

# STATES OF JERSEY

## OFFICIAL REPORT

(In camera proceedings)

**WEDNESDAY, 24th FEBRUARY 2010**

<b>PUBLIC BUSINESS – resumption .....</b>	<b>3</b>
<b>1. Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police (P.9/2010).....</b>	<b>3</b>
1.1 The Deputy of St. Martin: .....	5
1.1.1 Senator T.A. Le Sueur: .....	11
Deputy P.V.F. Le Claire: .....	16
Mr. T.J. Le Cocq Q.C., H.M. Attorney General: .....	17
Deputy A.E. Jeune of St. Brelade: .....	17
Senator T.A. Le Sueur: .....	17
Deputy M. Tadier: .....	18
Senator B.I. Le Marquand: .....	18
Deputy M.R. Higgins: .....	19
Deputy M. Tadier: .....	19
1.1.2 The Deputy of St. Peter: .....	20
1.1.3 Deputy P.V.F. Le Claire: .....	20
1.1.4 The Deputy of St. Mary: .....	21
Deputy A.E. Jeune: .....	28
The Attorney General: .....	28
1.1.5 The Deputy of St. John: .....	28
1.1.6 Senator S.C. Ferguson: .....	29
1.1.7 Deputy A.E. Jeune: .....	30
1.1.8 Senator B.I. Le Marquand: .....	31
1.1.9 The Connétable of St. Helier: .....	38
1.1.10 Connétable M.K. Jackson of St. Brelade: .....	40
<b>LUNCHEON ADJOURNMENT PROPOSED.....</b>	<b>40</b>
<b>LUNCHEON ADJOURNMENT.....</b>	<b>41</b>
<b>PUBLIC BUSINESS - resumption .....</b>	<b>41</b>
1.1.11 Connétable J. Gallichan of St. Mary: .....	41
1.1.12 Deputy M. Tadier: .....	43
1.1.13 Senator A. Breckon: .....	45
1.1.14 Deputy R.G. Le Hérissier: .....	46
1.1.15 Deputy G.P. Southern of St. Helier: .....	48
1.1.16 Deputy T.A. Vallois of St. Saviour: .....	49
1.1.17 Deputy M.R. Higgins: .....	50
1.1.18 Deputy J.G. Reed of St. Ouen: .....	50
1.1.19 Deputy T.M. Pitman of St. Helier: .....	51
1.1.20 Senator B.E. Shenton: .....	53

The Attorney General: .....	53
The Deputy of St. Martin: .....	54
The Attorney General: .....	54
1.1.21 The Deputy of St. Martin: .....	54

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

[9:30]

**PUBLIC BUSINESS – resumption**

**1. Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police (P.9/2010)**

**The Bailiff:**

Very well. We come now to Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police (P.9/2010) lodged by the Deputy of St. Martin. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion - (a) to agree that a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the manner in which the Chief Officer of the States of Jersey Police was suspended from his duties on 12th November 2008 with particular regard to the procedures and documentation used in the suspension, the grounds relied on by the then Minister in taking his decision and his role, and the role of other parties who were involved; (b) to appoint the following persons as members of the Committee of Inquiry - (i) Mr. Derek J.C. Bernard, Chairman; (ii) Mr. Gerard C.L. Baudains; (iii) Mrs. Elizabeth Jane Allan; (iv) Advocate Timothy Hanson; (v) Mrs. Margaret Holland Prior, J.P. (c) to agree, in accordance with Standing Order 146(5)(b) and (c) - (i) that Advocate Timothy Hanson shall, if required, preside in the absence of the Chairman, and (ii) that the quorum of the Committee shall be 3.

**The Bailiff:**

As Members are aware the law requires that a debate on this matter be in camera and it is not a matter where there is any discretion.

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

I wonder if I could speak on the matter before we do go into camera. I would ask you if you could look at P.9 and page 9, sub-paragraph 4. I know you are going to say I am skating on thin ice, but I think I do at least need to try. It says: "Any discussion with the States regarding the appointment, suspension or dismissal of Chief Officer ..."

**The Bailiff:**

Where are you reading from?

**The Deputy of St. Martin:**

At page 9, on P.9. It is to do with the Police Force (Jersey) Law, article 9, page 9 and paragraph 4. I would say that this is not talking about whether we are going to appoint or we are going to dismiss a Chief Officer. It is not even going to be whether we are going to suspend a Chief Officer. What I maintain we are going to be speaking about is whether we should have a Committee of Inquiry to discuss the circumstances surrounding the suspension of the Chief Officer and I would maintain with my limited experience that I would have thought that what I am requesting should not be in camera but of course it would be a matter for you. I would maintain that it is about a suspension issue but maybe not suspending him, or to suspend or not to suspend. But I will wait for your ruling, Sir.

**The Bailiff:**

I understand your point, Deputy, and clearly it is always desirable for all of the proceedings of this Assembly to be in public wherever that is possible [**Approbation**] but the law is there. You yourself have elected to circulate and place in the public domain matters which go right to the heart

of the suspension and that having been done it is clear that you consider those are matters which fall for consideration in the debate, and therefore it is a discussion of the suspension of the Chief Officer. I cannot rule in any other way I am afraid. Very well, so it has to take place in camera. So I ask the usher to clear the gallery, please. Very well, I think the gallery is now clear. Deputy?

**The Deputy of St. Martin:**

There was another matter I also wanted to raise bearing in mind that as the law stands each one of us is the employer of the Chief of Police, and I think it is really beholden on us all really to examine our knowledge and what our position as far as the Chief Officer goes. If anyone feels that they should not be here because they may have made a complaint against the Chief Officer or they may have some personal dealings with him that may not be favourable I would ask that they maybe declare them so at least we know where we stand. Also, I have got to raise the issue about when Senator Cohen deals with a problem that comes on Planning it is normal for the President or the Minister to leave and I would again request that maybe Senator Le Marquand may also consider his position because again he has to make a decision, the ultimate decision. I am just using that as a balance because it is only fair that I raise it. I do not want to raise it afterwards. I am being upfront. It is an issue that other Members have spoken to me about and it is for me really to put it. It is not against any integrity of Senator Le Marquand, it is just a case of consistency and that is what I am asking for.

**The Bailiff:**

That is a matter entirely for the Senator, I think. But no doubt he will ...

**Senator B.I. Le Marquand:**

The Senator has no intention of leaving and intends to participate. [Approbation]

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

Given the comments passed by the proposer about declaring any interests or whatever to do with the Police Chief I have to, which is on record, say that at the time of his appointment I voted not to employ him at that time, so that people do know that I am being upfront. Everybody else in the Chamber voted to employ the Police Chief, I voted against. I will not be leaving the Chamber.

**Deputy C.H. Egré of St. Peter:**

I too have had issues with the current Police Chief in my time on the Home Affairs Committee, those are well documented and in the Part B minutes and I have no intention of leaving this debate.

**Connétable A.S. Crowcroft of St. Helier:**

As we are all declaring interest, Members will know that I have consistently supported the Chief of Police since his suspension. I was his McKenzie Friend when he attended a review board on the matter and have taken a very detailed interest in the matter and I do not intend to withdraw because I regard that as my right to represent my constituent.

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

On this matter of declaring an interest I just wonder whether the Chief Minister would not declare what sort of interest he has in this matter as if we were to vote for either form of review then clearly his actions in resisting the disclosure about the letters and the dates do mean that he is also conflicted, so I just wonder whether he would like to comment.

**The Bailiff:**

I have to say that the Assembly is getting rather carried away with conflict of interest. These are political matters. Inevitably politicians have taken decisions which are then the subject of criticism by their colleagues. It is the nature of political life. If the Assembly decides that the Chief Minister got things wrong earlier, that would be a matter of political life. Not a matter of a declaration of

interest and certainly not any conflict of interest in the meaning of Standing Orders. Now, the Deputy of St. Martin?

### **1.1 The Deputy of St. Martin:**

Can I make it absolutely clear that I was not casting any aspersions on any Members here. It was a point I felt was important to raise and it is certainly an inconsistency so again I would make that point. I also make it clear, Members may well see that I have got these new fandangled things going on in my ears. They are called hearing aids and they are not terribly efficient so I would ask that Members do speak up, particularly maybe the Chief Minister, who I do have difficulty hearing from the back, but I will hope. Anyway, my proposition is straightforward and I hope that it has been well explained in my report. Also I believe that the general principle that there should be a review is no longer a matter of dispute.

[9:45]

The Chief Minister wants one, so does the former Chief Minister, the former Minister for Home Affairs, the suspended Police Chief Officer and above all else so does the general public who are sickened by the wanton waste of time and money spent to cover up the truth. I am sure that with hindsight many Members will have wished that they had supported the Connétable of St. Helier's position last year. It would certainly have saved the taxpayers hundreds of thousands of pounds and the police, Law Officers, civil servants and States Members hundreds of hours of their expensive and valuable time. Possibly Members may have been forgiven for not appreciating the gravity of the circumstances and may have been of the view that as the Wiltshire Police report was due soon or at the time by the end of March they would wait to see the outcome. But as we now know, 14 months on, the investigation has still not been completed. Now due to the Chief Minister's u-turn, Members will have to consider his lightweight proposal and compare it with my proposition which seeks to appoint a Committee of Inquiry to review all the aspects into the manner in and also the reasons for the suspension of the Chief Officer of the States Police. If approved the committee will have all the powers enshrined in Standing Orders 146 and 147. No doubt the Chief Minister will inform Members why he has performed a u-turn and why the States should oppose my Committee of Inquiry in favour of the employment of his external expert. He may also tell Members why he refused to provide Mr. Power with the details of the dates of the documents which were written. He may also tell Members if he knew that if he revealed the true dates it might implicate his Chief Executive Officer and other people. The powers vested in this House under Standing Order 146 exist for a reason. That is for it to allow for a Committee of Inquiry to inquire into a definite matter of public interest. The manner and reasons for the unprecedented suspension of our Island's Chief Police Officer is very much a matter of public interest. The powers of this House exist for a purpose. They are part of a series of measures designed to enable elected representatives to hold Ministers to account. That is part of the core business of what we do and one of the main reasons why we are elected. Firstly I will remind Members of some of the key issues that are set out in my report, then I will set out the reasons why I believe the fully independent Committee of Inquiry is more appropriate than the informal inquiry proposed by the Chief Minister. To begin with it might be helpful to make it clear what this debate is not about. It is not about the conduct of the Historic Abuse Inquiry. It is not about the conduct of the Chief Officer. It is not, at this time, about the conduct of former Ministers, current Ministers or civil servants. We do not have enough information to engage in a meaningful debate on any of these issues. It is about the need to inquire into the circumstances surrounding the suspension of the Chief Police Officer. It is about establishing the truth; I repeat, establishing the truth. When we know the truth then we can decide what if anything we should do about it. That is a question for another day. Today's business is about the need to establish the facts without presuming the guilt or innocence of any party. It is therefore, to use the phrase which is popular among Ministers, a neutral act. The Chief Officer was suspended in November 2008. At the time he had been in

command of the force for 8 years. His contract had been renewed twice. He had received glowing appraisals from both the Ministers and the Chief Executive. Her Majesty's Inspector of Constabulary had published independent reports which praised the performance and leadership of the force. Crime had been falling on an annual basis and the detection level rates were high. The Historic Abuse Inquiry which had earlier that year been commanded by the then Deputy Chief Officer advised by U.K. (United Kingdom) experts had for some months been under the command of a new team appointed by the Chief Officer and Ministers.

**Senator B.E. Shenton:**

Did he say that it was not about the performance of the Chief Officer in his duties?

**The Bailiff:**

I think it is a matter for the Deputy. At the moment I do not feel that he is straying. I was going to make it clear in due course that this Assembly today is not being asked to resolve what happened at the suspension, so the level of detail will not have to be enormous but I feel at the moment the Deputy is simply laying the ground perfectly properly. [Approval]

**The Deputy of St. Martin:**

I think it is important that we get a background of the sort of person we are dealing with. The Chief Officer had not been warned of any concerns on the part of the then Minister. There had been no preliminary disciplinary action of either formal or informal nature. All the known records indicate a positive relationship with Ministers and a frequently expressed confidence in his leadership. On 11th November 2008 the Chief Police Officer was contacted at home by the then former Minister for Home Affairs. It should be recalled that the Minister for Home Affairs had been in post for less than 3 weeks. The Police Chief Officer was asked to attend the office of the Chief Executive the following morning. On arrival he was subjected to an interview which all parties agree lasted no more than 35 minutes. During the course of that interview he was suspended. He was not represented. He had not been warned as to the purpose of the interview and he was not shown any documents and reports to which the Minister referred to as justification for his action. He was not given the opportunity to put his case. Criminals have greater rights than were given to Mr. Power. It was by any standards a fast-track ruthless procedure which contravened almost every accepted principle of fairness and which has rightly been criticised by the Royal Court in the manner set out on page 3 of my report. Indeed the present Minister for Home Affairs is on record as saying that the suspension was hasty and did not follow the proper procedure. Not only were the principles of fairness violated from a professional perspective, but there was also a callous disregard for the personal and welfare consequences. The suspension rapidly became world news. The Chief Officer's daughter learnt of her father's suspension when listening on a car radio in Australia. His elderly mother learnt of it when reading her Teletext in her home in Yorkshire. At the time people rightly asked and continue to ask what type of government would engage in such conduct and what does this tell us about the professional and ethical standards of those involved in such action? During the course of the suspension the Chief Executive took handwritten notes. The Police Chief Officer was later provided with what was claimed to be a typed version of those notes. He responded by stating that the typed notes were not true, or were certainly not a true account of the meeting. They stated things which were not true and omitted things which were in his favour. He asked to see a copy of the original notes but he was told that the original notes had been destroyed. During the suspension interview the Chief Officer was provided with documents. The documents claimed that the Minister was acting on the basis of a report and information received on the previous day, namely 11th November. The Chief Officer was suspicious of the documents. The detail and complexity was not consistent with that it had been prepared just in those few hours in which it had been claimed that the information had been received and a decision taken. He therefore asked for disclosure of the times and dates which the documents were created. In common with many of his requests for information to assist his defence this was refused. He then

engaged in a long and complex challenge to this refusal which resulted in a hearing via the Complaints Board on 16th September last year. This hearing found in favour of the Chief Officer. When the information relating to the creation of the documents was finally disclosed it emerged that the dates and times on which the key suspension documents were created could not be reconciled with the version of events which had been put forward by the Minister. The key documents were created at 9.00 a.m. or before 9.00 a.m. on Saturday, 8th November. This was 4 days before the suspension meeting, 3 days before the then Minister states he received the reports which first gave him cause for concern and 2 days before the reports were typed. In other words the claim that the decision to suspend was taken after receipt of the evidence appears to be refuted by the facts. On the information available what appears to have happened is that the decision to suspend was taken first and then the evidence was assembled to justify a decision which had already been taken. If I can use or resort to a phrase which is commonly known in my former profession, it was a stitch-up, plain and simple. While the circumstances of the original suspension were a matter for concern in themselves, let us not forget the consequences which have followed. Wiltshire Police were appointed to conduct a disciplinary investigation into the Chief Officer. Most of us have been present when the Minister for Home Affairs has given commitments regarding the timescale and the cost of the investigation. First we were told that it would be completed by March 2009 and the cost would be just over £200,000. That figure was horrendous in itself, but it has now been dwarfed by the actual totals which have emerged. Throughout 2009 the delivery date for the Wiltshire inquiry moved from May to June, July and on and on. Costs have risen. Members will recall that late last year we were told the cost was around £700,000 and rising. The latest information we have about these inquiries insofar as they are now relevant remains incomplete and the costs are rising towards £1 million. I say so far as they are relevant because we know earlier this year the Chief Officer submitted his long expected notice of retirement. For some time it had been public knowledge that he had already well passed his retirement age and come what may he was going to retire in 2010. In his retirement letter, the Chief Officer rightly highlights that a point has been reached at which the contractual requirement for him to retire in 2010 and the rate of progress of the inquiry have combined to make his return to work impossible. Thus the current Minister and the Home Affairs Department, wilfully or not, have contrived between them to drag this inquiry to a point where the Chief Officer, with over 40 years' commitment to the police service and decorated by Her Majesty the Queen for distinguished service, has effectively been dismissed on the basis of a short meeting, less than 35 minutes, consulted in the middle of a family holiday. This is the standard of our public administration in dealing with this issue and I am certainly not proud of it. Fortunately, I was not there. These, in brief, are the circumstances which all sides now agree merit some form of inquiry. Now I will set out briefly why I believe a formal inquiry is the most appropriate way forward. Firstly, there is a clear need for any inquiry to enable the production of evidence including relevant documents. We already know that some evidence in the form of an original record of suspension meeting has been destroyed. I have seen correspondence which indicates that this destruction may have taken place after the Chief Officer had given notice of his intention to refer the matter to the Royal Court. I know then that the Solicitor General, now the Attorney General, has considered this aspect and decided that on the evidence available a criminal investigation was not appropriate. That, of course, is a matter for him. However, it does not inspire confidence in the willingness of senior public officials to voluntarily provide access to documents which may be damaging to their position and strengthens the argument for a more formal inquiry with powers to compel the production of evidence. Secondly, we cannot in all honesty discuss this matter without reference to the role of the current Chief Minister. Regretfully, like it or not, the Chief Minister has resisted the disclosure of information on the creation of the suspension documents which are, indeed, the core of this case. It was the Chief Minister in person who appeared at the complaints board hearing on 16th September last year supported by a lawyer provided at public expense to put forward why the truth should continue to be withheld. I am sure I was not the only person present who found the

Chief Minister's performance on that day to be deeply embarrassing as he sought to defend the indefensible.

[10:00]

It would surely be a task of any properly constructed inquiry to examine the role of the current Chief Minister in this affair and to establish what he knew and when he knew it, and in those circumstances a robust independence from the Island's Government is essential. Thirdly, there is a matter of public confidence. Against this background which I have described, I see no realistic possibility that the wider public would have confidence in any inquiry which was commissioned by and would be reporting to the very Chief Minister and the very same public servants whose conduct must also be examined. As I have said in my report, confidence in the integrity and the conduct of our public affairs has been damaged. It is for us to repair that damage by using our existing powers to initiate a full and independent inquiry into these matters. Finally, in considering the strengths of my own arguments, I have given thought to what the Chief Minister has had to say in his comments. As previously mentioned, we both want an investigation. However, we have different goals. Members will have read my response to the Chief Minister's comments; therefore, it will only be for me to summarise. The Chief Minister wants a 2-step approach. In the first step, he wants to appoint another of his experts to have a cosy in-house review. It is interesting to note his terms of reference are only to look at a few issues but not the main one, which is to inquire into the grounds relied on by the former Minister for Home Affairs in taking the decision to suspend, which is part 3 in part (a) of my proposition. His expert will have no power to oblige any of the witnesses to participate and the interviews will be, like this debate, in camera. One thing that is certain is that the expert would not be able to start his work for some weeks. First, he has to be recruited and also have a relatively free diary. If approved, my proposed committee would be ready to start work immediately. The Chief Minister states that if his expert is of the view that there are grounds for a full Committee of Inquiry, the Chief Minister will bring a proposition seeking approval to establish what I am proposing today. I just cannot understand the Chief Minister's logic. If he does not already realise that there is already overwhelming evidence for a Committee of Inquiry then when will he ever learn? I think it is worth reminding Members that only last August I lodged P.131 seeking States approval to request Verita to investigate the events surrounding the suspension of the hospital gynaecologist. As with this proposition, the Chief Minister intervened at the eleventh hour, proposing that my proposition be rejected in favour of his external expert, which would conduct a review within weeks but no mention was made of the costs. Unfortunately, when my proposition was debated last September, it resulted in a tied vote which allowed the Chief Minister to appoint his expert. Six months have elapsed and although Verita has published its report and exonerated the gynaecologist, the Chief Minister's expert report is still not published and has so far cost - and this has been confirmed - £40,000. I would urge Members not to reject my proposition in favour of the Chief Minister's. His defies logic. It is a stalling tactic. It will be held in secret and it will not reveal the truth, which will be seen as yet another cover-up. What we know is what happened when the Chief Minister was able to scupper my Verita review and we should not allow that to occur again. Also, it gives me no pleasure to say what has become apparent, but given the extreme lengths taken by the Chief Minister to deny Mr. Power the dates for the relevant documents or when they were compiled was not only compromising his position but also that of his department, there is no way that either should be involved in any shape or form with the investigation. They are not just conflicted but I regret to say they are implicated. I now turn to my proposed Committee of Inquiry which will delve far deeper than desired by the Chief Minister. There are 4 parts to part (a) in my proposition and the Chief Minister concedes that a committee could investigate 3 of the 4 parts of my proposition. However, contrary to the Chief Minister's continued misleading claims, the Wiltshire Police are not - and again I repeat they are not - looking into the reasons or the manner of Mr. Power's suspension. I challenge the Chief Minister to produce the Wiltshire terms of reference to substantiate his suspension. Unless the Chief Minister

is going to produce the terms, then there are no valid reasons as to why the committee should not inquire into the grounds relied on by the previous Minister for Home Affairs in taking his decision to suspend, what I would call part 3 of my proposition. For the Chief Minister to continue to refuse I just do not understand. To me it seems nonsense. As the Wiltshire Police are not investigating the matter it defies logic as to why the Chief Minister is being so obstructive. I regret to say that it is part 3 of my proposition which will cause embarrassment to the Ministers both former and the current and also the senior officers, and I derive no pleasure in claiming that there could be a conspiracy and a cover-up. But the evidence is now becoming so overwhelming that Members will probably have no other choice. Members will have seen my answer to the Deputy of St. Mary's question regarding the circumstances relating to the interim Metropolitan Police report. It formed the basis of the acting Police Chief Officer's report. This is the very same officer who is occupying his boss' seat. Although it has been claimed to have been seen by the former Minister for Home Affairs, under oath he now says he never saw it and neither has the present Minister for Home Affairs seen it. We know that it has been withdrawn or the Metropolitan Police have withdrawn it because it was never intended to be used for discipline. Clearly, this matter must be investigated by a Committee of Inquiry and in a public arena. This will enable all those involved an opportunity to clarify their positions. I have known and worked with the Chief Minister ever since I was elected to the States 16 years ago and I am saddened to discover that he denied Mr. Power the details as to when the documents were drafted. I am also saddened that he should maintain that the Wiltshire Police are investigating the circumstances surrounding Mr. Power's suspension when I know they are not. However, we are States Members and we must separate friendship from duty. Given all the evidence I now have there is no way the States should permit the Chief Minister or his department to be responsible for any review. It would be a travesty of justice and there is no way that I will be party to assisting the Chief Minister in finding any expert which will report to him and his Chief Executive Officer. Now I will turn to part (b) of my proposition. That is to appoint 5 persons to the Committee of Inquiry. Standing Order 146 does not prescribe how and why people are chosen to form the committee. Quite simply, I have chosen the people because they are mature and have the necessary range of skills to conduct the inquiry in a timely manner which will ensure that the findings are published before Mr. Power retires in July and returns to the U.K. Members will have noted P.P.C.'s (Privileges and Procedures Committee) comments which call on me to provide information detailing the appointments procedure I followed when putting forward the 5 names on the committee. It was always my intention to provide the information and I am disappointed that P.P.C., which purports to be the guardian of good practice and procedure, did not extend the courtesy of asking me to discuss my proposition before publishing its documents. Had it done so it would have realised that Standing Order 146 is silent on the Jersey Appointment Commission's code of practice. I understand that Members when considering its comments were never shown Standing Order 146, nor were they shown the codes of practice. So, in this case, how can the committee have agreed on those comments? Until Standing Orders are amended to incorporate the code of practice, then I have complied with Standing Orders as they currently exist. The code of practice is like any other code: they are guidelines. Like the Highway Code which advises cyclists to wear safety helmets - as Deputy Green knows - cyclists are not obligated by law to wear those hats. That is why Deputy Green is bringing a change in the law, or trying to introduce a law. As far as I am concerned, we are not obligated to follow the code of practice. I am following 146 as they exist. I can assure Members that there is nothing sinister in the way in which I have found the people I am proposing and I will explain how they were chosen. However, in the first instance I would remind Members that neither the Chief Minister nor the Chairman of P.P.C. adhered to the code when selecting the chairman of the committee to review the role of the Crown Officers. It seems to be acceptable for them not to abide by the code, yet when I do so my integrity is questioned. It is a known fact that the Chief Minister did not advertise the post and he trawled the United Kingdom to find the person deemed suitable for the job. To ensure he got the right person, the whole review has been held up for 9 months. Standing Orders provide for the States to appoint a Committee of Inquiry to inquire into a definite matter of public importance and

report to the States. It is presumed that the Member or Minister seeking States approval for his or her committee will submit the names of his committee. It is for States Members to approve the nominations, reject them or seek replacements. At present no one has put anybody forward. Because the Chief Officer is retiring in under 5 months and returning to the U.K., there is a need for the inquiry to get under way without further delay. Had I advertised for members of the committee, I would have still had to choose them. If say, for instance, the only people who had applied were the 5 names that I am now proposing, would P.P.C. have been complaining? It should be recalled that the Chief Minister had made it clear that he had no intention to hold any inquiry because he wrongly informed Members that the Wiltshire Police were doing so. Time is of the essence and with a 3-week gap in the States sittings it was imperative that I lodge my proposition by 2nd February for debate on 23rd February so, if approved, the committee could make an immediate start. On submitting my proposition on 25th January, I was advised that either I submitted names of the committee or I could request the Chief Minister to do so. Given the Chief Minister's involvement, I certainly was not going to go down that route. I would urge Members not to be put off because I did not advertise for members to form the committee because, as previously mentioned, I have complied with Standing Orders as they currently apply. One should look at the quality of the committee and their ability to make an immediate start. I believe the Committee of Inquiry should comprise people with a range of skills, including people skills, interviewing skills, inquiring skills, a sound knowledge of human rights and employment law and an understanding of the working of the States. I made a number of phone calls to various individuals either asking whether they would be interested in serving on the committee or could suggest suitable names of persons that could be recommended. I also made inquiries with lawyers, jurats, Institute of Directors, Jersey Financial Services, Jersey Advisory and Conciliation Services, former States Members and a number of other professional people. All these inquiries were conducted in a matter of days and I would not class any of the proposed committee as personal friends. The person I probably know best is Gerard Baudains, who I know to be very thorough and objective in all the aspects of his work. Those who worked with him will know that he takes his work very seriously and without fear or favour. The main strengths of my panel are, as I mentioned, diversity, experience in numerous fields including employment law and the ways of the States. The panel is made up of people with local knowledge and it is likely to be viewed with more legitimacy than a person appointed by the Chief Minister. My proposed committee are skilled and respected persons drawn from our community. The biographies for the proposed members are shown on page 7 of my proposition and I will provide further information should Members require. Members will have noted that all 5 members will be giving of their time and their expertise on an honorary basis and they are to be commended for being so publicly spirited.

[10:15]

As previously mentioned, I was disappointed by P.P.C.'s intervention which could be perceived as mischievous or attacking my integrity or that of my proposed committee. Instead of seeking ways to obstruct, it should be applauding and supporting an initiative which will go a long way to restoring public confidence and offering an opportunity for those who may be tainted by the suspension to have an opportunity to publicly give their version of events. The committee will be serviced by a part-time secretary, and I have been advised to allow for £10,000 to cover possibly 3 months' work. It was also prudent to allow for an additional £5,000 to cover for sundry expenditure such as advertising, printing, transcripts and the publishing of the report. I have noted the Chief Minister's comments re. the cost and I am touched by yet another u-turn re. legal assistance, which he suggests should be granted to witnesses, when such assistance was never granted to the Chief Officer. Standing Order 150(c) states that the Minister for Treasury and Resources may give directions as to how such remuneration and expenses may be funded. I understand that the costly Wiltshire investigation is being funded from the historic abuse inquiry, or from the account. I would submit that such is the public interest in this matter that the Minister will

require little prompting to make the necessary funding available from that fund rather than from Home Affairs. However, it is all States money so does it really matter from which pot it comes? In conclusion, I am sure that Members will have carefully studied my report and noted how detailed and evidence-based it is. Therefore, I urge Members to support my proposition in its entirety. By doing so, it will go a long way in restoring public confidence and it will show that we are open and above board in our pursuit of justice. I make the proposition.

**The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Chief Minister.

**1.1.1 Senator T.A. Le Sueur:**

I think in the view of some members of the public this has been portrayed as a somewhat polarised debate, but I think that is probably a misrepresentation because, as the Deputy of St. Martin has said, I think he and I can agree on several things. I hope Members can agree that this suspension has gone on for longer than any of us would like. [**Approbation**] There have been all sorts of allegations and counter allegations and ongoing concerns, and they do need to be reviewed, and reviewed as soon as possible. Importantly, I think various people's reputations have been challenged and impugned and a review is certainly needed to put the matter right as far as those people are concerned. That review should be independent and should be external. So, I hope that all Members will agree that some form of review is needed. Now, the Deputy of St. Martin has identified one way in which he believes that can be resolved and I have presented an alternative which I believe is preferable. I shall now go on to explain why I believe that Members should reject this proposition and support my alternative. I begin by expressing concern that I find it difficult even in camera to debate a matter which is still the subject of a confidentiality clause in respect of the disciplinary proceedings. I am anxious to abide by and maintain that confidentiality, but as we can see from the recent exchange of emails from the former Minister for Home Affairs and the Chief Officer of Police, even a simple comment can be regarded as a breach of confidentiality. I appreciate the way in which the Deputy of St. Martin has avoided going down that route and I hope this whole debate can be conducted without any grounds for breaching that confidentiality, because if it is breached there is then a technical argument which could be maintained that the disciplinary proceedings could not continue. Having spent all this money and time, I would hate inadvertently to get to that situation. I have said that I oppose this proposition and I oppose the first part, part (a) of the proposition, for 3 main reasons which I will go on to explain in turn. I can summarise them very shortly in 3 words: time, cost and scope. I will start with the last of those, which is scope, and refer Members to part (a) of the proposition where one of the key aspects of the proposition is to review: "... the grounds relied upon by the then Minister." The wording of this proposition is in my view extremely important and it is how you interpret the words: "... the grounds relied upon by the then Minister" because in my view it is the grounds relied on by the former Minister for Home Affairs which have been the focus of the inquiry being carried out by Wiltshire over the past 12 months and more. So, is the Deputy asking a Committee of Inquiry to second-guess that detailed police inquiry? If it is going to do that, how long would that take? Wiltshire has taken over a year and spent £500,000 doing it. Will we spend a similar amount of money validating the outcome?

**The Deputy of St. Mary:**

Will the Chief Minister give way for a point of clarification?

**Senator T.A. Le Sueur:**

Yes.

**The Deputy of St. Mary:**

The Chief Minister has just said, I think, that the Wiltshire inquiry has been looking at the grounds for the suspension and, therefore, that makes it difficult for us to discuss this because the inquiry is

confidential. As I understand it, we still have not had sight of the terms of reference of this inquiry so we cannot judge about what he has just said. Can we see the terms of reference? Here we are in camera. Can we see those terms of reference so we know what the Wiltshire team have been entrusted to find out?

**Senator T.A. Le Sueur:**

I was going to go on to deal with that later in the speech, and maybe if the Deputy can maintain his patience for a few moments longer he will get the answer. I was talking about the terms of that investigation and wondering whether the Committee of Inquiry was going to repeat the whole process. If this Committee of Inquiry is going to do the job which is set out in those terms of reference, then they have to do the job completely and thoroughly. My contention - my view - is that the job has already been done, and I hope done thoroughly and professionally, by Wiltshire. I say I hope so because I have not seen their report yet, although I do know it has been completed and is being currently reviewed. Some other aspects of the terms of reference proposed by the Deputy may indeed fall outside the remit of the Wiltshire inquiry and I do accept that those could be carried out either by Committee of Inquiry or by an independent reviewer. I say they may fall outside the terms of reference of the Wiltshire inquiry because, in response to the Deputy of St. Mary, the terms of reference of that inquiry are confidential and I have not seen them.

**The Deputy of St. Mary:**

With respect, the terms of reference cannot possibly be confidential. This is our money, the taxpayers' money, that is being spent on a massive inquiry and we need to know what the terms of reference are. How on earth can we judge what we are trying to judge in this debate?

**Senator T.A. Le Sueur:**

I am merely stating the fact that the disciplinary inquiry being carried out by Wiltshire Police has terms of reference which are confidential to the inquiry. I cannot change that situation. I also might be interested in seeing what the terms of reference are but I am bound by that confidentiality just as all other States Members are and so I do not know what those terms of reference are. Some people may guess that they know what they are but ...

**Deputy M.R. Higgins of St. Helier**

Can I interrupt for a moment?

**The Bailiff:**

Only if the Chief Minister gives way. Are you giving way?

**Senator T.A. Le Sueur:**

Well, I do think that it is going to be a very messy debate if we are going to have points of order the whole time, but I will give way.

**Deputy M.R. Higgins:**

Could I just ask the question who determined the terms of reference, then? If you have not seen them, who did?

**Senator T.A. Le Sueur:**

I think there is a misunderstanding among some States Members' minds that I commissioned the reference to the disciplinary investigation. I had nothing to do with the disciplinary investigation and I have no idea what the terms of reference are or any other matter and it would be wrong for me to inquire unilaterally of that when there is a clear process being carried out by the Minister for Home Affairs, who will no doubt explain in due course the nature of the relationship. That I think is going to be a concern because clearly it raises doubts in some people's minds about what the Wiltshire Police have been doing.

**Deputy M. Tadier of St. Brelade:**

I do have to ask for clarification. I do not like to interrupt, but if it was not the Chief Minister then who did commission the inquiry and who set the terms of reference? We are all presuming it is the Chief Officer over here.

**Senator T.A. Le Sueur:**

The suspension process was carried out by the former Minister for Home Affairs, as is required, and the disciplinary procedure was set in process by the former Minister for Home Affairs. It is the Minister for Home Affairs' responsibility under law to be responsible for the employment, suspension or dismissal of the Chief Officer of Police. So, I understand Members' concerns but I am explaining that I am in the same situation as they are with regard to the terms of reference. I think maybe we ought to move on from that and go on to reasons why. Clearly, the Wiltshire Police have not been engaged for the last 12 months in spending £500,000 simply looking at minor details. Clearly, they are looking at the whole aspect of this and that might lead me and other Members to suppose that their terms of reference are, indeed, quite wide. But as I say, I do not know what they are. Indeed, if we talk about terms of reference, I would go on and say, as I said to the Deputy of St. Martin recently, that most of part (a) of his proposition I could accept. If he had been prepared to modify it to reduce these terms of reference I would have been happy to go along with the principle. But clearly we did not see eye to eye on that one and we are, as they say, where we are. It does mean, therefore, that we are unable to reach agreement on that. However, more seriously, the Deputy has gone on record putting words into my mouth which are completely untrue because the Deputy alleges that I do not want a review of the facts leading up to suspension of the Chief Officer of Police. I do not believe I ever said that and it is certainly not my view. What I have said and I continue to say is that a public review of this aspect cannot take place at this time while that Wiltshire Police review is under way and while there are grounds for confidentiality. That I think is maybe where the Deputy has misunderstood what I have said. That disciplinary procedure requires that those matters cannot be dealt with in public and, of course, any Committee of Inquiry to be meaningful and to abide by the wishes of the Deputy would, no doubt, expect to hold their proceedings in public. Once that disciplinary process is complete and the findings of the Wiltshire inquiry have been made public, then I am more than happy for any investigation to take place, although it may be that the Wiltshire inquiry would make such an investigation either superfluous or much narrower in its nature. That is the main reason why I oppose not so much the spirit of the proposition as its timing. That was the second reason why I wanted to oppose the proposition, that of time. I said there were 3 reasons for opposing it and I have called the third cost, although that does not mean that we cannot afford a Committee of Inquiry. What it does mean, in my view, is that a Committee of Inquiry is potentially an expensive solution to the problem, a problem which I contend has already incurred tremendous expense, more expense than any of us expected. How much more do we want to spend and will that further expenditure give us value for money? Let us be quite clear. A Committee of Inquiry is not like a committee of the States, such as the Privileges and Procedures Committee or the Chairmen's Committee. It is a robust legal structure more like a legal tribunal. Witnesses can be compelled to attend and to give evidence under oath, and that is a strength of the Committee of Inquiry system but it is also potentially a weakness.

[10:30]

It means that because the process is carried out under such a rigorous legal process, each witness can expect to obtain and receive legal representation and professional legal support provided at the taxpayers' expense. How many witnesses might there be? I have no idea but I can immediately think of quite a few. Such numbers have a knack of escalating as the thing goes on. So, I have no real idea of the total amount of legal fees which could arise and, although I have tried to give an estimate, really only time will tell. What I do know is that having started that process there is no

turning back. You would have to go on no matter what the ongoing cost might be. What I do know also is that we have already incurred significant costs with the Wiltshire inquiry which I think will go over much the same ground as the Committee of Inquiry would be going over. That is why I say to Members let us wait until the Wiltshire inquiry is published and then see what matters have not been adequately dealt with in that report and focus our attention on those matters. Now, the Deputy of St. Martin seems to be arguing that the Wiltshire report is not looking at the suspension process. Since those terms of reference have not been published, I do not know how he can be so sure. But even if he is right, the fact remains that the suspension process is driven by the matters arising prior to the date of suspension, and I believe that is very much part of the Wiltshire investigation. In summary, therefore, I urge Members to reject part (a) of the current proposition on the 3 grounds I have indicated. In particular, I remind Members that an inquiry as currently proposed could not begin and operate in public for some time yet. That is why I urge Members to take what I believe is the more sensible approach of waiting to see what the Wiltshire report comes up with and then to investigate any matters not adequately covered. What I am not suggesting to Members is that we do nothing. There are aspects which do need to be investigated and this can be done in 2 ways. It could be done by a Committee of Inquiry with narrower terms of reference, and I would be happy with that. Or it can be done by means of the review which I have outlined within the annex to our comments. As I say, I did invite the Deputy of St. Martin to narrow his terms of reference but he decided otherwise and that is his choice. But we all have a choice. We can choose to reject this proposition but to take some positive action. If the proposition is rejected, I commit to appointing an independent, impartial commissioner to carry out a review of the original suspension procedure in accordance with the published terms of reference, and I have published those terms of reference in those comments. That appointment will be carried out in an open manner, properly advertised and with the support of the Jersey Advisory and Conciliation Services. I have also offered the opportunity to the Deputy of St. Martin to take part in that, but as he has just said, he has declined to do so. I contrast that with part (b) of the Deputy's proposition which again I have to oppose. A Committee of Inquiry, as I have already indicated, is like a formal legal tribunal and requires parties with particular abilities and skills to serve on it, and especially to chair it. They need to approach the subject matter and their approach to the parties involved with an open and impartial mind. I appreciate the generous offer of those who have indicated their willingness to serve on this Committee of Inquiry, but as P.P.C. say in their comments, there is no evidence to indicate how those people have been chosen. I might, therefore, be forgiven for thinking that they have been chosen or nominated by the Deputy because they are people who have some sympathy with the views of the Deputy. But if we are to appoint a Committee of Inquiry then it is important that those serving on it are impartial and are selected in accordance with a process which can appoint people impartially to that job. So, as I say, Members have a choice. They have a choice between a Committee of Inquiry but with a membership hopefully more reasonably selected that we currently have before us, but a committee which could not fully carry out the work of the remit proposed until after the disciplinary proceedings have been completed - and that to me is too late - or a review carried out within the terms of reference set out in the appendix to my comments by an experienced and properly appointed commissioner which could be carried out very shortly. While I naturally hope that most Members would support the second option, my option, there is a further safeguard for those who have lingering doubts. Within part (e) of my terms of reference is a clause requiring that if the independent commissioner is of the opinion that there is sufficient evidence to call for a Committee of Inquiry then that commissioner is empowered to indicate this in his or her report and the Committee of Inquiry would then have to take place after the disciplinary process is complete. Some might say that only a public inquiry can determine the truth. I would respond that there is no reason why an inquiry which is not conducted in public will not determine the truth, but more importantly, it is only an inquiry which can be held in confidence at this stage and not held in public which can look into the reasons for suspension now while that disciplinary process is still under way. Members have to appreciate that this disciplinary process is still under way. Members have already received by email an account by the former Minister for Home Affairs putting straight

various misconceptions. I am grateful for that information, although I know that there are some who will refuse to believe it. The former Minister for Home Affairs is in a slightly better position than some others because he at least is able to defend himself in public. By contrast, there are those still in the States employ who are unable to defend themselves in public and who are being maligned and impugned. I am more than happy to stand here today and reiterate that I have every confidence in the honesty and integrity of the current Deputy Chief Officer of Police and the Chief Executive of the States. Unfortunately, my words of confidence may not be enough to satisfy some people and for that reason and for that reason alone I have come to the conclusion that some form of inquiry is needed. The Deputy of St. Martin in his opening remarks made great play of the fact that I had refused to disclose to the Chief Officer of Police the dates of certain letters. I have so far refused to comment publicly on that, but since we are in camera I will indicate that the reason I did not choose to disclose those dates was on the basis of legal advice which I had received. In view of the nature of this disciplinary inquiry and the ongoing suspension, I have felt obliged to take legal advice at every stage in these proceedings and it would be remiss of me not to use that legal advice. It turns out that the outcome of the review chose differently and I accepted immediately the outcome of that because clearly in any legal advice that is given there is always other legal advice the other way.

**Deputy M. Tadier:**

Can I ask for clarification? Are we right to assume that the legal advice given was that the Chief Minister simply did not have to release the documents if he did not want to and, therefore, the Chief Minister chose not to release them when he could have?

**Senator T.A. Le Sueur:**

The legal advice which I have been given is legal advice to myself as Chief Minister and is not for disclosure. Members can choose to interpret it whichever way they consider ...

**Deputy M.R. Higgins:**

Could we ask at least to know who gave the legal advice?

**Senator T.A. Le Sueur:**

I think yes, because the legal advice that the Chief Minister receives is received from the Law Officers' Department. I merely mention that because it is really a side issue. It is almost an irrelevance to this particular proposition. I accept that a lot of Members' concerns could, in fact, be satisfied here and now if the Wiltshire report is published. I too would like to see those findings, but while the Chief Officer of Police remains suspended it is hard to see how that report can be made public. Clearly, once the Chief of Police is no longer employed by the States then the report can and must be published. Like most Members, I believe that the sooner that can happen the better because I believe it will resolve most if not all of the issues currently concerning Members. But the timing of that publication is outside my control. Finally, I need to address the view that the original suspension process carried out in November 2008 has already been found to be flawed. I express no comment on that matter except to say that when the matter came before the Royal Court last year, the court advised that irrespective of the original suspension the ongoing suspension which had been reviewed by the current Minister for Home Affairs was fully justified and should stand. In other words, the reasons for suspension remain ongoing and any outcome of a Committee of Inquiry or a review that I suggest would not influence in any way the requirement to continue that suspension process. So any suggestion, therefore, that the current proposals before us today might lead to a withdrawal of the suspension seem to me to be entirely without foundation. Members who think that that might happen need to be disabused of that thought. I conclude as I began by saying that proper answers need to be given to those defamatory allegations currently circulating and those answers are required as soon as possible. People's reputations are being undermined, people who cannot defend themselves in this Chamber, and we owe it to them to

resolve the matter as quickly as possible. The issue before us today is how best to resolve that matter. I hope that the Deputy will agree to take the different parts of his proposition independently so that we can vote on them separately, but in my view both parts (a) and (b) of his proposition are flawed and they should be rejected, but rejected and replaced by a process which will enable the truth to be published.

**Deputy M.R. Higgins:**

The Chief Minister mentioned that he received legal advice and he said the Law Officers' Department. Could he tell us in particular who in the Law Officers' Department provided the advice?

**The Bailiff:**

That is completely irrelevant.

**Deputy M.R. Higgins:**

I am not sure, Sir.

**The Bailiff:**

It was legal advice given to the Chief Minister by the department. It is like asking which civil servant advised.

**Deputy M. Tadier:**

Can I ask for clarification? I think if we need to move forward in the debate we need to get over this question and I am still reeling from the fact that apparently no terms of reference were set for the Wiltshire investigation. Is this the case? Did we just give them complete *carte blanche*?

**Senator T.A. Le Sueur:**

No, I did not say that no terms of reference had been given to the Wiltshire Police. I believe there are terms of reference but I have not seen them.

**Deputy M.R. Higgins:**

Is it true that this House can be bound by terms of reference by a former Member?

**The Bailiff:**

Can we have a debate rather than a series of interventions?

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

May I seek a point of clarification from the previous speaker? It is not to challenge him. It is just that I wanted to understand exactly what he said. I was not quite certain as to the point he made. Did the Chief Minister say that the initial suspension process was found to be flawed but the consequential issues that then arose meant that suspension should continue? Is that what he said?

**Senator T.A. Le Sueur:**

I said that the original suspension process may have been flawed but that is a totally irrelevant matter because the ongoing suspension is fully justified and has been reviewed both by the current Minister for Home Affairs and that process has been endorsed in the Royal Court.

**Deputy P.V.F. Le Claire:**

I do not really intend to speak in this debate so I would just like to inquire as this goes forward. It may not be ruled allowable but I would ask a question if I could based upon that clarification to Her Majesty's Attorney General.

[10:45]

Is it not normal practice in law when one person is being charged by the police, for example, they are interviewed for that charge, and then they are under arrest and cautioned, and then they are released, and then they are re-arrested and cautioned again on other charges? So is it not normal standard practice under law that one is arrested, detained and questioned, then released, and then arrested, detained and questioned upon subsequent matters? Is that not normal practice because it would seem that what has possibly been a flawed process has been continued when perhaps it should have been suspended and reinstated.

**Mr. T.J. Le Cocq Q.C., H.M. Attorney General:**

I can respond to the Deputy by saying yes, I think if there is more than one matter that is going to be put to any particular person, they are generally arrested and charged in respect of the matters individually unless they form part of the same investigation. I do not, however, think that that is relevant, with respect to the Deputy, to the point that he sought clarification on from the Chief Minister because I do not understand it to be suggested that there was a factual change in the circumstances between the first suspension and the second suspension. Therefore, I do not think that the example that the Deputy draws is one that is relevant to the point.

**The Deputy of St. Mary:**

I too would like a point of clarification on this narrow point because if we do not sort things out as we go along it is going to get very complicated. The Chief Minister said that the court said that the suspension was fully justified. Now, my understanding is that the court said that the Minister for Home Affairs was within his rights to continue the suspension but the court did not say that the suspension itself, i.e. by implication the initial suspension, was fully justified. In fact, they made comments to the opposite effect. So, I just want the Chief Minister to clarify whether he has been misleading the House and, if so, to restate this situation so that we get it right.

**Senator T.A. Le Sueur:**

Yes, I certainly hope I was not misleading the House. I tried to make it clear that what the court was referring to was the ongoing suspension process by the current Minister for Home Affairs. The court did, indeed, make adverse comments about the initial suspension, that is quite correct, but it is the ongoing suspension which is still valid and remains valid and will continue to remain valid irrespective of the outcome of this debate.

**Deputy A.E. Jeune of St. Brelade:**

Could I just seek some advice from yourself, Sir, or the Attorney General? We are having this debate in camera and the reason for that, as I understand it, is so that whatever is said in here stays in here. If we are now being told we cannot be informed of certain things because of confidentiality, I do not see how we can continue and have an informed debate. **[Approval]** Is there any way because this is in camera and we would, therefore, each and every one of us, be bound by confidentiality that we cannot then be **[Interruption]** ... well, it is about time we got our act together. We need to be able to make an informed decision otherwise the whole debate is a bit of a farce. Could somebody advise?

**The Bailiff:**

It is not a matter for the Chair, I am afraid. It would be a matter for the Chief Minister as to whether in view of it being in camera he is released in any way from whatever his confidentiality obligations are. Chief Minister, I put the question to you.

**Senator T.A. Le Sueur:**

I think I made it clear in my opening remarks that there are 2 problems I see here: firstly, that the disciplinary process is not under my control, it is under the control of the Minister for Home Affairs, and it would not be for me to second guess what policy or what disclosures might be made. Secondly, I think that the fact that we are sitting in camera does not negate the need for ongoing

confidentiality within the disciplinary proceedings. That is a matter I think on which I would probably prefer to take a ruling from the Attorney General, but my interpretation is the fact that we are in camera is almost irrelevant in respect of the disciplinary proceedings. That is my interpretation only.

**The Bailiff:**

Attorney General, do you want to ...?

**The Attorney General:**

I think the only comment that I can make about that is my understanding of the situation is that the confidentiality is a contractual matter. It is contractually binding and, therefore, I do not think that the simple fact of going in camera would alter the contractual effect ... well, would alter the terms of the contract.

**Deputy M. Tadier:**

Can I ask for clarification on a similar issue? It is to do with definitions. I am still not clear whether we are saying that the terms of reference are confidential or they are simply unknown. Are we saying that because the report has not been completed by Wiltshire, we do not know what they are going to say, at which point that is not confidentiality, that is simply an unknown and it is not the same as confidentiality? I am certainly none the wiser as to what the terms of reference are, what we can expect back from the Wiltshire report, and, in fact, does anyone in here know what the Wiltshire report terms of reference are and what the report is likely to give back to us? I am sure somebody must.

**Senator B.I. Le Marquand:**

Could I make an intervention without losing my right to make a full speech later, just to really I think kill an issue dead? Can I do that?

**The Bailiff:**

Yes.

**Senator B.I. Le Marquand:**

Thank you. I want to make it absolutely clear the Wiltshire terms of reference do not cover investigation of the terms of the suspension. I think that just finishes that.

**The Bailiff:**

Very well. Does any Member wish to speak?

**The Deputy of St. Martin:**

I just want to make sure I heard what Senator Le Marquand was saying: that it is now confirmed that the Wiltshire Police are not looking into the circumstances around the suspension? Did I hear him say that?

**Senator B.I. Le Marquand:**

Yes, sorry, I will speak much louder. That is exactly what I confirmed. The Wiltshire Police are not looking at the circumstances around the suspension. That was never part of their remit. It would have had to have been expressly expanded so to do, and it never was.

**The Deputy of St. Martin:**

I am grateful to the Senator. I think it is very, very important. This is the key to the whole issue.

**The Bailiff:**

I am sorry, Deputy, you cannot make a speech now.

**The Deputy of St. Martin:**

No, sorry, Sir, I feel I must because I ...

**The Bailiff:**

We have had so many interventions. The Senator will speak. You will have a chance to wind up.

**The Deputy of St. Martin:**

I accept that.

**The Bailiff:**

You can make your points then, not before. There have been far too many points masquerading as clarification.

**Deputy M.R. Higgins:**

Sorry, just a point going forward, Sir, I do not know whether you can rule on this now but is this House bound ... for example, if you have a former Minister for Home Affairs who leaves the House, makes a ruling, he is a public official. Surely anything that he does in his role as a Minister should be privy to this whole House. Why are we being told he did it, we cannot see it and so on? Now, I know we have the answer from the Minister here, but it is an important precedent here. We need to be able to have access to anything that has been done by a former Minister in whatever role. It should not be hidden behind confidentiality.

**The Bailiff:**

Well, I do not think that is a matter on which the Chair can rule. If Members are not happy with the current legal position or practical position then the law or anything else has to be changed, but at present there are some things which are given confidentially, for example, to a Minister about a child case of which the Minister says: "I cannot tell other Members." It is a matter for that Minister, really, under whatever obligations they feel to be under, but it is not a matter for the Chair. Now, Deputy of St. Peter, are you going to make a speech?

**The Deputy of St. Peter:**

Yes, I am going to attempt so to do.

**Deputy M. Tadier:**

Before he does that, can I make a point of order? It is not relating to you, Deputy. **[Members: Oh!]** No, it is valid. It is a point of order. We have just been told by the Minister for Home Affairs - and it was very helpful, the intervention - what the terms of reference are not, but we were told a moment ago by the Chief Minister that the terms of reference either were unknown or they were confidential. If we can be told what the terms of reference are not, then by implication they are not confidential because in theory you can ask all of the questions about what are not terms of reference. So I think we have been misled by the Chief Minister and I am not grandstanding here because we are in camera. I am saying simply how can we be told that the terms of reference are either unknown or confidential if the Minister for Home Affairs himself has just told us what the terms of reference are not, which is what we wanted from the very beginning and it would have saved 20 minutes of debate.

**The Bailiff:**

I understood the Chief Minister to say that he did not know what the terms of reference were.

**Senator T.A. Le Sueur:**

That is correct.

**Deputy M. Tadier:**

But he also said they were confidential.

**The Bailiff:**

I think we have had enough. The Minister for Home Affairs can deal with these matters when he speaks and at that stage if anyone is not clear from what he says then proper points of clarification can be put to the Minister for Home Affairs. Deputy of St. Peter.

**1.1.2 The Deputy of St. Peter:**

I will try this time. In the Deputy of St. Martin's preamble he was outlining the background to the police chief's work while in Jersey and how it was very laudable. I just want to put some flesh on those particular bones and deal with fact. I was on the Home Affairs Committee under the committee system. That was during the first tenure of the police chief in his first 3 years. When his contract came up for renewal, the committee did express concerns about his performance.

**The Bailiff:**

I am sorry, Deputy, but this debate is not about whether the Chief Officer has been a good chief officer or not.

**The Deputy of St. Peter:**

I appreciate that, but if I may, in his preamble the Deputy of St. Martin was very specific about setting a scene of ...

**The Bailiff:**

Well, he set a scene, but the issue for debate is whether there should be an inquiry into circumstances surrounding the suspension. The Deputy of St. Martin and everyone else has made it very clear that there has to be a review and examination. It is not relevant to this debate as to whether Members think this Chief Officer has been good or not so good.

**The Deputy of St. Peter:**

I stand on your ruling, but obviously you did let the Deputy of St. Martin have that particular leeway.

**The Bailiff:**

I let him set the scene but the danger is that then every Member will stand up and say: "Well, I think the Chief Officer was very good" and somebody else will say: "Well, I do not think he was any good at all" which is not the point ...

**The Deputy of St. Peter:**

I did hope to deal with fact rather than ... objectivity rather than subjectivity.

**The Bailiff:**

I am sorry, Deputy, I understand but I think we must try and confine the debate to what is at issue.

**Deputy P.V.F. Le Claire:**

May I speak?

**The Bailiff:**

Do you want to make a speech, Deputy?

**1.1.3 Deputy P.V.F. Le Claire:**

Yes. I did not intend to, as the saying goes. I do not wish to really enter into the debate this morning other than to say that I am supportive of the proposition. No doubt we will hear throughout the debate other contributions that may sway our minds, and I am going to listen. I

would say, though, that I am a little unclear as to some of the powers and supremacy issues that this Assembly has and as it conducts itself in camera on this debate. It is conducting itself in camera. There are all kinds of issues floating about about points of order in confidentiality terms because of a suspension, which this in camera debate has forced us to be in camera because of the law, and Her Majesty's Attorney General has given us his advice, which I greatly appreciate, that contractual terms cannot necessarily be protected by the fact that we are in camera. I then wonder if we go to a Committee of Inquiry what laws can protect us in contractual terms for people to speak out in the manner in which they would like to given that parliamentary privilege does not seem or appear to give us that power in this Assembly in camera. That I am sure Her Majesty's Attorney General could clear up if he wished to; I am not asking him to. For me, from my perspective, I must say it seems the more we try to do in Jersey, contrary to the States Strategic Plan which is to be more open, the more we are moving towards a secret society.

**The Bailiff:**

Deputy, do you wish to pose a question to the Attorney General or not?

**Deputy P.V.F. Le Claire:**

I think the point is made.

**The Bailiff:**

Does any other Member wish to speak? Deputy of St. Mary.

**The Deputy of St. Mary:**

Sorry, I did see the light of the Minister for Home Affairs, which might be useful.

**The Bailiff:**

Does the Minister wish to go ahead?

**Senator B.I. Le Marquand:**

No, Sir, I want to go at the end [**Laughter**] but I thought I was in danger of not going at all.

**The Bailiff:**

All right. Deputy of St. Mary.

**1.1.4 The Deputy of St. Mary:**

And so say all of us. We all want to go to the end so maybe P.P.C.'s efficiency review might have a little look at that because there is this issue always of wanting to go at the end so that one can respond to points like the ones made by the Chief Minister just now. I take it for granted that this is a really important debate and I hope that Members do contribute and that we do have a full debate on the issues and we do not all sit back and just reckon: "Well, the Deputy of St. Martin has said what he has said and the Chief Minister has said what he has said and that is all there is to it" because I think that would be a bad precedent.

[11:00]

Now, the terms of reference. I just turned up a document which will enlighten Members about the terms of reference. I was going to raise it as a point of clarification but I knew that the presiding officer would say: "Well, you can say that in your speech" so I shall say it in my speech. If Members have the ...

**The Bailiff:**

You are getting to grips with the situation, then, Deputy. [**Laughter**]

**The Deputy of St. Mary:**

So, if Members have got the affidavit handy and if they like following along then they can, it is on page 17. This, remember, is an affidavit sworn to a court so one would expect that what is in here is the considered view of our former Chief Officer of Police. What he says about the terms of reference is as follows. Paragraph 34: "On 3rd December 2008 I received a copy of the proposed terms of reference for the investigating officer in respect of the allegations against me. The investigation has been given the title of Operation Haven and is headed by the Chief Constable of Wiltshire." So we are talking about the same investigation that the Chief Minister referred to and implied, or even said, that it covered what the Deputy was wanting in his review and therefore we did not need the review and we were spending £1 million on the Wiltshire review so why have another review. "But, the investigating officer has since made it clear that he does not regard matters relating to my suspension as falling within his remit and consequently he will make no inquiries in respect of what occurred." Then the suspended Chief Officer of Police goes on to what is in the terms of reference. I think that confirms what the Minister for Home Affairs told us quite correctly but it does enlarge it and word for word that is what the affidavit said. The terms of reference of the Wiltshire inquiry do not cover the subject matter of where the Deputy of St. Martin is asking us to go. So that is an important point because maybe others will try this on that: "Oh well, it is being looked at." It is not being looked at. If we are going to look at it, it is either this review or the Chief Minister's version but we have to have a fresh review. Now, I just thought it is important to put this into context to refer to the credentials, if you like, of the suspended Chief Officer of Police, and this is relevant because we are not talking about the suspension of a footballer on the basis of 2 yellow cards who may or may not have kicked somebody and there is video evidence and so on and we can have a little argument in the pub about it. I just want to refer Members to his formidable credentials because that is indeed very relevant to an issue that came up yesterday about ...

**The Bailiff:**

Deputy, just be careful. I have stopped the Deputy of St. Peter from putting a contrary view, in other words, putting points which are adverse to the Chief Officer, so it does not really seem to me relevant that other Members should be allowed to put points which are favourable to the Chief Officer. It is equally irrelevant other than the Deputy having set the scene that he is a long-serving distinguished officer.

**The Deputy of St. Mary:**

I accept that ruling as long as it is even-handed and I just thought that it was important. I wanted to refer the Assembly and, in particular, Senator Ferguson to what the Senator said yesterday in connection with Mr. Day and she pointed out with that suspension, which was longer, that his reputation had been damaged, he had not worked for 3 years and she made it quite clear ...

**Senator S.C. Ferguson:**

Point of clarification.

**The Deputy of St. Mary:**

Did you ask me to give way?

**The Bailiff:**

Ask the Deputy whether he is willing to give way.

**Senator S.C. Ferguson:**

Are you giving way?

**The Deputy of St. Mary:**

I usually give way.

**Senator S.C. Ferguson:**

I did actually say that subsequent to the investigation by Verita and today we are at the point of waiting for the investigation by Wiltshire to be completed.

**The Deputy of St. Mary:**

As I have already said in my introduction or in my comments on the terms of reference, the Wiltshire investigation is not covering the suspension or the grounds or the issues surrounding the suspension, so the point is not well made. But to return to what I was saying, because I thought that might be a point of clarification about what I was saying. The Senator made quite correctly the point about how grievous suspension matters are to the persons affected and the reason that I wanted to re-emphasise what the Deputy said in his opening remarks about the status of our suspended Chief Officer of Police is relevant. He is very highly respected and so the suspension is that much more of a serious issue. It is interesting that in this whole debate around the suspension, it is certainly not above, if you like, the other side of the case to make extremely disparaging comments about the Chief Officer of Police, and I cannot lay my hands on it immediately, but in the local paper last night there was an editorial about the suspension and about this debate telling us that it was all a waste of time. Their approach to the qualities of the Chief Officer was this extraordinary comment: "He will undoubtedly leave Jersey well rewarded for his ultimately disappointing time in the Island."

**Senator B.I. Le Marquand:**

A point of order. Nothing personal in any way to the Deputy of St. Mary but I thought there was an express order forbidding references to matters in newspapers.

**The Bailiff:**

You are allowed to refer to them. What you are not allowed to do is ask another Member whether they are true.

**Senator B.I. Le Marquand:**

I stand corrected.

**The Deputy of St. Mary:**

This issue of the quality of the Chief Officer and the status of him and so on is relevant because it is part of the implied case against this review that: "Well, you know, it was a bit messy and the inquiry was not very well carried out anyway" and so on. This comes up repeatedly in this editorial. This is a major part of the case against the proposition and I will refer to it because I personally was extremely upset by this editorial. To just quote 2 lines from it, the third paragraph begins: "There seems to be little, if any, doubt over the 2 key points. One is that Mr. Power's deputy, Lenny Harper, was not effectively supervised and ...". The last paragraph begins: "From any perspective though there is strong evidence that Mr. Power has largely brought his troubles on himself through his failure to control Mr. Harper." It is relevant because that is conditioning the public opinion to think a certain way and to say, as indeed the *J.E.P. (Jersey Evening Post)* said: "Well, why bother with this whole episode? Why not just leave it?" I think it is important that we remember that the official view, the view of the I.M.F. (International Monetary Fund) when they looked at the force, the view of H.M. Inspectorate of Constabulary, the view of the actual figures for crime and detection rates all point in the same direction. That he was an outstanding officer. To move on to a different point; we are told that the Minister found nothing untoward in the running of the inquiry and I need to quote because the thing is ... I will try to cite real references and this is from the suspended Chief Officer of Police's response to what the former Minister for Home Affairs sent round to all of us on the 22nd.

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

On a point of clarification, if I may treat the Deputy to his own approach, when he said the Minister found nothing wrong with the inquiry, does he not mean the Minister found nothing wrong with the process of suspension?

**The Deputy of St. Mary:**

I will clarify that: "... found nothing untoward in the running of the inquiry" until the version changed. But the first version, if you like, and I am reinforcing the fact that our suspended Chief Officer of Police had indeed a very high reputation, in his formal statement to Wiltshire Police the former Minister for Home Affairs - the Minister at the time of the suspension - said: "Until I receive the letter from David Warcup [I think we have to because I am quoting] on 11th November 2008 [the day before the suspension] I had no reason to believe that they were not managing the investigation well." On 11th November 2008, that is the day before the suspension, the Minister for Home Affairs at the time said: "I had no reason to believe that they were not managing the investigation well." He made that statement in sworn evidence to the Wiltshire inquiry and the suspended Chief Officer of Police points that out and he points out that the Minister for Home Affairs signed a declaration which, among other things, states: "This statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false or do not believe to be true." So, the former Minister for Home Affairs signed a statement and he signed it knowing that he was liable to prosecution if it was wrong and he signed a statement saying that: "Until I receive the letter from David Warcup I had no reason to believe that they were not managing the investigation well." That was the day before the suspension. Members, just remember that and relate it to a picture of a Chief Officer of Police who is doing the job all right, that the Minister before the Minister at the time of the suspension had no problems with the conduct of the inquiry. The Minister at the time of the suspension had no problems with the conduct of the inquiry, until the day before. A.C.P.O. (Association of Chief Police Officers) supervised the inquiry. I think this is normal practice. I do not know whether the suspended Chief Officer asked them or whether they asked themselves, but in any case they did supervise the inquiry. I am sorry I have no reference for this but I know that I have read somewhere in the papers that they were satisfied with the inquiry as it went along. They made recommendations as they went along which were adopted but there was no problem from the point of view of very, very experienced people in running major inquiries. So the A.C.P.O. were happy, the 2 Ministers were happy. The Met. were asked by the suspended Chief Officer of Police, at the suggestion of A.C.P.O., to review the inquiry, this is normal procedure for 2 reasons. One is look and learn. This is a major event for Jersey. We have to look at it and be critical of it and see if it were ever to happen again that it could be improved and the second reason was to guide the hand-over because it was known that the Deputy Chief Officer of Police at the time and the Chief Investigating Officer ... it would be easier to use names. Can we have a ruling that we could use names in camera because it is so difficult?

**The Bailiff:**

Everyone else manages to do it.

**The Deputy of St. Mary:**

I will stagger through that then. There was going to be a hand over, he was due for retirement and therefore this review would guide that. Now the review that the Met. carried out was ongoing, it was a side by side as the investigation was carrying on, and their suggestions were all implemented, again, I am sorry I do not have the exact reference but I know that I have read it in the documentation. It is strange that they were not dissatisfied and their recommendations were implemented as the inquiry progressed. They were implemented by the Chief Officer of Police who we have just been informed by our local newspaper is incompetent to run such a big inquiry, and did not have it under control. The Met.'s final report we are told was okay, and I just had not quite got the time to find the reference for that, but I know that somewhere the final report, when it

was delivered, was satisfactory, which leaves the question of why the interim report was so different.

[11:15]

That is the official version. I have outlined the official version. A.C.P.O., the Met., the Minister before, the Minister at the time of the suspension, it is all okay. The inquiry is sound. So what is the fuss about? Why the suspension and why are we debating this? But there is a second official version, and the second official version starts with the departure of the suspended Chief Officer of Police on holiday, which is a misnomer because he was seeing to family affairs, but anyway he was not on the Island and immediately this other process happens with letters created the day after the suspended Chief Officer of Police left the Island on 8th November, letters created 3 days before the evidence for those letters was produced. Then there was the interim report of the Met. inquiry which arrives and allows the now acting Chief Officer of Police to write to the Chief Executive, and the Minister says in his statement which he sent round to the Members, and this I will find. The Minister says in what he sent round to Members: "This interim report is so shocking" and in his paragraph 6, this is the memo of the statement sent round by the Minister for Home Affairs at the time of the suspension. He sent this round to all States Members on 22nd February: "Mr. Power had also been regularly briefed on the progress of the review in even more detail than I [that is the Met. review]. He was also informed that the Deputy Chief of Police was planning to brief Ministers on 11th November on the findings of the review that were expected to be shocking." But he had not read the interim review. The only person we know who has read that review was the now acting Chief of Police who based his letter upon it or who incorporated some of its findings in his letter to the Chief Executive. "Despite this, Mr. Power decided to go on holiday. I questioned this with him but he claimed that there was nothing in the Met. report to be concerned about." Again, it depends which view of events you take but the comments of the suspended Chief Officer are completely different and I will now read these out. Just remember what you have just heard. This is paragraph 6: "Mr. Lewis states that I was aware of the planned briefing to Ministers on 11th November 2008. This is plain untrue. Pure and simple. This was planned and executed without my knowledge." He then states: "Despite this Mr. Power chose to go on holiday. This is almost a total reversal of the truth. Mr. Lewis knows or at least he should know that my absence was not a holiday. I was attending to family welfare issues in the U.K. which had by that time been postponed for too long due to work commitments." It is 2 different versions of what is happening. I wrote to the Minister for Home Affairs at the time of the suspension as soon as I saw his document and read it and I asked him to clarify who was shocked by this interim report, and he has not replied, and that was at least a day ago. I also sent him a reminder to say this is an important matter. "Can you please clarify the answers to my questions?" So there is silence on who was shocked and why it was shocking. So where is this interim report? Or is it another thing we are not going to see, like the terms of reference, this interim report of the Met. which is supposed to justify the suspension indirectly. This interim report, which is quite unusual in itself, the final report was satisfactory, it had obviously to be acted on but it was not a case for suspension, but the interim report, the now acting Chief of Police wrote a letter based on it and it was so shocking that satisfactory conduct of the inquiry turned literally within minutes or within hours into an issue for suspension. This interim report has not been disclosed by the Wiltshire Police to the suspended Chief Officer of Police. It was not in the 3 boxes of documents that were delivered to the person whose suspension we are talking about. The final review was of the Met., but not the interim. So, we have a review document, an interim review, which nobody has seen but which is apparently the basis for the suspension. There are 2 versions here. There is the official version and the revised version. I was going to refer to some anecdotal evidence but I am just wondering whether it is going to contradict the ruling about the conduct of the inquiry. No, it is relevant, I think, I hope. I heard from a source, whom I am not going to reveal because I do not think I should, but they were able to overhear what officers from other forces in the U.K. who were involved in the inquiry were

saying informally about the inquiry. That is quite useful because they could have said: "This is awful ..."

**The Bailiff:**

Deputy, I am sorry, this is about the conduct of the inquiry into ... I need to seek clarification.

**The Deputy of St. Mary:**

The issue is whether the suspension and the issues around the suspension should be unpacked in a formal review and I am trying to show that the idea being put around by some that the conduct of the inquiry was so bad the suspension is justified so we do not need to look at all this, there is anecdotal evidence to suggest the opposite.

**The Bailiff:**

All I can say from the Chair is that we need to confine this debate within reasonable limits and the proposer is saying there should be an inquiry and it should be a Committee of Inquiry. The Chief Minister in opposing it on behalf of the Council of Ministers is saying there should be an inquiry but it should be in a different form. So there seems to be unanimity that there should be an inquiry, so for Members then to spend a long time trying to say why there should be an inquiry seems to be a bit off the point.

**The Deputy of St. Mary:**

Thank you for that clarification. The issue is indeed which inquiry, whether to have belt and braces or whether to have a sort of inquiry light, I think the proposer referred to, and I was just pointing out that there is anecdotal evidence that in fact the inquiry was being well run. That is, as you say, not a major part of the case. How to reconcile these 2 versions. The answer is you cannot. They are indeed very different from one another. How do you choose between the 2? I was going to make comments on the importance of this whole issue and it might be useful just to list what is at stake before we decide whether to go for the light version costing a bit and the heavier version costing a bit more. There really are big issues at stake, before I go on to look at this matter of truth... actually I am answering the question; why concern ourselves with truth? When I was reading the proposition the proposer twice said we should get at the truth. Then he said at one point in his proposition: "And then we can decide what to do with it." I have ringed that and put an exclamation mark because I am not so sure that the search for truth in itself would justify a major inquiry. In a famous case in another country, some time ago, a chap called Pilate famously said: "What is the truth?" What he was talking about was: "I am a politician. There are all these different factions. I have to keep the lid on, I have got a tough job. I do not want to go there." There is an element of that in this discussion and I agree that just looking for the truth might be an expensive luxury, but in fact it does come out. The reputation of a servant of this Assembly - and he is a servant of this Assembly, he is appointed by this Assembly - is at stake. So that is the first important issue, and why we need to bear this in mind when we are deciding belt and braces or light or cheapo. The second is the reputation of this House and we saw in a written question yesterday in reply to Deputy Trevor Pitman, and he inquired about why the treatment of the Chief Executive Officer was so different from the treatment of the suspended Chief Officer of Police and the reply revealed the inconsistency in the 2 approaches: "I have not suspended the Chief Executive because he has denied categorically the allegations of the suspended Chief Officer of the States of Jersey Police." Well, I know someone else who has denied categorically the allegations and they are suspended and have been suspended for over a year now. The issue is inconsistency and it feels more like a 16th century court with courtiers vying for favours, sort of trying to find their way to the ear of king or queen rather than a democratic society where we have a duty to be transparent as far as possible. I find this a very important issue. There is a reputation first as a servant of the House and secondly of this House itself. The third issue is public concern. There is public concern and I cannot put it better than the person who we are talking about put it. He says in his affidavit

on page 2: “My suspension is seen by many as an event of major significance with far-reaching implications.” and amen to that, the coverage in recent weeks has been massive. The initial coverage of the famous press briefing on 12th November was massive. I remember gasping when I saw page after page in the *J.E.P.* of the sensational press briefing. There is huge public awareness and public concern. Division: this Island is now divided. It is divided between the 2 camps. You can read it on the threads of people who say: “This is just nothing” and people who say: “This is really, really serious” and if we do not put it to bed it will fester. It will go on festering. If we want that in our community with some saying in one camp: “Well, it is all a stitch-up” as someone said: “It is all fixed. We cannot trust anybody. We have a rotten State” on the one hand, and the other hand people saying: “It is all made up, the inquiry was overblown” *et cetera*, and fine if he was suspended he was suspended. We cannot allow that to go on. It is our responsibility to put this to rest and restore trust and good governance. Interestingly, the *J.E.P.* leader ends with the words: “... dragging out this whole grim process even further.” The Chief Minister said: “Let us wait.” Let us wait. That makes me quite angry. Let us wait. Wait to justify or not the suspension. Wait while people out there are seriously concerned about the state of this Government.

[11:30]

Wait, do not put it to bed, do not take action, do not do it, do not go there. I am just going to close in putting to Members the 2 versions. How do you resolve a situation where there are 2 versions of the truth that are diametrically opposed? You see it everyday next door. Our presiding officer sees it even more closely next door. You go to court. In court there are rules of evidence. There is time and there is cross-examination so that the evidence is tested. What we are being asked to do by the Chief Minister is slightly different. We have got this disagreement, you and I, so how about I choose someone to look into this disagreement and then we will both talk to this person and then they will decide and then that will be all right, will it not? Do you go along with that way of carrying on? It is analogy but it is very close to the truth. Do we go to something resembling impartiality, and I do accept that there will be criticisms of the Deputy’s proposal and his 5 good men and ladies and true that have been selected, but it was a reasonably robust process and we do have to get on with it. It is certainly a fairer, and wider with different people’s minds on the problem, a fairer process than the process of the Chief Minister finding someone to conduct the inquiry. I will just leave Members with ... well, there is the issue of neutrality, but I think I will leave that just to make sure that Members are really aware of how unneutral - of how unfair- this whole process has been. Natural justice was completely absent from the process leading to the suspension. The disciplinary code which is attached to the Deputy of St. Martin’s proposition spells out what should be done. The Chief Officer of Police if he is about to be suspended can have someone with him. They must know the case against them, they must have the evidence. It is all there. It was all ignored. It is quite extraordinary. The Chief Minister himself opposed releasing details to someone who has suffered a neutral act. That is not neutral and that process alone took 8 months to resolve, or 9 months. The Constable for St. Helier brought a proposition way back in the distant past which would have put all this to bed in February, soon after I was elected. I remember that proposition and I voted for it but we are still here, and P.P.C. (Privileges and Procedures Committee) should have but refused to take up this case. So we have nowhere else to go apart from a proper inquiry and I will, as I see the chair of P.P.C. shaking her head, which is fair enough, so I will refer Members to the Code of Practice for Ministers. The Code of Practice for Ministers is February 2006 and this is just to express my... and perhaps others should pick this up. Again, another sad reason why we are having to go down the route of the Deputy of St. Martin. The code says at Article 8: “Elected Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public’s trust and confidence in the integrity of the States of Jersey and shall endeavour not to act in a manner which would bring the States or its Members generally into disrepute.” Amen to that. Article 12: “Ministers.” The chairman of the P.P.C. has just left. That is strange, maybe she is checking something: “Ministers shall co-operate when

requested to appear and give evidence before or produce documents to (a), (b), (c), (d), the P.P.C. for the purposes of an investigation of a suspected breach of this code.” “Ministers shall co-operate when requested to appear to the P.P.C. for the purpose of an investigation.” But, as we know, we did not go there. P.P.C. ducked and so we have to have a review of some kind in this fashion. So, we have to have a review. In my view it is such an important matter that it has to be visibly impartial, visibly multi-headed, if you like. I think the Deputy of St. Martin is absolutely right to have a 5-person panel which will give that breadth and I would just conclude by quoting something I heard on the radio which made me laugh out loud but it is absolutely what we are being asked by the Chief Minister to accept. Jeremy Hardy said: “I am going to launch an independent inquiry into my own conduct.”

**Deputy A.E. Jeune:**

May I ask for a point of clarification from the Attorney General? Given that the suspended officer has released his affidavit into the world, is that a breach of confidentiality under his contractual...?

**The Attorney General:**

As I understand it, the document that was released was a document filed by the Chief Officer of Police in his application for the Royal Court. I cannot say I have considered the contents of that as to whether or not its wider publication would amount to a breach of confidentiality. I am afraid I cannot assist.

**1.1.5 The Deputy of St. John:**

The Police Chief would seem to have courted the media for some time over this. For some 15 months we have seen a lot of media publicity which given his background over many years would have had suspended many of his own officers under confidentiality. I was taken aback to see such a high profile media circus over this whole 15 months because that is the only way I can describe it. Having been a member of the Home Affairs Committee and questioned the Police Chief over suspensions of his own staff who had been suspended for long, long periods, and he was adamant that he could not give us details, and other members of Home Affairs could confirm this, could not give us details and yet he deals with his own suspension in this particular way, which is of real concern to me. Of real concern.

**The Bailiff:**

Again, Deputy, I must ...

**The Deputy of St. John:**

I am not going to go much further because I am going to propose that we move to the next item.

**The Bailiff:**

I think I am going to rule that an abuse of process at the moment. Only 5 Members have spoken on a matter which has been listed for debate. I think it is premature and therefore an abuse of the process to move it so quickly. Do you want to carry on? You have had your chance to make a speech, do you want to go on?

**The Deputy of St. John:**

If I am permitted to carry on then. Given that we have an unfinished police inquiry into this particular case ... I am not going to give way to people or have backchat from the back of the Chamber. As far as I am concerned the inquiry is not completed. How on earth could this Chamber move forward, and there are some ex-Centeniers in here, and Constables who have been in the Honorary Police, and police officers, who know that you have to complete your inquiry, pass the evidence on to either the Attorney General or take it to court and see it through. Then you have an inquiry into what happened. As I see it at the moment, this proposition is trying to cut through a lot of work that is being done in another place. I think it is totally wrong. Absolutely out of order.

For a former police officer to be bringing this, the whole thing to me starts to smell that it is closing the ranks among a couple of people.

**The Deputy of St. Martin:**

I do think the Deputy is overstepping the mark.

**The Deputy of St. John:**

I am not giving way. **[Interruption]** I am not giving way and I do not want any more backchat from behind me, so could you please keep the backchat to a minimum. I think it is totally wrong that we are interfering in the process of law, because that is what we are doing. If we, here today, put an inquiry into place before the police have finished their work and any other body have finished their work I think we are totally out of order. We are meddling in justice. I will not say more than that. I have probably said sufficient that Members know where I am coming from.

**1.1.6 Senator S.C. Ferguson:**

I must say those of us who have served as Centeniers do have some understanding and a great deal of sympathy for those sitting in judgment down the corridor. Some months ago this Assembly agreed to complete the Verita report before considering a Committee of Inquiry. If this House is to be consistent and to be equitable then we should wait for the results of the investigation, which is, I understand, virtually completed, and the investigation which will be initiated by the Chief Minister. The Deputy of St. Martin talked about records of meetings. One of the reasons he was so supportive of Hansard was so that we could have a clear record of what has been said. The Deputy of St. Mary asked what is truth, quoting Pontius Pilate. Any policeman or any parent worth his or her salt knows that if you have 2 witnesses to an accident then you have 2 different versions of the event, and similarly with meetings. This is why we have Hansard for the proceedings of this House. I know we are not discussing the affidavit but that effectively is one point of view and, as the Deputy of St. John says, until the underlying investigations are completed we do not have the other point of view. Some of the points in the affidavit will depend on different points of view and perceptions. Finally, the investigation into the Bellwood case which was commissioned by the then Chief Minister was extremely thorough and pulled no punches and similarly, and eventually, the Verita case was equally successful. I supported the inquiry in the case of the gynaecologist but in the event, with the Verita report, it was extremely thorough and the grounds for the suspension were totally undermined. I am therefore quite prepared to wait for the Wiltshire Police report and the Chief Minister's investigation. As far as the Wiltshire Police report is concerned, I understand from what has been said today, that it is finished. Will it be released to the public? I think this particular call for an inquiry is too early and we should wait for the results of all the other investigations.

**Deputy M.R. Higgins:**

Could I seek a point of clarification? Senator Ferguson says that the Wiltshire report, will it be released to the press? My understanding is that report is confidential and even the Freedom of Information Law will not apply to it. Could we have some point on that because we are being told on the one hand wait for the report, but we may never even hear the report, never get to see the detail of it. I just find it totally unsatisfactory this whole process.

**The Bailiff:**

Is that your speech, Deputy, or not?

**Senator S.C. Ferguson:**

I did ask whether we could be told whether it would be released.

**The Bailiff:**

Presumably the Minister for Home Affairs may address this when he speaks in due course, and that is the way a debate takes place.

[11:45]

**1.1.7 Deputy A.E. Jeune:**

As Members are aware, I have previously expressed an interest in the Haut de la Garenne investigation of which the suspended Chief Officer was in charge, being the wife of a boy from the home. That said, the mere fact that we in this Assembly are having to have this debate today, I consider to be nothing short of disgraceful really. With some reservations I say we have many highly paid senior managers, some of whom are supposedly H.R. (human resources) qualified who should be sorting out this issue in collaboration with the States Employment Board if necessary. What have they been doing? Have they been doing their job? I believe the Deputy of St. Martin is very well-intentioned in bringing this proposition. He is no doubt frustrated beyond belief at not being able to ascertain why this suspension has gone on for so long. It is quite amazing but I expect the Minister for Home Affairs will enlighten us on this matter. The Deputy of St. Martin is by no means the only person with such feeling of frustration and genuine concern. Public monies have continued to ooze out with little result, it would appear, to date. The Deputy of St. Martin in his opening speech referred to cover up of the truth. Cover ups, pushing things under the carpet, is something I will never take part in, nor condone others to do. We need answers, we need them now, and they had better be good. We need, more than anything, outsiders to investigate. I considered people in Jersey will be contaminated in one way or another by the goings on over the past 5 years or so. The suspended Chief Officer is retiring shortly. Surely prompt answers are essential. If he is responsible for wrongdoing, mismanagement, *et cetera*, while he was at the helm then everything should be done to ensure that he is held to account. I am tired of hearing: "Oh, the States of Jersey never hold anybody responsible or accountable." Well, it is time they did. Now and promptly. Never again should a contract such as that was given to the current suspended police officer be permitted. Next question is who granted such a contract of employment? He is alleged to be an experienced senior policeman ...

**The Bailiff:**

Deputy, I have tried to control the width of this debate and keep it to the fact that there is to be a review, what is the format for it. I am not clear that what you are saying at the moment is relevant to that.

**Deputy A.E. Jeune:**

Very well. I do not know if this is correct. Stop me if I am wrong again please. The thing is we have a senior policeman here who with his experience should have been able to determine when he went into an initial meeting which we are told that he was unaware of what was going on. He should have been able to know to adjourn such a meeting and return with a representative. He was a senior manager. As for funding for representation, which was raised, professional organisations provide that which is why most sensible senior managers, or any staff for that matter, belong to a union or a professional body. If we are to have a Committee of Inquiry this should be after all these matters are resolved. As I said at the beginning, I believe the Deputy of St. Martin is very well-intentioned in bringing his proposition but this needs dealing with swiftly and I believe that an Employment Law H.R. professional from outside the Island can be sourced and engaged to carry out in a much shorter timeframe. The Chief Minister, as I understand it, is willing to consult with the Deputy in the selection process of such a specialist and I urge the Deputy to accept this and Members to reject the proposition but ensure that during this debate we have a firm commitment from the Chief Minister and Minister for Home Affairs that this matter of the suspension and its management is properly appropriately finalised by April 2010.

**The Deputy of St. Mary:**

May I ask a point of clarification from the previous speaker? The previous speaker said: “Never again should such a contract be entered into with, presumably, a Chief Officer” I do not know whether you meant a Chief Officer or Chief Officer of Police. I do not quite know what that meant.

**The Bailiff:**

That was the very point that I then intervened.

**The Deputy of St. Mary:**

I thought that was about her extolling the virtues of the Chief Officer.

**The Bailiff:**

It was going off point and therefore you certainly cannot ask for clarification of it. Does any other Member wish to speak?

**1.1.8 Senator B.I. Le Marquand:**

I need to begin with some rebuttals of 2 things which were put forward this morning by the Deputy of St. Martin. Firstly, it was incorrect that at any stage I have made any commitments to this House in relation to time periods for the completion of the Wiltshire investigation. That is simply totally incorrect. What I have done on a number of occasions in response to questions is I have indicated the information which I currently have as to when it was likely to be completed. That information has on all occasions proved to be inaccurate. It is interesting to note that the former Deputy Lewis, the former Minister, has confirmed that he himself was given an initial date of March 2010. That corroborates what I have said - that was the first date - that in fact I was given. Secondly, I must most strongly rebut the statement of the Deputy of St. Martin that I have in any way been involved in the contrivance of the delay. I absolutely refute that.

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

I think the Minister meant March 2009.

**Senator B.I. Le Marquand:**

I am sorry, March 2009, yes. Thank you to my colleague for that intervention. It is absolutely incorrect that I have in any way contrived to delay the matter. I have been constantly pressing for the completion of the process and have been thwarted. I have been constantly concerned about the rising costs, most of which were incurred in a period when costs were rising at a very fast rate round about March, April, May of last year. The fact is, as I have repeatedly said in this House, I simply do not have control of the investigation process. Neither should I have. If I had control of the investigation process that would impugn my ability to act independently and “judicially” in relation to the ultimate decisions. I would be hopelessly compromised in relation to that position. I am going to explain the position, insofar as I understand it, in relation to the terms of reference issue. I will do that by virtue of what happened in relation to terms of reference of a later matter to the one which we are currently considering. In that case, the terms of reference ... I think I need to go back a moment and explain the whole structure of disciplinary process. The disciplinary code of the Chief Officer of Police is very helpfully included in the Deputy of St. Martin’s bundle. If the Minister has concerns in relation to his Chief Officer of Police then he writes to the Chief Executive to the States of Jersey with a copy to the Chief Officer indicating his concerns in relation to that. He subsequently, after receiving advice, must go on and decide whether or not he is going to proceed with a formal matter of investigation. If he decides so to do, and that clearly happens in this case, then what he does is he writes to the Chief Executive to the Council of Ministers in order to request him to do a report. In relation to a matter of this nature where we are dealing with the investigation of a senior police officer, it is quite clear that that could not be done individually by the Chief Executive. It would have to be done and could only properly be done by bringing in an outside force so to do. That is exactly what happened. In the second case, in which I was involved, I was then asked if I had any comments on draft terms of the terms of reference to make sure that it

was going to cover the areas in relation to which I have concerns. I would assume, but I do not know, that a similar process took place in relation to the initial formation of the terms of reference. My understanding is that the terms of reference are contractually confidential because they indicate the extent of the investigation of matters of that nature and that even indicating the extent of it and so on would be a breach of the terms of the disciplinary code. That is where the difficulty arises. I have had the difficulty, which I have repeatedly expressed to this Assembly over the last 12 or 15 months, that I am always speaking, to a certain extent, with one hand tied behind my back because of the confidentiality issue. I am limited on what I can say, if I did want to be more open I cannot be so.

**The Deputy of St. Mary:**

Can I ask a point of clarification? Will the speaker give way? **[Aside]** I am sorry, but it does help to know now rather than get to the end of the speech which all depends on the point I want to clarify. The Minister has just said and I quote: "I was consulted about the draft terms of reference." I would just like the Minister to clarify by whom was he consulted about the draft terms of reference. A clear picture.

**Senator B.I. Le Marquand:**

By this stage you must understand that it was understood that there was a conflict of interest or potential conflict of interest in relation to the position of the Chief Executive because he was a potential witness in relation to matters and for other reasons as well so, in fact, by that stage the role of the Chief Executive to the Council of Ministers was being fulfilled by the Deputy Chief Executive to the Council of Ministers, and it is he who consulted me. It is he who will be shortly producing a report to me which will incorporate the details of the reports of the Wiltshire Police Force. Before I go on to my main speech, I want to make my position clear in relation to the eventual reports of the Wiltshire Police Force. I personally want to see these reports publicly released. That is my position. It has always been my position but I am aware that there are issues that will arise in relation to that in the same way as issues arose in relation to the Verita report. There may need to be a degree of editing of names of individuals to protect witnesses, *et cetera*. We also may need to take advice on potential issues of data protection, potential issues of libel, *et cetera*. Subject to those sorts of principles, let us be absolutely clear, I want to be totally open in relation to those matters.

[12:00]

Particularly that is so because of the highly likely if not certain prospect they will not be possible now with the delays to complete the disciplinary process with all its many stages prior to the date of resignation of the Chief Officer of Police. Members must recall that the ... I set this out in writing in reply to a question from, I believe, the Connétable of St. Helier recently. Members must recall that the process is I get the report from the Deputy Chief Executive, including statements. I then meet with the Chief Officer of Police to discuss the matter with him. I then subsequently and only subsequently can I properly make a decision as to whether or not I am going to proceed with a formal disciplinary hearing. I cannot make that decision properly in the light of the terms of the disciplinary code. I cannot do that, at this stage. I am prevented from so doing until the correct process has been gone through. Once that occurs, if I then decide to proceed with formal disciplinary matters then what next occurs is there will be a number of meetings to discuss evidence, which witness statements are accepted or not, procedure and so on, leading on eventually to a formal disciplinary hearing which may involve the hearing of live witnesses who will be cross-examined, *et cetera*. That is a potentially long and complex process. But even once that process is completed under the disciplinary code the next stage is that there is a right of appeal of the Chief Officer of Police against that. That right of appeal is to a tribunal which is set up, including people from outside the Island, and that appeal's role is advisory to me, I do not have to accept it but I

have to consider it before deciding where to go from there. If I have arrived at a point where I hypothetically had decided that there were serious disciplinary issues proved which warranted dismissal, then the final stage is the matter comes back to the States of Jersey, the whole Assembly, for a decision. Due to the delays of Wiltshire I am now only a matter of less than 5 months away from the resignation date. So there are difficulties in relation to timing. But I wanted to explain all that to the Members. Now I am going to embark on the main part of my speech. The main issue upon which I, as Minister for Home Affairs, and later individual Members will need to decide is as to whether and to what extent and with what consequences the Chief Officer of Police has failed, if at all, in his performance of his duties and responsibilities in the relevant areas. The issue as to whether he should remain suspended pending that decision is in fact a side issue. However, in a sense, what we are looking at now is even more of a side issue because what we are being asked to look at and to seek a report on is the issue as to the manner in which the original suspension was dealt with. Members of this House are well aware that subsequent to the original suspension I held a very detailed review of the whole process. In fact I completely redid it again; started in February 2009 and went on into March 2009. That was then subject to effective appeal to the Royal Court by way of judicial review and my decision was upheld. So going back and looking at the first issue again is a side issue upon a side issue. It takes us far away from the main issue, which is the performance of the Chief. I could ask Members to remember that. It is very much a side issue upon a side issue. As I said, I conducted a 2-stage and very detailed process in February and March 2009. In addition to that, on 31st July 2009 I held a further suspension meeting with the Chief Officer in relation to another matter and as a result of that meeting I extended the grounds of suspension so that he was also suspended on the grounds of that additional matter alone, in addition to the first. This is the first time that I have indicated this to the House. Members may recall that back in November there was an occasion on which I was answering questions and wanted to go into camera as part of that and Members did not want to, I think somebody was being very kind to me and thought I may say something I should not do during that. But I wanted to tell Members that fact. The Chief Officer is effectively suspended for 2 reasons. Two quite separate matters. In fact the proposition which we have before us does not even seek to look at the merits of the suspension. In other words it does not seek to look at the issue as whether I was right to maintain his suspension in March or not. Presumably that is because it is accepted that the Royal Court judgment was decisively in my favour on this particular point. This whole area has been for me, in a sense, a journey of discovery. It may surprise the Members, bearing in mind my background as a Chief Officer, and also as a clerk to the courts and a judge, to know that in fact I never, during my entire experience in public service, had any experience of formal disciplinary matters. It was completely new to me. When I became Minister for Home Affairs I inherited a suspended Chief Officer of Police and the issues relating thereto. I had to start to try to understand the position and obviously I started to take advice. I started to find out what had occurred to date but it took me quite a long time to start to formulate as to what had happened and whether the matter had been properly dealt with before me. Indeed, by the time of the proposition of the Connétable of St. Helier in January I still had not formed a clear view in relation to that. What was clear to me, however, was a sense of unease in relation to the speed with which the manner had been dealt with, the fact that it had suddenly been sprung upon the Chief Officer, the fact that he had not had time to go away and prepare, that he had not had a chance to be represented in this sort of way. All these things made me uneasy, although I did not have great experience in this area you build up a sense of natural justice and a sense of fairness and how things should be dealt with, with long experience in public service, particularly as a judge, and I was uneasy. That was part of my motivation and part of the reason why I committed to this Assembly that I would conduct this full and thorough review, which I did. But I was still not clear about the position. Indeed the positions taken by some of my colleagues, much respected colleagues, such as Deputy Andrew Green and the Connétable of St. Peter, people who had worked in the public sector and dealt with such matters made me increase my sense of uneasiness because it was quite clear that they were very uneasy about the way things had been handled. I therefore determined, as I say, to deal with matters in an extremely thorough

way and I suspect that I probably dealt with matters in a way that nobody else has ever done before in my attempts to be entirely thorough. In order to do so, I firstly had to decide what the disciplinary code, which is appendix 2 to the proposition, meant. That was no easy matter. This is an appallingly written document. It is extraordinarily ambiguous and indeed I spent much of the day in February 2009 receiving submissions on what is meant from the Chief Officer's representative and making a decision on this. Secondly, I had to decide which documents I would consider, what matters I would consider in relation to making a decision. There were issues in relation to that. I had to consider them. In particular, there was an issue in relation to the status of the interim report of the Metropolitan Police Force. I wanted to see that document at an early date because it is highly relevant trying to work out what had happened and whether things were going right or not, and so on. But I was then being told that the Metropolitan Police did not want to have this document used as part of the disciplinary process. It had not been produced for that purpose. Understand that the background to the production of that was a review of the overall process of the historical abuse inquiry and so it covered not just the generality of the way the inquiry was being dealt with but also individual cases and matters of that nature. It is much wider in range. It was not produced for disciplinary purposes. The Met. Police strongly objected to it being used in that way. My response to that was to accept that position and indeed when I conducted the suspension process in February and March, what I effectively did was to take no account of that whatsoever and indeed to effectively delete references to that from the letter of the Deputy Police Chief which had, as it were, triggered the whole process of investigation and so on. That is how I dealt with that. I mention that simply because that is a point raised by the Deputy of St. Mary. Thirdly I had to decide what criteria I should apply in determining whether or not the suspension was appropriate. This was no simple matter. In the U.K. there were statutory criteria in relation to suspensions set out in law. In Jersey we have nothing and I know of no precedent in relation to this, so I had to be working off the law, off the disciplinary code, which was not very helpful, and off general principles of employment and other such matters. Again, I spent quite a lot of time at the March hearing making a decision in relation to that. I had to receive overseas submissions of the representative of the Chief Officer on that. Fourthly and finally, I had to receive the submissions of the representative as to how I applied all these principles and all these tests in coming to my ultimate decision. As I said already, that task was split over 2 days with the final decision being made in March 2009. In relation to the July 2009 suspension hearing the task was easier in the sense that I had already gone through the principles so it was a question of applying them to a new set of facts which I had to then consider. I cut back now to my journey of discovery. At the time of the debate in January 2009 I did not know whether or not the original suspension procedure was procedurally flawed. I was being advised that it was okay but I was uneasy. When I came to my own hearing I was obviously by then building up a greater understanding and it became apparent to me, in the very process, in the way in which I decided to deal with the matter that this was so utterly different from the way in which it had initially been dealt with that I could not see how one could come to a proper decision without going through the processes that I had gone through without deciding what the code meant, without deciding what criteria to apply, *et cetera*. This deepened my sense of unease in relation to the whole matter and further more, during the preparation of matters, in relation to judicial review proceedings when I was receiving advice in relation to that, and finally the judgment of the Royal Court, the precise nature of the legal position finally became clear. I have publicly stated that the procedure in relation to the initial decision was flawed. That I believe to be correct and I think it was flawed on 2 bases. Firstly, flawed on the basis I already mentioned of it being rushed on the Chief Officer, him not having an opportunity to prepare, him not having an opportunity to think about points he wanted to raise and so on. That is simply not a satisfactory process in modern times.

[12:15]

I still can envisage a situation in which there would be an absolute crisis and in which it might be necessary to immediately suspend a person, but even in such a case, such a suspension should be *pro tem* for a short period pending a formal hearing. That is my personal view in relation to the matter. I now want to go on and deal with the issue in relation to the disclosure of information. I want to explain why it was that I had absolutely no involvement in relation to this. That was simply because it was thought best that I be distanced from actual issues - such issues of disclosure of matters - and not get involved in those at an early stage so that I could essentially play this distanced judicial role in relation to the core disciplinary matter. When the documents were revealed and it was shown that documents had been prepared in advance, including a draft notice of suspension, this strengthened my sense of unease in relation to the additional matter on a second ground. I had already had a sense of unease in relation to this because these things were happening so quickly. There was clear danger of an accusation that a decision had effectively been made by the former Minister prior to the hearing and of course to then find that documents including documents of suspension had happened before then, really rather confirmed that suspicion and that satisfactory state. I want to comment on that because obviously as an experienced judge I have the situation of preparing very often for matters; there is nothing wrong with a person, a judge or another person performing a quasi-judicial role such as this coming to a preliminary view in relation to the matter. In fact one is notably going to be coming to some sort of preliminary view, but it is absolutely essential that one retain an absolutely open mind on the issues; that no final decisions are made until the proper process has gone through and I fear that that apparently did not happen in this case. Having said all this, what are the issues with which I am concerned? They are essentially issues in relation to the quality of advice given to the former Minister and in relation to what, on the face of it, to me appeared to be procedural mistakes which were made. These are issues as to procedure, not issues as to substance. As I say, having reviewed the substantial decision in relation to suspension of continuing, I am satisfied that that was appropriate. But the question is what is the best mechanism of a review of this; who is best placed to look into this type of issue? Is it a group of lay people, for the great and the good, set up for that particular purpose? Well, of course the problem with that is that they will need to receive legal and human resources advice because these are essentially the issues which I am concerned are essentially human resources issues and procedural issues and even the great and the good in general society are not able to make such decisions without advice. I had to receive advice; I had to consider the issues before I could come to a conclusion. On the other hand, if the route proposed by the Chief Minister, which I support, is followed then it is a much simpler and much cheaper process because you have someone who is already an expert who is going to inquire into these matters who knows the law, who knows the correct procedure, who knows all these sort of matters. So, if concerns of Members mirror those of myself purely on the procedural matters then I would suggest that they should support the Chief Minister, as I will in this matter, because this is the right way to achieve a result. I believe that we do need to have that sort of input and in fact the very fact of the outcome of the Verita investigation and effect upon the long suspension of a surgeon indicates the desirability of such an external review of what has in fact happened in relation to those cases. We must get our suspension procedures right in the future. But I accept that what the Chief Minister is proposing does not cover what the Deputy of St. Martin really wants. I believe that he has suspicions in relation to wrongful political influence in the suspension process and possible wrongful involvement of civil servants in relation to that and the core of this, I believe, comes back to the words of the former Minister, Andrew Lewis, and his statement to the Wiltshire Police which I have not of course yet seen where apparently he has said: "Up until I received the letter from David Warcup, I had no reason to believe that they were not managing the investigation well." Now, that is up until 10th November 2008. Now, I believe that it may be put forward that because draft documents were produced before that date, i.e. before Mr. Lewis in that statement says he became aware of the problem, that the suspicion is that the whole process must have been instituted before that date and without the knowledge of the Minister. I think that is the argument in this area. In other words, the civil servants or the former Chief Minister or somebody else somehow

instituted the process before the Minister knew anything about it and then brought him in to rubber-stamp things later on. Well, of course, the former Deputy Lewis has now clarified his position and he has done that in a statement which he has produced and he has made it clear in that statement that he was regularly briefed by the Deputy Police Chief on the progress of the independent review and that he then took preliminary steps to obtain advice, *et cetera*, in relation to how to deal with a disciplinary matter and matters of that nature. Well, frankly, that to me is in the category of the blindingly obvious. It is simply blindingly obvious that that would happen; totally inconceivable that the Minister would have been kept in the dark and suddenly on the day before the press conference up this pops and he knows nothing about. That simply is not the way that things happen. If something big is about to break, a Minister jolly well gets briefed on it so that he can anticipate his position and so on. It is quite ludicrous in my opinion to suggest otherwise and it is very unfortunate that the former Deputy has suggested that route in his rather woolly use of language on the first occasion. I notice of course that this was not mentioned specifically by the Deputy of St. Martin; I wonder whether that is because he now accepted that this argument no longer had any merit in the light of what has now been contributed by Deputy Lewis. Some people may feel that what the former Deputy has now said undercuts the argument in relation to that and the conspiracy theories. I could not possibly comment.

**The Deputy of St. Mary:**

Can I raise a point of order while the Minister is pausing?

**The Bailiff:**

Point of order; then you wish to address it to me?

**The Deputy of St. Mary:**

Yes, Sir. Well, I think that there are 2, but I cannot remember the second one, but the first one is that the Minister has just said that it was on the 10th that Deputy Lewis made this statement that he received the letter from David Warcup: "But I had no reason to believe that they were not managing the investigation well." My understanding is that it is the 11th and that is a very important matter.

**The Bailiff:**

It is not a point of order; it is a point of clarification.

**The Deputy of St. Mary:**

Well, yes, okay, Sir.

**Senator B.I. Le Marquand:**

That might well be right. I quoted the 10th because that is the date of the relevant letter of the then Deputy Chief Officer of Police. That could well be right, but I think the points I have made are equally valid either way. To conclude, over a period of time I have come to the conclusion that mistakes were made and that there is a need for some form of inquiry in relation to this. Particularly it is important that we now get some outside high level input in relation to correct procedure in relation to such matters. I would be very interested to know what such persons may think of the approach that I took which may of course have been completely excessive in caution and carefulness, but there it is; but I support the position of the Chief Minister. This will be best done by virtue of a specialist in this kind of area who will produce a report. I also support the position of the Chief Minister in relation to the dangers of costs associated with the wider investigation. As I said, the great and the good would still have to get in outside expertise to advise them on this to come to a conclusion. But then a further issue arises and that is that if any person who is going to be a witness called to the matter who feels that they are under risk of subsequent investigation themselves in relation to that role - and that could be so - then the normal position, as I understand - and I am going to ask the learned Attorney if he will confirm whether my

understanding is correct on this matter - that the normal position in relation to a public investigation where a person feels at risk is indeed that they are entitled to legal advice at public expense because of the nature of the “blockbuster” nature of these sort of matters which override normal investigative processes. So, there is a cost issue and there is an issue of escalation which I also support. So, for all those reasons Members will be grateful to hear that I have now come to an end.

**The Deputy of St. Mary:**

May I ask for a point of clarification that would be helpful? The Minister says that Deputy Lewis said and he quotes him correctly: “Up until I received the letter from David Warcup I had no reason to believe that they were not managing the investigation well.” That was a sworn statement and the letter arrived on the 11th to Deputy Lewis. But the Minister also told the House that the Deputy was receiving briefings which were ringing alarm bells - he did not use those words - and he started to take other advice and so there was a process. He implied that there was a process of him changing his mind about this matter. So, is the Minister saying that Deputy Lewis’ sworn statement to the Wiltshire inquiry was untrue?

**Senator B.I. Le Marquand:**

Firstly, there is no sworn statement. This is a normal statement taking process and there is a formal warning to a person about the danger of an inaccurate statement; it is not sworn. I have got the version of former Deputy Lewis’ document before me which is in very small print and it is difficult to read, but if Members would care to look at paragraphs around about 5 and 6 you will see that he is now saying something substantially different to what he said initially or clarified in a different way. Indeed if Members would seek to look at the statement of the Chief Officer of Police in response to the statement of the former Deputy Lewis you will see further there the comments that he makes on it. He points out the change of story and he also points out what he thinks, and I think is probably right, is a further inaccuracy of statements of the former Deputy Lewis and Members may wish to read all that. I am sure they will not want to hear me speaking much longer.

**Deputy M.R. Higgins:**

Sir, can I ask for a further piece of clarification; there were a number of points? One, the Minister mentioned the Wiltshire inquiry and he mentioned the role of the Chief Officer. Does the Minister see a copy of the Wiltshire report - a verbatim report - or does he only receive a report from the Chief or Deputy Chief Officer in this particular case, telling him what Wiltshire found; that is one point?

**Senator B.I. Le Marquand:**

If I understood the question correctly I have been asked a question as to whether I have received copies of the Wiltshire reports. The answer is yes, I have; I have received copies of those. I have received that in relation to the first set of matters. What I have not received yet is the report of the Deputy Chief Executive and copies of the statements and other supporting evidential documents. But I have received 2 copies of the reports themselves.

[12:30]

**The Deputy of St. Martin:**

Just to clarify that, was that the interim report, the one that Mr. Warcup based his report on; I think that is what we are trying to get the answer to?

**Senator B.I. Le Marquand:**

Sir, I thought I was being asked about Wiltshire, not about ...

**Deputy M.R. Higgins:**

I did ask about Wiltshire, but again I would like to know the answer to that.

**The Bailiff:**

Please can we confine ourselves to one point at a time. Now, the question, I think, was whether you have seen or are going to see the full Wiltshire report, is that right, Deputy Higgins; that is your question on that one?

**Deputy M.R. Higgins:**

It is, yes, Sir.

**The Bailiff:**

The full Wiltshire report; either have you seen it or are you expecting to see it before you make a decision?

**Senator B.I. Le Marquand:**

I have seen 2 reports from Wiltshire now; I have copies of them.

**Deputy M.R. Higgins:**

Do you have the final one?

**Senator B.I. Le Marquand:**

It depends what one means by “final copy”. What I got, first of all, was an interim report from Wiltshire. That was interim because there was one further key witness to be seen. Subsequent to that witness being seen Wiltshire simply produced a letter saying that that witness’ evidence had had no effect on the initial report. I do not think that is a satisfactory way of dealing with it and have, via the correct channels, requested that they do that more formally, but substantially they are going to explain why there is no change in the position there. In relation to the second report which I have received from Wiltshire, that is a final report, but there was one paragraph in it that does not make sense; it is incomprehensible. So, I have requested that they clarify that, but subject to those points they are final.

**The Deputy of St. Martin:**

Could I be permitted to ask again about the matter on the police interim report because I think the Minister will accept that in the transcript of the hearing on the 13th February and the 5th March I think it was made clear that you had not seen the interim report and neither had the former Minister for Home Affairs seen the interim report. The interim report was the report that Mr. Warcup based his letter on which led to the suspension. So, could I just confirm that the Minister has never seen the interim report?

**Senator B.I. Le Marquand:**

That is correct and the reason for that is because they objected to it being used in a disciplinary context by virtue of my seeing it and so on. I do not know whether or not the former Deputy Lewis saw it. There are ambiguities in his statements in relation to that point as to whether he saw it or was just told of its contents. I do not know the answer to that.

**1.1.9 The Connétable of St. Helier:**

I wonder if I am the only Member that looks back to a day when “points of clarification” were a comparative rarity in the States. **[Approbation]** I must say it is a sorry mess. It gives me no pleasure to say to the States: “I told you so.” A year ago I asked for a compliance check of the original suspension. If that had been done, if that had been carried, it would have shown the Minister that he was on a “hiding to nothing” by trying to pursue a disciplinary investigation, a disciplinary process which is fundamentally flawed at its start. I must say I have listened to a couple of speeches and I do not think that anybody here or indeed any politician involved in this process is guilty of bad faith or any kind of malice. I think that everybody has been trying to do their best within instruments, procedures, policies, that in many cases are completely defective and

not fit for purpose. So, I do not believe that the Chief Minister, the Minister for Home Affairs or any previous Ministers involved in this have been acting with any kind of base motive. But I did listen to the Minister for Home Affairs talking about his “journey of discovery” and I thought how costly has that been to the States of Jersey. We are talking probably about £1 million by the time this matter is concluded and of course it will not be concluded because no one has been managing the investigation. The Minister said by his own admission: “I do not have control of the investigation, nor of the costs.” Because no one has been managing it, it has run on in the hands of I am sure a very likable police force from the U.K. and the person who is being investigated is now going to leave without the possibility of a disciplinary process which would give him the opportunity to clear his name. So, not only is this whole sorry mess leaving the Jersey taxpayer £1 million short, but it is leaving the person who is being criticised and judged - many times in the public press and by Members in unguarded moments on blogs and so on - it is leaving him and his family without closure and I think that is tragic. Whatever you may think of the suspended Chief Officer, I am sure nobody in this Chamber would deny him natural justice and I am afraid that is what is going to happen because as the Minister for Home Affairs explained there will not be time for the disciplinary procedure. Some of the people who have been advising the suspended Officer have said to him: “Well, you have just got to stay here until this matter is resolved. You have got to ask for an extension of your contract” because then it may take a year for a disciplinary process, it may take a year and a half, but the Minister explained it is a long process. “There are a lot of hurdles to be overcome, but at least at the end of that you may be 70 years old. We may have paid you for 3 years, but at least you will know you will be able to argue the case” and the matter will finally come back to the States if indeed the disciplinary process finds that the Chief Officer has been wanting. So, I go back to the stage a year ago where we had a new Minister and I am afraid that the proposition that I brought was treated very much by Members as a vote of confidence and the Minister for Home Affairs had only recently taken office, and what I wish had happened is that somebody had done their sums because the sums are not difficult. If you paid the suspended Chief Officer his wages from the moment he was suspended until his retirement date it would probably have cost the taxpayer a quarter of the money that we are going to spend without getting any resolution. So, what I want to give the Ministers’ responsible today is a lesson in pragmatism. I think politicians have to be pragmatic and I think if they had counted the cost of this particular investigation, of this particular battle that they were seeking to wage - well, let us face it, like him or loathe him, a very, very clever person, a very clever civil servant - they should have counted the cost and said: “It simply is not worth it to the taxpayer, whatever we think of him.” I am reminded of a former Chief Officer about whom aspersions were being cast widely, particularly on certain blogs, and this person really looked like he was going to be cashiered at any moment and when he finally was he was paid off and the Minister quite rightly said: “I am not going to tell Members how much he was paid. He is gone.” He has not had to endure a year or more of blame, of criticism; last night’s *J.E.P.* editorial, a good example, holding the suspended Chief Officer out for a good drubbing by the public. The former Chief Officer of Health and Social Services was paid off, the matter was resolved and I am sure somebody - and perhaps it was the Minister for Health and Services - they did their sums and they thought: “I can haul this person over the coals and have an investigation or I can simply say let us talk money. How much do you want?”

**Senator T.A. Le Sueur:**

I am going to intervene and object here, Sir. The Constable is making allegations about a former civil servant and in terms of a contract and his resignation from that without knowing any of the facts behind it and I think it is misleading and unfortunate to raise that issue when the matter is confidential to the parties concerned.

**The Connétable of St. Helier:**

I did not mean to allege anything. I was using this as an example.

**Senator T.A. Le Sueur:**

He did say the words: “Paid off,” and I think that does give a misleading impression.

**The Connétable of St. Helier:**

I retract the words “paid off”, but I do wish that the Minister for Home Affairs had paid off the suspended Chief Officer of Police because I think, call me unprincipled, **[Laughter]** but the Minister will have his result. He will have his result, maybe a year and a half on when Wiltshire finally get their act together. They have not even given him a final report, but one of these days this police force will get this matter resolved and he will have the satisfaction of knowing that his journey of discovery has led to a very, very thick report about how this investigation was handled. But nobody will be able to use that report to say whether the suspended Chief Officer was right or wrong because he will not have had the right of reply; there will not have been a process that we all expected would happen a year ago. So, do I support a Committee of Inquiry? Well, I think the problem is - and again being pragmatic - there is a view out there that there is a cover-up, there is a conspiracy, that there is the sort of bad faith that I do not believe that there is in the Council of Ministers, but there is a view out there that this has all gone terribly wrong. It has not been helped by Senator Syvret’s blog, if I am honest, constantly drip feeding the public this idea that we are all whatever his phrase is: “A bunch of half-wits and gangsters.” It has not been helped by that and I believe we need a Committee of Inquiry and we need a public Committee of Inquiry and I think it is going to happen. Whether it happens now with Deputy Hill’s proposition or whether it does have to wait for another day, I bet my money there will be a Committee of Inquiry and indeed the former Chief Minister promised us a Committee of Inquiry into Haut de la Garenne; **[Approbation]** we need a Committee of Inquiry. So, I am confident it will happen, but I do not believe that there is any bad faith on either side. All I see from my vantage point is a great shame, a great waste, a great pity and a colossal waste of money.

**The Bailiff:**

Does any other Member wish to speak?

**1.1.10 Connétable M.K. Jackson of St. Brelade:**

Just briefly, I think there is no question that a review is needed and that processes have clearly been at fault and need correction. To refer to the Deputy of St. Martin’s proposal, I think we risk a kangaroo court and to that end I would suggest that Members support the Chief Minister in his suggestion of a simple quick inquiry. It is my understanding that he has in mind Mr. Christopher Chapman, who is an experienced employment tribunal judge, to undertake the review. Members will be aware that Mr. Chapman recently completed an inquiry for the States Employment Board and I would say as a member of that Board, it gave me great confidence to see that report and I would say that it pulled no punches and was quite critical of the Board which indicates to me that he would be a good candidate to produce the sort of report that the House requires. So, in saying that, I would urge Members to reject the Deputy’s proposition and support the Chief Minister in his proposals.

**Senator T.A. Le Sueur:**

Just to make it clear, I have not nominated any particular person. It would be a person of the stature of Mr. Chapman, but it would not necessarily be him. It will be a person most appropriate for this particular inquiry.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy of St. Martin:**

Sir, can I propose the adjournment also and say that I am rather disappointed to hear the Constable of St. Brelade calling what I am proposing... the 5 honourable people are not part of a kangaroo court and I would ask that he withdraw that comment.

**The Connétable of St. Brelade:**

No, I think on the basis that one knows the people involved, while the people are of integrity I do not think it can operate in the proper sort of way and I would prefer to see an experienced person, as suggested by the Chief Minister, to undertake the report.

**The Bailiff:**

Very well, the Assembly will adjourn then and reconvene at 2.15 p.m.

**LUNCHEON ADJOURNMENT**

[14:15]

**PUBLIC BUSINESS - resumption**

**The Greffier of the States (in the Chair):**

Now, the Assembly is continuing the debate on the Deputy of St. Martin's proposition and that debate therefore needs to continue in-camera. I understand the media may have returned to the Assembly, but I must ask them once again to leave before we continue. Very well, does any other Member wish to speak on the proposition?

**1.1.11 Connétable J. Gallichan of St. Mary:**

Yes, I do wish to speak, but if you could bear with me one second, I need to just find my notes after the lunch break. I am sorry about that. Yes, I would like to say a few words particularly on the basis of the comment that the Privileges and Procedures raised. I deliberately held back because other Members were speaking about the substance of part (a) of the proposition and I thought it was clear not to muddy the 2, particularly because my committee was at pains to point out that we made no reference to the validity or otherwise of the Committee of Inquiry because that was entirely outside of our terms of reference. I have heard over the last week or so various comments made by the Deputy of St. Martin and I have been a little dismayed to see the slant that he has put on to the comments. I heard him suggest that P.P.C. was acting in a way to assist the Chief Minister to support the proposition and, of course, that speculation was entirely without foundation and I would like to clarify to the Deputy that the Chief Minister had absolutely no involvement at all in P.P.C.'s decision to issue a comment. I also heard the Deputy of St. Martin state that the comment was a ruse to ensure that his proposition did not get off the ground: "so that it will be defeated before it gets into the ring." Those were his words, not mine. Again in his opening speech he hinted at perhaps mischief-making or mischievousness. None of this is at all in the spirit in which the comment was made. The comment was made early and was indeed given to the Deputy in advance of being published, specifically to afford him enough time to, if he thought wise, revise his report to include the details of the appointments process he had followed in accordance with the requirements that had been so recently endorsed by this Assembly. Many Members have repeatedly called for transparency in process and for full details of the process to be documented in reports. At the last sitting, on the same day in fact that this proposition was lodged, this Assembly debated a revision to the appointments process for certain positions and once again Members talked about transparency, about the need for robust procedure to be followed and the further need for the reports accompanying propositions to give full details of this procedure. For example, the Deputy of St. Mary asked that there be details of the nominee, details of the position, what it involves, what the workload is and so on and the process of appointment including the advertising and so on. He said that: "This has been asked for under the old process many times with extremely different results depending on which Minister is doing it or who is responsible." He went on: "I do not quite know what the variable facts are that determine whether we get a decent report or whether we get one so full of holes that you could not use it as a sieve." In my summing up to that I said it would be up to this Assembly to challenge reports that were less than adequate and that I hoped that once this message had been done consistently a number of times, Members would in fact get the message about what constituted a good report and a good process and what fell short of that ideal. At that

time of course I had not yet seen the Deputy of St. Martin's proposition, but I really hoped and in fact I felt that I had set down 'a line in the sand' ruling off a time when a less than robust report would be accepted and looking forward to increased transparency. The matter under discussion by the proposed Committee of Inquiry is a difficult one and no matter what the outcome of any inquiry, there are those who thrive on conspiracy theory who will never be satisfied. Surely the only way to drill down to the real facts must be to appoint a committee if that is what the House decides is the right course of action. The committee must be absolutely free from the remotest whisper of influence. The perception of influence in this case is surely as damaging to any result as any actual influence that there might be. Surely this can only be done by a public and open appointments process. That was the entire spirit in which the comment of the P.P.C. was made and I would emphasise that this does not in any way reflect on the capability or the integrity of anybody on the Deputy of St. Martin's list, some of whom are known to me personally. It is simply the manner of their selection that was of concern. As I said publicly, we did not have the information in our report and I do not think, speaking of my own opinion, that the information as given by the Deputy of St. Martin in his opening speech enhanced our knowledge to a great degree and it certainly did not necessarily mean to me that a robust appointments process had been followed. The Deputy in fact said: "I have chosen the people because they are mature." Now, I am of no doubt that they are, but the very fact is that the Deputy of St. Martin has chosen the people. Of course he referred quite rightly to the Standing Order that deals with the appointment of a Committee of Inquiry, but of course he then went on to say that that Standing Order was not discussed by P.P.C. when we made our comment. What was discussed by P.P.C. - and the full documentation was on the table before the committee - was the appointments process and the Code of Practice as laid down by the Appointments Commission. That is the appointments process which is generally acknowledged by all Members of this House, I believe, because they endorsed my proposition of 3 weeks ago unanimously to reinforce that robust appointment in future appointments. Full documentation was laid before all members of P.P.C. for consideration at the time that comment was considered. So, the question is surely here, do we embrace openness or do we pay lip service to it? The Deputy of St. Martin referred to the appointment of the chair of the inquiry into the role of the Crown Officers, but he neglected to mention that the 4 panel members who also sit on that panel with the chairman were all subject to the rigorous appointments process which is now taken to be our standard of excellence. Other committees of inquiries - for example that into Reg's Skips which is underway - had followed a complete and open appointments process. The other Committee of Inquiry which is on the agenda for future discussion - that into "Operation Blast" - calls for an open appointments process. There is no reason why that could not happen here. The Deputy of St. Mary when he spoke this morning said: "We have a responsibility to restore trust and good governance. If we do not put it to bed it will fester." Well, I am sorry, but in the minds of many people there is some sort of assumption here on the Deputy of St. Martin that he can put in place on the inquiry people that he chooses. Now, he is right of course, it is up to States Members to either accept or reject those people or in other circumstances to propose others, but how can you propose people to serve on a Committee of Inquiry when there has not been an appointments process? For me or for any other Member of this Assembly to just select other names to put forward would only be to compound the problem. Without a robust advertising process, it simply cannot work. I would just like to go back to emphasise what I mean about this not being a question of the Deputy's integrity. The Constable of St. Helier when he spoke this morning - before the proposition was read I believe when certain Members were concerned about whether they had a conflict of interest or whatever - the Constable of St. Helier rose to say that he had been the 'McKenzie friend' for example of the Chief Officer and he said that was entirely right and proper that he should do that and of course I completely understand that as part of our duty as States Members we will from time to time take up the cause of individuals or groups or associations and we will fight tooth and nail and we will do that; that is part of what we do. But we cannot be blind to the fact that once we have taken a position on an issue - completely with justification, completely honourably and completely fulfilling our duties as States Members - once we have

taken that position we are to other people who have a different point of view, conflicted. That is not to say we are wrong, but it is to say that we are not wholly independent in that situation and I really think that that is where the Deputy of St. Martin does not understand that he has a conflict here and that as a result of that there is a good chance that anything that this Committee of Inquiry decides will not serve to do what the Deputy of St. Mary wants and put this matter to bed but will simply lay open a possibility that there will have to be another inquiry or that this situation will rumble on. That was the reason that the report was brought and I think it is very important that that is understood and that Members when they vote if this proposition is not split to allow part (a) and part (b) to be taken separately, that that is something that they will have to bear in mind that this in fact will not be the end of the process; that will not give the finality that people want. The other thing that I would just like to point out, unless I have missed the point completely - maybe I have - the Deputy of St. Martin said that his appointments process could not happen in the usual way because the timing was crucial that we had to deal with this now. I really do not understand from what I have heard this morning - and of course I know a lot more now than I did when I stood up this morning to begin with - this Committee of Inquiry, as proposed, will not affect the current suspension. In fact we now know there was more than one; there are 2 items of suspension. It will not affect that one jot, so therefore timing surely is not a crucial element here; this will not unsuspend the Chief Officer. This is simply another stage in the process, so I do not understand why a full and robust appointments process could not be followed and I look forward to the Deputy advising me of that. As I have said, from what I have understood this morning, while I also agree that there are many things that do need an inquiry, I do not think this is the answer and certainly on the basis of the fact that I have stood up and said that I will question every report which I think is less than robust, this one is certainly less than robust.

**The Greffier of the States (in the Chair):**

No other Member wishes to speak; Deputy Tadier.

**1.1.12 Deputy M. Tadier:**

I will speak if everyone else is being slightly cagey; on the button, so it is like trigger fingers is it not, almost?

**The Greffier of the States (in the Chair):**

If you do not wish to speak I will be calling on the Deputy of St. Martin very quickly to reply.

**Deputy M. Tadier:**

I will follow up from the P.P.C. position. I think it is true that as a group we did sit down and decide that... I am speaking from my perspective, that is all I can do really. Certainly, I was mindful that Members would flag this up as an issue that the Deputy of St. Martin had appointed 5 people and I certainly at that time was mindful of the fact that Members would find this a problem. But I have since spoken to the Deputy of St. Martin. It is perhaps a shame that we did not have him in to P.P.C. - and it is probably due to time restrictions, I imagine - to hear the Deputy's points of view. But in some ways I do feel sorry for the Deputy, in hindsight, because let us face it, his hands were somewhat tied, I feel; what else could he do? We are already mindful of the fact that he said: "This is time-critical." We know that there are 5 months effectively to get this inquiry through before the Chief Officer of Police is up for retirement, so there is an element of time-criticality here, if I can put it that way. So, I do have some sympathy with the position and I would ask that we take a pragmatic stance here in the appointments process. Here we have been presented with 5 people who I think probably nobody has got any problems with and if we do then we should be discussing this as part (b) because that is the second part of the proposition.

[14:30]

I only happen to know 3 of the individuals named. I do not necessarily need to name them and they are not people I know extensively well, but I certainly know them well enough to know that they are people of outstanding character and I would trust their judgment to be impartial at all times, even if I do not necessarily share their political views. To be honest, I will be quite frank - we are in camera here - I think these are basically probably pretty much Tories; they are Conservatives and there is not a problem with that, but they are not necessarily my political allies is what I am saying. But nonetheless I do not have any reason to question their judgment. So, the bottom line is if Members have a problem with anyone on this panel why do we not just come forward and say: "Well, I do not like this person or that person" for whatever reason? But if we have got no problem as a House and we do have autonomy and sovereignty in appointing a panel and this is what we are being asked to do under Standing Order 146 is the Deputy of St. Martin has come forward with a body of people; it looks pretty good, no one has brought any amendments so far or any other suggestions. It is up to us as a House now to stop dilly-dallying and say: "Yes, this is a good body, they are reliable and it can be done and it is cost effective" as we have heard. They are all doing it; they have already blocked off time in their diaries. I spoke to one of the lady's last night at the Parish Hall and she said: "Yes, certainly, I am ready to go and I have made time in my diary." Of course that is not a reason in itself, but it is a consideration to take into account. So, I think that is what I want to say on part (b). Really about the inquiry, we have come to a point now where we have accepted that an inquiry one way or the other is necessary. I think we are on common ground in that sense, even though there was an allegation earlier that the Chief Minister has done a u-turn and I think we should not get bogged down in that, but the point is now the Deputy of St. Martin wants an inquiry. The Chief Minister has also acknowledged that there is a need for an inquiry. So, that much is clear. The question then is which inquiry are we going to go for and what I would ask Members is shall we do this properly or shall we not do it properly and what would "doing it properly" mean in this House and also to the public? The Constable of St. Helier did mention earlier that there is a perception here and that there is a matter of how we are perceived and what I would say to Members is shall we do something properly for once? We do not have to buy into conspiracy theories or cover-ups and I would echo the words of the Constable of St. Helier that I for one believe that everything has been done in good faith, but there may be problems with systems themselves and processes which need to be looked at. So, it is not a question of putting anyone's integrity into question as such, but it is a question of perception. There will always be people outside, rightly or wrongly, who talk of cover-ups, who talk about corruptions in the system and about things being done by groups appointing their own to look into investigations. So, I would simply ask Members to consider which has more credibility; is it something that the Chief Minister could really realistically do to appoint somebody, whether it be from inside Jersey or outside, to head a Committee of Inquiry when he himself - and at this point of course there is no wrongdoing which has been proven, but is implicated in the allegations of the Chief Officer - he has made firm allegations about the Chief Minister. We already know that there are implications about the withholding of evidence which the Chief Minister says was due to legal grounds, but there was also the counter argument that those documents could have quite easily been given out without compromising the Chief Minister's position in any way. So, given that this is the case, is it therefore plausible for the Chief Minister to be in a position to appoint a head of the inquiry for it then to come back to the States for us all to approve? I think that is not a tenable position. If we want to have a credible position we need to back the Deputy of St. Martin here. There is the question, I think, that does need to be addressed of do we need to wait until the investigation is over with Wiltshire Police? I do not think that they necessarily do; in fact I do not think that we do need to wait until that report is over. We have heard already from the Minister for Home Affairs that the report is looking at different aspects. It is not looking at the suspension of the Chief Officer; we have heard that from the Minister for Home Affairs already, it is not within their terms of reference. So, we can quite clearly have an inquiry into the suspension of the Chief Officer. So, I think that is, with due respect, a red herring. I would simply say if we want to be credible - and this is being done in-camera and quite rightly in the sense that that is what Standing Orders or the Police Law

asks for any debate to be taken in camera and we are respecting that - but how does it look to the public if they say: "Well, this is what I predicted; the Chief Minister is going to get his inquiry through." It is just corruption again and again. Of course we know that it is not, but how do we explain that to the general public. So, I think we are being too precious about the appointments system here. I think that we do need to get this done because justice not only needs to be done, but it should be done swiftly and we are talking about a man here; we have all got different opinions on the Chief of Police, but that is not relevant here. I am sure he is a human being like anyone else; he has got flaws, I am sure, like anybody else, but up until now he is an honourable man as far as anyone is concerned. He has not been proven guilty of anything and I think he is due the respect of having justice to be done swiftly so that he may retire and either clear his name or if there are charges to be faced, that he can answer, but in a quick timeframe. So, I think there is no real reason not to back the Deputy of St. Martin and we should all get behind him and sing from the same hymn sheet and let us see justice done in a credible way and let us put the sceptics outside to silence so that we can get a credible report and that nobody can criticise it.

### **1.1.13 Senator A. Breckon:**

I do not wish to touch on the real circumstances or any individuals involved, but I just want to touch on the process for a minute or 2 and I would ask Members to bear this in mind because I think there are stages of investigation and it would appear there are a number of lines crossing here, processes that have happened and there are protocols, there are systems and the question then is, for me, is this a step too far? Are there not already people involved investigating and perhaps it would be better giving the Chief Minister and the Minister for Home Affairs the benefit of the doubt, but give them weeks to report back and not months. Because this, as is shown in bits and pieces of things that we have seen, has gone on too long and in any circumstances like this the ideal situation to get a remedy is as soon as possible with the people involved at source. Not by anybody else; get the people back together and do that, and we have not done that. People have drifted apart, others have got involved and I honestly think someone is making a career out of this. We are paying people mountains of money and they take it. Now, the Chief Minister might well say, well, he does not have the terms of reference and the timeline is out of kilter. If somebody is paying then as with other issues - say court and case costs - should somebody not get a handle on who is doing what, when and for how much and if we have lost that then we have lost it and I think all it does is a disservice. The other question for me is if this was an ordinary bloke or an ordinary woman would they get the same attention to detail if they felt aggrieved about a particular issue and the answer to that is probably no. So, I think it was Lord Denning said when he was Master of the Rolls that: "Justice, like the Ritz, was open for afternoon tea to everyone." Well, the question is - and he was asked that - well, is it and I think we need to revisit that here because I think personally we are overdoing this and if we look at the proposition in part (a) it is saying: "The manner in which the Chief Officer of the States of Jersey Police was suspended from his duties on the 12th November 2008." Well, for me a lot of that is a paper committal. There must be letters, there must be information. I do not think we need a Committee of Inquiry to do that. The average person could look at that, ask a few questions and perhaps reach a sensible conclusion. So, I think the Committee of Inquiry is overdoing it and again if we come back to it if it is the ordinary person in the street, do they get this, the answer is probably no, they do not. If you look at this and the process, there are all sorts of strands of investigations and inquiries going in different directions. What I would like to really know is was the investigation and the publicity surrounding Haut de la Garenne properly managed, which was the responsibility of the Chief Officer of the Police? **[Approbation]** Now, all of this to me is some very, very convenient diversion and I think we must get back to the issue we, as this Assembly - not the existing one, but a previous one - appointed the Chief of Police to do a job. Eventually he is accountable to us. The Chief Minister and the Minister for Home Affairs must report, I would say, in the next 6 weeks. They need to start kicking some backsides and say: "We want this stuff," not: "When can we have it?" Tell people when they want it and that is what needs to happen and that information needs to get into the public domain

because that is where the problem is and while there is an element of: “Well, we are not sure about this. You have got terms of reference and there is a secret here; we cannot disclose this. Everybody has got rights.” The public have rights because it has cost them over £1 million, so they have rights as well and we, as a House, through the respective Ministers, need to report fairly quickly, I would suggest. That is the reason I will not be supporting this, but having said that the Chief Minister and the Minister for Home Affairs are not off the hook. I would give them notice now that if they are not back within say 6 weeks then this could come back again and they should be given short-shrift with this because it is in no one’s interests for it not to be, not necessarily resolved, but the information back in the public domain. Now, that does not put any slur on any individual; it is just we want the facts, we want the details and there are letters emerging, there are things on emails. That is not what we want and I would suggest that they are in the best position to do that. They have the knowledge and the background - a knowledge of the case - and for me a Committee of Inquiry could take 6 months to do that and that, finally, is not fair on the individual; it is not fair. If there is something to be said then that individual should be given the opportunity to do that and if there is evidence emerging there then again they should be given the ability to respond. The suspension and the retirement I think are unfortunate in the circumstances, but we cannot do anything about that. But having said that financially I do not think there has been any loss, although obviously there is a serious loss of faith. But that is something that I think needs a fair investigation. Again there are issues about the police investigating the police, but there we are again, but then we have to accept that. If we are not happy with that and I would suggest that the Ministers do have to report, then I think we can come back again, but for now I think this is too much and it is the wrong time.

**The Deputy of St. Mary:**

Sir, may I ask a point of clarification, through the speaker? He has suggested that there is a dream team. Who has got the knowledge or who has got the knowledge of the case who is not conflicted; who is your dream team?

**The Greffier of the States (in the Chair):**

Deputy, this is not really a point of clarification; it is simply you did not like what the Senator said and I am afraid you cannot just keep coming back.

**1.1.14 Deputy R.G. Le Hérissier:**

Just by way of a slight diversion, I would like to say, if I may, that the seminar is on tonight at 6.00 p.m. There has been consultation with affected parties and it will proceed. In terms of that very powerful speech from Deputy Breckon which I have to contradict in parts, I think part of the problem in the way that Deputy Hill has presented this is that he has given the impression that it is a Trojan horse in order to undermine the whole of the inquiry. He may have done that accidentally, but clearly the confetti so to speak has been sprinkled in order to give that impression and he has used emotive words like the “destruction of notes” and so forth; words that lead to inevitable conclusions. I think the sad thing and the thing that Senator Breckon, fresh from his Irish foray, has also overlooked of course is that the public concern, yes, it is about the length of the whole procedure; it is about the fact that the Minister for Home Affairs for the finest of motives - as was so clearly and excellently explained by himself - for the finest of motives he finds himself in this Kafkaesque nightmare with a system that rolls on and on and on and on, and we all do as well, and the public are getting incredibly frustrated. I think the public are capable of taking an almost schizophrenic view and a lot of them do and I think some Members are. There is the view that clearly some very important questions have to be answered about the management of the Haut de la Garenne inquiry, but not only the operational strategic management, the political management of the inquiry and that of course was all obscured by the fact that we had the declaration of a conflict of interest by the long-term Minister for Home Affairs.

[14:45]

We then had the sudden resignation somewhat further down the line of that Minister and the assumption of the office by a new Minister for Home Affairs and in the dying days of the reign of that Minister for Home Affairs, they took one of the most dramatic acts that such people can do and which is almost without precedent on the mainland. They suspended their Chief Officer on the mainland or their Chief Constable and that was an act almost without precedent so, undoubtedly, that is meant to draw attention. But, clearly, that issue has to be addressed because, out there, there are enormous concerns about the inquiry. The Island is polarised and what the truth is to this day remains, sadly, not a mystery but it remains a very confusing state of affairs. The other issue ... the much narrower issue - which I would have hoped the Deputy of St. Martin would have concentrated on rather than his paper colouring it and moving into the broader issue and suggesting subconsciously that, if you go for my proposition, you will therefore go for the subsequent small P proposition, so to speak - is that the whole process is flawed thereafter no matter how procedurally correct, as he undoubtedly is, the Minister for Home Affairs is. You will go for that and that, I do not buy. Somehow, we have to separate the 2 and the big issue I see is this political issue. The public feel there is enough evidence, not validated so far, but enough to set hares running and to set concerns running. There is enough evidence out there to suggest that people interfered at a political or a senior Civil Service level with the process and that it seems highly, highly unusual that this alleged interference should have had to take place so late in the day and that people were put under forced kinds of oaths of loyalty to the system where they had to take positions very, very quickly which, perhaps in the fullness of time or in the light of day, they would not have wished to take. That is what is worrying the public and that is certainly what I would like to hear more of. I have to partly agree with the Constable of St. Mary. I think the Deputy is saying: "Look, he is using an argument which, in other circumstances, he would contradict. He is telling us that this is a good bunch of chaps and chapesses and they are all terribly good and so forth" but, in fact, we have appointments procedures just to deal with that very situation. That very situation. While I can see it is a race to the finish where he wants to win the race before the Chief Officer leaves the Island, he wishes to win that particular race in order that the person can be given some justice. I can see he wants to do that but I would have thought if the button was pressed very quickly ... say, there was a vote in favour, if it was pressed very quickly, we could go through a more transparent affair. It should be said, there has been a lot of talk about: "Well, why do we not wait?" but we have all noticed today - and I have been reminded of that fact - that since the Chief Officer of Health and Social Services departed, there has been a vow of self-imposed silence on the issue. The feeling has been: "What is under the bridge is under the bridge" and the Minister for Health and Social Services has made various statements that basically boil down to: "Let us move on. Let us not analyse what went wrong. Let us not try and learn from what went wrong. Let us just very quickly move on." I cannot see that as being terribly satisfactory when a management disaster of enormous proportions has occurred, ditto the police. So, just to summarise, I am very, very concerned about the political involvement. If I was in self-serving political system - as we all are - and I was very worried about what was going to come out, I would obviously try and control it. That is human nature. I do not think we can. I think the genie has escaped out of the bottle and we have got to face up to it but I would like the focus to be on the alleged political machinations that occurred as opposed to using this as a Trojan horse to try and remove responsibility for what happened in the Haut de la Garenne investigation, although I do not doubt, when we look at the investigation in its entirety, there will be issues. There have to be and, sadly, the mechanism does not allow it at the moment. It is just for Wiltshire Police. There have to be questions about the political management of that investigation and, sadly, I do feel that there are attempts being made to bury that. I am not one of those people who have taken the view that the Chief Officer of Police has to be lionised, he has to be made into some doughty fighter for freedom on his charger. As somebody said - it may have been Deputy Tadier - he is a human being like all of us with flaws. The whole thing has been totally overdrawn on both sides, quite frankly, and I do disagree in this sense. Senator Breckon

said: “Well, if he was just an ordinary person, would we be giving such attention?” I hope we would. If we found that the system had gone badly, badly wrong and there were lessons to learn from it, I hope we would do that. It has to be said, often, as people know with disciplinary systems and with employment systems, they are peopled by people who, in the eyes of others, are very awkward people who are pushing the boundaries but, rightly or wrongly, that is their right. That is their right to push the boundaries to assert themselves and not to just passively accept what the system throws at them. If we have lessons to learn - be it a king or be it a peasant - we have those lessons to learn. The other thing I would say though in favour - this is where I keep swinging - of a specialist versus a so-called people’s jury is I think because of the issue of political involvement, Senator Le Sueur’s idea of an expert is a limited idea. Now, if his expert was to act as the expert to the Committee of Inquiry, I think there might well be some value in that if the 2 were to work in concert with each other. But I think having a group of seasoned people and I am not saying this bunch of well-intentioned right-wingers, as Deputy Tadier so charitably described them ... I am not saying they would do the job, although they would obviously be more credible in some circles. These people would bring a seasoned approach to it, they would know the system in which they were working and, hopefully, they would not be blinded by it. They would know the system and they would be prepared to move stones and uncover what was under those stones and I do not think a forensic kind of expert of the kind who has been discussed today would be able to do that total job. They would be afraid of getting into the political issues. Now, a lot would depend on the skill of the chairperson to ensure that the thing did not become political in the wrong way, as things often do in Jersey, but I think it is important to have laypeople who can say: “Look, the political system has gone badly wrong” because that is what it is about, in my view. Did things go badly wrong at the political level? Thank you.

#### **1.1.15 Deputy G.P. Southern of St. Helier:**

I thought that I was in a queue. It seems to me that the debate has swayed to and fro on several issues. One of them, for some bizarre reason being the qualities of the ex-Chief of Police, all I can say on that is that I knew about his qualities in that when, in my time on Home Affairs, what he was very good at was getting more than his fair share of the budget on any particular year and making sure that he bulldozed his way through. A very strong personality and that was it.

#### **The Greffier of the States (in the Chair):**

Deputy, if you had been here this morning, you would have heard the Bailiff say not to go down that route please.

#### **Deputy G.P. Southern:**

And I am not because [**Laughter**] the issue has to be around what is the best way forward where we are now. How best to solve the questions that have been raised to answer the questions that have been raised and the issue is have there been questions raised about political interference in the process? As Deputy Le Hérissier I think and, at length, said: “It is a political issue.” I think the questions are there and they need to be answered. The second question that needs to be posed by everybody before they vote on this is: “And what is the best way of ensuring credibility to whatever those answers are?” Now, doubts have been cast on the process that the proposer is putting forward in that he has - contrary, I believe, to his own principles - picked a squad. Part (b), I do not think, works. I do not think I can vote for that but the principle of what is the best way to answer those questions and have it believed and have the right degree of weight behind it and make it credible for people out there. What is the best way forward? Is it the Chief Minister’s solution of: “I will appoint somebody and I will organise an investigation”? I do not think so. He was, after all, a member of the team that is accused of political interference. The Council of Ministers then contained the Chief Minister and, whether he likes it or not, therefore, in some people’s eyes out there, he is - and I use the word lightly - seen to be tainted. Does that have intrinsic credibility? Will he be believed? I do not think so. Then we come to a rare thing but one that does sometimes

happen. I disagree entirely with Senator Breckon. Senator Breckon stands up and says: “No, that solution ... a Committee of Inquiry is not the way forward. It is too cumbersome, it is too big and it is overkill.” What we ought to do is simply turn around to the Minister for Home Affairs and the Chief Minister and say: “Give us the answers in 6 weeks” and then say: “Or else, we will come back to a proposition just like this to bring a Committee Inquiry in if you do not.” Now we have been waiting how long for any sort of answers and I do not think we have had them today from the Chief Minister. It is almost 2 years, is it not, or is it over 2 years? Nothing ... we have not got any clarity, so how he thinks that, in 6 weeks, we are going to suddenly get clarity and the answer will be - without the baton and the best alternative to whacking the Chief Minister around the head - we have not got anything because it is a Committee Inquiry. A Committee of Inquiry, at least, I believe, with independently selected members... I think that bit of it is wrong. A Committee of Inquiry is the way forward to get results and it need not be that long. We are talking about 6 months and whatever length over there. The issues are very straightforward. What happened? Was their political interference? Yes or No? It could be done within 3 months; a matter of months. Not very long at all but what will have credibility? A Committee of Inquiry will have the required credibility. The Chief Minister’s solution of his involvement and his organisation of that, I am afraid will not. I do not think it will have even a level of credibility within this House. It certainly will not out there and that is what we need to be dealing with. The perceptions of what has been going on over this issue that exist out there. So the way forward is to vote for (a) I believe and I hope he does separate them and not (b) and that is what I shall be attempting to do.

**1.1.16 Deputy T.A. Vallois of St. Saviour:**

I found it quite difficult to follow this, as I have not been involved in any what way, and I am pretty new to this area, so I have been trying to follow all different sides of the story to understand exactly how we have reached 14 or 15 months down the line to where we are and I have to say, from what I have seen in my time here in the House, we seem to not have a very good way of dealing with processes and procedures in certain aspects. I would therefore like to say that, with regards to what the Chief Minister is proposing, I would say that that would be something that was needed anyway whether this Committee of Inquiry proposition came anyway because I think there is a situation with H.R. and procedures and processes and I think it is something that robustly needs to be looked at immediately. It will have to be brought forward as soon as possible, in particular with regards to the public perception of what this whole case has brought forward. I think we have to refer back to what we stand as, as Members, as our code of conduct for elected Members, and what it states at point 5 is maintaining the integrity of the States.

[15:00]

I think we have lost, to a certain aspect, our integrity out there on the street, unfortunately. I would have to agree with Deputy Southern on part (a) and that is purely because I am sick and tired of hearing alternatives but no alternatives being given to parts of the proposition. The proposition has been in place for a while now. Why were no amendments brought forward? I have nothing here to say to me absolutely that the Chief Minister will definitely go ahead and do this within a set timescale and this is my concern that, every time we are promised again and again and again by Ministers and there are no timescales: “Yes, we might get it here. We might get it there.” It is just frustrating and, to say the least, I feel ... sometimes I wonder why I took up this post. I wonder why I put myself forward **[Laughter]** but you would think a government that has been given the responsibility of governing an Island that is in charge of so many processes and in charge of, technically, so many peoples lives, that we can get things so wrong and that is what concerns me. So I would therefore say that I am definitely supporting part (a) of this proposition and would urge the Chief Minister anyway to have an expert external adviser look at the H.R. processes and look at the procedures in place because there are serious flaws in our systems.

### **1.1.17 Deputy M.R. Higgins:**

Throughout my life, I have always sought to do what is right and to fight abuse of power and to fight for the rights of the underdog. Now I know that the Chief of Police is no underdog but I do believe that he has been wronged in the process adopted by the former Minister for Home Affairs and it is that, and only that, that I am concerned with. Unlike other Members of the Assembly who knew or had contact with the Chief of Police, I have not and, therefore, I am not burdened by whatever baggage they may be carrying. I do not know whether the Chief of Police will have a case to answer following the receipt of Wiltshire Reports 1 and 2 and, to be honest, I think it is irrelevant. I do not have the facts and neither does anyone else in this Assembly other than the current Minister for Home Affairs and although I admire and have great respect for the current Minister, I strongly disagree with his view that the inquiry into the first suspension process is a sideshow to the main event. I believe we have to treat the 2 as 2 separate exercises and issues. To my mind, this exercise is to send some clear messages to the public sector workers and to the public at large. I think we need to reassure all public sector workers, not matter how high or how low they are in the respective organisation, that the correct procedures will be followed and their rights will be observed and protected. Secondly, we have to restore the confidence of the public in the States as a whole. The inquiry we hold has to be credible. The Chief Minister, through his actions in refusing to give the Chief of Police the documents he sought and having to be forced to hand them over by the Complaints Board, has - and I stress "has" - in the public's eye, dirt on his hands. He is contaminated, he is suspect and if the Assembly supports his approach, confidence in this Assembly will plummet even further. So far as the main event is concerned, the Chief of Police will have to answer for any alleged wrongdoings and to be held to account for his actions but at last he will do so in a proper manner, unlike the initial suspension. I ask States Members, some of whom have got deep prejudices - and I have heard some of the mutterings - to put them aside and look at the issue as if they were in the position of the Chief of Police and they had equally been wronged and denied natural justice, as he has been. I also think that the States needs to address the abuse of confidentiality clauses which stymie proper scrutiny and accountability by Members of this House. More and more, we are coming up against a brick wall and being prevented from learning the full facts and, dare I say it, learn the truth about a whole series of matters. Unless we have an investigation by a body that is not determined or put forward by the Chief Minister or possibly members of the Council of Ministers, then conspiracy theories will persist and persist and they will hinder the other good works coming from this House. It is time to lance this boil once and for all and to reassure the public that there are States Members with integrity who will fight wrongs and abuse from any quarter. I urge you to support Deputy Hill's proposition.

### **1.1.18 Deputy J.G. Reed of St. Ouen:**

I would just like to echo some of the comments that Senator Breckon made earlier and just remind Members that the main issue, as far as I am concerned with regards to the Chief Officer of the States of Jersey Police, is not, I am afraid, the manner in which the Chief Officer was suspended. The question that the public want to know and I think States Members would like know is was it justified and appropriate? How we can believe that we are placing the procedures involved in dealing with an issue which I would like to remind States Members is being properly followed currently with the involvement of the Wiltshire Police in investigating this matter to bring it to a successful conclusion ... is it absolutely appropriate and if the Chief Officer was here, he would acknowledge that. We need to find out, first of all and know, whether the Chief Officer should have been suspended and whether action was appropriate. Then let us look at how the suspension was handled. The point is that the case has not been proven yet as to whether or not it was appropriate to suspend the Chief Officer. That is what we need to find out first. As for this conspiracy theory, it is great if you want to put a twist on things. It is easy to suggest ... the proposer alleges stitch-ups and cover-ups and the Chief Minister has made misleading claims. However, when it comes to the suggestion made by the Chief Minister that the public confidence could be regained by carrying out an independent review by an expert in the field, oh, no. The

proposer goes: “No, no, no, no, I do not want that.” How is that considered? Why is that not appropriate? Why cannot the proposer and others supporting the need ... and I do accept there is a need to look at the way we manage our human resources. Why cannot we work together and ensure that we have the right people, the right person - and it is suggested that it may be A.C.A.S. (Advisory, Conciliation and Arbitration Service) or some other proper authoritative body - to look at the human resources aspect? We have already heard about the consultant that was suspended and now is, I believe, reinstated. There are bigger issues to this. This is not just: “Let us look at the Chief Officer of the States of Jersey.” If we are really concerned about the human resources aspect, as Deputy Higgins said, let us look at it properly. It is not a Committee of Inquiry with a group of people as suggested here. It is a properly engaged and directed and focussed review that we require. At the same time, I understand and I think that the States Members hopefully acknowledge the frustration that we all have and I believe including the Minister for Home Affairs and the Chief Minister and others that the Wiltshire Constabulary who we cannot control and we should not control or guide or direct are taking what we all believe to be an inordinate amount of time to complete this investigation. Now that tells me 2 things; one there is some substance to the investigation. Otherwise, maybe they would have completed it sooner or, secondly, that they have to be - as one would expect - absolutely thorough in coming to the right conclusion. Now that happens. Yes, we can tell them: “Hurry up” but that is about it. We will get those answers. We must get those answers. Those answers that come from and flow from that report need to be told and need to be explained and stressed to the public. It needs to be explained to ourselves in this Assembly. But let us not mix up 2 completely separate issues with an idea that we can suddenly create this Committee of Inquiry and head down what I call is a minor road when we have got some bigger matters to deal with. Thank you.

#### **1.1.19 Deputy T.M. Pitman of St. Helier:**

I was hoping to wait until last and achieved it maybe. I am glad that this is in camera for 2 reasons. Firstly, that I am going to quote Margaret Thatcher for the second time in 2 days. I do not want people to get the wrong idea about me. I think it is Margaret Thatcher who said that standing in the middle of the road is very dangerous because you get knocked down by both sides, and that is true. But, on this occasion, you have almost got to try and stand in the middle. You have got to put those feelings that you might have aside. The second reason I am glad it is in camera is because I have to say that I would be quite embarrassed for some of the public to hear some of what has been said in the way we have focused so foolishly on an abuse of natural justice. But when I say that, the key issue there just to get to the bottom of the terms of reference, it is like pulling teeth and I appreciate the Minister for Home Affairs finally enlightening us in that area. Indeed, I thank the Deputy of St. Mary who we often criticise for being overlong in his delivery but today, in my view, he did an excellent job in highlighting the majority of the key issues and there is certainly no need for me to go over those. For my part, I just want to focus on the comments on a few points that really jumped out at me today and really they are human issues. The Chief Minister talks about the issue of value for money and, obviously, that is something that we all, as politicians, have to consider but I would ask him what value does he or, indeed, do we put on justice and transparency because that surely is the bottom line? Social justice costs money. We often hear that and it is certainly true, is it not? I always say social justice is worth paying for. I have to agree with, I think it is the Constable of St. Helier, that certainly what we have had so far has not been value for money. Not by a long shot. The Chief Minister also talked about people’s reputations being damaged; people who, as he says, cannot answer back and he is right in that of course. I would obviously hope that he also includes the suspended Chief Police Officer in that sentiment. It is value for money. What really hits me is this is a man’s good name at stake and not just for the rest of his life, let us bear in mind, but for posterity. We have seen, and it is quite clear now, that he will never get the chance to argue his case and clear it through a disciplinary procedure, so that puts more pressure than ever on us to finally get this right. The suspended Chief Police Officer, he may have been good; he may have been bad; he may have been indifferent. I do not know. I think I met him once in my former

career. I certainly do not know him. For this debate though, that is irrelevant and it is a point, to be fair, that the Bailiff has tried to remind a few people during the course of the debate. The Deputy of St. Martin, to me, is asking us to look at the process by which he came to be suspended. Whether or not there were flaws in that process - whether deliberately motivated or otherwise - and that is what I think we are in danger of losing sight of. Here again, I thank the Deputy of St. Mary because he reminded us of a very important factor and that is this. There is a division on this issue, there is a division in this House and there is a division in the way people think out there on the street. Not one of us, I am sure, could argue anything otherwise. There are people who think we are a secret society and it is a great big cover-up, there are people who think it is totally trivial and the Chief Officer must be a bad egg and the sooner we get rid of him, the better. That is how extreme people's views are and I think we are to blame for that and the thing there is that I do not think we can allow that division to fester any more because it is getting worse and worse, and I think it will continue to do so. That can only do further damage, I think, to us as a government and I think, from some of the speeches, we probably all agree that. We hear all the time about the need for consensus. Well, I would say what better time to start building that by supporting the Deputy of St. Martin's proposition? If there are no flaws in the process that has taken place and no cover-ups, intended or otherwise, then really that will all come out, will it not?

[15:15]

I simply have to say that I cannot understand why the Chief Minister does not accept certainly part (a) of the proposition. To me, that is the quickest way to move us forward. As Deputy Le Hérisier said, there clearly are issues that need to be examined in terms of alleged political interference. I have read the documents again and again and, I have to say, some of the statements from the former Minister for Home Affairs simply, to me, cannot be made to marry-up. That surely demands questions. No one has really wanted to focus on it but you cannot get away from the other blatant inconsistency, that one of the central players in all this - the Chief Executive Officer - has himself not been suspended where really, I think, it was absolutely necessary that that was done while this process played out. It might have speeded things up because we certainly could not afford another person suspended for a year, 2 years, 3 years, especially on whatever the gentleman was earning. I do not know how much he earns. That is irrelevant really. I think, as I say, the quickest way to put all this to bed is to support the Deputy of St. Martin. I have got lots of respect for Deputy Breckon but I cannot agree that we ask the Chief Minister to go away, come back in 6 weeks, and if we are not happy, then we do it all again. That just seems, frankly, bonkers, if I can say that in the Assembly. All I would end by saying is there is a saying, is there not, that justice delayed is justice denied. Well, I think it has been delayed far too long already. I think whatever people would say about my politics, they would all concede that I am honest in my views and I say what I think. There are people in this Chamber I obviously disagree with intensely on their political views. There are one or 2 people I do not particularly like as people but I would never ever, whatever I felt about someone, want to put them through what this gentleman must be going through or what we saw the consultant gynaecologist go through. Everyone is entitled to natural justice, even if you are a Conservative, even if you are a Socialist **[Laughter]** **[Aside]** or a Liberal Democrat like me or Margaret Thatcher, indeed. I would just like us to grasp this opportunity and move forward. I really cannot believe that this process has taken so long. I do not blame the present Minister for Home Affairs. I think he has done his utmost. It just seems incredulous to me that looking into a process can take so long. All we are doing is feeding the theories. We are feeding the people who think there is a cover up. We are feeding the people who think it is all just a joke. Let us dismiss these people. The only way to bring people together is to finally get this out in the open and we must have those reports. They must be made available, however long it takes, and I would ask people to at least support part (a) of the proposition. Yes, there are some questions on part (b). I will leave that to Members' conscience but please do support it. Let us put an end to this.

**1.1.20 Senator B.E. Shenton:**

I was not going to speak but I just need to ask the Attorney General a couple of questions. As Members may be aware, the suspended person is quite a litigious person. Indeed, he sued the Lothian and Borders Police when he was passed over for promotion and received an out of court settlement. It is quite relevant because obviously I was threatened with being sued when I asked why they said a body had been found when it had not. I am told that if you are giving evidence to a Committee of Inquiry, you are entitled to legal representation. Certainly, if I were giving evidence, I would insist on some form of legal representation seeing the nature of the person I would be giving evidence against. Can the Attorney General confirm that I would be entitled to unlimited legal representation if a Committee of Inquiry were indeed called? Then I have one other question.

**The Attorney General:**

The matter is not entirely susceptible to an immediate yes/no answer but I can, I think, give some guidance to the House in this respect. The Standing Order, I think it is 148, although I may be wrong, requires of a Committee of Inquiry to consider at all times whether someone appearing before it should be legally represented and is able to be legally represented. Yes: "149. A Committee of Inquiry may, if it considers it desirable, give leave to any person appearing before it to be represented by an advocate or solicitor." So, the starting point is that a Committee of Inquiry is charged with considering that. The principles that should apply to the process that it applies in deciding whether that would be possible is, in my view, this. It should first consider whether any of the matters that it may determine could adversely affect the reputation or rights of the people appearing in front of it. If it could affect those rights and that reputation, then I think it is probably the case that the Committee of Inquiry should permit any individual to be represented by an advocate or solicitor. The next question is whether the payment for the legal representation falls to the State or otherwise. That is not expressly provided for within Standing Orders or, indeed, within the code that applies to Committees of Inquiry. However, my understanding, from having considered this matter back at the office before, is that it is the case that more often than not, a person's rights are only properly protected if the State is prepared to pay for the legal representation that they have during the Committee of Inquiry which the State itself has put in motion. There are obviously rights involved which need to be protected. The position in the United Kingdom, as I understand it, is that there is a statutory provision that requires such payments to be made. That statutory provision does not exist in Jersey but it is clearly something that a Committee of Inquiry would have to give very careful consideration to and, in my view, in most cases, would have to provide that an individual, unless they seriously could afford to pay for their own legal advice, had legal advice that was paid for by the State. I do not think I can assist further.

**Senator B.E. Shenton:**

The second question to the Attorney General is I have been advised by the Wiltshire Police that I may be called to give evidence in court, should charges be brought. If charges are brought and I am called to give evidence in court and also the Committee of Inquiry, how do I balance these 2 things out without being in contempt of court by disclosing information that is relevant to the case that I should not disclose because it is a criminal matter?

**Deputy M.R. Higgins:**

I find it outrageous that we have not had the report and yet the Senator is telling us all that ...

**The Greffier of the States (in the Chair):**

Deputy, I am sorry, you may find it outrageous but I do not know what is the point you are trying to raise. Are you able to address that point?

**The Attorney General:**

I am not sure that I can. Perhaps the Senator could explain again precisely what he has been informed by the Wiltshire Inquiry. I did not quite catch that as part of the question.

**Senator B.E. Shenton:**

I would not want to damage any case by disclosing information that should not be disclosed in advance if any charges are, indeed, brought. Similarly, I would not want to disclose in a Committee of Inquiry information that may be relevant in a subsequent court case.

**The Attorney General:**

If a subsequent court case were to be a criminal prosecution and that were to be in train, then I think it would be incumbent upon a Committee of Inquiry to give very serious consideration as to whether it can and should proceed until that court case is finished. I cannot say, however, that as a rule of law it cannot, because a Committee of Inquiry set up by the States of Jersey has considerations such as parliamentary sovereignty and privilege to take into account and I do not think a criminal investigation or a criminal prosecution of itself means that a Committee of Inquiry cannot continue. However, it would be obvious that if someone were giving evidence that they might subsequently give, that would be a particular problem because there is always a risk if you give evidence in a Committee of Inquiry, which would be public, that it would contaminate the evidence that might be given in a subsequent criminal matter. So I think that a Committee of Inquiry, I am sure, would take into account and consider whether any evidence it wished to take could be taken properly before a criminal matter was resolved or whether, in fact, it should be taken in private.

**Deputy M.R. Higgins:**

Can I just bring up a point of order? The thing is that Senator Shenton has come out with this statement saying that he may be called to give evidence in a criminal matter and he said: "I have spoken to Wiltshire Police" implying that they are going to bring criminal charges in this investigation. We do not know what is going on. [Aside] Well, why is he saying it then?

**The Greffier of the States (in the Chair):**

What he said was to inform the Assembly what he had been notified by Wiltshire.

**The Deputy of St. Martin:**

While we are asking questions of the Attorney General, could I ask one as well following on from one of the questions that Senator Shenton asked? Just the fact that Senator Shenton is asking whether people were entitled to legal representation as an issue. I would like to ask the Attorney General, I know the answer and he knows the answer, but would he remember that the Chief Officer of Police also looked for equality of arms when he went to court and he was refused. So would you agree with that?

**The Attorney General:**

I do not think that calls for any kind of legal advice to the Assembly. It is a factual matter. As counsel in the case, and this took place in open court, so I will have no difficulty in saying, the question of legal representation, I believe, was raised by the Chief Officer of Police. He was asked if he wished to have legal aid and I believe he indicated that his means were such that legal aid would be unlikely to be provided to him. That is my recollection of the case.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak in the debate? Very well, I call on the Deputy of St. Martin to reply.

**1.1.21 The Deputy of St. Martin:**

Can I make it clear that just in case anyone thinks that I have got some vested interest in the Chief Officer of Police, the only knowledge I had of him is through my work. I had visited him on occasions. As Members know, I have taken a lot of propositions to the States on police-related matters and I may have spoken to him in the course of my job. I certainly did not know him in any

other former life. It was the same thing when I took on the case of Mr. Day. I had never met Mr. Day. In fact, I have only met Mr. Day twice. Once, he came up to me in the Royal Square and said: "Oh, Deputy Hill, I am Mr. Day and I am grateful for what you are doing." He tapped me on the shoulder when I was talking to someone else at Christmas in King Street and said: "Happy Christmas" and those are the only times I have seen him. So I am not doing this at all for people because they are friends of mine. In actual fact, I wonder really why I put so much work in and it may be a comfort to Senator Breckon that I do a lot of work for a lot of people like he does and I was rather disappointed with his tone this afternoon because I would have done this for anybody. The fact that it is a Chief Officer I think is just as important. I think also I ought to make it clear that we have come from absolutely nowhere. If I had not pushed and put those questions and religiously researched and come up with the step by step approach evidence-based, I have done everything above board and I have had phone calls from one of the people concerned threatening to take me to court. I have had the Data Protection Officer on to me and I have said I am quite happy to answer anything but please tell me who the complainant is and the purpose of their complaint. So it has not been easy, my task. I am not looking for pats on the back but I just remind people that it is not easy doing the sorts of things I do. Not many people do but I will continue to do it because I think it is right, irrespective of whether it is a Chief Officer or the man in the street. A lot has been said today and really to go through everybody line by line I do not intend to do but I think it is important to pick up some of the points. Probably the way things are, I could almost see how this debate was going to go, not on the party line, but one person who did surprise me was Senator Breckon because he had supported this last time and now obviously his trip to Ireland has obviously ... maybe some of the Guinness there but who knows. **[Laughter]** **[Aside]** I have got to start off with the Chief Minister because I was a bit unkind to him but I did make it clear that sometimes you have got to separate friendship from duty. When we are in this House, we are in the ring. If it means sometimes taking the gloves off, we have to take the gloves off and, again, the gloves have been taken off and I was rather disappointed with some of the comments made about me and the one about a kangaroo court. I am sorry, that really is below the belt. I think what we have got to ask the Chief Minister really was he did not answer some of the questions I did ask in my speech and I think it is quite clear now that the Chief Minister ... I do not like to use the word "misled" but somehow or other, throughout the whole of this process, he said that we cannot do anything because Wiltshire Police are looking into the suspension process. I think we have nailed ... I do not want to use the word "lie" but we have nailed that now to the post. That is quite clear. Wiltshire Police are not looking into the circumstances around the suspension and I think we can put that to bed now.

[15:30]

That can be made public, it always was made public but the tack was that the Chief Minister kept denying it and I wondered why, why, why, but there we are. He gave a number of reasons as to why his expert is better than mine. Well, I did point out in my speech really that we have known what has happened before. We have had it with the Verita. It is suddenly the eleventh hour, and we are still waiting for the Verita Report. That is almost 6 months and, again, I think Senator Ferguson said: "You cannot have an inquiry until another inquiry is finished." Well, we did and, in fact, Senator Ferguson voted for it when we did have the Verita Inquiry. The Verita Inquiry was still going when, in fact, what I was asking for was for Verita to finish the job and the Chief Minister opposed it and the Members opposed it. In fact, it was a tie. That is why we are still waiting for this very costly process when it could have been finished if Members had supported what I am doing and also recently again with the States Employment Board. I came up with a proposition and said: "Let us have 2 Non-Executives" and the Chief Minister came along and said: "Yes, I will accept that but we will have 3 of the Executive." Where is the amendment to that? That is ready but why has it not come through? So you can understand maybe ... I have got a

policeman's mind but sometimes you can wonder, well, you know, why are people not as straight as they ought to be?

**The Greffier of the States (in the Chair):**

I do not think you should impugn the Chief Minister as not straight.

**The Deputy of St. Martin:**

No, maybe straight, but it has been a long day. It has been a long few days but I said I was saddened by the way in which the Chief Minister had opposed what I was doing because really I have done mine for the best will because I think it is the right thing to do. I thank Deputy Le Claire for his support but, again, I have got to compliment the Deputy of St. Mary. A lot of people moan about the length of time he takes but I know a lot about this case and can I applaud him for the meticulous research. He was spot on on so many things he said and I am sure really those who have not read ... and I can understand that because you have been bombarded with evidence and the one thing I suppose is I am pretty good at digging out. Those who work with me on Scrutiny know that I am thorough, I am meticulous, and that is how I expect people to be but, again, the Deputy of St. Mary is to be complimented because he drew out so many parts there which really were very, very critical to the debate. He was right about the questioning and we have got this interim report about the Metropolitan Police. We now know that no one has seen it. The only person who has seen it is the Acting Chief Police Officer, no one else, and on that report, the Metropolitan Police interim report, they then formed the basis of suspending the Chief Officer and I will come to that presently. But he is talking about putting something to bed and he is dead right. This is going to go on and on so I would again ask Members at least to support what I am doing. The Deputy of St. John, well, I really was again a bit disappointed there. He attacked me again personally. I do not know where he is coming from. To make it clear, I think the Deputy of St. John made it clear that he was opposed to appointing the Chief Officer and at least he did the decent thing last time. He abstained and no doubt - I know he is an honourable man - he will abstain this time as well. **[Laughter]** I mention Senator Ferguson again. If this was Mr. Day, the principle is the same and Senator Ferguson was absolutely superb. She supported me all down the line there but somewhere or other, because this happens to be the Chief Officer of Police and not Mr. Day, we are having a difference of view. But anyway, Senator Ferguson is entitled to her view. Deputy Jeune, I know how emotional you were about your speech. I was quite surprised really but I can understand and I would hope you could support what we are doing because it is ... we are really looking to nail this and the only way I think is having a proper Committee of Inquiry. If we do not do it today, it will come back. Senator Le Marquand, well, again, I do have a lot of respect for Senator Le Marquand. I know the difficult position he is in and if he thinks I was having a go at him for allowing this situation to run on and run on at Wiltshire. But this is the problem. The job was not done properly in the first place. I think if you are going to have any Committee of Inquiry or anyone carrying out anything, you have got to put it in the rules and I made it clear. The Committee of Inquiry that I am proposing will do something within 3 months, they know there is a need to do it and I have stressed this before. I think it is entirely fair to the Chief Officer of Police to leave this Island knowing full well that he has had an opportunity to put his case forward. So if it was implied that Senator Le Marquand has in any way tried to slow down the process from Wiltshire, I do understand his problem but at the same time, at some time, he could have said: "Well, enough is enough. Where are we going to because this is not going to be completed by the time the Chief Officer of Police retires" and that is really the argument we have. This could stop now. The dissident investigation could stop now because there is no way that the Chief Officer could be taken to task for a disciplinary hearing. The Minister will know that 2 or 3 officers at the police station now have been suspended and it has taken almost 12 months from the time that the Attorney General or the Crown Officers made the decision not to take someone to court. But it has taken 12 months for the process to come via discipline, so there is no way whatsoever that the Chief Officer of Police would be facing any disciplinary hearing if indeed there are. Not that I want to

pat the Connétable of St. Helier on the back but I thought probably of all the speeches, his was short, succinct and to the point and really, I notice, supported what I am asking but it makes sense, what he said. Again, he is right. If only we had done what we were doing 12 months ago, we would have saved ourselves almost £1 million and hundreds of thousands of man hours. Again, he is right, no risk assessment was carried out. The Constable of St. Brelade I have mentioned. I really am surprised and I would have asked that you would have retracted from calling those 5 honourable people party to a kangaroo court. I feel sad about that. The Constable of St. Mary: every time she gets up, I think she becomes more like a schoolmistress taking me to task. It was unfortunate really that I was not asked to speak to P.P.C. In actual fact, I will be making a submission to P.P.C. because that is one of the things I will be saying, that when any Minister or any department has comments, they do not make them until they have spoken with the person bringing forward the proposition because, as indeed today, I think maybe Deputy Southern's proposition has been ambushed. Here we are on the day of the proposition being debated, there are the comments and it is not really fair, and I do think that if a committee or a Minister has got to make comments at least they offer the person who is putting forward the proposition an opportunity to come and meet and discuss with them.

**The Connétable of St. Mary:**

Will the Deputy give way for a second?

**The Deputy of St. Martin:**

I will, yes,

**The Connétable of St. Mary:**

As I made clear in my speech, before those comments were published, I did send them to the Deputy. I did advise him we were making comments. He did not reply to me, Sir.

**The Deputy of St. Martin:**

I was never invited to meet the committee. I absolutely make that clear. At no time was I invited to meet P.P.C. prior to the comments being published. I do not know where the Constable is coming from. Again, it calls for transparency and I agree with it. I am one of the greatest proposers of it but, again, I mentioned it in my speech that until Standing Orders are changed, what I have done is I have complied with Standing Orders. Now, if I had asked to put out a Committee of Inquiry, who would I have asked? Would I ask P.P.C. or would I have asked the Chief Minister's Office to select the people? How does a private Member bring a proposition to the House without having to go through this? So until Standing Orders are amended, I am still complying with Standing Orders as they exist. So I know the Connétable may want to shake her head but sometimes it does hurt to be told the truth. Senator Breckon, again I was surprised. I was just wondering what he had picked up in Ireland but this is a man who ... the Senator supported the Connétable of St. Helier last time and I am surprised that he has done a change and I would support the ordinary person in the street. He knows that and rather to think that I am just supporting the Chief Officer of Police because he is a senior officer, I think he is totally wrong there. Again, one ought to remember that the amount of work I have done myself on the suspensions that we have now reduced the number of suspensions. We never had the answer. I did ask the question the other day to the Chief Minister but he did not get round to it. That was the last on the question and answer session. But we have come down now from 30-odd suspensions to about a half a dozen now suspended so I have done quite a lot for the ordinary working man. So I again make that point. Deputy Le Hérissier: the usual... a very strong speech but he was dead right again, hit the nail on the head when he talked about Haut de la Garenne. Where is this review? Again, you could put this conspiracy theory but is it not convenient that the only inquiry we are having is with the Chief of Police? Where was the inquiry into the political side? The Chief Officer of Police would be reporting to the Minister who would then be reporting to the Chief Minister and we know how

much the Chief Minister's part in the whole inquiry was. He was up front on the television and everything else. Probably that was to his peril but at the same time there was political accountability and what we have done is we have taken the eye off the ball and the whole thing is put over to the Chief Officer who really has been told he cannot say a word. All his rights have been taken away and I say he would be better off if he had been charged with something because at least he would have had some rights. I like the idea of what Deputy Le Hérissier had to say about the compromise. If, indeed, we had a Committee of Inquiry, if the Chief Minister had a lot of money, he could use the person, his expert, to advise the committee and so he got there. Deputy Southern mentioned about voting for (a) and (b). It was always my intention to separate the 2 although, to be honest with you, if we are going to go for the Committee of Inquiry, it makes sense to go with the panel I put forward to you because, quite simply, they could start tomorrow and that is one of the arguments that I put up. Again, Deputy Vallois I think is improving every time she gets up and speaks, so, well done. I think she was quite right again to point out there were no amendments to the names I put forward. It was open to everybody yet no one has taken the opportunity of doing so, again, because I am complying with what is Standing Orders. Again, she was dead right that we have got to get our procedures right. How could we get ourselves into so many messes because our procedures and our processes are wrong? We keep saying that but who is responsible for it? Certainly not me. I will never make a Minister and certainly will not make chairman of the P.P.C. either. Deputy Higgins, as always, a strong speech. Got straight to the point and he said what we should be doing is getting to the truth and we should be fighting for the truth and I agree with him. The Deputy of St. Ouen, well, I am not sure where he came from. I do not know if he was listening to the speech, with every respect of the Deputy of St. Ouen, but he made the speech we would expect him to do. After all, he is the Minister and the Chief Minister does want everyone to follow suit. But really to make it absolutely clear that Wiltshire are not looking into the suspension issue and, so again, I do not know where he was coming from there. He says: "Let us accept." I will not accept the Chief Minister's proposal but I would remind him that the Chief Minister will not accept mine either; so 15-all maybe. Deputy Pitman again, I thank him for what he had to say and again that he says definitely this is the quickest way of going through so all in all I think I have covered everybody. But I would just like to say in closing really that it is down to us. The public are going to be concerned again. Here we are. We have had a debate in secret and we are now going to continue that process because I get the mood of the House and, of course I would be delighted to be wrong, but I do get the mood that possibly, as always, when the Chief Minister comes through with a proposal, he wins by virtue of numbers. I would hope I could be wrong but there is a lot more to it. We have really got to find out what went on and the only way we are going to find out is by having a Committee of Inquiry. If we do not have the Committee of Inquiry now, I can put money on it that the Chief Minister will be back because he will have to because it is not going to go away. The Chief Minister's expert is not going to look at the suspension issue, who did what, when was the Metropolitan Police interim report called for? Why was it called for? Why was it done on 10th November, one day? Then the next day we have got the Chief Officer of Police called down to be suspended. It is ... should I choose the words differently, but it really does smell and you have not got to be a very clever policeman to work that out and I think most of us here must feel that really it does not stack-up. I am afraid if we go along with what the Chief Officer says, we will not get the answers because it is quite clear that area is the area we will not look at.

[15:45]

So it is down to Members. You walk out here today and think to yourself: "Well, I think I have made the right decision, the public will have a lot more confidence in me because I am going for the Deputy of St. Martin's proposition." If you want to hide behind closed doors, let us carry on the same business, business as usual, please vote for the Chief Minister's proposal. If you want to walk out of here feeling at least you have done your bit for accountability and try a bit more for

integrity for the House, please support mine. Sir, I would ask that they be separated. Again, I cannot see the logic in voting for one without the other but at least I will give people the opportunity. May we have the appel, please?

**The Greffier of the States (in the Chair):**

Very well, the appel is called for. If there are no points that need to be raised, I will ask the usher to summon those who I understand are waiting outside because the vote is taken in public. Very well, the galleries are open. For the benefit of the public, I will state that the debate is concluded. The Assembly is sitting again in public session. The Deputy of St. Martin has requested that the vote be taken initially on paragraph (a), which is to establish the Committee of Inquiry. I note that all Members are in their seats and therefore the Greffier will open the voting.

<b>POUR: 21</b>		<b>CONTRE: 26</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Senator T.A. Le Sueur		
Connétable of Grouville		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Connétable of St. Clement		Senator T.J. Le Main		
Connétable of St. Lawrence		Senator B.E. Shenton		
Deputy R.C. Duhamel (S)		Senator F.E. Cohen		
Deputy of St. Martin		Senator A. Breckon		
Deputy R.G. Le Hérisssier (S)		Senator S.C. Ferguson		
Deputy J.A. Martin (H)		Senator A.J.D. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy of Grouville		Connétable of St. Ouen		
Deputy of St. Peter		Connétable of Trinity		
Deputy P.V.F. Le Claire (H)		Connétable of St. Brelade		
Deputy D. De Sousa (H)		Connétable of St. John		
Deputy K.C. Lewis (S)		Connétable of St. Saviour		
Deputy M. Tadier (B)		Connétable of St. Peter		
Deputy of St. Mary		Connétable of St. Mary		
Deputy T.M. Pitman (H)		Deputy J.B. Fox (H)		
Deputy T.A. Vallois (S)		Deputy of St. Ouen		
Deputy M.R. Higgins (H)		Deputy J.A. Hilton (H)		
Deputy J.M. Maçon (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 A.K.F. Green (H)		

**The Greffier of the States (in the Chair):**

[Aside] Now, Deputy, clearly paragraphs (b) and (c) fall away.