

STATES OF JERSEY

Privileges and Procedures Committee

TUESDAY, 1st AUGUST 2017

Panel:

Connétable L. Norman of St. Clement (Chairman)

Connétable C.H. Taylor of St. John

Deputy S.Y. Mézec of St. Helier

Deputy S.M. Brée of St. Clement

Deputy S.M. Wickenden of St. Helier

Witness:

Deputy A.D. Lewis of St. Helier

Also present:

Senator P.M. Bailhache

[14:26]

Connétable L. Norman of St. Clement (Chairman):

I would like to welcome everybody. I notice we have a fair number of the public here to witness our proceedings this afternoon and I welcome you. Before we start I just remind you that all electronic devices, including mobiles phones, should be switched to silent. The taking of photographs or any other images or recordings is not permitted. Eating and drinking too, we do not want to be distracted by any chomping of crisps. Finally, I would also ask that members of the public will not interfere with the proceedings. When we have finished our work this afternoon if you could leave quietly, and if you need to leave the room before we finish this afternoon if you could do so quietly so as not to disturb proceedings. We will now formally start the meeting. First I will ask to note we have received apologies from the Constable of St. Lawrence and Deputy Judy Martin. Welcome, Deputy Andrew Lewis, and Senator Bailhache, who is accompanying him. I would like to start proceedings by

reading a statement. The committee has convened this meeting for one purpose and one purpose only and that is to determine whether Deputy Andrew Lewis of St. Helier has breached the Code of Conduct for Elected Members. All States Members should comply with the code at all times. While the code itself is silent as to the definition of integrity it is widely accepted that this word means an adherence to moral principles. This hearing is not an opportunity to determine whether or not Deputy Lewis lied to the Independent Jersey Care Inquiry or States Assembly. The committee does not seek to challenge the conclusions drawn by the Independent Jersey Care Inquiry panel. What matters to the committee is whether during the course of his time as a States Member, throughout his dealings with the Independent Jersey Care Inquiry and his responses to the Assembly, Deputy Lewis's actions complied with the code. In other words, we will be determining whether his actions maintain the strength of the public trust and confidence in the integrity of the States and its Members. We will therefore be wanting to ascertain whether and when Deputy Lewis recognised that the way in which he described a document on which a decision to suspend the former Chief of Police had been misleading and had been misconstrued by Members. We will be wanting to know what steps, if any, he took to remedy the situation. The committee would also like to know why he declined to answer some of the questions put to him by the Independent Jersey Care Inquiry. P.P.C. (Privileges and Procedures Committee) recognise that this is an issue very much in the public's interest and it is for this reason that this hearing is being held in a public forum. That said, it is not appropriate for the public to make comments during the proceedings as it is essential that those present will respect this and refrain from interrupting the proceedings in anyway. Following the public hearing, the committee will convene in private to review the matter and determine whether the code has been breached. That is my opening statement. I understand, Senator Bailhache, you wish to make a statement?

Senator P.M. Bailhache:

Mr. Chairman, Deputy Lewis has asked me to assist him in accordance with the Standing Order and I should like to make a few introductory remarks. Deputy Lewis does not take issue with the principal recommendations of the Committee of Inquiry.

[14:30]

I want to emphasise that fact. There are many important findings and recommendations in the report and it is a pity that what is essentially a peripheral matter, the suspension of Graham Power by Deputy Lewis, and his statements to the States and to the Committee of Inquiry in that connection now take centre stage. But they do. However much one may want to compliment the panel in relation to their principal findings, in relation to Deputy Lewis I am afraid that they got it wrong. You have stated, Chairman, that the issue before the P.P.C. is a narrow one and we accept that. The issue is whether Deputy Lewis has breached the Code of Conduct for Elected Members of the

States. It would be easy for the committee to be drawn into a reconsideration of all the evidence in relation to the suspension of Mr. Power and whether or not that was fair but I am assuming that none of that is relevant this afternoon. I appreciate that the committee does not seek to challenge the conclusion drawn by the panel and I assume that the conclusion which the committee has in mind is that Deputy Lewis lied to the States and to the Committee of Inquiry. I quite understand why the committee has taken that stance but I hope that it will keep an open mind as the hearing progresses because I have important things to say on the Deputy's behalf. If he did lie it is difficult to see how that could not be conduct which undermined: "The public's trust and confidence in the integrity of the States of Jersey." Deputy Lewis must be entitled to put his defence to you. His defence is that he did not lie either to the States or to the Committee of Inquiry and that the panel was wrong to draw that conclusion and therefore there is no breach of the code of conduct. Deputy Lewis will deal with the points mentioned, Chairman, in your opening statement but I want to deal with the issue of whether or not the P.P.C. should look again at the justice of the panel's conclusion. We do not have an Usher. May I act as an Usher and pass this up? I have just passed up, Chairman, an extract from the Shorter Oxford English Dictionary and I want to ask rhetorically: what is a lie? As I said during the in-committee debate, it is very different from a careless or mistaken misstatement. It is different from an inaccurate description of a document. These kinds of mistakes are not unusual in the States. A lie in the first meaning given in the Shorter Oxford English Dictionary is: "An intentional false statement, an untruth. Something that deceives." I would like to ask the P.P.C. to keep that definition firmly in the front of the mind throughout this hearing. Did Deputy Lewis at any time utter an intentional false statement? Did he intend to deceive either the States or the Committee of Inquiry? It is not a question of whether anything he said was inaccurate or misleading. The question is whether it was intentionally false or whether it was said with intent to deceive. It is an important distinction and I am sure that we all understand exactly what it is. The next obvious thing about a lie is that it is a very strong finding to make. It is not a very nice finding and courts and committees of inquiry do not often make findings that someone has lied. Sometimes of course it is imperative to decide whether one person or the other is telling the truth but mostly it is not necessary. In every court or public inquiry people say different things about the same event. One can accept the evidence of one person but not the other. That does not mean that the other person has lied. He may be mistaken. He may have forgotten something that affects his evidence. The Committee of Inquiry understands this very well. I see some members of the committee have the main report so that I can read out what it says at paragraph 10.373 of the report. One can see how the Committee of Inquiry dealt with a conflict of evidence between the then Attorney General and Mr. Ogley. The committee states: "William Bailhache Q.C. (Queen's Counsel), as Attorney General, understood that the decision had already been made by the evening of 11th November 2008 that Graham Power was to be suspended. His evidence to us on this point was at odds with the evidence of Bill Ogley. We preferred the evidence of William Bailhache Q.C." There is no finding of a lie. The evidence was different and they preferred one account to the other. Indeed, that was

the approach quite rightly of the committee throughout the Inquiry. They explained at the beginning of the report that a Committee of Inquiry is not the appropriate body to resolve factual disputes. This was very important because there were myriad instances of accusations made of abuse and accusations denied. It was not the function of the committee to resolve them and the committee stated at paragraph 1.17, in the introduction to its report: "Witnesses who gave evidence during phase 1A and 1B were asked, as envisaged by term of reference 7, to explain or comment upon individual allegations of abuse that they had made or that had been made against them. Notwithstanding that fact, it is not our task to resolve factual disputes in relation to individual allegations of abuse. A public inquiry is not equipped for such a task. Witnesses, whether accused or accusing, do not have the opportunities or the protections that would be necessary for such a process. Exactly the same principle applies to the serious allegation that Deputy Lewis lied to the States and on oath before the Committee of Inquiry. He had no opportunity to cross-examine those who gave evidence on a particular point that was different to his evidence. The Committee of Inquiry was not the place to resolve such an issue unless it was absolutely necessary to do so in connection with the fulfilment of their terms of reference. But it was not necessary. The only relevance of the whole suspension of the Graham Power issue was whether it had been done in order to derail Operation Rectangle. Was the suspension of Mr. Power evidence of some attempt to influence the police inquiry? But it was no such thing. The panel was very clear on that. It found that: "There is no evidence that Andrew Lewis or anyone else was involved in an attempt to derail Operation Rectangle or otherwise cover up child abuse by participating in the orchestrated removal of Graham Power. It is interesting, Chairman, that in their closing address to the Committee of Inquiry, counsel to the Inquiry addressed the panel in these terms, and if the panel wishes to ... sorry, if the committee wishes to look it up later it is paragraph 498. They say: "Whether or not Mr. Lewis intentionally or accidentally misled the States is not in itself necessarily a matter for consideration by this Inquiry. The panel may wish to consider whether Mr. Lewis misled the States with a view to determining the next question: if he did, why did he do so? It is possible that the answer to that question may determine whether the matter is relevant to the Inquiry." That question, the second question, was: was it an attempt to derail Operation Rectangle? Which they found it was not. So it is a puzzle therefore why the panel found it necessary, given that they had acknowledged the limitations of a Committee of Inquiry, to make this devastating finding about Deputy Lewis. Why risk wrecking a man's career and his reputation when it is unnecessary of a job that you had been asked to do? I think that they felt driven to make some such finding because of the wide extent of the terms of reference that the States had set. The terms of reference mandated the panel, among many other things, to examine the actions of the justice system and of politicians and whether the prosecution system was free from political interference. There was no evidence of any wrongdoing when the terms of reference were set, just unfounded suspicion. Of course that was what the Committee of Inquiry found. After huge effort it was established that there were very serious failings in government but that there was no political corruption and the prosecution and justice systems worked fairly and

with integrity. So was Deputy Lewis, Chairman, just in the wrong place at the wrong time? However, that is speculation on my part. What is important is that in making the findings that Deputy Lewis lied the panel acted with gross unfairness. If one is going to make a devastating finding of that kind one must observe the rules of natural justice. That means that you must first hear the other side. The finding that Deputy Lewis had lied to the Committee of Inquiry was a finding of serious misconduct. Before making such a finding it is elementary law that he should first have been given the opportunity to be heard. Nearly all public inquiries now observe a practice whereby before any adverse finding is made in the report the person against whom such a finding is to be made is given the opportunity to see the relevant part of the draft report and to comment on it. It takes time but it ensures fairness. The person who is to be criticised has the opportunity of correcting any factual error and of trying to persuade the public inquiry that the criticism should not, in fairness, be made. It was the policy followed incidentally by Brian Napier Q.C., who carried out the Inquiry into the suspension of Mr. Power. At paragraph 8 of his report he stated: "In accordance with the normal practice in investigations of this nature a draft version of this report was made available to persons whose conduct was or might be seen as the subject of criticism."

[14:45]

Comments and observations were made and the final version of the report takes these replies into account. The panel decided not to engage in this normal practice. I assume that they decided that it was unnecessary because they were going to follow their own guidelines, which I quoted a little while ago, and not criticise the conduct of anyone who had given evidence to them. Broadly speaking, it is true that they did follow their own guidelines. I could not find, Chairman, in the 1,000 pages of the report any seriously adverse personal criticism which would have given rise to the need to give that person the opportunity to be heard, save in one respect. That one respect is Deputy Lewis. He appears to be the only person out of all the hundreds of witnesses who was singled out in the report for this treatment. That was unfair. But it was doubly unfair. If Deputy Lewis had had the allegation of a lie put to him fairly and squarely during his long cross-examination before the panel one might possibly have argued that there was no unfairness. If counsel to the Inquiry had drawn attention to what Deputy Lewis had said to the States and put it to him: "That was a lie, was it not?" one might have argued that he had the opportunity to defend himself and to explain why it was not a lie. But it was never put to Deputy Lewis that he had lied. On the contrary, if one looks at page 90 of day 138 - and the P.P.C. has that extract, I think, in the bundle - counsel puts this question to him: "As you have said earlier on in your evidence you have come in for a great deal of criticism and scrutiny over your role in Operation Rectangle and the suspension of Graham Power and you have been accused of having misled the States. Do you resent Ms. Kinnard for having left you with the responsibility for Rectangle?" The answer from Deputy Lewis: "Resent is too strong a word. I have a great deal of respect for Ms. Kinnard." That is the closest that counsel gets - unless

I have missed something in the transcripts but I do not think I have - to an accusation that he lied to the States. He is not even asked if he agreed that he misled the States, it was just a passing comment. Deputy Lewis would not accept that he misled the States but this is very different from being accused of lying. He has had no opportunity to answer that accusation. The Deputy Greffier sent Deputy Lewis an extract from the transcript - it is day 138 at page 70 - in response to his request for an example of not answering questions put by the Inquiry. I would be grateful if the committee would mind looking at this text because what I have to say is, I think, quite significant. Halfway down the page ... I am sorry, it is page 70, a third of the way down the page counsel puts this question: "When you say to the States: 'I have read an alarming report from the Metropolitan Police' that can be interpreted only to mean you have seen the report from the Metropolitan Police, can it not?" Deputy Lewis replies: "For those who wish to surmise that, that is fine. Question: "What else could it mean?" Answer: "Ma'am, I am tempted to ..." and he is interrupted: "Mr Lewis, what else could it mean?" and the answer: "You can make it mean whatever you wish, ma'am." I do not think that Deputy Lewis does himself justice in this exchange. At the bottom of this page, page 70, he makes it clear that he was referring to a report from the Metropolitan Police in the report from Deputy Chief Officer Warcup. There were extracts from the Met. Report in the Warcup 10-page report. I passed you up also another definition from the dictionary, which I think is instructive here. It is on the other side of the page from the definition of a lie. The word "report" does not necessarily mean a formal statement of the results of an investigation. Its first meaning in the dictionary is: "An account given for opinion expressed on some particular matter." That was exactly what Deputy Lewis had read. He had read in Warcup's report "an alarming report from the Metropolitan Police." That was not a lie. That was absolutely 100 per cent accurate. Counsel for the Inquiry understands very well the difference between the indefinite pronoun and the definite pronoun, which is why she puts to Deputy Lewis: "That can be interpreted only to mean that you have seen the report from the Metropolitan Police, can it not?" A few lines down, and I think I have read this out, Deputy Lewis replies: "You can make it mean whatever you wish, ma'am." So, I am afraid, she does. She changes the words and if the committee will turn to page 84 of the transcript, at the top of the page we see: "Mr. Lewis, you have now been through the transcript. Looking at it as objectively as you can, do you accept that you gave the impression to the States that you had read the Metropolitan Police Interim Report?" Answer: "No, I do not." Question: "Despite the fact that you used the words: 'I have read the Metropolitan Police Report'." Those are not the words that Deputy Lewis used. If he had had counsel there to protect him there would have been an intervention. The chairman of the panel should have intervened. What Deputy Lewis actually said was: "I have read an alarming report from the Metropolitan Police." On page 85, over the page, counsel makes exactly the same mistake. Near the top of page she says: "How else would you interpret the words: 'I have read the Metropolitan Police Report'?" That is not what Deputy Lewis said. Counsel should not have put words into his mouth that he did not utter. It is hardly surprising that he responds by saying that he has explained his case and that he has nothing to add. I am sorry, Chairman, to have laboured this

point but it is vital for Deputy Lewis that the committee examines the transcript of what was said in December 2008 in order to consider whether the panel's conclusion was correct. I think the unfairness to Deputy Lewis was then compounded by the chair of the panel herself when she gave a press conference to present the committee's report on 3rd July 2017. Fortunately, Deputy Lewis was not there. He was chairing a meeting of the Public Accounts Committee when he received a text to tell him that he had been publicly branded a liar. He had had no notice that this finding was in the report. He had not had the opportunity to rebut the accusation either before the panel or during the normal process that is adopted by every public inquiry of showing the draft report to those who are subject to criticism. Deputy Lewis is not a child abuser. He did not fail to report abuse to the authorities. He did not interfere politically with Operation Rectangle. He handled a crisis within the police force in very difficult circumstances on advice as best he could. Yet 9 years after the events in question and out of the blue he has been labelled a liar before the country's press. That finding was reported in the *Times* and other newspapers and on radio and television channels and has gone around the world. His reputation has been sullied and without having had the opportunity to be heard and to rebut the accusation. It made a cheap headline but the panel was utterly careless of the effect of their words upon Deputy Lewis and his family. Their treatment of him was shockingly unfair. But there it is. The slur is in the committee's report, is out there on the internet, and repeated interminably on social media. What can be done? Well, Deputy Lewis asks you for justice. He wants to be heard. He accepts that the P.P.C. is in a difficult position. An independent committee has made a finding that he lied. There will be plenty of internet trolls, bloggers and commentators who will be quick to accuse the P.P.C. of protecting its own if it finds in Deputy Lewis's favour. Both Deputy Lewis and I have confidence that the Privileges and Procedures Committee will approach the matter fairly and fearlessly without regard to any such considerations. How does the P.P.C. do that? My submission to you is that the panel's finding is fatally flawed by its failure to observe the rules of natural justice and of fairness. You cannot ignore the finding but you should not, in my respectful submission, approach this hearing on the basis that the question of Deputy Lewis's dishonesty has already been settled by the panel. That would be like saying: "Someone has told us, Deputy Lewis, that you punched this man on the nose and we will now consider whether this was an assault." In order to give him a fair hearing you should mentally put the finding on one side, approach the matter afresh, and decide for yourselves whether Deputy Lewis lied to the States. In making that decision you should always bear in mind the definition of a lie. It is an intentional false statement. Something that deceives. Chairman, if the P.P.C. has any doubt as to whether this is a process open to it I ask that the committee takes legal advice from the Attorney General.

[15:00]

Before I leave Deputy Lewis to make his case, may I mention another problem in the findings of the Committee of Inquiry? The committee finds that Deputy Lewis lied both to the States and to the

committee itself. The alleged lie to the States is clear. They say at paragraph 10.373: "Andrew Lewis lied to the States Assembly about the Metropolitan Police Report pretending that he had had sight of it when he had not." But at paragraph 10.376 when they state that: "Andrew Lewis lied both to the States and to us" they do not specify in what respect he is alleged to have lied to them. This was again careless. How is he to answer an allegation that he lied to the Committee of Inquiry when the panel has not made it clear in what respect he is alleged to have lied? I do not think it is possible, that is my submission to you, for the P.P.C. to find a breach of the code of conduct in relation to an alleged lie, whatever it may be, to the Committee of Inquiry. Of course, as the chairman said in his opening statement, there may be other aspects of Deputy Lewis's evidence on which the P.P.C. will wish to question him. But in relation to a possible breach of the code of conduct, it seems to me that the key point that Deputy Lewis has to meet is whether he lied to the States in pretending that he had seen the full Interim Metropolitan Police Report. He will tell you that he never did make any such pretence. He was never asked and he never said that he had read the whole Interim Metropolitan Police Report. He did have sight of extracts from that report in the report of Deputy Chief Officer Warcup, and that was what he was talking about. At the end of this Inquiry, Chairman, I hope that the P.P.C. will be able to find that Deputy Lewis did not lie to the States and that there was no breach of the code of conduct. I now pass over to Deputy Lewis to make his statement.

The Connétable of St. Clement:

Yes, thank you, Senator. If I could just say, the committee have allowed you to make a wide-ranging statement without interruption. We do thank you for it. However, I just would like to reiterate, particularly to Deputy Lewis, that this investigation is not to decide whether the Inquiry, the panel, the Independent Jersey Care Inquiry, whether interpretations were correct or not. We indeed wish to hope that at the end of this procedure that Deputy Lewis will feel he has had justice but, as I said in my opening statement, this is not an opportunity to determine whether or not Deputy Lewis lied to the Inquiry or to the States. What matters to us is one thing and one thing only: did the Deputy at all times adhere to the Code of Conduct for Elected Members? That is all we are going to concentrate on. Deputy, do you wish to say something before we ask questions?

Senator P.M. Bailhache:

Mr. Chairman, may I just ask: is the P.P.C. going to make clear to Deputy Lewis in what respect he is alleged to have broken the code of conduct?

The Connétable of St. Clement:

If we find that he has breached the code of conduct certainly we will do that, but we have to find out whether we believe he did or not. We are not restricting ourselves to any one paragraph. Deputy, do you wish to say something before we ask questions?

Deputy A.D. Lewis of St. Helier:

I have got quite a bit to say, if I may.

The Connétable of St. Clement:

Go ahead.

Deputy A.D. Lewis:

Members of the P.P.C., I thank you for this opportunity to meet with you today and address the question as to whether I have breached the Code of Conduct for Elected Members, which is what the Chairman has really been getting at in the last few moments. As a States Member I have always had the best interests of Islanders at the forefront of my mind. I have endeavoured to behave as the public would expect me while in public office. This includes when I served as Minister for Home Affairs at a very difficult time in the Island's history and at a time when nobody else wished to put themselves forward for the role. I ask you, as elected States Members and my respected peers, to objectively consider the circumstances as a whole and consider that there is simply no case that I have breached the code of conduct. I would further add, as I have said on many occasions in recent times, I have never lied to the States or anyone else in relation to this subject. There would be absolutely no reason to do so and nothing to be gained. Furthermore, those who know me well will lay testimony that this is not a character trait they would recognise in me. Before I go on, Mr. Chairman, if I may, I just want to reiterate something that Senator Bailhache said: a definition of a lie. A lie is a deliberate intention to deceive with the motivation to do so and something to be gained in doing so. I do not believe that any of this definition can be applied in my case. So, in headline form, the Committee of Inquiry alleges that I lied both to the States ...

The Connétable of St. Clement:

Deputy, if I just interrupt you. This committee is not investigating whether you lied or not. It is a committee investigating whether you have breached the code of conduct.

Deputy A.D. Lewis:

But by inference, if I have lied then one would be suggesting that I have broken the code of conduct because it would not be fit in public office to be accused of a lie.

The Connétable of St. Clement:

Please continue but try and bear in mind ...

Deputy A.D. Lewis:

I will, Sir.

The Connétable of St. Clement:

... the terms of reference of this committee.

Deputy A.D. Lewis:

I was just about to go on to that, Sir. In headline form, the Committee of Inquiry alleged that I lied both to the States and the committee. The alleged lie to the States is clearly set out in the Inquiry's final report in paragraph 10.373. The Chairman, Sir, you just said, in your introductory statement that the purpose of this hearing is not to determine whether I lied but to determine whether I acted with integrity in making statements to the Assembly and in my dealings with the Inquiry. But as I could not have acted with integrity had I been lying it seems to me that we must deal with this issue first. That is what I am trying to say. In order for the Inquiry to have properly reached the conclusion that I lied it would have to have been proven that I had deliberately and wilfully intended to deceive the Inquiry in relation to a matter which was material to the outcome. I would emphatically deny this allegation and would ask the committee to agree with me, that the report on this crucial point has failed to discharge the basic burden of proof. Furthermore, in paragraph 10.376 of the final report, where it states that: "Andrew Lewis lied both to the States and to us", the Inquiry does not specify in what respect I have alleged to have done so. How could I be expected to respond or indeed properly understand the generalised allegation when the substantive of that allegation is unclear? Of course, I appreciate that you as the P.P.C. are possibly in the same difficult situation as I am trying to interpret the Inquiry's findings too. The P.P.C. should be aware that the Inquiry did not hear any evidence from the Director of H.R. (Human Resources), Ian Crich, who was the manager who led in the suspension of Graham Power. Surely it is wrong that the Inquiry decided to draw conclusions about my actions without first investigating all of the relevant evidence. It is now clear from the papers provided to the Inquiry that the Law Officers have provided legal advice on the suspension process to senior civil servants from at least 13th October, however this information was not provided to me until a letter of 11th November from Bill Ogle, the then Chief Executive of the States. I feel concern, for instance, that I did not receive the advice from Her Majesty's Attorney General, which he had given to the former Chief Minister, Frank Walker. It is a matter for Mr. Walker as to why he chose not to share that advice with me. Before I come on specifically to the suggestion that I may have misled some Members during question in the States on 2nd December 2008 I would like to say that at that time I had been recently appointed Minister for Home Affairs following the sudden departure of Wendy Kinnard. As I am sure you will understand, events leading up to that day I had made my statement to the Assembly were extraordinarily challenging. If, Mr. Chairman, I could just illustrate to you. You have received these. This is what we were dealing with. It was an extraordinary situation. To make matters worse, we were under severe time pressure as the leadership of the States of Jersey Police was in crisis. We were faced with the possible collapse of cases brought against alleged child abusers. There were also acute questions of the confidentiality which meant that even in camera I could not disclose too much detail about what had happened to

avoid prejudicing the disciplinary process, which by now was well under way. This was 2 weeks after the suspension. I was also anxious to protect David Warcup, the then Acting Deputy Police Chief, who had bravely alerted us to severe problems in the leadership of the States of Jersey Police and in doing so had placed his own career in jeopardy. Coming now to the specific allegations made by the Committee of Inquiry that I had lied to the States Assembly, which I know you are particularly interested in, on 2nd December 2008. This was the occasion when I informed the States that Mr. Power had been suspended and it was an opportunity for elected Members to put questions to me. I would also like to state that the Inquiry panel did not seem to be aware that my statement to the Assembly on 2nd October 2008 was merely informational. I did not require any decision from the States. I was not looking, as Minister's sometimes do, to persuade Members to vote in a particular way, as occurs during robust debate when a proposition is before them. I would like to draw your attention to the letter from Bill Ogley dated 11th November 2008 enclosing David Warcup's report dated 10th November. I think you have it with you. I describe the document produced by David Warcup as a report on 2nd December 2008, as the in-camera transcripts demonstrate, which you also have in your bundles. The document is described as a report. In the letter, which is attached from Bill Ogley, which you also have, when forwarding the document to me I simply adopt Mr. Ogley's terminology. While in the format of a letter the document is lengthy and detailed and is simply a matter of semantics as to how the document should, in fact, be described. Towards the end of the 2nd December 2008 question session, I made a single reference to having read an alarming report from the Metropolitan Police. What I was referring to was the report from the D.C.O. (Deputy Chief Officer) summarising the findings of the Metropolitan Police Review: Interim Report. Although the counsel of perfection might have been to clarify at that time that I was referring to the D.C.O.'s summary of the Interim Met. Report, it seems to me that the point is sufficiently clarified a few moments later when the then Solicitor General, who had been advising the department anyway, stated the following: "I am not sure what that report, when it comes from the Metropolitan Police, will contain. I anticipate that it will contain factual matters." Well, I cannot remember the specific thoughts from almost a decade ago, it is possible that it seems sufficiently clear to me and Members the report had not at this time been published. That is what the Solicitor General has just said. If the S.G. (Solicitor General) had been sufficiently exercised about my own use of words he had the opportunity at this moment to correct me but did not as he and others were in no doubt as to the name of the report to which I was referring. Furthermore, the page I had opened at the time of being questioned had printed on it in large bold capitals the words "Metropolitan Police Review: Interim Report" and I would urge you to look at that. Go towards the back of the report and you will see it in bold capitals towards the end of Mr. Warcup's report. This was of course a summary of the report of the Metropolitan Police. It contained key issues that were contained in that Metropolitan Police Report. This was a simple semantic inaccuracy made under pressure of sustained questioning by the politicians. Sir, in your opening statement you asked: what if any attempt I have ever made to correct this minor semantic error? Since I became aware of the fact that a vocal minority was

suggesting that I had not made it clear as to which report I was referring to I have robustly defended the fact that I was not intent on misleading anyone. You have all heard me do that in the Chamber on a number of occasions. At the time there was no indication from anyone that they had been misled. Even several years later, when it was raised, Members then did not believe this to be the case either, which is a matter I will come on to later. I have also been challenged by the Inquiry as to why I never mentioned Mr. Warcup's name during questions to help clarify who the author of the report was. As Members of the Assembly you will know that when in the States, whenever possible, we do not mention the names of officers when speaking in the Assembly. Even mentioning their title by implication identifies them. The Deputy Greffier will attest to this I am sure. She has pulled a number of us up on various occasions. I would have been subconsciously aware of this important protocol when speaking on 2nd December 2008, which is the reason why the identity of the author of the report may not have been mentioned.

[15:15]

That said, many Members were aware the report had come from the Deputy Chief of Police, as was proven in subsequent debates about this issue many years later, which I will make reference to shortly. I have also come to realise upon recent examination of Hansard, which you have the transcripts before you today, that I could have corrected Senator Paul Le Claire, as indicated in the same Hansard transcripts, when he repeated the unwitting assertion that I had made. I regret not doing this, but given that the then Bailiff, as you will notice from Hansard, the Presiding Officer, was straining to conclude questions and answer session the moment passed quite quickly and we have all experienced this during debate and questions. At one point the Bailiff indicates that the matter cannot be advanced any further so the opportunity has passed by this stage to correct Senator Le Claire. I am also reminded myself in recent days that the intervention of the Solicitor General of the day demonstrated that he was not confused about which report I was referring to. Given that he had expressed the matter more clearly than I was able this then took away the need for any clarification. I certainly had not noticed the need for any clarification at that time. In any event, on occasions, and many of you will observe this and accept it, elected Members may accidentally misspeak and later correct the record. The standard of accuracy to which the Inquiry appears to hold me is unreasonably high, particularly given the circumstances in which the language was used. Circumstances on which they had little or no evidence. The Minister for Health and Social Services, Senator Andrew Green, recently made a clarification statement to the Assembly in circumstances where he had not realised he had misspoken. I understand that the error was pointed out to him by a Law Officer over the lunchtime recess, so in the afternoon he corrected it. Had the Law Officer not pointed this out the matter could have remained uncorrected on Hansard for some considerable period but this does not make Senator Green a liar. Nobody pointed out to me at that time that there was a problem with anything I said otherwise I would have corrected the record swiftly. Shortly after

this sitting, Mr. Chairman, I retired from the States for 6 years for business and personal reasons having no idea that this perceived error was of any significance until Deputy Higgins ... that this perceived error was anything of any significance at all. He revealed this to Members in debate about releasing the Hansard minutes in 2012. Many of you would have been there. Interestingly, Members then did not regard this revelation by Deputy Higgins as particularly edifying. You should have it in your bundle, if you have not I have it here. Do you have the extract from the 2012? Do you have it? 2012 Hansard minutes. If you would like to take those, they are highlighted. As I say, I do not think Members found particularly edifying the quotes there but ... for example, the Constable of St. Mary indicated the words that I had used to describe the document as not significant to her. Further comments were made by Senator Le Gresley who said that: "When he [Deputy Lewis] referred to a preliminary report it was a report from Mr. Warcup." He went on to say: "So he was not intent on deceiving the Assembly at all." Deputy Reed of St. Ouen expressed some similar sentiments, which you will see highlighted on the next page. Two of these Members were there in 2008, the other was one of the principal architects of the Care Inquiry itself; Senator Le Gresley. The 3 quotes I have just mentioned are highlighted in the bundle, you have got them there. It may also be relevant to note that 30 Members then voted against releasing the transcripts; releasing them to the public, partly on the basis of there being no case to answer. Furthermore, despite this issue being in the public domain since someone apparently leaked this information, not a single Member has previously made a complaint to P.P.C. about this issue.

Deputy S.M. Wickenden of St. Helier:

Deputy, can I just confirm that these Hansard that you are going from is from 8th December 2008 not ...

Deputy A.D. Lewis:

No, 2012.

Deputy S.M. Wickenden:

Are they 2012?

Deputy S.Y. Mézec of St. Helier:

Yes, it is of the debate in 2008.

Deputy A.D. Lewis:

Yes, so the first line it says ... it is June 2012. Is that clear? Thank you. Only one person knows my mindset on 2nd December 2008; that is me. I am very clear that I did not intentionally mislead the States and would question whether Members were misled at all until the suggestion was made by Deputy Higgins years later, at which time the offending comment was taken in isolation and out

of context from the substantive script. This was an attempt to try and prove that the former police chief had been wronged and suspended in conspiratorial circumstances to prevent him from uncovering abuse, a theory that has been disproved by both the Napier Review and the Jersey Care Inquiry. Mr. Chairman, I would also like to address the comments you made in your opening statements about not answering questions put to me by Inquiry counsel. I can clearly state that I did not avoid from not answering any questions in the manner that perhaps you are surmising. There were however some instances, where for the reasons I have stated before, I was unable to assist due to the passage of time. This was 9 years later. Furthermore, where I have said that I did not wish to add anything else to yet another question about the same things, at page 70 and 102 in the bundles, of this transcript - 138 of the public inquiry - the reader will note that I have already answered the same question several times earlier. So by this stage I was getting somewhat exasperated at being asked the same questions repeatedly in a manner that one might expect in a court but not what I was expecting as a voluntary witness at a public inquiry, where I had no defence advocate to come to my aid. In other situations, I was unclear as to the scope of the question and did not necessarily provide a direct answer to the question that had been put to me by the Inquiry counsel. I was subjected to cross-examination, which was unexpected, given the assurances previously made to me by the Inquiry personnel. I gave evidence at the Inquiry voluntarily. I fully co-operated with its process. Not every politician of the day did that. I did. I co-operated fully. I am happy to discuss any passages of my testimony which alleged demonstrating any kind of non-co-operation. I maintain that I was keeping an open mind with regard to Chief Officer Power prior to receiving the report from Mr. Ogley, notwithstanding being under considerable pressure from Frank Walker, the then Chief Minister, fellow Ministers, that the Police Chief should go. I was not considering suspension at that time. The Inquiry has heard little evidence from other members of the Council of Ministers of that day who could have attested to this but those of you who were present in the Chamber on 7th July this year will know that the Assistant Chief Minister, Senator Paul Routier, confirmed before the States that my account of the atmosphere of the Council of Ministers at that time was correct, and I will quote what he said on Hansard this July: "I was on the Council of Ministers during that time and the comments which the Deputy made about the pressure that he was being put under by some members of the Council of Ministers I think is a true reflection of what happened at that time." The Inquiry did not have the benefit of Senator Routier's recollection or that of many other Ministers of the day. Questions have also been asked as to when suspension of the police chief was first discussed with me. I therefore would like to draw your attention to an email stream dated 24th October 2008, copies of which I brought today and I am not sure if you have been given them as yet. What you will see before you is an email stream between all parties concerned in preparing a possible process. The first time I saw this information it was given to me as evidence during the Inquiry. In fact the copy you have got, you will see on it, it has got the markings of the Inquiry on it. You will also see that clearly I am not copied in on any of those emails. What it is, is it is clear discussions, or clear from these emails, that were going on between Ian Crich,

head of H.R., Mick Pinel, senior director of H.R., and the Solicitor General, which presupposed that I might make a decision to suspend Graham Power. I am not at any time at this point in dialogue with these gentlemen at all, and that is demonstrated in those emails. Clearly there were discussions with Bill Ogley, whom I assume is the person referred to as "Bill" in those emails. Mr. Ogley was the Chief Executive of the States. Mr. Ogley appears to have wanted to get "ahead of the game". I would like to make it very clear, if there was a game to play at this particular time I was not part of it. In any reasonable, normal situation, in my experience, Ministers should not interfere with H.R. matters and the operational detail of departments. I was presented with a problem but also a solution at a very late stage of a process which others had been working on for weeks. This is quite normal. Politicians, particularly Ministers, should not interfere with operational detail within departments. It also needs to be appreciated that as a new Minister in the first few weeks in that role, remembering I was Minister for only 6 weeks, I was heavily reliant on my civil servants to guide and advise me. While I was aware of political discord in respect of Mr. Power, I defended him publically and before the Council of Ministers right up until the point I received the report from David Warcup, under cover of a letter from Bill Ogley, whereupon reading it and receiving advice - which it now emerges that civil servants had anticipated that I would require such advice for some time, as you can see before you now - I and those advising me considered that something had to be done. I also hasten to add that the subsequent action that occurred had the full support, and indeed the encouragement, of the Chief Minister and the Council of Ministers of the day. In order to once and for all address any confusion on dates, I am very clear that the particular concept of suspension of Mr. Power was not fixed in my mind until after the point the David Warcup report was received. I was similarly very clear with Mr. Napier Q.C., including him in a letter dated 22nd August 2010, obviously which I can provide you with, where I said: "I would like it clearly noted in the report that if, as your report suggests, a suspension was discussed as an option as early as September in fact this may have been going on for, I was not informed that such discussions were taking place." I hope I have made that perfectly clear as to why it would not have been appropriate. Mr. Chairman, I hope that is useful. I place it before you in good faith and I will do my utmost to answer any questions that are forthcoming from P.P.C. members today, but if you could please bear with me and recognise that these events were a very long time ago. I am looking forward to moving on from this unhappy chapter in my political and personal life, so I can continue with my important work on the Public Accounts Committee and on behalf of my constituents of St. Helier 2 and 4, many of whom are here today and I am grateful for their support. Thank you.

The Connétable of St. Clement:

Thank you very much, Deputy. You accept that back in December 2008, in answer to questions you did use the words: "I have read an alarming report from the Metropolitan Police which led me to this decision in the first place"?

Deputy A.D. Lewis:

Yes, I do.

The Connétable of St. Clement:

You mentioned an error made by Senator Green recently and he corrected it that very afternoon. When did you realise that you had made a mistake by making that statement to the Assembly?

Deputy A.D. Lewis:

Not until several years later.

The Connétable of St. Clement:

Not until several years later. When did you realise it, in that case?

Deputy A.D. Lewis:

It was probably around about the Napier review, which is 2 years later, and then it was brought to my attention in more graphic form when Deputy Higgins decided to bring a proposition to the States about the matter. But at that time, that document that we are talking about was at the Greffe, in the safe. It was not for public consumption. It was an in-camera document.

The Connétable of St. Clement:

So it was not until 2 years later that you recognised that you had made that error?

Deputy A.D. Lewis:

No, the recognition of it was when it was exposed that they were in that in-camera minute. I cannot remember when that was originally exposed.

[15:30]

It may not have been before Napier. You have to bear with me, even Napier is 7 years ago.

The Connétable of St. Clement:

Yes. So when you did realise it or when it was pointed out to you, did you take any action to correct it?

Deputy A.D. Lewis:

At the time I was not a States Member, so it would not have been the normal channels that I would have used. As soon as I re-entered the States in 2014 I think it came up. I corrected it during

question time there, when I was standing for a ministerial role and also for the P.A.C. (Public Accounts Committee). Up until that point, I was not a Member of the States any more.

The Connétable of St. Clement:

You corrected it in 2014, yet it appears from more recent debate and discussions from Members who were there at the time that some Members feel that they were misled. Do you feel they were misled?

Deputy A.D. Lewis:

I think by now they have also got exposed to them the fact that that may be a probability, but at the time that was not suggested to them. But when it is suggested to you that there is a misleading that has occurred, then you could quite easily look at it in the cold light of day and make that assertion, as indeed could I, but those Members at the time did not make that assumption. That was something that was put into their mind, understandably, by Deputy Higgins. So today, yes, they could say that, but they would not have suddenly had a look at the in-camera minutes, to forensically go over them to see if something had been said, because they were locked away for years.

The Connétable of St. Clement:

Yes, but you suggested to the Care Inquiry that most Members at the time in the 2008 question time knew you were referring to the letter from David Warcup, so it did not matter that you had said you had read the Metropolitan Report, but have there not been some Members more recently who again did not understand that you were referring to a letter rather than to the report? You also mentioned in your statement that the S.G.'s comments indicated that you were not talking about the report because it had not been published. Is that reasonable? Because as Minister, it would have been quite possible that Members would have assumed that you would have seen the report. Would that not be a reasonable assumption?

Deputy A.D. Lewis:

No, because it was an operational report and the S.G. knew that I had not seen it and knew it was an operational report, so there was every opportunity for him to correct me there if he had wished to do so. I admit I said those words. I have not said that some Members may have been misled. I have used those very words. What I am saying is the majority of Members were not particularly exercised at that time. It was later on when it has been forensically analysed years later that one can make that assertion. I fully accept that I could have used different words at that time, but I hope I have explained today why I did not, partly because it was in the heat of the moment and I had seen a Metropolitan Police report. It happened to be a redacted version of it from Mr. Warcup. I thought nothing of it at the time.

The Connétable of St. Clement:

Sorry, are you now saying you had seen the report?

Deputy A.D. Lewis:

No, I had seen a redacted version of the report from the D.C.O.

The Connétable of St. Clement:

All right, can I get this clear? Had you seen a redacted version of the report ...

Deputy A.D. Lewis:

I had seen a ... sorry.

The Connétable of St. Clement:

... or had you seen excerpts in a letter from David Warcup?

Deputy A.D. Lewis:

Sorry, I had seen extracts which were presumably redacted, because there was not evidential information in there that was something that I should not see. So the correct phrase would be I saw extracts of the report, which are clearly in the letter that you have there from Mr. Ogley. There is a report attached and it clearly states there in big block capitals "Metropolitan Interim Report". That is what I am referring to and those are the extracts that I am referring to.

The Connétable of St. Clement:

I will see if any members of the committee want to ask some questions.

Deputy S.M. Brée of St. Clement:

I have one. You refer to the letter from Mr. Warcup and you say that you saw extracts from the Interim Metropolitan Police Report, which were contained within his letter. How did you know that they were actually extracts from that report?

Deputy A.D. Lewis:

That is a really good question, because I would not have been able to confirm it completely, but one has to trust your senior officers. I would not expect David Warcup to be lying about what he had seen in the Metropolitan Police Report. He is a senior officer with everything to lose if he has got this wrong. He is simply advising me of what I can be advised of, what has been contained in the Metropolitan Police Report. It is not for me to question a senior police officer that is in the middle of a big investigation as to whether what he has seen in a report is correct - as to what he has seen in the report - or not. However, later on it is corroborated in the Wiltshire Report that comes out a

couple of years later. Many of these things are then made very public and were in David Warcup's letter or report.

The Connétable of St. Clement:

Anybody else?

Deputy S.Y. Mézec:

Can I just briefly ask, I have in front of me the letter from Bill Ogley with the attachment to it. I have scrolled down to page 10, which has the heading "Metropolitan Police Review: Interim Report" and in the section underneath it, until it gets to "Conclusions", significant elements of this are in quotations. Are these what you are referring to as extracts of that interim report?

Deputy A.D. Lewis:

That is correct, yes.

Deputy S.Y. Mézec:

But then if I go to the second paragraph under the "Interim Report" heading, it says: "I can, however, summarise a number of issues which emerge from the report and which I anticipate will be expanded upon when I receive their final report." I cannot see the use of the word "extract", I can only see "summarise" which presumes to me that this is his own words and not a copy and paste job.

Deputy A.D. Lewis:

Yes, this is a summary, in his mind, of the Metropolitan Interim Report, of which there are some extracts. You can see those; they are in italics. But what he has done in the early stage of the report is given his view of the report, which is quite alarming. It is also the fact that the D.C.O. of the day is the senior investigating officer of this. He has created a gold command, so he is now overseeing the investigation. There is a senior investigating officer as well, Mick Gradwell, so there is a team working on this. This is a very experienced senior team, so they have given me information here that I should take very, very seriously. Certainly Mr. Ogley has, and the most important thing to recognise here, as a Minister at the time, was the penultimate paragraph of Mr. Ogley's letter, which says: "In conclusion, David states: 'I believe these failings have the potential to undermine the integrity and reputation of the force and to seriously affect public confidence in policing in the Island.' Based on the content of his report, backed up, as it is, by the Metropolitan Police review, I concur fully with his conclusion. In fact, it seems to me that once the investigation failings are made public, they will undermine public confidence in policing." That was in the utmost of my mind when I am making this decision. As far as I am concerned, I have seen an alarming report that has come from the Metropolitan Police in the form of a report from the D.C.O., which contains some extracts and an explanation of what is in the report. I am not allowed to see that report, because it contains

Crown evidence for the prosecution and that is why I did not see it. I regret not clarifying it in those 3 words, by not saying that it was the D.C.O.'s report about the Metropolitan Police Report, but that was it. At the time, I did not believe that Members were deceived. I was not trying to create any illusion that that was the case, but in the cold light of today, if you look at it, having not been there on the day, and Members reflecting on it on the day, as I am now, I can fully accept that that is not an accurate description of what I am talking about here. We can play about with semantics as much as we like. I cannot change those words, but the fact is that is what I was talking about and all I can do - and I have done it before - is apologise to any Members that were misled, because clearly some were. Some in later years that were not even on the Assembly at the time have said they were not, and I have given you that evidence from Senator Le Gresley, who was not there. He does not think he was misled with the transcripts he is reading at that time and 2 Members say the same that were there. So I can only assume, Mr. Chairman, that yes, some Members were not deceived in any way, other Members may do. Other Members may wish to be deceived in this way because they had a particular viewpoint that they wished to articulate. That is politics.

Deputy S.M. Wickenden:

Deputy Lewis, you said that the first time you managed to correct the information was one of the first sittings when you were standing in public ...

Deputy A.D. Lewis:

In public as a Member, yes.

Deputy S.M. Wickenden:

... as an elected official, which was probably during when you went for the ministerial post, which would be the second States sitting that we did. Did you do that in a statement way or in answer to a question?

Deputy A.D. Lewis:

No, I ...

Deputy S.M. Wickenden:

Do you feel that was the earliest convenience that you could have corrected it?

Deputy A.D. Lewis:

At the time, I did not think it was a particular issue. A review had been done by Napier, which I fully complied with and helped with, bearing in mind I was not a Member at the time. I gave them some information that was not completely accurate in terms of dates because I had not been a States

Member for 2 years, I did not have an H.R. brief with me when I met him. It was a fairly cosy meeting that was recorded and I gave him information then about events that occurred 2 years previously.

Deputy S.M. Wickenden:

So you feel you corrected it at the earliest possible convenience?

Deputy A.D. Lewis:

If I had known this was so significant - and those that have made it significant - at an earlier stage, of course I would have done, as indeed Senator Green did, which is why I gave the illustration. He would not have known that was a mistake unless a Law Officer had pointed it out to him. There was an opportunity for a Law Officer who had been intrinsically involved with producing the documentation for that suspension and knew exactly what we had seen, yet he was in the Assembly at the time and chose not to correct me or point out afterwards that I had made an error.

The Connétable of St. Clement:

Have you ever considered making an apology to the States for making that error? Do you think that would be appropriate?

Deputy A.D. Lewis:

Yes. It would appear, Sir, that you are suggesting that some Members may feel that is appropriate and I would be more than happy to do so.

The Connétable of St. Clement:

What do you mean, you would be more than happy to do so? Happy to do so at my suggestion or is it something that perhaps you should ...

Deputy A.D. Lewis:

No, Sir. If there are that many Members that feel misled by what I said in 2008, I must apologise to them.

The Connétable of St. Clement:

How many Members does it take to justify an apology; who feel they were misled?

Deputy A.D. Lewis:

I do not think it takes any. One would be sufficient.

The Connétable of St. Clement:

We know, do we not, that there was at least one?

Deputy A.D. Lewis:

There is one, Sir, but perhaps we will not go there today.

The Connétable of St. Clement:

I think we will decide where we go today.

Deputy A.D. Lewis:

Of course, Sir.

Deputy S.M. Wickenden:

Deputy Lewis, in your statement or speech you made on 7th July during our in-committee debate after we received the Care Inquiry, not far from the top you said: "This Assembly deserves an apology from me as well for unintentionally misleading some Members during questions under pressure on 2nd December 2008. It was absolutely not my intention to do so." So you ...

Deputy A.D. Lewis:

Well, there is an apology. I had not realised I had said that.

Deputy S.M. Wickenden:

You did not apologise, you said it deserved an apology, if you ...

Deputy A.D. Lewis:

I think that is almost an apology. I think that is the sort of simile one would use if one was making an apology, so I think, Deputy, you have answered the question for me. Thank you.

Deputy S.M. Brée:

So you consider the words that you used about deserving an apology as an apology, is that correct?

Deputy A.D. Lewis:

It was not my intention to make an apology that day. I appear to have made ...

Deputy S.M. Brée:

So was it an apology or not?

Deputy A.D. Lewis:

It would appear to be, yes.

Deputy S.M. Brée:

It would appear to be. Was it or not? A simple yes or no will do, Deputy Lewis.

Deputy A.D. Lewis:

I have got to remember back down to that date. Yes, my intentions were honourable, Deputy. I was ...

Deputy S.M. Brée:

But your intention was to issue an apology to the States Assembly at that time or not?

Deputy A.D. Lewis:

This was in the middle of a debate, I believe, so I had not prepared to make an apology.

Deputy S.M. Brée:

Okay.

Deputy A.D. Lewis:

As things emerged, it would appear that ...

Deputy S.M. Brée:

So it was not?

Deputy A.D. Lewis:

... that is what I have done.

Deputy S.M. Brée:

Well ...

The Connétable of St. Clement:

Do you recall making that comment?

Deputy A.D. Lewis:

I do now, Sir, yes.

The Connétable of St. Clement:

Okay. That is fine, thank you. Questions you want to ask on that particular subject before we move on to the ...

The Connétable of St. John:

Not on this subject at the moment.

The Connétable of St. Clement:

Okay. At the Care Inquiry, you used the words: "I am sorry" and you mentioned in your statement: "I am not prepared to answer any more questions on this subject." Could you tell us a little more why you felt that was an appropriate response or remind us what ...

Deputy A.D. Lewis:

Yes, certainly. If you go back through the transcripts, which I have been over many times, I have marked them all on here: "R, R, R", pages and pages of repetition leading up to that question. So I have answered this question verbatim over and over again. They were pushing the point continuously and I felt that I had answered the question in numerous different ways, not just then either, but the previous day as well. That was the only reason. I was not being difficult at all. The cross-examination was, by that stage, really quite intrusive. It was not what any of us were expecting that voluntarily appeared for the Inquiry, so I think I was being perfectly reasonable by suggesting that I did not really want to answer any more questions on this subject, because there was not really anything else to add, Chairman.

The Connétable of St. Clement:

You said: "I am sorry, I am not prepared to answer any more questions on this subject. I am very clear. I made my statement in the House. I am very clear as to the reasons why. There is nothing to be learned from this whatsoever, other than an attempt to discredit at the time a Minister who was not even there to defend himself at a later date when this continued to be a subject of great interest for certain politicians."

Senator P.M. Bailhache:

What page is that, Chairman?

The Connétable of St. Clement:

That is page 71 of day 138: "Not only that, Ma'am, the Metropolitan report was, as I said before, clearly an operational report. The op report that I used was Mr. Warcup's."

[15:45]

Yes. So what I am getting at is you are claiming that the error was not ... are you claiming that the error was not significant and that is why you did not want to answer further questions?

Deputy A.D. Lewis:

No, I had already answered the question on a number of occasions already. I assumed what they were trying to get at was that I had somehow conflated information to persuade the States to make a decision which they were not being asked to make. I did not need to in any way exaggerate what I had seen to make a decision. I was not asking the States for a decision. I was simply informing them that was the stature of it. Had one been going for a dismissal, it is a different matter, you are asking for the States to vote on it. So really I felt that we had gone far enough with this line of questioning. There was not really anything else I could add.

The Connétable of St. Clement:

As a witness, was it your place to decide how far the line of questioning had gone?

Deputy A.D. Lewis:

I think you are correct, probably not, but I think hopefully you can appreciate my exasperation at this stage, where the point is being laboured and laboured and I keep answering the same question. I could not really add any more. I had answered the question on a number of occasions already.

The Connétable of St. Clement:

Yes, that is a fair statement. Okay.

Deputy S.Y. Mézec:

Chairman, could I ask on that, going to this same page, page 70 from day 138, you were questioned: "When you say to the States: 'I have read an alarming report from the Metropolitan Police' that can be interpreted only to mean you have seen the report from the Metropolitan Police, can it not?" and you responded with: "For those that wish to surmise that, that is fine." Does the phrase "that is fine" indicate that you were relaxed about people interpreting it to mean the report and does that not conflict with what you are now saying?

Deputy A.D. Lewis:

No, I think it is a colloquialism. I was being somewhat exasperated that a lot of people have chosen, sometimes with mischievous intentions, to say that I was trying to mislead because there was an intention to mislead and there was a reason for doing it. The Inquiry has already proved that there was no reason for doing so. There was nothing to be gained by conflating or getting the name of the report wrong at all. So there are some that want to believe that was the case and I have just got to accept that. There are others that do not see it as particularly important or edifying, as was suggested in the transcripts of the 2012 debate to release the transcripts. I think if you take it in the context of what position I was in at that time, somewhat exasperated about answering questions about it, I think hopefully that explains it, because it is not fine at all in the context that you are

suggesting. You are quite right to identify it, but no, it was simply an exasperated comment when I was being asked the same question over and over again. It was along the lines of: "People need to believe what they want to believe." My intentions were honourable. I had no intention of misleading anybody.

The Connétable of St. Clement:

Has anybody else got any questions? I am sorry, Deputy, as I say, we are getting towards the end now, I think, but there was one phrase you used. I think you said you robustly defended your intention to mislead when you stood for election in 2014.

Deputy A.D. Lewis:

Correct.

The Connétable of St. Clement:

Yes, it says "not to mislead". Can you remind us of that particular time or ...

Deputy A.D. Lewis:

The reason why I was, Mr. Chairman, was because one of my competitors in the election campaign - this gentleman - in his front page of his manifesto said: "I fought to right the wrongful suspension of the former States of Jersey Police Chief, Graham Power, by the former Assistant Home Affairs Minister, Andrew Lewis, who is running for election as Deputy in this District, a suspension that even the Royal Court has ruled was not valid." I can say, Mr. Chairman, that if you are looking for a lie, that suspension was upheld in the Royal Court twice by Ian Le Marquand. That is what I was dealing with during the election, so at that point I had to confront that with a few people that felt that I needed to do so.

The Connétable of St. Clement:

How did you robustly defend or show that you had no intention of misleading?

Deputy A.D. Lewis:

I do not think the question was being asked in the election campaign quite as direct as that. It was about whether the suspension of the Police Chief of the day was the right thing to do and whether it was done properly and whether I did anything out of the ordinary that was not acceptable to the States of Jersey at that time.

The Connétable of St. Clement:

Have you ever robustly defended your intention not to mislead since you have been re-elected, since you have been in the States from 2014?

Deputy A.D. Lewis:

Yes, I have. Yes, and I think Deputy Wickenden alluded to them.

The Connétable of St. Clement:

That was 2017, a month or so ago.

Deputy A.D. Lewis:

Yes, and also in 2014.

The Connétable of St. Clement:

Right. Tell me about the 2014 event.

Deputy A.D. Lewis:

I was being questioned. Again Mr. Higgins, Deputy Higgins, mentioned this subject during putting myself forward for 2 posts in the States, P.A.C. Chairman and Minister for Economic Development, and I was asked this question. I said at that point that I had no intention of misleading anybody. I cannot remember my exact words, but I was asked the question then and said that I did not feel that I had done anything that was wrong at the time. Since ...

The Connétable of St. Clement:

Clearly we can look up the Hansard reports of that time, but do you recall if you indicated that you had made a mistake at that time and that you were talking about a letter from Mr. Warcup rather than the Metropolitan Police report or a report from the Metropolitan Police?

Deputy A.D. Lewis:

I do not believe that I have ever made a mistake. What I have done is use the wrong language to describe a report and some Members have clearly been misled by that. I can only apologise for that, but apart from that, I do not believe that I have done anything wrong. I have attempted to clarify that on a number of occasions, not least in recent weeks.

The Connétable of St. Clement:

You just said that you do not think you have made a mistake. You quoted in 2008, December 2008: "I read an alarming report from the Metropolitan Police which led me to this decision in the first place." Was that not a mistake?

Deputy A.D. Lewis:

No, I think Senator Bailhache explained it rather well. I had seen an alarming report from the Metropolitan Police; that is correct. What I have not done is clarified as to what the report is I am reading, which is extracts from a report about a Metropolitan Police report. So it is a question of semantics.

The Connétable of St. Clement:

I am not sure if it is semantics. Maybe it is, but I am trying to reconcile the fact that you have not made a mistake, but you say that you regret it and you corrected the fact that you made a statement which was not ...

Deputy A.D. Lewis:

What I regret is that some Members appear to have been misled by that, whether they be current Members looking at the transcripts today, those that may have been in the Assembly at the time, and I regret that. There was no intention to mislead anybody. I was talking about a report that had been presented to me by the D.C.O. about the Metropolitan Police report and I am sorry if that was not clear to people at the time. Had it been exceedingly material at the time, then of course had I realised that I had done that, I would have corrected it straight away, but I did realise that, so I did not correct it and I left the States a week afterwards. They were in-camera minutes which lay in a safe for several years.

The Connétable of St. Clement:

Yes, I can understand that, but I was reading somewhere in here - and I cannot see it at the moment - that you felt saying those words did not really matter before most Members knew that you were talking about a letter from Mr. Warcup. Is that correct?

Deputy A.D. Lewis:

I mean, I obviously did not ask Members after I had made that statement: "By the way, that last paragraph I said, do you think I misled you?" I had no idea that that was the situation. The only time that it then began to be discussed in the Assembly again was when Deputy Higgins made a proposition to have the transcripts released and there was a debate about it. In that debate, which I have been able to obviously access those minutes now I am a Member, it clearly says that some Members were not misled. So I can only make an assumption that if they were not misled, possibly other Members were not misled either.

The Connétable of St. Clement:

So even though you did not mention in 2008 question time that you had a letter from David Warcup ... probably David Warcup's name was not even mentioned, I do not know, but certainly a letter from him was not mentioned.

Deputy A.D. Lewis:

It was a report in the form of a letter.

The Connétable of St. Clement:

No, but you did not say that.

Deputy A.D. Lewis:

No, I did not, and I fully accept that, but I also have been saying today that there was an endeavour to protect the identity of the author for the reasons that I have explained earlier. But had I not have done that, of course it would have been clearer.

Deputy S.Y. Mézec:

On page 11 of the Hansard from the 2008 sitting, about halfway down there is an exchange between Paul Le Claire and the Solicitor General of the time. The last contribution from Deputy Le Claire in that exchange, at the last sentence he says: "Surely the full interim report should be available because the full interim report has been given to the Minister for Home Affairs and it has been that interim report that has given him this position." There continues to be questions afterwards where you did not correct that statement, there is no record in Hansard of you attempting to correct that statement and no other States Members themselves attempt to challenge that or stick their hand up and say: "Well, hang on a minute, I thought we were talking about this rather than that." Could that not be taken as an implicit suggestion that States Members did believe that?

Senator P.M. Bailhache:

Deputy, just neither of us are quite sure where the extract is that you are referring to.

Deputy A.D. Lewis:

Have you got a number?

Deputy S.Y. Mézec:

This is the 2008 transcript.

Deputy A.D. Lewis:

I have got that, but whereabouts?

Deputy S.Y. Mézec:

It is page 11.

Senator P.M. Bailhache:

Our page numbers might be different, but ...

Deputy S.Y. Mézec:

At the top of the page there is a question from Deputy Le Claire that begins with: "Yes, Sir" and then ...

Deputy A.D. Lewis:

I think you make a really good point, because straight away after that, the Solicitor General has an opportunity to correct it and does not, then Senator Le Claire speaks after the Solicitor General and then the Bailiff intervenes. You will see that we are now getting towards the end of a fairly heavy session of questioning, so I do not correct it. In fact, it is not foremost in my mind to do so, because as far as I am concerned I am talking about the Metropolitan Police report. I am, but of course it is not the actual report, it is the version that Mr. Warcup has given to me. I do not at this stage believe that I am misleading anybody because I am not aware that it is particularly important what we have called the report. It only becomes important later to individuals that are involved in the suspension. I quite understand that and fully accept that, but at the time we are in the middle of a fairly heated session of questions and it is quite easy to not pick up on some things when you are trying to think about questions, give the answers and try and get it all correct. It happens to us all at times in the Assembly and I would challenge any of us to look at our transcripts going back several years and you will find things that perhaps you could have said differently. When we leave the Assembly after making a long speech, we often wish we had said something differently and sometimes they will contain inaccuracies.

Deputy S.Y. Mézec:

Do you accept then that a Deputy standing up and saying: "The full interim report has been given to the Minister for Home Affairs and it has been that interim report that has given him this position" and you then not challenging? Sometimes in the States if we want to challenge something, we may have to stand up and speak over other Members who are speaking because the point is so important we need it to be heard, and Presiding Officers usually give Members leeway to do that. Do you accept that that Deputy making that comment and you not making an attempt to correct the record will have left the impression in Members' minds that what the Deputy had said was correct and that there was an understanding that you had been given the interim report at that point?

Deputy A.D. Lewis:

Yes. Unfortunately, Deputy Le Claire does not help me there, you are quite right, but in the heat of answering questions, I did not suddenly think: "I must correct that" because some other questions came my way shortly afterwards from Deputy Troy and Senator Perchard and so on. Then the

Senator points to me that the Bailiff also intervened at several points here. We are being asked to hurry along here and get on with this question time. Members may have forgotten - correct me if I am wrong, Chairman - but members of the P.P.C. will know this better than anybody, Standing Orders have been amended recently so that there is 15 minutes of questions after a ministerial statement and then a further 15 minutes if asked for. At this time, my understanding is that the Standing Orders were requested to be lifted by the Constable of St. Helier, so there was no time limit on how long questions could go on for. It would be interesting if the Greffier was able to tell us easily as to how long this took, but my recollection of it was that it was more than the 15 and 15.

[16:00]

We were getting on to now nearly an hour of intensive questioning. I had been up most of the night dealing with various ministerial matters. I cannot claim that I was on absolute top form, but I thought I did a reasonable job in difficult circumstances. If I did not pick up on what some other Members were saying rather than getting ready for the next question, I can only apologise, but that is the cut and thrust of being in a parliament, which, Deputy Mézec, you know full well. It is not always easy to say exactly the right thing in the right way. It is only perhaps years later that one realises that: "If only I had said that." Of course sitting here today I wish I had, but there was no intention to mislead the Assembly at the time. There was nothing to be gained from doing so, but I cannot deny what is said in Hansard. It is unfortunate that if you analyse them forensically now and look at what Deputy Le Claire said afterwards, your observation is a good one. But the mitigating circumstances of the day are that the Bailiff intervened, the Solicitor General then answered a question. I am now preparing for the next question that is going to come my way and I do not see it as imperative to correct Deputy Le Claire's assertion that I had seen a report. I regret that. I wish I had done so, looking at it today, but at the time it did not seem an important thing to do. I had other serious matters to deal with as soon as I left the Assembly that day, the brief period that I remained as Minister.

The Connétable of St. Clement:

The Deputy Greffier is still looking for it, to see how long question time was on that occasion. Has anybody else got any questions? Just going back to the Care Inquiry, a simple question, bearing in mind we have spoken about your answers and the way you declined to answer further and you explained why. Looking back at that evidence, do you think it helped to maintain and to strengthen the public's trust and confidence in the States and the integrity of States Members?

Deputy A.D. Lewis:

I think, Chairman, the fact that I volunteered to appear, I spent hours, days, preparing for it. I thought I gave a reasonable account of my actions of the day. I was totally not expecting the sort of cross-

examination that came my way. It was like being in a courtroom being tried for murder. I was totally taken aback. I am not a shy and retiring person, but this was pretty intimidating, totally unexpected, and I thought that I did a reasonable job on behalf of the public of Jersey to co-operate with an important inquiry. But there is a limit, Mr. Chairman, as to how much you can take and I had got to my limit. I sat in on several other people's testimony and they were not treated the same way and I still do not know why that was. I was not in the category of some of the other witnesses that Senator Bailhache alluded to, so why this was the case, I simply do not know. So I felt that I did a reasonable job and I was extremely polite and accommodating, as one should absolutely be in such a situation, calling the Q.C. "ma'am" all the time, thanking her on occasions. I was not in the least bit disrespectful at all to that Inquiry, which is what you would expect.

Deputy S.M. Brée:

Sorry, I just feel I need to clarify a point here. You think it is perfectly acceptable, Deputy Lewis, for a Member of the States of Jersey to say to an Independent Care Inquiry: "I am sorry, I am not prepared to answer any more questions on this subject" and you feel that is being respectful to them, do you?

Deputy A.D. Lewis:

In the context of the day, it was very politely put. I said: "I am sorry, I am not prepared to answer any more questions on this subject" because we were taking up a huge amount of time here. We had been here 2 days now and they are asking the same question over and over again. I thought that was a very respectable rebuff in saying: "I am sorry, I am not prepared to answer any more questions on this." I believe Deputy Wickenden and the Constable of St. Clement were there. You saw what was going on and it was intensive. I was very polite and I just said: "Look, I cannot answer any more." I had nothing more to add.

Deputy S.M. Brée:

You did not say: "I cannot", you said: "I am not prepared to."

Deputy A.D. Lewis:

That is correct: "I am not prepared."

Deputy S.M. Brée:

So as far as you were concerned, that was it, you were not prepared to answer any more questions on the subject?

Deputy A.D. Lewis:

Deputy, I then did, because if you carry on through the transcript, I continue to answer questions on this.

Deputy S.M. Brée:

That was not the question I was asking. It was purely saying that statement ...

Deputy A.D. Lewis:

But if you are suggesting I was not going to co-operate, I continued to co-operate fully.

Deputy S.M. Brée:

No, that is not what we are talking about. I merely asked the question whether you felt that the way in which you addressed the Care Inquiry in this instance did help to maintain and strengthen the public's trust and confidence in the integrity of the States. You feel that you were perfectly within your rights and at liberty to address the Care Inquiry in such a fashion at that moment in time?

Deputy A.D. Lewis:

I think any other Member would have been tempted to say the same thing. If they were not, they would have been perhaps stronger than me, Deputy, but I was under intense ...

Deputy S.M. Brée:

Please do not include me in your generalisations over that, but anyhow. All right, thank you.

The Connétable of St. Clement:

As to your question about timing, Deputy, we cannot really tell, but there were 3 statements that day which took 69 minutes in total, so it is unlikely it went on for as long as you suspect it might have done.

Deputy A.D. Lewis:

Sixty-nine minutes?

The Connétable of St. Clement:

With 3 statements with questions.

Deputy A.D. Lewis:

So anyway, what I am saying it was longer than normal, 15 and 15, and we had an hour. That is all I am trying to suggest. Even half an hour of intensive questioning on a statement is a long time, but this was longer.

The Connétable of St. Clement:

Okay, fine. Right, before we close, any further questions? No. Thank you very much for coming to talk to us today, Deputy, we do appreciate that and the forthright way in which you have answered our questions. We shall now adjourn and deliberate and contact you when we have considered what you have had to say and the written evidence we have. Perhaps you could let us have hard copies of your statements. Okay, we will now adjourn.

Deputy A.D. Lewis:

I just had a few words at the end, if you would indulge me, just a couple of words.

The Connétable of St. Clement:

Shortly, all right?

Deputy A.D. Lewis:

All I wanted to say, Chairman, was that my actions in 2008, as we have been talking about to a large degree already, were based entirely upon the evidence placed before me. I acted with integrity and impartiality, remaining within the remit of disciplinary code and full rule of law. I exercised my judgment as a Minister, on taking full and proper legal and H.R. advice from officers I believe who were of the highest calibre. I was convinced then and I am convinced now that my actions and the actions of the Government of the day were fully justified and in the best interests of good government and the people of Jersey. If in the unlikely event that I should find myself in a similar position again, I will always act in the best interests of the public and I will not shy away from making difficult decisions. It was a difficult decision, Sir. Finally, Sir, I would like to sincerely thank the officers, the Greffe, staff, friends, many members of the public that have supported me, and Members of the Assembly, past and present, for their support during this time, which has tested my limits, my and my family's resolve. So I thank you for the hearing today and thank you for indulging so much time in this process and I hope that you can deliberate in my favour, because I like working with you guys. So I wish you well with your deliberations. Thank you.

The Connétable of St. Clement:

Thank you, Deputy. Will you be able to let us have the statements today or now?

Deputy A.D. Lewis:

The copies of the statement I have now.

The Connétable of St. Clement:

Now?

Deputy A.D. Lewis:

Yes, I have them now.

The Connétable of St. Clement:

Thank you.

[16:08]