

2.3 Deputy D.J.A. Wimberley of St. Mary of the Attorney General regarding the investigation into an alleged pollution incident at La Collette:

Can the Attorney General state what advice, guidance or legal constraints were operating during the investigation by the Planning and Environment Department of the alleged pollution incident, which happened at La Collette during the construction of the incinerator on or around April 2009, which had the effect that the principal witness and the man whose job it was to ensure that the work was done properly was not interviewed during the investigation?

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

I am afraid that I am unable to answer the question at this time. This matter is still under active consideration by my department. No final decision has, as yet, been made. I am sure that Members will understand that at this stage it would not be right or appropriate for me to discuss this matter further. When a final decision is made I will provide more detailed information if it is then appropriate to do so.

2.3.1 The Deputy of St. Mary:

I just want to clarify that I am not asking about the decision itself, of course. But I am asking about the process and, in particular, not the process within the A.G. (Attorney General's) Department but the process as constrained by some kind of guidance that was applicable in the Planning and Environment Department. They seem to be saying: "We could not interview this person. The person who raised the alarm" and I am wondering what ... the question is ...

The Deputy Bailiff:

Deputy, one moment please. You cannot ask the Attorney General on a matter for which he carries no responsibility, which is what is happening in the Planning and Environment Department. If you would like to frame your question in such a way that he is responsible for it.

The Deputy of St. Mary:

That is exactly the point, it is one of these 2 stools questions. You go to the Planning Department, they say: "We cannot interview this person because we are under constraints. There are protocols, we cannot do that" and that is what I am asking what these protocols are. Is the A.G. aware of any protocols or guidelines that would emanate from his department that would constrain the investigation carried out by Planning and Environment, and I believe that question is rightly put.

The Deputy Bailiff:

Mr. Attorney, has your department issued any such guidelines of constraint?

The Attorney General:

I am aware of no guidelines or constraints issued by my department that relate, in general terms, to matters of this type of nature. There is guidance issued to regulatory departments when considering whether or not to refer a matter to the Attorney General, and that is available on the Law Officers' website to be reviewed. It does not, I think, contain any guidance relating to how or who should be interviewed.

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

Two weeks ago in this House I put a question to the Attorney General about this particular incident and he said hopefully we would get a response in the next several

weeks. Is the Attorney General in a position to give us how many more weeks we have to wait, because we would like to get on with putting a close to this particular incident?

The Attorney General:

Other than to repeat the answer that this is a matter under active consideration within my department, I cannot be specific. The indication that I gave on the last occasion remains correct, as far as I am able to say, but I cannot be more specific than that.

2.3.3 The Deputy of St. Mary:

Just on a matter of general principle, would the A.G. agree, and I am sure the answer is going to be yes, that justice delayed - and we are talking about justice for the environment and for the users of the environment, which is all of us - is justice denied?

The Attorney General:

As a general principle, I do not think I could argue with that. I would also say justice hurried is often justice denied as well.