



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Thursday, 18th June 2020

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Present:

R. J. McMahon, Q.C., Bailiff and Presiding Officer

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, D. A. Tindall, B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett,
G. A. St Pier, T. J. Stephens, C. P. Meerveld

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. McSwiggan,
D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representatives S. Roberts, A. Snowdon

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. States' Greffier)

Absent at the Evocation

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

Deputy M. P. Leadbeater (*relevé à 12h 30*)

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States of Deliberation

The States met virtually at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État XIII

STATES' TRADING SUPERVISORY BOARD

IV. Guernsey Airport Hold Baggage Screening System Upgrade – Debate commenced

Article IV.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Guernsey Airport Hold Baggage Screening System Upgrade' of the States' Trading Supervisory Board dated 2nd March 2020, they are of the opinion:-

1. To note the requirement for the urgent project to upgrade the Hold Baggage Screening system in accordance with Short List Option 2 (as set out in Table 4) including installing two new baggage scanning machines, modifying the conveyors and carousel, and extending an area of the terminal building to accommodate the new hold baggage screening system, at a maximum cost of £12.0 million.

2. To agree that the Hold Baggage Screening system project is formally included within the capital portfolio (2017-2021), to be funded from the Capital Reserve, with a contribution of £150,000 from the Ports Holding Account and:

i. To approve the sum of a maximum of £665,000, charged to the capital vote for the Hold Baggage Screening system upgrade, to fund all necessary steps for the development of the design stage and proposals for the procurement of Short List Option 2, as set out in paragraph 6.2 of this Policy Letter;

ii. To delegate authority to the Policy & Resources Committee to approve the Outline Business Case and;

iii. To delegate authority to the Policy & Resources Committee to increase the capital vote for the Hold Baggage Screening system upgrade project, to a maximum of £12.0 million, subject to the Policy & Resources Committee's approval of the Full Business Case.

The States' Greffier: Billet d'État XIII – Article IV – the States' Trading Supervisory Board – Guernsey Airport Baggage Screening System Upgrade.

5 **The Bailiff:** I invite the President of the Board, Deputy Ferbrache, to open debate.

Deputy Ferbrache: Thank you very much, sir. What I would like to do at the very beginning as well is introduce the amendment to the Propositions which if successful would add three further Propositions, and that is seconded by Deputy Le Tocq. I do not mind if it is not read, I do not mind
10 if the Greffier reads it, I do not mind if I read it. It is a matter for your good judgement.

The Bailiff: If you are content, Deputy Ferbrache, that it does not need to be read, that is fine.

[Amendment 1](#)

To add the following propositions:

"3. If Proposition 2 is not approved, to agree that the project to upgrade the Guernsey Airport Hold Baggage Screening system in accordance with Short List Option 2 (as set out in Table 4) shall be separated into the following two separate phases:

- Phase One being the urgent requirement for the installation of two new baggage scanning machines and replacement of the conveyor system within the footprint of the existing terminal, which has a maximum cost of £5.5million, including a risk and contingency amount of £720,000; and
- Phase Two being the extension of an area of the terminal building to accommodate an extension to the conveyor system and replacement of the main carousel, which has a maximum cost (at 2020 values) of £7.5million, including a risk and contingency amount of £1million.

4. If Proposition 3 is approved, to agree that the cost of Phase One of the Guernsey Airport Hold Baggage Screening system upgrade is funded from a capital vote charged to the Capital Reserve, with a contribution of £150,000 from the Ports Holding Account, and

- i. To approve the sum of a maximum of £430,000, charged to the capital vote for the Hold Baggage Screening System upgrade, to fund all necessary steps for the development of the design stage and proposals for the procurement of Phase One of Short List Option 2; and
- ii. To delegate authority to the Policy & Resources Committee to increase the capital vote for the Hold Baggage Screening system upgrade project, to a maximum of £5.5million including the element of the risk and contingency amount of £720,000 which is considered necessary following the design and procurement stage, subject to the Policy & Resources Committee's approval of a Full Business Case.

5. If Proposition 3 is approved, to note that Phase Two of the project to upgrade the Guernsey Airport Hold Baggage Screening system will be submitted as a project for prioritisation, including consideration of a suitable funding source."

Deputy Ferbrache: Thank you very much, sir.

This is a policy letter that is entirely regulatory led. I am sure I speak for my colleagues on the
15 STSB, and I probably also speak for those on Policy & Resources as well, when I say that none of us really likes having to recommend to the States that we spend a lot of money. And it is a lot of money, because if we just do the first bit of it, that is still going to cost £5.5 million. If we do all of it now, albeit in stages now, that is £12 million. If we defer it and do stage one now, the £5.5 million, and do stage two later on, the overall cost is £13 million. That is a lot of money.

20 As Deputy de Lisle rightly said in the last States' Meeting – and it is a principle I think all of us bear in mind anyway – we have got to tell the public the truth. The truth here is that we have no

option but to do it. We are absolutely obligated to do it. There is no choice. It is a matter of whether we do it in one big chunk or we do it in two smaller but still expensive bites.

25 The necessity for it is really set out, if we start with the Appendix 1 to the policy letter, which is the letter from Mr Lazarus who is the Director of Civil Aviation, and he wrote to the Head of Aviation Services at the Airport on 14th February. After the heading, he says:

As the Director of Civil Aviation and as such, responsible for aviation security and safety matters in the Channel Islands, I write in respect of Guernsey Airport's requirement to upgrade its Hold Baggage Screening (HBS) Explosive Detection System in order to meet current regulatory compliance.

You will of course be aware that the United Kingdom Department for Transport (DfT) wrote to all UK airports in mid-2014 to advise of a requirement to upgrade to standard 3 HBS screening equipment by 1st September 2018. Guernsey Airport is classed as a UK 'Domestic' airport for the purposes of aviation security regulation and to that end the standards that apply are common throughout the UK and include the Crown Dependencies.

I understand from updates received from you and with engagement with the Head of International Aviation Security, Policy and Regulation at the UK Department for Transport (DfT), that Guernsey Airport has sought an alleviation and is proactively engaged with the DfT and the Civil Aviation Authority to agree a further extension date for the implementation of a compliant solution to this requirement.

I am therefore writing to confirm the necessity for an upgrade to Guernsey Airport's Hold Baggage Screening Explosive Detection System (HBS EDS) to Standard 3, in order to meet regulatory compliance. Please ... keep this office apprised of progress ...

30 Well, the officers have done that, and you will note that the date was originally given there was 1st September 2018. They have managed to get an extension to 1st September 2020, so we have managed to get further extensions, but it is still nowhere near. In fact it has not been complied with at all.

35 Now I am informed, to give Members of the States an update, sir, that as has been said, all the airports across the UK, Crown Dependencies and Europe are mandated to meet a deadline to install this equipment. Europe has been given slightly longer than the UK, but our officers are in almost weekly contract with the UK regulator.

40 The regulator has indicated that if funding is accrued by the States at this meeting, they may – and I highlight that word, they 'may' – be willing to extend our permitted time, which currently is September, to a date until 1st March next year, so we may get a six-months extension. But this is not guaranteed, and neither is it certain, so if the States decide not to approve these proposals, there will be a significant disruption to passengers, when and if additional checks are mandated by the regulator.

45 As I say, he has requested that after the deliberation of the policy letter and this amendment, our officers will need to update the regulator as to the approved way forward. Let me deal, at this juncture, also, with Alderney, the Harbour and Guernsey Border Agency because naturally I think questions might in the course of this debate, or as a result of this debate, be asked – reasonably so – in respect of those bodies.

50 Just before I do, let me again emphasise, this is not a wish list proposal or policy letter. This is an absolute requirement. Air connectivity and our Airport are absolutely fundamental, not only to the well-being of Islanders who enjoy in normal times, being able to travel from the Island to visit family and go on holiday, but also to our tourist offering, our business community, it is an absolute essentiality.

55 We have actually had an airport since 1939 in this place, and we remember all those, as they were in those days, elderly gentleman, with their white moustaches, those gentlemen came across from the Air Ministry when the Airport was opened just in time for the Germans to take advantage of it several months later. Of course, passenger numbers have fluctuated and that, again, we will come back to, we will talk about later on.

60 Some years ago we reached the zenith of just over 900,000 passengers per annum at the Airport. That dropped in 2018 to just over 800,000 per annum that recovered and there was a 6% or so improvement last year. We would have hoped to at least maintain those figures this year if it had not been for this dreadful pandemic.

65 Anyway, I said that I would deal with Alderney, the Harbour and the Guernsey Border Agency. Harbour regulations are different. There is no urgent requirement for changes to security provisions at the Harbour. As to Alderney, the Airport is not captured by what is called the National Aviation Security Programme, so there is no requirement for any security upgrades. The accepted light security measures are fully supported by the Office of the DCA and Bailiwick Law Enforcement, following reviews carried out in 2018 and 2019.

70 The Airport has recently engaged with Guernsey Border Agency over its potential use of the new equipment. The GBA already use what is called the out of gauge X-ray machine to examine arriving baggage on an *ad hoc* basis, and the Airport and GBA will continue to work together to ensure that the enhanced imagery can be used for law enforcement and detection purposes.

75 As I say, now I turn to the Propositions and the amendment that we have just looked at. The position is that although this year hopefully is not a complete write-off, hopefully something will happen in due course, but air figures have been severely dented, they are not going to be recovered. They are not going to be anything like they were last year. They are going to take some time to recover. As I say, that is all down to Covid.

80 But Covid will pass, and although it will take some time for people to get used to travelling again, they will eventually travel in their hundreds of thousands again, via our Airport. We will be debating later in this meeting the Revive and Thrive recovery strategy, which is ambitious, bold and achievable. It is positive, as we should be, and it looks forward to a future, whereby life will return to normal and indeed, better than it has been. I am one of the subscribers to that policy, and I believe it is achievable.

85 What we would like to not do is spend any of this money – whether it is £5.5 million, £12 million or £13 million – but as I say, we have got no option. If we do not, the consequences will be severe. What will happen, if the regulator thinks that we are not getting on with it, is that 10% of our hand baggage will be searched. Just think about that.

90 That would have two initial consequences – they are not mutually exclusive – one of which will be that people will have to check in earlier. One of the beauties of Guernsey Airport is that you do not have to check in as early as you do at any other airports, but if life has to change in that regard, that is not the end of the world.

95 But secondly, it takes time for people to physically check 10% of the bags, and that will inevitably mean, the knock-on effect, almost certainly, is that air times will be ... instead of travelling at seven o'clock, you will travel at 7.15 a.m. or 7.30 a.m. The airports into which we travel are busy, or they will be busy –

The Bailiff: Deputy Ferbrache, I am sorry to interrupt you, but Deputy Mooney wishes to raise a point of correction.

Deputy Ferbrache: Yes, sir.

100 **Deputy Mooney:** Yes, I do apologise for the interruption, but Deputy Ferbrache said hand baggage. I think he actually means hold baggage.

Deputy Ferbrache: Yes, he is absolutely right.

105 **The Bailiff:** Deputy Ferbrache to continue.

110 **Deputy Ferbrache:** Yes, sir, sharp as ever is Deputy Mooney, and I am very grateful for that. Hold baggage – he is right. But that makes it even worse, because of course, hold baggage is ... they will have to take it into the hold, it will have to be looked at – you can imagine the delay that will occasion to flights.

But it will not stop there, because if we still do nothing, the 10% will become 20%. Then it will become 50% and eventually we will be deemed a non-compliant airport, and there will be no

travelling at all allowed into these other places, so their aircraft will not be able to come here; our aircraft will not be able to go there.

115 What the magnificent and late Deputy Kuttelwascher said was that the main purpose of having an airport is so that it can allow the residents of the Bailiwick to use it – to go on business, to go on social affair business, to go on holidays. I agree with him absolutely. He was very wise and knew this matter far better than I do.

120 But also it is lifeblood for our community. We have to have a vibrant airport. If we are a first rate, which we are, finance centre we have to encourage efficient air travel. If we are a first-rate – and I think extra-extra first-rate – international class place to come for your holiday, we have to make sure we have an active and vibrant airport. So these requirements are not wish lists; they are absolute requirements. Therefore, I ask the States to approve them.

125 Let me express my own view. I believe that the unanimous view of P&R and STSB is that as a backstop, the amendment, which introduces three further Propositions should be approved and I think that is the view of P&R. I fully accept that P&R are under considerable pressure with the finances of our Island. They were before – there is only so much money – but now, with the massive loss of revenue that is going to be occasioned by Covid, and the fact that going forward we are uncertain, certainly for the next year or two at the very least, and probably beyond then, they want
130 to be conservative.

So I understand that. We are all in favour of Propositions 3, 4 and 5, but what I am asking is that the States ... What I will be voting for is Propositions 1 and 2. If those fail, or Proposition 2 fails, I should say, then I will be voting for Propositions 3, 4 and 5. So those are my opening remarks.

135 **The Bailiff:** Deputy Ferbrache, as you are placing Amendment 1, I am going to invite Deputy Le Tocq if he formally seconds it.

Deputy Le Tocq: Thank you, sir. I so do.

140 **The Bailiff:** I am going to invite Members to approve Amendment 1, which will add Propositions 3, 4 and 5, effectively without debate, because it is just an opportunity then to vote, as Deputy Ferbrache has just said, either for Proposition 2 or, if Proposition 2 does not carry, for Propositions 3 etc. If anyone is desperate – I see you are all busy voting – to speak on the amendment, then I would do so.

Members voted Pour.

145 **The Bailiff:** Thank you very much. I am going to treat that, Members of the States, as the amendment duly carried *aux voix* which will enable all Members to speak on all five Propositions now. Thank you. The first name I have spotted who wishes to speak was Deputy Merrett, to be followed by Deputy Laurie Queripel.

150 **Deputy Merrett:** Thank you, sir, for calling me.

On 3rd April I contacted STSB President Ferbrache, as I had some observations and questions regarding this policy paper. I assumed correctly, sir, that the States' Meeting in which this would be debated would be a virtual or remote one and so it is.

155 So I thought it prudent, sir, to engage with STSB as far as possible, because I believed then, as I do now, sir, that virtual debates are more easily conducted with shorter speeches and less questions to try to respond to, very much in line with the reading policy papers, researching, responding and reacting, especially policy papers of this nature, sir.

160 My concerns and observations were in light of the disruption that the coronavirus – and I am going to refer to that as C-19, as that is a lot easier – might bring to our community; the time it may take to rebuild our communities and communities around the world, but specifically the UK and

Europe – how they are going to rebuild their economies. and also rebuild our confidence in travelling.

165 With this in mind, I questioned STSB to determine if they were still convinced that the vital data that was used in informing the options they were proposing was still valid. So basically, sir, I am talking about the forecasting figures. The policy paper indicates the amounts of the passenger numbers and the so-called baggage numbers and peak periods, the forecast of future passenger numbers between 2019 and 2029.

170 Those forecasting figures, to me, are imperative in assisting determination of the preferred option and I assume was a founding stone of decision-making. So I asked do we still honestly expect a future growth of 1.5 million passengers per annum within the timeframes used in the modelling? It is arguable that those passenger forecasts are now in doubt as the economic and social recovery may have a huge influence on passenger numbers.

175 Further, as we are now forced, we are under Law actually, we are now to have virtual meetings or a remote meeting, it may also impact how many business travellers, many working people, in the future, choose to conduct their business. So we have to consider realistically in the future how many we actually expect to physically land on our shores as other businesses adapt and rely on virtual technology.

180 Recessions, sir, especially global ones, usually see decline in leisure and social activity. Obviously, that includes travel. To be honest sir, with climate change and emissions being a consideration of many travellers, I ask does the STSB honestly believe that the kind of growth forecasted is still realistic now? Notwithstanding, sir, for one moment there is an Island community that would always wish to have the most affordable connectivity across the water. Of course, sir. Affordable connectivity.

185 Now the preferred option pre C-19 is based on a minimum bag throughput which, post C-19, could dramatically change. I fully accept that these are assumptions but assumptions and forecasts are what STSB have based their deliberations and determinations on. So I asked is there any merit in considering re-modelling?

190 I asked because I have grave concerns about the future demands on our Capital Reserve and allocating £12 million in our current economic climate does not sit easy with me. I have said before that we really do need to assess what we are spending our money on in regards to capital expenditure, infrastructure projects, that can support our community, Revive and Thrive, socially, environmentally and economically, and not just continue as business as usual.

195 I do not have access to the breakdown of costs but I asked if it could be considered, for example, to extend the air terminal building to accommodate the two new hold baggage screening systems and by doing so, in my mind, future-proofing the footprint of the terminal building, but only purchase one new baggage machine in the shorter term, using the already purchased Standard 3 machine as a replacement in the interim for a second new baggage scanner.

200 I appreciate that this will not allow the bag throughput that was predicted of 580 bags per hour but it is arguable that there is now some doubt on the modelling that was done. Table 3 does not present an option of one machine with extended footprint. I understand why but, in light of where we find ourselves, I have asked might that be a stepping stone to the preferred option.

205 Option 2 in table 3 considers accepting that the regime of hand-searching of bags, how it is likely in future months, sir, that we may have an excess of labour but not an excess of huge amounts of money. Now it really does appear to me, on the predicted air passenger figures, which I still believe need reconsidering, it appears to me on one machine or two, however STSB did not go down that route. Instead they have gone down the route of the amendment, which will do it in two stages.

210 I appreciate that there has been some movement on their original Proposition. I appreciate the amendment that has been made. But of course that concerns me because of the all the costs, the predicted figure, of an extra million. So rock and a hard place comes to mind.

In 2.14. in the policy paper, it advises us that the asset would have a life of at least 10 years, but I am unsure as to how has the determinant determined. Because my understanding is that this

change has in part, has been determined by this EU directive, something that we have, as Deputy Ferbrache says, no or little control over.

215 Now Proposition 2(i) refers to a maximum of £655,000 to fund the necessary steps and development of the design stage. Now 2.16 gives us a really handy breakdown. I love papers like this, they give me as much data as possible. The costs involved could make or break a local company – £655,000 – in the coming months. So I asked the President was he able to give me any assurances that local businesses will be given any beneficial or preferred bidding status outside of
220 the normal procurement process margins. This to me is something I believe strongly we should take into account in the coming months.

Now, pre-C-19, this policy paper would have been a nod-through and I had every intention of supporting it. But now the goalposts have drastically changed. We could comply, this is my understanding sir, with the EU directive for far less and give ourselves breathing space to start to
225 understand and model for the post-C-19 world.

I am also incredibly frustrated and I am very concerned that a 600k Standard 3 CT scanner was purchased and funded through the Ports Holding Accounts. I do not know if it is even unwrapped. It is now considered it is no longer acceptable. Yes, it may have some re-sale value but I would
wager not for the value of the price we paid.

230 Now, through the followed advice before, we have gone and purchased a machine before, clearly under the value of the threshold of coming to this Assembly. But that has now been deemed unacceptable. So why would I just blindly follow advice again but this time to the tune of potentially £12 million?

This is not from the Ports Holding Account savings, it is funded from the Capital Reserve. So
235 then we have to ask ourselves how much is in the Capital Reserve and, it is not going to be paid back from the user-pays model. I understand why, because ticket prices would obviously be higher, I understand that, but it will be paid from general tax revenue. So we will all be paying for this, even those who cannot afford the luxury of flying anywhere.

So why is it we do need to comply with EU regulations? The EU regulations emanate from a pre-
240 C-19 world. We have already had an extension to the deadline for regulatory compliance. I understand this. But we already have a 600k machine stuck in the hangar at the Airport. The why is to have a good speed of output for baggage handling for our peak flights. Hence two machines. For example, our red-eye flights, but all other forecasted figures, all of them, are pre-C-19.

Arguably we could build the infrastructure, the extension, to the actual Airport building that
245 arguably could benefit our local construction industry. The capital expenditure of our physical infrastructure but purchase one machine and use that one first and the one from the hangar in the actual terminal building – obviously put both in the terminal building – for our peak flights, if needed, until we rebuild our passenger figures.

Now there is a counter-argument, there always is sir, that the Airport is quiet now, so less
250 disruption, so do it now. But the counter-argument again is that we do not actually need it now and we might not, arguably, need it for some considerable time. I am talking about two machines. I clearly recognise the fact we need one machine, I clearly recognise the fact we need a back-up. My understanding is that the one in the hangar in the Airport could potentially be that back-up.

Now, I do not believe that any of this is being negative or talking down our economy, but it is
255 simply realism of our post-C-19 world. We simply do not know what aviation will look like. We can be confident that our community will wish to travel off-Island but we know that we need incoming passengers to make frequency and affordability viable for the majority of our community.

Now, I will give you a little comparison. Some jurisdictions, some counties, some cities, built what
260 we now commonly call Nightingale hospitals in their preparations for C-19. Some have sadly been used to full capacity. Some have not been used, hardly, at all. Some, if at all. All built with the best intentions but perhaps not all built with the best forecasting.

So I might have a little protest vote against this today, sir. I know I might be the only one. So be
it. I will give you a very simple analogy. Our dishwasher broke a couple of weeks ago. Notwithstanding that all our hands were already pretty dry from all the washing whilst singing

265 *Happy Birthday* and by doing so following public guidance – also taking into regard we have noise
pollution laws, so my neighbours were protected from my singing, I digress there, sorry! – so our
dishwasher broke but I have always considered it to be a bit of a luxury anyway. Having clean
running water is arguably more important and we have washing liquid, so we can still clean our
dishes. Yes, it takes longer, but our choice we have is do we buy in a dishwasher. I believe it is only
270 10 years old. We have tried to have it repaired and again but it has come to the end of its life.

Do I go out and buy a new dishwasher to aid the expediency of my washing up? But I would do
that in the full knowledge that we may also need to purchase a new fridge freezer soon, as it is also
archaic and falling apart. So, arguably, being able to store food like milk, is more important than
having the luxury of a dishwasher.

275 So why this analogy and why do I even mention milk? Well, because like us, sir, the public purse
only has so much money. Of course, like us, we could go into debt to purchase both but do we
need to when we can wash up? Yes, it will take longer but it is what we can or cannot afford. So
should we invest in this, which we know, when we know one machine and the retention of one, the
brand new one I have already alluded to several times in the hangar – one to meet EU regs, but it
280 may take some flights longer to process their baggage, and I think primarily my understanding is
that would primarily be the red eye flight. Of course that was only for those who can afford it.

Or do we invest in the Dairy, which arguably could benefit all of our community? Now, the Dairy,
in my mind has environmental and social benefits. The bag machine, arguably sir, has a weighting
more towards economic than social benefits. To me, without a review of the capital portfolio, an
285 assessment of our finances, I am going to really struggle to support this policy paper.

I appreciate it may just be a protest vote but I will struggle to support it in its entirety, although
I am more likely to support a dairy. So faster bags or a dairy? Faster washing up or a fridge? This is
not because I do not wish for our community to Revive and Thrive. Maybe I wish it to thrive and
strive. But I strongly believe that we should not try to carry on with business as usual, that we need
290 an holistic plan, one that takes into consideration all of our capital projects, one that strives – I am
going to say thrive and strive – for the common community aim in place.

So that is the balance of our social, environmental and economic policies. Now, sir, I am not even
for one moment not appreciating how important our economy is. Our economy is clearly an enabler
to ensure we are able to have social and environmental benefits or policies for our Island to enjoy.
295 But it is the balance, is it not? I listened intently to what Deputy Ferbrache said. As I said before,
C-19, I think would have been nod-through stuff, but I would argue do we need two machines
straight away? Could we use the one in the hangar?

These questions have been posed to Deputy Ferbrache. I know I do not have to give him any
pre-posing of questions but I am absolutely certain he will answer them when he sums up. I hope
300 Members and our community can understand why I may feel that a protest vote is the only way I
can go with this, because I do not believe we really understand all the demands on the public purse
and we have not, in my opinion, revisited that in the post-coronavirus world – well we are not
actually post it yet, are we sir, but I am sure you understand what I mean.

We do need to look at things we forecasted prior to that, passenger numbers. I want to rebuild.
305 I want the passengers to come but I also want our community to be able to access other things on
daily measures, for example like milk. I mean, come on. I will listen to summing up and I did try to
keep it short and I did digress, for which I can only apologise. Thank you, sir.

The Bailiff: I am going to call Deputy Laurie Queripel next. To be followed by Deputy Green,
310 Deputy de Lisle and Deputy Gollop and then some others. So, Deputy Laurie Queripel.

Deputy Laurie Queripel: I appreciate you calling me, sir, thank you.

I have got one main question and Deputy Merrett has touched on that to some extent, and a
couple of other queries and observations. But my first question is a genuine one and it is something
315 that Deputy Merrett alluded to and it is this and perhaps it is not Deputy Ferbrache to answer this,
perhaps it is somebody from P&R.

320 How can the Capital Reserve be accessed for this? That is what I have got in my notes. Where, if you take all the other occasions into consideration from the Capital Reserve, as opposed to what has been or has not been drawn down, it seems to me there is not a sufficient amount in the Capital Reserve.

325 So what will be de-prioritised to free-up funds and how will that happen? Somebody might say to me actually there is enough in the Capital Reserve to cover this, but bearing in mind, actually, in recent debates, there has been even more allocated from the Capital Reserve in regard to the Patient Record System, etc. I do wonder exactly how much is left in the Capital Reserve when you consider what has been allocated. Not drawn down but what has been allocated.

If there is not enough when you take into consideration what has been allocated, what will be de-prioritised, what project will be taken out and in order to realise the money from the Capital Reserve needed for this project? I just wonder if someone could address that, whether it is Deputy Ferbrache, if he is able to, or somebody from P&R.

330 It seems to me, sir, if there is not enough money left in the Capital Reserve that has not already been allocated, if there is not enough left in the Capital Reserve, then some other form of funding will have to be found. Now, if we look at 6.5 of this policy letter, it talks about the fact that a loan facility has already been ruled out because of the effect that might have on the cost to the Airport and then the onward cost to passengers.

335 But if the Capital Reserve cannot be used, borrowed money might have to be used anyway. So in any case that would mean that interest would be incurred and there would be some cost to the Airport. These are issues that I am struggling with at the moment. I am genuinely not clear on how this will be sorted out if this project goes ahead, so I would like some input on that, please, sir, or some explanation of that, from someone, so I can be clear on it.

340 Deputy Merrett has touched on this as well but 7.2 of the policy letter seems to refer to what might be termed as a make-do option. There is an option that could be used in the meantime. I would just like Deputy Ferbrache or somebody from the STSB to explain how long that option will be viable for, bearing in mind that passenger numbers, it seems to me, will be down for quite some time.

345 I appreciate the inconvenience that might be caused and it is not the best way of doing things, but I think in some regards, we have to have a sort of make-do approach over the short to medium-term future. So that make-do approach, or that other option, not the optimal option – I appreciate that, but it sounds like a workable one – how long would that be viable for in regard to the circumstances that we currently find ourselves in and may do for quite some time into the future.

350 So, just a couple of questions, on the state of the Capital Reserve, how money will be accessed from the Capital Reserve if it is not available at the moment, what re-prioritisation process will need to take place in order to do that and, if not, if borrowed money is going to be used, surely then that means that there will be a cost, anyway, to the Airport and to passengers that will use the facility.

355 I just wanted to turn to the amendment quickly, sir. You did mention, and I took your advice, that we should vote it through so we can have all the options on the table to debate them and then vote on them later. Now I understand where the amendment is coming from but in a way it does seem to be the worst of all worlds. Because it actually prioritises non-local spend.

360 The local spend is in phase two, I would imagine anyway, whether the extension to the Airport is done, hopefully local contractors will be used for that. But actually the phase one seems to be prioritising non-local spending. How does that fit in with the Revive and Thrive approach that we are meant to be taking as a Government, as an Island, in the coming months and years? So, just a few queries and observations, that I hope that they can be addressed by someone in order to inform my vote on this issue. Thank you, sir.

365 **The Bailiff:** Deputy Green.

Deputy Green: Sir, thank you very much. I start by saying I totally accept that we have little choice in this respect. As Deputy Ferbrache said, in opening, it is absolutely fundamental that we

370 agree this, on the basis of the regulatory requirements. There is not a great deal we can do about that.

Nonetheless I do have some observations to make. I note, in relation to the amendment, the Rule 4(3) information does tell us that if the States ends up supporting the amendment, the object of which is effectively to split the project into two phases, that information tells us that there would be an increase to the total cost by a maximum of £1 million. I do think that is something that States' Members need to be particularly aware of if they are going to, in effect, chop the project into two. The financial implications of doing that are, on the face of that amendment, it will increase the total cost by up to a maximum of £1 million.

380 The other kind of introductory point I wanted to make was actually made by the vice-president of the Scrutiny Management Committee just before me, which is this point about by effectively putting back the second phase, the area where the local community, the local businesses, the local industry could benefit from, would not necessarily have that opportunity in the immediate term or in the shorter term.

In other words, the extension to the terminal building potentially would have more benefit and more of a beneficial kick to the local economy, to the local industry. Deputy Queripel made the point adequately: how does that fit in with the recovery plan that we will be speaking about later on in this sitting of the States?

I do have a number of questions that I wanted to raise, primarily based on the policy letter before the amendment emerged. The first question arises from what was in paragraph 2.17 and the question really was it would be quite useful to know what proportion of the project budget is or was likely to be represented by on-Island construction work, as opposed to the purchase cost of the equipment itself. So that is the first question.

395 The second question I had was there is a reference in the policy letter to the 'Guernsey Airport Passenger and Baggage Strategy 2019-29'. I cannot remember having seen that document publicly. The question on that is very simply, is that a publicly available document or is that something that could be made public in due course? I do not think I have seen that document.

400 The third question is, on the Propositions as unamended before the amendment was passed, the project, or rather the proposal was to approve the project on the basis of the strategic outline case to delegate authority to the Policy & Resources Committee to approve all further steps, including the outline business case, presumably the full business case, I think it is worth just emphasising and illustrating that point because that does perhaps represent a very significant level of delegation of authority that was originally being asked.

Possibly a greater degree of delegation of authority than we have actually seen before. Not so much on the money but on the actual steps that we were effectively going to be delegating. I make that point in a neutral way and I will be grateful for others to perhaps comment on that in terms of whether they think that is a good thing or a bad thing.

410 The next point, sir, I think it is again in paragraph 2.7 of the policy letter. There does appear to be something of a change of policy, or rather there was a change of policy in 2016, I think, when the decision was taken that the responsibility for future funding of capital equipment was taken back by Guernsey Airport, rather than being left with the security contractor and recovered through the security charge levied against all passengers. So the question really was how, if at all, does Guernsey Airport intend to recover these funding costs, going forward, as referred to in paragraph 2.7.

415 The next point sir follows from paragraph 2.16, because if that says that the replacement piece of equipment purchased in 2018 was not fit for purpose, what is the likelihood of the Airport being able to realise any re-sale value on that? Or would it not be more realistic to accept that the cost of that £600,000 should be in effect written off and added to the project costs of this?

420 Just a couple more matters, sir. Paragraph 4.18, in that it is stated that the preferred option will provide a system that will be future-proofed to account for increased passenger numbers and I endorse the points made earlier about the fact that all of the forecast figures in this policy letter were done in the pre-coded world and clearly there will need to be some revisiting of that. As I say

the preferred option was to provide a system that will be future-proofed to account for the increased passenger numbers.

425 But table 2 on page 11 states that the second critical success factor is an objective that the system must be capable of processing 580 bags per hour and on page 14 it states that option 6 will allow for the minimum baggage throughput of 580 bags per hour. But on paragraph 4.8, I think it is, on page 10, it is stated that in order to accommodate annual passenger numbers of 1.2 million, the system would need to be able to process 636 bags an hour and that to allow for future growth it would be able to process 850 bags an hour, which is the correct projected success factor that will provide the promised future-proofing that this is all about?

430 There seems to be a number of different figures there in terms of bags per hour and some greater clarity would be quite helpful. I am also going to ask this question, what impact does a possible extension of the runway and the introduction of potentially larger aircraft have on that processing capability?

435 Just one final matter, paragraph 4.17, says the costs indicated for the project do not include operational expenditure costs, including maintenance, over the 10-year lifespan of the machine. It does not include things like critical spares, utility costs, and support costs. I just wondered how are such costs included in the annual depreciation costs over the 10-year lifespan, how are those going to be recovered if not through passenger charges?

440 I do underline my speech by endorsing the point that I think Deputy Merrett made, which is that clearly this whole project is based on pre-Covid-19 assumptions as regards to passenger numbers and at some point those are going to need to be re-thought. Thank you, sir.

The Bailiff: Deputy de Lisle.

445 **Deputy de Lisle:** Thank you, sir. As Deputy Ferbrache stated, it is a regulated requirement, something that needs to be done. But one machine satisfies the regulator and that is currently in stock under option 1, the £1.5 million to £1.8 million alternative. Very little was stated about that option. This option entails installing the already purchased hold baggage scanning machine as a direct replacement of the current in-gauge machine. The option would largely use the existing area available in the baggage outer area of the terminal building, utilising the existing conveyors and carousels, although some significant reconfiguration would be required. But it does not involve the wholesale replacement of the existing system.

455 Now, while one can argue that the operational benefit of option 2 is greater, resistance and reliability better, option 2 requires extension to the airport building. While the amendment would defer part of the project to a later date, it still means a phase one £5.5 million investment to take out and replace with two machines and delays £7.5 million investment in phase two to a later date.

460 The £5.5 million investment in phase one will not provide any additional baggage handling capacity when compared with the current throughput, we are told. So, do we need to subject the exchequer to such a huge investment at this time? We are at a still-stand at the Airport currently and to get up to pre-existing levels will take time. I would prefer that option 1, a one machine solution costing £1.5 million to £1.8 million, is supported, further than approving a gold-plated, Cadillac-style system.

465 Go for something less at this time and we go smart, sir. Passenger numbers have plummeted. It could take two to three years to recover or even more. The deficit at the Airport this year is £7.6 million, we are told, as an estimate; £2.6 million at the harbour. We need to be sensitive to the current financial plight we are in. This has not been fully realised yet. We need to recognise the huge cost of this project to the States at a very difficult time.

470 If, like the UK, the economy has shrunk back to possibly where it was in 2002, losing two decades of growth in two to three months, sir our focus must shift. The real damage is unknown. We enter a new normal, as revealed in Question Time yesterday. Option 1, at a cost of £1.5 million to £1.8 million, provides the answer to the regulator. It provides for the installation of a new machine.

It saves money at this difficult time, and can be added to when, in five years or so, we can see some turnaround in passenger numbers and growth in the economy.

Thank you, sir.

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Deputy Gollop: Hello?

The Bailiff: Deputy Gollop to be called next, to be followed by Deputy Inder and then Deputy Roffey.

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Deputy Gollop: Thank you, sir.

I had a disconnect for a second. I am glad to be following Deputy de Lisle because, intriguingly, all the speakers so far, apart from Deputy Ferbrache, have been Members either of the Scrutiny Management Committee and/or the Legislation Scrutiny Panel, which indicates that this policy letter has attracted a fair amount of interest, I think, from natural scrutineers of the States.

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I met up with some friends last night in relation to what Deputy de Lisle has just said and they said, 'We do not want the new normal. We want the old normal back again.' I suppose it is the old normal back again that is a theme of the message of this. That, far from losing air passengers, we will maintain current levels, eventually, if not enhancing them. Of course, Deputy Ferbrache has had the pleasure of overseeing, for the first time in many years, an increase in passengers at the Airport, after a period of decline.

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I remember back in 1999, when the new Airport was kind of in gestation, that the old airport was close to reaching a million passengers a year. Sadly, perhaps, we have not seen quite those numbers since. I would like to point out that it is interesting, some Members of the States, one thinks particularly of Deputy Trott, were a Member from the Board of Administration era, and of course they controlled and ran the harbours and ports, Ports Holding Account, and I think perhaps for over 20 years, they had effectively one chief officer and one president.

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But since 2004 and the changes we saw to our structure, we have actually had seven different presidents of the Airport, politically speaking. So we have seen perhaps a greater degree of change and, as Deputy Green and others, perhaps, have identified, changes of nuance and strategy here and there.

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Of course, I think the very essence of the States' Trading Supervisory Board is that it is not the return of the Board of Administration or return even of the Public Services Department, it is a new creature that has a more commercial approach and maybe that is one reason why we not only allow a ports capital project the flexibility to not come to the States if they are wishing to spend less than £2 million. But also, a degree of flexibility in terms of how they determine their charges and their commercial relationships with their service providers, that we will come onto in a minute.

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I agreed with a lot of what Deputy Merrett said. I think the projections of future travel are purely speculative and are there just to perhaps impress us with the capacity issues of the project, should those objections increase. I think both she and Deputy Green have identified one issue that the new States, certainly, needs to grab hold of. I think even the Institute of Directors would support this move. To look again at procurement and how best we can build back better to ensure the procurement process is faster, speedier, better value for money, perhaps more politically directed and also more locally orientated, so it very much feeds into the Channel Islands and, especially, the Guernsey economy.

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So I think those points are well-made. I would not entirely agree, though, Deputy Merrett made an analogy with utilities, her water utilities at home, and I suspect you sir and Members listening will not be surprised to know that I do not have a dishwasher and have not been that adroit at the whole business of plumbing dishwashing machines and indeed I do have a fridge freezer but sometimes the door does not work, which means my milk goes bad. So some of us have issues to cope with on the utilitarian front and maybe the Airport is in a must-have situation as well.

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I recall just a few weeks ago we had a significant debate on updating and reframing the medical records electronic scheme and I think Deputy Ferbrache made the point that, although he supported

525 the project, it was with a degree of reluctance, because it came to the Assembly at both a difficult time and at a time when the last date had reached a point where there was a real urgency.

That is exactly where we are with this and again one could question why this committee or its predecessors did not come a little bit earlier to the party with this because I think it is a must-have. I think that we do need to futureproof the project and we need to focus on the issues of bags per hour, but I do think that the project has seen a degree of mission creep, because a while ago it was 530 basically about one scanner, that Deputy Merrett identified, that was purchased, and now that particular scanner might have to be re-sold and replaced by two more robust scanners and also an enhanced carousel.

I would also draw Members' attention to 2.4, page 4 of the policy letter, in which it is stated:

The latest equipment required to be installed for hold baggage screening represents a significant step-change in technology. The devices now being specified are much larger and heavier than the devices they are replacing, they use slower scanning speeds and are similar to medical Computed Tomography (CT) devices, albeit set in a more 'industrial' environment. These changes have had a major influence on this project and limited the number of options for these upgrades. Consequently this has increased both the complexity and the cost of this project.

535 That is intriguing because we are used perhaps to the viewpoint that technology gets smaller. The classic cliché about how my mobile phone contains more power than a NASA computer in the 1960's. In this case, technology appears to have gone the other way, with slower, larger being the new norm. I am mystified about that but I presume it is because of the ever-increasing regulatory demands that are well outside Guernsey's control and are imposed on us. Not just through the good offices of the Director of the Civil Aviation, but international aviation, UK aviation and indeed 540 insurance and the need for passengers to travel safely.

So we are not masters of our fate in this respect. I thank Deputy Ferbrache for his speech because I think it contained new information that was not necessarily available in the report or at the presentation, which is that if we delay the project or put it into different stages – I have not fully made up my mind on that one – we will cost the taxpayer £1 million more and as Deputy Green 545 said, that is an important point to consider.

I accept the argument about resilience. I also wish to emphasise that there was a lot of negative publicity last year. I did ask questions about it myself. I remember Deputy Dudley-Owen became particularly interested in the concerns from an Economic Development perspective. Because we were seeing significant numbers of business people and other opinion formers getting stressed at 550 delays at the Airport through the baggage systems. We cannot afford that kind of attitude or situation or problem, which would impede our recovery and our strength as an international economy. So, I think the project is vital, not just for tourists but for our business community, as has been said.

555 Whilst agreeing with the scrutineers that there are some unsatisfactory elements to this project – the delay, the emergency element of it, the fact that we are given letters that are already two years old, suggesting we needed to do it as quickly as possible, perhaps the relationship to it within strategic capital planning and the escalation of the cost – I do think it is a very necessary project.

560 And if one turns back to paragraph 2.6 on page 5, you see there was an attempt to look at private investment of a similar model but one of the reasons that it was not followed was because it locked in a security provider, who came up with the cash, into a long-term contract, which was not necessarily in the best commercial interests of the Airport or, in a larger sense, maybe the air passenger user.

565 Because we forget that the security charge levied against all passengers stands at £2.35 for passenger movement. Jersey, our nearest competitor, is £2.09 and the Isle of Man is £1. Again, we are charging above our weight and we do not want to see that escalated with an expensive hand sorting system and so on.

We actually need to look at where air charges fit into our overall economic offering and the argument Deputy Dorey has sometimes made and Deputy Merrett made today, as to why people

570 should pay for air passengers when they cannot afford to go on holiday, has to be balanced against the enormous impetus that the Airport and the Harbour, too, provides to our overall economy.

Because I would conclude by saying that, on balance, I will support the entire project, including the accelerated timescale, rather than the in-two-parts solution because, despite Deputy Trott and Deputy St Pier making many powerful and brilliant, punchy speeches, it does not always seem to sink in to our community that our community is not a bubble of self-contained economics. We survive and thrive through the open market, through the finance sector, through the commercial sector, through the digital sector, through the hospitality sector to a degree.

580 The emphasis of any States of Guernsey should be on economic development. So when Members ask how can we Revive and Thrive and where does this fit into the picture, I am in one sense surprised because that document that we will debate later is not the most powerful document of action plans I have ever seen, but one key element of it is transport links and connectivity.

585 We cannot possibly Revive and Thrive without having the capability to maintain air services at the current or larger level. Somebody mentioned the late, great Deputy Kuttelwascher. Well, one of his ideas was maybe Guernsey would be better off if we had, from time to time, budget airlines that hopefully will have a future. Now, if we had for the sake of argument, EasyJet, that served our neighbour Jersey, they tend to have larger planes that require lots of luggage going through in a very short timeframe. That is another reason to build back better and actually support this project.

590 Maybe it could have been put in a better framework. Maybe the decision in 2018 to go for the initial scanner was not thought through as much as it might be and the project should have come to us a year or two back. But we are where we are and this has to be seen as a component of the Revive and Thrive package.

We are not short of capital, despite what Deputy Merrett said. We can borrow from an international finance sector or be financed in other ways, by high net worth individuals or commercial investors, to an enormous extent. What we do lack at times are skilled manpower. Because we do not want to become over-populated and we need to direct people.

595 Yes, I might not have been Deputy Le Clerc's best friend yesterday when Deputy Lowe pointed out that there have been technological issues in defining unemployment. But my overall argument there is that Guernsey needs to be very careful of giving licences and redeploying employees. We need employees to have high value jobs and for local individuals to have rewarding jobs. I think a technological solution here, rather than going back in time to searching baggage manually in an emergency, is the way forward. So for all those reasons, I urge the States to support the entire package Deputy Ferbrache has outlined.

600 Thanking you sir.

The Bailiff: Deputy Inder.

605 **Deputy Inder:** Sir, a very good speech by Deputy Gollop. Sometimes I wonder, surprisingly, if he should not be on Economic Development. One of the pieces I took from Deputy Gollop, he says it has not sunk into the community, the importance of connectivity. Deputy Gollop, I will challenge you sir, I do not think it is the community that is the problem, it is the Assembly.

610 I am extremely disappointed and surprised that some speakers are talking down tourism and the economy because that is what is happening. I am firmly in the Ferbrache camp that, as this Island bounces back, tourists will flock back to Guernsey and the Airport will be a key player. Our Island, its accommodation sector, events, the experiences, restaurants, hospitality trade, all of those people in such dire straits at the moment, will find its feet again.

615 Now, Members, you can talk down the economy, but I will not. We equate to something like 8-11% of the economy and I do hope the elected representatives recognise that because I distinctly find the feeling that there is some disconnect there.

620 This policy letter is exactly what is missing from the Revive and Thrive document. It is actually real action, real preparation and a real plan. Now yesterday Deputy St Pier invited Members to do a search on an internet website. Today I offer Members the same challenge. Open the Revive and

Thrive document, Control F and search for Airport. There are only three instances in that search and all are related to transmission of the Covid disease. Nothing about the importance of the building at all and obviously its runway. But we will get to that debate later and it will come as no surprise to Members, I have got some strongly held views on the value of that document.

625 Now Members this is a positive investment in our Airport and it is what is required. There is no point today dancing on pinheads over expenditure of kit for an industrial machine that is so important to our connectivity and downplaying whether we will ever get back to the positive passenger figures of around 900,000 that we were heading to. I am perfectly sure that we will get back to that point.

630 It is as simple as that. I think again Deputy Gollop touched on that. If we have no Airport we have no business. No business is no tax take. No tax take, no teachers, nurses, hospitals and extensions. I genuinely think Members need to get a bit of a grip. We may have been, we have all been locked down in this bubble with this world of fear, project fear that we have had over the past four months.

635 Now the economy is a trick of confidence. I have said it before and I just hope Members have confidence in our future. The same confidence that I have. To repeat a phrase, I think it was James Carville from the Clinton era, 'It's the economy, stupid.' Guernsey does have a gun to its head, via Covid, and also as Deputy Ferbrache mentioned, via regulation. But do me a favour, Members, let us not pull the trigger and please support the policy letter in its entirety.

640 Thank you.

The Bailiff: Deputy Roffey, to be followed by Deputy Prow, Deputy Smithies and then Deputy Langlois. So Deputy Roffey please.

645 **Deputy Roffey:** Thank you, sir.

I am, as Members will be aware, a new Member of STSB and I have to say I had a considerable shock when I joined that committee to be told that they were about to launch onto the world two policy letters containing a requirement for circa £37 million in capital requirements, which I knew nothing about, which seem to have gone completely below the radar and which were not included in the common ground of capital prioritisation that we decided upon a few years ago.

650 So I do not think, perhaps, over the past few years, the run-up to this point has been perfect and that is probably because STSB was a new creature and had three different Presidents in its first three years. That is all irrelevant now. We have to look forward. But it did take me by surprise ... (*Audio connection lost*) States' Members for also being slightly disgruntled, some of them, by the fact that this has suddenly come up in their face when, really, over the last couple of years they were probably not aware of it.

In this case, as Deputy Ferbrache has said, it is driven by the regulators. Obviously, the other project is the Dairy, which we will come to, I am sure, in an hour or two, when we have done this and abortion out of the way.

660 In the meantime I supported the amendment and I was strongly in favour of the amendment to make sure that this could move forward in some way. But I am not going to vote for phasing, I am not going to vote for phasing at all and for three real reasons, two of which have been mentioned by Members of Scrutiny, SMC, one other which has not.

665 The first is that phasing it will cost more money. It will cost up to an extra £1 million. Now I know we can get very glib with £1 million these days. We are going to borrow £225 million short-term, maybe another £250 million later on, long-term. We are talking about half a billion pounds, what is a million? Call me old-fashioned but I still think £1 million is actually quite a lot of money and it is worth saving if we possibly can and therefore that is one reason for voting against the phasing.

670 The other reason that has already been mentioned but I think was worthy of emphasising, is that the total £12 million cost of this project, or £13 million if it is phased, is split, basically, into money which is going to go unavoidably simply to specialist providers off-Island to provide the kit. Very expensive kit. Yes, Deputy Gollop, it has got larger. I know it is counter-intuitive, but the old scanners

were the size of a Smart car. These will probably be the size of a Transit van. We are not talking about marginally larger, we are talking about a lot larger.

675 But the first phase, if we phase it, would all go towards that. Whereas the second phase, which is increasing the size of the building to accommodate them, which is partly because they are larger and partly because the original design of the new Airport terminal, was a bit defective in this respect, that has to be said, that project should and surely will provide quite a lot of fillip for the local construction industry, which is exactly what we need at this time.

680 So it seems to me perverse in some ways to say let us spend the half of the money that will not really help the local economy, other than the Airport helping the local economy, but hold off on the other one.

The third reason, which has not been mentioned, is that this project is actually going to be quite disruptive to the Airport. Now, people have said that numbers have fallen off a cliff and they will recover over the next year or two. That is quite right. When is the ideal time to do the disruptive work that is going to have an impact on the workings of the Airport? It is exactly during that quiet time.

690 It is perverse to say, let us wait until it gets really busy again, that will trigger, we all have to confidence that it will get busy again, that will trigger the ideal time to cause disruption and actually do phase two of the project. To me that is nonsensical. Unless of course we believe we will never reach that and, as Deputy Inder says, if we are going to talk ourselves down to that extent then I can see the logic of phasing because you think phase two may never happen.

695 But if you have the confidence to believe that phase two will happen then this is the ideal time to do it, not in a couple of years' time, when the Airport is back up to normal usage. Talking about normal usage, because this project is not necessarily predicated on higher passenger figures than we have had in the past. Even before Covid, with the levels that are below the peak that they were, because we tend to have slightly fewer planes and slightly bigger planes, and therefore the throughput of baggage is in bigger dollops, if you like, the current system was already causing constraints and problems to the operation of the Airport.

700 Certain clients had to be told: no you cannot go at this time, you will have to go at a different time, because it is too close to another flight, which will actually cause problems for baggage handling. This was already actually becoming quite a critical issue, without even projecting any growth, which obviously was projected. But even without that, this would be useful.

705 Now Deputy Green asked about the impact of a runway extension. I have to say I am wholly unconvinced of the economic case for a runway extension, even more so, I think, after reading the report that was produced on it. But I know that many Members believe that it is justified and I would say to those that the prime reason for that is to surely allow larger aircraft to come into Guernsey and if you are in that camp then you must support this going ahead, without doubt, because this will become even more essential if that happens.

710 So those are my three reasons for opposing phasing. But I have to say I did have a more basic philosophical question when I first looked at this. Yes, it had to be done, the regulator said it had to be done, but did it have to be funded by the taxpayer? I come from a slightly old-fashioned school where I actually believe that probably our ports, ideally, should wash their own face.

715 I feel slightly uncomfortable in expecting the legendary Mrs Le Page, who is living out in Torteval on a fixed income and has not left the Island since 1989, to be subsidising through her taxation my Airport charges and making my flights off the Island cheaper than they would otherwise be, by basically taking some of the weight of the cost of the operation of the Airport off the user's back and putting it on the taxpayer's back.

720 Now, I know others who are absolutely the opposite. They feel that the Airport and the sea ports and even our carriers, are economic enablers and therefore, actually, if we can stimulate the economy through affordable travel, then actually that will generate more revenue than it costs and that the big picture says that actually there should be a taxpayer subsidy or taxpayer contribution to the cost of operating our ports.

725 That is an interesting philosophical question for the future but even I, even I as the dog-eared
supporter of the Airport washing its own face or the ports washing their own face collectively, have
to admit that at this time, over the next few years, everywhere in the world trying to get their
economies back up to speed after Covid is going to be going in the opposite direction to what I
suggest and are actually going to be making sure their connectivity is as good and as affordable as
it possibly can be for their community to try and get the revival that they are expecting. So I think I
730 need to park that argument until the next time that this equipment has to be replaced in maybe 10
or 12 or hopefully 15 years' time.

735 There were a couple of specific issues that were brought up. Deputy Green said should we write-
off the value of the machine that we have already got? No, we should not write it off because there
is a very good and realistic prospect of its resale. So I think it would be very premature and unwise
to write it off at this stage.

740 He was worried about the delegation of powers to P&R. Well, this is coming to the States now.
We are having a full debate. How many times do we want to debate it? Our current procedures are
there for a reason, that we should not really be a committee of 40. We should, of course, make a
decision at some stage during the process of whether this is the sort of project we want to support.
But to go through the detailed business cases, surely delegating that to the people with the real
ability and the *raison d'être* for doing that is far better than constantly debating it as an Assembly.

I actually the current procedures to that extent. I do not support them in many other ways, I
think they are far too onerous. I do not give way, Deputy Green is raising a point of correction sir.

745 **The Bailiff:** Thank you for spotting that, Deputy Roffey. Deputy Green, you have a point of
correction.

750 **Deputy Green:** Sir, thank you, and I am very reluctant to do this because normally points of
correction are fairly pointless, but I think it is inaccurate to say I was worried about the delegation
of authority. I think I made it quite clear that I was putting it in a neutral way but I wanted to
stimulate debate on that specific point as to whether it was a good or a bad thing. Thank you.

The Bailiff: Deputy Roffey to continue, please.

755 **Deputy Roffey:** Thank you, sir. I stand properly corrected and I do recall Deputy Green actually
saying that. For the record, I think it is a good thing. I think there is much wrong with our procedures
and they are too much like wading through treacle and it is no coincidence that we have done
almost no capital projects other than maybe the Waste Transfer Station over the last few years. But
the idea of delegating down the examination of the minutiae of business cases to a small group of
760 people charged with doing that and with the skills for doing that I think is a good thing.

765 Sir, this has to be done, it absolutely has to be done. In the current climate it has to be funded
by the taxpayer. So we are really down to the choice of either doing it in two phases, which would
be more expensive, more disruptive and give less help to the local economy when we really want it
or saying let us go to Plan A which will see the original policy letter, before the Propositions were
amended, by voting for Propositions 1 and 2. I think that is by far the superior strategy and I will be
voting for it.

The Bailiff: Deputy Prow.

770 **Deputy Prow:** Thank you, sir.

I have no wish to prolong this debate, so I will be as quick as I possibly can. Deputy Inder's
speech has been very helpful in that regard. He has spoken about the economy. He has spoken
about the need to have an Airport that is fit for purpose, so I will not repeat the points that he very
well made and I hope they are still ringing in everybody's ears.

775 I completely support the two Propositions. I do take Deputy Green's challenging questions around the capital project process, but I think they apply to very many projects. I think Deputy Roffey has to some extent dealt with that. What has made me rise to my virtual feet is some of the comments made by Deputy Merrett when she started to compare the X-ray equipment with her washing machine and comparing mechanical washing with hand-washing.

780 One thing that Deputy Ferbrache, in his excellent and very clear opening, perhaps has not raised and has not been raised so far in this debate, but first I would like Members to think about this. There is another value to this process and having this equipment, which goes beyond the requirements, which have been well outlined, so I will not go over them again.

785 When you sit on an aircraft and you are up in the air, you are actually sat above the baggage. It is very good to have the comfort that that baggage has been screened by the best, up to date equipment and that equipment which the professionals have deemed to be the right sort of equipment. So there is a security element that we all benefit from sir.

790 Indeed, when those who regulate airports in the United Kingdom or in the EU, one of their reasons for making the regulations is the realisation that security is only as good as its weakest link. So, it is not just about our ability to develop our economy by having a proper, fit for purpose Airport. It does provide adequate security.

795 The value of X-ray assets, a point that also has not been made, is that this kind of equipment can detect quite specific consumables, which a hand-check may not actually discover. These pieces can highlight the material that is likely to be a security risk, which is contained in quite a sophisticated way. So, sir, I would ask all Members to support the Propositions 1 and 2 and I think Deputy Green's questions, I hope will be adequately addressed by Deputy Ferbrache when he sums up.

Thank you, sir.

800 **The Bailiff:** Deputy Smithies, to be followed by Deputy Langlois, Deputy Lowe and then Deputy Fallaize. So Deputy Smithies please.

805 **Deputy Smithies:** Thank you, sir. Do we need a functioning Airport or do we not? That is a pretty simple question and my answer is yes we do. The next question: how do we meet the requirements for that happen? A pretty fundamental way, amongst many is by meeting the regulatory requirements for that to happen.

810 Now, how do we meet the cost of compliance? By funding it through the Capital Reserve. So, next, do we do the job in one phase or in two. My answer is simply in one phase, because it is cheaper and because delaying phase two would deprive local contractors of badly needed revenue, Revive and Thrive. Classic Keynesian economics. I urge the States to approve the earliest start on both phases put out in this policy letter.

Thank you, sir.

815 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, sir.

820 I could not help but think, whilst Deputy Roffey was addressing the Assembly, perhaps unfairly, of gunfire, in particular the way he emphasised that the decision is driven by the regulators. The last thing this decision is, is driven by the regulators. Option 3 in the policy letter is clearly described as being compliant with the regulations and obviously so is STSB's preferred option.

825 So, the decision is not driven by the regulator in any way, in other criteria used to make a judgement on these proposals. Now, option 3 clearly would allow the standard three machine already purchased to be used. In fact, the only serious downside identified, apart from the redundancy/resilience issue has been that option 3 does not allow the minimum 580 bags per hour rate to be achieved.

830 But 580 bags per hour was not the minimum it was the rate required at peak times in the pre-Covid world. Nowhere that I can see in the policy letter is it actually stated what the capacity of the Standard 3 machine we have already at the Airport, wrapped up ready to go, would be. It must have been the original intention of STSB to install that machine. In other words, I assume that their original intention was something akin to option 3, otherwise why would STSB have authorised expenditure of £600,000 from the Ports Holding Account?

835 Nowhere in the policy letter does it explain why the original option, which they took a long way, I mean £600,000 is not to be sniffed at, why they took that option through to such a stage and then change their minds when, as I said, it was not a regulatory issue, because what they were originally intending to do was obviously compliant with the regulations, so why are we now being presented with this enormous capital expenditure for what I can see is very little gain in a very uncertain world?

840 My preference would be for the States to reject all the Propositions and allow STSB just to get on with installing that Standard 3 machine that they have already purchased off their own bat. It must be, to me, the sensible way to approach this in a world where we have no accurate predictions of what is going to be happening. The optimism shown by Deputy Inder is just that. It is optimism and speculation.

845 I cannot see any harm in installing the machine we have purchased and then reassessing the situation in a couple of years' time. It is always going to be possible to build the extension and add another machine if that is really necessary. There is always going to be a way to do that and that could be borne in mind when the designs are produced for the installation of the machine we have already purchased.

Thank you.

The Bailiff: Deputy Lowe.

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Deputy Lowe: Thank you, sir.

855 At the very top of the plans that the States have approved, whatever title we call the plan these days, we have got right at the very top of our priorities to keep our Island safe and secure and that has to be paramount. I am disappointed to hear that some are considering that it is appropriate to take a short cut and not go ahead with what is being put forward by STSB.

860 It has already been mentioned about the Guernsey Border Agency and where does that fit in with these plans from STSB. The Airport Authority have engaged with the GBA in relation to the CT capability and have confirmed that officers will be able to access these facilities if required, with a higher level of examination available from the CT scanners.

865 The Border Agency predominantly focused on the importation of prohibited and restricted goods, as we know, and do undertake searches of goods and items being exported. The GBA do utilise X-ray machines daily within their primary area of deployment. But the GBA would welcome the availability of the enhanced scanning capability to complement their current working methods, as and when operationally required.

865 Home Affairs do welcome any proposed upgrade to the deployment of security equipment, which the GBA will inevitably utilise operationally when considered necessary. Whilst the proposed equipment will be located at the Airport, any suspicious items identified at other areas of Border Control can be transported to this facility for enhanced scanning.

870 So it just sums up for me to say that I really do hope the States will go ahead with this and ensure that, whatever we can do, we will maintain that our borders are safe and secure and I thank STSB for bringing forward this report and reflecting that that has to remain a priority to have our borders safe. I ask Members to support this please.

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Thank you, sir. My speech can be much shorter than it was going to be because of the points that Deputy Langlois has made. I am not certain I am going to reach the same

conclusion as him but I think he does raise legitimate questions, which Deputy Ferbrache needs to address when he replies to the debate.

880 The need for an upgraded system, clearly, is being driven by regulation, and it would be foolish for the States not to ensure that the operations at the Airport are capable of meeting regulatory standards so that the Airport can play the important role it does play and needs to play in the future, economically and socially.

885 But the exact scheme that is being proposed is not being driven by regulators. It is a policy choice. I am, I think, prepared to give the States' Trading Supervisory Board the benefit of the doubt that their judgement is that this is the scheme that is necessary but I do not think the policy letter explains why that is the case and I do not think Deputy Ferbrache explained why it was the case in his opening speech and I think I would be grateful if he could address that particular point in his closing speech.

890 I think it must really go beyond the optimism about growth in visitor numbers or airport use numbers. There must be some more solid, substantial reason for the States' Trading Supervisory Board asking the States to back the particular scheme that it is proposing.

895 The other point I wanted to make was, there are no amendments laid other than the amendment that Deputy Ferbrache laid, which I will come to in a moment. But there are no amendments laid to substitute one scheme for the proposed scheme. I do not think the States are going to vote against the Propositions so I think that is the scheme that is going to end up being approved and if that is the case splitting it into two phases is to me completely illogical.

900 I cannot really understand why Deputy Ferbrache got involved in the amendment that has added the Propositions at the end of those originally submitted by the STSB. He has introduced the notion of doing this work in two phases and then Members of his Board have told us in debate why it would be completely illogical to do it in two phases. I do not know why he, as President of the Board, felt it necessary to lay an amendment introducing the concept of two phases.

905 Once the States have established which scheme should be in place, or should be introduced, and once the States have established from where it should be funded, then obviously it is sensible to do it in a single phase because it is cheaper and it is operationally less disruptive. The only reason for splitting it into two phases, as far as I can see, would be if the States believe it may be possible to avoid phase two at a future date.

910 I do not think that the States' Trading Supervisory Board would want the States to vote in favour of this work being done in two phases, on the basis that it might be possible to avoid phase two in due course. I think these are the points which I am hoping Deputy Ferbrache will address and refer to and persuade me on when he replies to debate.

Thank you, sir.

915 **The Bailiff:** Members of the States, we have reached mid-morning or thereabouts. There are other Members who wish to speak, so I am going to propose that we now adjourn and take our mid-morning break, to wash our hands *etc.* and I will call Deputy Oliver at 11.15 a.m. So, 11.15 a.m., Members.

*The Assembly adjourned at 11.06 a.m.
and resumed at 11.15 a.m.*

**Guernsey Airport Hold Baggage Screening System Upgrade –
Debate continued –
Propositions carried**

The Bailiff: Thank you, Members of the States. It will be Deputy Oliver, followed by Deputy Mooney and then Deputy Parkinson.

920 **Deputy Oliver:** Thank you, sir.

I had a lot more to say on this but, actually, so many people have said what I wanted to say. But there was just one more question that I wanted to ask. I do not normally care what goes on in the UK or anything because I think Guernsey is its own Island. One thing that I did want to know was I think it was the CCA, maybe its Regulations, and said that by 2018 they all had to be done and they had given a sort of extension.

925 But have all the other airports within the UK actually abided by these rules and are they now compliant or have they actually just got extensions and they might not do the works. What I am worried about is that with some things that somebody hands out, saying you must do these works, people change –

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The Bailiff: Deputy Oliver, Deputy Merrett wishes to raise a point of correction.

Deputy Oliver: Yes, okay.

935 **Deputy Merrett:** I am sorry sir, sorry Deputy Oliver, through you sir. I think Deputy Oliver said the CCA and those regulations and, for the avoidance of doubt, it is not the CCA, it was the EU Directive, I believe, but it is certainly not the CCA, sir.

The Bailiff: Thank you. Deputy Oliver to continue please.

940

Deputy Oliver: Thank you. I take that point on board. What it was, though, was that I did not want us to change and spend a hell of a lot of money changing and then to realise actually that no one else has done it and they have said no we are not going to enforce that any more. Also, my second point is that I am not going to be voting for Propositions 3 and 4. I do not understand why the President has laid that amendment and why the States would actually want to pay an additional £1 million. I just do not understand that.

945

Thank you, sir.

The Bailiff: Deputy Mooney.

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Deputy Mooney: Thank you, sir.

My point is Deputies are not legally obliged to have a fridge or a freezer in their kitchen but the Airport has a legal requirement to have a proper infrastructure and a duty to facilitate growth. I do not want to see the queues that we have had at the Airport last year, which was off the baggage scanner breaking down, and we have had that for the past number of years. I do not really want to do a piecemeal job with the extra cost of £1 million. So I would, shall we say, urge people to support the original policy letter as in 1 and 2.

955

Thank you.

960 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

I can be just as brief as my colleague on Economic Development, Deputy Mooney. We absolutely must invest in our air and sea links and incidentally in our digital connectivity too, for reasons that I will set out when we debate the recovery strategy. This is an essential infrastructure improvement. As Deputy Roffey said, it is also the right time to make ... Covid-19 does indeed offer some opportunities and we must take them. So I hope Members will support this policy letter in its entirety.

965

970 **The Bailiff:** Alderney Representative Roberts, to be followed by Deputy Le Tocq.

Alderney Representative Roberts: Thank you, sir.

Airports and connectivity are essential for economic growth. Affordability and reliability to go alongside that. These upgrades are driven by compliance, that word that seems to drive us and cast us to a place dictated to by required bureaucracy. But we have to comply. This is Guernsey Airport, not Alderney, but it impacts on Alderney passengers for sure and I fully support it.

Watch your airport charges and landing fees and aim to be competitive in a world where Europe will remain cheap compared to us. As I have said, airports and connectivity are essential to economic growth and we need to hold affordability and reliability. Take a lesson from Alderney. We have been missing these factors over the last few years and our economy has suffered so do not make the same mistake.

We are still waiting for our runway repairs. Our terminal leaks and we have not even got a disabled toilet. Deputy Ferbrache will probably remember this but our dishwasher is still a dolly tub. I support this in its entirety to upgrade and I support Proposition 1 and Proposition 2.

Thank you.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff.

I will be brief, also, but I just want to first of all address some of the comments I think Deputy Laurie Queripel, questions that he asked regarding the capital portfolio and prioritisation in general. Others have questioned this to a certain degree as well, in asking why this amendment has been laid. I am sure Deputy Ferbrache will address some of those things from his perspective and STSB's but I do thank him for being willing to talk to us and to allow for this amendment to go forward.

Deputy Roffey said, when he spoke, that when he a few months ago joined the dizzy heights of STSB, that he was surprised by a number of large capital projects, which were coming forward, that he had no knowledge of. Obviously, this is one of them, and it was a very similar experience for P&R.

Recognising that we have – as guardians of both the public purse and the capital portfolio – a responsibility to ensure that we manage this properly, even under normal circumstances, and have the significant amounts that are necessary to do the things that the States has prioritised to do in the methodology that has created this system, with the capital portfolio, we thought it was only right and proper that the States should consider alternative ways of achieving the same goals so that when we are taking something like this out of priority. Notwithstanding there may well be other things, particularly after this pandemic, that become urgent, and are not part of our current capital prioritisation – that is the issue.

So, whilst we realised it was going to be impossible to put the brakes on this particular one, we felt it was absolutely right the States should recognise the position that we are in, because this has come out of time, out of kilter with the review of our financial situation altogether. Whilst that is happening it is only right that we should be as cautious as we possibly can before spending monies that we might deem, in a couple of months' time, should have gone somewhere else.

So I am not certain how the States will vote on this, but I think it is absolutely right that the States should have a consideration of phasing and that is why we were happy to be able to talk to STSB and to lay the amendment, which of course has been passed and gives that option.

Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I find it very difficult to support option 2 and I will be supporting options 3, 4 and 5. That is because of the capacity of the Airport to meet the existing number of passengers and future number of passengers. In the presentation that we received, there was a graph, which showed the matching actual baggage throughput data, and it was divided up and divided at intervals.

1025 There are only three intervals which go over 450 bags per hour contingency throughput. So to have a system which can cope with significantly more than the baggage seems to be over-specing it. In paragraph 4.8 it speaks about, in order for the system annual passenger numbers of 1.2 million being the current design capacity of the terminal, it would need to be 636 bags an hour and it goes on to 850 bags an hour, to get 1.5 million passengers per annum.

1030 But at the peak we had 900,000 passengers per annum and we were down to 800,000 passengers per annum so I just cannot understand why we need to over-spec the system to such a degree when the current passenger input would be able to be coped with fully with the proposal in 3, 4 and 5.

1035 While Members might want to spend more money, but surely it is not justified to spend that extra money until we have the passengers. We do not know we are going to have those passengers and what we should do is build for the existing capacity Airport, which will be, I believe options three, four and five, and not build for some future projections, which might not happen shortly, that is, not spending money very wisely. So I urge Members to reject Proposition 2 and support 3, 4 and 5.

1040 Thank you, sir.

The Bailiff: Members of the States, no one else is currently indicating a wish to speak. I am pausing very briefly in case anyone is busy tapping. But if they are not, then I will turn to Deputy Ferbrache, as the President of the Board bringing the Propositions to reply to the debate. Deputy Ferbrache please.

1045 **Deputy Ferbrache:** Thank you very much, sir, and more importantly thank you to every single person that spoke in the debate. It has been a constructive debate and, although different viewpoints have been expressed, they have been so on what I regard as a cogent way. Let me take up Deputy Le Tocq's point because he is absolutely right. We discussed matters with P&R and other people have said, Deputy Fallaize, for example, why did the President bring the amendment, which brought in Propositions 3, 4 and 5, when his committee members have spoken against it?

1050 I have also spoken against it because I said so in my opening remarks. Because I fully appreciate the concerns of P&R, they are faced, in a very difficult position, we have been told and we are going to debate it later in this States' Meeting, as we say, probably this afternoon when we have dealt with abortion, all the other things, and the Dairy project – we should get onto it I think by about half-past two! – the recovery plan.

1055 In relation to that, it was right that the States has this option and Deputy Dorey said he is going to support that option. He may not be the only one. I hope he is very much in the minority, but he may not be the only one to support it. So it is right that all the balls were put on the table so that the States could consider it.

1060 Because we are going to be trying to pay for things going forward with less money coming through the door. So I make no apology for doing it but it is only right that I give that explanation, which I should have perhaps given more forcibly in my opening remarks. So I say that and I apologise if I was not clear before.

1065 Now various people have raised, I think Deputy Laurie Queripel was the one who first raised it but Deputy Green also raised it, what is the benefit to the local community and there does not seem much sense in phasing it into block one and block two. Because they are both right. Everybody is right. The costs to the local community, I should say the benefit to the local community, in the sense of money being spent, is in phase two.

1070 It is about £3.5 million or perhaps a touch more, which would be fed into the local community, the local contractors, with architects, with surveyors, with all the kind of paraphernalia, in the proper sense, that is used when you have large vision building projects for £3 million-plus. So, of the £12 million, which was the overall cost of the project if it is dealt with in one go, £3.5 million or a little more is what is would benefit the local of the community. Not one penny of it, because it is
1075 the kit that is purchased in the first part as Deputy Roffey has said, not one penny of it would be

through to the local community other than the wider benefits of having a compliant Airport, unless we do phase 2, until we do phase 2.

1080 So that is the position we are faced with that. Deputy Langlois, Deputy Green, sorry, Deputy de Lisle I think raise a perfectly valid point about, one of the options that could be compliant, you see it in table 3, is the existing piece of kit that is purchased, option 3 do the minimum, which we shoplifted ... shortlisted – it would need a very big shop to shoplift that from – it says, ‘just meet’, that is what it says in the policy letter, just meet the Department for Transport requirements.

1085 Actually, because I have been given further information during the mid-morning break by our civil servants, because I think more than one speaker has said we do not really know too much about the capacity of this piece of kit that is still in its plastic covering, is, because nobody has really told us. What I have been told is that that piece of equipment, the purchased machine, has a throughput of about 350 bags an hour, against a pre-Covid peak of about 580 bags per hour. Other airports, I am informed, have got the purchased model up to 400 bags an hour, with some optimisation.

1090 I have no idea why that was purchased in the first place. I do because I was told at the time. Not the time it was purchased, because I was not present at the time, not that I distance myself from that because I am sure if my predecessor and my able colleagues, Deputy Smithies and the two non-States members would have considered that carefully and the advice received at the time was that was the one that was fit for purpose. Well it is not now and it would not be and it would not give the option, the necessity that we need, to go forward. So it is just not going to be sufficient.

1095 Now, in relation to the crystal ball, how will we be able to look forward and see what the figures will be going forward. Well I have got no more idea than anybody else. No more idea than anybody else in relation to this. It is a crystal ball type of gazing. But without unduly shooting to the stars you have got to be optimistic.

1100 Let me give you an example, which surprises me. I know there will be pent-up demand because people could not really buy themselves houses for the last three months, because the surveyors could not go in and look at property. If you wanted to contacted a bank representative, they were the other side of the phone, they were covered in security equipment, they were self-cleansing every three minutes and they were going to the toilet every five minutes. So you were not able to get hold of them, you were not able to do anything, you could not get a removal company.

1105 Conveyancing in Guernsey is now booming. It is booming, All the legal officers that do conveyancing are booming in relation to the number of conveyances. People are buying houses in numbers that I have not seen for many years. Now I know that, as I say, some of that will be pent-up demand, but I really do think, that if we look at our recovery strategy, and it is high-level and it will have to descend into detail in future months, but if we look at it properly and we consider it properly and we grab the opportunity, we are optimistic as Deputy Mooney, Deputy Inder, Deputy Parkinson and others have said, we can look forward to a bright future.

1110 But it will take time. People are not all suddenly going to jump on airplanes and travel. Deputy Green asked about we have got different figures and he drew attention to those paragraphs in the policy letter about how many bags per hour. Pre-Covid, the maximum per hour was 580 bags per an hour. That was peak time when the flights were going off at seven o’clock in the morning or whatever.

1120 Now target one, which is the stretch target as it is termed –all these terminologies and acronyms and things – target one, of 636 bags an hour is when we have got capacity and we have got Airport numbers at 1.2 million. Now that does not mean you wait to get to 1.2 million before you have that bag capacity, because you have got to plan that in advance. It may be that it is some years off before we get that number of passengers and the 850 figure, to which Deputy Green quite properly referred, was 1.5 million passengers, which he has referred to.

1125 Now that takes us to his other point, which he raised. He said, look, we have not seen the bag survey report that was referred to. Now the reason for that, it is an internal document. That does not mean it should be kept secret, but I hate that when you keep things secret, it should be disclosed

to members of the public and States' Members if at all possible. But it is not possible in its current form because it covers, in some detail, some explanations as to the current security system.

1130 So we would not be able to just say put it on a computer, print it, here it is, you can see it, Members of the States, because it does contain sensitive security information. What we are looking into and, again, as a result of the point helpfully raised by Deputy Green, is whether we can redact it in some way to exclude that part of the material that should not be available to put our Airport at risk, and then it can be shared. So we are addressing that problem.

1135 As to, I have got to say, with all the other matters that we are having to address it is not something we will be doing tomorrow. But we will try and do that as soon as we can. Delegated powers, Deputy Roffey has dealt with that. I have every confidence because P&R have got the expertise. They have to look at big projects, whether it is £1 million, £2 million or £50 million, regularly. They are experienced people. They are the Committee that we mandated to look after Treasury matters. I have every confidence that they will look at both the outline and the more
1140 detailed business case.

So we are not trying to being ambitious, we are trying to be constructive in relation to the way that we are proceeding with our proposals. Now the Ports Account, we were going to show a surplus. Airports generally struggle to make money. Our Airport generally struggles to make money. The figures are printed every year. They are available. I am not going to go over where they are.
1145 They are supported generally by the Harbour.

But it is a joint enterprise. We have had had this Ports Board now for a number of years. It is well chaired by Mr Falla. It is well-manned and staffed by top quality civil servants. And it is commercial, as Deputy Gollop said. The STSB is a new creature and its idea is to be as commercial as it can be, within the confines of approved States' policy.

1150 In relation to that, it is going to show a massive loss this year £8 million or so. The turnaround is dramatic and that is all down to Covid. So the financing of it, and again Deputy Roffey has dealt with that, we looked at whether we could extra charges on security charges and all that kind of material, because it is a security charge matter in relation to where we should be going. We thought we could not because of where we are.

1155 We are not a policy making body as the STSB, we are the functionary. We are the midfield general, really. We leave the others, the Economic Development and the Policy & Resources, we leave centre forward Deputy Trott, we leave pacey winger Deputy Parkinson to take those matters forward and create the economic environment that we should have.

1160 Trott may have lost a bit of his speed on the field, but not in his brain, which is the important thing, and there were many players. Bobby Moore was never that great around the field with his feet, but he was probably one of the best central defenders the world has ever seen. I do not perhaps put Deputy Trott quite into that category.

1165 Deputy Oliver raised a point, do we have to do it? I think that is a very fair point actually and I am glad she brought it forward. The answer is absolutely yes, because a lot of the other airports that were subject to the same restrictions, have done it. Some, I am informed, have gained some kind of indulgence, but not many as much as us.

1170 We speak regularly to our officers about this. I have a conversation, generally, every Monday morning, with our managing director and he is fed into by other officers, some of our officers come to that meeting, and a topic that we raise I would say four weeks out of five – Aurigny is every week, but four weeks out of five – we raise the topic of this, of the security. Do we really have to do it? Where are we? Can we get another extension?

1175 We are in last chance saloon. We cannot really do any more. We are unlikely to get an extension beyond next March and even then, as I said in my opening remarks, that is not certain. But I believe it will be. I believe that we are in a position that we can carry this forward quickly. The financing, as I say, is in the report. I am not going to go through the longlist evaluation of the items, because that is set out in pages 13 and 14, and why we believe, there are only two that were shortlisted because option 3, the do minimum one, which I have addressed in relation to the points properly

raised by Deputies Langlois and de Lisle, in my view is totally unsatisfactory and the only real option is option 6, which is the two-machine solution.

1180 That is why we come out as a preferred option and we do tell that, on page 16, table 4. We contrast shortlist option 1, which is the do minimum, and shortlist option 2, which is what we are suggesting goes forward. What I am glad about is that the majority and the overwhelming majority, certainly, of the speakers in relation to these matters, say we should do it in one fell swoop. It is one fell, expensive swoop, and I do sympathise with those that really have to find the money. It has to be found from central funds.

1185 I cannot answer the Deputy Queripel question about where does it come in capital prioritisation, because I am not on P&R. That is a matter for P&R. But it was a fair question and our colleagues at P&R will address I am sure, I do not mean in this debate, but overall when we have a subsequent debate, to which I have already referred.

1190 Deputy Merrett, my much-respected colleague, that I worked with closely on Economic Development and she was first-rate there and she always raises difficult questions but in a proper way, we cannot continue what we are doing. The one-machine option we have got, that I have already referred to, is not satisfactory. It can be sold back to another airport, possibly. It could be sold back to the manufacturer. We are not going to write-off the value of it. It was purchased by mistake. Absolutely purchased by mistake. It is not a waste of money because we will get some of it back, but it is a waste of some money.

1195 I am not going to go through all the other points, sir, which have been helpfully raised by colleagues. I think that this is a debate that is clear. I would also commend the fact, when I say to the public that States' Members know that there were two presentations last week, one of which I chaired and one of which was chaired by the vice-president Deputy Smithies, to States' Members, where lots of constructive points were raised and I believe we have attempted to deal with those.

1200 So I would ask the States to vote for, in particular, Proposition 2, but if not to vote for 3, 4 and 5. Thank you very much, sir.

1205 **The Bailiff:** Members of the States, we now come to the vote on the five Propositions. There is a request for a recorded vote on Proposition 2 and, if Proposition 2 does not carry, then Proposition 3. So I am first going to ask you, Members, to vote on Proposition 1, *aux voix*, using the Chat function and that is to note the requirement, as set out in Proposition 1. Those in favour vote Pour please.

Members voted Pour.

1210 **The Bailiff:** Thank you very much, Members of the States. I am satisfied that there was a loud shout of Pour and a muted shout of Contre and therefore I declare Proposition 1 duly carried .

We will now have a recorded vote on Proposition 2. Greffier.

There was a recorded vote.

Carried – Pour 20, Contre 16, Ne vote pas 1, Absent 2

POUR

Deputy Gollop
Deputy Parkinson
Deputy Mooney
Deputy Le Pelley
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy McSwiggan

CONTRE

Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Laurie Queripel
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle

NE VOTE PAS

Deputy Lester Queripel

ABSENT

Deputy Leadbeater
Deputy Meerveld

Deputy de Sausmarez	Deputy Langlois
Deputy Roffey	Deputy Soulsby
Deputy Prow	Deputy Tindall
Deputy Oliver	Deputy Tooley
Alderney Rep. Roberts	
Alderney Rep. Snowdon	
Deputy Ferbrache	
Deputy Brehaut	

The Bailiff: Members of the States, the voting on Proposition 2 was as follows: there voted Pour 20, Contre 16, there was one abstention and two Members were absent. Therefore I declare Proposition 2 carried, which means that there is no need to vote on Propositions 3, 4 and 5.

1215

Greffier.

COMMITTEE FOR HEALTH & SOCIAL CARE

V. Modernisation of the Abortion (Guernsey) Law 1997 – Debate commenced – *Sursis motivé* moved

Article V.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Modernisation of the Abortion (Guernsey) Law, 1997', dated 2nd March 2020 they are of the opinion:-

- 1. To agree to repeal section 1(a) of the Abortion (Guernsey) Law, 1997 ("the Law"), and any other statutory criminal offence relating to a woman ending or attempting to end her own pregnancy that is in similar terms.*
- 2. To agree to remove the requirement in the Law for a second medical practitioner to be of the opinion required by section 3(1) of the Law.*
- 3. To agree to amend the Law to remove the gestational threshold for abortion procedures falling within section 3(1)(c) of the Law, as described in paragraph 5.29 of this Policy Letter.*
- 4. To agree to amend the Law to increase the gestational threshold to twenty four weeks for abortion procedures falling within section 3(1)(d) of the Law, as described in paragraph 5.29 of this Policy Letter.*
- 5. To agree that professional practice guidance should be issued in respect of the method of calculation of gestational age for the purposes of the Law.*
- 6. To agree to amend the Law to provide for registered nurses and registered midwives to be permitted to perform medical abortion procedures.*
- 7. To agree to remove the requirement in the Law for medical abortions to take place only at the Princess Elizabeth Hospital.*
- 8. To agree to amend the Law to provide that health practitioners who choose to conscientiously object to providing care in relation to abortions shall be required to make a referral without delay to another health practitioner without such objection.*
- 9. To agree to amend the Law to make clear that health practitioners may not refuse to participate in care required to save the life or prevent serious injury to the physical or mental health of a woman.*
- 10. To agree to create a power in the Law for the Committee for Health & Social Care to make regulations making further provision in relation to the circumstances in which the right of health practitioners to conscientiously object to the provision of care in relation to abortions may be exercised.*
- 11. To agree to amend the requirement in the Law to notify the Medical Officer of Health of abortions to a requirement to so notify the Director of Public Health.*

12. To direct the preparation of such legislation as may be necessary to give effect to the above decisions, including any necessary consequential, incidental or supplementary provision.

The States' Greffier: Article V – Committee *for* Health & Social Care – Modernisation of the Abortion (Guernsey) Law, 1997.

1220 **The Bailiff:** I invite the President of the Committee, Deputy Soulsby, to open the main debate.
Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

1225 Before I begin, I should like to advise Members that this will be quite a lengthy speech. However, I make no apologies for that. It is essential that I provide the Assembly with context – there are some myths that have been put out there over recent weeks – and explain the importance of the proposals we are recommending.

1230 I think it is important that I say up front that the Committee *for* Health & Social Care respect the views of those who, due to religious or other reasons, are against abortion, and those who may have difficulty with aspects of it. Every Member of the Committee, just like the whole of this Assembly, has their own personal views. None of us have forced our views on each other and fully understand that it is ultimately a matter of conscience.

1235 However, we all agree, that after nearly 25 years, with the medical profession overwhelmingly in support of the changes we propose, that this matter should be debated now. Our aim has never been to convince anyone who totally objects to a woman having an abortion or only in what they describe as extreme circumstances, to support us. We are merely fulfilling our mandate to promote, protect and improve the health and wellbeing of the people in the Bailiwick.

1240 This is a serious Public Health issue. It should therefore be of no surprise that the Director of Public Health fully supports the recommendations in front of Members today. Indeed it was she who first alerted the Committee to the problems with the Law as it currently stands and has been intimately involved in the development of this evidence-based policy letter.

1245 Whilst the vast majority of letters and emails opposing our proposals are based on an opposition to abortion principle, our policy letter is not about whether or not abortion is legalised. That debate was had nearly a quarter of a century ago when times were very different. Tony Blair was incredibly popular and was elected the following year with a stonking majority. Dolly the Sheep was born and, at a transfer fee of £15 million, Alan Shearer became the most expensive footballer in the world.

1250 But since the Abortion Law was introduced in 1997, there has been no concerted effort to reverse it. Neither has any requête been laid in the States of Deliberation seeking its reversal. Whilst I know there are Members who are uncomfortable with that and are seeking to scupper these proposals in any way they can, this is not a debate about the merits or otherwise of an abortion itself, but whether the Law should be updated in line with best medical practice based on current evidence and whether we believe that women should have access to those services, regardless of their ability to pay.

1255 So I will not comment on the rights and wrongs of legalising abortion, save to say this. All the evidence throughout the world is that banning abortion does not stop it. In fact, it has quite the opposite effect. Banning abortion here will only create more inequality, not less. Evidence in the USA and elsewhere demonstrates that restricting access to safe abortion services results in unnecessary deaths or lifelong injuries. Thirteen per cent of the 300,000 maternal deaths annually are the result of unsafe abortion procedures, with 25% of these being in adolescent girls.

1260 Before moving on I feel I do need to respond to comments from a small minority, likening what we are proposing to Nazism. It is always rather disappointing when people use such extreme comparisons and is often a sign of desperation. I do not know the ancestry of my fellow Members but I can say that if those who made such comments knew mine, they would have been far more circumspect before making them.

1265 Our proposals help women make the right choice for them, often in very difficult and traumatic circumstances. The Nazis gave no one who did not fit their Aryan ideal any choice about whether they were sent to a concentration camp, experimented on or exterminated in a gas chamber. The comparisons are wholly inappropriate.

1270 We are not forcing those who object to abortion having an abortion should they face a very difficult circumstances where this may be a consideration for others. We respect those views. However, we do not believe that in such a caring and compassionate society as Guernsey is that those beliefs should be forced on others.

Instead our focus is on ensuring the legislative framework supports best medical practice and clinical evidence, whilst enabling best practice to change, as professional guidance changes, and not tying it down in legal requirements that may soon become outdated.

1275 I will make no apology for the fact that our proposals are centred around delivering fair access to care, which values respect and centres on the needs and wishes of women. They are not about the degradation of society, nor will they, as someone wrote in to say, result in abortion being used as a form of contraception. Such comments demonstrate a complete lack of empathy with those that find themselves in very difficult circumstances. They also demonstrate a lack of understanding as to the proposals themselves, but more on that in a minute.

I have been lucky. I have never had to seek an abortion. I have never had to consider abortion. I have given birth to two much-wanted, healthy children and I am happy and in a loving relationship for over 30 years. My other half may not say that, he may have a very different opinion, especially after the last few months. But anyway, I think I have been fortunate.

1285 Others are not so lucky. The woman in an abusive relationship who is so traumatised she cannot face seeking help for several months. The girl who becomes pregnant because she is raped by a family member and is frightened to say anything until her behavioural changes are picked up at school and social services begin to support her.

1290 The loving couple expecting their much-wanted first child who find, after 24 weeks, that it has a heart defect that means the baby would die within minutes of being born. The full-time mum, who becomes pregnant in her forties, who is already bringing up five children and whose husband dies when she is three months pregnant.

1295 These are real people we are talking about here and there are many others. Some women have been brave enough to share their very personal, traumatic experiences with us and I thank them so much for doing so. I cannot imagine what each of these women or girls were going through. Some may wish to keep the child if it is viable. Some may wish to put the baby up for adoption. But under our current Law, none of these women or girls would be able to receive an abortion in Guernsey. Some, but not all, would, though, be able to travel to the UK for an abortion if they could afford to pay a four-figure sum.

1300 Some against our proposals have written to us saying that an abortion causes mental health issues. Aside from the fact there is no evidence that this is the case, let us not forget the mental anguish that many women will feel from having to bring up a child conceived through rape. The impact on the parents and siblings when a severely disabled brother or sister arrives. The child itself born into a home where domestic abuse is a norm and who may be taken into care.

1305 These are all circumstances that will have life-long consequences. And of course it is nothing new. It was just a year ago when a very good friend of mine told me that she had had an abortion when she was 16, at a time when abortion was completely illegal here. She had to make her own arrangements and go to a private clinic in the UK and pay for it herself. There was no support available and she had to walk to school the next day and pretend nothing had happened.

1310 She said she felt like a criminal and was told she would not get any medical help when she returned to the Island, should she need it. That traumatic experience has lived with her ever since. She told me that she gets angry when people start saying they know what it is like, as they will never know. That someone, so close to me and who I hold dear, should have to go through that makes me angry. It also tells me that we must never go back to that again.

1315 However, sadly for some women and girls, this is still their experience. Yes, in the 21st Century.
Just yesterday we received a heart-wrenching email from a woman who had set out clearly and
succinctly the deep physical and mental trauma she experienced, because she was not allowed an
abortion, despite how ill she felt, as she was the past the date where it could be performed legally
here, although not in the UK. She was too sick to go to the UK. Having to give birth to a baby she
1320 knew she would not be bringing home and unable to have another baby because she has to give
birth against her wishes. How can anyone believe that was fair? Not for the woman. Not her partner.

And on that, although this is a woman's health issue, this does not mean we do not understand
what a difficult issue it is for the woman's family, their partner, their children, or their parents. There
has been comments about the need for improved counselling, which frankly does a complete
1325 disservice to our care professionals and demonstrates a lack of understanding of what is available
now and what women want.

Comprehensive counselling and support is provided where a woman wants it. From fully trained,
experienced professionals in our Women's and Children's Services. Partners such as Choices, as well
as our Mental Health Services, through self-referral at no cost. All these services are provided,
1330 without having to have them in legislation because they support the appropriate care pathways and
follow best practice such as from NICE, the National Institute for Health and Care Excellence, which
Members will be very aware of following the debate on drugs and treatments in January.

What we must not forget is that by supporting these proposals, Members are not taking away
the choice of women to keep their child. The medical professionals do not tell their patients what
1335 they must do. They provide the information to help women decide for themselves what they should
do and provide all the care and support they need to help them make their decision. It is about
empowering women, not infantilising them. Further, currently, we are unnecessarily restricting
choice that can ultimately cause needless harm mentally as well as physically to women and their
families.

I just want to focus on some of the main Propositions. Firstly, there is no good reason why a
woman should have to get a second GP's signature. It is a completely unnecessary step that may
prevent a woman receiving the care she requires. Certainly, it is the only medical condition that
requires it. It does not mean a woman cannot consult with a second medical practitioner but there
1340 is no reason why she should have to.

Can you imagine how hard it must be for a woman who has been raped to say what happened
to her once, let alone twice? Deputy St Pier made this very point in his excellent speech yesterday.
Does a woman in her forties, who has already brought up three children, need to see two GPs
because she does not know what she is doing? There is no clinical reason why it is required, but a
throwback to a prehistoric age.
1345

While the proposal to remove the legal requirement for two doctors to agree that an abortion
may take place, the wider patient pathway in Guernsey will ensure the continued safety of the
process. This includes a review with the gynaecologist, along with ultrasound and blood test
screening. Robust clinical pathways are in place to diagnose both ectopic pregnancies and early
miscarriages. And health and care professions have worked closely and sensitively with the woman
1350 to explore the options for the management of the end of a pregnancy in these circumstances.

In order to reflect modern practice that enables early abortions to take place at home, this report
proposed that the legal requirement for abortions to occur only at the PEH should be removed from
the Law and other health professionals who actually take part in abortion care should be recognised
formally in legislation. This reflects the fact that some abortion procedures can be initiated by
1360 medication rather than through surgery, administered by a qualified clinician and then completed
safely and in the privacy of a woman's own home.

This is in fact nurses and midwives performing surgical abortions away from the way hospital,
neither does it require specific conditions, other than having the advantage for the woman that they
can take the medication where they feel safe, be it at the hospital or at home. The Law was recently
1365 changed in England as a result of the Covid crisis, in order to reduce the number of people attending

hospital, despite the objections from anti-abortionists. This is something we may have considered doing ourselves had we not got this policy letter already waiting for debate.

1370 Now, in relation to conscientious objection, there has been some confusion, either deliberate or not, regarding what we are proposing here. We have had a small amount of opposition from medical practitioners who were conscientious objectors too, and who incidentally were given the opportunity to make their comments when the consultation took place last year.

1375 However, the vast majority of medical practitioners, as well as their professional bodies, support what we are proposing. We are not making any practitioner participate in an abortion if they do not want to. All we are doing is clarifying that, alongside other jurisdictions, that the right to conscientious objection, shall not extend to supportive care, which is needed to prevent serious injury to a woman's health and which is not part of the abortion procedure itself.

1380 Where a practitioner has a right to conscientiously object, we believe the Law must also include a duty to refer on to an equivalent practitioner who does not have an objection. That there should be a suitable regulation-making power to enable further provision to be made in respect of conscientious objection, to enable greater clarity if needed. All we are aiming to do is ensure that women are not put at risk of death or serious injury through lack of care.

1385 Other changes we are making are to the gestational limits up to which a woman can have an abortion. These are in line with those in England but this is not because we are blindly following one jurisdiction. We are taking into account guidance from NICE, the Royal College of Obstetricians and Gynaecologists and from listening to the medical profession.

1390 Specifically, we are proposing that there is no threshold for abortion procedures when there is a diagnosis of foetal abnormality and that it is increased from 12 weeks to 24 weeks for those procedures performed to protect the health of the woman or existing children. What we are talking about here is not increasing the number of abortions but making the decision a clinical one rather than one based on arbitrary dates that cause unintended consequences. It is also important to understand the small numbers that will be involved and also that a woman will not be forced to abort the foetus if that is not what she wants to do. It may also mean that, with the extra time available, a woman is not rushed into a decision before the evidence is clear.

1395 With respect to category (d) abortions, those where there is a risk to the pregnant woman's health or that of any of her existing children, it should be pointed out that this will not result in opening the floodgates to abortion and neither does it mean lots more fetuses with a disability will be aborted.

1400 In the UK, 92% of abortions are performed within 12 weeks. In 2018, 116 abortions were performed to Guernsey women, incidentally a 20% fall in 10 years. There is nothing to suggest that if our proposals are supported that Guernsey will be any different to the UK. It is unlikely the increase in actual abortions, rather than abortions recorded as being to Guernsey women, will be in more than single figures.

1405 Whilst we record those who have an abortion off-Island, this is only if the woman records a Guernsey postcode. Some of those going off-Island may be doing so as a procedure has to be done there and we understand there are others who choose to use a UK postcode, in order that they can keep under the radar and how sad is that?

1410 There is a lot of talk about viability of the foetus at 24 weeks. However, any baby born at that age is very unlikely to survive beyond a year and those that do tend to have serious health complications. The argument about viability also does not consider the fact that category (d) abortions are only allowed to take place due to the risk to the pregnant woman's health or that of any of her existing children.

1415 Until such time as the UK limit is 24 weeks, then women will continue to go to the UK for an abortion at that date. It is also worth pointing out that it was reduced from 28 to 24 weeks in UK Law, through representations from the Royal College of Obstetricians and Gynaecologists. If gestational limits for abortion are to be changed in the future, it should only be through peer-reviewed research, with the support of the medical experts.

1420 Finally the Committee is acutely aware that the criminal sanctions that surround abortion may indeed prevent some women from accessing services in the first place. We believe that any decision to self-induce an abortion, outside of the safety of health and care services, will be made by a woman who may already find herself in a desperate situation, for whom criminalisation would only further adversely affect her wellbeing.

1425 While the criminal sanction remains in the Law, there is also a risk that woman who experiences complications may not seek timely emergency medical care. It is for that reason and the fact that the criminalisation of women in respect of abortion is strongly supported by the BMA, the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives and the Royal College of Nursing, that we are proposing to remove criminal sanctions relating to a woman who ends or tries to end her own pregnancy.

1430 Sir, the current Law is nearly a quarter of a century old. It enables abortions to be carried out in specific circumstances that were considered appropriate at the time. However, as it stands, the Law prevents us from providing modern services that are accessible, evidence-based and people-centred.

1435 Our aim is to provide a legal framework for abortion services that addresses those issues. In particular we have sought to enable local clinicians to work according to best medical practice and to stop casting a barrier to women accessing the services they need. This is not about relaxing the Law but updating it to take account of current evidence. New medical procedures are adopted on an almost continuous basis, based on advances in science, as well as evidence that outcomes can improve by doing things differently.

1440 Similar considerations have been made elsewhere and Members may like to know that the House of Lords voted on Monday on England's new legal framework and supported a decriminalisation of women, a 24-week gestational limit for abortions to protect women's health and those of her existing children, and no time-limit when there is a foetal abnormality. These passed 355 to 77.

1445 I would just like to make one final comment. We will be debating later in this Meeting a recovery plan and entitled Revive and Thrive. The core strand to that plan is health and care, recognising the importance of the principles of the Partnership of Purpose, through developing an holistic health and care system, ensuring services are centred around the needs of Islanders and accessible and affordable. As well as, most importantly, if we really take prevention seriously, by addressing the social determinants of health, of which poverty, education and housing are just a part.

1450 This policy letter is very much a part of all that and fits into the whole suite of work Health & Social Care has been undertaking these last four years. This is not a pet project but one that goes to the core of Public Health policy. Such work has included the provision of free under-21 contraception that has brought teenage pregnancy rates to the lowest in the British Isles; free cervical screening and free HPV vaccinations.

1455 Over the last few weeks we have seen the value of making evidence-based decisions. This is no exception. The scientific evidence supports our proposals. All the relevant professional bodies support our proposals. Whilst every Member is free to vote as they feel fit and according to their conscience, each and every Member here today needs to understand that voting against our proposals, voting for any of the amendments, goes against the evidence that exists today and against the best interests of women and their families.

1460 Vote for our policy letter and really show the people of Guernsey that, at a time when we must be totally focused on recovery and the principles behind it, that we truly will be looking forwards, not backwards, will take account of the best available information and ultimately demonstrate we really do care about our community.

Thank you, sir.

Sursis Motivé

The States are asked:-

To sursis the propositions and to direct the Committee for Health & Social Care:

1. To form a subcommittee or working party, the membership of which consists of representatives of a cross section of people or bodies with an interest or expertise in the subject of abortion –
(a) to conduct a broader and more inclusive public consultation on any revisions deemed necessary to the current law governing abortion and over a time-frame sufficient to ensure engagement with the wider community, and

(b) to undertake research into any challenges on the basis of disability and the implications of legal challenges and changes to the law in the British Isles which may affect reform in Guernsey; and

2. To lay before the States of Deliberation, no later than the 30th September 2021, a Policy Letter which includes details of the responses to the consultation and conclusions of the research undertaken by the subcommittee or working party referred to above, together with the propositions, revised as necessary, in light of the consultation responses and conclusions of the research.

1465

The Bailiff: Deputy Stephens, you have submitted a *sursis motivé* to be seconded by Deputy Le Tocq. Is it your wish to lay that *sursis motivé* now?

Deputy Stephens: It is, sir.

1470

The Bailiff: Then I invite you to speak to it.

Deputy Stephens: May I have the *sursis motivé* read please?

1475

The Bailiff: Of course you can. Greffier.

The States' Greffier read out the sursis motivé.

The Bailiff: Deputy Stephens.

Deputy Stephens: Thank you, sir.

1480

This *sursis motivé* is laid to test Members' confidence that HSC has considered adequately the view of the public and to test Members' confidence that the proposals are inclusive and futureproof. I will make arguments in favour of the *sursis motivé* in terms of missed opportunities by HSC to consult with the public at the time of the development of the proposals, when community views might have influenced the Committee's thinking, and the subsequent lack of understanding of the proposals by the community because of restricted engagement.

1485

Secondly I want to draw out missed opportunities by HSC to take notice of push back in other jurisdictions against proposals very similar to the ones in front of us. It is helpful that HSC have now released the analysis of the responses from the public they have received during the project and I have asked for further information relating to the dates when those responses were received and I will refer to that new information as I speak.

1490

Now, as Members are very aware, in the period since early June, many emails have been received by Members, both for and against the changes. One theme re-occurring has been the inappropriateness of debating this matter before the end of lockdown restrictions, when contact from constituents and between constituents to discuss HSC's proposals has not been easy to facilitate.

1495

In reality, it is not Guernsey's response to the pandemic that has set limits on HSC's consultation with the public. There was a period of months between the commencement of the project and the publication of this policy letter on 2nd March, and 11th March, when the proposals were to be presented to the public, when broader consultation and awareness raising could have been offered to the community but was unfortunately cancelled.

1500 Now HSC say, and have said often, that this matter has been around for months and this is true. They have had time to do more. Now HSC tell me that prior to 11th March they had received eight responses to the proposal. So in the period when the proposals were being developed and just after, they received eight responses. Now, this low level of interest by the community does not seem to have alarmed HSC.

1505 That suggests to me that not only was the community unaware of the project, but also that very little community input was accessed by HSC in their consideration of what they wanted to do. So what did they do to inform their policy choices? They decided to work with clinicians and experts and a small number of local, non-health related employers who were able to provide opportunity for an interactive session with their staff or sections of their staff, to talk through their proposals.

1510 Maybe it is this sort of engagement that resulted in those initial eight responses. Now if HSC worked with a small, selected group of the public, is it then a surprise that there continue to be misunderstandings concerning what HSC wants to change. Deputy Soulsby has just commented on a lack of understanding and I would ask her whose responsibility has it been to explain those proposals to the community?

1515 Misunderstanding still exists such as this is an opportunity to end access to abortion on the Island. Well, it is not. Another misunderstanding is that if these changes are approved, late abortions can be offered on-Island. I think HSC need to be clear that late abortions will, certainly in the medium term, always have to be performed off-Island, as the expertise and specialist provision is not available here. These are loose ends that HSC has missed the opportunity to tie-off.

1520 So, between 11th March and 5th June, which was about the time HSC were indicating they would make a move to encourage more responses from the public, they received 39 responses. I remind Members that at that time the policy letter had been completed. In the period after 5th June, to date, there were 261 responses. So although I have been very pleased to read through all those submissions from the public, both in support of the proposals and against them, it is still for
1525 Members of HSC to explain what the value of that invitation to the public to comment at the beginning of June had been in terms of policy development.

It came too late to influence the policy letter. Now they may say they did it because I asked them to do it. It is true, I have been asking them for months for wider public awareness-raising and consultation exercises. Now HSC say that they do not feel further consultation is justified or
1530 expected it would result in different recommendations. I say that they have not proved that point.

Just to recap, eight responses in the period when the public view might have influenced the decision that HSC made, and in total 300 responses, which had no potential to influence HSC at all. Now all HSC can do with those 300 responses is to count up those in favour and those against. Because the responses were not timed to the structure of the proposals and the responses are very
1535 broad in content. As I have said before, some respondents clearly did not understand what HSC are proposing and so I say again, whose responsibility is it to explain those changes to the community?

Deputy McSwiggan is reported in the *Guernsey Press* on 29th May as having written on social media, 'Let us have an honest debate, not hide behind excuses.' I think I recall that she was commenting on the schedule by P&R of this debate for July at that time, and there was some
1540 suggestion from some sources that P&R wanted to delay debate indefinitely. But that was a suggestion that was obviously incorrect as P&R had already listed the item for July.

But I absolutely agree with Deputy McSwiggan. Let us have an honest debate on the policy letter. But to achieve the honesty we both crave, there must be better equality of arms in the expression of community opinion and understanding to inform the policy, not an add-on exercise at the end
1545 of the process.

Now, I want to move onto consideration of some of the loose ends and risks that a further period of consultation might mitigate against. HSC based their decision not to consult on a false premise. They say that we should not treat abortion as different to all other medical procedures. I do not agree. If abortion was treated as the same as other medical procedures, then there would not be
1550 the extent of legal and regulatory structures around it. In fact, I suggest to Members that we would not be discussing these proposals today.

1555 It is the case that there are ethical, moral, humanist, religious concerns around abortion, which do not exist around other common medical procedures and, because abortion is not treated by other jurisdictions which HSC partner with as the same as other medical procedures, it might be as well to learn from their experiences.

HSC is seeking to attain something that other jurisdictions are having to reconsider. The driver for the review, HSC say, is that our provision is more restrictive than other jurisdictions. So, what happens in other jurisdictions is obviously important to HSC.

1560 The second part of the *sursis motivé* offers Members the opportunity to consider if they are confident that HSC are pitching the changes at the right level to minimise later challenges and that the changes are futureproofed, particularly on the basis of disability. As an example I want to draw Members' attention to paragraph 5.29 in the policy letter. Currently our Law allows different gestational time limits for the abortion of babies who are developing as expected and a different gestational time limit for those who are not.

1565 Disability interest groups say that this difference signals that disabled babies are worthy of less legal protection than those without disability. Propositions 3 and 4 signal that this difference in legal protection between foetuses with and without disability should continue. HSC could have suggested that this difference be eliminated but have not.

1570 Challenges to this difference in gestational time limits have been launched in the British Isles on the discriminatory nature of the law and want to have removed the provision for abortion to term, that is to birth, for non-fatal foetal anomalies. This would mean the same time limits for all abortions, except for those of babies with fatal foetal anomalies.

1575 My point is that, with criticism of the UK Law from the United Nations Convention on the Rights of Persons with Disability, and I have not found any reference to that in the HSC policy paper, and the growing realisation that this difference promotes negative attitudes towards disability, it might be prudent for HSC to include in further discussion with stakeholders, as the *sursis motivé* requires, information coming from these challenges and from the information that will arise from this Assembly's imminent debate on discrimination legislation.

1580 There are other loose ends to tie up. As I have quoted already, paragraph 1.2 in the policy paper, there HSC say there is a problem because abortion provision here is restrictive compared with other jurisdictions. Some Members of our community are saying HSC's proposals go much further than comparable jurisdictions and I think this needs clarification.

1585 And what about costs? Now I, in this instance, unusually, I am not too interested in costs. But HSC do say that if medical abortions are part-managed by the patient in their home there might be some cost-saving. But I do not know what the cost of an off-Island abortion and do HSC use NHS, do they use private clinics? Some Members might want more information about costs.

1590 There needs to be work with Alderney, who have not been consulted, and will not be, until after the Assembly agrees the HSC proposals. So Alderney residents will not have had the opportunity to contribute their views before this debate and Sark is in the same position. Some Alderney residents have already indicated concern that they have not been consulted.

Sir, am I trying to kick the can down the road? Well, no. I want HSC to behave inclusively with the community and, although I doubt very much that they will bridge the dividing views, they could have done much more to be sure their proposals were on the public radar before putting the lid on the can and saying, 'This is what we want; take it or leave it.'

1595 The *sursis motivé* offers a short delay, whilst a public consultation via a working party is conducted. This will inform the public better, that will inform the Members better about a way forward. That then become a much more secure basis for decisions on the extent of the changes that HSC want.

1600 There will also be less risk of immediate calls for revision of any changes. It is a wise policy maker who listens to expert advice, as HSC inform us has happened. But what Members do not know is how much expert advice received by HSC has offered an alternative view to the one that HSC has taken. So, it is a wise policy maker who listens to expert advice, a range of expert advice, and admits alternative views.

1605 There are a range of views in medicine, as there are in every other profession. It is a wise policy maker who listens to a range of expert advice and the community. Because this is a Law for our community. It is a bold policy maker who does not consult widely with the community on a subject such as this, to increase public understanding and to address concerns, as the policy is being developed. Surely that is an essential way of showing proper respect.

1610 Now HSC can do this further work as soon as they wish. They can return to the States no later than September 2021, with confidence that their Propositions, viewed in the light of broader consultation, are more likely to engender confidence in Members of the Assembly. If Members agree with me that there is more to be done then please support the *sursis motivé*.

Thank you, sir.

1615 **The Bailiff:** Deputy Le Tocq, do you formally second the *sursis motivé*?

Deputy Le Tocq: I so do, sir, thank you.

The Bailiff: Thank you very much. Deputy Roffey.

1620 **Deputy Roffey:** Thank you, sir. I would like to test the appetite of the Assembly to debate the *sursis* by invoking Rule 24(4) if I may?

The Bailiff: Thank you very much.

1625 So Members, under the Rules of Procedure for remote Meetings of the States of Deliberation, what that means is that instead of standing in your place, I invite those who support debate on the *sursis motivé* to indicate their support in the Chat column or by some other electronic communications or telecommunications means.

Members voted Pour.

1630 **The Bailiff:** Thank you very much, Members of the States. It is quite clear if Pour means support, which I think I am going to construe it as meaning it, Deputy Roffey, there is clearly a greater number than seven Members who support a debate on the *sursis motivé*, so the motion under Rule 24(4) of the Rules of Procedure is lost.

Deputy Roffey: Thank you, sir.

1635 **The Bailiff:** Who now wishes to speak? It is going to be a very short debate, Members, if I am simply going to turn to Deputy McSwiggan, who is going to lead for the Committee on the *sursis motivé*. Deputy Paint, thank you.

1640 **Deputy Paint:** Thank you, sir.

I have got in actual fact two speeches. One just on the *sursis* and another quite long one on the Propositions, so I will be only speaking on the *sursis* at the moment, although it might not seem like that when I first start.

1645 It is said that this Assembly is the most controversial ever. You just think back at what has happened over the last three or four years. The Rocquaine Sea Wall, the schools, Longue Hougue South, where there was very diverse opinion, not only amongst the Members but against the general public as well.

1650 I have said this before at a previous Assembly that, after this Meeting, we will be nothing but a caretaker Government for the time being. Do we need to put ourselves in a position, if pushing these controversial proposals through, that there may be a possibility that a future Government will not agree with them?

1655 Regardless of what happens today, it will become an election issue. My opinion is that we should be only making discussions and decisions to facilitate the necessary things that we have to do for the continuation of good governance. From June onwards, we have elected to stay in office for an unknown period of time, because of the coronavirus. The general public have not elected us at the end of this term, as is their unquestionable right.

1660 Now, about abortion. I have been advised that the process of abortion is both horrific and barbaric and inhuman. When a baby reaches 24 weeks in its mother's womb, I am informed after 18 weeks the baby can feel pain and the movement of the baby is felt in the mother's womb. I am also informed that the process of abortion involves a baby being first killed, then the baby being removed from the womb, with forceps, which at times may dismember the baby's body.

1665 Would anyone of the proposers or the supporters of these proposals be prepared to confirm what I have stated is correct? Also explain to the Assembly and the general public listening the full process of an abortion at 24 weeks, please. This proposal to me is not necessary, very dangerous at this present time and I certainly will not vote for anything without a total rethink of what has happened or what the proposals are and by whom puts it forward. I will be supporting this *sursis*.

Thank you, sir.

1670 **The Bailiff:** Deputy Leadbeater, is it your wish to be relevé?

Deputy Leadbeater: Yes please, sir.

1675 **The Bailiff:** Thank you very much. Then we will record your presence now. It is just 12.30 p.m. Does anyone have a short speech of no more than five minutes that they wish to give before we break for lunch? I will take Deputy Mooney, then. Deputy Mooney please.

1680 **Deputy Mooney:** Yes sir. It is quite short. The *sursis* is quite clear. It is asking for a public consultation face to face and this was not an issue on anyone's mandate, so I would say put it on your mandate and face the electorate. That is my view, sir.

The Bailiff: Deputy Merrett, are you likely to be no more than five minutes?

Deputy Merrett: Yes sir.

1685 **The Bailiff:** Then I will call you and then we will break for lunch. Thank you very much. Deputy Merrett.

Deputy Merrett: Thank you, sir.

1690 I think there have been some valid questions regarding engagement and I hope Deputy McSwiggan will, I am sure she will, admirably address those when she responds. But I did not vote to debate this in June, sir, but I was in the minority and we have something called democracy. If I remember rightly, sir, 30 Members voted to debate this in June.

1695 I would like to ask Deputy Stephens when she sums up, why should I be changing my position on voting against debating it in June? My preference would have been to debate it in July. That is not the case. This *sursis* pushes it right down the road, for I think over a year, does it not, sir, yes it does sir. A year and a half, I think, almost, or a year and a bit.

So I believe, in the last two to three weeks, I sat up until 2 in the morning, sir, trying to respond to the majority of people that have contacted us. Ah, a point of correction sir.

1700 **The Bailiff:** Yes, Deputy Le Tocq, you wish to raise a point of correction.

Deputy Le Tocq: Yes, I just want to point out to Deputy Merrett that the wording of the *sursis* is 'no later than ...' and so it would be down to the Committee as to how long they take over forming the sort of fulsome consultation that we think this subject demands.

1705

The Bailiff: Deputy Merrett to continue please.

Deputy Merrett: Thank you, sir.

1710

I am actually glad I am speaking then because otherwise I could not have done a point of correction on the point of correction. But I can actually state this, sir, because I am speaking, that clearly we are going to have an election before that juncture, so arguably the Committee can just bring it forwards at any such point because arguably there is going to be an election in between and they are going to put Members on the Committee, so I would counter that.

1715

So I have been staying up working long hours to try to engage with the majority of people, I still have some to respond to, sir, I appreciate that, and I will do so in due course. I believe as a Deputy that I have had enough engagement, albeit virtually. I as a Deputy would have preferred public meetings and I advised Members of HSC this before. I also contacted HSC and asked for them if they would be prepared to defer the paper.

1720

Now the reasons I have been given to not defer it, from the Committee, have been very persuasive, so I hope when Deputy McSwiggan sums up she is able persuade other Members of the reasons why we really should not *sursis* this policy paper.

Thank you, sir.

1725

The Bailiff: Members of the States, it has gone 12.30 p.m. now, so the States will stand adjourned until 2.30 p.m. Thank you all very much.

*The Assembly adjourned at 12.34 p.m.
and resumed at 2.30 p.m.*

Modernisation of the Abortion (Guernsey) Law, 1997 – Debate on *sursis motivé* continued

The Bailiff: Good afternoon, Members of the States. Who would like to speak next on the *sursis*? Deputy Le Tocq.

1730

Deputy Le Tocq: Thank you, sir.

1735

I am sure there are others that want to speak but this is like some strange, choreographed dance, where we want to speak but only after we have listened to more debate. In a sense that is a good thing, sir, because one of the reasons I support this *sursis motivé* is because I firmly believe there are people that need to be heard and they have not been heard or they do not feel they have been heard and at least we are acting in a way, up until now, that seems to indicate to them that their opinions are not worth listening to.

1740

I do want to listen to all opinions, sir, and I need to start by explaining a little bit, I think, of my own position, because often on such ethical issues, people like me are criticised for coming at it from a position of faith. Now, whilst that might be true in my case, it is a straw man argument because that is not the only reason I come at this position and it is certainly not the only reason for other people and I will go onto that in due course.

1745

The world has recently come alive to the issue of racism and I for one will be amongst others who plan to be at the harbour at the weekend to show my solidarity and support for those that agree that discrimination must end and to support those who feel horrified by the brutal killing of George Floyd.

I believe that, in the words of my friend who is a British-African pastor of a black majority church in north London of some 5,000 or 6,000, he said of this, it was not that racism has suddenly come to exist before the incidents that we witnessed in America, it is just that people are filming it. It is becoming visible.

1750 That is why I believe a proper, full, transparent, honest discussion in frank terms of the issues of abortion, recognising that we have it legally, but that does not mean that we blindly accept the Propositions that are being presented to us, but a full and proper discussion of that requires us to admit that this issue is somewhat of a social taboo, just like the issue that Deputy St Pier spoke on so eloquently yesterday and, by doing so, ensured that we do talk about this in a civil and respectful
1755 manner. For that to happen, sir, there needs to be time, there needs to be the right place, because the whole of our society needs to be taken in with this.

So I was very taken by a book that I read a number of years ago and I mentioned it in the presentation that HSC kindly gave us last Friday, which was presented primarily by Prof. Lesley Regan and I thought it was an excellent presentation and I wish the people of Guernsey could have had the opportunity to witness that and to ask their own questions, as we did, some of us were able to engage with Prof. Regan after the presentation as well, which was very useful.

1760 But I mentioned at that time, the States' Members who were present may remember this, I asked a question surrounding Ann Furedi, who is the Chief Executive of the British Pregnancy Advisory Service, which is one of Britain's largest abortion providers and, in fact, HSC seem to rely upon their views quite heavily in times of their responses to some of the questions and concerns that have
1765 been raised.

But Ann Furedi wrote a book a number of years ago, which I read, called *The Moral Case for Abortion*. But she has recently said something that at first may seem somewhat surprising. She said this:

I place great value on the life of an unborn child but not as much as I place on that of a woman. For me, the humanness of human life is more than DNA, it is our moral self and agency. Strip a woman of that so fundamentally and you strip away her humanity.

1770 Now sir, I totally agree with her that abortion is a woman's issue. Where I differ is that I do not think it is only a woman's issue. I think there are other people and other considerations that have to be taken into account. So it is not surprising perhaps that Furedi does not derive ... it is not surprising that she has a hierarchical view of the relationship between woman and baby, from the position that she holds, but what is surprising possibly is the fact she actually recognises the value
1775 of the life of an unborn child, even using the term unborn child, which is something that many seek to avoid, and of course if people have read the book *The Moral Case for Abortion*, people would know that unlike many abortion proponents she considers life to begin at conception.

But she believes there is a dichotomy between a foetus' biological status as a human being and its status as a person, defined in her view by possessing moral self and agency. This, of course, leads to all sorts of questions, but at least we can have a frank and honest discussion on it and I think her intellectual honesty helps us to do that in a way that sometimes we try to avoid by using other types of terminology.

1780 I have said I believe that this is a matter that obviously, primarily, concerns women but there are others at stake as well. Because that means it is a complex area and, to use Prof. Regan's term of a grey area – she used that several times when she spoke to us – where we draw the line on issues, which is exactly the point at stake in the Propositions that are before us, is a matter we should be very careful to consider and consult on before we start saying it should be this, it should be that, of following the UK, Great Britain particularly, in any automatic way.

1785 I have said I believe that this is a matter that obviously, primarily, concerns women but there are others at stake as well. Because that means it is a complex area and, to use Prof. Regan's term of a grey area – she used that several times when she spoke to us – where we draw the line on issues, which is exactly the point at stake in the Propositions that are before us, is a matter we should be very careful to consider and consult on before we start saying it should be this, it should be that, of following the UK, Great Britain particularly, in any automatic way.

1790 We have not, as others have indicated, followed the UK blindly on medical advice with regards to Covid. We do not on other issues. We should be careful on the others. Certainly on some issues we do. But as Deputy Oliver said, I think, in a previous debate here, she believes we should make our own choices and I absolutely agree with that and it therefore needs to be on the basis of the Guernsey community primarily.

1795 I accept that the Committee for Health & Social Care are not trying to silence me, for example. Some people I have engaged with say no man should have a view on these things and certainly should not vote. I have heard that more than once. Some have said that, because I am 'Mr Religion' I should not participate or have a view on it and others have been more specific on things like that.

1800 I accept that HSC are not saying, are not using those arguments, particularly. Perhaps with the exception that there is a strong emphasis this is primarily a medical issue and I do not believe it is only and certainly not primarily a medical issue, it is an issue that involves all of us from varying different perspectives, depending on our viewpoint.

1805 That is why there is no neutrality in this. That is a myth. We have to come at it by listening to one another. I would be judged by some, for example, on a religious perspective it is true that many people, particularly Christians, have differing viewpoints on this particular perspective. I have changed mine over the years by doing exactly that, taking the time to listen to others. Because it is complex, we need to recognise that.

1810 Similarly, sir, there are quite a number of people who pointed out to me who have no faith whatsoever or are even espoused atheists, such as the late Christopher Hitchen, for example, who took a stronger pro-life viewpoint than I think many of the people who have contacted us. So I think we just need to explain first that it is not wise to say that all those, or the majority of those coming at this issue, are totally against abortion, because that clearly is not the case and I will come onto that in a moment. Neither are they doing so primarily from a religious viewpoint.

1815 There are some who think my viewpoint, from a Christian point of view, is quite liberal and there are others that think it is far too strict on these things. But I am willing to engage. I am also, sir, the father of three girls, and I recently became a grandfather for the second time, during the Covid pandemic. I did see my grandson very briefly and then we went into lockdown and then it was several weeks before I was able to see him or my daughter.

1820 That particularly touches me because this was a grandson who was born very much out of a long wait and with the use of IVF. This particular issue touches me because they have had no help, particularly, from us as a community to fund that and meanwhile we are talking about assisting further abortions and that does touch me quite strongly and I apologise sir. I have got emotional over that, but it is a struggle. I am glad that I have a little grandson now and they were able to afford to get the help they needed elsewhere in Europe.

1825 But, sir, touching on these grey areas, if it was purely a medical issue, then we would not actually be here debating this today and I do not hear anybody asking for a complete deregulation so it is coming back down to that grey area. Once you accept that abortion needs some form of regulation, then it is of necessity, we need to ensure that we have taken all viewpoints and considerations into account, that it is not just a medical matter, it is not just a social matter, but it needs to be seen from all eyes and all angles.

1830 That was referred to, I think, in some of the concerns that have been communicated to us by people who are not necessarily in total disagreement with all the Propositions but just that they were surprised, they were not aware of the policy letter and that they did not understand the implications of what it meant.

1835 I became aware of the fact that HSC were reviewing this almost exactly a year ago when I was contacted by the media locally and asked for my opinions and, of course, I was not able to give opinions on what they were suggesting. All that was in the public domain at the time was to bring it into line with the UK.

1840 Now that could mean a number of different things and the Propositions before us do that in part but they go further in other parts. But what I have been most surprised at, sir, is the number of people who have contacted us and particularly those who have just sent simple emails saying. 'I support the modernisation proposals'. After a while, sir, I decided I would do a little test with some of these and engage and ask them why they supported the proposals.

1845 The majority thought perhaps like I did a year ago, that this was bringing into line with the UK and many of those said it would mean that pregnant women would not have to go and travel to the UK for abortions beyond the limits that currently exist – they would be able to do them on

Guernsey – because that is extra trauma for them and they should not have to do that. In fact, sir, a number of people who were on the anti-side thought that was the main benefit of the proposals.

1850 When Deputy Soulsby opened this morning she sort of hinted at that again but what we heard in the presentation last week is that abortions after 14 weeks will still have to take place in the UK. People are still going to have to travel to get an abortion after 14 weeks. At the very least there is huge misunderstanding of that because that is often where the conversation ended when I engaged with these people. They clearly had not read all the proposals and they clearly thought that was the main reason that Guernsey was behind the times. For that reason, that is one large reason why I think there is huge misunderstanding out there, of what these Propositions actually mean.

1855 Now the Committee has argued that the Law needs modernisation. Again, that term can mean different things to different people. Deputy Soulsby referred to our current Law as being written in a prehistoric age, and yet the main alignment with the UK is to a UK Law based in 1990. If 1997 was prehistoric, what is 1990?

1860 Because things have changed since then. Even Deputy Ferbrache, responding to a question in the debate on assisted dying that we had a couple of years ago, was questioned on his view, and I know that he is pro-abortion, but his view of the 24-week gestation limit in the UK, and he said, 'I think it needs to change' because clearly, foetuses, babies survive at a much lower gestation period these days.

1865 So I think there was general understanding and in some cases, certainly I had hoped, that the Propositions would suggest that we should reduce from the UK's sort of stance. Even in the areas under our current Law where an abortion is legal up to 24 weeks. But that is not the case. And because the majority of abortions in the UK, 74% in fact, are performed by other providers than the NHS, of which one of the main providers is the British Pregnancy Advisory Service, I do think that the responses that we have had primarily from BPAS declare a certain amount of vested interest and, I will come onto this later, I do not believe that relying on their views alone is a balanced way of addressing the issue.

1870 Because, as I said, in the UK they are one of the largest abortion providers. They are certainly a charity, yes, but they provide a large number of the services to the NHS and so, if these Propositions are successful then they will benefit from that, very likely, in some way. That should make us at least a little bit cautious before we take their views in hand. Prof. Regan herself is a trustee of BPAS and the lady who I quoted before was the Chief Executive of that organisation.

1875 I note also that BPAS, in their email briefing on the amendments that are planned to be laid, which we have received as States' Members, state that:

Guernsey is not only making a decision on its own Law in this instance it is making a decision about what will be used to try and limit women's rights through the courts across the UK.

1880 That is of some consideration. I am not sure exactly what they mean by that but it seems to have an agenda that goes beyond what we are looking at here and I think we should be cautious before we move forward with that in mind.

1885 I do not believe that there has therefore been sufficient public engagement on this. The public feedback document, the Committee states this, that it undertook what it considered appropriate for what is a woman's healthcare matter and adequate information and time and opportunity has been given for the Community to consider and respond to its proposals.

1890 But yet in their response to our *sursis motivé*, in their written response, HSC has said full public consultation was 'not appropriate'. Well, sir, it cannot be both. Either they have done it, and they need to demonstrate that, or they think it is not appropriate. Detailed proposals were published in March 2020. The formal request for submissions to HSC and the proposals did not occur until 1st June 2020 and the deadline for submissions was 12th June, with a debate, which we are having now, only a few days later.

I do not believe this is sufficient time for our community in Guernsey, nor for us as legislators, to review the concerns of members of the public on such a contentious and sensitive issue,

1895 especially when it is clear that there is the potential that this could also be used as some sort of test regime for the rest of the UK, as I have inferred from the BPAS comments that were sent to us.

1900 The Committee, in responding to concerns about the brevity of this process and its coincidence with the Covid-19 pandemic, apparently did not find this significant. It highlighted a 44-day window since a new confirmed case of Covid-19 on the Island but this grossly underplays the impact of the pandemic. For example, school closures for the majority of the period since the proposals were published, leaving many people working from home full time and also caring for young children, healthcare and other key workers were occupied, undertaking unprecedented and time-sensitive reorganisation of services.

1905 The policy letter itself is more than 20 pages long and it engages complex issues. It has many references in it, which I have sought to read but have struggled to in the time, to find them and to access them in the way that one should with such issues. So, because it is complex and they go beyond the simple matter of woman's healthcare, at least in some people's minds and particularly in the areas of conscience for healthcare workers, where the proposals are not clear, as well as the disability discrimination issue, which I will come onto in context in a moment, I do believe that such a brief consultation period in what seems like an unenthusiastic manner was entirely inappropriate.

1910 That is why I believe that this Assembly needs to accept that we need to engage better and have a longer period where a fulsome and proper consultation with members of the public can take place.

1915 So when these proposals were first published I had concerns that I sought to try and discover more about. I accept and Deputy Soulsby alluded to this, I accept that abortion is legal in Guernsey but, as I said before, it is under restrictions and regulations and that is what we are talking about now. So, whilst accepting that, it is my opinion and I know it will be the opinion of others and I hope it is the opinion of many – even who would disagree with me on a lot of these things – that we should seek wherever possible to minimise the need for abortions.

1920 In my own experience, it seems that abortion can sometimes seem to be the lesser of two evils but there are lots of things that can be done to ensure that an abortion is not necessary and I think we should be absolutely certain that we are seeking to do those things first before we seek to make it easier and more acceptable to have an abortion. Abortion for me, sir, is always a tragedy, and I think many who have written to us who support these proposals also recognise that as well and that is another reason for us to be sober, to talk straight about these things and to have a proper consultation.

1925 I am very concerned about some of the statements that HSC have made, which suggest a lack of consultation, which I also believe risks damaging Guernsey's reputation. For example, as I have alluded to before, they seem to take a lot of their responses and their lines from BPAS, particularly on disability.

1930 Now BPAS is not a disability charity and yet, in their response to the amendments, their written responses to the amendments, they suggested that the amendments we would be planning to be planning to lay, suggesting we should discriminate between disabled and non-disabled people and have the same upper limit, they have made certain assertions, which plainly inform the basis of the response of HSC to these amendments, because they are quoted in full by HSC as justification for opposing such amendments in the briefing that they have submitted to us.

1935 I want to just highlight three of these, sir. First, HSC, in their briefing against our amendments, includes the following quote from BPAS:

Placing a time restriction on this information risks causing emotional and psychological damage to women, who have often received the worst news of their life.

1940 Now in the context of the discussion around Down's Syndrome, particularly, this is both deeply unhelpful and deeply revealing. Clearly receiving an unexpected diagnosis of foetal abnormality will cause distress and women may have deep concerns about how this will impact their growing child and their family life. However, to say that this is often the new worst news of their life is carelessly

offensive and reveals much about perhaps what we as a society perceive and what we communicate about the lives of people with Down's Syndrome.

Secondly, HSC cite BPAS again to justify their position. They say this:

The rate of stillbirth and late miscarriage for Down's pregnancies is much higher than the overall rate for inter-uterine death. A 2016 United States study published in the Pre-Natal Diagnosis Journal found that the overall risks of inter-uterine foetal demise after 20 weeks gestation was 0.4% compared to 7.4% amongst pregnancies with a diagnose of Down's Syndrome. Similarly, infant mortality rates for babies born with Down's Syndrome are significantly higher than the general population. The same study found that 6.5% of Down's Syndrome live births resulted in infant death before one year, compared to 0.4% of the general population. Information like this is key to ensuring that medical professionals are able to inform their patients and enable them to make the best decisions for themselves and their families.

1945 Now by using this quote from BPAS to oppose our amendment, HSC suggests that a 7.4% risk
of a foetus with Down's Syndrome dying in the womb at greater than 20 weeks gestation and a
6.5% risk of a live born baby with Down's Syndrome dying in its first year of life provides good
justification for terminating the unborn up to birth. To put it another way, sir, they are implying that
it is appropriate to consider terminating an unborn baby with Down's Syndrome with a 92.6%
1950 chance of survival to birth and with a 93.5% chance of survival to at least one year of age if live
born.

Whilst it is appreciably heart-breaking for the one to two in 20 mothers whose babies statistically –

1955 **The Bailiff:** Deputy Le Tocq, Deputy Fallaize wishes to raise a point of order. Deputy Fallaize.

Deputy Fallaize: Thank you, sir. While Deputy Le Tocq is making a very interesting speech and,
if I may say so, putting his case very well, I do not think he is addressing the *sursis*, I think he is
speaking to Amendment 1 and Amendment 2, which is not in play. I do not think he is explaining
1960 why the States should support the proposals in the *sursis* that he is seconding.

The Bailiff: Thank you, Deputy Fallaize. Yes, Deputy Le Tocq, it was crossing my mind as I was
listening to you that you might be going further than what is strictly relevant to the debate on the
sursis, but I was giving you a degree of latitude. However, I do think you could bring yourself back
to why debate should be deferred and the subcommittee that you are proposing with Deputy
1965 Stephens be set up.

Deputy Le Tocq: Yes sir, I will do that. I will get to my point. I was using these examples,
particularly on the issue of disability because it is not clear from HSC's policy letter, neither from
1970 their response to the amendments or the consultation with the public in general that they are using
the statistics in a manner that is fully understood. They are being selective with that. I will come to
that, sir, in a moment.

So, finally, in citing BPAS, there were three examples that I wanted to use. In citing BPAS, they
cite a plain, factual inaccuracy and this would need to come out in a proper time of consultation
and looking at these matters in detail, which we have not had an opportunity to do and certainly
1975 the public have not. They say this:

Regardless of these risks, England figures show that there are more live births of babies with Down's Syndrome than terminations on the grounds of a Down's Syndrome diagnosis.

Now, according to the most recent National Congenital Anomaly and Rare Disease Registration
Service, NCARDRS, report, this is not correct. Between 2015 and 2017, 43% of all babies with a
Down's Syndrome diagnosis resulted in a live birth. That is far greater than the impression that they
1980 have given. And 51.6% in an abortion. In cases where the diagnosis was before birth, the abortion
rate was actually 85.1%.

So that is misconstruing the evidence that is there. I mention these things here particularly and
specifically because they in support of our desire to get proper information to people and to

1985 demonstrate the facts that without proper consultation there is a blind belief that all this information that has been given to us is taken in context and is accurate. But we have not had the opportunity to do that. So proactive engagement before debating such things is absolutely essential.

1990 It was good to have Prof. Lesley Regan last Friday address us as States' Members but the public were not afforded this and there is a need to have input from other experts rather than just Prof. Regan who, as I said before, is a trustee of BPAS. We should also invite, for example, Prof. Baroness Sheila Hollins, a former president of the BMA and former president of the Royal College of Physicians and she has written to me in these terms.

Life expectancy today for people with Down's Syndrome is around 60.

1995 She quotes Dr Janet Carr, who was very involved with Down's Syndrome families and she says when she started interviewing families, Carr found how parents were told about their child's condition made a huge difference. She said:

They spoke resentfully when the teller seemed unfeeling, in some cases the prognosis was unduly discouraging. Some parents were given the impression their children would never walk, talk or become toilet trained.

2000 She discovered there was no difference on the impact on the family between caring for a child with Down's and a baby without it. Both sets of families, about half the mothers, said their marriage was very good. The truth is that very few doctors or midwives have received any meaningful training by a parent or someone living with Down's Syndrome and women testing positive for Down's Syndrome have to make a decision about termination from a position of ignorance. The UK Government has now made a commitment to introduce mandatory training on learning disability for all health professionals, which must be co-taught by people who –

2005 **The Bailiff:** Deputy Le Tocq, I do apologise for interrupting you again. It is Deputy Merrett, this time, who wishes to raise a point of correction. So, Deputy Merrett.

2010 **Deputy Merrett:** Yes sir. I find it highly offensive that Deputy Le Tocq, I think he has just said that women diagnosed with pregnancy with Down's have to make a decision by a point of ignorance. That simply is not true. Women are able to do research, to speak to parents, to speak to people that have children or relatives with Down's Syndrome. I just think that is absolutely misleading the States, sir.

2015 **Deputy Le Tocq:** Sir, I was actually quoting from a letter sent to me by Baroness Prof. Sheila Hollins, who herself was quoting Dr Janet Carr, who is an expert on Down's Syndrome. These are not my words, I am just saying we should listen to what these are saying. If I can continue, sir?

2020 **The Bailiff:** Yes, Deputy Le Tocq. In light of that explanation, it was not really a valid point of correction, was all I was going to point out.

Deputy Le Tocq: She continues, this is Prof. Hollins:

The UK Government has now made a commitment to introduce mandatory training on learning disability for all health professionals, which must be co-taught by people with learning disabilities and their family carers.

2025 Now the latter point is also a reason why people with disabilities need to be consulted properly and fully before we proceed and make decisions on this basis. Baroness Tanni Grey-Thompson, who will be familiar to many people here and of course is a patron of the Guernsey Disability Alliance, has also contacted me and she said she was not aware of these proposals and, whilst she is supportive of abortion, she was very concerned about the disability discrimination nature of the proposals and shocked about the two-week consultation. No one has spoken to her, despite her

2030 expertise in disability matters, and she has particularly stressed that this is not just an issue of discriminating against Down's but also people in her condition.

Indeed, Rob Platts MBE, the founder of the Guernsey Disability Alliance, contacted me just today to say:

Regarding the abortion review, the Guernsey Disability Alliance believes HSC has not respected Article 4.3 of the UN Convention on the Rights of Persons with Disabilities, because persons with disabilities have not been actively involved or closely consulted.

2035 I am pretty certain we will be looking to listen to and promote the views of Rob Platts and Baroness Grey-Thompson as well and other such organisations when we get to debate the discrimination proposals and it is very likely that we could then be accused, if we just proceed now, with listening to them in a selective manner when it suits our arguments.

2040 I had other people contacting me from trusts and organisations that support, particularly, Down's Syndrome, such as Nicola Enoch for example and Dr Elizabeth Corcoran, who is a psychiatrist with special interest in functional medicine and Chair of the Down's Syndrome Research Foundation and she says this:

It is shocking that the Committee should oppose change to confront disability discrimination through a counter-briefing which cites a non-disability group at length, without citing any disability charities. It is very shocking that they should cite a quote from a non-disability group suggesting that finding out you have a child with Down's Syndrome as the worst day of your life. This suggests a high degree of detachment from any understanding of disability issues. It is not surprising, if there has been only a two-week consultation.

2045 Sir, I do not say that I hold to those views but I think they needed to be heard and understood if we are properly going to take our community with us. There are many arguments, references and citations in the policy letter, which I think, along with those arguments that have been emailed to us by HSC and others, which are selective at best and, worst, contextually misleading. I have not the time here fully to do justice, I have just raised some concerns of highlighted issues there but I am mindful that some Members may be put off by such an analysis.

2050 But it is exactly that type of detailed of analysis which needs to be done and seen to be done, even if we decide to come to similar conclusions. We want to ensure, I hope, that we take the majority of our community with us in a democratic and open manner. There simply has not been full and proper commitment to such dialogue and challenge and this Assembly owes it to all of our society, particularly in these times, to give it such an opportunity, so that all sides can hear one another. I encourage Members to seriously consider supporting the *sursis motivé*.

2055 **The Bailiff:** Thank you. Deputy Tooley next, followed by Deputy Gollop, Deputy de Lisle and Deputy Dudley-Owen. So Deputy Tooley please.

Deputy Tooley: Thank you, sir.

2060 I do not find Deputy Le Tocq's speech in any way surprising, what I do find surprising is that he made the point earlier on in his speech that this debate was not about the rights and wrongs of abortion itself and then made a speech that was almost entirely about the rights and wrongs of abortion in and of itself. Perhaps I should not be surprised by that knowing his personal views and he is absolutely entitled to his personal view and he is absolutely entitled, obviously, to vote in line with his personal view. I have no issue with that.

2065 But that, as we say, was not the issue that we are here to discuss today. We are here to discuss the changes that HSC are proposing to the existing Law, which permits abortion in Guernsey, and at this very debate, we are here to discuss the proposal from Deputy Stephens and Deputy Le Tocq, that we should delay that debate until some future date as yet unspecified.

The *sursis* calls for delay. It calls for HSC:

To form a subcommittee or working party, the membership of which consists of representatives of a cross-section of people or bodies with an interest or expertise in the subject of abortion to conduct a broader and more inclusive public

consultation on any revisions deemed necessary to the current Law governing abortion and over a time-frame sufficient to ensure engagement with the wider community ...

2070 My question for the proposer and seconder of this *sursis motivé* is which groups they think we should be engaging with that we have not already engaged with? I just want to fairly briefly talk through the consultation that has taken place, which has not been a two-week consultation and which was conducted very much in line with the Scrutiny report into what consultation should look like over issues such as these.

2075 Over 50 hours were spent engaging with professionals across multiple meetings in order to gather responses. Some of those responses also came from Alderney. Professionals that were engaged with include anaesthetists, biomedical scientists, the British Medical Association, the Chief Nurse, the Clinical Reference Group, consultant pathologists, emergency department, general practitioners, gynaecologists, health visitors, pharmacists, Public Health practitioners, medical doctors, the mental health services, midwives, nurses, sexual health practitioners and educators, 2080 including Choices, SHARE nurses and the Orchard Centre, radiographers, stenographers and the Royal College of Nurses and Midwives.

Professionals with a conscientious objection were included within the engagement and as that formed part of professional engagement, all those who participated were asked for their professional opinions on the proposed changes. Women's practice leads at GP surgeries were 2085 contacted and a consultation document was circulated to all GPs in July 2019 for their response.

So, to state, as Deputy Le Tocq has done at some length, that the consultation has lasted two weeks, that no significant consultation has taken place and so on is quite frankly not true. To imply, as I believe Deputy Le Tocq's speech has done, that the Members of Health & Social Care, in putting forward these proposals, are attempting to deceive or obfuscate around the facts of the matter, is 2090 incorrect and I find it, to be honest, utterly repulsive in this situation.

What is more, Deputy Le Tocq's speech has given the impression that we at HSC have looked only to one organisation, the British Pregnancy Advisory Service, in supporting the proposals that are laid before us today and the responses that we gave to the amendments and again this is not the case. The Royal College of Obstetricians and Gynaecologists have been engaged with and have 2095 contacted both HSC and all Members. The Royal College of Nurses and Midwives have been consulted and have contacted.

We have also heard from ARC, which is, and let me get this absolutely right, the organisation for antenatal results and choices, who advise women both before and after terminations and in some cases when they have decided not to undergo a termination, following diagnosis of inter-uterine 2100 conditions, which might have a life-terminating or a major life-altering effect on a pregnancy.

It is absolutely incorrect to suggest that the responses from HSC have depended only on what has come from the British Pregnancy Advisory Service. But it is also absolutely abhorrent to me, the way the British Pregnancy Advisory Service, during the course of this speech, has been denigrated and the way aspersions have been cast against the role that Prof. Lesley Regan's trusteeship of that 2105 organisation came about.

She is a trustee of that organisation because of her expertise in this field. This is not an organisation which she has set up and which lines her pockets heading towards her retirement. This is an organisation which asked her, as one of the top and most respected medical professionals in this field, to be one of its trustees. I do not think that is the impression that potentially has been 2110 given by the speech that has been made. For me, the speeches that have been made thus far, not just Deputy Le Tocq's but others, have spoken more of the desperate need for these to be decisions which are made by medical personnel and not by politicians or by lay members of the public than they have done anything else.

I do not want to take a lot of time over this because I think we are in danger of having the same debate twice, once over the *sursis* and once, hopefully, when we can get to main debate. But I did 2115 just want to say one thing about a point that Deputy Le Tocq raised earlyish on in his speech and that was about IVF and our inability at the moment to financially support couples who are struggling to start families in Guernsey. I agree with him 100% that this is something I would like to see

2120 changed and I would like to see move forward and I would urge him to come and talk to me about anything we can do to try and make this easier for couples in future.

2125 But the two things are not the same. As most Members and lots of members of the public will know, I am fortunate enough to have five children and when I discovered I was in my fourth pregnancy, which turned out to be twins, I remember saying to a friend of mine, who was desperately trying to conceive her first child and ultimately has had a very successful adoption, I remember saying to her: 'I do not know how to tell you this because I know it is going to hurt you but I have been yet again so fortunate.' Her response was: 'It does not hurt me. I do not want your baby, I want my baby.'

2130 To combine these two things into a discussion about abortion, to say that abortion removes the babies that those who are going through the heartbreak of childlessness of infertility and potentially of IVF and the struggle to pay for that, to combine those into this debate I find absolutely unacceptable. It is not the same question. This is not an either/or and it is not appropriate for this discussion.

Thank you, sir.

2135 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Hello?

The Bailiff: Deputy Gollop.

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Deputy Gollop: Yes, the meeting takes a second or two to work. Thank you, sir. Yes, I agreed with the point Deputy Tooley made about sticking to the material substance of the *sursis* and hope that you sir and no Members will have cause to say that I am straying too far off the narrow issue, in a way, of the *sursis motivé*. Although, like Deputy Tooley and Deputy Le Tocq, I would wish to see greater financial and other support given for childless people and so on in infertility treatment.

2145 My reasons are very much to support the *sursis*, even if that makes me, on occasions, fit in with slightly uncomfortable bedfellows in a way, because I suspect some of the people supporting the *sursis* really do not want abortion in many if any circumstances and some of them, perhaps, come from a more socially conservative end of the political spectrum.

2150 I very much started this basis from a pragmatic point of view that, as a general principle, people, especially women, should have rights over themselves and their bodies and should be supported in those choices when all the evidence and consideration has been given. But I still would prefer the *sursis* to succeed than the alternatives, for a variety of reasons.

2155 The first reason is that I was very sad to have missed what I believe, we know, was an extremely useful presentation from Prof. Regan and the Health & Social Care Committee on Friday morning. But it is extremely hard for some of us to be permanently shut in, working online and using Teams and so on and I had two other online meetings with different parties that meeting, at least one overlapped, and our emails have been so snowed under with all these numerous issues on all kinds of things, from disability to Covid to abortion itself, that it is very easy to miss these invitations, particularly as in that particular instance the presentation was several months delayed.

2160 I remember accepting in March to go and it got cancelled, in that instance perhaps because of an air problem, rather than a Covid problem. However I agree with Deputy Le Tocq that these presentations should occur online for the whole community, or at least for stakeholders, and ideally we go back to the era that we were reflecting on earlier, at the start of the debate when Deputy Soulsby reminded us of the Tony Blair era, of perhaps large public meetings. Because I think the public meetings give an atmosphere and a way to balance community thinking.

2165 Here we have clearly seen a division in the community. I think it has been a classic example for the community waking up rather late to the issues and, bearing in mind we have had huge coronavirus questions to consider and we have been in virtual isolation for three months, this is a particularly inopportune time to discuss these matters.

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2175 I think it speaks volumes that the front page of the *Guernsey Press* today has a picture of campaigners campaigning, in their view, for, if you like, unborn babies, who are there demonstrating to States' Members who cannot attend. Indeed, Members may recall I tried to ask questions, really, earlier as to why we have not been able to have more presentations and meetings in person, because the Teams has certainly a challenge in themselves and I think, in itself, constitutes a valid reason for postponement of this debate.

2180 I think, too, that the points Deputy Le Tocq well made of representations from various people connected with disabled people, the Guernsey Disability Alliance, means that we should actually think carefully about this workstream in conjunction with, hopefully, a ground-breaking support we will give the disabilities and equalities law and rights commission and I think we need to make the point that people's lives matter, disabled lives matter, and we should very much encourage people to facilitate family life where we can and I think that is another reason to support the *sursis* because it is more logical for this policy letter to come after the long-delayed Disability and Inclusion Strategy.

2185 I think, too, inevitably, this is a kind of an election issue. There are nuances of news across the community, polarisations as well. I think, unfortunately, and I do not think this is the intention of Health & Social Care, it has been a polarising issue, because previous committees, for good or bad reasons, did not look at this issue. Although I was well aware that the 1994 Law was flawed. If I had been at the States at the time, I would have supported it as a political compromise, but I think even at that time there were better alternatives.

2190 I remember an alternative being put forward by somebody who later became a Jurat and who later became a chief minister. Deputy Roffey will probably recall that as well. That was perhaps a better way forward even then. But that is not where we are now. But this will be an election issue and even if the *sursis* does not win today, unless we magically come up with all the legislation changes in a hurry, the actual preparation and ratification of the legislation will, I think, be after the election.

2200 So the view that perhaps this is necessary now in order to improve life for mothers and other people and whilst a Committee is together and motivated, it is not of itself right. I do feel there has been a democratic deficit, in terms of the ability of lobbyists, on either or all sides, to meet, as one saw from the picture in the paper I alluded to. Churches have not been able to meet due to a justifiable and honourable Public Health restriction. Inevitably, that has been part of the context of this debate. Nor have groups of people who support disabled people, human rights, women's rights, they have all been in virtual format and I think that has been an issue.

2205 This policy letter, although efficient in its coverage, does not go into a lot of depth in some areas. It does not cover any of the philosophy or when conception becomes human life that Deputy Le Tocq has alluded to, and it is remarkably silent on the issue of European countries and of Jersey. The Isle of Man is mentioned many times.

2210 Strangely enough, I wished to scrutinise the report not through necessarily a pro-life or conservative point of view, but from a more radical point of view, and I find elements a bit wanting. It does not give what some lobbyists would like to see and some of the letters we have had from people I respect, which is basically a woman's right over her body or a woman's right to choose, because it still uses this framework of having to seek permission to go to a general practitioner, then through the hospital/clinical process, and then the 24th week limitation in instances of (c) and (d).

2215 Therefore it is flawed perhaps in that respect. Nor does it get rid of what I would consider to be a questionable phase that the pregnancy would involve a risk greater than if the pregnancy were terminated, of injury to the physical and mental health of the pregnant woman or any existing children in her family.

2220 I am sure many women have had and will have extremely valid reasons for not wishing to have a child, which are not due to mental health issues. I think that in itself is demeaning that we have built into this this mental health clause and I think that complicates matters. Therefore I question the legislation in that respect.

2225 Also, they refer to how Ireland, where every county but one and even the one that did not support it, County Donegal, went 49%, Ireland amazingly supported a referendum on modernisation and in some respects they are more modern than us. They mentioned the absence of prosecution. But we also hear about the Isle of Man where the legislation allows a woman to end her pregnancy without the need to consult with any medical practitioner up until 14 weeks gestation.

2230 For me, I would be more content at 14 or 18 weeks than the 24 weeks that have been suggested for change in one of the key areas, but why have we retained this demand to see one medical practitioner? Because that involves additional cost. The Partnership of Purpose makes clear that we should have a fair system where costs should not be a factor but we are still building in a monopoly of the family general practitioners as the gatekeepers for this process. So I am uncomfortable about that.

2235 The arguments that people have been not able to go to the United Kingdom for the treatment, on cost grounds, can of course be solved by a conversation with Social Security, a reorientation of the fund, and a cost methodology of doing it. The fact that it costs money is not of itself an argument for legislative change and might be an argument for policy change. So I think that is another area that I have concerns with. So I question some of the evidence. I think the point about Down's Syndrome is just one element of it. We know the comedy actor Sally Phillips has campaigned
2240 extremely ably on that area trying to refute myths and give a positive impression.

So when I look at all of the issues: the timing, the uniqueness of the Covid situation, the inability of groups to meet, the difficulties of lobbying, the many philosophical questions that the report raises, the perhaps wider question of how we can support families in Guernsey, are we likely to see a reduction in our birth population as a result of these changes, which would have further impact
2245 on the educational system? That, I know is a different argument, but one cannot divorce abortion policy from how we support family life generally and the economic and social support we give.

I do not feel these are areas in this report. Assertions are made too, on page 8, paragraph 3.6:

However, evidence shows that abortions occur as frequently in the most legally restricted countries as those with the least prohibitive measures.

2250 Well, do we know that? Do we have enough evidence to show how abortions occur in Muslim societies or American states or whatever? I do not think we do because the research we do have shows an average of 10.7 procedures per 1,000 women and girls in Guernsey, compared to a rolling average in the UK of 17.4. Now that is a significant difference and suggests that Guernsey is lower. Is it lower because of the legislative regime that we have or for other reasons? Or is it because we are told later on that 90% of abortions occur in the first 12 weeks anyway.

2255 So I am actually not opposed to all of these Propositions. Many, from the greater role of nurses to the loss of one medical practitioner, I will support. But I am not comfortable with supporting those today without the methodology that Deputy Stephens and Deputy Le Tocq and other Members wish to see. I think we need to know more information about when children can be born, about the social fabric, about the differences applying in different communities and the outcomes
2260 for society, about how people with disabilities respond and people interested in human rights respond.

I think we need a longer conversation. I accept that Health & Social Care have consulted widely with specialist groups and experts but they have not necessarily gone beyond the medical sphere to look at the wider community sphere. So for all of those reasons, I do urge my colleagues to give
2265 ground and support the *sursis*.

Thank you, sir.

The Bailiff: Deputy de Lisle.

2270 **Deputy de Lisle:** Sir, thank you. I support the *sursis*, because of the very diverse opinions from the public that have come through this week on this issue by representation to States' Members, by email, post and phone and so on. Hundreds of emails to Members are unusual, to say the least.

Many are not happy with some of the measures included in the modernisation in the Report being proposed by the Committee *for* Health & Social Care.

2275 Many are concerned that they have not had a chance to be heard and call for further reflection on this very sensitive issue by the States body and that to be in concert with the public, which they feel is required. I think we have to be open and transparent to the public calls and concerns and also we have to be creditable and accountable to public feelings with respect to major issues like this that are coming for debate. There is room for further reflection and study of the issue and
2280 people have been really concerned with other issues during the lockdown and suddenly they have become aware of the States' intentions and policy Propositions with regard to this issue.

I can understand that the Committee has consulted widely, in order to come up with these Propositions, as Deputy Tooley has indicated, and I recognise her sincerity in this area, but it is the Propositions as drawn out that the public want to look at in more detail, sir. So I support further
2285 consideration of this issue before committing to these Propositions by the States' body and I hope that the calls from the public are adhered to by the Assembly.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen, to be followed by Deputy Fallaize and then Deputy Tindall.

2290 **Deputy Dudley-Owen:** Thank you, sir.

I did not sleep well last night. I had the slow, creeping feeling of regret that you get when you realise you might have made a wrong decision. It built over the evening and troubled me when I should have been sleeping. I made an error with my vote on Deputy St Pier's amendment to the
2295 Sexual Offences Law. I should have listened to my gut instinct but I let emotional and powerful rhetoric persuade me, at the last minute, to change my vote and I regret that. Because whilst I agree with the aims of his amendment, the way in which we went about it was wrong.

This is analogous with the Abortion Law, another matter which is surrounded by emotion, powerful rhetoric and strong opinion. The same fault lies here as with the amendment in the Sexual
2300 Offences Law and that is the undoubted lack of consultation on this most important matter, though in this instance it is with the public rather than the professionals whose valuable input is missing.

If we can just be clear on what the word consultation means, because reading media reports and listening to comments from the Committee recently, I think the word has been misunderstood and what actually has taken place is promotion. Perhaps in this context, and I hope Members will forgive
2305 me for just taking a moment to explain what the term means, as this will illustrate better why the calls for a delay and further work to be done on the proposals is being made by Deputies Stephens and Le Tocq.

We all know in the States that the formation of public policy and any laws coming from that policy must include proper and meaningful consultation, not just with professionals and key
2310 stakeholders but the wider public, especially in development of health, education and social policy.

Consultation is the act of inviting stakeholders to provide their views and feedback on the proposals so that these can be taken, considered and used to shape the proposals. It is, to quote the OECD, a two-way flow of information, a continuing dialogue that is concerned with the objective
2315 of gathering information to facilitate the drafting of higher quality regulation. In this instance the same principle will apply of course to legislation and any amendments we propose to them.

Consultation is key if the public are to make sense and understand the relevance of complex issues that affect them and it is incumbent upon us to provide them with the facts and the right
information. We all know this. Consultation, meaningful consultation, has been a prominent topic in the States for a while.

2320 As the Committee have announced their intention to review the Abortion Law early in 2019, surely by the end of the last year, the Committee should have been in a position to extend their consultation with healthcare professionals and experts to members of the public. We have been informed by the Committee that the limited consultation was undertaken with professionals –

2325 Deputy Tooley has confirmed that today – which has resulted in the development of the specific proposals.

It is important here to note that the limited contact with the public was undertaken via engagement with the small groups, which is spoken to in paragraph 8.3 of the policy letter, and I will pick up on this point later.

2330 Deputy Soulsby wrote recently that the policy letter was originally published on 2nd March 2020, more than three weeks before lockdown on 25th March, and there was significant publicity given at the time. Yes, she is correct. The policy letter was published on 2nd March, but unfortunately it was without much fanfare and that was because we lurched then from the all-encompassing education debate, which had persisted for weeks and culminated on 3rd March, to the first case of Covid-19 six days later, on 9th March, and then on to full lockdown on 25th March.

2335 I am afraid that the Abortion Law proposals were buried. I am no PR expert, although I do have a decade of professional marketing and communications experience, and it looks like these important proposals were released at the wrong time. The Committee, I suspect, would have been between a rock and a hard place, keen to get the proposals out and the policy letter laid before the end of the term, with the fast track of the Covid virus hurtling down the tracks toward us, together with a large debate that many Members were pretty immersed in, there were very real distractions to other items of business at that time.

2340 Deputy Soulsby has gone on to comment about the length of time available for scrutiny. She said it would have been 107 days since it was in the public domain by the time it was debated, the inference being that there has been ample time for the public to give sufficient consideration to the proposals.

In the intervening 107 days, is it really fair to consider that people had any time to focus on the Abortion Law amendment proposals, if they had been lucky enough to catch them between their release on 2nd March and lockdown three weeks later, when they were experiencing a daily deluge of media bulletins detailing the movement of the virus towards us?

2350 If the experiences of Covid lockdown are not enough reason for being distracted by something else colossal on the radar, I do not know what is. We realise already that a lot of people in Guernsey are not waiting on the next move from the Government, because they are busy getting on with their lives and though I should draw a line between the recent lockdown, when I think the community was captivated over a few weeks, waiting on every word in regard to the Covid pandemic and strategy.

2355 The Guernsey community have during lockdown, and this has already been alluded to by Deputy Le Tocq, they have been completely absorbed in weighty issues such as businesses failing, lost income, lost jobs, new working practices, juggling work and children's schooling, helping with the home schooling, adjusting to life in lockdown, in solitude, not focusing on a quiet policy letter which was not drawing a lot of attention to itself.

2360 We received initial emails about the subject from about 13th May, which have steadily increased, especially since 1st June, once the Committee raised awareness of the proposals in response to a request by Deputy Stephens. Notwithstanding the release date of the policy letter and the timeframe that the public have been given to understand the process and consequences of the proposal, the real issue is in the consultation of the proposals. Consulting with those who might be directly affected by the amendments in the Law, women and men between certain ages, special interest groups, charities and offering a more generalised consultation for such a challenging topic would have been a more considered approach.

2370 The message that has come from the Committee is that it has been felt unnecessary to consult widely on this matter and that has been revealed in some recent correspondence when, quoting again from the President of the Committee, she commented:

There has been extensive engagement with local clinicians and engagement exercises with members of the public in the report's preparation.

2375 I will go on and *precis* the salient points made, sir, for the sake of brevity. She said, however, ultimately it is a routine and exceptionally well-regulated healthcare procedure. Healthcare procedures are not typically subject to public debate, to this end the Committee does not consider there is a need for a public debate.

2380 Does the Health & Social Care Committee truly believe that abortion is merely, is only a medical procedure? Have we reduced this matter to treat it in the same way we would a biopsy or the removal of gallstones or cataract surgery? Sir, abortion is distinct from all these issues in one special regard. It involves the life of a human being other than the woman. This factor, alone, is in fact why abortion is so ethically messy. It is not just about the woman at all. It is, crucially, also about the developing foetus inside the woman.

2385 It is clear that the deep, ethical issues surrounding abortion, because it involves another life, will always deserve much greater and deeper exploration than some would like. Thankfully, the fact that the committee undertook further promotion of their policy letter has meant that we have received a few hundred emails over the last two weeks on the matter and it is very useful and instructive to see these. There is clearly a divide in opinion in our community whether this is deemed as just a woman's issue, which building on the Committee's view that this is just a medical procedure, adds layers of complexity.

2390 Women's issues affect the woman herself and also the woman in relation to some facets of society, which is not addressed at all in the policy letter and Deputy Gollop has really articulated well healthcare, the workplace the home, salaries, equal rights opportunities. Another factor is the genetic material of that developing foetus. It takes a male and a female to make a baby in the form of a sperm and an egg. We all know that. Notwithstanding the fact that the woman will carry, grow and nurture the baby in her womb, should a man feel okay that he has no say whatsoever over the future of that baby?

2395 There is no mention of these thorny issues in the policy letter and how they are considered, how they were considered, in light of the proposals. The further consultation that is required by the *sursis motivé* will allow these ethical questions to be fully explored by the community and addressed in a future policy letter.

2400 We are a mature community, we should always be encouraging open, honest and transparent debate. We should not shy away from the topics that are hard or difficult to address. I am a keen proponent of good communication and community engagement and have actively sought to facilitate this during my first term of the States, hearing from people who really have not been given the time to consider this matter properly is essential and I, together with others, have cranked up the informal PR machine of our collective social media accounts, to try and raise awareness of these proposed amendments to our Abortion Law.

2405 These efforts and the results they have reaped are no substitute for a well thought-out, States-sponsored consultation, which is what I believe should have happened and needs to happen now. If the policy letter is the promotional material for a Committee's aspirations, then what we have in front of us is a very dry, unemotional, largely technical document, which does not grapple at all with the complexities around the subject of abortion.

2410 It really does reflect well the Committee's view that this merely a medical procedure and I can understand how this has happened, in large part because of the limited nature of the consultation. I do not believe, however, that this is the right approach, and clearly I am not alone in this.

2415 I have learned during my research that at least two of our prominent families and women's centre charities in Guernsey, who support some of our most vulnerable Island women, have not been contacted at all by the Committee regarding the policy letter. One of the centre managers told me that she had only been made aware of the proposals on reading the *Press* recently.

2420 Our Guernsey stats show that approximately 83% of ladies who have had a termination are over the age of 20. These charities, Home-Start, Bright Beginnings, deal with ladies generally from this age and some are younger. Amongst those will be those who choose to undergo abortions. That these charities, who in their work are supporting families and especially women, who have got very

valuable contributions to make to these proposals, were not contacted and included in the consultation, included in shaping the proposals, is very surprising to me.

2425 They seem the obvious point of contact with their relevant experience and target market. I have also spoken to the Youth Commission and they have confirmed to me that they were presented with the proposals in mid-February when the policy letter was clearly finalised but it was only days away from being laid.

2430 I understand that the Youth Commission aims to support the adults of tomorrow but the other charities are dealing with the families and adults of today who are currently parenting the youth of tomorrow. It is they who deal with the most vulnerable children, women in our Island, who most need our support. All of these organisations are relevant and to have omitted some and not others and overall not to have included them in the initial consultation has resulted in the current lack of human element in the policy letter and the consequential proposals.

2435 In closing, sir, for all the reasons that I have stated, I feel it is necessary that when seeking to make changes to such a culturally and ethically challenging matter that we allow the community to voice its collective opinion and take this into consideration when making our decision. On this occasion, I believe that we have denied Guernsey its voice. I will be supporting the *sursis motivé* and strongly encourage others to do so too.

2440 Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2445 I had a problem with my internet connection a few minutes ago, so I apologise if there is a problem or I drop out during this speech. Every time the States are faced with a difficult decision and some difficult issues, there is a *sursis*. In most of the times it loses. I suspect, on this occasion, this *sursis* may actually succeed.

2450 But nevertheless, I think the existence of the *sursis* is an engagement in displacement activity. If it is not. If it really is about the need for further consultation and further analysis, then one could suspect, one could assume, that in the event the *sursis* is lost, some of those who support the *sursis* may vote in favour of the substantive Propositions because on balance they may come down in favour of the changes proposed to the Law than for the status quo. I suspect almost all of the Members who vote for the *sursis*, if it is lost, will then vote against the substantive Propositions because the attraction of the *sursis* is not so much that it defers debate but that it avoids any vote on substantive Propositions, which some Members oppose.

2455 That is why I say I think the *sursis* is largely displacement activity. There is a characteristic in Guernsey politics of shifting debate away from the substance of a difficult issue and trying to turn a debate into a matter of process, talking about flaws in consultation, the timing is not right, all the matters which are not unimportant considerations, but peripheral to the substantial issues which are before us. I think the same thing is happening now.

2460 I wrote to the Committee for Health & Social Care some time ago, when this policy letter was added to the Schedule for Future Business, and I asked them to engage in a further round of consultation and to re-publicise their proposals. Now, in doing so, I acknowledge the that the proposals had been submitted early in March and there had been some coverage of them and I had received some correspondence from members of the public soon after the proposals were submitted, but I felt it was going to be in the interests of the Committee and in the interests of the debate if there was further publication of the proposals. They did that and that has clearly provoked a great deal of response from members of the public and that has been very welcome.

2470 I think there are principled, rational, compassionate arguments in favour of these proposals and against these proposals. I know that Deputy Le Tocq is capable of making principled, rational, compassionate arguments as to why these proposals should be rejected and I wish he had chosen to make them, rather than try to convince the States to become side-tracked by the arguments that he used in support of the *sursis*, to try and prevent the States from having this debate today.

2475 The information available to States' Members to allow an informed decision to be made on these very sensitive matters is not going to change. The analysis is not going to change. If anybody at all is going to have their mind changed by a delay of a few months then they are a tiny number of people. It must be true that almost all of those who are inclined to support these proposals today would still be inclined to support them in a few months and all those who are inclined to oppose them would still be inclined to oppose them in a few months.

2480 There are a range of amendments, which have been circulated, I think nine. There may be more by the time we get to the substantive debate – if we do. Now, a cynic might say that one of the reasons why so many amendments have been submitted is to make it more attractive to vote in favour of the *sursis*.

2485 I take the opposite view. I think the existence of the amendments makes the need for the *sursis* less than it would be otherwise, because the issues which are touched on by the amendments include the term limits, they include the issue of whether there should be different term limits in the case of foetal abnormality than in other cases, and in the case of fatal foetal abnormality than in other instances, they touch on the issue of counselling, of women who are considering or who have had abortions and many other issues.

2490 So, the matters which are particularly sensitive in this whole debate can be considered by the States in the debates on the amendments. I find it ironic that the Members who are arguing most strongly, or many of them who are arguing most strongly, that it is not possible to reach an informed decision today on these proposals, are the same Members who have submitted quite detailed amendments to the various provisions set out in the policy letter.

2495 So, on the one hand, they are saying to us that this debate must be *sursised* because the States cannot reach an informed decision on any of these matters, and in the next breath, in fact already, they have submitted amendments because they know that the term limit should be 16 weeks instead of 24 weeks, or 22 weeks instead of 24 weeks, or that the legislation should include or exclude certain provisions. To me that does not indicate the minds of people who are waiting to be persuaded by future consultation.

2500 Deputy Gollop said that he did not want to appear overly critical of the Committee but this has been a polarising issue. I wrote those words down in quotes. Well, sir, that is because it is a polarising issue and it will be a polarising issue in 2021 just as much as it is a polarising issue in 2020 and it was in 1997 or whenever the States last debated the matter. It is a polarising, sensitive, divisive, contentious issue.

2510 Members of parliament are elected to study information, carry out research, take account of consultation, look at the issues and come to informed and as far as possible objective judgements on such issues and there is a tendency, some Members of the States, when faced with those sorts of issues, to think that the easiest thing to do is, to use a cliché, to kick the can down the road. Although Deputy Le Tocq said that was not the intention of the *sursis* it certainly would be the effect.

2515 Deputy Gollop also said that he wanted to know more and he believed that before any decisions could be made, States' Members needed to know more about the viability of medical research and experience in relation to viability, the legislation in other countries, and he could not attend the presentation and he wanted another one to be put on. I am afraid none of those reasons are satisfactory arguments to support the *sursis*.

2520 The medical research about viability is known now. The legislation in other countries is known now. It is up to Members of the States, faced with making these decisions, to carry out research, if necessary to put questions to the professionals who advised the Committee for Health & Social Care, and following their research to come to their conclusions on these matters. Deputy Gollop wants information, which is already freely available and in the public domain.

2525 Having further consultation will not assist. I do not mean in any way that consultation is not worthwhile, but if you consider what has happened, Deputy Tooley has already explained that the Committee for Health & Social Care underwent extensive consultation with bodies which have a particular interest or experience in this area of policy and legislation. What is suggested by some of

their critics and supporters of this *sursis* is that there has been inadequate consultation of public opinion.

2530 But rarely has there been an issue before the current Assembly. In fact possibly there has not been an issue, and there have been one or two which have come close, but rarely has there been an issue where more correspondence has been received from members of the public on all sides of the argument.

2535 I have not been keeping a count of exactly the number of emails received and I have not been keeping a count of where the balance of opinion lies. But there have been many dozens received. Many lengthy emails covering all the arguments in this debate and they have not been particularly one-sided. There have been lots of emails from people in favour and lots of emails from people opposed.

2540 So there has been considerable public engagement. I accept that it is not unreasonable to argue that circumstances have conspired, meaning that there may be some people who would wish to have put their arguments in a different forum or in a different way, but that would not have added any weight one way or the other to the balance of the arguments on this issue. Because we have received dozens of emails covering all of the territory of public opinion and, as I say, I think that has been welcome, that has been positive. I have endeavoured to reply to each of the emails we have received and have then, having done so, in many cases the people have replied again with further information or further thoughts.

2545 I cannot remember a matter before the States, possibly in the whole 12 years I have been in the States, where I think I have a better understanding of the full range of public opinion than I do on this issue. Because so many people have gone out of their way, taken the time, the trouble, to provide us with their views.

2550 In fact, Deputy de Lisle, rather ironically, told us that one of the reasons he favoured the *sursis* was because of how much public engagement there has been. Presumably if nobody had bothered to engage and provide us with their views then there would not be a reason for a *sursis*? I just do not think, sir, the fact that there have been lots of emails is not a credible reason for voting for the *sursis*.

2555 So, as I say, this is not an easy issue. I think there are some colleagues to whom I am normally quite close politically who probably find the substance of this debate easier than I do. I do not mean any less sensitive but I mean they find it easier to reach conclusions than I do. I have found it quite difficult to decide how I should vote and I am still not sure how I will vote on two of the amendments if we ever get the opportunity to debate the amendments.

2560 It is a difficult, sensitive issue, but that in itself is not enough reason not to have the debate. Deputy Paint, I think it was, raised the issue of the change in the election date. Even that is not a credible argument on this particular occasion because the present States were elected to serve until 30th June and today is 18th June. So it cannot be said that this debate cannot proceed today or a decision cannot be made on the substantive Propositions because the States in any way lacks a mandate, because clearly it does not. So I think this *sursis* is really displacement activity.

2565 But the second reason why I think the *sursis* should be lost is because of the *motivé* part of it. The proposal to set up a subcommittee. Now none of those who have spoken in favour of the *sursis*, including the seconder, and not even really the proposer, address this issue of why they think that there should be a subcommittee or a working party set up to pick up this work in the event the *sursis* is successful.

2570 They propose that there should be a working party of experts to carry out more public consultation. There is no logic in that. That seems to me completely contradictory. If there needs to be more public consultation to allow more people an opportunity, more of an opportunity to express their views, and for States' Members to understand better the full range of public opinion, the type of people required to carry out that work is not a working party of experts in abortion, a company with a long track record in opinion polling would be better suited to that sort of work.

2575 I cannot understand why there is a proposal in the *sursis* to get together a working party of experts in this area and then to say to them, 'We recognise your experience and your expertise,'

2580 which is probably going to have been obtained from their professional background. And then to say to them, 'The task we have set you is to gather together as much public opinion as you can.'

2585 That has not been thought through properly, I do not think, in framing this *sursis*. In any event, I think this is a matter for the Committee for Health & Social Care. If the Committee's proposals are lost, they are lost. There is nothing that has persuaded me that the Committee for Health & Social Care, somehow is not well-equipped or cannot be trusted to carry out this work. Yet that is what seems to me to be implied in the proposed creation of a working party.

2590 I think it is a little bit unreasonable for those Members who just simply do not favour any further change or liberalisation in abortion legislation to want to set up a working party to look into the matter further, as if they would every change their minds on the subject based on the working party's findings and as if the Committee for Health & Social Care has somehow done a poor job here or is ill-equipped to carry out the next phase of work.

The second task that would face this subcommittee or working party would be to assess, effectively, the extent to which any proposed legislative change is compliant with other legislation and conventions. Again, I do not think that is really a job of a kind of working party of experts in abortion, which the *sursis* is proposing.

2595 In the event that the policy proposals are approved and are drafted into legislation, then at that point of course, there will be the expert legislative input of the law officers and the legislative drafting team and no doubt they will make representations in the event that they feel that the Committee's objectives, or the States' Resolutions are in any way in conflict with other laws or other conventions and they will provide their advice at that time. I cannot see that that is the role of a working party either.

2600 So, as I say, sir, I do think, I respect that there are very principled and compassionate and coherent arguments, both for and against these proposals. I want to hear them. I want to hear the likes of Deputy Le Tocq putting arguments to the States, which is where these arguments should be put and should be heard, principled arguments, against the proposals. I want to hear Deputy Soulsby and Deputy McSwiggan and others, who have been involved in framing the proposals, putting principled, compassionate arguments in favour of the proposals.

2605 I think the States yesterday had a very sensible debate on sexual offences legislation. I think sometimes, actually, the States are at their best debating these quite difficult, sensitive moral issues, and I think the same was true in the debate about assisted dying. Often, I think, the States are much better at debating these things than they are debating kind of routine policy. Maybe that is because the States ought to be a legislature and not an executive but that is a debate for another day.

2610 But I do think that the States are able today to have a debate on the substance. I cannot see that the debate is going to be improved by delaying it. I am fearful that the attempt to delay it is really just displacement activity being put mainly by Members who are opposed to the substantive Propositions and therefore I urge Members of the States to reject the *sursis* and to allow us to debate the many amendments, which have been submitted, all of which I think are worth debating, some of which I may vote for, and to allow us then to come to a conclusion on the substantive Propositions.

2615 Thank you, sir.

2620 **The Bailiff:** Members of the States, we have just gone past the middle of the afternoon session so I am going to propose that we take the break now, before I call Deputy Tindall, and we will resume at 4.20 p.m.

*The Assembly adjourned at 4.13 p.m.
and resumed at 4.20 p.m.*

**Modernisation of the Abortion (Guernsey) Law, 1997 –
Debate continued –
Sursis motivé lost**

The Bailiff: Thank you very much, Members of the States.

2625 I hope you have enjoyed a few minutes' break. I am going to call Deputy Tindall next, to be followed by Deputy Meerveld and then Deputy Roffey. Deputy Tindall.

Deputy Tindall: Thank you, sir. I wish to start by saying that we have respected people's views throughout the review of the Law, so I find some of the conclusions reached by Deputy Le Tocq, being voiced in the debate, insulting and I reject them. The views of HSC are also the views of the healthcare professionals, some of whom help prepare the policy letter and many who support these changes and I reject them on their behalf too.

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2635 Secondly, I want to reiterate that the policy letter does not cover some of the points raised by Deputy Gollop because this is not a debate over the revocation of the Abortion Law, but whether we should update it to help girls and women, together with our clinicians. Deputy Fallaize has pointed out that most of that information in any event is in the public domain.

2640 Thirdly, whilst Deputy McSwiggan will cover this in greater detail when summing up, I wish to point that there is no contradiction between doing all we can to ensure the rights of people with disabilities, while protecting women's ability to make their own decisions in pregnancy, the rights of people with disabilities are not enhanced by reducing the rights for women to make decisions about their own body. Decisions to continue or to end a pregnancy are based on the personal circumstances of the individual and often a range of factors, which is why it is considered that the woman is best placed to make these decisions, rather than the state.

2645 I wish to address the main issue of the *sursis* and that is the lack of appropriate consultation. A great deal has been made of the importance of everyone's view being heard – correctly. The proposer and seconder have said all voices should have the opportunity to be part of HSC's consultation exercise. Some speakers and the *sursis* cast doubt over whether the consultation exercise undertaken by HSC was indeed sufficient. I wish to assist Members in deciding on this efficiency or otherwise of that consultation by referring to the Scrutiny Committee's discussion document *Public Engagement in the States of Guernsey*, which was issued in 2012.

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2655 As the Scrutiny Committee's objectives, including encouraging accessibility to and public participation in Scrutiny and to reflect the concerns of the public they had and still have a particular interest in encouraging successful engagement for itself as well as the States of Guernsey as a whole. The Committee noted in the 2012 report that the States of Guernsey did not have a corporate approach or policy from which departments can seek guidance on public engagements. As I understand it, it still does not, sir. I wish to quote from the report as to what good public engagement looks like.

The topic of public engagement is subject to a wide range of academic research. Public engagement is a concept and how it can be effectively implemented will continually develop and change. In 2009, Engage Wales said, 'Engagement is the way in which we inform, involve, communicate and work with our stakeholders, customers, citizens and each other.' In this context, engagement can take two formats:
Formal, planned engagement activity;
General communication with stakeholder citizens as part of day-to-day work.

2660 The report continues:

Put another way, public engagement is an umbrella term to describe the organisation connecting with its stakeholders. This involves the distribution and/or exchange of information between the States of Guernsey and its stakeholders. The levels of public engagement can be conceived as a ladder of increasing involvement and participation of the stakeholder in the organisation's business.

2665 The principles of engagement can be applied equally to any stakeholder but the emphasis in Scrutiny's report was on engaging the public as the core customer of the States of Guernsey. In March 2011, further consideration of the Public Accounts Committee's *Governance in the States of Guernsey* report, Billet d'État IV, March 2011, the States of Deliberation resolved to adopt six core principles of good governance as determined by the UK Independent Commission on Good Governance in Public Services.

2670 Core Principle 1: Good governance means focusing on the organisation's purpose and on outcomes for citizens and service users. Core Principle 6: Good governance means engaging stakeholders and making accountability real. Core Principle 1 indicates that an organisation's purpose is defined by its relationship to its core customer. Citizens and service-users in the case of the public sector. In the Wales Audit Office's 2009 report *Review of Good Governance – the States of Guernsey* it stated:

The States of Guernsey exists to serve Islanders. The States should therefore have the needs of Islanders at the heart of its decision- making processes. The performance of the States of Guernsey can therefore be judged on the service it provides to its citizens. In order to evaluate this, citizens must be effectively engaged to ensure their needs are identified and appropriate outcomes delivered.

Guernsey is a democracy, with voters electing representatives to take decisions on their behalf. In representing the electorate it is essential that People's Deputies are aware of and take into account the views of the public when formulating policy proposals and making decisions. The Government should strive to make democracy real and meet the needs of those that it governs, who are the reasons for its existence.

More than that, successful public engagement is key to good governance and the ability of Government to retain credibility, legitimacy and authority in arranging economic and social affairs.

The report goes on to discuss the levels of public engagement.

Public engagement encompasses different levels of engagement, moving from informing through to consulting and acting together and ultimately to empowering, delegating decisions regarding services to the customer.

2675 In particular, there is a diagram on page 13, which I found extremely helpful. It starts off by asking what level of engagement, informing, consulting, acting together. What to engage on – identify the aims and objectives of the engagement exercise. Why engage – explain why a public engagement exercise is necessary to meet the project objectives and the value engagement will add to the process. Who to engage – identify all the stakeholders and determine their role and level of involvement. How to engage – sharing the methods of communication to be used for each stakeholder group. When to engage – determine the appropriate stages in the project life cycle for engagement.

2685 To summarise, sir, each department should consider each topic individually and evaluate the best way to consult and this does not necessarily include public engagement at a publicly held meeting. The committee concluded in its report in 2012:

Departments should identify and target their stakeholders and recognise these may differ on different projects.

HSC considered in detail who our stakeholders should be. Stakeholders were identified by Deputy Tooley and also what other consultation to undertake. Deputy Tooley explained that, having considered the issues raised in the review of the Law, a wide range of qualified health professionals locally and members of the public, by a small group consultation, were asked their views.

2690 HSC agree that a public presentation would be beneficial but unfortunately it had to be cancelled. Whilst unfortunate and the opportunity for several hundred people listening to views from a panel and voicing their views and by some asking questions, it was never considered vital and a deal-breaker if it did not proceed. There are also videos on our website, which also set out the information in respect of the policy letter.

2695 HSC's consultation resulted in a public call for comment, with over 300 responses, with consideration given to each and every point raised, with answers give to any queries raised. The extent of such engagement could not have been achieved at public presentations and Deputies and Alderney Representatives have benefited from this.

2700 Deputy Gollop said a public meeting would provide a balance to the issues but I disagree, as such balance has been shown through these emails, where voices are equally heard and all received a response, certainly from me. I ask, sir, for Members to remember the comments made by Deputy Fallaize, who highlighted the extent of the public engagement and confirmed has not experienced a debate where he has received so much public response.

2705 Sir, I also ask colleagues to take account of the fact that 66% supported the changes, as did the majority of those consulted. I urge States' Members to consider the effect of their decision today on women and girls who HSC are seeking to help and to note that there were, by a clear majority of calls by the public, contacting States' Members, supporting these changes and we must not ignore them.

2710 We must not ignore the clinicians either. We must not ignore the evidence, nor the extent of the consultation actually undertaken. It was not limited and it was not a promotion. Nor did we shy away from this difficult subject, so again I reject all of those accusations of Deputy Dudley-Owen.

2715 In the light of the recommendations in the Scrutiny report, I would ask Members to consider what the working party would do differently to HSC's consultation, considering the three elements in the *sursis*. Deputy Fallaize, as usual, commented on these various elements but I wanted to go into a little bit more detail.

2720 What would the working party consider was a sufficiently broad and inclusive consultation compared to those whom HSC consulted, namely the general public with access to email? What revisions to the current Law would a working party deem necessary to consult upon? A broad brush from the changes clinicians have recommended to complete revocation, perhaps? And what would the working party consider to be a time frame sufficient to ensure engagement with the wider community on such revisions?

2725 Whilst those questions were rhetorical, I have asked Deputy Stephens to please advise, in particular, on the second part of the *sursis* and sent her my questions, albeit only in the last hour or two, so I understand if she is unable to respond. I asked for the nature of the research into any challenges on the basis of disability.

2730 Please can the proposer explain what is meant by a challenge? Whose challenge should be researched? In what forum should the challenge be in? What jurisdiction is relevant, given there is no restriction by location? Should challenges be made in social media and in professional journals be given equal attention? Is this in respect of the disability of the foetus or the mother, or both? In order to assist, as I say, I have sent these to Deputy Stephens.

2735 In respect of legal challenges and changes to the Law, which is in the second part of that second part of the *sursis*, what aspects of those challenges should be considered? Is this restricted to the basis of disability and is this in relation to specific individual circumstances or general jurisprudence? As to legal challenges, do we have to wait until all legal challenges are decided at the Supreme Court, or at a time to appeal?

2740 Having posed those questions, which Deputy Stephens may wish to treat as rhetorical, in the third section, it would be useful to have the answers on the second, because it does go to the heart of what the purpose of the *sursis* is. For me, I can only conclude that whatever the working party decides on the extent of the consultation, it will never be sufficient for those objecting to these sensible improvements to the Law in the policy letter.

2745 Deputy Le Tocq accused HSC of having limited the consultation in order for it to back our arguments, yet this *sursis* could be said to do the opposite; to extend the consultation for such a length of time and to be of such depth as to never be able to conclude. I ask Members to note the benefits of the policy letter and the extensive consultation already undertaken, but mostly to note the nature of the ambiguous extent of the consultation required under the *sursis* and reject it. Thank you, sir.

The Bailiff: Deputy Meerveld.

2750 **Deputy Meerveld:** Thank you, sir.

I try not to enter into a debate unless I have got something specific to add but occasionally I am drawn into them by another Member's comments, which I think need a counterpoint or addressing. Deputy Fallaize made a long speech about the fact we should ignore the *sursis* and we should proceed with the debate and made several broad points to that effect.

2755 He said that he thought that most Members' minds were already made up and I think he is probably right. I know that certainly I am an advocate of women's choice. I also believe that the Abortion Law needs updating. Of the amendments, I will support some; I will not support others. And I am pretty comfortable with the decisions I have made.

2760 So, yes, I think that a lot of people in the Assembly, some are conscientious objectors, others have formed opinions already and the fact is a delay is unlikely to change too many votes. I would also raise issue with the fact that we ... [*Inaudible*] about all the research done. I think Deputy Le Tocq pointed some very eminent people who should have been involved in the consultation or could have been involved in the consultation process and whose opinions I would like to hear. I think there is more to hear on the subject. I do not think we have explored it to the maximum extent.

2765 But for me the crucial element is the engagement with the public. This is a very emotive issue that has both ethical and religious and conscientious issues attached to it and, unfortunately, this policy letter has come at a time when the island has been locked down and the groups that would normally get together and consider these issues – for instance Deputy Tindall has just mentioned that people with email have been emailing us – there are people who do not have access to email who would possibly like to be involved in this debate who have not been able to form as a group, whether it be churches or old people's homes etc., they have not been able to get together necessarily and discuss this in a way that we would hope.

2770 Also they ... [*Inaudible*] presentations that were originally promised, along with this. So whilst I would agree with Deputy Fallaize that –

2775 **The Bailiff:** Deputy Meerveld, Deputy Soulsby wishes to raise a point of correction. Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

2780 Deputy Meerveld is saying that people could not get together over the period or be able to contact anybody by means other than email and that is incorrect. I have had various letters myself and throughout the latter stages of this and I think during the consultation, people have been able to meet in small groups.

2785 **The Bailiff:** Deputy Meerveld to continue with that in mind, please.

2790 **Deputy Meerveld:** Sir, it was potentially meetings with at least two metres spacing. The fact is that I think everybody has been distracted by the issues we have been facing. I do not think people have had the time to focus on this. But, more importantly, it comes back to the basic principle about democracy. We are here to represent the people. We need to take into account their opinions. We will never make decisions that every member of our society will agree with, there will always be people who strongly disagree with the decisions we make on a particular issue.

2795 But we have got to try and engage with them and bring them with us as much as possible. That is why I think we have an issue here. This has been a long time in the coming. I think we mentioned earlier, 24 years since this Law was updated. I do not think a few more months of engagement, whether it be additional research with professionals or engagement with groups and members of the public, will have a significant impact in the long term.

2800 But it will give us the ability to make a more informed decision, informed on the basis of allowing everybody to express their opinions and giving it more time for consideration and we will be able to come to conclusions that are less challengeable in the future. I think in the circumstances now, if we make a decision on the back of a lockdown period of exceptional distraction, that this will be challenged at the next election. I would rather see this given a little more time, so I will be supporting

the *sursis* and I encourage others to do so. Let us take a breath, let us engage with the public, let us make sure all the opinions are heard although we will not be necessarily agreeing with all those opinions, but let us go through that exercise.

Thank you, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

I take the opposite view, I have to say, to Deputy Meerveld and for one basic reason, I think. I think that our Abortion Law is long overdue being reformed. In fact, Deputy Gollop was right earlier on, when he said that it was something of a political workaround at the time that it was introduced. It was a fudge. I was not in the States at the time, actually, I was reporting on the States for the BBC, I see that Deputy Meerveld has left his shed, but I remember it very well indeed. Basically what the then Board of Health put forward was not what they thought was the right legislation but rather the legislation that they believed was possible to get through the States at the time.

I want to debate the shortcomings of the current Law and I am frustrated by this *sursis*, because I want to argue the case positively in favour of allowing late-term abortions. Now of course we want to avoid them wherever possible and it is best if any termination, if it has to happen at all, is early in the pregnancy.

But I want to be able to put forward the case today or tomorrow or whenever it is, for changing the Law to have more flexibility in the Guernsey legislation. Because there are some circumstances where that is justified. I want to be able to make the argument today or tomorrow for having ... *(Audio connection lost)* ... on the term for a termination when there is a foetal abnormality, on the basis of disability compared with in a normal pregnancy.

Because it is not all about Down's Syndrome and club foot and cleft lips or whatever. There are certain circumstances where it is cruel and unusual to women to actually not allow that to happen. More than anything else I would like to argue about the hypocrisy of having a restrictive Law in Guernsey, which we can maintain because we know *in extremis* we just rely on the UK do we not? When our Law does not allow the rectification of circumstances which any compassionate human being would allow to be rectified, then we can export the problem to the UK, so that is alright, is it not?

These are the arguments I want to be able to put forward in this debate. I also want to illustrate the practical impact of our restrictive Law by reference to a couple of incidents within my own family. But of course I cannot do any of that because we have got a *sursis* and if the *sursis* succeeds I will not be able to do that at any stage, because all we are allowed to debate at the moment is when to hold a debate about whether to reform Guernsey's Abortion Law.

Yet, over the last few hours, I have heard substantive arguments put forward, counter to what I want to say, on exactly those issues from the people who support this *sursis* who do not want these things debated today, from Deputy Paint to Deputy Le Tocq, who have been putting forward the arguments and then saying, 'Let us not debate it.'

Well what a way to go about things. I think Deputy Fallaize is probably right. This *sursis* is really being put forward by those who already know they do not want reform to Guernsey's Abortion Law. I accept what Deputy Meerveld just said but, by and large, I think it is being put forward by those who do not want any reform and think the best way to avoid reform is through delay rather than arguing their case head on.

Sir, our inadequate and defective Abortion Law is failing Guernsey women now. It has been failing Guernsey women for years. This reform is overdue and a year's delay is not going to reconcile opposing views within our community. Ten years' delay will not reconcile opposing views within our community.

Deputy Gollop thinks it could all be brought forward to a better conclusion by having a sort of town hall-style meeting. Well, I am never against those, they are always good entertainment, but you will get two factions, two quite angry factions coming at it again, shouting at each other and

2855 leaving more angry than ever before. That is what happened with the last abortion debate. I can tell you it was one of the most lively, and in a way, I accept it was a good and useful meeting, but I do not think it changed a single mind.

Even, you know, people say we have heard from the community because we have had all these emails. I do not think we have heard from the community. I think we have heard from two polarised, niche views in our community and not from the great Guernsey public and I doubt that this *sursis* will actually drill down into that great Guernsey public either, because they have elected us to make these sorts of decisions. But I genuinely believe that the vast majority, while they do not like this subject and would rather not talk about it, believe that actually some liberalisation is better rather than actually us exporting our problem to the UK.

2865 This policy letter, as I understand it, was quite a long time in the creation. I know it was published three-and-a-half months ago, and I know that if we make a decision on it today, it will deeply upset quite a lot of people in our community, whatever that decision is. That is a shame. It is not a comfortable position to be in. But it just goes with the territory of being an elected politician.

2870 So, for goodness' sake, let us have the backbone, I suppose is the right word to use, to debate this today and tomorrow and to reach a conclusion. It is not going to get any easier as the months roll by or the years roll by. I think, actually, 90% of *sursis* in my experience, are absolutely useless and pointless and actually are just deflection. There are some exceptions that prove the rule, this is not one of them.

2875 The lead up has been intense. It deserves proper debate. I want to engage with the issues. I am not being allowed to engage with the issues by some people who themselves have chosen the *sursis* debate to actually engage with those issues. I am more than frustrated.

Thank you, sir.

The Bailiff: Deputy Hansmann Rouxel.

2880 **Deputy Hansmann Rouxel:** Thank you, sir.

I was not intending to speak on the *sursis* but feel compelled to try and address the concerns raised around disability and the conversation that we are engaging in, which is perpetuating a false idea, which is enshrined in the current legislation.

2885 When we talk about rights, we actually need to start not just viewing them as something that sits outside and forces us to do things but actually view the entire situation. As the CRPD states, it is the progressive realisation and it is about changing societal ideas and concepts and in that way making us understand that the language and the way that we have always done things is not necessarily beneficial to other individuals in our society and that, as a result of the way that we have always done things, there are individuals in our society who are excluded and who are discriminated against.

2890 Now it is a complex area to get your head around but when disability rights and women's rights interact in this way, you have got two conventions, the Convention of the Rights of People with Disabilities and you have the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW).

2895 There is a false conflict that is propagated by this debate and partly that is the result of the way that the legislation was originally enacted. So to try and help people understand this, look back, there are loads of different comments, but I think it is helpful, because Deputy Stephens did mention the CRPD comment, which is when they assess different countries' compliance with the convention and they make comment on the UK's abortion law, it is worth looking at how these general comments around the rights affect how we deal with this issue and how it is unhelpful to have and use the kind of language that I think has been used in this debate so far.

2900 The Centre for Disability Law and Policy made a general comment on Article 6, the right to life. It considered specifically the issues around pre-natal genetic testing and disability-selective abortions. Now the right to life, the article in question, has consistently been interpreted as applying

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to born humans, human beings, given that the drafters of the ICCPR explicitly rejected proposals to extend Article 6.1 to the moment of conception.

2910 So the rights that exist that we all accept, that this debate does touch on that, the right to life, does apply to born human beings. The Centre of Disability Law and Policy in their general comment did say this. I understand it is a long quote but I think it is important for us to hear this because it relates to the UK's Abortion Act 1967 and also the wording is what is currently in our legislation. It talks about the UK Abortion Act 1967, which allows for abortion when there is a substantial risk that if the child were born if it suffered from such physical or mental abnormalities as to be seriously handicapped.

Other countries, like Greece, Estonia and Poland have similar exceptions under more restrictive abortion regimes. It is true that these types of legislation suggest that disability is an undesirable condition and contributes to the stigma and discrimination of people with disabilities. The language used in these laws is offensive and discriminatory to people with disabilities. Since the Human Rights Committee has to date stated that Article 6 does not extend to the unborn foetus, this presents challenges in finding that such approaches violate Article 6.

In light of the UN Convention on the Rights of Persons with Disabilities, we argue that the most human rights compliant approach to this issue is not to restrict women's abortion or to require or prevent women from undergoing prenatal testing. Instead, we should ensure that countries provide equal access to abortion as a means of reproductive autonomy for all women, including women with disabilities.

As an alternative to disability-selective abortion, we advocate that a woman should have access to abortion where she believes that to continue the pregnancy should constitute a risk to her health. The health grounds should be broadly interpreted to ensure respect for reproductive autonomy and should prioritise women's own views as to what should constitute a risk to her own physical or mental health.

2915 Now those principles are the principles that HSC are trying to apply to the structure that we have but unfortunately our Law is very connected to the UK by virtue of our proximity to them and the part of the Law, and I have had discussions with HSC, that the language is actually offensive, that part can be, as part of the legislative process, if we get to actually discuss this, can be amended. But it will remain there if we do not even discuss or debate the modernisation.

2920 I would also like to point out that in September 2018, there was a joint statement by the United Nations Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of Persons with Disabilities. They have said:

Access to safe and legal abortion, as well as related services and information, are essential aspects of women's reproductive health. Access to such services is a pre-requisite for safeguarding a woman's right to life, health equality before the law and equal protection of the law, non-discrimination, information, privacy, bodily integrity and freedom from torture and ill-treatment.

The committees have said. Theresia Degener, the chairperson of the CRPD, said:

I am very concerned that opponents of reproductive rights and autonomy often actively and deliberately refer to disability rights in an effort to restrict or prohibit women's access to safe abortion. This constitutes a misinterpretation of the Convention of the Rights of Persons with Disabilities. Disability rights and gender equality are two components of the same human rights standard that should not be construed as conflicting.

2925 It is easy when talking about an emotive subject to talk about intellectual concepts but these are the bodies that are looking at the rights and how they are applied as well as how legislation is created. The *sursis* is asking us to, instead of modernising the Abortion Law and starting to have those conversations and engaging disability groups around the conversations that we have and make the conversations that we have open and transparent, we will not get to the point where we are actually implementing a person-centred health service if we are restricted by the legislation that surrounds that.

2930 The proposed amendments to the legislation are not perfect. We can look to different jurisdictions, we have had a better process and have come out the other side. They also have discrimination legislation as well advanced on ours. But that is not a reason to simply delay making the changes that we can make now to overcome the difficulties that the professionals who are
2935 involved in this area understand are having perverse effects on women making the decision or

going through pregnancies and I urge Members not to engage in the kind of language and rhetoric which further solidifies in people's minds that there is some distinction between the two types.

When we put restrictions in, the effect of the legislation is to start to put and solidify in people's minds that there is a distinction and that some lives, somehow, are worth more, and that should not be the focus of the legislation. The focus of the legislation should be around the care and the information and the knowledge that we provide those women so that they can make the most informed choice. I urge Members not to vote for the *sursis* but allow us to get to the next stage and actually debate this and get this through the line so that women in our community are no longer subjected to what in some instances is absolutely unacceptable levels of care.

The Bailiff: Well, Members of the States, on the basis that ... Deputy Lester Queripel now wishes to speak, so I call Deputy Queripel. Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

I came into this debate with an open mind. I intended to listen to the debate and then make up my mind. But at this current time I do not feel fully informed. In fact, to be honest, I feel totally confused. As well as feeling totally confused and not fully informed, I am concerned about there being a need for consultation with groups that have not already been consulted with.

I am afraid I cannot remember who rattled off a list of those groups but one of my colleagues did, when they spoke, so I am of the view, now, that those consultations do need to take place and therefore I will be supporting the *sursis*. I cannot remember if any of my colleagues have already asked for a recorded vote, sir, but if they have not, then I will close by asking for a recorded vote, please.

Thank you, sir.

The Bailiff: Members of the States, I am pausing very briefly just to check that no other Member wishes to speak on the *sursis* before I turn to Deputy McSwiggan, who is going to speak on behalf of the Committee for Health & Social Care, immediately prior to Deputy Stephens as the proposer of the *sursis*. So, Deputy McSwiggan please.

Deputy McSwiggan: Thank you, sir.

Opening the *sursis motiv e*, Deputy Stephens spoke a little about what she felt was a lack of understanding of the proposals among the public and that was echoed later in the speech by Deputy Le Tocq. The thrust of that argument, as I understood it, was that because some members of the public were replying to emails in ways that suggested that they did not understand that you would still not be able to have a late-term abortion on-Island, there was therefore no case for progressing with these proposals to modernise a long out-of-date and somewhat cruel Abortion Law at this time.

Both Deputies have a longer political track record than I do and in that time will have had experience of many consultations, having developed many policy proposals, some more complex and some less so. Some more sensitive and some less so. And will recognise no doubt that no matter how much engagement one tries to establish, no matter how many times one explains certain proposals, there will always be people who either bring their own interpretation to the debate or who otherwise walk away from the consultation and the communication with a completely different understanding of what is being proposed than what is actually being proposed.

So I am afraid I do not see any remedy to the problems that Deputies Stephens and Le Tocq have identified in the *sursis* that is before us now. Casting my mind back to Deputy Stephens' opening speech, she was critical that consultation after publication meant that there was no possibility of public views influencing our proposals.

Of course that is manifestly untrue. Manifest in the nine amendments that these two States' Members and a couple of others have brought to us over the last 48 hours. Manifest in the way that each of us have listened to the arguments that have been made on all sides of this debate, through

the many emails that we have received, the many consultation responses we have read, the many phone calls we have no doubt received, that will influence how we choose to vote on particular parts of these proposals or on the proposals as a whole.

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But although I think this point has now been firmly refuted by my colleagues on HSC and so I will not dwell on it at length, the Committee was in fact careful to consult over a long period of time with people who have, as is described in the *sursis*, both expertise and an interest in matters relating to abortion.

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As I had cause to remind States' Members earlier this morning, the consultation that we carried out with professionals involved in abortion in all manner of ways was done almost a year ago and it was an extensive consultation. We had nearly 90 responses from a broad range of specialties involved in the provision of abortion care and related care and tellingly the vast majority of those responses were entirely supportive of a single direction of travel, the direction of travel that is now set out in this policy letter.

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Where there was a little area of difference was over what are called category (d) abortions. So those abortions where we are proposing the raise the time limit from 12 weeks to 24 weeks. There was absolutely unanimity over category (c) abortions, which have been the subject of much of this debate, where everyone who engaged with us, who had some experience of providing abortion care, recognised there was a need to remove the restrictions that we currently have in place and to ensure that the provisions that we have reflect medical good practice, reflect the timing of the tests that take place with pregnancy and the information that women would have to digest following those tests and enable people in a sympathetic and compassionate way to make the decision that is best for them and, where applicable, best for their family, that allows them to proceed in an informed an appropriate way, whatever it is that they choose to do.

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Deputy Stephens asked at the outset how much expert advice received by HSC has offered alternative views and the answer is very little indeed. It is not because we have spoken to very few experts. We have spoken to very many and the fact that there has been such consensus on the right way forward really ought to tell States' Members something.

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In speaking on the *sursis* I want to address some of the points that Members have raised in debate so forgive me if I work through some of those points in a little bit of a methodical way. Deputy Paint said as of this point, really as of today, we are a caretaker Government, so what if the next States overturns the decisions that we make now. I am more sympathetic than a lot of other States' Members, I think, to the view that in the last month of our term we ought to be careful about what we do and we do have a kind of caretaker responsibility.

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But as Deputy Fallaize has pointed out, we are not yet in the last month of our term. We are officially in office, even without the delay to the election, until 30th June. Nor is this something that the Committee has thought up on the hoof. This is a set of proposals that have been in development for well over a year, at least. I am thinking more a year and a half but I cannot cast my mind back quite that far.

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These are proposals that States' Members have been aware of for more than year because this was in the Committee's last P&R Plan update. Proposals that members of the public have been aware of for more than a year because they were included in that P&R Plan update. As Deputy Le Tocq pointed out in his speech, as a result of making our intentions clear at that earlier stage in this term, there was a degree of media interest and public engagement arising from that, which allowed people to know that this work was ongoing and to engage with it in whatever way they saw fit.

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I wholeheartedly disagree with Deputy Le Tocq's statement that some people feel they have been treated ... I suppose I cannot disagree with people's feelings but I wholeheartedly disagree that people have been treated as if their opinions are not worth listening to. But what I would say in response to him is that debates that play out in public spaces have their own dynamic and that dynamic is different to the kinds of conversations that we can have in enclosed spaces where we know we trust those we are talking to, where we feel often safer to share very intimate, very personal, very moving experiences.

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3040 Where we know that in sharing the things closest to our hearts and the decisions that have been
hardest for us to make, we are not going to face the accusations of being Nazis and baby killers
that those of us bringing these proposals or supporting them have faced over the past few weeks.

Sir, I feel very strongly that as a Committee we have a duty of care to people who are engaging
with these proposals to ensure that they can be heard in spaces that are safe, in spaces that allow
people to express themselves without ... (*Audio connection lost*) ... they might face. That duty of care
3045 has informed the way that we have approached the development of these proposals at every stage.

These proposals have been developed, essentially, the officer level work has been done by our
excellent Public Health team, led by a Director of Public Health that the Island has come to recognise
and respect over the last few months. But Members of HSC will attest that at every meeting that
team came forward with an update on these proposals, either I or another Committee Member
3050 asked, 'Are you sure that this is something that you want to go forward with?'

Politically, we were certain that this was the right thing to do. We were certain that this was a
Law that was long out-of-date and needed updating in fairness to Guernsey's girls and women. But
we also knew from historical experience and from experience of abortion debates in other countries,
that this would be a conversation, a very fraught conversation and we did not want to expose
3055 anybody to the same kind of flak that we as politicians expected to be exposed to if they were not
100% prepared and committed to that.

The Committee took its duty of care with the utmost seriousness, both towards our staff and
towards the people that we engaged in our consultation processes. That is why the Committee
chose the consultation process which informed the proposals before their publication, to be one of
3060 quiet, small group engagement in spaces where people felt safe and were able to express
themselves as honestly and as truthfully and as they felt able to.

While we have since heard the broader public debate and that has been an important
component for each of us in reaching the decisions that we have reached today and hopefully will
reach over the coming days, I think that the Committee took the right decision for the right reasons
3065 in having the kind of consultation process that it did in the pre-publication development of these
proposals.

Sir, having referred to the experience of abortion debates in other parts of the world, I want to
just refute an accusation that Deputy Le Tocq made about the motivation of BPAS in engaging with
our proposals and what they hope to gain from them. He suggested that they supported our
3070 proposals because the imagined that what we do would act as a kind of test regime for the rest of
the UK.

The only way that it is possible to read the consultation responses that BPAS have sent us are of
people who are deeply invested in providing good abortion care, who see this as a positive
development for some of the women that they have to provide care for, because our regime, as it
3075 currently stands, falls short of what it should be.

But I am not ashamed if people in other countries look to Guernsey for a good example. Because
it is the courage of lawmakers in other parts of the world that has won progress for women
everywhere. We take courage from each other and from each other's example. So, sir, I strongly
disagree with Deputy Le Tocq that HSC risks damaging Guernsey's reputation by taking into account
3080 the views of those from elsewhere and particularly organisations like BPAS and others.

He was particularly critical of this in the context of disability. Well, Guernsey has done no favours
to its own reputation in the past in the context of disability but that has not been to do with these
proposals to modernise the Abortion Law, that has been to do with our painful foot dragging on
everything else that promises to improve the lives of disabled Islanders. It has been an uphill
3085 struggle, my colleagues on ESS will absolutely agree. It has been like pushing water uphill, even this
States' term, even with the strength of the States' decision behind us that we would make progress
in this area. We need to look to ourselves before we look elsewhere to worry about the damage to
our own reputation.

In that same vein, sir, when Members talked about HSC, the statement was HSC showing
3090 disrespect for the lives of disabled people by saying that a pregnant woman who had just received

a diagnosis of foetal abnormality may have had the worst news ever. This was twisted well beyond the original context in which that statement was made and I trust that any Member who read that statement in its original context will have recognised that.

3095 The diagnosis of foetal abnormality is wide-ranging. It covers many things more than Down's Syndrome and often it covers Down's Syndrome in conjunction with congenital heart defects and other conditions that may be truly life-threatening. It may absolutely be the most devastating news a person has received to date to hear that a baby that they imagined being born safe and well was likely to suffer [*inaudible*] and may not even survive.

3100 I think it would be deeply heard-hearted of us at HSC not to acknowledge that that news would be tremendously painful for many women and for many families and that it is news that they would need to take time to digest. They might need to completely revise their idea of what the future would like to them and that they would need to take time to think about how they approach that future.

3105 One of the arguments that I have consistently made is that removing the 24-week time limit on category (c) abortions does not do what people fear it does. It does not create open season on category (c) abortions. Members know by now that a lot of the tests that tell you about possible foetal abnormalities have been a couple of weeks before that 24-week time limit and often they result in really fundamental, life-changing news. At the moment our Law forces women to act within a matter of days on the news that she has just received and decide whether or not she is prepared to carry on with a pregnancy.

3110 We must recognise that for every woman who decides, 'okay I will carry on', there may well be another woman who says, 'I am not sure that I can face it and I am not prepared to take a risk at this time.' Buying women more time to think, to reflect, to talk with others if they need to, can result in outcomes in both directions. It can result in women who recognise, 'no, I cannot continue this pregnancy at this time', but it can result in women having the conversations and the support they need to say, 'Actually, no, this is a decision that I am prepared to make.'

3120 Deputy Gollop, when he spoke, said that he would like the *sursis* because he felt, amongst other things, that this would become an election issue. Inevitably, one way or another, this will become an election issue. It will become an election issue if the *sursis* failed and then the proposals fail because people who wanted us to make progress will be disappointed that we did not make progress.

3125 It will become an election issue if the *sursis* fails and then the proposals succeed because, inevitably, candidates will be asked for their position within this debate, or the position they would have taken had they been in this debate, and because Members will know that there will be a subsequent debate whatever happens, because these proposals are not the Law. Whatever happens in this debate, if the proposals succeed, the Committee for Health & Social Care will have to come back with the draft legislation, at which point the next States – and it will be the next States it certainly will not be this States – will have to decide whether that legislation remains acceptable.

3130 So I think that Members who want this *sursis* to succeed because they feel there is some need for electoral legitimacy are making the decision for the wrong reasons and will get what they want in any case. An election is coming. The legislation that will arise from this policy letter will come back to the States after that election. I think it is beyond unimaginable that it would come back any sooner.

3135 That check and balance, if Members want to see it in that way, will happen without the need for this *sursis*. But if Members feel in their heart of hearts, and I think Deputy Gollop did say he felt in his heart of hearts that the changes that are set out in this policy letter are the right changes to make our Abortion Law less cruel to women, more appropriate for our community as a whole, then agreeing to the proposals today would at least allow us to make speedier progress towards the right final outcome, even allowing for that electoral check and balance in the meantime.

3140 If Members think that this is right, then allow us to get a spade in the ground, understanding that the election will provide, I suppose, essentially a verdict on that and that if the verdict of the election is the population thinks you got it wrong after all, then we will be at a stage in the process

where all of this is changeable. We are not making a once and forever decision today but we are taking an important step in the right direction.

3145 I suppose, thinking about the election, it should be no skin of my nose if the *sursis* wins. Having listened to some of the speeches today and knowing the strength of the responses that we received in the consultation, thinking about the electoral map, I suspect it will cost some States' Members some votes and those States' Members are more likely to be those whose views, I think, on this are, if not quite harmful or damaging, then certainly heading in that direction.

3150 It will probably come at a cost of those votes and it will probably spark a new wave of energetic and impassioned young politicians entering Guernsey politics at the next election. In a sense, I think both of those things would be great for Guernsey, but not at the cost of doing the wrong for girls and women now. Absolutely not at the cost of refusing to address the issues that are set out in this policy letter and that we need to work through as an elected body.

3155 Deputy Meerveld said that he did not think a few more months would make a difference in the long term but sir any pregnancy is just a few months. In the course even of HSC declaring it was going to start work on these proposals up to the point of bringing them to this Assembly there are women, young women and women of all ages, who will have had to make absolutely life-changing decisions, who have had absolutely life-changing experiences, as a result of having pregnancies, as a result of being pregnant, as a result of perhaps having an abortion or having to make a decision about abortion within a timeframe that forced them to make certain decisions they might not perhaps otherwise have made.

3160 That is why I found Deputy Dudley-Owen's comments about the role of lockdown and the pandemic so utterly at odds with the aims of this policy letter. She said that during lockdown people were distracted weighty issues from businesses failing to home schooling to the fear of what the pandemic might bring to the community. Lockdown absolutely forced us what really matters to us and I am sure that what we all agree that what really matters to us beyond anything is the health and happiness, first of all of those we love and those we are close to, and more broadly of our community as a whole.

3170 But this is an issue of the health, of the safety, of the welfare, of people we love and of our community as a whole. It is, as much if not more so, a life and death issue, as the pandemic itself is. It is a proposal which has been brought to this Assembly by the same team, at officer and at political level, who have been dealing most immediately with the demands that the pandemic places on us. And it is being brought now and being brought despite the pandemic, or even perhaps because of the pandemic, because it addresses absolutely fundamental issues that make a real difference to the lives of women and girls in our community.

3175 I say because of advisedly and in a wholly different way to those who have accused us of trying to sneak this in a pandemic. It absolutely has not been this way. This policy letter has had a long lead in and we have been very public about it and we have welcomed all the engagement that people have offered to us.

3180 But the pandemic has placed a limitation on our ability, amongst other things, to access healthcare, to be in the presence of other people and other jurisdictions, including in the UK, it has led to changes in ways that abortion care, amongst other things, is provided to the population precisely because of those restrictions. So if anything, the pandemic has made this debate more urgent not less.

3185 I want to thank Deputy Hansmann Rouxel for addressing the issues of disability rights, of women's rights and of human rights as a whole and for underlining how critical safe abortion is to women's reproductive health and how fundamental it is to their human rights and that includes to the health and human rights of disabled women, and for outlining how we can take this as an opportunity to address outdated and really quite offensive language that already exists in the legislation.

3190 I can confirm in response to her that it is absolutely HSC's intention to do so and that we can confirm that the policy letter gives us the basis on which to ensure that that is addressed in the legislative draft.

3195 Just a couple of points remaining on the substance of the *sursis* itself. I was surprised and disappointed to see this laid only two weeks after Members have voted in a ratio of 3:1 to hold the debate this month. I do not know what changed in a matter of a fortnight to persuade Members that actually this is no longer an issue critical to women's health and to our community as a whole, which needs to be addressed, but it is not, as Deputy Roffey said so clearly in his speech, an outrage
3200 that we have left it so long to address the shortfalls in the current Law and in fact this is something that needs to be concluded with a greater degree of urgency rather than something that needs to be spun out for another 18 months.

I think I have addressed at length the question of establishing a working group with interest or expertise in disability, outlining the various consultations that have taken place by people with both
3205 an interest and especially with expertise in the development of these proposals.

But the second part of the *sursis* relates to challenges that are ongoing on the basis of disability discrimination. As any States' Member who sits on a committee with any piece of controversial legislation within its mandate will know, pieces of Law like this piece of Law, are subject to eternal challenge.

3210 I might have my numbers the wrong way around, there have either been four judicial reviews lodged against the Abortion Law in the past three months, or three in the past four. In any case it is clearly something that is a constant feature of legislative challenge and it is absolutely the case that committees keep these challenges under review.

They keep legislative developments in other countries under review and they consider how Guernsey legislations meets in response to that. But it is equally, unequivocally the case, that we
3215 cannot wait for all challenges to conclude before we can contemplate making changes to our own legislation. Because there will never come a time when such challenges conclude.

The one aspect relating to disability discrimination, which I think Deputy Hansmann Rouxel's excellent speech did not pick up is that really those who oppose the proposals have been perhaps
3220 wilfully misunderstanding, certainly have been misunderstanding what category (c) means. They talk generally about the way that the Law affects people with disabilities, without recognising that there are many disabilities that would never fall into the category of category (c) abortions, without acknowledging that information about significant foetal abnormalities is just that.

It is information about whether a baby is likely to survive and how much it is likely to suffer. In
3225 preparing for this debate I read the British Association for Perinatal Medicines' guidelines for extreme pre-term birth and just by-the-by, because this will come up later, they define extreme pre-term birth as births before 27 weeks of gestation. So when we are talking about 24 or 22 weeks, Members may wish to bear that in mind.

One of the things they have in those guidelines is a process for working out the level of risk for
3230 a baby born very early in terms of how much it is likely to suffer and how long it is likely to survive for and therefore whether doctors should be offering the baby and the family palliative care only or whether they should be offering some form of active treatment. They break it into three risk criteria: moderate, high or very high. There are no lower risk criteria if the baby is born that early.

One of the factors which they take into account in working out how likely it is that this baby is
3235 going to suffer or is going to die is the sex of that baby. Because we know that male babies are much frailer than female babies. So, amongst other things, the sex of the baby is a factor that is taken into account when deciding whether to offer a very young baby just palliative care or active treatment. This is not prejudice against male babies, it is not stigma or discrimination, it is information on how likely that baby is to suffer or how likely it is to survive. Information about
3240 significant foetal abnormalities is telling the pregnant woman, telling her medical team exactly the same kind of thing and allowing her to make exactly the same kind of informed decision.

I just want to conclude, if I may, on a quite personal note. In the course of the last couple of weeks, we received one very moving email from a nine-year-old child who felt that they needed to write to us to share their views on this debate. Sir, 25 years ago, when this Law was first introduced,
3245 that nine-year-old child could have been me. I do not think I could have been as polite as that young person but I was there. I was there at all the church-led campaigns against the introduction

of the Abortion Law. I was there alongside many of the people who are writing to us now, asking us to delay or not to vote through these proposals.

3250 Not people with similar views but exactly the same people. These are people I know and I know that their views are sincerely held. But 25 years has not changed those views. Another 18 months will not do so.

The Bailiff: Members of the States, it has just gone 5.30 p.m. but I am going to put to you a motion that we continue to sit to hear from Deputy Stephens, as the proposer of the *sursis motivé*,
3255 reply to the debate on it and then to take the vote and then to rise. So those in favour, please indicate that you want to continue sitting. Anyone against please also indicate.

Members voted Pour.

The Bailiff: Members of the States, I am satisfied that there were more of you voting Pour than voted Contre and therefore we will continue sitting and I will invite Deputy Stephens to reply to the
3260 debate on the *sursis motivé*.

Deputy Stephens: Thank you, sir.

Quite a while ago now Deputy de Lisle in his speech spoke about sincerity. I want to thank everyone who has contributed to the debate because I feel that everyone has actually spoken with a good degree of sincerity, as I hope most will acknowledge that I do.

3265 Deputy Fallaize suggested when he spoke that Members' minds are made up and I do agree with him and I am going to try to be really brief but I do want to address, if I can, the questions that I identified that actually specifically relate to the *sursis*. If there are any other general issues that Members would like to discuss with me then I do invite them to use the email later. I am just going to try and concentrate on the things that are relevant to what the *sursis* seeks.

3270 I want to refer to the speech that Deputy Tooley made, because she asked a specific question about who should be consulted by a working group but I think Deputy Dudley-Owen and later Deputy Tindall's speeches should assist with this, but I would say that those who should be consulted include social and community groups, anyone who works with children and families in that way, disability groups and, yes, those who have religious affiliations.

3275 Deputy Fallaize raised a variety of issues and he did talk about displacement activity and I wanted just to confirm, for his benefit, that my motivation to bring this *sursis motivé* is for those in the community who feel removed from the debate and want recognition that they have an interest. I would suggest to him that many of them feel displaced by the lack of interest that they perceive in their views.

3280 He questioned the juxtapositioning of the *sursis* and the amendments and I would advise him that the amendments were constrained under the Covid rules and we had to publish them early or risk testing the patience of the Assembly by repeatedly seeking to suspend the Rules. Both Deputy Fallaize and Deputy Tindall are curious on how a working party might function or be constituted but I would remind them that this happen in 1996 and 97 with a measure of success.

3285 Then I was asked what they should consider and I would suggest that they really do need to consider the Propositions and the changes that they bring forward. Of course the timeframe for that activity is in the gift of HSC, but the benefit of it would be that perspectives can be heard and responded to with immediacy.

3290 Deputy Tindall very kindly said that her series of questions about challenges which should be researched I might not be able to respond to but, actually, in the course of debate I felt that Deputy McSwiggan referred to quite a few so maybe she should speak with her. But in my view I would refer her to political and legal actions in the UK and who act as HSC's partner in providing for abortions that cannot be performed on-Island.

3295 I would certainly refer her to the current UK high court challenge from Heidi Crowter and any activity, recent activity, in the public domain. Deputy Tindall spoke at length about the standard of

the consultation that should be aspired to. I would suggest to her that this should include stakeholders, as well as professionals, anyone who is affected by service changes or changes in delivery as well as representatives –

3300 **The Bailiff:** Deputy Stephens, I am sorry to interrupt you but Deputy Tindall wishes to raise a point of correction. Deputy Tindall.

3305 **Deputy Tindall:** Thank you, sir. It was regarding the fact that Deputy Stephens said that I was asking about legal challenges. The question I was raising was in respect of what type of challenges, it is not specific in part of the *sursis*. Thank you, sir.

The Bailiff: Deputy Stephens to continue please.

3310 **Deputy Stephens:** I thank her for that and I am still depending very much on her sympathetic questioning in the sense that I might take time to respond to this. I apologise for just using legal challenges. It would be, I would suggest to her, I was also thinking of political challenges and any challenges that are brought by individuals against issues that they have discovered when trying to access services.

3315 Deputy Roffey, I just wanted to respond to his comment that he does not think we have heard from the great Guernsey public yet and I absolutely agree with him and I think that is what the *sursis* would provide.

3320 I thank Deputy Hansmann Rouxel for her speech. I would have to think quite a while on her comments on disability and discrimination. I think what she was speaking about was fairly complex. I would need time to process it. I suggest in that I am not much different from other members of the community, which points me back to the *sursis* and its requirement, because I would say that further work is needed to assist the community to understand those complex issues that she was speaking about.

3325 Then Deputy McSwiggan who, as always, and as I have said to her on many occasions, I do admire the speeches that she makes. I do not agree with her, obviously, in this instance. She talks about hard conversations and I do have to acknowledge the work that HSC have done in respect of this, not just on abortion but on all sorts of matters. But there is a perception that more of these hard conversations need to take place with more people concerning these Propositions.

3330 I would like to finish by just making this comment. At one time, the subject that we have been discussing for most of this afternoon, would never have been spoken about and I am really pleased that society is tolerant of such discussions. This is actually, in fact, seeking for more of that, they want to talk about this issue.

I do not think I have anything else to add. I apologise if I have missed out anything that anyone wanted to ask me. I think now it would be reasonable to go to the vote and I do encourage Members to vote for the *sursis*.

3335 Thank you, sir.

The Bailiff: Thank you very much. Members of the States, we come to the vote, which will be a recorded vote, on the *sursis motivé* proposed by Deputy Stephens, seconded by Deputy Le Tocq and I will hand you over to the Greffier for that.

There was a recorded vote.

Not carried – Pour 19, Contre 20, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Le Clerc	None	None
Deputy Parkinson	Deputy Leadbeater		
Deputy Lester Queripel	Deputy Trott		
Deputy Mooney	Deputy Le Pelley		
Deputy Stephens	Deputy Merrett		
Deputy Meerveld	Deputy St Pier		
Deputy Inder	Deputy Fallaize		
Deputy Lowe	Deputy Hansmann Rouxel		
Deputy Laurie Queripel	Deputy Green		
Deputy Smithies	Deputy McSwiggan		
Deputy Graham	Deputy Langlois		
Deputy Paint	Deputy Soulsby		
Deputy Dorey	Deputy de Sausmarez		
Deputy Le Tocq	Deputy Roffey		
Deputy Brouard	Deputy Prow		
Deputy Dudley-Owen	Deputy Oliver		
Deputy de Lisle	Deputy Ferbrache		
Alderney Rep. Roberts	Deputy Tindall		
Alderney Rep. Snowdon	Deputy Brehaut		
	Deputy Tooley		

3340 **The Bailiff:** Members of the States, the voting on the *sursis motivé* proposed by Deputy Stephens, seconded by Deputy Le Tocq was that there voted Pour 19, Contre 20 and therefore I declare the *sursis* lost.

Procedural

3345 **The Bailiff:** Now, Members of the States, before we rise this evening, can I just raise with you the, what now seems, likelihood that the business of this Meeting will not conclude by 5.30 p.m. tomorrow. As you know, under the terms of the Rules, at 5.30 p.m. tomorrow we should switch to discussing the Schedule for Future States’ Business and defer all other matters to the Meeting that is due to commence on 15th July.

3350 However, given the subject that you still have to debate during the course of this Meeting, I will be minded at the end of tomorrow to propose adjourning the Meeting to a fourth day. At the moment my preference would be to adjourn to 1st July and if necessary from 1st July to 2nd July. I will simply listen to people tomorrow evening but I am giving you notice now, as I had invited you to consider what might happen, as to what my intention is so that if you wanted to have discussions amongst yourselves as to what might be the most appropriate thing to do then you are able to do so.

3355 Deputy Roffey is querying where the Meeting will be held. Much depends on what happens to the Emergency Regulations that are made by the Civil Contingencies Authority, but if remote Meetings no longer need to take place then, when we adjourn from tomorrow, potentially we can resume with a physical Meeting, which would be held in the Royal Court Chamber. I hope that is going to help people mull things over overnight.

3360 With that, I am now going to invite the Greffier to close today’s sitting with the Grace.

The Assembly adjourned at 5.46 p.m.