

STATES OF JERSEY

SCRUTINY COMMITTEE

BLAMPIED ROOM, STATES BUILDING

WASTE MANAGEMENT STRATEGY

Present: Deputy Phil Rondel (Review Chairman)

Senator Ted Vibert

Deputy Gerard Baudains

Senator Jean Le Maistre

Deputy Rob Duhamel

Deputy Bob Hill

In attendance: Professor Chris Coggins (Waste Management Consultant)

Professor Jim Swithinbank (Sheffield University)

EVIDENCE FROM:

SENATOR FRANK WALKER

In attendance: Mr Jeremy Harris

on

Monday, 11th October 2004

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DEPUTY RONDEL: I would like to welcome you, Senator.

SENATOR WALKER: Thank you, Chairman.

DEPUTY RONDEL: And Mr Harris.

MR HARRIS: Thank you.

DEPUTY RONDEL: Whilst somebody is preparing you a cup of coffee, I will get on with the business of the meeting. Firstly, I have to draw your attention to and read the bit of paper which you will have on the table in front of you. It is important that you fully understand the conditions under which you are appearing at this hearing. You will find a printed copy of the statement that I am about to read to you on the table in front of you.

Shadow Scrutiny Panels have been established by the States to create opportunities for training States Members and Officers in developing new skills in advance of the proposed changes of government. During the shadow period, the Panel has no statutory powers and the proceedings at public hearings are not covered by Parliamentary privilege. This means that anyone participating, whether a Panel Member or a person giving evidence, is not protected from being sued or prosecuted for anything said during hearings. The Panel would like you to bear this in mind when answering questions and to ensure that you understand that you are fully responsible for any comments you make. That said, welcome, Senator and Mr Harris.

SENATOR WALKER: Thank you, Chairman.

DEPUTY RONDEL: If I could, firstly, ask whether you -- you have obviously read the Waste Management Strategy of Public Services -- and whether or not you are in agreement with it?

SENATOR WALKER: I think ... sorry, Chairman, first of all, there are two gentlemen here that I do not recognise.

DEPUTY RONDEL: I am sorry. My apologies. We have Professor Swithinbank and Professor Coggins, who are advisers to the Panel.

SENATOR LE MAISTRE: Technical advisers.

SENATOR WALKER: Thank you. I think, in answer to your question -- I am grateful for that -- in answer to your question, I think that the Environment & Public Services Committee still have some work to do before their strategy can be approved by the States. Having said that, it does

seem to me, having read the Report and Proposition and having attended the presentation put on by the Committee on Friday, that, if we look at the recycling issues first of all, they do seem to be making some considerable progress down the recycling route and taking Jersey far further than we have been hitherto, although I note that we seem to be performing even now at a level somewhat better than the UK but somewhat considerably worse than many countries in Europe. But, even, as I understand it, if we were to reach the best of recycling standards (if that is the right word) in Europe, we would still, unless another method of disposal is found, need an incinerator. It, therefore, seems to me -- and I am no expert on this -- but my current position is that I would require from Environment & Public Services a thorough assessment of that position with a considerable amount of data to support it and also much further investigation of the possibility of shipping our waste to particularly France.

Here, of course, the Policy & Resources Committee are involved, because the interpretation that has so far been given, I understand, says that the Basle Convention precludes the shipment of cross-border waste. I know Deputy Duhamel is shaking his head, but that is the advice that is currently available. I actually said, and Senator Le Maistre, who was at the meeting on Friday will verify this, I actually said to the President and Chief Officer of the Committee that, in my view, they needed to do some considerable further research into that. The Policy & Resources Committee, I can tell you, has, or I have, already instigated a further investigation with the UK Government and others to establish exactly what the interpretation of Basle is. My understanding is that the UK Government have said that it does preclude shipment of cross-border waste. The French Government would appear to be possibly taking a different view and, of course, the interesting position arises, or could arise, in that eventuality if we decided that shipping waste was economically and environmentally acceptable to Jersey (which I have to say is still a big question, I think), but the interesting situation could arise where the UK, having actually been the signatories on our behalf to the Basle Convention, if they took one interpretation, which is you cannot ship cross-border waste, and the French Government took another and we wanted to ship our waste to France, then an interesting position arises. But that is a matter for the Policy & Resources Committee in that context and it is a matter, as I have said,

that we are already investigating.

DEPUTY RONDEL: Thank you. Deputy Duhamel?

DEPUTY DUHAMEL: Perhaps it is an opportune moment to actually read you out Article 11 of the Basle Convention and, in full, it actually says: “*Bilateral, multilateral and regional agreements*”. It is two clauses. One says: “*Notwithstanding the provisions of Article 4, paragraph 5, parties may enter into bilateral, multilateral or regional agreements or arrangements regarding trans-boundary movement of hazardous wastes or other wastes with parties or non-parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention, in particular taking into account the interests of developing countries.*”

The second part says: “*Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them for the purposes of controlling trans-boundary movement of hazardous and other wastes which take place entirely among parties to such agreements. The provision of this Convention shall not affect trans-boundary movements which shall take place pursuant to such arrangements provided that such agreements are compatible with the environmentally sound management of hazardous and other wastes as required by the Convention.*”

It seems to me, Senator, that it is quite clear that arrangements can actually be made within the law. It may not be satisfactory to some parties to actually agree to that, but it does certainly look -- and I'm no lawyer, but it does certainly look -- like, providing these bilateral agreements are in place (and I take it that P&R in having actually agreed some bilateral agreements in Jersey's own right with America over financial issues) we would in fact be in a position under the Basle Convention to actually do a similar thing in terms of our waste treatments.

SENATOR WALKER: I don't know. At this point that is what we are investigating currently. I

understand what you are saying, and thank you for reading out those chapters or those clauses. But, equally, you are aware, as am I, that other advice, legal advice, suggests the contrary, that we cannot out-ship our waste and this is obviously an issue that has to be absolutely bottomed out before a final decision is taken. My understanding is that the Environment & Public Services Committee are aware of that, are awake to that, and are doing just that.

The other issue, of course, though that will arise is let us assume for the moment that we can ship our waste to France. The next question is do we want to ship our waste to France? Is it economically and environmentally a better option than incineration or a combination of incineration and recycling? I don't know the answer to that question as yet and that is why I have said to Environment & Public Services that, in my view -- I am really speaking here as an individual States Member as opposed to the President of Policy & Resources, although there are Policy & Resources implications, as I have said -- in my view, they need to have conducted a thorough investigation into the alternatives and come up with facts and figures which we can all understand and use as a basis for a decision.

DEPUTY DUHAMEL: So do we have an undertaking from yourself and your Committee that no stone will be left unturned and, if there are indeed better alternatives that the Committee are showing reluctance or don't intend to look at, that pressure will be bought by P&R on the Public Services and Planning & Environment Committee in order to ensure that a proper consideration of all the alternatives takes place before any decision comes to the House?

SENATOR WALKER: Well, as I have said at previous Scrutiny hearings, the ability of the Policy & Resources Committee to apply pressure on other committees is limited to persuasion. We have no powers in this respect at all. What the Policy & Resources Committee will commit to doing (and I think I have already said this) is to a thorough investigation of the Basle Convention and what it does and doesn't allow in terms of the transshipment of waste. That is within our remit, that is within our powers and we will do that and we will publish those findings so that they are readily available. If we are of the view that we can out-ship our waste to France or wherever, then clearly we would be expecting -- certainly I would be expecting -- the Environment & Public Services Committee to either say "Yes, that is the way forward" or give

us hard and fast reasons and facts as to why it isn't the way forward, but I don't think any of us should be reaching any preordained conclusions at this point. I think we have got to continue at this juncture to have an open mind and wait for a further and fuller evaluation of all the issues.

DEPUTY DUHAMEL: On a related point, we heard this morning from the President of Planning & Public Services that indeed it was his Committee who actually called for a report on procurement options by PricewaterhouseCoopers and he did actually amend his statement having told us that it was ----

SENATOR WALKER: Sorry, I am having trouble hearing you, Deputy.

DEPUTY DUHAMEL: He did actually amend his statement further to actually include responsibility for the procurement of that particular document to P&R Committee and indeed the Finance & Economics Committee. Now, what is a matter of concern for myself is that, at a very early stage, it would appear that certain options which might well have actually proved to be cheaper options so far as the Island deals with its waste have actually been excluded from proper and due consideration. I just wondered to what extent the P&R Committee was actually aware of that and whether or not the P&R Committee would feel happy in going to the House actually supporting a single option for an energy from waste plant without actually having had the alternatives properly looked at?

SENATOR WALKER: I think I have answered that.

DEPUTY DUHAMEL: I think you have, but I just wanted to actually raise the issue. I mean, the report specifically excludes asking, for example, waste managers to come to the Island who would be responsible for looking after our whole waste problem, and pushed the Island through the reports that have been written into only considering that an energy from waste plant should be built and it should be built by a design and build but not operated by anybody else except for Public Services. There are other alternatives, whereby, as I said before, it may well be cheaper if a large contract were offered to international waste managers who could actually do everything and as part of that it might well be that, because they do have links to other incinerator providers, the capital investment to be made by building one in Jersey would not need to be made. But these options have specifically have been excluded from as early as 2002 and perhaps even

before then.

SENATOR WALKER: Well, yes, you say consistently “*have been excluded*”, but my understanding is, and it is no more than an understanding -- I have no detailed knowledge in this context -- is that the Public Services Committees of the past have ... you have two independent experts advising you this morning and I understand that they have had also independent experts advising them on more than one occasion and presumably the proposals they put forward have been based, at least in part, on that advice. But I go back to what I said earlier. I have said to the President and Chief Officer of the Environment & Public Services Committee that they need to have a full investigation and show us the full comparisons between the various options before, in my view, the States should be asked to take a decision.

DEPUTY DUHAMEL: Okay. Thank you.

DEPUTY RONDEL: Senator Vibert, please?

SENATOR VIBERT: Yes. Thank you. I’m glad you said what you said earlier on about the need to get all the necessary information together, because I have to say that so far on Scrutiny we have been having great difficulty in getting answers to some fairly straight questions. One of the questions which we asked dealt with this question of shipping waste away from the Island, because the Committee actually made the categorical statement that “We cannot export the waste because of international agreements”.

Now, we have been researching that and we in fact have had from the Department here that deals with it an explanation of what is likely to happen with the Waste Management (Jersey) Law when that comes into being. It says here that it was passed in June and is with the Privy Council. It will not come into force until the administrative framework is in place to enforce it, which is the normal situation, I would say. When this happens, Jersey will ask the UK to extend its ratification of the Basle Convention to cover the Island, which, again, I think would be procedural. Would you agree that that would just be a procedural thing?

SENATOR WALKER: Yes.

SENATOR VIBERT: And it says here “*However, in order to export waste to the UK, the Jersey Government will need to put in a dually motivated request to the Environmental Agency listing*

the waste types it wishes to export and giving the reasons why they cannot be dealt with here.” So that just deals with the UK. So, from all that, it seems that we have a procedural situation, which will probably take another 12 months. We then need to go to the UK Environmental Agency to tell them what we want to do to get the permission from them, which actually opens the door to the fact that it is possible to do it. As far as France is concerned, we have been assured on our visit to France, by a huge operator that handles the whole of France that the Basle Convention creates no problems to them whatsoever. So really the question I wanted to put to you is, is it right that a States Department should be telling the public “We cannot export waste because of international agreements” because I think I would take the view, if I had read that, well that is out of the question and we cannot possibly do it.

SENATOR WALKER: Hmm hmm.

SENATOR VIBERT: When in fact it should have read “We cannot export the waste because of international agreements at present. However, the situation is”, and then the situation would be as I have just explained. It should really be put to the public in that particular way rather than the way it has been put, which is extremely misleading; and that has been put at public meetings.

SENATOR WALKER: Well, I’m not ready to agree that it is necessarily extremely misleading. I don’t know the advice which the Committee had which convinced them that their statement there was correct. I am assuming that they had advice and I am assuming that, having made that statement, they absolutely believed it to be correct and I would be more than a little surprised, not to mention disappointed, if the Committee had made such a statement, such an emphatic statement as you rightly point out, without the benefit of some very high level advice to support that view.

SENATOR VIBERT: We had great difficulty getting answers to that question this morning unfortunately. I also want to ask you about when you quoted the figures to say that Jersey was doing quite well alongside of the UK and you took that obviously from this document here?

SENATOR WALKER: I did.

SENATOR VIBERT: Right. Now, we made the point this morning that that is how the public read those figures and they are being used for that purpose. But, in fact, we have also pointed

out to the Committee that they are either eight years old, seven years old and, in one case, 11 years old and we asked why on earth had they not put the up to date figures there. Again, we were told this morning that it was because it didn't really matter; it was just pointing out to the public how things were, but it is 11 years old. I was interested in the comments you made because you clearly have been influenced by that.

SENATOR WALKER: Yes.

SENATOR VIBERT: And I would have been influenced by it too.

SENATOR WALKER: I think the important, the most important, statistic, percentage -- call it what you will -- in that chart (and presumably you have advice on whether or not this is in any way still approximately the case) is, for example, that the best practice in terms of recycling is shown as Holland and Germany, which are looking at 39% and 38% respectively of their total waste management. Now, if those figures are now materially different -- and I do not know whether they are or whether they are not ----

SENATOR VIBERT: They are going up.

SENATOR WALKER: If they are materially different, then there is an issue, I would agree.

SENATOR VIBERT: The situation also we found this morning is that in fact different countries have different ways of analysing -- particularly from Professor Coggins -- that you really need to analyse each country's figures to see what they have actually included in those figures. So, you know, we have got to be very careful. The message was from Professor Coggins that we have to be terribly careful how we make the comparison. Now, Senator Le Maistre this morning raised the question that we should really not be comparing Jersey with a huge country, but we should be comparing it with comparative areas of similar sizes where you could actually get a handle on how they were handling it. For instance, Brittany and Normandy compared with Jersey. Now, what is their figure? A town in France, a town in England, and we have actually got some figures from a town in England that is up to 44% recycling and we have a town in Normandy/Brittany that is over 45% recycling. The question we asked this morning is why nobody has gone to have a look to see how it is done. Would it surprise you to know that nobody has gone when you get a top set of figures from somebody, a country or an area that is

actually doing it, that nobody bothers to go and have a look to see how it is done?

SENATOR WALKER: My understanding is that they have been to look to see how it is done.

They may not have visited necessarily the same plants as I understand you visited, but I do understand that they have indeed visited other plants. What they intend to do before coming forward with their final proposals I do not know and of course it is a matter for them.

SENATOR VIBERT: Could I ask on an overarching ----

SENATOR WALKER: I would just caution also ... I am not ... I do accept the view that you shouldn't compare Jersey with a major nation like Germany or Holland, but, equally, I am not sure you can compare Jersey necessarily with a small town in Normandy. There are real differences. We are an island community and that, as it does in so many things involving material, makes a significant difference.

SENATOR LE MAISTRE: Can I explain that, because I was quoted?

SENATOR WALKER: You weren't quoted incorrectly, Senator Le Maistre.

SENATOR VIBERT: No, no.

SENATOR LE MAISTRE: I think Senator Vibert was using his *JP* reporting skills in interpreting what I had asked. The purpose of my question this morning, which I think you will see the logic of, was, rather than making a comparison between ourselves and a country with 60 million people in terms of average, would it not have been useful to actually look at the best performers within a particular country ----

SENATOR WALKER: Yes, yes.

SENATOR LE MAISTRE: And it doesn't matter whether that is the UK or France.

SENATOR WALKER: Of course.

SENATOR LE MAISTRE: To actually discover why they are best performers and to see whether there is synergy between those areas and ourselves, absolutely recognising that we are an island with perhaps particular problems.

SENATOR WALKER: Hmm hmm.

SENATOR LE MAISTRE: But the answer we were given was that it didn't really matter because we were looking at averages and the fact that we weren't performing well, we should be doing

better. But I just wanted to explain that.

SENATOR WALKER: I think you can look at that in possibly a number of ways, certainly two different ways. Even if best practice is now 44% or 45%, that still doesn't answer the problem unless we can ship our waste out. Even if we could get recycling up to 45%, we would still need some other means -- presumably waste to energy -- to get rid of our waste unless we can ship just about everything to France or wherever.

SENATOR LE MAISTRE: Yes.

SENATOR WALKER: So is the difference between 38% and 39%, as shown by Public Services in their graph, and 45%, which I think you indicated is current best practice, does it materially affect the outcome? The answer is No, in my view.

SENATOR LE MAISTRE: The answer is Yes, because ----

SENATOR VIBERT: The answer is Yes.

DEPUTY RONDEL: Please do it through the Chair.

SENATOR VIBERT: All right, through the Chair. Sorry.

SENATOR LE MAISTRE: The answer to that is a lot of recycling could become income generating. That is the difference. Therefore, the higher the figure that you push that it could be to your advantage in terms of the cost of impact on an island which has to export through sea routes. But can I actually get to the question that I wanted to ask, Chairman?

SENATOR VIBERT: I haven't finished mine yet.

SENATOR LE MAISTRE: Well, I think half an hour per questioner is probably quite enough.

DEPUTY RONDEL: Please, gentlemen, through the Chairman. Senator Vibert was just finishing his question and you did interject. Please finish your question.

SENATOR VIBERT: Yes. It is an overarching question more than anything on Policy & Resources. Do you see an advantage in terms of joined up government that if we could ship waste off-Island to France and we could combine with Guernsey to do the same -- it is all allowable, let us assume we can do it and it is cost effective -- do you see any advantage in terms of the ability to actually create a freight service that would run between Jersey and France using just waste as a base?

SENATOR WALKER: Yes.

SENATOR VIBERT: That should be a consideration in the whole equation?

SENATOR WALKER: Of course, providing that -- the key words you used -- it is "*cost effective*". Now there must be environmental issues as well.

SENATOR VIBERT: Sure.

SENATOR WALKER: Which I am no expert on, but I know it can be done environmentally, or I assume it can. I have seen it done in London and elsewhere, where waste is certainly shipped around. But the critical phrase is "*cost effective*".

SENATOR VIBERT: Yes.

SENATOR WALKER: And, yes, if it is cost effective and the environmental issues are dealt with, to ship out our waste to France and that is combined with the possibility of a freight service to and from a port in France -- presumably in Normandy -- it is a consideration, absolutely.

SENATOR VIBERT: Now, the difficulty or really the part of the question was that really comes under Policy & Resources rather than Environmental. The Committee of Environment don't really have a responsibility in that area.

SENATOR WALKER: No.

SENATOR VIBERT: So they will make the decision purely on the waste management situation.

SENATOR WALKER: Yes.

SENATOR VIBERT: Who injects into that decision making the over arching joined up thinking and how can it be done, bearing in mind you don't have the power?

SENATOR WALKER: We can have over arching thinking. We don't have overarching power of any description, as you have correctly identified. What we have -- and I go back, again, to comments I have made at previous Scrutiny hearings and earlier today -- is the power of persuasion. Now, we have in fact already asked the Environment & Development Committee, and they were doing it in any case, so the request was probably superfluous, but we have nevertheless asked them to fully investigate the possibility for a freight service to and from Jersey, and absolutely the possibility of waste shipment is a part of that exercise.

Now, again, I go back to something I said last week at the Scrutiny hearing. One of the

problems that we have with our diverse and unco-ordinated system of committee government is that there is no particular direct and effective means of co-ordinating these various activities, because committees are charged by the States. They have specific responsibilities which they are obliged to undertake because the States charge them to do so. Policy & Resources have a sort of theoretical co-ordination rôle, but no powers to support it, and that is again why I am such an advocate of ministerial government because I believe the concern that underlies your question will be overcome when we have ministerial government, because we will then be co-ordinated and the Council of Ministers will have the power to instruct individual ministers to work together in coming forward with strategies in the best interests of the Island.

I would also make the point that, to me, one of the big issues in this whole waste management question is the delay that we have experienced in getting to where we are, a delay which has already cost the Island -- at least if we do go ahead with incineration -- at least £20 million, and that seems to me to be something of serious concern and something which I think, hopefully -- it is of course a matter for yourselves -- but hopefully the Scrutiny Panel will be looking at in some detail, because I am concerned about any significant further delay in arriving at a decision. This is for two reasons. One is cost and the other is the amount of effluent that is being emitted -- emissions rather, not effluent -- emissions coming out of the current incinerator which are unacceptable.

SENATOR VIBERT: Unacceptable.

SENATOR WALKER: So I think there are real pressures on time here to take a decision, but that in no way alters my view that the Committee have further work to undertake before a final decision can be taken. My hope is that this current committee will get to grips with that, and I believe they are, get to grips with that and move it forward now in an effective and timely manner. I think that is really important.

DEPUTY RONDEL: A final one before moving on to Senator Le Maistre.

SENATOR VIBERT: Yes, finally, and it is on the same subject that you have just been talking about, because we have been investigating how the delays have happened by studying all the minutes that we have found, and Policy & Resources in June of 2000 -- I will read you the

minute -- the Policy & Resources Committee said that it *“wished to work in close co-operation with Public Services Committee in order to develop the Island’s waste management strategy in the light of factors set out in the Chief Executive’s note”*, which is the Public Services’ Chief Executive, *“and the consultant’s report. To this end, the Committee agreed to establish a task force comprising representatives of Policy & Resources, Finance & Economics, Public Services, Planning & Environment and the Industries Committee.”* So there was obviously a great will to move this thing forward in 2000 by setting up a task force. We can’t find any minutes of that task force ever having had a meeting. Can you throw any light on that?

SENATOR WALKER: No.

MR HARRIS: Can I? I understand that the task force was made up of officers. I don’t believe that minutes were kept of those meetings, but I do know that Mr Mills and Dr Romeril were involved from the P&R Department. I believe that officers from the Public Services Department were involved as well.

SENATOR VIBERT: But there are no minutes to show the progress or whatever.

MR HARRIS: No. I don’t have anything on file.

SENATOR LE MAISTRE: No records at all?

SENATOR VIBERT: No records?

MR HARRIS: No.

SENATOR WALKER: I think one of the big problems we are facing here is the instability within our political system. I think I have lost count, and I think probably most other people have as well, of now many Public Services Committees we have had over the last, what, five or six years and that sort of instability, that sort of lack of continuity, has contributed dramatically, in my view, to the delay that we have experienced in having a sensible waste management strategy and probably implementing it some time before now.

SENATOR VIBERT: Thank you.

DEPUTY RONDEL: Senator Le Maistre now.

SENATOR LE MAISTRE: Just one comment before the question, and that is actually on the delay in coming to a conclusion. Ironically it could be that, as a result of the delay, we actually

find that we can export waste and in fact the expenditure, high capital expenditure, may prove to be unnecessary which otherwise we would probably already be committed to building a plant.

SENATOR WALKER: That is possible.

SENATOR LE MAISTRE: There could be an upside.

SENATOR WALKER: That is possible.

SENATOR LE MAISTRE: But I am not suggesting that there will be. Really trying to separate out the rôle of P&R in this, rather than being the operational aspect, which, to some extent, I think the rôle of P&R is to ensure that there is co-ordination as far as there can be, through persuasion and, I think, probably wise use of resources, it appears to me that underpinning the whole of the strategy has been the assumption that it was not possible to export. We are told that there is a commitment, a determination to get this matter resolved, the whole waste strategy, by the beginning of next year by the States. Now, what is the view of Policy & Resources in terms of determination of this issue of export or not export, because it seems to me that it could have a very important bearing on the final conclusion in two ways. First of all, it can be an issue of whether one exported everything, or it could be an issue of the reduction in terms of the amount of waste that had to be treated on-Island. It further brings in the question of the situation in Guernsey, which could result in a partnership. Now, what view will Policy & Resources take on this matter in terms of resolution, because I can easily foresee that we will be getting conflicting advice from different jurisdictions, the UK and France? Do you believe it would be wise to go for a resolution in the States without that important matter having been decided?

SENATOR WALKER: No, I don't. I think that is a matter which has very significant implications for the Island and one which needs resolution before any decision is taken by the States, and that is one of the reasons why, as I said earlier, P&R have already ... I have already instructed the P&R Department to undertake a full investigation of that position.

I would just add that I think the Guernsey issue was an interesting one as well. I think that will no doubt emerge, but I would just add that there is, as I understand it -- and this is not the Policy & Resources Committee view and indeed I think I had better be careful and say that much of what you have heard from me today in terms of opinion is mine rather than the Policy &

Resources Committee, I think that is an important differential -- but the other concern, I think, States Members will have and I am sure Policy & Resources will be no different is that if we don't build a waste to energy plant and if we end up exporting considerable quantities of our waste, we do lose ultimate control of our destiny in some respects. Now, yes, we can have a long term contract, and presumably nobody would think about entering into any such exercise without a long term contract ----

SENATOR LE MAISTRE: That is right, yes.

SENATOR WALKER: But then, at the end of the day, we are at the mercy, to a certain extent, of (a) the shipping company or companies, (b) the operators who take our waste in France and (c) the French Government, and there are issues there which also need to be taken into account in my opinion.

SENATOR LE MAISTRE: But actually we are dependent for the very life that we have today on the French Government and the EDF.

SENATOR WALKER: Indeed we do, but we do have backup.

SENATOR LE MAISTRE: And we do have contracts.

SENATOR WALKER: Indeed, but we have backup and should anything go wrong in France, we do have backup. If we have no waste to energy plant in Jersey, we have no backup and it is a consideration we cannot ignore.

SENATOR LE MAISTRE: Yes. My final question really was, in trying to get an integrated look on the whole of the waste management strategy, I was somewhat surprised to find that in our bundle of papers over this very weekend there is a proposition to enter into a nine year contract with Picot and Rouille, who are recycling metal ----

SENATOR VIBERT: I am going to refer to that.

SENATOR LE MAISTRE: Because it seems to me, and I think it is a question for P&R, that in terms of co-ordinating the whole issue of recycling, it is very difficult to actually pick one off without considering the whole. In other words, certainly the experience that we had only last week in France is that there are different elements of recycling which can be of interest to a company which has considerable resources. Whereas, the moment you break it down into

individual components and you have one company recycling cardboard, another company recycling metal and another company recycling glass, actually nobody wants to recycle newspaper because it is not sufficiently profitable, whereas they would do it if they had the whole contract. So it just concerns me that this has come as an individual proposition, it would appear, without considering the overall impact it might have.

SENATOR WALKER: I don't think that is an issue for P&R, I really don't. I think that is an issue for the Environment & Public Services Committee and the States and the point you are making is, I think, a legitimate question. I think the other question presumably that would need asking though is we have made some considerable progress, as I understand it, in recycling metal on Jersey. I don't know the commercial relationship between Environment & Public Services and the contractor. It is not an issue that has come to P&R and I don't think it properly should come to P&R. That is an issue for the Committee and the contractor, but, of course, they should be taking into account -- I don't disagree -- they should be taking into account the wider issue. But it would hate ... I am sure nobody would like us to be in a position where we actually went backwards in terms of recycling. As I say, I don't know what the contractual relationship between the Committee and the contractor is.

SENATOR LE MAISTRE: All I am suggesting is they seem to be committing us for nine years without at least an explanation of how this could impact in the other areas of recycling.

SENATOR WALKER: Well, I am assuming it is a question you have already directed to the President and his Chief Officer.

SENATOR VIBERT: We didn't have a chance.

SENATOR LE MAISTRE: We didn't have a chance.

SENATOR WALKER: You didn't have a chance, okay.

SENATOR VIBERT: But we are going to.

DEPUTY RONDEL: Please do things through the Chair.

SENATOR WALKER: You are. I don't agree that is an issue for P&R. It would be unheard of for such a contract to come to P&R because there are no large, strategic aspects of that contract per se, but I think it is a legitimate question for the Environment & Public Services Committee.

DEPUTY RONDEL: Professor Swithinbank?

PROFESSOR SWITHINBANK: Yes. I would like to make a comment from a technical point of view rather than direct a question, and that is there seems to be a feeling that once it goes out of Jersey, that is the end of the interest.

SENATOR WALKER: There is a concern, yes.

PROFESSOR SWITHINBANK: And I think, from the technical point of view, it is an integrated whole. There is a triple bottom line here, where environmental factors and so on, on a scale that embraces Jersey but is a bigger issue altogether that I think has to be kept in mind. If I can suggest that I think we are all agreed that recycling and minimisation and so on must be maximised and, somewhere around 40%, there will be a balance which has to be dealt with and at least some of that, if not all of it, by a thermal process. Thermal processing may be incineration, gasification and that is a minor consideration. Whether that process is carried out in France or in Jersey is, I think, an issue, but it still has to be carried out. It is there. It is part of the overall process. If the motivation is to get it there because the problem has gone away, you then come to the question that has to be answered, are you better to send it as raw waste or as the ash, the bits you want to get rid of that you don't want to bury here in Jersey. If you are looking at the volume of the material, you are down by a factor of 10, if you send it over as ash. So I think the freight service needs to be looked at in the overview, and that factor needs to be considered at the same time.

Why should one put the incinerator in France rather than here? If you are going to put it in it is going to cost and the overall cost has to be borne. The reason, from a technical point of view, is the economy of scale. When you are building these plants, there is usually a two-thirds power law as you scale up that means that the capital costs and so on are smaller and, therefore, the gate fee or whatever it is is smaller for a bigger plant. So you have got to realise what you are buying. You are going to have to pay for it one way or another. What you are buying is that economy of scale of doing it there. I think that has to be in the thinking as well as "Let's get rid of it". It is the end of our interest.

At the same time, very important in the whole waste technology, is you cannot stop the

waste arriving. It is very different from the rest of the process industry, where if your plant breaks down, you stop delivery of goods. There is a cost, but it isn't catastrophic. In the waste business it will keep coming and, therefore, risk has to be a very major item. I think that needs quantifying in terms of risk of strikes, risk of weather, risk of ships crashing into each other and all the different risk factors that are there. They need to be brought into the cost and studied. So environmental factors such as the emissions from the shipping are a part of the overall question. So, hopefully, that just gives us that broader view rather than just a parochial view.

SENATOR WALKER: Thank you. I think that has enlarged, I think, on what I was saying or trying to say just now, that I think there are different risks, added risks I would argue, in terms of shipping our waste to another jurisdiction. You have outlined others which I had not referred to and possibly not thought of. It does seem to me that risk must play a big part in this. I agree with you. I think what you are saying is that there are really three factors here. There is the environment issue, obviously, in its widest context; there is the economic issue, obviously, in its widest context; and there is the risk issue. It seems to me you put those three together and that is where the answers, provided they are fully explored, that is where the answer hopefully will start to materialise.

DEPUTY RONDEL: Deputy Baudains?

DEPUTY BAUDAINS: A very quick question. Unless I missed the answer earlier on, when do P&R expect to have an answer to the question of legality or otherwise of exportation, because it seems to me that we can't even begin to decide what options we should be looking at until that is determined, and clearly time is not on our side due to possibly lack of progress by previous committees.

SENATOR WALKER: I don't necessarily anticipate that is going to take very long. I would be extremely surprised if that in itself became a reason for a delay.

DEPUTY BAUDAINS: No, but, I mean, are we looking at weeks or months or?

SENATOR WALKER: Weeks, I would sincerely hope.

DEPUTY BAUDAINS: As I say, there are various options on the table, but some of them may be able to be taken account of and some may have to be dismissed depending on the outcome, so

work can't really start until they have that clarified.

SENATOR WALKER: What you are suggesting to me -- correct me if I am wrong and I apologise if I am -- is that this Scrutiny Committee is almost looking to set waste management policy.

DEPUTY BAUDAINS: No, no, no.

SENATOR WALKER: Because what it is doing here is criticising, in hopefully a positive way, the policies put forward by the Committee. It must be up to them, and of course the States, at the end of the day to decide what the policy is. Now, we are going to -- "we" in P&R in this context -- look at the Basle Committee issue, the Basle Convention, we as P&R are going to input into that process with the Committee and I would hope to be able to do that within a matter of weeks.

DEPUTY BAUDAINS: Yes, because what I am driving out is what we are investigating and clearly what the Environment & Public Services Committee will be working on will depend on that and what is counted in and what is counted out.

SENATOR WALKER: Yes. I, like Senator Vibert, am interested in the comment made by the Environment & Public Services Committee that we cannot export waste. I don't know at this stage what the advice might be.

DEPUTY BAUDAINS: I am merely saying that it is in everybody's interests that we get the answer as quickly as possible, and I wondered what the timescale for that was.

SENATOR WALKER: I absolutely agree. I said earlier, and I maintain the view very strongly, that we do not need any significant further delay in resolving this issue. There are huge costs involved potentially and huge environmental issues involved for sure. We can't go on pumping that level of emission out of the chimney. We are taking, I think, risks in continuing to do that. So there is a real urgency here and I don't intend for any of the issues that the Policy & Resources Committee are responsible for to be responsible for the delay.

DEPUTY BAUDAINS: So will we have sight of that document as soon as it is available?

SENATOR WALKER: If you are still sitting at the time I get it, yes.

DEPUTY BAUDAINS: Thank you. I hope it is not that late.

DEPUTY RONDEL: Deputy Hill?

DEPUTY HILL: Could I take you back to something Senator Vibert was talking about earlier?

I may have misinterpreted what he had to say, but I understood that a task force had been set up under the umbrella of P&R to look at waste management. Was I correct?

SENATOR WALKER: Yes.

DEPUTY HILL: Okay. With that, in fact we have now heard from Mr Harris and it would appear that that body probably isn't functioning in the way we would have expected it to, but we don't know. We are not quite sure.

DEPUTY RONDEL: Through the President, I think the Officer might like to comment.

SENATOR WALKER: I would very much welcome that.

MR HARRIS: Well, if you look back at the Committee minute, it did say a task force comprising representatives of the various committees. You can read that two ways, but I understand that it was made up of officers, including officers from the Policy & Resources Department. I would say that was acted upon. The task force did meet. It is a group of officers and it did consider the issues.

SENATOR WALKER: Had we not had, in my view, my personal opinion, several changes in the Committee, then I feel that task force would have had some impact and would have a material impact on the outcome and we would have been likely to have seen an outcome much, much quicker. But it continually, each committee, not surprisingly, has said "Hang on a minute, that was the policy of the previous committee. This is the output we have had from the task force and this is the output we have had from others ----"

SENATOR VIBERT: And start again.

SENATOR WALKER: "And the input and advice we have had from experts. We are going to start again." I think this instability has been a material, possibly the most material, factor in us being where we are today, which is still not having a waste management policy, which is long overdue.

DEPUTY HILL: But the point I am trying to get to actually is the fact that if indeed we had got this working party, was it not intended to be ongoing or was it just in for one specific purpose?

SENATOR WALKER: It was intended, so far as I can recall, it was intended to fulfil a specific

purpose and, at the end of the day, the working party will be advising -- had it continued, would have advised, I suppose is a better way of putting it -- the three committees involved. At the end of the day, the major responsibility inevitably sits with the committee responsible and this is where I fear there have been some problems.

DEPUTY HILL: Okay. Moving on from that then, it was something that Senator Le Maistre raised and we didn't get around unfortunately to it with the last President, which was the issue about the contract we have got with Picot and Rouille, and you say that you couldn't see really a rôle for P&R. Now, I think most of us round this table have actually stood up and opposed something which a committee was trying to bring forward and very rarely you would because the fact is, you know, you are an individual. Here we have an instance where there could well be an impact on the wider issue of waste management, where we are taking out one particular item which could be quite a profitable one, because obviously the company would not be carrying on unless there was something in it for them. I would be surprised actually, and I am surprised to hear you say that you don't think P&R has a rôle, bearing in mind that we come back to what Senator Vibert ----

DEPUTY RONDEL: I am conscious of the time. Could you please put the question?

DEPUTY HILL: Yes, I am trying to, but I have got to lay the groundwork first. I am surprised that P&R would not think that it was necessary to come up with a report. Bearing in mind what we have heard now, don't you think it might be in the Island's interest to put forward a report in respect of this latest proposition we have got from ----

SENATOR WALKER: No, I don't think so. That is the responsibility of the Committee concerned. If P&R was to become involved in every contract signed by a committee of the States (and many of them could have wider implications), that is going way beyond our remit. I think when I was here last week, Deputy, you actually posed the question, who are P&R to interfere in this process? Now, you can't have it both ways. We can only seek to persuade. Now, of course, every Member of P&R is a Member of the States and we have our ability to support or oppose such propositions on the floor of the House in the same way as everybody else does. I repeat my view. I most definitely do not think that it would be appropriate for a contract

such as the metal recycling to come to P&R. Where does that end? At the end of the day, as I said, we would be greatly exceeding our powers if we sought to involve ourselves in all those issues. We remain as individual Members of the States who can take our own decisions on that basis.

SENATOR LE MAISTRE: Yes. Can you just explain ----

DEPUTY RONDEL: Please, gentlemen. The Senator is here until 12.30. We have run over that time. I am conscious of the time. We have got other people to interview. I will allow one more question.

DEPUTY HILL: Can I just finish?

DEPUTY RONDEL: Yes. I will allow this question, but please keep it short.

DEPUTY HILL: I think Senator Le Maistre has probably got piece on it as well, but the fact is that so we have some very vital and one integral component of the waste strategy could well be going out of the bundle, so to speak, and it is going to be down to one individual member -- maybe me, it may be anybody -- to stand up and say "Look, P&E or whoever, you have got it wrong". Don't you think it would make much more sense for some committee like P&R, bearing in mind the over arching, to have an input on this?

SENATOR WALKER: Well, if you want P&R to assume powers it hasn't got and involve itself in issues that are beyond its remit, then that is the only possible way forward. You cannot pick and choose, in my view.

DEPUTY RONDEL: Thank you. The final question I would ask Professor Coggins to ask, or have we passed that point?

PROFESSOR COGGINS: It is an observation, if I may make it through the Chair?

DEPUTY RONDEL: Yes.

PROFESSOR COGGINS: Obviously the Basle Convention has come up a number of times this morning. Unfortunately I haven't brought some of the paperwork with me, but if I can draw your attention to things like the export of metals. That technically falls under the Basle Convention because, although it is waste, it is classed as green waste. It has been segregated and, whilst I can sympathise with the comment that it may also seem what is termed in the UK "cherry picking", as opposed to looking at a holistic approach, with regard to mixed waste and

household waste, that fits under the heading of amber, under the amber category, where it needs agreement between either OECD countries or OECD and non-OECD. This issue has blown up in England in the last month and there is Environment Agency guidelines, which I will send through, which are beginning to tackle these issues. The fact that Senator Vibert made the comment about England or the UK and France, it depends, as I understand it, on individual contractual agreements. So mixed household waste and mixed municipal waste is amber. Mixed recyclables are amber, but source segregated and shipped as segregated are green waste, and that only requires normal documentation. That is something which perhaps your investigations that are going on will clarify.

SENATOR WALKER: Indeed.

PROFESSOR COGGINS: And I will send stuff through as well to help.

SENATOR WALKER: Indeed.

DEPUTY RONDEL: Thank you. As I said one question and that was a clarification. The final question and then we must call it a day because we have other witnesses.

SENATOR VIBERT: Yes. I just wanted to put it to the Senator ----

DEPUTY RONDEL: Briefly please.

SENATOR VIBERT: Yes, very briefly, that in fact the alternative which we are entitled to look at and, under our terms of reference we must look at, at the options, we see an option coming forward where we can take kitchen waste and put in a plant which makes our compost, all our green waste, which would reduce the amount we have to put in the incinerator quite considerably.

SENATOR WALKER: Hmm hmm.

SENATOR VIBERT: And as we do the recycling, we can look at the situation where we could get down to about maybe 30,000 to 40,000 tonnes of waste to go in it. Now, according to the advice we have been given, it will cost a lot less to build an incinerator of that size than a big one, and then we have it always. We have got an incinerator, right, or another way of doing it -- it does not have to be incinerated -- we have got the shipping set up and we have got the recycling set up and actually we are going to be, from a risk point of view, extremely well

balanced. Now, that is the proposal that has been put to us, that it is perfectly possible for that to happen here in Jersey.

SENATOR WALKER: I note what you are saying. I am no technical expert. I couldn't possibly comment on that. The only point I would reiterate, I think, is this issue of risk. Jersey has, in recent years at least, been able to totally control its waste management. If we ship out elsewhere we lose an element of control. Now, how serious that is and how fundamental that is to the final decision I couldn't possibly say at this point, but it does seem to me to be an absolutely legitimate question, which I have no doubt will be raised in any debate in the States.

DEPUTY RONDEL: Gentlemen, I am conscious of the time. We have run out of the time. We have overrun by some 10 or 11 minutes. Therefore, I must thank you. We may ask you to attend again on a future occasion as the process moves forward, but, on behalf of the Panel, I would like to thank you for attending.

SENATOR WALKER: And I would reiterate again my thanks to the Panel for the way in which you approach these issues.
