

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 25th FEBRUARY 2009

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The Roll was called and the Dean led the Assembly in Prayer.

PUBLIC BUSINESS – resumption

1. Energy from Waste facility: rescindment (P.8/2009)

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

It is disappointing, really, because the States Assembly has become used to discouraging long debate and more so when that debate hinges around rescindment, regardless of whether or not there is merit in that rescindment. Yesterday, the Minister for Planning and Environment tabled an answer to Deputy Trevor Pitman of St. Helier considering the use of La Collette as a potential for housing. In the answer to that question that the Deputy posed, the Minister stated that: “The siting of both the major hazard sites - the Jersey Gas liquefied petroleum gas storage site and the fuel storage depot operated at the Fuel Consortium - has resulted in restrictions on the type of development that is considered to be appropriate at La Collette.” Specifically, the Major Hazards Assessment Unit of the U.K. (United Kingdom) Health and Safety Executive undertook a quantified risk assessment of the Jersey Gas site in 1993, which was reviewed in 1995 in anticipation of the change to mounded storage of the liquid petroleum storage vessels, and again reassessed in 1999 on the completion of the mounded storage. This 1999 assessment formed the basis for the land use planning zoning around the major hazard site at La Collette until the explosion and fire at the Buncefield oil storage depot at Hemel Hempstead, England, which occurred on 11th December 2005. That was a very interesting answer because what it talks to is the restrictions in terms of what we can get up to down at La Collette because of the industrial usage that the States has deemed in its wisdom to make of this land. That is my thread. Apart from the fact I have already spoken at length about it being the wrong technology in a previous debate, and despite my previous debate in terms of the wrong technology and the wrong location, I would like Members just to reflect upon what we are going to be setting up for ourselves for the next 30, 50, 60 years. W.E.B. (Waterfront Enterprise Board) undertook an evaluation of the existing La Collette site for housing development some years ago, but following consultation with States departments, including the Fire and Rescue Service, it concluded that with a singular vehicular access to the site and the presence of the fuel farm and gas manufacturing plant (which of necessity would need to be removed), the value of any housing land created was likely to be insufficient to meet the costs of relocating those installations: “The use of this area for housing purposes would, in addition to the fuel farm and gas installations, necessitate the relocation of existing industrial buildings, ash pits and the compost site to other locations in the Island which are less satisfactory in terms of convenience of location and which could involve the development of greenfield sites.” So, there is a whole stew there of what the issues would be if we ever decided to develop La Collette into something other than a small, cramped industrial site that has limited use and has decreasing limited use the longer we continue to set up poor practices at the gateway to St. Helier. I would like to say a couple of things about the actual hazard assessments because we did look at that. There was a B.L.E.V.E (Boiling Liquid Expanding Vapour Explosion), which was an explosion, in Ontario last year which affected hundreds of people and thousands of people had to be evacuated because an L.P.G. (Liquefied Petroleum Gas) tank caught fire. One fire-fighter was found dead - the chief of the fire service - at the scene. What it indicated to me was that there was a necessity to understand the real danger that L.P.G. presents in the community. The hazard zone from that is not 500 metres, it is 1,000 metres. The L.P.G. tanks at the end of La Collette are part of the proposition that I will be bringing to the States Assembly in the future, one that I discussed yesterday with the Minister for Planning and Environment, one that will probably be sidelined because of a review of the northern part of town in relation to the infrastructure and the decisions that the States are making on a strategic level in relation to Gas Place, the town park and car parks. In among that mix will be the use of Ann Court for sheltered housing. Yesterday, we saw the press release from the Planning Department about the use and the assignment of use for people in sheltered housing in Jersey which was drawn up in association with the Rowntree Trust, I believe. What that has clearly identified for us in Jersey is that there are issues about housing, there are needs in the Parishes,

there will be continued construction in sensitive zones for needs that will arise, and there is also a need for us to take cognisance of the fact that we need to have an assessment at the highest level of our strategic use of the town. Now, the Minister for Planning and Environment has asked me if I will put off my proposition from debate at the next session to give way for a review of these issues by a yet to be chosen group of architects and advisers of the highest calibre, who will piece together the puzzle that we are currently looking at in relation to St. Helier. The reason why this reflects into a rescindment debate on an incinerator is because the incinerator is sited at the entranceway to this reclaimed land. The value of that reclaimed land could be enormously enhanced if these hazards were removed, and future reclamation of this land will be severely limited if we continue to move forward with the blinkers on. It might just be possible - but it is an argument for another day - to remove the fuel farm and to remove the L.P.G. storage tanks from La Collette and, therefore, change the options that we could use La Collette for. Because we have chosen to site this incinerator at the entranceway to the site, I believe that we will always - or not always, but for the next 50 years at least - rule out proper and lucrative investments in terms of housing on these sites. What could present in 2 to 3 months' time an option for housing at La Collette if we support this proposition today will be ruled out if we leave that incinerator sited where it is. The argument is simple. It is the wrong technology and it is in the wrong place. Members who voted before, who have now since climbed the ladder of political responsibility, have said that the debate has been and gone, the decision has been made, we are where we are; but have they really moved that far up the ladder or that bit further away from their principles? I do not see the previous Minister for Transport and Technical Services or his Assistant Minister in the House because they were not returned to office, even though moving the incinerator from the district that they stood to represent was something that was agreed, put forward and approved by them. Why was that? Perhaps because the public know that what the States are doing in terms of purchasing and building an incinerator is old-school technology, the safe and old way. It certainly is not cutting technology. It is only going to cut across our options. The L.P.G. storage tanks could be removed and probably will be removed. The fuel tanks could be removed and most likely will be removed. But we will be unable to develop that land for any real housing need and forego that lucrative opportunity in the future at a time when we could probably work from one waterfront site to another with economy of scale and achieve best value for money, because we have decided to put an incinerator at the doorstep to this location. I have not spoken to anybody who has confidence in their house and its value with this new incinerator turning up on their doorstep. They believe their property will be devalued by the States of Jersey. Across the board, we are looking at millions of pounds of property being devalued. No economic assessment of that has been taken into account, and the desire of local families to live in this district, which I represent, is ever-more decreasing. I know for a fact that this is the case because after years of harping on about the compost site - which is still ever-more plaguing - along with the other industrial pollutants, the residents and families of No. 1 district are becoming so sick they are sick of telling me how sick they are. Families that lived across the road from them have moved; families that lived down the road from them have sold their house and moved. They all used to attend our Havre des Pas working group. A lady who was there who had a flat sold it and moved. They are all moving. The hotels are closing and the district and the Victorian village, which should really be supported a lot stronger than it is being supported in terms of heritage by the Minister for Planning and Environment and his department, part of which I am on the sub-panel for now ... the local character of Havre des Pas is something that we will not be able to get back once it has gone, and it has nearly gone now. If we put an incinerator there, it will be removed. We choose to spend £1 million of taxpayers' money to refurbish the swimming pool and how many people are going to be screaming and running down the beach into the sea in the future when they know they are standing next to a very large contaminated box? We are going to devalue tourism. We are going to devalue local housing. We are going to devalue land opportunities. We are going to minimise and restrict ourselves in terms of strategic choices, and all because we think it is more intelligent to not ruffle the feathers of our colleagues in the States and change our minds and be seen to be intelligent by sticking to our guns and going along

with the officers that have recommended this old technology in the wrong location. I for one believe the tail has wagged the dog for far too long. I was very disappointed that when the Environment Scrutiny Panel put on its presentation in St. Helier only 7 Members of this Assembly turned up. Not this current constitution but the previous constitution, which most of us are. Only 7 Members bothered to turn up to listen to what was the culmination of 6 years' work by the Environment Scrutiny Panel. Nobody bothered to come to see what we were saying because they were already making their minds up because of their political allegiances. It is very disappointing that we have some very intelligent Members in this House who choose to turn the switch to "off" when it will upset their friends. I ask Members to open their minds, turn the switch to "on" and think again about what it is we are choosing to do today. We are on the one hand choosing to change our minds and change the direction of Jersey for the future, or we are sticking to our guns - or those guns of our fellow colleagues in the States - and investing in our political credibility within this Assembly. The last Minister for Transport and Technical Services and his Assistant Minister had political credibility in this Assembly. Unfortunately, as I said earlier, it did not wash with the electorate. One last thing, before I infuriate Members by speaking for too long, is the recent work of the British-Irish Council that Jersey and the Chief Minister and his Assistant Ministers and other Ministers attend. Having recently spoken to the Minister for Treasury and Resources, there is an exciting opportunity, a very exciting opportunity to invest our time and our efforts in what will be a future for Jersey when the finance industry has gone: renewable energy. Renewable energy and the opportunity for renewable energy, and that industry will also be wiped off the board if we cannot look ahead into the future and understand the issues now. Under the terms climate change, CO₂ emissions and investing in our future for diversification, we have a great opportunity to harness the relationship within the British-Irish Council and secure a reliable source of energy, one that is not dependent upon waste, one that is dependent upon wind and wave and that does not have any CO₂ emission which has not been factored-in. We have papers that we have been asked as a government to prepare to reach E.U. (European Union) targets and directives, including 20 per cent renewable energy target for 2020 and the 15 per cent U.K. target within that. In a modern tidal power array of 100 sea turbines that can generate not only tremendous amounts of green energy but also tremendous amounts of cold green cash, you have 100 turbines in the water, 30 metres wide, 10 metres high. To service those, you need 30 vessels, 250 houses, 500 employees and 20, at least, sitting somewhere on the dry dock being maintained, repaired and serviced. Where will we put 20 30-metre wide, 10-metre tall tidal generators in the future? Because if we want to develop renewable energy, those are the answers we need to know now. Not in 20 years' time, not at all in 20 years' time. Today. The opportunities to go offshore in wind farms are also available and, as I said before, my proposition to debate pipelines to France to import energy of one source or another, whether it be gas, natural gas, oil or hydrogen, will be restricted and limited if we continue to think in the short term. The most crucial short-term thinking I have ever seen in this Assembly begins by the mutterings and utterings and protestations of States Members: "Oh, he talked for a long time. His speech was so terrible at the beginning. He is so disorganised. Oh, he is going to go on again. Oh, you went on for so long that time. Do not be going on so long this time, Paul." It does not matter how long I go on for. It is more important ...

The Bailiff:

It does, Deputy. **[Laughter]** Can I please bring you back to the point of the debate?

Deputy P.V.F. Le Claire:

I was going to finish. It is more important that Members take this opportunity to think in the long term. I think, personally, that that is the trouble with the Assembly. People are scared to debate or stand up and speak their minds because there is too much direction from the Assembly and, unfortunately, from yourself this morning, Sir, that does clamp us down and restrict us. In Standing Orders, there is no limitation as long as we direct ourselves to the proposition. I am talking about ...

The Bailiff:

That is precisely what I am asking you to do, Deputy.

Deputy P.V.F. Le Claire:

I am, and I am just making a point before I sit down that, unfortunately, this direction of yours today and also behind the scenes by other Members does not enhance or encourage debate; it stymies it.

The Bailiff:

Does any other Member wish to speak? Deputy Duhamel.

1.1.2 Deputy R.C. Duhamel of St. Saviour:

It is a shame that we have the political games being played to draw the master cards out of the pack. We have not heard from the Minister as yet, and it is a shame that we have to make our arguments first and we cannot have the arguments being put forward in a positive fashion by the Minister in support. **[Approbation]** However, contrary to some rumours, I am not going to try and speak for longer than the Deputy of St. Mary spoke for yesterday, but I would like to focus on a number of issues that really need to be addressed in order to redress the balance and to put right some of the anomalies in the evidence that has been put forward. Scrutiny is evidence-based, and before you make statements as a member of Scrutiny you have to make sure that you do have the document base in order to justify those opinions you are putting forward. I think the same does not necessarily apply to the department. One of the interesting things for me is that before long this House is going to be discussing an energy policy: "Fuelling the Future." The White Papers and the Green Papers are out for discussion and it is quite enlightening to read those documents. They may well change depending on the outcome of this particular debate or the extent to which some of the far-reaching consequences are modified because the States are not mature enough in environmental terms to accept them. If we read some of the statements that are in the document at the moment, I think they really need to be aired. We start off with: "International reputation and opportunities. Jersey, a model jurisdiction." Jersey is receiving a lot of criticism as having more money than sense, that we have all our eggs in the finance basket, and in some ways having too much money coming in from that one source and not spending adequate sums on the environment or on social responsibility is something that is beginning to pick up momentum in terms of the criticism that is being levelled at our society. So, in addressing these points within the energy policy, the officers have come forward with a couple of statements. I would like to just read a few paragraphs: "The environmental credentials of the jurisdiction are under scrutiny from the international community and those who seek to do business in that place. For Jersey to continue to enjoy the confidence of the financial services industry, tourism and agricultural exports, the Island must show that as well as being a transparent and responsible place to do business, it takes its environmental responsibilities seriously. Jersey must demonstrate that it takes a challenging and proactive approach to the Island's environmental impacts and, in particular, that it is making meaningful efforts to reduce its carbon emissions. The aspiration to become a jurisdiction that exemplifies best environmental practice is achievable and realistic. Jersey has the power of a small place to do big things." We have heard in this Chamber and outside on many occasions that Jersey is quite good at punching above its weight, but I do not think we are doing it in regard to waste management. Within the document it goes on and says some very interesting things about recovering energy from waste. Although it has been stated that the plant will provide up to 7 per cent of the Island's electricity requirements in the future, those figures do assume that you have a full throughput of both streams in the last year or towards the end of the running time of the plant. We have not assessed or put forward in meaningful terms how much electricity will be generated in the early days of the contract when only one stream will be running. The Island only produces around about 70,000 tonnes, which is the capacity of half the proposed units. Within that, there are a number of materials that do not burn particularly well and, in fact, if they were not a part of the residual waste

that is to be sent to the incinerator, then a lot of the problems in terms of the gas emissions would not need the expense of the bolt-on equipment which constitutes the major part of the kit in terms of cleaning-up gases from burning things that you really should not be burning. Within the energy report, it says: "However, the burning of waste, even in the most modern plant, creates carbon emissions which the Island must report upon as part of its obligations under the Kyoto Protocol." There is no point in the Island signing-up and being a signatory to international agreements and conventions if we do not play our part. "These emissions are a consequence to the waste disposal treatments available to us but can be minimised by reducing the volume of residual waste entering the plant." So, the less you burn, the better it is. "The forward projections of emissions in this policy have accounted for no more than 105,000 tonnes of waste by 2035, which is the plant's design life, beyond which alternative lower carbon technologies can replace the E.F.W. (Energy from Waste) plant." One of the difficulties this House has got itself into is that we do not think ahead, we do not provide maintenance monies or sinking funds to provide for the replacement of expensive capital equipment which will need to be replaced at the end of the design life of whatever it is. Here we are saying that within the energy policy we should be thinking about other equipment. It is not true that this equipment, which is old-style technology, is going to be used for ever and a day. It has a very short design life. "The new plant will be considerably more efficient than the current outdated plant [yes, agreed] and the option for district heating should also be investigated thoroughly." It was suggested by the consultants that in order to achieve a higher efficient rating for the proposed plant we should be running it with combined heat and power. That means that any of the waste heat coming out should not be dissipated by bringing sea water in through the cooling system and then vented out into the open sea on to the Ramsar area to raise the temperatures in the local vicinity of the sea water, but instead that heat energy should be piped in order to heat houses instead of burning other fuels to do the same thing. Unfortunately, the combined heat and power option has not been agreed by this House, so we end up with a situation that the equipment that is being proposed and agreed is not going to be particularly efficient and it is being recommended in our energy policy that whatever replaces it in 2035 will not be the same type of thing. It goes further to say that this proposal or contract that we have agreed to is to be thought of as transition technology, which is exactly the point. It says: "Even with the increased recycling rates and a reduction in the overall amount of residual waste being treated by the new Energy from Waste plant, at the end of the replacement plant's life, 2035, carbon emissions from the Energy from Waste process will make a significant contribution to Jersey's overall carbon emissions." It will be as big as the carbon emissions from most of our traffic. It is huge. Again, we heard yesterday from the Deputy of St. Mary that perhaps the Island was going in the wrong direction and this is ... **[Aside] [Laughter]** It goes on to state: "While Energy from Waste is considered the appropriate current technology to deal effectively with Jersey's waste, it should be thought of as a transition technology. The replacement of the next Energy from Waste plant at the end of its design life, in approximately 2035, should be seen as an opportunity to replace it with a method of waste treatment that is not only appropriate to the Island but has a considerably lower carbon footprint." This is in the energy policy report which has not been accepted by the States yet, but it has been commented upon by the Council of Ministers and others and it is moving in the right direction. The only difficulty I have is that perhaps it did not move fast enough, because within the paragraphs that I have outlined it is suggesting that the equipment that we are purchasing today - or maybe not - does not really go far enough in helping us to discharge our climate change requirements under the Kyoto Protocol and, in any event, in 2035 we will have to be looking for better, smarter, cheaper ways, more environmentally greener, friendlier ways to do the job in a better fashion. Why not do it now? Well, we could, but we appear to have had a level of intransigence from the organising department as to accepting any suggestions to go in any other direction other than the direction that was hit upon almost 7, 7½, 8 years ago. All of this started with a statement by PricewaterhouseCoopers 7-8 years ago that the House had decided that we would replace the failing Energy from Waste plant, if you want to call it that - the failing incinerator system - with a similar piece of kit, and the States had not even taken the decision. The

report, which is freely available for people to read, went on further to suggest that perhaps there were other ways of delivering the solution, whereby perhaps for a gate fee the Island could be spared the requirement of spending large capital sums to pay for whatever kit we were going to have because the incoming waste management companies would have been in a position to offer the service of dealing with the waste in an environmentally friendly and responsible way in exchange for a fee. All those options were hastily sent to the wastepaper bin and the department ploughed its single furrow to go for a replacement plant of a similar type to the one that we have, albeit with expensive gas cleaning equipment in order to clean up the emissions which are being caused by burning the wrong things. There is some really clever equipment out there and, as Chair of the previous Environment Scrutiny Panel, I have been exasperated at how narrow-minded this House and those persons who have been dealing with this subject have been. For example, the plastic that we are burning inefficiently or going to continue to burn could quite easily, in a very cheap fashion, be converted into synthetic diesel. We are running petrol in our cars; some of us run diesel cars. But the plastics, because they are oil based, can be re-cracked. That is not all plastic, but most plastics. We are told that for particular companies supplying this equipment, the 6,500 tonnes of plastic could be re-cracked to produce 6.5 million litres of synthetic diesel. That is a pretty good, as far as I am concerned, energy from waste approach because it means that instead of wasting taxpayers' money in sponsoring particular schemes that are hungry for expenditure of revenue sums and capital sums, you would have an opportunity to look at the waste materials for the first time and generate a revenue income of a sizeable fashion.

Deputy R.G. Le Herissier of St. Saviour:

I wonder if I could interrupt. Is there a carbon footprint involved in transporting this item to use diesel fuel to get diesel fuel back? [10:11:19](?)

Deputy R.C. Duhamel:

Well, there is. There are pluses and minuses in each case, but the essential point is that the case can be made for dealing with these materials in this particular way. In any event, we are going to continue to be importing fuels into the Island to run our cars. Whether they continue to be run on dwindling petrol reserves is a moot point, but in the not too distant future ... and this plan is only for the next 20 to 25 years so I cannot see petrol running out in that time, so we are going to continue to import oil. What I am saying is that there are materials that at present are being burnt that could be making a positive contribution to our energy balances and a contribution towards the carbon emissions, which we are going to have to do in any event. But we are not looking at it. The Minister for Planning and Environment - and I will steal his thunder a little bit, I hope - might be suggesting in the near future an increase in the requirement to recycle. One of the things that sticks in people's gullets at the moment is the discrepancy between what is possible in terms of recycling by other communities who genuinely want to do it and Jersey's approach which suggests that we are going to continue to recycle round about a third of materials and burn the rest. In other communities it appears to be the other way round. They are recycling the two-thirds and perhaps dealing with the other third in different ways. If the Minister for Planning and Environment comes forward and suggests that the Island should be again discharging its environmental responsibilities more seriously than we have done hitherto and suggests that he would like to encourage all of the members of the public and the Constables and the Parishes to take on board higher recycling rates, which indeed is the way of the world and we are going to do it anyway, where is that going to leave our policy? We are already ordering a machine which is twice the size that we need, so half of the equipment is not going to run. It is certainly not going to run efficiently. So you have to grow the materials in order to run the second stream in an efficient way. It is ludicrous. What would happen is, on the back of the suggested policy change that the Island is going to do what the rest of the world is doing and recycle perhaps two-thirds of the material and only get rid of, in whichever way, through burning or other tertiary methods for disposal of the other third, if that becomes established policy, any time between now and the next 25 years we are left with an expensive piece of kit

which is not running properly. That is a waste of funds. Not only that, the way the business has been conducted in going for the one particular company that was left at the end of the tendering process - we did not have a choice of companies; we had one company and it was take it or leave it - the gun was put to our head. It is very expensive. We heard yesterday from the Deputy of St. Mary that the Cheshire local authority were particularly astute in running waste composition studies and they knew exactly or better than we did what their people were producing. So they can have tailor-made waste management solutions to deal with those materials in the best way possible, which is the way it should be. That is in line with the waste hierarchy. So, what has Cheshire done? In May last year - and I reported it to the House last year but many Members either chose to ignore it or it did not register properly - the Cheshire County Council said that they would espouse a particular technology, not one single technology but a mix, as was recommended by the previous Scrutiny Panel, and the procurement figure for a plant of a capacity of 155,000 tonnes - more than we are asking for in our contract - was £34 million all in. £34 million for Cheshire County Council. Have a look on the internet; it is there for everybody to see. The actual irony is that that particular company passes all of the requirements and the hurdles that the department would put in place or have put in place for any tenderers. They did not tender for Jersey for whatever reason, but they could have done. The irony is that this particular company is still on the list of the 8 tenderers or expressions of interest in our sister island, Guernsey. So, yet again, we are going to be looking over our shoulders to our Guernsey friends and instead of ridiculing them and calling them donkeys and all the rest of it because we think that their brainpower is inferior, they are doing what we should be doing. They are looking at what is available on the market. They are making reasonable assumptions and they are keeping in line with what their population want in terms of discharging the requirements of particular protocols for gas emissions or whatever, or encouraging people to do the green thing and to play their part to be a responsible person of this planet. What are we doing? We have more money than sense, bigger is better and more expensive makes us look better, but it does not. It makes us look like laughing stocks. That is really what is worrying me about this particular proposition. The British-Irish Council are coming to this Island to discuss waste management and climate change in the autumn. What are we going to tell them? What is your recycling rate? Well, we reckon it is going to be 32 per cent and it is going to be 36 per cent fixed for the next 25 years. They are going to say: "Hey, you are out of line already with what the U.K. are doing. You are out of line. What are you going to be doing?" We will say: "Well, we are punching above our weight. We can afford it. We have lots of money coming in. We have enough to waste." I think we are going to have egg on our faces and I do not think we will be able to hold our heads up high and try and paint the type of picture that I think a lot of politicians - certainly a lot of the members of the public - would like to paint, in that we are all on board, doing our little bit in order to make things better. It has been stated that one of the reasons that we could not go ahead with any other alternatives which would allow greater recycling to take place was because our farmers were being told by supermarkets that they could not put digestate materials from anaerobic digested food wastes on to their fields. It would be poisoning the fields and they just could not do it. We would lose the potato crop. We would poison our animals. What I did was I took the liberty of contacting the major supermarket supplier last year during the debate and this is the letter I sent to them. "Dear so and so." This is the person who was leading the environmental department of the large supermarket chain. I do not know if I am able to mention the chain's name, Sir, am I?

The Bailiff:

It seems to be to be in order.

Deputy R.C. Duhamel:

Okay. Well, it was Tesco. "Dear Sir, thank you for your telephone conversation yesterday. There have been statements made by potato growers and other States Members here in Jersey that Tesco grower protocols would not allow either digestate or liquors from anaerobically digested source

segregated food waste or composts made with such material which were compliant under the A.B.P.R. (Animal By-Products Regulations) and made in accordance with the P.A.S. (Publicly Acceptable Standard) 110 or 100 standards to be used on land currently utilised for growing the Royal Potato crop or grazing the Jersey cow. It has been further stated that this would risk losing the potato market. I would like to know whether this is, in fact, the case. I am aware through internet searches of some Tesco initiatives with U.K. companies and local authorities to support the U.K. Government in moving towards a wiser use of food waste materials through anaerobic digestion and composting within agriculture, horticulture and forestry rather than committing them to landfill, with the obvious problems of uncontrolled methane production through the rotting process to climate change or leachate contamination of ground waters. It would be very useful if you could set out the Tesco protocols that would apply to dispel any misunderstanding that might be present as well as giving an indication of the work that is being done by Tesco with other U.K. farmers, local authorities and government bodies to firmly establish anaerobic digestion and composting within mainstream agriculture, horticulture and best practice land husbandry. The Nature's Choice programme continues to show that Tesco does have an environmental conscience and takes its corporate responsibilities seriously." I received 2 replies from the people who set up these supermarket protocols. I will read one of them: "Dear Robert, as we discussed previously, Tesco do not have an official policy on this at present." That is from the guy who is running the whole of the Tesco Nature's Choice for the U.K., but we were told in this House and it has been reported in the documents from the department that, contrary to what I am telling you now, there are protocols and regulations stopping this material from being wisely and sensibly used as part of mainstream agriculture. They go on to tell us: "Of course, if the anaerobic digestate is produced to meet the A.B.P.R. regulations, which are designed to control zoonotic diseases, it should destroy any pathogenic food bacteria so the risk will be low. We already have growers already using A.D. (Anaerobic Digestate) systems, potato growers at that, and believe it to have the potential to be a major breakthrough in the reduction and use of waste material." The over-reliance on the petrochemical industry for fertilisers is well established, not only in the U.K. but worldwide. The use of these materials for properly made organic fertilisers is being contemplated not now in the U.K. because they are late to the show, but for a long while in Europe. It goes on and says: "So, basically, to use the digestate as fertiliser or soil conditioner, the A.D. process will have to be compliant under the A.B.P.R. and made in accordance with the P.A.S. 100 standard and currently being developed P.A.S. 110 standard in the A.D. quality protocol, as well as meeting any other applicable legal regulations." So, it is permissible: "However, spreading of fertiliser to land [this is any fertiliser] is also constrained by the E.U. nitrates directive." Well, that is fine, but we have enough land, not just potato land but grazing land and other land, on which to spread these materials should we wish to do so. The quantities involved after anaerobic digestion are pretty small. So, I think we were misled up to a point and this House continues to be misled by statements that still appear in the comments from the department about how you cannot do these things. You can. They are doing it in the U.K. They are doing it in Europe. They are doing it in other countries in the world. But because Jersey punches above its weight and it has a lot of money, you cannot do it here. It is ludicrous. Just one other point. Sainsbury's, another big supermarket, what do they do? 22nd January, we have something on the internet, for those who are interested: an innovative new plan to stop all food waste going to landfill. Admittedly, we do not send ours to landfill but we do something equivalently bad: we try to burn it when it has other uses. It could go through the anaerobic digestion process. We heard a little bit yesterday that if you do produce methane, that methane gas could either be further burnt to generate electricity in a more efficient manner than burning the food waste directly - that is important - or it can go into chemical processes to make methanol or other fuels to offset the fuel imports that we are importing at the moment. So you have a double whammy there. We could be reducing our reliance or over-reliance on petrol fuels and making other fuels on which to run our vehicles or provide our heating. That is something to think about. So, what are Sainsbury's doing? "We have an innovative new plan to stop all food waste going to landfill. Sainsbury's has joined forces with the PDM Group to divert

food waste from landfill to generate renewable energy.” They are going to roll it out as part of a nationwide commitment to stop sending all food waste to landfill by the summer of 2009; that is this year. The plan has been fast-tracked in Scotland from next month and Sainsbury’s 28 stores in Scotland are going to be among the greenest in the country when it comes to its waste handling of food products. Would it not be nice if we could be saying: “Yes, Jersey is here, punching above its weight, we are doing the same thing”? Maybe that is asking too much. We have not only Tesco dealing with its food waste responsibly, but we have Sainsbury’s doing the same thing. Another thing, on the national news there was a little snippet; I mentioned it last year, but again I think it was missed. One of the things about dealing with the dirtier end of our waste is that perhaps there are sanitary items or whatever which we do not really want to talk about but are part of the waste loading anyway. We do not really have nappy recycling over here, although they have it in other places. So, what do you do with napkins? Well, I mentioned in this House that Birmingham last year were going to set up a new multi-million pound recycling facility capable of reprocessing 30,000 tonnes of used nappies and sanitary products every year. They are doing it. So, what is our department’s approach? We do not want to talk about it. We do not want to do anything that is environmentally sound, and perhaps some of us might think that this is unsound. But here is Birmingham suggesting that one of the things that is stopping them from recycling more is that you have mixed bins. If you mix dirty rubbish or so-called dirty rubbish with clean recyclables, then you make the process of recycling more difficult to achieve. So, the sensible option - and it is not rocket science, and I will say a little bit more about that in a minute - which is very cheap and simple to do is that you do not mix your products. We are generating the problem. If you take these materials out, there are ways of dealing with them specifically on a material by material basis which an incinerator of the type that we have ordered does not do. It is a one-stop-shop; it burns everything indiscriminately and then you spend huge sums of monies to clean up the emissions of things that you could have dealt with without producing the emissions in the first place. That seems to me a wiser way of dealing with our rubbish. These things can be done. One final point: environmental gains for recycling mixed plastics. I mentioned earlier the potential for taking plastics, the oil-based materials which are part of the packaging of the goods that come to the Island, and dealing in a sensible fashion with those. Again, there are more and more businesses being set up in the U.K. which, as I said earlier, is late to this particular banquet, so to speak, and they are dealing with mixed plastics and sorting them into separated-out streams which achieve higher prices because there is a guarantee that the materials are all of the same polymer type. If they are all of the same polymer type, you get a higher price - a premium - because the chemical companies or the other companies who are dealing with the recycling of those resources do not have to spend money to do any further sorting. It is a clean material to go into their processes. What are we doing? I think we are going in the wrong direction. To bring it back to the argument, what have we got today? We have P.8/2009 which suggests that we should knock this contract on the head. I think that is possibly going a little bit too far, although I would have argued that we should not have signed it in the first place. But as we all know, we are where we are. So, how are we going to achieve what we would like to achieve? There is no doubt in my mind that if the Island picked up on higher recycling rates - and we have heard that perhaps that is going to be coming sooner rather than later - then I think the department is going to struggle to operate the size of plant that they would wish to operate. Just by taking out the food waste, we could take out 17,000 tonnes and bring our 70,000-odd tonnes down to more manageable proportions, well inside the burning envelope of one of the streams. I think that is really where we should be going up to a point. If the States does not have the wherewithal or the stomach to cancel the contract completely, I think there might well be an opportunity within paragraph (c) to renegotiate the contract with the existing firms. The equipment has not been built yet. It has been ordered, perhaps, although I have not seen the so-called confidential documentation to assure me that the orders have been placed upfront and the deliverability times and all the rest of it. It would have been nicer, perhaps, if somebody had called for an *in camera* debate of these particular items so that we could preserve the so-called confidentiality of the companies or the department or whatever and yet be satisfied that

with our Scrutiny hats on we had seen the evidence that we are being told, in perhaps an anecdotal form, exists. I do not wish to be a doubting Thomas, but it does strike me a little bit odd that if these documents do exist why can we not see them? That would set all our minds at rest immediately. Anyway, going back to paragraph (c), I think there is an opportunity if we do support a rescindment of the previous decision to go for the size of plant that we all know in our heart of hearts is too big for the Island. Stavanger in Norway, population 240,000, size of incinerator: 40,000 tonnes. We heard other examples yesterday of similar discrepancies. We are too big and there is no need. Let us think small and think smart. So, I think within paragraph (c) there is an opportunity if Members support this rescindment to treat it perhaps in a form which does not say: "We are going to rip it all up and chuck it out and start again", which may well be impractical. That would certainly generate legal problems in terms of determining what we have paid for and what we have not, but I think there is an opportunity within (c) to renegotiate the size of the contract, particularly if there is an intention of recycling more. We will not need the size of plant which we are speaking about. We will not need to replace the plant with one any bigger in 2035 because the energy policy says it is the wrong type of plant and it is going to be creating too much in terms of its carbon emissions. So, let us box clever. Let us punch above our weight and let us see whether or not there is an opportunity to renegotiate with the existing contractors so you do not get into the arguments of having to find new people and all the rest of it. It might be the simplest way forward to say: "Okay, we made a mistake in ordering the current equipment. Let us go for something smaller." I think that, if it could happen, would form a sensible way out of a problem that we have really generated for ourselves. We should have been thinking further ahead than we do. We heard Deputy Le Claire suggesting that there are planning situations and there are other long-term strategic issues that we really have not taken into account. We certainly have not been told of the full cost of running this particular plant, and we have not made it foolproof so that it will continue to run at the level that we are being told it could run. If the public, who own the waste, decide to recycle more independent of whether the States tell them to or not, then we have a problem. We do not own the public's rubbish. The public owns the public's rubbish, and the public instruct through the payment of Parish Rates the Constables to deliver it to wherever they deliver it to. But the public can quite easily instruct the Constables, who are not free players in any regard in this particular issue, to deliver those recyclable materials to recyclers to be recycled. If they do that, then there is no reliance, there is no robustness to the plans that the T.T.S. (Transport and Technical Services) Department have put forward which will guarantee that their chosen equipment will continue to operate at the levels that they think they might. In other places, you normally get, by people who are offering services for waste management, a buy-in or a tie-in clause with other companies which guarantee the collection of the materials to give you the waste stream or the feedstock to burn into the long term. We do not have that, so it is not foolproof. If we find ourselves, as we already are, increasingly out of step in terms of what we think can be recycled and what the rest of the world thinks we can recycle, we are going to find pressure building up to look good with our environmental green credentials in order to offset the criticism that we mentioned earlier about making too much money through the finance industry. I think I have probably said enough on those issues. I think there is a real possibility, and it could happen fairly quickly, to renegotiate the terms which might well include another look at the extent to which we allow the public to continue to help us generate the problem in the first place, which is mixing the materials, and if the Island really wishes to solve the problem in a better fashion than we are doing at the moment, I really think we owe it to the public as their representatives to give them the opportunity to play their part. I would like to hear from the proposer whether or not, in fact, he would concur with my assessment of paragraph (c) and whether or not he thinks that that would represent a sensible way forward and a compromise which allows us all to have the green credentials that we all really heart of hearts wish for.

1.1.3 Senator S.C. Ferguson:

I do not know. This proposition has come up with a myriad of reasons to waste taxpayers' money, about £50 million we are told, but the Minister will, no doubt, confirm it. Talking about cancelling the contract is insupportable and it is quite enough to make Cyril Le Marquand spin in his grave. To add insult to injury, we received a series of long reports at short notice which attempt to make the case for the rescindment. I have read them, but I will deal with some of the points raised in due course. The rationale for cancelling this project is that it is too expensive. We have the cash, we have effectively no debt and we have reserves. Yes, there is a financial crisis, but the interbank lending rate is coming down and the world will recover, but not if we go hell for leather on carbon credits and carbon trading. We have had the sub-prime fiasco and carbon trading promises to be the next. I have a copy of a professional journal here with a substantial article on the great carbon credit swindle, which was supported by the news item on the BBC World Service recently. For those who are not familiar with the carbon trading process, the essence of it is to move resources from the west to the developing countries ...

The Bailiff:

Senator, may I interrupt you for just one moment because it does seem to me that important comments are being made and, no doubt, the proposer of the motion is going to wish to reply to these comments in due course. It seems to me extraordinary that the proposer is not in the Assembly. [Approbation]

Deputy G.P. Southern of St. Helier:

Neither is the Minister responsible.

The Bailiff:

That, too, Deputy, but I would hope that the proposer of the motion might return to the Assembly so that he can hear these remarks.

Senator S.C. Ferguson:

I would hate my words to fall on deaf ears. As I say, the essence of carbon trading is to move resources from the west to the developing countries, so we shall end up by ruining ourselves financially. What is more, our lifestyle will be dictated by policies dictated centrally by a quasi-scientific clique. Social engineering par excellence, not a world I would wish on anyone's grandchild. We are being alarmed by global warming - I am sorry, it is now called climate change - and theories based on fallacious data and suspect computer models led by Messrs Gore, Hansen and Pachauri. These theories are given as part of the reason to rescind this contract. Originally, I did not propose to wander off into the global warming - I am sorry, climate change - argument. However, it has been given as a reason for rescinding this contract so I will mention some of the evidence. Firstly, there is no such thing as a consensus of scientists. Like scrutiny, science is based on evidence and scientists either disagree or they do not. There is no consensus. This implies compromise and scientists do not compromise. Nigel Lawson wrote recently: "The new religion of global warming is a great story and a phenomenal best-seller. It contains a grain of truth and a mountain of nonsense. That nonsense could be very damaging, indeed. We appear to have entered a new age of unreason which threatens to be as economically harmful as it is profoundly disquieting. It is from this, above all, that we really do need to save the planet." The second chairman of the I.P.C.C. (Intergovernmental Panel on Climate Change) wrote in 1994: "Unless we announce disasters, no one will listen." And boy, have they announced them. The Deputy talks of a significant increase in catastrophic natural disasters. He will be familiar with the C.R.E.D. (Centre for Research on the Epidemiology of Disasters) graph showing the increase in such disasters as used by Mr. Gore. What he may not be aware of is the fact that Mr. Gore has withdrawn this particular slide from his presentations. It has gone the way of the hockey stick graph. The letter from C.R.E.D., which is the Centre for Research on the Epidemiology of Disasters, may enlighten you. It says, *inter alia*, that the increase is explained partly by better

reporting of disasters in general, partly due to active data collection and partly due to real increases in certain types of disasters. But they go on to say: "We estimate that the data in the most recent decade presents the least bias and reflects a real change in numbers. Whether this is due to climate change or not we are unable to say." This is the centre which is responsible for research into disasters. What else is there? The Arctic will be ice free in 3 or 4 years. Well, I can assure you that there is now more ice in the Arctic this year. I am happy to show you the graph from A.M.S.R.-E. (Advanced Microwave Scanning Radiometer for Earth), which is a type of satellite from NASA with a 28 per cent increase from 2007 levels. The current Chairman of the I.P.C.C., a railway engineer with an additional degree in economics, says: "We are at a stage where warming is taking place at a much faster rate than before." Well, that does not agree with the 30-year record from the Hadley Centre which shows a fall. The latest cry is that the ...

Deputy D.J.A. Wimberley of St. Mary:

Could I just ask for clarification on that last statement? You said the Chairman of the I.P.C.C. The I.P.C.C. has several committees. I would like to know which chairman you are referring to.

Senator S.C. Ferguson:

Mr. Pachauri is the particular chairman. I do have the quotation here if you would like it.

The Deputy of St. Mary:

Sorry, is he the chairman of the overall I.P.C.C. or one of the technical committees?

Senator S.C. Ferguson:

Well, it is a United Nations set-up so there are probably 15 chairmen of various departments.

[Laughter]

The Deputy of St. Mary:

I am sorry, that is not a very precise answer.

Senator S.C. Ferguson:

Absolutely. I do, in fact, have the quotation. He is quoted as the Intergovernmental Panel on Climate Change, talking at the University of New South Wales and receiving an honorary degree. The latest cry is that the Antarctic is warming up. Only one part of the Antarctic is warming up: West Antarctica where most of the weather stations are. East Antarctica is not showing the same trend. However, West Antarctica is also subject to volcanic activity which might just have an additional effect. There are temporary climatic anomalies which might explain it, and also the method by which they interpolate measurements for missing readings might just be another. Basically, the hypothesis that carbon dioxide is the cause of climate change is flawed. The reasoning is based on computer models as well, which are much like the models which have been used to such extraordinary effect in the financial system and look where they have got us. You can add to this the fact that natural carbon in the atmosphere accounts for 94 per cent of the carbon. Of the remaining 6 per cent, 3 per cent is due to fossil fuels and 3 per cent to us breathing, I understand. My source: the I.P.C.C. President Eisenhower in his farewell speech warned against allowing a scientific clique to dictate government policy. How prescient he was. The problem is that climate change is perfectly natural. As Mark Twain said: "We think we have climate and instead we get weather." A little warming might not be a bad thing. Approximately 25,000 old people die in a cold winter but only about 3,500 in a heat wave. Sadly, the indications are that we may well be in for a period of cooling. The E.U. targets are well nigh impossible using current renewables. I think most people know that wind farms are only effective for 25 per cent of the time. The Deputy of St. Mary considers that the prevention of the construction of a power station in the U.K. is a cause for celebration. I do ask him if he will feel the same when, in a couple of years' time, the prediction of power cuts by the national grid comes true. Yes, I have been called a denier, which makes me feel a bit like a witch in the time of Cromwell; however, I maintain that it

has not been proven that the driver for global warming is carbon dioxide. There was more carbon dioxide in the atmosphere in the late Ordovician period, 12 times today's levels, and it was an ice age. I think the problem is that the concept of being environmentally friendly has been confused with Nigel Lawson's new religion of global warming. Yes, I agree, we should put money into food production as recommended by Bjorn Lomborg. Yes, we should look for alternative sources of energy. Yes, we should clean up our act environmentally. But please do not let us base our decision today on suspect hypotheses based on faulty data and computer models. The issue is quite simple. Are we going to throw around about £50 million of taxpayers' money down the drain based on very unscientific thinking? Switzerland has 277 incinerators and their air is one of the cleanest in Europe. Like most of Europe, they are moving away from landfill. I understand that the scrubbers, which is a technical term for filters in the chimney, on the new plant will deal with the P.M.2.5s (Particulate Matter) as per the E.U. standard in the E.U. W.I.D. (Waste Incineration Directive). The Minister will, no doubt, confirm this. These were the particulates which raised worries after the lecture by the doctor in Jersey recently. We have been told that the E.U. will declare that our new plant is inefficient and is likely to be banned under a pending directive. Well, I think it might well apply to most of the plants in Europe, and I can just see the mountain of waste that will start growing. I have taken the trouble to look at the pages of Juniper, the consultants used by the last Environment Scrutiny Panel, on their website. They do have some very interesting and informative pages comparing the different processes. So, if you do not believe T.T.S. then look at an independent view. They say: "It is self-evident that the new technologies will be less proven. Thus, when advising clients, our analysis frequently focuses upon assessing the significance of the advantages on the one hand and, on the other hand, balancing these against the potential risks of adopting a solution that is unlikely to have been fully proven in commercial operation." Remember, these are engineers and specialists. They go on to say: "Juniper is neither pro nor anti incineration. Along with many independent experts, however, we do feel that incineration has had a bad press. The case against its use is frequently based on the undeniably poor performance of old plants [well, we can tell them about that] now closed. These earlier plants do not reflect the good environmental record of modern, state of the art reference facilities operating at many sites around the world." They go on to say: "Incineration remains the most widely adopted solution despite its unpopularity. In essence, this is because there are significant issues associated with all alternatives. So, while an alternative to incineration may seem attractive and thus receive political support, it may not be a practical solution when taking into account the need to minimise costs and to keep risks under control." Turning to the volume of reports accompanying this proposition, the Deputy of St. Mary referred us to a manufacturer of pyrolysis plants, a company in Arkansas. However, it manufactures plant to deal mainly with biomass, rice husks, and that is what the company say on their website; I looked. Juniper have some comments to add on pyrolysis: "Incineration is far more proven than pyrolysis and gasification projects. There have also been some noteworthy problems at particular pyrolysis projects over the past 5 years that raise concerns about operational reliability. Furthermore, the technical and economic feasibility cannot be described as fully demonstrated." In other words, these new technologies have promise but are not sufficiently developed and are too risky for small islands to depend on. We do not have the luxury ...

Deputy P.V.F. Le Claire:

Could I ask a point of clarification, please?

The Bailiff:

If the speaker is willing to give way.

Senator S.C. Ferguson:

I am feeling generous.

Deputy P.V.F. Le Claire:

In the original debate the Assembly had on the incinerator the Senator did refer to Juniper. I am struggling to recall in which terms she referred to them because in this debate she is referring to them but I am pretty certain that she made disparaging remarks about them in the original debate. Could she remind me, please, exactly what she did say on the original debate about this company?

Senator S.C. Ferguson:

I do remember. I commented on the fact that Juniper carried advertising for various plant and equipment on their web pages but I am happy to assure the Deputy that they have now removed this so that it gives them much more credibility as being independent.

Deputy P.V.F. Le Claire:

On a point of order, that was not correct. The website that the Senator referred to originally was a company that advertised the advice that it was receiving from Juniper. It was not Juniper's website.

Senator S.C. Ferguson:

I am not giving way.

Deputy P.V.F. Le Claire:

Well, it is incorrect.

The Bailiff:

Deputy, there is a distinction between a point of information where the speaker is willing to give way and a point of order. That is not a point of order and the speaker is not willing to give way.

Senator S.C. Ferguson:

We do not have the luxury of being able to ship our excess waste up the road to a neighbouring facility or to a landfill. We have to be relatively self-sufficient and we must have a proven process. We have an existing plant which is a disgrace and should be replaced as soon as possible, when you consider that we were advised to start thinking about replacing it in, I think, 1999-2000. I think some of the people in the House were probably on the relevant committee at the time. When you consider that we had the advice to start thinking about a replacement, 10 years to make a decision is pathetic and then to add further delays and expense to the process, it is quite ridiculous. It has, I understand - but this is something that perhaps other Members can confirm for me - cost us something in the order of £40 million more than it would have done if we had got going sooner. Are we going to really add another £50 million of taxpayers' money to the wastage for no good reason? Frankly, I was not going to speak today but I felt really that someone must point out that the emperor has no clothes. Furthermore, as Mencken said: "The whole aim of practical politics is to keep the populace alarmed, and hence clamouring to be led to safety, by menacing it with a series of hobgoblins, all of them imaginary." I ask the Assembly to dispose of these hobgoblins and reject this proposition. [Approbation]

Deputy T.M. Pitman of St. Helier:

Sir, could I raise the défaut on Senator Syvret, please?

The Bailiff:

Yes. It is proposed that the défaut on Senator Syvret be raised. Those in favour? Those against? The défaut is raised.

Deputy T.M. Pitman:

I just politely would like to ask for a point of clarification because I want to make my final decision on the quality of the information. I just wonder if the Senator could confirm whether she also believes the earth is flat and whether one of her scientific sources is Jeremy Clarkson.

Deputy G.P. Southern:

We have had a number of questions raised on the evidence before us and we have yet to hear from the Minister. I do believe, for the sake of good order and debate, we must have some of those questions answered. I think people are waiting to hear from the Minister in particular.

The Bailiff:

Well, if no other Member wishes to speak I am going to call the Deputy of St. John.

1.1.4 Deputy P.J. Rondel of St. John:

Yesterday, we heard from the Constable of St. Helier about his rocket fuel machine that he had just taken delivery of in St. Helier and how he could compost various types of food waste for reuse in the gardens, et cetera. Having spoken to him yesterday evening, in fact it has only just been taken delivery of and, in fact, it is experimental. So the evidence he gave the House yesterday, to me, is somewhat flawed because he did not tell us at that time that he knew very little about the workings of the particular plans. Secondly, we heard from the Deputy of St. Mary who made a couple of comments about ...

The Deputy of St. Mary:

Can I ask for a point of order about the comment of the Constable of St. Helier because my understanding is he understands perfectly well what ...

The Bailiff:

Just one moment, Deputy. If the Deputy of St. John is willing to give way you may continue.

The Deputy of St. John:

No, Sir, I am not giving way, thank you. We heard from the Deputy of St. Mary with his peer review claiming that he had asked for £5,000. In fact the figure was between £1,500 and £3,750. There is a difference. That is what he had asked myself and my colleague on our Scrutiny Panel to come up with. These figures, to me, if people are giving me details on the floor of this Chamber and they are not correct, therefore have to be clarified. Further to this, we have heard this morning from a Deputy of St. Saviour, Deputy Duhamel, about freeways not going, or should be able to go, on the land. Yes, it can go on the land, on certain areas of land, but Jersey has a land bank and I will just read a little bit of information I have here: "In Jersey there is a restricted land bank where such food waste derived compost could be applied. For example, there are no large restoration projects such as there are in the U.K. and the pressure on agricultural land is severe. The potato industry has green waste derived compost in their crop rotation and the dairy industry uses enhanced treatment sludge on grazing land, but the potato industry has indicated that the retail customers for their products have strict protocols which prevent the application of food waste derived compost to land. Jersey has a unique agricultural cropping system for potatoes with an annual rotation. The majority of supermarket protocols either preclude applications of food waste derived compost or require longer than a year between application of such compost and planting or harvesting of subsequent crops." Therefore, that point alone pushes out the possibility of using this food waste on the land. This is my reading of what is being said. The T.T.S. have revisited these protocols with the potato industry regularly since the Solid Waste Strategy was approved and has been advised that these protocols are becoming stricter and in December 2007 the British Retailers Consortium stated: "We have significant concerns with regard to the use of compost made from animal blood, bones, meat and entrails. We know that B.S.E. (Bovine Spongiform Encephalopathy) is not eliminated by heat and as B.S.E. was linked to animals ingesting other animals' proteins, we are concerned about the spreading on to grassland of this type of material. The spread of animal disease is another issue of concern and we would like a review of the risk assessments of which the current time temperatures requirements for the treatment of kitchen waste are based. We also believe that there is a need to investigate public perception of the use of compost derived from animal products before we can be satisfied that an adverse public reaction is

not likely to happen.” These, to me, are of real concern given that we are being told on the one hand by Members that this is quite all right to go on our land. But we have a land bank specifically where rotation is within 12 months, our rotation of crops, and, therefore, we have to be very, very careful about what we do with this waste. Furthermore, over the last 5 years we have had 3 Scrutiny reviews on Energy from Waste. Really how many more reviews are we going to have? Because if we delay this yet again today we will find that we have got a situation where we will have to call in whatever new plant is looked at and review that yet again, for the fourth time. We have had 3 different panels with all the evidence come forward. Surely we are not going to go down the road of allowing ourselves to go through it all over again at the expense on the back of 3 weeks or research, 4 weeks of research, by the Deputy of St. Mary. Yesterday, I must be fair to the Deputy, he brought up a number of very interesting points. But, that said, the research has been done in depth, in a lot of depth, by 3 different panels. We cannot keep on going over and over and over again the same information or similar information only to come up with the same result because 3 reports have come up with similar conclusions. I sincerely hope that the debate will now really concentrate on doing what is right for the people of Jersey and let us get on with building the incinerator. **[Approbation]**

1.1.5 Connétable M.K. Jackson of St. Brelade

I cannot but respect Deputy Wimberley for the tremendous effort he has made in putting together this proposition, bombarding Members with all manner of diverse information and even extorting others to influence Members by supplying an idiot’s guide on trying to get States Members to change their minds by phone. I really think that the communications unit should take heed of the Deputy’s activities over the past few weeks. There has been so much spin I am becoming quite dizzy. I seem to have been getting daily references to obscure websites, all purporting to be waste disposal experts. We seem to be sliding down the path of “Government by Google.” For the record, this whole exercise has probably cost my department some £5,000 in officer time, responding to a stream of questions from the Deputy and his group and in trying to respond in a sensible and professional manner. We have been open with all information within the parameters of commercial confidentiality agreements and I refute the Deputy’s allegations that the department have been reticent in giving out information. To get back to reality, part A of the proposition, which is to rescind the democratic decision of this Assembly - which was made after years, yes years, of presentations, delays, reports, long debates and further delays and good old-fashioned democratic debate on the floor - here is, I believe, based on the principle that we should all revert to living in caves and wearing animals skins. I consider that, with respect, the Deputy has gone stark raving bonkers. He is living in his own idealistic world which is simply not achievable in our society today. Members of the last Assembly were fed tomes of information on all manner of methods of dealing with the Island’s waste and I can honestly say that, after listening to Deputy Duhamel for an hour and three-quarters at that time why we should not have the plant being built at present, they still voted in favour of it. It was considered in great depth, thanks to Deputy Duhamel, and new Members can rest assured that the decision was not taken lightly. I, together with others, visited the M.R.F. (Materials Recycling Facility) in Cardiff at the invitation of Deputy Duhamel and, while the concept is good, it does not suit Jersey. I saw the agency workers, mostly Latvians - and, I understand, working there with face masks - and I was interested to note in last night’s *Post* a photograph of these very people with face masks working at a M.R.F. facility. Now, I am afraid that Jersey does not work like that and this is not a situation we could possibly go down. The arguments against an Energy from Waste plant were not convincing then and that is still the case today. The Deputy has produced no information that can possibly add value to the debate which has already taken place. The information supplied in the Deputy’s second addendum is unrealistic and vastly under-priced. The proposition includes various statements about the benefits of recycling over incineration with energy recovery in terms of climate change impact. Unfortunately these statements do not take into account the specific circumstances in Jersey where all recycled products, with the exception of glass and compost, have to be transported for

processing elsewhere. Jersey does not have its own paper mills or its own plastic bottle reprocessing plants as in the U.K. This means that the environmental benefit of recycling and exporting low-grade mixed plastics, for example, is highly questionable. Our strategy has been, as a result, focused on recycling materials of a high quality that attract sustainable markets with demonstrable environmental benefits. Recent media coverage showing the many thousands of tonnes of mixed recyclable waste waiting recycling with little or no markets are good examples of why Jersey's waste strategy got it right in concentrating on high quality clean recyclable products. Alternative technologies which rely on export of outputs of waste sorting to subsequent landfill in third-world countries are also highly questionable and the principle, to me, is quite unacceptable. My department is as concerned as anyone over future population figures and waste horizons in the light of a world of economic recession and it would be irresponsible not to review calculations made earlier. Members will recall that the originally calculated size of the plant was reduced from a 126,000 tonne to 104,000-tonne plant. Figures in the range of nil growth to 650 heads of household were considered and eventually calculations were based on a 250 heads of household figure. We have recently looked at a 10 per cent reduction in population and still feel we have made the right decision. Members must bear in mind we are looking at a 25 to 30-year plant life and we must make projections on the best information available. A nil growth figure still dictated that a 70-80,000 tonne plant would be needed combined with a 36 per cent recycling rate and, given that we put through a similar amount at present, I truly believe that the correct decision on the right plant has been made. That brings me to the old plant at Bellozanne. Members should be aware that the current Bellozanne plant has a rate of throughput of 122,000 tonnes per annum but, due to its age, it is struggling to deal with 70,000 tonnes. I have yet to speak to anyone who can tell me that it is not completely beyond economic repair. The boilers are regularly bursting, bits fall off the chimney, the crane has needed repairing and, of course, it does belch out fumes well outside the stringent E.U. guidelines in place today. It needs to go for the good, in particular, of those living near and for the Island, of course, in general. I was surprised by Deputy Green's comments yesterday when he said that he was worried about his family living at Bellozanne and yet he supports the proposition, the acceptance of which can only serve to delay the removal of the existing plant from Bellozanne. I will not bore Members with any further technicalities of the new plant at present being constructed. It has been well ventilated at presentations to Members, which I recall Deputy Wimberley failed to attend. If this House approves this proposition, the financial consequences will be harsh. I have endeavoured to get costs as close as possible but in these situations certain elements are impossible to predict and I am, as a consequence, going to give figures which I consider to be prudent and based on professional advice. I shall be talking in sterling for the avoidance of doubt. The contractual position is that to assess the costs payable under clause 42 of the contract, it would begin with 3 sums being involved: (1) the amount paid to the contractor, (2) the amount due to any of the contractor's subcontractors to terminate their work, and (3) the amount due to the contractor to terminate the contract. We would not be exposed to the contractor recovering the amount of profit it had intended to make on the full contract, just the profit on the work carried out. It is easy to assess item (1), the amount paid to the contractor. This would be £34 million based on the most recent certified payment, which is 16th February. The estimated costs for items (2) and (3) have been estimated and give a total sterling exposure of about £45.9 million. So just to clarify, £34 million will have already been paid, so there is absolutely no doubt whatsoever about that. It must also be noted that there will virtually have been nothing delivered of any value, so that would have to be written off.

The Deputy of St. Mary:

Sir, on a point of clarification ...

The Connétable of St. Brelade:

No, I am not prepared to give way. We have listened to the Deputy for some hours yesterday and he has had ample opportunity to vent all his views. **[Approbation]** On top of this, there will be

additions such as the enabling works costs, advisers' costs, costs sought by the J.E.C. (Jersey Electric Company) to break agreements and, of course, legal costs which will not be insignificant on a contract of this magnitude. I have no desire to mislead the Assembly in any way, as has been intimated by the Deputy, but it would be irresponsible of me to be optimistic in this serious matter. I have been advised that it would be prudent to be considered writing off around £50 million should this contract be terminated. Members should also be aware that at a time of uncertainty over jobs in the local construction industry, the local contractor is responsible for the major civil engineering and building elements of the project. To terminate this contract will have a major impact on local jobs within the overall construction industry. I referred to part C earlier on, of the amendment, so I shall not risk repeating myself. To sum up, terminating this contract now will cost the Island around £50 million and result in a long and protracted legal battle with the contractor. It will result in the current Bellozanne incinerator having to remain operational at a time when its reliability is clearly questionable and it continues to pump out totally unacceptable emissions from the chimney. The alternatives put forward by the Deputy, some of which are only demonstrator plants, have not been costed properly. They were evaluated as part of P.72/2008 and the costs validated by one of the world's top accountancy practices. These costs show quite clearly that the Deputy's proposal will eventually cost more than the plant presently being built. Terminating now will have a major consequence on the local construction industry and all the various local suppliers. I urge Members to use their common sense and throw this proposition out and let my department get on with constructing the plant in a professional, timely and responsible manner so that we can quietly give good value to the public of Jersey. Thank you. **[Approbation]**

1.1.6 Senator F.E. Cohen:

The Deputy of St. Mary is, I have no doubt, an honourable man. He is an honest environmentalist. In that way he is similar to my friend Deputy Duhamel. They are prepared to arrange every element of their lives in an idealised environmental perspective. Their carbon footprint is probably half of mine and half of most of those in this Assembly. The problem is that the rest of us are not like them. We seek to make environmentally conscious decisions but it is not the only element of our thinking. We balance other life decisions, commercial interests, economic interests and other factors. While the Deputy of St. Mary will undoubtedly arrange his lifestyle to accommodate recycling of absolutely everything he uses, the reality is that the majority of the population, while they may wish to do that, are simply not able to. It is for the rest of that we need an Energy from Waste plant. If we were all like the Deputy of St. Mary we probably would not need an Energy from Waste plant but, bearing in mind the human failings of the rest of us, I am afraid that an Energy from Waste plant is the best option if we are to balance economic, reliability and environmental issues. It is rather like the position of a police force. It may be an exaggeration but if we were all God-fearing, law-abiding citizens we would not need a police force. However, regrettably, we do and the Energy from Waste plant is no different. Many other communities have battled with the same issues that we have repeatedly battled with and they have come up with the same conclusions. Regrettably, if you wish to commission reliable proven technology, albeit with failings, there is no alternative other than an Energy from Waste plant and there are over 30 in the United Kingdom. That is why States Members decided on La Collette as the location and an Energy from Waste plant as the solution. As Deputy Duhamel has mentioned, I do have concerns about our current waste recycling target and at the public hearing where I approved the Energy from Waste plant I made it very clear that the community demanded a higher waste recycling target. I believe that this is a responsibility of government in this community. I believe the community responds well to recycling initiatives. We have seen that with the St. John's scheme, we have seen it with the St. Helier trials and, most significantly, we have seen it with the plastic bag initiative which resulted in a 95 per cent reduction in the use of supermarket plastic bags in just a few weeks. I can see no reason why, as a responsible jurisdiction, we cannot set a long-term recycling target of two-thirds of our waste. Yes, there are problems that we have to deal with. Yes, there are issues in relation to food waste. But I am suggesting a long-term aspirational target that

we can regularly test ourselves against. The Transport and Technical Services Department have considered other technologies. They would have loved to come forward with a proposal for pyrolysis or for gasification. However, they did not because they did not believe that these were reliable proven technologies. They are embryonic technologies. They will undoubtedly develop and they will, at some future time, likely be the predominant technologies but they are not at the moment. As an example, there is one gasification plant in the Isle of Wight and that was funded using D.E.F.R.A. (Department for Environment, Food and Rural Affairs) experimental funding. It will work, it is likely to be a proven reliable technology in the future, but we are not there yet. I can tell Members that I privately consulted the U.K. Government's chief scientific adviser of the time and his response to me was that, regrettably, when you are considering investing such a large proportion of the Island's savings that an Energy from Waste plant was the only solution we could presently sensibly go for. That was confirmed by the environment adviser to the environmental think-tank and this is a man who is so environmentally conscious that he chooses to come to our meetings by boat because he is worried about the carbon effects of travelling by air. I made inquiries about the size and mass of the proposed building. The facts are that even if we purchased a smaller capacity conventional Energy from Waste plant, the building would have remained largely the same size. It would certainly have been the same height and, therefore, the impact would have been little change. The building, let us have no doubt, will have a huge impact on our built environment. It is very large and it simply cannot be hidden. However, I have gone to a considerable effort to ensure that it is a highly competent piece of industrial architecture, complemented by exceptional landscaping to mitigate, as far as possible, the impact on the built environment and to present in totality a piece of holistic industrial architecture and landscaping. The envelope building is designed by Sir Michael Hopkins. The design is a natural evolution of the Hopkins-renowned externally support steel structure buildings. The most notable and perhaps the most beautiful is the fly tower at Glyndebourne Opera House. This won an R.I.B.A. (Royal Institute of British Architects) National Award for Architecture and Building of the Year. This Energy from Waste plant is designed on the principles of the Glyndebourne fly tower and there are many others in the array of Hopkins external structure steel buildings. They are beautifully delivered and there is great attention to detail and that is why I have conditioned the consent, requiring that Hopkins Architects effectively manage the architecture and Robert Townshend is retained to manage the landscape architecture. So I think while we may not like it and while it may have a huge impact on our built environment, it will undoubtedly, as a skin, be a highly competent piece of architecture. Moving on, it has been suggested that the environmental impact assessment was somehow flawed. It was not. The planning application was accompanied by an environmental impact statement, the result of an environmental impact assessment. The process allows the environmental implications over any development to be methodically and scientifically scrutinised and mitigation secured. It is important to note that not a single person - *not a single person* - made a representation challenging the content or process of the environmental impact assessment during the consideration of outline planning application. When I considered the outline planning application, I did not have one single representation from any member of the public, from any organisation, locally, nationally or internationally, challenging the environmental impact assessment and consider that the consultation process effectively ran from January 2007 until my decision in October, during all this time the environmental impact statement was in the public domain, freely available to be examined and scrutinised. In fact, if anyone has doubts about the competence of the officers in the Environment Department who examined the environmental impact assessment, let me tell them that the Environment Director has over 30 years of experience in protecting the environment and in regulation. He holds an Honours Degree in Zoology, he is a Chartered Biologist, he is a Chartered Member of the Institute of Environment and he is a Fellow of the Institute of Fisheries Management. In previous employment he was responsible for regulation of all the process industries in the northwest of England including the largest sewerage treatment works, the chemical industry and countless waste sites and incinerators. The director is supported by equally well-qualified and highly dedicated staff. We have 3 Ph.D.s (Doctor of Philosophy),

M.Sc.s (Master of Science) in Fisheries Management, Aqua Ecology, Environmental Chemistry, Oceanography, Marine Resources Management and specifically we have staff trained in the analysis of environmental impact statements and assessments. The conclusions were simple; that the proposed plant did not have a significant environmental impact on the Ramsar site. Now, there may be others in this Assembly who have decided recently that they disagree with this but the fact is they did not come forward and they did not place those representations before me at the time I considered the planning application in principle. I can assure Members that the senior staff, for particular reasons, hold the Ramsar site very dearly. It was, of course, the brainchild of a former director and they deliver the administration of the Ramsar site with great passion. After careful analysis, as I said, the Environment Department determined that the Ramsar site would not be significantly affected by the building of the E.F.W. plant on the adjacent non-Ramsar land. Thus there was no obligation to inform Ramsar through D.E.F.R.A. and that is why we did not write to them. D.E.F.R.A. have indeed confirmed in writing that the administration of our Ramsar site is down to us. A number of individuals have contacted the Ramsar Secretariat and D.E.F.R.A. directly, raising issues relating to the E.I.A. (Environmental Impact Assessment) and the Energy from Waste plant and the director has recently written to D.E.F.R.A. explaining why we did not contact them and that was specifically because the department deemed, having analysed the issues very carefully, that there was no significant impact on the Ramsar site. It is very clear from a letter received in December that, in relation to a Ramsar site of Crown Dependency, the administration of the Ramsar site is down to that Crown Dependency itself; albeit that there is a clear obligation that the Crown Dependency must operate within the principles and spirit of the Ramsar Convention. Recently a locally-based scientist has raised issues in relation to air pollutants and emissions from the Energy from Waste plant. I met with him last week, a most charming man. He made it very clear to me that he is not against an Energy from Waste plant. He is entirely neutral on the issue. He has no opinion for or against. But what he has raised is the issue of air-borne pollutants and, in his opinion, he was concerned that we had not properly modelled the air-borne pollutants. I explained to him that this area of analysis was not down to the environmental impact assessment stage but was down to the waste licence stage. Prior to the issuing of a waste licence, air-borne pollutants and their effects will be fully modelled and that work will be analysed by an independent specialist. I have undertaken to involve the local scientist in that work as he seems to be qualified to assist in that area. So, to be very clear, air-borne pollutants will be fully modelled. They will be fully modelled as a part of the waste licence process and until we are satisfied that there is no significant effect as a result of the air-borne pollutants issue and that we have put in place the necessary measures to permanently monitor air-borne pollutants and their effects on the Ramsar site and on the rest of the Island, no waste licence will be issued. If the effects are deemed to have a detrimental effect on the Ramsar site, there will be no waste licence issued until we are satisfied that those effects have been properly mitigated. Furthermore, there will be appropriate monitoring put in place. In summary, I have no doubt that the planning application is valid and, furthermore, that all areas have been properly considered. I am surprised that the E.I.A. has been challenged at this very late stage and that there were no representations from those currently taking issue with the process at the appropriate time. It is essential that we have a proper mechanism of dealing with our waste and it is my honest view that the sensible balanced solution, somewhat regrettably, is an Energy from Waste plant as presently proposed and I, therefore, will be opposing this motion and I urge other Members to do the same. Thank you. **[Approbation]**

1.1.7 Deputy M. Tadier of St. Brelade:

I note that the Dean is not here again today so maybe I will fill part of his boots in referring to the Bible again. I was reading, revisiting the creation story in Genesis and it is good to go back to these things that we learnt as children because there were some really honest truths that we can often forget as we become older and cynical. So let us just go through the story of creation as was set out in the Bible. We notice that on the first day God created night and day. On the second day he created sky and water and on the third day we had land and vegetation and, to quote: “And so it

was the land produced vegetation, plants bearing seed according to their kinds and trees bearing fruit with seed in it according to their kinds.” We go on to the fourth day, the stars, the moon and the sun, et cetera, he created. The fifth day was the turn of the sea and we had fish and creatures of the sea and then the birds that went with it. You can see the internal logic there. If you are creating fish, you would also create birds because it is a very finely-tuned ecosystem that we have. In order for the fish not to get too populous the birds were introduced and one can only tip one’s hat to the creator’s logic there. On the sixth day, I quote again: “Let the land produce living creatures according to their kinds, livestock, creatures that move along the ground and wild animals, each according to his kind.” Now, some people would argue that God really should have stopped there, that the world was really good by that stage. Some would criticise the next step of introducing humans into the equation and I think that is a moot point, of course. But God did go on to create humans and he then looked at the whole of his creation and he saw that and it was very good and indeed I believe it was. Now, I carried on reading because I was quite interested to see what happened after that and you will notice that nowhere in this story was there any mention of an incinerator or even an Energy from Waste plant because it was not deemed necessary at that point. As I said, it was a very balanced system. There was no talk about on the eighth day, when God had had his rest, of thinking: “Let us put an Energy from Waste plant [or what is truly an incinerator, of course] just at the entrance to Eden so that when people come in they think: ‘Oh, this will be nice; it will enhance the skyline.’” Nothing like that at all. But, of course, I suspect that God had the benefit of having a lot more wisdom than us combined here in the States or even in the previous House. I do not say that lightly. That is really to make a serious point. As a new Member I do have sympathy for Members in the House and also, not so much, in the previous House. It was alluded to by the previous speaker that we do not find ourselves in an ideal situation and this is absolutely correct. I would also venture to say that if people had an ideal choice, if we were, let us say, 10 years ago, that nobody would, in an ideal situation, be wanting to burn rubbish; people would be wanting to look for greener solutions and for more sustainable solutions in the true sense of the word. However, we are in a particularly individual situation as politicians insofar as we can contribute to making an ideal situation, similar to an author can have a certain amount of control over what goes into his book in the development of characters, et cetera. So we cannot sit back and say we do not have any control. We do have a lot of control and we have privileges and responsibilities as States Members to represent our constituents, be they on an Island-wide level or parochial level. I would also say that we agree on several points. For example, nobody is saying that Bellozanne can be kept open. There may be discussion about how polluting it is but I think that everyone agrees that the emissions are not supportable. That goes without saying and that is why we also want a quick and speedy close-down of the Bellozanne plant. I think we also agree that time was wasted. I do not know how long this has been going on. It seems to have been going on for 10 or 15 years and I would point out that we are not the ones who were responsible for this; it was the last House and previous Houses. It is also the person who was standing in my spot 3 years ago or less and who, curiously enough, does not have his seat returned; which could be interpreted as the fact that people did not like his Energy from Waste plant, although there may be several other reasons. So just to reiterate, I would venture to say that this proposition would not have been passed by the new House had we been here a year or 2 ago but we do have a position to make the situation ideal. The next point I really want to go on to is, as a younger Member of this House, I am concerned about the legacy we are leaving for our Island. However, it does not simply apply to me. I am sure that many Members here, if they do not have their own children, certainly have nieces, nephews and great-nephews and nieces, et cetera. Many of you will have your own children who may be younger than myself. Many of you will have grandchildren and it is quite possible that in future years I will have a family of my own. I may have grandchildren, I may not. But, in one sense, this is irrespective because we have to see things as a community. There is an inter-dependency in this Island. Now, to refer back to the story of Eden, there was a certain beauty in it. There was an equilibrium which was created. It is interesting that we heard earlier ... and I feel privileged in a kind of perverse sense to be in the presence of someone who is a global

warming denier, if I may call her that. It is tantamount, I think, in 20 or 30 years, to being in the presence of someone who is a holocaust denier. I think in 20 or 30 years it will become that unacceptable. I am not making light of the fact. I am saying that in 20 or 30 years' time people will look back on these kind of comments and say: "Did people really hold those views?" I think we also heard from Deputy Pitman earlier in comparing to pre-Copernican principles of believing the earth is flat. I will be referring to the *New Scientist* magazine which was circulated to all Members earlier. I trust you have all read it thoroughly, as I am sure you are very fastidious in your work. So the point is legacy. If we really think at the bottom of our hearts that in an ideal world the incinerator - the E.F.W. plant or whatever you want to call it - is not the ideal way then why on earth would we support it? It is at this point that I would encourage people who last time did not support the incinerator to think very carefully about supporting it this time. I do not think things have changed that significantly. There was a comment earlier, I believe from Deputy Duhamel on my right, talking about punching above one's weight. Now, I think this is very important. I would use a slightly different phrase which is called living beyond our means. In Jersey, and indeed in the whole western world, we are living beyond our means. The world is finite. Now, we talk about growth as if it is a really good thing: "We need to have continual growth." But, of course, this is a nonsense. The earth is finite. There is only a certain amount of resources. We cannot go into space and we cannot send our rubbish out into space yet. We have to deal with what is available on earth and figures show that in the west ... for example in the U.S. (United States) people tend to consume 5 times more than they can live with sustainably and in the U.K. it is 3 times. So this figure needs to come down and I believe it is coming down. Even in the west, packaging is going down. The trends are that we are going to consume less; especially in light of the recession, people are careful of what they are consuming. We heard yesterday about the 17 per cent fee for a bottle of milk; 17 per cent of that goes on to packaging. As we are forced to think about our spending that will no longer become viable. I do not see why we do not have glass bottles which can be recycled. I would also refer to Senator Cohen's last statement, that he would like to increase recycling to two-thirds of overall waste. Unfortunately the Senator is not here at the moment to hear these comments but, first of all, that is to be commended. We do need to increase recycling. This is where the inherent contradiction comes in and it is a kind of Orwellian double-think. We say on the one hand: "We need to increase recycling." Of course, it is not simply about recycling. We have a fixation with recycling and the obvious counter-argument for people who want an incinerator is say: "We cannot recycle to the same extent as we did in the past because recycling, we cannot get the same money for it." Now, this could well be a temporary glitch or it may not be. The point is recycling has to be seen in the context of the other 2 Rs, which is to reduce and to reuse, and those 2 must come in place first. It is exactly in that order of preference. You reduce, you reuse and then you recycle. I do not think that there is anyone in this House who would disagree with those principles and I suspect the Council of Ministers themselves would wholeheartedly endorse them. Why then is it that we have in the projections for the incinerator waste going up when in fact the trend is that it should be going down? The population is not going to be increasing by that much. But I think that leads me on to the next point. There seems to be a hidden agenda here about population increase and to a certain extent this debate is not really about the incinerator; it is about where we are going as an Island. We had a figure bandied about last week about the Island being able to sustain 96,000 people. Well, in some ways that is not very controversial because I think most of us believe that there are at least 96,000 people in the Island at the moment and I believe there is also a case for a census. But, not wanting to digress, I mean, how many people are we going to be having in the Island if it is to support this kind of incinerator, to feed the monster, while at the same time having a policy of reducing output and waste? It beggars belief, it really does. That is possibly because we are looking to have a population of 150,000 of course and then, when you get to that stage, obviously the argument for an incinerator of that size becomes more plausible. But if that is the case we should have been told. I do not think that that is the information we have been given, so we cannot work on that principle. Also, we need to look at the whole model of growth and the conventional economic model. Now,

anyone who did take the time to read the *New Scientist* magazine - and it is written by scientists, I would point out to the good Senator Ferguson - indeed they seem to have found a certain amount of unanimity, certainly in this edition, to support the fact that not only is global warming a given ... and earlier someone said to me in the common room, I will not mention any names, but they said: "Humans should not be so arrogant; they should not think that they can affect the world", but I think it is the converse. Humans should not think that their presence on earth is so insignificant that they cannot have an impact. We have seen that the earth is a very delicately balanced infrastructure. We have all heard the stories about how if a certain animal is introduced into a certain ecosystem (take America with the snakes and the mongooses) that the balance can be very easily tipped. So I believe that the recession should not necessarily be seen as a negative thing - if indeed we are in a recession, but the greater world certainly is - it should be seen as an opportunity; an opportunity where the world economy will emerge changed and hopefully for the better; where we live in a more responsible society and a truly more sustainable society. John Stuart Mill in his book *Principles of Political Economy* predicted that once the world economic growth was done that a stationary economy would emerge in which we would focus more on human improvement. That may be surprising to hear from John Stuart Mill but that is because he recognised the difference between quality and quantity in life. You can have a high quality of life without necessarily having a great deal of material wealth, indeed you just have what you need. I will quote from the *New Scientist* and I would urge Members, whether you agree with it or not, to read it if you have not done so already because there are really some very thought-provoking ideas in there: "A growing number of people are starting to realise that there may be more to life than working to spend. Troubled by the negative impacts of a high-stress lifestyle they are simplifying their lives and rethinking their values and desires. If we were to shift *en masse* to a less work-intensive economy it would reduce the rate at which people, goods and information had to be delivered, cutting both resources and carbon emissions." Somewhere else in the magazine, something which I found slightly amusing, was how it said that governments everywhere would try to stamp everything with a green label. So be it an incinerator ... we call it Energy from Waste because we can generate a certain amount of electricity. Of course, that is presuming it is working at full capacity; that is presuming we are burning every ounce of rubbish that we have. They said that green initiatives like this are always commended by governments. So, for example, you are being encouraged to buy a low energy television but if you choose not to buy a television at all then you will be condemned by society. That is because we have to keep on fuelling the use of our natural resources. Ultimately this is the kind of policy which our current E.D. (Economic Development) Minister and the current Treasury and Resources Minister think is absolutely fine; just keep on growing and growing until one day the paradise is no longer. Now, I want to pick up on a couple of counter-arguments and a couple of, some of them, pre-empting arguments which may yet come and I hope that there may be a couple more arguments to come. In bullet points, we will be told that there is a penalty clause or there will be expenses that we have to pay. Now, ultimately, we are looking at it in the wrong way. We may have to lose £30 million, £40 million, £50 million but that is the fault of the previous House. That is not our fault. You made the wrong decision in my opinion. **[Members: Oh!]** I am sure you are big enough to take it.

The Bailiff:

Through the Chair, please, Deputy.

Deputy M. Tadier:

Sorry, Sir. The question we need to be asking here is will it save money in the long run or, even if we break even but do the right thing, is that going to happen? That seems to be the case here for me; that we have to write this off as a bad debt. Similar to those of you who may have played poker in the past, there is an expression: "Do not throw good money after bad." So you get dealt your hand, you think you have got a good hand, you have a bet. Then along comes the turn card and you realise your hand is worthless. So you say: "Okay, I have lost that amount. No point in

putting any more in. Let us take a step back, let us wait for the next hand and let us see if we can make progress from there.” It is exactly the same analogy. We can take the hit, I do not think everything will be lost, and then we can install equipment, technology which will be working and which will be not outdated in 25 years or indeed before it is commissioned. The second point is the damage to Jersey’s reputation which I think was mentioned yesterday. Personally I think this is a red herring. People cancel contracts for all sorts of reasons when they think better of it. Similarly in your personal life, if you made a wrong decision no one is held to that forever, although it might feel like it sometimes. You can get out and you can make it good. It is never too late to make the right decision. Also I would reiterate comments yesterday, it would do Jersey a lot more good if they were to be seen moving in the right direction: “Jersey seems to be very proactive here.” I remember when I was younger the talk of the U.V. (ultraviolet) treatment facility for water, for treating sewerage waste, and I remember being proud as a young Jerseyman thinking: “Jersey has got this right. It is leading technology, it is new technology.” I suspect that it is not technology that had been in place for 2 years before we did it. We thought: “No, we really have to take the bull by the horns. We have to show the rest of the world that we will be at the cutting edge of technology and we take a risk.” It worked and I think that is something that the previous House got right and it was a resounding success. So I think that is another point for consideration. All other options were investigated. Well, that may or may not be the case. I suspect that, as I mentioned before, it is not an ideal situation for anyone. No one would have adopted this plant under ideal circumstances and others have made the case better than I have, for the fact that there are greener, cheaper, more sustainable alternatives. The plant is taking us in the wrong direction. On the one hand we have a commitment to the environment. Is that little more than lip service? I would hope not but it seems that if we go for this big plant and we are stuck with it for 25 years, that is not leading us in the right direction. I will not talk about Ramsar - that has been mentioned already - but I would just reiterate the figures on population growth. What is the real motive for this incinerator? Nobody has agreed to the population growth of 430, possibly more because that is the middle parameter. If we are looking at 250 households I believe that goes up to the region of 550 to 600 net increase per year. No one has agreed to that. I do not think the Jersey population want that. While I think of it, there was a comment before by the good Senator Cohen when he said that you have a police force - the logical argument is usually an army - because there is crime and in an ideal world you would not have a police force and that is quite correct. But what this House is sending out is a message that there is not enough crime. We have decided that we want to have an expensive police force which we do not need. Therefore, we are going to have to encourage people to commit crime. While in our Orwellian wisdom, at the same time, we have to say: “But crime is a bad thing, we cannot have people committing crime”; but then with the other hand we are saying: “Commit a bit of crime because we need to keep this police force employed and also it will look bad on us if we have backtrack on this expensive police force.” It is exactly the same with this incinerator that we are commissioning. So I would be quite happy if the Council of Ministers were honest and said: “Look, we do not care about the environment, we do not care about recycling; we just want to make some more money.” Fair enough, I can appreciate that kind of openness and honesty. But do not try and have it both ways. I have no doubt that the incinerator will be passed today - excuse the cynicism but I call that realism - because it has cost too much face to rescind this motion. It is not about the money; it is about admitting that perhaps the last House made a wrong decision, we cannot go back on it. But I will finish on a quote which is from someone in the *New Scientist* but in reality it could have been from any one of us standing here. The author said: “I do not ever want my grandchildren to look at me and say: ‘Grandpa, grandma, you could have done more.’”

1.1.8 Connétable D.W. Mezbourian of St. Lawrence:

The Deputy of St. Mary seemed unperturbed recently as he publicly and richly incinerated in the Royal Square a States of Jersey £1 note. I submit that we, the States of Jersey, do not have money to burn. We have heard today quite clearly that it would be prudent to expect to write off

£50 million if we accept this proposition. Metaphorically speaking, we would be joining the Deputy in the incineration of his States of Jersey £1 note. We, however, would be doing it 49,999,999 times more than the Deputy and using public money. That perturbs me. I submit that that it is about money and I cannot therefore support the proposition.

1.1.9 Deputy S. Power of St. Brelade:

I will be brief like the Constable of St. Lawrence. I look back over the various debates that I was involved in in the incinerator debate when I was first elected at the end of 2005 and, at all times during the various debates, I voted against the principle of an E.F.W. plant because I had a number of reservations about (a) the technology and (b) the cost. However, as those of us who were in the Chamber last year remember, the vote was carried in 2008. I think it was 28 to 23, somebody might correct me, but it was a democratic decision of this Assembly. After that vote, in spite of all of the decisions and all of the debates, I felt relief that a decision had been made. I felt relief that a decision had been made, even though at the time it was not a decision that I supported. Nevertheless, the States made a decision. I listened to Deputy Wimberley yesterday and I think he made some excellent points. I think the first 40 minutes of his speech were excellent but I felt that after that, to a large extent, the Deputy lectured us on the minutiae of technologies, environmental issues and stuff like that, but I do respect the Deputy for the amount of time and effort he put into his speech and, indeed, the rescindment proposition. I would go so far as to say that had the Deputy of St. Mary been in the Assembly last year, we might have had a slightly different result but I do not take that away from the decision that was made. In 25 years' time, when most of us will not be in the Assembly, perhaps Deputy Vallois will be here or Deputy Maçon, perhaps even Deputy Tadier might be here but I certainly will not be here, this decision, this debate will come up again and there will be a decision at some future time to replace the one that is, in all probability, likely to be built. I hope in 25 years' time that we are not debating an E.F.W. plant. I hope that technologies will have moved on and then the future Assembly will be debating some new technology that comes out. I think if we could look into this Assembly in 25 years' time, we will have 53 Members who will be debating some new technology. Some will be in favour of it and some will be in favour of conventional technology. I am in the gang last year that voted against the E.F.W. plant but I am very much in agreement with the sentiments of the Constable of St. Lawrence. I did a stroll poll among my parishioners and there is no way in the world they would want me to justify writing off £2 million, £10 million, £20 million or any number of millions and I will not be supporting the rescindment proposition.

1.1.10 Senator S. Syvret:

There is a wise old saying to the effect that people get the government they deserve and there is a lot of truth in that statement and the truth, I think, arises because if politicians of whatever stripe told the truth to the public, very few of them would get elected because the truths that we face in so many ways in our society - not just environmental, but in terms of energy use, source depletion, ageing societies - so many of these unpleasant truths are unaddressable and inescapable. The very, very best that society can do and hope to do in the face of such implacable physically inescapable limits is manage the retraction: damage limitation. The incinerator that we are proposing is taking us in completely the wrong direction. It may appear to some Members to be the businesslike, traditional, responsible kind of thing to do but, in truth, this incinerator is yet another example of the cornucopian fantasy that exponential growth can continue within a closed system indefinitely. It flies in the face of established laws of physics. Perhaps those laws of physics are about to be overturned through the scientific brilliance of Senator Ferguson, but I doubt it somehow. The second law of thermodynamics is pretty robust. It is worth reminding Members of that law because we have heard the incinerator being referred to quite frequently as an Energy from Waste plant. Well, even if we go along with that bit of spin and do not call it what it is, an incinerator, a more accurate and honest description of it would be an energy from energy plant. We are told that it generates energy by burning this waste and it will do, perhaps to a very little extent, but the second

law of thermodynamics dictates that whatever energy in the form of waste you pump through that thing, you will get dramatically lower returns of usable energy out of it at the end of the process. Now, some people might suggest: “Well, that does not really matter to us here in Jersey” but I do not think that is responsible. I think to make cogent decisions we have to look at our position within the context of humanity and the situation that the whole-world faces right now. The fact is the world cannot continue burning through its available energy resources at the rate it is and, indeed, other material sources. We simply cannot do it and, in fact, there is an extremely good book on the subject, which I would strongly recommend to Members. There are many books on these topics but this one is particularly good and it is wisely called *The Party’s Over*, and it is. This is one of the unpleasant truths that politicians do not speak to their populations. The fantasy world we live in of ever-expanding economies, ever-expanding materialism - having perhaps 15 different types of giant flat screen televisions to choose from instead of 12 - it is over. I would like to address a few of the points before expanding on the reasons why we should not be going down the path of the incinerator, address a few of the points that were made by Senator Ferguson. I heard the Senator refer to Bjorn Lomborg, the statistician, as though his works were some kind of a definitive, scientifically robust, mathematically robust debunking of environmental considerations. Of course they are not and they have been roundly trashed by a variety of scientists, in effect, peer review journals. I also know from previous correspondence I have had with the Senator that she is quite a fan of this character called Martin Durkin, who is one of the founding figures behind the website known as Spike. He was the TV producer who produced the documentary *The Great Global Warming Swindle* and a lot of the falsehoods, gross and wilful errors, that were roundly condemned, rightly so, by the regulatory authorities that appeared in that so-called documentary were repeated today, I am sure quite innocently, by Senator Ferguson. I said that the Senator repeated some of the arguments that were used in that film, such as, for example, the hockey stick graph and all of these kinds of other things that she cited. The Senator did say something that was correct. She said that climate change is a natural phenomenon and, yes, it certainly is a natural phenomenon and I am not aware of any scientist or environmental campaigner that I have ever heard who has said that climate change is not a natural phenomenon. Of course it is. The history of the planet shows that climate change varies for a variety of reasons, all kinds of factors, solar activity, the angle of the ecliptic, all kinds of things, volcanic activity, comet strikes cause dramatic and drastic changes in the planet’s climate. The Senator would have us believe, therefore, in what is a textbook *post hoc ergo propter hoc* argument that because natural effects impact on the planet’s climate, by extension, human activity does not. Of course, it is a complete *non sequitur*. Yes, climate change can occur naturally and, yes, human activity can and does contribute to and affect and add to that mix, that potentially chaotic mix of climate change. I also do not think the Senator really understands science. She said there was no such thing as a scientific consensus; there were only facts that were proven or not proven. Well, a great deal of modern science is, in fact, advanced by the publication of peer review journals of detailed science which get tested by further experiments, further developmental thought and then more papers are published, further studies are done by scientists around the world, more detailed experiments are undertaken and, thus, scientific knowledge advances. One of the ways in which the method of science assesses such difficult and amorphous questions as climate change or epidemiology, as was referred to by the Senator, is through meta-analysis, meta-analysis of a variety of the published authorities, the published papers on the subject. Let us set aside, then, because the Senator does not like the term “consensus”, and let us instead use the phrase “the result of that meta-analysis.” The meta-analysis in climate change looks at the production of climate change experiments, calculations, papers, studies across the world and the result of that meta-analysis is overwhelmingly powerfully in favour of there being a demonstrable human anthropogenic impact on climate change. I would like to also set aside the supposed authority that the Senator referred to, and refer her and other Members to another writer, another scientist, a highly respected individual, winner of umpteen awards, including the Pulitzer Prize for Science Writing, Jared Diamond. He wrote a book called *Collapse: How Societies Choose to Survive or Fail* and I would strongly recommend it because it is one of the definitive and

most easily accessible works on the subject. One cannot help but be gripped by the sheer degree of hubris that modern humanity has when reading that book and looking back over the plight of every complex organised human civilisation there has been since we had sufficient brains to get organised. Every complex society, large empire, whatever it may be, every large complex society humans have formed has collapsed. Are we imagining in our hubris that we are immune to this or perhaps we think: “Well, okay, our society will collapse too but we need not worry about it because it is going to happen such a long, long way down the path.” Well, I mentioned earlier that the incinerator is - to be pedantic about the spin if you want to be - an energy from energy plant because we are putting energy into it and energy which we will only recover to a very lesser and more minimal extent. Why does energy matter and, indeed, why do the materials that we are going to supposedly rely upon to feed the incinerator matter? They matter because, on the basis of meta-analysis by relevant scientific experts, the world has round about now hit global peak oil production. The precipitated rate of oil decline is likely to be dramatic with consequences for society that most people could not and probably do not want to imagine. I have here some figures, for example, a study on the non-O.P.E.C. (Organisation of the Petroleum Exporting Countries) 12 oil-producing countries and it shows quite convincingly that the non-O.P.E.C. oil-producing countries peaked in their combined oil production in the year 2004 and have been on the downward path of decline ever since. There is another study also that comes to similar conclusions in respect of the O.P.E.C. producers, only their peak was hit later, maybe 2007, 2008. I will come on to why that matters a little later. The truth about the way we live today, and it is an unpleasant truth, is that the modern economy, ever-increasing levels of throughput, ever more use, production and disposal of material, is largely a frantic act of futility. We see this in the collapse of the world’s economy. As insolvent companies persist in covering-up their losses in order to avoid the counterparty hell of credit default swaps that would ring the world’s game-over bell, this can only go on so long. All the chatter about nationalising banks really boils down to what kind of bankruptcy workouts we will be put through, how destructive the process will be and how much of the pain can be shoved forward in time to people now in their nappies. The conventional process of economic growth based, as it was, on industrial expansion via revolving credit in a cheap energy resource era, is over. Consumerism is dead. Revolving credit is dead, at least of the scale that became normal for societies. Oil is at the core of that failure, the economic failures we are seeing now, the impacts they are having on society and I think the probable inevitability of the fact that we are descending into a depression which is likely to be worse than that of the 1930s but in order to understand just how important oil is ...

Senator S.C. Ferguson:

Would the Senator give way for a moment? Point of clarification. What is the evidence on which the Senator bases his estimate of going into a depression?

Senator S. Syvret:

The evidence, I think you will find, is to be found on Wall Street in a place called the Stock Exchange. One need only look at the reality, although, of course, it is not reality. It is a fantasy-hallucinated notion but let us, for argument’s sake, call it the reality of the marketplace.

Senator S.C. Ferguson:

I am sorry, that is not evidence.

Senator S. Syvret:

I am very glad the Senator made that remark: It is not evidence. Reference to what it is the markets do is not evidence and I would agree with her because the Stock Exchanges are largely works of fantasy.

The Bailiff:

Senator, can you come back to the incinerator, please?

Senator S. Syvret:

This is to deal with the incinerator.

The Bailiff:

Can you come back more directly to the incinerator?

Senator S. Syvret:

We are dealing with spending a vast amount of money, which we do not have, on a piece of equipment which will be useless quite possibly within 5 years' time. We must understand the complete and utter dependency of modern industrial societies on fossil fuel energy resources, as well as the inability of alternatives to fully substitute for the concentrated convenient energy source that fossil fuels provide. We have to understand the inevitability of fossil fuel depletion and the immediacy of a peak in oil production. In order to understand what it would take to replace abundantly cheap oil to enable business as usual, our throwaway consumerist society to continue, you would have to find an energy source that matched the characteristics of oil. It would have to be easily transported. Liquid fuels are more economically transported than solids such as coals or gases. Energy density: gasoline contains roughly 40 kilowatt hours per gallon. Oil is capable of being refined into several fuels, including gasoline, kerosene, diesel, suitable for a variety of applications and oil is also very, very suited for a variety of uses, including transportation, heating and the production of agricultural chemicals and other materials. Yet, the age of fossil fuels is about to end. There is no replacement for them at hand. Fossil fuels are a unique endowment of geological history that allows human beings to artificially and temporarily extend the carrying capacity and the habitat on the planet Earth. Before fossil fuels, namely coal, oil and natural gas, came into general use, the planet supported comparatively smaller numbers of people. Now, the population of the planet is vast, just as some Members of this Assembly would like to imagine the population of Jersey could likewise be made vast but, of course, it is only sustainable on the basis of a hallucinated economy built on a vanished energy source. Just to finish this point about oil, just so that people can understand the immediacy and the seriousness of the problem, I would just like to summarise the key points about peak oil. The total planetary endowment of conventional, non-renewable liquid oil was roughly 2 trillion barrels before humans started using it. Since the mid 19th century the world has burnt through roughly 1 trillion barrels of oil, half the total there ever was, representing the easiest to get highest quality liquid. The half that remains includes the hardest oil to get, lowest quality liquid semi-solids and solids. Worldwide discovery of oil sources peaked in 1964 and has followed a firm trend line downward ever since. The rate of oil use, on the other hand, has accelerated tremendously since 1950. The explosive rate of world population growth has run parallel to our rates of oil use. The world is now using 27 billion barrels of oil a year. If every last drop of the remaining 1 trillion barrels could be extracted at current cost ratios and current rates of production, which is extremely unlikely, the entire remaining endowment of oil would last only another 37 years. In reality, of course, a substantial fraction of the remaining half of the world's total oil endowment will never be recovered. After peak, world oil demand will exceed world capacity to produce oil. After peak, depletion will proceed at 2 to 6 per cent a year while world population is apt to continue increasing, at least for a short while. More than 60 per cent of the remaining global oil endowment lies under the Middle East. The United States possesses 3 per cent of the world's remaining oil reserves but uses 25 per cent of the world's daily oil consumption. The United States passed its peak production in 1970 with the annual rate of production falling by half since then, from roughly 10 million barrels a day in 1970 to just above 5 million in 2003. At least as significantly, the ratio of energy expended in getting oil out of the ground to the energy produced by that oil in the U.S. oil industry has fallen from 28 to 1 in 1916 to 2 to 1 in 2004. The fact is the world's modern industrialised economy is running on fumes and the hallucinated economy we have grown used to, the vast globalised mish-mash of vaporous Ponzie schemes and other fictitious devices that purport to demonstrate and show wealth, are gone. We face, all industrialised societies face, a very, very different future, one which to imagine requires an

entire paradigm shift in our thinking. That paradigm shift, if we are to take it rather than waiting until it is imposed upon us by the physical realities of the planet, requires us to start thinking in other ways of organising, structuring and having our society and in leading our lives. If the Assembly votes to go ahead and spend this vast amount of money on this incinerator which because of global oil decline and the resulted economic collapse, even if we succeeded in building it to completion, which is doubtful, would within 5 or so years - perhaps 10 years at the outside - have virtually nothing to put through it to incinerate. Maybe, just maybe, the money we are putting into this obsolete concept of the giant industrial heavily engineered technofix ought to be put in a different direction, a direction in which it is going to be effective and used in a way which sadly this Assembly rarely displays, namely showing some long-term responsibility, some concern for the long-term well-being of this community as a whole. I urge Members to support the rescindment.

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

In 1999, I was elected and joined the States. We are now, for the mathematicians, in our tenth year. In 1996, the district I represent - number 3 and 4 District - has an Energy from Waste plant that if it had been in the E.U. would have been condemned and closed down. That is the seriousness of the pollution that the residents of that area and in many parts of the rest of the Island have had to endure for all that time. It is something that ever since I have been in the States has been discussed at the various committees and many of us have been invited to see an alternative to Energy from Waste plant in operation. Some people have been invited to see Energy from Waste plants and various other things. We have all been to or had the opportunity to have been to various presentations on all the various alternatives and the merits of the various plants that can be considered. We have had presentations in the States here and we have made decisions. The last decision was made last year just before the election and that decision was to have an Energy from Waste plant to succeed the current one. That is in the process of being constructed at this time. Now, the people from the area that I represent, today and in the last few days, have been wondering why the promoters of all these alternative energies have suddenly come to light. They might not have been in the States at the time of all the debates over the last 10 years but they clearly have some very positive feelings and, of course, we have had the previous Environmental Scrutiny Panel bringing this to the fore with public meetings, et cetera. These people were not heard in the loud proclamations that are being made at the moment, during the previous time, and that is what they cannot understand. They are living in the shadow of an existing Energy from Waste plant that is falling apart and it is not likely that it is going to survive for much longer. All the time that this plant is breaking down the residents suffer. We have come to the end of the road for the existing facility. We do not have the alternatives in this Island like landfill, et cetera, and so I shall not be voting for this proposition because it is too late to look at alternatives for this particular proposal. What I would encourage is that all the people that have been talking in favour of this proposition today, and anybody outside, would continue to put their energies into looking to the replacement plant, because this plant, as we have heard, is probably going to be needing to replace the new one, that is, by 2035. Technology is changing, technology is becoming more sound. It needs to be reliable but it also needs to have the guarantee that it will work at all times and not require the use of landfill and other alternatives that are being used elsewhere. So although I will not and cannot vote for this particular proposition, I would encourage everybody to start working for the replacement of this Energy from Waste plant and to ensure that the finances have been identified and clearly earmarked so that we do not go in 25 years' time through another situation where an Energy from Waste plant is going to be 10 years over its due, causing massive pollution and against all the principles that we believe in.

1.1.12 The Connétable of St. Saviour:

We have heard a tremendous amount on figures. We have had lots of information from everybody. I am afraid I am rather sceptical about the costs that we have been quoted. Yes, we know that the

Energy from Waste plant that we have signed up to could cost us more because of the euro. By the same token, we do not know exactly what figures we are looking at from the alternative. I do like the suggestion that Deputy Duhamel put forward which was a smaller plant and starting to use some greener solutions in parallel. That makes sense because there is a feeling that people do want to recycle. I have asked my parishioners and we sent a circular to all of the homes and the replies came back 4 to 1 that they want to use kerbside collections. So there is a pressure from people to do that and I think that could result in a smaller amount total of rubbish to be burnt. However, the costs of going down the smaller route, including cancelling, are not going to be very different from the plant that we have ordered. They are not going to be very different. We have a £50 million add-on cost plus the cost of the new plant. We are not going to be that far apart. Therefore, I would rather we had a smaller plant and some recycling but we can do that because we have been told that there is no reason why we should not run one stream. So we are looking at 50,000 tons a year which is 20,000 to 25,000 tons less than we are burning at the moment. We can go down that route if possible and the cost is not going to be that different. If things go wrong and there are problems with recycling, the cost of fuel stays low and it is not economic to ship things off the Island, we could end up with a mountain of rubbish and we have nowhere to put it. Other places that can go down the small route have, if all else fails, the ability to landfill. We do not. Therefore, I feel we have to be able to get rid of whatever rubbish we have. As a worst case scenario, we can run the full plant both streams. As the difference in cost is not going to be that great, I think that is the route to go. If we delay at all, we are putting out more pollution from Bellozanne. I am not prepared to see Jersey continue to do that. I am going to reject this proposition.

1.1.13 Senator B.I. Le Marquand:

This Chamber has been discussing the issue of waste disposal for a very long time. Last July, the States finally came to a decision. It may be that that was the right decision and it may be that it was the wrong decision. It is clearly arguable both ways. However, today we are not making that decision. We are making a different decision as to whether to set aside the original decision, rendering the States liable to a huge claim of about £50 million for which we will have gained nothing. If the States vote in favour of this proposition, not only are we having to pay about £50 million for nothing but also we will be back in the same position.

The Deputy of St. Mary:

Would the Member give way?

Senator B.I. Le Marquand:

No, I am not going to give way. But we will be back in the same position as before July. How many more years of delay and dispute will there be before a decision is finally made? In the meantime, the existing chimney will continue to decay with extra costs for maintaining it and with the current unsatisfactory emissions continuing. The costs of whatever is finally constructed will also rise. If the Deputy of St. Mary wishes to burn one of his £1 notes that is fine by me but what he is asking us to do is to burn another £50 million of these which do not belong to us; they belong to the long-suffering public of the Island of Jersey. That I do object to most strongly [Approbation] particularly at a time when money is going to be very short in the public sector. I will therefore be opposing the motion.

The Deputy of St. Mary:

Could I ask for a point of order?

The Greffier of the States (in the Chair):

A point of order will require a ruling from the Chair but if it is a point of order, you can apply.

The Deputy of St. Mary:

Yes, exactly. The issue is the figures of £45.9 million and we have no breakdown of these figures and I would like to ask the Attorney General to rule on the confidentiality aspect. **[Approbation]** We are constantly told that this is commercially confidential information. We are the States of Jersey and we cannot decide on this debate. It is perfectly obvious that some people are saying £45.9 million. Many of us are very, very sceptical of this and the block is confidentiality. I think we are advised that this does not apply and that as advisers we could be covered by the advisers' clause that allows people like Babtie Fichtner also to see confidential information. I believe that this is a very serious issue and I would really request some kind of ruling on this because we are going into this debate with our hands over our eyes.

The Greffier of the States (in the Chair):

I am not sure it is a matter where the Attorney General can advise or it is a matter for the Minister. Are you briefed on this matter, Mr. Attorney or ...

Mr. W.J. Bailhache Q.C., H.M. Attorney General:

I do not think I have the information on which to advise the Assembly without notice on a question like that. I have received a briefing from the department about the likely claims and also, I think I can add this, a briefing from the external lawyers who are advising the Minister. In the light of that briefing the figures which have been produced by the Minister are consistent with the briefing I have had but I cannot really say much more than that.

1.1.14 Senator P.F.C. Ozouf:

Some Members have noticed that I was not in the Assembly yesterday afternoon. I apologise for that. I had a longstanding and difficult-to-organise meeting with my counterpart on the Treasury Board in Guernsey. I am sorry I missed the Deputy of St. Mary's 3-hour submission. I have had a précis from other Members of it but I did have some fairly invaluable discussions with my Guernsey counterpart. One of them was the issue that Guernsey has in relation to their own capital issues. I was reminded, of course, that Guernsey had also agreed - and their Assembly a number of years ago had agreed - to go forward with an incinerator. A decision was made and it was then rescinded. Guernsey do not have an incinerator. We have had an incinerator for 20 or 30 years, as the Minister has explained. They continue to put their rubbish in a landfill site. The costs that they are facing, they realise in the discussions I had yesterday about the need for their capital programme, they are going to have to spend millions of pounds, in fact, a lot more than the original cost that their incinerator was going to be. They need a solution. They need now a solution which is going to cost millions of pounds more. In fact, there are parallels between the difficulty that Guernsey find themselves in today and the difficulty that we would find ourselves in if this Assembly was to agree with the Deputy of St. Mary's proposition. I am not going to repeat because I think that the arguments about this rescindment are relatively simple. I think they can be made relatively briefly. Bellozanne is well past its operational life. That plant would have been shut down. It would have been shut down in the rest of Europe, and here were we part of the European Union. It is polluting residents of St. Helier No. 3 and 4 to an unacceptable state. I know that the Deputy of St. Helier No. 3, Deputy Green, is opposing supporting the proposition but I would ask him to search his conscience about the difficulties that residents - his voters in St. Helier No. 3 - are suffering from with the continued operation of that plant emitting toxic fumes that would not be acceptable anywhere else. I think we have an obligation. I think, if I may say, he has an obligation to safeguard and to look after the interests of his constituents. We also, I think, have an obligation in this Assembly to look after our workers. I am not the only Member of this Assembly who has visited that plant on numerous occasions and seen the frankly almost dangerous conditions that we are asking public sector workers to work within. There are dangerous issues about a plant that is well past its operational life and it was for all of those reasons that this Assembly agreed a way forward on Energy from Waste; not casually, not based upon a simple proposition of an uninformed Minister that may or may not have been popular at the time.

Comments have been made about the previous Minister for Transport and Technical Services. I have stood in this Assembly as a previous President of Environment and Public Services in 2005. We then, I think, had 2 set piece debates in this Assembly at length. There were also enormous amounts of time and effort - and rightly so - taken on the matter by Scrutiny. If the fiscal policy papers that were considered by Scrutiny could have risen from the bottom of the presiding officer's chair to the top of that bench up there, I imagine that the papers that have been considered on the waste strategy at various different debates would have probably been 3 times as much. There has been a huge amount of research that has been carried out and a decision has been made. The Deputy of St. Mary is arguing and casting aspersions, I think, on the issue of the lost cost. In written questions yesterday, I answered his question - as previous Members' - in relation to the amount of money... the payments that have already been made in respect of the incinerator. I believe that it is £35 million or something that has already been paid in relation to the incinerator. I believe the £50 million cost but even if it were to be £25 million, I do not believe that Members of this Assembly would wish to waste £25 million of taxpayers' money on a decision that has already been made. **[Approbation]** So I think the Deputy may ask for clarification. He may cast aspersions on the figures. He may choose to make suggestions that he disbelieves and does not trust the information that has been given but surely even he can see that £25 million has been spent on the incinerator and I am sure that even he would concede that that money, if the incinerator were to be rescinded and by some miraculous measure of legal argument that we would only get away with £25 million, £25 million is unacceptable in terms of burning taxpayers' money. This debate has gone on for too long. There have been numerous opportunities for interested parties and representatives to make their views known about waste. We have heard all of the arguments concerning alternative waste energy from plants. I have visited plants in various different places, including Switzerland, and the arguments about alternatives from incinerators have been made from the 1980s when the original incinerator was going to be proposed. Still, alternative realistic plants to deal with all of Jersey's wastes do not work and they are, I am afraid, unrealistic and they certainly do not cost £35 million. The Deputy of St. Mary, with his well-intentioned environmental objectives, with his well-intentioned environmental views on the world, is, I am afraid, attempting to not only re-invent history but inform the Assembly, perhaps misguidedly, perhaps innocently, but he is, I am afraid, not right to say that there are alternatives that could be delivered for £35 million and I am afraid it will not wash to say that it is okay to waste £25 million or £50 million and then add on an extra £35 million for an alternative plant. It is just not realistic. Certainly, that is what I read from the *Jersey Evening Post*. The debate on waste has been had. The debate on waste has been had not once, not twice, but 3 times. The decision has been made. We must proceed with the decisions that were confirmed by the Assembly last year. We have a responsibility for taxpayers' money and I would hope that no Member of this Assembly would sanction a decision to burn at least £25 million but certainly £50 million.

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

Very well. If Members agree, the Assembly will adjourn and reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - resumed

Senator J.L. Perchard:

Can I take this opportunity to give notice of my intention to propose closure in half an hour?

The Bailiff:

Thank you. The *défaut* on Senator Routier is raised. Does any other Member wish to speak?

Senator S. Syvret:

I think there is some confusion among the newer Members. The closure motion, if I may just explain, means that there will be a vote in half an hour's time as to whether the debate gets the guillotine and there will be no debate on that vote.

The Bailiff:

Thank you, Senator. Does any other Member wish to speak before I call upon the Deputy of St. Mary to reply?

Deputy M.R. Higgins of St. Helier:

I am sorry, I am confused. Is this about the procedure, the closure, or is it to continue the half hour of the debate that is left before ...

The Bailiff:

No, the Senator has given notice that in half an hour's time he will propose a closure motion that will say to bring the debate to an end and therefore there are another 30 minutes for Members to address the Assembly before the closure motion is heard and there is a vote. Deputy Higgins, do you wish to address the Assembly or not? That was just a question. Deputy of St. Mary, do you have a question?

The Deputy of St. Mary:

We are awaiting information from the Minister who has just assured me that we are going to have put on our desks very shortly the breakdown of costs or some breakdown that is coming round now. So in half an hour, there will be a motion whether this debate finishes and we can vote on it. I just want to put it on record that seems a very odd way of proceeding with £100 million at stake.

The Bailiff:

Does any other Member wish to speak on the proposition?

Senator S. Syvret:

Can I just point out again on a point of order for the benefit of the Deputy that if the closure motion succeeds and debate is halted, he will have his opportunity then to sum up finally to the debate.

The Bailiff:

Indeed. One hopes that even new Members understand the procedures of the Assembly. Do you wish to speak, Deputy Higgins?

1.1.15 Deputy M.R. Higgins:

Yes, I do. I might add this is slightly earlier than I intended to. I am one of the 4 signatories for this rescindment proposition and I am opposed to the current incinerator proposal for a number of different reasons: aesthetic, economic, environmental, technical and political. Taking the aesthetic reasons first, the new incinerator is a large slab-sided rectangular building without any architectural merit. Its size and scale will dominate not only the seaward entrance to Jersey but also the whole of the south coast from Green Island to St. Helier. It will rise to a height above that of South Hill and no matter how much time and effort Hopkins Architects put into trying to turn it into an iconic building, it will still remain a large slab-sided unattractive box that will greet all seaborne visitors to St. Helier and the Island. This will still be the case no matter what landscaping is done to the site. It is an abomination and should not be built. However, if for some bizarre reason it is built, I believe, firstly, that we should utilise some of the techniques of the wartime magician, Jasper Maskelyne, who used his skill in creating illusions to successfully deceive the German Luftwaffe by camouflaging industrial plants, airfields and ports from the air through the use of paint, netting, lighting and that we should try to mask it. Secondly, I believe that every States Member in this

House and the one that immediately preceded it will have to hang their heads in shame for the next 25 to 30 years for the blight that we will have inflicted upon this beautiful Island and have to explain to our children why we did what we did. Turning to the economic reasons, I believe that the Transport and Technical Services Department has an appalling record in project management and in the containment of costs as exemplified in the Cavern and Bel Royal fiascos. I believe that they have failed to choose the most cost-effective, efficient and environmentally-friendly solution to the Island's solid waste problem and that they are unduly reliant on suspect consultants and inflexible in their attitudes and processes. I believe that their reluctance to be transparent in their activities by hiding behind the so-called commercial confidentiality clauses that they are hiding behind from States Members and the people of this Island and I believe that they should be made more accountable. As I say, as far as the economic reasons are concerned, the plant is being funded by the States over 3 years of the contract, whereas one contractor was prepared to arrange finance for the 23 to 25 years or to fund it themselves and charge the States for each ton of waste produced. A proposal was not even considered from them. Had this project been funded in one of these ways, we would have had some £30 million per annum over the next 3 years to assist the Island when we are likely to be in recession and to be available for economic stimulus, a factor that is vitally important when we are being told that the Stabilisation Fund is likely to be utilised almost entirely simply to balance the budget over the next 3 years due to falling tax receipts and higher expenditure due to the increase in the use of automatic stabilisers. It may also have helped fund some of the many other desirable projects such as Health's *New Directions*, which we are being told we will not be able to afford in the current economic climate. Secondly, I am very concerned at the incompetence of those who took the decision not to hedge for euro/sterling exchange rate which, to date, based on the figures supplied by the Minister for Treasury and Resources in a written answer to me yesterday, has resulted in the loss of £2.892 million to the States and it will continue to result in further losses for as long as the sterling/euro exchange rate remains below £1 equals 1.187 euros. I am also concerned, and I will state elsewhere later in my speech, that we cannot scrutinise the operational costs of this plant as we have not been given the information to assess it. I am also very concerned that T.T.S. have paid over some £30 million to the contractor and say that if the contract is cancelled we will receive nothing for it. What has the money been used for? Well, the answer is largely for architectural and technical drawings and booking production slots. No components have yet been manufactured and T.T.S. have no vesting certificates which would guarantee that items purchased would come under the ownership of the States in the event that the contract was terminated. Who other than T.T.S. would hand over one-third of the contract price in advance and get nothing tangible back for it? As I stated earlier, I do not have great confidence in T.T.S.'s project management skills based on their past performance and fear that the ultimate cost of the incinerator project they are working on will become substantially greater than the stated £106 million. I also have technical and environmental reasons for opposing the incinerator. As Deputy Duhamel and, I believe, Deputy Le Claire have mentioned some of the points I was going to raise, I will only briefly touch on them rather than go into too much detail. Emissions: I have serious doubts that the plant will be as efficient as we are being led to believe. I am not convinced that the quality and type of waste being burnt will be sufficient or have sufficient calorific value to heat the furnace and chimney to the 850°C that is required under the E.U. directive to prevent the release of dioxins and other serious pollutants. Fuel oil use: if there is insufficient waste to burn, the plant will have to stop and start to achieve the 850°C temperature or use expensive fuel oil which will have to be burnt and this stop/start process is the most dangerous period for emitting emissions which may bypass the filters. I am also concerned about damage to chimney linings. This stop/start process may also lead to the chimney linings being damaged if the plant does not operate at the optimum temperatures or is operated continuously and we are likely to experience similar problems as those experienced at Bellozanne and then where would we be? Biocides: I do not know if any environmental assessments have been done on C/6 which is being used in the seawater cooling operation for the plant and which will seep into the Ramsar site through the seawater channel. I also have political reasons for opposing it. First, I am honouring my election

promises. I believe it is important that politicians honour their election promises and as I stood against the incinerator during the election; I will continue to do so. I also believe it is the duty of every Member of this House to fully understand what they are voting on rather than simply turn up and vote, as I believe some Members do. This involves delving into the matters at hand, asking questions, ensuring that answers to the questions they are asking are received and fully satisfying themselves that the proposition stands up and is in the best interests of the people of the Island. I have to say with regard to the proposed incinerator that no Member of this House, save for the Minister and his Assistant, have had the full facts and fully understand what we are committing ourselves to. I have found getting information from T.T.S. like extracting blood from a stone and if the experience that I, and some of my colleagues, have had in obtaining information is symptomatic of the States departments, Ministerial government, in my view, has failed, and we are all being kept in the dark by both our Ministers and civil servants. I do not make this charge lightly and I am sure that the Minister for T.T.S. or his Assistant Minister will attack me and my other inquisitive colleagues for these comments but let me illustrate this point with 3 examples. The first is a conversation I had with the Minister in this House 3 weeks ago following an exchange I had with him on the floor of the House when I felt that I was not receiving the information from his department that I had asked for. I might add that this conversation was heard and witnessed by colleagues in this House. I told him that one of the pieces of information I was seeking were the details of some of the major components being purchased for this contract and the date they were due to be delivered and the price that was going to be paid for them. He told me he would not give me the details of the prices because that information was commercially sensitive. When I said: "Give me the other information", i.e. the components being purchased and the date they would be delivered, he again told me that I could not have this information because it was commercially sensitive. Perhaps he said this because he suspected if I knew what the components were I might be able to calculate what they might cost. The Minister's response was ludicrous and I said to him that what he was essentially saying was that Members were not allowed to know what was to go into this monstrous box which was going to cost the Island some £106 million. My second example is a conversation I had with the Director of Transport and Technical Services 2 days ago when I had to go to the department to collect information that I was seeking from him. He pointed out a number of large bound volumes on his table and said that he was surprised that we had not asked for them as they were key to understanding the project. When I asked him why he had not just given them to us, he said he would only supply us with what we had specifically asked for and that he would not volunteer any information. So much for a transparent and co-operative civil service. I might also state, to be even-handed, they were surprised that we had not followed up on some of his invitations to come and see him and spend a few hours with him going through the project. My answer to that was that we had had one 3½ hour meeting with him on 9th December at which he stated he would not admit to at least one of the statements he made if challenged outside the meeting and because much of what we were going to go through was highly technical and without consulting experts in the field, we would not know whether we were being told the truth or not. Moving on to other things, cancellation, operating costs and income from the project. Other areas where Members are in the dark are concerned with operating costs, the cancellation costs, and anticipated income from electricity generation. For example, we do not know how much electricity the plant is going to use from the J.E.C. during the start-up phase. We do not know how much T.T.S. will have to pay the J.E.C. for cooling water, the use of its chimney, fuel oil and other infrastructure and maintenance costs. We do not know precisely how much electricity the plant will generate and the proportion that will be utilised by the plant itself and sold on to the J.E.C., nor do we know what income T.T.S. are expecting to receive, even at current prices. Why do we not know this? The answer is that it is commercially sensitive and it has been withheld from us. Moving on to cancellation costs. We have been told by the Minister that to cancel the contract it will cost anywhere between £30 million and £50 million but he has not produced one shred of evidence and expects us to take this figure produced by his department on trust. I am sorry but I for one want to see the evidence. Commercial disputes are regularly heard in the courts and it does not

follow that all of the money handed over to the contractors will not be repaid or that T.T.S. would be obliged to pay substantial further sums to the contractor. I call upon the Minister, or as he has spoken later perhaps through his Assistant Minister, to conduct part of this debate *in camera* so that all Members of this House can make their decisions with the full information they need before they can make a decision because they have a duty to the electorate and the citizens of this Island to have the full facts. If they do not, they are in dereliction of their duties. **[Approbation]** It is very easy to use stir tactics to sway an argument. It is not so easy if you have no concrete evidence to support your assertions. We are also told that cancellation will damage the Island's reputation. This is rubbish. Contractual disputes of this nature are commonplace and will not stop the Island entering into future construction contracts. Now, one of the States Members has mentioned that he would like to know if there were any other alternatives. Well, the Babcock Vølund consortium did make proposals to T.T.S. which were rejected by them on what I consider nonsensical grounds, considering that what they were putting forward would have been the cheapest by some £35 million and was the most environmentally friendly and efficient plant put forward to them. Now, it is also the way I think that we should be going. Certainly, it sorts the waste first. It makes sure of those high calorific values of the waste that is going through the plant and, as I say, it is far more environmentally friendly. It would also deal with my aesthetic problem. I think the existing proposals are, as I say, an abomination. If this Babcock Vølund consortium plant was adopted it would be much smaller and it would not be as visible to the people around La Collette site. I also believe, just moving on to this, that if we do lose this rescindment vote there should at least be a Committee of Inquiry, or at the very least an investigation by the Comptroller and Auditor General into the exclusion of the Babcock Vølund consortium's bid. So to sum up, I believe that we have a duty to the people of this Island to not waste money and I am not saying that we are going to waste money by passing the rescindment. I believe that if we adopted the other technology involved in this plant, which was £65 million, we would still come within budget and it could still be produced by the time that the proposed incinerator would be built. Now, I want to address something that Senator Ozouf said earlier about the people of Bellozanne. The people of Bellozanne in District No. 3 are in my District and I feel very strongly for them. I heard their views when I was going around and nothing that I am saying or anything that Deputy Green is saying is saying that the Bellozanne plant should be kept open any longer than is intended and we do not believe that by bringing this rescindment motion it will be kept any longer. What I want to particularly say is if the Senator says that it has been so bad for so long - and I have seen figures going back to 1990, that it has been polluting the atmosphere and affecting the health of people - why did he not insist, even when he was a Deputy in the area, that filters were put on the incinerator ... well, even when he was a Minister as well as a Deputy, why he did not take steps to put filters on to prevent those dioxins coming out and take other steps to ensure the health and safety of people in the area? Oh, sorry, one last thing if I may. I would just say that if people are considering their vote and are uncertain or not totally swayed by one side or the other, I would ask them to abstain on the motion.

The Connétable of St. Brelade:

On a point of information, may I just advise Members that I have asked to be distributed a paper on costing from the States Consultant Commissioner that hopefully will clarify the information which I gave earlier on and it is the most information I am able to give without breaching commercial confidences.

Deputy P.V.F. Le Claire:

A point of clarification on these figures. Could I ask the Minister if they are confidential and if they are not, can I ask a question on them, please?

The Connétable of St. Brelade:

The figures are not confidential.

The Bailiff:

Well, they have been put in the public domain by being made public to the States.

Deputy P.V.F. Le Claire:

Obviously, we have just received these and we have heard this morning from the Minister a level speech and a fair one, I believe.

The Bailiff:

Deputy, I am very conscious that you have already spoken. Is it a discrete question arising out of the material which has just been put before the States?

Deputy P.V.F. Le Claire:

Yes.

The Bailiff:

Well, very discrete and very quickly, please.

Deputy P.V.F. Le Claire:

The question is how do the figures £7 million, £1 million, £3 million and £13 million outlined in the graph on page 2 of 2 come to £45.9 million as explained in the paragraph underneath and if they do not and if that is not how it has been done, where is the rest of the information that explains exactly what this information means?

The Bailiff:

Do you wish to deal with that now, Minister?

The Connétable of St. Brelade:

I think I will come back to the House on that if I may.

The Deputy of St. Mary:

On a point of clarification, would it be in order for the Minister to take us through these figures because, at the moment, we are having to read stuff simultaneously while listening to people speak.

The Bailiff:

The Minister has put these figures before the Assembly in amplification of the speech that he made and he has offered to answer Deputy Le Claire's question which he will do as soon as he is able to do so.

1.1.16 Deputy G.P. Southern:

May I congratulate the proposer of this motion today for a most excellent speech yesterday in introducing this topic. It was refreshing indeed to hear somebody talk about a topic that they thoroughly knew backwards, forwards, sideways and the level of detail in that speech was indeed worthwhile. I do not know if it comes from perhaps 40 years being an environmentalist but it is certainly a depth of research and is to be admired. In contrast, I felt that the speech given eventually by the Minister for Transport and Technical Services was very light. It consisted largely of avoiding the many questions that have been answered and of rubbishing the presentation of the proposer, which I find very disappointing indeed. While we are on it, we are told that we have an energy policy which is in construction being devised. It is an energy policy which says that using an Energy from Waste plant, to be generous, using an incinerator, is not that green a way forward and something, if we could possibly avoid, that should be avoided. However, it says: "Not yet. Let us carry on and do this for another 25 years. Let us just replace the incinerator with another big burner and we can start looking at a greener future come 2035." That sort of policy is not worth the paper it is printed on. The Minister for Planning and Environment should be thoroughly ashamed

of himself in allowing that position to be taken in the Council of Ministers because he is showing an outright - I believe - disrespect for the environment and not doing his job properly. Instead, today, we heard him put a cheap line out in order to maintain some sort of ...

Senator F.E. Cohen:

I think that should be withdrawn. The Deputy accused me of putting out a cheap lie.

Deputy G.P. Southern:

Line, not lie.

Senator F.E. Cohen:

I am sorry, I misheard too. [Laughter] [Aside]

Deputy G.P. Southern:

In the ears of the beholder, I am afraid.

The Bailiff:

The Minister for Planning never does anything that is cheap. [Laughter] [Approbation]

Deputy G.P. Southern:

Cheap, in its metaphoric sense, rather than its literal sense, when he said that he, personally, would like to think we can have two-thirds recycling, doubling the amount of recycling. How easy it is to throw that one into the debate when it means nothing because that is the direct opposite of what T.T.S. is doing and predicting for the future in terms of its ambitions for recycling. That is not policy. That is just inventing something to throw into the debate and he should be thoroughly ashamed of having done it because it is not properly looking after the environment, no matter what balancing act and what verbal dexterity he chooses to throw at it. The other thing to point out is that speaker after speaker has kept on saying if we pass this rescindment motion, apart from any other considerations, then inevitably we will be having more of the current incinerator. It will last longer; it will have to be used longer when, in fact, the proposition and the alternatives that that would mean, in fact, could be put into place in a modular way and could be acting even sooner than the current plans, certainly, on the same time scale. It does not mean running the current Bellozanne plant for one extra day if we pass this. That argument is to be put to one side because it is simply a false analogy. The lightness of the response from the Minister for Transport and Technical Services was absolutely shocking. For example, the proposer asked specific questions in 3 areas and he suggested, well, fine, on paper, if everything works perfectly, then this is the way forward but he was asking about major incidents in Energy from Waste plants: "It is a fire," particularly fires. Have we heard any response to that criticism? We have not heard one word. He then said: "Will the Minister explain the complete absence of vesting certificates? What do we own?" Apparently we own nothing for our £30 million already spent and a possible £45 million that we might be sacrificing. We own nothing because we do not have vesting certificates. Answer: none. No explanation as to why or what is going on. Thirdly, he said we must know before we vote on this proposition about the emissions from the chimney and he talked about a whole list of things, some of which are cumulative and there is no safe level, some of which are components of a burn, as we currently do it, non-sorted in the way that we do, which have only been reduced by a factor of 2 to half of what the current chimney is pushing out. He says: "The Minister must explain why these levels of emissions are apparently safe when many of them have only been reduced to a half." He said it would be irresponsible of us - and I heartily agree with him - to take this decision without that information. Again, have we received any information on emissions, a vital issue in deciding which way forward? We have not. Finally, we have the position put by Deputy Duhamel and I certainly remember the debate back in the other side of Christmas - October/November was it... July, it seems like yesterday - when a great deal was made about kitchen waste and digestion and the fact that we could not put it anywhere near our fields

because it would ruin the validity of our potato crop. Now, we have heard evidence from Deputy Duhamel that the latest position on Defra and the latest position taken by supermarkets is that that is not the case and yet has that question been addressed? Does the department still maintain its position that we could not possibly do this, it would ruin the value of the crop? I believe it does. Have we received any explanation of that? No, we have not. Quite frankly, I believe the Minister is treating this House with disrespect and certainly treating the proposer with complete disrespect not to have addressed those particular vital questions in this debate. I note - I believe - that the Assistant Minister has not spoken yet. Perhaps, in addressing this issue, he might turn his mind to answering those questions in some detail so that we can make up our minds on this rescindment motion in a properly informed way.

Senator J.L. Perchard:

I do believe that the opinions are clearly polarised and opinions have been formed. I do not suspect there is a person in this House that does not know which way they are going to vote on this subject and therefore I propose the closure motion.

The Bailiff:

Very well. Is the motion seconded? **[Seconded]** Very well, I invite any Member who wishes to vote on this to return to his or her seat. I invite the Greffier to open the voting which is for or against the closure motion proposed by Senator Perchard. The Greffier will clear the vote and we will try to see whether the electronic vote works a second time around so Members will, when the Greffier reopens the voting, vote again, please. Well, taking account of the malfunction of Deputy Higgins' voting mechanism, I can announce that the vote has been lost; 22 votes were cast in favour, 27 votes against and 1 abstention.

POUR: 22	CONTRE: 27	ABSTAIN: 1
Senator T.A. Le Sueur	Senator S. Syvret	Connétable of St. Brelade
Senator P.F.C. Ozouf	Senator P.F. Routier	
Senator T.J. Le Main	Senator A. Breckon	
Senator F.E. Cohen	Senator S.C. Ferguson	
Senator B.I. Le Marquand	Senator A.J.D. Maclean	
Connétable of Trinity	Connétable of St. Ouen	
Connétable of Grouville	Connétable of St. Helier	
Connétable of St. Martin	Connétable of St. Lawrence	
Connétable of St. John	Connétable of St. Mary	
Connétable of St. Saviour	Deputy R.C. Duhamel (S)	
Connétable of St. Clement	Deputy of St. Martin	
Connétable of St. Peter	Deputy J.A. Martin (H)	
Deputy R.G. Le Hérisier (S)	Deputy G.P. Southern (H)	
Deputy J.B. Fox (H)	Deputy of St. Ouen	
Deputy J.A.N. Le Fondré (L)	Deputy of Grouville	
Deputy of Trinity	Deputy J.A. Hilton (H)	
Deputy S.S.P.A. Power (B)	Deputy P.V.F. Le Claire (H)	
Deputy K.C. Lewis (S)	Deputy S. Pitman (H)	
Deputy of St. John	Deputy I.J. Gorst (C)	
Deputy A.E. Jeune (B)	Deputy M. Tadier (B)	
Deputy A.T. Dupré (C)	Deputy of St. Mary	
Deputy E.J. Noel (L)	Deputy T.M. Pitman (H)	
	Deputy T.A. Vallois (S)	
	Deputy M.R. Higgins (H)	
	Deputy A.K.F. Green (H)	
	Deputy D. De Sousa (H)	
	Deputy J.M. Maçon (S)	

The Bailiff:

Well, the debate accordingly continues and I call upon Deputy Noel.

1.1.17 Deputy E.J. Noel of St. Lawrence:

I will be brief. I would question the Deputy of St. Mary's assumption in this proposition that public opinion has shifted on this issue. What I perceive to be public opinion is that the public want a government that makes decisions in a timely manner and then acts on them. What the public do not want is matters such as this to be dragged out for a prolonged period. Please let us have decisive government. Let us not be unduly influenced by the vocal minority to the detriment of the silent majority. The Deputy of St. Mary asks in this proposition, and I quote: "Is it better to stick with a mistake than to change it?" My answer to that is twofold. Firstly, I do not believe the original Energy from Waste decision to be a mistake and, secondly, if it was, then 2 wrongs do not make a right. The people of Jersey do not want this House to waste £50 million of their money. They do not want such waste in good times let alone at the start of a recession. The Deputy of St. Mary and Deputy Higgins raised the vesting certificates in their compact addresses. We may not have vesting certificates but we have something better. We have an advance payment bond which is only released on delivery. Therefore, if the contractor for whatever reason defaults we get our taxpayers' money back from that bond. That bond is held by a third-party bank. The bond is in place throughout the life of the Energy from Waste construction. Furthermore, we have a 10 per cent retention until the Energy from Waste plant has complied with performance tests so public funds are ring-fenced. Now, if I may comment on the estimated £50 million cancellation costs. Members would have received the information from the Minister for T.T.S. a few moments ago. The clauses referred to in Senator Shenton's recent emails do, in fact, exist. Both the Deputy of St. Mary and Deputy Higgins have had sight of the contract and will recall clause 42 of the contract that covers cancellation by ourselves. **[Aside]**

The Bailiff:

Wait one moment. May I have order, please? Is the Deputy prepared to give way?

Deputy E.J. Noel:

No. **[Laughter]** **[Approbation]** So far, we have paid £34 million in advance payment into the advanced payment bond. Under the terms of the contract these would not be recoverable if cancelled. Approximately a further £12 million would be paid to third-party contractors to terminate their contracts and in losses and damages to the main contractor, hence the £45.9 million, as disclosed in the Fichtner document, which comprises of a total of £13.3 million in sterling and 35.9 million in euros. I trust that that hopefully will answer Deputy Le Claire's previous query. Added to this, you could easily allow 10 per cent to cover legal fees and other ancillary costs to bring this matter to a close, thus the £50 million. I am confident that such costs would hold up under scrutiny. During the nominations for the Scrutiny Panel, the Deputy of St. Mary was asked by Deputy Jeune if he accepted that the Energy from Waste plant will go ahead and he replied, and here I quote from Hansard: "The Energy from Waste plant has been approved by this House and certainly would not be revisited." A month is a long time in politics. **[Laughter]** **[Approbation]** I cannot vote for this proposition which is blatantly unconnected to the wishes of the people of Jersey which wastes their money to the tune of £50 million. **[Approbation]**

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

I will be very brief. As Deputy Noel has just pointed out, the amount paid so far is £33.4 million. These milestone payments are made to be cost neutral. The contract includes an advance payment bond to ensure that the periods between milestone payments are also covered in the event that the contractor were to be declared bankrupt. The contract also includes parent company guarantees, performance bonds for the period of commissioning, and a retention bond that ensures defects are repaired. Touching on something that Deputy Duhamel said earlier on regarding food composting,

in P.72, it is noted the British Retail Consortium stated: “We have significant concerns with regard to the use of compost made from animal blood, bone, meat and entrails. We know that the B.S.E. prion is not eliminated by heat and as B.S.E. was linked to animal ingestion and other animal proteins, we are concerned about spreading on to grasslands of this type of material. The spread of animal disease is another issue of concern and we would like a review of the risk assessment on which the current time temperature requirements for the treatment of kitchen waste are based.” Also a note from the industry: “The potato industry have indicated that the retail customers for their products have strict protocols which prevent the application of food waste derived compost of land. Jersey has a unique agricultural cropping system for potatoes with an annual rotation. The majority of supermarket protocols either preclude application of food waste derived compost or require longer than a year between application of such compost for planting or harvest of subsequent crops. The department have revisited these protocols with the potato industry regularly since the Solid Waste Strategy and has been advised that these protocols are becoming stricter.” If I could touch on something brought up by Deputy Le Claire regarding the zoning. There are 4 zones. There is the 150-metre zone where there is a presumption against development within this zone - this by the fuel farm - with a full site-specific agreement of any construction in that area. There is a 250-metre inner zone which is also a restricted area, some development permitted but controlled and the number of people working in the area would also be controlled. In the 300-metre, which is the middle zone, there is some development but with less restrictions and the 400-metre outer zone, much lower restrictions and this zone would need special permission but that could go ahead. The emergency access road from Green Street was required by the Fire Service between Green Street slip and La Collette and will have no damaging effects upon the Ramsar site. The latest thinking involved in this is it just needs to be wide enough in a strict emergency to get a fire tender down there and the latest thinking is there can be some remedial work on the land-side granite so that the seawall itself will probably not need to be touched.

Deputy P.V.F. Le Claire:

May I just ask the speaker to give way for a second for a point of order, please?

The Bailiff:

Well, is it a point of order or is it an interruption?

Deputy P.V.F. Le Claire:

Well, I believe it is a point of order. The speaker commented upon my remark in relation to the 1,000-metre zone. I was speaking about the L.P.G. tanks. I was not speaking about the fuel tanks. The L.P.G. tanks, I have been informed, have a danger zone of 1,000 metres. That was what I was saying.

The Bailiff:

Deputy, that is not a point of order.

Deputy P.V.F. Le Claire:

Is it a point of correction then?

The Bailiff:

There are 2 kinds of interruptions and you have been in the House a long time. There is one kind of interruption which is a point of order which asks the Chair to make a ruling on some point of order. The second interruption is an interruption which simply seeks to make a point during another speech which is being made and that interruption can only be made if the speaker is willing to give way. Now, if you say that you are about to make a point of order the speaker will naturally sit down because he thinks it is a genuine point of order and I appreciate that in many parliaments 98 per cent of points of order are not points of order but it is not the appropriate way to make an interruption.

Deputy P.V.F. Le Claire:

I realise now, after all these years, why you seem so frustrated when I do that. I realise I have been doing it incorrectly. I apologise and I will apply myself accordingly in the future.

The Bailiff:

Thank you very much, Deputy.

The Deputy of St. Mary:

On a real point of order, if I may, **[Laughter]** seriously, what is the position when a Member of this House makes a factually incorrect statement and you happen to know the correct facts of the case ? Because that is quite important and I think it happens a fair bit. What is the correct procedure?

The Bailiff:

In your position, Deputy, you can either seek to raise the point and the convention is for the Member to stand and ask whether the other Member is willing to give way so that you can correct a mis-statement, but if the Member is not willing to give way, then, of course, you have your right of reply in a little while when you will be able to put all these mis-statements correct.

Deputy K.C. Lewis:

In reply to Deputy Le Claire, I will check that again with the officers and I will give him the necessary paperwork. I have just touched upon the emergency access route which will run from Green Street to the La Collette area. It is my understanding that this will continue to be a pedestrian promenade with a collapsible gatepost and if we think of this in the same way as the gate in the fence at the airport, it was never ever going to be used but it is the 10 million to 1 chance. That is the restriction there. The impact of the Energy from Waste cooling water, I believe Deputy Duhamel raised that item. In the environmental impact assessment it is made clear that the cooling water will be supplied from the existing J.E.C. cooling water system and use the same discharge. The J.E.C. system will not be expanded and as the J.E.C. now operates with far less boiler capacity than the cooling water system was installed for, the total cooling water discharge will be much less than that which the J.E.C. used to discharge. Therefore, once the Energy from Waste facility is operating, the discharge of cooling water from the outfall would be within currently consented levels. As a result, the Energy from Waste plant will not increase the impact on the Ramsar site. I believe Deputy Duhamel also mentioned about reusing any warm water that may come out. This is something that I have raised with officers and this is being looked into. If there could be a community-heating project in the vicinity that would be truly a green step forward. While I am on my feet, I would like to point out that both the Minister for Transport and Technical Services, myself and the officers have treated the Deputy of St. Mary with the utmost respect and even though we may not agree with his thoughts, we fully support his motives. I would also like to pay tribute to the directors, the managers and the operators of the old dinosaur that is still being used in Bellozanne, the original Energy from Waste plant. They have done a terrific job keeping that old place going. It has patches on the patches and I think they are worthy of our praise **[Approbation]** but we must continue and build a new Energy from Waste plant without any further delay so the old one in Bellozanne can be closed down. **[Approbation]**

1.1.19 Deputy T.M. Pitman:

I will be brief because we have heard a lot and a lot of very detailed information I have to say generally from the side of those who are for the rescindment. What I would really like to express is disappointment in the Constables because whatever one might think sometimes of the Constables' politics, I always understood the first role of the Constables was to look after their Parish and they are always very, very good and fast to jump on things and protect value for money for their parishioners. Yet, here we seem to have a complete willingness to waste money. I did think when the Constable of St. Lawrence stood up that she was going to enlarge on this issue. I have a great deal of respect for the Constable of St. Lawrence, but the fact is we can build this lovely

£106 million white elephant but, as I understand it, if each of those Constables' parishioners decided they want to concentrate on recycling, then that is the way things will go. Constables are not dictators. We could quickly end up in a situation where there is nothing to burn in your lovely incinerator. What are you going to do then? That will be money wasted. Surely everyone should be considering that. It is just commonsense. The other issue I would like to just touch on is environmental responsibility. I accept that there are some in the House who may well think the earth is flat. However, even small jurisdictions like Jersey have a global responsibility. If all small jurisdictions start copping-out of those responsibilities, then I am sorry, but the world is finished and it will come about much quicker than some people seem to think. If people cannot find any other reason to support this rescindment then what I would ask people to consider is election promises because I did quite a bit of research into this and I could not find one person recently elected to this House or a Senator or Deputy who did not express - whether it was at the hustings or in their leaflets - a profound commitment to promoting a greener future for the Island. I am sorry but paying £106 million or whatever the cost is for a redundant technology is a complete contradiction. I could also not find one elected Member, Senator or Deputy who did not express absolutely a determination to control population growth. Again, if you go for this incinerator, it does not add up. It is nonsense. You cannot have it both ways. Sometimes it takes guts to admit a wrong decision has been made. The Deputy of St. Mary, by anyone's accounts, got off to a poor start yesterday and maybe his almost Castro-length speech may have been hard on the ears, but my word, the information, the research that the Deputy had put into that deserves every respect and I am glad to hear Deputy Lewis mention that. Decisions sometimes do take guts and if we really want to save money and we want to protect children's future, we should go for this rescindment. I have spent a big part of my life working for young people and I can tell you, young people are not thinking the way many of the Members of this House are. Someone talked about not being here in 30 years. Well, I hope I am here in 30 years. Maybe I will not be but our kids will be - our children - and if we do not support this proposition we will be letting them down. We would also be wasting money. Let us for once try and see the bigger picture. Let us not ridicule people for decisions that are already taken. When I came into this House I really hoped that, despite my politics being different to a number of people, if the argument was good I would be swayed and I believe I can say that. The fact that this decision has been made after 10 or 12 years in one way is irrelevant. It is very sad but it is irrelevant. This rescindment makes commonsense if you look at the bigger picture and I would ask all the Constables, particularly, to think about their parishioners because the Constables could find themselves in that situation and I am afraid we will be left with a lovely huge white elephant visible for miles but absolutely redundant. Where will we be then?

1.1.20 Deputy A.E. Pryke of Trinity:

Well, even in this short time that I have been a States Member, I am frustrated by the number of times that we revisit decisions that we have made. Just ask is it good government and how much will this delay cost, both financially and the reputation of our Island? Here we are again asking this House to rescind a decision that we made last year. That decision at the time was not quick or lightly made. We had a Scrutiny Report, Shadow Scrutiny Report, numerous presentations and days of debates, lots of debates on the E.F.W. being sited at La Collette. This has been going on for well over 6 to 10 years and if the House had the courage and had grasped the nettle all those years ago it would have cost only £60-odd million. Today, as we know, it is over £100 million and here we are again. We all know, and it has been said a few times today, that the incinerator at Bellozanne is well past its sell by date. It is said that emissions from the chimney are some of the dirtiest in Europe. We know it is not good for our environment and we know it is costing money to repair it and keep it working. We are an island. We do not have the luxury of taking our household waste down the road to another incinerator or to a landfill site for disposal. We are bound by international agreements to deal with it ourselves, all of it. Some can be recycled and, yes, we should increase our recycling targets. We know we are working to do it but it is a slow process and recycling comes at a price. We send some of our recycled goods to proper centres but with the

scarcity of recycle centres, most recyclings are shipped-on. Both the Deputy of St. Mary and Deputy Duhamel have championed the cause and must be congratulated for their recycling cause really. It would be great if we lived in that ideal world but to achieve those higher rates, we need to take the public with us. It is as simple as that and that way we can assure that it will work and it will be sustained. Much has been said about the impact to our environment. Let me briefly explain the process. The E.I.A. is a vital process that ensures that the planning application is accompanied by a thorough appraisal of the potential environmental impacts proposal and the measures being suggested to mitigate them. This E.I.A. has 3 stages: screening, scoping and statements. Screening is to assess whether the E.I.A. is required. Scoping allows the developer to ask the Minister to indicate what information should be considered in the E.I.A. The third stage is the review of the environmental statement which is produced by the applicants but is usually carried out by an experienced consultant. The department then seeks the views of the consultees about the adequacy of the environmental statement and will go back to the applicant to get more information if required. As the statement forms part of the planning application, it is publicly advertised and becomes available to any member of the public who wishes to inspect on it or make a comment. This statement forms part of the information which is before the Minister when determining the application. Any environmental impacts requiring mitigation can be dealt with through planning conditions if necessary. Turning now to E.I.A. for the E.F.W. plant. There was never ever any doubt that it would require an E.I.A. The process was initiated in November 2005 with a pre-scoping report which set out the range of possible issues that would need to be considered. The scope of the report was signed-off by my department in May 2006 and then work was undertaken by the applicant by researching and creating the environmental statements. The environmental statement was submitted accompanying the planning application. Public documents ... it was open to scrutiny by anyone and proactively issued to key external stakeholders, including ... the National Trust, La Société and the group Concern. That process - a public consultation - was open for 10 months. It is essential to note that throughout the planning application process, no comment was received challenging or questioning the method, scientific information or the conclusion to the E.I.A. The conclusion of the E.I.A. was that no substantial impacts on the environment were identified. At the public meeting that the Minister held to determine the application, a public hearing advertised in the *J.E.P. (Jersey Evening Post)*, 3 Members of that House were present: Deputy Duhamel, Deputy Martin and Deputy Le Claire. I was there as a member of the public taking an interest along with 3 other members of the public and, of course, the media. That was all that was there. The E.I.A. process was thorough and robust. It does comply with the law and it did consider likely significant short, medium and long-term effects of the development. As I said, any member of the public group could put in a submission at any time through the process. It was argued that the E.I.A. was flawed because of the failure to assess the potential impact of airborne emissions on the marine environment. Those emissions were modelled as part of the E.I.A. and included in the E.I.S. (Environmental Impact Statement) section 8.4 and related to the vicinity of the site. The effect of the airborne emissions on the marine environment were not considered in detail within the environmental statement because it was not considered a significant impact when it was modelled initially. We considered the airborne emissions on human health and recognised that these emissions, which are good enough to breathe, will be rapidly diluted billions of times over by our enormous tides but the argument being put forward is that marine organisms can be much more sensitive than people so let us consider those facts. Emissions from the plant will meet E.U. Waste Incinerator Directive Standards for all pollutant types, including heavy metals, not just E.U. It is E.U. Waste Incinerator Directive Standards. Locally, the plant will require a waste management licence before it commences operations and the Minister for Planning and Environment, as the regulator, is able to impose conditions on emissions and discharge limits. Thus, we have the ability to control the emissions to ensure the protection of the public. Those limits are set and maintained and they will be constantly, and it will be consistent within the limits set down by the European Waste Incinerator Directive. But let us assume the worst-case scenario. The plant runs at full capacity. The emissions are right up to the limits of what is allowed and the

water which receives its fallout is static. It is a scenario that can never happen but even if it did, the concentration of the metals in the sea right next to the plant in a small area that would be most affected would still be 1,000 times less than any level that would cause concern. It is a concern which we take seriously but modern E.F.W. plants have such highly developed filtration systems, emissions are kept well below legal limits. It is wrong to discredit the E.I.A. on this basis. At the Planning and Environment Department it is our job to protect our environment. We are the expert authority and the regulators with the powers, skills and knowledge to say no whenever we suspect potential for an environmental harm. Let us not forget that it was this Assembly that made the southeast coast a Ramsar site because of the importance that we attribute to it. It was that designation of our offshore reefs as future Ramsar sites. These designations were not imposed on us. It is our Ramsar site and on behalf of this Island, we will protect it using the high levels of skills and competencies of my officers. They are a professional team and they take their responsibilities very, very seriously. Contrary to the assertions of some, there is no requirement under the Ramsar Convention to notify the Secretariat or Defra of activities taking place near our designated sites unless they have the potential to significantly change the ecology of the site. As your expert authority, it is our judgment that the team that we have, the expert team that we have working for us, that the E.F.W. plant will not significantly change the ecology of that site. For once and for all, let us be clear. The E.I.A. concludes that the ecology status of the Ramsar site will not be changed because of vast tidal movements that are able to buffer the very tiny amounts of emissions. The process was thorough, robust and legal. The incinerator will operate to E.U. Waste Incineration Directive Standards for emissions to the air and before the E.F.W. can operate, the Minister, under waste management law, has to be satisfied that the conditions imposed on that licence would negate any risk of pollution. We have in place locally that legal framework to regulate the incinerator and thus intervene if we suspect potential or actual environmental harm. So, please, we take our responsibilities for our decisions we have already laboured and agonised over. Please, let us just get on with it.

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

I was one of the Members who voted against the incinerator at the beginning at the last debate because I always thought there was an alternative and a less expensive model. I thought that what we are going to have now is an outdated model and irrespective of whom the architect is, it is going to be, in my opinion, a carbuncle and, then again, it could be said beauty is in the eye of the beholder. We have heard some excellent environmental arguments and I compliment the Deputy of St. Mary. He probably took a bit long to get around it, but at the same time one could not argue the fact he has been first-class with the information he has given to us. But as the Deputy of Trinity has said, environmental matters do come at a cost. The one thing I was looking for throughout was cost and there has been confusion over costs and we have had one argument for and one argument against it and I really am confused because I do not really know who to believe at the end of the day. The one thing I want to be sure of is that we are not throwing good money after bad. What I would ask the Deputy of St. Mary to do... and I would hope he will not spend as long in his summing up as he took in advancing his argument. There are just 2 main issues that worry me. How much will it cost if we go ahead with what he is proposing and if it is going to cost more, where will that money come from? Those are the 2 things I want to know. Now, if there is a saving, I might be tempted to support it. However, if it is going to cost the Island money I will have to take the pragmatic approach and say I will have to suffer the slings and arrows because, at the end of day, I think it was a bad decision but, again, it is one that we may well have to live with. So please tell me or tell the House how much it is going to cost and if it is going to cost more, where is that money coming from.

1.1.22 Senator T.J. Le Main:

Well, I have heard it all. I keep hearing it all and I look across the Chamber. I see all our experts, the experts that are experts on every subject that comes before this Assembly. They know better

than all the professionals do. I have listened, I listened at home yesterday afternoon, to the spin, the scaremongering, which Members were pushing out through this Assembly yesterday. I just absolutely cannot believe where these experts who get - in my view - most of their information from suspect websites. All these sites - many of them - have differing views, with expert upon expert knowing better. I also became very concerned when I heard one Member yesterday scaremongering on the subject of shellfish stocks being affected - being polluted - family members dying of asbestosis, et cetera. Well, how low can one get to start that sort of scaremongering? This rescindment is totally wrong in my view and should never have been brought before this House. The decision to build the new Energy from Waste plant has already been debated 3 times and, as so ably said by the Deputy of St. John this morning, 3 independent Scrutiny Panels and supported by the Health Authorities in Jersey and every other professional body. We have had 3 very long and detailed debates over the years and found that this was the way forward. The States reached a democratic decision and we should stick with it. How can we be taken seriously by the public when we agree on something and then change our minds after a few months and, as a consequence, agree to waste tens of millions of pounds - yes, tens of millions of pounds - of public taxpayers' monies? The figures provided by Transport and Technical Services indicate that cancelling this contract could cost the Island, as we have all heard, between £45 million and £50 million. What do we get for that? Absolutely nothing. Cancelling the contract would result in the States and the Island getting so much bad publicity, both locally and nationally, and who will want to do business with us in the future? We are supposed to be a small nation of the highest reputation and quality in the finance industry and everything else. We are highly regarded in the C.P.A. (Commonwealth Parliamentary Association) and in the Commonwealth and in the U.K. on the way we conduct ourselves. No questions about it. Do not listen to all you read in some of the media; we are very highly regarded with a very high reputation for transparency and for doing good business. So can you just imagine what will happen when the existing Bellozanne incinerator folds again and we have to go out to suppliers for a new plant, whatever that might be? The reaction will be: "How can we trust you?" and that will not only be for a new waste plant. On everything else we do in the future our trust will be questioned. No question about it. I have heard time and time again how there is a new kind of plant that will treat all our waste for less money. No one has been able to supply us with the real evidence we needed when we debated the proposition last July. In fact, some of the alternatives that I heard, such as the Haden-Taylor schemes and other schemes, have failed miserably, yet at that time they were the cat's whiskers; they were the thing that we should go for. All that has not been proven at this time, in fact, the alternatives that the department reviewed were going to cost more by the time everything was added on. Now what has changed since last July? Certainly nothing new is mentioned in the Deputy's report. Under the heading of "Alternative Solution" he only quotes U.K. local authority collection rates and for Jersey the Parish collection rates. Nothing about alternative treatment costs and the costs of getting the plant built in Jersey and how long it would take. The Deputy then goes on to comment about making money from waste. Well, what a joke at this moment when the whole markets across the world are absolutely ... well, they are on their knees - they are not even selling. You have read and watched it on television. They have huge warehouses of recycled materials in the U.K. costing thousands and thousands of pounds hoping that the markets are going to change. As I say, I have been reading the papers recently and television and nowhere do I see about recycled material is making money; far from it. They are stockpiling, as I say, huge quantities of waste because the bottom has dropped out of the recycling market. We just cannot keep going round and round in circles and not getting on with replacing the old Bellozanne incinerator. I rather hope that Deputy Green will change his mind as the Deputy of St. Helier No. 3 has outlined. Quite honestly, I really believe that he will be letting down his residents and electors in St. Helier No. 3 and 4 after all the promises that they have been made and looking forward to removing that atrocity down at Bellozanne. I rather hope that Deputy Green will see his way clear to reconsider what he was saying yesterday and have the residents of Bellozanne as his top priority. The residents have quite rightly been saying they want the old plant shut down and moved away from their residential area and we have agreed to do

that for them. It was Deputy Fox who fought with Deputy Hilton and Deputy Huet and Deputy de Faye to remove this thing from Bellozanne and a huge sigh of relief was felt by the residents in Bellozanne; not only the residents but even people that live on the way to Bellozanne. If we support this proposition we will have to continue to keep the old plant running for even longer and there is always a risk that it will fail before something new is built. Just look at what happened last year. Since 1999 I have been listening to the arguments about delaying, and delaying the new technology, and this was not right and that was not right. I remember in 1978 when they built a new incinerator then, I was on the Board. We had an industrial dispute when we were just ready to fire up the new incinerator and we went to Switzerland and looked at other issues. We looked at everything in those days and nothing has changed. Nothing has changed. The Transport and Technical Services Department, I compliment. They have marvellous staff there who have struggled - not only through the management but the guys on the shop floor- to keep the plant running. It has now become a plant that quite honestly is a disgrace and having people working in a plant like that under those conditions quite honestly has to be stopped as soon as possible. I also have a lot of sympathy with Havre des Pas residents over the smell they have had to put up with over the compost. But do we really want to tell them that we are just going to be storing rotting food waste on their doorstep when the Bellozanne plant breaks down next time? Well, it will not be me because that is the only place you are going to be able to place it if the plant breaks down. Make no mistake over how long it will take to get something new. How many years did it take to finally agree on the waste strategy? Approving this proposition will send us back years and cost this Island a fortune just at the very time when we can ill afford to be spending more money. I say enough is enough. We have agreed to build a new plant, the public of the Island are looking for leadership, they are looking for us to maintain our reputation and we must let the department get on with it. No more dilly-dallying and wasting more and more of taxpayers' money. I am fed up of listening to the experts I have listened to in this House, the experts who have no knowledge at all but quaintly quoting from websites and papers and magazines and trying to lead us up the garden path. I urge Members to let us get on, let T.T.S. get on with the work and let us get on and provide a proper facility for the people of the Island. **[Approbation]**

1.1.23 Senator A. Breckon:

I just want to say a few words. I did vote against this originally and I was concerned then about size and suitability. I also expressed some concern about where we have produced this £106 million from. I remember at the time there were some angry young men about. There was Deputy Gorst, there was Deputy Le Fondré, there was the then Deputy Maclean and there was the former Deputy of St. John and there was: "Let us get value for money. Let us look at everything" and I wonder what has happened to the resistance they had when I look at what appears to be the lack of probity here. I think in that camp Senator Ozouf was there as well and probably Deputy Noel has got into this camp as well about value for money issues and the like. So, I think that some of that has apparently gone out of the window from what I can see and I just want to refer in a moment or 2 to the document that we have had put before us. But not many months before that we did not have any money to maintain our own property and indeed States housing. We had to sell things and we are still talking about doing that and then this £106 million of capital expenditure came under the radar. Two years' capital expenditure and suddenly we found that there had been talk about black bag taxes and various other things and, again, this all went by the by for this to happen. The reason I say that is that seems a big figure to me and as somebody mentioned - I cannot remember who it was - but a population of 650,000 or around that have an incinerator for £95 million. So the question is why do we have a population of a lot less than that and we are paying a bit more? It is not all down to G.S.T. (Goods and Services Tax) or importation or whatever else, there must be a reason for that and I have not seen the case made. It is very convenient to say: "It is confidential; you cannot have the figures." Then we just heard Senator Le Main talk about: "You must trust us" and people must have the trust but then to have the trust we have to share the information, I would say. I think for me that suggests perhaps, if that is the right

word, a manipulation of process. Everybody else is bidding for capital whether that is for an extension to the prison or whatever we did, and then this has come in as an aside. Well, it is a big capital expenditure, we must have it, therefore that is how we do it: pay the company; get on with it and this is where we are. The other thing where I have a problem with process is as the last House was falling, as it were, the contract is signed, so then we become locked into a process which is difficult, it would appear, to unbundle. I have not studied the detail and no doubt there is loads of jargon in there that ties our hands well and truly, but what does concern me in the document that has been given out by the Minister for Transport and Technical Services, it says in there: "Of this, £33.4 million would already have been paid with the remaining amount of the T.T.S. outstanding liability. We would note that CSBC would deliver almost nothing of any value to T.T.S. so the amount would basically be written off." I think the legitimate question is would anybody give anybody else £33 million without some sort of guarantee? Where are these thrusting Young Turks that were questioning every penny we spent? Where are they now when somebody has locked us into some sort of agreement where we have given somebody around a third of the cost of a thing and it appears there is no redress and we get nothing for it, not even a heap of scrap that we can weigh in somewhere. I do know that somebody that is in the trade informed me about the middle of last year they could not believe that Jersey had the sort of money and were looking to do this. The trades were waiting for the punter and they have one and we are that punter, and that came from reliable sources in the industry. They could not believe somebody would pay this much money for this sort of thing. That came from reliable sources in the middle of last year. I should say I was not involved in any negotiations; the source came from those. The other thing that I think is an issue, and I know the Parish of St. Lawrence have recently started it, where are the recycling initiatives to take stuff out of the waste stream? St. John did it on the initiative of a former Deputy; St. Lawrence have started it. Interestingly, from the Assistant Minister for Planning I think Trinity have it in hand but it is not there yet. I believe St. Mary are working on a scheme, the question is where are the other 8 Parishes? Because it is no good just saying: "We are going to have this monstrosity ..." sorry: "Iconic monstrosity and designed by somebody fairly important." But what effect does that have? I think we must take note of some of the figures that the Deputy of St. Mary has given us because if we reduce it then where are we? Do we have a waste reduction strategy or not? I suggest we should perhaps give it a higher profile. I know there has been some sponsorship for recycling schemes. If there is not, then perhaps from central funding there could be something that assists the Parishes to bring this into being and to help it happen. If it is not there then perhaps it should be. I am concerned, finally, just to repeat what it says in there, it says: "This £33.4 million would deliver almost nothing" and I cannot understand contractually how we have come to be in this mess. I just cannot understand that. In these enlightened days of looking at contractual matters, looking at the money, how have we managed to give somebody this amount of money without some guarantees? That really, really concerns me as does cancelling it on that premise. So, I think that again this is lacking in detail. We are paying in advance for something we do not have and somebody is manufacturing or doing whatever they are doing but if we have given them the money they must have done something with it. They must have done something with it. So the question is what and how advanced is this? I have not seen the information that justifies this. I am comfortable to unbundle this at a significant cost but I am also not convinced that this proposal to rescind will have the damage there is perhaps being portrayed. I think there is perhaps some scaremongering within that and that concerns me. That makes this debate for me particularly difficult because as others have said perhaps we should move on but it is not moving on for a couple of hundred pounds. It is the biggest capital expenditure contract we have ever undertaken. Why is that? I have not seen the justification in that. I was uncomfortable in the first instance and I am still uncomfortable but I will wait until the Deputy of St. Mary sums up and I hope he can convince me of some of the alternatives. I would just close by saying while it is healthy for us to agree to disagree, I think the Deputy has done a tremendous amount of work here and we should respect that and respect each other's opinion and it is up to Members how they feel, of course, for the vote. I hope we can do this on the issue and not personalise the thing. Thank you.

1.1.24 Senator J.L. Perchard:

That was an excellent contribution, as was Deputy Higgins, over the specifics of the costs, and I know the Minister and the Assistant Minister for T.T.S. have spoken, so I will attempt to make some sense with Members of this document - the Fichtner document - that we have had delivered on our desks this afternoon. Before doing so I want to just give a perspective from my department's perspective. The Solid Waste Strategy is a document that I think most of us would - even today's House - agree with; the waste hierarchy. It is about prevention of waste as the primary objective. The second objective is to minimise the amount of waste produced. The third objective is to reuse wherever possible unwanted waste. The fourth objective is to recycle compost that cannot be used. The fifth objective is to recover energy from the waste that cannot be recycled or composted. Finally, is the least favourable but essential last resort, disposal; landfill of which we do with our Act currently. This Solid Waste Strategy has been debated by the States I think on 3 occasions and the principle is certainly endorsed by my department; we want to see Bellozanne closed and we support this strategy completely. This strategy clearly identifies that in 2005 we could have bought an incinerator had we ordered it at that time for £62 million. But we have delayed, we have considered, and as a consequence and the competitive nature that surrounds the Energy from Waste business, the fact that countries throughout Europe are commissioning, ordering these plants as we speak, means that the cost of this plant has gone up in 4½ years from £62 million to £106 million and we are going for a slightly smaller plant than we were quoted in 2005, so delay has cost us in excess of £40 million. I will leave it at that. I would invite the Minister to correct me if I take Members through this paper so that we all fully understand what this means. If Members can find the Fichtner memorandum and turn it to page 2 of 2: "Payments to Date. To date £7.68 million has been paid out and 28.27 million euros have been paid out." They have been paid out, unlike Deputy Breckon claims, to achieve milestones 1, 2 and 3. On a contract of this size there are staged targets and payments and in most big contracts it works like that: "Achieved this; we have paid for that."

Deputy M.R. Higgins:

A point of information. The question for the Minister for Treasury and Resources 2 days ago states that they paid £25,373,000 out to date. As I said earlier, it is because of the exchange rate it has cost us an extra £2.89 million because they did not hedge it.

The Greffier of the States (in the Chair):

That sounds like a second speech. You made that point in your speech.

Senator J.L. Perchard:

This is the Fichtner memorandum I am quoting from and I understand they are the advisers to Transport and Technical Services and this is a very hot off the press document and this, I would assume with respect to the Chief Minister's answer the other day, is the most accurate of information. So, payments to date ...

Senator P.F.C. Ozouf:

On a point of information if the Senator would give way, I think he notices that the date of this memorandum is 15th January and the question I answered yesterday, I believe, was the up-to-date figures; that might be the difference between some of the figures.

Senator J.L. Perchard:

I thank the Minister, I had not noticed that. So this is ...

The Connétable of St. Brelade:

If the Senator will give way briefly, just to corroborate that the last payment as I alluded to earlier on was 16th February and that really puts it all into perspective.

Senator J.L. Perchard:

On 15th January this amount, payments to date, had achieved milestones 1, 2 and 3 so a stage during the contract where a trigger point is reached and payment is made. I understand the figure of £45.9 million as quoted on the first line under the box is the sterling exposure level if this contract were cancelled today. It is quite likely that, of course, if the contract was cancelled that the contractors would then argue in court with the States of Jersey for a loss of profits which the minimum figure I am advised is about £45.9 million of liability if we cancel today. That has arrived, as I say, payments to date, and the cost of termination as outlined there as £3.62 million and 7.5 million euros making a total of £13.2 million in addition or just under 36 million euros. That is where Fichtner on 15th January advised us that if we cancelled on that date we would be liable for that amount of money. So, delay in accepting the Solid Waste Strategy in 2005 has already cost us £40 million and we are seriously being asked to consider abandoning this project that we have embarked on at a cost of £50 million. I beg Members to really consider we are where we are with this even if Members are not enthusiastic about Energy from Waste plants, even if they do not like the technology, if they do not like the site, we are where we are. We cannot just throw or - or as Constable Mezbourian said - set alight the £50 million. We cannot just throw that into the wind. It is outrageous that we should even be here considering this. I say to Members set aside your environmental stunts and consider the financial implications of abandoning this project.

1.1.25 Deputy J.A.N. Le Fondré of St. Lawrence:

For clarity from the beginning, I am not supporting this proposition. While I can appreciate the Deputy of St. Mary is part of a group of individuals that do have very strong reservations about an E.F.W. plant for all sorts of reasons, I have to endorse the comments of Senator Perchard. I really wish that people would accept that the decision of the States has been made and in this particular instance, as far as I am concerned, there is no question a rescindment will cost us in the order of £50 million. To just comment on Senator Breckon's remarks, there is a big difference between savings and wasting money as far as I am concerned, and I will also refer him to the comments made by Deputy Noel in an earlier speech on some of the other comments that he made and raised. I rather feel that what we are hearing is a lot of arguments filled with promise and I reiterate as far as I am concerned it will cost us £50 million, and to talk about trying to save money by adopting this proposition to me is ridiculous. I thank the Deputy of St. Mary to an extent for his very lengthy documentation which he sent to us over the past couple of weeks. He has done an inordinate amount of work on this; no question. He will no doubt be delighted I agree with part of it. Unfortunately, it is the bit that refers to the potential reluctance of Members to reconsider a major decision. Every Member has the right to challenge anything in the States; no question. Again, in my view, however, that Member needs to recognise the consequences of such a decision. The Deputy is also right in saying this is an important subject - it is - but to my mind, I am sorry, if this proposition is adopted I think we will be considered a laughingstock. Literally throwing away £50 million does not meet the criteria of acting in the wider public good. To pick out some of the comments, we have received remarks earlier on, particularly from Deputy Pryke, absolutely refuting aspersions surrounding Ramsar. After 3 debates, I have to say it gets a bit clouded over a period of time, but we have certainly had 3 debates over the previous 3 years and I do not believe that the decision has been based on poor information or that the process was flawed. I accept that there are individuals who would like us to do more. We have to remember there is a big difference between the requirements of waste disposal for an area of land surrounded by water, i.e. us and an area of land that if there is a problem you can certainly put the waste on a lorry and go to another plant 50 miles down the road in the same country. There are all sorts of rules governing the export of waste out of Jersey and there are all sorts of health issues that arise if matters go wrong and waste has to be stored. I am frankly amazed also that 2 Deputies representing the area of Bellozanne as has previously been commented are so keen to delay matters further to cost the Island a fortune and thereby keep the existing site and all of its attendant problems for the foreseeable future. I have to endorse again the comments - I am sorry to say this - whereby

previously when the Deputy of St. Mary stood for the chairmanship of the Environment Scrutiny Panel he effectively accepted, or appeared to accept at that time, that the matter was dead; that the E.F.W. project would go ahead, yet 5 to 6 weeks later he lodges this proposition. Now when we debated this matter last summer ...

The Deputy of St. Mary:

A point of clarification, that is the second time my reputation has been impugned.

Deputy J.A.N. Le Fondré:

I am not giving way, I am afraid.

The Greffier of the States (in the Chair):

You can refer to these matters in your summing up.

Deputy J.A.N. Le Fondré:

When we debated this last summer we had reached the point that it was not a decision that could have been delayed or deferred any longer. The consequence is not just leaving a building empty; it is not leaving a plot of land undeveloped, there are very real health and financial consequences, let alone the physical problems with the existing plant. I will go as far as to say that we are almost literally keeping our fingers crossed at this stage to get to the point of a new plant being built: no kidding; no niceties; that is where we are. I am going to retrace a couple of points that we have covered many times in the past for the benefit of new Members who have not had the pleasure, I will say, of going through 3 debates already. At the time we were provided with a letter from the Medical Officer of Health and there were 2 key comments made in that letter: one that the Head of Health Protection had described the extensive investigation that had been undertaken and recommended that the strategy was adopted. It was considered to be the optimal way forward for the Island using tried and tested technology. The second matter: it was the Medical Officer of Health's conclusion that the need to replace the incinerator at Bellozanne was urgent given the already unsatisfactory performance of the existing plant and given the necessary timeframe to build and commission a new plant, and those were their professional opinions. That is not politicians reaching conclusions from different sources; that is the professional opinions of professionals that are paid to advise us. Now there have been comments in the past about the size of the plant but it has been demonstrated that the plant can operate as low as about 37,000 tons, I believe. It can even be possible if you want to go that far to take it lower. There is flexibility in the size. There have been comments about reference plants and the robustness of the technologies being used. Bear in mind, going back to the point that we are an Island; we are surrounded by water, it is harder for Jersey to deal with its waste than a county council in the U.K. In particular, what you have to consider is the criteria set for consideration of any technology that could be utilised starts with the point they have to be in operation for 2 years and have 2 commercial reference sites. So any reference site suggested by any supplier must have been in action for 2 years and must be comparable to Jersey requirements in terms of tonnage. Now those are not onerous requirements. They are, to my mind, sensible and prudent. Now, as I said, I have tried to avoid reiterating some of the old points but old matters keep being brought up in the debate. But to go over the technologies being considered now, we know the consultants, of course, Fichtner. They themselves have been involved with over 10 mechanical biological treatment plants which are sometimes referred to as M.B.T. (Mechanical Biological Treatment) plants as well as steam autoclave projects, but they are looking at different opportunities for different situations. I will go back to the point about the consultants: they are not just driven by one particular technology; they have experience across a whole range of options. It is their professional opinion that the solution for Jersey is the most deliverable and sustainable option for Jersey. Again, it is in their independent view the best option for the Island. Now equally within the companies originally considered there were alternative suppliers and it included gasification and pyrolysis, and I hope my pronunciation is as

good as Deputy Power's; it had completely thrown me on the pronunciation of the technology. But for various reasons they withdrew so we are not in a position of everybody beating a path to our door to sell us technology, at least not technology that is credible and is robust and that is a key point. Again, I make no apologies for reiterating that to Members for whom this is the first debate. I think also I would like to comment on 2 other suppliers that have been referred to particularly by email. One was referred to at the very beginning of the debate and was to do with a far cheaper Guernsey supplier and I think it is referred to in the second addendum which was lodged at the beginning of this week. Now, all I can say is that as an individual I can recall receiving an email addressed to all States Members from a company based on Guernsey expressing an interest in the tender and a brief view of photographs attached showed an absolutely pristine series of various conveyor belts, et cetera, not far different to the ones seen in the J.E.P. I think of yesterday. I have to say I always recall one solitary bottle sitting on a belt. It really did not look like the equipment had been used. To my mind the approach was not professional and it did not generate confidence in that supplier. I also understand from the department that on further investigation their views were similar to my own and indeed there was a lack of evidence as to the ability of that company for all of the various technologies that would be required to be used as having appropriate reference plants and the criteria previously referred to, i.e. capacity and 2 years. For example, I think Green Forze is a company included in the second addendum and I am informed that they only have 2 reference plants operating period; operating on a throughput of one ton per hour. That is simply not adequate for our needs, so I do not buy that scheme. I find that it is another element in the smoke and mirrors argument. I also have to refer to a further email I believe sent to us last night and I believe to comments made by Deputy Higgins where the reference has been made to a third party who has referred to a potential technology approach of about £68 million. Now I have to say that that is not new news to us and if I say older Members, if you pardon me, who were in the previous Assembly may remember P.139 which is on the website and was lodged on 14th October. The purported costs that had been quoted in the email sent around to us last night do appear to have a flaw and if I can find the piece I shall quote from it. As I said this is very easy to find; it is on the website and one of the comments by the then Minister and the Department of Transport and Technical Services says: "There is no reference to the electrical generation equipment waste sorting facility to produce refuse-derived fuel or the many other major infrastructure requirements or the main building to house such a facility." In other words, we are not comparing like with like; we are taking items out of context. The £68 million is not the final sum. It is the equivalent of pricing a house and leaving off the roof. Deputy Tadier referred to poker and to betting and to luck and, I am sorry, I do not bet with £50 million. At the end of the day we already burn waste. This will be much cleaner. We will be recycling more, indeed, we have to. Kerbside collection within the Parishes is not a luxury; it has to be done and done well in order to meet the existing recycling targets that form part of the whole strategy. That is a prudent approach and continues to remain so. I am sorry, the Deputy of St. Mary may not believe me now, I do accept his energy and further on this matter and I look forward to supporting him at some point on other environmental matters. But the decision has been made; a lot of work has been carried out and we need to move on. As far as I am concerned, the cost of adopting this proposition is horrific. I hope it goes far to say this proposition should be thrown on the waste heap and not recycled other than the paper on which it is written. I consider the work to have been done, I consider the detail we have received to be appropriate, and I consider the consequences of accepting this proposition to be unacceptable and I urge Members not to support it.

1.1.26 Connétable J. Gallichan of St. Mary:

Towards the end of last year a Scrutiny Panel on which I sat produced a report on Early Years Education. That may seem to have no relevance but in that report we came across a concept, we called it: "Ending the spiral." It seemed to us that more and more the States circled around a problem, almost getting to a solution and then deciding to go around again. The end result of this spiral is that either the public become more and more dissatisfied with the States process or the

costs of the service we are trying to analyse spiral up, or both things happen. We have heard already from Senator Perchard that we could have achieved a solution much cheaper in the past had we acted sooner. Last year this Assembly took the first step towards ending this particular spiral. At that time I made a decision, I did not make it lightly, I did not make it easily and I certainly did not make it without a great deal of research. In fact, just after I had made that decision I saw a documentary - I am sure other Members will have seen it too - it was the first time that I became aware of this huge mountain of recycling that was building up in the United Kingdom and the search for disused airfields on which to store things. But that was not what made me convinced that I had made the right decision. It was the fact that a council which was encouraging its inhabitants to separate their waste collection that was effectively penalising them and quite financially heavily if they did not separate it. It was not being able to find a market for its recycling, and identifiable items like statements and bills were being traced from that borough and turning up in landfill sites in India. That appalled me. Never was I so sure that I had made the right decision than when I saw that. There was a council charging people for not recycling and when they did recycle they were dumping the waste somewhere else. Now, we have responsibilities as Members of this Assembly but not only as States Members, we have responsibilities as Islanders and in this particular case most pertinently we have responsibilities as consumers. I believe that responsibility means we must deal with our waste and we must deal with it in a way that is under our complete control. Recycling will increase. St. Mary, as has been said, is about to embark on its kerbside recycling. But for those Members who had attended the presentations on the way the incinerator will function - and I did not see any of the S.T.I.N.G. (Stop the Incinerator Now Group) there - they will have seen that the increased recycling targets are built into the functionality of this incinerator. It was simply and it was coherently explained. Furthermore, at the moment we have high quality recyclables which means we are still luckily being able to find a market. I was assured because immediately after I had seen that documentary I referred to I approached the Minister at the time who told me categorically that Jersey knows where its recyclable material goes. It knows how it is processed and it knows that it does not end up in a landfill site. I felt responsible, which is a good thing. But recycling will continue to operate. Many of the things we have seen in the supporting documentation for this rescindment motion has an element of mixed recycling in them. Mixed recycling immediately takes our waste materials; it downgrades our recyclables; it means it is much harder to find a responsible end market for them. So dealing with our waste means we have to control it. That means not necessarily that we do not export any waste, no, but it means that we have to be sure that if something happens to interrupt that process of recycling that we enter into that we can deal with it a different way. Realistically, that means we either incinerate it or we landfill it. Now one Member today spoke of the blight on Jersey of this new incinerator, I think the blight of a landfill site, either here if we had to do it or on the edge of a national park in India, is much more unacceptable. One Member said that he was disappointed that the Constables had not spoken more about this; well, I think I have satisfied that. But I would just like to say that I have been contacted by an awful lot of parishioners over this particular issue, probably - and with absolutely no disrespect to the Deputy - because it was our Parish that the motion originated from. I can happily tell you that I can count on the fingers of one hand the number of people who have come to me and said that no matter whether they were in favour of the incinerator or not at the time that decision was taken - because we are not debating the incinerator now; we are just debating a rescindment of it at cost - that these people did not believe that the decision to proceed with a rescindment at even half the cost that was estimated by the Minister would be a prudent or responsible thing to do. Just in case you have not realised my mood, I will not be supporting this rescindment. **[Approval]**

1.1.27 Connétable D.J. Murphy of Grouville:

I, in constant with the Constable of St. Mary, have exactly the same attitude from my parishioners and that is whereas we have had one or 2, perhaps most of them are horrified at the thought that we are just going to throw £50 million away and it is yet another nail in the coffin for the anti-States

brigade lot who are saying: “Oh, my God, they are always getting it wrong.” We are always doing this, that and the other. We debated this, we went through it last year in absolute depth. I was on one of the Scrutiny Panels that looked at it and it was done not just *ad nauseum* but now it seems *ad infinitum* as well. We know what it is all about; we have done it before. We have been there; we have seen it and I think at this stage we really ... okay, we have had another debate, we have had more information. I listened very keenly to the Deputy of St. Mary when he spoke because he obviously sounds like a knowledgeable man. Then I heard the Deputy of Trinity telling us about the environmental inspections and I listened to the Minister and I heard them and I believe them. I do not see what on earth has gone wrong here because they have done everything according to the book. We have a clean bill of health from everybody on this and all of a sudden it has blown up again. I just do not understand it. There is one thing I want to refer to, a little elucidation from the A.G. (Attorney General), and that is the Minister for T.T.S. gave us the figures for the costs of termination and referred to clause 42 of the contract as a basis for this. Can I ask the A.G. to elaborate on the legal implications of this, please?

The Greffier of the States (in the Chair):

Is the question clear enough, Attorney General?

The Attorney General:

It would be helpful if I could have the question again.

The Connétable of Grouville:

This debate is obviously confusing for some of us. The Minister for T.T.S. gave us the figures for the costs of termination, he referred to clause 42 of the contract as the basis for this and I wonder if clause 42 has any implications that the A.G. could tell us about that has any bearing on the whole matter.

1.1.28 The Attorney General:

Yes, I think I said to Members earlier that I had been given a briefing by the external lawyers acting for the Minister and I did ask to see the contractual documentation as a result of that. I have indeed looked at clause 42 which is headed: “Termination by the Purchaser for Convenience” and the purchaser in this context is the Minister. “Termination for Convenience” means really that it is a matter of choice rather than as a default or any sort of malfunction or malpractice by the contractor and it would perhaps be thought to be unusual to terminate a contract so soon after it is made, particularly of this nature, but at any rate clause 42 of the contract would be the relevant clause. What that provides is that the purchaser may at any time, because it is for convenience, order the contractor to stop work. If he does so, then within 90 days of the contractor stopping work and withdrawing from the site the project manager issues a certificate which is called a termination certificate which states the amount, if any, due to the contractor under the contract for the works carried out before the contractor received the termination certificate. Secondly, he certifies the amount due to any third party to whom the contractor is liable for performing his functions under the contract, so if the contractor has subcontractors who are producing the plant or anything of that nature and has made commitments to them, then those would be amounts which would be certified. Thirdly, the amount of any additional cost incurred by the contractor for any work in connection with the termination of the contract itself plus his profit thereon, and you deduct from that sums which have already been paid to the contractor. So that is the legal basis upon which Fichtner have produced their summary which has been circulated to Members and that summary is entirely consistent with the terms of the contract. Now as to whether the figures which are in that summary are correct or not, that would be a matter for Fichtner rather than me. I cannot pass any comment on those whatever. But as to the structure of calculating the monies that would be payable to the contractor if this contract is terminated for convenience, it does seem to be that the structure as identified by Fichtner is correct. I should add that I am aware that there might be other costs which

are to be anticipated because there have been other contracts which are made in relation, for example, to promises for the supply of electricity from waste where there might be some damages involved in that. The contract does provide a mechanism for resolving any disputes and because it would be a termination by convenience, by choice of the Minister, it is certainly likely that the costs of identifying what those payments might be in the first place would be likely to fall on the Minister unless there was some form of unreasonable conduct in the course of that arbitration. I say that because clearly there will be an amount of money which would be necessarily spent by the Minister and by the contractor on working out what sums are properly due under clause 42(5) of the contract. I just want to add this: for my part from the figures I have seen and the schedules and the contracts I have seen, it is impossible to say with any certainty what the amount of the damages would be payable on to this contract but there is no doubt at all that it would be a very significant sum.

The Connétable of Grouville:

Thank you very much indeed, that has made things very clear. It seems that we are tied into not a fixed sum but an open-ended figure and probably will not end at £45 million or £50 million; it could be more. I must say that I think that this House having debated an issue and having agreed it and having signed a contract, quite frankly to bring a rescindment motion is not in the best interests of good government and I urge everybody to vote against this motion. Thank you.

1.1.29 Deputy J.M. Maçon of St. Saviour:

I have been listening to this debate and I have been listening to the reasons for and against and I have been listening very hard, and there is one thing that I have been listening for which I have not heard. We have heard that what this incinerator - Energy from Waste plant - will produce is within the E.U. regulations. But what we have not heard is that these emissions are perfectly safe; that they will cause no illness. My concern is, in an even more populated area, that we as a government have to look after the health of our people and I was very disappointed that the Minister for Health and Social Services did not comment on this. I know that other Members of this Assembly have listened to the debates before but there are many of us who are new and have not heard all of the arguments. Until my mind is rest assured that this incinerator will not cause illness to people I will be supporting the rescindment motion.

Senator J.L. Perchard:

A point of order, I did refer to the Solid Waste Strategy and my department's support of the strategy. The strategy clearly suggests as a means of disposal the Energy from Waste solution.

Deputy J.M. Maçon:

Can I say something to that?

The Greffier of the States (in the Chair):

Well, briefly.

Deputy J.M. Maçon:

Yes, but it does not say that this will not cause illness. Thank you.

1.1.30 Connétable J.M. Refault of St. Peter:

If it just helps to bring this matter to a close, I think I would like to respond on behalf of the parishioners of St. Peter. I have spoken to quite a considerable number of them and they have all said to me: "John, get on with it. Get on and build the incinerator. It has been going on long enough." I have been rather fortunate, as I have been involved in the Environmental Scrutiny Panel, to probably have a lot more background information at my disposal than many of the other Members, notwithstanding the amount that the Deputy of St. Mary has already passed around the Chamber. From the information that I have received and the further investigations that I have

made, I am fully confident that right now the only way forward, even if it is the least worst method that we are using, is the only way for us to go, so I will not be supporting the rescindment motion.

The Greffier of the States (in the Chair):

I call on the Deputy of St. Mary to reply.

1.1.31 The Deputy of St. Mary:

Well, there is a lot of comment been made on various aspects and I think probably I want to start by saying that I do not think we should lose sight of the fact that this is a matter of the direction - and I will not be as long as last time, I assure you - that we want Jersey to go in and the expectations of the public, and I understand the concerns about cost. As one Member put it: "We do not have money to burn." I am as strongly committed to that notion as anyone here but some of the sums that are being bandied around are frankly absolutely extraordinary. So with that little comment - and I will come to costs at the end so it is fresh in people's minds when they come to vote - just how much money they will be burning if they vote against the proposition. Voting for this proposition is the way that you save money and you do not burn it and that has to be made absolutely clear so the public know, the media know, and that you know that that is what you are committing to if you vote against. So I will spell that out towards the end so, as I say, it is fresh in people's minds. Now I just need to pick up very briefly on this matter of "would be revisited by Scrutiny" and what I said when I stood for the chairmanship of Scrutiny. Of course the context of that was that it would not be revisited by Scrutiny and I thought that was perfectly clear but by chopping off the implied words, because the whole context was in an election for chairmanship of a Scrutiny, the 2 Deputies managed to imply that I had somehow gone back on my word. Well, I did not. This was a private proposition and I was correct in stating that Scrutiny, having done a body of work on this whole matter under Deputy Duhamel, obviously would not go there again as a Scrutiny Panel under my chairmanship. So I hope that has laid that to rest. So I want to start with public opinion and there has been several comments made about this. One person in particular, I think it was the Deputy of Trinity, said: "We need to take the public with us." Through the Chair, ladies and gentlemen, the public are taking us. We are the ones who are having to catch up and if you look at the document that I had circulated earlier, if you look at the cover graph ... it is not on my copy but here we are. Have they left one off? The J.A.S.S. (Jersey Annual Social Survey), does everyone have that? The blue? Well, that is what the public think. Now we have had comment that the public do not do what they think but that is not borne out by Havre des Pas when they are given a chance to separate, then they do. These figures are astonishing and if we do not fit in with this desire of the public, 90 per cent wanting all or most of a whole range of materials to be recycled by them, to be collected separately, then we really are letting the public down. So that is one point: the J.A.S.S. survey. The second point is - I will not try and find it because it would take time - a bunch of us collected petitions on Saturday as I mentioned in my speech but I think it is worth saying it again, there was a willingness and a desire to recycle and not to burn. I think we just have to hold that in our minds as we go through the rest of the case because we do need to remember what the public think; they are the ones who put us here. Now various speakers have taken soundings and I think that is excellent, and I notice particularly the Constable of St. Saviour who said that 4 out of 5 said that they would recycle but they wanted a kerbside. That is exactly in line with the J.A.S.S. survey. Others like the Constable of St. Peter mentioned that the public wanted us to get on with it and the implication of that was that they think that an extra cost, a throwing away of £50 million, is totally unacceptable. Well, of course it would be totally unacceptable if that is what we were doing but we are not throwing away £50 million. We are reversing a decision, and there is a cancellation cost of £50 million but in fact, as I will show later, we will still be quids in because the technology that was chosen was so expensive and over-the-top. So, I just want to mention ... I was going to quote Senator Obama but I think I will leave that out, but what he said basically was that we have to, in the rich world, stop squandering resources so that the poor can have enough and he says it in the most Obama-like beautiful way. But I think that is

also important - and I am sure the Deputy of St. Clement would agree - that it matters how we relate to the world and we do have a global responsibility as well as a responsibility to Jersey. So, I wanted to mention that because this business of whether you recycle and whether you reuse resources is important and if we use resources someone else cannot. So that is part of the equation of the whole wrapping of this debate and another point is the delight I had, and I am sure many had, when we learnt that the Minister for Planning and Environment was making steps to move the Tourism Information Centre back to Liberation Square. Now I know that my heart leapt when I heard that it was in the ... Minister for Planning and Environment. I beg your pardon, you want the credit? Sorry, Sir, I got the wrong Minister, I was attributing to give the credit to the wrong Minister.

Deputy A.J.H. Maclean:

It was only being looked at as well. It was not a guaranteed undertaking.

The Deputy of St. Mary:

Okay, well, it is not a guaranteed undertaking. But the fact is that when I read in our esteemed local journal that the plans were afoot - and it was on the front page, so somebody must have leaked it substantially, possibly the Communications Unit - the fact is it was on the front page, and I do not know how it got there, but somebody is making moves to bring the tourism information centre back to Liberation Square. My heart leapt. I did feel very strongly that it was the wrong decision to take it away, the whole atmosphere of people who went in, got their map, sat there with their ice creams looking at the fountain, it was fantastic. It was the right thing. It was a part of Jersey that was absolutely right. So what did some previous somebody decide? To take it away. I still remember the letter that Sue Hardy wrote to the paper - and she was not the only one: many people complained. She wrote a very eloquent letter about why do we do this. Now we are reversing that, it appears, and if it is not decided then please, please do decide it because that is the right thing. It is going back on a previous decision. Okay, it is not as big a decision. I just want you to remember that sometimes it is right to go back and everybody is happy. It was a big, big thing to do that. Now I just want to cover cancellation reputation, that is a sort of quickie. A couple of people, I think, said that somehow if you cancel a contract then all the other businesses in the world sort of walk away and do not want to do business with you any more. This is, of course, complete baloney. The report that I had done by Steven Brown - the speculative assessment of the peer review which you all had on your desks 2 weeks ago - pointed out in one of its last 2 paragraphs that this is simply untrue, this assertion by T.T.S. that if you cancel contracts then everybody else does not want to do business with you. He pointed out that cancelling contracts is an everyday occurrence. Either the contractor cancels or the purchaser, and in fact all the other alternative suppliers will be queuing at the door, obviously, to get the business. The idea that a manufacturer of pyrolysis equipment would walk away because we cancel the incinerator is frankly laughable, because, of course, they are going to benefit. So, moving without delay to the next sheet which says "delay". This is an important issue. Deputy Fox put it very eloquently, others did too, and there was however ... this is really important. The background to delay goes back a long way, does it not? People have talked about 10 years for this process. I just want to quote to you a document written under the chairmanship of the good Deputy of St. John which is why I am slightly surprised that ... but he may yet change his mind because changing minds can be good for the soul and good for the mind because it keeps it moving. In his opening statement of the Scrutiny Panel report as a solid document, the shadow scrutiny... this is in the days when scrutiny was learning to scrutinise but the document is nevertheless a perfect example of scrutiny, I have to say. Here we have ... the panel presented an interim report to the States on 25th January 2005, and of course they are looking at these solid waste strategies: "We stated that the panel had been unprepared for the discovery that little background work had been undertaken by successive Public Services and Environment and Public Services Committees." Unprepared for the discovery that little background work had been undertaken. At that stage the consultants were not making, I hasten to add, £1.5 million a year;

they were making a lot less. Possibly we did not have enough consultants, but nevertheless there was not enough work to justify what Scrutiny were looking at. That is funny, is it not? That back in 2004, the end of 2004 when this was being worked on and the beginning of 2005, we did not have enough information. The T.T.S. had managed not to find out what we needed to know, for instance, the composition of the waste stream, which 5 years ago we did not know and we still do not know. We have a further comment in this document, right near the beginning, this is all from the executive summary: "As the Environment and Public Services Committee has been unable to provide a detailed analysis of all the options available, it has been necessary for the Scrutiny Panel to undertake its own research." That is what the Deputy of St. John was responsible for writing some time ago, and I think it is an indication of why we are here today. It is not my delay, it is not our group's delay, it is not the delay of all my supporters out there who have been researching and so on, the delay is endemic. The delay is because this thing was never got hold of in a proper way. Many of you will not have read, but I have read the evidence given by Professor Coggins to the Scrutiny Panel chaired by Deputy Duhamel in the days of real scrutiny, as it were. Professor Coggins has a C.V. (Curriculum Vitae) as long as your arm. He is currently advising the U.K. Government on the new technology, he is part of the committee that decides which new technologies get funding. He has advised several county councils on their waste strategies. Professor Coggins was, I think, an expert adviser to the Scrutiny Panel but he gave evidence too. I will not quote it but the gist of what he said was, that the process which T.T.S. were using, the consultation, the methods, the analysis, everything they were trying to find out was flawed. They simply were not going about it in the right way, according to him. He was probed, he was probed by the former Senator, I think at the time, Jean Le Maistre, and possibly by Deputy Duhamel and others, and he was probed on this; and he was consistent in saying that it could have been done a lot better. That is, I suggest to you, why we are still here talking about the incinerator, because if we were satisfied, and if the public were happy, as in Lancashire, we would have decided this in 2003. But here we are. Now, Bellozanne, of course, is the thing you have to talk about in respect of delay. I am astonished to hear from a former Minister that the plant would have been shut down anywhere else in Europe, that it is polluting the residents of St. Helier No. 3 to an unacceptable extent, and emitting toxic fumes not acceptable anywhere else. I am sorry, this Assembly has been effectively running a hazardous plant for years, and I do not know what the implications of that are, but it is pretty shocking. I am not on the side of delay. This proposition is not on the side of delay. If you remember I wanted one month. It has been amended to 3 months in the cause of realism but the fact is, if this goes through we get a move on. I will come to the speed with which alternate technologies can be deployed later. Even with H.I.A., E.I.A. and planning permission, the fact is that new technology is far, far quicker to install, it is not as complicated, it is not one of these things you have to look at every little screw to make sure it will not work loose, because otherwise the results are catastrophic. We can still get in quickly, we can get the job done in the same timeframe. As I will say at the end, we will also save money. Do not let anyone dare imply that I wish to delay anything. I have had a couple of letters which have really shaken me, and you cannot blame the new Members and you cannot blame this proposition for the fact that Bellozanne has no scrubbers, that it has been run in a way which destroys the plant ... when it destroys the planet it destroys the plant itself because of the amount of acid dropping down. It also destroys the health of the population, or it certainly affects the health, no, destroys the health of the population. How we have allowed that situation to continue for so long, I do not know. Just a few words on climate change. Obviously there was a little exchange, maybe not much needs to be added to that but the interesting thing I would point out to Members is that when there was a trial of the Kingsnorth 6, who you may know or may not know, they were accused of criminal damage to a coal-fired power station which was going to be extended massively or rebuilt or replaced, and the jury of ordinary men and women, 12 ordinary men and women, faced with the evidence about climate change decided that they would accept the defence. The defence was that if this plant goes ahead it will damage property worldwide. There will be damage. That was the defence and that was accepted by a jury, that is a random selection of ordinary people. The defence offered James Hanson, who is

one of the world experts on climate change, and apparently the jury were pretty shaken after they had heard what he had to say. But the Government offered no serious defence of their case. Why did they not offer any serious defence of their case? Why did they not say: "No, no, climate change will not hurt anybody"? The reason they did not offer any defence is that they believe in climate change. Tony Blair is on record many times as saying: "This is the most serious issue facing the world", and he includes terrorism in that. "The most serious issue." His chief scientist, David King, was here in the Island saying exactly the same thing. Defra, a government department which is responsible for all this area that we are talking about, has a price for carbon, there is an article on the web, you can go to it - it is 40 pages of impenetrable economic jargon - but the fact is that (I have read it) the figure that it boils down to is the figure that will inform all government policy from now on is £25 a tonne. That is the social cost of carbon. Enough on climate change; it is real, it is damaging and the policy we adopt has to take climate change into account. Recycling, we heard from Senator Le Main that there is going to be piles of recyclate laying about and if people do not buy it then what do we do with it? He appears not to read the local paper, but I am sure that he does. If he did he would have noticed the article about how quality recyclate... there is still a market, there is no problem with top quality recycled paper; aluminium is £450 a tonne, or it was when I last looked, and I would not sniff at £450 a tonne. If you go to letsrecycle.com and you go through the relevant clicks you can find a table of the current recycling prices of practically everything. So some things are holding up, some things are not. That is an issue, and if you adopt alternate technology or indeed the incinerator, you can put in the spare paper and card if you have to. But most substances can be recycled. Ramsar, let me remind ... Ramsar is a funny thing, but I will refer Members to written answer 22 which we had yesterday. I asked this question, a written question about ... I asked the Minister for Planning and Environment could the Minister provide the Assembly with the dates and the minutes of all the meetings held to scope the E.I.A. We heard from the Assistant Minister about the E.I.A. There were no minutes, if you read the answer, which was quite lengthy. There were no minutes, there was a flip chart record of a workshop. There were no invitees because the relevant bodies were not invited. It depends how you see these things, but we know that not one member of the Ramsar Steering Group locally was contacted and invited to take part in the scoping. Whatever you think about the quality of the E.I.S, the fact is that if you do not invite the local experts and the local people who are really concerned about Ramsar - the local fishermen, the local shoreline people - then what is your pretence of saying that you have captured all the relevant issues in order for the E.I.S. to be prepared properly. The Ramsar Steering Group have been criticised, all these various people have been criticised for not reacting to the knowledge that there was a consultation going on. Firstly we do not know how much publicity there was given to it in the sense that it was a scoping exercise, so I do not think it will be top of the list for getting into the paper. The Ramsar Steering Group were assured when they had finished their work on the Ramsar designation for the southeast coast as far as Gorey, they were assured by their chairman that they would be the first to know about any future developments that might affect the Ramsar site, they would be the first to know. They were not informed. Save our Shoreline, who have been very, very critical of T.T.S. in the past, and in fact still are, anyway, they have been critical. At one point when the current Chief Officer took over, I think, I am assured by the current Chairman of Save our Shoreline, that he was taken by the Chief Officer to La Collette where they have lots of concerns about ash, about future reclamation and so on, and was assured again that their interests would be taken care of, that they would be kept informed and it did not happen. That is why Save our Shoreline went on ... what do you call that thing on a computer? Waiting mode? Standby. They went on standby. They thought that when something would turn up, when they were proposing to extend the reclamation site, for instance, which we have just learned might happen, then they would get to know. That deal was broken. So both those organisations were not invited to take part in the scoping. We will go on to the Planning Department's response to my addendum. In this document, P.8com2, we read that the environment team in consultation with internal and external advisers, including the National Trust, the Société and Concern, scoped the issues to be addressed in the E.I.A; and you as Members rely on the Environment Department to do what they

say, and it says here that they consulted the National Trust, the Société and Concern. Well, I have a suspicious mind and I am very sceptical of this scoping and I am sceptical of the E.I.S. that resulted from it. So I contacted those 3 organisations. The National Trust were not invited to take part in the scoping. The Société could not find the relevant paperwork, they remembered that there was something sent to them, I suspect that that would be the pre-scoping, and they may have responded. Concern did not take part in the scoping exercise. They did issue a press release, or rather the press officer who was out of order and did not present that press release to the committee issued a press release in support of the incinerator for which he was fired. That is the situation with regard to scoping. Yet we have been informed that these organisations were consulted with respect to the scoping. I find this really quite hard to take. I think Members might bear this in mind because it is quite unsatisfactory. An incinerator in Ireland was quashed, did not get its planning permission on 10th February. That is 2 weeks ago. It was quashed for an inadequate E.I.S. An inadequate Environment Impact Statement. What was inadequate about it, and we have talked about it, I think, in this debate, was that the airborne pollution modelling was inadequate. It was in a valley, effectively it was in a quarry, and they did not take account of that. Because the E.I.S. was flawed it was thrown out, the incinerator was thrown out. So again bear that in mind. E.I.S.'s are important documents and not to scope them adequately and to have flaws in them and not to assess the impact of airborne pollution on the Ramsar site is not acceptable. Health, I do not doubt that the planning wants to protect the environment. But I will just refer Members to a couple of short quotations, one is a Greenpeace statement, and Greenpeace, I was advised by my partner, is regarded as some kind of left-wing organisation. Greenpeace know a hell of a lot about environmental issues and their research is very thorough. You do not go sailing off into the North Sea to close things down if you do not really, solidly believe what you are doing. There is a quote which ends: "Incinerators make waste less visible but they do not solve the problem." I think we have to remember that. It is this old thing that Senator Syvret referred to, it does not disappear, it turns into pollution, effectively. Incinerators make waste less visible but they do not solve the problem: "They transform waste into pollution." Another activist in the field of incinerators talking about P.M.2.5s now, the E.I.S. only talks about P.M.10s, that would in itself possibly be a reason for throwing it out in a U.K. planning application. Anyway, they do not talk about 2.5s, but we read here: "Particulate research suggests that it is these tiniest, the ultrafine particles, less than PM2.5, which are not captured that are capable of penetrating the deep lung. They also attract the metals that are being burnt at the same time in tiny quantities and on these very fine particles - these substances, including plastics, the organic compounds, the metals - become highly active." The question of Deputy Maçon about the unknown affects on health and the fact that we cannot be reassured that this thing is safe, we cannot know that it is safe. So Members, if they vote against this, are effectively saying that the health of their constituents is not a primary concern, it can be somehow negotiated. Of course, we make compromises all the time. I know that it was commented on, particularly from Senator Cohen, that I am a sort of representative greenie and I am perfect and I wear sandals and I always ride a bike everywhere; well, that box is a bit heavy, so I do not. I use a van, and I regret it, and so on. So we make compromises. On health we make compromises. The whole Island makes compromises. But some compromises are a step too far. We will hear when we come to debate the carpark about just how far we should go and in which direction. I come to alternative technology. Someone in the debate, I am sorry, I forget who, made a very good point about the U.V. plant. There is this sort of scare that, this is new technology, we do not quite know about this new technology. When somebody first invented the car, everyone went: "That does not look very safe" but the progressives got in their cars and then they started to look cool. So, the U.V. plant is a really important case. The U.V. plant was not common at that time. I am not sure it was not the first but anyway it was highly unusual. Professor Mulready, as you know, has scored a brownie point by giving the Island that. My goodness, do we not benefit from it? If we did not have the U.V. plant just imagine? Someone mentioned to me jokingly that if there was no innovation, if nobody ever chose any new product we would still be all going around in Ford model Ts. In fact we would all still be living in caves, which I have been accused of by

implication in this debate, which is quite amusing, really, because on this side of the House we are the progressives, on this side of the debate, I should say. That was a point I was going to make at the beginning that I hope we do get away from tribalism in this debate. I found it quite odd, some of the foot stamping when, for instance, a Member gets up to ask for a point of clarification of another Member and then suddenly there is this foot stamping. Please, can we debate this and can we vote on this not in that spirit but in a spirit of getting things right for the Island? Because it seriously, seriously [**Approbation**] is not good for the reputation of this House. I think we should ... I mean it is fun, and I shouted shame, did I not, earlier today, because somebody made a joke, but the fact is that we need to be a little bit careful about making decisions in the right frame of mind. I do hope that Members take this on the evidence and on the importance of the case. We are in the alternate technology field and I want to talk about pyrolysis. This is quite an established technology. Plants all over the world are pyrolysing different things. It has been going for a long time, in fact. I want to quote you from page 78, paragraph 23 of Defra, the Waste Strategy for England 2007, with apologies to Senator Le Main for reading websites. I read Defra, I read I.P.C.C., I read websites that I can rely on, the oil drum, and the quality of the analysis on the places like the oil drum has to be seen to be believed, I recommend it. I quoted a page of theirs in my addendum. This is a real debate. When you go into the comments columns you get real discussion at quite a significantly high level. Anyway, Defra's Waste Strategy for England 2007, they are recommending, secondly: "Planning and building facilities with an appropriate amount of flexibility built in." That is an interesting concept: "An appropriate amount of flexibility built in." This means flexible, e.g., modular buildings. Also flexible contracts which do not lock-in fixed amounts of waste for treatment which might become obsolete. A point I do wish to make is that the Parishes are being effectively held to ransom on this issue. If the parishioners say: "We wish to have our waste treated in a non-incinerating manner, we want to recycle every last drop because that is what we now believe is right" then they will inevitably be leaned on because there is not enough waste, if enough Parishes do that, to run the incinerator at all. We already know that St. Helier is committed to moving in that direction. There is a serious problem with democracy here. Because if the Parish Assembly cannot decide for itself what to do with its waste, and in the Jersey context it is the Parish's waste which is collected by the Parish and then passed on to T.T.S., and how to treat it, and whether they do not want to put pollution on the Ramsar site or on the inhabitants of St. Saviour, or into the inhabitants of St. Helier when the wind is in the south, then they do not seem to have the right any more to do that. I put it to you that that is again an unsatisfactory situation to be put in, and maybe there should have been much more careful discussions to make sure that this was compliant with democracy because I think there is a real problem there. That is the definite position of pyrolysis type modular equipment. A good thing. It is a good thing to be modular. It is a bad thing to build one great big inflexible box. I will now read to you a ... we obtained a quotation from a pyrolysis company called Ethos. What they say is firstly that the emissions from typical incinerators and typical pyrolysis systems are: "The pyrolysis is cleaner particularly for particulates [which I keep banging on about because they are really dangerous] and dioxins." If you want to spend more you can have even better gas cleaning than they already supply. The size of a plant that would deal with all Jersey's waste is a plot 110 by 70 metres. That would just about fit in the hole in the ground that we have down there. 110 times 70 metres, far smaller than an equivalent incinerator and much less high. If you were sitting on the beach or using the bathing pool at Havre Des Pas you would not see this monstrous iconic beautiful incinerator; you would not see anything at all. You would see the planning mound, which I quite agree with, the screening of the trees and you would see, probably at 12 metres I believe, nothing. That is a pyrolysis plant and it would just fit like that, and that includes a material sorting and recyclables segregation front end. The price, you would be interested to know ... shall I give you the price now? £30 million. That email was sent 2 or 3 weeks ago. £30 million and the plant would offer superior environmental performance. What quantity is it going to take? A nominal 75,000 T.P.A. (Tonnes Per Annum); 75,000 tonnes per annum, which is exactly what we have now. In addition, if you pre-dry what goes into the pyrolysis you can handle around 85,000 tonnes per

annum delivered M.S.W. (Municipal Solid Waste). So, that is the sort of money, and I have come to the money at the end, but I thought that would obviously fit when we are talking about pyrolysis. But pyrolysis does not work, it is a new technology. We have heard from 3 or 4 people in this House today that there is a problem with this new equipment, and that is that we do not know whether it works. Ethos were involved in the T.T.S. process and the Babtie Fichtner process and the comment was that: "Pyrolysis is not proven, and it is likely to be proven in future." Well, Members, through the Chair, the future is here now. Being one of these people who looks for things, I went on the Ethos site, and I shall just read you their latest news release. This is quite remarkable, if it is good enough for them, then it is probably good enough for Jersey. "Ethos Energy to supply 4 pyrolysis plants for new Royal Navy aircraft carriers. Pyrolysis and gasification waste to energy company, Ethos Energy, has received an order from QinetiQ Plc for 4 ST150 plants to process waste aboard new Royal Navy aircraft carriers, H.M.S. (Her Majesty's Ship) Queen Elizabeth and H.M.S. Prince of Wales." That in itself is pretty startling that this technology is acceptable to the Royal Navy. I do not think that they do not test equipment before they use it. I think they probably test to destruction before they use it. "The order follows the first mobile application of the ST150 aboard H.M.S. Ocean, one of the largest vessels in the current Royal Navy fleet." This is the bit that might interest Members most: "Trials and commissioning demonstrated exemplary operation." If it is good enough for the Royal Navy, then it might be good enough for us. That is pyrolysis. I just want to say a few words about anaerobic digestion because that has come up again. It is basically a discussion about the facts of the matter, and the facts of the matter are that Defra over the last year ... and they have finally produced a summary new policy position which is that the output from a digester at the top end is, of course, gas which is just energy - it is what you burn - and at the digest state it now no longer is counted as waste. I remember hearing someone in this debate referring to what comes out of an A.D. as waste, and therefore obviously it has to go through certainly safety measures and so on. It no longer counts as waste. That is a huge barrier to the use of compost in the whole of the U.K. removed. All the stakeholders are jumping up and down and are happy about it. The only withhold is the situation with retail and we know from Deputy Duhamel that the situation with the supermarkets is not what we have been told, it is that they are happy provided the protocols are followed and the time lags are respected. But there is no danger in what comes out of a digester. The temperature treatment kills everything and of course you do not go putting animal waste like entrails and old beef into a digester. That is a complete scare tactic because, of course, that goes into your animal incinerator. That really is a red herring not to be put in a digester. It looks as if we come to the costs. We come to the costs. As I said ...

Deputy R.G. Le Hérisier of St. Saviour:

May I ask, if there is a case, as with B.S.E., where apparently items were put in the food chain, which would have a devastating effect, how would that be stopped by the kind of system the speaker is outlining?

The Deputy of St. Mary:

Thank you for that question. It is a very important question, it is a matter of public safety. My understanding is that when B.S.E. came to the Island I think there were one or 2 cases, if I remember rightly. They were burnt in the incinerator, that was on the farm that I was working on because I was at the time Head of Rural Enterprises. The incinerator was literally an open grate in our yard. That is where the poor unfortunate B.S.E. cows went, and indeed any notified animals that had been anywhere near contact and so on. So, I think incineration is what happens to animal products, and I do not think there is any problem with that. That is what happens now in Jersey, as I understand it. Nobody is proposing to put entrails into an A.D. system. So that is so much for A.D. We come now to costs. There is quite a spider's web here, but I shall try to keep it clear. The first point to make is that the House ... I do find the situation that the House is in, and I hope you agree with me, is pretty unsatisfactory about this. We are given a document today that was

written on 15th January. What kind of democracy is this? I am sorry, myself and Deputy Higgins, in particular ... because we have been interested in these cancellation costs and we have been pressing for a peer review, and this document which has at least a bit more information than we were being given was not released to us, but it existed. I think that is a little short of scandalous. **[Approbation]**

The Connétable of St. Brelade:

I must object to that, Sir. If the Deputy would give way briefly I produced that document as a result of a conversation with Deputy Pitman and Deputy Hill at lunchtime. I do not recall being asked for it by any of Deputy Wimberley's group.

The Deputy of St. Mary:

Thank you for that intervention. The fact is that myself and Deputy Higgins have been asking for documentation to prove or to justify the £45.9 million. I myself had a written question in which this information was not given as part of the reply, on 20th January. I am sorry, but this House has been kept in the dark. This is a document dated 15th January, it was an internal memo from Fichtner we could have had it, it is not confidential, it is right here on our tables. I do not know what is going on and I am not happy with it. But what we read here on the second page, if you want to look at it, above that little chart, is: "We would suggest an appropriate amount is likely to be of the order of 10 per cent of the contract price." Then they add the figures to come to roughly 10 million euro, I think. But you see, this appropriate amount of the termination cost, the CSBC cost to terminate, that is where the extra money is because we have apparently bought real things with the other 35 million and presumably real things can be sold. We have been told in this debate by Senator Perchard that people are queuing up to make incinerators because incinerators are so popular. In that case things like turbo alternators can be resold. Some entrepreneurial C.N.I.M. (Constructions Industrielles de la Méditerranée SA) or parallel bidder will grab an alternator that is looking for a home. Alternatively the producers, the manufacturers will be able to re-jig and simply make what we had ordered for somebody else. Clearly there is a question there about what we own. We tried to get some information from the 2 Deputies on my left here, who contributed to that debate, but the fact is we still do not know. We do not know where this 35 million has gone. It is commercially confidential. My advice is that a solicitor, contractor and a purchaser, once they have agreed the contract, there really is no need for this cloak of confidentiality over everything because, let us face it, it is going to be built at that price, the stuff is going to be bought, it is being made, it cannot make any difference whether you or I know that something is being made in Toulouse that costs 2.5 million. It really is not germane. So, I have a very, very great sceptical attitude to this confidentiality. I think it is wrong in principle to withhold things from States Members and I have severe doubts about that 10 per cent, but of course, we only were given this information today. I had somebody lined up ... I could have asked him for nothing with one email: "Would 10 per cent be a reasonable figure?" and he is expert enough to give an opinion. I did not have that opportunity, it was denied to the proposers and all the people who want to see this happen. Again, I ask Members to remember this. The first thing about costs is; there are 3 kinds of costs that I want to refer to. One is uncertain costs and foregone value; the second is excessive costs, and we will talk about that a bit; then the cost of cancellation; and then we will do the final tot up. Uncertain costs. These are ones that will not appear when I finally sum up and say what the cost calculation will be. Things like the road required by the fire service. We have no idea how much that will be; I suspect it might be a modest sum, it might be £500,000, but it might not. When we talk about uncertainty there is a bit of uncertainty on the other side of this equation for people who wish to vote against. Then of course we have the euros. The idea that this contract is fixed at £106 million and £93 million for the procurement is nonsense. It is already not £93 million; it is already something in the order of £95.5 million. It will go on rising. So there is also that to add in on your savings side regardless of the calculations that I give you, because I have not added them in, so you can add in another £5 million for the euro because the alternatives would

be bought in sterling. Then we have replacement parts. Now, there is a maintenance figure in the comparison costs given to the House in P.72. There is a maintenance figure of £2 million a year, which is pretty high; £2 million a year to keep the incinerator in good order. But the fact is, again no justification given for this, we have no idea where the £2 million would go or what it buys or how many man hours it is, but the fact is that replacement parts are not mentioned. This is a big expensive piece of kit, we know that incinerators wear out, we know from the existing one that they wear out, the grate is a very, very heavy and complicated piece of kit and it is under extreme stress. Replacement parts, we do not know. We also do not know the land value at La Collette which we may be throwing away, that is not in my final calculation but I would ask you to bear in mind what Deputy Le Claire said in his intervention. He said that if we put the incinerator at the gateway to our prime site, which at the moment is industry, then we are ruining the value or we are limiting - he said "limiting" - the value of that site, which is an extraordinary thing to do. This House in 2000, so that is going back a fair way, do not think anyone need hang their head in shame too much about this one, but in 2000 it was zoned for industry. I suspect that if we were again to look at that with a more holistic view and to consider that the sheds could be moved elsewhere - and I have in mind the airport because the airport needs the income and it has space - and then you would get a dog-bone effect on the buses as well, but that is just one example of an option for some of the industrial premises that are there to be moved to. Because that site for housing is fantastic, it is absolutely unbeatable. If you think of walking out there now, do not think about walking out there now, but I did and I looked at the views, and if you look over the tanker berth towards Elizabeth Castle it is absolutely stunning. What would you pay for a waterside house with that view? There is a loss there that is not quantified, it has not been added into the figures but it is there. This House, if we put the incinerator there, we forego that value. Finally someone mentioned the damage to housing value in Havre Des Pas; that is not an insignificant sum. Housing value is a massive component of any equation. If you agree that those house values decline as a result of putting an incinerator, and if you agree that if we put benign technology on that same site then the house values would not go down, then that is a big saving. I see people sort of imagining that that is not important, but it is. As I say, that is a saving that is there to be made. It is like an invisible cost. It is not something this House will have to pay someone else. Your constituents in some cases will have to pay. I do not think we should see it like that, I do not think we should see it, it is just a matter for Havre Des Pas, it is just a matter for St. Clement. I do not think we should see it like that; I think we should see it in a wider view that the whole Island loses because of that loss of value to those properties affected in the plume. We have to take the interests of those people to heart and not ride over them. Now I come to excessive costs. Here we come to the whole question of whether the incinerator was good value. Several people mentioned best value and good value. I find this fairly extraordinary. To quote Defra again - if I can find the Defra quotation, I may not be able to find it - what they said ... yes, I know where it is, it is here, excessive costs, it is headed "excessive costs" so no wonder I could not see it. It says here that the costs of incineration, and these are guidelines, these are sort of to guide local authorities when they are thinking of going down a certain route what sort of money you are looking at. Plant size, this is costs of incineration, these are official U.K. Government guideline figures. The cost of incineration, plant size, 100 kilotons per annum, which is exactly the size of our incinerator, 100,000 tonnes per annum. Guideline price, U.K. £64.7 million, that is what Defra says you should pay in 2007 for an incinerator of our size. You can add the inflation of 3 per cent and then 3 per cent again to that £64.7 million and you do not get anywhere near £93 million. So we bought a pup, we were sold a pup, we were sold something that was too expensive in the first place. The costs on the other hand of pyrolysis come in at 30 kilotons per annum because they go down smaller, is £21.7 million, 100,000 tonnes guideline price £27.9 million; this is Defra's official version of what you would expect to pay for a pyrolysis plant in 2007. If you add just inflation at 3 per cent and 3 per cent I reckon you would get pretty close to £30 million which is exactly what was quoted in their informal quote to us. The sums are much, much smaller than people imagine. I cannot understand, while Deputy Duhamel has been saying the same thing, why this has not penetrated. But the fact is there

is a huge amount of money to be saved. £34 million for the system that has just been put in in Cheshire which includes a total sorting system, an M.B.T. which turns the resultant, what cannot be recycled or separated, into a sort of gunk which then gets burnt, basically, in something similar to an incinerator. That is £34 million for a bigger plant, I understand, than Jersey's plant. £32.4 million was the price given by the chap in Guernsey who researched the various options. I am not really concerned whether he has skills in operating all that kit, I am concerned in the price. The fact is that if you put those options together and they would cater for all our waste stream and added-in is a professional estimate of the concreting and the services you get to £32.4 million. That sounds pretty similar to £34 million. Ethos coming in at £30 million, add a bit if they are being a little bit optimistic on the email, £32 million, £33 million, so I am going to take £35 million, that seems to be what the price is of a set of equipment that fits this Island. As we know from what I told you about the Royal Navy that is also proven satisfactory, progressive, the latest kit, like the U.V. plant was. Wasting £50 million is a serious charge. Let us see how the figures stack up. Wakey, wakey up there in the media and out there on the radio, and in here, I am going to do the final summing of the money, which is what people are interested in, that is all we are interested in, is it not? Never mind about the health, never mind about Ramsar, let us see how much it costs. As the good Deputy of Trinity said: "There are lots of issues but what it boils down to is the money." If we say £35 million, which is the highest of the 3 figures for the kit that will deal with the whole Island's waste but in a totally different way from incineration, separating it, getting value out of it, recycling it, what the public wants. We have £35 million as a round figure. We take T.T.S.'s £45.9 million. I make that 35 plus 45 is £80.9 million, £80.9 million. The budget for this project is £93 million and that is without the euros so you can add those in, as many as you want. But the fact is that the difference between £93 million and £80.9 million is £12 million. If you vote against this proposition you are throwing away £12 million. I am not really concerned with the deep psychology of £50 million as a mistake, and what happened in the past, the fact is if you take where we are now you are going to throw away £12 million if you vote against this. Even if you add £2 million for a bit of fat, the fact is that is immediately cancelled by the fact that the euro is going to cost just 5 million at least. So we have £12 million. It is interesting what the Minister for Treasury and Resources (who very strangely is not here to hear the addition of the costs, but there we go; hopefully he is listening in the tea room) in his speech said that if the ... "Let us be generous. If the alternative technology costs £35 million and if the cancellation was £25 million that would be £60 million and we would be throwing away £50 million." I am sorry, I do not follow the logic. The gentleman himself. I do not follow the logic because if you add £25 million and £35 million and get £60 million and if the cost to that you are going to incur is £93 million then you are saving £33 million. The historic £50 million has been used in the media to frighten the public so they think: "If we vote for this we will lose £50 million." This is not true. I will take you through those figures again, £35 million, £45.9 million, £80.9 million. Someone will object, what about the legal costs? What about the legal costs? Maybe £4 million, £5 million, that was the estimate of T.T.S, around about £4.1 million for the legal arguing. The fact is that if you look at P.72 and you look at the breakdown of costs - remember this contract is not £93 million at all, it is £106 million - of that £106 million there are £6 million plus, in fact I think it is £6.85 million for supervision fees, what you call project management fees, £6 million, well over £6 million, is in P.72 for ... if someone has a P.72 maybe they could look it up, but it is over £6 million.

Senator P.F.C. Ozouf:

Sir, would the Deputy give way?

The Deputy of St. Mary:

Yes.

Senator P.F.C. Ozouf:

Can I just confirm my understanding. Is the Deputy saying ... I was not clear. Is he saying that in fact his alternative option is to spend £50 million on the cancellation of the contract and then buy this alternative plant for £35 million and therefore spend £85 million and therefore save the difference between £106 million and £85 million? Is that what he is saying?

The Deputy of St. Mary:

That just about sums it up. I will give Members the exact figure, it is if my memory does not fail me, £6.85 million is the cost of the project management fees, I think they call it, in P.72. So project management fee £6.85 million. Of course, they do not have a project to manage if we rescind, however, those costs ... they presumably will not claim £6.85 million for doing no work on a project that has just vanished but they might claim some compensation for the fact that they will not have any work for a little bit, but it will not be £6.85 million. So that money can be applied to the argument about what we owe the contractor. I would suggest the £6.85 million fully covers the cost of the argument and fully covers the cost of settling with the consultants. So £12 million, Members, £12 million; and you have to subtract from that the value of what we have bought. This is why it is so important about these vesting certificates and how it changes. You get an email saying, from the Chief Officer: "Deputy Wimberley, yes, we have certificates certified by the project manager and paid by T.T.S. to the contractor." Yes, we have certificates certified by the project manager. That means we have bought something, that means we can get our money back, or some of it. Then a few minutes later, yes, 15 minutes later - 11 minutes later - I had a second email: "Deputy Wimberley, for the avoidance of doubt the certificates are to confirm that the contractor has reached the milestone as agreed in the payment schedule. To date there is nothing to vest in terms of physical assets." Well we spent £35 million on precisely nothing, on drawings. I do not think he said to someone the drawings must be by Leonardo da Vinci because that seems to be what we have. I am very disturbed that the cost of cancellation might be higher than they otherwise would be because of these problems. Deputy Noel assures us that in fact we are protected, in fact we will be able to sell this kit or these drawings or whatever it is that we bought. But my expert says in response to that email, that pair of emails: "This is of quite some concern. There must be a basis of these milestones and it must have been something tangible or how do you check that the milestone has been achieved. There is a real issue here. A vesting certificate as stated previously is a certificate from a supplier or manufacturer which says what has been paid for now belongs to the employer. This is common practice for items that have to be pre-ordered or manufactured before coming to site" and he continues: "But the point is that there is a real issue here about how much we are going to get back, but we are surely going to get something back out of £35 million." Deputy Noel says: "We are not going to get anything at all, because we have not bought anything." It is a pretty rum state of affairs when this ...

Deputy S.C. Ferguson:

Sir, if the Deputy would give way.

The Deputy of St. Mary:

I always do.

Deputy S.C. Ferguson:

The Deputy might like to clarify his knowledge of the manufacturing cycle because he talks about nothing being produced, but in fact the various pieces of kit that he talks about have to be ordered, the manufacturer has to confirm the order and buy-in the raw materials. If the pieces of kit are custom-made he will have to design them and start manufacturing, so at some point in the cycle there will be nothing there but some drawings and a whole lot of metal ready to be made up.

The Deputy of St. Mary:

Thank you, and I thank you for that intervention. If there is nothing there then you would pay for the drawings, you would pay for the pre-work done, you would pay for the contracting, you would pay for a sum to compensate for the fact that you are no longer going to make the XYZ that is worth £10 million but you certainly would not pay for the whole £10 million XYZ. If you are in that situation then there is something again, slightly peculiar with the contract, because you have paid upfront for something you do not have.

Deputy R.G. Le Hérisier:

Sir, I wonder if I could interrupt the speaker. We are reaching 5.30 p.m. and I wonder if I could take a check from him. Is it likely that he will imminently finish so we could well continue in order to get a satisfactory ending tonight?

The Deputy of St. Mary:

I take that point and in fact the cost is the penultimate moment because the cost is pretty important. No, I take your point and we will finish tonight. God willing. I always add God willing because you never know what might come through the ceiling. I will remind you, of course, of those figures just before the vote because everybody has said in this debate that it is critical that this House does not waste the taxpayers' money and I fully agree with that. I would not have brought this rescindment if I did not think that it was the right thing to do. So I do not think it is the right thing to do if it is going to cost an arm and a leg, but it is not. It is going to save us money and it is going to deliver all the other benefits which I do not think anyone in this House really contests. If we can get away without an incinerator, without the health risks, without all these negatives, without this huge box in the sky, then that is a good thing to do. I will just, in closing, refer Members to this document that came around earlier. If you would like to grab it, otherwise you are going to find it very hard to follow, the one with the grey graphs on, not Mr. Fichtner's offering, and it is headed: "Defra Waste Strategy Annual Progress Report." It is the target and indicators appendix. If you look at that first graph with lots of columns going up quite high you can see what Defra are aiming to do and you can also see what the current trend is. If you look at the last 7 years that is the household waste, the residual household waste per head. Look at that trend; 450 down to 350 in 6 years. How come we are building an incinerator on the basis of doing the exact opposite? How can these figures have been ignored? How can Jersey be completely different from England, Wales and Scotland, not to mention the continent? If you look at those continuing targets, and think of the implications of those targets for the Jersey waste stream in the sense that manufacturers will be totally re-jigging the way they produce and totalling re-jigging the way they package and so on, I just want to make absolutely clear that is the trend and the trend is downwards for residual waste. Remember that in Jersey we are programmed to increase our waste by 0.9 per cent a year per household. Turn the page, if you would, and the next one is the recycling composting targets, and of course the reverse is true and it marches up to 50 per cent. Now T.T.S. agreed that if we were to recycle our food waste we would be very close to that 50 per cent. There is nothing stopping us except having the right imagination, the right decision today and the right kit to put the food waste in. As I have said, that is well established technology and the road is clear for digestate to be used on land. Then you go to the next chart and it gets more interesting because here we have the recurrent recycling rates in local authorities in England. If you look across the bottom you get an idea of ... across the bottom is the percentage rates being achieved. So there are 2 authorities that are still on 15 per cent (and I bet their inhabitants are happy) but the majority of local authorities ... there are about 80 who are on 25 per cent recycling, there are 82 who are on 30 per cent; that is where Jersey is, we are in the biggest column, we are average. We are where that chart says. Then you look at the next one, 35 per cent, there are a good few authorities with 35 per cent and then it obviously tapers down to really high recycling rates. That is interesting in itself; it is more or less what you would expect. But if you look at the next chart that is the one that is really interesting for us here because if you remember what the recycling target of T.T.S. is, the ambitious recycling target, the growth in recycling is 4 per cent between now and 2018. We are being told

that Jersey residents and T.T.S. working together and the Parishes can achieve half a per cent a year. Half a percent a year. If you look at the half a per cent a year column, we will call it the 0 per cent a year, there is hardly any local authorities in England who are doing that. There are, I think, 10 ... there are 10 local authorities who are on 0 per cent. Where we are heading, where we are being told we have to go because we cannot ... I do not know, because we do not have the imagination to do better. The public are screaming out to us to do more. If you look at local authorities with 2 per cent, which is 4 times the predicted rate, we have the second highest column on this chart, we have 65-odd local authorities who are doing 2 per cent, who are doing 2 per cent more recycling every year. The biggest column is 4 per cent, and then the substantial numbers on 6 per cent, 8 per cent, 10 per cent, these are changes per year. They make Senators Maclean and Cohen seem quite modest and quite conservative in their goals. But here we go, that is what is happening in England, local authorities are taking up the challenge, 2 per cent, 4 per cent, 6 per cent, the biggest number is 4 per cent. Here in Jersey an annual rate of half a per cent. It really ... sorry, the way this proposition is leading the House, sorry, the way that, if you vote against it, then you are voting for pitiful recycling rates in comparison to what authorities in England are doing. Then finally there are 2 more charts which I do want to draw your attention to, Municipal Waste Recovery, which is similar to domestic waste, it is another trend upwards, and then finally the chart at the bottom of the table, with 2 big columns on the left. I will show it around, because it is the chart about incineration. What we see here ... we were told that incineration is: "That is what is happening, that is the technology that everybody is adopting." I am sorry, it is the technology that nobody is adopting, or very few are adopting. Incineration with an energy recovery proportion of total recycling recovery, the biggest column is 10 per cent of the waste stream is being incinerated with energy recovery. The second largest column is no incineration, and all the other columns are vanishingly small. Where we are headed, which is that we burn everything that we do not recycle is off the chart, it is not something that most local authorities in England are doing. So to sum up, there are many, many reasons for voting for the rescindment. It is the right thing to do, it is what the public would like to see, they want us to recycle and not burn. They would want the waste arisings to decline, that is what is happening, that is what will happen. They would like us to be in league with Wales, Scotland and England. I would add that I think that there are some fairly odd things about the way this House has been treated and if you feel that that is important then that also goes into the equation. The other element which ... again the information has not been forthcoming, is major incidents and fire. I specifically asked about that because the incinerator is within the danger zone of the fuel farm. We learnt from Deputy Le Claire that the zone for L.P.G. is even bigger, it is 1,000 metres. The dear Minister would not give this House an answer about whether there have been major incidents in incinerators. Well, let us just hear what you will be voting for if you vote against this rescindment. If you vote for the incinerator then you are voting for the fact that there have been major incidents, there have been fires, there have been accidents, both in the Isle of Man and in Swansea, and it is not a super 100 per cent safe technology. The incinerator was open for trials in 2004, this is near Swansea, but shortly afterwards was destroyed by a fire. Why did the Minister not give us this information? I would have thought that if you ask him in a debate to bring forward this sort of information he might bring it forward: "The incinerator was open for trials but shortly afterwards was destroyed by fire which broke out in one of the filter sections. The fire contaminated local houses and the beach at the nearby Swansea Bay." So, bye bye swimming in Havre Des Pas bathing pool, and it is most unfortunate. Then the Isle of Man, which I have mentioned before that there was a fire there, and in fact the Isle of Man incinerator did not produce any electricity for 8 months because it had just sustained complete down-time. Please remember those figures, £12 million at stake. If you want to save £12 million as well as all the other advantages then you will vote for this motion. If you want to throw away £12 million then I hope that the public are watching and aware of what is at stake for both their health and for the reputation of this Island and for the direction we want to go in as a society. That is all I have to say, thank you.

The Greffier of the States (in the Chair):

The appel is called for for any Members in the precinct. Just before I ask the Greffier to open the voting we have clearly contacted the technicians to ensure that Deputy Higgins' voting buttons are fixed. I have a suspicion, Deputy, I understand which way you are likely to vote so we will take note of it when the vote is called **[Laughter]** but we will ensure the voting is correct before we close it and finalise the vote. I will ask the Greffier to open the voting for or against the proposition of the Deputy of St. Mary as amended by Deputy Le Hérisier. The system indicated all Members have voted apart from the Deputy of St. Peter who is clearly absent.

POUR: 17		CONTRE: 35		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator T.J. Le Main		
Deputy of St. Martin		Senator B.E. Shenton		
Deputy R.G. Le Hérisier (S)		Senator F.E. Cohen		
Deputy J.A. Martin (H)		Senator J.L. Perchard		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy P.V.F. Le Claire (H)		Senator A.J.D. Maclean		
Deputy S. Pitman (H)		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy A.K.F. Green (H)		Connétable of St. Martin		
Deputy D. De Sousa (H)		Connétable of St. John		
Deputy J.M. Maçon (S)		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		

The Greffier of the States (in the Chair):

Very well.

Senator S. Syvret:

Before we adjourn I was going to ask, do we need to come back tomorrow to deal with the remaining items? Are they really that particularly pressing or urgent or can they be put to be adjourned up for the next meeting?

Deputy P.V.F. Le Claire:

Sir, I did have a ... when the proposal for the next business information that might give Members some thought to put some of this over. So maybe the Chairman of P.P.C. (Privileges and Procedure Committee) could speak on this for a second?

The Greffier of the States (in the Chair):

Chairman?

The Connétable of St. Mary:

Thank you, Sir. I have had some indication, Sir, that some business that is down for the next sitting is likely to be withdrawn or deferred. That would make the 10th March sitting lighter than it currently appears on the pink sheet. There are still from this sitting several propositions which may require debate, Sir. I am in the hands of the House but we do set aside 3 days for States sitting. Normally I would suggest that we came back tomorrow morning to consider that business.

The Greffier of the States (in the Chair):

Certainly the schedule of meetings from your Committee, Madam Chairman, was that the Assembly would have 2 continuation days. Are you formally proposing, Senator Syvret that ...?

Senator S. Syvret:

Given that the items are not urgent, frankly I would formally propose that we defer them until the next sitting.

The Greffier of the States (in the Chair):

Is that proposition seconded? [Seconded]

Senator A.J.H. Maclean:

If I can just make a point, Sir. We have a draft limited partnership amendment, it is an Appointed Day Act, it comes into effect on 1st March that we could do now.

The Greffier of the States (in the Chair):

I think there may be some items, Mr. Attorney, as Chairman of the Law Revision Board I understand the Law Revision Board is keen to come up to ...

Senator P.F.C. Ozouf:

As the proposer of that I do not think that that is going to be controversial. I would like, if Members would bear with us, to deal with that. I do not imagine that Deputy Tadier's proposal is going to be controversial.

Deputy J.A. Martin of St. Helier:

Just before we go to a vote on that, it might be helpful, the P.P.C. Chairman did indicate that it will be withdrawn - P.184, - which I would have presumed at least a day's debate. The other one is Ann Court, which could go on the 10th, the reason being that there is now going to be a master plan of the area and it will be deferred for at least 3 months. In 3 months if the master plan... the debate will go ahead, if we do not have it. So, there is quite a bit of room if those 2 go, but it is entirely, as you say, up to the House what you do.

The Greffier of the States (in the Chair):

Are you formally withdrawing that proposition, Deputy, or you are asking it be deferred to another date?

Deputy J.A. Martin:

Deferred to June, Sir.

The Greffier of the States (in the Chair):

That is the latest it can go, 6 months, thank you.

Senator S. Syvret:

Could I just perhaps amend my proposition just to suggest that we do dispose of the Appointed Day Act, that would seem to me to make ...

The Greffier of the States (in the Chair):

The Law Revision Order.

Senator S. Syvret:

Indeed, Sir, those 2 items would seem to me we can dispose of now.

The Greffier of the States (in the Chair):

Yes, we could be here until 6.00 p.m. If I put the proposition of Senator Syvret to the Assembly, that is that the remaining business is deferred to the next meeting with the exception of P.11/2009, which is the Limited Partnerships Appointed Day Act, and P.22/2009, the Law Revision Board where there is a certain urgency, I understand, for these matters to be dealt with today. Those in favour kindly show? Any against? That proposition is adopted. I am going to ask the Greffier to read the Appointed Day Act P.11/2009.

2. Draft Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 200-(P.11/2009)

The Deputy Greffier of the States:

Draft Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 200-. The States, in pursuance of Article 15 of the Limited Partnership (Amendment) (Jersey) Law 2009, have made the following Act.

2.1 Senator A.J.H. Maclean (The Minister for Economic Development):

This Act brings into force the Limited Partnerships (Amendment) (Jersey) Law which was passed by the States in July 2008. The Limited Partnerships Law is one of the key pieces of legislation used by the finance industry. Limited partnerships are used particularly in the funds area but are also widespread for a variety of other transactions, particularly where transparency is important. The original Law was passed in 1994 and this is the first time that it has been amended. Some amendments to the registration probations have been requested by the registrar to ensure the smooth functioning of the Limited Partnerships Law in the interests of the finance industry as a whole. The opportunity has also been made to make a number of minor amendments and improvements to the Law. Under the proposed amendments, provisions have been introduced to ensure that limited partnerships using premises as their registered office have the permission of the occupier. Provision has also been made for the registrar to deregister limited partnerships at the request of the general partners. This is because from time to time limited partnerships wish to cease to be Jersey limited partnerships but do not wish to dissolve. The Appointed Day Act will bring these amendments into force on 1st March 2009 and I commend the Act to the Assembly.

The Greffier of the States (in the Chair):

Is the Act seconded? [**Seconded**] Does anyone wish to speak on the Act?

2.2 Deputy R.G. Le Hérissier:

Can the presenter assure us that this is a minor problem we are looking at, or a minor issue and that there are not major issues behind this?

The Greffier of the States (in the Chair):

Does any other Member wish to speak? I call on the Minister to reply.

2.3 Senator A.J.H. Maclean:

Yes, I think I did that in my introduction. The answer is yes, to the Deputy.

The Greffier of the States (in the Chair):

I put the Act. Those Members in favour of adopting it, kindly show?

Deputy M. Tadier:

Sir, may I ask for the appel, please?

The Greffier of the States (in the Chair):

Yes, the appel is called for. If Members in their designated seats. The vote is for or against the Limited Partnerships (Amendment) (Jersey) Law (Appointed Day) Act and the Greffier will open the voting.

POUR: 17		CONTRE: 35		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator T.J. Le Main		
Deputy of St. Martin		Senator B.E. Shenton		
Deputy R.G. Le Hérisssier (S)		Senator F.E. Cohen		
Deputy J.A. Martin (H)		Senator J.L. Perchard		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy P.V.F. Le Claire (H)		Senator A.J.D. Maclean		
Deputy S. Pitman (H)		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy A.K.F. Green (H)		Connétable of St. Martin		
Deputy D. De Sousa (H)		Connétable of St. John		
Deputy J.M. Maçon (S)		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		

Senator A.J.H. Maclean:

Sir, could I just check who the one was, see if there was a mistake?

The Deputy Greffier of the States:

The Member voting against was the Deputy of St. John.

The Greffier of the States (in the Chair):

The Deputy of St. John voted contre.

3. Law Revision Board: appointment of member (P.22/2009)

The Greffier of the States (in the Chair):

We come now finally under Public Business today to P.22/2009: the Law Revision Board: appointment of member. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 2(1)(a) of the Law Revision (Jersey) Law 2003 to appoint Deputy Montford Tadier of St. Brelade as a Member of the Law Revision Board.

3.1 Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

Sir, Jersey is unique in being one of the few jurisdictions in the world to have its laws up to date, moreover available freely to the public on a public website. A significant investment was made a number of years ago by the former Finance and Economics Committee. The revised edition of our laws when we make changes to laws, they are put into a version which is effectively the consolidated up-to-date version. Those additions which have the power of being an enforced law and can be used by the court is brought into effect by a board. The board consists of 2 States Members; the Attorney General; the Greffier; you, Sir; and the Senior Law Draftsman. The Deputy of St. Martin has sat on the board for a number of years and he sat together with former Deputy Baudains. With his departure from the Assembly he obviously no longer can sit. I sent an email to all States Members asking for interest in replacing Deputy Baudain and I am delighted that Deputy Tadier has agreed in order to fulfil the period for the position that was held by Deputy Baudains. The skills that are required are an attention to detail, and eye for detail and an interest in legislation. I have pleasure in nominating Deputy Tadier.

The Greffier of the States (in the Chair):

Is the proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition? I put the proposition. Those Members in favour of adopting kindly show? Any Members against? The proposition is adopted.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Greffier of the States (in the Chair):

The Assembly comes therefore finally to the arrangement of public business for future meetings. This has already begun slightly just now but I will call on the Chairman of P.P.C. to propose it formally.

4. Connétable J. Gallichan of St. Mary (Chairman of Privileges and Procedures Committee):

I would like to propose that the order is broadly along the lines outlined in the pink sheet. There are a couple of items of which I am sure, and a couple I would like to have confirmation on. The 10th March meeting will have the addition of business not completed today, which will be P.179 which is the Draft Amendment 10 of the Standing Orders; P.14, Public Employees Contributory Retirement Scheme, membership of the committee; and P.15, The Manual Workers' Joint Council: Employers' Side membership; and also the Appointment of the Chairman of the Consumer Council, that is P.10. I understand that the Waterfront Enterprise Board appointment of States Director is likely to be withdrawn and I look to Senator Shenton if he could confirm that, please?

Senator B.E. Shenton:

I would just like to confirm that I would like to withdraw P.13 on the basis that the Council of Ministers will also withdraw P.12 so that the whole matter can be looked at properly.

Senator T.A. Le Sueur:

I confirm that we will withdraw P.12 as well, so that makes the pair.

The Greffier of the States (in the Chair):

Very well. As Members heard, P.13 originally set down for today from Senator Shenton and P.12 from the Council of Ministers relating to W.E.B. are both withdrawn.

The Connétable of St. Mary:

Thank you. Also as Deputy Martin has indicated, she would like to defer the debate on P.184 pending other matters, and she has suggested an interim listing on 16th June for that. Also, I understand that the Natural Gas Pipeline Strategy - P.16 - may be up to be deferred, and I would ask Deputy Le Claire to comment.

Deputy P.V.F. Le Claire:

Through the Chair, thank you, Chairman for that. I think the matter now has become clear to debate this ahead of a master plan would be an inappropriate use of Members time. So I am delighted to say I am very pleased the Minister for Planning and Environment has invited me on to the political steering group for this north of town master plan. I will be working as hard as I can with him and the other Members to ensure that matters are considered in the round and for those reasons I would like to drop the listing for that proposition and park it, if I may, on the same date that the carpark proposition has been put for June so that the 3 months can occur and there is an opportunity for things to be considered in the round and give Members that extra time.

The Greffier of the States (in the Chair):

Very well, 16th June.

4.1 The Connétable of St. Mary:

The next amendment is to the business on 24th March where we will have the addition of P.28 - the G.S.T. exemptions and zero rating for foodstuffs and domestic energy.

Deputy C.F. Labey of Grouville:

If I could say I have had a request from the Treasury Minister to put that to 31st March and if the Assembly agree I would be happy to take it then.

The Connétable of St. Mary:

I have noted that, thank you. Then business on 28th April would be P.27, the Draft Employment Amendment No. 5 (Jersey) Law 2000.

Deputy I.J. Gorst of St. Clement:

I have tried to keep my commitment to lodge this legislation in February; unfortunately due to the timing of Easter the earliest lodging date I believe that I have been afforded is the end of April. I wonder if I could test the mood of the Assembly and see whether they would be indulgent of me and bring it forward slightly, which I believe would then be one week short of the 6 weeks to 31st March. But I am in the hands of the Assembly.

The Greffier of the States (in the Chair):

You are also in the hands of a Standing Order, Deputy, but Standing Order 26(7) sets a fairly high test for the Assembly when taking these decisions. It says: “The States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance it would be prejudicial to Jersey to delay its debate.” Do you wish to say anything, and the matter clearly has to go to the Privy Council for approval? Do we have comments on ...

Deputy I.J. Gorst:

Indeed, I think we are probably pushing a point to make too firm a stand on it, but I do believe that it is long overdue and it will still have to get through Privy Council. I have given a commitment that my department would bring it forward as soon as we possibly could, and we have. I believe that that is a strong enough case to bring it forward and it is after all a reduction of only, I believe, one week. Members are aware of it, they had it on their desks yesterday. Scrutiny have had a view of it in advance, so Members can still make amendments if they wish in a reasonable time scale. In fact, if Members were going to make amendments the fact that some Members might be on holiday over the Easter period would mean that that period for amendment is not necessarily extended greatly in practice.

The Greffier of the States (in the Chair):

You are formally proposing the States agree to reduce the minimum lodging period and that it be taken on 31st March. Is that proposition seconded? **[Seconded]** I put that to the Assembly. Those Members in favour of adopting that proposition kindly show? Members could perhaps stand because I am not sure it is quite ... Very well, it is clearly carried. Thank you. Are there any other further matters, Madam Chairman?

The Connétable of St. Mary:

No, I think just to recap, 16th June will have the 2 items of business, P.184/2008 and P.16/2009 and I believe that covers everything.

Deputy G.P. Southern:

If I may, Sir ...

The Greffier of the States (in the Chair):

Sorry, Deputy Southern, I thought you wished to speak on the previous matter.

Deputy G.P. Southern:

I was thinking of doing that as well, but I chose not to. If I could, I would like to bring forward for debate on the next meeting the P.18, Public Elections Law Rescindment of Article 39(8).

The Greffier of the States (in the Chair):

You are proposing that P.18, which relates to the repeal of Article 30 of the Public Elections Law, be brought forward from 12th May to the next meeting on 10th March? Are Members content to move this matter forward to the next meeting?

Deputy R.G. Le Hérissier:

The only thing that worries me, this is the one that is the subject of a court case. I really feel we should do the 2 things with great detachment from each other. That would be my view.

Deputy G.P. Southern:

I have checked with the Bailiff and there is no procedural or legal reason why this should not be debated appropriately in that timescale.

The Greffier of the States (in the Chair):

It is a matter for the Assembly. The Deputy has proposed that this proposition be moved from its current slot on 12th May to 10th March. The appel is called for. Very well, if Members are in their seats. I will ask the Greffier to open the voting for or against the proposition of Deputy Southern that this matter be brought forward.

The Deputy of St. John:

Can we not talk on it?

The Greffier of the States (in the Chair):

Fairly late in the day, Deputy?

The Deputy of St. John:

No, if we are going to vote we should have been permitted to discuss it, at least.

The Greffier of the States (in the Chair):

Well, the issues are fairly clear.

The Deputy of St. John:

The issue is clear to a point. We have got a situation here where a Member, in fact 2 Members, could be conflicted in this and one of those Members is trying to push this House forward to make a decision which I think might influence the courts and we should not [Approbation] be trying to influence the court through this Chamber, therefore I sincerely hope the Members will be voting against this.

The Greffier of the States (in the Chair):

I think the Deputy has correctly interpreted the views of the Bailiff that were sought and it is purely political matter rather than a legal or procedural matter. But it clearly, as the Bailiff made clear, it is a political matter but it is not one where he felt there were any legal or procedural issues. The Greffier has cancelled the voting because of that intervention. Does any other Member wish to speak? Do you wish to reply, Deputy Southern, at all? Put it to the vote?

Deputy G.P. Southern:

I have checked with the Bailiff and there is no legal or procedural reason why we should not, and I wish to seek if any of the House ...

The Greffier of the States (in the Chair):

Very well, the Greffier will open the voting for or against the proposition of Deputy Southern. Deputy Higgins, how do you wish to vote in this matter? Very well.

POUR: 17		CONTRE: 35		ABSTAIN: 0	
Senator S. Syvret		Senator T.A. Le Sueur			
Senator A. Breckon		Senator P.F. Routier			
Connétable of St. Helier		Senator P.F.C. Ozouf			
Deputy R.C. Duhamel (S)		Senator T.J. Le Main			
Deputy of St. Martin		Senator B.E. Shenton			
Deputy R.G. Le Hérisier (S)		Senator F.E. Cohen			
Deputy J.A. Martin (H)		Senator J.L. Perchard			
Deputy G.P. Southern (H)		Senator S.C. Ferguson			
Deputy P.V.F. Le Claire (H)		Senator A.J.D. Maclean			

Deputy S. Pitman (H)		Senator B.I. Le Marquand		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of Trinity		
Deputy T.M. Pitman (H)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy A.K.F. Green (H)		Connétable of St. Martin		
Deputy D. De Sousa (H)		Connétable of St. John		
Deputy J.M. Maçon (S)		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		

The Greffier of the States (in the Chair):

Are there any other matters to raise on the arrangement of future business? Very well, if there are no other further matters under future business, the Assembly will stand adjourned now until 10th March.

ADJOURNMENT