



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 14th July 2021

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 10, No. 14

ISSN 2049-8284

Present:

R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

S. E. Aldwell	C. J. Le Tissier
C. P. A. Blin	J. P. Le Tocq
Y. Burford	D. J. Mahoney
T. L. Bury	A. D. S. Matthews
A. Cameron	L. J. McKenna
D. de G. de Lisle	C. P. Meerveld
H. L. de Sausmarez	N. G. Moakes
J. F. Dyke	R. C. Murray
S. P. Fairclough	V. S. Oliver
S. J. Falla	C. N. K. Parkinson
P. T. R. Ferbrache	R. G. Prow
A. Gabriel	L. C. Queripel
J. A. B. Gollop	P. J. Roffey
S. P. Haskins	H. J. R. Soulsby
M. A. J. Helyar	G. A. St Pier
N. R. Inder	L. S. Trott
A. Kazantseva-Miller	S. P. J. Vermeulen

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and
E. A. J. Snowdon

The Clerk to the States of Deliberation

S. Ross, Esq. (States' Greffier) – Morning
C. Foster (H.M. Deputy Greffier) - Afternoon

Absent at the Evocation

Deputy A. H. Brouard (*relevé à 9h 31*); Deputy A. C. Dudley-Owen (*relevée à 9h 31*);
Deputy M. P. Leadbeater (*relevé à 9h 45*); Deputy A. W. Taylor (*relevé à 9h 45*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

The Bailiff: Good morning, your Excellency, and welcome to this Meeting of the States of Deliberation.

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The States' Greffier: Billet d'État XIV and Billet d'État XVI, 2021. To the Members of the States
5 of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Court House on Wednesday 14th July 2021 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate. And Billet d'État XVI is convened pursuant to the provisions of Rule 2(4) of the Rules of Procedure.

Bastille Day – Best wishes to the people of France

The Bailiff: Good morning, Members of the States.
10 Deputy Brouard and Deputy Dudley-Owen, you both arrived after the start of the Roll Call. Is it your wish to be relevé?

Deputy Brouard: Yes, please, sir.

15 **Deputy Dudley-Owen:** Yes, please, sir.

Deputy Brouard: Apologies.

The Bailiff: Therefore, we will mark you both as present.
20 Now, I am going to be very generous, Members of the States, by indicating at the outset of this Meeting that because we are in the midst of our summer, if Members wish to remove outer garments, jackets etc., then they are free to do so.
Everyone suddenly wants to speak! (*Laughter*)

25 **The Bailiff:** Bearing in mind the date, 14th July, that is the *Fête Nationale* over in France, and therefore we wish all our French friends happy *Fête Nationale*. (**A Member:** *Bonjour!*) We know it as Bastille Day. It is possible that during the course of this Meeting, *Madame Guillotine* (*Laughter*) will be prayed in aid as well. All I would do is advise you not to lose your heads during the course of these few days.

Statements

CIVIL CONTINGENCIES AUTHORITY

Strategic direction in relation to the COVID pandemic – Statement by the Chairman of the Civil Contingencies Authority

30 **The Bailiff:** Without further ado, Members of States, I will turn to the Chairman of the Civil Contingencies Authority, Deputy Ferbrache, to deliver a Statement on the Strategic Direction in Relation to the COVID Pandemic.

35 **Deputy Ferbrache:** Sir, and I am particularly grateful to you for allowing this Statement to be made. It is important to note, firstly, that the Bailiwick must recognise that COVID-19 is not going anywhere. The vaccination rollout has reached a point where the most vulnerable to COVID, such as those in the older age groups and those with other relevant risk factors have a very high rate of protection. This means that the Authority has felt it is appropriate now to move to the next stage of the Bailiwick Blueprint which outlined that decreasing border and internal restrictions would be aligned to an increasingly vaccinated population.

40 As everybody is aware, the Authority decided from 1st July new travel rules would be put in place. This allows vaccinated individuals, that is those who have had two doses of an approved vaccine at least 14 days before their arrival, to enter the Bailiwick from the Common Travel Area with no testing or isolation requirements. Now, it has been almost two weeks since that was introduced and since the end of the second wave we have now had 38 cases, as of yesterday, and
45 again as of yesterday only 15 cases and 39 people are currently self-isolating as contacts of a positive case. Importantly – very importantly – we do not yet have any hospitalisations. That is an important indication the vaccine is working.

50 However, those arriving who are not fully vaccinated will be subject to the requirements based on the categorisation of countries and regions as previously. The Authority believes that it is simply not proportionate to require fully vaccinated individuals, when travelling to and from the Bailiwick, to submit to testing or isolation when the risk that they pose in terms of contracting and transmitting the virus has been dramatically reduced. This is just step one of a three-step plan for easing travel restrictions currently in place for Bailiwick residents. After two weeks, or thereabouts, of the current arrangements the Authority will review the situation and decide whether, or whether
55 or not, to move to step two.

60 Currently the proposed strategy change will allow for a modification of the testing and isolation requirements for Bailiwick residents who are fully vaccinated but are travelling from outside of the Common Travel Area. The current parameters of this proposed change will be reviewed and then determined by the Authority under the advice of Public Health and based upon the risk profile that jurisdictions outside the CTA pose. It is intended, if implemented, stage two, or step two, will remain in place for a further four weeks. That will take us up to the point where all of those who are aged 18 or over and are able to be vaccinated will have received both doses and will be approaching or at their second week since the second dose. At this stage, where the adult population will have

received a significant level of protection from COVID, the CCA will review the situation again and will consider moving to step three, which if it is implemented will introduce both testing and isolation-free travel from inside the CCA and international travel, aligned with the UK's traffic light and vaccination certification service. This stepped approach will allow the Authority to fully comprehend the impact of each of the steps before making any decision on opening up further.

At this point it is important to note that the Authority is monitoring, and will continue to do so over the next months, the situation in the UK and further afield. It should be emphasised that it retains the ability to implement what is called a 'Public Health override' where the situation in a particular region or country deteriorates to the extent that it would pose a significant risk to our Bailiwick. An example of this would be the emergence of a new variant of concern which has a greater level of vaccine resistance than say the Delta variant. In such circumstances the CCA, with the advice of Public Health, would therefore be able to re-impose testing and isolation requirements and it could be targeted, if appropriate, to those arising from or via specific regions or countries to minimise the risk. This would enable the adoption of a proportionate and timely response intended to minimise unnecessary disruption and interference in people's daily lives and their freedom to travel from and to the Bailiwick.

The Bailiwick's testing strategy will remain a vital component in our efforts to reduce the spread of COVID. Testing will remain in place for travellers who are not fully vaccinated, both on arrival and either on day 7 or day 14 depending on the category of the region they have arrived from. This is important as they do not have the same protection against the virus and so present a greater risk to these Islands. Testing is not in place for those who are fully vaccinated. Border testing is simply not seen as the most effective use of our testing capacity. Those individuals pose a low risk, they carry a low viral load and they are a low risk of transmitting further.

We are not the same as Jersey, we do not have the same testing strategy. Their approach is to test everybody at the border, regardless of their vaccination status and therefore regardless of the actual level of risk that they pose to their community. Now, without in any way – and I emphasise those words – criticising the Jersey approach, their number of cases and numbers of those in self-isolation is *much* higher.

Instead, testing of symptomatic individuals will continue, as will a comprehensive system of surveillance testing to pick up cases in higher risk areas. This includes e.g. healthcare workers and those in education settings, particularly those who are returning to school after the summer holidays who have been outside of the Bailiwick in the previous 14 days. Surge testing, as it is called, will also be used around areas of specific concern. The Authority believes, on the basis of scientific evidence and advice, this testing strategy will be able to protect and detect positive cases at the place where they pose the greatest risk, representing the most effective use of our testing capacity. Our testing capacity at the moment is about 2,000 processed per day.

To further bolster our testing strategy, work is under way to develop a sewage testing capacity which will allow for early detection of COVID infections. A Bailiwick-wide capacity for sequencing of variants of concern is also being developed so that the Islands can quickly detect if any variants are present and appropriate measures can be taken.

As already has been noted, these changes to the border restrictions would *not* be possible without the success of our vaccination programme. As of yesterday – and I emphasise these figures – 97% of the over-50s, that is those who are most at risk from serious illness and hospitalisation as a result of COVID, have received at least one dose; 91% have had both. In terms of the overall adult population, 94% of people aged 18 or over have had at least one dose and 75% have had both.

Vaccinations will continue to be administered over the coming weeks with the goal of having everyone over the age of 18 who is able to be vaccinated receive both jabs, by the latest, by mid-August. This will be achieved by the continued operation of the Community Vaccination Centre as well as operating drop-in clinics to ensure that use of vaccine supply is maximised.

The Authority is also expecting further information to be received from the UK on two additional vaccination matters. Firstly, it is expected that there will be a booster programme which will be

rolled out in the latter part of the year – probably September or October. Details around who will require a booster and when this can begin are still under discussion with the UK's Joint Committee on Vaccination and Immunisation – JCVI, as it is called. But the CCA has been briefed on developments and will implement what is required based on the guidance we receive. Secondly, a UK decision is also anticipated on the vaccination of children, and again the CCA will keep a close eye on any information on this matter.

Finally, it is always worth reiterating that everyone has a personal responsibility to try and prevent the spread of the virus. That is not going to change in the summer months or beyond. Indeed, it is hoped that the warm weather, with more time spent outside – we got some today – will naturally help us. However, actions such as handwashing, good respiratory etiquette and staying at home and getting tested if feeling unwell are all things that we can all do.

And very finally, the CCA has noted and understands the anxieties of the community, however we urge Members of this Assembly to focus on the real numbers of cases, the real numbers self-isolating, which two weeks after relaxing our border restrictions remain low. We have no cases in hospital. Be mindful that social media commentators do not have the full story and that perpetuating misinformation, which some of them enjoy, is found to be divisive and will add to the fears of those already feeling anxious. The decisions of the CCA continue to be based on scientific evidence, and will continue to be based on that evidence, and we are continuously monitoring the situation to ensure that any actions taken are proportionate to the risk posed.

Thank you very much, sir.

The Bailiff: Deputy Leadbeater and Deputy Taylor, you have both arrived during the course of that Statement, is it your wish to be relevéd?

Deputy Leadbeater: Please, sir.

Deputy Taylor: Please, sir.

The Bailiff: Thank you very much.

Now it is an opportunity to ask questions within the context of that Statement.
Deputy Queripel.

Deputy Queripel: Thank you, sir.

Bearing in mind there are now 1,400 cases of COVID in Jersey and out of the 454 new cases identified last weekend 34 were inbound travellers, and also bearing in mind that Jersey Senator Sam Mézec said in the news yesterday that the Jersey States have lost control of the situation, does the President not agree with me we should close the Guernsey-Jersey border immediately?

The Bailiwick: Deputy Ferbrache.

Deputy Ferbrache: Sir, I am very grateful to Deputy Queripel, he gave me notice of his question and he submitted to us some more last night. So I am grateful to him for that.

The answer to the question is we are keeping everything under review. I mentioned in my Statement the thing called the Public Health override. That could happen, the Director of Public Health could advise that that be done today, tomorrow, whenever. As I stand before this Assembly now, there is no current intention to close the Guernsey-Jersey border. That may happen tomorrow, it may happen next week, it may not happen. We will continue to keep matters under serious review and I am grateful for the Deputy for asking the question.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

170 Could the Chair of the CCA please inform the Assembly of the reason why STAC does not publish minutes of their meeting, in the same way as STAC Jersey and SAGE in the UK do? (**A Member:** SAGE.) Will he undertake to ensure they are published in the future?

The Bailiff: Deputy Ferbrache.

175 **Deputy Ferbrache:** Well, sir, no I will not give that undertaking because my whole ethos is to be as best open as we can and disclose as much as things as we can, whether it is to do with this particular topic or anything else, because the people are entitled to know as much as is possible. We are constrained by certain legal requirements and we intend, in relation to our duties, to discharge our responsibilities in accordance with our legal duties.

180 **The Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

185 The President mentioned about testing and would it give the public some security, and would he agree with me, that those that are symptomatic would benefit from a lateral flow test? Is it the CCA's intention to make these lateral flow self-tests free of charge to the general public as the National Health Service do in the UK?

The Bailiff: Deputy Ferbrache.

190 **Deputy Ferbrache:** Again, sir, I am grateful to Deputy Gabriel because he mentioned with me before he would be asking that question, he has asked it more eloquently than I would have been able to express and reply. But in relation to that, we will look at that issue. We want everybody, if they are symptomatic, they have got to contact the authorities, they have got to get tested, they have got to get that result, because that is one of the weapons against this horrible virus. But we will look into the point that Deputy Gabriel has raised.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

200 Yesterday there was a debate in another place, in the House of Commons in Westminster, whereby there was a slight rebellion from some Members of Parliament of the governing party against a proposal to make it mandatory that people should have appropriate vaccinations if they are working in care homes. Are there any plans to introduce that here or is it something you would prefer to consider according to the evidence and further consultation?

205

The Bailiff: Deputy Ferbrache.

210 **Deputy Ferbrache:** Sir, I think care homes themselves could impose that duty upon their members of staff if they so wish, because it is like any employer; an employer can say to his or her employees, 'This is what you must do to make sure that the people you work with and the people that you are attending to are safe.' At the moment we have not made that decision. That is not to say it might not be made.

The Bailiff: Deputy Matthews.

215

Deputy Matthews: Thank you, sir.

Why was the decision taken to open the Blue Channel in July and not postpone until August when most adults would then have received both jabs and the state schools would have been closed for the summer holidays?

220 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Because one of the absolute legal requirements under the legislation is we have got to act proportionately, and proportionately, when we opened up on 1st July the position then was that a significant majority of the population had had two doses, and an even greater proposition, those on top of that, had had one dose. We could not restrict, we cannot restrict people's liberty. The decisions that have been made, both by the previous CCA and this CCA, have been made in good faith and based on the issue of proportionality, and as soon as we move away from proportionality we are acting illegally. So we believe we made that decision on the basis ... and also we made it on the basis of medical and scientific advice, though I emphasise again the responsibility for that decision is that of the CCA and not of anybody else.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.
235 Deputy Ferbrache, when he spoke, emphasised that we are moving into a period where we have to learn to live with COVID, 'It's not going away' I think was in essence his phrase. Presumably, therefore, we are also approaching the point where it will no longer be an emergency within the terms of the law, particularly when the whole adult population is vaccinated, and therefore we will be approaching the point where the decisions in relation to public health will become those of the
240 Committee for Health & Social Care, rather than the CCA. Would he like to perhaps confirm his understanding of that position?

The Bailiff: Deputy Ferbrache.

245 **Deputy Ferbrache:** Absolutely, sir, and I am sure when Deputy St Pier was Chair of the CCA he wanted to get rid of that Authority as soon as he could – I do too. I concur with what he has just said.

The Bailiff: Deputy de Lisle.

250 **Deputy de Lisle:** Thank you, sir.
In speaking for the vulnerable and young people yet to be vaccinated, can I make a plea for testing everyone on arrival at the ports? It is a matter of providing comfort and confidence in the Authority. In fact people are coming in and asking for testing at the border and being denied
255 because they are double vaccinated. Can I ask for testing everyone on arrival at the ports, given the dynamics of this particular disease?

Thank you, sir.

The Bailiff: Deputy Ferbrache.

260 **Deputy Ferbrache:** I am grateful for Deputy de Lisle raising that question because he does represent the views of a not insignificant number of our community. But as I said in my Statement and the CCA has said previously, we have got a testing capacity of about 2,000 per day. We have got to smart test – that is a phrase that I did not come up with but I think it is a very appropriate
265 phrase. We have got to use our testing facility in the most appropriate way.

Jersey does test everybody, and again, no criticism of them, look where they are. We are in a different position and we have addressed the problem the best we can. But again I emphasise we do have this thing called a Public Health override which we will not hesitate to ask for used if it is necessary.

270 **The Bailiff:** Deputy Queripel.

Deputy Queripel: Sir, thank you.

Sir, I appreciate this could be a silly question, they need to be asked, I apologise to Deputy Ferbrache if he has answered it somewhere along the line, but the question is: have the CCA
275 ever insisted or considered that people travelling to Guernsey are tested at their point of embarkation, rather than upon their arrival in Guernsey?

The Bailiff: Deputy Ferbrache.

280 **Deputy Ferbrache:** It is not a silly question at all and I am grateful that Deputy Queripel has asked it.

It has been considered in the past but I just give an example of how that does not necessarily work. After the end of the second lockdown, we had a period where we had absolutely no positive cases in Guernsey and then we had the first one. The first one actually came from a hospitality
285 institution that I have some connection with, and I know that we had that person tested and got an appropriate certificate from a doctor to say that they were negative before they embarked on their route. They were tested again when they got in Guernsey and they were found to be positive.

So we have considered it but we do not believe it works.

290 **The Bailiff:** Deputy Burford.

Deputy Burford: Thank you, sir.

It has been reported in the UK that you may have to show vaccine certification in order to go to the pub. Can the President of the CCA assure me that Guernsey will not go down the route, at any
295 stage, of requiring people to show vaccine status to participate in ordinary life, whether that be pubs, shops or other venues?

The Bailiff: Deputy Ferbrache.

300 **Deputy Ferbrache:** I do not think any politician can guarantee what will happen forever, you just simply cannot do that. All I can say is it is not on our consideration, we do not believe it will be necessary and I think it would be a dark day if we have to do that.

The Bailiff: Deputy Bury.

305

Deputy Bury: Thank you, sir.

Following on from the question from Deputy Burford, has the CCA considered issuing any advice or guidelines to businesses along those lines? My reason for asking is that people have contacted me being concerned of a divided community and they are being asked for that personal medical
310 information by businesses and providers of goods and services.

The Bailiff: Deputy Ferbrache.

315 **Deputy Ferbrache:** Well, sir, we live in a free society and we cannot stop businesses doing what they are doing, but they are doing it of their own volition. We have not encouraged them to do it, we are not encouraging them to do it, but Deputy Bury raised the point. We all know of restaurants and other businesses which say unless you do such and such you cannot come into our place of work or our place of business. But all I can say, and I can emphasise, is that we have not asked
320 anybody to do that.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

325 Are there going to be any plans for people that have to self-isolate because somebody has been positive and through contract tracing that they will be reimbursed or have some kind of financial help because they have been put in the category that they have to self-isolate for two weeks? I think this especially affects the self-employed.

330 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Well, sir, that is more Policy & Resources, and in fact we discussed that just yesterday and I think either the press release has gone out – I look at Deputy Helyar – or going out which emphasises what we will do in exceptional cases.

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

340 **Deputy St Pier:** Sir, Deputy Ferbrache has referred to the Public Health override a number of times and forgive me for being a little slow but it is an important point and therefore I think it is worth perhaps re-emphasising my understanding that the concern in relation to the UK's colour coding of the countries and the decision for Guernsey to adopt that in due course – I think it was about six weeks or so from now, all being well – will be subject to the Public Health override. So if, for example, another country such as India were to emerge with a new variant in due course that were to give the Public Health Department here concern, even if the UK were taking a political decision not to re-rate that country the Public Health override could do so. Have I understood the position correctly?

Deputy Ferbrache: Again, sir, I am happy to confirm for the second time today that Deputy St Pier has well understood. That is exactly the position.

350 **The Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, sir.

The President mentioned that the CCA's decision is based on scientific evidence, and as –

355 **Deputy Ferbrache:** Could Deputy Haskins speak up, sir? I cannot hear him.

Deputy Haskins: Sorry.

360 The President mentioned that the CCA's decision is based on scientific evidence. As we are learning to live with the virus, may I ask how long a double vaccination is understood to last in regard to protecting against the virus?

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

365 **Deputy Ferbrache:** To the best I can, sir, because there is not an absolute answer yet. We do not know is the truthful answer. It has a life, but we do not know whether it is six months, a year or whatever it may be. That is why, amongst other things, there will be this new booster policy which will be operated later in the year. The latest indications, but it is not fixed in stone, will be September/October.

370 **The Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, sir.

If the CCA felt that postponing the opening of the Blue Channel were to be advisable but were not permitted within the limits of what the CCA could achieve due to limits of proportionality would

375 it not make sense to perhaps consider devolving that decision to another Committee, such as the Committee *for* Health & Social Care, which would be able to make that decision?

The Bailiff: Deputy Ferbrache.

380 **Deputy Ferbrache:** No, sir.

The Bailiff: Deputy Gollop.

385 **Deputy Gollop:** This is perhaps a hypothetical question, but if we follow the Jersey route of testing everybody regardless of sense who came into the Island, would it not be the case that we would probably have a higher number of coronavirus cases – not quite 1,399, but a higher number – and then therefore the consequence of that would be that there would be more people tracked and traced and put into isolation? Would that protect us as a society or perhaps just weaken business? My question is do we really know the full extent of coronavirus in the Island, bearing in mind we do
390 not do the testing on arrival like Jersey does?

The Bailiff: Deputy Ferbrache.

395 **Deputy Ferbrache:** Well, I am not sure Jersey knows (*Laughter*) the full results of it. Perhaps sometimes they think they better not! But get away from that comment.

The answer is there will undoubtedly be, in any society, people who have COVID that we do not know about, whether that is England, Guernsey, South Africa, wherever it may be. We are channelling our resources as best we can, they are finite, albeit we are quite prepared, as P&R, to extend whatever resources we can as is appropriate to make sure that we minimise the effect of
400 COVID either getting into the Island or, once it has got into the Island, of doing any damage.

The Bailiff: Well, thank you all very much for that.

COMMITTEE FOR HOME AFFAIRS

General update –

Statement by the President of the Committee *for* Home Affairs

405 **The Bailiff:** We will now move to the second Statement of the Meeting, which is a general update Statement delivered by the President of the Committee *for* Home Affairs, Deputy Prow, please.

Deputy Prow: Thank you, Mr Bailiff.

410 Sir, this is my second address to the States since being elected as President of Home Affairs, and since then we have seen a second lockdown. During this time all Home Affairs service areas have continued to deliver high-quality services, not just those that are immediately critical to keeping the community safe, but also those which help us recover.

As a Committee we have remained focused on the delivery of the strategic priorities that we identified at the beginning of this political term, and they are, sir: responding to the consequences of Brexit; reviewing the Island's population and immigration policies; preparations for the Moneyval inspection; and planning the development of a 'Justice Framework'.
415

Whilst the Committee awaits the outcome of the Government Work Plan debate to understand how these workstreams will be resourced, I would assure the Assembly that we have not been

resting on our laurels; many aspects are being actively progressed. However, the timetable and the pace of future delivery will be dependent on the decisions the Assembly makes next week.

420 In my last update speech, I said that Brexit had caused the biggest changes in certain areas of our customs and immigration operation for more than 40 years. The Government Work Plan details the extensive work that is still to be done in this area and this continues to be a focused priority of the Committee. As a community we are really starting to see the impact of those changes. As the free movement of people fell away, EU and EEA nationals have become subject to the Immigration
425 Act. The new arrangements, coupled with the restrictions placed on travel as a result of COVID, mean businesses are facing challenges both keeping staff and accessing an off-Island workforce. The Committee is working with political colleagues in Policy & Resources and Economic Development to understand the challenges and tackle the issues.

It was through the UK's membership of the EU that we, as a Bailiwick, enjoyed the free movement
430 of people. The UK's withdrawal from the EU forced change. The free movement was a benefit that we did not own, but enjoyed. As a consequence the UK have now extended a points-based immigration system to EU and EEA nationals. We have been able to deviate from the UK's much more restrictive regime because through the Population Management Law we have already identified the skills in short supply locally. The UK have accepted this deviation as a result of their
435 confidence in our internal established controls provided by Population Management.

We are actively pursuing solutions that will support business today, through increased flexibility and the extension of temporary employment permits and sending the very clear message: if you have staff here and want to keep them, talk to the team at Population Management and they will look to find a solution. Through the merging of population and immigration processes we are
440 dealing with today's issues. But we also need to plan and understand that we need a population policy to provide for the Island in the future. This is not a question for Home Affairs to consider alone. This includes not just immigration issues, but how we are supporting our young people to develop the skills we need as an Island and what our future housing needs as a community are.

The Committee has prepared the ground for the review of population and immigration policy,
445 which will begin as a priority, subject to the agreement of the Government Work Plan. This is critical for our economy and for our community. We have already had a successful first cross-committee scoping meeting, agreed terms of reference which are being shared with stakeholder Committees with a request to support and contribute to the review both politically and at operational level.

Working closely with P&R the Committee has been pleased to support the creation of the
450 Economic & Financial Crime Bureau. The Bureau will strengthen Guernsey's approach to tackling financial crime, money laundering and identifying and confiscating the proceeds of crime, dealing with the threats and risks faced by Guernsey as an international financial centre.

Having robust systems in place in Guernsey to tackle economic crime is crucial to maintaining the Island's reputation on the international stage as a premier finance centre. We are confident this
455 new stand-alone organisation, working in partnership with Law Enforcement and the Law Officers of the Crown, will help the Island prepare for the forthcoming Moneyval inspection and allow it to achieve the best possible ratings. Indeed, it is the clear responsibility of this Bailiwick to robustly investigate and prosecute criminals found to abuse our highly respected finance industry and to remove their illegal proceeds. The Committee will soon be submitting two policy letters proposing
460 amendments to further develop economic crime legislation and to seek the creation of a statutory status for the Director of the EFCB.

The Committee acknowledges the efforts that have been made to capture the work and ambition of Government through the Government Work Plan. It has been reassured by how its priorities have been represented. However, key will be how they can be supported through the allocation of
465 resources.

Keeping the Island safe and secure has been recognised as one of the key themes of the Government Work Plan. This includes the evolution of a Justice Framework and the continuance of the Domestic Abuse Strategy. The Committee place their trust in the Assembly that this work will

be prioritised and resourced so that real progress can be made in developing some of the opportunities highlighted by the Justice Review.

The Committee continues to support the critical work delivered through the Domestic Abuse Strategy, essential for supporting one of the most vulnerable groups in the community. We are in the process of considering a draft of a policy letter which will see the delivery of the next iteration of the Domestic Abuse Strategy. This will, as already highlighted, include recommendations around the development of a pilot scheme for a Sexual Assault Referral Centre which will first need to be fully scoped to understand what is required to meet the needs in our community.

The Committee continues to work collaboratively with colleagues in other Committees, in particular Health & Social Care to support the development of strategic policy which cuts across Committee mandates. We are committed to supporting the workstreams which see us investing in our community, such as those that will focus on supporting outcomes for young people. It will be absolutely critical that the interdependencies identified in the Government Work Plan which contribute to keeping the Island safe and secure are appropriately recognised. As workstreams progress further engagement with colleagues in Economic Development, Education and E&I will be key.

The Committee continues to be supportive of the Government Work Plan to support the delivery of a strategic action plan. Whilst in the coming months we will need to deliver at pace it must not be to the detriment of working collaboratively to make evidence-based decisions and finding sustainable solutions.

It is essential that in resourcing strategic priorities we do not overlook the operational responsibilities of Government. Continuous investment in core services is essential to ensure that they remain fit for purpose and meet the needs and expectations of our community. This is particularly important in those areas identified by external reviews as in need of improvement, whether that is in relation to IT, the operation of CCTV, supporting vulnerable groups or how we rehabilitate offenders. The Committee is reassured that P&R have acknowledged the need to invest in key operational functions.

Whilst the Committee supports P&R's aim to build and deliver on sustainable budgets, both revenue and capital, this Assembly needs to understand that this is going to be an enormous challenge for those front-line services.

Thank you, sir, and I look forward to taking questions from the Assembly.

The Bailiff: Well, Members, are there any questions on any matter within the mandate of the Committee you want to ask the President?

Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I note from the President's comments, that of keeping the Island safe and secure being a priority focus of policing in the Island. Can the President provide an update on funding neighbouring policing in Town, on the Bridge and in the country parishes?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Deputy de Lisle for his question.

The deployment of resources is a matter for the Chief Officer of the Police and he has to do that within the budget allocation that he is given. Currently there is a neighbourhood policing capability which the Committee completely supports and I support Deputy de Lisle's comments around the maintenance of that support. So I would give him the reassurance that there is a neighbourhood policing capability and that they would do their very best to support the community, not only in the areas that he has outlined, but in the parishes as well.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

There was recently a report from the other island, Jersey, by their Police that they tried a new approach with certain young offenders and they had identified that something like a quarter of all crime of a particular kind was perpetrated by apparently 20-or-so young people from troubled backgrounds or families. Are Home Affairs this term working in concert perhaps with Health & Social Care and Education, looking at an intelligence risk management approach whereby the signs of crime can be weakened by targeting perhaps possible offenders in that kind of a way?

Deputy Prow: Thank you, sir, and I thank Deputy Gollop for his question.

As I outlined in my Statement, we are going to embark on a Justice Review, provided that that part of the Government Work Plan is supported by this Assembly, and I am sure it will be. And the very interesting summary of the research that has gone on in Jersey, this is precisely the type of situation that the Committee will be looking at. I think there must be, under the Justice Review, much more of a focus on preventing crime from happening and I will be very interested in the Jersey experience. In fact I am due to have a conversation with their Home Affairs Minister in due course.

Thank you, sir.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I would thank the President for mentioning the upcoming combined Committee meeting with the Committee *for* Health & Social Care and in particular the opportunity to discuss the Sumnall Report and a potential new approach to the possession and misuse of small quantities of drugs for personal use. The President knows my position, that the criminal justice system should be there to punish people who seek to do harm to others, but for people who struggle with their own problems the mental health system should be used to help them get back on their feet. Does the President agree with me that the case for a de-penalisation approach is strong to help achieve this?

The Bailiff: Deputy Prow.

Deputy Prow: Yes. Thank you, sir.

I thank Deputy Matthews for his question and this is something that ... discussions have already taken place with Health & Social Care and will continue to be discussed.

I think the Committee *for* Home Affairs has made it absolutely clear that the outstanding Resolutions on this need to be discharged and will be discharged and that we will do that in collaboration with Health & Social Care. I think the questions of small quantities and the possession of small quantities of controlled drugs is something that can be addressed through looking at the conclusions of the Professor Sumnall Report. Having spoken to Deputy Matthews, we are both I think of a view that it is a good report and within those conclusions, particularly perhaps around arrest referral, where we can identify those people that need help and support that this is a very good way of tackling that part of the substance misuse strategy. But the substance misuse strategy has to be joined up. Those who engage in drug trafficking must be investigated fully and appear before the courts.

Thank you, sir.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

Could I ask the President if he has had any luck in negotiating with the UK in terms of reducing or waiving the fees payable to immigrant labour into Guernsey who are not planning to go on to the UK? These costs are about £600 a head. I wonder if he has got anywhere with that.

575 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I thank Deputy Dyke for his question, because I understand the issue. I think Deputy Dyke is referring to EU and EEA nationals and the increased cost that that is and the burden on business.
580 We are part of the Common Travel Area. When the UK left the EU they applied their points-based system, as I have said in my Statement. But certainly on the security aspect and the issue of visas that is a matter where we are entirely in the hands of the UK. Those visas have to be issued from British missions within the EU and EEA. So we really have no control over the cost.

585 However, where we do have some influence over cost is with regard to the Population Management Regime and the Committee is absolutely aware of the pressure on business caused by the cost of these and it will do all it can, within the budget constraints that we have, to try and minimise that burden on business.

Thank you, sir.

590 **The Bailiff:** Deputy Falla.

Deputy Falla: Sir, it is good to hear the progress that the Home Department has made on immigration post-Brexit. I just wondered whether he was able to give a sense of how big the shortfall is of immigrant workers that we would normally expect to see at this time in the year?

595 Thank you.

The Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Falla for his question.

600 I think the whole question of population management and immigration needs to be reviewed in the round and the sort of statistics that Deputy Falla alludes to are very important for us to consider.

I think there are two aspects to this. There are the short-term issues brought to bear because of the COVID situation and the general inability to travel, together with the situations that I have described around EEA and EU nationals. Deputy Falla is absolutely right: we need to scope exactly
605 what the issues are and design a population management and immigration policy that caters for the needs of this Bailiwick, rather than the needs of the UK, which they believe are catered for in their points-based system.

Thank you, sir.

610 **The Bailiff:** Deputy Inder.

Deputy Inder: *[Inaudible]* ... re-emphasise points made by Deputy Dyke and Deputy Falla. We need to start with data. We are always told, and it is something I repeat and I do not know if it is true, that we have got something like 3,000 foreign workers working in hospitality, care and the
615 building industry. But I am genuinely intrigued, would Deputy Prow be able to go back to his office and say, 'We've got these amount of licences doing this kind of work and we know that data is accurate and there haven't been another 400 that just haven't told us that they've left the Island'? I am really intrigued to know how accurate he really thinks the data is to build any future Population Management review.

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The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

625 I think this raises a very important aspect to the review. We are only at the scoping stage of the review and we have already had a cross-committee scoping meeting, and at that meeting there was quite lot of technical and statistical data produced. This is the basis for the review, working with Economic Development, working with Policy & Resources and with colleagues in Home Affairs, both at officer level and politically. What we need to do is establish exactly what a population management regime should mean.

630 As far as to the quality of the data, I am satisfied that the data exists and that the data that we require to do this review is there. The issue is, and why it is an issue for the Government Work Plan in the sense that it needs to be resourced, that somebody needs to extract this data. But I am entirely confident that that data is available and where it is not, again we will need the resource to find it. But I must re-emphasise –

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The Bailiff: Deputy Prow –

Deputy Prow: Thank you, sir.

640 **The Bailiff:** – you will not have the opportunity because your 90 seconds are up. *(Laughter)*
Deputy Dyke.

Deputy Dyke: Thank you, sir.

645 Following up on what the President has been saying about the review of population management and related matters, it sounds to me as if this is going to take quite a long time. Would it be possible to separate out from that general review a look at section 8 of the Population Management Law, which is the section that restricts the number of families that can live in an Open Market house? That would be quite an easy, short fix, I think, and would help in two respects. First in terms of the use of the Open Market by their owners, to expand that and make the Open Market
650 more useful, and secondly, the restrictions in section 8 do have the effect – and we do not have the precise figures, but they will have some effect – in terms of pushing people from the Open Market onto the Local Market with consequent unfortunate extra pressure on Local Market house prices. Could that aspect be separated out?

655 **The Bailiff:** That is your minute, (**Deputy Dyke:** Thank you.) so the answer to the question, Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Deputy Dyke for his question.

660 What I do not want to do today in this Assembly is to prejudge the outcome of the review and what I should say is that this review is a wide review. It is a review around population management and immigration and what strategies and policy we need. Of course the Open Market is a factor in that, but it is not the Open Market that is going to be under review. But if there are consequences that need to be addressed, such as the one that Deputy Dyke has outlined, yes of course they will be looked at. I think the important part I take from Deputy Dyke's question is that, yes, there will be
665 an incremental approach to this. Where we believe that there are fixes that do not have to wait until the review is published and put before the Assembly, particularly with short-term issues that I alluded to in my Statement, they will be addressed incrementally and I hope that gives him some comfort.

670 Thank you, sir.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

675 The sexual offences legislation was debated in June last year and of course it began its journey
over 10 years ago, I think in 2011 or before. Is the President in a position to advise when he expects
that important part of the legislation to take effect and if not perhaps he could give an undertaking
to advise Members in writing?

680 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Deputy St Pier for his question.

685 The Sexual Offences Law, 2020, I understand has received Royal Assent and is due to be
registered before the full court on 14th June. The secondary legislation arising from the Sexual
Offences Law will be developed so that the new Law can be enacted. The first workstreams consider
offences involving breach of positions of trust. The Committee requested that this work is reflected
in the Government Work Plan and this work is ongoing as a priority that that Law can be enacted
and I hope that answers Deputy St Pier's question.

Thank you, sir.

690 **Deputy St Pier:** Sorry ...

The Bailiff: Deputy St Pier, would you like to ask ...?

695 **Deputy St Pier:** Well, it was just really for clarification on the date that it is expected to receive
approval or be registered by the court because I think there was some confusion –

The Bailiff: It has been registered, Mr Comptroller, hasn't it?

700 **The Comptroller:** Sir, I can confirm it has.

The Bailiff: I think we were –

The Comptroller: We were there!

705 **The Bailiff:** – both there. So yes, it has happened!
Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

710 I could get a sense from Deputy Prow's update that the Committee was facing budgetary
pressures to deliver the operational front-line responsibilities in addition obviously to the potential
funding that might be achieved from the Government Work Plan on the strategic projects. Given
that there are various transformation programmes going on, Public Sector Reform, SMART
Guernsey, contracts, could the President of the Committee give us an update of what kind of
operational efficiencies might the Committee be able to achieve from such transformation
715 programmes, given that, for example, I am aware that the Committee has all sorts of legacy
infrastructure and systems, IT systems especially, that it has to deal with.

Thank you.

720 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I think the best answer I can give to Deputy Kazantseva-Miller is that the subjects that she raised
have been considered by the Committee. This is a matter in the Committee's mind around good
cross-committee working.

725 You mention our strategies on IT, which we know needs an increased amount of work and we
also have concerns around CCTV and other matters. I think it is absolutely incumbent upon the
Committee *for* Home Affairs, in dialogue with Policy & Resources, to resolve these issues. I think the
Deputy is right in saying that every tool in the box needs to be used, including the resources put
aside for transformational activity. But this really is a matter of how we actually progress this will
730 become clearer once we have had the debate on the Government Work Plan.

Thank you, sir.

The Bailiff: Deputy Gollop.

735 **Deputy Gollop:** I am a member of the Living Streets committee and we have been pleased at
the progress that has been made to create an alliance looking at broader issues of road safety which
will include some, but not all parts of Home Affairs. Does the President and his Committee welcome
an approach to strengthen maybe the Committee's stance on safe roads and safe spaces for
vulnerable road users, pedestrians and indeed all users of the highways, and work cross-committee
740 as well with Environment & Infrastructure, Health & Social Care, in order to ensure a safer Island?

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir, and I thank Deputy Gollop for his question.

745 The answer to it is an emphatic yes. The Committee supports the organisation to which he
referred, Living Streets, and welcomes the fact that there is an open public debate bringing these
sorts of issues to the fore. This is precisely where the justice policy review needs to concentrate and
the Deputy is absolutely right about cross-committee working. Home Affairs cannot do this alone
and the engagement of the public and these sorts of groups will be very welcome by the Committee
750 *for* Home Affairs.

Thank you, sir.

The Bailiff: Deputy Falla.

755 **Deputy Falla:** Sir, in November 2020 a public meeting was called by a group of concerned
Guernsey citizens about excessively noisy motor vehicles, in particular motorcycles. I wonder if the
President could advise whether any progress has been made towards tackling this issue?

The Bailiff: Deputy Prow.

760 **Deputy Prow:** Thank you, sir, and I thank Deputy Falla for his question. I also thank him for
giving me advance notice.

I attended the meeting to which he refers and I am very aware that this is a longstanding issue
that has been raised in previous Assemblies. In all honesty, and I always try to be as honest and
765 straightforward as I can, this is not at this particular time a priority for the Committee *for* Home
Affairs. However, having said that, it is something we are acutely aware of, indeed we recognise
there are many vehicles that when driven or ridden, particularly at reasonable speeds, are fine,
emitting an acceptable noise level. However, that situation can change when the same vehicle is
not put under the stress of acceleration, high speeds, and with the legislation that we have in place
770 roadside testing checks are not the ideal way of sorting this out.

I have also had conversations with the President of Environment & Infrastructure – actually, we
have had quite a few conversations – and we are due to meet jointly with them, and this will be a
subject that we will discuss (**The Bailiff:** Deputy Prow.) and we will be looking for pragmatic answers.

Thank you, sir. Sorry, sir.

775 **The Bailiff:** You have 90 seconds.

I will take the question from Deputy de Sausmarez because Deputy Queripel is not present at the moment when we move into Question Time, if somebody would like to go and find him.

(Laughter)

780 Deputy de Sausmarez.

Deputy de Sausmarez: I will take as long as I can then, sir! *(Laughter)*

I would just like to ask the President for the Committee *for* Home Affairs whether his Committee has had a chance to progress any work on two Resolutions that were brought under the sexual offences legislation debate – sorry, two amendments. One was on looking at how to implement the concept of consent as an affirmative action and the other was around the definition of extreme pornography. I can understand that these have not been at the top of the Committee’s priority list but they are still extant Resolutions and I was just wondering whether the President would be able to give me some assurance that these are still on the Committee’s agenda and will be progressed in time?

790 Thank you.

The Bailiff: Deputy Prow.

795 **Deputy Prow:** I thank Deputy de Sausmarez for this question and it is a very important subject. I think the progress on the sexual offences I have updated from a previous question. All I would say is that we are, the Committee, aware of the extant Resolutions and they will be discussed and given due consideration when we have priority time to do so.

Thank you, sir.

Questions for Oral Answer

Provision and regulation of mental health services

800 **The Bailiff:** Well, Members of the States, that concludes questions to the President of the Committee *for* Home Affairs and we move next to a set of questions to be asked by Deputy Queripel of the President of the Committee *for* Health & Social Care. I should just advise Members that if Deputy Queripel does not resume his seat after he has asked his questions that is because he is doing that with my permission. If other people are standing at that time I will turn to each of you in turn as appropriate.

805 So Deputy Queripel, your first question to the President, please.

Deputy Queripel: Sir, thank you, and I thank you for allowing me to remain standing.

810 My first question is is the Mental Health Service here in the Island regulated by a non-biased independent body? If it is, can the President please tell me who that body is? If it is not, can he please tell me who does regulate the service?

The Bailiff: The President, Deputy Brouard, to reply, please.

815 **Deputy Brouard:** Thank you, sir, Members.

It is important to note that mental health services are provided from many different sectors. The majority of patients with mental health needs are appropriately cared for via primary care and some access private therapists. In addition Health & Social Care provides early mental health intervention via Healthy Minds which sits under Public Health services, together with secondary care services

820 that are delivered from the Oberlands Centre which are focused on those with mental illness. Support for individuals experiencing varying levels of mental health stress and distress are therefore delivered by different partners and agencies with secondary care services provided by HSC offering support for people with higher levels of clinical needs.

825 All practitioners working for HSC must belong to registered bodies: the General Medical Council, the Nursing and Midwifery Council, the Health and Care Professions Council or Social Work England, depending on their profession. HSC services are not subject to external regulations from a body similar to that of the Care Quality Commission in England. However, we have an internal governance department that audits all parts of the mental health service in exactly the same manner as the physical health departments and some parts of the service are also actively working towards gaining accreditation from the Royal College of Psychiatry.

The Bailiff: Do you have a supplementary question at all, Deputy –?

Deputy Queripel: Two supplementaries, if I may.

The Bailiff: Supplementary, Deputy Queripel.

Deputy Queripel: Sir, I am shocked to hear the service here in the Island self-regulates. That really concerns me. I do not see how they can self-regulate without being biased.

840 So can the President tell me please if any Members of his Committee or he himself resonates with my concern?

The Bailiff: Deputy Brouard to reply, please.

845 **Deputy Brouard:** Thank you, sir.

As I mentioned in my answer to the initial question, all practitioners working for HSC must belong to registered bodies; the General Medical Council, the Nursing and Midwifery Council, the Health Care Professions etc. So there are bodies in place that will regulate their members of staff. There is an extant Resolution to look at general health care in the Island with regard to regulation. That piece of work is in the pipeline but whether it will be coming forward in the next couple of years I doubt because of resources and the need for us, as every single Committee here, to prioritise.

The Bailiff: Your second supplementary question then please, Deputy Queripel.

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

The President said in his response that some parts of the service are working towards gaining accreditation from the Royal College of Psychiatry, which might sound rather grand, but I am afraid it means nothing to me. So can he tell me please why is it so important to the service to gain accreditation from the College and how will it benefit the service?

860 **The Bailiff:** Deputy Brouard to reply.

Deputy Brouard: Thank you, sir.

Many groups in many different professions all work towards accreditation from their governing bodies. What I would suggest to Deputy Queripel, and again any other Member of this Assembly, please come to us as a Committee and we will gladly walk you through and talk you through our plans and also you can meet the staff who are actually involved in this on a day-to-day basis and get that detailed information that you are seeking. Trying to do it on the floor of this Assembly is difficult and I think I would encourage any Member, if you have got any questions of this sort or any other sort, go to the Committees that you need to get those answers from, engage with them

and use the States' facilities here as a last resort when you are struggling to get answers. We have the answers, I just do not have them in front of me today.

The Bailiff: Deputy St Pier, supplementary.

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Deputy St Pier: Sir, Deputy Brouard referred to the regulation of care professionals as being an extant resolution. Can he confirm my understanding that as and when that resolution is acted upon of course it would cover all mental health care professionals in due course and it is merely a question of time rather than whether they would be regulated or not?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, Deputy St Pier.

That is my understanding as well. So yes, I confirm that that is our thoughts.

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The Bailiff: Your second question to the President then please, Deputy Queripel.

Deputy Queripel: Thank you, sir.

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Can the President tell me if HSC are satisfied that the mental health services they provide are client centred at all times? And if they are not satisfied, can he tell me what they are doing to address that, please?

The Bailiff: Deputy Brouard to reply.

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Deputy Brouard: Thank you, sir.

HSC has confidence that the services it provides aspires to be patient centred at all times. Although in mental health services, because of their very nature, there can be the additional aspects of safeguarding and public protection issues. Each registered practitioner is bound by a code of conduct and practice requiring them to work using a holistic and patient-centred approach. However, with regard to mental health services generally, the States has previously recognised that there are gaps in mental health and well-being provision which affects how and where and when Islanders access support.

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The Government Work Plan provides further opportunity to review services overall and looks forward to Members' support to progress this further.

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The Bailiff: Supplementary question at all, Deputy Queripel?

Deputy Queripel: I have one, sir, thank you.

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The Bailiff: Thank you.

Deputy Queripel: Sir, the President said in his response the States has previously recognised where there are gaps in the mental health provision, but then he went on to say that the Government Work Plan provides a further opportunity to review services. So my question is if the gaps have already been recognised why do HSC need a review to tell them what they already know?

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The Bailiff: Deputy Brouard to reply.

Deputy Brouard: Yes, good question, Deputy Queripel. There are definitely gaps in the service, what we want to do is understand which gaps are the most important ones that need to be filled first and also how we are going to do that, how that is going to be funded, where it is going to be provided, it is something that will be done by ourselves, other professionals or the third sector. So

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the idea of the review is that with the limited resources that we all have that we use it to the absolute best position where it is going to have the greatest good for our Islanders' who are suffering from mental unwellness or even mental illness.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir, and I thank you for the President's responses so far to Deputy Queripel's questions.

Does the President of Health & Social Care have an idea of what excellent mental health care provision in Guernsey could look like? What is our vision?

The Bailiff: Deputy Brouard.

Deputy Brouard: Yes, I think our vision would be a seamless, patient-centred provision which provides an ability for people to access whichever level of service that they need themselves, whether that is for if they have mental illness or just general mental wellbeing, and slowly we are putting those blocks in place. Only just recently we started looking at how people can access clubs and societies so that they have that mental inclusion and that helps. If someone is employed, that helps. We all have a responsibility, both from Education, from Social Security, to make the wellbeing of our society. So it is to have the facilities there that are available for anyone when they need it at any time, but we need to start working more on the prevention rather than the cure.

The Bailiff: Deputy Gollop, supplementary.

Deputy Gollop: Deputy Brouard has just answered to Deputy Dudley-Owen about being available at any time. Whilst I acknowledge that the mental health services are client focused, is it not the case – and I asked Deputy Soulsby the same question when she had a similar role – that the model currently used by Health & Social Care is very much an eight-till-six, nine-till-five, Monday-to-Friday format, whereas in reality the needs of mental health clients and their families can be 24/7? So will Health & Social Care be looking at a more flexible model?

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

Yes, of course, I am sure there is more we can do. However, please, we do have the services open 24/7, the Oberlands is open 24/7, A&E, or the Emergency Department, is open 24/7 and people can present.

Sometimes when someone is presenting with a severe mental health issue it is not necessarily the time then, if they are on drugs or whatever, to start their therapy. You have to then wait until they are in a suitable, safe position that you can start to work on their particular needs.

So it may well be that they present at A&E but that is not necessarily the time to start therapy. That is the time to perhaps calm them down, to put them in a safe place and then, as we say, in the nine to five we can then start to work through what their issues are and so that it does not happen again.

But yes, we could always provide more services. We take at the moment about half of the States' budget, we could take more. So we have to be very careful on where we use the resources. And again, as I said, it is holistically we all have a role to play, from Economic Development making sure there are jobs for people to go to so that they feel part of society and that they are contributing, from Social Security to make sure that financially they are supported, from housing to make sure that we have got houses for them, they are not stressed as to where they live, (**A Member:** Hear, hear.) all these things all come as part of it. We just have to deal with the people that turn up on our doorstep, but I need all of you to help us not get them there in the first place.

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

Deputy St Pier: Sir, in his response to the first question, Deputy Brouard referred to the review and the challenges in the supplementary as to why that was necessary if the Committee knew there were already gaps. Perhaps Deputy Brouard could confirm my understanding, perhaps by
980 illustration of his response to Deputy Gollop that actually, for example, a liaison service between the ED and Oberlands could well be one of the things which the review will look at as to whether it is appropriate to have that as part of a suite of mental health services and that is why the review is so essential. Perhaps he could just confirm my understanding on that point.

985 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Yes, I do. I am very happy to confirm that. It has been a journey for me, and I think also from our Committee: if you would have asked me a year or two ago, and I have been in the States a fair time, mental health facilities, 'Oh, that's the Hospital, that's done by Health' – it is
990 not. When you start to unpick it we have many different agencies involved, from the third sector to primary care. And yes, that is where we need to try and join up all the dots as part of the Partnership of Purpose so that we have all the links in place that people do not fall between one gap and another. To be fair, the primary care, at your 10-minute slot, is not necessarily going to solve all your mental health issues in one go, and that is where we start. Yet we provide excellent service for
995 mental illness; and mental wellness and mental illness are two very, almost polar opposites on the same spectrum.

So yes, thank you. That is part of the review to find out how we can link more and more of our services together.

1000 **The Bailiff:** We move next to your third question then please, Deputy Queripel.

Deputy Queripel: Thank you, sir.

Are there a sufficient number of suitably qualified practitioners working within the service with the necessary qualifications and skills to cope with demand and are there sufficient numbers of
1005 suitably qualified staff on duty at all times to cope with demand?

The Bailiff: Deputy Brouard to reply.

Deputy Brouard: Thank you.

1010 Although recruitment and retention is a challenge across many areas within Health & Social Care, the mental health service has worked intensively and consistently to ensure that there is a sufficient number of suitably qualified practitioners working within the service to cope with the needs of the community.

1015 There are vacancies within the service but these do not significantly impact upon service provision and if a vacancy could cause a risk then approval is sought, and almost always granted, to fill that post with temporary staff while the substantive recruitment process continues.

The Bailiff: Do you have a supplementary at all, Deputy Queripel?

1020 **Deputy Queripel:** I have two, sir.

The Bailiff: Two supplementaries. Your first one then, please.

1025 **Deputy Queripel:** Sir, the President said in his response that should a vacancy cause a risk then approval is sought and *almost* always granted to fill that post with temporary staff. So to clarify,

does he mean approval is sought from the Home Affairs Department, Population Management, for a licence to bring an applicant in from overseas to fill the post?

The Bailiff: Deputy Brouard to reply.

Deputy Brouard: Thank you.
No, I do not think that is the case.

The Bailiff: Your second supplementary, Deputy Queripel.

Deputy Queripel: The President said approval is sought and almost always granted. That concerns me, because if it is not granted then the vacancy remains. So can the President please tell me why approval is not granted on occasion and how does the service actually cope whilst that vacancy exists?

The Bailiff: Deputy Brouard to reply, please.

Deputy Brouard: Thank you, sir.

There may well be examples where there is someone who is going to be arriving in post shortly and therefore the service can perhaps continue as it is until that person arrives. It could be that there is another way of solving that particular issue by moving staff from another area and backfilling somewhere else, so there are many options available. Our officers will continuously try and find what is the best solution for the particular problem they have ahead of them. But we do not have unlimited funds. We do not have an unlimited ability to recruit in excess. We have to make sure that whatever service we are providing it is safe, it is secure and that we bring in proportionately the right people to do the right job at the right time.

There will always be challenges in an area such as Health and of course with specialisms in mental health particularly. So there may be a time when it is appropriate to use someone else or to use a different system to bring in the resource that we need to cover that particular issue. But again, as I said in answer to an earlier question, if Deputy Queripel is interested in this area, please, come and meet us, come and meet the staff, learn all about it and understand how the service works and his questions can be answered in a much more holistic and appropriate way.

The Bailiff: Deputy Gollop.

Deputy Gollop: *[Inaudible]* ... Deputy Brouard for his invitation too, which I may take up even though I am too a service user of it.

But I would ask a supplementary here. Although I entirely accept and know that Health & Social Care will make every effort to fully fill all positions with temporary staff where appropriate, how far is the Department able to ensure there is not excessive changes in continuity of personnel and/or excessive costs in terms of use of agencies? That was a problem in a previous Health Committee of a few years ago.

The Bailiff: Deputy Brouard.

Deputy Brouard: No, thank you very much indeed for that question, and the answer lies in Deputy Gollop's own hands. One of our main reasons for staff turnover, not only that some staff will come to the Island for several years and they were always intending just to stay in the Island for several years before moving on for their career, but key worker housing is an absolute essential and that is held in a group of us who are getting together to try and tackle that particular issue. But that is one of the key things. We have people coming over, they have got, would you believe it, a car

and a pet, where can they find accommodation at a reasonable level and at the salary band that they are at when they come to work at our services?

1080 So it is a difficult issue, but I am not the only one driving the horse here. We need all of us to work together to solve this and key worker housing is an essential plank and one of the main ones that we have picked up in our short time in office.

The Bailiff: Deputy St Pier.

1085 **Deputy St Pier:** Sir, in determining the suitable number of qualified practitioners, does Deputy Brouard agree with me that one of the challenges is getting the various mental health professionals themselves to agree what the right answer is to that question? There is a split between those who favour therapeutic treatments, cognitive behavioural therapies and listening therapies and so on, and those that perhaps take what might be described as a more medical treatment route
1090 and there is an understandable dialogue and tension between those different solutions or services and advice and help to the community. Again, that is another reason why a review is so important to help us ensure that we can structure the service correctly with the right balance in the right place. Would he agree with that assessment?

1095 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I thank Deputy St Pier. Yes, I absolutely agree, and also there are tensions as things change. Some of us have been to the recent presentation about ACEs and how that affects children early in life. That is something new, we have professionals who have been with the service
1100 for a long time, we have new professionals, everyone needs to then be brought up to speed. It is a continuous learning programme. Some people are very set in their ways; I am very set in my ways, I do certain things in a certain way and it will need Heaven and Earth to change me to do something. But change some of us must, and that has been one of the challenges in mental health: as new information comes along, people have to change their practices and different management have
1105 different styles of encouraging their staff.

So yes, absolutely, part of the review is to look at what sort of service we have and how you access it and how the service itself delivers what we need.

The Bailiff: Your fourth question, please, next, Deputy Queripel.

1110 **Deputy Queripel:** Thank you, sir.

What are HSC currently doing to provide training for local people who want to work within the service and attain the relevant qualifications?

1115 **The Bailiff:** Deputy Brouard to reply, please.

Deputy Brouard: Thank you, sir.

Where appropriate, training is delivered on Island. As an example, at the moment two members of staff working within the Psychological Therapies team are training to be clinical psychologists with the support of Southampton University. In addition to this, Guernsey needs staff within its
1120 mental health service with extensive experience. That is not always possible to be gained on Island. It is therefore commonly the case that doctors, nurses and social workers train elsewhere, but once they are fully trained and have the necessary experience they return to Guernsey. If they have a local licence they are prioritised in the recruitment process as per the agreed policy approach.

1125 **The Bailiff:** Any supplementary, Deputy Queripel?

Deputy Queripel: I do have one, sir.

The Bailiff: Thank you.

Deputy Queripel: The President said in response that doctors, nurses and social workers train elsewhere and when they are fully trained they then return to Guernsey. So just to clarify, does that mean the service sends those people away to train to be doctors, nurses and social workers and pays for their training on the understanding that once they are fully qualified they must return to Guernsey to work?

The Bailiff: Deputy Brouard to reply, please.

Deputy Brouard: Thank you.

I am not in a position to confirm that but if Deputy Queripel would like to send us a written question we would be very happy to reply to that. I am sure there have been staff over the years where the service has encouraged people to go away to have qualifications. We also have the health institute where people are trained in some of the health issues which also will include a move through mental health areas.

So I would think it is a combination, but if you would like to send a detailed question, happy to send an email back.

Thank you.

The Bailiff: Your fifth and final Question to the President then please, Deputy Queripel.

Deputy Queripel: Thank you, sir.

Are specialist services provided at every level to treat and support service users? If they are not currently provided can the President please tell me where those gaps in provision are and what HSC are doing to address the situation?

The Bailiff: Deputy Brouard to reply, please.

Deputy Brouard: Thank you.

In a small jurisdiction it is simply not logically, logistically or economically possible to provide a service which covers every single part of a specialist service on Island and this is the case for both mental health and physical health services. If there is a service which is necessary but not available on Island we work closely with our off-Island team to source an appropriate provider. We have strong links with various providers in the UK who provide good services to our patients and continue to work on developing these links as the needs of our community evolves.

We use a blend of visiting consultants and off-Island specialists, and also placements. Examples currently include eating disorders, specialist transgender services and some aspects of learning development and autism support. Whilst we will always seek to provide as many services as possible within the Bailiwick, we continue to work closely with key off-Island partners to ensure collectively that all our community requires can be sustainably delivered.

The Bailiff: Any supplementaries – (**Deputy Queripel:** One, sir.) One supplementary. Your supplementary then please, Deputy Queripel.

Deputy Queripel: Thank you, sir.

The President said in response that the service use a blend of visiting consultants and off-Island expertise. Can he tell me how that has worked during the times we have been in lockdown, please? Have service users in need of specialist services simply had to muddle through as best they can and get through lockdown without those specialist services being in place throughout the lockdown period?

The Bailiff: Deputy Brouard to reply.

1185 **Deputy Brouard:** Again, unfortunately I have not got the details of what happened exactly through lockdown. However, where services were required off Island I am sure our consultants will have used Zoom or Teams or other ways of contacting providers in the UK where they needed specialist advice. Of course we do have some members of our Island away in the UK being cared for there already.

1190 So I do not have the full details of exactly what happened and which consultants were used during lockdown but lockdowns have been a challenge for everybody in different ways throughout the Island.

The Bailiff: Well, nobody else is rising to ask any supplementary questions arising out of that answer, so that will conclude Question Time for this Meeting.

Billet d'État XIV

ELECTIONS & APPOINTMENTS

APPOINTMENT LAID BEFORE THE STATES

Financial Services Ombudsman – Appointment of Chairman and ordinary member

1195 **The Bailiff:** Greffier.

The States' Greffier: Billet d'État XIV, appointments laid before the States.

Committee for Economic Development: appointment of an ordinary member and Chairman of the official Financial Services Ombudsman.

1200

The Bailiff: Members of the States, we note that that appointment is being laid at this Meeting, or those appointments are being laid at this Meeting and I have not received any motions in respect of them.

APPOINTMENTS FOR APPROVAL

1. Appointment of Independent Monitoring Panel members and notice of resignation – Proposition carried

Article 1.

The States are asked to decide:

1. Whether, after consideration of the Policy Letter dated 26th April 2021, of the Committee for Home Affairs, they are of the opinion:

(a) To confirm the appointment of Susan Henney as a member of the Independent Monitoring Panel for a period of four years from 18th January 2021,

(b) To confirm the appointment of Alfia Dance as a member of the Independent Monitoring Panel for a period of four years from 5th February 2021,

(c) To confirm the appointment of Andrea Fuller as a member of the Independent Monitoring Panel for a period of four years from 5th February 2021,

(d) To confirm the appointment of Kelly Prevel as a member of the Independent Monitoring Panel for a period of four years from 15th March 2021,

(e) To confirm the appointment of Nigel Bartlett as a member of the Independent Monitoring Panel for a period of four years from 20th April 2021,

(f) To confirm the appointment of Marc Cohen as a member of the Independent Monitoring Panel for a period of four years from 15th March 2021, and

(g) To note the resignation of Mr Anthony Talmage with effect from 7th April 2021 as Chair and Member of the Independent Monitoring Panel.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

The Bailiff: Next item, please.

1205

The States' Greffier: Article 1, appointments for approval, Committee for Home Affairs: Independent Monitoring Panel, appointment of new members and notification of registration.

The Bailiff: I turn to the President of the Committee for Home Affairs, Deputy Prow. Is there anything you wish to say?

1210

Deputy Prow: Thank you, Mr Bailiff.

I can be very brief as the policy letter is very specific about appointments and resignations. The Independent Monitoring Panel conducts unannounced visits to the Guernsey Prison and provides reports to Prison management and the Committee. The Committee is therefore very grateful for the time spent by them conducting visits and producing those reports. I now ask the Assembly to support all the membership appointments as outlined in the policy letter.

1215

Finally, but importantly, the Committee would like to thank and put on record its appreciation to Mr Talmage's time and work as both a member and more recently as Chair and ask the States to note his resignation from the Panel.

1220

Thank you, sir.

The Bailiff: I do not see anyone rising, so I am simply going to put to you the whole Proposition that is there, Members of the States, relating to the confirmation of appointments and noting the resignation. Those in favour; those against?

1225

Members voted Pour.

The Bailiff: I declare that Proposition duly carried and the appointments confirmed.

**2. Re-appointment of the Medical Director as Responsible Officer
under the Regulation of Health Professions
(Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 –
Proposition carried**

Article 2.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Re-appointment of the Medical Director as Responsible Officer under The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, dated 28th May 2021, they are of the opinion:-

1. To re-appoint Dr Peter Rabey as Responsible Officer for Guernsey and Alderney, under section 10(1) of The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, for both classes of medical practitioners for whom revalidation is required - with effect from 8th March 2021 for a period of 5 years.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

The States' Greffier: Article 2, Committee for Health and Social Care. Reappointment of the Medical Director as Responsible Officer under the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015.

1230

The Bailiff: I turn to the President, Deputy Brouard, to open debate in relation to this matter, please.

Deputy Brouard: Thank you, sir.

1235

I have a longer speech, I will not use it. It is a pleasure to put forward Dr Rabey as the Island's Responsible Officer and have no hesitation. His full CV is on the back of the papers that you have in front of you.

Thank you, sir.

1240

The Bailiff: Once again, I do not see anyone rising in relation to this matter and therefore I am going to put the Proposition to you to reappoint Dr Rabey as the Responsible Officer. Those in favour; and those against?

Members voted Pour.

The Bailiff: I declare that Proposition duly carried so that Dr Rabey can continue the good work he is doing.

**3. The Administrative Decisions (Review) Guernsey Law, 1986 –
The Appointment of Additional Members of the Complaints Panel –
Propositions carried**

Article 3.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "The Administrative Decisions (Review) Guernsey Law, 1986 - The Appointment of Additional Members of the Complaints Panel", dated 18 May 2021, they are of the opinion:

1) To appoint:

- (a) Mr. Christopher Bound;
- (b) Advocate Thomas Carey;
- (c) Mr. Andrew James Castle;
- (d) Mr. David Anthony Chapman;
- (e) Mr. Richard Denton;
- (f) Advocate Simon Patrick Florance;
- (g) Mrs. Zoë Carmen Candida Lihou;
- (h) Ms. Joanne May;
- (i) Mr. George Arthur Riley;
- (j) Miss. Lisa-Jayne Vizia; and
- (k) Ms. Gayla Lynne Wright

as members of the Complaints Panel, in accordance with section 1A(1) of the Law.

2) To note the appointments of:

- (a) Mr. Christopher Bound;
- (b) Advocate Thomas Carey;
- (c) Mr. Andrew James Castle;
- (d) Mr. David Anthony Chapman;
- (e) Mr. Richard Denton;
- (f) Advocate Simon Patrick Florance;
- (h) Mrs. Zoë Carmen Candida Lihou;
- (i) Ms. Joanne May;
- (j) Mr. George Arthur Riley;
- (k) Miss. Lisa-Jayne Vizia;
- (l) Ms. Gayla Lynne Wright;
- (m) Ms. Shelaine Kay Green;
- (n) Advocate Michael Adkins;
- (o) Mrs. Jennifer Benjamin;
- (p) Mrs. Audrey Branch;
- (q) Mr. Roy Burke;
- (r) Mr. Ian Carter;
- (s) Mr. David Harry, and
- (t) Advocate Julia White

as independent Members of the Review Board.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

1245 **The States' Greffier:** Article 3, Policy & Resources Committee. The Administrative Decisions (Review) Guernsey Law, 1986, the appointment of additional members of the Complaints Panel.

The Bailiff: Deputy Ferbrache, the President, to open debate.

1250 **Deputy Ferbrache:** Very little to say, sir. I would just ask Members to appoint the 11 new people and to note the appointments of those people, plus the others.

The Bailiff: Once again, Members of the States, I am going to put both Propositions to you together unless anyone requests that there be votes separately. Those in favour; and those against?

Members voted Pour.

1255 **The Bailiff:** I declare both Propositions duly carried.

**Procedural –
Order of business**

The States' Greffier: Article –

The Bailiff: Deputy Bury?

1260

Deputy Bury: Thank you, sir.

I wondered now if it was the appropriate time to lay a motion to bring Billet d'État XVI up to the top of the Agenda, sir?

1265

The Bailiff: To take it next?

Deputy Bury: To take it next.

1270

The Bailiff: And simply interpose it before the next item, which would be the item deferred from the previous Meeting?

Deputy Bury: Yes, sir. (**The Bailiff:** Okay.) And could I request a recorded vote on the motion, please?

1275

The Bailiff: Yes.

Now, Members of the States, it is in your gift as to what order you take the business in, but I will simply turn briefly to Deputy Meerveld as the item concerned is a Proposition put forward by his Committee to confirm whether or not he is in a position to progress with that matter now.

1280

Deputy Meerveld: Sir, I do not have that speech to hand at the moment, to open that –

The Bailiff: It is a simple answer. Are you telling me that, or telling Members, you would not be able to open the debate if that were now to be the next item of Business?

1285

Deputy Meerveld: Correct, sir.

1290

The Bailiff: Well, I am simply going to put the motion to you, Members of the States, in the light of that. There has been a request for a recorded vote. The motion is that you reorder your business and that is a motion effectively pursuant to Rule 9 so that the next item of business will be the Article from Billet d'État XVI.
Greffier.

The States' Greffier: Monsieur Meerveld.

1295

Deputy Meerveld: Contre. Sir, I have found the speech, just to update Members. (*Laughter*) It was provided to me.
Thank you.

There was a recorded vote.

Carried – Pour 18, Contre 15 Ne vote pas 4, Absent 3

POUR

Deputy Parkinson
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Trott
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Sausmarez
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Inder
Deputy Kazantseva-Miller
Deputy Le Tocq

CONTRE

Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Prow
Deputy Queripel
Deputy Taylor
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy de Lisle
Deputy Dudley-Owen
Deputy Dyke
Deputy Le Tissier
Deputy McKenna

NE VOTE PAS

Alderney Rep. Snowdon
Deputy Helyar
Deputy Leadbeater
Deputy Mahoney

ABSENT

Alderney Rep. Roberts
Deputy Haskins
Deputy Matthews

1300

The Bailiff: Well, Members of the States, the voting on the motion proposed by Deputy Bury to reorder the business for this Meeting is as follows: there voted Pour 18, Contre 15, 4 abstentions, 3 Members were absent, and therefore I declare the motion carried.

Billet d'État XVI

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**1. States' Members' Conduct Panel: Findings of the Investigation Panel's
complaints against Deputy C J Le Tissier –
Debate commenced**

Article 1.

The States are asked:

To decide whether, after consideration of the policy letter entitled 'States' Members' Conduct Panel: Findings of the Investigation Panel into complaints against Deputy C Le Tissier' dated 23rd June 2021, they are of the opinion:

1. To agree that Deputy C J Le Tissier should be suspended from all States' service for a period of one year without payment pursuant to the Code of Conduct for Members of the States of Deliberation.

The Bailiff: Greffier, will you call the next item of business, please?

1305

The States' Greffier: Billet d'État XVI, Article 1, States' Assembly & Constitution Committee – States' Members' Conduct Panel: Findings of the Investigation Panel's complaints against Deputy C Le Tissier.

The Bailiff: This is a Proposition put forward by the States' Assembly & Constitution Committee, so I will turn to the President, Deputy Meerveld, to open the debate, please.

Deputy Meerveld: Thank you, sir.

This report of the States' Assembly & Constitution Committee presents the States of Deliberation with the findings and recommendations of the Investigation Panel which was convened to consider allegations that Deputy Le Tissier was in breach of the Code of Conduct for Members of the States of Deliberation.

In presenting this matter to the States, the Committee has adopted, as previous Committees have done, the role of a vehicle for putting this matter to the States. The Investigation Panel cannot report to the States of Deliberation itself, and paragraph 39 of the Code of Conduct sets out that it is the States' Assembly & Constitution Committee who must submit the report of the Panel to the Presiding Officer for inclusion in a Billet d'État with the recommendations of the Panel. The Proposition put to the States therefore reflects the recommendation of the Investigation Panel. The Committee has agreed that it is up to Members of the Committee to vote on the Proposition as they see fit and they are not obliged to vote in favour of the Proposition simply because it has been submitted by the Committee.

In line with the recommendations of the Investigation Panel, Proposition 1 asks the States of Deliberation to agree that Deputy C J Le Tissier should be suspended from all States' service for a period of one year without payment, pursuant to the Code of Conduct for Members of the States of Deliberation.

Thank you.

The Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, sir.

Before addressing the relevant issues, I would naturally like to apologise to the Assembly and, once again, to the public, both for my actions and for engendering this debate, taking away time that should be spent on other matters. I also apologise for bringing the States and the Island into disrepute.

I do not want to turn this debate into a third hearing, both because that is not part of the present conduct process and because I accept the factual and legal decisions of the Appeal Panel. However, should another Member wish to do that, that is their prerogative.

A large part of the narrative around this matter has come from the media. Having read the Panel's report, you will see that parts of it are inaccurate. I maintain that some parts of the Panel's findings, in my own mind, are not correct but I accept that is their decision.

The Panel has acknowledged that I have apologised for my actions and the consequences of them, and for the time and effort spent in addressing them. Unfortunately, the Conduct Panel thought I did not show sufficient contrition for my actions. However, I firmly assert that this is not true. I am not accustomed to much public speaking or such an environment as the conduct process, and I was not able to articulate my explanations without apparently showing a lack of contrition. This is definitely not a case of the thief who is sorry for being caught rather than for stealing.

I am deeply sorry if my careless use of social media has upset, offended or affected the mental health of others. Since March, as a result of my actions, I have been on the receiving end of many negative media articles and ensuing anonymous social media of a much darker nature than my comments regarding localness. As you can imagine, this has impacted the mental health of both me and my family in addition to my own physical health. The thought that any of my comments might have affected someone else's health in such a way is deeply distressing.

The whole process has been a very strong wakeup call for me. Although some might think it strange to say, I thank those who reported my actions. You will have seen from the Conduct Panel's report that they agree that my actions were naive rather than malicious. This naivety extends beyond the appreciation of how my actions would impact others to the actual thoughts behind the

1360 comments themselves. I would go further today and say that I was not merely naive but my actions were preternaturally stupid.

As I explained to the Panel, I did not set up any social media accounts for the purpose of deceiving the public. My Twitter account was set up more than a decade ago and, as is common – at the time and now – was semi-anonymised, though as you will see from the report, the Panel
1365 accepted that it was ChrisLT for much of that time, including during some of the interactions reported in the media. The account was linked to my other social media, such as my YouTube account. Again, I had had that for many years, and on the YouTube account my face was clearly visible and identifiable. In addition, if one cared to look, my name was there, although, I admit, not in a prominent position. It was these links that led to the media reports in March.

1370 Whilst the effect of this situation has been perceived as a cloak of anonymity, it was not a situation that I engineered with malicious intent and certainly not for any political or material gain. I am sorry that it had the effect or appearance of maliciousness, but my sole purpose was to provoke some robust debate on the issues covered. A number of members of the public, a journalist and several Deputies were aware that the account was mine, though, as expressed in my previous
1375 statement, I should have refrained from using this account after my election, if not deleting it altogether. I accept that this was a considerable failure on my part, one for which I express profound regret.

Though some Members of this Assembly, vocal campaigners and some media sources have taken umbrage with my decision to appeal, it was my right under the Conduct Panel process. I am
1380 not sorry I did so. Though the Panel did not agree with some points I raised, they did with others, and the change in recommendation was a vindication of my appeal. The whole process has certainly highlighted that there are many gaps and problems with the application of the current Code of Conduct hearing process. It is simply not fit for purpose and I would not wish anyone to go through the process as I have. Regardless of the outcome of this debate, I hope my colleagues in SACC will
1385 take the opportunity to review this area.

Now I would like to address the report itself and specifically the point at paragraph 116 that I showed limited contrition. The paragraph goes on to state:

rather than considering his own conduct he has tended to focus on others' conduct ... including suggesting that his posts had been taken out of context.

If challenging the complainants' interpretation of events is seen as not being contrite, then of course I am guilty. I should also mention now that the date of the supposed tweeting about listening at
1390 home while actually in the Assembly is wrong. It is my fault. It was not December, as I previously stated. There was no lockdown then, obviously. I got my dates wrong and for that I apologise. However, I have apologised profusely all along this process, including to Deputy St Pier – who, incidentally, told me it was water off a duck's back. If my comments and actions have appeared to show a lack of contrition, that is down to my inability to articulate it in the stressful hearings, not a
1395 want of feeling it.

As to the comment about my suggesting that posts had been taken out of context, this is not a wholly accurate description of my stance. I fully accept that all the comments published by the media and reported by the complainants to the Panel were authored by me. However, taking a sole, damning comment out of a chain may take it out of context. This might be all the truer when
1400 complainants are encouraged to act in concert and put in touch with each other by a Member of this Assembly. I have been stupid, I did break the Code of Conduct and I will accept whatever punishment is decided upon today, but please be under no illusion: this matter has seemingly been used as a political issue, rather than as a tool of good governance, by some Members of this Assembly.

1405 Speaking of other Deputies, at all times my actions have been on the advice of more experienced colleagues. I was initially advised to keep silent and allow the matter to blow over. I was uncomfortable with that, so I decided to issue a statement. The delay in the release, which has been commented on, was due to the statement being looked at by the States' PR team and a weekend

1410 was involved. I issued it as soon as I was able to. I also self-referred. The fact that I have not resigned as a Deputy was down to the strong feedback I received from many Members of this Assembly not to do so. Similarly, I was advised by other Members to challenge the findings by the original Panel and was even put in touch with a legal representative to help me. Given that, I think it would be very perverse that having followed the advice of different colleagues they should now vote against me.

1415 Moving on, it is interesting to note that one of the most vocal members of the public, Mrs Griffith MBE, during an interview on BBC Radio Guernsey last week on the abortion issue stated that all people make mistakes, one should hold one's hand up and move on. Unfortunately, she does not apply that principle to me. I mention Mrs Griffith because, as you are aware, she has corresponded with Members of this Assembly – although she did not have the courtesy to send it to me, to
1420 comment – to argue the case that the Appeal Panel was wrong and expulsion was the only solution. I also note that *The Guernsey Press* has assisted her campaign. Now the threat is that anyone who supports me should be subject to a Code of Conduct complaint themselves. Is this democratic? I will leave that to you to decide. Do we want Members to be cowed by threats from external parties? If you do, I can assure you that it will come back to bite you in the future at some point. Government
1425 by media and vocal pressure groups just cannot be right. We are all independent Members of this Assembly. Whilst I accept that some people might have been offended when reading *The Guernsey Press* articles, only one of the complainants had actually been involved with the matter directly, the others potentially being offended vicariously through the publication of my tweets in the media. I do accept, however, that the Appeal Panel could not rule out that they may have seen them.

1430 Though these responses do not excuse my actions, I can assure the Assembly that claims of xenophobia, misogyny and other forms of prejudice against minorities or the disabled, all of which have been made in the media or by social media, are completely and utterly unfounded. Not only is my son Andrew – who is also here to support me – half-English, he currently resides in the UK and he himself has a disability. Additionally, my partner is English. And not to resort to cliché, but I
1435 have quite a number of British friends and relations. I have not been sufficiently clear in my views, which has been exacerbated by the misrepresentation by the mainstream and social media.

I can only reiterate that the public perception of my views and opinion does not align with my own. I am deeply sorry that some people may have been upset both by the posts and the subsequent publication of them. I did not intend to cause any hurt to anyone, just robust debate,
1440 and I would ask Members of the Assembly to vote on what the Appeal Panel found as fact and not what has appeared in the media, or on the opinions of a limited vocal minority who do not have all the facts. Whatever is decided today, I will live with it. I have decided not to pursue a judicial review, although I have been strongly advised by some Members of the Assembly and my family to do so.

Once again, I can only offer my deepest apologies to all concerned. These events have been a
1445 matter of deep hurt to my family. I will not repeat any of the actions that I have previously taken, nor bring the position of Deputy into such disrepute again. If the Assembly sees fit, I would like the chance to be able to work to undo the stain that I have caused both on my own character and that of the States. If I am suspended, I will continue to represent Vale residents, even if I cannot appear in this Assembly for a while, as there are just three Members residing in the Vale and it has been
1450 said to me on several occasions that a lot of the public are dismayed that they are going to be losing a Deputy who has and will continue to object to overdevelopment in the northern parishes. That is a work in progress and it is incomplete.

I have looked back at the various Code of Conduct complaints here and in other jurisdictions and it is quite clear to me that the Panel verdict is very near the top of penalties in any jurisdiction
1455 for the offence concerned. In this Assembly there have been several incidents from inappropriate use of States' equipment to alleged physical altercation to unauthorised expenditure, and others that I will not embarrass those Deputies by mentioning. In all these cases they have been dealt with by way of different levels of severity, but all less, and yet I have been singled out for the near maximum punishment available, which I say to you the average person, the man in the street, would
1460 see as excessive. I put to you that a freely admitted error by a new Member – and, I admit, not

worldly wise in connection with the States – and a first offence should not, in fairness, attract the near maximum penalty allowed, because there was no criminality. No laws were broken. There was no personal gain and no maliciousness, and I have not even broken the rules of Twitter. I can tell you that my entire professional life – which is now over, and that is 48 years, all in finance – was simple compared to being a Deputy. I did not expect this when I decided to stand.

It has been said that the States must accept independent reports such as this Panel report. Unfortunately for some pressing this narrative, the States have past form in this, in that some previous independent reports have been either accepted, amended or thrown out entirely, so there is a precedent in this. For example, the States' Members' Independent Pay Report – the Assembly went against it. So do not feel that there is a precedent forcing you to accept this proposal unamended.

Though I deeply regret this matter, and I apologise again, I categorically deny being prejudiced against anyone. I will, however, not stop championing the part of locals, some of whom are poor and disadvantaged, and many perceive that we are developing into a two-tier society that is leaving them behind. This is one of the reasons I stood for election, to do something about it.

In closing, I would like to say: has no one here ever done anything wrong and regretted it? Please remember the English poet Alexander Pope. He said to err is human, to forgive is divine.

I will now leave the Assembly and leave the matter in the hands of Deputies who I hope will vote with their conscience rather than politically.

Thank you, sir.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir.

The Proposition before us today asks us to agree that Deputy Le Tissier should be suspended from all States' service for a period of one year without payment. It is not a debate about the role of SACC in this whole affair or about changing the Rules of States' Procedure or adding new rules; it is a debate about whether or not we support the Proposition. It is a debate that needs to focus on accountability and proportionality. It should not be about crucifying a colleague. On the other hand, it should not be about protecting a mate. I sincerely hope it is neither of those. I sincerely hope also that all speeches are measured, balanced and respectful.

Having said that, I think it is only right and proper that I spend a few moments explaining why I am going to support the Proposition. I want to emphasise that everything I am saying here is on a professional basis. It has nothing whatsoever to do with being personal, but it does have everything to do with being professional. I can only hope Deputy Le Tissier does not take anything personally, because I get on very well with Deputy Le Tissier and I hope we can continue getting on well together once he returns to the Assembly if he is suspended from duty today.

So what did he do to justify being suspended for a year without pay? Colleagues will all have read the report, but there will be those out in the community, I am sure, who have not. The report tells us that Deputy Le Tissier:

had acted in breach of the Code in a number of serious respects ... including that his Twitter posts had not made clear that he was a States Deputy, some Twitter posts deceitfully suggested that they were not written by a States Deputy, he used offensive language, showed disrespect for others' opinions and had brought the States into disrepute by his actions.

That is all to be found in paragraph 4 of the report.

If we look at paragraph 8 we are told that the primary duty of a Member of this Assembly:

is to act in the public interest and to represent the interests of those who they have been elected to serve conscientiously. In so doing Members have a duty on all occasions to act in accordance with their oaths, and in accordance with the public trust placed in them.

Moving on to paragraph 9, we are told that Members shall observe the following general principles of conduct: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Paragraph 12 states that:

Members shall at all times treat other Members, civil servants and members of the public with respect and courtesy ...

Paragraph 13 tells us that:

Members shall act in good conscience ... and discharge the duties of public office diligently and with civility, dignity, care and honour.

If we look at paragraph 56 we see two examples of where Deputy Le Tissier did not comply with any of those – and I only use the words, sir, because they are in the report – when he used the words ‘bollocks’ and ‘wet dream’ in some of his tweets. It makes me uncomfortable even referring to those in this speech because I do not use words like that every day in my life. In fact, I do not use words like that at all. But this is not the time to even consider what makes us uncomfortable. This is the time to focus on facts and attain accountability, and the fact is that Deputy Le Tissier used those words in his tweets.

The Panel go on to say in paragraph 56 that they believe:

as a Member of the States, Deputy Le Tissier has a duty not to use language which might offend or bring the reputation of the States into disrepute.

And that whilst he:

might regard the words and phrases he had used as inoffensive, they had offended some of the complainants ...

I can see why they offended some of the complainants. Yet in paragraph 55:

He said that the language he had used could be heard every day on television and was widely used.

Well, there is an abundance of offensive language used throughout society, but the fact of the matter is, sir, that Deputy Le Tissier took an oath and he violated that oath. If the sort of language Deputy Le Tissier used is allowed to pass by without penalty then we may as well throw away the Rule Book and allow a free for all. The message will then come across loud and clear that foul language is perfectly acceptable in Government and out in the community.

What a wonderful example that would be for our children. They will justifiably then expect to be allowed to swear at school, in the supermarket, in cafés and restaurants, in the cinema, in the theatre, in the Hospital, in Beau Séjour and wherever they want to, without challenge. I hear the F- and the C-word used out in our community from time to time. Surely that does not mean their use would be acceptable when making speeches or sending tweets or emails, or when one is communicating in general with anyone in our community? Surely there are enough words in the English language to choose from without having to resort to swearing or being offensive? I am wondering if Deputy Le Tissier would use the kind of language he used in his tweets when talking to his mother or father, or to a child. If the answer is no, he would not, then why wouldn't he, seeing as he considers them to be inoffensive and perfectly acceptable on the grounds that they are part of everyday life?

He signed up to act in good conscience and discharge the duties of public life with civility, dignity, care and honour, so surely he flew in the face of all of those by using the words he did. In my view, he knew exactly what he was doing. He is not a child. Inexperience and naivety cannot justifiably be used in defence when someone uses those sorts of words, because surely he knew the impact those words were going to have when he used them.

Before I move on to the Panel's summary of their findings, I have to say I am shocked and extremely disappointed by what we are told in paragraph 59, although Deputy Le Tissier has clarified

that when he spoke earlier on. He said he got his dates wrong and he apologised for that. He had the good grace to apologise for that and I commend him for it. I was going to say surely there was an example of dishonesty there, but there is not because I accept what Deputy Le Tissier said when he spoke, that he got his dates wrong.

1545 Moving to the Panel's findings, we are told in paragraph 59 that Deputy Le Tissier sent a tweet whilst he was in La Piazza restaurant, which read:

went for Xmas lunch at La Piazza Trinity Sq. The place was heaving with Deputies ...

– and the Panel tell us that reasonable inference could be drawn that the sender was not a Deputy.

1550 If we look at paragraph 97 we see the Panel say that because Deputy Le Tissier was not identifiable as Twitter account holder 'ChrisLT', and even less so when he changed his name to 'The Pirate' and then again to 'airbus666':

His actions in making disparaging and offensive remarks ... broke the trust which the public placed in him.

– as regards public duty.

Moving on to paragraph 100, under the heading 'Objectivity', we are told:

Deputy Le Tissier's comments seeking to distinguish between the validity of opinions held by people who are and who are not 'local' might legitimately undermine the public's confidence in his objectivity.

And:

The relevance of this to Deputy Le Tissier, as a member of the Committee *for* Home Affairs whose responsibilities include the island's population management regime, is obvious.

1555 I appreciate, having said that, that he has stood aside from his role on Home Affairs while this matter is still being debated.

Moving on to paragraph 101, under the heading 'Accountability' we are told that:

In choosing to make comments which could not be readily ... identified as his own Deputy Le Tissier was preventing others holding him to account.

In paragraph 102, under the heading 'Openness' we see the Panel say they believe Deputy Le Tissier knowingly deceived the public in the tweet he sent from La Piazza restaurant, and others.

1560 Paragraph 103 tells us that the Panel's view is that 'No Member of the States should expect to have the right to hide behind an anonymous account,' because such actions 'are inconsistent with the obligations imposed by the Code of Conduct.'

Paragraph 104, under the heading 'Honesty' tells us:

the tweets from which the reasonable inference can be drawn that the person who wrote them was not a Member of the States cannot be regarded as meeting the obligations of honesty imposed by the Code and which the electorate has a right to expect.

Paragraph 105, under the heading 'Leadership' tells us:

Deputy Le Tissier, writing as 'The Pirate', used offensive, sexualized language which is not appropriate for a Deputy to use in a public forum.

1565 Paragraph 106 tells us that the Panel notes Deputy Le Tissier's admission to the previous panel that he would probably not have used that sort of language if he had been tweeting in his own name, yet earlier on in the report, in paragraph 55, he took issue with the complainant who said his language was unacceptable, inferring he thought it was perfectly acceptable because it could be heard every day on television and was widely used. Seeing as he considered it to be everyday language and perfectly acceptable, I am wondering why he did not tweet under his own name. I will
1570 leave that one with my colleagues to consider, sir.

In paragraph 108, under 'Conduct' the Panel say they find Deputy Le Tissier's actions would not maintain or strengthen the public's trust and confidence in the integrity of the States of Deliberation, but rather could bring and have brought the States and its Members into disrepute. I realise Deputy Le Tissier has apologised for his actions, but these are the facts. This is all in the report and that is what we are being asked to base our decision on today.

In paragraph 109, under the heading 'Courtesy to others' we see that the Panel are of the view that Deputy Le Tissier used discourteous and, at times, offensive language to members of the public, candidates in the 2020 General Election and his fellow States' Members and that he did not show any respect for their opinions.

In paragraph 110 the Panel are of the view that Deputy Le Tissier did not discharge the duties of public office with civility, dignity, care or honour.

Paragraph 114, under the heading 'Experience', tells us that although he had not been a Deputy for very long, Deputy Le Tissier was 'still required to understand the requirements and obligations of an elected Member of the States' and that Deputy Le Tissier himself said – in that same paragraph – 'he should have been aware that his actions fell below the standard expected of a Deputy'.

In paragraph 115, under the heading 'Impact of conduct', the Panel tell us that in their view Deputy Le Tissier's conduct has high impact, with the potential to damage Guernsey, the reputation of the States and of the Island. That was echoed by Digby Jones in his *Press* column on 29th April this year. The article was headed 'Remember the world is watching'. I have the article with me, sir, should any of my colleagues wish to see it.

Moving on to paragraph 116, we are told:

Although Deputy Le Tissier has apologised for his actions in his response/self-referral, he has shown limited contrition for them ... rather than considering his own conduct he has tended to focus on others' conduct, including but not limited to that of the complainants ... suggesting that his posts had been taken out of context.

And they say they did not gain the impression that Deputy Le Tissier had really reflected on the impact of what he had done.

On the issue of his self-referral we see at paragraph 117 that Deputy Le Tissier referred his own conduct for consideration after complaints had been made and after media coverage and criticism of it, but the Panel say they regard that as a minor mitigating factor.

Moving towards the close, paragraph 121 tells us that in considering the scale of seriousness and taking into account the above factors, the Panel did not think they were serious enough for expulsion and tell us in paragraph 122 that it is their view that Deputy Le Tissier should be suspended without pay for a year. I think that penalty is proportionate, which is why I am supporting the Proposition.

I think I have been measured, respectful and professional in this speech, and, as I also said earlier, I hope Deputy Le Tissier does not take anything personally. I have commented on the findings and what we have been told in this report. What I will add, though, is that I think Deputy Le Tissier should have made a personal statement in this Chamber under Rule 10, out of courtesy and respect for the community and colleagues, and I think it is extremely disappointing that he did not do that.

I hope, if he is suspended today, Deputy Le Tissier takes his punishment with good grace and does not go to the media and use social media to criticise the majority of the States for coming to the decision. Surely it is far better to apologise for the upset – as he has done – he has caused everyone and for bringing the States into disrepute at the same time, then make a pledge to come back in a year's time with every intention of becoming known as the best and most respectful Deputy ever. That is what I would do if I were in his shoes. I would make that pledge.

I have heard thousands of speeches made in this Chamber since I became interested in local politics in 2006. I sat in the Public Gallery 52 times between 2006 and 2012, when I was first elected, listening to the debates, and if I was not sitting in the gallery I was listening to the debates on my radio at work. One of the best speeches I have ever heard was a speech made by Deputy Taylor when he spoke on the harbours development policy letter last month. His speech was measured, it

was balanced and it was professional, yet it was hard-hitting and he quite rightly received a round of applause at the end of it, which surely just goes to prove you do not have to be offensive when you speak and you do not have to swear or resort to baseline personality politics to get your message across.

Thank you, sir.

Deputy Leadbeater: Can I invoke Rule 26(1), please, sir?

The Bailiff: Deputy Leadbeater is invoking the guillotine motion, Rule 26(1). Can I invite those Members who wish to speak in debate to stand in their places, please?

Do you still wish to invoke Rule 26(1)?

Deputy Leadbeater: I do, please, sir.

The Bailiff: In that case, I am going to put a motion to you, Members, that further debate on this matter be closed, subject to the usual winding up that is permitted to the President of the Committee. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I will declare that carried.

Deputy Queripel: Sir, could I have a recorded vote on that, please?

The Bailiff: Deputy Queripel is seeking a recorded vote and therefore we will have a recorded vote in respect of that motion.

Greffier, please.

There was a recorded vote.

Not carried – Pour 16, Contre 19, Ne vote pas 4, Absent 1

POUR

Deputy Moakes
Deputy Murray
Deputy Parkinson
Alderney Rep. Roberts
Deputy Soulsby
Deputy Trott
Deputy Aldwell
Deputy Cameron
Deputy Falla
Deputy Gabriel
Deputy Haskins
Deputy Helyar
Deputy Le Tocq
Deputy Leadbeater
Deputy Mahoney
Deputy McKenna

CONTRE

Deputy Meerveld
Deputy Oliver
Deputy Queripel
Deputy Roffey
Deputy St Pier
Deputy Taylor
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Ferbrache
Deputy Gollop
Deputy Inder
Deputy Kazantseva-Miller

NE VOTE PAS

Deputy Prow
Alderney Rep. Snowdon
Deputy Vermeulen
Deputy Matthews

ABSENT

Deputy Le Tissier

The Bailiff: Members of the States, the voting in respect of the motion pursuant to Rule 26(1) proposed by Deputy Leadbeater is there voted Pour 16, Contre 19, 4 abstentions, 1 absentee, and therefore the motion is lost.

Deputy Ferbrache.

Deputy Ferbrache: Sir, I was not one of those who stood when Deputy Leadbeater brought his motion – and I almost voted for his motion, but on reflection I feel I have to say something.

In six days' time I will have been a qualified lawyer for 49 years, just over 40 of those years in this jurisdiction, and I am uneasy in the extreme with the process that is followed under the Complaints Panel. That is no attack on the integrity of the six people who formed the two panels. That is not an attack on the integrity of the seven complainants. All of those people acted in good faith.

I am going to support the motion for the reasons set forward by Deputy Queripel, and I do not do so with anything other than a heavy heart because, in relation to that, the speech made by Deputy Le Tissier today, to me, was contrite, remorseful, genuine, open and regretful, and the fact that he and his son have had to listen, have had to read and have had to adhere to and follow the attack on social media is awful.

We had three young, very talented black footballers who missed penalties a few days ago, decent young men, talented young men. All they did was take poor penalties. They were crucified by some on social media, absolutely crucified because they are black, when they are thoroughly decent human beings. Social media is, more often than not, an ill. It is written by cowards. It is written by people who have not the courage to stand up and come and speak to you to your face.

I speak as somebody who in the last four and a bit years and in my previous two terms had no complaints at all. In the last eight months I have had three complaints made against me going to the Panel, all in bad faith, two of them politically motivated. One was made by a bully who wrote consistently in the last period particularly about the Civil Contingencies Authority and what a terrible job they were doing and they should open the borders. He made an attack on the Civil Contingencies Authority and me, so I responded. This bully did not like it, that somebody stood up to him. He was belittled, he was made to feel small. His complaint was dismissed, but nevertheless he had the right to complain, he had the right to take up my time. Two of the other complainants alleged that I was dishonest in relation to remarks I made in a broadcast concerning the Warren Gatland situation. They were openly and avowedly supporters of Deputy St Pier. They made their complaints on a politically motivated basis. They will, in due course, receive a summons from me in the civil courts for defamation. I just tell them that now, so they know what is going to happen. I hasten to add that Deputy St Pier was no party to that. I just mention that they brought it on the basis that they were bringing it as a malicious complaint in relation to the complaint that was heard, because those two complaints were heard together.

In all my experience, both in the United Kingdom and Guernsey, as a lawyer, generally if somebody makes a complaint against you, you have the right to face them. You have the right to sit in the same room as them and hear them. There are, quite properly, limited exceptions to that in relation to women who have been sexually abused or had serious sexual actions taken against them – quite rightly, and it is much more civilised now than when I started in practice, when I used to prosecute people in England for committing those kinds of offences. That is not what we are talking about here. We have complainants who are allowed to say what they like in the absence of the person. That is contrary to any kind of precept of natural justice and it should be changed forthwith.

In this particular case, in the first case, when Deputy Le Tissier was directed to be expelled, or the recommendation was that he be expelled, the complainants were actually asked by the Panel what sentence was appropriate. I do not know what the Panel members thought. I accept they all acted with integrity and with good purpose, but that is like asking a complainant in a criminal case what sentence should Mr Bloggs receive. Again, contrary to any precepts of natural justice.

I have already made it clear but I repeat the point that I made at the opening that all six Panel members are people of integrity and acted in good faith. Two of them should not have sat on the

1695 first complaint; one of them, Advocate Clark, a legal person, very much in favour – and indeed it is
quoted in one of the paragraphs in the report – saying, ‘Vote for Deputy St Pier as Chief Minister, it
is for the good of Guernsey.’ It is known that Deputy Le Tissier and the Guernsey Party have a similar
association, not a direct association, with me and others. There is no alliance, but we generally have
similar views on most topics. He should not have sat because he was therefore saying that anybody
1700 who supported Ferbrache was acting in the poor interests of Guernsey, and Ferbrache being Chief
Minister was in the poor interests of Guernsey. He should not have sat.

Mrs Sandra James, a person, again, of considerable integrity. Whether she was a member of the
Guernsey Independent Party, or whatever it is called, on a particular occasion is irrelevant. She
should not have sat. She should not have been party to that proceeding. Indeed, when I had my
1705 first complaint by this Mr Chesney, the man I referred to as a bully, I did not know shortly before
that Advocate Clark had been such a pro supporter of Deputy St Pier; otherwise, I would have
objected. Anyway, that complaint was dismissed, so I did not have to bother about it.

Here, the second Panel have also said that it was not a re-hearing and they were not going to
hear it again. I fully understand that and I think it was the right principle to adopt. So I was a little
1710 surprised to read at paragraph 72 of their report that one of the complainants was Dr Carr. I will
read the whole paragraph:

Deputy Le Tissier said that he believed that he had made the change to ‘The Pirate’ in about February 2021. It had not
been under that name for very long, only a couple of weeks. He thought that the exchange with Dr Carr and the tweet
sent from La Piazza would have been sent originally from ‘ChrisLT’.

This is the objectionable bit. It is inconsistent with what they previously said:

We asked Dr Carr whether she could corroborate that she had originally seen the tweet as from ‘ChrisLT’ but she did not
have a definite recollection.

Well, if it was not a re-hearing, why did you go back to the complainant? That, again, is wrong and
contrary to any principles of natural justice.

1715 The situation needs changing and SACC should get on and change it without further delay.
Deputies are not punch bags. People have not got the right to make malicious complaints. We are
not to be judged by social media; we are to be judged fairly – again, in the commendable words of
Deputy Queripel in his speech.

I do not like the penalty, it is excessive, but I feel, as President of Policy & Resources, that I should
1720 set an example, and as a lawyer of nearly 49 years’ standing I have to respect the views of the latest
Panel. I cannot interfere with them. I was not there, I did not have all the material; I cannot therefore
interpose my finding rather than theirs. That said, I find it excessive, I find it wrong and I think we
have to address matters in a more ... We ought to get rid of this complaints body. We ought to have
somebody doing it who has considerable experience in other jurisdictions as well as here, who can
1725 deal with complaints that should be made against States’ Members on a fair and equitable basis.
Deputy Le Tissier has been the subject of an injustice, but it is an injustice that I fear I must help
perpetuate a bit, for the reasons I have explained.

I would just say to those out there, the keyboard cowards, the people who do not have the
courage to come up and say what they think to you, the people who want to decimate your
1730 reputation by making fallacious comments without any substance at all: grow up, be human, have
respect for people like Deputy Le Tissier who made a mistake, have respect for his family and do
not crucify them.

My final point relates to *The Guernsey Press*. I think they are better since they have had a change
of editor, but they still have Deputies Roffey and St Pier making their incantations every ... There is
1735 no balance in relation to that. The only supposed balance is from a former States’ Deputy,
Deputy Graham. My own analogy in my own mind in relation to Deputy Graham is he is a tall John
Bercow because he used to be to the right of centre and now he has marched with long paces to
the left of centre. So if *The Guernsey Press*, which has a particular role in our community, wants even

to attempt to be balanced, ask Deputy St Pier and Deputy Roffey to stop writing their columns, tell Deputy Graham you are very grateful for his efforts and let the public decide.

Thank you very much.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir and I thank Deputy Ferbrache for his comments.

I approach this unfortunate matter as a lawyer and as a libertarian. Either way, I find the process that has led to this proposed unprecedented motion to suspend Deputy Le Tissier for an entire year to be both lamentable and very depressing.

Deputy Ferbrache has taken most of the points that I was going to make and made them rather better, regarding the procedures and some of the problems that have arisen from them. However, unlike him, my finely balanced decision would be that we should not allow this injustice to continue and I would vote against the motion.

I will say something about the extraordinary pressure being placed on Deputies sitting today to sentence Deputy Le Tissier harshly. The entire process has been clouded by a relentless political onslaught against Deputy Le Tissier waged both on social media and in the *Press*, which of itself, to my mind, puts in question our capacity to make a just decision here; we are under such pressure. The culmination of this campaign was an editorial in *The Guernsey Press* to the effect that any Member of the Assembly who did not vote for the maximum penalty would himself be subject to a Code of Conduct complaint. I submit that in any criminal case with that sort of pressure on the jury the case would be set aside. I know a lot of people here are afraid to speak and feel under terrible pressure to suspend Deputy Le Tissier for the full year. Even worse with this media campaign is that some of the plaintiffs, complainants and witnesses in what we should perhaps call the 'trial' of Deputy Le Tissier within the Panel have themselves been part of this media campaign. Really, I do think that in most Commonwealth jurisdictions, with these faults any penalty would be put aside.

To pick up from Deputy Ferbrache, my final balanced view is that we should end this injustice now. Deputy Le Tissier has suffered a lot for four months. I know him personally. I know him as a decent person, despite his idiocy and naivety in this Twitter business. He has worked very hard on Development & Planning and I know that most of my colleagues would miss his hard work there. He had 6,000-odd votes in the Vale and around the Island and that of itself should count for something in a democracy.

This Assembly simply cannot proceed with implementing this unprecedented, harsh proposal from the Panel. To my mind, it breaches the law of natural justice and basic human decency. Deputies must not yield to fear of the media and political expediency. The people of Guernsey deserve better. They deserve leadership from us, not craven submission.

Thank you.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir. I will keep it brief.

On 16th October 2020 all of the elected Members in this room took either an oath, swearing and promising, or an affirmation, solemnly, sincerely and truly declaring that we would perform our duties attaching to the membership of the States of Deliberation of this Island – including adhering to the provisions of the Code of Conduct for Members of the States of Deliberation – well and faithfully. Deputy Le Tissier's actions do not adhere to that oath or affirmation. It really is quite as simple as that.

From an elected Member who waxed lyrical in their manifesto about too much backstabbing and sniping in the States, I do not accept his excuses of naivety, especially when coupled with the lack of accepting responsibility as stated in the report by the Panel and I think we have just heard similar in his speech, which was a strange mix of profuse apologies but also excuses and accusations laid at others. It is further notable in the report, as highlighted by Deputy Queripel, that it states of

Deputy Le Tissier's admission to the previous Panel that he would probably not have used that language if he had been tweeting in an account in his own name. I think this undermines his argument of naivety.

I will be supporting the Proposition to show the public that I respect and believe we should uphold the Rules we pledged here and that if we break them there should be sanctions. Of course, if Members do not support this Proposition there will not be any formal sanction at all.

Finally, sir, I can reassure Deputy Le Tissier that I absolutely do this with my conscience.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

Deputy Queripel – if he is listening around there – I apologise that this is not going to be the best of speeches, as it is a bit cobbled together.

It is interesting that people are quoting the Rules, so I have now read the Rules – I probably should have read them before I got started, so I knew what I was signing up for. There are a few little bits – if I can get my tabs going – that I feel I need to do. I am having IT issues here. One point that stands out to me is 'Openness':

Members shall be as open as possible about all decisions and actions that they take and must not knowingly deceive or mislead.

So I will make it quite clear I will be voting against the Proposition and I intend just to give a little bit of an understanding of why I will be doing that.

If I scroll up – this is the basic Rules – under 'Public Duty', another one here that jumped out at me is:

The primary duty of Members is to act in the public interest and to represent the interests of those who they have been elected to serve conscientiously.

I can say that I have sat on two different Committees with Deputy Le Tissier and I think he is an excellent Deputy. He is incredibly thorough, he is unashamedly challenging; he will ask difficult questions and he is very respectful in the way he does it. I am not suggesting for one minute that that then gives him *carte blanche* to go on Twitter and make comments, do whatever he says. That is not how it works. I am not saying anyone in here is not a good Deputy. I am just saying that I have worked with Deputy Le Tissier for several months now and I think he is an asset to the Island in his approach to things.

Interestingly, I did go on Twitter. I am not on Twitter. I have social media but my belief is that social media is really for selling things to people. That is the only reason I use it: it is to push product to people. Other than that, I have been on there. Basically all I saw on Twitter was a whole load of sh ... I will not say that word. I will not finish that one.

So why am I really unhappy about this? I think it has been touched on. The way the media has surrounded this story I think has been really disappointing, I suppose, more than anything. Deputy Le Tissier, from the conversations I had with him as soon as this came out, appeared to me contrite. He was apologetic. He realised he had done something silly. I do not, for one minute, think what he did was sensible. I do not condone any of the things, I do not share the viewpoints that he put across – those are his views and he is entitled to them – but I really do not like the way it has been portrayed in the media.

It has very much reminded me of going to a stand-up comedy show. If anyone has ever been to a stand-up, it does not matter how quick-witted you are, it does not matter how smart ... I even challenge Deputy Ferbrache to attend a stand-up comedy show and try and outsmart or outtalk the guy with the microphone. It is nigh-on impossible. Someone can make a remark from behind the microphone and you are sitting there, saying, 'What's that? Idiot!' You cannot beat them. That is

1835 very much the case when you are a single Deputy against a whole media campaign and I do not think that has been very fair on Deputy Le Tissier's part. But that is not what we are here for.

I will be voting against this. I do not condone Deputy Le Tissier's actions. I cannot reiterate that enough. I do not think what he said was smart, I do not think it was good, I just absolutely do not agree with it, but I do not think that a 12 months' suspension is suitable. A breach is a breach. If an
1840 appeal can bring it down from total expulsion to one year, we are still going to have Deputy Le Tissier in here in one year's time. If what he has done is so bad and so horrific, he is still going to be making decisions in a year's time. I say it is better that we have him here. I think it is in the public interest that he stays a Member, like he will be in 12 months' time, and can continue to commit and do the good work that I think he has done so far.

1845 Thank you, sir.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

1850 Just before I get into the speech, I will just perhaps advise my colleague on Scrutiny, Deputy Dyke, not to take the *Press* editorials quite so seriously.

But anyway, the Nolan Principles of Public Life and Good Governance are the foundation of the Code of Conduct for States' Members. In his defence to the Code of Conduct Panel, Deputy Le Tissier said of his now well-documented behaviour that he had not appreciated the standards that
1855 were required of him, despite having taken an oath, amongst other things, that he promised to adhere to the provisions set out in that Code of Conduct. It seems quite remarkable to me that somebody would undertake something as serious as an oath in the Royal Court and subsequently admit that they did not know what they were agreeing to.

However, that occasion was not the first opportunity that Deputy Le Tissier had had to acquaint himself with the Nolan Principles. If one looks on the Guernsey Party's website, the party under which he stood for election, you will see that there, in black and white, are the same seven values, exactly as enshrined in the Nolan Principles and the Code of Conduct, values that Deputy Le Tissier would have had to sign up to in order to join the Guernsey Party, and although the party has significantly amended its website since October, those principles were there before the election too.
1860 To paraphrase Lady Bracknell, to ignore one set of Nolan Principles may be regarded as misfortune, to ignore both looks like carelessness.

I am a fairly prolific Twitter user. For some time before the election, maybe a year or two, I was aware of a poster called ChrisT, who clearly had aviation-related interests. I was aware because he seemed to have a problem with me and was pretty unpleasant to me, so much so that at one stage
1870 I blocked him, something I only do as a last resort. I pondered at the time whether this person had a problem with women or whether he had a problem with me having been an airline pilot, or maybe even a problem with women airline pilots. But I subsequently unblocked him because he was involved in conversations I was having with others, such as my friend the much-missed Rick Lowe, and it becomes disjointed if one cannot read some of the contributions. Imagine my surprise then
1875 when it was discovered at the start of this year that ChrisT, aka The Pirate, aka airbus666 and aka who knows possibly what else was actually now a colleague of mine.

I have no intention of letting my personal experience of ChrisT before the Election colour my view on this matter. I mention it, however, as in his statement, which he issued after being caught out, he claimed his behaviour was a temporary lapse. This was robustly challenged by the Panel and that is certainly not my experience of the man either. As an avid Twitter user I followed the whole unmasking of Deputy Le Tissier earlier this year. It was not sudden, it took time because although he was challenged on more than one occasion to say whether it was Deputy Le Tissier, directly and indirectly, he continued to deny it. He then proceeded to delete evidence that could link him to the Twitter account, such as his interesting homemade video of Guernsey being bombed by the
1880 Americans on Liberation Day, and he sought to cover his tracks. He changed his Twitter identity and continued to post in a derogatory fashion. In many ways it is Deputy Le Tissier's whole defence –
1885

he did not know the standards, it was only a temporary lapse – that caused me as much of an issue as the original transgressions. I do not believe the excuses and neither did the Panels. There has been no humility. There have been attempts to blame others, even today. There has been hubris and evasion.

I do, however, have concerns with the second report. Firstly, the original Panel's report is referred to extensively in the second Panel's report, but the original report is not appended in order to allow readers to refer to it. Surely it should now form an appendix to the final report.

Additionally, the first Panel were criticised for their failure to consider the sanction by reference to objective criteria or a scale of seriousness. I am somewhat baffled by this criticism. Nowhere in the Code does it either set out such objective criteria or say that the Panel must consider this dimension. On what basis or authority to add to the Code did the Panel construct a scale of seriousness? Nowhere does the Code define the level of transgression that is required in order to merit the maximum sanction. One should not assume that on a scale of one to 10 of all possible transgressions only a scale-10 transgression should merit expulsion, and it may be the case that any transgression above, say, five warrants that – and indeed Deputy Le Tissier left very few of the standards required intact and unbroken. Certainly, and as has been pointed out by numerous commentators on this matter, Deputy Le Tissier's behaviour would have, without doubt, seen him sacked from a position of similar responsibility in the private sector. The counterargument that parliamentarians in other jurisdictions get away with worse is hardly a compelling one.

These observations lead me to believe that Deputy Le Tissier has been very fortunate indeed in having his sentence of expulsion commuted to a one-year suspension without pay. Despite this, I believe that we need to uphold the judgment of the second Panel. It might be that in time we change the methods by which a Member's conduct is judged – a move to a Commissioner for Standards is overdue – but for now the system is that a panel makes a recommendation and I do not think that this Assembly should seek to overturn the final, lesser sanction of the second Panel without overwhelming reasons. I do not think such overwhelming reasons exist. Certainly thinking it is a bit too severe or it is a bit too lenient, or 'It's not what I would have decided if I had run the Panel' are not overwhelming reasons. Therefore I shall be voting to ratify the Panel's decision and I urge all Members to do likewise.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

It is worth reminding Members that the only reason we are sitting here discussing Deputy Le Tissier is because of Deputy Le Tissier, no one else.

Just following on from Deputy Burford's speech, I will be supporting the recommendations of the Panel but it is worth reminding Members that having had a previous role as President of the States Assembly & Constitution Committee, we have had some of this conversation.

Back in 2018, myself, Deputy Le Tocq, Deputy Ferbrache, Deputy McSwiggan and Deputy Merrett were commanding the chair of SACC. We recognised there were problems embedded within the Code of Conduct Panel. We set up a working group and in April 2020 we came to the States with a set of recommendations saying there should be an arm's-length body. Within that working panel – the parties did not exist at the time, or versions of them did – we predicted that as we appeared to move to a form of opposition politics ... there was evidence last year, as Deputy Ferbrache pointed out, where effectively the Code of Conduct Panel was being weaponised, and there are no two ways about it, it was weaponised. I suffered from that but I batted it off because it was a load of nonsense and thankfully the Code of Conduct Panel saw it for what it was, complete and utter weaponised nonsense by someone who, perfectly frankly ... and the ridiculous thing is I was not even allowed to see the statement made by the person who was effectively prosecuting me.

So the Code of Conduct Panel is shot to pieces. There are no two ways about that. It is absolutely shot to pieces and I think there were a number of Members in the last States who were basically ... It was just being used as almost a duck flying over your house in the middle of winter and if you

1940 happened to have a shotgun just see if you could have a pop at the Deputy. It was happening left, right and centre. I think Deputy Trott fell foul of it early on, Deputy Le Pelley previously and Deputy Lowe. It was an absolute nonsense ... who I am quite surprised with, and I would like to hear from Deputy Meerveld when he sums up, even though not necessarily related, but if he could sum up – because I assume he is going to sum up – I would like to know why it has taken so long. It was almost predictable that as we moved into party politics, unfortunately this Assembly was going to split on the different lines. We are already hearing from Twitter that there is a supposed coalition and it is coming from Deputies within this Assembly who are claiming that there is a coalition. I wish those Deputies in this Assembly who claim these things ... They set little claim wars, it gets picked up by the media, then it ends up in *The Guernsey Press* and then it ends up as part of the editorial. It is very clever, it is very subtle, but it is absolutely orchestrated and we need to speak to it for what it is.

1950 Deputy Ferbrache mentioned that he is ... Deputy Dyke actually. I think Deputy Dyke was commercial and Deputy Ferbrache is a fairly competent advocate in the House of Guernsey, but I have actually got to the point ... Unfortunately, he can do it for free but I cannot, and so I am going to lay something down here. What I am seeing on social media ... Some of the people responding to me are at the point of calling me dishonest and there is only so much I will take. Unfortunately, I am probably going to have to use the same advocate firm that Deputy Ferbrache uses. I will probably just use the same summons he sends to people and change the name and do the same. But there is a limit. I can take the so-called banter, I can give it and I can take it, but when it comes to the point where you start lying about me and I have seen by ex-Deputies, failed candidates who are effectively lying about what I have said, I am at the point of basically ... I am in the same position that it has just gone too far.

1960 Sir, through you, I will be supporting this. I have always had strong issues with the Code of Conduct Panel. I do not think some of those members who are on the Panel should have been there straight after the election, one of them a candidate, one of them a failed candidate, one of them a member of a party. They just should not have been there. They should have stood down, absolutely. But we are where we are. Deputy Le Tissier has brought this on himself to a degree. He has taken a year. But I will remind Members that those people who will dine out on this tomorrow with headlines possibly from Deputy Roffey – we will get another 800 words from him about how terrible Deputy Roffey 12.30.15??? is and how righteous he is ... Those of you who are using private emails and sending them to the media, there is one person in this Assembly of us 40 who has done that and I know you have because it turned up in the paper the next day and I know it was not me. One of you in this Assembly or maybe a couple are feeding the *Press*. Be very careful what you wish for. Some of you in this Assembly who have mentioned the Nolan Principles have taken information from a previous Committee and it has been distributed to a number of people who were trusted individuals. Be careful. Be very careful as you dine out on this because that year off ... I beg your pardon, that year's suspension has effectively set something in train which means that absolutely anything that we do from here on in which even matches something similar to that, that being anonymous accounts, and I know they exist, leaked emails from our email server, and I know we know it happens because it is proven, it is in the *Press*; and people leaking from their own Committees ... Be very careful what you dine out on today because this ... Deputy Le Tissier's own actions have put him in this place, but be very careful because there are people in this Assembly who are in scope for absolutely the same position because of their current actions over the last two or three months.

1980 On that note, sir, I am going to sit down. We are probably heading toward lunch. I am going to have a coffee, I am probably going to have a cigarette, but I will be voting for the recommendations.

1990 **The Bailiff:** Members of the States, it has just gone half past 12. That is when we normally adjourn. Various people are leaping to their feet, but frankly, what else is there to say? Can we not conclude this debate quickly and just go to the vote after Deputy Meerveld has managed to respond to what has been relevant in this debate, which is about the suspension?

I am going to put that motion to you, that we conclude this debate as swiftly as possible. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: It looks like lunch, then, so we will adjourn until 2.30.

*The Assembly adjourned at 12.28 p.m.
and resumed its sitting at 2.30 p.m.*

**States' Members' Conduct Panel: Findings of the Investigation Panel's
complaints against Deputy C J Le Tissier –
Debate concluded –
Proposition carried**

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

Conscious of your comments before lunch that the debate has wandered a little from the original Propositions, including comments about the process itself and indeed to the extent of Deputy Ferbrache, our most senior politician, seeking to make editorial decisions on behalf of *The Guernsey Press*, which I am sure they will be most grateful for. We will see whether they pay attention.

Deputies Ferbrache and Inder, and indeed a number of others have referred to the weaknesses of the Code and the Panel process. I think many people have echoed that so far and it is worth noting a few others pertinent to this particular case.

The fact that there are no timelines for the appeal has been deeply unhelpful and I think that has created a delay, which again is unhelpful both for Deputy Le Tissier and the complainants, the Members of this Assembly and the reputation of the States. Indeed, Deputy Le Tissier's participation in the States since the original recommendation to expel followed by the recommendation to suspend I think again is something else that perhaps the Committee do need to consider in due course, whether if a Member is recommended for that sanction they should continue to participate pending a final determination by this Assembly.

The absence of the publication of Panel hearings ... Deputy Ferbrache has told us that he has had three cases lodged against him in this term. I am aware that Deputy Bury has had one lodged against her. In all cases it seems to be a *prima facie* decision by the Panel to look at the case and then reject them, and again there is no real information about that. I think that is unhelpful.

I think Deputy Burford referred to the absence of the original report from this appeal report, which I think is odd because we do not really know what the appeal was against, notwithstanding that of course the original report was distributed in error.

The fact that the grounds for appeal themselves are quite ambiguous, that the Rules provide for an appeal based on an error of fact on which there did not appear to be any great dispute, or some kind of error of process, and that of course formed the substance of the second report. But it is not clear who decides whether there are sufficient grounds for an appeal. The Presiding Officer? Is it the Panel themselves? That does not seem to be spelt out and I do not know how that was decided. There was a reference to an automatic right of appeal, but that cannot make sense in the context where you have to establish that there are grounds for an appeal based on fact or an error of process. So there is a whole area that is a bit grey there that at some point needs to be sorted out, *but* – and I think this is an important point – it is the best process we have, it is the only process we have and more importantly it is the best and only process the public have. It is the only thing we

2030 have got that we can show to them that gives them some kind of confidence that they have some recourse against the behaviours that we display.

2035 It is immensely frustrating for all of us who have had cases lodged against us. I think we have all, those of us who have been in that position, felt that, but I think we should endorse the right of the public to use that process and threats of judicial review and civil action and similar are not particularly helpful to reinforcing to the public that they do have rights to challenge us through that process. So I think until such time as we do have a commissioner or such other action as was agreed on the recommendations of the previous Committee, we have just got to make this current process as accessible and usable as we can for members of the public.

2040 Sir, I have been cited by two Members of this Assembly during this debate, Deputy Le Tissier and Deputy Ferbrache, and that, I suppose, is really what brought me to my feet to comment on this debate. Deputy Le Tissier referenced the fact that we have had an exchange. He did apologise, as he said, and referred to the fact that I have described it as being water off a duck's back. That was not quite the phrase I used but it absolutely captures the essence of our exchange. That exchange was in confidence but there was a section of that exchange on which I reserved my right to comment and use because I was conscious that it might form part of some future discussion and
2045 I am going to refer to that now, sir.

This exchange took place well before the first Panel had issued its ruling. It was 9th March. I wrote in an email to Deputy Le Tissier the following. I will read the relevant section, keeping in confidence the parts that were in confidence:

I was asked yesterday whether you should be participating in States' Meetings. I avoided the question by responding that it was a matter of judgement for you. My counsel would be that having withdrawn from Home Affairs and the DPA it would be logical also to recuse yourself from the States of Deliberation. Longer term I think it unlikely, whilst possible, that the Code of Conduct process will result in your removal from the States. However, I do think that you should consider resigning from the States. Whatever the motives or level of experience, without doubt, and forgive my directness, you have brought disrepute upon both yourself and the States, resulting in justifiable and understandable anger amongst many in the public. If you were to resign, this could be restorative for your reputation. If you choose to ride it out you will, rightly or wrongly, be forever tainted by the situation. I offer these comments in good faith and without wishing to patronise, based on my experience of public life and social media management.

Finally, I have no doubt since this story broke you and your family will have been under considerable strain. I do hope that you are bearing up under it. I will, of course, be happy to chat by phone should you wish to do so.

2050 I do stand by those comments from everything that has happened since. I had no idea what the first Panel was likely to recommend and I was really quite surprised, as many Members were, that it did recommend expulsion.

2055 That brings me to address the comments which Deputy Ferbrache made in relation to the involvement of certain members who comprised the Panel, because I think that too is actually quite relevant. It amuses me that I think there are some Members of this Assembly who see me in an awful lot of shadows and feel that I am in some way pulling a lot of strings behind the scenes. I suppose what I would say to that is if that were the case I probably would not be in this seat right now, but nonetheless that does appear to be the perception, that I am controlling things. That, of course, did seem to form the basis of part of the appeal, that actually the Panel were in some way tainted. Again, I did advise Deputy Le Tissier, when he went to appeal:

I understand there is a narrative that I have in some way been able to tamper with or influence the Panel considering your case. Quite apart from any such allegations impugning the Presiding Officer's selection of all members of the panel, the members constituting this particular Panel

2060 – two of whom Deputy Ferbrache has referred to –

and the process, I can categorically advise that not only did I not discuss the case with any Panel members, I had no knowledge who constituted your Panel until I had sight of the report.

I think it is important that we place credibility on the independence of the process and the Panel members and that they should not in any way have their reputations impugned by this process. Deputy Ferbrache has referred to Advocate Russell Clark, who he acknowledged had sat on one of the Panels and considered one of the cases against him, which was dismissed, which I think helps emphasise the professionalism and credibility of Advocate Russell Clark as a member of the Panel.

I think the other point, which Deputy Ferbrache did not mention, of course is that whilst apparently he had been campaigning for me to be Chief Minister over Deputy Ferbrache – something which I did not ask him to do, I should add – he had at the same time just either nominated or seconded Deputy Moakes as a member of the Guernsey Party. I think there was no suggestion of any bias from Advocate Clark, and I for one am very grateful that the second Panel absolutely recognised that and dismissed it out of hand. So it is worth emphasising that I had no knowledge of who was on the Panel and the second Panel found there was nothing wrong with the constitution of the first Panel.

As to what do we do here, I think, like others, we can pick further holes, and Deputy Ferbrache did in terms of some of the findings of the second Panel, but I think we have to work – as indeed is Deputy Ferbrache's conclusion – with the overall conclusion and we do have to recognise that this is an independent process. Whether we like it or not, it is the best we have, and to seek to impose our own retrial would effectively turn this Assembly and this Meeting into another impeachment hearing *à la* the Senate in the US and then it would become an even more political process and criticised process.

So I think whether we like the original Panel's recommendation or not, whether we like the second Panel's recommendation or not, we are where we are. That is what is currently before us, brought to us by SACC as a conclusion of ... It recognises the deeply flawed process that needs reform, but in the absence of anything better to give confidence to our community that there is a viable route by which they can express concerns about the conduct of their elected representatives, we have no choice but to accept the recommendations in full.

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir.

I rise to speak basically because my concern, my displeasure, my uncomfortable feeling at the moment about the navel-gazing that is going on within the Chamber at this point in time is very regrettable. It is never going to be pleasant to be discussing one of our own's circumstances. However, what I want to remind everybody about – I have a reason for doing this – is that we are here because of social media. I think it is something of a cesspool most of the time. It certainly is the Wild West and in those circumstances you went through it at your peril.

If you cannot stand the heat, do not go into the kitchen. That is fine if you are an adult. My concern is for the children, the younger people who are exposed to this because we cannot control its reach. I am a Member of the Committee for Education. Whilst they are within our four walls there are techniques and technology we can use to try to ensure that they are kept away from some of the awfulness that we see on social media, but they get infected by it, they get indoctrinated by it. It is part of their daily lives now and I think it is hugely regrettable. We endorse it at our peril, we use it at our peril because we are role models here in this Assembly.

I am not going to condone what Deputy Le Tissier did, nobody could. He entered the kitchen and he got burnt, and rightly so, and I do not disagree with that in the slightest, but I am very concerned that we are talking about an unregulated environment which seems to have no force of law to look after it, to contain it, other than – and my learned friends in the legal profession will probably be able to confirm this – I think the law of libel still applies because it is written. That is not good enough, and nowhere in the world – the western world, the eastern world, whatever – has found a way of controlling the tentacles and the spread of social media. It has its place but it has been bastardised, to be perfectly honest. It has been abused and used and I am very concerned about its impact on society, but most particularly on our young people.

I think we will inherit a whirlwind as a consequence of allowing this to continue. I do not know what the answer is, but here we are in a different circumstance, which we would not be in if there were some control over social media or if we did not take umbrage by entering into it as adults and then finding we do not like what is in there, because that is just what you do when you are an adult, you avoid things you do not really want to be infected by and unfortunately that is the position we are in.

So I just make the point – it is a plea, basically – that somehow, if we were not so active on social media, some of us, perhaps we would not be taken as role models or perhaps even what is printed there would not be taken as truth and fact, because an awful lot of it is not and I think it is very unfortunate.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I feel deeply for what Deputy Le Tissier is experiencing. I am uncomfortable with entering a debate in the context of what seems like a quasi-judicial hearing against an individual. However, I also feel obliged to issue an admonishment for what was clearly extremely foolish and unsophisticated behaviour. But there is a more substantive point about the chilling effect on freedom of expression that a severe penalty might precipitate. At this point I could quote a phrase often misattributed to Voltaire, that I disapprove of what you say but will defend to the death your right to say it.

It is clear that some in our community draw parallels with equivalent employment matters. It is accurate that employees enter a contractual arrangement with their employers, which usually includes conditions relating to their conduct and expression of views that do not align with those of their employer and which can be reasonably terminated if breached. In response to the actions identified in the report, an employee might well expect action up to and including dismissal, provided a fair process is followed.

In the first instance, dealing with the complaints was not fair. However, the complaints process is only half the story. Deputies may enter a contractual relationship with the States for payroll purposes, but our role is vastly different. We are expected to express views that are sometimes controversial and frequently at variance with the Government of the day. It is a fundamental democratic principle that elected representatives are able to do this without fear of reprisal. I certainly find it extremely difficult to support a sanction that has the effect, intended or otherwise, of curtailing this in any way. However, there is an argument that posting anonymously effectively waives any privilege that might otherwise be afforded. Politicians should always be prepared to stand behind their own statements.

The new report does note other aggravating factors. These are more of an issue. The public would expect some meaningful sanction to be applied for simply failing to set a good example, given that anonymous cyberbullying is an issue of increasing concern for children and young people. These points alone do justify some sanction, though a one-year suspension seems excessive to me.

I agree the complaints process is far from ideal. Accepting the sanction the Panel suggest does not make clear what the suspension is for. There is clearly a need to urgently affirm a democratic representative's prerogative to freedom of speech, but, to paraphrase the recently departed Donald Rumsfeld, you go into a debate with the process you have, not the process you might want or wish to have at a later time, so I will reluctantly support the suspension.

Thank you.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

I think Deputy Bury reminded us that when we started our political term we made an oath or affirmation which included acceptance of the Code of Conduct. That is the Rule Book by which we play in this Assembly. The Code of Conduct and the Rules of Procedure guide what happens in this Assembly and our behaviour. Deputy St Pier has reminded us again that yes, it may not be perfect, nothing is really perfect, but our democracy stands on the strength of the justice and law we have in the Rules of Procedure. These are the rules and procedures. We have many other independent processes established for the purposes of providing an independent judgement in difficult situations like the one we are discussing today. There is a reason why it has been agreed that this process is an independent process.

I find it very unfortunate, the references made in terms of politicising the Panel, their reports and recommendations, while what we are discussing today is just a matter of Deputy Le Tissier's behaviour. The recommendation we have today is purely based on his behaviour in relation to use of social media and has nothing to do with anyone else in this Assembly, so I find those remarks extremely worrying, that the process has been, in any way, politicised.

I am not here to debate what the independent Panel is recommending. I am here to say that it is very important that we respect such processes. If we find them inadequate in our modern day and age we should change them and if SACC wants to proceed with amending the Code of Conduct so be it, let's come up with a better system, but for now this system has come up with this report and I will be supporting the recommendations.

The Bailiff: Deputy Gollop.

Deputy Gollop: Deputy Le Tissier, in what I thought was a commanding speech and useful on many levels, said he hoped that Members would vote not politically but to their conscience – and maybe we have got quite a few conscience votes at the moment. If I were voting entirely according to my conscience I would be voting, to be honest, quite leniently, for a variety of reasons I will come to. But I am aware that I am, in a sense, the Father of the House, the longest-serving continuous Member, I am aware I am a Member of SACC and have been a Member of the House Committee, and I am aware I am not always an angel myself – I was up on a Code of Conduct last year, albeit with a more lenient outcome.

I also do not know Deputy Le Tissier as well as some people here, like Deputy Taylor, who clearly worked with him constructively on two Committees, but he is, of course, a Member of the Transport Licensing Board and we did not take the decision to suspend him, partly because we have not actually met for several months, (*Laughter*) but that is another conversation. Nevertheless, I personally did not want to push the issue one way or the other, as I think there were a variety of views within the Committee on that and one should have as a judgement not to prejudge before something happens. That in itself was a new procedure that I need to point out to the President of SACC, because when Members ... We have heard today from Deputy Ferbrache that he himself was accused of having breached and was found completely innocent, which was quite right, but one has in the past not generally seen Members being suspended from the Committees on which they are working. One exception was when Deputy Trott, I recall, voluntarily decided not to sit on Policy & Resources for a while, but that was a unique example. Here, we saw a new procedure involuntarily occurring. Procedures are actually part of this because we were, on SACC, kindly given the *Hansard* of the last time a Code of Conduct case came before the Assembly, when Sir Richard Collas was the Presiding Officer. He made a ruling quite clearly that Members should stick to the point and just focus on the penalty and whether the penalty was appropriate or not. Some of us have gone off the point a bit here, but nevertheless there is a context within which these events have occurred.

I had a really busy day on Friday with committee meetings and other things, but I did pop in to what is broadly under the SS umbrella of the Employment Tribunal Service. I sat down and one of the people there said, 'Has he a right to come?' and the Chairman of the Tribunal said, 'He has, because the hearing is in public.' The hearings to do with employment tribunals, though

2215 occasionally parts of them are held *in camera*, are open to members of the public and that means they are also open to members of the Guernsey Bar and members of the Guernsey media.

The Code of Conduct is a curious hybrid. It is an intriguing mixture of a professional standards body, a parliamentary standards body, a quasi-judicial body perhaps, and a court, in a sense. In my example, I was treated entirely correctly by a distinguished panel of people. There was a view that I was not entitled to any other Members or public present, or legal representation as such. Clearly we saw a change in that procedure this time because on the second hearing of Deputy Le Tissier a senior member of the Guernsey Bar apparently did have input.

I am just making those points to show how the Code is evolving as we speak. I do not need to repeat the various points Deputy Ferbrache and others have made, Deputy St Pier and so on, but I would point out that not only are the meetings not held in public but the respondent does not have a right to hear what the person or persons making accusations have to say. They can read them maybe, but they cannot actually be present at the oral side of the meeting that takes place.

If the States go along with the ruling, and I think we will today – and as a Member of SACC I am minded to, even though in one respect it goes against my better judgement – suspend Deputy Le Tissier for a year, one consequence of that is that he loses a notional £40,000 of income. That is a large fine. We have seen, for example, with the CCA stiff penalties for people who have evaded coronavirus regulations, endangering the whole community. The maximum fine they have had has been £10,000. This is not a fine, but it is a higher cost than that. I make that point just to point out the nature of what we are dealing with.

I would also mention briefly, though it is not strictly relevant, what our Commonwealth Parliamentary Association colleagues in Westminster have done. They have, since 1939, had about 20 suspensions and almost all have been for a day or two, or five days, or 20 days or three weeks. In 2003 a Conservative Member was suspended for one month for obstructing investigation into his financial affairs. Another Conservative Member was suspended in 2005 for two weeks for using tours of Parliament to promote a travel business. And then we come to perhaps one month for an Irish Member failing to declare two family holidays. The only one higher than one month has been for six months for an MP who expressed willingness to purchase cocaine for sex workers. So the highest suspension in the history of Westminster has been for six months. If we look across the House of Lords, which is a different kind of body, there have been about six cases there, of which the highest was a three-years' suspension, reduced to 16 months on appeal. The other two were four months and eight months. The 16 months was a complicated case involving expenses and false declarations about properties. Of course, the House of Lords is different from the House of Commons in one important regard. It is a non-elected, appointed House, and as all of the Members concerned have lifetime membership they have a chance to redeem themselves and they are not directly elected by the public.

What I think makes this situation tricky in Guernsey is we are all on the same mandate in an Island-wide election. That is the point that Deputy Matthews made and I actually agree with him broadly that there have been a large number of members of the public and some Members of the Assembly who have complained that if a member behaved as Deputy Le Tissier has behaved he would be instantly suspended, for this act, from the business. That may be true or may not be true. I know that, in the past, occasionally the States of Guernsey have been less tolerant of public servants who found themselves in difficulties, but that is neither here nor there. What is relevant though is that we, as Members, are not his employer. The difficulty in parliamentary terms is that we hold office, we are not employees of the Civil Service and that is why we do not necessarily get the checks – some might think we should do – whether it be police checks or checks to be non-executive board directors, because it is a different context. It goes back a long time. So the employer in this case is not the capitalistic owner of the business or a States' public sector body, it is the public who elected Deputy Le Tissier, and as he pointed out, it turns out he is one of only a minority of Members who reside in the Vale, but that is not, strictly speaking, that relevant. That is why we can look at examples in Westminster and other parliaments and they inform us up to a point, but only

so much because we are entitled – as we do in everything else, from taxation to abortion – to make our own laws based on our own situation.

What has been coming across in the last few weeks is that many members of the public, including the distinguished Panel, probably believe we should have a higher level of public conduct here than in Britain or other countries. I am not sure that all of us Members who have stood for election time and time again were aware of that. I do not think it was necessarily spelt out when we created the Code of Conduct. I think I voted against it because I always feared it would be weaponised, not because I wanted to lower standards in public life in any way. If we are going along the path that we want a higher standard of conduct, even though Members do not necessarily have the resources or incomes of other territories, then so be it, but we also have to be clear that you cannot have your cake and eat it. Like States' Members' pay, this is a curious process which goes to a distinguished body which is separate from politicians. They come up with their adjudication – in this case they came up with two adjudications – and then it comes back to us, and so it is both political and non-political. It is almost like an impeachment trial, as Deputy St Pier pointed out, except that we are not here to relook at the evidence, and SACC have been clear on that, that it is not a forum for looking at tweets or witnesses or anything like that.

So I am uncomfortable with the process on many levels. I am uncomfortable with the process because it is a mix of a parliamentary one, an independent one and a political one. I am uncomfortable because the standards we are setting are actually very high, because they are clearly higher than Westminster – many people would say yes to that. But my real issue is that we are deciding today not so much to punish or reprimand a Member but to take one person, who was elected in the Island-wide election, out of the Chamber for a year. Effectively we are reducing the size of our Assembly in real terms by one, and that raises – and I do not think this has come up in this debate before, so they are new points – two other issues.

Issue 1: I have been informed by advisers to SACC that if Deputy Le Tissier decided, at the close of this debate or over the summer, to resign his seat, he is entitled to do that. He could stand at a by-election that we have to put through. Whether the States has to approve a by-election is another matter because it is a vote in this Assembly and if you have a vote in the Assembly by implication you can reject it for whatever reason. But if we did have a by-election between now and next summer, Deputy Le Tissier would be entirely entitled to stand as a candidate and, curiously enough, the bar on him even attending the Public Gallery as a Member, which has been set out in an email to Deputy Bury, probably would not apply at that point. In fact, if he was successful in being elected – he could be elected unopposed, but I am sure there would be other candidates in the Island's first Island-wide by-election – he would immediately not have any suspension attached to him. This does not necessarily occur in other parliaments. He would be entirely free to receive a salary and come in and speak. We have not thought that one through.

Another area we have not thought through, which I have pointed out to SACC and I was pleased to get the opportunity to do that, is that within the Reform Law 1947 it says if a seat, in this Assembly, of a Deputy is vacant for 12 months, then the seat can be declared by Her Majesty's Procureur or Her Majesty's Comptroller as being void. That would be when a Member went AWOL or was extremely unwell, who knows, but here we are deliberately voting for a seat to be empty for 12 months. We are informed that the Law Officers would probably use their common sense to realise that it was not a deliberate vacating of a seat, it was a parliamentary process, but I do wonder if the Code of Conduct Panel actually looked at the potential conflict of laws there.

When one looks at this in the round and considers that we are not just rightly showing our extreme disapproval of the conduct of a Member – and he certainly should have been reprimanded severely in a variety of ways – we are actually going further than that and we are changing the context our Constitution in a number of ways and the way in which we operate democratically. And so in order to uphold, I think, the ability, the wisdom, the good graces and the public spiritedness of the Code of Conduct Panel and of SACC of the need to have the highest possible standards, whether they be the Nolan Committee or others, I will vote with the majority, like Deputy Ferbrache and Deputy Inder.

I do think that it has raised a huge number of issues, not just about the Code of Conduct but about our framework of politics and I do urge Deputy Ferbrache as well as my Committee, SACC, to really get on with looking at how we can make life for the Code of Conduct Panel easier, which may require accelerating perhaps the introduction of a Commissioner for Standards and a more robust code, and I mean that within the next three months.

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I was hoping not to speak at all in this debate because it is obviously a very difficult subject to discuss, but I did think that something that Deputy Gollop raised did need addressing, and that is the analogy of a fine. I disagree with Deputy Gollop that this is like a fine. I think if the Assembly chooses to uphold the Panel's recommendation, then there is a suspension and it is no more a fine than it would be, to use the same corporate parallel, if someone was no longer doing their job for a year in a corporate environment. It is not a fine, it is simply not being paid for the work that you are not doing. I really could not let that one go. I do think that is worth bearing in mind.

Many of the points I would have made, had I intended to speak, have already been made, but I think it is important we all appreciate ... I am sure there is no one here who thinks that the current system we have is perfect. I think there is a broad acknowledgement. I would certainly agree with Deputy Gollop about perhaps accelerating moves towards a Commissioner for Standards in Public Office, but I think the point is that really what it comes down to is that it is a privilege to be a Member of this Assembly, and as a public figure, as someone with a good degree of influence over people's lives in this community, we do need to be held to a high standard. And yes, it is not a perfect system that we have, but it is important that there is sanction, as Deputy St Pier said, that there is recourse for the public if they feel that we are not living up to those standards that they set for us, that there is a course of action they can take.

I would say I was surprised by the visceral anger over this issue in the community and I think it is probably worth reiterating a point that Deputy Bury made earlier that really there are not any amendments on the table. We can choose to uphold the recommendation as it stands, but if we choose not to then there is no sanction. In the eyes of the public it will be sanction free, essentially, and I think that is also worth bearing in mind.

Thank you.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, briefly, I have known Deputy Le Tissier for nearly 40 years and I do not regard him as a bad person. I do, however, regard him as a consummate fool for the way he behaved.

Deputy Ferbrache made a remark about me quite recently which I thought was probably one of the best compliments one could receive in this place, where he said you always know where you are with Deputy Trott – he will knife you in the chest and never in the back. So I am going to tell you why I intend to support these recommendations, but I am also going to do what Deputy Murray did extremely well, and that was give some words of caution.

I think in paragraph 102 the Panel, by explaining that they believe that using a Twitter account which could not be readily and immediately identified as his own, Deputy Le Tissier was not being open about his actions ... That is clearly the case. However, I am aware, through my good friend Deputy Le Tocq, that a few years ago someone set up a Facebook account in my name. He knew it was not me. He told me about it and he and others spent some time getting it taken down. I am also advised that there is a Twitter account that purports to be me, that even uses my image. It is not, so if anyone has received any offensive tweets I am sorry, but they did not come from me. Also, while I am at it, the Lyndon Trott who was on the dating app Grindr (*Laughter*) is not me either. (*Interjections and laughter*)

2370 Now, sir, the second point which I strongly agree with the Panel is that no Member of the States should expect to have the right to hide behind an anonymous account or an account which is not readily identifiable. We all know that there are Members in this Assembly who need to take heed of that advice. We all know that there are some people in here who live in glass houses and should not throw stones. If you are one of those people, stop it, otherwise, as others have said, once this precedent is set you are fair game and you have been warned.

2375 The other reason I am going to support the recommendations is probably the most important one of all and it is the issue of impact of conduct. We are obliged to set very high standards. I have not been a saint in my entire time in this Assembly and there is one incident I am particularly embarrassed about. It happened some years ago and it is now a long time in the past, but it was deeply embarrassing to me. Somewhat ironically and somewhat bizarrely, my popularity soared as a consequence, which I thought was particularly odd. But it is the point that is made in paragraph 115:

Deputy Le Tissier's conduct has high impact, with the potential to damage Guernsey, the reputation of the States and of the Island.

It is that point that I think is the most damning of all. So no beating around the bush, those are the reasons why I have concluded as I have.

2385 I just want to make one comment about Deputy Ferbrache's advice earlier around defamation. I have known Deputy Ferbrache even longer than I have known Deputy Le Tissier. In fact, he may recall that he represented me once. It was, as I have advised in this Assembly before, a spectacular failure. We lost and as a consequence I spent a month off the roads, but he did do his best. But that is not the only time I have sought his advice. I have sought his advice on another occasion and it was in relation to a Code of Conduct issue. Some rather unpleasant and, in my view, deeply malevolent Landesbank depositors made a claim against me that was clearly untrue, so my business and I sought the advice of Deputy Ferbrache. I wanted to bring a defamation against them. His advice was sage, I remember. He said, 'Don't do it. Have a thicker skin. Show some maturity. Brush it off. After all, you're the Chief Minister, you need to rise above it.' I took his advice, so I am now going to bat that advice back to him. It would be ridiculous for a Chief Minister to risk potentially damaging Guernsey or the reputation of the States and the Island by bringing a defamation action against someone who made a Code of Conduct complaint against him. So my advice – through you, sir – is you need to grow up, Deputy Ferbrache, and leave that alone. There's a good chap.

2400 **The Bailiff:** I am now going to turn to the President of the Committee, Deputy Meerveld, to reply to the debate.

Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

2405 As I am well known for my hats, I am planning on wearing two while I am responding, with your permission, sir. I am going to respond initially as President of SACC and then I am going to respond with my own views to some of the comments that have been made. The reason I am going to do that is because I do have strong views on this and of course, because of the way the policy letter is worked out, I do not get an opportunity to speak in debate.

2410 So starting off with wearing my SACC hat, we have had comments from quite a few speakers about the process. Deputy Ferbrache referred to it as a flawed process and urged SACC to get on with change.

2415 Deputy St Pier went on at length about the timelines for appeals and that has been noted. Suspension before trial, I am not sure. At the end of the day this is ultimately where the decision is made on whether or not a Member is suspended. So I am willing to take into consideration when we look at the future adjustments to the Code whether or not somebody should be suspended from acting in the Assembly from the moment the independent body makes a decision, but I

suspect that as a group it will be the point that this Assembly makes a decision that that will take effect.

2420 Missing the original report – Deputy Burford and Deputy St Pier pointed out that we have a report that references a previous report but does not have the original attached. Again, another anomaly in the way that the Code of Conduct Panel rules are set up. We forward on what they send to us and they sent the latest report. We took advice from officers. There was not particularly discretion in there for us to start adding things in that they had not given us as that final pack.

2425 Deputy St Pier and others are absolutely right, it is the only system we have, but this Assembly has already adjudicated on that. The decision was made in I think October of last year that we were going to move to a Commissioner for Standards and move away from the Code of Conduct and I think the difficulties and failings in this process illustrated by this case are prime examples of why this is a system that is not fit for purpose and justifies the move towards a Commissioner for
2430 Standards.

Deputy Gollop very kindly committed the Committee to coming back in three months, but I do not think that is going to be the case. Members have to be aware that SACC has a half of one civil servant and virtually no budget. I did point out to some people previously that I had been sold a bill of goods. I was told SACC would be a nice, quiet job. It certainly has not proved to be so far. We
2435 have a considerable workload that we are going through. We will come back on the Commissioner for Standards. It is, in all likelihood, to be in the first or second quarter of next year.

I will give way to Deputy Inder.

Deputy Inder: With the greatest of respect – through you, sir – we delivered a referendum and
2440 Island-wide election with half of one civil servant and I do wonder if the President could reconsider the seriousness of the Conduct Panel and either talk to Policy & Resources about funding it or move his own prioritisations around, because I think this is more serious than he may think it is.

Deputy Meerveld: I thank you for the interjection. Believe me, I do take this extremely seriously.
2445 The Commissioner for Standards for Jersey, which is something we are looking to try and dovetail with, because it is only natural that we look at sharing that resource both to reduce cost but also the commonality of the role that will be performed ... They are looking forward to getting their Commissioner for Standards in place by around August or September of next year, and we would be looking to try and dovetail with that process. That is what we are working towards, so it is in
2450 hand, it is being worked on.

Remember, it is not an insignificant amount of work because, as people have pointed out, we need to look at the timing for appeals. But hold on a second, the person has to have a right to a certain time to appeal within, but then they also have the right to do an information request, which could take up to a month to be supplied. Then the panel that is coming back has to have a time
2455 limit in which they can form and respond, so all of a sudden there are ... It is never as simple as people think, looking at how we change the rules to make it more transparent, to make it a fairer system, because, as Deputy Ferbrache pointed out, there are issues of natural justice here and failings in the system and not giving parties a fair chance, really, under what we consider our normal legal system. Deputy Dyke alluded to that as well. It is not as simple as simply coming back with a policy letter saying 'Let's change to a Commissioner for Standards.' There are a lot of decisions this
2460 Assembly will have to make.

For instance, already SACC has been approached with the idea of setting up a scale of penalties or sanctions to be levied for categories of offences, to create guidelines. This is something I will come back to later. If we were to come back to the Assembly with that, somebody is going to have
2465 to decide what they think are appropriate penalties for brackets of offences, similar to the sentencing guidelines handed down to judges. Not something to be taken lightly, I might say.

I can assure the Assembly SACC is taking it very seriously. It is in our urgent category of things to deliver and we will progress it as quickly as we possibly can, but it is not as simple as I think some people think it is on the face of it.

2470 Swapping my hat and changing to an individual Member of this Assembly, and no longer
speaking as President of SACC but simply a concerned Deputy, I have a lot of issues with what has
been proposed today. First of all, let's look at natural justice, at proportionality for the offence. I am
in no way, shape or form going to ever condone what Deputy Le Tissier did, but I do have concerns
2475 about the proportionality of the penalty that was initially recommended and even the one on the
table today. It seems to be completely disproportionate with anything else I can find, certainly in
Guernsey's history, Jersey's history or pretty much any Commonwealth country that I have looked
at. For instance, the original recommendation to expel Deputy Le Tissier. From a quick search I think
the UK government has expelled four MPs since the Second World War, three of them because they
were put in prison for criminal offences and one because he leaked secrets during the Second World
2480 War. That is the hurdle by which they look at removing a democratically elected individual from the
assembly. We started off there for somebody who was a very silly boy on social media and, yes,
upset a lot of people, but is it proportionate?

And what does it say about precedent? Imagine, if this is the starting point, what is going to
happen any time anybody in this Assembly says something foolish or does something that is not
2485 liked. Is there going to be an instant call for a long suspension or expulsion from the States? We
are setting a precedent today if we accept this penalty as is. I am unfortunately resigned to the fact
it probably will go through. We are setting an incredibly bad precedent and when we get to coming
back to this Assembly and start saying, 'Here are potential offences, let's match them up with what
we believe is the appropriate sanction', if this is the level we are going to set the sanction at, a one-
2490 year suspension, loss of a year's earnings, or, as originally recommended, expulsion, what are the
lesser offences and what do they merit? Is it six months? Is it three months? Where do we go from
here? You are setting what I would consider a very low bar.

Deputy Le Tissier has not done anything criminal, so would we say anyone who commits a
criminal offence should automatically be expelled from the States? So the next time somebody gets
2495 a speeding ticket or something like that ...? Where do you draw the lines? There is a very dangerous
precedent here. So not looking at the merits of Deputy Le Tissier's case but just looking at it from
the view of the process and what we are effectively establishing here as a piece of it is very
concerning.

Then there is the democratic deficit. We do not have a right of recall in Guernsey. The public
2500 cannot deselect a Deputy who has been elected. I know some people would like that to be
introduced, but we do not have it. At the present moment, Deputies are elected by the population
of this Island to serve a four-year term. The point at which they decide whether or not that Deputy
has been good or bad or decide whether they want to select or deselect them for another term is
when the election comes around. Excepting the most exceptional circumstances, this Assembly
2505 should not be depriving the six and a half thousand people who voted for Deputy Le Tissier of their
representation in this Assembly, whether it be through suspension or expulsion. This is a draconian
move. People will say half of the six and a half thousand would not vote for him now, after what he
did, but as Deputy Trott pointed out with his example, you could find he actually gained more votes
from the people who agreed with what he said or were amused by it, whatever – you never know.
2510 We have not gone to the electorate and asked them. We are being asked to intervene and there is
a democratic deficit involved with this. You have to remember this is six people who have
complained out of 65,000 and I am rather concerned that some of those six individuals who
complained went out and actually started a campaign to try and have Deputy Le Tissier removed,
so there are issues around that. If you just look at it academically from the process – and Deputy
2515 Gollop gave a very good speech, at his analytical best – there are major issues.

Going on from that, there are dangers here. Touching on what Deputy Murray said on the
dangers of the internet, the internet is changing the world, not always in the best of ways. No doubt
I will be attacked again for saying this. People may have noticed I have been somewhat in the
limelight recently. I do not think I so much kicked the hornets' nest as played a game of football
2520 with it and no doubt I will get pilloried for this again, but I fear this is an example of anti-social
media and the woke culture and its growing influence in Guernsey, where the Twitterati are

constantly looking for the next issue to be offended by. I am concerned at the approach of trial by media and the fact that people are getting condemned, whether it be on social media or in the print media.

2525 I share some of Deputy Ferbrache's concerns about the balance of *The Guernsey Press* these days. I must admit I have stopped buying it. Do we want to start promoting that kind of culture? We, as an institution, should be rising above that. We have been elected to reflect the will of the people on their behalf, not to run and hide from the baying mob of the minority who happen to be vocal. We have to take a balanced approach and hopefully lead by example and show resilience
2530 and backbone, and push through what we believe is right rather than pursuing what is popular or the path of least resistance that will get the least criticism. Needless to say, I do not worry about that latter one myself.

In final comment, I was minded to vote *je ne vote pas* on this, to abstain, because I think the penalty is disproportionate and it sets a bad precedent, but having heard speeches from some of
2535 the other Deputies – Deputy Dyke and Deputy Taylor – I am actually going to vote against it. I do that reluctantly because I do not believe that Deputy Taylor deserves no penalty. I think a proportional – personal opinion – (*Interjections*)

The Bailiff: Is that Deputy Le Tissier, possibly?

2540
Deputy Meerveld: Sorry, Deputy Le Tissier; I will get round to Deputy Taylor another time! I do not believe Deputy Le Tissier deserves no penalty and it sets a bad precedent by voting for nothing, but really in my heart, if I was asked what his actions truly deserved I would have said a public reprimand by the Bailiff in this Assembly with a speech of contrition would have been about the
2545 right level. I think this goes well beyond it, so I am going to vote against it and I would encourage other Members. Deputy Gollop and Deputy Matthews both mentioned that they were minded not to, but I would say stand up for what you believe, push back against this woke culture, do not be swayed by the baying wolves and the Twitterati. Yes, I am sure there will be a list of names out there of the people who voted against it and there will be calls to lynch us, kick us out of the States,
2550 whatever. We cannot keep bowing to these things. What we are doing is not only enabling but encouraging that behaviour, so I will be voting against this. I hope other Members will and I call for a recorded vote.

Thank you, sir.

2555 **The Bailiff:** Members of the States, there is a single Proposition. I think that was a request for a recorded vote. I simply remind Members that the consequence of voting *Pour* is that paragraph 55 of the Code of Conduct will then apply to Deputy Le Tissier.

Greffier.

There was a recorded vote.

Carried – Pour 25, Contre 5, Ne vote pas 9, Absent 1

POUR

Deputy Parkinson
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Trott
Deputy Vermeulen
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy Cameron

CONTRE

Deputy Meerveld
Alderney Rep. Roberts
Deputy Taylor
Deputy Dyke
Deputy Mahoney

NE VOTE PAS

Deputy Moakes
Deputy Murray
Deputy Oliver
Alderney Rep. Snowdon
Deputy Aldwell
Deputy Blin
Deputy Helyar
Deputy Matthews
Deputy McKenna

ABSENT

Deputy Le Tissier

Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Fairclough
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Inder
Deputy Kazantseva-Miller
Deputy Le Tocq
Deputy Leadbeater

The Bailiff: Members of the States, in respect of this Proposition there voted Pour 25, Contre 5, there were 9 abstentions and 1 absentee, and therefore I declare the Proposition carried.

The consequence is that Deputy Le Tissier is now suspended forthwith from all service in the States without pay. As paragraph 55 of the Code of Conduct makes clear, he must not enter the States' Chamber or its precincts, so he will not be in the Public Gallery when the States are meeting – he will not even be in the vicinity of the building because those are its precincts – take place in any meeting or other matter relating to the States or a Department or Committee of the States, sign any report, requête or other document relating to the business of the States, or ask questions.

4. General Election 2020: Reports from the CPA BIMR Election Expert Mission and the Registrar-General of Electors – Article to be taken later in the sitting

Article 4

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'General Election 2020: Reports from the CPA BIMR Election Expert Mission and the Registrar-General of Electors' dated 10th May 2021 submitted under Rule 17.(9) of the Rules of Procedures of the States of Deliberation and their Committees, they are of the opinion:-

1. To agree the following workstreams should be undertaken by the States' Assembly & Constitution Committee:

- a) investigate the creation of a dedicated, independent elections body for future elections;*
- b) review the Reform Laws and other relevant legislation underpinning General Elections, including:*
 - i. increasing the number of signatories on the nomination form.*
 - ii. introducing provisions requiring the publication of candidates and parties' election expenditure.*
 - iii. reviewing the deadline for postal vote applications.*
 - iv. introducing Deputy Polling Station Officers and Deputy Central Returning Officers to support election administration.*
 - v. reviewing provisions relating to the vote count and recount to ensure they meet the requirements of an electronic vote count and recount.*
 - vi. reviewing the margin required to trigger a recount;*
- c) introduce proposals for a system of complaints and appeals for future elections;*
- d) investigate the merits of introducing disclosures by candidates/and or Deputies and consider the disqualification provision at Article 8(e) of the Reform Law;*
- e) review the regulation of election finance, considering the findings of the Committee on Standards in Public Life review of electoral regulation in England.*
- f) review communication initiatives including the feasibility of the States of Guernsey co-ordinating 'hustings-type' meetings.*

g) research the feasibility of introducing i-voting for a future election.

h) undertake consultation with relevant stakeholders in order to identify, and consider how the States of Guernsey can work towards the implementation of, suitable measures for Guernsey as outlined in Articles 4 and 7 of the Convention on the Elimination of All Forms of Discrimination against Women to Guernsey and Articles 21 and 29 of the Convention on the Rights of Persons with Disabilities

i) increasing the information provided regarding the role of a States' Member, the States of Guernsey and the election process by the end of 2023.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

The States' Greffier: Billet d'État XIV. Article 4, States' Assembly & Constitution Committee. General Election 2020, Reports from the CPA BIMR Election Expert Mission and the Registrar General of Electors.

2570

The Bailiff: I invite the President of the Committee, Deputy Meerveld, to open debate.

Deputy Meerveld: Thank you, sir.

2575 I would actually like to put a motion to the Assembly. This Report is actually a very important Report. I am hoping that we will have a lengthy debate on it and that Members will give us feedback on where they would like us to go and look at for the next Election. Having said which it is not critically urgent that it needs to be debated today and I think with the other things we have on the Agenda – particularly education, which will be a very long debate – that I would like to propose to Members we move this to the end of the Agenda, rather than debating it now.

2580

The Bailiff: Thank you very much.

Well, Deputy Meerveld is proposing that this matter be interposed as the penultimate item of Business before the Schedule for Future States' Business. I am simply going to put the motion to you, Members. Those in favour; and those against?

Members voted Pour.

2585

The Bailiff: I declare that motion duly carried and therefore we will pick it up later in this Meeting.

LEGISLATION LAID BEFORE THE STATES

The Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Materials) (Bailiwick of Guernsey) Regulations, 2021;

The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 4) (Bailiwick of Guernsey) Regulations, 2021;

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) Regulations, 2021;

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) (Amendment) Regulations, 2021;

The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 5) (Bailiwick of Guernsey) Regulations, 2021;

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021;

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021;

The Prison (Guernsey) (Amendment) Regulations, 2021;

The Tobacco Advertising and Related Activities (Guernsey) Regulations, 2021

The States' Greffier: The following legislation is laid before the States: number 25 of 2021, The Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Materials) (Bailiwick of Guernsey) Regulations, 2021; number 30 of 2021, The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 4) (Bailiwick of Guernsey) Regulations, 2021; number 31 of 2021, The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) Regulations, 2021; number 40 of 2021, The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 4) (Amendment) Regulations, 2021; number 43 of 2021, The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 5) (Bailiwick of Guernsey) Regulations, 2021; number 44 of 2020, The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) Regulations, 2021; number 48 of 2021, The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) Regulations, 2021; number 51 of 2021, The Prison (Guernsey) (Amendment) Regulations, 2021; and number 54 of 2021, The Tobacco Advertising and Related Activities (Guernsey) Regulations, 2021.

The Bailiff: Well, Members of the States, we note that all of those measures are being laid before the States. At this Meeting I have not received any motions in respect of any of them.

LEGISLATION FOR APPROVAL

COMMITTEE FOR HEALTH & SOCIAL CARE

**5. The Abortion (Guernsey) (Amendment) Law, 2021 –
Debate commenced**

The Bailiff: Next item, please, Greffier.

The States' Greffier: Article 5, Committee *for* Health & Social Care, The Abortion (Guernsey) (Amendment) Law, 2021.

The Bailiff: I am going to invite the Vice-President of the Committee, Deputy Bury, to open debate.

Deputy Bury.

Deputy Bury: Thank you, sir.

This legislation delivers on the agreed Propositions of a lengthily debated policy letter last term. That policy letter was the outcome of months and months of research and consultation. Following concerns that had been brought to the attention of the Committee for Health & Social Care by our local medical professionals and senior public health practitioners, highlighting that the Law is outdated, out of step with our counterparts in the British Isles, with some of whom our Health Service is inextricably linked, and is affecting their clinical practice. I will repeat that last point for real clarity: Guernsey's out-of-date Law is effecting our local medical professionals' clinical practice.

When fully assessed it became clear that the issues raised by the clinicians could be broadly summarised under three categories: (1) abortion provision being more restrictive than other medical procedures and when compared with other jurisdictions; (2) a lack of legal clarity in some areas; and (3) the criminalisation of women who procure or attempt to procure an abortion outside of the legal framework.

The legislation laid before you today addresses those issues by removing the legal requirement for a woman to consult with two medical practitioners prior to being able to access the healthcare service that she needs, abolishing the offence of a woman procuring her own miscarriage, increasing the current gestational thresholds set out in section 3(1)(c) and (d). Section 3(1)(c) refers to abortion procedures that can be undertaken when there is a diagnosis of a foetal anomaly and section 3(1)(d) are those that are performed to protect the health of the woman or her existing children. It also acknowledges all the categories of persons who provide abortion care, including registered nurses and midwives. It updates outdated terminology in relation to foetal anomalies that is not in keeping with today's language. It removes the requirement for medical abortions to take place only at the Princess Elizabeth Hospital, meaning that those non-surgical procedures using medication can be completed at the woman's home or another safe place.

The Law also addresses some issues around conscientious objection, recognising the right to it as a valid stance of some of our healthcare practitioners but also provides that this right does not override any duty to refer the woman seeking to care to a provider who does not conscientiously object and that the right to conscientiously object does not override participation in treatment necessary to prevent serious injury to the physical or mental health of the pregnant woman in addition to any duty to save the life of the woman concerned. This area brings our Law in step with the professional guidelines set by the British Medical Association, the Royal College of Nursing, the Nursing and Midwifery Council and the General Medical Council.

Those are the key points of the legislation before you today, legislation that I reiterate needs to be modernised as highlighted by our local medical practitioners, based on their professional concerns. A mere one year ago, which is actually a very short amount of time in politics, one might agree, there were three days of debate which allowed the then-elected Members of the Assembly, 18 of whom are still with us today, to consider, discuss and present arguments for and against the proposals in the policy letter. The outcome of that debate was a heavily supported policy unamended. This legislation supports that conclusion and has passed through the Legislation Review Panel which confirmed that it has been drafted as directed by the States.

The professional consultation that informs the policy letter that has led to this legislation included anaesthetists, biomedical scientists, the Emergency Department, GPs, gynaecologists, health visitors, pharmacists, public health practitioners, mental health services, midwives, nurses, senior health professionals, sexual health practitioners, radiographers and the British Medical Association, with an overwhelming majority in support of the modernisation proposals. In addition guidelines were used to inform the proposals from the following bodies: the British Pregnancy Advisory Service, which is a commissioned service of the NHS; the World Health Organization; the UK House of Commons Science and Technology Committee; the Royal College of Obstetricians and Gynaecologists; the National Institute for Health and Care Excellence, also known as NICE; the Royal College of Midwives; the Royal College of Nursing and their associated regulators; the General

Medical Council; and the Nursing and Midwifery Council. Further, the abortion legislation in the UK, Jersey, Isle of Man and Republic of Ireland was also reviewed.

2665 I make no apology, sir, for citing this extensive list of medical professionals and authorities, as while it might be a little arduous to listen to, it is imperative to demonstrate the wealth of medical information and professional guidance that has brought us to this point. In addition to that professional consultation there was a public consultation which resulted in over 300 responses. The majority, two-thirds in fact, were strongly in support of the proposals to modernise the Law. And
2670 on the steps of the Court House today I was handed a list of members of the public that are also in support and that amounted to 334, all of whom have been verified by the organiser of that petition.

So I hope, sir, that this gives those that, like myself, are new to the Assembly the assurance that this has been an extensively researched and supported piece of work. Of course my colleagues who were in post last term already know this as they had the policy paper, the opportunity to interact
2675 with the HSC Committee Members and policy officers and took part in the three-day debate.

There will of course always be strong arguments on both sides of this matter. There will be some that simply cannot accept abortion as an option due to their personal or religious beliefs, and I respect that. However, the debate last term and this resulting legislation is not about that. Abortion is legal and is a wholly necessary but carefully regulated part of our range of reproductive services
2680 in Guernsey.

Sir, if any of my colleagues in the Assembly cannot square abortion in their minds, then they have the opportunity to vote against the legislation, but for any others I would ask them not to be misled that this work has been conducted in anything other than a robust and thorough manner. It is based on the latest scientific evidence and comes with the overwhelming backing of the medical
2685 profession. The Committee considers that any further research and consultation will yield the same recommendations: to ensure that the legal framework provides women with abortion care that respects and focuses on their needs.

Finally, sir, before I take my seat, a plea to my colleagues. This is a highly emotive subject. I am sure we all feel that and have seen it in the media, in the emails and phone calls we have received and on the steps of the Court House as we entered today. It is a subject that needs to be discussed with empathy, compassion, thinking before we speak and with the utmost levels of respect. (**Two
2690 Members:** Hear, hear.) The baseline of respect that we need to start from is recognising that no woman takes the decision to end a pregnancy lightly, as our medical professionals would attest to and it is a decision that stays with them for the rest of their life. So I implore my colleagues, sir,
2695 through you, to have that at the very forefront of their minds as this item on the Agenda progresses.

The Members of the Committee *for* Health & Social Care present this legislation to the Assembly today unanimous in asking for it to be approved.

Thank you, sir.

2700 **The Bailiff:** Deputy Meerveld, you have submitted a sursis motivé, is it your wish to lay that now? (**Deputy Meerveld:** Yes, sir.) Therefore I invite you to do so. Do you wish it to be read and to state who is seconding it?

Deputy Meerveld: Yes please, sir.

2705

The Bailiff: Greffier.

The States' Greffier: Sursis motivé proposed by Deputy Meerveld and seconded by Deputy McKenna:

To sursis the Proposition and to direct that:

1. The Committee for Health & Social Care shall undertake a review of the Abortion (Guernsey) (Amendment) Law 2021 as currently drafted and following further research into the implications of legal challenges and changes to the law in the British Isles and after broad and inclusive

consultation with the wider community to return to the States no later than June 2022 with recommendations for a revised Abortion (Guernsey) (Amendment) Law

2710 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

It is with great reluctance that I lay this sursis motivé because I am pro-choice. I support updating the Abortion Law and voted for 10 out of 12 Propositions during the June 2020 debate. However, I realised I could not support its implementation after Deputy McKenna and Deputy Dyke brought to my attention the implications of the changes detailed in the Abortion (Guernsey) (Amendment) Law we are asked to approve today. I was truly shocked by what Deputy McKenna and Deputy Dyke made me aware of. In the original debate I voted, along with 35 other Deputies, to decriminalise the act of a woman ending or attempting to end her pregnancy. The argument given at the time was that criminalisation creates a stigma and deters women from seeking professional assistance. That assessment seemed reasonable and I supported the Proposition. However, when done for the full term of pregnancy, decriminalisation of a woman aborting or attempting to abort a pregnancy creates an unacceptable moral, ethical and legal deficit, something that was not made clear in the original debate and is what I found shocking when I considered the implications.

2725 Decriminalising self-abortion for the entire gestation from inception until birth, zero to 40 weeks, means that a mother can deliberately abort a healthy, survivable child at any time, right up to and during the contractions just before birth at full term. The survivable unborn child has no protection under law. There will be no legal sanction or levy against the mother for this action. It will be completely legal.

2730 I understand a sudden change in circumstances such as the death of a family member or a relationship breakdown may influence a woman's decision as to whether she can continue with a pregnancy even if the pregnancy had be planned. However, we must ask ourselves whether this is acceptable under our community's values, morals and ethics. We also need to decide at what point we should protect the interests of the completely innocent unborn child. I would argue this should be when the foetus becomes sufficiently developed to be a survivable child capable of being born and growing as a member of our community.

2740 We create laws to protect the innocent based on the values of our community. It is unacceptable not to protect the survivable child, a viable foetus in medical terms, at that stage of foetal development when the life of the unborn child may be continued indefinitely outside the womb. The issue of when a foetus becomes a survivable child brings me to why I voted against two out of 12 Propositions in the June 2020 debate. Those were the Propositions extending the elective abortion gestation period from 12 to 24 weeks. I could not support those Propositions because medical advances enable babies to be delivered and survive at considerably shorter gestation periods. According to the British Association of Perinatal Medicine, among babies alive at birth and receiving care 35% born at 22 weeks survive, 38% at 23 weeks and 60% at 24 weeks. Therefore, if we allow elective abortions at 24 weeks, we will be sanctioning babies with up to a 60% chance of survival being aborted.

2750 But the concerns with the proposed changes to the Law do not end there. Members have received an open letter from Deputy Le Tocq expressing concerns about the treatment of medical professionals who are conscientious objectors and another open letter from Deputy Aldwell pointing out the intrinsic conflict of a discrimination law specifically outlawing discrimination based on disability but an abortion law that specifically allows discriminatory abortions of survivable children due to disability. I believe that the issues these two Deputies have identified are enough in and of themselves to justify reconsidering the proposed changes to the Abortion Law and I look forward to their contribution to the debate.

2755 Before I finish I would like to say two things which are important for Members to bear in mind during the debate. This sursis has been laid because of concerns over unintended consequences. It is not intended to imply criticism of the previous Assembly and the decisions it made, nor the

2760 previous Committee for Health & Social Care who steered their policy letter through probably the most contentious and difficult debate in the last term. It also does not imply criticism of the current Committee for Health & Social Care who naturally want to progress a very important piece of work they have inherited.

2765 The second thing for Members to bear in mind is this debate is not about the merits of abortion. It is about whether this Assembly is confident we are doing the right thing implementing these changes to the Abortion Law or whether after hearing the issues raised in debate we want to give the amendment to the Abortion Law more consideration before proceeding.

Thank you, sir.

2770 **The Bailiff:** Deputy McKenna, do you formally second the sursis?

Deputy McKenna: I do, sir, and I would like to reserve the right to speak.

2775 **The Bailiff:** Thank you.
Deputy Brouard.

Deputy Brouard: Sir, I would like to put forward Rule 24(4).

2780 **The Bailiff:** So Members of the States, I am going to invite those Members who support debate on this sursis to stand in their places because the numbers matter. Well, it is quite clear that there are significantly more than seven, and therefore the Rule 24(4) is unsuccessful. (**Deputy Ferbrache:** Sir?)

Deputy Ferbrache.

2785 **Deputy Ferbrache:** Sir, I would like to bring ... I appreciate you thought Madam Guillotine may be appropriate today, I would like to bring a guillotine.

The Bailiff: Okay. Can I invite those Members who wish to speak in debate on the sursis motiv   to stand in their places? Deputy Ferbrache, is it still your wish to invoke Rule 26(1)?

2790 **Deputy Ferbrache:** Yes, sir, that even enhances my wish.

2795 **The Bailiff:** In that case, Members of the States, I am going to put to you the motion proposed by Deputy Ferbrache that debate on the sursis be closed at this stage, subject to the usual people who would be enabled to speak in winding up, which would be the Vice-President and then the proposer of the sursis motiv  . Those in favour; those against?

Members voted Contre.

The Bailiff: I will declare that lost.
Deputy Queripel.

2800 **Deputy Queripel:** Sir, thank you.

The Bailiff: Just before you start, Deputy Queripel, can I just remind Members of the effect of Rule 24(5), which is that when a sursis has been proposed and seconded debate shall be limited *strictly* to the sursis and no other issues relating to that matter and therefore there will be some constraint on people as to what they can say in the debate given the terms of the sursis.

2805 Deputy Queripel.

Deputy Queripel: Thank you, sir.

I am going to support this sursis motivé on the grounds I do not feel fully informed and how many times has it been said in this Chamber that we need to be fully informed in order for us to be able to make a decision one way or the other. And I did not feel fully informed in the previous debate either.

In her opening speech Deputy Bury said consultation has taken place. I know that, I get that, it has taken place, but even at the last debate there were people saying it has not been long enough consultation, we wanted more time to consult. Therefore, that is why I say I do not feel fully informed and other people are saying that they did not have time to consult. So this is all very much it, to me, needing this sursis to succeed.

So the decision I am making is to support the motion for HSC to go away and carry out a review of the current Law, carry out further research into the implication of legal challenges and changes to the law in the British Isles and undertake a broad and inclusive consultation with the wider community as laid out in the sursis motivé and return to the States no later than June 2022 with recommendations for a revised Abortion Law.

I think it is important, sir, for me, if you will allow me, to explain to colleagues how I voted when I debated this Law in the previous Assembly.

The Bailiff: Deputy Queripel, I am not sure that that is relevant to the sursis itself because the sursis is simply saying go away and do some more work. It is not an opportunity to explain previous decisions.

Deputy Queripel: Well, okay, sir. In that case that is three pages of my speech gone. *(Interjections and laughter)*

The Bailiff: He has not said how many more there are! *(Laughter)*

Deputy Queripel: Just to question that though, sir, with the greatest respect, Deputy Meerveld mentioned in this speech he voted against certain Propositions and he voted for certain Propositions in the previous debate, but you are saying I cannot do that now?

The Bailiff: I am, yes, because of the wording of Rule 24(5), which I have just read to you, that it is confined to the sursis. That did not necessarily apply to Deputy Meerveld because it is after it has been proposed and seconded.

Deputy Queripel: Ah, okay, sir. Well, that probably puts paid to more than three pages in my speech in that case.

In the wording, as I say, of the sursis motivé, as I focused on in my first page of my speech, it does say the Committee for HSC:

undertake a review of the Abortion (Guernsey) (Amendment) Law ... as currently drafted and following further research into the implications of legal challenges and changes to the law in the British Isles and after broad and inclusive consultation with the wider community to return to the States no later than June 2022 with recommendations for a revised ... (Amendment) Law

In the light of the current Law, I am not convinced I want all that to happen. I think it does all need to happen, everything laid out in the sursis motivé needs to happen. And I am not talking about anything else other than that. More information, so I can be fully informed. But I am, sir, doubting the decision made by the previous Assembly and I voted on those Propositions; *I je ne vote pas*-ed on five.

Sir, I just want to say, as we all know, Deputy Meerveld and Deputy McKenna have come in for a lot of criticism in laying this sursis motivé, all of which is totally unjustified, in my view. It seems to come from people who refuse to accept that there is another point, there is another point of view. 'How dare someone else have a different point of view to me?' I would urge colleagues not to give

2855 into that sort of pressure and that sort of bullying. Listen to both sides of the argument, not just one side, because there are two sides to everything. So rise above all that. And if you are really not convinced by the Law, by the current Law, then have the courage to get up and speak and say that. Say you want more information, you want more consultation to happen, you want more evidence. Do not give into bullying, do not give into psychological bullying, do not give into any form of
2860 bullying. Our job as Deputies is to explore an issue to the nth degree, to get all the information in front of us, which is why I support the sursis motiv  : to have that information in front of us.

I ended up taking five pages out of my speech, but that is the way it is. I should have read the Rules.

Thank you, sir.

2865

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

I support this sursis and I would like to state from the outset that though I am male I am
2870 mandated to speak on behalf of the people of Guernsey that elected me to this Assembly, male and female; and 20 of my new fellow Deputies are in exactly the position and did not take part in last June's debate. Actually, I would like to commend Deputy Meerveld for admitting that he made a mistake in voting on some of the changes last year.

So this sursis asks for time and consideration to be given to a Law which alters the profound
2875 responsibility a woman has to her unborn child. So these are not politicking or delaying tactics, or kicking into the long grass. This is something that we need to ask ourselves democratically.

This Assembly has a duty to ensure that the amended Abortion Law is the best it can possibly be for the women that need it. This is not about the rights and wrongs of an abortion, it is about the Law governing this procedure. This sursis quite reasonably demands that more research and
2880 public consultation is carried out and according to HSC and to Deputy Bury in her speech some 300 Islanders took part in the consultation. A degree of that consultation coincided with the beginning of the pandemic. This has the effect of cancelling part of the public consultation and this is entirely understandable; people could not mix. Furthermore, a once-in-a-lifetime lockdown more than likely had the effect of distracting people and so we cannot be sure that everyone who wanted to engage
2885 with HSC did so.

However, it does bring into question the effectiveness of this consultation on the serious issue of amending the Abortion Law and to cite one of the parts of the amended Law, currently there is a safeguard whereby two doctors are required to sign the papers for an abortion and this is to be changed to one. Even in the UK Law, where a lot of people told me this is what we are following,
2890 the UK Law still has two and this safeguard protects the mother who is given more time to think about her decision as well as protecting the unborn child and I hope that this remains.

So why can we not fund a second medical consultation for those women in financial need instead of just removing the requirement for two medical practitioners to certify the abortion? This procedure has serious physical and psychological consequences and takes into account a second
2895 life and that is the life of the unborn child. For that reason alone, there should be double medical oversight and paid for by HSC etc. if necessary.

In other areas of Island life there are checks and balances, time allowed for consideration and reflection, and does it not strike us, or strike you as inappropriate and frankly incredible that under the Law as amended a matter of life and death should not even warrant the intervention of two
2900 medical practitioners to ensure it is absolutely and with certainty the right option for both the mother and the unborn child? This sursis is quite rightly concerned about drafting a law of unintended consequences, specifically making it lawful for a woman to seek an abortion right up until the time of death around 40 weeks into a pregnancy and it is only now since the amended Law has been drafted that its implications have become really clear. This loophole would allow a woman
2905 to legally terminate her child up to full term and should never be on our statute books. No law in this Island should unintentionally jeopardise the life of an unborn child in this way.

The proposed discrimination laws are here to protect people with disabilities against discrimination. We cannot allow an amended Abortion Law to be discriminatory. Suggesting that the Abortion Law time limit should be extended up until birth does not send out a message to those people with disabilities that their lives have value. It is like saying these lives do not matter. Just using the quote of Mahatma Gandhi: 'The true measure of any society can be found in how it treats its most vulnerable members.' The most vulnerable human beings in Guernsey are our unborn children and doubly so if they are disabled.

Also, I appreciate that we have to look after the mother as well –

The Bailiff: Deputy Blin, I am concerned that you are almost making a speech against approving the legislation, rather than for or against the sursis motiv  . Can you bring yourself back to the terms of the sursis motiv  , please?

Deputy Blin: Okay. Yes, sir. Well I accept the need ... Okay, I have to work out how I can ...

I am not opposed to objecting and modernising the 1997 Abortion Law but I am just objecting to the way that parts of it have been rewritten, highlighting the increase in gestation period and the loophole. As a new Deputy, one of the 20 new Deputies in this Assembly, I have read and reread these proposals. I am not satisfied the decisions made by Deputies last year were necessarily correct or they fully understood the consequences.

Basically, this Law needs to be revisited, more fully researched and redrafted. That is why I support the sursis and this is not unreasonable as although I wish to see the Abortion Law modernised I cannot put my name down for a Law that may have these terrible consequences.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

I am very much against this sursis for more than one reason. The first is that it is asking HSC to do something that it has already done. Now, I know there has been an election in between and as a result the Members of this Assembly are different and they may take a different view on what they want to see happen as a result of that review. But the review has happened.

We are about to be debating in a week's time what workstreams we can carry out with incredibly limited resources, and what are we doing today, or possibly? Asking somebody to repeat a really significant piece of work when they have lots and lots of other really important things to do. I would have had more respect for people who were genuinely against these proposals if either they had just come straight out and voted against them, or, if they liked some of them and not others, had laid amendments to try and fine tune it to what they wished. But they are not. They are sending us back around the mulberry bush, or rather, not us, sending HSC back around the mulberry bush saying 'Please go and do a major piece of work that you've already done.'

The other reason I do not like the sursis is because it is a sursis, a sursis to sit on, it is a delaying motion and I think we have delayed far too long in modernising our Abortion Law. I know it is a thin line, sir, whether I am discussing the Abortion Law or the sursis, but one of my main reasons against the sursis is because I really want to see the Law modernised sooner rather than later.

I do not understand some of the reasons that have been put forward by the proposers of the sursis and others in the community who are saying why it is a good thing. These have been brought up about whether the term up to which a termination could be carried out exceeds the point at which the viability of a foetus becomes reality. I do not understand the logical connection between those two. Medical science is amazing. I would not be at all surprised if in 50 years' time a newly fertilised egg will be able to be taken and developed outside the mother's body to become a human being. But that does not mean I believe the second an egg is fertilised that they are – I know others disagree, and like Deputy Bury I respect their views – I do not happen to believe that at that point of conception that there is a fully formed human being that has the same rights of protection as everybody else. *(Interjection by Deputy Inder)* Now, that is –

Deputy Inder: I do wonder if Deputy Roffey is not drifting off the sursis itself.

The Bailiff: Well ...

Deputy Roffey: Well, this is one of the reasons that was put forward in the explanatory note.

The Bailiff: You know full well, Deputy Inder, that that would be a point of order and you wait to be called to say that.

I was going to say to you anyway, Deputy Roffey, that this is not a debate about the substantive terms of the Law. I know it is difficult for people to draw that distinction but it has to be a debate on the sursis and the sursis is only about carrying out further research and consulting. That is the extent to which the debate should engage.

Deputy Roffey: Sir, I am then not allowed to say why I think it would be a supremely bad idea to delay the modernisation of our Abortion Law because of what I see as the faults with our existing Abortion Law, because that is exactly what the sursis will do, sir.

The Bailiff: But that is, with the greatest respect, Deputy Roffey, the position of the Committee because the Committee has brought the legislation to this Assembly. If the sursis carries, that is the end of the debate. If the sursis does not carry then we go into general debate on the rights and wrongs of supporting the draft legislation.

Deputy Roffey: Very well. I will respect that but it is a difficult pill to swallow because I think delay is as bad as actually not doing it at all here but I fully accept your rule and I am sure, sir, that you will apply it to people on both sides of this argument, in which case it should be a very short one. But my point is, and I will not go into pros and cons at all of the legislation reform, certainly that the work has been done, we should be able to make a decision. It may be a different decision to our predecessors, I hope it is the same one, but the work to inform that decision has been done.

So I hope we throw out the sursis and then get on to the sort of debate that Deputy Blin and I, on different sides of the argument, clearly want to have about the rights and wrongs of this legislation.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir. I am going to do my best not to go foul here and go into general debate.

I would just ask if Members are considering voting in favour of the sursis that they ask themselves what extra consultation they are expecting will come forward and what additional information and what consultation may be brought that would result in a different piece of legislation coming forward? If they think there is genuinely something completely different that the medical experts, the Committee for HSC will advise, by all means vote through the sursis. But if you have any doubt that extra consultation will bring up anything different then throw it out so we can get on to general debate.

Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, just briefly. I do not know the sursis is going to go, but what Deputy Roffey did give, and I wonder, sir, if you might be able to give some advice later on in debate, whether, because Deputy Blin did mention there are 20 new Members and they do not always know their way around the procedures, and it might be the case that some of them might want to amend certain parts of the Law, and I wonder, sir, if you might be able to give some advice later on in

debate whether a recess might be able to be had where amendments might have time to be prepared to look at other areas of the existing Law which might assist Deputy Blin and Deputy McKenna, and certainly Deputy Meerveld.

3015 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

 Amending legislation on the hoof is always a dangerous place to go and I would advise the Assembly to think very seriously before it goes on that particular journey.

3020 The proposed amendments of the Abortion Law give effect to Resolutions of the States of Deliberation following significant debate just over a year ago and reflect the best clinical practice that will provide effective and safe standards of care who wish to have an abortion. The recommendations to amend the Law were brought to the Assembly by the former Committee *for* Health & Social Care having considered at length the most up-to-date scientific evidence and a review of abortion legislation in the Republic of Ireland and other British jurisdictions. The proposals were also developed in consultation with health professionals who provide abortion care in Guernsey. The Committee and I are wholly satisfied with the careful consideration that was given to the recommendations approved by the States which have led us to where we are today.

3030 The topic of abortion is understandably one that attracts wide-ranging views. I strongly urge States' Members not to support the sursis and to prevent any further delays to progressing these important amendments to the Abortion Law. Going out to further consultation or research, or pausing for a year will not lead to a different conclusion.

 Thank you.

3035 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

 I can be brief and I think I can run the tightrope of the restrictions on our sursis motiv  , because my reason for supporting the sursis is quite simple. In the opening and in Deputy Roffey's speech
3040 he spoke about a choice of going on to debate and those that were unhappy with it could vote against it. But I think that I would much more prefer that a debate around what the concerns are would be better catered for and I think the sursis motiv   does that. It makes it quite clear that after a review of the Abortion (Amendment) Law of 2021 that HSC will come back to the States around the implications of legal challenges and changes to the Law and return to the States. My objections,
3045 and where I want to try and influence debate, is around section 4, which is all about foetal viability. I would much prefer that to be done rather than to be in a position where I would vote against the legislation, the vast majority of which I actually wholeheartedly support.

 Thank you, sir.

3050 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, I respect Deputy Meerveld for bringing the sursis and I respect I thought an excellent speech from Deputy Blin. But the sursis has to be rejected. It has to be rejected. It has no merit in it at all because, as the Bailiff has said, a sursis has got a particular, limited function and
3055 many of us speaking at this part of the debate have a particularly limited right and purview in relation to what we have to say. So the sursis has been read already by the Greffier and it directs, if it is successful, the Committee *for* Health –

The Bailiff: Can you put your microphone up?

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Deputy Ferbrache: Sorry, sir.

It directs the Committee *for* Health to undertake a review of the Abortion (Amendment) Law and:

following further research into the implications of legal challenges and changes to the Law in the British Isles and after broad and inclusive consultation with the wider community ...

Well, that was all done a year ago. Nothing has happened in the last year, nothing is going to happen in the next 11 months. There is not going to be anything and I bet a dollar to a donut that nobody is ever going to be prosecuted in relation to this particular Law even if it remains criminal.

So I know when I am speaking it is wrong for me to say nobody else should speak after me when of course they will, but I respectfully urge people just to vote on this sursis now, if it is passed, fine, I doubt that it will be, I do not think it will attract very many votes, and if not people can still speak against the current proposals under the Law. That is the way to do it and then people can make their speeches about '24 weeks is too long' or criminalisation etc. That is the proper way to do it. *(Laughter)*

The Bailiff: I am going to call Deputy Kazantseva-Miller first.

Deputy Kazantseva-Miller: Thank you, sir.

Sticking very narrowly to the sursis and the three actions that I see that the Proposition is directing the Committee *for* Health to do. The first one is to undertake a review, which, as Deputy Ferbrache has just said, has been done. The Proposition does not provide any further details as to what additional part of review, what should be reviewed, where are the concerns. So the Proposition fails to provide any specific instructions or evidence to showcase which part of the existing Law ... there is any evidence to show there are concerns. So I think I do not support that instruction to be valid, to be sursised.

The second one is regarding further research into legal challenges. Again, as Deputy Ferbrache has just said, this work will have been done and Law Officers would have been part of working through the original proposals as well as this Law. But what I would like to ask is Her Majesty's Comptroller perhaps to help us understand whether any legal challenges have ever taken place and whether this would be a valid point to include in the sursis, please?

The Bailiff: I will give you some thinking time, Mr Comptroller.

The Comptroller: I am grateful, sir!

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I am sorry to speak after Deputy Ferbrache. I will try to stay strictly within the Rules and be brief. This Law first came to my attention in my capacity as Chair of the Legislation Scrutiny Panel and on that Panel I initially misread section 2, which is the section that abolishes the offence of a woman procuring her own miscarriage, to mean up to the date of the general cut-off period of 20 weeks or 24 weeks, whatever it may turn out to be. That was a mistake pointed out by one of the other lawyers who is fortunately on that Committee.

I think most of us on the Committee at the time were actually quite shocked at what the implication of that was and regarded it ... that it must be a drafting error and suggested that the Law Officers should correct their drafting error. But no, we were told. It actually was not a mistake, it was a deliberate and I supposed confusing drafting but which would have the effect of decriminalising a woman procuring her own miscarriage right up to the point of birth, which I do not believe would be the case in any other country. I cannot prove a negative. So I am looking at that as mistaken drafting which a lot of the Deputies last time round did not appreciate. So I think that subject is a proper matter for a sursis.

However, I will be really brief, there are other issues that I know other Deputies are worried about. Whether the cut-off period should be, 20, 24 weeks, or somewhere in-between, the case of doctors who are unhappy with their limited right to not perform an abortion because of their conscientious objection, the question of having two doctors certify an abortion and the –

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The Bailiff: Deputy Dyke, I am going to do the same as I have done to others. You are straying away from the terms of the sursis motiv   by talking about the draft legislation rather than whether there should be a delay and the reasons for it.

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Deputy Dyke: All right, I am sorry. Thank you.

The Bailiff: Deputy Falla.

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Deputy Falla: Thank you, sir. I have had my blue pencil out, sir, so I will try and stay within the rules on speaking on the sursis.

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I would like to start by saying that I broadly agree with the points made by Deputy Prow and I do feel that there are views in this new Assembly that need to be aired and that the time to do it is now or in talking on the main legislation. I think that the area of the sursis that really I am going to speak in support of is that of the consultation. I have had a career working in engagement and it is a tricky one to get right. I think that while parts of the Abortion Law did need modernising, does need modernising, this just goes too far. I think the consultation with the wider community prior to the June 2020 debate, it was during the exit from lockdown when the normal rhythm of politics was interrupted, there is no doubt. That was nobody's fault, but the community's attention was largely focused elsewhere and there are some Islanders who did not feel they had sufficient opportunity to discuss, debate or express their views on this issue. We know that because we have received contact from them in the last few weeks.

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Deputy Taylor asked ... we do not know what extra information will come forward. He is right, we do not, but there might be extra information coming forward from those people who have not felt they have had the opportunity to properly consult on this issue. So I am going to restrict myself to that for now, but for those reasons I will be supporting the sursis.

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The Bailiff: Deputy Le Tocq.

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Deputy Le Tocq: Thank you, sir. I will try not to be repetitious and I will try to keep to the guidelines under the Rules that you have said for the sursis.

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But Deputy Roffey – he and I disagree, it is well known, over this issue, indeed life and death issues; we agree on a lot, but we do not agree on this issue – raised the issue of amendments. So I came to this debate initially planning to speak against the legislation and encouraging others to, like me, vote against it. And if we get that far, sir, that is what I will be doing. But I think it is well known that this time last year, admittedly we have had an election since then, but I think even the newcomers will know, and I am not likely to lose any votes because I did not have them anyway I think, from the people I am referring to, that I at that time seconded a sursis and laid amendments.

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So I am not bringing amendments today because I do believe that, as I think Deputy Brouard said, laying amendments on legislation is a dangerous thing, particularly with something as contentious and as complex as this subject. On legislation, it is quite difficult. But also, sir, because of the speeches we have heard already, plus with the engagement I have had and I know others have had here, on both sides of the debate there is a lot of misunderstanding in the public outside.

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I do believe, as Deputy Falla has said and others have said, that this is due to the fact that there was insufficient public consultation last year at the time in which the policy letter was being formulated. So as a result many people, sir, and I hope people do respect the fact, but I try to engage particularly with people, intentionally with people who have a different view than me because the only time I have ever changed my view is when I have done that. I did that today with those in the

pro-choice lobby outside, trying to listen to them, trying to understand them. And in doing so, sir, over the course of the last few weeks, it is clear to me that on both sides there is misunderstanding. I put that down, sir, to the fact that there has not been proper communication in the normal fashion that would have been done, and certainly was done I think in the 1990's, sir, when the initial change in the Abortion Law came about.

Sir, part of that I think, as others have alluded to, was down to the circumstances of last year, the fact that HSC rightly or wrongly chose not to have any public meetings and then was prevented from doing so even if it wanted to by lockdown and the restrictions that were on public meetings at the time, and then only very late in the day had a consultation which the public in the main did not have a long period to respond to. So apart from that the focus groups that Deputy Bury referred to were professionals and I do believe this, sir, to be an issue that is far wider, and therefore on the consultation basis I totally agree.

I think consultation should be done according to the Gunning Principles. These are principles used by governments across the British Isles and local authorities. Sir, I want to just highlight why I think we have not seen that happen in this instance in terms of supporting this sursis. The Gunning Principle number 1 is consultation must be at a time when proposals are still at a formative stage. The focus groups were *in camera*, as it were. They were not public. I am not saying they should not take place, but they were not with all the stakeholders involved. This is a community issue, not just a public health issue and certainly not just a woman's issue. It is a woman's issue, but it is more than that. So Gunning Principle 1 I do not believe was adhered to.

Principle 2 is sufficient reasons must be put forward for any proposals to permit, in inverted commas, 'intelligent consideration' and response. Again, I do not think the time or the timing was allowing for that principle to be adhered to.

Principle 3 is adequate time is given for consideration and response, and again I think there that clearly was not the case. It was a two-week period that the public could respond online. There were no public meetings.

Principle 4 is the product of consultation is conscientiously taken into account by the decision makers. Now, that is one that we could argue over as to whether that did take place but only because of the consultation that was done, that was I think quite minimal, that was taken into consideration. But there are broader views. Sir, the views that have been expressed to me, again I emphasise on both sides, have been largely around a few issues such as the change in the term period at which abortions would be allowed from 12 to 24 and people saying, well, it is just bringing us into line with the UK. Whilst that is true perhaps in terms of the term period, it is not in terms of other issues that have been raised here already. And there are implications with those, where we are not any longer in line.

Secondly, sir, and I have made it more public, but I think the issue on conscientious objection needs to be properly consulted on with all medical professionals, not just saying a majority are happy with it, because there is a provision in the Law that not only limits it from the current position but also gives the Committee *for* HSC the right to limit it further. I think that is quite dangerous. If anything, I believe it should be this Assembly that does that.

So for those reasons, sir, I will be supporting the sursis.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I had very much hoped that it would not come to this. There is no need why it should come to this. As the then President of the Committee *for* Health & Social Care I was the one that presented the original policy letter in June last year. It was a difficult and emotional debate. There were 10 amendments laid and debate went on for three days, stretched over more than one week, actually. Every one of the Propositions was considered in detail and I am therefore gobsmacked to hear Deputy Queripel did not feel he was fully informed. Where was he?

3215 The first amendment last year was also a sursis motiv  , basically similar to this, instructing the Committee to go away and do more research and come back again. It was a long debate, proposed by those who are against abortion, on the basis that there was insufficient consultation. But it lost. Indeed it was picked up at the time that it was ironic that the Members who argued most strongly that it was not possible to reach an informed decision because of the lack of consultation were the same Members who submitted quite detailed amendments to the various provisions set out in the policy letter.

3220 Now, I would just like to cover off the level of consultation and how the claim that there is a public out there who were not heard and so we need to seek wider public opinion is a complete fallacy and was addressed comprehensively last June. Deputy Le Tocq quotes Gunning Principles, but it was Deputy Tindall who clearly spoke about consultation in the debate and referenced the Public Accounts Committee's Governance in the States of Guernsey Report of 2011, whereby the States of Deliberation resolved to adopt six core principles of good governance as determined by the UK Independent Commission on Good Governance in Public Services.

Core principle 1 was:

Good Governance means focusing on the organisation's purpose and on outcomes for citizens and service users.

3230 Core principle 6: 'Good Governance means engaging stakeholders and making accountability real.' Core principle 1 indicates an organisation's purpose is defined by its relationship to its core customer; citizens and service users in the case of the public sector. Public engagement encompasses different levels of engagement, moving from informing through to consulting and acting together, and ultimately to empowering delegating decisions regarding services to the customer. It confirmed that each Department should consider each topic individually and evaluate the best way to consult, and this does not necessarily include public engagement at a public meeting, and I will reference that again in a minute.

3235 Subsequent to the 2011 Billet, the Scrutiny Committee's discussion document 'Public Engagement in the States of Guernsey', which was issued in 2012, concluded that:

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

3240 HSC considered in detail who our stakeholders should be and how we would engage. Over 50 hours were spent engaging with professionals across multiple meetings in order to gather responses. Professionals that were engaged, as Deputy Bury said at the very beginning in her opening speech, included anaesthetists, biomedical scientists, the BMA, the Chief Nurse, the Clinical Reference Group, consultant pathologists, Emergency Department, general practitioners, gynaecologists, health visitors, pharmacists, public health practitioners, medical doctors, the mental health services, midwives, nurses, sexual health practitioners and educators including Choices, SHARE nurses and the Orchard Centre, radiographers, stenographers and the royal college of nurses and midwives. Professionals with conscientious objection were included within the engagement as that formed part of the professional engagement and all those who participated were asked for their professional opinions on the proposed changes. Women's practice leads at GP surgeries were contacted and a consultation document was circulated to all GPs in July 2019 for their response. I would like to point out that a lot of this work did not happen during a pandemic and it was not put under the carpet and 'Let's hope nobody could see it' – very much not the case and I will mention that again in a minute.

3255 The Royal College of Obstetricians and Gynaecologists were engaged with and contacted both HSC and all Members at the time. The royal college of nurses and midwives were consulted and contacted all Members as well, as well as the Organisation for Antenatal Results and Choices who advise women both before and after terminations and in some cases when they have decided not to undergo a termination following diagnosis of intrauterine conditions which might have a life terminating or a major life-altering effect on a pregnancy.

When it comes to the general public, yes we had a survey which *was* clearly advertised, of which we had 300 responses, which actually at the time and certainly in the last States was a pretty good response, and we had 66% in support of our proposals. This again was not during the pandemic.

Accusations were made that we did not hold a public meeting but the Committee had a duty of care both to our staff and to people who were engaging with these proposals to ensure that they could be heard in spaces that are safe, in spaces that allow people to express themselves without fear of what they might face. We knew from historical experience and from experience of abortion debates in other countries that this would be a very fraught conversation and we did not want to expose anybody to the same kind of flak that we as politicians expected to be exposed to and in any event we actually were being called Nazis and baby-killers at the time. This was to consider modernising the Law, remember, not about the principles of abortion. That duty of care informed the way that Committee approached the development of these proposals at every stage which were developed by a small team led by our Director of Public Health, Dr Brink, and had her full support.

To state that no significant consultation had taken place is quite frankly not true. Let's not forget the fact either that the Committee had flagged up its desire to review the outdated Law more than a year previously through the Policy & Resource Plan. To say no one knew about it is not true either. Apart from the fact I did a number of interviews about it when that came out in public, which was at least two years before we actually debated anything, it was picked up on a regular basis by the local media and it had been picked up by the anti-abortion lobby, which is quite well funded by the way, and before our policy letter came out, and we all received a glossy brochure from London saying what a bad thing we were doing.

To say that Members last term did not have enough evidence to make a decision was also a complete fallacy as so many people went out of their way, took the time, the trouble, to provide us with their views. In fact I remember Deputy de Lisle rather ironically at the time saying that one of the reasons he favoured the sursis was because of how much public engagement there had been! We had hundreds of emails, absolutely hundreds. If Members think this is, what we have had in the last few days has been a lot, you cannot imagine how many we got through our inboxes. Plus we had a fair spattering of snail mail. There were separate presentations for Members and it was all over the media. Even a group was set up, tastelessly I think, calling itself 'All Lives Matter' just at the same time as the Black Lives Matter formed following the unlawful killing of George Floyd. And as Deputy McSwiggan said in closing for the Committee, that those stating consultation after the publication meant that there was no possibility of public views influencing our proposals was manifestly untrue. Manifest in the amount of amendments brought, manifest in the way that each of us listened to the arguments that have been made on all sides of this debate, through the many emails that we received, the many consultation responses we read, the many phone calls we no doubt received that would influence how we chose to vote on particular parts of those proposals or on the proposals as a whole.

Then we get onto the bit about challenge in the sursis. Again, this is very similar to last time, although this time it is more focused around legal challenges and in the British Isles, whereas previously it covered the whole world and any sort of challenge, which was picked out as a weakness last time. So clearly that is why it has been brought down somewhat in this sursis. In respect of legal challenges and changes to the Law which is in the second part, what aspects of those challenges should be considered? Is this restricted to the basis of disability and is this in relation to specific individual circumstances or general jurisprudence? As to legal challenges do we have to wait until all legal challenges are decided at the Supreme Court or at a time to appeal? Now, Deputy Le Tocq at the time accused HSC of having limited the consultation in order for it to back our arguments, yet this sursis and the one before it could be said to do the opposite: to extend the consultation for such a length of time and to be of such depth as never to be able to conclude.

So whilst we cannot in this debate speak on the legislation I should also like to remind everyone that these proposals, including the decriminalisation of women in respect of abortion at any time is strongly supported by the BMA, the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives and the Royal College of Nursing.

The Bailiff: Deputy Soulsby, I am going to stop you there –

Deputy Soulsby: I have done it. *(Laughter)*

The Bailiff: – because you are straying away.

Deputy Soulsby: Right, done! I got that bit in.

Sir, we should not be debating this at all. I have looked at the proposed changes to the legislation and they match completely the intention of the Resolutions of the States. The Legislation Review Panel have clearly approved these changes as they would not be in front of us today if they had not and I would appreciate any Member standing up now to say that that is not the case.

Nothing has changed in the intervening year. Nothing has changed since we debated the policy last year to demonstrate that the wrong decision was made. We had a smattering of emails from those against the proposals but these are from people who are opposed to abortion in principle and that debate has long since passed when the Law was brought in 25 years ago. This was not an election issue. We did get lobbied by the anti-abortion group at a faith-based election event –

The Bailiff: Deputy Soulsby, I am going to ask you to move on again because you are moving away from challenge, changes and consultation.

Deputy Soulsby: So arguments made in the last debate that the public were unhappy and that they had not been consulted are not reflected in any discontent in the election period.

Sir, I understand why some new Members may have questions over the changes, but it is not the Committee that needs to do more research. No more research is required. Nothing new will come out. Questions that those like Deputy Blin have made were all debated last year and copious information provided. This sursis motivé is purely a delaying tactic until the same policy letter comes to the States and we have the debate all over again.

I respect the views of those who due to religious or other reasons are against abortion and those who may have difficulty with aspects of it. However, as the medical profession overwhelmingly told us throughout the development of the policy letter, it is out of date and requires modernisation. The changes in the Law before us today are about ensuring we provide fair access to care that is accessible and affordable and meets our Islanders' needs.

As I said last year, whilst every Member is free to vote as they feel fit and according to their conscience, each and every one of you needs to understand that voting for this sursis and voting against the legislation goes against the evidence that exists today and against the best interests of women and their families.

Deputy Queripel says there is another side to every argument. Of course that is true but the policy letter was approved unamended following considerable debate following the provision of considerable information over an extended period before debate, not just the usual five or six weeks, but months and the changes before us today reflect the decisions made.

Sir, this sursis is a textbook example of poor governance and should be thrown out.

Two Deputies: Hear, hear.

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

Deputy McKenna: Thank you, sir.

There are no winners in what is a painful and heart-aching debate. I was not here in the last term, I am one of the new 20 Members, and the reason I was supporting Deputy Meerveld and Deputy Le Tocq was through what Deputy Dyke had highlighted: the Members previously I do not think realised what the Law was and that is why this was brought. So what was being voted through, nobody could see it, because when I read the Law I did not see what Deputy Dyke told me and he

3365 had consultation from another lawyer and when we asked the Law Officers they confirmed that self-abortion from 24 weeks until the time of birth is then normalised. You are then denying a life to a survivable child. I am certainly not saying that if a woman was to try and self-abort from 24 weeks onwards that she should be criminalised. The woman should be offered help and support. You cannot make self-abortion from 24 weeks legal and that is what the Law is saying.

3370 For Deputy Soulsby to say we had consultation of over 300 people and 66%, why do we not just say that was 200 out of 65,000 people that live in Guernsey? Two hundred out of 65,000. The Law is flawed and must be rewritten. We cannot legalise self-abortion from 24 weeks right up until the moment of birth because then the Law would do nothing to protect the vulnerable mother or the innocent child.

3375 **The Bailiff:** Deputy McKenna, I am going to interrupt you as well at this point and say I have given you a degree of latitude there but you are supposed to be speaking to the sursis and the sursis is about the work that HSC would do and why there should not be a vote on this legislation today. (**Deputy McKenna:** Okay, my –) You can speak in the debate on the legislation (**Deputy McKenna:** Okay –) if you want to, if the sursis does not carry.

3380 **Deputy McKenna:** I apologise unreservedly. (**The Bailiff:** Thank you.) In that case that will bring my speech to a conclusion because I was just supporting the sursis because I believe the Law was flawed and that the people who voted on it before did not understand what the Law was saying.

3385 I would like a recorded vote, sir, because then everyone in this Island will know exactly who everyone is.

Thank you.

3390 **The Bailiff:** Can I take this opportunity just to remind Members to switch off their mobile telephones. It is customary for those whose mobile telephones go off to make a small contribution to the Bailiff's Charitable Fund.

Several Members: Hear, hear.

Deputy Dyke: My apologies, sir. I will make a contribution.

The Bailiff: Deputy Gollop.

3400 **Deputy Gollop:** Yes, I am pretty mindful too that we must not stray off the point here, but I, like Deputy McKenna and some of the others, Deputy Queripel even, did not understand all of the aspects of this. Deputy Soulsby would say, 'Well, you should've understood it', but it is bigger than that because Deputy Soulsby has outlined, correctly, that her Committee, as you would expect from Deputy Soulsby and her team, were very vigorous and very relentless in their consultation. They consulted, as Deputy Bury has reminded us too, many professional people in the medical sphere and they looked to best practice elsewhere. But the focus perhaps was on specialist professionals

3405 in the field, people who understand the language, highly educated people, and when we are introducing policies and legislation, especially something as far-reaching and as emotive as abortion, you have to reach out to everybody in the community and that includes the older generation, the people who go on Facebook and social media – we have heard enough about that today perhaps – and, dare I say it, church people and religious people and people of not necessarily

3410 Christian faith but other faiths as well. They are the people who did not feel included. Maybe they were included, but because there were not conventional public meetings, because, as Deputy Soulsby said, there was a duty of care not only for the COVID period but also perhaps to protect staff from unpleasant comments and unfair comments, there still was a feeling that the consultation did not go far enough. I remember attending a hustings in the election period in a

3415 church with pastors which was a religious hustings. So for some people it was an election issue.

That is my main reason, on parliamentary grounds, for supporting the sursis because the purpose of the additional year – it does not have to be a year; I think it would better if it was less than that, six months – would be to have a further round of engagement with the public in churches, in communities, across the parishes, of all ages and generations and not just those in a specialist medical field.

I would also say you might need greater engagement with specialists in the legal and international field because I too am a Member of Deputy Dyke's Legislation Committee and this issue did come before us and we did discuss some of the issues about abolishing the offence of a woman procuring her own miscarriage contained in the second part of this amendment and discussed whether it would be a criminal offence. Now, I am minded personally, listening to Deputy McKenna, to take the view that if we are going down a route of decriminalisation then that is possibly the right way to go, but I actually want the sursis to act as an instrument so that we hear more information on the repercussions of this and whether that is the situation in England, in Ireland, in Northern Ireland, because I sat through one of these legislation meetings and we had a view from a legal authority perhaps that it was now the law in Ireland that so-called 'child destruction' was no longer a criminal offence. Now, I want to understand the nuances of this. That is why a sursis will be useful, even though I am probably unlikely to change my mind from the original vote of support for it.

One area where I am not supportive of the legislation, though, and I perhaps with hindsight should have done an amendment – maybe there is time with a suspension of the Rules to look at an amendment, if the sursis fails, because the problem with amendments is not only are we very busy with personal and public and political things, but we never know in advance for certain if two of our colleagues are doing an amendment and when one does not appear you miss the boat perhaps. But I have misgivings about the 24 weeks –

The Bailiff: Deputy Gollop, I think you are straying away from the sursis at the moment.

Deputy Gollop: Well, because I have misgivings on the 24 weeks I would like to see greater consultation in the community so that the wider public can be made aware of the different time periods of viability of children and so the whole community can then make a more informed decision than I believe is possible today for the legislature. So that is another reason why I would like to see delay. And also maybe a delay so that amendments that are coherent can be constructed.

The Bailiff: Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

For me in the run up to the election it was actually ... *[Inaudible]* question. I always do that!

For me, on the run up to the election, it was the most asked question: how would you vote on abortion? On the run up to the election I had more emails on this Abortion Law, I had more telephone calls on his Abortion Law and I had on the doorstep, which I went to areas of the 10 parishes, I had more people ask me on those doorsteps about this Abortion Law. So yes, I would like some more consultation.

We are ... spoken about, in this Assembly, being proportionate. We have heard this a lot and for me this Law is not proportionate. So I would like some more consultation and I would be supporting this sursis.

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir.

The more I have listened to this, the more concerned I have got. I am not against abortion in any shape or form. Overhaul of course was necessary. However, my concern is about the consultation that has been described here today and I am very concerned about that.

It is no secret that in Guernsey most of what goes on in here flies right over the head of most of the population. They do not pay attention unless it is something that really grabs their attention. That is not a condemnation of Guernsey people, that is just the way it is. How can it be that we can end up, for example, a traffic issue changing gets thousands of signatures and we end up with something that is talking about taking life with 300? Now, I cannot grasp that, at the end of the day, but I am as guilty. I listened to this debate when I was actually thinking about standing for the States, and it was painful – it was very painful. And yet here we are again in this Assembly, we get to the point where we actually describe what it is that we have actually conceived of before people actually understand what it is and what the actual issues are that are going to affect them. And it happens time and time again.

We live, unfortunately, as does parliament, in something of a bubble and I completely understand Deputy Soulsby's situation that she has done a huge amount of research on this in terms of the consultation with the profession and associated medical people. But I do not think that the Guernsey public by and large understands the ramifications of this because I do not think, again, they have paid attention until such time as it crystallises what the ramifications are. So I am concerned that we have not done enough consultation with the realities so that people can have a greater say in whether or not what we are about to embark on is what the general public actually want.

The Bailiff: Deputy Bury, do you wish to speak at this point or ...?
Deputy Oliver.

Deputy Oliver: Thank you, sir.

I am actually quite worried how many people last term now say I am not too sure what I voted for, but anyway.

I cannot support the sursis because knowing what HSC actually has to achieve this term and what is in the Government Work Plan they are going to be lucky if they actually achieve what is set out in the Government Work Plan and by adding this, which me personally I feel I have read and looked at all the consultation that I need to look at and I understand what the Law is about. So therefore I cannot support the sursis. But I just would like to hear from HSBC – HSBC! (*Laughter*) It has been a long day! HSC if they actually have the capacity to do this or will it be actually kicked in the long grass and therefore it will not be actually brought back this time.

Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I think perhaps you should stick a flag on your flagpole outside the Royal Court, because the day had to come, maybe I was not actually listening carefully enough to every single word, but I think I agreed with every single word that Deputy Ferbrache said when he spoke on this. (**A Member:** Hooray!) [*Applause*] So I am not going to repeat anything he said but hopefully I am going to add to it and hopefully he will give a vigorous nod of approval when I sit down that he has agreed with every single word that I am about to say. But we shall see.

So I am going to address myself to the consequences of the sursis, mindful of the Rules of debate in relation to sursis. So I am going to deal with the consequences of us accepting the Proposition in relation to the sursis and the consequences of us not doing so.

I think the first thing we should say is if the sursis fails it is not going to lead to a rash of self-induced miscarriages. I think we have the evidence for that, as I circulated to Members earlier this afternoon, that in the last 70 years we are struggling to find a single prosecution for such an act. Of course the consequences for an individual seeking to perpetrate their own miscarriage, particularly a late miscarriage, are too horrific to contemplate. It simply is not going to happen. So the idea that if we reject the sursis that we are going to suddenly experience that rash of self-induced miscarriage is nonsense and as Deputy Bury said, this is a decision for any individual to have a termination,

3520 whether at 12 weeks or later for whatever reason, it is an extraordinarily difficult decision and we should not minimise that.

So what are the consequences if we do accept the sursis? And this is not a consequence-free decision and that is what I really want to emphasise. I think Deputy Roffey touched on this, Deputy Ferbrache to some extent and Deputy Oliver. There are serious resource implications for us
3525 accepting the sursis. Resources will need to be diverted in order to discharge this and for a Government that is purporting to commit itself to action this day, how can action this day ever be delivered when every single time a decision is about to be made it is postponed for further review?

Now, I do accept that this of course is a very significant moral and ethical ... engages moral and ethical issues for many people and therefore actually resources alone should not necessarily be the
3530 determinant factor. So let's just think about the consequences of accepting the sursis on real people. Real people in our community who are going to have pregnancies in the next few months until this review comes back and until this Law is passed.

I want to give you two examples, the first of which is counterintuitive. It was sent to me by one of our correspondents who said that it can be used. She advised that her seven-year-old daughter
3535 is only here because of the abortion law – the abortion law elsewhere that allowed a potentially later termination. Her pregnancy was making her very ill and she nearly died. The specialist actually offered to terminate early. But because she was permitted to take longer to make that decision she chose not to do so and to persist with the pregnancy and she now has a seven-year-old as a consequence. Had she been required to make a decision within 12 weeks in accordance with the
3540 current Guernsey Law, that child would have been terminated. So I think that is a completely counterintuitive experience which will be a consequence of us passing the sursis, potentially a consequence of us passing the sursis this afternoon.

The second consequence is we will maintain the inequity of the current Law. We currently have a –

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The Bailiff: Now, Deputy St Pier, I have given you a degree a latitude there but I am going to stop you at this point. That is a speech on the Law as to whether to approve it or not rather than a consequence of the sursis, because that simply means that there would be a debate on the Law.

3550 **Deputy St Pier:** Okay, sir.

So certainly the impact of us accepting the sursis and delaying an amendment to the Law will be to maintain that inequity and I, sir, would argue that is indefensible for a whole raft of reasons.

So I think, sir, we absolutely must listen to the experts on this occasion and accept the Public Health advice and 90% of the medical professionals not to further delay. As Deputy Roffey has said,
3555 the Law has been delayed enough. Further delay through the sursis is totally unacceptable for all the reasons that Deputy Ferbrache has said and I hope that he agrees with everything that I have added to the debate.

Thank you, sir.

3560 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, I only need to speak very briefly because in line with your guidance I heard everything I needed to hear from one sentence from Deputy Brouard earlier, speaking in his capacity as President of HSC. But just before I give that sentence, or repeat that sentence, can I say that these
3565 debates are always very difficult because I am one of the men in this Assembly who finds it very difficult to discuss these issues, whether it is to delay the Law or in more detail, to delay a process or in more detail, because I am of the view that these matters are, not exclusively, but primarily in the domain of the opposite sex, in the domain of those with a uterus.

Anyway, rather than repeat comments that I made last time, Deputy Brouard said the Law represents best clinical practice. The Law represents best clinical practice. So whilst I respect the
3570 views of all those who have contacted me, and will continue to do so, the truth is that they contacted

us for a variety of reasons, some have devout religious beliefs, others certain experiences, but the truth is the best clinical practice is represented by the Law, according to the President of HSC. And that is why I shall not be supporting the sursis.

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The Bailiff: Well, no one else is standing, so no one else is going to get the opportunity to speak other than I am going to turn to the Vice-President and then the proposer of the sursis. But before I do that, Mr Comptroller, a question was posed earlier as to whether or not there are challenges around that you are aware of. Are you able to assist Members in relation to that before we go into the wind-up on the debate?

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The Comptroller: Sir, I will try to. I can only speak very generally.

First of all, I am not aware of any current challenge off the top of my head. I am just not aware of a challenge currently to any of the British laws, if I can put it that way. There have been challenges in the past on a number of grounds. One of the most popular ones is on the grounds that abortion infringes Article II of the European Convention on Human Rights and the right to life. But I am not aware of there being a successful challenge where an abortion has been carried out in accordance with the duly approved law of a country or territory, and in particular where abortion is based upon medical opinion. At the end of the day, whichever way you look at it, the current Law in relation to the Bailiwick and the amended Law, sir, it is abortion on the basis of a medical opinion.

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Now, I do not know if that helps, but in answer to the question I am not aware of a successful challenge.

The Bailiff: Deputy Bury then, next please.

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Deputy Bury: Thank you, sir.

I have been somewhat gazumped by many people in many ways and also within the strict Rules of debating the sursis it reduces my prepared speech somewhat. And that is the very reason why the sursis is so negative. It is curtailing all of the debate and information that we could have had within the general debate and for which I have prepared a huge amount of information in order to dispel the misinformation or misunderstanding. So we will not be able to discuss the confusion or answer the questions or lay the recommendations from the other jurisdictions and professional bodies if we do not have that debate. All of that information is available and was discussed last term and brought us to that decision.

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So I will just summarise a few points that have been made by others. Deputy Kazantseva-Miller referred to the actual Proposition and that is something that I wanted to highlight, that although the explanatory note of the sursis motivé delves into quite a lot of areas of the legislation more deeply, the Proposition really quite flimsily just directs to do further research. Now, I am tempted to read the list again of the people and bodies and authorities and medical professionals that were consulted last time. However, I am going to be kind and not do so but just ask people to remember how long it took me to read that list and in their minds ask themselves who else it is that we are going to be doing further research with outside of all of those professional authorities and bodies.

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With regard to legal challenges, I know we have just had some comment on that, but the abortion law in the UK has been under almost consistent challenge from anti-abortion groups since its inception in 1967 and in that time has never been amended as a result of those challenges. In terms of consultation, which is also referred to in the Proposition, the consultation resulted in strong views on either side obviously and the debate was exceptionally public. Everyone who was here will remember that. There was no escaping the publicity. I remember I engaged ... I was one of the people that took part in the consultation from the public side. So I think that to say consultation was missed by people is really wholly inaccurate and actually because of the lockdown arrangements the policy letter was in the public domain for far longer than it would have ordinarily been before debate. There was plenty of time to engage.

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As I said, I am going to be kind and not read the list. But in terms of current challenges, which I think the Proposition might refer to in terms of implications of legal challenges, well, any current challenges are highly – I think Deputy Soulsby referred to this, but – unlikely to reach a conclusion in the timeframe that is also laid out in the Proposition for the Committee to come back to the States. It is almost certain that if any cases are currently coming towards a conclusion they will be appealed and so we will not have a conclusion. As I said before, all previous challenges have failed in amending the law.

Deputy Oliver asked ... sorry, I know I am not summing up, but in terms of resourcing there is no resource planned for this in HSC and I am sure everybody is aware that HSC, like everybody, but I would like to say particularly, has had a busy time and is currently under a huge amount of pressure. This is work that has already been done and there is no specific direction in this Proposition of how it should be done differently.

So I respect the right of the Assembly to make sure that they have the information that they need but I think it has been demonstrated here today, and please remember I was nice and did not read the list again, just how much research and consultation has been done to this matter and the debate. It was over three days and I can understand that new Members may feel slightly out of context and there might be misinformation that is confusing them and that is why they think more research should be done, but in actual fact that is why we should have the debate and not vote for the sursis because I have got all the information here. I am just not going to get to read it and share it with you if you support the sursis.

So I think it needs to be considered by Members very carefully if they *really* think that research and consultation has not been done and perhaps consider that really this is just a case of an emotive issue that there will always be strong arguments for and against and this is a delay that will bring no more information than we already have to hand.

So I will leave it there, thank you, sir.

The Bailiff: Finally, I turn to Deputy Meerveld as the proposer of the sursis motiv   to reply to the debate.

Deputy Meerveld: Thank you, sir.

Consultation: it has been raised by a number of Members and I agree with Deputy Bury, a lot of professional consultation was done. But it is quite interesting the original consultation with the public produced by HSC for the last debate included 305 people responding. Deputy Bury at the start of this debate held up a petition with 200 signatures on it, garnered since –

Deputy Bury: Point of correction.

The Bailiff: Point of correction, Deputy Bury.

Deputy Bury: Three hundred and thirty-four.

The Bailiff: And more particularly that was on opening general debate rather than the debate on the sursis motiv  .

Deputy Meerveld: Sorry, yes. So a petition, thank you, with 300 signatures – makes my point even stronger. Those were gathered in less than a week. I put up an electronic petition to attract attention to the issue I was raising on Sunday night and in two days it has got 227 signatures. We have received I do not know how many hundreds of emails, but it is going to, I would think, at least a couple hundred in our inboxes. So in the public consultation done at the time, 305 respondents; in the petition saying push ahead, 300; the one saying stall, 227 in less than a week. So I think there is a strong argument that through no fault of its own HSC did not engage with the public adequately and definitely a part of that is the fact that that consultation was done March/April 2020 right at

3675 the start of a global pandemic, the start of our first ever lockdown. I think everybody was distracted with other things and –

Deputy Soulsby: Point of correction, sir.

3680 **The Bailiff:** Point of correction, Deputy Soulsby.

Deputy Soulsby: The consultation did not happen during the pandemic. In fact we published the policy letter near to when the pandemic started but then we extended. So it was actually in the public domain for over three months, I believe. It might have even been more than that. There was plenty of time for people to have been consulted and to give their opinion, as we know because our inboxes were completely clogged with them.

The Bailiff: Deputy Meerveld to continue.

3690 **Deputy Meerveld:** I do not think that contradicts my point. We have had a huge amount of people contacting us right now and a lot of those contacts –
I will give way to Deputy Taylor.

Deputy Taylor: I am grateful to Deputy Meerveld for giving way.
3695 I just wanted to point out, in case anyone else had not done the maths, and it may be a little bit iffy, but if Deputy Bury had a petition with 330 signatures and Deputy Meerveld had one with 200 and something – (**Deputy Meerveld:** Two hundred and twenty-seven.) 227, it actually works out around about the same percentage that came back on the original consultation. So I wonder, if we have now had it twice with the same percentages, if we do another consultation we will get anything different.
3700 Thank you.

Deputy Meerveld: I think you have 300 against, I think the 227 on my side are probably a different 227. My point is you can see from the amount of public engagement in a very short time, from the laying of the sursis just a week ago, that a lot of people have got in touch, more so than got involved in the original consultation, the official consultation with HSC.

Also a lot of the list of people that were consulted, the professionals, a very extensive list, and the professionals will obviously give consultation on the 'how', but the public are needed to give their opinions on the 'should', whether we should go to certain levels. So I think there is a strong argument to say we should be going out there and making sure that people are clear on what we are trying to do and why, and this is me saying this as a pro-choice person who supports updating the Law. I will come on to the more fundamental issues in a minute but I think there is a strong argument to say we should be going out there and part of that argument is actually the content of some of the emails we have been receiving because I think, as Deputy Le Tocq pointed out earlier, there is a lot of misunderstanding out in the public domain about what this Law means and how it works in fact and I think that there is a need for that engagement to get out there.

But if I now address the issues, Deputy Taylor's question, what consultation is needed, Deputy Kazantseva-Miller's questions that the request is not specific enough on what legal challenges, and also, sir, your comment earlier, the work HSC must do just looking at giving some more specifics so people can understand the issues that have been perceived, the reason the sursis has come forward as somebody who wants to see this Law enacted and the improvements the Abortion Law implemented what issues cause us such concern that we have come forward with this sursis to potentially create a delay and additional work. But I think, as Deputy McKenna said, we are dealing with an issue that involves life and death. A lack of resources or too much other work on cannot be a justification for not doing it properly.

But anyway, if I go back into the specifics, if I look at decriminalisation of the Law, okay, we have a Law here that, as Deputy Dyke pointed out, he was quite shocked when he read it and saw that we are decriminalising for the entire term of the pregnancy – the full nine months. Okay, you look around the world where people have decriminalised their –

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The Bailiff: Deputy Meerveld, (**Deputy Meerveld:** Yes, sir?) I am going to remind you that you are replying to the debate that we have had in accordance with Rule 17(4). You can respond to the points made during the debate only and shall not rehearse any new or further arguments. You are subject now to the same limitations as I have imposed on other Members when they have been speaking: talk to the sursis motivé, reply to the debate, please.

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Deputy Meerveld: Okay, sir.

Specifically then to Deputy Kazantseva-Miller, I asked what legal challenges. The recommendations from the BMA in their various papers say that they support decriminalisation but there needs to be:

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... limits on third-trimester abortions can, and we anticipate will, be maintained, as they have been in other countries that have decriminalised abortion.

So here is a legal challenge: we are creating a void, we are decriminalising the ability for somebody to self-abort from 24 weeks to nine months, to the delivery. All other jurisdictions, such as New Zealand have limited –

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Deputy Soulsby: Point of order, sir.

The Bailiff: Point of order, Deputy Soulsby.

Deputy Soulsby: I believe that Deputy Meerveld is going far beyond the debate on the sursis. It is frustrating enough not to be able to say anything ourselves but even worse when we hear it from somebody else.

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The Bailiff: I agree with that, Deputy Meerveld. I have already reminded you it is a reply to what has been said on the debate, the reason for the delay and the reasons that you are advancing what other Members have spoken to. It is not an opportunity to raise new arguments or to talk about the substance of the Law. That will come if your sursis motivé is unsuccessful.

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Deputy Meerveld: Okay, sir. In that case I will go through Member by Member, responding directly to each of their comments.

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Deputy Blin pointed out the point about consultation in March 2020 and yes, I have already made that point. I do not think the consultation with the public was adequate, I think it was a time when everybody was distracted with other major concerns that were consuming our lives and the fact that a lot of the emails we are getting and the messages we are getting and the conversations we are getting are illustrating a fundamental lack of understanding of the points that are raised in the sursis and in the Law I think are adequate justification for the fact that this needs looking at again.

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Deputy Blin also noted that the legislation goes beyond the UK law, and it does in several aspects, not just one doctor but also in terms of the points raised by I think Deputy Le Tocq – actually, he did not get to raise them. But certainly there are several areas. We are not matching the UK law, we are going beyond it.

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Deputy Roffey: cost and resources, delay. This is a matter of life and death, literally. We cannot simply say we have not got the time or money to do anything about it, let's just push ahead. Remember, this is somebody who supports the Abortion Law and supports choice but I am saying we have got it fundamentally wrong here and if I was able to I would be able to explain why.

3775 Consultation that is needed. Deputy Taylor asked what consultation is needed. I think there is consultation needed on the legal aspects of what we are doing and how it compares with other countries because we are going beyond anything I can find in any other European country.

3780 Deputy Brouard: he made comment on amending legislation on the hoof. That was one of the things that Deputy McKenna and myself considered when we looked at the issue, whether or not we should simply go in and try and amend the aspects of the Law that we did not like – or we were concerned about, I should say. And Deputy Brouard was absolutely right: you do not amend legislation at this point on the hoof at the last minute. It is incredibly poor governance. You need to debate these issues, make decisions and have them properly formulated. You cannot simply do it in a one-page amendment. That again is why the sursis looks to bring it back and reconsider the broader issues.

3785 Deputy Prow: he raises a very good point here. It is all well and good saying once we go beyond this sursis we can then debate the legislation and Deputy Bury said she has got loads of points – I have got a four-inch folder full of points here we can raise in general debate on the legislation. The problem you have got then is, for me, you are facing a black-and-white decision. You either approve the legislation, having heard all the issues, or you throw it out. Now, the problem with that is either you are approving legislation which may have significant flaws, which I would argue it does, or you are throwing it out completely and resetting the clock on all the work that has been done to date. The fact is an immense amount of work done by HSC in the previous term and HSC in this term is valuable and should be continued.

3795 There are areas of this that absolutely have to be changed and tweaked but it should not derail the entire process. If we skip past the sursis and go to general debate you are not faced with a delay, let's talk about it and let's bring it back of less than one year, you are looking at throw it out completely, go back to 1997 and start from there. Now, it is a roll of the dice, if you want to go that route, but also you still have the challenge further down the line of a r  quete, but then again that will be looking to throw everything out. I am trying to progress this. I want to see this progress as part of an open, consultative process that deals with the issues that are raised and still brings this back to the Assembly in a timely fashion to implement in this term.

3800 Deputy Kazantseva-Miller: not specific enough. You are right. We did not have time. This issue was raised by Deputy Dyke to Deputy McKenna and I on the Friday night before the Tuesday submission deadline. So there simply was not enough time, first of all to consult with HSC. I have sent an email apologising to HSC because I am trying to encourage Members to always consult with a Committee before laying a motion and we just did not have time. So it is not specific enough, I would love to have put something in there that highlighted all the issues, there just was not time, remembering we only had access to Law Officers for one and a half days before the deadline for laying the sursis.

3810 Legal challenges: there are a whole list of things that I think could be challenged here on a legal basis. For instance, if you want one specific example that is live currently, last week three ladies with Down syndrome went to the Royal Court and asked them to determine that the UK law that we –

3815 **The Bailiff:** Deputy Meerveld –

Deputy Meerveld: Sorry, does that go beyond -

The Bailiff: I think you will find it is the High Court. (**Deputy Meerveld:** Sorry?) The High Court –

3820 **Deputy Meerveld:** High Court! Sorry, sir.

The Bailiff: – not the Royal Court.

3825 **Deputy Meerveld:** The High Court of England. They went to the High Court in England and petitioned the High Court to declare that the Abortion Law in the UK is discriminatory because it

allows direct discrimination of a foetus, and an abortion of a foetus, a discriminatory abortion of a foetus, based on disability and they are questioning that. We have actually just agreed, or did agree around the same time as this, our own anti-discrimination legislation, in the first paragraph –

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Deputy Soulsby: Sir, point of order again. I believe that that is going into all the debate that we had last time that actually showed there was no conflict (**Deputy Meerveld:** Sorry, sir.) between disability –

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The Bailiff: Deputy Meerveld, please do confine yourself (**Deputy Meerveld:** My apologies.) to replying to the debate on the sursis.

Deputy Meerveld: I was trying to raise an example of a specific legal challenge where there could be a ruling of the High Court in England by September.

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Deputy Dyke: drafting error. I wish it was. It would have been so much easier to go back and visit if it had been a drafting error. But no, it's true. We are looking to set a legal precedent that I cannot find an example of anywhere else in a developed country. Now, obviously I have had limited time to look, I have not checked every country in the world, but I have gone through the abortion laws for a lot of the countries in Europe, the majority, and in fact I was going to read out a load of the details in there, and I cannot find anything like this that allows with no legal recourse, no protection whatsoever, a woman to self-abort from the end of the elective gestation period, whether that be 12 weeks ... I mean most countries in Europe are much lower –

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Deputy St Pier: Sir, a point of order.

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The Bailiff: I do not think you need to worry about the point of order, Deputy St Pier. You are doing it once again, Deputy Meerveld, with the greatest of respect. The sursis is limited to the work that you are asking this Assembly directs the Committee to undertake before coming back. (**Deputy Meerveld:** Okay.) You cannot broaden the arguments any further than that, and really, is there much more that you can say at this stage?

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Deputy Meerveld: Yes, sorry, sir. It is difficult to debate within those constraints but I will try –

The Bailiff: Assembly's Rules.

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Deputy Meerveld: I will just quickly glance down the rest of the names and see if there is anything else I can add.

Deputy Falla raised consultation. Deputy Le Tocq talked about amendments. If there was time to do amendments we could, but again I would question the good governance about amending legislation. Consultation, more needed – absolutely. Public meetings, desirable, were not undertaken for various reasons. Deputy Soulsby – this is a good point. Deputy Soulsby said the legislation is absolutely spot on, it absolutely matches the intention of the previous Assembly. Well, I am here telling you it does not, at least not for all of us, because in my mind it is not delivering what I expected.

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Deputy Soulsby: Point of order, sir.

The Bailiff: Point of Order, Deputy Soulsby.

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Deputy Soulsby: This is a different one this time. (*Laughter*)

The Bailiff: It might be.

3880 **Deputy Soulsby:** The decision was made by the States and I have not heard from any Member of the Legislation Review Panel to say that it goes against the decision of the States. That is what the States voted for. You cannot now come back and say, 'Oh, well I didn't realise what I was voting for!' That is not really great, is it?

3885 **The Bailiff:** Can I say I do not think that is a point of order I think that was a point of ... *(Interjection)* Just a minute, Deputy Meerveld. We do not have points of frustration, *(Laughter)* you will be relieved to hear, Deputy Soulsby, but a point of order is where there has been a breach of a Rule in the Rules of Procedure. That potentially was a legitimate point of correction and I am simply going to encourage you once again, Deputy Meerveld, to constrain yourself and just get on with replying to the debate.

3890 **Deputy Meerveld:** Yes, well, Deputy Soulsby, I wrote down her words exactly as she said them earlier, said it completely matches the intentions of the States. Well, I am saying when I agreed to Proposition 1 of that policy letter, what I am seeing now is certainly not what I intended.

3895 Okay. Deputy Gollop: yes, again, Deputy Gollop is ... Sorry. I give way to Deputy Ferbrache.

Deputy Ferbrache: Sir, again, again and again Deputy Meerveld is going beyond the sursis. If he believes that the legislation does not reflect the decision the States made a year ago, that is not the sursis. The sursis is for further consultation. So the remarks he just made in relation to that have absolutely no relevance at all to the sursis.

3900 **Deputy Meerveld:** Sir, I expressed –

Deputy Bury: Point of correction.

3905 **The Bailiff:** He has only just started speaking again, Deputy Bury! *(Laughter)* I am not sure ... Point of correction, Deputy Bury.

3910 **Deputy Bury:** Well, it was from a while back, and it is tricky because Deputy Meerveld is straying and making comments and they are outside of the sursis, but they are incorrect. So it is tricky for me to correct it. But the point of correction is that the legislation in the Republic of Ireland does decriminalise women for the self-abortion.

The Bailiff: Deputy Meerveld to continue, please.

3915 **Deputy Meerveld:** There has been lots of legislation that has decriminalised but not without any consequences to the point of birth. So most of them have restrictions as presented by the BMA etc. as they suggest. But I will go away from that because that is definitely straying.

3920 Okay. Deputy Gollop: a consultation done with specialists – yes. There was a very long list of specialists but as he pointed out not enough of our community were consulted. More is required there. He also raised the issue of the 24 weeks as the gestation period and whether that was appropriate at this time.

Deputy Oliver: too busy to do the work for HSC. Again I would say this is a matter of life and death. It is a fundamental ... it speaks to the values of our society, it is not something you put aside because you are busy.

3925 Deputy St Pier talked about resources and consequences – again, same reply to that – and Deputy Trott mentioned that HSC has met the best standard. Again, I think the consultation is required to ensure that it really has met the best standard because I can present many issues where I think it has not.

3930 Thank you, sir.

The Bailiff: Well, Members of the States, we come to the vote and a recorded vote has been requested. This is in respect of the sursis motiv   proposed by Deputy Meerveld and seconded by Deputy McKenna.

Greffier.

There was a recorded vote.

Carried – Pour 11, Contre 28, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Meerveld	Deputy Moakes	None	None
Deputy Murray	Deputy Oliver		
Deputy Prow	Deputy Parkinson		
Deputy Queripel	Alderney Rep. Roberts		
Deputy Aldwell	Deputy Roffey		
Deputy Blin	Alderney Rep. Snowden		
Deputy Dyke	Deputy Soulsby		
Deputy Falla	Deputy St Pier		
Deputy Gollop	Deputy Taylor		
Deputy Le Tocq	Deputy Trott		
Deputy McKenna	Deputy Vermeulen		
	Deputy Brouard		
	Deputy Burford		
	Deputy Bury		
	Deputy Cameron		
	Deputy de Lisle		
	Deputy de Sausmarez		
	Deputy Dudley-Owen		
	Deputy Fairclough		
	Deputy Ferbrache		
	Deputy Gabriel		
	Deputy Haskins		
	Deputy Helyar		
	Deputy Inder		
	Deputy Kazantseva-Miller		
	Deputy Leadbeater		
	Deputy Mahoney		
	Deputy Matthews		

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The Bailiff: Members of the States, in respect of the sursis motiv   proposed by Deputy Meerveld and seconded by Deputy McKenna, there voted Pour 11, Contre 28 and therefore I declare the sursis motiv   lost. When we resume at 9.30 tomorrow morning we will start general debate on this item of business.

We will now close today's meeting, please, Greffier.

The Assembly adjourned at 5.38 p.m.