



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 25th August 2020

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Present:

Ms J. E. Roland, Deputy Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

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

The Castel

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

The West

Deputies A. H. Brouard, 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

The Clerk to the States of Deliberation

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

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller); Deputy M. P. Leadbeater (*relevé à 11h 17*),
Deputies A. C. Dudley-Owen and S. T. Hansmann Rouxel (*relevées à 10h 05*);
Alderney Representatives S. Roberts and A. Snowdon (*relevés à 14h 32*)
Deputy M. M. Lowe (*absente de l'Isle*), Deputy J. P. Le Tocq (*absent de l'Isle*)

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État XVI

POLICY & RESOURCES COMMITTEE

XVI. Seafront Enhancement Area Programme Update– Debate continued – Propositions carried

Article XVI.

The States are asked to decide:

Whether, after consideration of the policy letter entitled "Seafront Enhancement Area Programme", dated 2 March, 2020, they are of the opinion:

- 1. To establish, with immediate effect, the Seafront Enhancement Committee as a States' Investigation & Advisory Committee, with a mandate, constitution and responsibilities as set out in Section 5 of the Seafront Enhancement Area Programme Update Policy Letter.*
- 2. To direct the Seafront Enhancement Committee to bring a Policy Letter setting out the long-term development strategy of the east coast, as set out in Section 4 of the Seafront Enhancement Area Programme Update Policy Letter, for the consideration of the States of Deliberation by December 2021.*
- 3. To note the resource implications set out in Section 5.21 of this Policy Letter; that the Policy & Resources Committee will use its delegated authority to provide funding for the Seafront Enhancement Committee from the Budget Reserve in 2020; and that the Seafront Enhancement Committee should submit a request for funding for 2021 through the appropriate budget setting process.*
- 4. To agree that the Policy & Resources Committee has discharged the element of Resolution 5 of the 23 May 2019 St Peter Port Harbour Development Requête (Billet d'État VIII) regarding reporting back to the States with recommendations in relation to the management of the SEA programme, and to rescind the remainder of Resolution 5, to be replaced with the following:
"To direct the Seafront Enhancement Area Committee to investigate options for the resourcing and delivery vehicle of the physical development of the SEA programme long-term development strategy, and to report back to the States with recommendations in relation to such options by December 2021."*

5. To rescind Resolution 3 of the 23rd May 2019 St Peter Port Harbour Development Requête (Billet d'État VIII), to be replaced with the following:

"To direct the Development & Planning Authority to continue to consult relevant Committees and other stakeholders and prepare proposals for a Local Development Brief for the St Peter Port Harbour Action Area, which has been funded by a capital vote of a maximum of £300,000 charged to the Capital Reserve, and to direct the Development & Planning Authority and Committee for the Environment & Infrastructure to take all necessary steps under the Land Planning Legislation to lay such proposals before the States for adoption within 12 months of States' approval of the SEA long-term development strategy."

6. To insert 'the Seafront Enhancement Committee' after 'the Development & Planning Authority' in paragraph 1 of Section II of the Rules for Payments to States Members, Non-States Members and Former States Members (approved on 8 November 2017: Billet d'État XX, 2017).

The States' Greffier: Billet d'État XVI – Article XVI – the continuation of the debate.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, madam.

I think, as explained, Members, the SEA has not had a particularly happy ride; in fact, to be perfectly frank, it has not, as predicted, done anything. If I remember correctly, the Policy & Resources Plan back in 2017, I believe – I think it was Deputy Gavin St Pier who promised that we would have spades in the ground by October, I remember, of 2018, and this was going to be the big movement for developing St Peter Port. My response at that time was, 'I doubt you will even manage to move flowerpots around,' and unfortunately nothing has really happened since then, as explained.

But what I do not quite understand is that the amendment that was defeated wanted a Guernsey Development & Regeneration Corporation, which oddly enough, I could have supported, and it explains why this policy letter needed amending. It talks about interim solutions to the SEA programme to bridge a period until the new Assembly beds in and it wanted to delete Proposition 1, and it removes the risk of establishing a structure that is not best suited and also enables the existing steering group to continue to drive the SEA. So I do not think, if I am understanding correctly, the defeated amendment must surely mean that Policy & Resources do not really want this policy letter as it is, if I am understanding correctly, because if you have laid an amendment over the top of something and want to change the structure, surely it follows the existing policy letter should fall; that is how I understand it. But strangely enough – unfortunately I was not in the Assembly and it would not have mattered anyway – I was more likely to have voted for the amendment than I would have voted for this.

But we are talking about this, and I will give you some of the reasons why I do not think I can support it with this type of governance, even though I agree with portions of the intent of it; certainly I cannot deny the fact that the requête that I led on the harbour plays an important role in this. I am just not convinced that this policy letter is for the last couple of days of this Government. Particularly and peculiarly, if I look at the programme governance in the policy letter, there is no real indication of what this will cost us. And with the greatest respect, when I see things like on 5.8, 'One member of Policy & Resources; a member of Environment & Infrastructure; EcoDev; Planning Authority; States' Trading Supervisory Board; and up to two non-voting members,' that says to me nothing is going to happen, it really does. Because almost certainly, it will mean that it will not be one Member, much like the CRAG, the working group set up by Policy & Resources; I think under the same guise, we were supposed to allow one member of each Committee. What actually happened is it ended up being the Presidents, which is no bad thing. But if you look at it – and please do not take this the wrong way – if this was today, we would have one member of Policy & Resources – so that is an accountant and a lawyer – one member of the Committee for the Environment & Infrastructure – I think that was an electrician – one member of the Committee for

Economic Development – another accountant – we have got one member of the DPA, and I will get to that in a minute; one member of the STSB – so if that was Deputy Ferbrache, that would be a lawyer – and up to two non-voting members, and the most exciting bit about it is the two non-voting members. What concerns me a little bit is one member of the Development & Planning Authority. Now it does not necessarily mean – I think this is a conversation we need to have – if the DPA is an instrument of the States, then I think we need to tell everyone that that what it is – but let us not pretend that it is quasi-judicial; it is fully independent – and then bring it into a programme where, quite clearly, it could be influenced in some way.

So in short, sir, I do not – *madam*, I beg your pardon; sorry, I haven't done it yet, I had to do it on the last day – in short, sir (*Laughter*) – in short, *madam*, I just do not think this is a policy letter for the last phase of this Assembly, because in all likelihood, I would have supported this and I therefore cannot support this because this looks like mirages, dreams, and years and years of various Members of any future Assembly just talking about their ideas for something. But without something that looks more commercial, which was the previous amendments, unfortunately I will not be supporting this.

Thank you.

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, *madam*.

I do hope that you will allow me a little bit of licence because this is probably the last time I am going to speak in this Chamber, so I will try not to stray too much but I might just expand on a couple of points.

Madam, I share some of the concerns raised by Deputy de Lisle on Friday when he spoke to this policy letter and I can relate some of the points that were made by Deputy Lowe. Now I want to make it clear: I do think some work can take place along the seafront and the harbours, and of course I understand the point that, in times of economic downturn, government investment in infrastructure can provide a stimulus. But I think there is a difference between what I am thinking about, and perhaps what Deputy de Lisle is thinking about, and the grandiose and very expensive plan I suspect will emerge from this piece of work, and we have to bear in mind, and I need to remind Members of this: if it is a grandiose plan and if it is very expensive, it is possible that a great deal of the money will be borrowed money to fund the plan.

Madam, I am all for necessary work being done, work that a good case can be made for, and I think some of it is self-evident, but you only need to look at the collapsed steps down by the bathing pools leading up to the Cow's Horn to see that, actually, they could be built back – and I am beginning to dislike this phrase – they could be built back better. The slipways around the harbour, and particularly the one at Havelet, that clearly requires some attention and actually it requires redesigning because it was not built properly in the first place, so that could be built back better.

I am generally for a programme of maintenance and good repair around the harbour to keep the structure and the infrastructure in good condition, and I do have some sympathy with some of the issues raised about operational concerns and security concerns at the harbour. But I think all of those issues could be dealt and could be solved without the need for a grand master strategy and plan, because we do have to question the value of these grand master strategies and funds. Let us think about the States' plan for a moment. I do not know if I am going to miss an iteration now and perhaps somebody can remind me if I do, but it started out as a Government business plan, I think; then it became the Policy & Resources Plan, I think; it was the Future Guernsey Plan; the States Strategic Plan was another one, thank you; and now we have ended up with the Revive and Thrive Initiative, and it seems to me when you think of all the work, all the resources, all the time that went into those plans, as soon as they are tested, they come up short. So I do wonder about the value of these grandiose plans that cost so much to assemble and actually yield very little. And I can see the case for some smaller-scale projects, and I know Deputy St Pier is very keen on trying to ensure that

there is easier access to the town for people with disabilities, and I share that concern and I know other Members do.

So I think there are a number of works that could take place, and they could be co-ordinated, without a grand master plan. Because when you think about it, madam, the policies, the mechanisms, the levers for all those things to happen are in place now; you do not need a grand master plan to make those things happen. So I think some light-touch work, some necessary repair works, some improving of amenities could be done presently without this going ahead.

But what concerns me, what lights my blue touch paper, is when I hear about hotels, when I hear about the possible resurrection of Little Venice – because the piers have been classed, I think, as being valuable real estate and they could be used for more commercial purposes – when I hear about perhaps there might be new structures on the piers, those are the sort of things that set alarm bells running for me. So apologies for mixing my metaphors, madam, but it is not about an elephant in the room, it is about prospective white elephants emerging as far as I am concerned.

So by and large, and I think this is a view shared by many Islanders, I would not want the overall look of our seafront, our town seafront and our more expansive seafront, to change very much, and I get a strong impression that if this goes ahead, that will be the case. And it is no wonder that that might emerge, because when you think about the people in the groups that we have been spoken to about this and all the ideas they come up with and this wish list that has been brought forward – I know it will have to go through a filter – but I still think we will have an over-the-top plan, a grandiose plan in all its glory coming forward as a result of what we are looking at.

Now, Deputy Roffey said on Friday – and I think, on the face of it, it was a reasonable point, I get where he was coming from – he said we are making heavy weather of this debate, this is only about setting up a work stream for further investigation to go ahead. But I am wary of that, madam, because the trouble is, when you fire the starting gun – even though we are in exceptional times, I appreciate that – things tend to start happening straight away, so there will be more work for Deputies, more work for staff, more meetings, more planning going on. And as Deputy Merrett said on Friday, if we look at 5.21, the price tag for this piece of work is nearly a million pounds, and there is delegated authority worked into that also for P&R. But what I have not heard mention of yet – and I do apologise if it has been conveyed and I missed it, I do apologise to P&R if that is the case – but bearing in mind this work has been taking place anyway for the last four years and it has meant that Deputies have been working on it, staff have been working on it, there has been meetings, there has been planning, I have heard nothing about how much it has cost up until now, so if somebody can give me an indication of the price tag that has resulted from the work that has been taking place up until now, I would appreciate that, but when you add the cost of what has happened up until now and what it is going to cost according to this policy letter, that is quite a price tag for something that has not even progressed very far despite the best intentions of those involved.

But my concern is: when you give the go-ahead to something, as I say, it gets worked on, resources get expended on it, the plans get advanced, things get researched, things get progressed, and it is much harder to make a case against, or against aspects of, something that has already been started, rather than something before it starts. So what I am concerned about is – speaking personally, I know I will probably be in the minority, I get that, but nonetheless speaking personally – I would rather stop a train while it is in the station than trying to stop it or alter its course when it is at full speed and going at full tilt, because it becomes almost irresistible.

So when this plan comes forward and it has all been researched and it is shiny and it is seductive, it will be much harder to resist it, much harder to change its course, when it is in full swing. So if Members give tacit approval today, I think that is what is likely to happen. And this is where I want to stray a little bit, madam, I hope you do not mind, but I am concerned about some of the things I have heard, in this meeting especially, in regards to the debating of items we debated earlier, and I am thinking particularly about – and I know P&R do not need me to come to their defence, they are quite able to defend themselves, but this is where I am going to speak on behalf of what P&R do to some extent.

Now, when we debated the policy letter that was to do with improving access to medical care, intensive care for our young people, Deputy Gollop said something like, 'This is good, progressive social policy,' so he basically said there should be no opposition, it should go through without any friction. I do not think that is right. I voted for that policy letter, but I do not think it is right for something to go through without challenge, and I think Policy & Resources are perfectly within their right – in fact it is their duty – to bring letters of comment, to point out shortcomings, to point out anomalies, to point out any possible downside consequences to anything that is brought to this Assembly. I do not want to see Stepford politics, I do not want to see things going through without challenge just because, in essence, they are good; we always need to hear both sides of the story, then Members, fully-informed or as fully-informed as they can be, can make a judgment and decide what they want to do, and even if P&R are saying there are some problems here, if they feel the good side of that policy outweighs the downside, then they can vote for it, but I do not want to see Stepford politics, I do not want to see a happy-clappy Assembly that just nudges things through because it has got the tag attached to it of being 'good' or 'progressive.'

So bringing it back to this subject, madam, this is my concern: if this is advanced and it comes back to the next Assembly and it looks really good on the surface, will there be sufficient challenge, will there be the will, will there be the resolve to challenge parts of it that perhaps do not quite add up or perhaps commit too much of a cost or are not seen as being necessary? So I want to say this before I go any further: I appreciate all the hard work that has been put in by Deputies and by staff on this idea over the last four years; of course, people have worked very hard and worked with good intent. But what I am saying is, I do not think I can vote for it because I think I can see where it is going to end up. So I would rather – for myself, although this is not going to apply to the Assembly – put a stop to it now, rather than try and see a stop being put to it later on.

Now I just want to remind Members, madam, I just want them to think about or visualise the seafront as it stands at the moment, the town front and further, because it is already a very adaptable and very flexible area. When you think about all the events that take place on the seafront, the Seafront Sundays, the Arts Sunday, Taste Guernsey, Liberation celebrations under normal circumstances, and there are retro/classic motor shows, etc., that stretch from the front sometimes down to the bathing pools, it is a very adaptable and very flexible area already and it is very easy for it to be utilised for various events and various functions. Now, I am not a party pooper, because actually, I have stewarded the Liberation Day events on many occasions and I have also stewarded the Arts Sunday events on many occasions, so I enjoy those things, I take part in those things, and I can see how popular they are. But what I am concerned about: when you think, going back to the piers for a moment, when you think about the piers, if they are going to be used for more commercial activity, if they are going to be treated as valuable real estate, if there are going to end up being structures and buildings on them, bear in mind, that seafront and all those piers are fully utilised for these events; will that actually stop the use of those facilities, those piers, for these events if they are already being used for something else? At the moment, I know we use it for parking, but cars are clear when these events take place and they are fully utilised: there are stalls, there are performances, there are lots and lots of people. Will any development work be a barrier to that sort of thing happening? I just do wonder about that.

So I want to, as I say, I want to apologise, in a way, to those who have worked long and hard on this and to P&R, because I know it has been done with good intent and there has been a lot of work gone into it, but I can just see, I can envisage where this is going, and I would rather, even if I am in the minority, say no now, rather than an attempt to try and stop it or halt it happening, which will be much harder in the future.

Thank you, madam.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: In relation to Deputy Laurie Queripel's speech, if it is his final speech, I think it is truly excellent; I agree with most of it, not quite all of it. The point that he was making about

195 stopping the train in the station is a good one if we believe that there should be no development on the east coast. I actually think the train has been in the station too long and I think it should have moved off at least at a gentle pace some time ago.

Now, the east coast and the consideration of its development is important. As Deputy Parkinson said on Friday, it will extend well beyond the Advisory Board and it will be potentially
200 multigenerational. Some of it, as again he said, would and could take a very long time. He is right though – it is a point that Deputy Laurie Queripel – just touched upon, that there are some things that could be done now. The replacement of the Havelet slip: we at STSB have talked about that, Deputy Queripel is exactly right, it was built ineptly when it was built those few years ago. Certainly, STSB want to get that going as soon as possible, and there are other things that he has talked about,
205 about maintenance of the harbour, etc., but that is tinkering.

But what he also, I think, cautioned, and what we have seen throughout history in relation to other places, is that great projects start off and then they run out of money, and they run out of energy, and the people who have put the money behind them go bust, and the state, whoever that state is, is left to pick up the bill. Now, we have got to be very careful about that if and when this project moves forward.

Deputy Trott said in opening, civilly and sincerely, that he paid tribute to those who worked as part of the group; I accept that those people have worked diligently. There, though, has been – and Laurie Queripel again touched upon that just a minute or two ago – there has been very little progress over the last four years. There has been no pace, no mental energy, nothing in any
215 development. There has almost been the view that nothing can happen until the whole plan is agreed. If that is a misconception on my part, I apologise; if not, then things should move forward. There needs to be some sense of urgency. I do not think that anybody would disagree, and I certainly do not, when Deputy Brouard said you do not want to see 15-storey hotels along that part of the coast, but there is a difference between seeing nothing and seeing a 15-storey hotel along that part of the coast. What we should be doing is something that takes heed of what we need as
220 Guernsey and takes it forward into the 21st century and beyond.

It is an absolute truism that our harbours – I emphasise the plural – will need to accommodate larger vessels. They simply do not have the physical capacity; you will not be able to get them into, e.g., St Peter Port Harbour. So therefore, we are going to have to do something. Do we have a third
225 harbour? Do we tinker with what we have got? I think one of the – there are these hackneyed phrases that we all use – one of our ‘jewels in the crown,’ other than the wisdom, of course, of this Assembly, is the beauty of St Peter Port Harbour as people sail into it, whether on a ferry, on a sea boat, or a yacht or whatever; it is beyond compare. Now, we do not want to do anything that is going to adversely affect that, but there is a long way between doing nothing and doing something that is garish and will undoubtedly adversely affect that.

This States, though, is in its very dying embers; we are only overrun because of COVID and we are going to have an election on 7th October. So I do not think that this States is the right one to be giving and seeking, advancing, this particular project. This is something, together with many other things, that the new States should and must take up in its early months. We then have, in my
235 view, nobody else’s, a more balanced and innovative States, one which realises that the deadlines have to be met, one which realises that pennies do not fall from heaven, one which realises that there are no money trees out there, one which realises that regulation is not a panacea for all ills, one which realises that you should create opportunity, rather than equalise downwards. We may not; the people of Guernsey may well elect a similar sort of group of individuals to the body that we have got now, in which case that is democracy and good luck, then, to the people of Guernsey. I am loathe, though, personally, to let the States interfere with anything more going forward – this particular States – other than keeping things ticking over.

Little things sometimes influence you, although perhaps what I am about to say – and I seek the same indulgence as Deputy Laurie Queripel, because I may speak later if there is another requête, I
245 may or may not speak on that. Deputy Smithies attended the last CRAG meeting on behalf of the STSB and I am grateful to him, but I was present at the one before. Now, one of the items under

consideration, and this touches upon St Peter Port, was the cobblestones in the high street of St Peter Port. I mentioned CRAG because both Deputies Lowe and Brehaut mentioned it in the States debate on this issue on Friday. Deputy Trott was at that CRAG meeting on other States business, and I am not sure quite when Deputy Parkinson joined it because he joined it virtually, so he may or may not have been present for that part of the meeting. But five of the seven politicians who were there wanted the cobblestones removed in a high street of St Peter Port. Let me finish, they can correct me afterwards. There was a debate about –

Deputy Soulsby: Point of correction, madam? There was a discussion about cobbles and the issues around disability access and we discussed various options as part of a list, but nobody said categorically that they wanted the cobbles to be lifted.

The Deputy Bailiff: Thank you, Deputy Soulsby. Deputy Ferbrache, would you like to continue?

Deputy Ferbrache: Well I correct that, because my recollection is that – well, it will be in the minutes that we can look at. But my recollection is that those who indicated – and I just change the emphasis slightly – indicated that they thought it was a good idea to at least look at the removal of the cobblestones in those areas – I will just wait while there is chatter to the side – was Deputy St Pier, Deputy Brehaut, Deputy Leclerc, Deputy Soulsby, and Deputy Fallaize, albeit Deputy Fallaize said it should be left until after the election to consider – I wonder why that was. Those that spoke vociferously against it were Deputy Lowe and myself, because we thought –

Deputy Fallaize: Point of correction, madam. Deputy Ferbrache is not really providing –

Deputy Ferbrache: Am I giving way or is this a point of correction?

Deputy Fallaize: It is a point of correction.

The Deputy Bailiff: Yes, he did say it was a point of correction.

Deputy Fallaize: Deputy Ferbrache is not providing the full story, to the extent that he really is misleading the States. What I, and I think others who were supportive of looking at it, were discussing was having an accessible strip in one part of that road or whatever it is, not removal of the cobbles, which clearly would be an extremely foolish and unwise thing to do, and if anybody tried it, I would think the States would probably direct them to stop quite quickly.

Deputy Ferbrache: Ah well – anyway, I continue with my –

Deputy St Pier: Madam, point of order?

Deputy Ferbrache: I'm sorry, I give way to Deputy St Pier – is it a give way or is it a point of correction?

Deputy St Pier: It is a point of order, actually. This discussion of cobblestones and CRAG is, indeed, very interesting, but it has nothing whatsoever to do with the Seafront Enhancement Area or any matter that is in the policy letter.

The Deputy Bailiff: Let's see where Deputy Ferbrache takes his point in relation to cobbles.

Deputy Ferbrache: Thank you very much, madam.

As I said, I think it is little things that influence me, and this is one of the potentially little things or it could be a little thing. My recollection is different to those that have spoken as points of

300 correction in relation to that. But in any event, Deputy Lowe and I made it clear that we did not want to see any alteration to those cobblestones; we made that abundantly clear. We also made – and again, it is a point that will lead me to where I am coming to if I am allowed, and I am grateful, madam, for being allowed to come it.

305 Another item on that, with again the same minority, was about whether we spend up to a million pounds – and again, we were talking about large sums, as Deputy Laurie Queripel sort of alluded to in his speech – a million pounds and whether or not there should be a medical for those aged between 25 and 45 – 25 to 45, when you generally look at us – well, it is past my date, and I do not particularly fit between those dates, but never mind. But in relation to that, there is a medical, which the States pay for, which could cost up to a million pounds because of the effect of COVID.

310 Now, we have got to therefore be careful; that takes me from my minor point to my major point, that we have got to be careful when we let our feelings be influenced and monies be spent in relation to major projects, because there are other monies that certain Members of the States – and I am sure they will stand a good chance of being elected at the election, and I wish them well – would want to spend where we cannot really afford to do so.

315 So, this is a project that I would rather see developed by the new States with many other things, with energy and vigour in the first three or four months of the new States, not sitting around like we have for four years and doing very little. We need to therefore see something that is new, something that is innovative, and not just a blanket approach of indifference and colourlessness which has sometimes permeated in relation to these matters.

320 Now, if the development takes place, *if* it takes place – and Deputy Laurie Queripel is right to caution whether it should take place and how it should take place, etc. etc. – but if the development does take place, it will cost millions, and I would welcome that, as I just said in relation to the point I was building up to, as long as money is spent wisely. What we need to do, therefore, in my view, is – I nearly said ‘my respectful submission’ because I forgot which forum I was in – in my view, is, leave this to the new States. Leave it to the new States. I hope that they are a States, whoever they
325 comprise, that will attack all these issues, including this one, all the issues that we have got with vigour in the first three or four months; they get rid of regulation, they get rid of procrastinated debate; they get rid of taking away innovation; they get rid, perhaps, of some of us. *(Laughter)*

Thank you very much.

330 **The Deputy Bailiff:** If Members wish to remove their jackets, they may; if they do not want to sit in solidarity with me, with my robe, my jacket, and everything else on, *(Laughter)* they may remove their jackets.

Deputy Dudley-Owen, do you wish to be relevée?

335 **Deputy Dudley-Owen:** Yes please, madam.

The Deputy Bailiff: Deputy Hansmann Rouxel, do you wish to be relevée?

Deputy Hansmann Rouxel: Yes please, madam.

340 **The Deputy Bailiff:** Deputy Soulsby.

Deputy Soulsby: Madam, thank you. I think, just listening to Deputy Ferbrache, I think we kind of agree, the sooner this States is dissolved, the better.

345 Deputy Ferbrache did say that minutes would be prepared in due course of CRAG, but they already have been approved, and I can quote that now – and this is to counter what Deputy Ferbrache said: ‘Deputy Ferbrache raised concern with how the high street’s heritage could be impacted,’ that is true. ‘In response, Deputy Brehaut noted that improvements have been made as a result of linking Market Street to Mill Street and added that consideration needs to be given to
350 those less able-bodied. The chief executive said Islanders recognise the heritage and aesthetics of

the cobbles of St Peter Port, and in other jurisdictions are examples of integrating improved accessibility without detriment to the aesthetics. In his view, a compromise could be established that retained the heritage of the high street but also provided easier access, for example, the use of a smooth walking path. Deputy Le Clerc supported the initiative and said this could also attract cruise ships, the customer base of which was typically the middle-aged and older population. In response, Deputy Lowe did not agree that this would be a selling point for cruise ships. Deputy Fallaize was supportive of the initiative and suggested that, politically, there should be a combination of the heritage aspect with improving accessibility. Deputy St Pier summarised the conversation and confirmed that the direction of the initiative was for keeping the cobblestones and the heritage of the High Street whilst also improving accessibility for wheelchairs and disabled persons.'

Deputy Ferbrache: Point of correction, madam: I have not approved the minutes and they are not accurate.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.

I just want to talk very briefly and to correct an assertion, actually, in the policy letter, which says, 'In Guernsey there is an ongoing trend of increasing car ownership and this is predicted to continue.' Now in fact, that is not the case. Since 2015, new registrations of vehicles have been declining and that does look to be a trend that is set to continue, it is one that is indeed reflected in other places. I think the confusion has probably arisen because we do not really have any incentive to de-register a vehicle, and therefore overall numbers of registrations are probably still rising, which does not really reflect the reality, but certainly we know from that and several other sources of data that the trend is a downward one.

But regardless of that, it is absolutely correct to say that parking policy is central to the issue of access to our main centres, and part of good parking policy is where you put it; it is absolutely crucial. I think it is fair to say that, if we were starting from scratch, we would not put parking on the piers; it is not a good place to put parking. It actually generates a considerable amount – I am close to stating a figure, but I am not confident that I can verify it – but there is a considerable amount of traffic that is generated along the quay simply by people looking for parking. In good parking policy, you locate the parking on the periphery, close periphery, of the area that you want to access and then open up that area, and the approach to St Peter Port is just magnificent, it is really one of our finest assets, and it is something we could do so much better with. So I certainly welcome that element, locating parking properly, making sure there is adequate capacity, but most importantly putting it somewhere which actually supports town and does not choke it would be an excellent thing, and I think it would open up all sorts of possibilities.

Also, just very briefly, we have had an email in this morning talking about the environmental impacts of this, and I think if Deputy Tindall is planning to speak, she will probably go into – okay, I do not think she is. But the IDP has, of course, adopted the Strategy for Nature as official guidance, which I hope can give some reassurance to people that the environmental impact of development will be taken into greater consideration in a more pragmatic way than it has been in the past, and indeed, the Strategy for Nature has some really useful mechanisms to support that. So I hope that we can reassure people on that front.

And finally, I would note that this, of course, this policy letter has been out for a very long time; I believe we were supposed to be debating it in the very early part of this year, so my personal view is it is, as other people have pointed out, the kind of project that does not sit easily with political terms because it absolutely overspans them, and so my personal view is we should set the foundation stone and absolutely hand over to the next States to move it forward.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Thank you madam.

I agree with Deputies Inder, Laurie Queripel, and Ferbrache in much of the content of their speeches. Deputy Ferbrache said that this issue requires some sense of urgency, and he is right. Deputy Inder I think also re-identified that issue, and I think the very fact that events have changed so much since 2nd March 2020, when this policy letter was published, illustrates why the Policy & Resources Committee laid an amendment, to which Deputy Inder referenced when he spoke. Deputy Laurie Queripel is absolutely right that the repair of the steps at the Havelet slipway does not require a grand plan. However, the enhancement of the area from St Sampson to La Vallette very self-evidently does require some kind of master-planning, rather than allowing a lot of *ad hoc* developments to happen over the extent of that.

Now, that master plan is never going to come from the camel that is the States' Investigation & Advisory Committee, which itself was designed by a camel, namely the Seafront Enhancement Working Group. I think we should emphasise that there is no suggestion that we should be changing the fantastic vista that is the St Peter Port seafront, which is Deputy Laurie Queripel's concern, which is why the emphasis has always been placed on enhancement, rather than development, and there has certainly been, in any of the meetings I have been present in, no mention of seeking to resurrect the plans that we know as 'Little Venice'.

Madam, I was incredulous to hear that the States had declined to debate the amendment that we had laid. It shows a rigid determination of this Assembly – particularly given the comments from Deputy Ferbrache; I do not understand why he declined to support the amendment – that it provides a rigid determination of this Assembly to continue to move at its normal States speed, rather than the COVID speed, which has been spoken about as being necessary given the events of the last few months. So what we are left with is the original set of propositions, which effectively are pretty meaningless: number 1 is 'To establish, with immediate effect' – well, self-evidently, that is not going to happen; it has been overtaken by events.

We have also, in Proposition 3, 'To note the resource implications set out in Section 5.21' and to give delegated authority to P&R to fund this new committee from the budget reserve in 2020; that is not going to happen either, any further funding would come from the budget anyway. So there is a further set of decisions required. So Proposition 3 does absolutely nothing for anything either; we end up with a meaningless set of Propositions.

We have failed to do the one thing, the one thing that the Commercial Property Forum asked us to do, which was to show good intent. I was at a meeting with Deputy Le Tocq, Deputy Tindall, Deputy Parkinson, and we spoke about this issue and we identified that, actually, we could seek, in principle, approval from the Assembly for a Development & Regeneration Corporation company for this area, and that was identified as being a sensible Proposition, recognising that there was – I am not going to give way – recognising that much work will need to be done and further propositions would need to come back, and we have failed to do that. We have shown, I think, by failing to consider the amendment a frankly pathetic lack of understanding of the scale and complexity and ambition of this project, which does require a Development & Regeneration Corporation –

Deputy McSwiggan: Point of order, madam: Deputy St Pier is talking to an amendment that is not in play and has been rejected, rather than the policy letter that is in play.

Deputy St Pier: I am not, I am speaking to the Propositions.

We are left with Propositions which fail to recognise the scale, complexity, and ambition that is required –

Deputy Merrett: Point of order, madam: could you please rule on the point of order that Deputy McSwiggan –

455 **The Deputy Bailiff:** The fact that I have not interrupted Deputy St Pier is because I agree with him: he is talking to the Propositions, in my view.

460 **Deputy St Pier:** Madam, I think, given the interruptions, I will perhaps begin my conclusion again: I think the failure of the States in allowing the debate to get to the point it is means that we are faced with a set of Propositions which shows a lack of understanding of this Assembly of the scale, complexity, and ambition of this project, it shows a lack of confidence in this Assembly's ability to scrutinise and control and set the policy for a project of this scale, and its normal ambition to micromanage projects of this nature by declining to adopt an alternative route. So it is more of the same and it is extraordinarily disappointing.

465 **The Deputy Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam. I am quite disappointed to hear the tone of the speech of our Chief Minister just now. I think some of the language is actually verging on unparliamentary.

470 I think many Members of this Assembly well understand the issues surrounding the Seafront Area Enhancement programme and the snail's pace with which it has progressed, the frustration that has been voiced on many, many occasions by Members who have been involved, either directly or indirectly via their Committees, on this particular project through the last four years. People have been very well-behaved in not voicing that criticism too loudly, because it often looks as if the States is more divided than it really is, but the Chief Minister has enjoyed a lot of support from this Assembly, and to be repaid again and again with accusations of being arthritic, pathetic, and not understanding I think is rather mean and patronising.

475 Really, I would have suggested that the right way for the P&R Committee to go about selling this most important project would have been to withdraw the policy letter that was laid on 2nd March and to resubmit it, given the 'events,' which I am not quite sure what they are: COVID we knew was coming on 2nd March, we had been horizon-scanning, we knew the effects of what that would be, they could be devastating. And the community in Guernsey has been hugely well-behaved and has not, actually, received the credit that it deserves for bringing us through this pandemic, because without the community, we would not have been in such a good position.

485 The P&R Committee needed to show leadership on this, and bringing a late amendment with such grave consequences or big consequences without the governance, without the understanding, and conveying that to the Assembly I think is remiss on *their* behalf, not *our* behalf. So I would hope that Deputy Trott in his summing up, really – if he can seek to come some way towards an olive branch, I think, with the rest of the Assembly, we may leave this term on an amicable basis, but so far, with divisive comments from our Chief Minister, I think that this term is going to end on a sour note, in my opinion.

The Deputy Bailiff: Deputy Trott, if you would reply, please?

495 **Deputy Trott:** Well thank you, madam.

Deputy Dudley-Owen may be surprised, but I agree absolutely with everything the Chief Minister said; I think his remarks were entirely appropriate, and let me explain why. And Deputy Dudley-Owen is a lady whom I hold in the highest regard, but she just said P&R brought a 'ground-breaking amendment'; no it did not! It brought an amendment to provide a solution in line with widespread commercial intelligence that this was the right way forward. That is what the amendment did, and it was not even debated by this backward-thinking Assembly. So I absolutely agree with Deputy St Pier and ask that my views be recorded accordingly.

500 **Deputy Merrett:** Point of correction: I think Deputy Trott will find that it is a majority of this back-whatever – names I do not wish to repeat – Assembly, madam, not the whole of the Assembly.

The Deputy Bailiff: Carry on, Deputy Trott.

Deputy Trott: I mean, that is a good example, madam, of the way in which things have developed: an absolutely pointless point of correction, and one that I would imagine is intended to be nothing more than attention-seeking.

Madam, the Assembly chose not to debate the amendment from P&R which dealt with the issues pertaining particularly to the proximity of the election and how we move forward with boldness and courage and, as I have already said, in line with commercial, private-sector advice, and once again, this Assembly tries to give the impression it knows best.

So madam, my summing up can be brief; it is clear that this Assembly is eager to finish. So I am going to start with Deputy de Lisle, who does not want a 'Disneyland along the quay.' Well of course, no one does, myself and all members of the SEA included. He said, 'The time is not right to be planning major infrastructure investments; of course, this is the *perfect* time to be planning major infrastructure investments, the absolute perfect time. Deputy de Lisle could not be more wrong. Madam, I remember the debate around the QEII Marina, and there was much resistance, but the States of the day was bold, it ploughed on. It is the most successful infrastructure project that this community has ever undertaken: it paid back the taxpayer in 12 years and it has been an enormous source of revenue ever since. That is what success looks like if you get infrastructure right. And look at the hundreds, the thousands of members of our community who enjoy the opportunity that the QEII Marina presents. Of course this is the right time to be planning major infrastructure developments.

Deputy Lowe asked, madam, whether I see a conflict, in that a member of the DPA sits on the SEA; well of course, two members of the DPA sit on the SEA, and I was asked to remind the Assembly the other day that it is not just Deputy Victoria Oliver, but also, of course, Deputy Dawn Tindall. So I conclude that the Assembly does not consider there is a conflict –

Deputy Oliver: Point of correction, sir – *madam*, sorry, I do beg your pardon: I was on the Seafront Enhancement because of my chartered surveyor ...

Deputy Trott: Sure, but the fact remains that you are a chartered surveyor, and I am very pleased for you, but the fact remains that two members of the DPA sit on the SEA, and that is a fact. So clearly, there is not a perceived conflict by many.

Now, Deputy Merrett did ask – I am being asked to give way, which I am very happy to do.

Deputy Tindall: I thank Deputy Trott for giving way. I just wanted to take this opportunity just to set out very briefly why that is the case.

Despite being four and a half years in existence, it is again necessary to explain the role of the DPA. Like most Committees, it has two roles: policy-setting and operational delivery, which includes, like most Committees, quasi-judicial responsibilities. The operational delivery is undertaken through established mechanisms which prevent conflicts arising, the detail of which set out in the published proprietary advice. The DPA's policy role is to develop key policy documents, such as the Local Planning Brief, which has been started and will be finalised after the Development Strategy is returned, which would include the recommendations on the type of body or agency that would be required to deliver that strategy. The DPA then take it through the enquiry process and then present it to the States for approval; excluding the DPA from such policy-making is like excluding Health & Social Care from COVID-19 vaccination planning.

Thank you.

Deputy Trott: Thank you, I think we have done that particular point to death, so I shall move on.

Deputy Merrett asked a very sensible question: she asked 'Will anything be established with immediate effect?', which is, I think, what Proposition 1 requests. Well, the answer to that question

is of course, 'No.' Again, it was one of the reasons for bringing the amendment that was not debated in order to deal with that particular problem. So nothing will have an immediate effect, it will be a matter for the next Policy & Resources Committee to deal with that. And Deputy St Pier admirably dealt with issues around funding.

Now Madam, Deputy Laurie Queripel, a man I hold in very high regard and who I genuinely believe will be a loss to this Assembly, but he will not be a loss with regard to his long-term strategic planning skills, which I think most will recognise are, even after eight years of dedicated public service, still in their infancy to say the least. He was concerned, as others were, about the possible resurrection of Little Venice; I have certainly seen nothing during my time on P&R over the last four years or, indeed, on the Seafront Enhancement Group that would suggest any resurrection of Little Venice or any Little Venice proposals, so I hope our community can rest assured, those who are opposed with regards to that particular initiative.

Now, Deputy Ferbrache, madam, spoke – and there was, unusually, something of note in his speech, and that was the multiple interventions accusing Deputy Ferbrache of misleading the Assembly, and I think he broke his own record, if I may say so, madam. We then had a very sensible, useful intervention from Deputy Soulsby, who read out the sets of minutes which apparently are nonsense despite the fact they were prepared by an impartial civil servant. Now, I was not at the CRAG meeting, I was on other business as he said, but I do look forward to the discussion at CRAG around that particular matter, and maybe even the tapes of that meeting, should they be available.

Deputy St Pier, in my view, delivered a very good speech, as of course did Deputy de Sausmarez: typically balanced and evidence-based.

Now, the Seafront Enhancement Group would like you to support these Propositions. I think some Members of the Policy & Resources Committee have a different view; we shall let the Assembly decide, madam, in the knowledge that it will be the next Policy & Resources Committee that will sort this out.

Thank you.

The Deputy Bailiff: Thank you, Deputy Trott.

Is there any wish to have the individual propositions dealt with discretely?

Deputy Oliver: Could we have a recorded vote?

The Deputy Bailiff: Thank you, Deputy Oliver.

Deputy Trott: I think we should have a recorded vote on 1 and 2.

The Deputy Bailiff: States Greffier, if you would deal with the recorded vote for Propositions 1 and 2 together and we will deal with the remaining 3 through to 6 together.

There was a recorded vote.

Carried – Pour 18, Contre 16, Absent 5

POUR

Deputy Fallaize
Deputy Hansmann Rouxel
Deputy Graham
Deputy Dorey
Deputy Dudley-Owen
Deputy McSwiggan
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Merrett

CONTRE

Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Green
Deputy Paint
Deputy Brouard
Deputy de Lisle
Deputy Prow
Deputy Ferbrache
Deputy Gollop
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Meerveld

NE VOTE PAS

None

ABSENT

Deputy Leadbeater
Deputy Le Tocq
Deputy Lowe
Alderney Rep. Roberts
Alderney Rep. Snowdon

600 **The Deputy Bailiff:** In relation to Propositions 1 and 2, there voted Pour 18, Contre 16, and there are 5 absences, so the Propositions are carried.

States Greffier, we can now deal with the votes on Propositions 3 through to 6, please.

There was a recorded vote.

Carried – Pour 18, Contre 16, Absent 5

POUR

Deputy Fallaize
Deputy Hansmann Rouxel
Deputy Graham
Deputy Dorey
Deputy Dudley-Owen
Deputy McSwiggan
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc

CONTRE

Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Green
Deputy Paint
Deputy Brouard
Deputy de Lisle
Deputy Prow
Deputy Ferbrache
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld

NE VOTE PAS

None

ABSENT

Deputy Leadbeater
Deputy Le Tocq
Deputy Lowe
Alderney Rep. Roberts
Alderney Rep. Snowdon

605 **The Deputy Bailiff:** In relation to Propositions 3 through to 6, there voted Pour 18, Contre 16, there are still 5 absences: I declare the Propositions passed.

COMMITTEE FOR ECONOMIC DEVELOPMENT

**XVII. The Guernsey Competition and Regulatory Authority Accounts and
Auditors' Report for the year ending 31st December 2019 –
Proposition carried**

Article XVI.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "The Guernsey Competition and Regulatory Authority: Accounts and Auditors' Report for the year ending 31st December 2019" dated 4th May 2020, they are of the opinion:

1. To note the accounts of the Guernsey Competition and Regulatory Authority and auditors' report for the year ended 31st December 2019.

The States' Greffier: Article XVII – Committee for Economic Development – the Guernsey Competition and Regulatory Authority Accounts and Auditors' Report for the year ending 31st December 2019.

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The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, madam.

I have the honour of presenting to the States the accounts of the Channel Island Competition Regulatory Authority, both Jersey and Guernsey regulators, for noting, and I have had no advanced notice of any questions, so I simply asked Members to note these accounts.

Thank you.

The Deputy Bailiff: Thank you, Deputy Parkinson.
Deputy Gollop, do you wish to debate the report?

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Deputy Gollop: Yes, because Deputy Parkinson describes it as 'the accounts,' but in fact there is much more to it than that. There was an introduction, for example, by Masterton, who very much talks about strategic development, and for example, he writes that:

... CICRA is facing two fundamental challenges. Firstly, the impact of COVID-19 is having fundamental socio-economic impacts and challenges ...

CICRA's objectives during these unprecedented times are to work closely with government and industry in the areas of competition and sector regulation to mitigate economic impacts of the virus ...

At the same time, we are working to ensure the well being of staff, both physical and mental ...

which is interesting because we are seeing a similar change, perhaps, in the States of Guernsey as a whole. But he also identifies:

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The second challenge relates to a decision by Senator Farnham, as the Jersey Minister for Economic Development, to withdraw ...

and effectively, since then, Jersey have gone down their own routes.

Now the salaries of the people identified within the report are not enormous by public-sector standards, but in at least one case, they are higher than any Deputy of this Assembly, and my point really is, how easy would it be for CICRA to move ahead if they effectively re-establish as a Guernsey-based entity. It follows those sunk costs, the management overheads at CICRA become almost entirely paid by the States of Guernsey, which will lead to a greater cost for us.

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And the financial statements also indicate that there are, from time to time, significant legal costs as well, although most of those seem to belong to Jersey. So personally, I am concerned about the viability of CICRA when we move to a two-island philosophy. And secondly, the broader point as to

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how CICRA will be able to continue trying to manage a situation in a COVID situation whereby there will be temptations for businesses to become more monopolistic as their competitors have struggled to survive financially.

One issue that came up last week in the States debate by Deputy Le Clerc, which really shook us, to be honest, is that some people mistakenly believe that it is possible to negotiate with the doctors, the GP practices, but under a CICRA ruling, they are not allowed to collude with each other, in a way; they operate entirely as independent professional practices, and that is part of that competition. So clearly, CICRA's policies in respect have a political impact, and I think we need, perhaps, more guidance about how CICRA will move forward.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, madam.

I just wish to point out one thing that hit me when I read this, and just a reminder of how many people we need to thank for where we are today in respect to the pandemic. It was just a paragraph in the Chief Executive, Michael Byrne's, statement in relation to the supply chains; it talks about how they have:

... been excellent in the face of exceptional challenges, due in no small part to the planning and efforts of numerous people, but also reflecting the benefits of regulatory frameworks that have taken a long term view.

It goes on:

The flexibility of the competition law enforcement regime in circumstances where a degree of coordination between competitors became essential to support logistic supply lines and resilience of key service provision, meant that businesses continued to keep supply chains and working in a challenging context within safe regulatory harbours.

It never ceases to amaze me, madam, how many people played their part during the COVID pandemic.

Thank you.

The Deputy Bailiff: Thank you, Deputy Tindall.
Deputy Roffey.

Deputy Roffey: Thank you, sir.

I nearly allowed Deputy Gollop to set me off, but I am not going to because I do not think this is the right place or right time for a debate on the future regulation in Guernsey, but I do think it needs to be had, and I do think that the way regulation is applied, particularly to wholly States-owned entities with active shareholders actually representing the taxpayer and the consumer, whether or not it is appropriate and whether or not it is cost-effective needs to be had. I do not think it is for today, I think we are passing – or noting, not even passing, *noting* – the accounts but I would ask Deputy Parkinson whether the Assembly will have an opportunity in the not-too-distant future to actually debate where we are going with regulation and ownership.

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, madam.

Well, it was only a short debate. Deputy Gollop asked how easy it would be for the GCRA to move ahead in the light of the split from Jersey caused by the announcement by Jersey that they were pulling out of the arrangement: my information is that we are not expecting a significant increase in the cost base of the GCRA; the States' funding to the GCRD is £140,000 a year and it has been for many years. Most of the costs are borne, of course, by industry. And I think it is a fact that many of the staff of CICRA are actually based in Guernsey, so we do not think logistically it is going to be terribly difficult for the GCRA to pick up the threads; we have got some very capable people

at the top of that organisation and I anticipate that they will manage to role of the regulator forward with distinction.

Deputy Gollop asked, will business become more monopolistic in the light of COVID-19? Well, I think there is a tendency generally for business to consolidate, particularly in financial services, where offshore jurisdictions are under some pressure and commercially businesses are combining for economic purposes; the company that I founded, Praxis, has recently announced that it is talking about merging with another group called 'Oak,' which will create the largest financial services business based in Guernsey, I think, by some distance, but that is not caused by regulation, and the regulator does not regulate the financial services market, particularly.

Deputy Tindall just commented that Michael Byrne recognises the support of the staff and the support of the business community, and I agree with her. I think that they have come through this very well.

Deputy Roffey, I think, raises a very important issue, which is that now we have got our own regulator and it is answerable only to Guernsey, it is not a body with two masters anymore, we need to consider what the role of that regulator will be, and it is certainly my intention – of course, subject to general elections and the vagaries of appointments to offices after that – it would certainly be my intention that, before the end of this year or around the end of this year, the States will have a debate on, if you like, the mandate of the GCRA. I agree with Deputy Roffey that I think it is wholly inappropriate that bodies like Guernsey Post, for example, are within the scope of Regulation; there is no profit motive there, this is a state-owned entity, and I believe STSB as the shareholder representative is well-placed to protect the interests of consumers. Similarly, to some extent, Guernsey Electricity: there are wider issues with the electricity market, because I think as the world moves forward into a new marketplace where there will be lots of people generating electricity through solar panels or, perhaps, small wind turbines at the micro level and they will want to sell any surplus electricity that they may generate back into the grid, the role of Guernsey Electricity will cease to be the monopoly supplier of electricity – to an extent it already has ceased to be a monopoly – and it will become more about the manager of the grid, the body responsible for balancing the grid, and the generator of last resort, and there are really interesting questions which I have discussed on many occasions with the CEO of Guernsey Electricity about what the new world of electricity looks like. I think there will be a need to regulate the market, but not the companies specifically.

So there are many interesting issues for the States to get its teeth into at the end of this year as to what we think regulation should look like; there are businesses which are currently regulated which I do not believe need to be regulated, but there are other questions about monopolies in terms of the supply of groceries by sea freight, the supply of fuels, and indeed, unfair competition on air routes, which conceivably should be addressed by regulation, and it will be for the new States to decide and to rewrite the mandates of the GCRA. That mandate will be shaped to suit the needs of Guernsey, and I believe it will become a more useful tool in terms of economic regulation than it has been hitherto, more appropriate to the needs of Guernsey, and we will decide what should be in and what should be out, and I think there will be quite a fundamental rewrite of that mandate hopefully by the end of this year.

So there were no other questions, madam, and I simply ask Members to note the accounts and we can move on. Thank you.

The Deputy Bailiff: Thank you, Deputy Parkinson.

I think perhaps I should mention on the basis of transparency – although I do not believe Presiding Officers are expected to declare interests of them or their family – my husband is John Curran, who is one of the non-execs of CICRA. I do not expect there has been a Presiding Officer before who had working spouses. *(Laughter)*

Let us formally put this matter to vote: those who support the Proposition, say *Pour*; those against.

Members voted Pour.

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

POLICY & RESOURCES COMMITTEE

XVIII. The Guernsey Financial Services Commission 2019 Annual Report and Accounts – Proposition carried

Article XVIII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 10th June, 2020 of the Policy & Resources Committee, they are of the opinion:

1. To note the annual report and accounts of the Guernsey Financial Services Commission for the year ended 31st December, 2019.

The States' Greffier: Article XVIII – Policy & Resources Committee – the Guernsey Financial Services Commission 2019 Annual Report and Accounts.

The Deputy Bailiff: Deputy Trott.

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Deputy Trott: Madam, thank you.

Madam, the States are asked to decide whether, after consideration of the policy letter, they are of the opinion to note the annual report and accounts of the Guernsey Financial Services Commission for the year ended 31st December, 2019 I have received no advance notice of any questions with regard to the detail of this annual report, but shall nonetheless attempt to deal with any matters raised.

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Thank you, madam.

The Deputy Bailiff: Deputy Gollop.

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Deputy Gollop: Thank you very much, madam.

I confess, I missed the presentation; I cannot remember if it was online or on Teams or in the flesh, but whatever happened I missed it all, and I think the Guernsey finance sector has coped admirably with the international challenges of the past few years and also the COVID crisis, and we have to give enormous credit to not only the sector, but the energy and impact of the Financial Services Commission.

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That does not mean to say, like Deputy Lester Queripel and others, I am entirely uncritical; I have always had a degree of sympathy for Deputy Ferbrache's point – often in here, actually, by advocates in this Chamber, especially from Mourant Ozannes in the past – that we have rather too much regulation, and although we have other views about the necessity of regulation to be at the cutting edge, it is concerning.

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Now, the Chairman is a very colourful personality who always makes a huge impact in everything he says and does, but I note that his salary is higher than any States' Member, including even the Chief Minister. I also note that, although the Accounts are similar to last year, all the indices are moving in slightly the wrong direction. The number of staff has risen to 116 full-time, 120. The actual costs this year have increased by £300,000; legal costs have increased by £300,000; fees, fee income, which is what we really want to know – the cutting-edge, the people who are making the money for us, who are actually not the money tree-cultivators, but the people who are paying for all of our social projects and development projects and so on – that has dropped a little bit. So we have seen

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770 a marginal drop in fees, a marginal increase in salaries, a significant increase in salaries over £80,000, whereas curiously enough, less than 40 of the 120 staff were paid less than £40,000 a year. So we Deputies, we backbench Deputies, we are actually in the lowest third – not quartile – of their salary ranges. I put that just as a point of observation.

775 But my real point beyond that is that, in order to square a slightly disappointing year, financially, the organisation has clearly done what other businesses are doing and using financial reserves. So effectively, there has been, if I have understood the accounts rightly, a smaller reserve now than there was 12 months ago. So my point is, excellent though the GFSC is, I think it is important for Policy & Resources and the industry as a whole, all States Members, past, present, and future, to continue to be aware that any increase in costs of the GFSC has a knock-on effect possibly on our

780 competitiveness and certainly on the ability of the financial sector to pay the bills.

Thank you.

The Deputy Bailiff: Deputy Tindall.

785 **Deputy Tindall:** Thank you, madam.

The GFSC's Chairman ends his report by saying, 'The world will need a good look at how it does business, looking at supply lines and how it shares data.' I think in the recent past of, obviously, the pandemic, what we look forward to with pleasure for some and others with absolute fear is Brexit – on 1st January, when the UK finally ends up being its own island and the ramifications for us, and

790 also how it shares data with the recent case law with regards to the US shield, and I think that really sums up some the top three concerns for business, but obviously with a view of the resilience of our finance industry.

The Director General says with regard to the GFSC:

Going forwards, taking due account of COVID-19, we will need to discuss an approach to fees which gives us and industry some stability whilst preserving our ability to retain high quality regulators on which the jurisdiction's reputation relies.

and clearly that is an important discussion. The GFSC needs to consider this in their activities.

795 Madam, I also feel I ought to declare an interest in respect to being an AML/CFT adviser, given the comments made in the report with regards to that concern.

Thank you, madam.

The Deputy Bailiff: Deputy de Lisle.

800 **Deputy de Lisle:** Thank you, madam.

I noted under the Director General's statement that he is concerned that there are a number of firms and individuals whose general conduct to law-breaking is damaging, presumably to the Island and also to business generally and the way business is viewed from the outside. It is a matter of a

805 very small proportion of firms to not have effective money-laundering controls in place, and I just feel that, given the small community in Guernsey of businesses and the stress that is put on the fact of having proper and effective anti-money laundering controls, that this is something that, particularly as he is mentioning nineteen, I think, companies with respect to this negligence. That is something that, perhaps, Deputy Trott can comment on when he answers and replies.

810 He also mentions the international activity front, and I think, paints a fairly positive picture there, because for the first time since the inspection of the IMF, which reported in 2010, there has been a new 'investigation,' if you like, with regard to the degree of compliance with the international insurance core principles, and that seemed to come out in a very positive way which provides a positive comment on the report.

815 Thirdly and quite commendably, I think, again in the report, is the fact that the GFSC are looking at its carbon emissions and discovering in 2019 that the emissions came from electricity, essentially, and also the flights that are taken by the regulators and staff. But in light of this, the positive is that an active carbon-offsetting activity to counter the emissions of the GFSC is in place or being put in

place by that particular organisation, which is something that I think is another very good example being provided by the GFSC in terms of the way forward, just as it did with pensioners and the action that it took on pensions earlier. So I am pleased to support the report of the GFSC and the initiatives being taken there.

Thank you, sir.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, madam.

For transparency, I just wish to state that my husband is an employee of the GFSC.

Thank you.

The Deputy Bailiff: Deputy Trott, reply.

Deputy Trott: Thank you, madam.

I shall confine my remarks to those matters that I have some knowledge and insight over, although one or two questions, of course, are not for me.

Deputy Gollop started by remarking as to our major industry's resilience during COVID, and I think he is right to do so; the industry has performed spectacularly well. I remind Members: it has not received a penny of taxpayers' money in terms of support, having been able to function in most cases to a very, very high standard throughout the lockdown and it is a genuine credit to the major driver of our economy. Reference was made with regards to the Chairman's salary; I think it is close or near equivalent to that of the Chief Minister, at *circa* £60,000 or thereabouts. Let us remind ourselves of the Chairman of the Commission's pedigree, which is really quite outstanding. We are told that he is a Dutch economist with over 40 years' experience in financial services and previously served as managing director of Aviva International, CGU Insurance, and Commercial Union, covering both the general insurance and life sectors, and prior to that he was a partner with the then Big Four accountancy firm Coopers & Lybrand. I am aware from conversations I have had with Dr Schrauwers that he dedicates about half of his working week to this role. The truth is, he is spectacularly good value for money.

Thank you, madam.

The Deputy Bailiff: Thank you, Deputy Trott.

I formally put the Proposition to the Members to note the annual report. Those who support the Proposition say *Pour*; those against.

Members voted Pour.

The Deputy Bailiff: The Proposition is carried.

REQUÊTE

XIX. Extension to the Bailiwick of the UK-US Extradition Treaty of 2003 and changes to the processes relating to the approval of international instruments – Propositions lost

Article XIX.

The States are asked to decide:

Whether, after consideration of the Requête dated 5th February, 2020, they are of the opinion:

1. To agree that before any request is made for the UK-US Extradition Treaty of 2003 to be extended to the Bailiwick, the States of Deliberation must approve a proposition that such a request be made, and the States of Alderney and Chief Pleas of Sark must also be consulted; and
2. To direct the Policy & Resources Committee, in consultation with other Committees of the States, to develop proposals for a modernised approach to the adoption of international treaties and conventions in Guernsey, which includes a greater degree of democratic scrutiny and engagement by the States Assembly as set out in this Requête, to replace the 1987 Resolution, and to return to the States with proposals no later than the end of 2021.

855 **The States' Greffier:** Article XIX – Extension to the Bailiwick of the UK-US Extradition Treaty of 2003 and changes to the processes relating to the approval of international instruments.

The Deputy Bailiff: Deputy Merrett, are you leading on this?

860 **Deputy Merrett:** I am, madam, yes.

The Deputy Bailiff: Thank you.

865 **Deputy Merrett:** Could I please have just the two Propositions read out, please?

The Deputy Bailiff: Yes, certainly.

Deputy Merrett: Thank you.

The States' Greffier read out the Propositions.

870 **Deputy Merrett:** Thank you very much.

Firstly, madam, I would like to thank the patience of this Assembly, because we did actually sursis motivé that at the very beginning of our reaction and response to COVID-19, so I wish to, through you, madam, to thank Members.

875 I also wish to thank the fellow requérants of this requête, namely Deputy McSwiggan, and the signatories, being Deputy Ferbrache, Deputy Green, Deputy Fallaize, Alderney Representative Snowdon, and Deputy Hansmann Rouxel, so I would like to put on public record my thanks to them as well.

The prayer of this requête does explain the intent, so my intention is to be as brief as possible, but it is something I feel very passionate about. In fact, I think it is one of the main reasons that we need to act as parliamentarians in this regard, and I will try to explain why.

880 The first Proposition seeks to put beyond any doubt that it is the will of this Assembly that they must approve a Proposition before a request is made to extend the Bailiwick to the UK-US 2003 Extradition Treaty. It is at its very best explicit intent and at its very worst, simply neutral. Now, why do I feel a need to do this, madam? After all, the Home Affairs letter of comment has said that it is not needed, the likes of Proposition 1. Well, I will again remind Home Affairs and the Policy & Resources Committee that we have evidence of previous agreements being made on our behalf, and that is on the behalf of our community, those with us now and those in the future, on behalf of our community even when there is an explicit expectation that it will return to the Assembly before it is ratified.

890 So I am referring firstly to treaties being signed – or in a case, a customs arrangement being signed – on behalf of all of us. Now on this occasion, it was, indeed, the President of Home Affairs whom on 26th November 2018 agreed a customs arrangement with the UK Financial Secretary to Treasurer, Mel Stride MP, and this agreement was signed in November, even though the July policy paper entitled 'Customs, Duties, and Associated Powers Required in Respect of Brexit' stated clearly in Proposition 2 of that policy paper, and madam, I will quote:

To direct the Committee *for* Home Affairs to enter into negotiations regarding a customs arrangement with the UK and report back to the States with recommendations in relation to entering any such arrangements (as set out in paragraph 5.5).

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So 5.5 stated:

The States will be asked to approve any new Customs arrangements, *before* they are entered into by the Bailiwick.

So in my mind, madam, this Assembly had not given explicit consent for such arrangements or treaties to be signed or ratified, as it was the intention that we should be asked to approve it *before* they were entered into. That, I believe, was relatively explicit. And luckily on this occasion, we were content with it, but what if we had not been?

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Now, this concerns me; as Members may recall, I am very concerned that treaties or customs arrangements can be signed or ratified on our behalf without any debate in this chamber, without any parliamentary scrutiny. Now, it is notwithstanding that the Committee *for* Home Affairs is deemed as the competent authority for Bailiwick customs matters. Further, I am led to believe that the Committee considers and agreed to the arrangement with Policy & Resources; they were also involved. I was not and we were not, and the majority of Members were not, and that was the agreed direction of this Assembly in July 2018. Now thankfully, it was ratified in this Assembly in December of that year in the Customs and Cross-Border Trade (General and Enabling Provisions), which alluded to introducing a civil penalty regime.

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So, if Members agree to Proposition 1 today, it is explicit and beyond any doubt that it is the will of the States that no one enters into any agreement, or indeed even makes a request, before the Assembly has the opportunity to approve it. It is absolutely explicit that the UK-US Extradition Treaty 2003 must be deliberated and determined in this chamber before any extension is sought so we have parliamentary scrutiny and public engagements before, so we are open and we are accountable.

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Proposition 2 is much easier to explain, but if Members did try to research the 1987 Agreement, they would have failed to do so, as it is pre-*Hansard*. But I am a determined Deputy and with much support I did actually locate it. Again, I will try to be very brief.

Because it is clear, if Members have read it – and I think I offered to circulate it at one juncture – but the agreement basically says that if the States Advisory & Finance Committee – now that now, madam, is the Policy & Resources Committee – if it appears that the terms of international agreement involve questions human rights, if they and only they are of the opinion, or of it is likely to be controversial – now, I think it is quite clear that something that one person might consider controversial, the next may not; I mean, living history is teaching us that perhaps what President Trump might think or consider is not controversial, the rest of the world actually might. And that is probably also true in regards to human rights.

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Now further, 'If the States Advisory & Finance Committee' – and this is quoting from there, but basically, it is Policy & Resources – 'considers it is necessary or expedient or if it agrees or not agrees with the application to the Island on agreements of the States, then it would come to the States.' And I put to you, madam, it is all subjective: does it appear? Is it in their opinion? Is it likely? Is it considered controversial? Or is it considered necessary, or purely, again in the 1987 Agreement, expedient?

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So the second part – and this is quite interesting – in my world it is, anyway – the second part of the 1987 Agreement has never, in light of this, been adhered to! We are not adhering to the second proposition. It has not been honoured. So namely, every year, an appendix will be included in a Billet setting out the title and brief description of international agreement received in the presiding year and giving details – I will try to slow down, madam – of the action taken. Now, it may be determined that, actually, we do not need that appendix to a Billet, but the 1987 Agreement gives direction that that is what should happen. So we are not abiding by it anyway.

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Now, I am pleased that in Policy & Resources' letter of comment, they agreed at that time – we have not altered government so I am assuming they are going to stand by that letter of comment,

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but I do not know – that the 1987 agreement does, indeed, need updating, and that is 33 – well, more than that, my mental maths has failed me – over 30 years. Of course, I do recognise that the original requête did state, ‘by the end of 2021,’ and obviously I appreciate that may not be achievable if this Assembly agrees it today. I will be interesting to hear from the Policy & Resources Committee if they still stand by that letter of comment and, if not by 2021, when they believe it could actually be reviewed and brought before the Assembly.

Now, I opened by saying this I am very passionate about, madam, and for the avoidance of doubt, this requête is so important because it is about agreeing and engaging on how we ratify and sign international agreements. These include human rights, fundamental freedoms. International agreements, treaties, and conventions govern our relationship between nations, for example on tax and trade, or sets down common standards, for example, human rights and climate change. So we are seeking parliamentary scrutiny, transparency, accountability, and the opportunity to engage with our community. We should not allow this parliament or our community to sleepwalk into ratifying or adopting any of the aforesaid international instruments, neither should we do this in regards to the UK-US Extradition Treaty.

I believe that this parliament should be accountable, we should scrutinise it, and we should, in relation especially to conventions which engage with human rights, fundamental freedoms, and climates concerns, that we should be debating that in this Assembly. So I do hope Members can support Proposition 1 and Proposition 2 in the requête before them today, madam.

The Deputy Bailiff: Thank you.

Deputy Trott, are you speaking on behalf of P&R?

Deputy Trott: It appears so, madam. *(Laughter)*

The Deputy Bailiff: Do you wish to say anything now?

Deputy Trott: Well, I think it probably would be helpful insofar as the Assembly – and I suspect it is already aware that the second Proposition of the requête, which is the one to review the process of the extension of international treaties and conventions to Guernsey, the Bailiwick, receives no objection from P&R, so Proposition 2 will be being supported.

However, I do have some notes which I am willing to share with the Assembly, madam, with regards to Proposition 1. P&R is responsible for considering, co-ordinating, and requesting the extension of international agreements to Guernsey and also co-ordinates for the wider Bailiwick. The mandate also includes leadership and coordination of work of the States and for external relations, including the extension of international agreements – and we would normally have asked Deputy Le Tocq to deal with this because of his day-to-day involvement with such things, but as I have already said, madam, in his absence it goes to me. Now, the Future Guernsey Plan on the theme ‘Our Place in the World,’ the outcome of that is for mature international identity, and P&R leads on this and helps other Committees manage the international relationships and meet international obligations.

So, that is the background; now some of the detail: the first proposition is on the UK-US Extradition Treaty of 2003, and P&R considers it unnecessary because the consideration of the extension to Guernsey would already be referred to the States in any event. 1987 resolutions set out which international agreements are extended to Guernsey/the Bailiwick and which are referred to the States, and this is, I think, quite important, madam: there has been no previous issue on this process, I am advised, since its inception in 1987, no previous issue. Now, the extension of the 2003 UK-US Extradition Treaty would be considered by the Committee for Home Affairs, as it has responsibility for crime prevention, law enforcement, and justice policy.

Now madam, I do acknowledge, the Policy & Resources Committee does acknowledge, that the Treaty is perceived by some to be controversial. Extradition to the US from Guernsey is already possible under the 1972 UK-US Treaty and the 1989 Extradition Act, and both apply in the Bailiwick.

995 The 1989 Act has the discretion to refuse extradition if that person could be subject to the death
penalty; in practice, extradition to the US is only where there has been an undertaking that the death
penalty will not be applied, but there is nothing in law to prevent this. Under the new extradition
law, which was approved by the States in September 2019 and which is now based on the UK 2003
Extradition Act, there is now a legal obligation, not just discretion, to refuse extradition unless Her
1000 Majesty's Procureur has received written assurance that the death penalty will not be imposed, and
Her Majesty's Procureur considers that assurance adequate, which means that protections against
the death penalty are much stronger. Given the above, the States would consider whether to extend
the 2003 Treaty to Guernsey in due course and will, of course, consult with Alderney and Sark. The
Committee *for* Home Affairs was consulted under Rule 28 and the Committee *for* Home Affairs also
said that the normal practice would be for the issue to go to the States.

1005 So I hope that is enough by way of background, Madam Speaker; no doubt Her Majesty's
Procureur will fill in any further detail should the Assembly require it. So the advice is: support the
second Proposition and reject the first Proposition as unnecessary for the reasons I have given.

Thank you.

1010 **The Deputy Bailiff:** Deputies Lowe and Leadbeater, do you wish to be relevé(e)?

Deputy Lowe: Yes, please, madam.

Deputy Leadbeater: Yes, please, madam.

1015 **The Deputy Bailiff:** I was going to call Deputy Lowe next on behalf of Home. Deputy Lowe, if
you can catch your breath, would you like to now reply?

Deputy Lowe: Thank you very much – an interesting trip back from Home.

1020 Regarding Home Affairs, they note the view of the requérants, but it is not persuaded by the
measures they propose as necessary. We are aware that this requête is a follow-on from points
made by a number of requérants during the debate on the Extradition (Bailiwick of Guernsey) Law
2019 in September 2019.

1025 First, it is important to clarify that it would be rare for the Committee *for* Home Affairs to have
any international treaties that it needed extending to the Bailiwick in a short timescale, so the option
of a full States debate would rarely, if ever, present a problem. Nonetheless, the current system
works well and there have not been any cases of which the Committee is aware where an
international treaty or agreement has been introduced without proper consideration and support
and, where appropriate, submission to this Assembly. The Committee listened to Deputy Merrett's
1030 speech when she advised the States in April 2020 that the Committee did not return to the States
with the proposed customs agreement with the UK before entering this agreement. This is true, but
the time restraints of Brexit have meant and still mean that Home Affairs, on the advice of its officers
and the law officers of the Crown, needs to make representation to the UK in the best interests of
the Bailiwick, and sometimes at very short notice. It does seem that, at a time when the States needs
1035 more than ever to be focusing on the future of the community, the economy, and much more, the
logic must surely be for the States to manage its debating workload, rather than add to it.

At this time, the Committee *for* Home Affairs is not actively considering an extension of the UK-
US Extradition Treaty to Guernsey; however, if and when it needs to do so, it would have no
objection to the matter being subject to States debate, as would have almost certainly happened
1040 in any event.

In summary, while not fundamentally opposed to requête, the Committee considers that this
requête is to be unnecessary.

Thank you, madam.

1045 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: I am going to try and move Rule 26(1).

The Deputy Bailiff: Those who wish to speak in the debate, stand in their seats.

Do you wish the vote to go ahead, Deputy Inder?

1050 Those who support the motion that the debate should be guillotined, say *Pour*; those against.

Some Members voted Pour, others voted Contre.

The Deputy Bailiff: That was rather too close to call, we will have a recorded vote.

There was a recorded vote.

Not carried – Pour 13, Contre 20, Ne vote pas 0, Absent 6

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

The Deputy Bailiff: On the motion that debate should be guillotined, Rule 26(1), there voted Pour 13, Contre 20, there were six absentees, so the debate will continue.

Deputy Fallaize.

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Deputy Fallaize: Thank you, Madam Deputy Bailiff. If we added up all the time spent voting on guillotine motions in this States, we probably would have shortened the total hours of debate substantially.

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Deputy Inder: Point of correction: that is absolutely incorrect. The first Rule 26(1) was on the previous debate; we spent four hours debating something and the result was unanimous. They are legitimate tools in this Assembly.

The Deputy Bailiff: Continue, Deputy Fallaize.

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Deputy Fallaize: They almost always lose, so time is wasted.

Anyway, I am speaking in response to a point that was made, quite a narrow point, by Deputy Trott and Deputy Lowe, because they both said that they were unaware of any issues which had previously arisen as a result of the 1987 authority delegated to the Policy & Resources Committee. But my memory, possibly, is slightly better than theirs, because I can remember – and Deputy Trott will remember this when I recall this – he will remember that, when he was Chief Minister – which

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was in my first term in the States and very early in that term – he, on behalf of the Policy Council – which as Deputy Merrett said, inherited the duty from A&F – he was about to sign something called an ‘international identity framework agreement’ with Her Majesty’s Government, and his predecessor, Deputy Mike Torode, had given the previous States an assurance that if the document was signed – which set out, codified, set down in writing, I think, for the first time, the Island’s and the UK Government’s interpretation of the constitutional relationship – that it would not be signed without the agreement of the States; Deputy Brouard will remember this because he was closely involved.

So, when Deputy Trott, with the permission of the Policy Council, announced that he was going to sign this agreement, Deputy Brouard and I wrote to Deputy Trott and said, ‘Hold on a minute, you shouldn’t do that without bringing it to the States, because an undertaking has been given that the States’ approval would be sought before that was signed.’ Deputy Trott wrote back to us to say, on behalf of the Policy Council, ‘No, no, we’re not doing that, because under the Law, the 1987 resolution, the Policy Council has inherited the responsibility, with the Advisory & Finance Committee, to sign these types of agreements and conventions on behalf of the States.’

Now, what was happening here was that the Policy Council – it was not a conventional treaty – but the Policy Council was interpreting the 1987 resolution and extending it beyond what was just technically a convention or a treaty to any agreement signed between the Bailiwick and another government. Now in the event, what happened was there was a report brought to the States; I think Deputy Brouard and I managed to basically concoct a reason to put an amendment in which directed that the agreement should not be signed until the States’ approval had been sought for signing the agreement, and the States overwhelmingly approved this amendment. And then there was a proposition to invite the States to agree if the agreement could be signed, and I think I am right in saying that Deputy Lowe – this is completely from memory – Deputy Lowe and the then Deputy Dudley-Owen, which is not the present Deputy Dudley-Owen, were the only two Members who voted against giving the Chief Minister permission to sign the agreement. That last bit may not be factually correct, but I think it probably is; the rest of it is.

So the point is, I think that this requête is worthwhile apart from the UK-US extradition thing, which, let’s face it, in a sense is making a political point, because the US has, to a large extent, ceased to be a trustworthy player in international affairs as a result of its incumbent president. And therefore, it is it is valuable for the States to have as many safety valves as possible before reaching any kind of agreement which the US may be able to use or misuse.

But I think Proposition 2 is valuable because I agree with Deputy Trott in the sense that the 1987 resolution has never been a problem where conventions and treaties are concerned, but it was used on this one occasion I am recalling and extended to an instrument which was not a convention or a treaty and which should have come before – and in the end, did come before the States – but should have come before the States before any single Member or single Committee of the States went off and reached an agreement on behalf of the Island with another government. And because we have had, in relatively recent times, this 1987 resolution interpreted in that very broad way, I think that Proposition 2 is justified, and that is why, madam, I will vote in favour of the Propositions on this requête.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, Madam Deputy Bailiff.

For the avoidance of any doubt, could I just say through you, madam, to Deputy Merrett: I agree with and I support her passion for parliamentary scrutiny and, in that regard, I am completely with her.

Deputy Trott has given us the view of Policy & Resources; in relation to Proposition 2, I completely support Proposition 2. The only issue or question that I have – and I do not know whether Deputy Merrett will be able to help me or, indeed, Her Majesty’s Procureur: because if I understood what Deputy Merrett was saying, she referred to customs arrangements between the

Government's Secretary of State in the United Kingdom and the President of Home Affairs. But, as
 1125 I understand it – what I would support is – in relation to the wording of the Proposition, it says
 'adoption of international treaties and conventions,' and I do not think – unless I misunderstood, in
 which case I apologise to Deputy Merrett – that if a competent authority, i.e. Revenue and Customs
 in the United Kingdom or the Treasury, and something that is under the competence of a matter
 1130 governed by Home Affairs, I do not think that that falls within the definition of 'international treaties
 and conventions,' and I would like that confirmed. The reason why I would be cautious about that
 is, particularly in a Brexit environment: negotiations are fast-moving, and that would preclude being
 able to sign up to a memorandum of understanding or some other sort of arrangements which
 really do have practical effect.

What I am trying to say, madam, is that I support Proposition 2 provided it is restricted to the
 1135 adoption of international treaties and conventions, because they are matters, I think, quite rightly
 should be scrutinised in this Assembly and I agree with the requête in that regard.

With regard to Proposition 1: again, I do have some difficulty with that, and perhaps, again, I will
 ask Her Majesty's Procureur if she could give me some guidance with regards to any practical
 implications that that might have; that is to say, if you have got a process where an extradition
 1140 request has come from the United States, the process of bringing that matter before this Assembly,
 whether it might delay it or might in some other ways prejudice that application. And I say that,
 madam, because I have some research and sought advice in my own right from St James' Chambers,
 and I understand that, under our new extradition law, which is based on the 2003 Extradition Act, it
 is no longer possible with regard to the question of the death penalty, as there is a legal obligation,
 1145 not just discretion, to refuse extradition unless a written assurance is received by Her Majesty's
 Procureur that the death penalty will not be imposed, and HM Procureur considers the assurance
 adequate, and I think that is dealt with by section 36. Therefore, the protections against the death
 penalty that are applicable with regards to the 2003 Treaty, will be stronger than those currently
 applicable with regards to the former's 1972 Treaty.

And perhaps one other issue that Her Majesty's Procureur may be able to help me with: would
 1150 this not actually put us in a bizarre position of having a better extradition arrangement with Russia,
 which is a signatory to the Council of Europe Convention on Extradition – which I understand does
 extend to us – than with a country like the USA? And, madam, I do have experience in law
 enforcement, and certainly on a law enforcement basis, I have always found the agencies in the
 1155 United States, the various agencies, to be very professional and also very aware of the legal
 implications in their own jurisdiction.

So, those really are my questions, but I think when we talk about extradition – and I have made
 similar comments in the Assembly before – can we please put what extradition is in context: in the
 context of crime, particularly serious crime. It is becoming increasingly global in nature, and
 1160 criminals can escape justice by fleeing across borders with increased ease. Internationally, there is
 a recognition that improved judicial co-operation between nations is needed to tackle this
 development. And, madam, this jurisdiction enjoys a positive reputation with regards to legal
 assistance, deportation, and sanctions, and this has been fully acknowledged in the report
 submitted by the International Monetary Fund in relation to money laundering and financial crime.
 1165 So I think that context needs to be introduced to this debate.

Thank you, madam.

The Deputy Bailiff: Deputy Roffey, and then I will go to Madam Procureur regarding those
 1170 questions.

Deputy Roffey: Thank you, Madam Deputy Bailiff.

I did not vote for the guillotine motion but I do think that this debate really could be short,
 because as I understand it, I am being told that Proposition 1 asks for a States debate before
 extending the Extradition Treaty, and we are being told that that is going to happen one way or the

other, so that is really not in contention. And Proposition 2, we are being asked by P&R to support it because they think it is time for a review of the 1987 resolutions.

I think I am the only Member of the States that voted on those Propositions in 1987; it was towards the end of my second term in the States, and just to give a little bit of context about why it was done. Back in the early 1980's, there were very few of these international conventions and treaties being put forward to Guernsey. Do you want this extended to you or don't you? And therefore they were always included in the Billet and there was a discussion about them. Then they started to really accelerate, and many of them seemed to have very little that was germane to life in Guernsey. Like Deputy Fallaize, I am relying on memory, and this is much further back, but I seem to recall there was one on the international transportation of coffee and there was another one on what genetic markers needed to be present in rice in order for it to be called 'basmati rice' as opposed to just 'long-grain rice,' (*Laughter*) and the Douzaine reps were scratching their heads and saying 'I don't think we've got any paddy fields in St Saviour's and I'm not sure why we're debating this.'

And so it was felt that, for the run-of-the-mill cases – maybe we trusted our Committees a bit more back then having elected them than we do today – but we said 'A&F – and if it impacts on the mandate of any other Committee, that Committee as well – should discuss these things, but anything that is likely to be controversial, please bring to us. And by the way, list everything that has been either approved or rejected in a Billet in an appendix, so then if we do not agree with your assessment on what is controversial, individual States Members can be alerted to it and take it up,' and it seem like a sensible arrangement.

I am not going to pre-empt what the review would say; all I would say is, I think we need a halfway house. I am a big believer in parliamentary scrutiny, I do not like over-centralisation, but I do think that if every single thing that is referred to us by Her Majesty's Government asking 'Would you like this extended or would you not like it extended?' comes to the floor of the Assembly, pretty soon we are all going to get pretty fed up of some of the things that are going to be listed in the Billet. But some things clearly we do need to scrutinise, and all Proposition 2 is asking is for a review; P&R support it, we should support it. Proposition 1 – we all would agree, I think, that if the Treaty of Extradition to the US is going to be extended, it needs to come here, so can't we just get on and vote?

The Deputy Bailiff: Madam Procureur, there were three questions that Deputy Prow proposed which he felt that you may be able to assist on. Is that something you can assist with now?

The Procureur: Madam, I may well be able to assist with two of those, the third question I may need further clarification on, but if I have understood Deputy Prow correctly:

In relation to his first question, seeking the practical implications, as I understood this, in relation to an individual request for extradition: if Proposition 1 is agreed, obviously that will apply to a request for an extension of the Treaty itself. Now, that is a slightly separate issue from what happens if an individual request is received for extradition, at the present time. At the present time, although the States approved last September the Extradition Law 2019, it is not currently in force because it will be brought into force by regulations which were made by the Committee for Home Affairs. Those regulations are likely to be made within the next six months, as I understand it, but they have not currently being made, so that Extradition Law is not currently in force. That means the provision is, in fact, as set out currently in the requête, in that there is provision in place for extradition: if there was an individual request, extradition could take place. The only thing that might engage is in relation to protection against the death penalty. So, if I have understood Deputy Prow's question correctly, in terms of practical implications, Proposition 1 effectively would not delay any individual extradition request because there is a regime currently in force. But Deputy Prow is right in a sense, in that if there was to be a big debate over the request formally to extend the Extradition Treaty if and when it was considered appropriate, then there could be a delay because we will need to engage three separate parliaments to agree that, but at the present time my understanding is the

Committee *for* Home Affairs does not consider at the moment it is necessary to bring forward consideration of that Treaty, and in relation to individual requests this does not affect the issue because there is already a regime in place. Hopefully, that deals with the first question.

1230 In relation to the second question, again, which was, as I understand it, linked into whether Proposition 2 could cover the arrangements such as the customs arrangements – again, I am looking to Deputy Prow to make sure I have got it correct – in that regard, madam, the customs arrangement that Deputy Prow referred to is the customs arrangement that was initiated as a result of the withdrawal agreement, which was an agreement between the EU and the UK, so Guernsey was not
1235 a party to the withdrawal agreement. Agreement to the customs arrangement was a particular agreement that did engage Guernsey, but as Deputy Prow has rightly remarked, that engaged the mandate of the Committee *for* Home Affairs in relation to customs issues. So in relation to the wording of Proposition 2, that refers to international treaties and conventions. My view is that the customs arrangement which was a part of the withdrawal agreement between the UK and the EU
1240 does not neatly fall into that wording of ‘international treaties and conventions,’ so arguably it would remain within the mandate of the Committee *for* Home Affairs; obviously, Proposition 2 does talk about consultation for proposals for a modernised approach, so there is nothing to prevent those proposals touching on other unique issues, such as Britain in Brexit, if Proposition 2 is passed. Hopefully that deals with the second question.

1245 The third question, again if I recall correctly, linked into whether arrangements with Russia under Council of Europe provisions would, in relation to extradition, actually be better if these Propositions were not passed; that is the issue on which I just seek some further clarification.

Have I understood that question correctly, Deputy Prow? I am not sure, madam, whether I have.

1250 **Deputy Prow:** Yes, you have.

The Deputy Bailiff: Thank you. Madam Procureur?

The Procureur: And in relation to that matter, madam, it may well be that the current
1255 arrangements are more flexible than the current regime which is in situ, madam.
Thank you.

The Deputy Bailiff: Deputy McSwiggan.

1260 **Deputy McSwiggan:** Thank you, madam.

Responding to a few of the less technical points in Deputy Prow’s speech: of course, Proposition 2 provides for P&R to come back to the States with its proposals, so it changes nothing in terms of the current scope, but it will be a matter for the States in the future. The other point in Deputy Prow’s speech that I picked up on and felt needed addressing in the context of this requête
1265 is when he said, ‘Don’t forget to put extradition in the context of crime, particularly of serious crime’. He is right, of course, but only a month or so ago in this States we had a debate on the justice framework and what the future of justice should look like in the Bailiwick, and we reminded ourselves that crime is not something necessarily objective: we criminalise certain actions as a community and we criminalise certain people, and we know that in communities like ours, people
1270 with certain disabilities, people with autism, people with mental health conditions tend to be swept up into the criminal justice system in a disproportionate way compared to people without those conditions, and that is not necessarily any reflection of greater criminality among that population, but it is something to do with the way our criminal justice system works. So as we are contextualising these things, we know that that has been an issue in the context of certain extradition requests as
1275 well – again, not specifically in Guernsey but certainly in the context of extradition to the US. We need to look at these things completely and ensure that the systems and processes that we have are fair and do not disproportionately put at risk people who may be vulnerable.

I just want to give Members two reasons to vote for Proposition 1; they are both fairly simple reasons. The first is that both the Policy & Resources Committee and the Committee *for* Home Affairs have said it will be done anyway. Well great. If it is going to be done anyway, then we are not preventing it from being done anyway by supporting Proposition 1. But more to the point, madam, the cat is out of the bag now. We have a Proposition in front of us saying, 'This must come back to the States.' If we do not support it at this stage, then actually, we are giving far more licence to the Policy & Resources Committee and the Committee *for* Home Affairs to choose not to come back to the States, because the matter has been put to us: do we want to see it again or do we not? And we said, 'We are not that worried about saying that we want to see it again.' We may be taking it on trust that we do, but better now the question has been raised to absolutely underline the answer: *it must come back here*.

Madam, somebody said to me – it might even have been Deputy Roffey, I apologise if I am crediting him with the wrong thing – somebody said to me, 'If the United States did not speak the same language as us, we would recognise how very different from us they as a society are in a way that we do not notice because we' – Deputy Roffey is shaking his head; well, I apologise for miscrediting him, but it was a very useful way of looking at it, and it has helpfully changed my perspective on certain things that the United States do ever since that was said to me.

In particular, I draw Members' attention to the reassurances that we have had variously from Deputy Trott and Deputy Prow and I think also from Deputy Lowe that with the extradition rules that we have right now, you do not need to worry about the death penalty, because we have to have these legal assurances that the death penalty will not be used before anyone is extradited to a country where the death penalty exists. And that smooths over the absolute horror of the thing that is the death penalty; the death penalty is not something that we have as a community, it is not something I hope that we would choose to introduce as a community, and the seriousness of choosing to extradite our citizens to a country where the death penalty is permissible, even if we get letters of assurance that it will not be used, is really very grave and something that Members should fully take to heart in considering what the right approach to extradition is. So that very seriousness, the seriousness of the death penalty and consideration of our responsibility to our citizens, absolutely underlines the need for Proposition 1. And since we are assured that this is going to happen anyway, I ask Members to underline that and to support Proposition 1.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much.

Deputy McSwiggan always both passionate for a principled and progressive outlook on life and for human rights and also gives us something broader to think about, and it is intriguing.

Ever since I was at college 40-odd years ago, I have found great interest in American history, because that was one of the subjects we were taught. Whether we were taught it because it was easier than European history, and that was for the more advanced boys, I do not know, but nevertheless it gives you insight into a similar English-speaking community. The great Sir Winston Churchill talked about the 'history of the English-speaking peoples,' and there is a connection, of course, with the Pilgrim Fathers and so on who went across to America. But it is, in many ways, a different country, and I am sure the history of theatre and cinema and literature in Britain would be very different if it was not for the fact that many British people successfully export themselves to the United States, and so we get a lot of American TV in a way you do not in Germany and France and other countries. That said, of course – and I have said this to you before, Madam President, as a judge – their system of law has affinities with English law to a degree as well, and they have retained in at least – I don't know – 29 states the death penalty, which Britain and Guernsey abolished more or less in the 1960s, although I think it did exist for treachery and one or two other offences until recently.

But getting to the point: I am impressed, actually, that Policy & Resources are supportive of much of this requête, including the powerful second Proposition, because there have been, perhaps,

1330 areas in the last few weeks where P&R have been talking from a different basis in a minority against
the chamber, but here they are supportive of the Prayer of the Requête, and it is a very diverse mix
of signatories as well; there is not an obvious common thread, except people who care about human
rights and good law, I think. But nevertheless, Policy & Resources are supportive, which in a way, is
1335 a feather in the cap of the external relations team, which undoubtedly is one of the most able and
functional parts of our States establishment, and indeed. I do not think there is a Member in the
State, possibly not even Deputy Gavin St Pier, who has the experience of foreign affairs that Deputy
Trott has enjoyed, because Deputy Trott has been working on these issues for at least a dozen years,
perhaps more – actually, more like 16 or 17 – and has built up a significant range of contacts which
I am sure has already borne fruit in his recent success for the Commonwealth Parliamentary
1340 Association.

Deputy Prow, in a different way, has being equally able, because he has brought a lifetime of
professional research into the debate, so I support their position. Where I probably different from
the Home Department is that I agree with Deputy McSwiggan that, whereas we can all presumably
support Proposition 2, which is going in the direction that Policy & Resources and Deputy St Pier
1345 has outlined is the direction we should be going in, greater international independence, greater
control over our own voice, on Proposition 1, the argument we are getting from P&R appears to
be, ‘Don’t bother about that, because it is all sorted anyway’ – there are provisions in place with Her
Majesty’s Procureur and maybe Her Majesty’s Comptroller – ‘and we will bring it to the Chamber in
any event,’ but that is precisely why this outgoing Assembly and hopefully the one coming in needs
1350 to keep Policy & Resources’ feet not necessarily to the fire, but at least to the stake. Because we all
want to become more involved in international events; I have often wished I could have had a
greater interest in the area, because I think it is one of the most important parts of what the States
does. And this is detailed material, and we do need to consider it, not necessarily just about the
United States, even though that is the relevant treaty, but about other countries, because there are
1355 countries – Turkey, Russia, maybe one or two in Eastern Europe that are not members of the
European Union – that still have a death penalty too.

And I want to point out that some Members, of course, have taken advantage of the curious
situation in America in recent years to be disappointed by Deputy Trump’s utterances, but actually,
if Deputy Trump says horrible things and tweets horrible things – *President Trump (Laughter)* – but
1360 he actually is one of the more anodyne presidents, in some respect; I could quote, but it would bore
people, of presidents since the Second World War who have done numerous controversial things
around the world and have been more involved in military and covert action than the current
incumbent. And I think it is important to stress that, apart from a brief period in the 1960’s and
1970s’, the death penalty has been a fact of American criminal justice and life for a century or more,
1365 and it has gone on regardless of presidents, whether Democratic or Republican, and indeed some
Democratic presidents have also condemned people. So I think the issue is not about the current
incumbent to the White House or the upcoming election; it is about the United States in general.

And one shout-out I will give is particular support to the point Deputy McSwiggan made, and I
think Deputy Merrett has made and Deputy Hansmann Rouxel will make when she speaks: that it is
1370 not just about your classic horrible serial killer who gets the death penalty – although there is a
racial element in that as well, you look at the numbers who have been on death row: there have
been young people with autism-related issues who, rightly or wrongly, have overused – well,
wrongly – but they used their cyber-hacking abilities, which should be translated into effective work
for government, society, or business – and they, perhaps in their own world, communicated
1375 inappropriately with security services and military technology and so on, and they have been subject
to extradition, potentially, and lifetime sentences, even the death penalty potentially, and we do not
want to see young people, male or female, from a Guernsey background exposed to that sort of
ordeal: they may deserve to be punished, but in a more appropriate way in response to Guernsey
legislation and traditions and the kind of judicial quality that we have in courts in our Island.

1380 So that is the reason why I will support both Propositions today.

The Deputy Bailiff: Deputy Lowe, do you wish to reply on behalf of Home?

1385 **Deputy Lowe:** Thank you, Madam President. First of all, before I do so, I meant to apologise for being late this morning; it was rather difficult, they cancelled the boat, I could not get back, so I apologise for being late.

1390 But I do not think I have got anything to add. I am very grateful to Her Majesty's Procureur for clarifying for Deputy St Pier – no, Deputy Prow, apologies – she answered the questions which were raised by Deputy Prow very clearly. As I said, there seems to be a great play in here this morning about saying, 'We are hearing what you are saying, Home Affairs, that you are bringing it, but we do not trust you, so we are going to make a States resolution.' If that makes you feel better, fine; I have not got a problem with that. We have given you assurances, clear assurances, in previous States meetings and today, it may be falling on deaf ears, but I cannot do any more than that, and I ask Members, if they wish to support the Prayer, please do so.

1395 **The Deputy Bailiff:** Deputy Trott, are you going to reply on behalf of P&R? Or are you going to carry on using your telephone?

1400 **Deputy Trott:** I am very sorry. (*Laughter*) Family life, madam, family life.

1400 So the States is very clear that the Policy & Resources Committee is content and, indeed, recommends that Proposition 2 be supported, but does not believe Proposition 1 should, and in fact, when Deputy McSwiggan was talking, she may not have heard the comment I made in my opening remarks, which I shall repeat now: 'Under new extradition law, which was approved by the States in September of last year, which is based on the UK 2003 Extradition Law, there is now a legal obligation – not just discretion, a legal obligation – to refuse extradition unless Her Majesty's Procureur has received written assurance that the death penalty will not be imposed, and her Majesty's Procureur considers this assurance adequate.' So there are clearly protections against the death penalty; they are stronger now than they have ever been before.

1410 There are only two matters that I think I need to respond to: the first was remarks made early in the debate from Deputy Fallaize, who talked about the International Identity Agreement. I still consider that to be one of the finest achievements of the term 2008-2012, because that International Identity Agreement enabled this jurisdiction, for the first time, to have a document that explained our constitutional relationship with the UK, and it has been hugely valuable throughout the last decade, and I know he would be the first to recognise that. In fact, I have a copy hanging on my office wall adjacent to the latest exceptional piece of colouring from my youngest daughter, for those that have seen me on Teams calls. (*Laughter*) Or Bernard Flouquet, as I once quipped years ago – Deputy Flouquet, as he was then.

1420 This will be the one of the final comments from anyone during this States' term, and it is, I think, somewhat opportune: that the International Identity Agreement was the result of months of very hard work from an outstanding lawyer, Madam Deputy Bailiff, who was at the time the External Relations Policy and Legal Adviser to the Policy Council; he was affectionately known as 'ERPLA'. Now, this chap did rather well for himself, because he went on to become Guernsey's First Citizen, and on the occasions when you are not sat in that chair, Richard McMahon is, and the advice that we received from him was outstanding then, as it has been, in my view, since.

1425 So I hope Members are very clear on what the advice from the Policy & Resources Committee is, and with that madam, thank you.

The Deputy Bailiff: Thank you, Deputy Trott. Deputy Merrett.

1430 **Deputy Merrett:** Thank you, madam.

I will try to be concise. Although the one thing I can agree with Deputy Trott is, indeed, this requête was months of hard work, and whereas I showed my thanks earlier, madam, to Members

of this Assembly, I have also to extend my thanks to members of the External Affairs team, who gave me guidance and helped me to bring this requête to fruition.

1435 I think there are only two things, really, that I need to just quickly refer to after some of the excellent speeches today. Now, one is this whole thing about 'written assurance,' 'if you have written assurance, that will be fine.' Now, there is a UK case, it is *Soering v UK* (1989), where there was a letter of assurance. It was concluded that the original written assurance was actually completely worthless, and I will just tell Members why that was determined by the European Court of Human
1440 Rights, not just by my judgements: it was related to Article 2 of the Human Rights, which is the right to life, and that that enshrines that everybody's right to life should be protected by law and no one should be deprived of life intentionally, and that is all really good until you get to the last part of Article 2, and it says, and I quote, 'save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.' So that falls away because that is
1445 part of Article 2. Article 3, however, is engaged with the prohibition of torture, a right against 'inhuman or degrading treatment.' Now, the reason I cited those Articles is that it is important Members really do understand the difference and the significance.

Now, this landmark judgment, as I quoted, in the UK, 1989 determined that the US could not seek the death penalty. Now, the case was argued under the death row phenomenon, that being
1450 sentenced to death would have an oppressive and unjust effect on the mental and physical state of the accused, and therefore is inhumane and degrading. Now, the European Court of Human Rights in that case declined to find the death penalty violated Article 2, because there is that clause, as well, that they actually can have the death penalty. But what they concluded is that the case was really significant, madam, because the original written assurance given to the Home Secretary at
1455 the time was actually, and I quote, 'was deemed completely worthless.' The Virginia authorities who sought the extradition later communicated to the UK Government that they would *not* offer further assurances, as they did actually intend to seek the death penalty. So all that assurance was, indeed, worthless.

Now, after the European Court of Human Rights ruling, and although extradition itself would not
1460 constitute 'inhuman or degrading treatment,' such factors as the execution method and the detainee's personal circumstances and that the sentence was disproportional to the gravity of the crime led the European Court of Human Rights to conclude that the detention would actually violate Article 3, and it is therefore named the 'death row phenomenon,' and that did reach it. And it was only after that ruling – *that* ruling, madam – that the UK government was able to negotiate further
1465 for written assurances from the US, and I cannot imagine the expense of doing that. And I agree – and obviously I have read what Deputy Trott alluded to earlier – and I absolutely understand that it is declared by Her Majesty's Procureur, but clearly – I mean, that case law could be potentially used, but I certainly would not want to see a case going as far as the European Court of Human Rights.

Now the other thing I wanted to respond to was Deputy Prow; he made some very good points
1470 about extradition, and I said this back – I have not got the date on it, but I did say this; I have kept this rather large file of referencing and research for this requête – and I did say, madam, I repeat, to reassure, I hope, Deputy Prow, that 'I do believe it is firmly in our interests to have effective, fair, and balanced extradition arrangements, *but* they must balance the liberty of our community with a need for justice to be served; they must be proportionate, with checks and balances, there must be
1475 accountability decisions that are made.' Now, I agree with what I think Deputy Prow was alluding to – I am quite happy to give way if it is not the case – that criminals must not be allowed to evade justice by fleeing the country or territory, nor should it be a safe haven for those who have committed crimes in their territories, and I hope that that assures Deputy Prow, because I think we tend to agree.

1480 Now of course, Deputy McSwiggan, as always, makes an outstanding speech, and I agree with every single word Deputy McSwiggan said, and she will be much missed from this Assembly, madam, and much missed from the community, very much missed.

But what Proposition 1 does is it makes it explicit – at worst, it is nothing but neutral – if – and I love the confidence from the President of Home Affairs; it is not for one moment, for one moment,

1485 stating or alluding to the fact that we do not trust any of the current members of the Committee
for Home Affairs or Policy & Resources, but who will they be in the future? I have not got a crystal
ball, I cannot tell. So it is not about that, and I wish to reassure the relevant President of that fact: it
is not about that. But if it is the intent under the 1987 resolution – which is not on *Hansard*, because
it is pre-*Hansard*, but if anyone wants a copy, I have got it – if we are going to do it anyway, why
1490 not actually walk the talk? Why not actually put your money where your mouth is and say, 'We are
going to do this anyway, so therefore I have no reason to not agree with Proposition 1'? Why not?
And I am sorry not to be as diplomatic as Deputy McSwiggan, madam, but I feel very passionate
about this, and I think eventually, as Members of this Assembly, we need to walk the talk, we need
to agree with Proposition 1, and I ask for a recorded vote on Proposition 1 and Proposition 2, please,
1495 madam.

Thank you.

The Deputy Bailiff: Thank you, Deputy Merrett.

1500 States Greffier, in relation to a recorded vote for Proposition 1, I would be grateful if you would
read the roll.

There was a recorded vote.

Carried – Pour 29, Contre 6, Ne vote pas 0, Absent 4

POUR

Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld

CONTRE

Deputy Inder
Deputy Brouard
Deputy Prow
Deputy Trott
Deputy St Pier
Deputy Stephens

NE VOTE PAS

None

ABSENT

Deputy Oliver
Deputy Le Tocq
Alderney Rep. Roberts
Alderney Rep. Snowdon

The Deputy Bailiff: For Proposition 1, there voted Pour 29, Contre 6, and there were 4
absentees; I declare the Proposition passed.

States Greffier, if you could deal with the second Proposition, please.

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 0, Absent 4

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

1505 **The Deputy Bailiff:** There voted for Proposition 2: Pour 35, and there were four absentees; I declare the Proposition passed.

Billet d'État XVIII

COMMITTEE FOR ECONOMIC DEVELOPMENT

I. Proposed Amendment to the Copyright (Bailiwick of Guernsey) Ordinance, 2005 – Propositions carried as amended

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter, entitled "Proposed Amendment to the Copyright (Bailiwick of Guernsey) Ordinance, 2005", dated 30th July 2020, of the Committee for Economic Development, they are of the opinion to:

1. Amend section 56 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005, to
 - i. extend the exception to apply to all types of media (including audio-visual works and sound recordings),
 - ii. extend application of the exception to curators of museums and galleries, and
 - iii. enable multiple copies to be made.
2. Direct the preparation of such legislation as may be necessary to give effect to the above decision.

The States' Greffier: Billet d'État XVIII – Article I – Committee for Economic Development – Proposed Amendment to the Copyright (Bailiwick of Guernsey) Ordinance, 2005.

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, madam.

Intellectual property in literary and artistic work, such as novels, music recordings, film recordings, and painting, is protected in the Bailiwick pursuant to the Copyright (Bailiwick of Guernsey) Ordinance 2005. In general, copyright material cannot be copied without the permission of the copyright holder. Some exceptions to the general prohibition exist, including for certain uses by libraries and archives. Where an exception exists, users are not required to obtain prior permission for use from the copyright holder.

The proposed amendment updates Guernsey's legislation to enable the use of modern technology in the preservation of works without infringing copyright protection. The proposed amendment is consistent with copyright protection in other jurisdictions, including the UK, and is in conformity with the international intellectual property conventions. The proposed amendment will update the Island's intellectual property regime, will support local business, and will strengthen the Island's economy and reputation.

So I commend this policy letter to the Assembly.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, madam.

I did mention this to the Bailiff when he was sitting in your chair, the fact that the Propositions attached to this policy letter were not actually in the Billet, but they are on the website, and obviously that is something that happens in the two policy letters and has not since been rectified as far as I am aware.

I just raise that focus. I also would like to raise a point as a declaration of interest, in the sense that I am on the Intellectual Property Commercial Group, which was set up quite a while ago; it has not had many meetings, basically because of the issues with Brexit, but this is certainly just a small amendment that is clearly of importance in the light of the policy letter.

And I have no further comment other than to say I will support the Propositions.

Thank you.

The Deputy Bailiff: Thank you, Deputy Tindall.
Deputy Gollop.

Deputy Gollop: Madam, I have not really got a declaration of interest, but as a little piece of anecdote: I was on the Legislation Committee with Deputy Brouard – I remember, back in the day, and Deputy St Pier, possibly, as well – when we considered the ground-breaking, as it was then, intellectual property legislation, and I remember Her Majesty's Procureur from St James' Chambers contributed so much effort and work to this endeavour, and it has been a useful and important part of our offering as a community.

Nevertheless, it appears that – I will support, of course, this amendment – there is a kind of loophole, in a way, in that it clearly covers – the exemptions included 'literary, dramatic or musical

work, any illustration,’ but not ‘artistic works, sound recordings, films or broadcast.’ Now, we are entering a more 3D world of holograms and all sorts of curious things – you know, instead of having aging rockers on stage, there will be young holograms and all that sort of thing. We clearly have to continue to update to note what we want and to be clear that we are keeping ahead of the game, but also in light of other jurisdictions. And so I think it is important that we do move forward with this – I mean some of us on Facebook probably fly close to the wind with our copyright infringement.

But what I am interested in here, though, is that the specific extension applies to media defined as ‘audio-visual works and sound recordings’ and extends ‘application of the exception to curators of museums and galleries.’ Now, it does not appear to include libraries within that, but I suppose you could, by inference, include that. But what is the definition of a museum or gallery? Because there are some galleries that are, in reality, commercial endeavours, and museums the same, and one could envisage that you might get a situation where a gallery is in itself a producer of material, and that could lead to potential litigation.

But as far as it goes, I think this will be a useful endeavour and will ensure that rare footage – as I think is the driver for this – of Channel Islanders and Channel Islands history will be conserved, and I do not know whether it be VHS or Beta, but hopefully on modern forms of video as well.

The Deputy Bailiff: Thank you.

Deputy Parkinson, do you wish to reply?

Deputy Parkinson: Well, there are just a couple of points.

Deputy Tindall correctly points out that the Propositions were not printed in the paper copy of the Billet; I can confirm they were sent to the Bailiff’s Office by Economic Development. Somehow, they seem to have got lost between the Greffier and the Bailiff’s Office or the other way round, so there has been a glitch in the system, but it did not occur at Economic Development.

On Deputy Gollop’s point: I am sorry, I do not know the definition of a gallery for the purposes of this legislation; I assume it means a public gallery, but if he wants further detail, we can jointly make inquiries of Her Majesty’s Procureur or Comptroller.

Thank you.

The Deputy Bailiff: Deputy Queripel.

Deputy Lester Queripel: Madam, can I just ask the Greffier, please, to read out the Propositions so that we know what we are actually voting for.

The Deputy Bailiff: Yes, certainly. States’ Greffier, if you wouldn’t mind reading them out before we go to the vote.

The States Greffier read out the Propositions.

The Deputy Bailiff: Those who support the Propositions that the States’ Greffier has just read out, say *Pour*; those against.

Members voted Pour.

The Deputy Bailiff: I declare the Propositions carried unanimously.

STATES' ASSEMBLY AND CONSTITUTION COMMITTEE

**III. Dates of States' Meetings and minor amendments to
The Rules of Procedure of the States of Deliberation and their Committees –
Debate commenced**

Article III.

The States are asked to decide:

Whether, after consideration of the policy letter entitled "Dates of States' Meetings and minor amendments to The Rules of Procedure of the States of Deliberation and their Committees" dated 5th August 2020, they are of the opinion:

1. To agree:

a. To rescind Resolutions 1 and 2 of Article II of Billet d'État No. XII of 2020, entitled 'Dates of States' Meetings - 1st September 2020 to 31st August 2021' (P. 2020/93).

b. That the dates on which States' Meetings shall be convened in the period from the 1st September, 2020 to the 31st August, 2024 shall be as set out in the table in section 2.15 of the policy letter.

c. That statements under the provisions of Rules 10(4) and (5) shall be made by the Presidents and, in the case of the States of Alderney, the nominated Alderney Representative according to the rota set out in the table in section 2.15 of the policy letter.

d. To delete Schedule 1 to the Rules of Procedure of the States of Deliberation and their Committees and replace with Schedule 1 as set out in Appendix 1 to the policy letter.

e. To direct the States' Assembly & Constitution Committee to report to the States with a policy letter by July 2021 proposing the dates on which States' Meetings shall be convened in the period from the 1st September, 2024 to 31st August 2025, further to consultation with the Committee for Education, Sport & Culture.

2. To agree that the Rules of Procedure of the States of Deliberation and their Committees should be amended with immediate effect as follows:

a. To substitute Rule 26.(8) as set out in paragraph 3.3. of this policy letter.

b. To amend Rules 29.(3) and 29.(7) and Schedule 2 to the Rules and the Explanatory notes as set out in paragraph 3.5 of this policy letter.

c. To amend the definition of "the Greffier" as set out in paragraph 3.7 of this policy letter.

d. To amend Rule 37.(2) as set out in paragraph 3.9 of this policy letter.

e. To amend Rules 40.(5) and (6) as set out in paragraph 3.11 of this policy letter.#

f. To amend Rules 3.(6) and (19), Rule 54.(2) and Rule 60. and Appendix A to the Rules as set out in paragraph 3.12 of this policy letter.

3. To agree that Rules 40.(8) to (10) are deleted and replaced with the following:

"(8) If a member of a Committee of the States, who has obtained the prior permission of the person who will preside at the meeting, is in communication with the other members by telephonic communication, live television link or any other means of telecommunication, so that each member can hear or read what is said or communicated by each of the others, each member in such communication is deemed (subject to paragraph (10) below) to be present and participating at the meeting of the Committee for all purposes, including the quorum and voting.

(9) It shall be at the absolute discretion of the person who will preside at the meeting to decide whether or not to agree to the request and in so deciding the person presiding may take into account any factors whatsoever which are considered relevant.

(10) In the event that the telephonic communication, live television link or any other means of telecommunication fails or is corrupted or confidentiality is compromised, the person presiding at the meeting shall have discretion at any point during the meeting to determine that a member who is in a remote location is no longer to be regarded as in attendance.

(11) Paragraphs (8) to (10) of this Rule apply to meetings of sub-committees of Committees of the States established under Rule 54.(3)."

The States' Greffier: Article III – States' Assembly and Constitution Committee – Dates of States' Meetings and minor amendments to The Rules of Procedure of the States of Deliberation and their Committees.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, madam.

Before I proceed, this will be my last speech as the outgoing President of the States' Assembly and Constitution Committee, and I think it is reasonable to thank particularly – and I always like starting with the soldiers, and certainly those on the election team, which has been a joint effort between ourselves and the Committee for Home Affairs, and it's the Leah's, the Claire's, and the Jake's that we have spoken to, and the Emma's who have been out there doing outreach and ensuring that the electoral roll figures of 2020 will have exceeded 2016, so I thank them very much for their work. And also, obviously, the staff at SACC, particularly Miss Foster and Emma Atkinson who have been absolute rocks – I hate the word, but it is the truth – and clearly the members of my Committee: Deputy Le Tocq; my Vice-President, Jennifer Merrett; and, obviously, Miss Congeniality, Deputy McSwiggan, *(Laughter)* and I wish her well in her future as she retires out of politics, and like everyone in this Assembly, I am quite sure we agree she has been, honestly, on a lot of occasions, almost quite a genius. I like working with that kind of talent, I really do. And of course, I have got Deputy Ferbrache pulling my jacket at the back, *(Laughter)* Deputy Ferbrache, I haven't forgotten you. Thank you everyone for the support I have had over the last few years.

Anyway, moving on to the actual policy letter: this is actually our ninth policy letter that the Committee has submitted to the States just this year, the ninth policy letter, and the third on the dates of States' meetings. The proposals are fairly straightforward – well I think they are, who knows; I would pull a 26(1) on myself if I could *(Laughter)* – to agree the States' meeting dates from September 2020 to August 2024; to update the Rules of Procedure in preparation for the new term; and to enable the attendance at Committee meetings remotely, rather than just in emergency situations. There have been no amendments submitted to the policy letter, and I would ask Members to move straight to the vote if I am lucky.

Thank you.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you.

No, I have not got an amendment because I simply intend to vote against Proposition 3, which I think is ill-guided and will lead eventually to an undesirable position. I have absolutely no problem with Teams meetings or Zoom meetings in times when there is no alternative, I have absolutely no problem in normal circumstances with people 'Teaming in', if that is the right word, to meetings to make a contribution. But I do worry about once we allow people who are voting members as part of a quorum in this way, where it will lead. And I said that from experience, because I was, for many years, the chair of a commercial organisation that did exactly this. We felt it was really useful; sometimes, people were away on important business and we did not want to disenfranchise them, they would be representing the organisation somewhere else. That is where it started. Before too long, people were in their second homes in the Lake District saying, 'Well, the rules let me do this,' so we actually changed laws back again to actually stop that happening.

Now, I know it says in the detail it is only with the permission of the Chair, but I think that that is going to put Presidents in very difficult circumstances if the only way they can get a quorum to get the business of their Committee done is by allowing people who are maybe on a Greek island somewhere because that is where they could get a cheap flight to actually spend Thursday afternoon taking part in whatever Committee. And once we have formalised this and allowed this to happen, I am sure that is where it is going to go. I am quite sure that my plea to this Assembly will fall on deaf ears and I will be seen as a grumpy, old dinosaur that has no idea about the modern

1650 world, but my experience elsewhere has shown that that is where we are likely to end, and I am completely against it and will vote against Proposition 3.

The Deputy Bailiff: Deputy Lowe.

1655 **Deputy Lowe:** Thank you.

Yet again, I follow Deputy Roffey, and he has come out with virtually the same speech as I was going to say. You saw me standing here, you got out there quickly, you knew exactly what I was going to say, (*Laughter*) and I encourage Members to definitely vote against Proposition 3.

1660 When it came in 2014, there were still 17 Members in this States when it was last came, and eleven of those threw it out very clearly and said, 'No thank you.' The six who wanted it, who are in this States still, some of them had the worst attendance record at that time and still do. And so, if this goes ahead, I really do have concerns, because we are still having – and when I was reading this one, and this is not SACC's fault – but we still have, wrongly, Teams meetings, and I have asked, and we now have, the CRAG meetings we have now in person, but they were not in person, and I said, 1665 'Look, this is not good enough; if we are looking at Revive and Thrive, we have got all these documents, we should have a proper discussion around the table, not wait for somebody to put their hand up on Teams, the moment has gone, the three other speakers have gone, and that is not, for me, how we should be doing it.

1670 Of course, absolutely perfect in an emergency; I understand that when we had the difficulty where we could not meet. Fine, ticks all the boxes. But for me, this is the back door of having a go at being able to get this through when we do not have that problem anymore. We still have Teams for CCA, we still have Teams for Brexit, we still have Teams for – another we have that I sit on – and I object every time, because I think we should be around the table.

1675 Now, some of it will be, 'We want the staff to be more efficient and they are working from home or they are working in the office or whatever.' I am sorry: if you want this to happen, through you, madam, to have proper discussions as a proper Committee, we should be there during this moment in time, around the table and not through a Teams system.

1680 So I hope the 11 who voted to throw it out last time will be doing the same again, and if anybody cannot remember the names, I am more than happy to send it around or read them out. But equally, I just think this is not appropriate at this moment in time, and it is nothing about being more efficient or being more modern. This is really a case of making sure that Committees are held appropriately and you are able to have a discussion around the table without some electronic form where you have got to put a hand up. And sometimes there are 26, you might have four or five political Members and all the rest are senior staff; you do not need the senior staff there all the time, they 1685 just should be bringing those as and when they are necessary.

So I support exactly what Deputy Roffey has said: please reject, Members, Proposition 3 in this report.

1690 **The Deputy Bailiff:** We are going to stop now for lunch, because it is 12.29, and I will see you all again at half past two.

*The Assembly adjourned at 12.29 p.m.,
and resumed its sitting at 2.30 p.m.*

**Dates of States' Meetings and minor amendments to
The Rules of Procedure of the States of Deliberation and their Committees –
Debate continued –
Propositions carried**

The Deputy Bailiff: Deputy Smithies, you are raring to go, we will start with you.

Deputy Smithies: Well, I was in two minds whether to speak or not because my hackles have gone down a bit from lunchtime. But, the two speeches we heard just before lunch on Proposition 3: I quite like the video meetings. They did work, and I think there was one objection which Deputy Roffey pointed out to me before that, with a large number of people, perhaps video meetings do not work terribly well. But, I think with a small Committee meeting, they actually work very well indeed. I can see the objection that someone might decide to phone in for a trivial reason, but surely the answer to that is that the President of the Committee is the one who decides whether the excuse is valid or not. I do not think that the Presidents of Committees are known to be wimps, in fact, I cannot see a wimp among them. If there is an invalid reason to use the video conferencing, I am sure they would say so. But I think other times there are valid reasons why someone cannot attend a meeting, and I think it is a very good idea that we have got the technology, it works, why not use it?

The Deputy Bailiff: Just before I proceed any further, welcome to the Alderney Representatives, I hope the trip over was not too rough! Would you like to be relevés?

Alderney Representative Roberts: Yes, please, madam.

The Deputy Bailiff: That is Alderney Representative Roberts and Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you.

The Deputy Bailiff: Thank you both.
Deputy Tindall.

Deputy Tindall: Thank you, madam.

I too wish to mention Proposition 3 for slightly different reasons. One: I would start with saying that, obviously, from my perspective, this is third time lucky, because of course it was in October 2018 that myself and Deputy McSwiggan laid the amendment along the same lines as is now being proposed. Whilst that too was rejected by the Assembly, it is interesting to note the wording in this policy letter is very similar to what we suggested then, which was actually looking at it from the perfect point of view of what was proposed in 2014 and updating it a little bit.

But the reason that, obviously, I am particularly concerned about what was said before lunch was not just because it works, because it was proven to work with quite a few Members attending, and it proved to be very successful in the case of the Committee *for* Health & Social Care, because of course, we had many, many meetings to discuss what to do with COVID-19 on Island, to decide on what the law was to go through, Dr Brink's exit framework, to do all of the actions during the lockdown up until Phase 5. And we had many people attending up: obviously the five Committee members, with our president; obviously, Deputy Heidi Soulsby; we had the law officers; and we have the communications team, who I might add were excellent in the way they listened and then tapped into all of what we said and what we decided; we had officers; and we had observers, such as Deputy St Pier; and of course, Dr Brink. So it has been well and truly proven to be able to work and work well.

On the other hand, also, I have had the benefit of being over in Alderney during a Health & Social Care meeting prior to COVID, where I was joined by the Alderney States' Members who were their Health & Social Care representatives, and we were at Le Mignot Hospital. We attended the whole meeting, because it had an Alderney twist, and I had done all my homework and read all the papers, and yet I could not vote on anything.

So for me, there are times when this can happen, it is sensible to have this in the Rules, because clearly, with the change between Governments and the election, we do not know what October and the change in weather – although, look at the weather now – could bring, and I think that it is really important to be able to have that going forward for a variety of reasons. It does not have to be used, *per se*; it is there for a reason when it is needed and it is there for the president to balance off – and I am sure a good President will listen to their Committee, listen to their views as to when it is practical when it is not, and also to stop when it becomes obvious that it is actually not being practical during a meeting as well. Again, perhaps the nuances of what is going on in the room may be lost on someone on the TV in another place, but of course it could also be lost on the speaker at the time.

I give way to Deputy Lowe.

Deputy Lowe: Thank you, Deputy Tindall, that is kind of you.

Would Deputy Tindall agree with me, especially as a member of Health, that the confidential issues are pretty important and should be important for Health as well, and with having remote on Teams, you have no idea who else is in the room? It is the same with any other Committee where these meetings have taken place, whether that is Brexit, CRAG, or CCA, and that is really inappropriate with having other people in the room or family members around or you are told, 'Hang on a minute, I just need to see to the family.' Really, you would not be able to do that if you were in the States, and people have to make that choice, whether they want to attend Committee meetings and be a States Member or, on very rare occasions when it is important when we have something like COVID that is fully understandable, but not, as said, the norm.

Deputy Tindall: I thank Deputy Lowe for that intervention; it actually reminds me of a very similar intervention I believe Deputy Lowe made when I was giving my opening speech for the amendment in 2018, and if I remember correctly, the response was, that is up to the individual and it is their responsibility to protect the confidentiality of the information that is not only in front of them in their papers, which most people take home, but also that conversation on Teams, which is what we use; but also for the President and for other Members to indicate that they are not satisfied. And on occasion, when I have held a Teams meeting as a President, I have, in fact, pointed that out.

So I think it is important that we all take responsibility and we all do our bit and know the rules and know what confidentiality is and when it should be applied. I think it is important that the inducted new Deputies, and of course, Alderney Representatives, understand that, but it is not for everyday use; it is something that is useful, is practical, and has been shown to work extremely well. Hopefully, we will not go through that again, where the needs must, but at least we have that option when we can do so when one Member may be in a certain situation where it is appropriate.

Thank you, madam.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, madam.

At times of crisis, this is not a problem, is it? Because emergency regulations can be made, as they were, which allow Committees to meet, so we are talking, really, about – and SACC is quite open about this – what happens in normal times.

The main reason I am speaking is because whenever this is debated, and it has now been debated many times, there is quite often, not necessarily a misunderstanding but a misrepresentation in debates, that the issue at stake is whether Members are allowed to attend and

contribute at meetings remotely. And that is not the issue; the issue is whether they are permitted to count towards the quorum and vote.

So, I think there are circumstances where it is appropriate for Members who are off-Island on States business or off-Island for unforeseen reasons and perhaps who want to make a contribution on an item where they have a particular interest, they can participate by telephone or video link and their contribution can be taken into account in that discussion. I do not think that there is anything wrong with that and I am happy for that to be at the discretion of the President.

In relation to officers – somebody spoke about officers and implied that if the Proposition is not accepted, then the business of remote working for officers could be compromised – well, it does not need to be because the Rules currently permit officers to attend meetings remotely if the President or Chair of the meeting is happy to accept that, because the officers are not voting. So there is absolutely nothing at all in these proposals, one way or the other, which relates to officers.

I have always been sceptical about allowing remote voting for the reason that I think behaviour sometimes follows rules, and I think if these rules are changed, remote voting will not just be allowed, it will be encouraged, and then remote attendance will be encouraged. I am not saying that just having a person contribute remotely to a particular item leads to this, but I think if you potentially have more than one person trying to contribute remotely, if you are trying to chair a meeting with some people remotely and some people physically present, I do not think that lends itself to good decision-making or good quality of discussion. It is technically possible; it is a bit like the old argument, dead for now, about Island-wide voting: some people say it is not workable, and that has been interpreted over the years to mean 'It cannot be done, it is not technically possible,' whereas the issue is, is it desirable? And of course, it can be done, it is technically possible, and Deputy Inder's Committee and the end working on it will do it and it will work, I am sure, proficiently, and their preparation has been very good, but that is a different issue to whether it is desirable.

So I think, of course, it is technically possible to have some people attending remotely and some people physically, the technology exists. But I just do not think that that lends itself to good quality discussion and good quality decision-making. Our Committee has tried this in the immediate post-lockdown period, and we do sometimes have meetings on Teams and sometimes have meetings where we are all physically present, but trying to mix and match is quite difficult. I am sure there are people who will give us examples of where they have done it in business, but that does not mean that it aids good quality discussion or good quality decision-making. I think changing the rules will not just allow remote attendance or remote voting; I think it will encourage it, and overall, I think that is a bad thing for government.

One final thing before I sit down: I also think that the culture of 'presenteeism' will probably be encouraged. So let's say it is August and somebody is having a week off somewhere else in the world and their Committee has to meet; I think there will then be an expectation that that person is going to get themselves somewhere where they can dial in while they are having their period of leave. Now, some people would say that is a good thing because then they can stay in touch with their work 24 hours a day, seven days a week; I am not sure that is necessarily a good thing.

So for these reasons, I will vote against Proposition 3, though I am sure it is going to get through.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you. I had not planned to speak, but this is a subject where I have now twice changed my mind – I do not know why the microphone is playing up ... No idea what is causing that. I am really sorry to anyone who can hear feedback. I could try without a microphone, I am quite loud, somebody else could turn theirs on. Let's see if that works – excellent.

When Deputy Tindall and Deputy McSwiggan – I nearly said 'Soulsby', but it was not – when Deputy Tindall and Deputy McSwiggan proposed this as an amendment, I read it, I agreed with it, I thought it was a good idea, and by the time we got to the debate about that amendment, I had an experience where I needed to get off Island because my mother had died and I knew I would have felt huge pressure to be in a meeting that I could not physically be at but where an important

decision was to take place, and I knew that, had this rule existed, I would have felt pressure to be there, and that made me decide that I would vote against it, which is what I did when that was debated.

We have lived, now, through a six-month period where we have, out of necessity, used this technology extensively and we have used in all sorts of different ways, and I think we have learned a great deal from the use of it. I do not want to see a situation – as Deputy Fallaize says is possible and I think is possible – where we have lots of people *ad hoc* deciding to arrive in meetings electronically, I do not want to see that. But I do think we should have a situation where we could, by exception, make it possible for a person to attend remotely, and I think it is down to us to ensure that the culture – us and our successors – to ensure that the culture does not become one that is what we feared could happen, and I think a responsible States can avoid that being the case.

There are, without doubt, practical meetings where it is not practical to do things electronically, and it is definitely – having chaired meetings in both circumstances and meetings where we had some people present in the room and some people present via technology, and having chaired Teams meetings and having chaired ordinary meetings – it is definitely the case that the most difficult and awkward of those to chair is one where you have a mixture of people present and people joining electronically.

But I do not think that is a good enough reason to prevent the attendance of those Members at those meetings, because it is important that they are there when they cannot physically be in the room. There are all sorts of reasons why that might be the case. We are currently in a situation where, yes, on the Island, we are all able to meet, but the moment of us goes off-Island for any reason of necessity at the moment, that person is going to need to be quarantined for 14 days and there may well be important decisions that we need people to be able to make during that period, and we are not actually in the same degree of emergency situation with those rules holding true that would allow us to do that.

So I do think we need to do something like this rule; I think I would have liked to have seen the words ‘by exception’ included in there, but I think they are implied in the text. So, I am comfortable to vote for it; I think it is an improvement on the rules that we had and I am converted to it by my experience. I do not want to see it become the norm but I am converted to it by experience and I would urge the States to vote for it.

Thank you.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, Madam Deputy Bailiff.

It is interesting: I met only fairly recently a retired politician, and his response to the current scenario – in general, not on this specific issue – was, ‘Sometimes you have got to change,’ and I think Deputy Inder’s Committee and the States’ Assembly has an extremely able and diverse team and they realise that we do have to change, where perhaps other Members were reluctant to even look at things a bit.

Let us look at all the scenarios: I agree with a lot of what Deputy Tooley said because, you see, the thing is, let us look to the future – I could be speaking against myself here or some other people – but I think in the future, I think that maybe people will be looking for different qualities in States Members and candidates: more professional skills, more backgrounds in key industries and concerns, a more diverse Assembly, a more gender-equal Assembly, more younger parents, more people with disabilities of one kind or another, and also – and this will get me into trouble – even more people of high achievement.

Now, the high achievers, in some cases, have careers or interests or pastimes or sports that take them off the Island from time to time in normal times, and there is a certain mentality among some States’ Members that it is not right that certain people are absent because they are at a conference representing Guernsey, or they are at a business event, or they might be breaking the world speed record, who knows what they are doing, or becoming champion in a sport. And they say, ‘We have

to be present here all the time: sit, sit, sit, talk, talk, talk! And I can do all of that but that is not exactly building back better. We actually want a full range of people to stand and contribute, and I think that remote working for an Island that has sometimes controversial and complicated transport links makes sense.

I think I supported this in the past for at least two reasons: I sat on the Legislation Committee – I have already mentioned that once today – and one of my able members was a gentleman called Mr Boyd Kelly, who, amongst others, was a States of Alderney Member. From time to time, due to the vagaries of the air service – fog, rain, runways, technical, who knows what? – it could not run, and so they were delayed, as we have seen today – we really welcome the contribution of the States' Members from Alderney – but they sometimes are delayed. Now, it is a nonsense that they are not able to take part; I do not know, I might have become the President of the States' Assembly Committee if the two gentlemen from Alderney had been present that day, I will never know, as it was a close knit thing. I do wonder about remote working in that context, and there are one or two other scenarios.

Deputy Smithies said, 'We do not want wimps as Presidents and we do not have any,' and I thought, 'Well, I might have been accused by some critics unfairly of being a wimp when I was Planning President, and I think there may be issues of having an absent Member when a Planning Committee is looking at plans or at an open planning meeting, so there may be circumstances when this generally would not work. But although the policy letter is not as good as it could be in defining the criteria – I would argue, it leaves matters slightly open to interpretation – I think the implication there is clear that remote working is not to be the norm; it is to be an exception where the circumstances justify it, such as a Member on essential business elsewhere, such as weather, such as COVID.

And indeed, I am going to make another point here: the public officer of health made the point, and I think we may come to it later, that we may have to live with the virus for some time to come, so we should be prepared with the States' Assembly policy for the future for other issues. We also have to be prepared for, maybe, a clumsy exit in Brexit, hopefully not. We also have to be prepared for the next generation of Members, not to mention those who are currently here, maybe having babies, maybe being absent from time to time for health or other reasons, and we should not assume that Members can attend all the time, and yet they can and will be doing the work at home and have a right to contribute.

So I am going to support all of this; I do take on board Deputy Lowe's well-made point about not knowing if people are in the room, because sometimes we had consultants and civil servants who were in for one and then they were out for another and people said, 'Be careful what you put in the chat, John, because you might be putting a point that you might not want somebody to really read.' Oh dear! So I think there is an issue there to work through, but generally speaking, Teams is for the exception, rather than the norm. Would we want Members on the beach in all their glory telling us their policies? Possibly not. *(Laughter)* I remember, one Member was sitting in a park and got into controversy. But we have to be sensible and realistic about this.

So I support it. One other thing I will mention that is in the policy letter but nobody has mentioned is, there is a lot of technical changes, and one of them is the order in which we are called. Now in Jersey, they traditionally call the most long-serving Members first, and they have a curious system where some are named after a parish and some are named. We are clearly making a decision today to go into alphabetical format after the election, which is interesting, because I had the privilege of being the first to vote for four years; it used to be based on seniority and credibility, and then it changed to who did well in particular parishes, and now it is going to be alphabetical. So I accept that, I accept that, but I wonder if that would change the game within a year, when people want precedence due to the States' Members rather than how they did in the election.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: I just want to build one point in relation to Proposition 3 that Deputy Gollop touched on. I too will be supporting it as presented to us.

I think the examples which Deputy Lowe gave in relation to CRAG and the CCA are not particularly good examples, because the CCA already has statutory provision for remote meetings in any event, and CRAG is not a committee that would be subject to this rule in any event.

The reason that I have come to my feet is to make the public health argument for this provision. Irrespective of COVID, I think the one thing we have learned from listening to the Director of Public Health in relation to respiratory illnesses is we should not be in close proximity to each other at any time, so whether it is coughs and colds, spraying diseases or merely flu, there should be no pressure on Members to feel that they need to be in a room to give a vote for their votes to count in the way that Deputy Fallaize articulated. They can attend remotely, but actually, if they feel that they are not going to be able to be part of the quorum and part of the voting, there will be intense pressure on Members to turn up to meetings when they should not be there, and actually put both themselves and others at risk.

So, I think irrespective of COVID, this is an entirely sensible rule, it provides flexibility. Going back to Deputy Smithies' point, we should trust the Presidents as adults and responsible individuals to use their judgement on Committee Members to exercise this rule, and we should also trust the judgment of Members not to exploit it at inappropriate times as well, and for that reason I will support the motion.

The Deputy Bailiff: Deputy Inder, do you wish to reply?

Deputy Inder: Yes, thank you. I think somewhere between Deputy Gollop and Deputy Gavin St Pier and to a degree – I am forgetting names at the moment – Deputy Tooley – sorry, I beg your pardon – were really the crux of the arguments.

Deputy Gollop, I have it written down there: 'Inclusion, disability, equality'. And of course, as we move to Island-wide voting, it is fairly clear, I think – well, it is not necessarily connected – but part of SACC's remit, I think – as we started this process, we heard it all, we want to be as inclusive as possible. Now of course, that is inclusive in the general election as well, but also surely that has got to extend into Committee work; there are people possibly with mobility problems, accessibility problems. Why should we not be at least prepared for them to be included in the second most important part of what we do? The first important part is what we do in this Chamber, the second most important thing is what we do in Committee. I am not going to go through scenarios, but you have to accept there might a likelihood of people with different mobility issues and different reasons, let alone having families, that there may be occasions when they might not be able to attend Committee meetings in person.

Deputy Fallaize's comment about the quality of decisions: I personally think he has overstated that, as mentioned as by Deputy Smithies. Whether the few debates that we had via Microsoft Teams in the Assembly, actually, the States' debate, were as good as they could have been, I think they were; they were just as good as they could have been with 38 Members listening in, interrupting, it was managed how it could be, I think it went fairly well. On that I would agree with him, because of course, in the Assembly, you know, there are chats in corridors, all that kind of stuff, but that happens less so when there is five or six people in Committee meetings. I think, if I agree with him in some way, I think it was basically countered in some way by Deputy Smithies.

And of course, the two Deputies, peas in a pod, Deputy Roffey and Deputy Mary Lowe – I never thought I would ever say that (*Laughter*) – their two arguments seemed to be, 'It was not voted for in 2014 and there are still 11 Members in the House and please will you vote with me?' Well, 2014 may as well have been a million years ago; everything has changed, everything changed the day after 2014, it changed the day after 2015, and if 2020 has not changed everything 15 times every single day, I do not know. Everything has changed, so I would reject that argument.

And of course, off the back of that, Deputy Roffey, not for the first time, he deploys a dead cat argument that if anyone dares remotely use it, they are clearly going to be out by the pool with

their sundowners or maybe out in Sri Lanka with their feet on the beach. And it is pretty obvious in Proposition 3: ultimately, it shall be at the absolute discretion of the person presiding at the meeting, i.e., the Presidents. Now, you either trust your President or you do not.

2000 I cannot remember who, it might have been Deputy St Pier or, again, it might have been Deputy Smithies, but we have got some fairly tough cookies at President level, and I do not think they are going to encounter any nonsense if anyone is being seen to swing the lead.

2005 Digital is changing everything. Deputy Tooley – and I think I probably voted the same way as her back in 2008, I was not sure – but as the information changes, as the experience changes, we change, and everyone has experienced the use of Microsoft Teams, the use of video and audio, and they have worked, and there is no reason – unless Deputy St Pier knows something I do not know; did COVID stop yesterday before this policy letter was laid? It is likely to be here with us for a long time, and for us to continue our function, the reason to adopt Proposition 3 is for the inclusion and the equality element, the types of candidates we are going to have. The reality is, we are not outside of COVID, and digital has moved on and society has moved on.

2010 So I would ask all Members, please, to vote for this; I expect it to get through, there is no reason it should not do.

The Deputy Bailiff: Thank you, Deputy Inder.

2015 It would appear that there needs to be two votes: the first in relation to Propositions 1 and 2, and then a separate vote in relation to Proposition 3.

Deputy Lester Queripel.

Deputy Lester Queripel: Could we have a recorded vote on Proposition 3, please, madam?

2020 **The Deputy Bailiff:** Thank you. So, 1 and 2 is an unrecorded vote, and Proposition 3 is to be a recorded vote.

So in relation to Propositions 1 and 2, those who vote Pour; those against.

Members voted Pour.

The Deputy Bailiff: I declare those motions carried, and States' Greffier, if you would not mind reading the roll for Proposition 3.

There was a recorded vote.

Carried – Pour 24, Contre 11, Ne vote pas 2, Absent 2

POUR

Deputy Inder
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy McSwiggan
Deputy Soulsby
Deputy de Sausmarez
Deputy Oliver
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Le Clerc

CONTRE

Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Graham
Deputy Brouard
Deputy de Lisle
Deputy Langlois
Deputy Roffey
Deputy Lester Queripel
Deputy Mooney
Deputy Le Pelley

NE VOTE PAS

Deputy Prow
Alderney Rep. Roberts

ABSENT

Deputy Green
Deputy Le Tocq

Deputy Leadbeater
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld

2025 **The Deputy Bailiff:** For Proposition 3, there voted Pour 24, Contre 11, there two abstentions and two absentees, so I declare the Proposition passed.

CIVIL CONTINGENCIES AUTHORITY

V. Exit from Lockdown: A framework for lifting the COVID-19 Restrictions in the Bailiwick of Guernsey – Proposition carried

Article V.

The States are asked to decide:

Whether, after consideration of Exit from Lockdown – a framework for lifting the COVID-19 restrictions in the Bailiwick of Guernsey policy letter dated 10th August 2020 they are of the opinion:

1. To note the latest version of the paper entitled, "Exit from Lockdown- a framework for lifting the COVID-19 restrictions in the Bailiwick of Guernsey", dated 10th August 2020.

The States' Greffier: Article V – Civil Contingencies Authority – Exit from Lockdown: A framework for lifting the COVID-19 Restrictions in the Bailiwick of Guernsey.

2030 **The Deputy Bailiff:** Deputy St Pier.

Deputy St Pier: I have nothing to add, madam.

The Deputy Bailiff: Deputy Gollop.

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Deputy Gollop: Madam, I am not entirely sure what the purpose of the publication of this is and whether we are meant to have a general COVID debate or not – I mean, we can, but I think we are very grateful that the Islanders continue to revive and thrive, with so many business, social, community, and other activities and a degree of inclusivity for everybody on Guernsey and Alderney and Herm and Sark.

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But I suppose I would make the point, though, that if we look across to our sister Bailiwick in Jersey, they had different problems: they failed to get the day trip market back, they probably have not seen quite the success in tourism that they would have done, but they nevertheless still have a larger hospitality sector than us and freer business travel and more restrictions on, say, theatres meeting and so on, so it is a different package. Unfortunately, we cannot bubble with them. But I think what is interesting as an observation is that they have seen testing go from two cases to 15, which is regrettable but that still a relatively small number, and they fortunately – touch wood – have not seen seeding within their community. We in Guernsey, I suspect, have taken the wisest possible route, both politically and medically, out of coronavirus, but we will nevertheless have challenges in the months ahead if we are obliged to live with coronavirus, and therefore my plea is perhaps focused that, in view of the situation and in view of the decisions we have made which have been good for many businesses but bad for others – it has not equally hit everybody, because

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clearly, if you are running a hotel or a wedding service or a travel company, you are worse off than if you are running a shop entirely within Guernsey.

2055 My plea is that, as part of this, the CCA do look for balanced financial assistance to businesses that have been perhaps more affected in Guernsey than they have been, for the sake of argument, in Jersey or in the United Kingdom.

The Deputy Bailiff: Deputy Dorey.

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Deputy Dorey: Thank you, Madam Deputy Bailiff.

I thank the CCA for this policy letter; I do think it is important that the States debates this issue. We debated this issue at various stages and there should have been much more involvement of the Assembly, but we are where we are. I do offer my sincere thanks to CCA that we have got into the situation we are currently in. I think the ability to move around internally without any restrictions is a privilege which not many other communities, without the risk, have that opportunity.

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On 22nd May, we decided to have this meeting by an amendment which I proposed. Since then, on 1st July, we set the date for the election. So the timing is unfortunate, this being the last issue we will debate, only the schedule to follow.

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I am pleased that we have moved to Phase 5B; I do not quite understand why it took so long after the trial, because if anything, the global situation has got worse. I hope that the conditions globally improve such that we can move to Phase 5C, as outlined in this report, when people from Group B countries will be tested on arrival only and have only to self-isolate until the results are known, but they will have a second test after seven days.

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I think that we should be testing all people coming into the Island on arrival *and* at Day 7. I think we will build up a greater understanding of the risk that we take by people coming into this Island and find out if they have the virus on arrival or if they then subsequently have the virus on Day 7, I think it would be useful information in order for us to make decisions in the future. Any move to 5C will benefit locals, by making it easier to travel, and our economy, as it will make it more attractive for visitors to come to us, as they will not have to self-isolate, other than the time to get the results of their test on arrival.

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But we have to balance that by the risk, and this is illustrated by the situation of what happened in Iceland – and I have used Iceland previously in speeches, and I think it is an interesting example of what could happen: they opened their borders on 15th June, and other than the first two weeks, they have charged people just under £50 for the testing. They have tested to date 170,000 people, which obviously includes Icelanders returning and visitors. From the testing, initially, since they opened their borders, they had very few domestic cases, and actually had a 10-day period from 14th to 24th July when there were no cases domestically. But then, obviously, some of the people coming in, although they were tested initially, presumably developed the virus after they came in, and their domestic cases increased, and it reached a peak of 27 per 100,000 over a 14-day test period. And since they have opened their borders, they have had 188 domestic cases, but they have only had 82 cases of people arriving into Iceland who have been tested at the borders. So obviously, they have had an increase in domestic cases, and they have had to react to that. They have brought in, not just testing on arrival, but also a test at five days. People have to go into quarantine until the results of this five day test is known as well as the on arrival test. They have also had to bring in restrictions to try and stop the growth of domestic cases. So it is relatively light lockdown, but they have had to restrict some activities and wearing a mask etc.

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So, it is an interesting case and what could happen if we do open our borders. There is an initial economic gain but there is a risk to the population and of course it is that risk against the ability for people travel without having to go to quarantine for long periods is what the decision would be based on. There will be economic gain but there will be risk of moving to 5C. I think it should be a political decision that should be taken by this Chamber and not just the CCA. They can make a recommendation to the Chamber but I think it should be debated by the parliament and the decision made and not just made by four Members. Perhaps we will need a different 5C. I think

2105 when the last press briefing was done I think Deputy St Pier spoke about not just having A, B and C but having D, E and F. There was perhaps some space for having a 5C where perhaps you do like Iceland and test after five days and see what happens. So, because they have got to see the results they have to see if that is worth following.

2110 I thank you again for this debate. I am sure it is not going to be a long debate, but I think it is important that these decisions which have serious implications for our population are made in this parliament. Thank you.

The Deputy Bailiff: Deputy de Lisle.

2115 **Deputy de Lisle:** Thank you, madam.

Given the global situation worsening in many minds and the secondary infection rate being a new problem in many communities, there is concern in this community in that some people feel that one day business travel is being abused. It is a loophole, and it was for exceptional purposes, but it now seems more run of the mill. The community deserves better in terms of people themselves abiding by the 14-day crackdown and it seems to me that there is need for more openness and transparency for public health purposes, protecting public health. It is a nonsense when a small exception of the business community being able to override the restrictions on everyone else, particularly where a business has a property, where a business tunnel is used for property viewing.

2125 Also, it can extend into more than one day. It was sold on a more restrictive basis, I thought, in terms of a business tunnel to enable a signatory of board contracts and so on. This leads to many questions in order to provide more openness and transparency. I mean, how many business travellers have come over, and for what purpose? How long do they stay? Why do they need to come? How many stay at the airport and how many journey to offices? What are the strict criteria for allowing them in? How are they being controlled and restricted? How are they being followed? There are many questions here.

2130 We should be open with the public and give them a full understanding as to what is going on. But this is, in my mind and in many others' minds, a loophole now. There is a risk obviously in opening our borders. I prefer it if everyone works under the same regulations. I think there was a feeling that things have been improved and perhaps given the situation here in Guernsey, but that is not real, the reality outside. Therefore, there are a lot of people here in Guernsey that are concerned and, given the fact that we have lost the summer anyway, and the tourist influx, it seems to me that we should be particularly cautious and not risk opening our borders to people, business people, who seem to be, as I said, coming in under a loophole which, other people, have to commit to the two weeks of isolation or the seven days plus. It is unfair in many, many minds, and I think, in other minds, it is just a loophole, and it should be stopped.

The Deputy Bailiff: Deputy Green.

2145 **Deputy Green:** Thank you, Madam Deputy Bailiff, I shall be very brief.

I agreed with much of what Deputy Dorey said a moment ago. I think the ultimate decision on when we transition to 5C is the sort of political decision that should be taken by the full parliament of this Island. I think that is absolutely right and that is not to criticise the CCA, I think they have discharged their obligations very well and since we have been facing this pandemic. They had the good sense to largely follow the excellent public health advice from the start and that is a great credit to them. But I think, ultimately, that next step is one that should be taken politically by this assembly. He mentioned the example of Iceland; I do think that is a good example that that does deserve some further analysis when the time comes.

2155 In terms of what Deputy de Lisle said, I think, I know there has been certain concerns about certain aspects of the business idea. But, from what I understand, and from what I have heard in the community, I think it has actually worked quite well in terms of helping to keep the cogs of

commerce going. I have not got a great deal more to say, madam. This is a document which I think it was absolutely right that it was laid before the Assembly to debate, it is right that this debate takes place. But that key decision on the next stage of 5C is definitely a political decision that should be taken here.

Whilst I am on my feet, madam, this is probably the last speech I will be making of this political term, and I just wanted to put on record what an absolute privilege it has been to serve the good people of the Castel for the last eight years.

The Deputy Bailiff: Thank you, Deputy Green.
Deputy Prow.

Deputy Prow: Thank you, Madam Deputy Bailiff.

I would like to join in with the comments that have been made by Deputy Dorey and Deputy Green. I think it is extremely useful and important to have this debate now.

So that this, madam, this policy letter was brought by the Civil Contingencies Authority, and rightly so. I think a lot has been said about the success of this Bailiwick in how we have handled the pandemic, and, madam, in previous speeches, I have made it absolutely clear that praise is due to the Civil Contingencies of Authority, both in the leadership and indeed in the communication. But I think it is very important, particularly at the end of term, to point out that it is not just the Civil Contingencies Authority that are responsible for this success; it goes without saying the Director of Public Health and her team, in both her advice and clear and excellent advice to the Civil Contingency Authority, and indeed to the Committee for Health and Social Care of which I am very privileged to be a Member.

If you look at the exit framework, it talks about where we are now and Deputy Dorey has alluded to that, but also talks about moving backwards through the framework if that becomes necessary. When you look at that framework, when you go right from lock down and into the exit framework, apart from travel, the Committee for Health and Social Care worked hard during the lockdown period and indeed over the framework documents, of which this is the last or latest iteration.

Madam, we are where we are because of a lot of people, including Islanders, have complied with the regulations and it has been a real Island effort. In listing some of the people, it is always dangerous, madam, because you are always going to leave somebody out. But, from the team at Health and Social Care, the professionals who deal with this, SCSB, people on the ground, law enforcement, the Border Agency and the Police, there has been an absolutely outstanding effort, and, as I have said, the public compliance has been absolutely outstanding. I think this really needs to be said and pointed out.

What I think we should be very cautious about moving forward, madam, in my very humble opinion, is making political capital out of this. At the end of the day, this pandemic is a deadly virus. It has killed over 40,000 people in the United Kingdom and 16 people in this Bailiwick. It is not yet fully understood. We are still in uncharted territory. It has damaged our economy and we must take absolute care in making political capital.

There was a comment made in a speech earlier today and the term was used 'COVID speed'. Well, I think we need to be very careful about using such language, and I am not for one moment suggesting suggesting that it was particularly inappropriate in the context that it was made. It was an off-the-cuff remark. But the point, madam, that I am trying to make here is that at some stage, and Deputy Green has alluded to this, COVID-19 will and must become business as usual.

Deputy Fallaize, I think it was yesterday, made a speech where he reminded us that we actually have a committee government system and COVID-19 did not change that. We have a committee structure, and it is that committee structure, and this Assembly that has got us where we are, and as I said, Madam, with the assistance of the public, and that is, in my humble view, a very important point that needs to be hammered home.

Thank you, madam.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, madam.

I would just like to build on what Deputy Prow has to say because what concerns me is the way in which this particular document is presented. Deputy Dorey started by saying we would thank the CCA for what had been done but this document was first published by Health and Social Care. It was obviously also written on the whole by Dr Brink who advised both us and the CCA. For me, what must be lost when we look back on this period of time is how and who did this work because simply we need to learn the lessons of what good we did but also the things that went wrong and what could be improved.

I am afraid I personally think that this should have been version one of this document, being the CCA's version of it, and HSE had produced the previous four or five versions, because it is simply the fact that, as is mentioned on page 10, that HSC dealt with phases 2, 3 and 4 of the exit from lockdown framework. Obviously from that perspective we must look back and see how the CCA delegated its authority and whether it was the right approach. Clearly the outcomes were good. But we need to be analytical about this because we will be living this for quite a while. So the CCA delegated its authority to Dr Brink to deal with the borders and the travel from a public health perspective and delegated to Health and Social Care for on Island restrictions.

At this point I would like to say, and I feel it necessary to say, that I really am so lucky to have spent that time, albeit in my own home in my own bubble as many people did, but sharing that time on Teams with the fantastic Committee and support and led by our amazing President, Deputy Soulsby. I believe that she ran around like a headless chicken and did almost as much work as everybody and Dr Brink and I think she deserves a huge round of applause for that. Not only that, she put up with us lot making sure that she was going to be late for the press conference because we had not quite decided exactly what was going in the directions ready for her to inform the public of what exactly was going on. I say this because it is important to reflect and look back to have clear documentation on exactly what was decided.

But, it also brings back the point I made at the very beginning of this States' debate, and that reflects on Deputy Dorey's point and Deputy Green's point with regard to who makes the decisions. Deputy Dorey was saying about the transition to 5C and whether it should be debated by this Chamber and not just decided by the CCA. Well, that comes back as to say to the point exactly when the CCA's role comes to an end and when the CCA decide on the conditions to make emergency regulations. The CCA Law, section 13(2), says: the first condition is that an emergency has occurred, is occurring or is about to occur. So, of course it encompasses many different scenarios and, at the moment, it feels like that the new normal will be CCA regulations, us being subject to them.

I feel very, very strongly that that is an element we need to debate, we need to work out precisely when the new normal reverts back to the old committee system.

Thank you, madam.

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, madam. I will be brief because I think we are dragging this out a little bit and there is not much that has been said that I disagree with but there are things that have not been said yet.

I would like to ask Deputy St Pier some questions please, madam.

I am sure ... well I am not sure actually because Deputy St Pier did not answer this when we raised the regulations, but I will try again. First of all, I note that there are two temporary members and I was not aware, madam, that such a provision existed. So, can the President advise us as to which sections of the Law refer to temporary membership, and if temporary members have voting powers, because I cannot locate that and so the answer will be appreciated.

2260 And then on page 52, I did not know that we were going to have a 5A, B, C, D, E, F, G; I thought
we were going phase 5 to 6. But, it is highly likely that we may move to this 5C or eventually 6 over
the next month or two, or certainly before the new President of PRC is elected, etc. So, as I asked
the other day, and I will ask again because I am unsure – and I have been asked by Members of our
community – my understanding is that the CCA could continue to sit because we are elected
2265 Members until midnight on ... is it 6th October, I think? But after that date, when the count has been
called, my understanding is – and I did ask this the other day so I am sure that Deputy St Pier has
got the answer now – is that existing members of PRC can make decisions, if there is an emergency,
in that timeframe. But because this is under emergency regulation, would they be able to take over
complete control of the CCA, *per se*, to move to 5C or 6 in that period of time, before the new
2270 government is formed or seats are elected into?

And then, I will not go on, I am not going to discuss the political capital gained or lost or whatever
of COVID-19, it is totally inappropriate, but although I would agree, totally inappropriate to take
political capital from it, not to speak about it. But, I would urge caution, as Deputy Prow alluded to,
because if you turn round COVID speed, you get the speed of COVID. And the speed of COVID took
2275 many communities by surprise or unprepared, not because they necessarily did not know it was
coming but they did not have the resource to prepare for it. So, I think the speed of COVID, or
COVID speed, I just think is a little bit inappropriate, and I think we need to be very careful with
such terminology.

So, if Deputy St Pier could answer those two questions, I would really appreciate it and, obviously
2280 I also live in hope, but there we go.

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, madam.

2285 This is a very thorough piece of work from a Health and Social Care perspective. I think my
disappointment with it is that there is very little, in fact none, analysis of the economic impacts of
the process of coming out of lockdown and moving through the phases towards open borders. The
contrast here is obviously with our sister island, Jersey, across the water which has taken a very
different approach. Some may say they have been less successful because they have got 15 active
2290 cases. I think they have performed more than 100,000 tests. Of the 15 active cases, none of them as
far as I know are in hospital and they have no community seeding.

But, on the upside, St Helier is busy, the hotels are full, and the Jersey economy is doing very
well. The hotel sector in Guernsey's absolutely on its knees. It is a common expression that the hotel
sector is experiencing three winters in a row. Many hotels will shut. Those that have not already shut
2295 will have shut by the end of this season and will not reopen until the beginning of the 2021 season.
I have spoken to some of the hotel owners, representatives of the Guernsey Hoteliers' Association
and they are desperate people. There is a real possibility that some of these businesses will not
reopen at all.

Now, obviously, Guernsey is doing a certain amount to support businesses that are struggling
2300 through the process but actually, the wider question of how much do we need to lock down and
how much could we could we take the risk of allowing a certain amount of movement so that there
is some life in these businesses and some economic activity those are things which I really feel that
will have to be debated, preferably in this Assembly after the election. I do not think those are
questions that should be left to the CCA, much less the Committee for Health and Social Care.

2305 These are very wide issues touching on numerous aspects of the economy. There are knock-on
consequences of course for the aviation industry with redundancies at the airlines and we have
heard in the press today that Condor is laying off people and further reducing its schedules over
the winter. So these impacts are very widespread and there are parts of our economy which are
hurting very badly. Some parts actually are doing okay. Public sector workers for example: all fine.
2310 Us in this Assembly: we are all doing okay. The finance industry, thank goodness, is mostly in
reasonably good health. I do not think they are experiencing any growth but apart from a couple

of law firms I have not heard of significant redundancies and so it is very much a hot, what is the expression, a parson's egg? A puritan's egg situation? The economy is good in parts but it is extraordinarily bad in other parts and that is an issue that we, as an Assembly ... well, we have not got time now, but the next assembly needs to face up to very early on and decide what our appetite for risk is.

Now, obviously the strategy that has been adopted and is being proposed here effectively is based on the assumption that there will be very soon a vaccine against COVID-19 and, there are people who say we could have a vaccine as early as October. Well, if that is the case, then probably the sensible thing to do is to wait until there is a vaccine before the borders are open. I fully accept that the argument for keeping the borders shut until the vaccine is available in October makes sense. But if it is going to be quite some time before vaccines become available and available in quantities sufficient to inoculate, whatever it is, 35,000 people on Guernsey then I think these issues need to briefly be brought forward.

I give way to Deputy Lowe.

Deputy Lowe: Thank you, I was going to say a point of correction, but that is fine Deputy Parkinson.

Our borders are not closed, Guernsey is actually open, it just means they have to self-isolate for seven days.

Deputy Parkinson: Well, yes, but the practical effect of that is that the borders are closed because nobody is going to come here for a holiday if they have to self-isolate for the first seven days of their holiday. And, look, even local people who do travel off Island to see their loved ones in the UK, etc. have to be conscious of the fact that when they come back they are going to have to self-isolate for several days. And it is possible for some people to do that because either they are not in work or their employer is understanding and allows them to work from home for seven days. For other people it is just not practical to go away come back and then self-isolate for seven days.

The net effect is that virtually no one is travelling. And that may not technically be borders closed but the practical implications are that the borders very much are closed for most people. So, these issues are very important.

As I say, I think it is difficult to form a conclusion now because, to me, the key issue is when do we expect vaccines to become available? If they are going to be available in the short term then it does make sense just to keep everything shut down tight and to wait for the vaccines to appear but if it is going to be a while before vaccines become freely available, widely available, then my belief is we are going to have to learn to live with this virus. We lived we with lots of other viruses. The fact that there are numerous virus infections which we cannot cure has not shut the world down, we just simply have learned to cope with them.

One thing that the pandemic has shown us is actually the Guernsey Health Service is very good at managing infections. We have proven that we can contain and eliminate the virus if we need to. The self-discipline of the community plays a large part in that. So I am supportive I am willing to note as we are required requested to do this this report, I just think that the economic impact side of it has been completely neglected and cannot be neglected for very much longer.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Madam, a very brief comment but as a consequence of a remark made by Deputy Prow. He said the problem is when you are listening a whole load of people who are worthy of thanks it is possible to miss out an important group and in my view the dozens of civil servants that worked 12-hour shifts or more during the pandemic to get millions of pounds' worth of essential finance help to thousands of businesses and individuals deserve special mention. And the reason I mention that is that this has not only been a health crisis, this has also been an economic crisis and only a few hours ago the very highly regarded Ernst & Young Item Club who mirror the forecast of

the Bank of England said that they believe that the output in the UK economy last year in 2019 will not recover to those levels until at least the end of our next electoral term. So the economic problems in the UK in particular will be around for some time to come. And as their debt has recently gone through two trillion pounds whereas our real debt is it can be calculated in single digit percentage figures as a percentage of our GDP, you will see the difference between the two of us.

Clearly the resilience of our primary sector has been important. I have mentioned it earlier today. Many others over the course of the last few weeks have done the same. But we have not of course ignored the sector the Deputy Parkinson was referring, to the most hard hit, there is an interesting statistic here. The direct contribution of the hostelry/accommodation sector to our GBA, to our economy to use a different expression is approximately 0.9%, so less than 1%, as opposed to our primary industry which is well into the 40s. Now, the financial support for that sector between March 2020 and March 2021 is estimated to be in the region of £9 million – at least £9 million or 19% of the overall forecast for business support measures over the period.

Now, the industry, and this was articulated very well by Deputy Parkinson, have said that they do not think that is enough. As a consequence, we will be employing an on-Island consultant, someone with expertise in the in the field, in order to ensure that the package that is delivered during the winter is as fair and equitable as this community can afford under its current restrictions. So they can take that was as a clear message that they have not been forgotten and that we understand absolutely that the economic crisis is likely to continue far longer than the health crisis.

Thank you, madam.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Madam, thank you.

I will be brief. I think we are talking very much like, in the past and we have gone through lockdown and we are coming at the other end, it is when we go to phase 5B, C, D, E, F and then phase 6. We have to remember the pandemic is not over. Just looked beyond our shores, it is growing at pace around the world, it is not shrinking. I think before we get too frustrated or too wanting to move through this as if it is a given that we go to phase 6. We have got to be very careful, it is not over yet for people here and it all seems normal. It might seem that it is but it is not. There is a heck of a lot of work going on behind the scenes now with a lot of people putting a lot of hours still on the second wave of potential and vaccination programme, how we move to 5C and what phase 6 will look like.

I just want to echo around Deputy Trott's comment about some of the civil servants. It has been popular over the last four years to have a right Civil Service bashing and how we have got too many and they are all overpaid. Yes, there might be some who might pull the leg more than others but my experience over the last six months is that has made me feel really proud to have the Civil Service that we have got. They have worked extremely hard at all hours every day, certainly through the early stages and after lockdown was an absolutely intense time and I do not think anybody slept because the consequences of getting things wrong were very apparent to us.

Just finally, just a word of thanks, this will be my last speech of this term. I would like to thank my Committee for, not just over COVID, but they really came together as a team and it really was teamwork for the absolute fantastic work at short notice coming together and getting the work done. I must admit by the end of that I was fed up just seeing blobs on the screen and I was telling everybody you have got to put your camera on. It was the most surreal experience you can possibly imagine. But finally, I would like to say thank you to the community which we have done and I think it is a comment made earlier today that absolutely has been, whenever I meet people and they thank us for what we have done, I always say it was teamwork and we could not have done it without the whole community. The whole Island should be proud of what it has achieved and we can really hold our heads up high because how that the rest of the world in what we have achieved.

So, that is my final thank you.

The Deputy Bailiff: Deputy St Pier, do you wish to reply?

Deputy St Pier: Yes, thank you, madam.

2420 I really echo, without repeating the words of Deputy Soulsby but just respond to a couple of matters that arose in debate in relation to the business tunnels that Deputy de Lisle questioned, whether they were a loophole. Of course, any change to the border entry regime does represent an increased risk but is one that has been taken based on the best information available and steps have been taken to mitigate that risk and the numbers of individuals using the business rules are of course very restricted.

2425 In relation to Deputy Dorey's comment about 5C and having tests possibly on Day 5. The nature of the testing regime very much is one of the considerations for the CCA, obviously on the advice of public health. It is something that has been explored really over the last couple of months actually as to what might follow and no doubt the thinking will continue to evolve before we move into that phase. And finally, in relation to Deputy Merrett's comments, I will leave the Procureur to respond to the question of temporary members of the CCA and the statutory source for that and the powers of those temporary members in relation to the matter of who is in a position and empowered to do what post the election, before the formation of the new government.

2430 Again, perhaps when the Procureur does rise to answer that first question she will confirm my understanding that the statutory revision is quite clear that there will always be members who or even indeed former members who remain empowered to act and take decisions on behalf of the Civil Contingencies Authority such time as they are replaced in due course. And that of course is entirely appropriate whether it is to make a decision to move to 5C or indeed to move to any other phase or indeed of course possibly to deal with an entirely different emergency which none of us which is clearly within our contemplation. The provision is there that there will always be somebody who is in a position to make a decision should it be required. Maybe not an entirely satisfactory response to Deputy Merrett but it is one which I believe to be factually correct in terms of the statutory provision.

2440 And I thank other Members for their contribution to the debate.

2445 **The Deputy Bailiff:** Madam Procureur.

The Procureur: Thank you, madam.

2450 Yes, in relation to the statutory source of the temporary members for Alderney and Sark, it may be helpful if I just set out very briefly to members that section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 provides for the establishment of the Authority. The Schedule to that Law, Schedule 1, then sets out the membership requirements of the law. Paragraph 1 sets out the following permanent members of the Authority.

2455 So, in fact, to perhaps answer the questions backwards going back to Deputy St Pier's point that was just made just now: those permanent members include the President of the Policy & Resources Committee, so whoever holds that position, that is currently the provision under the Law as a permanent member. Also, the President of the Committee *for* Home Affairs, the President of the Committee *for* the Environment and Infrastructure and the President of the Committee *for* Health and Social Care. They are the permanent members of the Authority. So, in terms of a new term, going forward, whoever is elected to those positions will become the following permanent members of the Civil Contingencies Authority.

2460 In relation to the temporary members, the Schedule to the Law provides that if a majority of the permanent members consider that an emergency has occurred which is likely to affect the Islands of Alderney and Sark, then they can invite the Chief Pleas of Sark and Policy and Finance Committee of Alderney to nominate representatives who will then become temporary members of the Civil Contingencies Authority, and that is also dealt with in the Schedule under paragraph 2.

2465 Paragraph 2(2) further provides, in relation to Deputy Merrett's additional question about the powers in the voting of temporary members, that temporary members shall have all the rights and

responsibilities of full members of the Civil Contingencies Authority and therefore, for the period for which the temporary members are temporary members, they can vote in exactly the same way as full members of the Civil Contingencies Authority.

2470

I trust that deals with all the questions, but if there are any more I am of course pleased to assist. Thank you, madam.

The Deputy Bailiff: Thank you, Madam Procureur.

2475

Deputy Le Pelley: One further question there, madam, to the Procureur if I may?

What happens between the date of 16th October, when this States stands down, and the appointment of all the new Presidents, which will be a few days later?

2480

The Procureur: Madam, that is dealt with in the election provision itself and the actual term of office of those Members not finishing until new Members are elected – under the Reform Law provisions.

The Deputy Bailiff: Thank you, Madam Procureur.

2485

So, in relation to the Proposition to note the latest version of the paper entitled, 'Exit from lockdown', etc. Those who vote *Pour*; those against.

Members voted Pour.

The Deputy Bailiff: I declare that carried unanimously.

Billet d'État XVI

POLICY & RESEOURCES COMMITTEE

XX. Schedule for Future States' Business – Approved

Article XX.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 4th November, 2020 and subsequent States' Meetings, they are of the opinion to approve the Schedule.

Schedule

Items for Ordinary Meeting of the States commencing on the 4th November, 2020

(a) communications by the Presiding Officer including in memoriam tributes;

(b) statements;

(c) questions;

(d) elections and appointments;

(e) motions to debate an appendix report (1st stage);

(f) articles adjourned or deferred from previous Meetings of the States;

(g) all other types of business not otherwise named;

*P. 2020/132 – Amendments to the Terrorism and Crime (Bailiwick of Guernsey) Law, 2020 **

*P. 2020/134 – Matrimonial Causes (Guernsey) (Amendment) Law, 2019 (Commencement) Ordinance, 2020**

P.2020/139 – Independent Monitoring Panel Notification of Resignation

*P.2020/146 – Revision of the Double Taxation Arrangements made with Finland**

*Amendments to the proposed meeting dates and order are permitted only for those items marked with an *.*

Items for Special Meeting of the States commencing on the 15th December, 2020

P. 2020/xx - States' Budget

P. 2020/xx - Committee for Employment & Social Security - Uprating of Non- Contributory Benefits

The Deputy Bailiff: So, the final Item on the agenda is the Schedule for Future States' business.
Deputy St Pier.

Deputy St Pier: I have nothing to add, madam.

The Deputy Bailiff: Then we will formally put that to the vote.

Those who support the Proposition as set out in the Schedule – those who vote Pour; those
against.

Members voted Pour.

The Deputy Bailiff: I declare that unanimously passed.

Tribute on retirement of Mr Peter Martel

The Deputy Bailiff: Now, before we all toddle off, I know the Bailiff will be disappointed not to be here to say a few words to mark the retirement of Peter Martel. However it is my great pleasure to do so.

Peter Martel was born in Guernsey mere days before the start of the Occupation on 21st June 1940. He has been a fixture for a long time around the Royal Court building and in Court Row, starting first as a milkman and then taking official office. That formal connection came first when he joined the offices of Her Majesty's Sheriff and Sergeant in the late 1980s and worked there until 2005. He has been in his present role since 2007 as one of the team who assist the security and keeping order, guiding us with his firm hand in states meetings.

Outside of the work he has done for the various parish offices of St Pier du Bois over the years he has worked as a Junior and then Senior Constable between 1984 and 1988. He was a Douzenier between 1989 and 1999 and re-joining it in 2001 where he served again until 2015. He has been on the parish church management committee since 2018. A true public servant, he has also shared the benefit of his long experience in the Courts and how they operate by being part of the Witness Support Group and Adult Support.

Carol, Peter's wife, and Peter have the most beautiful garden to which they dedicate a lot of time and skill and which they open each year for the Parish Open Garden Scheme and I commend anybody to go see that if they do that again. They are of course very proud parents to peers who were with me at school, and grandparents.

It seems odd that the States will be quorate without you, Peter, but in the meantime, on behalf of everyone here, may I wish you a very long and happy retirement and the States' Greffier has a small gift to show our appreciation.

(Applause)

The Deputy Bailiff: You may indeed speak.

Mr Martel: Well, this is slightly unexpected, but never mind!

2525 It all started, as you just said, 30-odd years ago in the little building, the old Sheriff's Office, across the road. I thought in 1950-whenver it was, when I was about 50, I sort of semi-retired but then fell into these roles throughout this building. I have served under six Bailiffs and what I must say is that, Madam Deputy Bailiff, I have always known you as Jessica from the Forest School, to your position now, (*Laughter*) and when I was in the courts and you were in the courts, you have risen to this position and I congratulate you all.

2530 As you said, I have not finished yet. I have not been put out to pasture because as you have just said, I am still involved with witness and victim support up the road. And down the road at home I am also involved in appropriate adult.

2535 I understand that there was only one person still in this building that had been here longer than me and that is Greffier Kay Leivers. So, yes, I am part of the dust, but I think you may find me sitting up in the back corner there some time in November. I have thoroughly enjoyed the in-house entertainment that goes on in this Assembly (*Laughter and applause*) and I am informed by my good friend, Deputy Trott that if he is successful, and anybody else that comes back in here in the future, that it is going to be the 'best States ever' (*Laughter*) because of the new criteria that ... where is he? There you go.

2540 I would just like to thank you all, past and present. It has been a long time and I have enjoyed very single minute of it. (**Several Members:** Hear, hear.) If I did not, I would not be here. But I am here. I am now going to turn my back on you and wave *à la perchoine!* (*Laughter and applause*)

The Deputy Bailiff: Thank you, Peter.

**Farewell and thanks to outgoing States' Members;
and thanks to staff**

2545 **The Deputy Bailiff:** It also is my job now, at this end of this political term, to say farewell and to thank you all. You have all contributed to the government of this Bailiwick over the last four years.

2550 As a democracy, we are reliant on people like all of you putting your heads above the parapet and standing for election. Democracy, even a Bailiwick like ours, as Barack Obama said, can be messy and complicated and I thank you all for being prepared to offer yourselves up for the service of our Islands and for governing them these past four years.

I have only had the honour of sitting as Deputy Presiding Officer for a couple of months but it has been my privilege to do so. You have been kind, welcoming, and magnanimous if I faltered over names or procedure and you have always been respectful of the Chair, the position which I have occupied.

2555 I must acknowledge that this year has been unprecedented in its challenges but also in its innovation. The move to virtual state sittings, new procedures for remote meetings, live streaming of the meetings, June election being postponed and then, due to the success of this Island in dealing with the virus, being brought back again.

2560 We sit today for the last time in districts and without reference to registered political parties. We have, for the first time, a dedicated clerk and secretariat.

During the last months we saw the retirement of Sir Richard Collas and the appointment of Mr Richard McMahon as Bailiff. And all while this was going on the States have already sat for 42 days this year, a normal average being 28. I wish you all well whatever your future may hold, and to echo the words of Deputy Paint, *bon chance et bon courage!*

2565 Deputy Lowe.

Deputy Lowe: Thank you, Madam Deputy Bailiff.

On behalf of the States, I would certainly like to thank Sir Richard Collas who was the Bailiff at the time who we have seen this year work with us the Bailiff, who unfortunately cannot be in here today and I am sure he is really disappointed about that because I was aware he wanted to come in this afternoon. And to you, Madam Deputy Bailiff, it has been a real pleasure working alongside you here.

But we also, as we know, have a huge team behind the States of Guernsey and the machinery that we have that we work with. We have Her Majesty's Procureur and we have Her Majesty's Comptroller and the staff at St James' Chambers who do their utmost to assist States' Members at all times and at all hours of the day as well and not just office hours and I am sure as States' Members would agree with me our thanks go to them for the extended hours that they work.

I would also like, again on behalf of the States, to thank the Ushers and the staff that work here within this Assembly, either passing notes or doing what they can to assist us to keep our job going as smoothly as possible in this Assembly.

We now have a new States' Greffier which is something new again this term that we have never had before. So, again, it is a nice privilege to be in this Assembly when we have a new appointment and a new position. But, of course, we must not forget that we had a Greffier before and we have the Deputy Greffiers which I am pleased to see they are sitting in the Gallery today again. Again, they have all worked extremely hard on our behalf to be able to assist us.

We have a staff of over 5,000 here working at the States of Guernsey. Each and every one are all important to keep this Bailiwick working to make it best for our community. And so, over the last four years, there have been reports that have been rejected, which I am sure staff must feel, 'Well, we've put all of these hours in and the States have actually decided to reject it.' Well, we have also had reports that have actually been supported and that is the professionalism of the staff that we work with who take it on the chin and they were very professional and a lot of them probably feel pretty aggrieved by it all. They do whatever they can that this Assembly actually asked them to take forward for the work for the future for our community and our Bailiwick.

So, Members of the States, I ask that you actually stand up and show your appreciation for all the staff and all those that I have listed here and expressed our opinion and thanks, to each one of you over the last just over four years now, that it has been an absolute privilege to work with all of you. So thank you very much. *(Applause)*

The Deputy Bailiff: States' Greffier, for the last time in this political term would you close the States, please.

PRAYERS

The States' Greffier

The Assembly adjourned at 4.05 p.m.