



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 27th January 2016**

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Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)

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R. Domaille, A. H. Langlois, R. A. Jones

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Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,  
R. Conder, C. N. K. Parkinson, L. C. Queripel

**St Sampson**

Deputies G. A. St Pier, P. L. Gillson,  
P. R. Le Pelley, L. S. Trott

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Deputies M. J. Fallaize, L. B. Queripel, M. M. Lowe,  
A. R. Le Lièvre, A. Spruce, G. M. Collins

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Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,  
D. de G. De Lisle, Y. Burford, D. A. Inglis

**The South-East**

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,  
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

**Representatives of the Island of Alderney**

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

**The Clerk to the States of Deliberation**

J. Torode, Esq. (H.M. Greffier)

**Absent at the Evocation**

Deputy E. G. Bebb (*relevé à 10h 01*); Deputy K. A. Stewart, (*relevé à 9h 42*);  
Deputy S. J. Ogier, (*indisposé*); Deputy D. B. Jones, (*indisposé*);

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Greffier*

## EVOCATION

# Billet d'État I

## ENVIRONMENT DEPARTMENT

### **XIII. Extension of the Local Planning Briefs for Le Bouet and Gategny Esplanade Mixed Use Redevelopment Areas – Proposition carried**

*Article XIII*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 13th October, 2015, of the Environment Department, they are of the opinion to extend the period of validity of Le Bouet and Gategny Esplanade Local Planning Briefs until the 2nd December, 2017, subject to any earlier expiry in accordance with section 2 of the Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013.*

**The Greffier:** Billet d'État I, Article XIII, Environment Department – Extension of the Local Planning Briefs for Le Bouet and Gategny Esplanade Mixed Use Redevelopment Areas.

**The Bailiff:** The debate will be opened by the Minister, Deputy Burford.

5

**Deputy Burford:** Thank you, sir.

A local planning brief is a statutory development plan document approved by the States following a public inquiry. It contains site-specific guidance to achieve a co-ordinated approach to development on the whole of a mixed use redevelopment area (MURA) as designated in the Urban Area Plan.

10

In February 2013 the States agreed to the Environment Department's proposals to reinstate the Local Planning Briefs for Le Bouet and Gategny Esplanade MURAs for a period of three years, subject to further extension by Resolution of the States. Reinstatement of these Local Planning Briefs was required at that time, because their expiry through operation of the Planning Legislation had created a policy vacuum which was delaying the determination of a major planning application relating to part of the Admiral Park site within Le Bouet MURA.

15

At the same time the States also approved the enacting of a Projet de Loi entitled The Land Planning and Development (Local Planning Briefs) (Guernsey) Law, 2013 as the best way of  
20  
reviving the intended policy on a legally sound basis, without causing undue delay. That Law came  
into force in April 2013, it provided for these Local Planning Briefs to have effect until April 2016,  
unless further extended by Resolution of the States within that three-year period.

In July last year the States resolved to extend the period of validity of the current Urban and  
Rural Area Plans to December 2016. This period allows for completion of the Public Inquiry into  
25  
the draft Island Development Plan, receipt of the Inspector's Report, and subsequent  
consideration of the recommendations, and approval by the States. Completion of this process  
will take us beyond the current expiry date for the Local Planning Briefs for Le Bouet and Gategny  
Esplanade MURAs. Should these Planning Briefs expire prior to the adoption by the States of the  
Island Development Plan, this would reintroduce the policy vacuum for these MURAs.

A number of key policies in the Urban Area Plan cross refer in relation to development of the  
30  
MURAs to detailed policy in the Local Planning Briefs, so that it would be difficult to apply the  
policies as intended without reference to the detailed policy in these Local Planning Briefs.

Therefore, the Environment Department requests the States' approval for the extension of the  
period of validity of the Local Planning Briefs to the 2nd December 2017. This additional period  
will ensure there is no gap in planning policy pending adoption of the Island Development Plan.  
35  
The period proposed will also prudently allow for any unforeseen delay to adoption of the Island  
Development Plan, bearing in mind that no further extension of these Local Planning Briefs will be  
possible under the terms of the 2013 Law.

Thank you.

40  
**The Bailiff:** Is there any debate?  
Deputy Gollop.

**Deputy Gollop:** Yes, sir.

I note – and I think it is very true of the record of the current Environment Department – that  
45  
on page 124 the Policy Council supports the principles of this policy letter and confirms that it  
complies with the principles of good governance, because this is a sensible progression of  
postponement of these two areas.

But I did attend the St Peter Port Douzaine and, not surprisingly, some members of the  
Douzaine were bemused that these development areas have taken a degree of time. Now, I rather  
50  
rudely corrected a Douzenier when she said that she remembered that this went back 12 years,  
and of course it goes back further than that. The Mixed Use Redevelopment Areas as we see on  
page 118 for Le Bouet, Admiral Park and Gategny Esplanade, believe it or not, date back to 1998  
and 1999.

Now, I was a Member of that Assembly, and so was Deputy Lowe; I do not see many other  
55  
familiar faces from that era. In your case, sir, I think it was three Presiding Officers ago, and that  
only makes the point that our redevelopment structures are slow. We are missing opportunities.

As a Member, at this moment, of the Planning body, I am not going to talk about the merits of  
any possible designs, but I think some of us would like to see an entertainment complex of some  
60  
kind, that has been mooted in the media, which would add to the facilities we have. Indeed, there  
are opportunities for urban regeneration and many other possibilities.

But I think the lesson to be drawn from this is in the future of the States, in conjunction with  
the private sector, needs to be more pro-active in moving forward these areas; because we are  
lacking – as some of us heard last night, at a talk about St Peter Port – a vision that we can really  
65  
get off the ground. It does require a combination of private sector confidence, and political and  
inter-departmental leadership.

**The Bailiff:** Deputy De Lisle.

70 **Deputy De Lisle:** Sir, it might be the case that companies feel that they can just apply for extension after extension because, as I understand it – and I think that should be taken into consideration in future – if an extension is made, as in this case, for three years then that should be it and the development should take place in that period, and there should not be these extensions after extensions to development. (**A Member:** Hear, hear.)

75 One question – and this is the reason that I stand up – is to gain some clarification, sir, because, as I understand it, this is to extend under the current planning arrangement something that has already been extended to December 2016, and the idea is to give a further extension of another year in terms of the Admiral Park mixed use, office, retail, residential and leisure development in that particular area – in that MURA.

80 Now, the question I have is: could this extend the possibility of comparison retail being developed in the MURA area in Admiral Park, at a time when more retail is folding in Town, on the High Street. As I understand it, the new direction under the draft Island Development Plan will be to safeguard the retail function within the main centres. So there is an issue here: if we extend and extend and extend, does it apply to development of comparison retail in Admiral Park, in competition with retail on the High Street in Town? So I would like to have an answer to that before we go to the vote on this one.

85 Thank you, sir.

**The Bailiff:** Having regard to what you have just said, Deputy De Lisle, did you need to make a declaration of interest?

90

**Deputy De Lisle:** I can. I can certainly indicate that the traders in town do not want to be clobbered again, as they were earlier with –

95 **The Bailiff:** That is not a declaration (*Laughter*)

**Deputy De Lisle:** – a road closure along the Front. It costs retailers very dearly in the High Street.

Thank you, sir.

100 **The Bailiff:** I will ask you the question again: did you need to make a declaration of interest?

**Deputy De Lisle:** Yes, I do declare my interest in that area.

105 **The Bailiff:** Thank you.

Deputy Stewart, do you wish to be relevé?

**Deputy Stewart:** Yes, please, Mr Bailiff. Thank you, sir.

110 **The Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Thank you, sir.

115 Sir, it concerns me that such a large piece of land has been lying undeveloped for so many years. We are crying out for land for social housing. I think it is obscene that developers are allowed to sit on land for so long, when there are so many Islanders on the waiting list for housing – especially Islanders with mobility problems.

So I apologise to the Minister for asking a question that perhaps I should know the answer to, but are the Environment Department able to put any pressure on developers to build and, if they are not able to, are they currently pursuing any measures to enable them to do so? Because the impression I get, sir, is I believe that the plan is to build five office blocks on the land with

120 underground parking, and the developers are simply waiting for the economy to pick up, but that  
could take several more years and in the meantime the waiting list for housing is growing.

Thank you, sir.

**The Bailiff:** Deputy Brehaut.

125

**Deputy Brehaut:** Just with regard to that point, sir. The Guernsey economy does not exist within a vacuum. There are so many external factors that impact on local companies' abilities, presumably, to loan and to invest. Now, because the economy has plateaued it has meant that some of these projects have not gone forward in time frames that people initially anticipated they would. So the idea then that you put pressure on companies who are clearly doing their level best to deliver what they said they would deliver, fundamentally change aspects of design so they deliver a compromise, surely goes against the grain of what is the best interest of the original Planning Brief.

130

Thank you.

135

**The Bailiff:** I see no one else rising.

Deputy Burford will reply to the debate.

**Deputy Burford:** Thank you, sir.

140

In respect of Deputy De Lisle's comments, this is not companies applying for this extension, this is the Environment Department applying for this extension. It is a completely different thing. This will be the last extension, as I outlined in my speech, as the 2013 Law only permits one further extension, which is what is being asked for today. This has not been extended to 2016 this year, as Deputy De Lisle says, in fact it expires in April of this year.

145

All applications for any development will currently be considered under the existing Rural and Urban Area Plans, and then when the new Island Development Plan is passed by the States, in whatever format it will be, development will be considered under that Plan and the MURAs will not exist under the new Development Plan.

150

Deputy Queripel, the Department cannot force anyone to develop their land, whether it be developers or private owners of land. That is a decision for those people, all we can do is ensure that any development applied for is consistent with the Law, and with the planning policies approved by the States.

Thank you.

155

**The Bailiff:** Members, there –

Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, I wonder if the Minister could answer the second part of the question, which was: are the Department currently pursuing any measures to force the builders to build (**Deputy Burford:** No, sir.) after a certain period of time –?

160

**The Bailiff:** That has been answered.

**Deputy Lester Queripel:** If not, why not?

165

**The Bailiff:** Well, that was not part of the question in your speech. Your question has been answered as originally asked.

There is a single Proposition, Members, it is on page 124. Those in favour; those against.

*Members voted Pour.*



**The Bailiff:** I declare it carried.

## HOME DEPARTMENT

### **XIV. Amendments to the Offences (Fixed Penalties) Law, 2009 – Parking on Hospital grounds – Propositions carried**

*Article XIV.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 9th November, 2015, of the Environment Department, they are of the opinion:*

- 1. To approve the addition of the offences set out in section 4 of the Vehicular Traffic (Hospitals, etc.) Ordinance, 1985 to the Schedule of the Offences (Fixed Penalties) (Guernsey) Law, 2009.*
- 2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.*

170 **The Greffier:** Article XIV, Home Department – Amendments to the Offences (Fixed Penalties) Law, 2009 – Parking on Hospital grounds.

**The Bailiff:** Deputy Gillson will open the debate.

175 **Deputy Gillson:** Sir, I am pleased to present this Report. It is a simple one. I do not think I can add anything to what is in the Report. I hope Members will support it.

**The Bailiff:** Any debate?  
Deputy Brehaut.

180

**Deputy Brehaut:** Thank you, sir.

I get to my feet sometimes in the comfort that being in a minority of one does not necessarily make be wrong. *(Laughter)* I just live in hope.

185 I can go to Beau Séjour and park my car and there is no fixed penalty involved. I can spend all the time I like in Beau Séjour; it is a Leisure facility. I do not have to set a clock when I park as Beau Séjour. Actually, I can go to Frossard House and drive there, but it would be pointless because there is absolutely nowhere to park, so I walk there. I walk past cars, not just parked on one yellow line but the car next to it, so double parking on yellow lines, then other cars are parked on pavements and parked on drain covers which, of course, cause huge inconvenience to PSD at  
190 numerous times because they simply cannot access works there.

So if you are starting to have fixed penalties, then what better place is there to start than a care facility? Why would we want to do that? And, think, why are people within those grounds in the first place? They are going to attend oncology, they are going to the breast unit, they are going to visit their relative, they are going to visit their partner who has just had a baby. They may not be  
195 thinking straight, because you do not at times like that. You arrive at the PE and you park, and you park in the wrong place because humans are human, and then with a significant life event – it could have been a death, it could have been a birth, a great life event – and then you go to your car; yikes, you have got a parking ticket because you are absent minded, you did not set a clock or you did not park in the allocated parking space.

200 Now, I can see Deputy Soulsby grimacing from here. *(Laughter)* I know that – No, the first grimace was much better, if you don't mind me saying so.

205 You have a situation where people go to a facility like the PE – currently this is – and they are unable to park and that has been my experience when I have taken my son to the school dentist. Fortunately he is old enough to go in himself now. I drive round the block in the vain hope that I can find somewhere to park. If there were allocated parking areas I just wondered whether they would still be full anyway.

210 So what HSSD should do is just to try in a modestly different way, with travel plans that have been suggested by the Environment Department working with the bus company and others, not to have a situation where people who are visiting what is a care facility and run the risk of getting a parking ticket.

215 Now, it says in the Billet that the Special Constabulary can issue parking tickets. So does that mean the porters at the Hospital, presumably, who are Special Constables – can I look at the Minister for a nod yay or nay whether ...? – right okay, so a porter at the Porter's Lodge can give you a parking ticket. So in the morning he is helping the nurses perhaps with a patient transfer and doing what they do within the grounds of the Hospital, then when he has got a spare moment – if ever that happens – he then walks round and, if need be, issues parking tickets for people who are parked in the wrong spaces. I do not think that is good. I do not think that that creates the best working dynamic, where somebody you are working closely with also has the ability to give you a fixed penalty. I do not think that is particularly useful.

220 Also, of course, nurses go in to work a certain shift and you can say that is okay, if it was a disc zone area you park in the 10-hour because you anticipate doing an eight-hour shift. That is not how it works. People get asked to stay on. Then do they have to run and change their clock, do they have to run out and move their car? Or the nurse that is called in to cover two hours of a back shift, unexpectedly, and they are not overpaid, do they do two hours to find when they walk back to their car then they have got a fixed penalty notice, possibly for being parked in the wrong place?

225 I will not support this, because I just think we are starting in the wrong place, and when we have managed to sort out Sir Charles Frossard House, when we have managed to sort out other places and got them working, just as examples, then perhaps we can move to other places such as the Hospital before we issue fixed penalties.

**The Bailiff:** Deputy Luxon.

235 **Deputy Luxon:** Sir, I definitely was not going to rise to my feet on this four-page policy letter, but Deputy Brehaut has encouraged me to.

I would like to disprove him of his theory that, being in a minority of one does not necessarily mean he is always wrong, because he is! (*Laughter*) He also mentioned about not thinking straight – and he isn't! (*Laughter*)

240 The principle of his point, of course, is valid – PEH is a campus of health and social care, with many patients, users and family visitors – so, of course, we should be empathetic and compassionate and careful. And it is for all of those reasons that the Home Department has kindly acquiesced to HSSD's request to bring this policy letter forward, simply to extend the normal parking arrangements that exist on our Town Piers and elsewhere as an option – as an option for HSSD management to use. Because, in actual fact, it is the patients, the service users, the visitors, 245 the families and friends that HSSD board management team are actually thinking about, in wanting to try and use this as an option.

250 Paid parking at the PEH is also an option. It is not one that we are proposing and it is not one that necessarily we would say has merit, because of course in the UK, Members will know on their visits, I am sure, where they will see car parking, multi-storey car parking next to very many city centre hospitals, and it is paid parking. Sometimes it is benign, £5 a day, but there is paid parking.

That is an option for HSSD to consider. It is an option for two reasons: one is an income source, which would help fund those demands of service requirements from members of the public that we cannot afford, or it could be used as an element of behavioural change.

255 So paid parking is an option, but it is one that the board has not remotely put towards the top of the priority list, and issuing parking fines is not remotely at the top of the list of things that we would like to do.

260 We have engaged with CT Plus to ask them to give us some thoughts and views about how we could expand and improve a network bus service to encourage some of our staff and visitors to the site, to use public transport more. We are looking at issuing electric bicycles instead of pool cars, to try and decrease the amount of traffic on the site. We are looking to change the times of clinics – outpatient clinics.

265 When Deputy Brehaut said it is always a problem to park, it is not. Between the hours of 8.30 a.m. and 2.30 p.m. Monday to Friday it is a problem parking at the PEH campus. After 2.30 p.m. it gradually improves and by mid-afternoon, evening, overnight and all weekend, there is not a problem. We could play football matches. There would be a lot of grazed knees, but Deputy Trott is quite good at organising football matches on dodgy surfaces! (*Laughter*) There is space enough to play football matches in the car parking space that we have.

270 Sir, through you, there are 631 spaces at the Airport ... at the Airport! I don't know how many there are at the Airport, but there are certainly 631 at the Hospital! We have a planning application going through the Environment Department at the moment to increase that to 721 spaces. The HSSD board does not want to enact that development, even if the Planning Department approves it, because again it would be urbanising an area of space that is either a green field or, indeed, is an open area at the moment.

275 It is an option. Paid parking is an option. Issuing traffic notices, fines, is an option. More parking spaces is an option. Because what we want to do is we want to make the PEH campus, which is the centralised centre of health and social care on our Island, work efficiently and effectively; and it is stressful for some people when they are trying to visit the Hospital, either it is for a clinic appointment ... when they cannot find a parking space.

280 Sir, you will be delighted to know that I made a ministerial decision last Saturday, and of course I cannot because we have not got ministerial government, but somehow it has worked and all of the traffic cones – the tall ones, the short ones, the mangled ones, the new ones, the ones stencilled with 'HSSD', have all been removed from the PEH site. Why? Because they are ugly and everybody ignores them! (*Laughter*) I know that is true because I ignore them, because when I cannot park I get out of my car, cause a blockage, I move a cone and I slip myself in, so I can go to whichever meeting I have to attend. So there is no point having a mechanism to actually make a site work better and then everybody ignores it.

285 So all the cones have gone and we are hoping that the communication through the media, that we started back in late November, but through December and into early this month, where we are saying to the 2,200 people that work within HSSD – our doctors, our consultants our clinicians, our nurses, our occupational therapists, the people in the backroom departments – we are asking all of those people, and we have surveyed them and we have asked them for their ideas – would they please think of ways that we can make it easier for the really, really important people – *they* are important, but the *really* important people – our patients and our visitors, to be able to access the services that they need when they are in difficult personal circumstances.

295 So, in answer to Deputy Brehaut's very short comments, I hope my very long comments can reassure the Assembly and the community that HSSD cares very much about allowing the PEH compound, campus, to work efficiently, and effectively, but we do not think multi-storey car parks on green fields in St Andrew's, St Peter Port, St Martins boundary area, are the best way to spend taxpayer money, and the best way to actually solve a problem that can be solved by the very people that are creating the problem – the drivers wanting to park. If all of them and all of us actually do something slightly different, the problem will go away, because it is only a problem between 8.30 a.m. and 2.30 p.m. Monday to Friday.

Thank you for your forbearance, sir.

305 **The Bailiff:** Deputy O'Hara.

**Deputy O'Hara:** Sir, it is a point of correction. I did not want to stop Deputy Brouard in full flow – (*Interjections*) Brehaut, sorry! Brehaut –

310 **Deputy Brehaut:** Brehaut, thank you, sir. Feel free to interrupt Deputy Brouard whenever you wish! (*Laughter*)

**Deputy O'Hara:** Well, he was wrong. We do issue fixed penalty notices at Beau Séjour. You cannot just park there over 24 hours, like before.

315 Thank you.

**The Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Yes, thank you, sir.

320 Can I just make a plea to Deputy Luxon and any of his colleagues who may be members of the successor Department or Committee to disregard completely the idea of paid parking at the Hospital, (**Several Members:** Hear, hear.) because can you imagine the States introducing paid parking for the sick and people who are visiting the sick, while perfectly able-bodied people are able to park for free in Town, to go and engage in activity through which they are improving their economic circumstances? The whole – I am not going to give way – concept of doing that, the choreography ... that would be absolutely ludicrous, it would be an obvious own goal for the States.

325 So there might be a reasonable debate about the issue of paid parking generally in Guernsey, but for goodness' sake let's not introduce it, impose it on the sick and those visiting the sick, when able-bodied and economically active people are parking for free elsewhere!

330 **The Bailiff:** Does anybody else wish to discuss the policy letter that is before us, (*Laughter*) before we get into debate on paid parking, which some ... No.

335 **Deputy Fallaize:** In my defence, I was replying to something which Deputy Luxon said.

**The Bailiff:** I appreciate that.

**Deputy Fallaize:** I know he is a Minister and all that.

340 **The Bailiff:** But I was trying to avoid spending the rest of the day on paid parking! (*Laughter*) Deputy Gillson will reply to the debate.

345 **Deputy Gillson:** I think there is nothing for me to reply with, but I will give way to Deputy Luxon to let him reply to Deputy Fallaize! (*Laughter*)

**Deputy Luxon:** Mr Bailiff, through you, can I compliment the Home Minister on his telepathic skills to know that I wanted to stand and ask him to give way.

350 Sir, I definitely would not give Deputy Fallaize that assurance. Paid parking is now almost universally common on Hospital sites in the UK. Now, if Deputy Dave Jones was here, he would say 'Who cares?', so I will say it. Of course we should not follow England, but just like we should not have removed GST from the potential options that this States should look at, to balance the needs (*Interjections*) of the future States in terms of delivering the services that the people want! There is no way that we should absolutely discount paid parking on the Hospital site, in case one day it might be necessary. It is not top of the priority list, or on the priority list at all, of the current HSSD board.

355 Thank you.

**The Bailiff:** Deputy Gillson.

360 **Deputy Gillson:** I have nothing else to add, sir. I hope Members will support this paper.

**The Bailiff:** Right. In that case, we come to the vote. There are two Propositions on page 128. I put both to you together. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

## Billet d'État II

### STATES' ASSEMBLY & CONSTITUTION COMMITTEE

#### I. General Election St Peter Port North polling stations – Amended Propositions carried

*Article I.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 16th December, 2015, of the States' Assembly & Constitution Committee, they are of the opinion, in accordance with Article 26(3) of the Reform (Guernsey) Law, 1948, as amended, to establish the polling stations for the St Peter Port North district at Beau Séjour Leisure Centre and the Princess Royal Performing Arts Centre.*

365 **The Greffier:** Billet II, Article I, States' Assembly & Constitution Committee – General Election St Peter Port North polling stations.

**The Bailiff:** The Chairman of the Committee, Deputy Fallaize, will open debate.

370 **Deputy Fallaize:** Thank you, sir.

This has nothing to do with GST or paid parking, or Island-wide voting or anything like that.

I have to lay an amendment, sir, because although the policy letter very clearly sets out the proposals in respect of the St Peter Port North polling stations, since the publication of the policy letter, working with the Constables of the Castel, it has been identified that amending the Polling Stations in that Parish for the 2016 General Election would be advantageous.

375 So the amendment is to replace the Proposition in its entirety, so I thought perhaps we could deal with the amendment and the Proposition, effectively, at the same time if possible please.

**The Bailiff:** Yes, happy to do that. Do you wish to have the amendment read or are you going to explain it, really, for the benefit of people listening and it will publicise where people can go to vote on Election Day?

*Amendment*

*To replace the Proposition with the following:*

*'1. Whether, after consideration of the policy letter dated the 16th December, 2015 of the States' Assembly & Constitution Committee, they are of opinion, in accordance with Article 26(3) of the Reform (Guernsey) Law, 1948, as amended, to establish the polling stations for the St Peter Port North district at Beau Séjour Leisure Centre and the Princess Royal Performing Arts Centre and*

*for the Castel district at La Chambre de la Douzaine, les Beaucamps and the Cobo Community Centre, Rue de la Lande.'*

**Deputy Fallaize:** Yes, sir.

385 The proposal in the amendment is effectively two-fold. It is to set out that for the 2016 General  
Election, the polling stations for the St Peter Port North district would be Beau Séjour Leisure  
Centre and the Princess Royal Performing Arts Centre; and I thank, on behalf of the Committee,  
the Constables of St Peter Port North for working with the Committee in arriving at this solution  
and indeed the Culture & Leisure Department for permitting Beau Séjour to be made available,  
and the Education Department for permitting the Performing Arts Centre to be made available.  
390 Also for the polling stations in the Castel district to be at the Douzaine Room at Les Beaucamps,  
and the Cobo Community Centre, the latter in place of the Cobo Air Rifle Club which has been  
used previously; and the Committee thanks the Constables of the Castel for working with us in  
that regard.

We think that these polling stations will represent an improvement, in that the access to them  
is very good and hopefully that will make it a better experience for those people manning the  
395 polling stations and for those people wishing to vote.

So that is it, sir. I hope Members will support the amendment and the Proposition as amended.  
Thank you.

**The Bailiff:** Deputy Conder, do you formally second the amendment?

400

**Deputy Conder:** I do, sir.

**The Bailiff:** Deputy Gollop. Deputy Bebb, you wish to be relevé?

405

**Deputy Bebb:** Yes, please, sir. Thank you.

**The Bailiff:** Deputy Gollop.

410 **Deputy Gollop:** Yes, obviously, the Castel amendment is worth supporting and we cannot  
really do anything else but to support the Propositions as clearly outlined. But there is a certain  
remonstration one might like to make, and this would be on two aspects of the St Peter Port  
decision. Historically, we have enjoyed a second polling station, in fact, that predates Beau Séjour,  
at St John's Church Hall, we know that for various logistical reasons that cannot be used and nor,  
one understands, the Admiral Park Waitrose that was used in the recent by-election. But it still  
415 means that the eastern seaboard of St Peter Port North will not have a polling station, because of  
course the Beau Séjour polling station is up a rather steep hill and the new polling station, I  
accept, will significantly serve better the western part of that district, but there is nevertheless a  
loss to people on foot in that locality.

I would make a further point, that at the recent by-election some electors, and potential  
420 electors, were puzzled they could not use the Constables' office which they can, of course, use for  
all parish Douzaine and Constables elections. Now, the reason, logically, is that the Constables'  
office is actually located geographically at St Peter Port South, but there is nothing, surely, to stop  
the Constables' office, which is useful for shopping or working in Town, to be used for both, with  
different coloured ballot papers to avoid confusion.

425 I would also say that St Peter Port may have a shortage of Douzeniers etc. to man the polling  
stations, but one looks with a slight degree of envy at the West, which has about six or seven  
different polling stations, which might partly explain why they have such good turnouts, if not  
good candidates. *(Laughter and interjections)*

430 **The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Sir, may I ask the Chairman of SACC whether or not there will be paid parking at the polling stations, please? *(Laughter)*

435 **The Bailiff:** Any further debate? No.  
Deputy Fallaize will reply.

**Deputy Fallaize:** Thank you, sir.

Hold on, I am being asked to sign this thing. Sorry. No, there will not be paid parking at the polling stations and GST will not be levied on the electors either! *(Laughter)*

440 I will not make any comment about the quality of the candidates in the West, *(Interjections)* but I think I am happy, on behalf of my successors, to give Deputy Gollop an undertaking that the kind of proposal he makes, in respect of the Constables' office, can be looked at in the next term. But, generally speaking, I think, particularly in this day and age, the most important thing with polling stations is that they are accessible and that they can provide a comfortable experience, for  
445 want of a better term, both to electors and to those people who we ask, on behalf of the parishes, to volunteer to run the election on the day.

Now, I think the polling stations proposed by the Committee, quite clearly, are better able to provide a better experience for those groups of people than the polling stations that they are replacing; and, arguably, better than would be provided by the Constables' office. So I think, on  
450 balance, the Committee's proposals are right, but I am sure that the Committee's successors are happy to look at the proposal Deputy Gollop makes for 2020.

**The Bailiff:** Right, well we vote then on the amendment proposed by Deputy Fallaize, seconded by Deputy Conder. Those in favour; those against.

*Members voted Pour.*

455 **The Bailiff:** I take it there is no further request for any general debate, so we go straight to the vote on the Proposition, as now replaced by that amendment. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare it carried.

## Billet d'État I

### CONSTITUTIONAL INVESTIGATION COMMITTEE

#### **XV. Proposal to achieve greater autonomy in the legislative process and international affairs for Guernsey – Propositions carried**

*Article XV.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 4th November, 2015, of the Constitutional Investigation Committee, they are of the opinion:*

*1. To approve the objectives outlined in paragraphs 6 and 7 in that Policy Letter relating to: the granting of Royal Sanction; the extension of international agreements; and the entering into agreements under entrustment.*

2. To direct the Policy Council, and its successor Committee, to liaise with the States of Alderney, Chief Pleas of Sark and the States of Jersey, and negotiate with the UK authorities proposals to seek to implement these objectives, and to do so before 2020.

3. To direct the States Assembly and Constitution Committee to investigate the possibility of amending the Reform (Guernsey) Law 1948 to require the referral of certain matters to the States of Deliberation relating to UK Acts of Parliament which have direct effect or are to be extended to Guernsey by Order in Council, and bring any proposals before the States thereon.

4. To dissolve the Constitutional Investigation Committee on 30th April 2016.

5. To direct the Policy Council, and its successor Committee, to prepare a business case to establish a treaty management function in the External Relations team at the Policy Council and its successor body.

**The Greffier:** Article XV, Constitutional Investigation Committee – Proposal to achieve greater autonomy in the legislative process and international affairs for Guernsey.

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**The Bailiff:** The debate will be opened by the Chief Minister, the Chairman of that Committee. Deputy Le Tocq.

**The Chief Minister (Deputy Le Tocq):** Thank you, sir.

465

I found myself, around two years ago, having been elected Chef Minister, as *ex officio* Chairman of the Constitutional Investigation Committee, and when one ends up in that sort of position, as I did with the States' Review Committee, one has to consider was this what I actually bargained for?

470

But I am very, very grateful to, particularly, my Vice-Chairman, Deputy Roger Perrot, for it was he who initiated this Investigation Committee, because I have thoroughly enjoyed the experience, and it has helped me, particularly, in perhaps the main trunk of my role, which is representing the Island overseas, to understand the sorts of things that we are facing today.

475

I think it is particularly timely that we have this debate with all that is happening at the moment in the EU and the UK. Many Members yesterday came to the presentation that we put on with Steve Williams from the Channel Islands' Brussels Office and will note that, with all of the uncertainties there, it is absolutely right that we, as an Island, have the opportunity to more thoroughly and robustly have the tools in the box to defend our own destiny, and to have our constitutional rights very much more firmly established. This is really what this Report that is before the Assembly is about.

480

The Committee, as I said, sir, was formed in January 2014, following the States' report of September the year before. The mandate of the Committee was focussed on the current arrangements in place for Royal Sanction, the extension of treaties and the entering into agreements under entrustment. It has looked at the relationship and function of the Ministry of Justice in this regard – the Ministry of Justice being the UK Government Department with responsibility for managing the relationship with the Crown Dependencies.

485

The Committee also discussed the role and operation of the Privy Council's Committee of the Affairs of Jersey and Guernsey, which currently gives the Royal Sanction to Channel Island projects on behalf of the Crown. The Committee has looked at the output from the two UK Justice Select Committee Reports on the Crown Dependencies, both of which made recommendations for the Ministry of Justice to implement, in order to improve processes in terms of legislation and extension to treaties.

490

We have also discussed these matters with Lord Faulks, Minister of State at the Ministry of Justice. The committee also met with Sir Christopher Geidt, the Private Secretary to Her Majesty, as well as with Senator Sir Philip Bailhache, the Jersey Minister for External Relations. I have also liaised with the Prime Minister of the Faroe Islands. The CIC looked at the Isle of Man, Faroe Islands, Cook Islands and the British Overseas Territories, amongst other islands dependent on a sovereign state and micro states for inspiration.

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500 The Committee did not want to dilute its proposals by negotiating with the UK before bringing them to this Assembly and, in accordance with its mandate, has drawn up its proposals with a view to then taking them to the other Islands of the Bailiwick, discussing them with them and then negotiating them with the UK.

505 The main findings of the Committee were as follows, the Committee noted that Guernsey has a mature relationship with the UK that is continuing to evolve and improve. It is the view of the operation of that relationship with the UK, it is our view, that it should evolve and continue to do so along the lines of the changes that we are proposing in the policy letter.

510 The work undertaken by the Ministry of Justice as a result of the House of Commons Justice Committee Reports has greatly strengthened the processing of legislation. We are pleased about that. We do not now experience the delays in Royal Sanction that we once did. Legislation is generally processed promptly. This work is undertaken by the UK and the Guernsey Authorities with that, and the relationship in this regard is better than it has been for a number of years. But there is always room for improvement.

Work is underway to strengthen the processes by which treaties are extended, in order to remove the delays that we have experienced in the past – for example, in respect of intellectual property treaties.

515 We are increasingly reliant on the process of entrustment and we would like to expand the way that that is used. This will help avoid the circumstances Guernsey experienced when we were prevented from entering into the FATCA agreement with the US, until a like agreement was signed with the UK. This was a good example of us needing, I think, to review the current systems and find a far more robust and assured process. The particular way in which that occurred, the Committee thinks, is not how a mature democracy like ours should have to behave with regard to a sovereign state like the UK.

520 The UK government has interfered with the delay in processing of legislation in the past and may do so again. There will always be areas of disagreement and these should be resolved through dialogue in the spirit of mutual respect and understanding. The Committee would like to hard wire these current improvements and build on them, in order to reduce that risk in the future. The Committee is not of the view that this is best served by changing the relationship with the Crown, nor is it of the view that the constitutional relationship should be codified with a written constitution. The proposals that the CIC see as desirable will give the Islands the tools in order to continue to evolve and mature for the foreseeable future. Proposals are intended to provide Guernsey with the requisite international identity to match its domestic autonomy.

530 The proposals before us are in three parts. In respect of Royal Sanction, the Committee is proposing a streamlined process of granting Royal Sanction on legislation. This builds on the Isle of Man model. It would not give the Lieutenant Governor complete discretion to grant Royal Sanction; the UK would maintain some oversight and would have a limited time in which to intervene on certain grounds before the Lieutenant Governor can consider whether to exercise his delegated responsibility. The proposal will continue and increasingly rely on certification by the Law Officers to ensure compliance with existing international obligations. In respect to extending treaties, the Committee is proposing a streamlined process, which would have a similar automatic threshold, whereby the UK would extend a convention, at the Island's request and on certification by Law Officers.

540 In respect of the proposals around entrustment, it is suggested that the States could broaden the ability to enter into an agreement under entrustment by creating an automatic process. There would still be safeguards; however, Guernsey could only enter into agreements that would not impact the UK and are at low risk of causing the UK to contradict its own international obligations. The relationship between Denmark and the Faroe Islands has been influential in formulating this model for seeking entrustment. Guernsey should be willing to take on the responsibility of being held to account for its international obligations.

545 The Committee also recognise the need for safeguards for the UK, in order that it might meet its international obligations. So the Committee feels that these proposals gets the balance about

550 right. The States are well served in our advice from the Law Officers of the Crown and the UK should equally depend on that advice. The UK should not be seeking to double check our homework. The UK interests in our domestic affairs should be restricted to matters where this is a necessary and legitimate constitutional interest.

555 So what are the next steps? Given the close relationship between the Islands of this Bailiwick, and the need for Bailiwick-wide legislation, it is essential that proposals are discussed in Alderney and Sark. This work will be essential and can be co-ordinated through the Policy & Resources Committee in the future, and the Bailiwick Council, particularly, that has recently been established.

560 It will also be important that the proposals are discussed in detail with the States of Jersey. Jersey shares a very similar process to Guernsey in respect of Royal Sanction and in relation to treaties. The States of Jersey may wish to seek to implement the proposals as well, or parts of them, and join Guernsey in its discussions and negotiations with the UK.

565 Once this is agreed the proposal will need to be negotiated with the UK. It will be for the Policy & Resources Committee to decide how it wishes to approach this with the UK government. In order to give some certainty, it is recommended that these proposals should be negotiated before the end of the next States' term, and the current term of the UK government, both of which will end in May 2020.

570 In line with the implementation of the States' Review Committee proposals, the CIC should be dissolved at the end of this current term; its role can be carried forward by the Policy & Resources Committee. It would not preclude the formation of a similar Committee to the CIC in future, or the co-opting of former Members of the CIC, if appropriate, to give advice in the negotiation of these proposals, should that be the case.

575 In terms of other matters that were mandated to the CIC, in terms of TV licencing, the Committee has noted that the review of the BBC Charter in the UK, will have an impact upon this. It is also reflected on the general principle of the extension of UK Acts of Parliament, and think there are merits in making changes in terms of ensuring there is debate in this Assembly to enhance the democratic accountability.

580 Article XXXI of the Jersey Law is the basis in which such matters are debated in the States of Jersey, and the Committee recommend that the States should explore similar provisions in more detail. However, the process by which this might be implemented should be looked at by the States' Assembly & Constitution Committee under its mandate. The Committee is of the view that this would address many of the concerns raised over legislation, which underpin the TV licencing arrangements, which are extended UK Acts of Parliament.

585 The Committee has also looked at other matters which it could have investigated under its mandate. Whilst it did not have the resources to look into wider matters, this would not preclude the Policy & Resources Committee of the next States, looking into these constitutional matters, either under its own mandate, or by forming a special Committee of the States akin to the CIC.

590 So, in conclusion, the work of the Committee highlighted the need to have the tools to enhance the reputation of the Island. This is vitally important, I would underline again, going forward, in the uncertain relationships that we have in the future around us in Europe and the UK, as I mentioned earlier.

595 Fit-for-purpose legislation and seeking to ensure that we are covered by relevant and national agreements, is a very key part of this. However, we must lose sight of the role global initiatives and soft law international standards provide. A prime example of this perhaps is the Charter of the Commonwealth. You have heard me talk about this before.

600 Whilst we are not a separate Commonwealth Member, I believe we should also be held to account to the standards of that Commonwealth Charter – the standards that are defined in that Commonwealth Charter. It is not a treaty, it consolidates these values of the Commonwealth into one document that Commonwealth jurisdictions can then be benchmarked against. So I am asking officials at the Policy Council to prepare a policy letter for consideration by the States early in the next term, on this basis.

Alongside my fellow Committee members, I would like to thank, in particular, the two non-States' members of the Committee, Dr Elina Steinerte and Colonel Richard Graham, for their valuable input into the work of the Committee. I want to particularly thank again my Vice-Chairman, Deputy Roger Perrot, who will sum up after debate.

605 Sir, I commend the work of the Constitutional Investigation Committee to the Assembly, which I have very much enjoyed being part of, and I ask Members to support the Propositions in this policy letter.

**The Bailiff:** Well, I see no debate.  
610 Deputy Fallaize.

**Deputy Fallaize:** Thank you, sir.

Just a very small point, actually the next term of the States will finish on 30th June 2020 because we have decided to extend it by two months.

615 I just want to make two points briefly. First of all, I think that after the somewhat unfortunate and certainly lengthy and protracted experience of what became known as PERRC, I think there have been a couple of these special temporary committees, which have rather rescued the concept of them in this term.

Now, it would not be for me to make any comments about the States' Review Committee in that regard, but I think that this Committee certainly has carried out a lot of good work and I think the States will think the same when the Social Welfare Benefits Investigation Committee, horribly known as SWBIC sometimes, reports to the States soon.

625 But I think that it does demonstrate that, by involving a diverse group of Members who have an interest in a subject matter, from across the States – Members of the Policy Council and those who are outside of the Policy Council – I think that a lot of good work can be done in that way. And I suggest that there has perhaps been more political leadership in this work and certainly more time has been devoted to it by politicians than would have been the case if it had been, for example, a sub-group of the Policy Council, where very busy Ministers would have been required to fill it. So I think that these sorts of special temporary committees, where they are correctly  
630 mandated and correctly populated, can do a lot of good and this Committee has done a lot of good.

The second point is that when this Committee was established I remember discussing it with Deputy Perrot, who has clearly been the sort of driving force behind it, I was slightly concerned because I think there had been some rather radical solutions put forward to how the Island's  
635 relationship with the Crown and the UK government may evolve. Actually what is proposed is very pragmatic and I think proposes incremental change, which I think is to be welcomed. It is important that the Island continues to assert its autonomy and its identity, but I think that to do it within the framework of the existing relationship with the Crown, and to some extent with H.M. government, is probably the best way to do it, rather than to look for any more radical solutions.

640 So I am impressed with this Report. I think it is a very well-written Report. I think it is a very sensible set of proposals and I will support them enthusiastically, and I thank the Committee for their work.

**The Bailiff:** Deputy Langlois.  
645

**Deputy Langlois:** Thank you, sir.

Sir, on this occasion obviously I concur with virtually everything that the Chief Minister has said, and recommend that people support this fully.

650 I rise only to draw people's attention to Proposition 2, in the sense that the encouragement to liaise with Alderney, Sark and – unusually for a Billet in Guernsey – Jersey is a vital part of this, and I think it is very important. This particular move is successful because of work going on with the Alderney Liaison Group, a debate about Alderney we are going to have next month and so on;

and it is very important that the authorities in the two other Bailiwick Islands support this, because I think it can help resolve a number of issues that are pertinent to them in particular.

655

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I rise just briefly to draw Members' attention to the Treasury & Resources letter of comment on page 157 and, in particular, just to note that in relation to Propositions 1 to 4, if indeed there is some successful discussion with the UK and there are changes in processes, then there could well be resource implications which will need to be factored in to future budget allocations, and also in relation to Proposition 5 and having the Treaty Management Function within the External Relations team. Again, that will require some reprioritisation and juggling of existing resources.

660  
665 So it is maybe just to draw Members' attention to the fact that this policy letter does have resource implications. Treasury & Resources will be supporting it and those issues will need to be managed in due course.

**The Bailiff:** Deputy Trott.

670

**Deputy Trott:** Sir, I have also enjoyed membership of this Committee, like the Chief Minister, and that has been primarily for the reasons expressed by Deputy Fallaize.

675 Sir, there is, in my view, real value in this Assembly presenting a unanimous view on this States' Report and I hope that we are able to do so, because discussions with the UK government will be interesting. I do not think it is necessarily a given that we will get everything we want and we are going to have to be informed and robust. What is clear, though, is that greater autonomy in relation to legislative and international affairs is right and proper for a jurisdiction of our type.

680 Sir, on page 134 of the States' Report for those who have it in front of them, paragraph 4.3, we are showing in clear detail the advantages. During 2014 we are told only one Act of Tynwald, the Isle of Man Legislature, was referred to the Privy Council out of a total of 14 Acts which were enacted that year. During 2015, to date, 14 Acts of Tynwald have been granted Royal Sanction, one of which was granted by the Privy Council. So, in other words, the overwhelming majority of their Royal Sanction does come via the organ of their Lieutenant Governor.

685 Sir, in paragraph 5.1, the CIC explains why on occasions things have not been necessarily all that they could be, certainly from our perspective, and that has been a matter of resources. When I first became Chief Minister back in the May of 2008, I believe that there was a number approaching 20 lawyers at the Ministry of Justice that had concern with – not necessarily exclusively, but certainly had concern with – legislative affairs in the Crown Dependencies. As a consequence of austerity, by the time I ceased being Chief Minister, four years later, there were three. So it clearly follows that austerity in the UK impacted very significantly on the way in which our Law was considered prior to finding its way to the Privy Council.

690 Sir, I do have to raise paragraph 6.3. It is arguably the elephant in the room. It does need to be mentioned:

'The CIC noted the conflict of interest, perceived or otherwise, that might arise in the event of the Bailiff, in his capacity as deputy or acting Lieutenant Governor, being asked to give Royal sanction to a Projet de Loi which was approved at a States' meeting over which he [or indeed she] had presided.'

695 The CIC suggests that the remedy, sir, is that in these circumstances or in any other instance of a conflict of interest, perceived or otherwise, the process of the Royal Sanction could be reserved for the Privy Council. That is a satisfactory remedy, sir, but it does highlight the issue that in my view – and it is a view that I have held for some time and it by no means reflects on the current Bailiff, sir, who ... This is awkward isn't it. I am talking about you through you! *(Laughter)*

700 **The Bailiff:** I will turn my back if that helps! *(Laughter)*

**Deputy Trott:** It clearly does not reflect upon you, sir, or ... The point is this: that it is clearly wrong that you remain President of this Assembly, Presiding Officer of this Assembly, the Chief Judge and, due to tragic circumstances, acting Lieutenant Governor. All three roles should not be held by one person. I think most people realise that and that is something I think that will need to be addressed in the future.

Having said that, having got that off my chest, sir, I would again ask all Members of this Assembly to endorse this Report. I think it will strengthen the hands of those in the future who will have some tough negotiations to undertake.

Thank you, sir.

**The Bailiff:** Deputy Bebb.

**Deputy Bebb:** Very briefly, sir.

I think that the measure and quality of this Report is reflected in the amount of debate, it is something that I am sure all of us will agree to, and hopefully unanimously.

But there is one point that I would like to make. It is a shame that the Chairman of the States' Assembly & Constitution Committee has already spoken, but I wonder if Deputy Perrot, in responding, could actually confirm that my reading is that Proposition 3, which is:

'To direct the States Assembly and Constitution Committee to investigate the possibility of amending the Reform ... Law ...'

That could progress regardless of any negotiation with other Crown Dependencies and I think that it is something that we should progress with haste, because this is an area of concern for many. The UK has, for instance, used a Royal Charter recently in order to introduce a voluntary measure of press regulation. That is something that we may or may not wish to have extended to Guernsey and it is something that I think it is right and proper that we have a voice in deciding whether that is extended.

Therefore, I think that, of all the Propositions, this is the one that should be expedited most, because it does not have implications on the other Crown Dependencies. I do not think that it would have influence or any bearing on the relationship and, therefore, it is something that is right and proper, given the increased use of UK Acts of Parliament and their extension, and what they sometimes do, that we do have that mechanism in place as soon as possible. It is just to seek clarification on that from Deputy Perrot when he responds.

Thank you.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Yes, I will be brief.

The Chief Minister has set the facts out very well. I endorse his comments as a member of the Constitution Investigation Committee. It has been very informative and an interesting learning experience about our relationship with the Crown as well as other jurisdictions. One commentator said we could have gone further, but it was clear from the work we did we needed to be evolutionary not revolutionary. The proposals are well balanced and proportionate, and Deputy Fallaize says 'pragmatic' and I agree with him totally. It sets a good basis for us as we enter the next stage.

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** Thank you, sir.

It is following Deputy Trott's speech just now, sir, that I rise to my feet and I would like assurances from the Chief Minister, because Deputy Trott – who has always been very open about it – does not agree with the Bailiff having a dual role of Presiding Officer, and there are indeed

750 some other Members in this Assembly that believe the same. However, I really would not like the message to be going out that this Committee are going away – No, I am not giving way at the moment, Deputy Trott – that this Committee endorse –

**Deputy Trott:** On a point of correction, sir, Deputy Lowe is not correct. I have absolutely no problem with the Bailiff being Presiding Officer of this Chamber. I believe that the office should be elected; that is my issue.

**Deputy Lowe:** Thank you for that, Deputy Trott.

All I am trying to say here is that I would not like this group to be going away, negotiating on the premise that this is a given without first of all there being a public consultation, and indeed  
760 without a debate in this Assembly first to give that group guidance of whether they should go ahead or not. This raises its head every now and then, and it has been dismissed previously, and I certainly have no problem with a dual role of the Bailiff, it has been helpful in the past, having the Bailiff as legal advisor, and the respect is there as well. Whereas I am not quite sure if you have  
765 got somebody who is not involved with the Law ... would have quite the same respect as the States give to our Presiding Officers of the past and indeed of the present.

So I just want assurances that this group would not go away negotiating and dealing with that without having approval from this Assembly after there has been a public consultation.

770 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Yes, sir.

This is a complicated and sophisticated area, and I commend the Committee for producing a timely Report.

775 Deputy Fallaize has had a little go at PERRC. Well, I am the messenger who takes the bullet here, but nevertheless I would point out I was the third Chairman of PERRC (*Laughter*) and not the first or second! It is more or less completed although I will, on a side issue, talk to the Committee about maybe the need for an additional meeting. (*Interjection and laughter*)

But, moving on from that diversion, I would wish to say that this Report is timely and it is  
780 useful. It raises perhaps more questions than immediate elucidation, because it has slipped by under the radar. I remember talking to one media outlet over Christmas and they were almost, at that point, barely aware of the significance of this work stream, and it has not been a talking point in the way some matters are but I actually think it is a very useful piece of work. It has possibly had the highest powered membership of any States of Guernsey that one can think of in terms of  
785 its input.

But the questions it raises are these, to me: much has been made of the Isle of Man example, which of course was brought to our attention not just through the Commonwealth Parliamentary Association work but through Deputy Perrot ... I think raised the issue some time back. We are, as Deputy Le Tocq has said, following that model, but I think it is different in detail. I think a difference would be: whereas the Isle of Man seems to have an opt-out system, we would have an  
790 opt-in so that we would liaise as to how many would be suitable for ... look at here. Whereas as we have heard from Deputy Trott and others, the Manx example virtually means that every 13 out of 14 Laws are done in-house, and we are told in the Report that their Government House has a more developed executive structure than the Channel Island model. Ours goes through the States of Guernsey. Whilst one would wish to see a reduction in the States of Guernsey role, I think perhaps for the future I do think it is a good role for the Governor and I can see that Government House might benefit from additional resource.

Deputy Trott has raised, based on his considerable experience, that there was a downsizing in the number of lawyers in the Ministry of Justice who looked at our affairs. Now, that possibly was  
800 a good thing from our point of view and might have reflected the change of Government colour, but by the same token what we would not wish to see is a delay through London through lack of

resource there, and it has occurred to me that maybe the Channel Islands, perhaps in conjunction with the Isle of Man, might need to part-finance a specialist who would work within the Ministry of Justice very much supporting us. He or she would not be a civil servant, of course, but might be  
805 a special governmental adviser. It might assist our process; although, as the Report says, matters do seem to have improved recently.

I am not entirely clear at this stage of our role in looking at treaties. Much has been made of the Faroes example, but of course they have had a greater degree of autonomy and a Kingdom or Monarchy of Denmark perhaps has less round-the-world possessions than, of course, Britain has  
810 and the history is different anyway because of our links with, historically, the Duchy of Normandy.

But there is argument made that certain treaties and international agreements would come before this Parliament, this Assembly, for consideration. Now, I am not quite sure how that would work, and what would happen if we were rebellious, like certain places not too far from us, and refuse to co-sign on these, and how much international identity we will have – although,  
815 personally, it would be a huge ego boost if we started, like the Cook Islands, to have our own diplomatic representation around the world. The potential costs and logistics of that are mind boggling and not particularly very pleasant. I would also point out what is the relationship here with Alderney and Sark because we always need to be mindful of that.

One final query is relating to the TV Licences. We know if our esteemed colleague, Deputy Jones, was in the Chamber he would almost certainly talk about that issue. It is referred to in the policy letter, as to whether the States' Assembly should actually have a separate debate on, for example, a charge, which in some ways could be interpreted as taxation without representation. Now, that is the kind of issue that I think we need greater clarity on, as to whether we are an independent jurisdiction in political terms or whether we just go along for the ride with what is  
825 said in the United Kingdom.

I also agree with something Deputy Bebb said yesterday: that we could learn from the Wales Assembly and the Scottish Assembly, and perhaps the Northern Ireland Assembly are looking at some of these matters as well.

830 **The Bailiff:** Deputy Jones.

**Deputy Robert Jones:** Thank you, sir.

I too found the work on the Committee very informative. Deputy Trott was right to draw attention to paragraph 5.1, which reflects the current arrangements being subject to the reduced  
835 resources in the UK.

But what I would like to draw the Assembly's attention to is paragraphs 5.2 and 5.3, which clearly show that whilst the current arrangements are working well and the understanding between staff in the MoJ and here in Guernsey. There are processes that work well, but we are subject to political change in the UK, we are exposed to changes in political ideology, and what  
840 these proposals do is propose a way that we can move forward with a system that underpins the current process and makes us more resilient and less likely to be subject to the change as a result of political changes in the UK.

So I would encourage everybody to endorse these proposals.

Thank you.

845

**The Bailiff:** Any further debate? No.

Deputy Perrot will reply.

**Deputy Perrot:** Members of this Assembly will know, sir, that I do not write speeches. That has  
850 generally been my downfall over the last four years. But I wrote pages of notes in respect of this debate, and they have all gone for a broad chalk I cannot use anything, because of the very supportive remarks which Members of the Assembly have made. I do hope that there will be some forbearance, I have never risen above the rank in this parliament of foot soldier, so I am not skilled

855 in the art of summing up a debate. (*Laughter*) I am going to have to plod rather prosaically through the various points which people have raised.

Deputy Fallaize was very kind in his supportive remarks. He drew a comparison with poor old PERRC. I do accept that that Committee has perhaps stumbled along rather more slowly than one would have hoped. But I regard the time it has taken for us to get here as actually being a failure on the part of the CIC, not because of a lack of support from my colleagues on the CIC, but simply because we did not have the resources, the human resources, to do the work.

860 Now, I do not think it is a terribly good idea for Deputies actually to be writing policy letters; I think that they ought to come up with the high level idea and that other people, civil servants, ought to draft things and the drafting ought then to be challenged by the political Members. I think that is how it works ideally.

865 I gave my beloved leader on SWBIC something of a hard time for doing some drafting, but I have been forced into the same position myself in respect of this policy letter and I know that Deputy Fallaize was the same in relation to the various wonderful reports which his Committee has brought to the States over the last couple of years. So we ought to have done this very much more quickly; after all what we are proposing is not an enormous change, it should not have taken that long to get here. Nevertheless, we have.

870 Deputy Fallaize also said that this Report was probably commendable, because it did not have any radical proposals – what was being proposed was incremental. Well, he is dead right there, but I also regard it as being a bit of a failure on my part, because certainly I wished to go very much further. I have to accept, of course, that one has to be realistic about what is politically acceptable in the States of Guernsey. I also realise that one does not wish to frighten the political horses in the United Kingdom, but for my part I wished us to go eventually to some sort of dominion status for Guernsey, whereby we do have much greater autonomy.

875 I was criticised in the paper by none other than one of my partners ... ex-partner, former partner – I should not say ‘ex-partner’, one of my former partners – before I retired, who said that we had not gone far enough. But he is probably too young and inexperienced politically to know that only certain things are politically acceptable and achievable. But, for my part, I wished we had gone further.

885 Deputy Langlois then referred to Proposition 2, and the fact is that if it is accepted we have to liaise with Alderney, and Sark of course; we must also liaise with Jersey. As to the latter, I have to be guarded in how far I go in what I say, because I do not want to fall out in my newly-established friendship with the Chief Minister, but I think it is fair to say that Jersey has been less than wholly supportive to some of the things which we have been wishing to do in this Bailiwick in recent years. I am not entirely optimistic that we are going to get Jersey completely on side so far as this is concerned. I very much hope that we do, but Jersey’s behaviour on some other non-associated matters has been, frankly, disgraceful (**Several Members:** Hear, hear.) over the last couple of years. Sorry, Chief Minister, I know that you are looking at me askance when I say that, but that is what I think and after all, look, this is my last hurrah! (*Laughter*) There is very little else that I am going to have to say before I go out, so please do let me say this, through you. I do hope that Jersey can support us, in large measure, on this.

895 Deputy St Pier, my other beloved leader, this time on Treasury, rose to talk about resource implications. Again, he is dead right: we had insufficient resources to get this policy letter before the Assembly in due time and I do hope that if someone else takes up the baton of constitutional reform, that Guernsey will see that that is a matter which requires further resourcing – financial resourcing.

900 I echo all that Deputy Trott said about there being a requirement for unanimous support for that. That would be really very, very helpful, constitutionally, when taking this matter up with the Ministry of Justice. The trouble is it is not just austerity which has caused a problem in the Ministry of Justice, there is a lack of collective memory there, because there are so many changes both at political level and at staffing level, they have forgotten what they first thought of. So although when Lord Faulks came over here ... he looks like his brother Sebastian Faulks, but that is another



point. Anyway when Lord Faulks came over here, everything seemed to be sweetness and light, but you absolutely never can tell. So it does seem to me that we, as a States of Guernsey, ought to say unanimously this is what we want.

910 Yes, Deputy Trott said that matters are not always as they should be, he referred to paragraph 5.1 in the policy letter. Of course, he is right in that. We have had some pretty horrendous experiences in the past. At the moment, paradoxically, we do not need this. As things are, things are going not swimmingly but not badly at all. But, by golly, we have had some real problems in the past. Going back to 2007 under the unlamented tenure of office of the then Minister of Justice, Jack Straw, legislation was delayed. It took two years for our legislation to be cleared up,  
915 and that was just one example of problems which we have had in the past.

I will not go on about the blackmailing of this Island in relation to FATCA and all the rest of it. There have been problems and they could arise again. So, moving on with Deputy Trott, I rather imagined that he would come out with his comments about who presides in this Assembly. That was not a matter for this particular policy letter, but he has mentioned it; therefore, I will mention  
920 it. I have this to say about it: I think I am right in saying that the people of Guernsey respect the ancient officers and I cannot believe – Deputy Trott is perfectly entitled to his opinion – but I cannot believe that there is an appetite to see the States of Guernsey presided over by other than the Bailiff of Guernsey. (**Several Members:** Hear, hear.) Certainly for my part, I feel that very strongly indeed. Much as I love all of the Members of the Assembly – (*Laughter*) I have to say that  
925 I have only got 94 days to go (*Laughter*) and then I am out of here and I do not expect to be here again –

**Deputy Luxon:** Correction, sir. Correction, sir, Deputy Perrot only has 93½ days to go!

930 **Deputy Perrot:** Ninety-three and a half? Oh wonderful! (*Laughter*) But if there is one thing that would bring me back, (*Interjections and laughter*) it is the idea of that, to me, over radical constitutional change. I am not well known – I know I used this expression yesterday, privately, to Deputy Trott, I called him a 'toady' but that was just because we are friends, but I am not well known as a 'toady', but the reason why I think that we should not be changing this is not simply  
935 because in my view, sir, you do not need to respond to this, you have graced the office of both Bailiff and Presiding Officer of the States of Guernsey, but quite irrespective of the personal feelings about your predecessors in office, people have respected the office and I hope that they continue to do so. (**Several Members:** Hear, hear.)

Deputy Bebb, very kindly, spoke about the quality of the Report and I, in my modest way, say it  
940 is nothing really, (*Laughter*) but in respect of Proposition 3, he asks can this go forward on its own – in other words, irrespective of our debate with Jersey, Guernsey and Uncle Tom Cobley and all, can it go ahead? And of course it can.

It seems to me – I stand to be corrected by H.M. Comptroller, but it seems to me – that the framing of that Proposition is that it stands alone and therefore it can be put into effect alone, but  
945 if H.M. Comptroller disagrees with me, I hope she will say so, but perhaps at the end of what I have got to say.

Deputy Soulsby – oh yes, well she picked up the remark of one commentator who said that we should have gone further. Actually, of course, it was not just one commentator, there was another commentator former Deputy in the States of Guernsey, who said that we ought to be sending representatives to the House of Commons. Well, frankly, in my judgement that is not the way in  
950 which we ought to go forward. If anybody really thinks that that is the way forward, I do not think that that person has got the measure of how Guernsey feels (**Several Members:** Hear, hear.) about its autonomy and independence.

Deputy Lowe – well, she took up the comment from Deputy Trott and said that she would not  
955 like this group to be going away on the premise that looking into the office of the Bailiff as Presiding Officer is a given. Well, we are not suggesting that for a moment, but not only that but

we are asking you to dissolve us. So it will be up to the Policy & Resources ... whatever, Committee, in the next parliament to make some sort of decision about that.

960 Deputy Gollop – yes, I was not quite sure what he was ... but he did say that he talked to one media outlet over Christmas. I think he talked to about five media outlets (*Laughter*) constantly over Christmas and New Year and the period leading up to the debate this morning. So nothing has changed there. (*Laughter*) To be serious, he did point out to the distinctions between the way in which the Lieutenant Governor's office works in the Isle of Man and the way in which it works in Guernsey and Jersey. That, of course, is a reflection of our different histories. The Isle of Man, as I remember, one time was a private fief of the Duke of something or other. Guernsey and Jersey formed part of the Duchy of Normandy, and after 1204 we had Wardens and Captains of the Isles, so our office of Lieutenant Governor has a completely different historical background to that in the Isle of Man. He did say something else, but alas my writing is such that I cannot read it, so I hope that he will forgive me if I move on.

970 Oh, yes, he said something about Denmark having less, I think he meant 'fewer' (*Laughter*) round-the-world possessions, and that was made *a propos* the way in which things worked in the Faroe Islands. Well, really he needs to revisit, to read again, the detailed narrative which we have put in relation to the Faroe Islands. They have got much more of a concept in the Faroe Islands of shared sovereignty. We do not have shared sovereignty here, what we have is a Head of State who is the Queen, but the relationship is quite different with Guernsey.

975 Could I say this as well – I think this is one of my last comments: what we are proposing when we speak about the demurral period and the fact that we give six weeks' notice in relation to any new primary legislation or an extension of a treaty or indeed the negotiation of a new treaty ... there is a safety valve built into these arrangements. If H.M. Government in the UK is unhappy then the safety valve opens up and we then debate the matter with Westminster. We very much hope that that is not going to happen. We hope that our experience is much like that of the Isle of Man, whereby very few pieces of legislation are dealt with by protracted negotiation and we hope the same in relation to our international treaties.

980 So, in conclusion, may I just echo the Chief Minister's remarks and thank those Members, colleagues of ours, who worked so diligently on the Investigation Committee, and those non-States' members who also gave up considerable amounts of time and again worked diligently and were so collegiately supportive.

I do hope that this has your unanimous support. (*Applause*)

990 **The Bailiff:** Well, Members, there are five Propositions to be found on pages 157 and 158.

**Deputy Fallaize:** Can we have a recorded vote please, sir?

995 **The Bailiff:** If there is to be a unanimous vote, the only way of showing that it is unanimous will be to have a recorded vote, and that is what is being called for.

1000 **Deputy Luxon:** Can I just ask a point of clarification? Deputy Perrot said that if any of the Propositions were not supported he would stand again for election. Could he clarify which of the Propositions we should not support to trigger that action, sir?

**Deputy Brehaut:** And which district would be helpful, sir! (*Laughter*)

**Deputy Perrot:** It is unfair to make a mockery of an old man, sir! (*Laughter and interjections*)

1005 **The Bailiff:** Okay. Nobody has asked for a separate vote on any of the Propositions, so all five Propositions are being put to you in a recorded vote.

*There was a recorded vote.*

**The Bailiff:** It was indeed unanimous.

So I think, Greffier, can you announce the next Article and I will formally announce the result of that vote in due course? Just so that we can move on.

## REQUÊTE

### **XVI. Reciprocal Health Agreement with the United Kingdom and the European Union – Debate commenced**

*Article XVI*

*The States are asked to decide:*

*Whether, after consideration of the Requête dated 27th October, 2015, and signed by Deputy J Kuttelwascher and six other Members of the States, they are of the opinion:*

- 1. To agree to the introduction, at the earliest opportunity, of a Reciprocal Health Agreement with the United Kingdom to be brokered by the Health and Social Services Department/Policy Council (or their successors).*
- 2. To direct the Policy Council (or its successor) to explore the possibility of joining the European Health Insurance Card (ECIH) scheme or a Reciprocal Health Agreement with the European Union.*
- 3. To direct the Commerce and Employment Department (or its successor) to reprioritise its Marketing and Tourism budget to provide funding for a Reciprocal Health Agreement.*

1010 **The Greffier:** Article XVI, Reciprocal Health Agreement with the United Kingdom and the European Union.

**The Bailiff:** The debate will be opened by the lead requérant, Deputy Kuttelwascher.

1015 **Deputy Kuttelwascher:** Thank you, sir.

Sir, I do not have a formal speech prepared. The last time I did that was nearly four years ago and it did not have the desired effect, so I have got through an index of issues and I have a file of documents, but this file and the thickness of it no way reflects the words that may emanate.

1020 Sir, firstly, the motivation for laying this requête. Up until April 2015 there was a facility for free NHS care for any residents of Guernsey who had, or were in receipt of, a UK pension or had at least 10 years' contribution and therefore were entitled to a UK pension.

1025 In April 2015 that was restricted and, in that respect, I have to declare an interest because I would have been included in that and indeed, I suspect, quite a number of Members are. The last time I was informed regarding this issue, you now can still get that care but so long as you have not been non-resident for more than 10 years. So anybody who has been here for 10 years and a day loses that privilege in your like.

1030 The next thing that rattled my cage was the UK's intention to increase charges to non-EU residents by 50%, or shall I say have 150% charge. That is already in place and attempts already are being made to charge Guernsey 150% of their normal tariffs for off-Island treatment, which has been pre-planned, which is a significant issue. The UK also wish to introduce charges for non-EU residents, for what I believe is still available, but you never know, it is such a fluid situation, they wish to introduce charges for GP visits, use of ambulance, A&E visits and surcharge those also by 50%. It will make the UK one of the very high-cost medical jurisdictions, in line with the USA, China, Taiwan and a lot of others.

1035 The other thing that I am aware of is the bad debt situation within HSSD regarding collection of invoiced amounts relating to private health care. It does not all relate to visitors from the UK,

1040 but shall I say a significant proportion does. I have not been able to establish that proportion, but several months ago there was talk of possibly writing off as much as £450,000. I gather that amount has now reduced, but I will make some more comments about that issue a little bit later on.

1045 The other interesting issue for me is why on earth do we maintain a Reciprocal Health Care Agreement with Australia, New Zealand, Barbados and Iceland and Jersey, and with three EU countries, Austria, Portugal and Sweden? Now, what is interesting is I have no idea what the benefits of these agreements are, how often they are used or indeed what is the cost to us, if any. It would be useful to know, if anybody actually knows. I do know of one person currently being treated in a hospital in Lisbon under this agreement. A Guernsey resident – and I know other treatments have followed. I know in Sweden if you fall ill there you can access hospital facilities free of charge as long as it is not a private ward – you have to be in a general ward. The agreements differ, but the most interesting thing is why do we have agreements with three EU countries, and could that be extended?

1050 The next thing is: why was the Reciprocal Health Agreement abandoned in the first place in 2009? Now, with hindsight, I think it was a kneejerk reaction, because at the time the UK were paying Guernsey or HSSD a sum of £½ million a year approximately and they decided that was no longer value for money. I think the mistake the board made at the time was they assumed that they would lose that income, which you can say is reasonable; what they did not realise was they could invoice whatever they like for whatever services they provide, but the collection of that income has proved a real problem and continues to be a problem. So they are not losing, or were not losing, £500,000 a year; they are still losing because they cannot force repatriation of the funds for people to pay their bills. That has become more onerous in the short term. I will say some more about that shortly.

1055 Sir, the advantages of a Reciprocal Health Agreement are laid out in the requête under paragraph 7. The first one, the enhanced reputation, is an issue that was brought to the board by a senior member of HSSD staff in 2010, when a report was submitted – in fact a lot of the requête is based on that report – and the person who actually drafted that report gave his permission for me to refer to all sorts of items, because I do not think that any of them are, shall we say, top secret or need to be data protected or anything else. I think they are all in the public interest.

1060 Another reason is social inclusion – ability to travel off Island. There are people now who have medical exclusions which they cannot get insurance for. That is an issue and we have had at least one letter in the *Press* where someone said a sensible person would then not travel because if they did and then were to suffer very large medical bills, it would be maybe irresponsible and it could even bankrupt them.

1075 Believe me, the medical insurance that is usually provided are for sums between £5 million and £10 million, because the worst case scenario is always considered by the insurers. The social inclusion issue is an issue which actually has been brought up in SLAWS. Now, I get to see the minutes of SLAWS, because we have a representative on SLAWS, and I do not mind saying this: I do not think this is secret either, the issue of the lack of Reciprocal Health Agreement was brought up by a senior member of the staff that dealt with this particular Committee. I did actually ask them what had happened about it and the member of staff was at one of the SLAWS presentations and he had to rattle his brain, but it is something which I think has just faded into the background but it is an issue which was flagged.

1080 The other thing that it provides is a safety net. A Reciprocal Health Agreement is not a substitute for travel insurance. This is often said. You can get travel insurance – and I have seen a magazine recently – up to the age of 99. Now, travel insurance is all encompassing. It covers things like disruption, bad weather, baggage, loss of money, passport. When you get to the medical section most of them have a whole list of conditions which they will automatically cover. If you look at them there are loads of them, things like eczema, high blood pressure and all the rest of it. Sometimes they say if you have got more than two or three then give us a ring, but lots of things are *per se* excluded.

1090 Now, one of the issues or one of the conditions that is excluded is a terminal prognosis as a result of cancer. Now, that is an interesting one because I have known people in this situation and people who have for a number of years, shall we say, soldiered on. But the insurance companies just will not cover any possible deterioration while on a trip, although medically doctors have considered them fit to travel.

1095 If you take note of cancer statistics, they say one in three people know somebody who has had or got cancer, and one in six people will contract cancer during their lifetime. That is roughly eight of us. If such a cancer were to be clinically diagnosed as being terminal that would be excluded, I would suggest, from all travel policies, unless you could go to somebody like Lloyds and get a special policy just for you.

1100 I think that is something that needs to be addressed. This is not meant to be a substitute for general travel insurance. Anybody who travels without that I should think is most foolish. So it provides a safety net. There are lots of situations where people travel and do not give it a thought.

1105 Now, take the business man from Guernsey who is going on a day trip to London, with just his briefcase. He may not even think about it. He may not think about it because he thinks, 'I have not got any baggage. I have got what I have got. What is there to go wrong? Who needs travel insurance?' A lot of people are covered or have travel insurance from the bank accounts they may hold or other ... There is free travel insurance in lots of areas, but this is not a substitute for that, it is a safety net.

1110 So I think the abandonment of the RHA was a knee jerk reaction. There was an assumption that issuing an invoice for the amounts that would otherwise have been lost would solve the problem, but there have been great difficulties collecting the money.

1115 Now, a few words about the appended comments of various Departments. What is interesting – and I have got to be careful how I put this because I will be told off for introducing an amendment – is if somebody was to lay an amendment to change the source of funding for what is actually in the requête, then a lot of the comments will fall away because a lot of the negative comments relate to taking the money, as is said in Proposition 3, from the Tourism and Marketing budget of Commerce & Employment. But I did explain, in fact, to Deputy Stewart last year that it would not surprise me if an amendment would be laid, because at the time that was the only option because of time limits, but that is another story. But I am hoping that if such an amendment is laid and is successful, that most of these comments will fall away.

1120 Now, some of the comments are somewhat peculiar and some are quite supportive. I mean HSSD in its comment says at the top of page 162:

'HSSD is therefore in strong support of restoring the [Reciprocal Health Agreement] should funding become available to do so.'

1125 Well, I am pleased about that. Now, when I had a meeting with HSSD senior staff, indeed the Minister was there, Deputy Soulsby was there, the Chief Officer was there. I was actually asked if I would hold back on submitting this Requête because I think HSSD maybe are still, or were, looking at the possibility of restoring such an agreement. Now, my response to that was, I thought it was a lot better – *a lot better* – if this Assembly –

1130 **Deputy Luxon:** Point of correction. I apologise for interrupting. Deputy Kuttelwascher was at the meeting and HSSD had no intention of restoring the RHA. We said that we liked the idea, but it was not possible for it to be prioritised or funded. We were very explicit.

Thank you.

**Deputy Kuttelwascher:** I think that is basically what I said, that you were ... Well, what does this mean:

'HSSD is therefore in strong support of restoring the RHA ... ?'

1135 This is your letter of comment.

**Deputy Luxon:** Sir, my point of correction was that Deputy Kuttelwascher said, and he thought, that HSSD were in the process of looking at restoring it. We were not, we are not and we are not going to because we cannot afford to.

1140 **Deputy Kuttelwascher:** It is interesting how one has a different perception of what was said. I actually said at the time that I think continuing with this requête was a good thing, because if it was supported, particularly Proposition 1, it would give the Health & Social Services Department the confidence to at least try to do it, because the support was there for it. Basically, this requête will seek to find out whether Members of this Assembly are, if you like, in support of looking at  
1145 restoring a Reciprocal Health Agreement, even if it is all passed – there is no guarantee it will.

It does say in Proposition 1 at the earliest opportunity, and if negotiations with the UK become impossible, or they become intransigent, and they are becoming more difficult, then it may never happen. But the idea is: do we or do we want one, or would we like one?

Commerce & Employment Department also said:

'Whilst the Commerce and Employment Department is not in principle against the reinstatement of a Reciprocal Health Agreement ...'

1150 So they are not, in principle, against it. So I presume if the alternative funding is available then they would be supportive, I would hope.

**Deputy Stewart:** Point of correction. Actually where we are is completely neutral on it, because there is no evidence – in fact to the contrary – from our surveys, which are carried out in  
1155 the UK by *YouGov*, which is a very well-known survey company ... show that actually a Reciprocal Health Agreement does not figure on any tourist radar. So we are completely neutral on it.

**Deputy Kuttelwascher:** I am glad you are neutral on it, because one of your board has actually seconded an amendment which may be laid.

1160 **Deputy Stewart:** Point of correction. And the reason – and I know why that board member seconded that amendment – is to take away the risk which is currently sitting on our Marketing and Tourism budget, which has been quite disruptive for the industry.

1165 **Deputy Kuttelwascher:** Very good.

I will now then refer to comments which I was going to do later about no evidence. Interesting. One of the questions I know – and this is from memory – that Commerce & Employment asked travel agents in the UK was whether they had any feedback from travellers as to whether or not a Reciprocal Health Agreement was an issue. Well, what on earth would you expect? How many  
1170 people are going to go back to a travel agent and say, 'I am not going to go to Guernsey because they do not have a Reciprocal Health Agreement,' especially if they look at a brochure and it does not tell you we do not have one.

**Deputy Stewart:** Point of correction. *Visit Guernsey* website clearly states that we do not have a Reciprocal Health Agreement and States' Members are in possession of letters which I forwarded round to the States' Members distributions group where the tour operators were clearly against having a budget raid for the point of having a Reciprocal Health Agreement.

1180 **Deputy Kuttelwascher:** Yes, I think that is irrelevant but never mind. (*Laughter*) I was hoping that if this amendment was laid, I might be able to peel Deputy Stewart off the ceiling, but apparently not.

I am going back to the issue of: how do you determine whether a Reciprocal Health Agreement for individuals is an issue? Now, one of the problems is that you are going to have to enquire of people's individual medical conditions and I would suggest most people would not

1185 want to divulge their medical conditions to anybody in any survey. I know some people locally  
might want to talk about their operations to their friends and everything but, believe me, if  
somebody came to me at the Airport with a clipboard and said, 'Are you not travelling here  
because you have got x?' I would tell them to go away.

So it is a very, very difficult thing to ascertain, whether or not people are actually coming or not  
1190 coming, because of that. You cannot ascertain it. Einstein, that great natural philosopher, which is  
another word for six said, 'Not everything that counts can be counted,' and he also said, 'Not  
everything that is counted counts'. So surveys have to be treated with some scepticism.

Now, (*Interjections*) talking about polls and surveys, it brings me to another point, for what it is  
worth. If you look in the facts and figures book, in 2014 there were over 15,000 people in  
1195 Guernsey over the age of 60. I would have loved to know what there were over 65 but they do not  
publish the figure, they do 60 to 69, etc. That is a quarter of the population.

Now, what is also interesting, if you look at why the pollsters got it all wrong when forecasting  
the last election, is they forgot to weigh the numbers of the older population. So they did not ask  
them and what is interesting is most of them register to vote and most of them vote.  
1200 (*Interjections*)

No, what I am saying is there is 15,000 people. Now, if you believe medical information, as you  
get older, you are more likely to fall into the situation of requiring, shall we say, some sort of  
consideration for medical exclusions. It is a growing and significant number on this Island. It is  
also a growing and significant number all over Europe – Germany is the worst. It is also a  
1205 population that a large section of it have, shall we say, a reasonable amount of wealth and they  
may have come here if such an agreement was in place, and they have decided not to because  
they can go anywhere else in Europe, if they happen to live in Europe and they are covered by  
another scheme.

I know people – and I am sure some of you know – who find that the lack of an agreement has  
1210 precluded them from travel. Now, you will not find that out in any survey; it is not possible. So the  
issue that there is no evidence is one that I challenge, because I do not think the evidence is  
gatherable easily. How do you gather it? You cannot. Anyhow, back to where I was. I am glad you  
are still sitting down.

Sir, Jersey use their Reciprocal Health Agreement as a marketing tool. At a recent  
1215 Southampton Boat Show, on their stand, 'We have got a Reciprocal Health Agreement. Come with  
us. Come to us with your boat.' Now it could be to register or to visit. I had this information from  
a member of the Guernsey community who was there and they were telling people, 'Do not go to  
Guernsey because if you fall sick you are going to have to pay for it. If you have not got travel ...'  
they were using it as a marketing tool.

1220 Now, I am glad that *Visit Guernsey* has now got that on the website, because a couple of  
months ago in fact it was not on there.

**Deputy Stewart:** Point of correction, sir. It has been on there for a very, very long time. It has  
1225 always been on there, to my knowledge.

**Deputy Kuttelwascher:** Ahh, well nobody can find it at the present time! (*Laughter*) Deputy  
Inglis is looking at the website and he cannot find any indication that the Reciprocal Health  
Agreement ... there is no Reciprocal Health Agreement with the UK. Maybe you could look at the  
website and find it. It was brought up at a meeting with some members of the hotel industry I  
1230 attended and Deputy Inglis attended, and it was a question put, 'Why is it not on the website?'

I tell you why: you put that on the top of a website, 'Visit Guernsey. We do not have a  
Reciprocal Health Agreement' – how welcoming to a certain section of the population! If you do  
not think it means anything, well, you would put it there wouldn't you? One of the problems we  
have is that a lot of people do not seem to know that we do not have an agreement, and in fact  
1235 residents do not know. They do not all know! (*Interjections*) And people take the risk and travel.

1240 The other issue that I have some numbers ... is that a number of people are travelling to Guernsey; the number of people visiting the Hospital or being invoiced by HSSD is falling. In 2013 roughly 105 were invoiced for private healthcare, for which they were not insured. In 2014 that dropped to 90. So are the UK public getting healthier or are more of them getting wind of the fact that we do not have this agreement, which for some is an issue and therefore they are not coming? The numbers being treated by HSSD, or certainly over those two years, have fallen.

1245 The number of Airport movements have fallen. So why is that when we have got all these extra tourists coming? You have got to ask: where are they coming from? They are not coming by air. The numbers are falling. The projected numbers of air movement, passenger movement at the Airport at the moment are down on budget. So they must be coming by sea! (*Laughter*) The last major disruption at sea disrupted 10,000 people, so it is interesting. So are they coming in their own boats or in their own planes? There is a disconnect here. I think that is an issue which really needs to be considered.

1250 Sir, just some general comments. I have mentioned social good, I have mentioned SLAWS, I have mentioned the ageing and outstanding debt. It is worth mentioning now. In November the outstanding debt of HSSD was something in the order of £850,000 for uncollected invoices, or accounts related to private healthcare. Now, that was not all for travellers, but some of it was. I do not know how much. I also found out they are about to appoint their fourth debt collector, assistant debt collector. (*Interjection*) Is this what – No, I am not giving way just yet. I will finish this. I will give way at the end, if you like. (*Laughter*)

1260 Now that means now in HSSD we must have somebody in charge and four debt collectors chasing this debt. Now, what is the cost of that? Because that has got to be offset against what you might collect. The other thing is, we now know that if you want to collect debt in the UK that has been incurred here you have to go through the Royal Court, there has got to be a massive expense in pursuing a legal process through the Guernsey Courts and, as you know – and I have lived in the UK – you can get a judgment for a debt but then the next problem is collecting it, and you may never collect it.

Yes, I will give way.

1265 **Deputy Luxon:** Thank you, sir.

Could I just ask Deputy Kuttelwascher ... we perhaps do not want to encourage people to do some of the things that maybe he is alluding to, because it is not going to help HSSD collect money going forward, if we indicate that there is a significant problem. It is probably too late, but it would be good if we stopped talking about this particular subject.

1270 **Deputy Kuttelwascher:** Sir, I disagree with that! (*Laughter*) One of the problems is the way HSSD manages the way it collects the debt. Now, I do not mind saying this: over the Christmas period I gave a lift to a visitor to the Accident & Emergency department; they had a credit card, they offered it and, believe it or not, they were asked whether or not they wanted to pay now or would rather have an invoice.

1275 Some years ago it was flagged up that really, if you really want to collect payment, especially in Accident & Emergency, you do what every hotel does: you take a card off a visitor, you swipe it, and you can even – *you can even* – ring-fence a certain amount, assuming some further expenses and costs. But anyhow.

1280 Sir, an RHA is not intended to replace general travel insurance, and let's not just come back with the idea, 'Oh, you can always get travel' – not everybody can get medical insurance with no exclusions.

1285 There could be value for money in a Reciprocal Health Agreement. I am going back to the York Aviation Report that showed that at Guernsey Airport 59% of the travellers were Guernsey residents going out and 41% in. It is roughly 2:3, so there were more Guernsey people going to the UK than UK visitors coming to Guernsey.



1290 So, assuming they are all of equal health profile, you would think that we would actually be on a winner there, because you would expect more Guernsey people to get treated than you would British people, and it is just a useful statistic. There may be value for money in it and that value for money was something that was identified in a report submitted by some members of HSSD staff to the board back in 2010. So it was not plucked out of the air; it was again ... and the York Aviation Report was in 2009.

1295 I do not know what the situation is now, because it is not always easy to get the figures. But there could be value for money in it. Now, I will give you an example. How could there be value for money? You get a Guernsey resident who has got angina; supposing the travel insurance firm says, 'Alright we will cover you to go to England but we will not cover anything to do with cardio vascular problems,' and he decides just to go. The costs could be horrendous, the guy could have a heart attack, fall over, might need a stent, might need a by-pass, but what is interesting is if that had happened in Guernsey we would have had to pay for a medevac, no doubt, and pay for the operation anyhow. Now, with a Reciprocal Health Agreement that could be covered by the Agreement, so we would not actually have to pay and that is the sort of value for money possibility.

1300 Now, all these are unknowns, but they are all possibilities and they all happen. So at the end of the day, we come down to the three Propositions, and I will refer to those again in the summing up. But I would be very interested to know how many Members are actually supportive and, if they are supportive, I would ask that they do not say anything other than add new information, but I will be very interested to hear from those who are not, because that is really what needs to be addressed, but it would be helpful if those that support ... if only they stood up and said they do.

1310 Thank you, sir.

*Constitutional Investigation Committee vote results:  
Carried – Pour 45, Contre 0, Ne vote pas 0, Absent 2*

**POUR**

Deputy Perrot  
Deputy Brouard  
Deputy Wilkie  
Deputy De Lisle  
Deputy Burford  
Deputy Inglis  
Deputy Soulsby  
Deputy Sillars  
Deputy Luxon  
Deputy O'Hara  
Deputy Quin  
Deputy Hadley  
Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Harwood  
Deputy Kuttelwascher  
Deputy Brehaut  
Deputy Domaille  
Deputy Langlois  
Deputy Robert Jones  
Deputy Le Clerc  
Deputy Gollop  
Deputy Sherbourne  
Deputy Conder  
Deputy Parkinson  
Deputy Bebb  
Deputy Lester Queripel  
Deputy St Pier  
Deputy Stewart

**CONTRE**

None

**NE VOTE PAS**

None

**ABSENT**

Deputy Ogier  
Deputy David Jones

Deputy Gillson  
Deputy Le Pelley  
Deputy Trott  
Deputy Fallaize  
Deputy Laurie Queripel  
Deputy Lowe  
Deputy Le Lièvre  
Deputy Spruce  
Deputy Collins  
Deputy Duquemin  
Deputy Green  
Deputy Dorey  
Deputy Paint  
Deputy Le Tocq  
Deputy James  
Deputy Adam

1315 **The Bailiff:** Before we move on, I can formally announce the result of the voting on the five Propositions on the policy letter of the Constitution Investigation Committee. There were 45 votes in favour, with none against and no abstentions. So I think, for the very first time since I have presided, I can declare it to be unanimous! (*Applause*)

1320 Now, under Rule 17(3) immediately after the mover of the requête has opened the debate, I have to call the Chief Minister and the Minister or Chairman of each of the Departments or Committees who have been consulted and have set out their opinions in the Report before the States. So I have to do that before the movers of any amendment have the chance to lay the amendment.

The Chief Minister is not here at the moment, I do not know if the Deputy Chief Minister wishes to say anything on behalf of Policy Council at this point in the debate?

1325 **Deputy Langlois:** I think it would be better, sir, to leave it to the general debate.

**The Bailiff:** General debate.

In that case, the next Minister to be called is the Minister for Health & Social Services Department, Deputy Luxon.

1330 **Deputy Luxon:** Thank you, Mr Bailiff.

Sir, if you do not mind I will talk to the requête. No, I cannot talk to the amendment; it is not laid yet, can I? (**The Bailiff:** No.)

1335 So, sir, Deputy Kuttelwascher's requête is clearly well intentioned and has an awful lot of popular support and, as he mentioned, the HSSD board actually took this to board meetings twice during last year, and on both occasions absolutely supported the return of the Reciprocal Health Agreement, but recognised we could not prioritise it, we could not afford it, so we would not be able to progress it.

1340 Sir, in 2009 the UK NHS, because of cost pressures and budget issues, decided to remove the RHA that was in existence, Jersey and the Isle of Man both, after some discussion, then came to an arrangement whereby they were able to continue at additional cost to themselves. Guernsey – the HSSD board at that time took the decision that they were unable to absorb what would amount to *circa* £½ million of costs, and so we have not had an RHA in place since.

1345 There is some dialogue about whether or not there has been an impact on visiting tourists and local travelling to the UK. Well, clearly, there will have been some impact but, as Deputy Kuttelwascher mentioned, there are no statistics to be able to verify exactly what. So this is a highly sensitive and emotive issue, naturally, for those members of our community that feel landlocked here in Guernsey, unable to travel, either because of affordability in terms of being unable to secure personal health travel insurance, or indeed because of existing preconditions that preclude them from being able to take out insurance, albeit that there are many firms that do

1350 look at elderly people with pre-conditions, but of course that is expensive as policies. So clearly this Assembly will, I think, have great empathy, and certainly HSSD does, with those members of our community that have been affected by not having a RHA in place.

1355 Sir, one thing to recall is that within the RHA it is only urgent care, GP, A&E, ambulance, that is covered; any repatriation or indeed long-term care after the emergency in the old RHA, and indeed currently, is not covered. So, even with an RHA, our citizens should not be comfortable that they are completely immune from any costs should they become unwell when they are travelling. That is a mistake. It is a mistake that many people make and because, of course, not many people do fall ill when they are travelling, it is not a mistake that crystallises in terms of a problem, but for some it has and it does.

1360 Sir, Deputy Fallaize, when he laid his amendment which this Assembly approved – and I think quite strongly was, in hindsight, and growingly so, a wise amendment ... I will not read out the thrust of it, but as you will recall, it gave the new Committee responsible for Social Security as we have in this current system of Government, a direction to investigate how those Islanders trapped, might well be able to be served with some sort of RHA going from here to the UK, or indeed an insurance scheme of some sort. I was happy with Deputy Fallaize laying that amendment, pleased it was successful and I think it now, with this requête, proves that it was wise call.

1365 Sir, Commerce & Employment's position in terms of the impact, if this requête is successful, of eradicating approximately 20% of its marketing budget for tourism, frankly, would be a very unwise thing to do, if we value our economic stability. There is no question whatsoever at all that a decrease of that level, of that depth, would have significant impact in terms of us being able to promote the Island in what is a very busy tourism promotional market in the UK.

1370 So, formally, HSSD's position is that we would absolutely support an RHA being in place, we would like to see one in place, but there is no way we can prioritise it amongst the other service demands and there is no money to be able to fund it. Losing the RHA would mean that we would see a reduction of round about £500,000 of income.

1375 If I can just deal with Deputy Kuttelwascher's comments about level of bad debt or non-collection, yes, HSSD has significant income and we have bad debts. We have debts that take a long time to collect, but the vast majority of the money charged is actually collected and is paid.

1380 Sir, so some facts: the External Relations Group has been engaged with HSSD to explore this issue and at a recent meeting we updated the ERG to clarify that it is highly, highly unlikely that the UK would agree to committing to a new RHA. In fact, their declared position is that they are beginning a process of wanting to rescind some of the RHA's that they have in place with other communities. The reason for doing this is because their Minister of Health, Minister Hunt, is pursuing an even bigger health budget deficit and challenge than Guernsey has experienced. They are looking at every way they possibly can to reduce the amount of costs on their health service in the UK, and visiting tourism health requirements that is not cosmetic health tourism, that is just people landing in the UK, and using the resources of the UK, are something that they are trying to eradicate.

1385 So, to share with Members, it is highly, highly unlikely an RHA could be negotiated with the UK. They have indicated that if they did, it would be on very simplistic terms, but that they believe that it is unlikely that they would get it through their process. So I share that with Members.

1390 Equally, the External Relations Group has spoken with colleagues in Brussels, and the idea of European Health Insurance Card again, it is beyond highly unlikely that we would be able to secure an arrangement. It is even less likely than us being able to secure an RHA with the UK.

1395 So, sir, overall, what the Department's position is: we would like to see this in place, but we do not believe it is now possible, time has moved on. Deputy Kuttelwascher did also mention the fact that Guernsey has got caught up slightly in a new NHS thrust to charge non-UK and EU residents at a tariff or 150% of the rate, and that obviously has significant impact for HSSD, could be £3½ million a year, if we are unable to make sure that we are exempted from that new arrangement in the UK. The UK NHS is under severe financial strain and increasingly so.

1400

1405 So, sir, I did take the trouble to speak to the President of the GIIA the Guernsey International Insurance Association, and also Mr Goater from one of Guernsey's retail insurers, as I call them. There is not a representative body that represents our local retail insurers, and both of those individuals, absolutely, said that they would be prepared and willing to engage in the way that Deputy Fallaize's amendment called for – a cunning Guernsey local solution to the problem that we have. I did ask whether or not they would be prepared to do that *pro bono* because Government finances are tight and they did not say no, although they did sort of choke and snuffle a little bit on the phone!

1410 So, sir, overall, I just wanted to inform Members, in terms of the requête that Deputy Kuttelwascher has laid, yes, it of course looks attractive but, frankly, approving any of the three Propositions would in real terms be pointless. Instead, I think we should put ourselves behind Deputy Fallaize's amendment and, in fact, maybe one of us might want to lay an amendment to direct the new Committee responsible to perhaps come back to the States quicker than the two-year window that we actually gave in that amendment.

1415 Thank you, sir.

**The Bailiff:** Next, it will be for the Minister of the Commerce & Employment Department, to be followed by Minister of the Social Security Department, then the Minister of Treasury & Resources. So, Deputy Stewart.

1420

**Deputy Stewart:** Thank you, Mr Bailiff.

1425 Probably at this juncture, for people listening at home, I think it is very, very good advice to everyone, whether you are healthy or have an illness, you *should not* travel without travel insurance! The advice I was given was that actually be careful of some of the insurance policies that may come with banks and what have you, and you should make sure always that your travel insurance policy is what you require. I am not a travel professional but there are people out there that should give advice and before you travel, even if it is just to Jersey, you should make sure you have that in place.

1430 From my point of view, there are two words really to describe Proposition 3 of this requête, and they are 'barking bonkers' really! I am really, really disappointed that this requête, based on no solid evidence, is placed before the States and taking up our valuable time, and indeed the valuable time of officers in my Department, who have had to placate UK tour operators, travel agents, local tour operators, people that run hotels; my time as well. We have been running around placating and taking up valuable time, particularly bearing in mind that the Fallaize's amendment is already in play.

1435 Now, so hopefully they can research and understand more, because we do not have that evidence ... understand more about those that are unable to afford or obtain travel insurance, and look at ways of solving that for our citizens of Guernsey, and bring back to the States a proper researched and evidenced report. By anecdotal, there are a lot more people over 65 and therefore... We cannot make decisions around that. We are going to get a proper report on a Reciprocal Health Agreement brought to this Assembly.

1440 I mean I am even further disappointed that the seven requérants think it is politically correct to attempt to raid a Department's budget. I ask you all here today, we know money is tight, but are we now going to see this tactic more often, where we raid another Department's budget, after it has been approved by this Assembly, through the proper Budget process and debate? What will we have next? Will we have requêtes around dementia care, taking the money from Environment's bus budget? Shall we have to fund the Disability Strategy – a requête on that – by raiding the Law Officers?

1450 I am not going to give way. (*Interjection*) This is budgeting on the hoof!

Even more disappointing is this was signed by three members of the current HSSD board, just weeks after this Assembly gave them a further £8 million. If they really wanted a Reciprocal Health Agreement they should put it through their own board.

1455 So this, 'I am all right, Jack,' attitude is not how we should behave. Furthermore, it makes a mockery of the budgetary process. Finally, it is plain unfair if you are on the receiving end of all this. Even more scary, at the CEBO briefing, Deputy Kuttelwascher was asking about a Reciprocal Health Agreement with France; where is that money going to come from? You know, maybe they can raid some other Department. So, in my board's view, Proposition 3 is a totally inappropriate use of economic and strategically important funds. This is a health matter, not a tourism matter. So any Reciprocal Health Agreement, in my board's view, should be funded by HSSD.

1460 I do draw your attention to C&E's response on page 162. There is absolutely no evidence that the lack of an RHA has a material negative impact on tourism, or will have a material positive impact on tourism if reinstated. Twice yearly research is carried out in the UK by *YouGov* on behalf of *Visit Guernsey*, which includes questions regarding reasons for not visiting Guernsey. The main reason given in responses is the perceived cost of travel and staying in Guernsey. The lack of a Reciprocal Health Agreement has not featured in the reasons for visiting.

1465 If we look at the impact, the impact of reducing *Visit Guernsey* marketing and promotional spend, will not only significantly negatively affect the growth plans for tourism, numbers and value, but the likely impact on visitor numbers will have a serious knock-on effect with the ongoing sustainability of vital and strategic air and sea links to this Island. That is a difficult job maintaining what we have got with the current numbers. Redirecting spend from direct marketing and promotional activities to support a health initiative, with no proven impact on tourism, will send extremely damaging messages to the tourism trade, and already has done, and will seriously undermine the growing confidence in the sector.

1470 I know a lot of Members have attended our *Visit Guernsey* annual briefings and the change since 2012, with the change in our marketing, the way that we are now working so closely with our hospitality sector in this Island is seen in those meetings – what used to be a hostile exchange is now an air of collaboration.

1475 During the development, which was published last year, of the 10-year tourism strategy with the Chamber of Commerce, Tourism and Hospitality sub-group, the subject of reinstating a Reciprocal Health Agreement was discussed and it was quickly discounted as having no significant value or contribution to make to the achievement of the 30% growth objectives, jointly agreed by the industry representatives in the sub-group and *Visit Guernsey*. The reinstatement of a Reciprocal Health Agreement therefore does not appear anywhere in the five key strategic objectives and the 22 strategic action plans for the next 10 years. It is nowhere.

1480 Furthermore, we can say, unequivocally, that there has been no pressure or demand from tourism, trade or industry partners here or in the UK or in Holland or in Germany to reinstate the RHA since it was discontinued.

1485 Now, as we guess the potential cost – even if the UK was minded to have such an agreement with us – could be somewhere, or be reported to be, in the region of £500,000, this is equivalent to nearly 25% of the discretionary non-head count budget for marketing and tourism. If the RHA was funded from this budget, it will critically have a significant negative impact on the Department's ability to market the Island effectively. Already our budget is way, way below that of Jersey's. We are trying to be as clever as we can with our partners. The money, £500,000, equates to 66% of the advertising media budget, which enables *Visit Guernsey* to advertise in the UK press, radio and the highly successful TV campaign which was topped up last year by the Economic Development Fund, and the numbers and results from that campaign baled out that it was a good decision.

1490 Finally, it equates to more than 100% of the trade and media budget which enables the team to work with, and support, generating tour operator business; it supports driving all of our European charter business into Guernsey. These plans that we are now seeing from Germany – and there will be more this year – generate, and also the trading media generates, millions of pounds of press and media coverage, PR for Guernsey and supports working with the cruise industry, to generate what we know now is around £4 million, which we, of course, want to grow and that again could be at risk.

1505 Finally, Guernsey ... and in common with so many countries around the world, the USA, and even Europe, because actually the European Health Insurance Card does not give you straight forward ... There are a lot of countries that have certain areas, for example, dialysis, kidney dialysis – a lot of exclusions; it is not a catch all.

1510 But, finally, Guernsey has not suffered any reputational damage, as far as *Visit Guernsey* is aware, as a result of an RHA being continued.

So whatever Members do decide today, I do ask Members to reject Proposition 3, as it stands. Thank you.

**The Bailiff:** Next, Deputy Langlois, the Minister of the Social Security Department.

1515

**Deputy Langlois:** Thank you, sir.

1520 I make a comment similar to the one I made regarding the Policy Council. I think the position is best handled during general debate. However, having said that, when this requête fails, whether it is amended or not, I, for some reason, feel very confident that I will get support from my board, (*Laughter*) on a request and prioritisation that the Fallaize amendment work should be completed as soon as possible, (**Several Deputies:** Hear, hear.) and well ahead of the October 2017 deadline, which was attached to it, as a result of the concerns expressed in this debate today, whether they are well founded or not.

1525 So I will give that undertaking and I hope I will get unanimous support from my board, at least on that matter. (*Laughter*)

**The Bailiff:** Next, Deputy St Pier.

1530 **Deputy St Pier:** Sir, the Treasury & Resources Department comment on the requête is set out at page 164 of the Billet.

1535 In particular, I just wish to take the opportunity to draw attention to the fact that we have noted that the costs will be in the region of £½ million a year, as a result of largely foregoing income currently received from treating UK patients, but we emphasise in our comment that there is no certainty in relation to that figure, and I think it is important to emphasise that if we were to accept this requête today we would be flying blind at this point, in terms of the resource implications. This is merely a best guess estimate and that, I think, is unwise at this point. I would hope that as a result of the work that needs to be undertaken, given the Fallaize amendment that the Deputy Chief Minister referred to a moment ago, that that would clearly need to be firmed up so as to understand exactly what the costs would be of adopting the sort of scheme that is implicit in that amendment.

1540 So I just wish to emphasise to Members the uncertainty about what this would cost if we were to accept this requête today, sir.

**The Bailiff:** That concludes the list of Ministers who have to be called under Rule 17(3).

1545 I will now call Deputy Gollop, if he wishes, to lay the amendment that has been circulated.

*Amendment:*

*To replace Proposition 3 as follows:*

*'3. To direct the Social Security Department (or its successor) to fund the cost of a Reciprocal Health Agreement with the United Kingdom from the Guernsey Health Service Fund.'*

**Deputy Gollop:** Thank you, sir.

I do and I will read it to the Assembly, and it is to be seconded by, as Deputy Steward has already intimated, a member of his board, Deputy De Lisle.

*Deputy Gollop read out the amendment and the explanatory note.*

**The Bailiff:** Do you wish to say anything more on the amendment or are you ...?

1550

**Deputy Gollop:** Yes. *(Laughter)* ... *[Inaudible]*

1555

A number of points. The first is there is an assumption made in this Chamber that everybody are good boys and girls and make provision for when they go away for not only travel insurance, but health insurance, but I think people should recall that not everybody is clued up; some people travel at very short notice and other people are either feckless or reckless, like me, in not necessarily going through those procedures, or they cannot get affordable health insurance. Because, of course, the insurance companies we all respect are wonderful employers and create a lot of income for Guernsey Plc, but if you look globally at the insurance sector, it does not usually give people free lunches; it tends to give good packages to good risks and less good packages to poorer risks. So if you are disabled or have a known health condition, or you are of a certain age or with other kinds of problems, you will not get insurance or, if you do, it will be at a very high premium. That is why, really, we have the concept of a social insurance. We had all these debates in the 1990's about the merits or otherwise of a health insurance scheme and this is really just an extension of that.

1560

1565

What have been the main arguments we have heard so far? We have heard Deputy Stewart being somewhat critical of the requérants and the proposals of the requête, particularly Proposition 3:

*'To direct the Commerce and Employment Department ... to reprioritise its Marketing and Tourism budget ...'*

1570

Now, actually, I have always been supportive of tourism and the visitor economy. Only last night I went to another presentation on the matter from a leading hotelier, and I have attended, as Deputy Stewart knows, quite a few of the tourism and marketing presentations. I do think that it is additional industry for Guernsey and one that could grow.

1575

What we do not know, and cannot prove – and I would be amazed if one had certainty from Deputy Stewart or anybody else on this – is how much of the marketing budget and initiatives directly brings – not just awareness and hits, but real bookings and real income to Guernsey; because, as was said many years ago by marketing gurus, how much of any marketing budget works?

1580

When I sat on Culture & Leisure one of the things that impressed me was we had analysis every month of marketing spend, and also its value of how, for example, free coverage or free publicity or press releases somehow could be developed into a revenue alternative. Now, I used to think that if publicity meant money I would be a millionaire, but it does not always work like that; that is the problem. So I think we always have to be cautious with these budgets.

1585

But my amendment gets round that problem. We do not have to have a heart wrenching debate about the role of tourism. We do not have to lose any impetus from the Commerce & Employment team and the industry, because we replace it with Health Service Fund.

1590

We also had a speech from Deputy St Pier, a bit concerned about the sum; let us say it is £½ million, but it could be £300,000, or £400,000 – if indeed there is a bad debt problem then it might be less than £½ million, but let's stick on £½ million as a broad fund. But he rightly says that it would have to go through, to be diligent, and the prioritisation procedure, but that would not be true, as I understand it, of going directly from the Social Security Fund, so that is another advantage of this.

A third point is I think it is similar to the amendment we have already passed, that Deputy Fallaize put before the States, and in fact really just speeds up the process. The way this would work would be from a global premium, as it said in the requête on page 159:

*'Under the previous agreement, the UK paid approximately £500,000 per annum to Guernsey.'*

Then it says:

'The position of the UK is that [Reciprocal Health Agreements] should not require any transfer of funds. NO MONEY CHANGES HANDS.'

1595 Well, the point is this agreement surely would be on a high level and would not necessarily be hundreds or thousands of claims to the Social Security Department. I do not see that that is necessary. There are other ways of doing it.

Now, let's look at the bigger picture here. Some colleagues will raise the point that this could result in extra funds from the States. Well, by definition, it would not because it would be coming from the contributory funds budget. Yes, I would argue that when you look at the latest business plan of Social Security Department, the Guernsey Health Services Fund, there is a States' grant of 12% in 2015, which amounted to £4.6 million. The contributions and grant for our Health Service Fund is listed in the plan as £42,980,000. The total benefits that are paid – specialist health insurance, pharmaceutical, consultation grants to GPs, visiting medical consultants and primary care therapies – amount to a £37,193,000, leaving an operating surplus – surprisingly, compared to what you hear; doom and gloom in some quarters – of £4.3 million.

Now, in that context, £400,000 or £500,000 is about 1% of that figure. Now, the figure that the old age pensioners pay in their contribution – when you apportion it, the different levels of contribution we pay is 2.9%. So, again, that is probably like less than 0.1%. It is a small percentage of that Fund. It is affordable. It can be done without necessarily any immediate or medium term increases in contribution levels.

So it does not affect our general revenue, does not affect tourism, does not affect marketing. Well, I would also say as we hear from Deputy Stewart ... I can well understand and support his desire to keep the work streams and the budget going and, of course, you cannot necessarily prove it is putting off visitors coming here, but I would say it certainly would not be a turn on encouraging visitors to come here either.

But what you can say is it is a little bit unfortunate perhaps, but I hope Commerce & Employment are broadly supportive of the principle of funding a Reciprocal Health Agreement, because it is bound to be an asset, a feather in the cap, of our offering to visitors, conference delegates and elsewhere. I think it is useful and when you look at the current position, as Deputy Kuttelwascher has outlined, we have these curious agreements – what was it? – with Portugal, Austria, Bermuda and somewhere else in Europe – Switzerland I think. It is all very random. It is not particularly relevant. We need a European-wide agreement. Indeed, Deputy Kuttelwascher raised this point at the Brussels meeting yesterday that we had and I think it is a work stream that British Irish Council and others could deal with. But that goes beyond my amendment. My amendment is simple. It says avoid the debate and people who might be put off by the apparent raid on the budget of tourism; go for a better alternative.

I would also say, just for the record, Deputy Langlois does expect loyalty from the board, but I am of course a member of the Social Security board and I am in no sense implying my colleagues or staff support this amendment, but I note with interest three of my other colleagues, apart from the Minister, signed the initial requête, so we are perhaps all at sea with Deputy Langlois.

**The Bailiff:** Deputy De Lisle, do you formally second the amendment?

1635 **Deputy De Lisle:** Yes, I do, sir.

**The Bailiff:** Deputy Kuttelwascher, do you wish to exercise your right to speak on it at this point?

1640 **Deputy Kuttelwascher:** I do, sir.



I support this amendment and I just want to give some figures as to the state of that Guernsey Health Service Fund, which is the same fund that the Deputy Fallaize amendment is looking to fund what was, if it ever happens, the result of his amendment.

1645 Sir, in 2013 that Fund had an operating surplus of £4.9 million. In 2014 it was £3.8 million. So it is a growing fund from that point of view. Added to that, investment returns in 2013 increased that fund by £12.3 million and in 2014 it was £7.4 million. So it is a growing fund and I also know that so far the estimate for this year is that the operating surplus will be in the order of £1½ million.

1650 So I think it is a suitable Fund, if you like, to call upon because it is growing and, at least in the short and possibly the medium-term, it can well afford it. I realise that future demands on it may cause other issues, but that is something we can look at in the future, because, no one can tell what is going to happen next year or the year after. We can all speculate, but certainly in the short, and possibly the medium term, it can afford to do it.

1655 So, for those two reasons and for the fact that, as I said before, this amendment kind of negates a lot of the comments made as regard to the appended comments from the various Ministers, I think it is a good idea. So I would urge Members to support this amendment.

Thank you, sir.

**The Bailiff:** Deputy Langlois.

1660

**Deputy Langlois:** Thank you, sir.

1665 Well, sir, in reply to this particular amendment, I would love to be able to start by saying my board believes ... but I am sort of hampered and not able to say that on this particular occasion. I point that out before anybody else does, although to be fair to the proposer of the amendment, he has already pointed it out. A certain irony there.

The Guernsey Health Service Fund was established to help Guernsey and Alderney residents meet the cost of health care on Island. (**A Member:** Yes.) That was the purpose of it – and, in particular, visits to their GPs and for prescriptions. In order to do this, it can be used to fund those reciprocal arrangements that are in place that relate to these benefits.

1670 In October 2015 the States approved Deputy Fallaize's amendment – we have already mentioned that today – and I have already made a statement about accelerating the work and recommending to the new board that they should accelerate that work.

1675 So this is a work in progress. These principles are the same as one half of the Reciprocal Health Agreement and arguably – very arguably – the half that matters most to our electorate and our population. If there are merits in these proposals, and they are agreed, this would extend the purpose of the Fund to cover the cost of health care provided off Island. The suggestion to agree to fund a full Reciprocal Health Agreement would further expand the purpose of the Fund, on which Deputy Kuttelwascher seems to be such an expert. If this amendment is accepted and the amended third Prayer of the requête is approved, we will be agreeing in principle to expand the purpose of the Fund through an agreement that may never be reached. This cannot be good governance.

1680

**Deputy Kuttelwascher:** Sir, may I offer a point of correction here?

1685 At no time have I claimed to be an expert on this Fund, so that comment was really quite inappropriate.

Thank you, sir.

1690 **Deputy Langlois:** Sir, I apologise if there was any offence, but the statements made seemed to indicate that he felt there was some expertise there; but I make every personal apology that is necessary there. (*Laughter*)

Whilst funding a Reciprocal Health Agreement from the Fund will not impact on States' revenues directly – and that wording was chosen very carefully by Deputy Gollop – it will impact

the Fund. *(Laughter)* Given that we do not know the terms of any agreement with the UK that might be possible, we do not know what the financial impact on the Fund might be. It is absolutely imperative that the impact is understood before any decision of that kind is made.

1695

Now, Deputy Kuttelwascher made comments about: the funding issue will fall away if this amendment is accepted. It is as if the comments seem – to have the impression on me, this is the way I feel and I hear things – that it is as if this Fund is sort of self-funding, it sort of falls from Heaven like the water that is coming through the ceiling here at the moment! *(Laughter)* It sort of falls from Heaven like the snow that fell in New York in large amounts –

1700

**Deputy Kuttelwascher:** Sir, I have to ask for another point of correction.

Sir, I get annoyed when I get misconstrued. I did not say the funding issue would disappear. I said the objections from Commerce & Employment in using their marketing and tourism budget will disappear. I did not say 'the funding issue' – it is not the same thing. I mean, I can understand that. There we go.

1705

**Deputy Langlois:** Thank you, sir.

I am expressing my feelings of the way the comments sounded to me.

1710

If we then move to Deputy Gollop, he definitely asserted the amendment would have no effect on the Fund and its contributors. Well, I am sorry, if you take money out of the Fund it has an effect on the Fund, and that cannot be argued.

Now, for all of those reasons, sir, I urge Members to reject this amendment.

1715

**The Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Thank you, sir.

On 23rd February 2010 at the British-Irish Parliamentary Assembly, Mr Andrew McKinley MP said the following:

'The decision to tear up the Reciprocal Health Agreement with the Isle of Man, Guernsey and Jersey was taken without the consultation of the UK Health Ministers.'

1720

They were not consulted about the decision; they were told by the Westminster Minister. That raises the question of whether the Westminster Minister, who is basically the English Health Minister, has the right or capacity to make a decision on behalf of the other three Health Ministers in the United Kingdom. I believe that that Westminster Minister does not have the right –

1725

**The Bailiff:** Is this on the amendment, Deputy Queripel?

**Deputy Lester Queripel:** It is in general debate as well, sir.

**The Bailiff:** Ah, well, is it on the amendment at all? *(Laughter)*

1730

**Deputy Lester Queripel:** It is, sir.

I will mention the word 'amendment' quite a few times in the speech, sir.

1735

**The Bailiff:** Well, I will ask, if possible, people try to sort of keep – because I would have thought the amendment is fairly self-contained – debate on the amendment separate from general debate.

**Deputy Lester Queripel:** Shall I sit down now then, sir, and...

1740 **The Bailiff:** If there is something you wish to say on the amendment that is going to help to advance the debate then please do so, but otherwise there will be an opportunity for general debate later.

1745 **Deputy Lester Queripel:** Well, a dilemma now then, sir. I would have to cherry pick my speech, so I think I will sit down, sir, and wait for general debate.

**The Bailiff:** Okay. Thank you.

Deputy Domaille, you were standing. Do you wish to debate the amendment?

1750 **Deputy Domaille:** I think I am, sir. No doubt you will correct me.

Actually, I do not think this amendment is that relevant to this requête, simply because I do not believe that the terms of this requête are deliverable. So I think any discussions on the funding are absolutely irrelevant, simply because I do not believe that either the UK or Europe will enter into the sort of agreement that is being proposed.

1755 I think it is very wrong to be letting the people of Guernsey believe that in some way we can get this arrangement. I just do not believe it to be possible. I am sure it is not an intended consequence. Actually, the Fallaize amendment is a much better way forward and to delay the Fallaize amendment by this sort of well-intended requête, I think, is wrong.

Thank you, sir.

1760

**The Bailiff:** Deputy Hadley, you were standing. Were you wanting to speak on the amendment?

**Deputy Hadley:** Yes, sir.

1765 We are talking about how much this will impact on the Fund and I will say at this point that I agree with everything that all the Ministers have said. However, the thrust of the attitude of the British government has been that no money can change hands, and that the way one would be looking at a new agreement would be that the cost to visitors of this Island would have not just the charges met in the Accident & Emergency department and through the PEH, which is the figure of £1½ million that is mentioned, but also those consultations with GPs, and that has not  
1770 been mentioned by either the Treasury Minister or the requérants.

So the sum of money that would impact on the Social Security Fund is more likely to be £¾ million or more. When we originally had a Reciprocal Health Agreement there were far more visitors to this Island from the UK than there were from here to the UK, which is why the British  
1775 government made a payment of £1½ million to HSSD. Well, that is just not going to happen in future. So not only is the Social Security Fund likely –

**Deputy Soulsby:** Point of correction.

1780 In terms of GP costs, Deputy Hadley is implying that it would increase by £250,000 and those are not the figures actually given to HSSD. I think it was just a few thousand – under £20,000 I believe. I have not got the figure here. Yes, it was.

**The Bailiff:** Deputy Hadley.

1785 **Deputy Hadley:** The point – sorry, I have lost the thread of what I am saying now. The main issue here is we do not know what this is going to cost, but also it is extremely bad value for Guernsey, because the monetary benefit that people from this Island globally get from the United Kingdom will probably be a third of what we end up paying for UK residents, visitors visiting us here, and for a Treasury Department member to bring forward a requête which is so uncosted  
1790 seems to me to be extraordinary.

**The Bailiff:** Chief Minister.

**The Chief Minister (Deputy Le Tocq):** Thank you, sir.

1795 I rise to echo the comments that Deputy Domaille made, and just to say that really this is a waste of time, of our time particularly, whether the amendment or the general Propositions ... and amending this particular Proposition is not going to make any difference whatsoever.

1800 The way forward has to be, and it already has started, for work on the Fallaize amendment to take place. But I can assure this Assembly that there are a number of complicated issues at the moment with regard to health and the continuation of our use of facilities and health agreements with the UK, that we are working on at the moment.

1805 With regard to Reciprocal Health Agreements, it is absolutely clear to me – and I have a friend who is Minister of State for Health in the UK – that the UK is not keen on keeping these existing ones they have got at the moment. So it is a bit like us saying, 'I would like to buy that car,' but if the person does not want to sell the car there is no point arguing about how we are going to fund purchasing it. It is really cart before horse.

1810 We need to deal with the issues in the proper way and that is why the Policy Council comments say this is ill conceived and ill timed, because we can come to an agreement today that means absolutely nothing in terms of how we might proceed, we have wasted our time on those things – similarly the issue with the European Health Insurance Card, but I will not get on to that at the moment. I wanted to just say this amendment, particularly, is neither here nor there.

**The Bailiff:** Deputy Luxon.

1815 **Deputy Luxon:** Sir, just very briefly, this amendment should fail – this requête should fail – and it should fail because there is a 99.5% certainty that it would not be possible to secure an arrangement with a European Health Insurance Card, and it is 99% certain it will not be possible to secure a negotiated RHA with the British government.

1820 I tried to make that point clear in my opening comments when the requête was laid. This debate, frankly, is pointless and when Deputy Dave Jones was here, we used to have the bit about the sensible Jones between he and Deputy Rob Jones. Well, Deputy Fallaize, sensible amendment, this requête – not!

**The Bailiff:** Deputy Le Clerc.

1825 **Deputy Le Clerc:** Sir, I think I have got an apology to make to the Assembly. I made a mistake in signing this requête. (*Interjections*) I have got to stand up and say I think things have moved on. We were given some information and unfortunately it was not quite the correct information, and I used that information and as a result signed the requête.

1830 This amendment is wrong. We should not be raiding our Health Insurance Fund. We have got such demands coming up over the next couple of years on that Fund; we need that money to be looking after our Guernsey people that are here, resident in our community. So I absolutely cannot support the amendment.

1835 I am afraid I made a mistake in signing the requête. I do want some health cover for our people when they travel to the UK and I do believe that looking at some insurance-type agreement, again perhaps using some of the money from the Health Insurance Fund, is the right route to go. So I do apologise. We should not be debating this.

1840 I will not be supporting the amendment and I will not be supporting the requête that I agreed to. (*Applause*)

**The Bailiff:** Deputy Brouard.

**Deputy Brouard:** Sir, with regard to the amendment and to the requête, can I perhaps asks if the chief requérant would like to consider asking this Assembly to withdraw the item?

1845

**Several Members:** Hear, hear.

**Deputy Kuttelwascher:** No, sir.

1850

**The Bailiff:** Deputy Inglis.

**Deputy Inglis:** Thank you, sir.

1855

I am a signatory on the requête because I wanted to have the debate. It is not necessarily my viewpoint that we should instigate this agreement based on what we are hearing. I am disappointed, in that certain things have come out that says we are Deputies here for the States of Guernsey; we look after peoples interest. Now since 2012 we have all received, at different times, communication from people who are concerned about the lack of health agreement.

**The Bailiff:** Is this on the amendment or in general?

1860

**Deputy Inglis:** It is in general debate, sir, thank you.

**The Bailiff:** Well, have you got anything on the amendment?

1865

**Deputy Inglis:** I will come on to that, yes.

**Deputy Bailiff:** Well, I sort of restricted Deputy Lester Queripel and asked him to focus on the amendment, if he could.

1870

**Deputy Inglis:** On the amendment, sir. My apologies.

The best form of seeking financial benefit from it is the route that Deputy Gollop is indicating. Primarily, because the route through Commerce & Employment, I found rather disturbing in that they clearly are the Department that benefits from people who do come to this Island, to enjoy this Island. So, from that point of view, I think it is important to seek finance from a different area.

1875

But could I just say one thing, sir, on the understanding of what a Health Agreement –

**The Bailiff:** Do you want to speak in general debate later, or do you want to use up your option now.

1880

**Deputy Inglis:** I will use up mine now, if I may.

**The Bailiff:** Okay.

1885

**Deputy Inglis:** It is quite interesting, isn't it, sir: we have nearly enjoyed four years' enjoyment in this very palatial building, but the rain is coming in and nobody knows why. Are we saying that is an insurance job or are we saying that is going to be paid for by the States' funding?

That demonstrates what a health agreement is all about. We never know what could happen to individuals. I think that is a clear point that people who are contacting us do feel that they do not know the possibility of being affected. I totally agree this is a safety net; this is nothing to do with personal insurance, sir. I would strongly advise people do take out when travelling.

1890

While Deputy Kuttelwascher was putting forward his requête I looked anxiously for the Government health warning on the *Visit Guernsey* website. It is there, so from that point of view ... but it is buried quite a long way down, rather than having it on the front page.

1895 Now, on the front page there are a lot of insurance companies that do provide services for insurance on travel. I have clearly seen a bold statement across the front that says, 'Guernsey does not have a Reciprocal Health Agreement,' so therefore are we saying we are shutting the door to visitors to this Island? I would like to think we are not. We cannot afford to and therefore we should be encouraging people to come here and, by virtue of that, we need to ensure that there is safety in that.

1900 Sir, I am disappointed that a silo mentality is percolating through certain Departments, when all we are guilty of doing is getting this debated, so that we can understand that we are here to support Guernsey, its tourism market, the health of our community; and I would strongly say that if Deputy Fallaize's amendment is perceived to come a lot earlier than the two years that were contemplated I would very much support that.

1905 Thank you, sir.

**The Bailiff:** Thank you.  
Deputy Soulsby.

1910 **Deputy Soulsby:** Sir, yes, I will be brief.

Just to say I am in the same boat as Deputy Le Clerc here and I did actually ask Deputy Kuttelwascher if he could withdraw the requête before this debate.

1915 I think for me what has determined my decision is the very useful advice we have had and, to be fair, it probably has come out of work because of the laying of this requête, but the information that we have that, frankly, the UK does not want to enter into any Reciprocal Health Agreements any more – in fact, I think Jersey and Isle of Man will need to watch this space because it is quite likely that they will lose theirs ...

1920 So, to be honest, I think we have now more important things to do. As HSSD, we have really got to focus on making sure that we are not incurring this 150% tariff that is going to be a killer to us. It could cost us well over £4 million. So that is something that we have really got to focus our minds on now.

So I cannot support the amendment and I cannot support the requête.

1925 **The Bailiff:** Does anyone else wish to speak on the requête?  
Alderney Representative Jean.

1930 **Alderney Representative Jean:** I would like to speak on the requête, but I would say this: if the requête fails despite the opposition from the Chairman, I understand fully. I think it is very, very important to have this Health Agreement back. Jersey have done it. They have actually got it back, as I understand it, and, from what I hear, their tourism figures are climbing.

**The Bailiff:** Is this the amendment or is this general?

1935 **Alderney Representative Jean:** I am speaking on the amendment specifically.

What I am trying to say about this amendment is I will support this amendment and if it fails I will go to the main Propositions in the Billet.

1940 I think it is actually vital to get this back for the security of Guernsey. I cannot understand what I am hearing here, when I am hearing these negative messages about this thing. As Deputy Inglis said, so many people have contacted us about this and they are concerned about it, and they are afraid to travel. That kind of insecurity, Guernsey just should not allow that. It just should not be happening. We should do our very best to do, as Jersey has done, to reinstate our Reciprocal Health Agreement and have some courage.

1945 Now, maybe if we cannot see the figures at the moment is that ... did a faint heart ever win a fair lady? (*Interjection*) We should look at this. I think it is absolutely crucial. I think it is vital. What is the matter here? I cannot understand these negative messages. Let's be positive, let's look at it,

let's try and reinstate it. Look at Jersey's situation. Their tourism figures, I am told, are climbing. Guernsey is very lucky; it has got the liner trade, but perhaps without the liner trade it might be in a situation similar to Jersey, and yet Jersey's figures are climbing – isn't that interesting.

1950 **Deputy Stewart:** Sir, point of correction.

Our figures have risen over the last two years with our new marketing strategy. That is the point of why this amendment has been raised, because to take that budget away, which would be significant, it would be unlikely that we would be able to continue that growth.

1955 **Deputy Lester Queripel:** Sir?

**The Bailiff:** I do not know whether Alderney Representative Jean had finished. Deputy Stewart stood on a point of correction. I think he may still be speaking.

1960 **Alderney Representative Jean:** I think I am just about finished. I do not agree with Deputy Stewart's remarks and I have to say so.

Thank you.

1965 **Deputy Lester Queripel:** Sir, can I seek clarification from you, please? (**The Bailiff:** Yes,) Sir, in effect, you stopped me speaking on the amendment –

**The Bailiff:** I stopped you speaking ...

1970 **Deputy Lester Queripel:** – and in general debate – but since then you have allowed Deputy Inglis, Deputy Soulsby and Deputy Louis Jean to speak on both at the same time.

**The Bailiff:** I did ask you if there was anything you wanted to say on the amendment and –

**Deputy Lester Queripel:** They have spoken on both, sir.

1975

**The Bailiff:** I did try to stop them as well! (*Laughter*) They did speak very briefly on general debate. We are about to rise for lunch. Can I suggest you reflect on your speech and see if you can speak on the amendment? If you want to say a few things very quickly in general debate – both of them were relatively brief on general debate – then I have discretion under the Rules to allow someone in exceptional circumstances to speak a second time and, given that I stopped you previously, if you wish to speak on the amendment I will allow you to do that.

1980

**Deputy Fallaize:** Sir, is there any possibility that we can continue because we could probably wrap this up this quite quickly?

1985

**The Bailiff:** Well, can I just have an indication of how many other people wish to speak on this amendment? On the amendment? Well, we have seven people wishing to speak on the amendment. I am being asked to put to you that some people wish to go through lunch. I will put to you the Proposition that we continue to sit. If you wish to go and have some lunch you vote *Contre*, but if you wish to carry on sitting vote *Pour*. The Proposition is that we continue through lunch. Those in favour; those against.

1990

*Members voted Contre.*

**The Bailiff:** We will go for lunch. (*Laughter*)

*The Assembly adjourned at 12.33 p.m.  
and resumed its sitting at 2.30 p.m.*

**Reciprocal Health Agreement with the  
United Kingdom and the European Union –  
Debate continued –  
Propositions not carried**

**The Bailiff:** We continue then with debate on the amendment proposed by Deputy Gollop, and seconded by Deputy De Lisle. Deputy De Lisle.

1995

**Deputy Bebb:** Monsieur le Bailiff, could I move a point of order?

**The Bailiff:** Well, I have now called Deputy De Lisle, so ...

2000

**Deputy De Lisle:** Sir, as seconder to the amendment, I would like to make a few points. One of which is, of course, that I am supportive of the principle behind the Requête to reintroduce the Reciprocal Health Agreement, and of course, the amendment to secure funding from the Guernsey Health Service Fund.

2005

Sir, in contradiction to the Chief Minister this morning, I just feel that we need this support from him, and others, to move as quickly as possible with the Reciprocal Health Agreement. I think most Members will realise that a number of the public are very concerned in this area. The insurance premiums can be excessive for many, especially those over 70 and 80 and those with pre-existing medical conditions.

2010

**The Bailiff:** Is this on the amendment, Deputy De Lisle?

**Deputy De Lisle:** Yes, yes it is.

2015

Those who cannot obtain medial insurance. Just to reiterate, these people pay taxes, and social security contributions, after reaching pensionable age, and they deserve to be considered fully with respect to their requirements.

2020

I wanted also to note former Deputy, Advocate Nick Le Poidevin's points that he made in *the Press* just recently, in fact on Monday, where he said that since its suspension, that is in 2009, we have had a number of unbelievable explanations why it was not possible to restore it. Many would have to be ill to visit friends and relatives in the UK, or have them visit here but cannot run the risk

**The Bailiff:** So what has this to do with the amendment?

2025

**Deputy De Lisle:** Well, the amendment is all about the Reciprocal Health Agreement.

**The Bailiff:** The amendment is about how to fund it.

**Deputy De Lisle:** Well, okay, how to fund it.

2030

**The Bailiff:** It assumes the principle that there will be a Reciprocal Health Agreement, it is just about how it is funded.

**Deputy De Lisle:** Yes, exactly, and I am (*Laughter*) not only suggesting how it should be funded, sir, but I am also suggesting how frustrated a lot of our people are in not having it ...



2035

**The Bailiff:** Well, that is moving into general debate, and I have restricted other Members from not encroaching on general debate when discussing the amendment, so ...

2040

**Deputy De Lisle:** Well I will go on, sir, (**The Bailiff:** Thank you.) (*Laughter*) taking full cognisance of what you have said, sir.

2045

The fact is, that I am suggesting that we should be financing this from the Health Agreement Fund, the Guernsey Health Service Fund, and the Fund, as far as I am concerned, is capable of drawback of the £400,000 to £500,000 anticipated through the Reciprocal Health Agreement. The uprating surplus of the Guernsey Health Fund at the end of 2014, which I think those are the latest numbers that we have, was £3.8 million, and that was before investment returns. A surplus which appears to have been relatively constant in recent years. Actually, it has been more than that in certain years, and it has oscillated a wee bit. However the cost of future medical contract with the MSG, currently under review, and the addition of medical consultants in 2015 will have implications on the reserves in the future. But the Department is currently increasing very substantially prescription charges to the general public from £3.30 to £4.30 to £4.40 per item. Now it is £4.40 from £3.30, which will add a further £110,000 this year to that budget. The Department is also placing before the States proposals to phase out the universal exemption from prescription charges for those over the age of 64, which as I understand it, is about a £15 million pot. So there is a lot of money swimming around in that particular area that can well provide a drawback of £400,000 to £500,000 anticipated through the Reciprocal Health Agreement.

2050

2055

Sir, I feel that the prime duty of Government is the welfare of its citizens, and they should be free to move to the UK without worrying about costs should they fall ill, or meet with an accident. This is not the time for further reports, consultations, sursis or any delay. I think we should be proactive and move forward with a Reciprocal Health Agreement as quickly as possible.

2060

Thank you, sir.

**The Bailiff:** Deputy Bebb.

2065

**Deputy Bebb:** I would like to move a guillotine motion, please.

2070

**The Bailiff:** A guillotine motion under Rule 14(1). So I must put to you the motion that debate on this amendment, and what we will be talking about at this point is just debate on the amendment shall cease immediately, or shall be closed rather. Debate shall be closed on this amendment. So the Proposition is that debate on this amendment be closed. Those in favour; those against.

*Some Members voted Pour, other Members voted Contre.*

2075

**The Bailiff:** Well, in my view that is a majority in favour, but it is majority in favour of closure, in my view. (*Interjections*) Well, there is a request for a recorded vote. We saw what happened yesterday when we had a request for a recorded vote.

*There was a recorded vote.*

*Carried – Pour 25, Contre 20, Ne vote pas 0, Absent 2*

**POUR**

Deputy Perrot  
Deputy Burford  
Deputy Sillars  
Deputy Luxon  
Deputy Quin  
Deputy Hadley

**CONTRE**

Deputy Brouard  
Deputy Wilkie  
Deputy De Lisle  
Deputy Inglis  
Deputy Soulsby  
Deputy O'Hara

**NE VOTE PAS**

None

**ABSENT**

Deputy Ogier  
Deputy David Jones

Deputy Harwood	Alderney Rep. Jean
Deputy Domaille	Alderney Rep. McKinley
Deputy Langlois	Deputy Kuttelwascher
Deputy Le Clerc	Deputy Brehaut
Deputy Parkinson	Deputy Robert Jones
Deputy Bebb	Deputy Gollop
Deputy St Pier	Deputy Sherbourne
Deputy Stewart	Deputy Conder
Deputy Gillson	Deputy Lester Queripel
Deputy Trot	Deputy Le Pelley
Deputy Le Lièvre	Deputy Fallaize
Deputy Spruce	Deputy Laurie Queripel
Deputy Collins	Deputy Lowe
Deputy Duquemin	Deputy Green
Deputy Dorey	
Deputy Paint	
Deputy Le Tocq	
Deputy James	
Deputy Adam	

2080 **The Bailiff:** Well Members, there were 25 votes in favour of the guillotine motion, with 20 against, so I declare that motion carried.

2085 Which means that debate on the amendment is now closed, but that does give Deputy Gollop the right to reply to the debate, before we go to the vote, I believe, under Rule 13(7). The lead requérant of course has already spoken in the debate, so he does not have a second right. I will just check with Her Majesty's Comptroller: I think it is right that it is just Deputy Gollop who now has the right to speak on the amendment.

**The Comptroller:** I believe that is correct, sir. Yes, under Rule 13.

2090 **The Bailiff:** Rule 17 is not engaged because we are not guillotining the debate on the Requête itself.

**The Comptroller:** That is correct, sir, yes.

2095 **The Bailiff:** Yes, so Deputy Gollop you may reply to the debate.

**Deputy Gollop:** Sir, I am sure I would be willing to give way if any of the presidents or other Members wish to interject.

2100 Sir, it is clear that some of us have strayed into the general concept of Reciprocal Health Agreement, rather than the more narrow point. I would however, refer to one additional piece of information that one has had that a person who actively lobbies States' Members with constructive views, very much takes the view that this is a useful facility for people with relatives, blood or friendship-type relatives, to use the term borrowed aunts and uncles, who take holidays in Guernsey or *vice versa* and has also alluded to cruise ships. I mention that point because, of course, if this amendment is lost, the funding mechanism through the Social Security route goes for the moment, and it would go back to the lead Proposition in the Requête, which I am less happy with, which would take the money directly perhaps from the Marketing budget, and so I think for all Members who wish to see the principle of this adopted, and the funding mechanism to be more along the lines of a Social Security route, where we have had support from lead requérant, Deputy Kuttelwascher, and also Deputy Inglis, that that is a preferential route to the inevitable hard feelings that emerge from what could amount to a land grab of the Tourism budget. So, I mention that in passing, and all the arguments for a Reciprocal Health Agreement apply equally to my amendment as they would to general debate.

2110 Referring more specifically to the arguments that have come up criticising this approach from diverse Members, I entirely respect, actually, well in a way, the political bravery of Deputy Le Clerc

2115 and Deputy Soulsby, who have come to a change of mind and heart following additional  
information that they have received. Perhaps as board members of HSSD, but, of course, we are  
not in a position to fully know what the debt situation is, that Deputy Luxon and others alluded to,  
and there are other uncertainties, that I shall come on to in a minute.

2120 Deputy De Lisle mentioned a well-known advocate, and former States' Member, who had a  
view on this subject, I would also say there is a well-known member of a political department who  
has often campaigned for this to be considered a priority.

I think we had a key note speech, of course, from the Social Security Minister, Deputy Langlois,  
who always wants to see maximum loyalty from his board members, which we always try to  
deliver, but he was concerned about the impact overall on the Fund. Now, it is quite true that the  
2125 figures I and other Members read out were marginally historic, in that they referred to the Fund in  
2014, and we do know that there has been additional burdens placed through the urgent work  
that we have seen with the Medical Specialist Group, and we also know that there has been some  
marginal increases due to the ongoing improvements in pharmaceuticals, but nevertheless, we are  
still in surplus, and the maximum figure that anyone, even sometimes the scary conservative  
2130 estimates from Treasury & Resources, they have indicated a global figure of half a million pounds.  
Now, of course, some people have pointed out to me that it is misleading to sell the Reciprocal  
Health Agreement by either funding mechanism as an all-singing all-dancing mechanism, and  
indeed the Requête makes clear that it would only apply to diagnosis of symptoms, or signs  
occurring for the first time, after the visitor's arrival, and other points – this is paragraph 3 on page  
2135 159 – the point being that we are aware that it would be wise to take out other insurance, if you  
can, or to get third sector involvement in support, but this gives a general level of care that you  
do see in Jersey, you do see in the Isle of Man, and we did see in the past. So it would give many  
people more certainty, and more assurance, and therefore is worth supporting on those grounds.

2140 The other, I think, rather controversial line of argument we heard, was raised by the Chief  
Minister, who pointed out that maybe it was not possible to negotiate such an arrangement –

**The Bailiff:** Deputy Wilkie.

**Deputy Wilkie:** Thank you, Deputy Gollop.

2145 I am just going to make this point, sir, because I think it might help Members in their  
deliberation, and this argument of us not being able to get a new agreement has been made  
throughout this debate.

I went to Westminster in 2014, I think it was the end of 2014, and when I was there I met Sir  
Alan Beith, who is the Chair of the Ministry of Justice Select Committee, and I was there talking to  
2150 him about – (*Interjections*) Was, sorry, was. I was there talking to him about scrutiny, but while I  
had the opportunity, being a bit of a cheeky chappy, I asked him about the Reciprocal Health  
Agreement. I asked him about the report that he made in 2010, which was very scathing on the  
Department for Health and how they handled the whole situation. I asked him whether it was  
possible for us to get a new agreement, and he said yes. He said he believed it was very possible  
2155 for us to get an agreement. He said the Ministry of Justice would assist in its negotiations, and  
yes, we would probably get a better deal than we expected.

So I just want to make that point because it has been made throughout this debate quite a lot.  
Thank you, sir.

2160 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I think Deputy Wilkie agrees, of course, he has reminded me that then MP Sir  
Alan –

2165 **The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Thank you, Deputy Gollop for giving way.

2170 Deputy Willkie's comments no doubt are factually correct, but, of course, 15 months is a long time in politics, and what I have done today is to explain what the current position is, of the current Minister and Department in the UK, which is very relevant, which is highly unlikely that an RHA will be an option to negotiate.

**The Bailiff:** Deputy Gollop.

2175 **Deputy Gollop:** Coming back to the points that Deputy Luxon and the Chief Minister made, I think we do not, as Members, fully know the situation here. We do know that some of our number regularly attend not just CPA events, but high level British-Irish Council and other means of communication, and I do not see why these issues cannot be raised in that way. Because if one turns to page 165 of the Policy Council's viewpoint on this:

'The Policy Council cannot, therefore, support committing the States to revenue expenditure of a yet indeterminate sum (given that the level and scope of the treatments to be provided would need to be negotiated and agreed) ...'

2180 This Policy letter written in the close of last year clearly talks about the possibility of negotiation. Now, we have heard now from Deputy Luxon and Deputy Le Tocq that it is non-negotiable, and there can be no agreement. This is new information that was not available to the requérants, the movers of the amendments, or indeed the Assembly –

2185 **The Chief Minister:** It is new information, because there has been, obviously, ongoing discussion, and there will continue to be ongoing discussion, on a number of issues with the UK, not only on health matters, but a number of different matters, there are constitutional issues here as well at stake, and far more broader things. The question is do we want to spend resources, scant resources, difficult resources to find, going down an alley where really we know what the answer is going to be, instead we could – if we look at the outcomes, and I do not deny the outcomes of nearly everybody wants to see in this Assembly, then there are better ways of targeting resources, and that is what we are saying. We are not helping doing that by debating this further.

2190 **Deputy Gollop:** Yes. I accept that, but I think assuming the amendment and all of the Requête are passed, there would be an alternative way of interpreting the Resolution of the States –

**The Bailiff:** I think at the moment you are just winding up on the amendment, *(Interjections)* not in general debate. *(Interjections)*

2200 **The Bailiff:** If you have said all you need to on the amendment, we will go to the vote on the amendment proposed by Deputy Gollop, seconded by Deputy De Lisle: Those in favour; those against.

2205 *Some Members voted Pour, others voted Contre.*

**The Bailiff:** In my view that was defeated. I think Deputy De Lisle was just about to ask for a recorded vote, but he is...

2210 **Deputy De Lisle:** Yes, I was.

**The Bailiff:** You were, but we had already started the vote before you...

2215 **Deputy De Lisle:** Well, I still feel that we should have a recorded vote. *(Laughter)*

**The Bailiff:** Well, you are entitled to call for one. I have not yet declared the result of that, you are entitled to call for a recorded vote, if you want to have one –

**Deputy De Lisle:** Yes, thank you very much.

2220

**The Bailiff:** – there can be a recorded vote.

There will be a recorded vote then on the amendment proposed by Deputy Gollop, seconded by Deputy De Lisle.

2225

*There was a recorded vote.*

*Not Carried – Pour 20, Contre 25, Ne vote pas 0, Absent 2*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Brouard	Deputy Perrot	None	Deputy Ogier
Deputy Wilkie	Deputy Burford		Deputy David Jones
Deputy De Lisle	Deputy Soulsby		
Deputy Inglis	Deputy Sillars		
Deputy Luxon	Deputy Quin		
Deputy O'Hara	Deputy Hadley		
Alderney Rep. Jean	Deputy Harwood		
Alderney Rep. McKinley	Deputy Brehaut		
Deputy Kuttelwascher	Deputy Domaille		
Deputy Gollop	Deputy Langlois		
Deputy Sherbourne	Deputy Robert Jones		
Deputy Conder	Deputy Le Clerc		
Deputy Lester Queripel	Deputy Parkinson		
Deputy Stewart	Deputy Bebb		
Deputy Le Pelley	Deputy St Pier		
Deputy Trott	Deputy Gillson		
Deputy Fallaize	Deputy Le Lièvre		
Deputy Laurie Queripel	Deputy Spruce		
Deputy Lowe	Deputy Collins		
Deputy Green	Deputy Duquemin		
	Deputy Dorey		
	Deputy Paint		
	Deputy Le Tocq		
	Deputy James		
	Deputy Adam		

**The Bailiff:** Well, Members there were 20 votes in favour of the amendment proposed by Deputy Gollop, seconded by Deputy De Lisle, and 25 against. I declare the amendment lost.

2230

Now we come to general debate for the benefit of those who have not already spoken in general debate.

**Deputy Kuttelwascher:** Sir, I would like to propose a guillotine motion on the Requête. *(Laughter)*

2235

**The Bailiff:** A guillotine motion on the Requête?

**Deputy Kuttelwascher:** Yes, sir. *(Applause)* I do get to sum up so it is maybe unfair, but there we go.

2240

**The Bailiff:** Well, you have already spoken in the debate, so I am afraid you are not allowed to propose a guillotine motion. *(Laughter)* It can only be proposed by someone who has not spoken in the debate.

Deputy Collins.

2245 **Deputy Collins:** I would like to propose a guillotine motion, sir, as I have not spoken yet.  
Thank you.

**Deputy Kuttelwascher:** Sir, just a point.

2250 Sir, I introduced the Requête, I spoke on the amendment, but I have not spoken in general debate on it at all.

**The Bailiff:** Well, you have spoken on the debate on the Requête because you introduced it.

**Deputy Kuttelwascher:** But don't you still get to sum up?

2255

**The Bailiff:** Well, yes, and –

**Deputy Kuttelwascher:** That is my point –

2260 **The Bailiff:** Whether it is guillotined –

**Deputy Kuttelwascher:** – if the debate finishes, do you still get to sum up? Deputy Gollop just –

2265 **The Bailiff:** Guillotined or not, the debate will have to be closed, (**Deputy Kuttelwascher:** Yes.) and all those, including the Ministers who spoke at the beginning, and you, get the right to speak at the end. But you have spoken in the debate.

**Deputy Kuttelwascher:** Oh, I see. That's alright.

2270

**The Bailiff:** There has been a request from Deputy Collins, who has not spoken in the debate, to invoke Rule 14(1) the guillotine motion. So, I put to you the motion that debate on this Requête – (*Interjection*) debate on this Requête be closed. There is a request for a recorded vote, that debate on the Requête be closed.

*There was a recorded vote.*

2275 **The Bailiff:** Members, I think that guillotine motion was carried. Then the debate will be closed, but first of all Deputy St Pier is speaking, then Deputy Langlois, Deputy Stewart, Deputy Luxon, the Chief Minister and Deputy Kuttelwascher. That is what Rule 17 provides. Some of them may or may not wish to speak, but that is what the Rule provides.

*Carried – Pour 26, Contre 19, Ne vote pas 0, Absent 2*

**POUR**

Deputy Perrot  
Deputy Burford  
Deputy Sillars  
Deputy Luxon  
Deputy Quin  
Deputy Hadley  
Deputy Harwood  
Deputy Brehaut  
Deputy Domaille  
Deputy Robert Jones  
Deputy Le Clerc  
Deputy Gollop  
Deputy Conder  
Deputy Parkinson

**CONTRE**

Deputy Brouard  
Deputy Wilkie  
Deputy De Lisle  
Deputy Inglis  
Deputy Soulsby  
Deputy O'Hara  
Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Kuttelwascher  
Deputy Langlois  
Deputy Sherbourne  
Deputy Lester Queripel  
Deputy Le Pelley  
Deputy Fallaize

**NE VOTE PAS**

None

**ABSENT**

Deputy Ogier  
Deputy David Jones

Deputy Bebb	Deputy Laurie Queripel
Deputy St Pier	Deputy Lowe
Deputy Stewart	Deputy Paint
Deputy Gillson	Deputy James
Deputy Trott	Deputy Adam
Deputy Le Lièvre	
Deputy Spruce	
Deputy Collins	
Deputy Duquemin	
Deputy Green	
Deputy Dorey	
Deputy Le Tocq	

2280 **The Bailiff:** Members, the result of the guillotine motion under Rule 14(1) in respect of the Requête was 26 in favour, with 19 against. I therefore declare that carried, and debate will now be closed but as I said, first of all Deputy St Pier, as Minister of the Treasury & Resources, if he wishes to speak. He does not.

Deputy Langlois, do you wish to speak?

2285

**Deputy Langlois:** I do, sir.

**The Bailiff:** Deputy Langlois.

2290 **Deputy Langlois:** Sir, I think it very, very important as we close this debate, and I make an apology in advance for not a terribly short speech, but just make an apology for time simply because I think it is very important that we leave this debate with some sound analysis of the facts and the background, (**Several Members:** Hear, hear.) which will lead the new Department for Employment – sorry, Committee for Employment & Social Security – into the right place to start their work, and I repeat our assurance that the present board will, if I can persuade them, 2295 recommend to the new board that this is very high priority stuff.

I know that in 2010 the UK Government was criticised for their handling of this matter by the Justice Select Committee – it was referred to just now – in respect of the Crown Dependencies. As a result of that pressure from the Isle of Man and Jersey but not from Guernsey, the UK 2300 Government entered into new agreements with those Islands. Important factor that is that these were much more limited agreements than the old agreements, and do not cover all treatment in all circumstances. That is an important element in this debate.

As a result of the signing of the agreements, the UK Government offered the opportunity for Guernsey to enter into an agreement on identical terms. The States subsequently decided not to 2305 fund a Reciprocal Health Care Agreement in favour of other priorities, and an agreement was not pursued.

If we address the need for insurance, in any event, whether a Reciprocal Health Care Agreement is in place or not, advice from the UK Government, and from the States of Guernsey, to travellers between the UK and the Island is that they should ensure they have adequate travel 2310 insurance. This is not unique: the UK Government also advises UK residents to have adequate insurance when visiting other countries within the EU, where the EHIC, the European Health Insurance Card scheme applies. This is because all Reciprocal Health Care Agreements are limited in their scope, and do not cover all health care or services. For example, repatriation is not covered, and the cost of this can run to thousands of pounds. To quote from the UK Government 2315 advice, a stomach bug/infection treated in a Californian hospital with return flights cost one person £100,000. A fall resulting in a broken hip treatment on a Spanish holiday with return flights cost £15,000.

Then we approach the changes in NHS charging and UK policy, which is another element of background to this debate. At present Island residents benefit from a range of free care supplied 2320 by the NHS when they visit the UK. This is changing, and probably was one of the motivations for a certain amendment by a certain Deputy Fallaize, which we have already referred to on a number

of occasions. The UK Government has started to remove exemptions for charges for health care services. Starting with secondary health care last year, and they currently are consulting on removing exemptions to charges for primary health care, supplied to non EU residents. It is likely that these new charges will impact on Island residents. This will strengthen the need for adequate travel insurance for those Guernsey residents travelling in the UK. The States may seek to have a Reciprocal Health Care Agreement to help underpin these arrangements, but they should never be relied upon as a replacement for adequate insurance.

Should the States seek a Reciprocal Health Agreement it can only enter into one with the acquiescence of the UK. It is a two-way street. It obviously takes two willing parties to make an agreement. What is clear from the consultation on extended charges for non-UK residents, is that Reciprocal Health Care Agreements are a thing of the past for the UK in general direction of travel, if you pardon the pun. As of 1st January 2016 the UK ended 40% of its Reciprocal Health Care Agreements. This leaves only 17 agreements in place. The last time the possibility of entering into a Reciprocal Health Care Agreement was discussed in detail with the UK, was in 2009. There have been two changes in UK Government since then. There has also been a change in demand on NHS funding, and the current UK Government has a clear manifesto commitment to increase NHS spending in a time of austerity. Money is tight and demand for NHS savings is high. Those savings can partly be made from increased charges to people from other countries. Whilst a Reciprocal Health Care Agreement with the UK could be desirable, whether an agreement is achievable is another question. We need to be realistic about our aspirations. The limiting factor is not the funding of an agreement; it is whether the UK will enter into one.

If we take the prayers of the Requête in turn, the first prayer, the States giving a mandate for the re-negotiation of the agreement is one thing, making a States' Resolution assuming it is done is another. In my view this is a step too far.

**Deputy Kuttelwascher:** Sir, point of correction.

**The Bailiff:** Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Sir, the first Proposition says, 'at the earliest opportunity'. If that opportunity should not arise, like the UK says you are not going to have one, that is the end of the story, and that is one of the reasons it was put in there. This will only happen if it is possible. You cannot make it happen otherwise. The Proposition actually acknowledges that.

Thank you, sir.

**Deputy Langlois:** Notwithstanding that wording, if the States agree to this prayer we will need to ensure that expectations are managed. We will have agreed to introduce an agreement that may never be reached.

In respect of the second prayer, early indications from discussions with the Channel Islands Brussels Office suggest that it is not possible to join the EHIC card scheme. Even if that was possible, the card scheme is not intended to replace the need for adequate travel insurance. As with any matter with the EU, raising your head above the parapet can have unintended consequences, and it is essential we understand this before we take anything forward. I am not hopeful that either part of the second prayer are realistic options, and do not believe that taking this forward would be good use of our limited resources.

In respect of the third prayer when considering funding, I think the States should not look at how any agreement might be funded, until we know if an agreement can be made, and what the terms might be. I think this is yet another example of this random budget allocation, which we have observed attempts to do, on a couple of occasions, and I do not think it will be the last one in this Assembly's life, but it is not good budgeting practice.



Finally, sir, it would certainly be preferable and better governance if an agreement can be concluded, once its terms are defined it will be possible to return to this Assembly at this stage, before it is implemented, to debate how it could be funded.

2375 So, you have got the Tourism budget random allocation, you have got the situation faced by SSD and HSSD regarding any possible funding at a later stage.

2380 So, sir, in summary, the background to our current situation on a Reciprocal Health Agreement means that these proposals are presented in the wrong way at the wrong time. I repeat, yet again, my assurance that my board will recommend to the new Committee that this is high priority to see through the intention of Deputy Fallaize's amendment.

May I ask you to reject all the Propositions.

**The Bailiff:** Deputy Stewart.

2385 **Deputy Stewart:** Thank you, sir.

I have not really got a huge amount to add, other than, of course, after losing the amendment, the Sword of Damocles hangs over Commerce & Employment and Visit Guernsey's head. Just a reminder that the tourist industry accounts for about £108 million income, and accounts for approaching 8% of those employed in the Island, and we have seen steady growth over the past three years, and the 2015 year to date numbers for total staying visitors and bed nights in commercial accommodation have been at their highest level since 2012. To lose any of that budget now would be nothing short of a disaster.

I also – I will give way –

2395 **Deputy Lowe:** Thank you, sir.

2400 Thank you, Deputy Stewart, it is just before you sit down, because I have not heard you say it yet, I wondered if you could inform Members, because I have looked on the Visit Guernsey site and I cannot find it either – whereas, I would say it used to be on there some time ago, but it is definitely not on there about warning people, before they come to Guernsey, that there is not a Reciprocal Health Agreement. It is clearly on Aurigny's site, but it is definitely not on Visit Guernsey's site, that I can find, and I wondered if you could either find it or apologise and let us know when it will be on please.

**Deputy Stewart:** I was just about to cover that, sir.

2405 I checked with staff this morning because it was indeed on the site, and I raised it with them and it has been restored to the site, because apparently when the new gov.gg website was launched, just a short while ago, a link, a couple of links actually – that was one of them – dropped off, but if you do go to Visit Guernsey website now it has been restored, and it was just a link that was missing with all of the text. There is a very long piece of text there, I do not intend to read it out now, but it has been restored.

2410 So, if I could apologise, I had seen it on there, I was told it was on there, but when officers ... I asked them to double check this morning, they found that a link had been missed off when we joined up with the new gov.gg website, sir, so apologies to the Assembly.

2415 **The Bailiff:** Are you finished, or are you giving way to Deputy Fallaize?

**Deputy Stewart:** Well, I was giving way.

**Deputy Fallaize:** Oh thank you. I thank Deputy Stewart for giving way.

2420 He is talking about the message that is being sent out to people who may be considering holidaying in Guernsey which, though important, would he agree with me that that is not really the critical issue? The issue is the message that is sent out to the residents of Guernsey (**Several Members:** Hear, hear.) and that in this very messy and unhelpful debate, would he agree with me

2425 that the one thing, the one message we must send out, is that the overwhelming majority of the  
States recognise the need to do everything we possibly can to cover, in the future, or under the  
terms of the Guernsey Health Insurance Scheme, the medical and health care costs incurred by  
Guernsey residents when they are in the UK, and that we have directed the appropriate  
Committee to go away and carry out the investigation, and hopefully, come back with some  
positive proposals to give effect to what is clearly an objective of the States. Would he not agree  
2430 with me that is the central message which needs to go out from this debate?

**Several Members:** Hear, hear.

**Deputy Stewart:** I totally agree with Deputy Fallaize, this is not a tourism issue, this is about  
2435 Guernsey residents who need to travel abroad, who cannot get insurance, and clearly we need to  
find that mechanism so that they are able to travel. (**Several Members:** Hear, hear.) I do though  
ask Members to reject all the proposals put before them in this Requête.

Thank you, sir.

2440 **The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Very briefly, sir.

Five points, this is an important matter. It is totally unnecessary to have laid this Requête, the  
Deputy Fallaize amendment is in play, and will investigate the RHA issue fully and properly, and  
2445 hopefully, Deputy Chief Minister quickly.

Sir, the RHA is not doable, I am 99% certain. The European Health Insurance Card is not  
doable, I am 99.9% certain. Destroying the Commerce & Employment budget for tourism with a  
20% reduction could have an impact on an aspect of our economy that, by estimates, could be as  
much as £150 million per annum with the multiplier effect. Certainly in Jersey the number is  
2450 £275 million from tourism, and I am making a calculation, because I have not seen the Guernsey  
number anywhere. Why would we want to risk a fifth of that input into our economy?

Sir, the Guernsey Health Service Fund has other even more pressing demands than the  
demand of some of our citizens who would like to see the RHA restored immediately.

Sir, finally, the local Insurance Association, and a representative of the Retail Insurers, has told  
2455 me this week that they are happy to offer their knowledge, their skills in terms of coming up with  
innovative insurance schemes with the States of Guernsey, as I passed on to the Minister for Social  
Security Department, and are happy to offer their time, to try and come up with a solution to aid  
the direction from the Fallaize amendment.

Sir, finally Deputy Kuttelwascher, I have said before, because he told me, likes his Requêtes and  
2460 while we have been enjoying this one today, there have been some unfortunate comments and  
some unhelpful comments, which may actually have unintended consequences for the benefit of  
the States of Guernsey and the taxpayer. I do wish we would spend our parliamentary time on  
more useful matters, not duplicating matters.

Thank you, sir.

2465 **The Bailiff:** Chief Minister.

**The Chief Minister:** Sir, I will be as brief as I can, in that the Deputy Chief Minister, in  
responding as Minister for Social Security, has said a lot of what I would be saying.

2470 I think it is important to say this is something that is of concern to all of us, and should be of  
concern to all of us, because having had a Reciprocal Health Agreement, and then having it taken  
away, has been very distressing to a number of people on the Island who have got used to that,  
and I think that should be our priority. I have elderly relatives whom it has affected, and still  
continues to do so, because they cannot either get insurance or they are too nervous to now  
2475 travel and see members of our family on that basis. It is of grave concern. In the other direction as

well, and I certainly sympathise with those, my father-in-law is seriously ill at the moment, but as a result cannot travel here to Guernsey to see us, as he did. So there are all sorts of things. It affects us all, and it is absolutely essential that we find an appropriate way of resolving this to the best of our ability.

2480 These Propositions are not that way. In fact, the danger is by raising this in the way we have in the public arena, and people do listen in, even from the UK Government, to these debates. Some might think that is a good thing. Actually I think it is not in this instance, a good thing that we have gone through this. However, I will say that in action that is being taken already on the Fallaize amendment, if it turns out that there are other opportunities, more broad and more wide  
2485 than those particular ones mandated to us under the Fallaize amendment, then we will most certainly make use of those opportunities, and bring them back to this Assembly for appropriate decision making at that time, with funding that then will be known to us. It is quite silly for us to try and think we should allocate funding before we know how much that would be, which, of course, is the sort of logic, or illogic, of this particular Requête.

2490 So, sir, I think the cause is well meaning, but the *modus operandi* is totally wrong at this particular juncture, because we are already doing work, which I know is important work. Let us devote our energies, and our attention, and our resources, to that which is already mandated to us under the Fallaize amendment, let us see what best we can do for our community, and then let's make a decision based on the information that we gather as a result of that.

2495 I urge Members to reject all three Propositions.

**The Bailiff:** Finally, we will hear from the lead requérant, Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Thank you, sir.

2500 So, I would like to start with this Fallaize amendment, that is nothing to do with the Reciprocal Health Agreement. It is a one-way agreement, it is to try and cover the costs of the Guernsey residents visiting the UK. People forget that many of us, if not all of us, have relations in the UK who have rights to come back here, and live here, and for whatever reason have parked themselves in the UK, and they would not be covered for medical expenses if they were to come  
2505 back, so it is not just residents who are here, and there are no doubt thousands of Guernsey qualified occupants, if you like, who happen for whatever reason to be living there, and this whatever is being proposed would not cover them.

I agree completely, 90% with what Deputy Allister Langlois said, but it is irrelevant. *(Laughter)* How many times have I said this is not meant to replace travel insurance with appropriate medical  
2510 insurance, which is included? It is supposed to try and cover the very restricted areas relating to medical exclusions. Now the Requête in section 3 tells you, I know it is a very limited agreement, no-one is saying anything else. No-one is saying anything else. This is not a substitute for insurance. This, if you like, would be a top up security for some. It is as simple as that.

2515 Sir, Deputy St Pier mentioned this formula led sum of £500,000, I know it is formula led, I have said so in the Requête, I have said it is formula led, I admit. We do all sorts of things which are formula led, that of itself does not stop us following any policies. But, what we have got is a track record of costs since 2009. And in 2009 or 2010 I think the Health & Social Service Department invoiced about £300,000, and it has been bumping along at that sort of level now for six years. So it is a pretty reasonable estimate. When we try and guess what will be the cost of various other  
2520 formula-led expenses, like legal aid and that, we look at what has been happening in past. It is a guess, I know, but the sum involved is pretty modest, especially when you consider what would have been available.

2525 Now that the amendment has failed, it kind of puts a different light on things. So, what I am going to suggest is, sir, that we take Proposition 1 separately with a recorded vote, because that will not be able to be introduced at the so called earliest opportunity because if that fails, well, the rest of it fails. I think if it passes then I would not be surprised if maybe the second two Propositions failed. But I would like a recorded vote on Proposition 1, because I think it is

important for people to know whether or not the Members are minded to look at this reintroduction of the Reciprocal Health Agreement, however long it takes, or whether they just do not want to.

2530

Proposition 2 is actually completely different, and I would just like to remind people that as far as a Reciprocal Health Agreement with the European Union, I did ask yesterday at the presentation from the Brussels Office. I did ask if it was possible to introduce an agreement with France, and I was told it was doable. I know he is standing up, but I have not quite finished.

2535

I think the third one, obviously, if that fails then Proposition 1 will be in abeyance until funding is sought. But that is what I would like to do, is take a recorded vote on Proposition 1, and if you like vote *aux voix* on the other two.

Thank you, sir. Sorry, if it is a correction.

2540

**Deputy Bebb:** Could I therefore seek a point of clarification from Deputy Kuttelwascher, that, because ... Well, point of correction, but Deputy Kuttelwascher states that Proposition 1 is only about showing our support for a Reciprocal Health Agreement, whereas the wording specifies quite clearly that it is one to be brokered by the Health & Social Services Department/Policy Council, whereas we know that the Fallaize amendment asks this of the Social Security Department. Therefore, could I make a point of correction that Deputy Kuttelwascher is misleading the Assembly by stating support of Proposition 1 would be a clear direction of support of the Reciprocal Health Agreement. That is not true, it would only be support of a specific type brokered by the Health & Social Services Department, which is at variance with the amendment that was passed in October proposed by Deputy Fallaize.

2545

2550

**Deputy Kuttelwascher:** Interesting interpretation, which I do not agree with. 'At the earliest opportunity' is the relevant thing. We were told that there was a 99. what % that it is not going to happen? Well, I have read the same email from somebody from somebody from ... and it does not mention 99.9% at all, it just says it is going to be difficult, and it actually suggested how one might go towards establishing this Reciprocal Health Agreement. The only thing that was not mentioned there was the possibility, if one was really keen, of petitioning the Queen to suggest that a dependency of that sort of the Crown would like to have it back, who knows?

2555

But I disagree with Deputy Bebb's assessment. I would still like a separate recorded vote on Proposition 1.

2560

Thank you, sir.

**The Bailiff:** Members, there will therefore be a recorded vote on Proposition 1, which for the benefit of anyone listening is:

'To agree to the introduction, at the earliest opportunity, of a Reciprocal Health Agreement with the United Kingdom to be brokered by the Health and Social Services Department/Policy Council (or their successors).'

Greffier.

2565

*There was a recorded vote.*

*Not Carried – Pour 13, Contre 32, Ne vote pas 0, Absent 2*

**POUR**

Deputy Wilkie  
Deputy De Lisle  
Deputy Inglis  
Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Kuttelwascher  
Deputy Gollop  
Deputy Sherbourne

**CONTRE**

Deputy Perrot  
Deputy Brouard  
Deputy Burford  
Deputy Soulsby  
Deputy Sillars  
Deputy Luxon  
Deputy O'Hara  
Deputy Quin

**NE VOTE PAS**

None

**ABSENT**

Deputy Ogier  
Deputy David Jones

Deputy Conder	Deputy Hadley
Deputy Lester Queripel	Deputy Harwood
Deputy Le Pelley	Deputy Brehaut
Deputy Laurie Queripel	Deputy Domaille
Deputy Lowe	Deputy Langlois
	Deputy Robert Jones
	Deputy Le Clerc
	Deputy Parkinson
	Deputy Bebb
	Deputy St Pier
	Deputy Stewart
	Deputy Gillson
	Deputy Trott
	Deputy Fallaize
	Deputy Le Lièvre
	Deputy Spruce
	Deputy Collins
	Deputy Duquemin
	Deputy Green
	Deputy Dorey
	Deputy Paint
	Deputy Le Tocq
	Deputy James
	Deputy Adam

2570 **The Bailiff:** Well, Members, the result of the voting on Proposition 1 was 13 in favour, 32 against. I declare it lost.

We next go *aux voix* on –

**Deputy Fallaize:** Can we have a recorded vote on 3 please.

2575 **Deputy Lester Queripel:** A recorded vote on 2 as well please, sir

**The Bailiff:** Right, well we will have a recorded vote on Proposition 2. Proposition 3 in effect has fallen away, I think. (*Interjections*)

2580 **Deputy Fallaize:** Sir, Proposition 3 is self-contained. If it is passed, it is completely self-contained.

**Deputy Stewart:** Sir, I would agree with Deputy Fallaize on that one, for clarity, I think, sir.

2585 **The Bailiff:** For clarity, we will vote on it, one can view it either way. What you are being asked to vote on now is Proposition which is:

'To direct the Policy Council (or its successor) to explore the possibility of joining the European Health Insurance Card... scheme or a Reciprocal Health Agreement with the European Union.'

*There was a recorded vote.*

*Not Carried – Pour 16, Contre 29, Ne vote pas 0, Absent 2*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Wilkie	Deputy Perrot	None	Deputy Ogier
Deputy De Lisle	Deputy Brouard		Deputy David Jones
Deputy Burford	Deputy Soulsby		
Deputy Inglis	Deputy Sillars		
Alderney Rep. Jean	Deputy Luxon		
Alderney Rep. McKinley	Deputy O'Hara		
Deputy Kuttelwascher	Deputy Quin		
Deputy Brehaut	Deputy Hadley		

Deputy Gollop	Deputy Harwood
Deputy Sherbourne	Deputy Domaille
Deputy Lester Queripel	Deputy Langlois
Deputy Le Pelley	Deputy Robert Jones
Deputy Laurie Queripel	Deputy Le Clerc
Deputy Lowe	Deputy Conder
Deputy Dorey	Deputy Parkinson
Deputy Paint	Deputy Bebb
	Deputy St Pier
	Deputy Stewart
	Deputy Gillson
	Deputy Trott
	Deputy Fallaize
	Deputy Le Lièvre
	Deputy Spruce
	Deputy Collins
	Deputy Duquemin
	Deputy Green
	Deputy Le Tocq
	Deputy James
	Deputy Adam

2590 **The Bailiff:** The result of the voting on Proposition 2 was 16 in favour, with 29 against. I declare Proposition 2 lost.

Finally, a recorded vote on Proposition 3, which is:

'To direct the Commerce and Employment Department (or its successor) to reprioritise its Marketing and Tourism budget to provide funding for a Reciprocal Health Agreement.'

*There was a recorded vote.*

**The Bailiff:** Members, while those votes are counted the Education Minister would like to make a very short statement.

2595 **Deputy Sillars:** Thank you, sir.

As you know we had planned for a Deputies briefing at six o'clock this afternoon, or this evening, as we have finished early we would like to propose we have that meeting at St James' at 4.15 p.m. So I hope many of you can attend.

Thank you, sir.

2600

**The Bailiff:** Thank you. Any questions?

**Deputy Fallaize:** I have one, if it is a briefing about the policy letter, can we have the policy letter, please.

2605

**A Member:** Hear, hear.

**Deputy Sillars:** No.

*Not Carried – Pour 2, Contre 42, Ne vote pas 1, Absent 2*

**POUR**

Alderney Rep. Jean  
Deputy Kuttelwascher

**CONTRE**

Deputy Perrot  
Deputy Brouard  
Deputy Wilkie  
Deputy De Lisle  
Deputy Burford  
Deputy Inglis  
Deputy Soulsby

**NE VOTE PAS**

Deputy Gollop

**ABSENT**

Deputy Ogier  
Deputy David Jones

Deputy Sillars  
Deputy Luxon  
Deputy O'Hara  
Deputy Quin  
Deputy Hadley  
Alderney Rep. McKinley  
Deputy Harwood  
Deputy Brehaut  
Deputy Domaille  
Deputy Langlois  
Deputy Robert Jones  
Deputy Le Clerc  
Deputy Sherbourne  
Deputy Conder  
Deputy Parkinson  
Deputy Bebb  
Deputy Lester Queripel  
Deputy St Pier  
Deputy Stewart  
Deputy Gillson  
Deputy Le Pelley  
Deputy Trott  
Deputy Fallaize  
Deputy Laurie Queripel  
Deputy Lowe  
Deputy Le Lièvre  
Deputy Spruce  
Deputy Collins  
Deputy Duquemin  
Deputy Green  
Deputy Dorey  
Deputy Paint  
Deputy Le Tocq  
Deputy James  
Deputy Adam

2610 **The Bailiff:** Members, the voting on Proposition 3 was 2 in favour, 42 against, with 1 abstention. I will repeat that. The voting on Proposition 3 was 2 in favour, 42 against, with 1 abstention. I declare it lost. That brings this meeting to a close.

**Several Members:** Hear, hear.

2615

*The Assembly adjourned at 3.34 p.m.*