why it has been decided to use one developer with the attendant lack of competition and elevated risk for Jersey; an up-to-date valuation of the site; an up-to-date analysis of the developer and his preferred contractors and the ability to complete the

scheme without problems; the wisdom behind allowing one developer to essentially own a large commercial chunk of St. Helier and the possible ramifications of that; an environmental impact assessment not only on removing so much toxic material and filling La Collette with it thereby hastening the need to build another reclamation, but also on the effects such a large development would have on tourism and the future structure of St. Helier; the analysis of the effect a 10-year building site at the gateway to Jersey will have on tourism; the analysis of the effect it will have after completion, for instance, will removing Jersey's heritage - by that I mean its quaintness - and replacing it with a landscape found anywhere in Britain deter tourists? Will sucking the retail element out of central St. Helier and replacing it with modern retail outlets set among office blocks benefit or damage tourism? We are not told, there is no analysis. Lastly, but by no means least, are the public behind this development? Do they want it? Because I have to say the people who have contacted me are unanimously against it. If that is so, what on earth are we doing pressing ahead with it? Where is the analysis of public opinion? We were not given it. Maybe this huge undertaking, which will alter Jersey for ever, should be the subject of a referendum; do you want the waterfront to develop along similar lines or do you not? To make a decision without knowledge of these matters is frankly irresponsible. The only honourable way out of the chaos we find ourselves in, as I have said before, is to annul that previous decision which is based, as we now know, on inaccurate and incomplete information and demonstrate, at least to the public, that instead of pressing ahead with a flawed decision, we are big enough to admit: "Yes, we messed up and we are prepared to do the job again, but properly." It does appear to me as long as we allow our decision on P.60 to stand it will hang around this Assembly as a millstone, as a monument to our naivety, lack of application to important issues and a further reminder, as if one was ever needed, of our complete disregard for public opinion. I make the proposition. I will answer any questions to the best of my ability. There must be a huge joke going on in front of me, I hope they let me in on it in a moment.

The Bailiff:

Deputy, just before you sit down, I wonder if I could ask you whether you would wish to seek a single vote on the proposition or do you wish to seek 2 votes?

Deputy G.C.L. Baudains:

The idea, is that I have addressed it in one but it will be available to Members to vote separately if they so desire.

The Bailiff:

Well, it is a matter for you. I mean, I imagine from your report that you were going to seek a single vote on the basis that you thought the matters all held together. But it is open to you in the way the proposition is drafted. Seek 2 votes if you wish to do so.

Deputy G.C.L. Baudains:

I am quite content for it to be taken in 2 parts, that is why I did split it.

The Bailiff:

Right, thank you very much. Now is the proposition seconded? **[Seconded]** Senator Cohen.

3.2 Senator F.E. Cohen:

Well, I have heard some strange speeches in my 2 and a half years in the States, but that is certainly the strangest and I will deal with some of the points as I go. This proposition will destroy a plan overwhelmingly supported by this Assembly only a few weeks ago. It is yet again an example of negative politics. We have seen 2 examples today and this is a third attempt. It is an attempt to destroy something good; 2 and a half years' work and well over £250,000 of public money has gone into preparing this magnificent Masterplan. But yet the Deputy seeks to destroy all that work, so overwhelmingly supported by this Assembly only a couple of weeks before. Just imagine what

this Masterplan will deliver for our Island. A magnificent winter garden, one of the largest in Europe; one and a half times the size of our Royal Square and nearly twice the size of Portcullis House upon which it was based. We will lose a granite arched colonnaded undercroft. We will lose our water-themed square. We will lose 400 much-needed apartments for our residents and we will lose the opportunity of 620,000 square feet of modern environmentally-sound office space built to the highest environmental standards that will ensure the continuity of our finance industry for many years to come and ensure that we remain at the top of the tree. We will lose the opportunity of such environmental initiatives as district heating systems. We will lose the green roofscapes. We will lose the opportunity of a low-rise scheme. This is a scheme of 5 to 6 storeys; this is a low-rise polite designed scheme. We will lose the granite colonnades that protect our Islanders from inclement weather while they are enjoying this magnificent waterfront. We will lose the opportunity of a Robert Townsend designed landscape. All that will be gone. Look where we are today. For 20 years lobbyists, be they heritage groups, be they architectural experts, have criticised the waterfront proposals. But look, these groups are now largely supportive of this plan. Look at the letter that Marcus Binney C.B.E. (Commander of the Order of the British Empire) wrote to the *Evening Post* only a few days ago, someone who arranged a demonstration that I attended on the waterfront criticising the proposals. But yet he now thoroughly supports the Hopkins Masterplan, relishes its magnificence and wants us to get on with it. We have a wonderful architectural scheme. It is low-rise, it is polite, it is bathed in Jersey vernacular with a 21st century relevance. Now some of those who have signed this proposition seem to have an agenda of destroying this based on unfounded allegations and unsupportable reasoning. I will point to Deputy Southern's comments on talkback on the BBC on 22nd June during which he said that Sir Michael Hopkins is a second tier architect who was good in the 1970s but has gone downhill ever since. **[Laughter]** This is a firm, a practice, that was established in the 1970s and from 1980 has been rewarded with no fewer than 120 major international awards for their buildings and I am going to read some of them out just so Deputy Southern can learn the error of his ways: The Forum, a R.I.B.A. (Royal Institute of British Architects) Award in 2004; Haberdashers Hall, the Woods Award 2003; Norwich Cathedral Refractory, the R.I.B.A. Award 2005; Inn on the Park, Woods Award 2004; Northern Arizona University, The Structural Engineers' Association Award; The Wellcome Trust Headquarters, the R.I.B.A. Award; the Evelina Children's Hospital, the 2006 R.I.B.A. Award and of course the peoples' choice for the Stirling Prize. The list goes on and on and this is the architectural practice that we have the opportunity of bringing to our Island to deliver us something truly wonderful. We had another comment during the last debate from Deputy Le Hérisier who seemed to, for some extraordinary reason, think that the Franco-British Union of Architects did not support the grid pattern of the scheme. However, I have in front of me a letter addressed to Hopkins Architects by their president dated 22nd May 2008 which says: "Everyone was impressed with the logic and sound ideas behind your plan." So I am not quite sure where Deputy Le Hérisier got his ideas from.

Deputy R.G. Le Hérisier:

I got my ideas from, ... there was an attendee at their conference who was based on the Island and he carried out a survey, not to denigrate the project, I should add, but to draw attention to that particular aspect and that was one aspect of the feedback he received from that particular group.

Senator F.E. Cohen:

It sounds remarkably unscientific to me and I would much rather go on the letter written to Hopkins Architects by the President of the Franco-British Union of Architects. I will go on also to comment on a couple of items that have been raised by Deputy Baudains in his opening remarks. Firstly the Deputy says that there is no proven demand for the scheme and that only one firm are interested in renting a building there. That is certainly not my understanding, of the situation and we should remember that this is a 10-year scheme. We are not expecting the scheme to be built tomorrow morning or to be finished tomorrow morning and I have already given an undertaking to this House

that no buildings will begin construction until the Planning Minister has evidence of reasonable demand in the case of each building. He makes a fuss, the Deputy makes a fuss, that there is no environmental impact assessment. That is because this is a masterplan. An environmental impact assessment comes in its proper place with a planning application and that was what we were expecting the next stage to be. The Deputy seems troubled by the concept of one developer. Indeed, without a good contract and without being sure that all the i's are dotted and the t's are crossed there would be concern, but that is the job that presently is being done to ensure that proper scrutiny is carried out of the proposed developer, whoever that may be, and the Treasury Minister of course will be looking at and acting as a second check before he decides whether or not the deal is sufficiently satisfactory to go ahead. Deputy Baudains also says that the public do not support the plan and that at the last presentation it was poorly received. I really do not know what the Deputy is talking about. I really find it quite troubling to hear so many Members talk as though they are the voice of the public. There are a variety of views in the public domain and I can assure this House that the overwhelming feedback that the Planning Department have had in relation to the Hopkins Masterplan is one of great support for the scheme and let us just get on with it. So quite who the Deputy is talking to is rather beyond me. The position is that the Hopkins Masterplan is adopted. It is not a trick. Immediately after the debate on part one, I gave notice of my decision to adopt the Masterplan as effectively the development brief and supplementary planning guidance. That was before the issue of rescindment was even considered and before part 2 was properly debated. It is, therefore, now the prevailing Masterplan and any development application will be tested against it. We must remember that the town, whether or not there was to be a development of the waterfront, requires significant regeneration. Our town was once the premier residential destination of our Island and it is many Islanders' ambition to recreate that atmosphere. That requires significant investment in our town. Street beautification, general investment, infrastructure, reinvestment and the best way of delivering that, and the only funds I know are likely to be available, are the funds that come out of the waterfront scheme. I have been criticised for not bringing alternatives including keeping the existing road to this House. It is not my job to bring alternatives to the House and to ask the House to make a choice. My job is to research properly, to develop what I believe to be the best masterplan and to adopt it. But in this case I chose to ask the States to endorse my intention to adopt the Masterplan. It was a very particular choice of words and I would have thought from it readers would be able to deduce the principles behind it. When I first began to look at the then plans for the waterfront I went to visit the following architects in London; Lord Foster, Sir Richard McCormack, Sir Michael Hopkins and Lord Rogers' practice and all said exactly the same thing and it was not that I was pushing them, it was not that I said: "Oh, the last one has said this, do you agree?" It was simply laying out the plans as they then were and saying: "What do you think?" The response was unanimous: "You will never succeed unless you remove the road that currently separates the old town from the new. You will never succeed." But yet, for some strange reason, Deputy Baudains knows better. He, for some reason, thinks that the removal of the road will not result in connectivity, that somehow or other people will not pass through that route, but yet some of the finest architects, not just in the United Kingdom, but in the world, are joined in a view that this is the only way forward. Indeed, I cannot remember if I have mentioned it before, Sir Richard McCormack turned down the opportunity of being my architectural adviser because he said: "You will never succeed in this scheme without lowering the road and, politically, I doubt you will be able to lower the road." However, we were fortunate that the Hopkins team came up with a very simple principle, that the value created by building on top of the road that you have lowered covers the cost of lowering the road and approximately that is what it does. But let me make it very clear whether the cost of lowering the road is £45 million, £30 million or £75 million, if you do not lower the road, you do not have the extra money, simply the extra money does not exist. It is simply creating value by digging out the road and building on top. So if you do not lower the road, you do not have £45 million extra. Let me make that very clear. I will not speak on the financial elements of the deal. I have kept clear of that for obvious reasons and I have been most particular even not to read the

PricewaterhouseCoopers report that other Members have been provided with. So I will effectively refrain from commenting on part 2. But what I will say is that you cannot deliver the Masterplan without a mechanism to deliver it and it was not my understanding of the second elements of P.60 that that was about a deal with a particular developer, it was about effectively a site assembly to enable the Waterfront Enterprise Board to contract with a developer whoever that may be. This is a wonderful architectural opportunity to deliver a splendid politely-designed and exquisitely crafted scheme for Jersey and I urge Members not to lose it. There have been numerous groups involved in this and I would particularly like to point out the Waterfront Design Group. Deputy Baudains seems to have the idea that the buildings that are proposed for the waterfront are going to be alien to the Island. Quite the opposite is the case. The Waterfront Design Group, comprised of Islanders who have a lifetime's experience and love for buildings in our Island, are working with the Hopkins team harmoniously to produce a scheme and a set of design codes that is both steeped in the Jersey vernacular and steeped in 21st century aspiration. It is a very difficult thing to do, but from the facades I have seen, they have done it and it is a simple concept that you steep the ground floor in local tradition and allow the upper floors to be expressed in a modern form. To throw this out today would be to waste all the work of the Environment Scrutiny Panel. All the ideas the Environment Scrutiny Panel have come up with from Deputy Duhamel who had the idea of setting purposeful environmental targets, the Constable of St. Helier who came up with the idea of the water-filled moat and Deputy Le Claire who at a very early stage came up with the idea of the lowered square. This interaction between all these groups and the Planning Department and the architects will all have been wasted. Have no doubt that this rescindment motion is destructive. It is, as I said at the outset, another example of pointless negative politics. Rescindment of part one will achieve nothing at all because the Masterplan has already been adopted as supplementary planning guidance and as a development brief. Part 2 will simply destroy a great opportunity for our Island. Many years ago I bumped into a single-term Senator in the street. I asked him why he had not stood for a second term. He said: "It does not matter how good your proposal is, the negative elements of the States will stop it. That is just the way it is." I have never forgotten his words and before I chose to include them today I, by coincidence, bumped into his son during the lunch hour and mentioned the words to him. This is not, in my view, something that should be supported. This rescindment motion is a destructive force that will remove from the Island the opportunity of a wonderful waterfront, for the first time placing the Island at the forefront of international architecture. I urge Members not to lose this opportunity and I urge them to vote against both parts of this proposition.

3.3 Senator T.A. Le Sueur:

I was away for the original debate on part 2 of this proposition otherwise I would have spoken at the time on the financial aspects of it. I was surprised to see that the debate then seemed to be focused on Harcourt. I appreciate, I think a bit more now, Members' concerns and I will address those concerns. But I was disappointed in hearing this speech from Deputy Baudains that it really seemed to be more of a rerun of the original debate and regurgitating previous opinions and very few new ideas. He, I think, is so negative he even challenges the amendment from the Constable of St. Helier which I think was unanimously accepted by everybody, or maybe everybody else. But I think firstly we have to understand exactly what the States did pass when it passed part 2 of that Masterplan. The purpose of part 2 was to assemble a parcel of land which could then subsequently enable W.E.B. to enter into a contractual arrangement with Harcourt or anybody else. I stress "anybody else" because the proposition did not bind us to enter into any deal with Harcourt. It did not bind the States, it did not bind the Board of Directors of W.E.B., it did not bind the Custom Ministers, it did not bind me as Treasury Minister. I make this point and I must stress that point from the beginning; I think maybe Members now have better understanding of what that proposition said, but I remind us all that we are not currently bound to contract with Harcourt and rescinding part 2 will not change that situation whatsoever. On that basis alone the rescindment of part 2 must be a pointless exercise. But I do accept that some Members have reservations, maybe

real reservations, about the preferred developer and its ability to deliver the Masterplan which we agreed in part one. Some of those concerns, I think, have already surfaced in earlier debates. My duty as Treasury and Resources Minister is to satisfy myself on several aspects of the proposed contractual arrangements. Those areas would include ensuring that there is proper updated due diligence carried out on whoever the preferred developer is, obtaining satisfactory legal opinions on both the developer and the contract and perhaps above all fundamentally on the financial abilities to deliver. The proposer of this rescindment motion spoke about the fact that he was not aware that the development company would have to borrow. Frankly, I cannot think of any development company anywhere in the world that does not borrow and what is important is not the fact that they borrow or do not borrow, or even the level of gearing of that company, so much as the financial guarantees that the States must have before it goes anywhere near the contract. Those guarantees, as have been made quite clear, will be required in the sum of £95 million from a bank of international repute, guarantees which cannot be wriggled out of and it is my duty to this House, to members of the public, to ensure that no contract is signed until I am advised both financially and legally of the watertightness of those guarantees. I understand there may also be concerns about transferring the land to Waterfront Enterprise Board which at present has maybe a bit of a cloud hanging over it pending the final report from the Comptroller and Auditor General. I will come back to that in a moment but I would remind Members that the States set up W.E.B., the Waterfront Enterprise Board, many years ago and W.E.B. already own or control virtually all the land we are talking about. We are not suddenly doing anything new, all that we are transferring in this case is the road which separates the two major parcels of land and a small bit of land near the cinema. So all we are doing is really unifying the site in one ownership. It is that unification which enables us to achieve the best possible financial deal. I will concede one point to Deputy Baudains where he talks about the £95 million being slightly devalued by the cash flow, that it does not come in in one lump sum up front. On the other hand, of course, the sales overage and the site overage is likely to increase by inflation as a counterbalance to that. So I think one may or may not outweigh the other. But I remind the House that W.E.B. cannot enter into any contractual arrangements, this W.E.B., future W.E.B., or any WE.B., whatever the body is, it cannot enter into those arrangements until they have consent of the Treasury Minister, whoever he or she happens to be at the time. The Treasury Minister will only give consent once the Treasury officers have satisfied the Minister of these financial safeguards and equally those Treasury officers, professional officers, are not going to advise me until they are satisfied with the proposals put forward by the board, including the legal advice. But, I am prepared to go a stage further recognising the concern that some Members have. Given the magnitude of the deal, the Treasury will commission an independent external valuer to give a view on the contract itself, on its financial appraisal, on its commercial appraisal and its building appraisal and I will make that advice given to me available to States Members before I sign the contract. I apologise, I do not sign the contract, before I authorise the contract to be signed. But I will not authorise any contract to be signed unless I am totally satisfied with that independent report and that remains the case whether it is provided to W.E.B., whether it is provided to Jersey Enterprise Board, whoever it is provided to. That report will be available before any contract is signed. It is not my duty, it is not my job to second guess the board of W.E.B. I will only give or withhold Treasury consent once the board have satisfied themselves primarily of the contractual arrangements. The board makes a decision on the basis of what is best for the company. I am taking separate independent advice because I want to ensure that I do what is best for the States and the Island. I believe that those 2 are probably going to coincide, but unless they do, unless both the board of W.E.B. is satisfied and I am satisfied, then there is no contract. Well, on that basis, I think Members could be reassured that rescindment of part 2 is totally unnecessary in that we have all the safeguards in place that we need before any contract is signed and on that basis and in conjunction with the Planning Minister's comments on part one, I urge Members to reject both parts of this rescindment. On that basis, I move the adjournment.

The Bailiff:

Very well, if Members agree we will adjourn until 9.30 a.m. tomorrow.

ADJOURNMENT