



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Wednesday, 20th May 2020

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Present:

Richard McMahon, Esq., 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 C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater

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 and A. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy J. A. B. Gollop (*relevé à 09h53*), Deputy J. I. Mooney (*absent*)

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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

CONVOCATION

The States' Greffier: Billet d'État XI and Billet d'État XII, of 2020. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held via Microsoft Teams Live, on Wednesday, 20th May 2020, at 9.30 a.m., to consider the items listed in the Billets d'État which have been submitted for debate. And Billet d'État XII is convened, pursuant to the provisions of Rule 2.4 of the Rules of Procedure.

In Memoriam – Tribute to Deputy Hadley

The Bailiff: Members of the States of Deliberation, sadly we must start this Meeting of the States by paying tribute to former South-East Deputy Michael Peter James Hadley, who passed away on 2nd May, aged 77. Mike was born in Staffordshire and, after leaving school, qualified as a pharmacist, progressing to become a community pharmacist in central England.

He first became involved in politics in that region, becoming a district councillor and then a mayor. Through that engagement, he served on a health authority, as well as on the West Midlands Regional Advisory Committee for Health Promotion. In addition to being a pharmacist, he was also a businessman, founding a computer software company. He also owned, at various times, an interior design shop, a restaurant and an hotel.

Later, he and his locally qualified wife, a doctor, moved to Guernsey. Resuming his interest in politics, Mike was first elected to the States as a Deputy for the South-East electoral district from May 2008, and served for two terms, until the 2016 election, when he lost his seat. During his time in the States, Mike served on a number of Committees.

Given the clashes that he had with fellow Members of the Committee, which were played out in public, he is perhaps most likely to be remembered for his membership of the Health & Social Services Department. Somewhat reminiscent of the hokey-cokey, he was a Member for three separate spells, from May-November 2008, when he resigned, from June 2011 until the end of his first term in April 2012 and, finally, from October 2014, until the end of April 2016.

During his first term, he was also a Member of the Scrutiny Committee, from March 2009 until April 2012. For the whole of his second term, he was a Member of the Housing Department, in the process of achieving his most senior political position, by becoming its Deputy Minister. He was also a Member of the Commerce & Employment Department, from May 2012 for those four years.

One policy, which he was pleased eventually went through the States, was the liberalisation of Sunday trading. For his final year as a Deputy, he was a Member of the Education Department.

30 It is fair to say that Mike was well known for his outspoken views, which extended to criticising some parts of the local health care system. He was never afraid to say what he thought and to do what he thought was right, even if his actions might upset other States' Members, including those serving on the Committee with him. He had more than a passing acquaintance with the Code of Conduct Procedure.

35 He was a keen supporter of having Island-wide voting and so was delighted when this development was agreed. Sadly, he did not live to see the first such election. Mike leaves a widow, Dr Jocelyn Briggs, six children and eight grandchildren, to all of whom we extend our sincere condolences.

40 Members of the States, will you please join me now in a period of silence to honour the memory of former States' Member Mike Hadley.

Members observed a period of silence.

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

**Procedural –
Congratulations to the Bailiff
on his appointment as Presiding Officer**

The Bailiff: Deputy Lowe, is it your wish to say something at this point?

45 **Deputy Lowe:** Yes, if I can, sir. I would like the opportunity to congratulate you on your appointment as Bailiff. It is certainly a great honour and a privilege to actually send our congratulations to you and look forward to working with you as Presiding Officer of the States. I know some of us worked alongside you as Deputies when you worked and helped us up at Frossard House, on many of the reports that came before the States, so a few of us have worked alongside
50 you for quite a long time. However, this is a huge privilege for you and for us to work with you now as Bailiff and I wish you every success and look forward to working with you and the rest of the States. Thank you, sir.

The Bailiff: Thank you very much, Deputy Lowe, for expressing those good wishes for my term
55 of office as your Presiding Officer. Can I say I am looking forward to it, as I said when I was installed? I will not repeat what I said as well at that time, I trust that it will be taken account of.

Statements

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

**Statement on the business case for the
extension of the runway at Guernsey Airport**

The Bailiff: The first Item of business that we have this morning is a statement from the President of the Committee for Economic Development on the work on the business case on the extension of

the runway at Guernsey Airport and I invite Deputy Parkinson to deliver that statement. Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

As Members will recall, following a successful Requête laid by the late Deputy Jan Kuttelwascher at the end of 2019, the Committee *for* Economic Development is required by a States' Resolution to develop a business case and cost benefit analysis for the extension of the runway at Guernsey Airport to create a runway of at least 1,700m and to report back to the Assembly by May 2020. I am pleased to report that prior to the Covid-19 crisis, the Committee *for* Economic Development made good progress on developing the business case and cost benefit analysis on extending the runway at Guernsey Airport to between 1,700m and 1,799m.

The Committee commissioned Frontier Economics to undertake an economic impact analysis of the runway extension, as well as a high-level social and environmental impact analysis. Consultancy firm RPS was commissioned to undertake a high-level cost and engineering analysis. The total cost of these three pieces of connected work is £181,650, funded from the Capital Reserve, which is significantly less than the £360,000 approved by the Assembly. All three connected pieces of work have been completed.

The research was completed prior to the Covid-19 pandemic so clearly the findings and recommendations of the report will need to be reviewed in light of the current situation. However, in summary, the report found that over a 40-year payback period, the extension of the Guernsey runway could help stimulate additional visitor growth and new business to deliver a significant net economic benefit to the economy.

The report's findings are that an additional 8,200 visitors would be needed each year in order to break-even. In other words, for the economic benefits to outweigh the investment costs and any social and environmental costs, the runway extension would need to lead to an additional 8,200 visitors per year and this could generate additional net economic benefit of £21 million over the 40 year period.

To put this figure in perspective Guernsey Airport had over 858,000 air passengers in 2019. An additional 8,200 visitors is less than the number of passengers who flew to or from London Southend when that route was trialled during 2019. If the number of additional visitors were to increase to an additional 20,000 visitors per year, then the report suggests that the net economic benefit would rise to approximately £200 million over the 40-year period.

Nevertheless, it is the Committee *for* Economic Development's view that, in the light of the recent events in relation to the Covid-19 pandemic and the travel restrictions and other measures that it has been necessary to implement, now is not the right time for the Assembly to debate a potential extension to Guernsey's airport runway.

As part of the economic recovery plan for the Bailiwick of Guernsey and, after checking whether the assumptions underpinning the reports are still valid, or whether the conclusions would change if the assumptions were varied in the light of the Covid-19 experience, the Committee *for* Economic Development, will decide on the terms of a policy letter to bring to the Assembly, with a full business case and cost benefit analysis for an extension of Guernsey airport's runway to at least 1,700m, once the Covid-19 pandemic is under control and the future of the local and UK airline industry is clear.

Clearly the implications of the Covid-19 pandemic on the findings and recommendations of the cost benefit analysis report already completed will need to be considered. Nevertheless, investment in critical infrastructure to improve and future proof sea and air connectivity will be essential to the fast recovery and sustained growth of the economy, when the short-term crisis caused by Covid-19 is over. Sir, I hope that this update to Members has been useful and I am happy to answer any questions that Members may have.

The Bailiff: Thank you very much, Deputy Parkinson. Does any Member have a question that they wish to make in the context of that statement? Deputy Langlois.

Deputy Langlois: Thank you, sir.

I would just like to ask Deputy Parkinson whether it would be possible for the Committee *for* Economic Development to publish or make available the reports that he was referring to. Obviously, as he says, with the effect of the pandemic, they will have to be updated but I still think they would be of great interest for those of us who have been involved in the proposals to extend the runway and it might be very informative.

Deputy Parkinson: Yes, sir. We have a set of slides, prepared by Frontier Economics. It was our intention, of course, to lay on a seminar if we had been bringing forward a policy letter at this time, to lay on a presentation to States' Members, which Frontier Economics would have presented their findings. We have the slides for that presentation, which are available to States' Members, any States' Member who wants to see them.

They will, of course, be issued as it were with a health warning that we no longer know for certain whether the assumptions that underpin the economic analysis are still valid. That is the reason why we are delaying the presentation of the Report and indeed a States' debate. But, subject to that health warning, the slides are available and anyone who wants to see a copy can apply to me, or my Committee, or our officers.

Deputy Langlois: Thank you.

The Bailiff: Deputy Gollop, is it your wish to be relevé? Deputy Gollop?
I will turn to Deputy Leadbeater next, then please. Question.

Deputy Leadbeater: Thank you, sir. I was due to ask the same question as Deputy Langlois, so I will ask another. The policy letter that Deputy Parkinson refers to, can you give us an indication of when it is likely to come to the States?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Obviously, we need to wait for the Covid-19 pandemic crisis to subside and we need to give Frontier Economics enough time for them to re-validate their findings or amend them as they see fit, in light of whatever developments may result from the Covid-19 pandemic, but given the progress being made in suppressing the virus, not only in Guernsey but in other countries, it may be possible that, perhaps by the end of this year even, we may be able to re-validate or amend the Frontier Report but as soon as we can, practically, bring the policy letter to the States, recommending one way or the other, then we will.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I welcome Deputy Parkinson's assurances on publication of the Report and the seminar, as he describes it. My question is whether he could give us a further assurance that in this seminar, the people or organisations, representatives involved in the high-level EIA and social impact assessment will also be involved in that? Thank you.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: The high-level social impact assessment and environmental impact assessment were prepared by Frontier Economics, so they will certainly be present and available to answer any questions.

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

165 Can the chairman of Economic Development issue any assurance to Alderney on its own refurbishment of our runway, which is rapidly running out of life?

The Bailiff: Deputy Parkinson.

170 **Deputy Parkinson:** As I recall, the States have approved work to rehabilitate Alderney's runway and I am not quite sure what the status of those works are. So, I beg pardon? Sorry, somebody seems to be trying to speak and it is breaking up, sir. But yes, no I do not know.

The Bailiff: Deputy Dorey.

175

Deputy Dorey: Thank you, Mr Bailiff.

Deputy Parkinson, did the consultants consider the implications of any lengthening the runway onto Aurigny at a cost to the States, which has to support Aurigny, of any change to the length of the runway?

180

The Bailiff: Deputy Parkinson, you seem to be muted at the moment. Can you reply to Deputy Dorey's question please?

185 **Deputy Parkinson:** Yes, the consultants focused on the net economic benefit to the Island, in terms of increases to numbers etc. from a runway extension. I do not think they specifically took into account any financial implications for Aurigny.

The Bailiff: Deputy Gollop are you with us and do you wish to be relevéd? Deputy Gollop? No we still do not seem to have Deputy Gollop –

190

Deputy Gollop: I am here. Can you hear me?

The Bailiff: Do you wish to be relevé?

195 **Deputy Gollop:** Yes, please Thank you, sir. I re-dialled in, my link was bad.

The Bailiff: That is alright. Do not worry. Would you like to ask a question to Deputy Parkinson?

Deputy Gollop: Yes, thank you, sir.

200

My question is although the statement focused on the economic aspect of the runway, that of course is changing, and hopefully Members can be told of the new modelling, how far did the analysis also take into account the tendency for large UK airports to not admit smaller to medium sized planes in the future?

205

The Bailiff: Deputy Parkinson.

Deputy Parkinson: The focus was on the benefit to the Guernsey economy and the cost related to that of a runway extension, which would both allow a lot larger planes to land in Guernsey and of course allow us to implement better instrument landing systems and reduce the level of fog disruption at Guernsey. It did not focus on the interest of other UK airports and any restrictions they might impose on smaller planes landing there.

210

The Bailiff: Deputy Merrett.

215 **Deputy Merrett:** Thank you, sir.

I wish to ask Deputy Parkinson, from the questions that are being generated today, I am sure Economic Development have embraced remote meetings. Would they not therefore find some benefit in having a remote meeting with Deputies and Frontier Economics in the immediate to short term, sir?

220 **The Bailiff:** Deputy Parkinson.

225 **Deputy Parkinson:** Well, no. We think that the assumptions underpinning Frontier's work need to be checked against the current situation. It may be that, having reviewed the situation or reviewed their report in the light of the current situation, Frontier basically do not feel that significant amendments need to be made, especially given the fact that we are talking about the 40-year life of a runway and therefore the longer term economic impacts are unlikely to be affected by Covid-19.

230 But it may be that Frontier feel that the assumptions underpinning their Report need to be varied and the conclusions need to be varied accordingly. While the Report therefore is, as it were, under review, I do not think there is any benefit in doing a presentation on it.

The Bailiff: Deputy Hansmann Rouxel.

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

My question regarding fog was already answered but I have a further question for Deputy Parkinson and that regards the idea of forecasting of a 40-year lifespan. What consideration was given to the changing market and the transitions that the global economy is currently going through, the green and the digital transformations? Both things, I think, will be affected or used as Covid recovery mechanisms might be sped up.

Obviously, you cannot answer that part, but in the calculation of a 40-year lifespan, what variables or was it just a stable look at how the industry operates now and those forecasts were used?

245 **The Bailiff:** Deputy Parkinson.

250 **Deputy Parkinson:** Well, no. Frontier Economics do not have a crystal ball and were not able to forecast what kinds of aircraft might be flying in 40 years' time or those sorts of impacts. What they were saying is that the net cost of the runway extension, including environmental and social effects, would be more than covered if we attracted an additional 8,200 visitors a year. That, of course, is in financial terms. So the impact of changing technology, *etc.* could not really be built into the forecasts because we do not know what will happen.

255 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

260 I think I heard Deputy Parkinson say that Frontier Economics had carried the environmental and social assessment of the impact of the runway extension. I am just interested to know whether he feels that they are the most qualified people to actually do this – although I do not doubt their qualification in economics – and whether or not it might be worth having people with specific expertise to carry out that part of the project?

The Bailiff: Deputy Parkinson.

265 **Deputy Parkinson:** I think what we have is a high-level analysis of the cost and benefits of a runway extension, which will form the basis of a policy letter to come to the States, which may

recommend either that further work be done on the runway extension or that there is not a business case for doing it.

270 Clearly, once a decision is taken to go to the next step, if that is the decision, then more detailed analysis of various aspects of the project will need to be undertaken and it may well be that other consultants have to be brought in to look at the detail of the economic and environmental effects. There would clearly need to be a full environmental impact analysis for planning purposes in any case.

275 **The Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I just want to ask Deputy Parkinson, with that 40-projection, were any maintenance or rehabilitation works that might need to be carried out on our runway be taken into account regarding that time period. Thank you, sir.

280 **The Bailiff:** Deputy Parkinson.

285 **Deputy Parkinson:** I believe, from memory, that they were, that was taken into account, particularly in terms of the cost of a runway extension in that there is necessarily an offset because, if the runway is not extended, there will need to be considerable maintenance work on the existing runway over that kind of period. So, to get a fair analysis of the costs and benefits, the whole life costs of the runway do need to be taken into consideration.

290 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Deputy Parkinson has referred a couple of times now to the environmental cost in such a way as it sounds as though that has been quantified in monetary terms. Can he please clarify whether that is the case or whether the cost has been calculated in any other method, for example, qualitative terms? Thank you.

295 **The Bailiff:** Deputy Parkinson.

300 **Deputy Parkinson:** Yes, the analysis conducted by Frontier Economics is, essentially, in monetary terms, as I have said in response to an earlier question, if the decision was made by the States to proceed to the next step, much further work would be needed on various aspects of the project. What has been undertaken so far is the high-level analysis to basically establish whether there is a net benefit in the cost benefit analysis.

305 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

Deputy Parkinson, sir, has referred several times to passenger numbers from the visitor economy, so I was wondering if Deputy Parkinson would be looking at making a conjoined or collective view on this, in regard to the alignment with the Tourism Strategy and possibly the recovery strategy. I ask this, sir, because in my lifetime, we will still be an Island, and our long-term activities to UK and Europe will be certainly something we need to build and retain in the longer term and the frequency as much as the cost. I would argue more the cost will be one of the key points going forward. So I ask, sir, will Deputy Parkinson bring forward this policy paper in line with the Tourism Strategy and in line with the potential of a recovery strategy.

315 **The Bailiff:** Deputy Parkinson.

320 **Deputy Parkinson:** Yes, I think all these pieces of work need to be developed in tandem and aligned with each other. The recovery strategy, a strategy for tourism and the infrastructure implications of both of those need to be all closely cross-referenced and made consistent. Infrastructure investment at the airport would form part of that bigger picture.

325 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, sir.

Deputy Parkinson, did the consultants consider the effect on the frequency of flights to Guernsey if we lengthen the runway and what would be the effect on the frequency?

330

The Bailiff: Deputy Parkinson.

Deputy Parkinson: The consultants were looking at total passenger numbers, so the frequency of flights is part of the total picture, but I do not think there was a specific reference to them. I have not got the slides in front of me, but Deputy Dorey is free to obtain copies of them, on frequency, no.

335

The Bailiff: Because Deputy Laurie Queripel has indicated he also would like to ask a second question I will allow it, but we are just over our 15 minutes, so this will be the last question. Deputy Laurie Queripel.

340

Deputy Laurie Queripel: Thank you, sir, for that.

I would just like to ask Deputy Parkinson in regard to the capital cost of extending the runway. Was that based on an allocation from the Capital Reserve or was it based on accessing a loan or were both considered? Thank you, sir.

345

The Bailiff: Deputy Parkinson.

Deputy Parkinson: As I recall, it is based on using the Capital Reserve funds but the cost on which the calculations have been based includes all of the costs associated with a potential runway extension, including the cost of acquisition of land, costs of improvements to airport lighting and landing systems, *etc.*

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The Bailiff: Thank you, very much Deputy Parkinson. That concludes questions on that statement.

355

STATES' TRADING SUPERVISORY BOARD

**Aurigny Air Services –
Flight cancellations**

The Bailiff: We turn next to the second statement at this Meeting, which is on the Aurigny announcement regarding cancellation of flights by the President of the States' Trading Supervisory Board and I invite Deputy Ferbrache to give that statement.

360 **Deputy Ferbrache:** Thank you very much, Mr Bailiff and thank you for allowing me to make this statement at very short notice. I also echo Deputy Lowe's comments and, of course, our involvement was when you were a very able Crown advocate, and I was a very humble Guernsey advocate on opposite sides on administrative law cases, so I am grateful to you for the opportunity.

365 **The Bailiff:** Thank you, Deputy Ferbrache.

Deputy Ferbrache: Sir, it is important that detail is given to the Assembly about the announcement made last week by Aurigny on the cancellation of most its flight schedules until the end of August. In doing so, I would also like to reassure Members of the States, and indeed the public at large, about Aurigny's readiness to start reinstating services when travel restrictions are lifted as part of the framework for exiting from lockdown, recognising the important role the airline plays as an economic enabler for the Island.

I should also at the outset, make it very clear that the cancellations announced last week do not affect in any way the ongoing operation of the lifeline services that Aurigny has been operating from Guernsey to Southampton and Alderney. Whilst demand may be suppressed and passenger numbers are very low – for example, the average number of passengers booked on each of last week's Southampton flights was just under 19 – I can assure the Assembly that these essential services will continue to operate and I take the opportunity to commend all the Aurigny and Airport staff involved in their operation for the commitment they have shown to keeping these connections going in exceptionally challenging circumstances.

I now turn to the remainder of Aurigny's flying programme, which was the subject of its announcement last week. After the Island first entered lockdown and in the absence of any other planning information, Aurigny's initial approach was to review its schedules one month ahead on a rolling basis.

385 The downside of that approach was that it meant customers had no certainty about the status of their reservations until relatively late in the day and that in turn this precluded them from re-organising their own travel plans. It also meant that passengers who no longer wished to travel due to the crisis had no means of automatically seeking a refund until their flight was cancelled.

390 However, the States has now published its framework for exiting from lockdown and for the lifting of Covid-19 restrictions. As we all know, this is a six-stage framework and we currently find ourselves having just entered phase three. This framework is clear in stating that travel restrictions will remain in place, without anybody not having to return to the Bailiwick having to self-isolate on arrival for 14 days, until we reach phase six, i.e. everybody must self-isolate for 14 days. It is only at that point that we can realistically expect passenger demand to start returning.

395 I recognise that we all hope that the indicative timetable that was included in the framework for progressing through the different phases can be compressed as more evidence emerges. That framework is also clear in stating that we are only likely to enter phase six when there is a vaccine available or the Public Health risk assessment indicates that Covid-19 no longer poses a significant threat to the health and wellbeing of Islanders.

400 Given all the information set out in the framework, it is not unreasonable to now assume that restrictions on travel outside of the Bailiwick will not be lifted until September at the earliest. With

that knowledge, Aurigny has done what it feels to be right and honest, by moving to cancel its schedules – excluding the lifeline links – until the end of August.

405 In reflecting on what will have been a difficult decision for the airline, I think we should remember two points. Firstly, we are not cut off from the outside world. Passengers whose flights have been cancelled but who still need to travel for permitted essential reasons can continue to make use of the lifeline services, noting that Aurigny has the flexibility to adjust capacity on them should there be a spike in demand for any reason.

410 Secondly, as and when restrictions are lifted, demand for air travel is widely expected to return only gradually and over an extended period. Aurigny will have to tailor its flying schedules according to both demand at the time and the opening hours of the airports into which it operates, many of which remain severely curtailed. Whilst recognising that Aurigny will play an important part in supporting the Island's recovery plans, we should not expect to see an immediate return to the services it was offering just prior to the Covid-19 crisis.

415 Of course I recognise, as does the board, the disappointment that will be felt by many as flights are cancelled. However, I believe the approach being taken by Aurigny is sensible and that it is better for the airline to be open and realistic and to do what it can to reduce the uncertainty its customers have been facing.

420 Demand for air travel to Guernsey and farther afield is going to be difficult to predict for some time. Whilst more than half of Aurigny's staff have been furloughed, they are on standby to return at very short notice and have been maintaining their training so they can take up their duties again with very little delay. As such, I would like to reassure the Assembly that, as a key economic enabler, Aurigny currently retains the operational flexibility to respond by re-instating or adding additional flights, routes and capacity in the event that we move through the phases of the exit strategy more quickly than expected or if demand bounces back sooner than anticipated. Sir, I am very grateful, thank you.

The Bailiff: Thank you, Deputy Ferbrache.

430 Deputy Gollop, you have a question within the context of that statement. Deputy Gollop.

Deputy Gollop: Thank you, sir.

435 Whilst noting the President's statement I also hear the Institute of Directors, for example, want more to the Islands. My question is, given the speculation in both Jersey and Guernsey that a more efficient testing of passengers can be done prior to flying or even on board planes, how far are the States' Trading Supervisory Board aware of progress in that sphere from an airline point of view and a ports point of view?

The Bailiff: Deputy Ferbrache.

440 **Deputy Ferbrache:** Sir, very aware. Our officers are in regular liaison with Aurigny about what steps they are taking. They inform us and they seem to be very sensible steps. Of course, again, the airport authorities work closely with the Border Agency to make sure that the relevant procedures are in place at the Airport.

445 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir, and thank you to the President for his update. What statement does the company believe it will make by grounding the majority of its fleet over this period?

450 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir. I am grateful for that question. Aurigny has put in place a package of measures to reduce its expenditure by approximately £450,000 a month. As part of that

455 package, every employee of Aurigny, including its directors, has had their pay reduced to 80% of
the normal since 15th April. Of all those employees, a further 170 staff, or 170 staff within, based in
Guernsey, Alderney and the UK, have been furloughed, which reduces their pay to 70%. Where the
furlough takes an employee below the minimum wage, a top-up payment is being made. The
£450,000 is under constant review and, again, there are regular discussions between the officers of
STSB and Aurigny.

460 **The Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

465 Would the President of the STSB please assure that if the whole Bailiwick is declared Covid-free
and travel is agreed between our two safe zones that Aurigny would provide adequate air links to
allow people from both Islands to have somewhere to holiday out of their own Island, as this would
be of great benefit to morale and business for the whole Bailiwick?

The Bailiff: Deputy Ferbrache.

470 **Deputy Ferbrache:** Sir, I agree, and I have already said in the statement that Aurigny is flexible,
it can produce extra services that routes demand, at relatively short notice.

The Bailiff: Deputy Hansmann-Rouxel.

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

Deputy Ferbrache mentioned Aurigny has an economic enabler several times during his speech
and I just wondered if any thought has been given by the STSB of actually sorting out the direction
that Aurigny still is under to the break-even direction and whether this situation can be used to
480 actually re-evaluate how we look at Aurigny and the directions that we give another company and
use them as a proper economic enabler?

The Bailiff: Deputy Ferbrache.

485 **Deputy Ferbrache:** An excellent question, sir, if I may say so. Of course that is under review. It
is not just the STSB's viewpoint that counts, it is the view of the States as a whole, but I very much
agree with her sentiment. The current restrictions or policy to Aurigny, to break even, frankly will be
unachievable and we need a much wider consideration of the role of Aurigny and its role as an
enabler.

490 **The Bailiff:** Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

[Audio connection lost.]

495 **The Bailiff:** Alderney Representative Snowdon, I am sorry, I cannot hear the question so I doubt
that Deputy Ferbrache can either.

Alderney Representative Snowdon: Can you hear me now sir?

The Bailiff: A little bit better. Try again.

500 **Alderney Representative Snowdon:** Thank you, sir, I just want to ask the President ...

[Audio connection lost.]

The Bailiff: Alderney Representative Snowdon, I cannot hear the question, I do not know if Deputy Ferbrache could.

505 **Deputy Ferbrache:** No sir, I cannot.

The Bailiff: It is impossible to hear you at the moment, can you try and organise your technology so you can either shout a bit louder or be a bit closer to the microphone?

510 **Alderney Representative Snowdon:** Can you hear me now sir, a bit better?

The Bailiff: Just about.

[Audio connection lost.]

515 **The Bailiff:** I am sorry, Alderney Representative Snowdon, can I come back to you, while you have a go to see whether you can organise your technology slightly differently and instead I will ask Deputy de Sausmarez if she wants to ask a question first. But we will come back to you in a moment, Alderney Representative Snowdon.
Deputy de Sausmarez.

520 **Deputy de Sausmarez:** Thank you, sir.
I appreciate this might be pushing the boundaries of relevance to the statement, but I think it is a question that I would like to place on record. I would like to ask Deputy Ferbrache about status, about whether STSB has any further information yet, on the status of people in transit, transiting through the UK, from outside of the UK, to get to Guernsey.

525 In other words, do we yet know whether people returning to the Island, for example from overseas, will have to see out any time in quarantine in the UK or will their status in transit through the UK, on route to Guernsey, be honoured? I wonder if he is able to shed any light on that or whether, if not, he would not mind investigating? Thank you.

530 **The Bailiff:** Deputy Ferbrache, it is probably straying slightly further than a statement but if you do have an answer to that, I am sure that people would be interested.

535 **Deputy Ferbrache:** Indeed sir, I will do my best. I welcome the question. I think outside not so much the statement but the control of STSB. It is a public health matter. But my understanding and I invite ... *[Inaudible]* for other States' Member, is that people are in transit they do not have to quarantine/isolate in the UK but they must, when they come here, obey the normal 14-day rule.

The Bailiff: Deputy Roffey.

540 **Deputy Roffey:** Thank you, sir. Would the President agree with me that if Aurigny indeed is going to be more of an economic enabler than a commercial airline over the next couple of years, as he has indicated, that is going to be completely impractical inside the context of a *quasi*-open skies policy, where other airlines can simply cherry pick? Does he agree that this needs to be revisited?

545 **The Bailiff:** Deputy Ferbrache?

Deputy Ferbrache: Sir, I agree with my colleague on STSB, Deputy Roffey, that it should be revisited. It makes sense, otherwise, although I voted for the open skies policy when it came before

the States, we have moved on. So I agree it should be revisited and it would help Aurigny, in the best interests of the Bailiwick as an enabler.

The Bailiff: Alderney Representative Snowden, if you cannot get the technology to work now then the question that you want to put to Deputy Ferbrache is: could the President confirm that the PSO for Alderney routes should now be withdrawn due to Covid-19? That, I understand, is your question.

Deputy Ferbrache: Yes, sir, I understand the question, thank you.

My own view, I have not discussed it with my colleagues on the Board, is that it should not be withdrawn because we are going to come out of this horrible virus in due course and the idea of the PSO is to give the Island of Alderney certainty in relation to the level of service and the cost of that service to our northern Island.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

Deputy Ferbrache has mentioned in response to the question of open skies, economic enabler etc. Can Deputy Ferbrache give us any assurances that he is in discussion with the relevant Committees of the States to bring something forward as soon as possible so that the States can actually discuss and deliberate these issues?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, thank you.

In fact, just at a very recent STSB Board meeting just last week, we discussed this issue. We do intend to liaise with our other colleagues on the relevant States' Committees and bring it forward in some material way. As to how that particularly happens at the moment, I do not think that has been finalised, but that certainly is the intent.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

I appreciate Deputy Ferbrache may not be able to answer this question, but I will ask it anyway. He said 170, I think he said 170, of the Aurigny staff have been furloughed. Sir, I am looking for clarification on that point, please. Does that mean that those 170 members of staff will remain furloughed several more months until such time as Aurigny restart their routes and services or is there any possibility of Aurigny management finding alternative employment for at least some of those staff members? Thank you, sir.

The Bailiff: Deputy Ferbrache,

Deputy Ferbrache: Again, I think a very appropriate question from Deputy Queripel. The idea at the moment is they continue to be furloughed, because we are not quite sure exactly – we know it is going to be a few months for sure – we are not quite sure exactly when Aurigny will be able to move through the gears, albeit a bit slow-moving through the gears, but they are keeping their starting requirements under constant review. But I commend Deputy Queripel for his question.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir. Deputy Ferbrache will know that I am a big supporter of Aurigny but does he share my frustration and concern that both he and the States were not advised well in

advance of the public announcement of this decision and that should be a lesson learned from this episode and that we should, as the shareholder, have good notice before anything such as this is a matter of public record?

605 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, I know that Deputy St Pier is a great supporter of Aurigny. Let me say, because I was a bit of an angst when this matter came out, but Aurigny approached the STSB at officer level to test their thinking in light of the exit strategy that had then recently been published by the States. The airline then proceeded to announce its plans before officers had been able to brief the Board.

610 For reasons set out in my statement, our view is still that the decision made by Aurigny was the right one, but I very much agree with Deputy St Pier that I hope that communications are improved in the future, so that we can liaise with all States' Members and let them know at the earliest opportunity.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, my question has been asked by Deputy Merrett, so I will forego it, thank you.

620 **The Bailiff:** I am pausing briefly to see if there are any other questions to Deputy Ferbrache, but as there are not, we will thank him for the statement and the questions and we will now move into Question Time proper.

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

Financial assistance for bodies affected by the Covid-19 pandemic – Three questions

625 **The Bailiff:** I invite Deputy Gollop to pose the first of his questions to the President of the Policy & Resources Committee.

Deputy Gollop: Hopefully, you can hear me loud and clear sir, yes. My question is, as part of the Island's recovery strategy, is the Policy & Resources Committee prioritising social, community and cultural support through financial assistance?

630 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Thank you, sir and thank you to Deputy Gollop for the question. The recovery strategy is currently being developed and will need to be debated and agreed by the States of Deliberation. There will be a number of recovery plans within the recovery strategy, one of which will need to deal with social and community recovery.

635 Whilst the Covid-19 pandemic is primarily a public health crisis, its secondary effect is, of course, economic, with social and community impact. The priority of the recovery strategy will be to recover the economy, but with the opportunity to improve the social and community fabric, sir.

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The Bailiff: Deputy Gollop, do you have any supplementary to ask on that answer at all?

645 **Deputy Gollop:** Yes, my supplementary would be, given that an amendment was successfully passed to include social and community aspects, at what point will Members of the Assembly be able to discuss, either publicly or in an online seminar, elements of social and community recovery?

The Bailiff: Deputy St Pier.

650 **Deputy St Pier:** Sir, I think the development of the strategy needs to take place over the next few weeks before it is brought to the States as quickly as it can be. I think one of the challenges we have will be the level of detail in any strategy at this stage, as against the detailed plans and actions that we need to be clearly getting on with as soon as we can out of the immediate public health crisis. So I am not sure I am in a position to give a definitive answer to Deputy Gollop, other than to give the assurance of the need to progress this as quickly as possible. Thank you.

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The Bailiff: Deputy Hansmann Rouxel, supplementary question.

Deputy Hansmann Rouxel: Thank you, sir.

660 In Deputy St Pier's original answer he did mention that there would be an emphasis on economic and the social and community would be somehow an adjunct to that. That was the impression that was given by the answer, I just wonder whether the President can confirm that the recovery strategy needs to look at those things in the round and just focusing on the economic recovery and having the two or three bits on the side as adjuncts is not really a sustainable way of looking at the recovery strategy.

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The Bailiff: Deputy St Pier.

670 **Deputy St Pier:** Yes I think I can give some reassurance to Deputy Hansmann Rouxel on that, in that they clearly are all inter-linked. However, I think the point that the answer was seeking to make is the first order effect of the pandemic is public health crisis, the second order is economic and indeed the economic impact of course has consequential impacts for social and community life as well. So the recovery of the economy is clearly a major priority but absolutely I do accept the point that underpins Deputy Hansmann Rouxel's question that they are all inter-linked.

675 **The Bailiff:** There do not appear to be any further supplementary questions arising out of that answer so I invite Deputy Gollop to put his second question to the President of the Policy & Resources Committee. Deputy Gollop.

Deputy Gollop: Thank you, sir, Mr Bailiff.

680 As part of the recovery and assurance package, will the Policy & Resources Committee be able to confirm that they will set aside several million pounds to help the charitable, voluntary and tertiary sector recover and even build back better?

The Bailiff: Deputy St Pier.

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Deputy St Pier: I do repeat part of my answer to the first question, the recovery strategy is currently being developed and will need to be debated and agreed by the States of Deliberation. There will be a number of recovery plans within the recovery strategy, one of which will deal with social and community recovery as underpinned by the question, sir.

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The Bailiff: Deputy Gollop, do you have a supplementary question which you wish to ask, arising out of that answer?

695 **Deputy Gollop:** Yes, I suppose at this stage, Members are unaware of the proportion of the recovery package that will be allocated to the third sector, in contrast to, let us say, the economic impact, and that perhaps is my question. Is the President in a position to assure Members that there will be realistic sums available and resources to help that sector?

700 **The Bailiff:** Deputy St Pier.

705 **Deputy St Pier:** Sir, I do not think I am really in position to add much to the previous answer, I regret sir. The work has not been done and I think, other than acknowledging the problem, clearly work does need to be undertaken, but also some political decisions need to be taken on which the States of Deliberation obviously is key, so that will provide the opportunity to ensure that Deputy Gollop's concerns are properly aired and addressed appropriately. Thank you.

710 **The Bailiff:** Deputy Dorey, I am not sure whether you had a supplementary question arising out of the first answer, or it is the second answer, but do you have a question that you want to put, arising out of these answers to Deputy St Pier?

Deputy Dorey: Yes sir, thank you. Deputy St Pier mentioned about the States debating the recovery strategy. When do you plan for the States to debate that strategy?

715 **The Bailiff:** Deputy St Pier, I am not sure that you are in a position to answer that on the basis that there are some items of business that are going to deal with that, including amendments to be proposed by Deputy Dorey. So, on the basis that that is something that is going to be discussed during the course of this Meeting, I am not sure that that is a valid question.

720 **Deputy St Pier:** Okay, sir.

The Bailiff: Nobody else seems to have any supplementary questions arising out of that answer then, so I would invite Deputy Gollop to put his third question to the President.

725 **Deputy Gollop:** Thank you, sir and to the Policy & Resources Committee, and I hope to have a supplementary to this answer. How fair is the Policy & Resources Committee made aware of the significant financial and logistical strain some well-known and well-loved Island charities are currently in?

730 **The Bailiff:** Deputy St Pier.

735 **Deputy St Pier:** Sir, my Committee is acutely aware that charities in the Bailiwick, like charities everywhere, are experiencing financial harm as a result of the Covid-19 pandemic. This may be because they are doing something exceptional now to help Islanders affected by Covid-19 or that they have been unable to do their usual fundraising events to pay for the work that they are usually doing. The Policy & Resources Committee specifically widened the payroll co-funding scheme to encompass charities and other social enterprise, not for profit organisations, so that, if their staff are unable to work as a result of the restrictions, they are eligible for that support.

740 My Committee is particularly pleased that the recently formed Social Investment Fund has launched the Covid-19 Community Charity appeal to provide funding for local charities who play a critical part in the Bailiwick's broader Covid-19 response or provide a vital service to the community who have seen their funding reduced because of the economic impact and disruption of the pandemic. As ever, companies, organisations and individuals have responded with astonishing generosity and over £140,000 has been raised so far, sir.

745 **The Bailiff:** Deputy Gollop, do you wish to ask any supplementary question arising out of that answer?

Deputy Gollop: Yes, thank you, sir.

750 In thanking the President for his answer and the good news about the fundraising, I wish to ask how far is the Committee actually communicating with charities and the third sector to ensure as wide a variety as possible of voices are contributing to a recovery plan, because we have not heard who is actually writing this recovery plan and on what basis it is being constructed on?

The Bailiff: Deputy St Pier.

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Deputy St Pier: Thank you, sir.

760 The recovery, frankly, will need to be presented to the States by my Committee but in terms of the dialogue with the third sector there is a constant and regular dialogue with the third sector, particularly through these issues from Guernsey charities and of course the recently formed Social Investment Fund, as well of course as other voices for the third sector, including the Guernsey Community Foundation.

 So, I think there will be plenty of opportunity for them from the third sector, in the development and debate of the recovery strategy and all that follows from it.

765 **The Bailiff:** Deputy Hansmann Rouxel, supplementary question.

Deputy Hansmann Rouxel: Thank you, sir.

770 It is just to reiterate whether the information, the financial information, has been captured. Obviously, our system of Government works so we have a large variety of third sector and whether at this time we are actually able to quantify the value that third sector is actually adding to our economy, especially since the third sector throughout the crisis has actually stepped up to the plate and covered a lot of the social needs of the community?

The Bailiff: Deputy St Pier.

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780 **Deputy St Pier:** Yes sir, I am not sure the question immediately arises out of the answer I have given and I am not sure I can give a terribly satisfactory answer to Deputy Hansmann Rouxel anyway. I do not think that the quality of the data that we do have in terms of capturing, if you like, the value contributed to our community by our third sector is a data set that is particularly well developed, as with so much of our decision-making, we could always do with better quality and more up to date data. But, as I say, I think the key at this stage will be maintaining dialogue with the key voices from that sector, so that we can capture and understand their concerns but also the value that they bring from their work, sir.

785 **The Bailiff:** I am just pausing very briefly to see if there are any further supplementary questions. Nobody seems to be indicating a wish to ask any questions arising out of that final answer, so we turn next to the second set of questions, which are also to be put by Deputy Gollop, but this time to the President of the Committee *for* Economic Development.

COMMITTEE FOR ECONOMIC DEVELOPMENT

**Recovery and regeneration strategies –
Two questions**

The Bailiff: So your first question to the President, please, Deputy Gollop.

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Deputy Gollop: Thank you very much, sir.

Much United Kingdom empirical evidence during the coronavirus crisis has suggested the travel, tourism, hospitality and restaurant sectors have been disproportionately affected by the Covid-19 and subsequent economic crisis. Given our lockdown, and strict entry to ports criteria, what special recovery plans is the Committee for Economic Development pursuing with Policy & Resources for this sector.

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The Bailiff: Deputy Parkinson, the President, to reply please.

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Deputy Parkinson: The Committee clearly recognises that the travel, tourism and hospitality sectors have been amongst the hardest hit sectors as a result of the Covid-19 pandemic. The Committee values and recognises the importance of the wider tourism sector, not only in the annual £145 million direct injection of visitor spend the sector makes to the economy, but also the critical role tourism plays in sustaining the level of sea and air connectivity, the wider economy and our resident population has come to expect and rely on.

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With this in mind, the Committee has been actively engaging with the industry and with business groups and has been working on the development of a recovery plan for tourism. A tourism recovery task force has been created, comprising members of Chamber, industry sectors and our sister Bailiwick Islands. The recovery plan will include proposals for what is needed to help stimulate initial recovery and then sustain growth, covering market and promotion, product development and sea and air connectivity.

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The Bailiff: Deputy Gollop, do you have a supplementary question arising out of that answer?

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Deputy Gollop: Yes, thank you very much, sir.

Whilst thanking the President for the answer and the assurance of a recovery plan, I wish to ask is this recovery plan in two parts, a medium-term recovery plan for 2021, when the initiatives such as product development and marketing promotion can be freely used, and a short-term recovery plan for what remains of this season, which might include inter-Island tourism or greater stimulation and opening up of hospitality within the Island economy? What measures are available instantly?

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes sir, my Committee is focused both on what can be done to salvage tourism business at the end of this season, depending on the health situation at the time, and on the recovery for the 2021 season onwards, and we have various initiatives under consideration for both aspects. They will be incorporated into one plan, but we are conscious of the ongoing development of the situation.

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The Bailiff: Deputy Oliver.

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Deputy Oliver: Thank you, sir.

Deputy Parkinson part answered the question. It was just regarding what immediate help there is actually now, because I understand there is a hardship fund, which is £3,000 but, as I said earlier, in the debate about the debt, when we get the debt, it is grossly unfair that a one-man band gets

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£3,000 as does a hotel and they have a lot more costs to pay. I was wondering if Economic Development, what immediate help they are doing for the hotel industry?

The Bailiff: Deputy Parkinson.

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Deputy Parkinson: Well, sir, the business support measures that the States have introduced have been introduced by the Policy & Resources Committee and they are being managed and implemented by that Committee, so Deputy Oliver really needs to address her question to Deputy St Pier or possibly Deputy Trott. We are concerned with the tourism recovery strategy, going forward, not the current business support measures.

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The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

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What work has been done by his Committee both before the crisis and since, with Alderney and Sark, regarding promoting Bailiwick tourism within the Bailiwick and externally? Thank you, sir.

The Bailiff: Deputy Parkinson.

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Deputy Parkinson: Before the Covid-19 crisis, we were not particularly promoting staycations in the Bailiwick. We were, of course, marketing the entire Bailiwick as the Islands of Guernsey, to the outside world, and we are very keen to support tourism in Alderney, Herm and Sark. But now, in the current circumstances, obviously staycation type holidays, within the Bailiwick, may become possible before the end of this season and that may be an opportunity for us to restart some of our tourism businesses.

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The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

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This relates to the question already asked by Deputy Oliver. I thank Deputy Parkinson for the information he has given so far. He referred to the recovery task force and I would ask him, would he agree with Deputy Oliver with regard to the short-term support for the tourism industry, where there is no income-generation ability, that there should be support for those businesses and would he be supportive of that initiative? Thank you, sir.

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, I agree that the business support measures, which have been implemented so far, tend towards the less generous on the scale of possible initiatives and that tourism, and indeed the retail sector, are struggling badly. So I would be supportive of continued and indeed improved support measures for those sectors until we can get them back on their feet.

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The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, I am grateful to Deputy Parkinson for the efforts that are being made, but can he say when this strategy will be published, so it will be known to everybody but particularly the hospitality sector?

The Bailiff: Deputy Parkinson.

885 **Deputy Parkinson:** Well, we are working on the recovery strategy as fast as we can and, as I say, the hospitality sector are intimately involved in that work, so their representatives of the industry are well aware of what we are doing and how much progress we have made and as soon as we can produce anything useful for the industry, we certainly will.

890 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I do not wish to assume, so I will ask Deputy Parkinson, if he has indeed lobbied Policy & Resources in regard to the needs of the hospitality sector. For example, given details required, as suggested, by the hospitality sector, of potentially a levy towards bed stock, or towards an amount of beds. That information sits within Economic Development. Are Economic Development lobbying P&R to try to support a more directed response to the ... sorry sir, I am fumbling, the bed stock, the hotel sector, sir?

900 **The Bailiff:** Deputy Parkinson, can you answer that question?

Deputy Parkinson: Well, sir, partially at least. I know nothing of a levy on the hospitality sector, to which Deputy Merrett refers and I would be strongly against such a levy if anyone suggested it. I have a channel of communication with other Committees, through what has been the political executive group and will be replaced if proposals are approved by a group called CRAG is the acronym, but I am afraid I forget for the moment exactly what those letters stand for. So, yes, that group meets, or PEG meets periodically and I have had the opportunity to represent the interests of tourism and hospitality at that group.

910 **The Bailiff:** Deputy Inder.

Deputy Inder: Sir, would the President agree with me that any work conducted by the Committee *for* Economic Development, along with Visit Guernsey on things like staycations, and/or Bailiwick bubbles, rely largely on the Committee *for* Health & Social Care making changes to its regulations in the areas of social distancing, accommodation regulations, inter-Island travel and making changes to their fairly restricted phasing?

The Bailiff: Deputy Parkinson.

920 **Deputy Parkinson:** Yes, obviously under the present pandemic conditions, any recommendations on opening up the tourism sector for business will be subject to the agreement of the Committee *for* Health & Social Care on the basis of the professional advice, which they receive. Until they are satisfied that it is safe to open up a particular activity or to allow businesses to operate in a particular way, they will not be able to do so.

925 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Apologies, sir. Would the President agree with me that the Development & Planning Authority and Economic Development have already taken action with regard to visitor accommodation and the ability for people to stay in accommodation that would normally be restricted over the winter and summer lets, and that this dialogue should continue and actually it does not require the involvement of Health & Social Care? Thank you, sir.

The Bailiff: Deputy Parkinson.

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Deputy Parkinson: Well, I can certainly agree with Deputy Tindall that action has been taken, I think it is within the Housing Laws, to liberalise the use of holiday let accommodation and that that is an example of the concrete and proactive measures that we have been able to take. I think Deputy Inder's question related more to the wider use of visitor accommodation including hotel and bed and breakfast stock and there, of course, the accommodation remains closed and will remain closed until the Health & Social Care Committee or the Civil Contingencies Authority, perhaps, allow those businesses to re-open.

The Bailiff: Deputy Merrett, you have a second supplementary question. Deputy Merrett.

Deputy Merrett: I do sir. Firstly, I do apologise, I did use the word levy. I apologise. What I was trying to ask Deputy Parkinson is, has he given Policy & Resources the information they require to offer, for example, support based on the amount of rooms or bed stock per establishment, as suggested and as requested by the industry, sir?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: I am struggling to actually understand the question, sir. Obviously, the industry would like more support through this support phase of the crisis and I would be keen for them to receive more support. Apart from the fact that these businesses have effectively been shut down by States' orders, I do not know what support Deputy Merrett is thinking of.

The Bailiff: Perhaps the simplest solution between Deputy Merrett and the Committee *for* Economic Development is to use different questions now or alternatively deal with the information informally. Nobody else is seeking to put any further supplementary questions. Deputy Tindall is saying could she ask a question but has put down a third question. The difficulty is that the Rules only permit two supplementary questions and therefore, Deputy Tindall, you cannot ask a third supplementary question, I am afraid. So I am going to invite Deputy Gollop, now, to put his second question to the President. Deputy Gollop.

Deputy Gollop: Thanking you, sir and I would like to ask two supplementaries on my question as well. Will Economic Development be making as soon as possible an urgent request that extra financial assistance, help and recovery regeneration strategies, post-crisis, be implemented both to the Policy & Resources and the entire States of Deliberation Chamber?

The Bailiff: Deputy Parkinson to reply please.

Deputy Parkinson: Sir, investment by the Government to help the tourism sector survive the current crisis and then to recover quickly and successfully will be absolutely critical. To ensure successful delivery of the tourism recovery plan, specific requests for investment funding will be presented to the Policy & Resources Committee for consideration. These requests will clearly need to be considered in the context of the support that will be required for the wider economic recovery plan.

The Bailiff: Deputy Gollop, I will ask first whether you have a supplementary arising out of that answer?

Deputy Gollop: I have two if I can ask them, please? The first supplementary question is would it not be easier in administrative and policy terms if Policy & Resources were to allocate to Economic Development a sum of money in order to facilitate that?

The Bailiff: Deputy Parkinson, are you able to answer that question?

Deputy Parkinson: It might be easier and certainly my Committee would be very comfortable with that approach, but the conventional approaches for States' Committees to go to Policy & Resources with their requests for funding and for Policy & Resources to use their delegated authority, where they have it, to approve that funding, or to take it to the States for a wider approval by the Assembly.

The Bailiff: Deputy Gollop, do you have a second supplementary?

Deputy Gollop: Yes, thank you very much sir. My second supplementary is, although the tourism recovery plan looks an admirable instrument for policy development, what immediate remedies can the Committee administer and encourage Policy & Resources to appreciate that this industry is significantly more adversely affected than, say, the finance and legal sectors?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, I am sure that Policy & Resources are well aware of the distress being experienced within the tourism sector and I do not think my Committee needs to educate them on that point. We are working with the industry, as I have said, to come up with a recovery plan and we think that tourism will have a bright future going forward once this crisis is over. In some respects, Guernsey may emerge from the crisis looking like more of a safe haven and more attractive to some kinds of visitors.

So we are working on that recovery plan with optimism and confidence that the industry will thrive. As far as current support measures are concerned, as I have said, the policies there have been designed and implemented by the Policy & Resources Committee and any questions on the levels of support being offered should be directed to that Committee.

The Bailiff: Members of the States, I am just pausing briefly to see if any other Member wishes to ask a supplementary question arising out of that answer. Deputy Tindall?

Deputy Tindall: Thank you, sir.

Apologies for earlier. I suddenly thought we were doing questions for a statement. My first question, actually, on the previous supplementary was not answered and I would like to repeat it as it is relevant to this one as well. The President kindly described the work that Visit Guernsey were doing with regard to tourism but I would like to understand what work that his Committee is doing with the Governments of Alderney and Sark? Thank you, sir.

The Bailiff: Deputy Parkinson, can you have another go at that one, then, please?

Deputy Parkinson: My Committee have not met politically, at a political level, with the Governments of Alderney and Sark. Those Governments are represented on Policy & Resources subcommittees, which are overseeing the whole recovery. But within my Committee, contacts with and work with the other Islands is co-ordinated at a staff level, i.e. by Visit Guernsey.

The Bailiff: Thank you very much. I am pausing again briefly. Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

I think Deputy Parkinson may have answered this already when he answered Deputy Gollop, but I will ask it again, will Economic Development be asking P&R for more money to be placed into their own events fund to enable more grants to be given to sports and arts associations and clubs and for those grants then to be used to stage events and bring athletes and art lovers and participants to the Island? I would just appreciate some clarification on that, please.

1040 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Well, sir, the grants that have been made for the year 2020 of course are being reviewed because many events that have been planned will not now go ahead and it is possible that some of the money that would have been allocated to those events will be redeployed in other ways to help the industry.

1045 However, going forward, the events budget for 2021 and subsequent years, will be considered in the context of the tourism recovery plan. We are very conscious of the value of events that bring visitors to the Island, the value that that has to the visitor economy and we would wish to continue to support events that are successful in attracting business.

1050 **The Bailiff:** Deputy Inder, supplementary question.

Deputy Inder: I think it is supplementary sir. I will give it a go. Is the President of Economic Development as surprised as I am that a Member of HSC does not appear to realise that it is illegal for anyone to lay their head in a bed in either of the three main campsites which are Bailloterie, the Fauxquets Valley and the new one up in St Peter's and without changes to the Law, sorry, changes to the regulations, that will remain the same. None of those three campsites will be able to open and there will be not an awful lot of chance of us having a ... *[Inaudible]*

1060 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Well, of course, all visitor accommodation, including campsites, is currently closed, as a result of orders issued under the Emergency Powers legislation and until those orders are lifted and it is safe to lift them, the hospitality premises concerned will remain shut.

1065 **The Bailiff:** Deputy Tindall, a second supplementary question.

Deputy Tindall: Thank you, sir.

1070 Would the President agree with me that if there was a change of use able to be taken then potentially those bits of accommodation that, according to Deputy Inder and yourself, could not be open, could actually be opened and therefore it is possible that a conversation with the DPA may be worthwhile? Thank you, sir.

The Bailiff: Deputy Parkinson.

1075 **Deputy Parkinson:** Well, sir, I think this is probably not a terribly helpful exchange. Visitor accommodation is currently closed for good and valid health reasons and, until it is safe to re-open it then the accommodation will not be re-opened. Now, if it becomes possible to organise staycations for Guernsey and Bailiwick residents, and I sincerely hope that that will happen in the very near future, then obviously we will want to ensure that Guernsey people and residents of the other Islands of the Bailiwick, have access to a full range of visitor accommodation on the Island and we will work with other Committees to try and ensure that result.

The Bailiff: Deputy Laurie Queripel.

1085 **Deputy Laurie Queripel:** Thank you, sir.

1090 I would just like to ask Deputy Parkinson, is it possible for him to draw up a quantum in regard to the financial support already provided to the hospitality sector, assistance via Locate Guernsey and Visit Guernsey for promotion and marketing. Given the current circumstances, I just wonder if some of those budgets could be accessed to support the industry through this current crisis, rather than waiting for P&R to come up with their sort of package?

The Bailiff: Deputy Parkinson.

1095 **Deputy Parkinson:** Well, sir, of the staff who normally work at visit Guernsey, there are currently only three staff still working on tourism and connectivity issues. The rest of the Visit Guernsey staff are currently engaged in business support measures and are very fully occupied handing out money to businesses that require grants or payroll subsidies or whatever.

1100 So, it is not the case, an assumption which seems to underpin Deputy Laurie Queripel's question, that we have lots of staff or lots of budget sitting around doing nothing, which could be used for other purposes. These people are working full time, indeed flat out, to administer business support schemes.

1105 **The Bailiff:** Members of the States, I am pausing very briefly just to see whether there are any further supplementary questions or whether it is now the end of question time? No further supplementary questions, so Question Time is now ended.

Propositions in Pursuance of Rule 18

Procedural – Order of business

The Bailiff: Deputy St Pier, do I understand that you wish to move a motion about the next two items of business?

1110 **Deputy St Pier:** Yes please, if I may, sir. It was to move a motion that the CCA Regulations are taken first, sir.

1115 **The Bailiff:** Members of the States, we have two sets of Propositions laid pursuant to Rule 18 of the Rules of Procedure. I put them down on the Agenda in the order in which they arrived and therefore what Deputy St Pier is requesting is that we simply invert the two Items of business. I thought we should take this before having our mid-morning break, so that one can at least work out what the order of business is. So I am simply going to put to you the motion that we take next Proposition numbered 100, the Civil Contingencies Authority's Coronavirus (General Provision) Regulations, rather than the Reform (Guernsey) Law. Please do vote in the Chat function.

Members voted Pour.

1120 **The Bailiff:** Members of the States, thank you very much. I am satisfied that the overwhelming preponderance of votes was Pour. I do not think I have seen anyone voting Contre and therefore that motion is carried.

1125 So, when we resume, probably in about 10 minutes' time, at 11.15 a.m., the first item of business will be P2020/100, the Civil Contingencies Authority and I will be inviting, once the business has been announced, Deputy St Pier, as the Chairman of the Authority, to open debate on that matter. So we will just rise now for 10 minutes or so and we will resume at 11.15 a.m. on our clocks here. Thank you, Members.

*The Assembly adjourned at 11.06 a.m.
and resumed at 11.17 a.m.*

CIVIL CONTINGENCIES AUTHORITY

**Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No.2) Regulations, 2020 –
Debate commenced**

Proposition 100.

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020.

The States' Greffier: Proposition 100. Civil Contingencies Authority – Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020.

1130 **The Bailiff:** And I invite the Chairman of the Authority, Deputy St Pier, to open debate on this matter. Deputy St Pier.

1135 **Deputy St Pier:** Thank you, sir. I will merely lay the Regulations as they are, save for some provisions which are required because of the need to roll over from one 30-day period to the next. They are a repetition of those which have passed before, with which Members are reasonably familiar now. But I am sure there will be some questions and debate, to which I will gladly respond, sir.

1140 **The Bailiff:** I think the first thing is that there is an amendment to the Propositions to be proposed by Deputy Dorey. Deputy Dorey, do you wish to lay your amendment now?

Deputy Dorey: Yes please, sir.

[Amendment 1](#)

To delete the Proposition and replace it with the following –

"The States are asked to decide whether they are of the opinion –

1. To approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020.

2. To agree that when exercising its powers to make regulations under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, the Civil Contingencies Authority shall consider whether it is still appropriate to confer power under such regulations on the Committee for Health & Social Care enabling it to make Directions, or whether it is now more appropriate for any such power to be exercised by a committee comprised of the President of the Policy & Resources Committee, who will be the Chair and one member from each of the following committees: the Policy & Resources Committee, the Principal Committees of the States and the States' Trading Supervisory Board, taking into account advice from the Medical Officer of Health and economic, fiscal, social and environmental advice; and, if the Authority believes that it is more appropriate for such power to be exercised by such a committee, to direct the Civil Contingencies Authority to revert to the States as soon as practicable with proposals for constituting such a committee."

1145 **The Bailiff:** Do you wish to have it read?

Deputy Dorey: Yes please, sir.

The Bailiff: I invite the Greffier to read the amendment, then, please.

The States' Greffier read the amendment.

1150 **The Bailiff:** Thank you very much, Greffier. Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff. I would like to firstly thank Deputy Ferbrache for seconding this amendment. I would like to express my appreciation and thanks to the CCA and HSC for all the work they have done to get us to the position we are in today, with only two active cases at 11 a.m. today remaining and the last community seeding was a month ago, on 21st April.

1155 This amendment is not a criticism of HSC, as I can understand why they have made their decisions as their mandate covers health matters. However, I believe that we should be in a similar position, from a health point of view, but in a far better economic positions if decisions had been made by a broader based committee.

1160 On 14th April Meeting of the Assembly, I spoke in the debate on the Emergency Regulations and said that the decisions on the directions, which are the rules for the lockdown, need to be balanced between the health risk, economic activity and the political effects on the Island. I went on to say that HSC making the directions for the next few months is not necessarily the best solution and I would favour a body with a wider political membership.

1165 Deputy St Pier, in summing up, said that my comments were very pertinent. He said that there was an economic emergency and that economic activity would resume as soon as it is safe. He said that broadening the membership of the CCA was currently being considered. He continued to say that when the Assembly next considers regulations it would give me an opportunity to scrutinise developments to date.

1170 This is exactly what I am doing in this speech and amendment. Since that debate on 14th April, P&R have proposed a loan of up to £500 million, which illustrates the fiscal and economic cost that the Island faces. Various different models for broadening the memberships have been considered. The latest proposal is a Covid-19 Recovery Advisory Group, or CRAG, for short, whose membership consists of the Chief Minister as chair, one other Member of P&R, a Member from each of the six Principal Committees and a Member of the States' Trading Supervisory Board.

1175 CRAG would consider the lockdown directions and would have input on any changes under consideration by HSC, but HSC would still be the body making the final decision. CRAG would have the same membership as the committee that we are proposing in this amendment and the amendment includes a direction for CCA to revert to the States with proposals to constitute such a committee.

1180 HSC, of course, has a health mandate and, quite rightly, it will make decisions based on that mandate. I do not think we have achieved what I requested on 14th April, which is a widening of the decision-making body. It has not been achieved.

1185 This amendment is designed to inform CCA of the opinion of this Assembly. At various press briefings we have repeatedly been told the release of the lockdown has been based on a very cautious approach, to minimise any risk. I fully understand HSC making those decisions but I believe it has been too cautious and Guernsey will pay a high price, economically, for this very cautious approach.

1190 I will illustrate a different approach with an example of another island. Not our sister Island, but Iceland. Iceland has a population of 364,000. It has had 1,800 cases of Covid-19, compared to our 252, but fortunately for their population, it would be 311 cases if it was the same, for our population. So it is in the same area of size, of cases.

1195 It has done 57,000 tests, which is the equivalent to 16% of their population, compared to our testing, which is just under 7% of our population. They have had 10 deaths, compared to our 16. Iceland's first case of Covid-19 was on 28th February and our first case was on 9th March. On 4th May they allowed, based upon the advice of their chief epidemiologists, gatherings of 50 people. Even businesses that require customers to be in close proximity resumed and all primary and secondary schools have re-opened, with no additional social distancing required for the children.

1200 They only currently have three active cases of Covid-19. I believe that Iceland is an excellent example of a country which has controlled Covid-19, with very extensive testing, and has released lockdown, to allow economic activity and not have the increase in cases.

I fully accept that every jurisdiction country is different, but I think it is a good example. I currently do not understand, when we have had no community seeding since 21st April, the last new case was 20 days ago and we only have two active cases, why we are not where Iceland was on 4th May an effectual releasing almost all of lockdown, apart from our borders.

I do not understand why we allow commercial kitchens to operate for takeaways, we allow people to work outside and inside offices, but we do not allow people to eat inside at restaurants or *al fresco* dining outside restaurants. I was surprised when the phase three proposals were announced at the end of last week for the exit strategy. Because the actual exit strategy said that for phase three, under non-essential retail, it said:

‘Other premises and non-essential retail may be able to open to the public with restrictions on the number of people permitted, as currently applied in food retail.’

So I expected all non-essential retail to be able to trade, but only bicycle shops, sports shops, sale of clothes and shoes, kitchen and garden retailers, was allowed. I have not heard any acceptable justification for not allowing other retailers, as I read phase three, to trade. I do not believe that a balanced committee that considered the health, economics, physical, social and environmental matters, would have made such a decision to only allow so few retailers to trade at this point in time, plus non-essential retailers.

The only conclusion that I can reach is that the very cautious HSC, with a health mandate, has not balanced the benefits for our economy, the benefits to the States’ finances, the benefits for people’s mental health and to people’s jobs and livelihood in those industries which are not able to trade. And also to give people the freedom in our community.

There also seems to have been a change in policy, during the period of lockdown. The plan was originally to flatten the curve. Then it was to squash the curve and now it is to eliminate the virus. But we have had no explanation of the implications of the change in policy on the economic, fiscal, social and environmental effects of the Island. I believe that a new, a more balanced committee would be able to discuss these effects of the change in policy and weigh up the pros and cons.

Sir, we still have significant decisions yet to be made on the release of the lockdown. Schools returning to normal, the relaxation of social distancing and key decisions on when we relax the borders from the 14-day quarantine rule, to name but a few. If, resulting from releasing our borders, whenever that happens, there is a second wave of the virus, then decisions will need to be made on the extent of any further lockdowns.

Many have said that the virus could be around for several years. This is why this amendment is needed, so that the Assembly can formally request the CCA to reconsider, after taking consideration of the views expressed today by the Assembly, which body would be most appropriate, going forward, to have the power to make directions on the lockdown;

It is the CCA’s responsibility in the 2012 Law, to decide who is the decision-making body. [The amendment does not instruct the CCA to change the decision-making body, only to consider changing it, as is allowed in the Law. This amendment allows this Assembly to express its opinion on whether the decision-making body should be a more broadly based committee, comprising of the Chief Minister as chair, one other Member from P&R, a Member from each of the six Principal Committees and a Member of the States’ Trading Supervisory Board, who would take into consideration advice from the Medical Office of Health, but also take into consideration economic, social, environmental and political advice.

This body, I believe, would make better, balanced decisions, due to its broader membership and the advice it would receive. I encourage Members to support this amendment so that the opinion of the Assembly is clear to the CCA and they change the Regulations so the decisions on lockdown are made by a broadly based committee with the relevant advice. Thank you, sir.

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

Deputy Ferbrache: I do, sir.

The Bailiff: Who wishes to speak, if anyone, on the amendment? Do you wish to speak at this stage, Deputy St Pier? You would like to invoke Rule 26(6). So Deputy St Pier is asking that a motion be put that the amendment be not debated and no vote taken thereon if it goes further than the original Proposition.

I am satisfied that it is appropriate for me to rule that this amendment goes further than the original Proposition because it seeks to insert a second Proposition and therefore I will ask you to vote on Rule 26(6), where if there is a majority of Members voting in favour that there be no debate, there will be no further debate on it and, if there is not, then the amendment goes into play.

Deputy Dorey: Sir, could we have a recorded vote please?

The Bailiff: And there is a request from Deputy Dorey and therefore I will turn to ... thank you for all the votes that were coming up on the Chat function, but we will now turn to a recorded vote. Greffier.

There was a recorded vote.

Not carried – Pour 14, Contre 21, Ne vote pas 2, Absent 2

POUR

Deputy Tindall
Deputy Tooley
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Lowe
Deputy Hansmann Rouxel
Deputy Le Tocq
Deputy Brouard
Deputy Soulsby
Deputy Prow
Alderney Rep. Roberts

CONTRE

Deputy Ferbrache
Deputy Brehaut
Deputy Parkinson
Deputy Lester
Queripel
Deputy Mooney *
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Laurie
Queripel
Deputy Smithies
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy de Lisle
Deputy Langlois
Deputy de Sausmarez
Deputy Roffey

NE VOTE PAS

Deputy McSwiggan
Deputy Oliver

ABSENT

Deputy Gollop
Alderney Rep. Snowdon

* denotes Members who voted by proxy.

Deputy Inder: Sir, I have Deputy Gollop's proxy vote by text. I assume he is having the same technical difficulties again.

The Bailiff: He may be having technical difficulties, but it will not matter on this particular occasion, thank you, Deputy Inder.

Members of the States, the voting on the motion proposed by Deputy St Pier that there be no debate on the amendment, proposed by Deputy Dorey, seconded by Deputy Ferbrache, was there voted Pour 14, Contre 21, two abstentions, two absentees and therefore I declare the motion lost. But I will just turn to Deputy St Pier to see whether he wishes to exercise his right to speak on the amendment at this point, or whether he prefers to defer for later.

Deputy St Pier: I will defer, Thank you, sir.

1280 **The Bailiff:** Thank you very much. Who wishes to speak on the amendment? Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff.

I am pleased that the amendment does actually introduce Proposition 1, to approve the emergency powers, and so on that element, I think, it enables us to have more debate. With regards
1285 to introducing a second Proposition, I have to say I am confused and I would like a further explanation from the proposer of the amendment, as to exactly what this will seek to achieve.

I think there is some confusion that has arisen around the difference between the exit strategy, which HSC has published, and the recovery strategy. Deputy St Pier very helpfully, in answering questions from Deputy Gollop, has already stated that this Covid-19 crisis is primarily a public health
1290 crisis. Deputy Dorey, in his opening, has said he does not wish to imply any criticism of Health & Social Care but in his speech he has dissected some of the decisions made and has actually been critical of those decisions.

In any group or any political committee considering the enormously complex and serious issues will at the heart of it take on the advice of the Director of Public Health. In my view, that advice has
1295 been outstanding and, certainly, I can assure Deputy Dorey that the Health & Social Care Committee has challenged that advice, worked with that advice and has, in all the areas that Deputy Dorey outlined, considered all the aspects.

I would turn what Deputy Dorey has said around the other way. We have had, certainly from yesterday, we had no new cases of Covid-19 for 18 consecutive days. Never mind the position in
1300 Iceland sir, if you take the position in the United Kingdom and our near neighbours in France, people are still dying of this dreadful disease in the hundreds on a daily basis. Perhaps that could also be used as a measure of some success.

Returning to the amendment, as far as Proposition 1 is concerned, I would say of the amendment, which is to approve the emergency powers provisions and regulations, I support these
1305 Regulations, which were made by the Civil Contingencies Authority on 14th May. I thank all the Members of the CCA for their skills and the skills of the Chairman in his communication and leadership and I think that that must be said right at the start of this debate.

I believe that the second Proposition that we are debating at the moment around this amendment has come about in the light of some recent email exchanges and my part in this is to
1310 strongly support States' Members taking this opportunity to debate them rather than spending time and effort in considering a further structure to do that.

The horrible virus has not the ability to infect our democracy and our desire to live in a free society. Section 16 of the Civil Contingencies Law of 2012 ensures that, unless they are approved
1315 by us today, the emergency powers will lapse. If Deputy Dorey has some concerns around what those powers are, that is where his amendment energies should lie.

These Regulations give very significant powers to enable the Committee I serve, Health & Social Care, to make directions to control the spread of Covid-19 and I shall be listening very intently to any debate. I believe that HSC has made it very clear and through our President, Deputy Soulsby, has communicated exceptionally what our strategic objectives are. These briefings have been
1320 refreshingly honest and transparent, assisted by some excellent questioning from our local media. In doing so, we are absolutely guided by the superb advice of our Director of Public Health and indeed the Medical Director, who has also crucially attended the media briefings.

The top line policy put in place by HSC is a test, trace and quarantine strategy, underpinned by travel restrictions. As I have already said, there have been no new cases of Covid-19 in the preceding
1325 18 days. And, sir, I would stress that is simply not the case in the United Kingdom. However, sir, it is the public support and compliance which is the real enabler of this Bailiwick success and hats off to the people of our Island.

Sir, the UK Prime Minister has said that climbing down the mountain is more dangerous than going up and, in that regard, I think he is right. The dangers are very apparent: the risk to our economy, jobs, and the business as usual provision of health care, including mental health. An exit strategy has been published by HSC and can be found on gov.gg. Because of the success of the strategy, the implementations that were taken are now been accelerated.

But we must not be complacent. A second wave just brings us back to lockdown, which will not only have health consequences, but economic ones, as well as the hard-fought gains. Having said all that, I can feel the frustration of Members of this Assembly, who have a great deal to offer with regard to an exit strategy, which has damaged far more than just the health aspects. As a Member of Health & Social Care I completely get that.

As we proceed into phases four, five and six, we must engage even more. One example of this is a planned joint meeting between Health & Social Care and Economic Development, which I hope happens very soon.

I wish to make another point, which I believe is extremely important. Some letters to the paper and media opinion seem to suggest we have changed our system of Government to an executive model. This is, frankly, utter nonsense. The Civil Contingencies Regulations demonstrate this. The Authority's powers are entirely limited to regulate matters which appertain to the emergency and cannot stray beyond that. The Regulations empower HSC and other Committees, such as Education, with regard to safely operating school, and I very much hope Economic Development are fully engaged in the CCA process.

As said, Emergency Regulations must be laid before the States as soon as practical and shall lapse after seven days, unless agreed in a States' Meeting and, in any case, lapse after 30 days. This is not cabinet government or anything remotely like it. If it is anything, it is committee government on steroids.

That debate around our system of Government is for another day and can only be a viable option if such a Government has a defined mandate derived from the electorate. I welcome that debate but what is happening right now is through the CCA, rightly and properly, the utilisation of Rule 18 provisions, to quickly make emergency secondary legislation, within the democratic safeguards.

What has been conveniently forgotten is that all the Committees of the States are still working very hard, with the use of technology, meeting very often at short notice, making decisions and trying to influence decisions on the economy, providing financial support to businesses, social payments, delivering public services, keeping us safe, making education continue with distance learning, and so on and so on.

Most importantly, all Committees are in my view doing their best in supporting front line staff. This is not, however, being given the recognition it deserves. Fair enough, provide challenge and praise those who have so ably and visibly shown leadership during this crisis. But please do not give the credit to a fictitious creation of an executive government.

Sir I will reiterate I am uncertain as to the value of the second part of this amendment. I believe that there is a confusion over what the exit strategy is about and what the responsibilities of Health & Social Care are and the recovery strategy, led by Policy & Resources.

Thank you, sir.

The Bailiff: Deputy Merrett, to be followed by Deputy Gollop.

Deputy Merrett: Thank you, sir.

I hate to disappoint Deputy Prow but I am going to try to speak just to this amendment. Although I do agree with substantive parts of what he said, sir. What my concern is and what I feel this amendment partly speaks to address, is the wider effect that these Emergency Powers has on our community's health and wellbeing.

Proposition 2 has referred to this. It is referred to as the economic, fiscal, social and environmental advice. My concern is that if we agree the continuation of Regulations, what has been taken on board by the Committee, for example, for Health & Social Care and of course that is

1380 only one part of the Regulations, sir, that gives powers or refers powers onto that Committee. But it is what information they have taken into account to consider our community's wider mental, physical and fiscal health? What evidence have they taken on board?

1385 Maybe, sir, that is where some of the concerns, certainly that I have, come from. But I think we should ask ourselves and I am hoping that Deputy St Pier, when he speaks, could advise Members of how much longer he feels that the CCA should have to keep returning these Emergency Regulations, Emergency Powers to the States. How much longer does he believe, in full knowledge of the most updated evidence we have that is purely on the Covid-19 live cases *etc.*, how much longer does he believe, for example, the CCA and Emergency Regulations may even need to be in place.

1390 I ask that question because it may be the case that, actually, Proposition 2, would not be able to be delivered within the – I would like to hope – shorter timeframe that the CCA may consider such Emergency Powers going forward, may need to be detained. In Proposition of the new amendment, it says to the agree that the exercising of powers and I will now, cut to the part I want to get to, they should consider whether it is still ...

1395 ... appropriate to confer power under such regulations on the Committee for Health & Social Care ...

Well sir, normally the CCA do that every time they sit and meet. Surely they then look at it and say, is this still appropriate? Is this still proportionate? Do we need to continue doing this? So I would ask Deputy St Pier, when he speaks, surely they are doing that anyway, so I do not think we need to agree or direct them to do so.

1400 Lastly, sir, a question for Deputy Dorey and Deputy St Pier. Just how practical, just how effective, will such a committee be? How quickly could the committee be constituted and, in Deputy St Pier's opinion, because he has been at the forefront of this, certainly on the media platform and certainly as the President of this CCA, how practical does he think it would be, or consider, I should say, that such a committee could be as effective as the CCA?

1405 I have a lot of sympathy for this amendment. I think there are certainly feelings, I certainly have them, I have spoken every time that we have discussed the Emergency Powers, on proportionality, of the absolute necessity to have them as they will affect our community in such a way, in my opinion, to a certain degree to appropriate ways. After all, sir, our community have allowed us to be in the position that we are in today. It has been their efforts, it has been their understanding, 1410 their listening, their engagement, their compliance that we are where we are today, ably being led through the communication, media briefings and platforms from the CCA.

So I ask these questions with good intent. I cannot concur with Deputy Prow when he alluded, I think, I hope there is no point of correction, he alluded to Deputy Dorey not having due regard, due respect or due consideration of the CCA. I do not have that opinion, sir. I think the amendment is laid with every good intent, with considerable concern over the wider effects of these Emergency Regulations on our community and it is actually, indeed it would be better, to have a wider political representation in this regard.

1415 I will look forward to the summing up but, with respect sir, I do require, I do need these questions to be answered to allow me to come to an informed decision on how I wish to vote and, sir, while I am speaking, I will request a recorded vote. Thank you, sir.

The Bailiff: Deputy Gollop, to be followed by Deputy Inder.

Deputy Gollop: Thank you, sir.

1425 It is difficult to stay focused on this debate, not only because of the technical challenges we face but because, clearly, different Members think we are debating different issues. Deputy Prow wanted this debate to perhaps be part of a more general conversation about lockdown exit and what measures we should be taking. Deputy Merrett, perhaps, has considered the viability of moving to a different executive-type committee.

Therefore, it does appear there are a number of issues in this amendment. I must admit that, on balance, I am very likely to support this Deputy Dorey/Deputy Ferbrache amendment, with a degree of reluctance. Because I would say, I think without fear of contradiction, that the work that the Civil Contingencies Authority both at senior officer and political level, is second to none and Guernsey has been outstandingly served and is maybe a model community across the western world, in coping with this horrible crisis.

I think that recognition will grow over time. Nevertheless, anomalies have occurred and I perhaps am not actually playing the populist card here, because from what I can see on social media, 75%, 80%, 85% of the population are entirely happy with every decision that the Civil Contingencies Authority have made and indeed, in that context, the Committee for Health & Social Care, in exercising their role in looking at particular advice that the Medical Officer of Health and relevant parties might make.

But I see this amendment as a bit of a safety valve. I think Deputy Dorey put forward an excellent and measured speech and one does not have to do political rhetoric or grandstanding to see the arguments that he makes, which are very meaningful. Because, to me, anomalies have of course occurred. You have examples of picture framers who cannot open but artists who can, of situations whereby takeaways who have opened but kiosks and beach cafés and bistro cafés have not. Of examples where smaller traders struggle to find both the money and the resources, technologically, to satisfy the current requirements of Environmental Health.

We have seen praise in the media for a more executive style of Government and we have heard rightly from Deputy Prow that we still actually have an adapted form of our committee system although, having sometimes taken steroids myself, I am not entirely sure it is a steroid administration.

I feel that we are struggling here. If we are to have more of a cabinet system of Government, or even we are not, and maintain our current balanced consensus, we are struggling, I think, to find in practical policy and powers, the balance between social, economic and strict public health. Anybody who knows me would perhaps unfortunately come to the conclusion that being healthy is not top of my priorities list, but I think, in reality, health is only one aspect of what makes life worthwhile. Civil liberties, human rights, freedoms, cultural activities, initiatives, for some people a spiritual life, a religious life. They are all as important in terms of wellbeing and so on.

I am concerned that we have perhaps been focused entirely on the important risk elements of Public Health and to a certain extent the bureaucratic capacity of the health administration to actively feel, to give the supervisory rights that would wish to do progressively. It is ironical that Jersey are debating this morning a proposition from a member who admires the Guernsey strategy, because Jersey have gone down a different, nuanced route. I would not go as far as some might and call it a containment strategy because I think it has, in many ways, been an elimination strategy, but an elimination strategy that has been slightly less safety orientated and more balanced.

My argument is not about putting the economy before health and society, anything but, I am as strong a believer as anybody, we should keep our borders closed for the foreseeable future and encourage everybody to socially distance and be safe. But my issue is not only looking at how we can recover some element of the hospitality sector, as soon as possible, and our freedoms, but I think, too, one has to realise that some elements of society wish to self-isolate and should be sheltered, whereas others especially the younger element, the more economically active, want to get on with life and not get into further debt or financial problems.

I believe in Jersey the Covid is costing them £220 ... millions and millions a month. A billion in a year potentially. Ours was obviously less. For every month we spend with difficulties in living is another month that we have to find the money for, in one way or another, whether that be to reduce the salaries or reduced expenditure or higher taxation or higher borrowing, I know not. But we have to have a balance there.

Actually, I do not see it as a right versus left argument, of balancing the economy versus society, I prefer Deputy Merrett's approach as well, because I think we have under-played in this situation, the mental stresses that people under lockdown are having, whether they live alone or not. I do not

believe that we have fully looked at the impact upon society, because much as I like the slogan Guernsey Together, we are not all in this together. Some people have had a relatively happy time in lockdown because they have been with their families, maybe live in a nice part of the Island, a nice house with a large garden and are physically well.

Other people live in much straitened economic circumstances, have had real financial worries, are perhaps alone and isolated and not able to go out and not able to enjoy meeting their friends or having a coffee or generally having social interaction and communication. I think the inequalities of lockdown have been widely acknowledged in the UK by political parties as well and they will lead to inequality of educational performance, potentially, as well.

For all those reasons, I believe it would be better if a more broadly based political committee could be considered as the more appropriate panel or body, or authority, to exercise the powers, rather than, in the longer term, the Health & Social Care, although I must emphasise I do have great confidence in that Committee and body. Thanking you.

The Bailiff: Deputy Inder, to be followed by Deputy Parkinson and then Deputy Roffey. So Deputy Inder please.

Deputy Inder: Sir, when Deputy Prow responded, I think he is the only one in HSC that has responded so far to the amendment, there is no two ways about it, there is no real criticism of HSC and I do hate repeating this, it is almost like, 'I have got a black friend as well.' The reality is and what worried me mostly about what Deputy Prow said, he has just said a second wave will bring us into lockdown.

This is one of the problems that HSC might have. What if there is no second wave? I am going to pose a few questions. What if, politically, it will not be publicly acceptable to go back to what effectively is a ground zero and there has always been a mild – I do not want to use the word threat; too hard – but, effectively, HSC have effectively said via advice from Public Health that we could go back into lockdown.

What if the political view is that you cannot go back? What if the view of the Committee is that we are waiting for a vaccine before we move into a phase six? What if other Members of the community, including the elected representatives, think that we could possibly move faster? I think importantly sir, it is what if we have to change the message from eradication and elimination to living with it. I think Deputy Parkinson –

The Bailiff: Deputy Inder, just cutting across you, Deputy Prow wishes to make a point of correction, so Deputy Prow.

Deputy Prow: Thank you, sir and I apologise to Deputy Inder for interrupting him, he had actually moved on in his speech. But I think it is important to note my comments were about concentrating on the success of the strategy and concentrating on the exit strategy based upon the scientific evidence and the results that we achieve. The consequences of that could be that we return to a lockdown situation, but that was not the focus of what I was saying. Thank you, sir.

Deputy Inder: Okay, I will accept that. But in response to that, Deputy Prow did say that, but that is effectively on the table, but what if that is not politically acceptable .. it is just not politically acceptable? The questions, really, I have asked here, sir, they are not a criticism of HSC and I just have a feeling and I will not go into the detail of the email exchanges that we have had over this week but certainly from one Member of HSC, they seem to be focused on Public Health and have said that there is no economic consideration whatsoever and that Deputy has said that twice in an email exchange with different people. Yet the President has said that Public Health and economic considerations are given.

There are differences within the Committee itself. Deputy Soulsby, finally to her and I am quite sure she will make in a comment on it, said in one of the recent updates, I think it was two weeks ago, I am fairly sure she said –

The Bailiff: Deputy Inder, there is a point of correction from Deputy Tindall next.

Deputy Inder: Okay.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

Deputy Inder is referring to me on this occasion, with respect to various comments about the extent of the Health & Social Care mandate and that, whilst we do take into account economic factors, such as wellbeing of individuals, if unfortunately they are economically disadvantaged by this terrible crisis, what the economic elements that we do not take into account, to the extent they should be, in my view, at this time is in relation to the mandates of other Committees, such as Economic Development. Thank you, sir.

The Bailiff: Deputy Inder to continue, please.

Deputy Inder: I am not entirely sure that is a point of correction but the fact remains that on two separate occasions, one Member of HSC has said, over email, that the economic factors are not part of the consideration and the President has said something else. So the fact remains.

Anyway, Deputy Soulsby said in a recent update that the exit strategy is a Government document. When she did say that I must say I did raise an eyebrow there because really it is not. It is very much an HSC document and so the question, actually, to HSC, more to Deputy Soulsby, really, would be are you, as a, I was going to say as a five-man team, just before I get another point of correction, a five-person team, are you wholly comfortable within your current environment and is there a danger that you might be in your own particular bubble yourselves. I can understand how that could possibly occur.

Would it not be helpful to get a different view from a wider group of elected representatives who happen to be, as per the amendment, Presidents of existing Committees? It is up to Deputy Soulsby to respond to that but I would encourage her to bring a, let us call it, a bigger tent, rather than living possibly in a bivouac. There you go.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

I think the sort of unwritten or unspoken question at the heart of all this is what is an emergency and when does it come to an end? Presumably, the mandate of the Civil Contingencies Authority expires when the emergency is no longer with us and we could revert to the normal machinery of Government? A concern of mine is that if the public are of the view that the emergency has come to an end, somebody may challenge an order of the Civil Contingencies Authority on the basis that it is potentially *ultra vires*.

Now, in the meantime, until an emergency is formally declared to be over, or the courts rule that the emergency is over, we have to discuss how the powers, these exceptional powers, which regulate the lives of ordinary people in Guernsey, should be exercised and who should be responsible for taking the decision?

I have a lot of sympathy with the Dorey/Ferbrache amendment because I think a wider group should be involved. I think the advice of the Committee for Health & Social Care and indeed Medical Officer of Health and other responsible officials, must be taken very seriously into consideration and would clearly inform the decision-taking process. But I think the proposals under the CRAG

committee proposal, that effectively that committee advises HSC on decisions and HSC takes the decision, I think is putting the decision-making process the wrong way around.

I am minded to support this amendment. I think we need to look forward to a time when the current emergency will be at an end and when we can return to the normal machinery of Government. I hope very much that transpires sooner rather than later and in the meantime we need to have all of the Committees who are vitally interested in the exercise of the Emergency Powers, involved in the deliberations over what to order and when.

So that is my contribution. At some point it might be helpful to have an opinion from one of the Law Officers, if they are in attendance, of when does an emergency come to an end and could a decision to continue an emergency, when the public no longer believe there is one, could that be challenged in the courts? Thank you, sir.

The Bailiff: Deputy Roffey, to be followed by Deputy Lester Queripel and then Deputy Green.

Deputy Roffey: Thank you, sir.

I have got a degree of difficulty with this amendment because it does resonate with something that I felt right from the beginning of this whole coronavirus crisis in the sense of what I wanted, from day one, before lockdown started – lockdown has now been eight weeks in place, I know that very well because I swore that I would go teetotal on the first day of lockdown and still – but about 10 weeks ago, I think I suggested we should, uniquely in this situation, set up an executive body with responsibility for the Island's response to Covid-19 or to the coronavirus, which of course is Covid-19.

I was not suggesting cabinet Government or the end of committee Government, I was not suggesting that anything Robert Walpole would recognise as cabinet Government. Simply that we would have executive power in the States of Guernsey and we choose to delegate some of it to committees, which are executive committees, because it is more efficient for that executive decision-making to be operating at a committee level than an Assembly level.

I thought that, with the unique pressures that Covid-19 would then bring to the Island, then setting up an *ad hoc* committee, a specific committee to exercise those powers on our behalf would be incredibly useful and very efficient.

So, here we have a suggestion for something a bit like that. But my two problems with it is that it is only dealing with one little bit, well quite a big chunk but only one chunk of our response to the coronavirus. It is talking about who should be the decision-making body exercising the powers under the Regulations made by the Civil Contingencies Authority. That is one bit of Guernsey's response to Covid-19.

Another is the emergency economic packages of support that we are putting in for individuals in terms of welfare and putting food on the table. Another bit is that measures we are putting in place as far as supporting businesses that cannot operate normally through this. Another bit is the whole borrowing thing that we debated *ad nauseum* at our last Meeting and another bit is the forward planning for how we recover from the impact on our Island.

So I wanted one group, hand-picked by the States, to say, 'You are the best people to co-ordinate that.' Just like Education co-ordinate education and Health co-ordinate health and Economic Development co-ordinate that aspect of our policy. It did not happen, so what we are being suggested here is, a, only dealing with part of that response and, b, I think it is just far too big and clunky to be efficient. It is a sort of new Policy Council, is it not? If the Deputy Dorey amendment goes through it will be nine persons strong and we are then going to be immediately invited to make it 10 people strong. Let us keep adding people into it until we get close to the 39 that we have in the Assembly!

I do agree that it would be a broader consideration on one aspect of our response to Covid-19 and I may support it for that reason. But I think it is far from perfect. I think the best bit about it is that it actually invites P&R to go away and think about how these things should be exercised and,

1635 while suggesting a particular idea, it also, as I read it, suggests that they will come back to the States with any proposal.

Now that is going to be pretty much at the tail-end of where this organisation should have been operating on steroids, or at full speed. It is a bit late in the day. It is far too late in the day. But I think there is some use in that. So I will support it, not so much because I think Deputy Dorey and Deputy
1640 Ferbrache have got every jot and tittle right in this amendment, but because it asks P&R to take a fresh look at this.

Certainly, I have got news for Deputy Prow. On the inside, at HSC, this may have felt like committee –

1645 **The Bailiff:** Deputy Roffey, there is a point of correction, please, from Deputy de Sausmarez, so I call Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I feel a bit bad interrupting and I am feeling even worse now because I have not had a chance
1650 to click between my screens and double check, but I think the amendment is actually asking the CCA, not P&R, to consider.

The Bailiff: That is a valid point. Deputy Roffey to continue.

1655 **Deputy Roffey:** I stand corrected, but the point still remains that if they do deem to be any use, any mobility in it they will be able to come back with variations on the idea, rather than just adopting every single thing in this amendment, as I understand. If I am wrong, I still think it is worth them giving it thought.

Where was I? Oh yes. Deputy Prow's claim that what we have been experiencing is Committee
1660 Government on steroids. It may have looked like that from some positions. I think the majority of committees of the States have felt really emasculated, fairly isolated. I actually, personally, would have had no great objection to that happening, to a degree, if we had voted specifically that Joe and Elizabeth and whoever, these five people, or these seven people, are the best people to co-ordinate this, and we will hand it over to them, because that would be a conscious decision to
1665 delegate.

But it has felt very much as if things have been snatched away from committees. Fine, I think in an emergency this comes back to what Deputy Parkinson was saying, in the early days, I think that was essential, but I think early on, much earlier on than this, there should have been an alternative structure put in place.

1670 I think it is not going to happen now. I think we are almost past that point. But we still do have the recovery stage and I do not know if the recovery stage is really engaged by this amendment, because I doubt the recovery stage is really going to be the subject of Civil Contingencies Authority Regulations, except perhaps when to relax our connections with the outside world, which is going to be a huge decision.

1675 I really hope that Boris Johnson's boyish enthusiasm in suggesting that we may have a vaccine by September proves true, in which case it will be less of an issue, but if it is 18 months or two years, or never, then there is going to be a heck of a big decision, if we have got no Covid-19 in Guernsey, but there is still Covid-19 in the UK, about when to do that opening up.

Whether that is a decision best delegated just to the health authorities or whether it is a broader
1680 issue, I think it is probably the latter, which is another reason why I have some sympathy with this particular proposal.

But I think to try and set up a small and nimble organisation and then say it should have nine or 10 people on it is fairly nonsensical. Yes, of course all of the Principal Committees and very much STSB and P&R are engaged in this but what is wrong with consultation? What is wrong with what
1685 everybody is charged with doing something on our behalf? They say, this obviously impacts on Education's remit, or on the DPA's remit, we need them on board, we will contact them.

So I am going to listen to the debate. I will probably vote for this in principle, really, because I think it gives fresh consideration to issues that should have been considered early on, but I think it is very far from perfect, so I will listen to the debate before I make up my mind finally how to vote.

1690

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

1695 I am going to support this amendment. I commend Deputies Dorey and Ferbrache for laying it. As I said when we met at St James', I thought we should have gone into lockdown by then. Later on, I thought our measures should have been a lot stronger from the outset and I emailed all my thoughts on where those measures could be strengthened to the CCA. Apart from receiving a couple of emails telling me that my email had been received, I had no idea whatsoever if my ideas were even discussed by the CCA and, if they were, how much focus and attention was given to them. So I felt completely disenfranchised at that point.

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Now, if I had been allowed to sit around the table with everyone else present, I could have argued my case. That is extremely relevant to this amendment and this debate. Because, as Deputy Dorey said in his opening speech and others have said, we need a variety of Members on this committee to attain a much more balanced approach.

1705

I want to emphasise and echo Deputy Dorey's view that this is no criticism of any of those who have been leading us through this crisis. They have done their best. But the time has now come for a much broader approach to be introduced and we attain that broader approach by ensuring this amendment succeeds.

1710

If it does succeed it will then surely be a step towards also attaining the sort of joined-up government we all talk about but see very little evidence of. If we ever needed joined-up government then that time is now. Thank you, sir.

The Bailiff: Deputy Green.

1715

Deputy Green: Mr Bailiff, thank you very much and may I add my congratulations to you as Presiding Officer, as others have already mentioned? I am going to support this amendment. I am very sympathetic to it. As Deputy Roffey said, I think it is far from perfect but I do not think that matters. I think it is an amendment which speaks to some of the frustration and concern that has emerged from certain sections of our business community and our economy.

1720

Like others, I have no criticism to make of the Committee *for* Health & Social Care. I think they have performed their duties in very trying circumstances, very admirably. I have confidence in them going forward. No issues about that whatsoever. But, by necessity, their mandate, as currently structured, is obviously a narrow one. That is just how it is. That is how Government Committee mandates operate in our system of government.

1725

I think for me, as we progress through the different phases of the exit strategy, we need to make sure that there is that broader, more varied perspective in making decisions, particularly with a view to the crucial, critical economic picture. A bigger tent, as Deputy Inder referred to it.

1730

It is about striking that right balance, that better balance between the Public Health issues and the wider considerations, including the economic perspective and I think Deputy Gollop touched on this. To some extent we have been struggling to get that balance quite right. The proposal in this amendment, as Deputy Roffey said, is not necessarily the perfect way of doing it, but I think it is a fresh attempt to try to capture that broader perspective. With that basis I think it may be a better platform to try to get that balance right in reflecting the need, really, to get our economy working.

1735

I think Deputy Parkinson made a very interesting speech. He was absolutely spot on, I think, with asking this question about when does the current emergency end or has it indeed already ended. I know different conversations that I have had with various lawyer colleagues of mine that these are issues that are being actively considered by colleagues of mine in terms of when, exactly, the line

will be drawn in terms of the emergency. We know that we have not had any fresh cases of Covid in our jurisdiction for – what? – 20 days now, getting on for three weeks.

Like Deputy Parkinson, I think it would be very helpful if HM Comptroller could give some input on that particular issue because I think that is key. What we absolutely do not want to do is end up with the CCA making further regulations that are open to challenge as being beyond the powers of the CCA because the emergency as in fact actually ended.

So there is probably little I can add, but I do commend Deputy Dorey and Deputy Ferbrache for bringing this amendment. I think it does speak to a lot of the frustrations that are out there. We do need to get the balance a little bit better than what we have at the moment and I will be supporting this amendment.

The Bailiff: I am just pausing briefly, because I do not see anyone else who wants to speak on this amendment, but before I turn to the Chairman of the Authority to speak on it, I do wonder, Mr Comptroller, if you are there, and able to answer the query that has been raised, whether this is the most appropriate time to do it. No? Let me go to Deputy McSwiggan instead and I will give you the lunch time to think about it that way. Deputy McSwiggan.

Deputy McSwiggan: Thank you, sir.

I had rather imagined that this was a debate that was going to be continuing for a while, so I had not thrown my hat in as yet. I just wanted to make a couple of points on the amendment. I cannot support it, but did not vote against it being debated because I well understand the need for the States to debate the ethics of this things, to weigh up whether the trade-offs that we are asking people to make are the right trade-offs because they are, inevitably in circumstances like this, trade-offs between safety and freedom. Two things which are fundamental to us all in which we all hold very dear.

So I do not think this is the wrong debate or a bad debate, but I do not think the conclusion is as constructive as those who spoke in favour in amendment believed it would be.

Very early on in the unfolding of the Covid-19 pandemic, people who had seen the impact of previous epidemics like this predicted the moment at which, if a Government is doing particularly well or a community particularly well, people will start to turn around and say, 'See, this just proves that your restrictive measures were necessary.' When, in part, it is thanks to the restrictive measures that we find ourselves in a good place now.

So I think we do need to be ... and others have said this, I am not trying to downplay it, but we do need to be mindful that part of the reason why we find ourselves where we do today is because a number of factors were weighed up and weighted carefully and because measures were put in place that demonstrably, effectively reduced the risk to the community.

So to say that the tent has not been broad enough in the past or the mechanisms that we have had in place for decision-making have been ineffective are undermined by the reality we find ourselves in now.

In his opening speech, Deputy Dorey referred to the case of Iceland how Iceland were able to massively expand community testing at a very early stage and therefore return to normality much sooner than other places have done. Of course Iceland was starting from quite a different place to us. They have a substantial biotech industry already in the country. We know that is something that we want to develop in Guernsey but it is not something we have so far substantially progressed as an economic sector. So they were able to expand their capacity test at a much more rapid pace than us.

The measures that we have taken at every stage in our move through lockdown have been proportionate to the extent of our testing capabilities. One of the things that HSC has in mind as we try and move even closer to normality is to extend our testing capacity even further. But we were not starting from the same base as Iceland and to try and compare us when they were ready to hit the ground running.

1790 Although there was foresight within HSC – obviously our professionals deserve credit for that, it was not us as politicians but someone very early on started to ramp up our capacity for community testing, so that we were ready when the UK dropped the ball on us – but we were never starting from the same bases as Iceland.

1795 I believe that we can try to move through the phases of lockdown as quickly as our Public Health and our clinical care capacity have enabled us to do. But the focus of this debate predominantly has been about balance, about who should be around the table when these critical decisions are made. I do not want to be precious about my own role in it or my Committee's role in it. I think the challenges that have been laid at our door are fair and are to be expected. But I am not sure that the body that is proposed here offers a better alternative.

1800 There are at least four Members, the two Members of the Policy & Resources Committee, the Member of the Committee *for* Economic Development and the Member of the States' Trading Supervisory Board, who will consider it their primary responsibility to look after the needs and the welfare of business, I suppose, rather than the economy more broadly, whereas there will only be one Member around the table whose primary responsibility will be to prioritise the health of the population.

1805 That, sir, I think is a swing too far in the opposite direction. It may be seen perhaps as redress for the previous decisions having been predominantly made by HSC, but I do not think that it offers in any sense the promised balance. There is in Law no such thing as an economic emergency, although that term has been bandied about, and nor should there be because economics is really the fundamental of what we as a Government debate and make decisions about.

1810 It is the territory of democratic debate and agreement. You cannot point to something and say, 'That is the economy, that is the market –

The Bailiff: Deputy McSwiggan, sorry to cut across you, but Deputy Parkinson wishes to raise a correction, so I call Deputy Parkinson please.

Deputy Parkinson: Yes sir. Deputy McSwiggan is implying that CRAG will be making the ultimate decisions on releasing the Island from lockdown. That is not the case and that actually goes to the heart of this amendment. The decisions will be made by the Committee *for* Health & Social Care and, although there may be four Members of CRAG, who have an interest in advancing the interests of the business community, for example, it will not be that body which makes the decisions on releasing lockdown.

The Bailiff: Deputy McSwiggan to continue, please.

1825 **Deputy McSwiggan:** I am not implying anything of the sort. That is there in the text of the amendment. The amendment does not make any CRAG an advisory function. If the amendment were successful, the Civil Contingencies Authority would be directed to consider passing that kind of decision-making from HSC to a formally established committee, which looks a lot like CRAG.

1830 So that is precisely what the amendment seeks to do and, sir, I am not persuaded that it is wise, in the context of what remains a public health emergency, although thank goodness the Public Health measures that we now need in place are less restrictive than they have been at the worst of it, I am not persuaded that that body is the right body to be making that kind of decision.

1835 I am much more in Deputy Roffey's camp that it would be helpful to have this kind ... I think it resembles a cabinet more than he accepts, but I agree that this kind of body is a helpful body to give oversight to Guernsey's recovery, which necessarily requires the whole of Government to come together, but I do not agree that it is the right body to be making decisions on Public Health matters.

1840 But, sir, I think the questions were posed most usefully by Deputy Inder, who will probably be surprised to hear me say that. He nailed the crux of the issue that we have to decide on for ourselves and for our community today, which is what is the balance of what is acceptable to the community

and what is not. Do we accept the measures that are currently imposed on us, do we accept those that are likely to be either imposed or lifted in the future?

If we were to find ourselves retreating towards a further lockdown, would that be acceptable to us democratically and acceptable to the community? I hope that it would be, sir, because I think, much as though I have hated the experience of being in lockdown and hated the experience of having to do it to others, infectious diseases are a special case, I think, when it comes to this kind of ethical decision making.

Because we are not just asking you to make decisions about the kinds of trade-offs that you accept between your own safety and your own health. The things that you do or you choose not to do have a direct impact on the health and in some cases the survival of others who may or may not be able to protect themselves from the consequences of your actions.

I think there is a unique ethical argument to be made for the way that we respond to infectious diseases. I fully agree with all those who have said that it needs to be proportionate, that it needs to be evidence-based and it must not go on for any longer than the emergency justifies this and this debate and subsequent debates will continue to work out exactly what the answers to the questions Deputy Inder had posed are. But I would ask Members to be mindful, in whatever decision they reach, that what we are asking you to do now is not for your own sake but for the sake of the community as a whole.

The Bailiff: Thank you very much.

Well, we have gone past 12.30 p.m. and, although I would always potentially try and regain the 10-minute break that we had earlier before breaking, I think this is going to be a convenient place to break and when we resume at 2.30 p.m., Members of the States, if HM Comptroller is in a position to give some guidance on the issues that have been raised, then I will call him to speak and then other Members who wish to speak thereafter. So we will now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.38 p.m.
and resumed at 2.30 p.m.*

CIVIL CONTINGENCIES AUTHORITY

Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.2) Regulations, 2020 – Debate continued

The Bailiff: Good afternoon, Members of the States.

We will continue debate on the amendment proposed by Deputy Dorey, seconded by Deputy Ferbrache. I have clarified with HM Comptroller that he may be in a position to offer the guidance that some Members are seeking. So, Mr Comptroller.

The Comptroller: Sir, thank you.

Before lunch, I think it was initially Deputy Parkinson who raised a particular issue and this was alluded to by Deputy Green and I think it was along the lines of at what stage will the emergency that we are currently facing be considered to be over as a matter of Law and bring to an end the powers of the Authority to make the Regulations that it has been making over the course of the last few weeks.

Before I get to that particular issue, I just thought I would deal with some background. The Civil Contingencies Authority is a committee of the States but, perhaps a little unusually, it is established by Statute as opposed to States' Resolution and that Statute, as I am sure many Members, will know is the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

That Law is in four parts. Part one establishes the Authority, a committee of the States, part two gives the Authority certain functions relating to civil protection. This includes, for example, powers to identify and assess risks, there is then a general part, part four, and part three is the material part, in that it confers on the Authority the power to make Emergency Regulations.

1885 It is a very wide power, under section 13.3 of the Law, Emergency Regulations made by the Authority. They make provision for any kind that could be made by *Projet de Loi*. So it is an extremely wide-ranging power. That power can only be exercised when certain conditions are satisfied. They also are set out in section 13 of the Law.

1890 There are four conditions, I will just refer to them. The first condition is that an emergency has occurred, is occurring or is about to occur. The second condition is that it is necessary to make provision for the purpose of preventing, controlling or mitigating the emergency or aspects or effect of the emergency. The third condition is a need for a provision referred to in subsection iii, that is necessity, is urgent. The fourth condition is that HM Procureur has advised the Authority about the proportionality of making the proposed Regulation.

1895 Clearly the issue has been raised in relation to the first condition, that is that an emergency has occurred, is occurring or is about to occur. I think the fact is that condition is satisfied, whatever one thinks. Certainly, an emergency has occurred, it is occurring at the moment and it may continue to occur. So I think that condition is quite clear to me that it is satisfied.

1900 I think where is perhaps less certainty is in relation to the second, third and fourth conditions, which require necessity, urgency and proportionality and it seems to me that the Authority will need to continue to meet and to consider whether those conditions are still satisfied as we go forward and it seems self-evident that there will come a point at which measures are taken at the moment and made under Regulations, whilst they may be proportionate, at some stage in the future – days, weeks, months – will no longer be proportionate, might no longer be needed and may no longer be urgent.

1905 So, concluding, what I would say is that the first condition, that is the condition relating to an emergency, is satisfied, but the second point is I think as we sort of navigate together the next days, weeks and months, things that, as I say, may be proportionate now may not be proportionate at some stage in the future. If that is of any help.

1910 **The Bailiff:** Thank you, Mr Comptroller. Let us hope Members think it was.

Deputy Lowe had indicated, just before lunch, that she wished to speak immediately after lunch, so I call Deputy Lowe next.

1915 **Deputy Lowe:** Thank you, sir.

Earlier on, when Deputy Dorey was presenting his amendment, he said that HSC had a very cautious approach. That is in his opinion but it differs to mine and, I suggest, the majority of our community. We are still in a crisis, albeit on our way out, thank to our community in this together under lockdown and asking and abiding by the restrictions put in place by HSC and Home Affairs.

1920 Many have expressed their view that the States must not run before they can walk, unlocking the restrictions. Deputy Gollop mentioned the mental health stresses under the lockdown and he is right. But I suggest there would be an even bigger problem with those struggling with mental health issues if we had everything open, including our borders, and Covid-19 enters Guernsey again. Most places have seen a second wave and the more reason to err on the side of caution.

1925 Deputy Parkinson – when does an emergency end – has been covered just now by HM Procureur. But I can assure him and others that we have that same legal advice at the CCA and we asked the questions and it was asked at the last CCA meeting, when do we decide that an emergency no longer exists?

1930 Deputy Parkinson and Deputy Roffey also felt that Committees should be more involved. Certainly, the Committee Presidents have attended the CCA, that includes Education, Sport & Culture and Economic Development. But Deputy Parkinson and Deputy Roffey, like the majority of the States, will know there already exists a Covid-19 PEG meeting, political executive group, with all

six Committee Presidents, P&R President and the President of STSB. This group was set up several weeks ago. All Committees were asked to nominate a Member to sit on Covid-19 PEG and give their representative delegated authority, should there not be enough time to go back to their Committee.

All minutes and papers were shared with each Committee or should be. Perhaps they should go to all States' Members. We know recently we have had a letter from P&R, asking for us to consider yet another group. Originally it was going to be called the CRCC, but it is now called the CRAG. I am hearing Committees feel quite lukewarm about this and have not delegated the authority this time in the same way that they did under Covid PEG. The Committee for Home Affairs, I think, my Committee, they have given me delegated authority, but it was felt by some of the other Committees, I am hearing, that that is not necessarily the case, because they do not see it the same as PEG.

So how many committees do we actually want? How many groups do we actually want? Why Deputy Dorey and Deputy Ferbrache want to duplicate the same and call it something else, but without delegated authority, is beyond me. I am the first to acknowledge the Covid-19 PEG did not do much, a talk shop mainly. But I would not have expected much during the early days. Civil Contingencies dealt with the crisis and HSC, under their mandate, dealt with the health issues. Home Affairs dealt with the licensing hours and restrictions under our mandate.

So, do the States really want to start the process or do they want well-informed, evidence-based decisions by those on Committees fulfilling their mandate? This debate has made me uncomfortable at times because it has come across as undermining the Director of Public Health and her team, and HSC, who have done an excellent job. Public support will wane, in my opinion, if this now becomes too political and so in the process of moving through the stages.

What must not be forgotten is that 14 days after each stage we have to see if the seeding takes place or not. We have done an excellent job and we have only got to look at today's figures to see that. Do we want that unravelled? No we do not. Do we want to see that we can get our economy going? Of course we do. But there has to be that balance.

Those who listen to the media briefings will be fully aware that the Director of Public Health has stated she seeks evidence, proportionality, mental health issues, those wanting to get back into the workforce, looking after our economy. Decisions by HSC and the Director of Public Health are broad-based and what is right for our Bailiwick.

It will be up to the States today, sir, if they want to reinvent the wheel by changing the name of a group that already is in existence. That is what this amendment seeks to do and has taken up valuable States' time, to achieve duplication. I will leave it to States' Members to decide whether they support the amendment or not. Thank you, sir.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir, for that opportunity and it is fortunate that I am speaking after Deputy Lowe because, with considerable respect to her, I found her speech entirely negative and defensive and it should have been neither because this amendment is not meant to be aggressive.

I am very pleased to be given the opportunity by Deputy Dorey to second it. Nobody is saying, and I will not repeat the analogy that Deputy Inder did in his speech, but nobody is saying that the Director of Public Health has done anything other than a first-rate job. Nobody is saying that Deputy Soulsby, her Committee and the various officers that have been involved, have done anything other than a magnificent job. Everybody has done a splendid job.

I do not understand Deputy Lowe's comments about opening the borders. Nobody is suggesting in their wildest dreams – or probably worst nightmares – that we should be opening the borders now further than they are. But we are in a position that the situation has moved on and we cannot have, and I heard what the learned Comptroller said, we cannot have an Emergency Powers group, which is what the Civil Contingencies Authority is, continuing just in splendid isolation, with the four of them.

1985 We cannot have power, because that is what it is, confined just to those four individuals. It is not
an attack on any of them. They have all done their job splendidly. They have all discharged their
duties admirably. So, when I get Deputy Prow saying it is a matter for the board of Health, really, 'it
is a matter for us', and Deputy Dorey's speech was undermining the work of Health & Social Care
and the Director of Public Health, I have got to say that is nonsense, because nobody has said that.
1990 Nobody would say it.

The way that this pandemic has been conducted to date by the public officials is fantastic. I have
run out of adjectives to describe it. It is truly wonderful. We are not in the premier division, we are
in the international division. We would win the world cup for the way that we have dealt with this
dispute so far. Compare it with our neighbours just 20 miles away, where people that I have been
1995 speaking to on legal matters and other matters that I am involved with call them a bunch of
bumbling idiots compared with us. They compare our chief minister with theirs and our wins quite
favourably. They compare our health minister, or Health President, with theirs and she compares
admirably.

I hope that when people are seeking to do business in the various Bailiwicks, as we do compete
2000 with each other going forward, they can see that we are a much better-run Bailiwick than they are
and we can actually get things done. The fact that they are bigger and they have attracted more
business is a matter of fact but it is perhaps also now, for those doing business there, a matter of
regret.

Deputy Roffey was entirely right when he said that this organisation is too clunky. I agree it is
2005 too clunky. What I would have liked to have seen, but it probably goes beyond the scope of this
amendment, is several weeks ago a group of, say, five people and I do not think it would have
needed more than that – it did not matter who those individuals save that it must have included
Deputies St Pier and Soulsby – those two plus three others to effectively run the Island through this
crisis, but always, of course, be subject to the diktat of the States.

2010 Deputy Lowe said it is too political. Hang on, is this not a political Assembly? Are we not every
day and every time that we make decisions, making political decisions? Because that is exactly what
we are doing.

The fact that we have only got two live cases and we have not had a positive case for nearly
three weeks. Sixteen deaths is too many but thankfully we have only – and I say that in a way that I
2015 am underscoring it – we only had 16 deaths when far more were predicted, is wonderful. It is, as I
say, a credit to those that have been doing it.

But we have now got to start widening out. We have got to have a wider view. Also, the only
remedy if this amendment is rejected, when regulations are brought back again periodically, as they
have to be brought back, is to say, 'No we are not going to agree these Regulations going forward.'
2020 That, in my view, would be not acting in the best interests of the Bailiwick, not acting in the best
interests of our society. Because the Regulations that are brought forward are reasonable and
balanced and necessary.

But we have not got to start to have more economic, more socially based and more
environmental considerations. As one of the earlier speakers said this morning, we would always
2025 take into account and give considerable weight to the medical evidence and the evidence and
opinion of the Director of Public Health. Of course it would. As I say, her performance has been
stunning and no doubt will continue to be stunning. She is our equivalent, and I do not mean to be
facetious when I say that, of Colonel Tom and I hope she gets her Ladyhood very soon.

But in relation to all of that, we now have to move our society forward and I think when Deputy
2030 Inder said the States had not really approved of the exit strategy, well I have. In my own mind I have,
whether legally or not, or factually I have –

The Bailiff: Deputy Ferbrache, I hate to cut across you, but Deputy Tindall has a point of
correction, please. Deputy Tindall.

2035

Deputy Tindall: I too apologise but I do feel I need to say on such a glorious day, in the sense that Captain Tom Moore is now Captain Sir Thomas Moore, just been knighted.

Deputy Ferbrache: Thank you very much, Deputy Tindall. I was fully aware of that. I am sure that adds to the debate considerably and will influence people who were otherwise undecided to vote one way or another, so I am very grateful for that point of correction, which was so important.

But, again, that takes us forward. Deputy Tindall, and there was a little not spat but exchange between her and Deputy Inder earlier in the morning. But let me just finish my point on the exit strategy. I believe it is a good exit strategy. It should be cut and tailored and it already has been advanced, as it was just last Friday and truncated.

Now, I do not think anybody is saying that there should not be an exit strategy and it probably should not be that exit strategy in lots of ways, but it may be that that is for a debate because there are further amendments in relation to that to be posed later in this Assembly. But, as Deputy Tindall took, and the words are on Hansard so I am not going to get involved in another spat about who said what, what Deputy Tindall said about some time after 12 o'clock today was that Committee she is on, Health & Social Care take into account certain economic matters but they cannot really exceed their mandate, because the mandate for Economic Development is the mandate for Economic Development.

Unless I have misunderstood him, that was exactly the point made by Deputy Inder and exactly the point made in a very able speech by Deputy Dorey when he introduced this issue. It needs wider consideration. It needs us to look at other issues, when we consider what regulations should be made going forward.

Now, at the moment, democracy is very narrowly focused. It needs to be expanded. It needs to go from a very small group to a slightly larger group and those people need to be able to make certain decisions. As I say, I regret the fact that a more slimline executive group was not formed several weeks ago. I know that is not the fault of Deputy St Pier at all.

Nobody is saying we should be complacent. Nobody is saying we have won the game. What we are saying is that the game is now moving into its second half and it needs a few additional players. Thank you very much, sir.

The Bailiff: I am just pausing briefly, Members of the States, and Deputy Tooley will be next.

Deputy Tooley: Thank you, sir.

I am only going to speak very briefly. This amendment, as all amendments do, caused me to sit back and think and wonder whether we were positioning ourselves, as Government, in the right place and with the right people in the right seats making the right decisions going forward and I stopped and thought about this for a long time. Probably more than I ... I think I paid it extra and additional heed because of the regard with which I hold the proposer and second of this amendment. It is a well thought-out and well considered amendment and I think it has come at a time when we needed to discuss these things.

It led to me wondering, as I say, whether we are at the point where we need to relinquish some of the control that Health has held over these decisions and therefore move this, as has been said, to this broader decision-making group and broader decision-making format. I have to say I am really looking forward to the time when that is the case. I am really looking forward to a time when we can say that actually we have reached the point where everything else has become more important than the risks that are still there to health. I just do not think we are there yet.

I had a great deal of soul-searching over whether this, as some have said, was a matter of various people feeling that they were disenfranchised and that they were being cut out of the loop and so I had to turn that on its head and wonder whether the reason I felt that it was not the time for this is that of course at the moment I am not disenfranchised by this, I am not out of the loop. I am within the loop because I am a Member of Health & Social Care, I am vice-president of Health &

Social Care, and so I am in the room having those discussions about what are the right things to do and the wrong things to do in terms of easing of lockdown.

2090 So I had to think about whether the reason I felt the way I did was because I was already in the room and the conclusion I came to is that, at this stage, with where we are at, in an incredibly – fortunate is the wrong word because it has been by hard work and a great deal of knowledge from our medical advisors and so on – but the stage we are at is such that we are in an excellent position to be able to move forward, but we are not quite at that point of being able to take that next step yet and, for me, it is critical that where we are right now, those decisions are still made with an overall focus on health and wellbeing.

2095 Actually, that is not about who is in the chairs of health and wellbeing, it is about making sure that it is people for whom that is the main focus that are making those decisions. One of the things that I have been, I will use the word accused although please do not anybody take offence by my using that, one of the allegations, if you like, against Health being placed in this position of being the people who make the decisions is that we are too focused on health, or rather that we are not focused enough on the economy, that we are not focused enough on those wider social determinants.

2100 Now I would disagree, because I feel very much that I and fellow Members of the Committee have considered those things, but that is acceptably a matter of opinion. What is not a matter of opinion is that we are the Committee charged with being responsible insofar as anybody can be, for the health and wellbeing of the Island and the stage we are at in dealing with the virus at the moment, it is critical that those decisions are being made, or being discussed by the people who have that as their prime focus and responsibility.

2105 And it does not matter, to a certain extent, who you put in those chairs, around Deputy Soulsby making those decisions because I genuinely believe that any Member of our Assembly whose mandate was primarily to care for the health and wellbeing of the Island would be making the same decisions that are being made on the basis of Public Health by the Health & Social Care Committee that exists at present.

2110 My concern with what is proposed in this amendment is that it would lead to a situation where decisions would have been made by people who had a different balance of what were their priorities in terms of what they need to deliver for the Island. As I say, I cannot wait for us to be ready for that moment and I think we are accelerating towards a point where we will be ready for those changes to take place and ready to say we can back pedal it a bit on the health thing, we can relax a little bit over the overall focus that needs to be on that and we can move to more of a focus on the economic side of things and so on. I just do not think we are there yet.

2120 I do not know, four weeks down the line from here, at the next States' Meeting, if this amendment had been placed, I think I might have been far more tempted to vote in favour of it, but at the moment I just cannot. Thank you, sir.

2125 **The Bailiff:** Once again, Members, I will pause very briefly and call Deputy Soulsby. Thank you, Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

2130 I apologise in advance if my speech might be a bit rambling. I have been just putting a few notes together as I have been listening to some of the speeches that have been made this morning and just after lunch. So, for me, the last few months have been physically and mentally exhausting, taking up every waking hour of those involved with this. It is why Deputy St Pier has not cleared his loft and why my garden is still a jungle in one place and a barren wilderness in another.

2135 Now, I am not saying this to elicit any sympathy but more to say that I am probably the greatest beneficiary of this amendment and I want to make it very clear that my opposition to this amendment, which I have to have, I am afraid, has nothing whatsoever to do with wanting to retain power but that it is not only flawed but far too late in the day.

I start by setting out which powers people hold. It has been clear from listening to people this morning there is a complete lack of understanding in places, with regard to who has got the power to do what. It feels like HSC has been bestowed with powers that I never knew we did have, which is the truth, we have not got those powers.

The CCA, I think HM Comptroller was very good in explaining how we get out of determining an emergency. That is the role of CCA. It has also got the role of delegating powers to various individuals or committees, which includes HSC, but it also includes the Medical Officer of Health and she has also got powers and *licence publique* in terms of closing schools and around spreading infection, which links to the borders.

Just for people to be aware here, HSC has nothing to do with the closure of the borders. That is not our role. Our powers all relate to meetings and gatherings, all around the spread of infection, of course.

So, the immediate problem with the amendment is it only relate to what HSC has been doing, not the powers of others. So really it is about around the whole concept of our powers about meetings and gatherings. The travel restrictions set with the MOH are set by the Medical Officer of Health, working with the CCA. HSC, as I say, was given the power to stop meetings and gatherings when we had our first cases of community seeding and had no assurance that we would be able to test adequately.

I know it seems like a long time ago now but it was only two months and we were very concerned about the position we were in. We had community seeding, we did not know where from, and we were desperately reliant on the UK and its testing and then changing its ways of testing so they were only testing in the hospital. We had some very strongly worded telephone calls with compatriots in the UK to make sure that testing could continue as far as we needed it to until the moment that we could get testing facilities on-Island.

I cannot understate what a serious position this was for us. We could have ended up with – and as we know from the work we have done – over 1,800 deaths if things had continued as they were. This is why we took the actions we did. Deputy Dorey thinks it was too soon. Deputy Lester Queripel says it was too late. Well, I will leave people to reach their own conclusions on that. All I will say is they are very lucky they were not the ones having to make that unenviable decision.

Locking down our entire community, bar essential workers, was the hardest decision I have ever made. No elected representative would want to do such a thing to the people they served. You do not realise how heavily that weighs on you unless you have to do it. You do not realise how difficult it is when people are contacting you that they cannot see their dying mother in a care home. You really do not understand how difficult it is for people who cannot do what they wanted to do and it is really impacting their lives. Yes, that has involved my friends and family. We are all in this together. So to think this is something we have done lightly and without consideration would be nonsensical.

But since then we have been looking at the evidence. The Covid cases, the deaths, what is happening to the virus in our community. We have looked at mental health cases. We have considered impact on other parts of the health service. The impact on domestic abuse. The impact on the community unable to work.

Deputy Merrett speaks of data but clearly, in the short period, with such a small population, being able to use statistics is pretty difficult. We have to look at this in the round from speaking to people, not just within Health & Social Care, but across the States. So that includes the police, it includes speaking to various parts within Policy & Resources and feedback through various groups within the community and the economy.

Also, let us not forget the feedback from across the public. I have got thousands of emails over the last two months. I am not overstating that. I have had thousands of emails where it is very clear what the views of the public and really that has been very useful in order to be able to gauge the public mood.

We have not been living in what some people think is a health bubble. Sadly, some, including Deputy Dorey, demonstrate a clear lack of understanding of the approach taken. We have balanced the threat of the virus with social and other health and economic impacts, amongst others.

The other aspect no one so far has mentioned is the Island's reputation and I think that is something that is really important to consider. Now, let us see, if we had taken the course of action we did, which Deputy Dorey thinks was wrong, and instead of locking down, we let the virus continue with community seedings, we could not track and test and we could not do that time, as I say, we were looking at 1,800 deaths, a hospital that was totally overrun, a workforce on sick leave, and an economy grinding to a halt as a result.

At the same time, travel in by three of our nearest neighbours has been stopped or controlled so that no one would be travelling here anyway, for holiday or business. These issues were all teased out in the pandemic flu exercise. We took a cautious approach for the right reasons because we have little resilience and are highly vulnerable. We are the Bailiwick of Guernsey and every waking hour has been about what is right for the people of the Bailiwick as a whole.

Public Health is not a narrow consideration, it is as wide as all our mandates put together and underpins many of the decisions we make over education, working environment, food, wider environment. Just about virtually everything that we debate during a States' Meeting has elements of Public Health within them. But the best thing that we did was give the Director of Public Health a platform.

The thought of diluting it, as this amendment would seek to do, quite frankly fills me with dread. What we have done has meant we have no new cases and only two active cases. It has meant we have been able to speed up our transition and on that, what do we think this new body will do differently to now? Presently we provide our early recommendations to PEG and CRAG, or whatever it is called, who can feed in their comments. It has worked well. We have considered them but are not in some sort of Public Health bubble. Yes, we have advice from the Medical Officer of Health, but we also take into account the WHO criteria for easing out of lockdown, as well as others.

We are also taking account of the advice from HM Procureur and that is not mentioned in this amendment either. We have to seek the advice of HM Procureur in this, it is not just the Medical Officer of Health and that enables and ensures our approach is both appropriate and proportionate.

Just on this, need to go and talk about these no new cases. Does that mean, I think Deputy Inder was talking about, that means we have got no cases, do we need to worry about second waves? No new cases does not mean we have not got any cases in the community. We only know that as we lift the lockdown and people gather more, we have people in close proximity, that will tease out whether we have more cases.

We do not know until we do it but as we do it we need to do it in a controlled way and the way we are doing it is very much in line with the WHO criteria for easing out of lockdown, which is something which HM Procureur referenced with us just the other day, which I thought was very useful.

So what really will this new body bring? Deputy Gollop says it is about thinking about mental health more. But that is nonsensical. That is what we have been doing at Health & Social Care. Frankly, I think this is too late whatever it does because the way we are going at the moment, we will probably be out of lockdown by the time this new body gets to be set up.

The time is probably now not to set it up. It is not. It is probably the worst time to do so. Just at the time when the chance of spread could be greater. As Deputy Inder mentioned, I took down his comments about is there likely to be a second wave, well absolutely, that has definitely been factored in in terms of the analysis done globally. The possibilities of second waves are absolutely out there. The countries that we have been praising to the hilt elsewhere, like Singapore and South Korea, the possibilities of a second wave are absolutely there.

And yes, that is why we need to be really careful here and we have been taking account of the European Centre for Disease Control who have made it clear that those jurisdictions with low levels of cases, who are therefore highly vulnerable, need to be very clear what they do when it comes to their borders. It could be an absolute economic disaster if we do not really keep things on track and

2240 how we have been doing so thus far. What I am really saying here is we really need to think about more haste, less speed, when you are thinking about opening things up too quickly.

2245 So, back to what the new body will bring. A body made up of people who have not been living and breathing this every day, who have not got the accumulated knowledge HSC has picked up over the last two months. Many have said a broader approach is needed. No one has really defined it. Deputy Ferbrache said we need to think about the environment. We are talking about easing out of lockdown.

To be honest with you, I think lockdown has probably done more wonders for the environment over the last few months than anything that has happened over the last few years, so I am struggling how the helping the environment links to easing lockdown, because that is all that HSC is doing.

2250 Really, I suppose that the only thing that it could be that people are really trying to get under the skin of on this is about allowing more businesses to open, because I cannot see anything else that this is about. That is all very well and good but, as I say, by the time we have had this debate, CCA has discussed it and we come back to the States, we are probably out of lockdown anyway.

2255 Yes, I know business have been lobbying. Well some businesses have been lobbying, but frankly from my inbox I cannot say it has been a hell of a lot of businesses have been lobbying to do so. Yes, there are businesses who are not happy that they have not been in the first pilot for non-essential retail. But if things continue as they have done, we will be speeding through that faster than a hot knife through butter.

2260 But we have got to hold our nerve here. Deputy McSwiggan mentioned how, when we have been going through and considering the various phases of this, how we will get unrest from some of those who think we are not going quickly enough. They do not see any cases now so what is the fuss about?

2265 All I would say is just trust in us to be able to get us through these last stages in order that we can get things working and we can get the economy running as quickly as possible. This is really a debate we should have had months ago and quite frankly I wish we had, as it may have made my life that little bit easier.

2270 No one has explained what this group will offer in any way. It has not said what they will do when it comes to triggers. So in terms of, we get 10 unexplained cases in the community, will this body say, 'Medical Officer of Health, thank you very much, but no, we want the economy to run now, thank you very much, it is far more important. We do not mind about all the spread and it does not matter if the hospital is overrun. Oh, and it means we need more staff to look after and we are going to have a contingency and open the morgue. That does not matter because we think there needs to be more of a balance towards the economy.'

2275 I do not get that. I just do not understand what this body will do any differently to what we are doing at the moment. What I do think is, what I am saying here is, this body is not right for dealing with the easing of lockdown. It should not be making those decisions. Yes, the body that we have currently got, PEG, or CRAG or whatever the next iteration of an acronym-ism is, is the one that can provide feedback to HSC in its deliberation in terms of what it does next. It worked last week very well and I can see that continuing.

2280 What it should not be is a decision-maker on easing out of lockdown into phase four or into phase five. What I do think it would be useful for is our recovery and on that, I do not mean just looking at suggestions like enabling staycations. That is something can be easily done and will happen through easing of lockdown.

2285 What I mean is full-on recovery to build back better, socially, environmentally and economically. That will absolutely need as broad a range of people as possible. I absolutely get that. Yes, HSC might have an input in that, absolutely, when it comes to social determinants of health. I think we have an absolutely key role to play, but clearly wider economic issues here, environmental issues, this is an opportunity that we will have, as I say, that phrase, build back better.

2290 Absolutely, and that is what we should be focusing on now. Let HSC get on with easing from lockdown and let the rest of the States really focus on what the future should be. The concern to me about this debate, instead of always focusing on the here and now and not on the future, that

long-termism, that thinking about what we can build, not always looking at scoring points or trying to look at the here and now and the little things that are happening around in the day-to-day. We really need to start getting our act together and look at the long term and what future we want for our Islands.

So, sir, this is not only an unnecessary amendment but also, potentially, highly dangerous. It demonstrates a lack of understanding as to the role, powers and responsibilities of HSC and will create additional work for CCA at a time we can least afford it. There is already ample opportunity for feedback through the various mechanisms we have now. But easing out of lockdown these final weeks, if all continues as well as it does, rests with HSC and I hope, more than anyone, that this will be sooner rather than later and we will be able to relinquish the powers that we have.

But please do not mess around now. The last two months – yes, it has only been two months, we forget how short this period has been – they have demonstrated joined-up, speedy decision-making of the best kind. Do not mess it up now. The people will not thank you for it, I can assure you of that. Thank you, sir.

The Bailiff: Thank you. Well, once again I am pausing just to see if any Member does wish to speak before turning to the Chairman of the Authority. There being nobody else who wishes to speak in this debate on the amendment, I will turn to Deputy St Pier, as the Chairman of the Civil Contingencies Authority to reply to the debate, before turning to the proposer, Deputy Dorey. So Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

I am pleased to follow Deputy Soulsby, who has obviously covered much of the ground that I would have covered so I will avoid that repetition and seek to respond to some of the matters which have arisen in debate but I will pick up the one phrase that she used twice, I think, at the beginning and towards the end of her speech, in describing this amendment as being flawed and too late and I absolutely agree with that.

Deputy Roffey said that this should have been considered earlier and of course he is right and of course it was. There have been several attempts, as Members will know, to find mechanisms to enable greater input and participation in some of the decision-making, whether it was new, additional Members on the CCA or a different form of committee and, of course, where that has rested, is with the sub-group of Policy & Resources that Deputy Lowe referred to, the Covid Recovery Advisory Group.

But I think, just dealing with the amendment, which of course is ultimately what Members have to vote on, it says to agree that, when exercising its powers to make regulations, the Civil Contingencies Authority 'shall consider'. Well, of course, the next time that we will be agreeing, that we are likely to agree to make Regulations, is in another 25 or so days, when the Regulations that are before us now will expire. So, we are not going to be required to do anything with this Resolution until that point. Again, really echoing the point that will be too late because things will have moved on so much by then, in any event, almost inevitably, given as Deputy Soulsby has said.

As Deputy Merrett said when she spoke, of course, it is the responsibility of the CCA to be considering to whom to delegate its, for whom, in whose favour, it should be using its regulatory powers to create, to enable which individual Committee to provide and exercise powers, whether that should be at the directions of Health or otherwise. These are things which the CCA has considered. We have debated at some length whether HSC is the right body or whether the regulatory powers should be given to another. So, in a sense that has already been done.

I think Deputy Merrett also asked how much longer the CCA considers that the Emergency Powers will exist. Well, I think HM Comptroller has addressed that to some extent and has clearly articulated the legal provisions. However, I think it will be a very legitimate question and challenge for the CCA the next time we are faced with these Regulations, as to the extent to which all of the Regulations are required or whether actually it will be possible to dispense with some of them at that point. In other words, whether all of the powers will remain proportionate the next time we are

asked to consider them. In other words, I do see the Regulations are likely to change at their next renewal.

I clearly understand Members' concerns in relation to this issue and that is obviously, going back to Deputy Roffey's input, they have been articulated for a while. That is why we have been trying to find mechanisms to ensure greater input and, as Deputy Soulsby said and indeed as Deputy Lowe said, the mechanisms are already there. Whatever you choose to call it, whether it is the Political Executive Group, whether it is the Covid Recovery Advisory Group, it really does not matter.

In fact, it is a group of people outside and beyond Health who have had the opportunity to consider an input into the decision last week and indeed over lunch I have been in discussion with officers about the agenda for that group for next week and to the extent that it also needs to be considering and providing input for any decisions that Health may be making in the future.

So the mechanisms are there. This amendment is not going to change that. If that group continues to meet over the next few weeks, it is going to be meeting completely outwith this Resolution. So it is flawed and too late and I would encourage Members to reject it and to work with what we already have, sir.

The Bailiff: Thank you. I now turn to the proposer of the amendment, Deputy Dorey, to reply to the debate. Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I will just take that point that Deputy St Pier made at the end about flawed and too late. I do not understand how he can make that point because I made the same point, more than a month ago, at the April 14th debate and he said it was very pertinent then. But they have not taken any action in terms of widening the decision-making body since then and he accepted my point then.

Also, I cannot see how it is flawed because all this does is it expresses the opinion of the States of Deliberation. Ultimately it is a decision of the Civil Contingencies Authority, which is how the Law is worded. So it cannot be flawed because it is the Assembly expressing, purely, its opinion.

I will go through back through the speeches and take them in order. Deputy Prow spoke first and he said what is it seeking to achieve, is the question. It is simply to change the committee that makes the decision on lockdown. That is very simply what it is trying to do. But obviously it cannot do that. All it can do is for the Assembly to express its opinion. He went on to say they take advice from the MOH and I think the problem is that they just take advice from the MOH. It is the absence of the economic and fiscal advice, and this was highlighted in the speech that Deputy Inder made when he referred to that as well.

Also, in terms of medical advice and I fully appreciate the medical advice we have but if go around the world there is different advice to different jurisdictions. I quoted Iceland, they quote all their decisions, which was to release lockdown a lot earlier, was based on medical advice. I could quote Western Australia, which is in a similar position in terms of where they are in terms of the curve and they released lockdown a lot earlier and their chief medical officer said he reached that decision after discussing it with the chief medical officers of the other states and territories within Australia.

He said they considered all aspects. The key point is that it is not in their mandate and that is the point that has come up a number of times. He mentioned how important the Regulations were. This amendment is not trying to change the Regulations at all. In fact, the current Regulations were signed on 14th May, I have not tried to annul or anything like that. A final, small point of correction, he talked about 18 days since the last case, it is actually 21 days. But more important is community seeding has not been since 21st April.

Deputy Merrett spoke up and then she asked the question what evidence has HSC taken on board to make a decision? I agree that is a key question and I do not think it has been answered.

Deputy Soulsby referred to it and I see it in the Regulations that they have to take advice, they have to consult with MOH.

The Bailiff: Deputy Dorey, Deputy Soulsby wishes to raise a point of correction, so Deputy Soulsby please.

2400 **Deputy Soulsby:** Thank you, sir. Deputy Dorey said Deputy Merrett's questions have not been answered, but I did answer them in my speech.

The Bailiff: Deputy Dorey to continue please.

2405 **Deputy Dorey:** That is a matter of opinion. I fully accept that within the Regulations they have to consult with the MOH and HM Procureur. She went on to say how practical and effective will the Committee be? Well, it is being proposed by P&R. I think, as most Members know, there has been a lot of discussion about what is the best way forward but the fact is that this committee, CRAG, which is the same make up as this committee, that this amendment asks the CCA to consider, is currently considering, will consider the directions on lockdown and will give the advice to HSC.

2410 So however impractical it is, and I do not think it is because I think it is important that it has membership from the whole of the States. We have a consensus form of Government and we divided our Government into different areas. These decisions are so far-reaching in terms of how it affects people's income, business and basic freedoms that I think all areas of Government should be represented.

2415 Deputy Gollop, I thank him for his support and kind words about my speech. He mentioned about anomalies. I cannot pronounce that word. There is a classic example, is it not, in terms of DIY stores, if a store has commercial customers it can open, but if there is a DIY which basically only has retail customers, it cannot, and that is exactly where we are at the current situation. I think these directions are unnecessary and unfair.

2420 He mentions about Jersey has a more balanced approach. I think every territory or every jurisdiction has got to consider what is best for its own area but it is just, again, an example, where medical advice differs between different areas. I think he very importantly mentioned about the effect of the Regulations on the young.

2425 **The Bailiff:** Deputy Dorey, sorry to interrupt you again. Deputy Merrett wishes to raise a point of correction, so Deputy Merrett please.

Deputy Merrett: Thank you, sir.

2430 I think it is quite important that we are clear and consistent with our messaging to our community. My understanding, sir, is that retail DIY stores are in fact open.

The Bailiff: Deputy Dorey to continue, please.

2435 **Deputy Dorey:** I think there is an example of a retail store, which has a large DIY section, that is not open. But I am not going to name particular businesses. So, I think I am right. I was mentioning about the point that Deputy Gollop made about the effect on the young and the more socially active who need to earn a living and also on the old missing social activity. I think it is very important that we consider the effect the Regulations have on those two groups.

2440 Deputy Inder, I think he summed it up in four words, beautifully, a bigger tent than a bivouac and I think that sums up what we need. We need a bigger group making decisions, making these very important decisions, rather than the smaller group that we currently have. It is not just the size of the group, it is the broad base of the group.

2445 Deputy Parkinson spoke about are we still in an emergency. We are using exceptional powers to control the lives of the people of Guernsey. I think, when you are using such exceptional powers, it has to be those decisions within our system of Government have to be made by a broad-based group of politicians. I think, again, he summed it up with the words I can agree, that the CRAG group advise HSC and that is the wrong way around.

I fully accept that HSC should still be involved and Deputy Soulsby made a strong speech saying that, but I think the ultimate decision-maker on these Regulations should be in its broader based group and it should be HSC advising this Committee.

2450 Deputy Roffey said it is far from perfect, it is too big and the borders are a huge decision. I agree. We all know, as I said, there have been various models proposed before and considered but because we divide Government up into these key areas, I think it is important that each part of Government is represented in the decision-making body.

2455 So ideally you have it small and then which section of Government does not participate in the decision-making? Nothing is ever perfect but I think it is the best way forward and it is what P&R have considered to be the best way forward in relation to the recovery, so I think there is some consistency of this group also considering the lockdown decisions. I know, in relation to the recovery it is only an advisory body, but it makes sense that it is the same body considering both parts of this situation that we are in, the lockdown and the recovery.

2460 Deputy Lester Queripel, I think again, summed it up very well when he said the time has come for a broader approach and I completely agree with him on that. Deputy Green made a very important point, which I think we all have to consider. It addressed the concerns emerging from the business community. Unless we address those concerns and they have confidence in the bodies which are making the decision, those businesses need to have that confidence so that they have the confidence to go forward. Without those businesses we will not have the money for our public services. So I think it is very important that we address the concerns emerging from that as a community and I believe that this wider body will help to address those concerns.

2470 Deputy McSwiggan talked about a trade-off between safety and freedom and I agree that there has to be a trade-off between those two and I think that sums it up. It is not a simple decision, based on advice. But I think the group best able to make that decision is this wider group.

2475 She spoke about my comparison to Iceland and spoke about they had a lot more testing facilities than we had because of their industries. But I think the key part of the comparison I made is not just that they had more testing facilities, it is that they have released lockdown a lot earlier with a similar number of cases and they have not had any problems and they have allowed their community the freedom to live their lives and they have also given their business an opportunity to prosper, which I think is key for us in Guernsey.

2480 Deputy Lowe criticised me about using the words 'very cautious approach'. Well, that is exactly what I recall hearing in the press briefings and I think I have heard it more than once. So I think it is a very cautious approach. Although it has resulted in where we are, I do not think it is the right way going forward. She mentioned about the Covid-19 PEG group. I think that group has almost been superseded by the new group CRAG, recovery action group. But I have tried not to invent a new body. I have tried to use one that already has been set up after much consultation with committees.

2485 I thank Deputy Ferbrache for seconding the amendment. He made an excellent speech and he talked about we cannot continue in isolation with the four Members of the CCA and also you can widen that to the five Members of HSC. These decisions are so important. I have heard no evidence to say that this wider body cannot make the decisions that we need to go forward and we need to move our society forward, as he said.

2490 Deputy Tooley spoke about there being only two active cases. She said we are all part of ... sorry, I cannot read my notes quite well. But in reply to her comments we have only had two active cases in 20 days and one month since we had a community seeding. I think a wider mandate is needed.

2495 Deputy Soulsby made an emotive speech and used those words, which I have already replied to, in terms of flawed and too late. I do not believe that it is too late. Ideally the body would have been earlier, I accept that. But I made those comments and they were not acted upon. She said that I said that the lockdown was too soon. I did not correct her at that point, but I did not say that in my speech and I have not criticised when the lockdown started. I think, if anything, it could have been said that we should have closed our borders even earlier, but I did not say that and I did not make that in my speech.

2500 She mentioned about mental health and domestic violence and she warns about the balance against the economy. But the key point that I want to make, and I say it again, in her speech she spoke about HSC can make the decisions. There is no reason why only HSC can make those decisions. I believe that this larger group, which has a representative across all Government, is fully able and capable of making those decisions and I believe that they would make very good decisions for our Government.

2505 One of the key things is they would have this wider mandate, which is necessary for the decision to be made against this larger criteria of health, economic, fiscal, environmental and social. I think that is the most important thing, it is what mandate they make those decisions against, and if we just make decision about a group of politicians about just a health mandate, we will not make such big decisions for our community as we would have with this wider group.

2510 Deputy St Pier, I covered the main point he made. He also spoke about the Regulations and they have a lifetime and therefore we cannot make any changes. But there is nothing stopping the CCA issuing a new Regulation so that they can transfer the responsibility for making directions to a new body at any point in time. Just because a Regulation has a life it does not mean that you cannot issue a new one.

2515 So I conclude by saying the key point is what we have now is economic and also a fiscal crisis, as well as a public health crisis, and we need the appropriate decision-making body to cover those areas and also social and environmental. And it has to be a wider committee to make those more balanced decisions. So I urge Members to support this amendment so that they can express their opinion to the CCA so they can consider it when they make their decisions on who should be the body to make directions in the future. I urge Members to support the amendment. Thank you, sir.

2520 **The Bailiff:** Members of the States, we come to the vote now, which will be a recorded vote because a request was made previously. This is Amendment 1, proposed by Deputy Dorey, seconded by Deputy Ferbrache. Greffier.

There was a recorded vote.

Not carried – Pour 16, Contre 23, Ne vote pas 0, Absent 0

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

* denotes Members who voted by proxy.

2525 **The Bailiff:** Members of the States, the voting on Amendment 1, proposed by Deputy Dorey and seconded by Deputy Ferbrache, was that there voted Pour 16, Contre 23, and therefore I declare the amendment lost. As a result of that, Amendment 3, which has been circulated and was to be proposed by Deputy Tindall and seconded by Deputy Oliver, cannot be placed, because it seeks to amend a Proposition that is no longer in existence – has not come into existence, perhaps, is more accurate, so we now move into general debate. Who wants to speak in general debate?

2530 Deputy Tooley.

Deputy Tooley: Not me, sir.

2535 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I spoke into each of these Emergency Powers, as they are very serious measures, which all Members must assure themselves remain proportionate, their interpretations and implementation will not conflict with Convention rights, within the meaning of section one of the Human Rights (Bailiwick of Guernsey) Law, 2000.

2540 Ultimately, sir, they are absolutely necessary. They are appropriate and proportionate for the purpose of preventing, controlling or mitigating the risk to our community from the coronavirus. So I ask myself, now, with so few cases, are they still proportionate or needed? In my opinion we can only know that if we base our decisions on evidence. But, sir, not only the evidence from the current cases of the coronavirus in our community but also, as I expressed earlier today, the consideration of the wider effect that these Emergency Powers have on our community's health and wellbeing.

2550 For clarity, sir, I hate to repeat myself, but I do mean our community's mental, physical and fiscal health. Now how is that being evidenced and by doing so how is it being determined that these remain proportionate of the Emergency Powers?

On 12th May, I sent the CCA various questions, primarily because I did not feel fully informed with regards to the necessity of the continuation of the Emergency Regulations, in light of the amazing results that our community, it is our community that have achieved this, who have flattened if not squashing the amount of positive coronavirus cases in our community.

2555 So what I was trying to seek assurances on were if the Regulations remain, as I say, proportionate to this emergency. I am very concerned with regards to the unintended consequences or perhaps I should say the unknown consequences of the continuation of all of these Emergency Regulations. It is extremely difficult to fully appreciate the wider health, social and fiscal consequences of the impact of these emergency regs, with two Committees of the State and ultimately the Bailiwick Law
2560 Enforcement and MHO, such far-reaching powers.

Ultimately they enable the so-called lockdown to be enforced on our community and/or on certain members of our community. They give the powers to even lockdown a particular section of our community: an area, a road, a parish. These are far-reaching. Now, what I really am very appreciative of sir, is that whenever Deputy St Pier, or Deputy Soulsby have been speaking during
2565 the media briefings, they have endeavoured to answer questions from the media and, on occasions, questions submitted by our community.

They try to do that openly and transparently, which I utterly endorse, and I am very thankful to them. But there are very few, I will use the word statistics; Deputy Soulsby does not like the word, but I will use the word statistics, or I will say evidence that I can find regarding the wider impact. I
2570 needed then and I still do sir, assurances that these Regulations are proportionate and the wider health and wellbeing of our community is and has been balanced within the need to contain the coronavirus.

Now I know sir, from the media conference on 5th May that the head of the Bailiwick Law Enforcement stated that they had an increase in domestic incidences of between 30% and 40% but
2575 that there is enough resource to help. Now, I have listened to it several times sir and I believe he was referring to the BLE resource. I would clearly appreciate if Deputy Lowe could confirm this if she chooses to speak in debate.

But sir I do not know and I have asked these questions so I am expecting answers today, I do not know what extra resource has been given or needed for example to Safer or to MIND or to the
2580 mental health services. Have they had an increase in demand? If so, has it been possible to meet the need?

This is why I am trying to find a balance or the consideration of the do-least-harm. What is the balance of the risk of these Emergency Regulations? On 7th May – because I do watch the media briefings, several times in fact, sometimes – the Director of Mental Health stated that they are not
2585 overwhelmed. But I am unsure as to what increase there actually has been in demand for mental health services. So I would appreciate Deputy Soulsby advising us of this because I do not know and I cannot find it. This is the kind of evidence that I am searching for.

So, what preparations have been put in place to support our community as, when or even if mental health concerns are recognised and is Health & Social Care prepared for an increase in
2590 demand? Do Health & Social Care expect an increase in demand? What resource or support has Safer received for example? I do not know. But I do know, from what the head of BLE said, there has been an increase in domestic incidents.

I ask these questions sir because these are just some of the potential consequences of affirming these Regulations because, through them, we empower the Committees of the States. So I believe
2595 it is reasonable to state that the excellent lockdown framework has been determined by the Committee for Health & Social Care. What I am not sure about is what proportionality test has been applied to it by the CCA, meaning what oversight has been given by the CCA?

This is of course notwithstanding sir that Deputy Soulsby is on the CCA and is also President of HSC. Now we know all of that sir but members of our community sometimes will not know that.
2600 They just know Deputy Soulsby's name but they do not necessarily know how many hats Members necessarily wear at any one time.

We must remember that it is the CCA in these Regulations that gives HSC and other Committees the powers they need to effectively put our community, also the members of our community, that I alluded to earlier, into so-called lockdown. These Regulations give the powers to be able to detain members of our community in their own homes or in a place deemed suitable.

For example, in these Regulations, we are, they empower I should say – we would be the States if we affirm them – they empower the MHO to impose such far-reaching restrictions and infringements on our community's freedoms, for example, under these Regulations members of our community must submit themselves to medical examination.

They must submit themselves to be disinfected or decontaminated, to wear specific clothing, to provide information about their health. They must answer questions about other circumstances. That is quite generic, that concerns me. They must attend training or advice sessions. Their liberty can be restricted not only to where they go but who they can contact and whether they abstain from work or trade.

So this also includes our children, with a responsible adult abiding by the aforesaid requirements. I ask, I have asked before and I am going to ask again and I really do expect to have answers, has the MHO, for example, had to relax these provisions? If so, how many times? Or are they simply a failsafe, a last fallback position that we hope we never need to enact?

I agreed these Regulations at our last sitting because there are safety nets in place, as I see it, primarily because the threat at that time, to our community, was such from the coronavirus. Now, I was convinced by the requirement that HMP's advice must be sought in relation, and it is only advice, sir, they only have to consider her advice but it must be sought in relation to the appropriateness and proportionality of imposed requirements, or restrictions, as I earlier referred to, and because the Emergency Powers need to be affirmed or annulled as deemed reasonable to do so by this Assembly.

So those are some safety nets. So what, since then, what evidence do we have or do I have that these powers remain proportionate and appropriate? As I said, my concern does primarily revolve around the detrimental effect these Emergency Powers may be having on the majority of our community.

Examples we have today, there are just examples because there is not a limitation to examples, but we are talking about mental health, we are talking about a rise in domestic abuse, the effects on our liberties or our community liberties, which have the consequence on many sir of added fiscal pressures, which many more may and will face. That is not forgetting that even without any restrictions, so many in our community are already facing in-work poverty.

I am led to believe, from listening to these media conferences, that HSC are informed by Public Health evidence, also our community's wider health and wellbeing and that is also evidenced and reporting of it used so that Emergency Powers can be determined. So I simply ask what evidence has been used to inform, for example, HSC, or the CCA in this regard? Has due regard to statistics or percentages or evidence, for example, in regard to the rise in domestic abuse.

Now I caveat my next question and I have raised this to the CCA but I caveat it by stating that I do not know how data is correlated or verified, but it was reported at the beginning of May that 9% of the English community were not complying with their regulations, that 44% were struggling to abide by them and the remainder were being able to cope.

Do we have any of that information about our community? Do our current Regulations continue to be proportionate to our community? For example do we actually have 9% not complying and therefore we actually need to retain the police powers to detain areas of our Island or individual members of our community in their homes?

Do we have to have this in Law to ensure that members of our community must subject themselves, for example, to medical examination? Basically, is our community not complying and if so how many have to be forcibly detained in their homes or elsewhere? How many times have the police had to use the Emergency Powers to enforce this?

I am hopeful Deputy Lowe can answer some of these questions because they do relate to BLE. I ask because, if there is evidence that there is some demographic, determined by age for example,

which it remains in the Regulations, determined by age, does that still need to be in these Regulations? Do we have a certain demographic that is not complying, that is not willing or able? I just do not see any evidence of it myself and that is why I am requesting it.

So, fundamentally, what I am trying to ascertain is that the CCA knows how our current Regulations are affecting our community, what percentage are not coping mentally, domestic abuse some sort of stats, fiscal hardship and this is the key bit, have these dynamics been balanced proportionately, not only since these Regulations but also in the now published exit strategy.

Deputy Soulsby earlier really should have answered some questions I posed earlier in debate, Deputy Dorey says it is a matter of opinion. I do not believe these questions have been answered and I need them answered. I do not know if the exit strategy, for example, will be used to determine any recovery strategy. I am hoping as Deputy President is President of not only the CCA but also President of P&R that he will be able to answer that question for me.

So for the avoidance of any doubt, sir, I wish to seek to determine what proportionality test and what evidence, other than the evidence which is based on the coronavirus or Covid-19. Has it continued to be applied by the CCA to the Emergency Regulations and also the exit framework and I ask as this data is not in the exit framework, but it has been alluded to on so many occasions.

So I need to seek assurance on the balance so I can determine how I am going to vote on these Regulations today, the balance on our community's core mental, physical health, their wellbeing, the continued proportionality so that I can have assurances Emergency Powers are actually needed still.

I am very relieved that Deputy St Pier has alluded to potentially some of these Regulations being not continued in the next month when the States next sit and I am so looking forward to that. That will be the light at the end of some quite dark tunnels that many of us are going through.

As I said earlier sir I asked the majority of these questions to CCA two weeks ago. I believe it is reasonable to expect these questions to be answered by the Presidents concerned. For the avoidance of doubt, sir, I think the questions I have posed so far, it is Deputy St Pier, Deputy Soulsby and Deputy Lowe and without knowledge of the evidence considered by the CCA and I think that is where maybe the other amendment came from earlier, without the knowledge of that evidence, evidence relating to our community's wider health and wellbeing, I am going to really struggle to support these continuation of Regulations today.

So two weeks after my questions have been asked, I would really appreciate them being answered because it is only if they are answered that I can make an informed, intelligence-based decision today regarding these Regulations.

Thank you, sir.

The Bailiff: Deputy Gollop and then we will take the mid-afternoon break. So Deputy Gollop, please.

Deputy Gollop: Thank you very much, sir.

I found a lot of common ground with Deputy Merrett because she was speaking my language about mental health and the strain on the community. I strongly suspect that around three quarters of the Island have been very philosophical and accepting of Guernsey Together, of the emergency and of the Regulations. It has probably been more of a minority who, for various personal reasons, their age, their situation, the situation with their family or loved ones, their financial position or their mental situation, have found it harder than most.

I think, for some people, it has been a good experience, or at least a philosophically enriching experience, despite its disadvantages. For others, it has put them on the brink of, sadly, ruin. I have to emphasise that we may all be in this together but we have different outcomes.

I very much support, reluctantly really, the continuation of the emergency and I was surprised to hear from Deputy Green and others that there was a degree of questioning of this from Members and maybe lawyers on behalf of their clients, because I think the emergency still exists because when one looks at the situation in countries that are travel-linked to Guernsey, such as parts of the

United Kingdom, let alone of course the United States and some parts of Europe, there is still a distressing situation with significant death tolls and further rises in cases and the last thing we want is any revival of that or any second wave.

So I commend very much the responsible attitude taken by the CCA. I think perhaps where we were pussy footing around a bit in the last debate, and I think Deputy Soulsby and Deputy Tooley made excellent speeches by the way, was it does not make a lot of sense just to have more Deputies and people adjudicating on these matters but I think the undertone was that we need not just a decision made on excellent and sound Public Health grounds, but the political insight may be to mix it with other health aspects, as Deputy Merrett has identified and other social and economic aspects.

That is extremely hard for politicians to imply that they will overrule expert opinion and perhaps unpopular, but I think there could be instances where a judgement call like that might have to be made, where, I think, the new executive committee perhaps is not particularly useful as it is not clear what its powers or mandate would be, other than a Policy Council without any resolutions to impose.

I still endorse the principle that we should go on with these Emergency Regulations and that we have to respect the incredibly good outcomes that we have had so far, but bear in mind that the community spirit and solidarity risks being fractured a little bit if we do not realise that, given the outstanding success we have so far had, we cannot open up the internal economy and society a little bit with, hopefully, no seeding. The issue about people coming in is entirely different and I think a debate for another day, but I do support the continuation of the Emergency Regulations but hoping that the broader perspective can also be accelerated as quickly as possible.

The Bailiff: Members of the States, it has just gone 4 p.m. so I think that is a convenient place to break until 4.10 p.m., when we will resume. Thank you all very much.

*The Assembly adjourned at 4.02 p.m.
and resumed at 4.11 p.m.*

**Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No.2) Regulations, 2020 –
Debate continued –
Proposition carried**

The Bailiff: Members of the States, welcome back. I will call Deputy Lester Queripel to speak next, to be followed by Deputy Prow.

Deputy Lester Queripel: Sir, thank you.

As I stated in an earlier speech, I think we should have gone into lockdown earlier than we did and I think that measures that were put in place should have been a lot stronger than they were. I did inform the CCA and all my colleagues of my views right from the outset, so they are only too aware of them. I also think we are coming out of lockdown too early, which should not come as a surprise to anybody, seeing as though they are aware of my views that the measures imposed were not strong enough in the first place.

Now, sir, having said all of that, I think it is important for me to now say I have nothing but the utmost respect and admiration for all the Members of the CCA who have worked tirelessly to get us to where we are today. Even though I think we are coming out of lockdown too early, I feel I have to be pragmatic and approve this latest set of Regulations. Thank you, sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

2750 I just wish to respond to a few things Deputy Merrett has said and I will be very brief. With regard to the proportionality, there are two aspects to this. The first is what we are considering today is actually the legislation. When I spoke earlier, sir, I pointed out that the Regulations are indeed, because they are Emergency Regulations, time-limited. So that is one aspect of proportionality that is covered.

2755 As far as I am aware, these Regulations are still governed by Human Rights Law up to 2000. So there are two aspects of proportionality. One is the legislation proportionate, but Deputy Merrett has also spoken about the actions of Law Enforcement. Now the Human Rights Law also governs the Law Enforcement aspect and enforcing the Law that also separately has to be a fair, reasonable and proportionate response.

2760 Because the legislation is in place does not mean or suggest that Law Enforcement has to apply it. So what I am saying is Law Enforcement will only apply the Law where they believe it is fair, reasonable and proportionate to do so. So I would perhaps try and give Deputy Merrett some reassurance around the proportionality aspect. The legislation will act as a deterrent and will perhaps persuade people that the Regulations should be abided by. They are just simply a tool in the box for Law Enforcement to use and, as said, sir, they are indeed time-limited.

2765 With regards to what I would describe as the business as usual aspects of the responsibility of the Committee for Home Affairs, again I would give her some reassurance that, under the Partnership of Purpose, whatever is happening with Covid-19, we are engaging with the third sector. That is our business as usual and that we are very much focused upon. Thank you, sir.

2770 **The Bailiff:** Members, I am just pausing briefly to see if anyone else wishes to speak at this point. They do not appear to, so I will turn to the Chairman of the Civil Contingencies Authority, Deputy St Pier, to respond to the debate. Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

2775 I suppose the heart of questions from Deputy Merrett, as she said, really revolve around this concept of proportionality, which is absolutely at the heart of the CCA's decision-making and is, as the Members who participated in those meetings will know, central to the decisions that are made on the advice of HM Procureur.

2780 Clearly, there is a lot of legal precedent and context around what proportionality means and it is really about needing to justify the limitation of the fundamental rights, particularly in the context of human rights and whether that measure is rationally connected to the objective of what is to be achieved with the measure, whether we need to ask ourselves whether any less intrusive measures could have been used, could be used as an alternative and of course the severity of the consequences, which I think is at the heart of Deputy Merrett's concerns in relation to the impact on the mental health and wellbeing of the community.

2785 We have to find a fair balance to be struck between the rights of the individual and the rights of the community. Of course, it is not only ourselves that need to be satisfied on that point but of course HM Procureur or of course the Comptroller if sitting in the shoes of the Procureur for the purposes of giving their opinion under the 2012 Law.

2790 So it is not just a question of whether the provisions seem reasonable but also whether a balance has been struck between the respective interests of individuals and this was the point that Deputy Soulsby made in the last debate, and the community as a whole. There is, inevitably, with emergencies such as this, some element of subjectivity, subjective judgement, which is required in seeking to strike that balance.

2795 And that balance will change ownership over a period of time, as the emergency changes in terms of the scale of the threat and the scale, of course, of the impact of the measures on the community over a longer period. The longer they go on, the greater the impact, therefore the

greater the reason has to be to keep them in place. Again, I hope that gives Deputy Merrett some reassurance that it is a matter that is kept under constant review.

2800 Deputy Merrett asked some very specific questions about the evidence and it is almost trying to prove a negative. We have not seen, based on the reports back from the Mental Health Services team, a rise in referrals and cases. We have not seen, based on the references to the Law Enforcement, a rise in any form of abuse, support for example.

2805 The challenges which Deputy Merrett has injected into the debate are very valid ones and they are ones that, as an Authority, we are looking out for, for what evidence from those who are advising the Authority on what the impact is of the measures of the community. She also asks what measures had been taken by Law Enforcement. There have of course been a couple of cases, which I think are in the public domain, that have been taken through the courts.

2810 Of course, she is right, a large proportion of the community are complying but the fact that a large proportion of the community are complying that does not mean that you do not need to have ... there is a point of correction, sir, so I will give way.

The Bailiff: Deputy Soulsby, you wish to raise a point of correction?

2815 **Deputy Soulsby:** Thank you, sir.

I think I just need to clarify we did not see any real increase in mental health issues, but in recent weeks we have seen an increase, more people going to Healthy Minds and seeking support. I thought I would just clarify that. Certainly, it has not been a long-running thing.

2820 **The Bailiff:** Deputy St Pier to continue please.

2825 **Deputy St Pier:** Thank you and I do accept that correction. Yes, the actions by Law Enforcement to ensure compliance, I do not think the absence of large-scale non-compliance by the community would provide a justification for not having any method of enforcing these Regulations. I think it is entirely proportionate and reasonable that, if Regulations are imposed on the community as a whole, that there should be a method supported by Enforcement that enables them to be complied with.

2830 As I say, I think the absence of a great deal of enforcement would not in my view provide a justification for their being no ability to enforce and, again, the longer the period goes on, then of course the greater the need may be at some point to fall back upon those powers. If things which change during the current period of these Regulations, in terms of the Public Health crisis, then it may be necessary to take enforcement action, which the community may be less willing to comply with because of the period that has elapsed.

2835 So I fear that my responses will be entirely inadequate for Deputy Merrett, but I hope that for other Members of the Assembly, that they will derive reassurance that the Authority does take its responsibility in relation to proportionality very seriously and, as I said in the previous debate, I would fully expect there to be a robust challenge by the Authority as it considers what to do next with the Regulations and what is still necessary as and when they are due for any period of extension in a few weeks' time. With that, sir, of course I do encourage Members to support the Propositions.

2840 **The Bailiff:** Members of the States, there is a single Proposition before you as to whether you are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020. We will take that *aux voix*, I think, so can you vote in the Chat function please?

Members voted Pour.

2845 **The Bailiff:** Thank you very much, Members of the States. I am satisfied that there was a strong vote Pour. I am not sure I saw anyone voting Contre, although some people did not vote at all. So I will declare that Proposition duly carried and invite the Greffier.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

The Reform (Guernsey) (Amendment) Law, 2020 – Debate commenced

Proposition 99.

The States are asked to decide:-

Whether, after consideration of "The Reform (Guernsey)(Amendment) Law, 2020" and the Policy Letter dated 5th May 2020, they are of the opinion:-

*1. To approve the draft *Projet de Loi* entitled "The Reform (Guernsey) (Amendment) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

The States' Greffier: Item 2020/99. The States' Assembly & Constitution Committee – Reform (Guernsey) (Amendment) Law, 2020.

2850

The Bailiff: I invite the President of the States' Assembly & Constitution Committee, Deputy Inder, to open debate. Deputy Inder.

2855 **Deputy Inder:** Sir, thank you and again, like many of the other Members of the Assembly, congratulations on the first day of your full-time job as a Presiding Officers. The committee presents this policy letter and *Projet de Loi* in order to give effect to the decisions of the States of 15th April this year. These included directing the preparation of legislation that would amend the application of certain provisions of the States' Reform (Guernsey) Law, 2015 and the Reform Law, 1948, in order to postpone and reschedule the General Election, in accordance with the Resolutions of that day.

2860 The brief policy letter explains the changes made. Given the temporary nature of Emergency Regulations under the Civil Contingencies Law, it is essential the States approve a suitable, permanent legislative provision to address the postponement. We have submitted this Proposition under Rule 18, given an immediate decision is necessary to enable the *Projet* to be submitted for consideration and approval as soon as possible by the Privy Council and, at the latest, at the July Meeting of the Privy Council.

2865 I would remind Members that the Reform Law has specific provisions relating to proposals amending that legislation. If two thirds of the Members present – present and voting, that is the important bit – approve the Propositions, the Propositions will be carried and the relevant Resolutions will be final.

2870 If a majority, but less than two thirds of the Members present and voting, approve the Propositions, there are two options. One, the Resolution will be deemed to be carried after seven days unless an application is made to the Presiding Officer by seven Members. Two, if such an application is made, the Resolution is returned to the States three months after it had been passed and it will need to be passed by a simple majority to be carried and finalised.

2875 Sir, Members, during the States' Meeting on 14th and 15th April, there was much debate regarding the appropriate time to hold the election. Three fifths of the committee had recommended the General Election should be rescheduled to October. This was rejected by the States when it approved Amendment 1, which proposed the General Election should be rescheduled to 16th June 2021 and the term extended.

2880 Excuse me. When the amended Propositions were considered by the States, the Propositions to hold the election on 16th June and extend Members' terms to 30th June were passed with a majority of more than two thirds of the Members present and voting, approving the Propositions. Now, sir, I and Members of the Committee appreciate that there will be Members who still disagree with the States' decision that day. However, the States made the decision and the Proposition in front of us today formalises that decision in legislation.

2885 We have been made aware overnight, and sir, I have not had much time to speak to my committee and one of them is a signatory to an amendment that is about to turn up, you all know now an amendment has been lodged, which seeks to bring forward the date of the General Election.

2890 It is important to highlight that this is possible under the *Projet de Loi* in front of us today, as it creates a power for the States, by Ordinance, to enable a General Election to be held at a time other than as provided for in Article 29. It is important we achieve the two-thirds majority required to approve the draft *Projet de Loi* and to authorise its submission to the Privy Council.

2895 If Members cannot bring themselves to support the Propositions I would ask that they abstain from voting on the Proposition rather than vote against it. Those who abstain will not be counted as present and voting for the purposes of the Reform Law and therefore are not counted when calculating whether two thirds approve the Propositions.

2900 If the Proposition is not passed, the States will fail to make the necessary steps required to progress this vision it took not so long ago. Members present and voting unanimously agreed to postpone the General Election to the Office of People's Deputy scheduled to be held on 17th June 2020. It is essential that the States approves suitable permanent legislative provision to formalise the postponement, regardless of when they believe the election should be held.

2905 Voting against the Proposition – and I do apologise for repeating myself because this is important – to approve the *Projet de Loi*, without having put forward any amendment to the legislation to provide another way forward, would be highly irresponsible and leave the States and the Island in an impossible position.

The Reform Law is currently amended by Emergency Regulations, but those Regulations have temporary effect and will come to an end in the near future. If the Law is not passed, the States could be put in a ludicrous position of having to hold an election in June 2020, when it would not be possible, satisfactorily, to do so.

2910 Whilst the Civil Contingencies Authority might be prepared by temporary Emergency Regulation, to extend the term of this States, and the period within which an election could be held. There is no guarantee that would be seen that as a proportionate and reasonable exercise of its powers. This has an enormous amount of risk, not least including reputational and legal risks and would risk the Island being a laughing stock, to be perfectly frank with you.

2915 So, Members, I ask you to either vote in favour of the Propositions or, if you cannot support it, even with the caveats I have laid out, please abstain from voting. Please do not vote against the Proposition and risk leaving the States an impossible situation. Thank you.

2920 **The Bailiff:** Deputy Inder has just referred to an amendment numbered one to the Proposition, to add a second Proposition, that is being proposed by Deputy McSwiggan and seconded by Deputy Soulsby. Is it your wish to move that amendment now, Deputy McSwiggan?

Deputy McSwiggan: Yes please, sir.

The Bailiff: Would you like it read, given that it has only been raised overnight?

2925

Deputy McSwiggan: I am happy to read it myself.

The Bailiff: Very well, why do you not? Thank you very much.

Deputy McSwiggan read the amendment as follows:

[Amendment 1.](#)

To insert the following Proposition –

"2. To direct the States' Assembly & Constitution Committee to review the feasibility of holding a General Election in November 2020 or in March, April or May 2021 (instead of June 2021) and:

(a) if of the opinion that it is feasible to hold such an Election in November 2020, to bring a policy letter to the States no later than July 2020, or

(b) if of the opinion that it is feasible to hold such an Election in March, April or May 2021, to bring a policy letter to the States no later than six months ahead of the proposed Election date, and

(c) in either case, to include in that policy letter the propositions necessary to enable a General Election to be held on the proposed date, together with information as to how such an Election could be held in accordance with Public Health advice, depending on the extent of the Covid-19-related health risks prevailing at the time."

2930 **Deputy McSwiggan** Sir, I apologise to any Member who feels that I am re-opening a Pandora's Box we have only recently succeeded in closing. The reason why I am doing so is because we found ourselves making a challenging and far-reaching decision very early on – and necessarily very early on because the election would be almost upon us by now – in the course of a pandemic whose course and whose impact on Guernsey we could not have known. The response to which we could not have been certain of the effectiveness of our own response or the measures that we would be
2935 able to put in place or the extent of public compliance with them and so.

There were many unknowns, but there were a great deal of unknowns at the time we had to make that decision and, as I say, as a consequence of the decision that we made was very far-reaching and, having discussed with Members both those who originally supported the October date put forward by SACC and many of those who originally supported the June date, I came to the understanding that there was a willingness to reconsider that and, given that we are at the point of fixing new legislation in place, now would be the best time to establish a mechanism for that to be reconsidered.

What I want to emphasise here is the importance of what we have learned rather than how well we have done. Several times in debate already today, we are at a point where there are only a couple
2945 of active cases of coronavirus in the Island and there have not been new cases for some time.

Members and members of the public might very understandably think we are trying to run before we can walk, we have had very good results and so we are jumping to conclusions that perhaps we should not be jumping to yet, given that many have forecast successive waves of this pandemic, that we are not yet in a position where a vaccine is available and so on and I hope
2950 Members will take some assurance from the fact that Deputy Soulsby is my seconder in this case and I really hope we would not be seen to be taking risks with people's health that are not appropriate in light of the evidence.

So, what I want to try and explain, this amendment is not because we are in a good place and why do we not hold an election tomorrow. It is because we have consistently responded to the pandemic well, so we have had a high degree of community compliance, but we have also learned
2955 a lot more about what works, what kind of social distancing measures we can put in place. How we do this, if we are in a situation of various stages of lockdown, and what I am trying to say by that is that we know a lot more now about how it might be possible to implement a General Election that has necessary hygiene and social distancing measures surrounding it, if that is what needed, if we

2960 find ourselves in a worse position in respect of coronavirus in a few months' time than we are right now.

We can take the learning that we have done from this first wave, if it is the first of several waves, and we can use that to inform our planning for the election in a way that, maybe even a month ago, we could not contemplate.

2965 There are complicating factors that I wanted to be careful to avoid, so Members will see that the amendment does not propose that SACC should consider moving the election to December of this year, or January or February of next. I think that it really would be taking a reckless step to try and hold an election at a time when we already know that there are winter pressures on health and this unknown additional complicating factor. But, sir, I really think that we need to be continuing to give careful consideration as to whether it would be practical to hold the General Election any earlier
2970 that the June 2021 dates that we had originally set.

The crystal issue is one of incompatibility of timeframes if you like. We need a certain amount of time to prepare for an election. We need that logistically, in terms of the so-called delivery of the election and also in terms of the other processes in the public sector, how we bring one political
2975 term to an end and introduce another.

So we need to be deciding some months ahead of an election that we are going to hold it. Of course we also need that lead-in period for the purpose of having a properly free and fair election, because we need to give candidates enough notice that this is going to be happening for them to be able to put in order whatever it is they need to put in order, in order to be able to become
2980 candidates in that election.

We cannot or it would be unwise and in some sense undemocratic to call a snap election at the moment when all the health indicators look most favourable, because logistically and democratically that does not work. But the flipside of that is we have a choice. We can either batten down the hatches and say we are just not going to have an election until we know all the I's have
2985 been dotted and all the t's crossed in respect of coronavirus, we have a vaccine we have daily testing or whatever the case may be to ensure that it is not prevailing in our community and is not coming into our community. And until the point that we have that certainty we are not going to hold any election at all. But that is sort of putting it off into the distant, indefinite future.

Or we can say, as I think Deputy Inder said in a previous debate, how do we learn to live alongside this risk and we are less ... the risk right now, appears to be much lower and much quicker than we could have expected but we cannot rule out the possibility of that coming back. But I think almost all of us in the previous debate, and I trust it will be reflected in this debate, recognise that we need to continue to maintain democracy even in that context and so we need to be thinking about how we deliver an election when there may be various stages of risk, which now we have lived through
2995 as a community and now we have learned something about how to respond to it.

So, sir, the amendment has really two component parts, one is the suggestion of dates, November being my personal preference but perhaps not the preference of the majority of the Assembly, but November, March, April or May, all those alternatives to June which, in my opinion, is still much too far out and is not justified by the evidence as it stands today.

3000 The critical point in part 2(c), which is that, in presenting its proposals to the States, the States' Assembly & Constitution Committee really needs to walk the States through how an election could be delivered if we were in various different phases of lockdown.

So, if we were in a place where social distancing was required, where we were taking precautions against the spread of the virus in the community, what would we have to do in terms of postal voting, in terms of the number of polling booths, the number of days on which voting would have to take place in order to make that possible and what would we do in the other circumstances.
3005

I think that was probably the key bit that was missing from our policy letter when we presented it to Members last time. Of necessity, because firstly we had to turn it around in a very short period of time and, secondly, there was a lot that we really just did not know at that point in time. We have
3010 all gone through this learning curve of lockdown now and there is much more that we understand now than we did then.

But I think that will really be the key thing for Members, in giving them the assurance that a fair and free election can be delivered safely, much sooner than the June 2021 date that we originally envisaged. So, sir, I lay the amendment.

3015

The Bailiff: Thank you very much. Deputy Soulsby, do you formally second it?

Deputy Soulsby: Yes sir, I do.

3020

The Bailiff: Thank you. Is there anyone who wishes to speak on the amendment? Deputy Tindall.

Deputy Tindall: Thank you, sir.

3025

Whilst I appreciate that the *Projet de Loi* includes the ability to call on an earlier General Election, and I am grateful for the President of SACC for making that clear as we at Legislation Review Panel requested, however I support this amendment, particularly because the impression that I certainly got from the way in which the previous debate by SACC was undertaken that we had a choice between June 2020 or October 2021 and that was it. My apologies I have got those dates wrong, I will just repeat that. That the choice was between October 2020 and June 2021 and that was that.

3030

My choice at the time was for June 2021 with a request of a consideration to come back to the Assembly with an earlier date. For me, I believe we owe it to the community. They have got us through to this wonderful stage by their willingness to stay at home and I would like this Assembly, sir, to show clearly we are willing to hold a General Election earlier than June 2021, if it were at all possible, with all the caveats that Deputy McSwiggan has pointed out, and taking into account the advice that we were given at the Legislation Review Panel, that it would take at least six months to prepare for an Island-wide vote. I therefore urge everyone to support this Assembly to show the community and to thank them for all the hard work they have done. Thank you, sir.

3035

The Bailiff: I am going to call Deputy Lester Queripel next, to be followed by Deputy Prow and then Deputy Gollop. Deputy Lester Queripel.

3040

Deputy Lester Queripel: Sir, thank you. I am just going to need some clarification on the dates in the Propositions – 2(a), four months July-November, ahead of the election and 2(b), six months. I wonder is that just because that is the sort of time that is needed for the policy letter to be compiled by SACC and when, in July? Does that mean the end of July, 2(a), sir, no later than July? I am just going to need that clarification and further to that need for clarification, if it is the beginning of July then that only gives six weeks for SACC to compile that policy letter and I presume we are going to hear from Deputy Inder prior to going to the vote. Is that the case? I see you nodding, sir, thank you for that.

3045

So what I really need to know here, is that going to be enough time for SACC to compile that letter, to comply with 2(a) or are SACC much more in favour of 2(b)? I need that clarification to be clear which way to vote. I did vote for the June 2021 election. I am attracted to this amendment, as long as I can get clarification of the points, that I have asked for. Thank you.

3050

The Bailiff: Deputy Prow.

3055

Deputy Prow: Thank you, Mr Bailiff.

I speak to support this amendment and I thank Deputies McSwiggan and Soulsby for laying it. I need to refer to Proposition 1 of the policy letter to justify my later remarks, so I will not ask to speak in main debate. Also, I can be fairly brief as the proposed amendment comes out of a debate recently held on 15th April, as the President of SACC has already outlined.

3060

I commend SACC for coming back so quickly with legislation, which enables the Propositions approved to be enacted. The policy letter also provides the certainty of an election in June 2021. Just speaking about the first Propositions, that were agreed by States on 15th April, I would point

3065 out that where we arrived was as a result of three amendments, which moved away from the original letter, so where we are with the postponement of the 17th June 2020 election and extended term of office of this current Assembly of People's Deputies until 30th June 2021.

3070 Sir, as this Assembly is at this time only considering whether or not to enact the legislation after direction from the States, I will not rehearse the detailed arguments and those of other Deputies who voted against the final amended Propositions. However, whilst I accept that these are Resolutions of the States, I do not support the amendments to the Reform Law, 1948, unless this amendment is successful. In saying that, sir, the words of Deputy Inder are ringing loud in my ears and I would not be irresponsible and vote against them.

3075 The Proposition, in my view and why I support this amendment is that it is not proportionate, it does not fully take into account the democratic principles, which were outlined in Section 4 of the original SACC policy letter. It is a very significant decision for any parliament to extend its own term and this legislation does exactly that for a whole year.

3080 For the avoidance of any doubt, as a Member of Health & Social Care, I do not support the holding of a General Election until it is sufficiently free, fair and safe to do so and Deputy McSwiggan, in opening the debate on the amendment, has made that absolutely clear. In this Covid-19 emergency, the advice from the Director of Public Health would be essential.

3085 So therefore I happily support this amendment, which will provide the flexibility for SACC to bring about an election sooner if they could be satisfied that it could be safely held. It is not in the interests of democracy, which I understand the 1948 Reform Law seeks to protect, to enable a States, which has no mandate from the people, to potentially remain in place longer than it should. I shall be voting for this amendment. Thank you, sir.

The Bailiff: Deputy Gollop, to be followed by Deputy Oliver.

Deputy Gollop: Sir, thank you very much.

3090 I too will be supporting the amendment. I am not convinced, when we get to the final Propositions, that November is a viable date because, although I listened carefully to what Deputy McSwiggan and Deputy Soulsby were arguing, I think there may be people in the community who feel vulnerable or need to safeguard or be sheltered, who would be more reluctant to engage in an electoral process this year and that might include receiving candidates or being candidates or proposing or seconding candidates, all those kinds of questions.

3095 Nevertheless, I may vote for November, with the belief that it probably will not happen, and I would definitely wish to consider a March, April or May election, open. Because I think we have had, as States' Members, various comments on social media, emails and a general feeling from people really across the Island's spectrum, that extending our term of office in this way has not been good and that in turns leads to other questions, like should Committees change Memberships, should States' Members' pay remain the same, should we be in a different situation should Members who no longer wish to stand be able to stand down?

3100 Of course we decided, in my view rather hastily, that bye-elections were inconceivable. I understand the reasons for that, because you could not have a bye-election on the new system until the new system is safe and, in a sense, we no longer have the old system, although I note in the United Kingdom, when they have changed the boundaries, which is effectively what we have done to our constituencies, they still have bye-elections on the old constituency boundaries.

3110 Of course, the longer we go, the more possibility there is of people wishing to retire and creating further bye-elections, which cannot be held. So, for democratic reasons, for mandate reasons and also for technical reasons I would support this amendment. I also believe that we need to be very focused, as other Members have said earlier today, on recovery and the recovery plan will require big decisions from planning – I would have supported Deputy Tindall's amendment about the importance of planning – to building to infrastructure, to economic support to, as Deputy Parkinson outlined, a tourism recovery plan.

3115 I am concerned that current Members do not really have a very strong mandate for that and we also need, if we are going to have difficult issues raised budgets or other formats, to have the backing of the public behind Members, who feel that they are being adequately represented by people who they have recently selected and chose in a competitive field. So I would prefer this amendment to go through. Thank you, sir.

3120

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

3125 I am very pleased this amendment has come through, because I think we acted a little bit hastily before moving the General Election straight to June and the last date, Deputy Lowe actually had it right, that we should be, each month, we should look at this and see the health risks and then decide.

3130 So this amendment actually, sort of almost wraps up that so I am really pleased to see this. I think that November was probably a little bit too soon, with what Deputy Gollop said, with people shielding, vulnerable people. But then it might not. I think we just have to wait and see until July and then find out. But I am very pleased and I do hope that many people support this. Thank you.

The Bailiff: Deputy Green.

3135 **Deputy Green:** Sir, thank you very much. I can be brief.

Firstly, I welcome this amendment as well. I think the decision we took last month was made too early. I think it was a premature decision. I think Deputy McSwiggan has made a very good case for trying to learn the lessons of how we have dealt with Covid so far and she made the point that we now know a lot more than we did only a few weeks ago.

3140 We now know that we can, potentially, hold an election much sooner than we originally thought and I think we have to be prepared, sometimes, to revisit these key decisions when things become clear that they are really open to question. Deputy Gollop made the point about the feedback that we have been receiving as States' Members since this decision was made and I think that is a valid consideration as well.

3145 I think, almost universally from the people that I have spoken with and had contact with, not only on social media but by phone as well, has been there is not a great deal of understanding as to why we made the decision to defer the election right until June of 2021 and there is not a great deal of understanding in terms of why that decision was really justified.

3150 I think we should revisit this situation. I think the proposal here, this amendment, is a much better platform for this States to go forward with. We should not seek to remain in office for any time longer than we absolutely have to. I personally prefer the idea of a November election, but I think this amendment is practical in the sense that it does offer the alternative of effectively keeping it open and under review in terms of the feasibility of an election early on in 2021 and I think that is a very good way of putting it.

3155 As I say, many in our community cannot really understand the decision that was made last month. They cannot really understand precisely why we have delayed it for such a long time and June 2021 does seem a very long way from here, if I can put it that way.

3160 The last point is I think it is significant for Members to take into account the two Members who are actually putting forward this amendment. It is a Member of the Committee for Health & Social Care and it is seconded by the President of Health & Social Care. That is not an irrelevant factor. All things considered, sir, in those circumstances, I will strongly endorse this amendment and vote for it.

The Bailiff: Deputy Langlois.

3165

Deputy Langlois: Thank you, sir.

Deputy McSwiggan's opening remarks, her arguments, were based almost entirely on the idea that so much has changed in the few weeks since we took our decision, it justifies the flip-flop of all flip-flops. Apparently in that short period of time we have learned how to hold an election in the middle of a pandemic.

I personally do not think anything very much has changed at all, apart from the fact that a degree of complacency has crept in regarding the pandemic, which is predicated on maintaining impermeable borders. In effect, if we agree to this amendment, we will be locking ourselves in to impermeable borders, because so many people are relying on that defence against further infections of coronavirus that it would be impossible to release the borders in any way and hold the election as the amendment suggests on these various months.

So we will have the possibility of an election hanging over us for, basically, the rest of this year, until November, which will be the last month that the May election could be decided on or recommended by SACC and, crucially, what is ignored here is that exactly as last time we debated this, the person who is going to have the make the call is going to be the MOH. We are going to be relying on the MOH to make the call as to whether it is now sensible to hold an election in six months' time. Everybody is going to be turning to her to make that decision. Personally, I do not think that is fair.

By holding the election, as we decided, in June next year, that gives us enough time to, actually, really decide –

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

Deputy Merrett: Thank you, sir.

I am concerned that Deputy Langlois might be misleading the States. My understanding is that the MHO would only make the decision in six months' time, as stated by the Deputy, if indeed the Emergency Regulations or Powers are still in place. Deputy St Pier said earlier today that he believes they will be certainly less in a month's time and I would argue he is misleading the States because in six months' time, who knows what will be happening in six months' time in regards the Emergency Regulations and the MHO, sir.

The Bailiff: Deputy Langlois to continue, please.

Deputy Langlois: Thank you. I think that was an opinion. I do not know who else will be making that decisions, we are relying so heavily on the MOH's to date excellent advice. So I cannot see the rationale behind this amendment. It does not seem to do anything positive at all,; apart from perhaps appease some people on social media.

As I said, we will have this election hanging over us, almost paralysing the States for months to come. I do not think that is a healthy situation for a States, which will be facing up to a recovery strategy, which we have not even debated yet. We are not sure what it is going to entail and that is what we should be concentrating on, not looking over our shoulder every few weeks on the off-chance somebody is going to decide actually we will have an election in six months' time. I think it is going to have a very negative effect on the efficiency of the States, at least until the end of this calendar year. So I will not be supporting it. Thank you.

The Bailiff: Deputy Meerveld, to be followed by Deputy Roffey.

Deputy Meerveld: Thank you, sir.

About the only thing I could agree with in Deputy Langlois' speech is that nothing has changed. My perspective has not changed. I would agree with Deputies McSwiggan and others that we do know more now and we are in a better position to make a decision, but my stance on this has not changed one iota.

When this was passed by a majority of the States previously, I voted against it and I spoke against it. I am going to do the same again. I am going to support this amendment for exactly the same reason. In a few weeks' time we will no longer be operating with a democratic mandate from the people of Guernsey.

Deputy Langlois says we will be looking over our shoulder. We should be looking over our shoulder. We have an obligation to the electorate to step aside at the first opportunity and re-stand for election to be endorsed to go forwards. Every decision we make after the original June election date is questionable whether or not we have the authority, really and truly, and the support of our public to do that.

I am supporting this amendment because it does exactly what I said should happen in the previous debate. We should be looking at the earliest possible opportunity to hold an election and get the endorsement of the public and the Deputies they want to deal with these issues and take things forward.

There is another issue as well, which I did previously raise. Why June? Why June next year? Who is to say we will not have a second wave that may make June a non-viable date? That we will have exactly the issues that Deputy Langlois says about organising an efficient election at that specific time.

So I will be supporting the legislation as proposed by SACC so that they can proceed with this but I will be also endorsing this amendment so that we can look at alternative dates along the way and pick a time when it is most likely that we can hold a free and fair election efficiently. But it must be, in my opinion, as early as possible. We have no right to hang onto power a day longer than we should. Thank you, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: First of all, sir, let me apologise, I cannot compete in the armchair stakes with Deputy Meerveld, but never mind! I can see the attractiveness of this amendment. None of us, I think, felt comfortable in postponing the election. It is something that I thought I would never see myself doing, because I could never see circumstances like this.

But I do have a couple of concerns. I would like maybe Deputy McSwiggan but also maybe Deputy Inder to address at the end of this debate. One is specifically in relation to the November election. There has been a discussion between or a debate between Deputy Shane Langlois, who says we should not be looking over our shoulder wondering when this election is coming, and Deputy Meerveld said, oh yes, we should be looking over our shoulder.

It is fine for us. We are mainly, most of us, I know some people do other jobs as well, full-time politicians. When the election comes we can respond, we can drop tools, we can write manifestos, we can step aside from the rest of our life and throw ourselves into a campaign mode. The people I worry about here are the people who are looking to boot us out, the people who are actually looking to take our places; who may well have jobs in the real world at the moment. I think that they need at least six months' notice of when we are going to hold an election, to organise their lives, maybe talk to their employees, step down from previous employment.

Now this amendment picks that up, as far as the spring election is concerned, but as far as the November election is concerned, I worry that we are going to put those people at a disadvantage or maybe even stop them from standing at all because, having told them a few weeks ago, park everything you are doing it is now going to be in June 2021, and they have probably spoken to their employers and arranged their affairs on that basis, suddenly in July we could say, okay we are going for November now. That worries me slightly. As I say that worry does not apply so much to the spring election where there would be six months' notice.

The other bit that concerns me slightly is that all the focus is on whether we can hold the polling day safely. I think that is only one part of the equation. Guernsey, almost uniquely, has a 10-week lacuna in Government, when it holds a General Election. Now just about every country has something like a five-week lacuna for something that is known as a campaign period. Either

parliaments are dissolved or, as in Guernsey's case, they are not actually dissolved but they do not really do very much for the five weeks of the campaign;

But almost uniquely we have an election in the middle of the month. I think it is planned for 16th June at the moment, for next year, and then actually that new house that is elected on that day does not take office for another two weeks after that, until the end of the month.

So I am not sure whether that is actually necessary and I would like to know from Deputy Inder whether he could consider, actually, the new Assembly taking office straight away. Back in the old days it did not really matter because the old Assembly actually carried on working. We had States' Meetings, quite cruelly, sometimes involving defeated Deputies who had lost their seats, having to meet between the election and the end of the month. That does not happen any more but, as a result we have no Government for that period.

Then, because we have got this unique Committee system, we take another two or three weeks to elect a President of P&R then the Members of P&R, then the Presidents of all the Committees and then the Members of the Committees. So you have put five weeks aside for the campaign, two weeks after the campaign before the shadow parliament becomes a real parliament and then another three weeks organising your Committees. You have got 10 weeks where almost no Government is going on..

Now, we are about to consider one of the most important recovery programmes since the Second World War. Week after week, I hope, all of us are going to be involved in making fairly vital decisions, which will cost the Island for decades to come because there will be multi-million pound price tags, but not doing it will cost the Island far more in terms of lack of economic recovery, *etc.*

Of course I am worried about whether Mrs Le Page can safely turn up and fill in her 38 crosses against 125 candidates at Torteval Douzaine Room. But I am also worried about a 10-week gap in Government at a really important time. Not just important but could not be more crucial time for the Government of this Island. So I would like, really, both Deputy Inder and Deputy Emilie McSwiggan to address that element of it before I decide how to vote on this amendment. Thank you.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I think the only people who can definitely say they are going to vote against this amendment so far from those who have spoken are Deputy Langlois and myself. I have never been afraid of elections, I have fought three in the States over a period of time and have been returned top of the poll on each occasion. So I have got no concern about that.

The point that was sold to me just a few weeks ago was that we are going through this pandemic and, although we have made better progress than we anticipated, recently, we are still told, and again today when the Dorey/Ferbrache amendment was brought and was unsuccessful, that we have still got to look at things. We have still not got through the door yet, we have still got the pandemic considerations to bear in mind and we should leave things as they are. We might be able to move quickly.

But the real point surely is that, as Deputy Roffey has just said, if you add up all the 10 weeks and the two weeks here and the three weeks there we would have three months of real inactivity. In most times that does not particularly matter but we are going to face the biggest recovery process that we have ever faced, that anybody has ever faced in Guernsey, since the Second World War.

We need to be concentrating our efforts on that. I do not want to remain in 'power' as Deputy Meerveld says, I do not think I am in power, for a second longer than is justified. But if we go to Mrs Le Page of Torteval, I understand Torteval is quite a nice parish and has some very intelligent people living in it, in relation to that, if we want to go to the election booths in Torteval, or St Peter Port or whatever, Mrs Le Page or Mr Brock or Miss Ferbrache is not going to be concerned whether they are going for a three or four or five-year term, the candidates, just whether or not those candidates are the best candidates for them to put their cross by so that they can serve them for the duration.

So I do not think the people were particularly concerned when they put their cross by the 37 of us that are States' Deputies four years ago, that we were sitting for a four-year term, a three-year term or a five-year term. By that, I fully appreciate that democracy is important, it is the most important people thing, people have treasured it and rightly so for centuries and it took a long time coming and it is still not very prevalent in most parts of the world.

But we should be getting on with getting this recovery, perhaps in the course of a later debate Deputy Parkinson might actually answer the question I asked him earlier about when he is going to bring back rather than give as assembly of words, when he is going to bring back the tourist process, the hospitality sector. Deputy St Pier will be able to tell us in due course when we are going to have the recovery programme actually debated on a substantive basis. We should be talking about that rather than revisiting a decision we made just a few weeks ago. Thank you very much, sir.

The Bailiff: Members, I am pausing very briefly once again just to see if anyone does indicate that they wish to speak. Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

The business that comes before the States is categorised in various ways. There is legislation, elections and appointments, urgent Propositions, policy letters etc. and I think we should have a new category, which is 'revisiting decisions recently made (just in case)', because this is nothing more than a re-run of a debate that took place, I think only four, possibly five weeks ago.

Deputy Meerveld very honestly said when he spoke that he did not think any of the arguments had changed from the last debate. He had not changed his mind. He was against the June 2021 date four or five weeks ago and he is still against it. As I say, I think that was an honest assessment of things.

But this is simply an attempt to re-run that debate and hope for a different outcome. Now, the States have always had moments of indecision but we are in danger, in this States, of turning indecision into a national pastime, endlessly reviewing and revisiting decisions recently made. I speak in this debate as somebody who was in the minority, I think there were only about 10 or 12 of us who voted against the June 2021 date, when it was put as a substantive Proposition. My view, when we had that debate, was that we did not at that time have enough information before us to make an informed decision about when an election could take place and I was not persuaded that it was necessary to fix a date there and then.

I put that view in debate and I lost the argument and I particularly lost the argument because speaker after speaker said we cannot leave the date floating. We must fix an election date. There were lots of reasons offered. It is not acceptable not to have a fixed date. I think that was one of the major reasons why the SACC Proposition was lost, why my side of the argument was defeated and why the States chose June 2021, because it was the soonest date where we could be certain that an election could be held even in the midst of the pandemic, because there would be enough time to put in place alternative ways of holding an election.

That was the way the argument was run. Now Deputy McSwiggan when she opened said or at least implied, that circumstances had changed. Of course that is always the argument used when somebody is trying to get a decision they did not like revisited soon thereafter. But I do not think circumstances have changed at all. When that decision about June 2021 was made, unwise though I thought it was, the various possibilities of the status of the virus at that time were taken into account.

If Members cast their minds back to the debate, there was speculation about whether, by July, which as the key date in the original SACC Proposition to decide whether the election could be held in the Autumn, about whether the number of kids would have increased by then, or increased sharply or decreased sharply. All the range of possibilities was taken into account and it was decided at that time, just four weeks ago, that certainty was key and the soonest we could be certain of holding a free and fair election, was June of next year.

I do not think the circumstances have changed at all. I think if November is chosen as a date, there must be at least a reasonable possibility that there will be a second wave of the virus and potentially we could be in a position in September or October of having to revisit the date of the election for a second time or, as it turns out, a third time, because this is already the second time and we are debating the issue.

I also think November is very difficult for the reason that Deputy Roffey mentioned. I think candidates do need a reasonable period of time and he is right, that does not apply to most States' Members perhaps, but it does apply to new candidates. I remember when I was first a candidate in 2008, making a decision about a year before the election that I would stand, and having to make adjustments in my life to allow me to be a candidate.

We, only four weeks ago, told any potential new candidate, that there was not going to be an election until June 2021. Now I accept that an election could be held a few months before then – March, April, May of 2021, without offending the period that I think new candidates need to have noticed, but I think we are already up against it to hold one in November.

Bearing in mind the way this amendment is constructed, in order to put a November election into effect, there would need to be a policy letter from the States' Assembly & Constitution Committee and then subsequently legislation to establish the new date. If you look at the dates of States' Meetings, I think it is possible that the legislation would be laid before the States in September, or possibly August if there is going to be an August Meeting,, and nominations for a November election would open in the October.

So the key, actually, is not when the States debate the policy letter, which is what is in Deputy McSwiggan's amendment, it is when the States make the legislation. Because as is now being evidenced, between the time of the States debating a policy letter on an election date and debating the legislation on an election date, the States' Members can change their minds.

So the moment at which the election date crystallises, if you like, is when the States make the legislation. I think we need to make the legislation several months before the election date, in order to be fair to new candidates. If we do not, then we should hold an election in July of this year because, in pandemic terms, that is likely to be at least as good a date as trying to hold one in the winter. It would be –

The Bailiff: Deputy Fallaize, I do apologise, Deputy Oliver wishes to raise a point of correction. So Deputy Oliver.

Deputy Oliver: Thank you, sir.

Sorry, I just want to point out that not all States' Members voted for it so not all States' Members are actually changing their mind. It might only just be some of them. It is only a small point but it is quite an important point that not all Members will be changing their minds, they will be sticking to their original decision.

The Bailiff: Deputy Fallaize to continue, please.

Deputy Fallaize: I thank Deputy Oliver for making that point. I do not disagree with her. In a sense, this is the point that I am making. I respect that some of us, at the time, did not think it was wise to go straight to a June 2021 election date. But we lost the argument and I do not think you can go around – and I think this States is falling into the habit of it – that Members who do not like the outcome on any particular issue just carry on arguing it over and again.

It might be popular to do that on some issues, but when it happens month after month and year after year, even if 10% of the population are pleased to see a decision overturned, that means that 90% are not or are indifferent to it and if you do that issue after issue, the 90% soon creep up and the net effect is the States become known for being completely indecisive and unable to stick to a decision made very recently.

3425 So I think that November is going to be very difficult and I think, if we hold the view that the only thing that matters is holding an election as soon as possible after 30th June and that democracy is offended if any other consideration is taken into account, I think we should hold one in July or August of 2020.

3430 But I do not think November is going to be practical. I do accept that an election could be held in let us say the late spring of 2021 in a way which would give new candidates a reasonable period of notice. But that is only a few weeks before the June 2021 date and I am not sure that – I suppose we are having the debate now – but I do not think we can really justify this debate and justify changing our minds on another issue for the sake of gaining maybe four weeks or six weeks, if the term has already been extended by 10 or 11 months.

3435 The final point I want to make is about the period of time from nominations opening to a newly formed Government really being able to act. If an election is held, let us say, in the third week of November, the nominations are going to open reasonably early in October, the Committee elections would happen in December.

3440 Now, I think if nominations are going to open in October, the activities of the present States are more or less going to come to an end. I think the whole character of the work of the States would immediately change if nominations were opening in October. The normal Government would not be able to resume until January, once the new States was elected and Committees were formed.

3445 It seems to me that this a particularly bad period to go through that kind of lacuna in Government, given the scale of the challenges which the Island currently faces and this leads me again to conclude that either we should hold an election very quickly – what in other jurisdictions would be called a snap election – and do it as close to now as possible, which at least is in the summer months, or to stick to the original decision and hold the election at a time when we know it could reasonably and safely be held because, even if we are still in the midst of the pandemic, we would have enough time to put in place practical and logistical changes, which need to be made to hold an election in the midst of a pandemic, which would require quite different arrangements.

3450 So I am not wholly out of sympathy with Deputy McSwiggan's amendment. Like her, I was not satisfied with the outcome of the last debate when the States voted for the General Election in June 2021 but I think there are serious complications and weaknesses in the way that she has constructed this amendment and I greatly regret that this matter has come back to the States yet again.

3455 I just think it is nothing other than those Members who did not like the original outcome wanting to re-hash it. I know there are some Members who voted for June 2021 who have now changed their minds but, you know, that happens all the time. Deputy Soulsby is seconding this amendment, she will remember in the last debate this afternoon and this morning Members saying they were unhappy with some of the decisions that her Committee has made in relation to managing the pandemic.

3460 That is fine but they are not on that Committee. I do not think that believing that somebody has made a decision different to the one you wish they had made is adequate reason continually to bring back the same matter to the States over and again. If the amendment can be voted on separately, if the separate provisions of it can be voted on, I do not rule out the possibility of voting for (b) or (c) but I certainly think (a) in this amendment is very unwise and ought to be avoided and, if the States vote in favour of it, I predict that later in the year the States will have to get out, have another vote and have another decision, because it will not be possible to hold the election at that time Thank you, sir.

3470 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

3475 I was one of those that decided to postpone the election for a year, for good reasons at the time. We have several unknowns. We had no idea how things would pan out. A month ago things were looking good and we are beginning to flatten the curve, but things have moved on at a pace we

did not expect. We were only just thinking there about how we would ease out of lockdown, no idea what the effects would be.

Whilst a week is a long time in politics a month really does feel like a geological aeon. We are all in a better place and, if we play our cards right and follow how we have been doing things to date, which is why it is so important that we did not support the amendment earlier, that we should be okay for November.

Deputy Langlois is incorrect. We are not relying on impermeable borders and certainly not *ad infinitum* and not necessarily until a vaccine arrives. Opportunities will change. That is what we found, things moving so quickly, that we can learn from what is going on elsewhere that we can make changes that we probably do not even know right this minute.

I agree with Deputy Fallaize, flip-flop is not great, but you do that, there is another name for flip-flop when you actually see the evidence changing, or another way to have a look at it is in terms of having a better understanding of our position. I think that is where we are at the moment.

For me, though, above all that, I felt increasingly that we really cannot justify ourselves being in this Assembly for any longer than we absolutely have to be here. It is something that formulated in my mind over the past few weeks and it is just seeing what we are doing and that mismatch. I really do think we need to have an election so the people can decide who they want to see them through what will be the most challenging of times that we have seen for years and years and some very difficult decisions need to be made.

I do believe, because of that, democracy needs to be shown to be there and we know that we are making decisions based on who the people voted for. So we have got the States' Members who the people want to make their decisions. I think at this moment in time, it is crucial.

Deputy Fallaize talks about not being fair to new candidates. I think we know that. A lot of candidates already have prepared, they prepared for June. We have seen that. We know that various profiles have been raised in the last year. There might be others who are thinking about standing in between times but, given the position up to certainly when we were debating, we knew there were a lot of people who were already trying to make sure they were known out there and that they would be standing.

In terms of their disadvantage I would say, given how busy people have been and what we have been going through, possibly in some respects, new candidates are somewhat advantaged to existing States' Members who have got quite heavy mandates that they need to fulfil.

Just a final comment in terms of Deputy Fallaize talking about he did not want other people telling them what to do. This is a bit different. It was SACC that really wanted to have the election in October in the first place. This is nearer to what SACC originally wanted than anything else. So I think we are probably more in line with SACC than the decision that was made back in May. I know Deputy Inder was far from a happy bunny when he saw what the decision that we made was then. I think things have changed. I think the atmosphere is very different as well and I think now is a time to think about how we can have an election sooner rather than later.

The Bailiff: I am pausing briefly. I know it is just 5.30 p.m. but I was going to try and make up the extra 10 minutes that we lost mid-afternoon. Deputy Merrett.

Deputy Merrett: I will be very brief sir. I can absolutely resonate with most of the comments made by all the Members today regarding this amendment. I absolutely resonate them, with all of them. I am not one to sit on the fence and my position has not changed at all whatsoever. What is concerning me, sir, why I wanted to briefly speak is that many Members talked about the needs of candidates and the needs of Members.

Actually, I think we should really be concentrating on needs of democracy, the needs to ensure that Members who did in fact go to the electorate in '16, say, 'I am prepared to serve four years', our community did tick boxes because that is what they believed Members, candidates were looking for an electoral period of.

So I think our community is intelligent and informed. I do think their expectation was that we would have an election in June 2020. What concerns me, sir, is that very few comments so far in regard to this debate on the amendment that actually talk about the needs of democracy, the needs of being able to and having a free and fair election at the soonest point in time that we can after the June 2020 date.

Because I think we all accepted sir, all of us, and our community to a certain extent, that having an election this June, next month, would be unviable. People would still be shielding. We did not know how the coronavirus was going to play out and I think Deputy Soulsby has spoken very well and I am very pleased to see that she seconded this amendment because I think it sends a clear signal to Members and to our community that there is support for this from the President of Health & Social Care.

As Deputy Soulsby spoke, what has changed, Deputy Soulsby explained what has changed. We are actually talking about facts because the evidence that we do have regarding coronavirus in our community, we have that evidence. So we can see, we understand how that has played out.

So I will be supporting this amendment because I am not supporting it from the position of what my preference is as a Member – I can tell you what my preference is but it is actually totally irrelevant – because I believe that I should be trying to ensure that democracy is upheld and that we have a free and fair election at the first point that we possibly can. That to me is a centre to my thoughts. It was when I reluctantly agreed in the first place even not to have it in June, to be perfectly honest with.

That was first and central in my thoughts then, that is first and central in my thoughts now. As soon as we can have a free and fair election we should and therefore I will be supporting this amendment. I do urge Members. We are in a different place, as alluded to by Deputy Soulsby and Deputy McSwiggan and therefore we need to be pragmatic and say, okay, things look different let us look to see when we can have a free and fair election. That should be the real question that Members are asking themselves. Thank you, sir.

The Bailiff: Deputy Parkinson to be followed by Deputy Inder.

Deputy Parkinson: Thank you, sir.

I am generally against flip-flops and I understand absolutely what Deputy Fallaize was saying earlier but as John Maynard Keynes used to say:

When the facts change, I change my mind.

I think we could well be in a situation by the end of this month when there are no active cases of coronavirus in Guernsey and there have been no new infections for over a month and to all intents and purposes the disease will have been suppressed in Guernsey, eliminated I think is the right word.

If that is the situation and the States carries on until next summer before holding an election, I think the public will become increasingly impatient with us. I think as the months go by with the coronavirus under control or even eliminated, people will not understand, or will forget why the States took the decision to postpone the election for a whole year.

Although I supported that decision when this last came up for vote I did so with a considerable feeling of unease because I felt that this was potentially undemocratic and that we would run into problems with popular support for the democratic process. So I think in view of the facts, as we now know them, the very much improved landscape around coronavirus, improved is really hardly the right word, the transformed would probably be better, we now need to reconsider the situation.

I am therefore going to support the amendment. I have slight misgivings about a November election only in terms of I think it is not the ideal time of year to hold an election but also we have a fixed term of Government for four years and I do not want to see November become our permanent General Election date. It may be suitable in other countries, like the United States, but I would prefer if we could get back to a cycle of summer elections and, if this amendment is carried,

I would ask SACC to consider changing the term of the next period of Government either to shorten it or lengthen it so that we get back to a summer or spring cycle. But with that one proviso, I am going to support the amendment.

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The Bailiff: I am going to call Deputy Inder next. Deputy Inder.

Deputy Inder: Thank you, sir.

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I have not got a prepared speech and as I said in the opening speech, I have had no real communication with my committee overnight. I am not going to go over previous ground on our 15th April debate. You all know where I was and at least the majority of the committee was back then.

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The changes to that policy letter, as it was, are fairly minor. 2(a) brings back the go/no-go date and I will get to that later on, of June, and it puts the potential election only one month further ahead than we had in our original policy letter. So far, so good. It adds in three potential dates, which is just slightly, I suppose two or three months earlier than our original Propositions.

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I take it Deputy McSwiggan has sounded out a few Members to work out whether we will get beyond the 15 or 16 who voted for it last time and I will assume that, as Deputy Soulsby has announced she is clearly going to vote for it and again, as other Members have said, it is encouraging that two Members of Health seem to think it might be possible that we could hold a November election.

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But to give some Members some comfort, we have still got that June go/no-go date. There are concerns and I took a very brief sounding when I had a sniff of this a day or so ago, that an amendment might be coming, from our principal officer, on the deliverability of a November date. That is the tactical deliverability. As you know the project team has been stood down because of the decision made last month and I was not particularly sure where we would be with the kit that would be used for the counting of the votes at the end of election.

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Long story short, well actually short story, I am not too sure how long it is, is that effectively if the States decide today that we will be looking at a November election, if we then re-confirm that back in June, an election will be delivered.

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But there are a number of problems and I think it has been alluded to a little bit by Deputy Fallaize and possibly touching on with Deputy Roffey. The date of the election is not just the election. Without going over old ground, there is a campaigning period. We have got volunteering, for example. We have got a lot of volunteering, with the roadshow for the extension of the Electoral Roll. Right now, if social distancing is still maintained at the two metres, it still would not be possible. If that does not change between now and basically November. We are going to be in the same position that we were.

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So a lot of this is actually going to be down to what we hear from Health & Social Care over the next few months because, as we all know, the election day is not the election. There is a campaign period, people are going to have to want to go out, we are going to have volunteers sitting in St James' and the like.

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So if we still maintain that two-metre social distancing I suspect, without thinking it too much given the short period of time we have had to think about this, unless there is a bit of give and take somewhere, in June/July I will be making some similar recommendations that November just will not be able to happen.

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Considerations will be the campaigning period – sorry, I'm reading off notes – is it free, fair and safe? I think Deputy Prow related to that, made mention of that. Whether it looks deliverable. Is it safe to hold an election? As I said in the original debate, I was not hell-bent on an October election and I am certainly not hell-bent on a November election either.

If it is not deliverable, the answer on what has been coined, I think it was by Deputy McSwiggan, the go/no-go date, there is another opportunity for the States to consider what we will put in front of them and I can assure Members that if there is anything that looks unfair about it, unsafe, if I am not convinced that social distancing will be reduced in some way, and we are going to have to take

some advice from the Director of Public Health and probably of HSC, I think Deputy Langlois there would be too much pressure – it is not pressure at all: if the answer is no the answer is simply no.

We will come back to the States and say it is undeliverable. It is as simple as that. We will not be leaning on anyone. Certainly, I and I am quite sure Deputy Ferbrache and the other Members of the committee, we are not hell-bent on having it, we are just asking States' Members, as we did in the original policy letter to give it a go. So the States will get another bite at the cherry.

I will just tidy up from a couple of other questions that Members have asked. Deputy Langlois, he says that the States will have an election hanging over their heads for the next five or six months, which I found quite amusing, because I am quite sure there are some Members of the public out there who think they have got us hanging over their heads for the next year or so. But democracy is a bit like that sometimes, we tend to have to it. In the 75th year of the end of the Occupation, sort of saying that an election is some kind of problem, I find that rather odd.

I suppose the important one is what Deputy Roffey said and he used this word 'lacuna'. I thought that was a beach in California, myself! Customarily there is a delay between the election date and at the moment I think we are two weeks in position and there is an overlap where existing Deputies sit it out post-election, as we would have in the June election. The time to embed new Committees is generally quite wrong and there are some reasons for that, getting to know each other, being able to lobby each other.

But if everything has changed, through you, sir, to Deputy Roffey and other Members, I have not really given this much thought but if that was the custom and if we have got to change things considerably or move things to ensure that we have not got a 10-week period as he said, then we will move it again, we will present that to the committee ... sorry, I beg your pardon, that will form part of any new policy letter and if we have to move quickly then we will just have to create a different custom.

Finally, Deputy Fallaize, I think he has over-cooked utterly the candidate perception. I think Deputy Soulsby saved me a lot of time there. We have been trailing the June election since December of last year, officially – or was it November? – when we opened the Electoral Roll and I will remind Members that I think Deputy Soulsby said, four weeks sometimes sounds like a geographical aeon, sounds like two billion years ago sometimes, so I suggest that many candidates are already prepped. If anything, they are probably more disappointed that they could not put themselves forward, rather than his argument that they are ill-prepared. If anything they are probably over-prepared by now.

So, in short sir, the short answer is ultimately this will be down to you as the elected representatives how you vote for this but what I can assure you personally I will not be fighting tooth and nail to get a November election if this amendment is passed. If it is not deliverable it will not be deliverable and hopefully I can leave Deputy McSwiggan to tidy up at the end of this rambling. Thank you very much, sir.

The Bailiff: Members of the States, normally I would be considering adjourning now. I see that Deputy Tooley has indicated a wish to speak. Can anyone else who wishes to speak on this amendment, before I turn to Deputy McSwiggan as the proposer, can they indicate that they want to speak please?

3670 Thank you very much, Members of the States. In those circumstances, because it will take some time and I know that there are other things that people need to do, I am not going to even put a motion to you that we sit late to conclude debate on this amendment, unless anyone particularly wants me to do so?

3675 **Deputy Inder:** Sir, I would like a motion to carry on please.

3680 **The Bailiff:** Alright, Deputy Inder. I will put to the Members of the States the motion that we conclude this amendment but no further than this amendment, which would mean that those who indicated that they want to speak would be called to speak and then I would turn to the proposer of the amendment to reply to the debate and then we would have vote, which I think is going to be a recorded vote. Can you vote in the Chat function as to whether you want to continue, which is a Pour vote and if you do not, it will be a Contre vote.

Members voted Contre.

3685 **The Bailiff:** Members of the States, thank you for that. I am satisfied that there was a preponderance of Contre, rather than Pour, and therefore we will adjourn unless anyone requests a recorded vote.

In that case, Greffier, we will close the Meeting for today and we will adjourn until 9.30 a.m.

The Assembly adjourned at 5.49 p.m.