



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 29th September 2021

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Present:

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

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

Deputies M. P. Leadbeater and H. J. R. Soulsby (*relevé à 10h 17*)

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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*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État XIX. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday, 29th September 2021, at 9.30 a.m. to consider the items listed in this Billet d'État, which have been submitted for debate.

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

Statements

CIVIL CONTINGENCIES AUTHORITY

Civil Contingencies Authority – Update on current workstreams

The Bailiff: Good morning, Members of the States. This Meeting starts with a statement from the Chairman of the Civil Contingencies Authority and I invite Deputy Ferbrache to deliver that.

Deputy Ferbrache: Good morning, and thank you for giving me the opportunity as Chair of the Civil Contingencies Authority for an update on the Authority's work to move us from an emergency to living with COVID. Before setting out how we may change our legal structures to move from an emergency to living responsibly with COVID, it is important for Members to understand the Authority's current powers and the safeguards that are already in place.

Under the Civil Contingencies Law the Authority has two important functions. The first, and it is an ongoing one, is a preventative and planning role. This involves assessing the risks of an emergency occurring, including ensuring that appropriate risk assessments are undertaken and plans are in place to prevent, reduce, control or mitigate the effects if an emergency occurs. This ensures that as far as possible business as usual can continue or be restored as soon as possible after an emergency event.

The second is the Authority's response when an emergency has occurred, is occurring or is about to occur. Over the last 18 months, its role in an ongoing emergency situation of a pandemic has predominated, as it has sought to prevent, control and mitigate the impact of COVID in our community.

The Law provides the Authority with wide Regulation-making powers, including making temporary amendments to primary legislation which, outside of an emergency, would require States' approval of a new Projet. These wide-ranging law-making powers have several safeguards in place to ensure that any Regulations are proportionate: that is, they bring in measures that are no more than necessary and relate to the emergency itself or an effect of it. These safeguards are set out in section 13 of the 2012 Law and provide a four-fold lock which must be considered each and every time the Authority makes Regulations.

These four conditions are: firstly, that an emergency has occurred, is occurring or is about to occur; secondly, that Regulations are necessary for the purpose of preventing, controlling or mitigating the emergency or any aspect or effect of it; thirdly, that the need for regulations is urgent, i.e. it is not possible for the usual process to be followed in amending legislation through this Assembly; and lastly, that HM Procureur has advised the Authority about the proportionality of making the Regulations. Only if each, i.e. all four of these conditions are met, can the Authority lawfully make the Regulations.

The Authority started to consider as early as last summer how the transition from an emergency status to returning to normal could be managed. However, after the second wave of COVID last winter and the need for the Bailiwick to enter a second lockdown in January, that demonstrated the fast-moving dynamic of this emergency. The need to protect health services across the Bailiwick has, and remains, at the core of the measures to control, mitigate and prevent COVID causing serious harm to the Bailiwick residents' welfare while minimising adverse impact to our economy.

As more recently we have moved through the stages out of lockdown, the Authority has again turned its attention to what statutory provisions might be put in place by the Bailiwick legislatures to manage the effects of COVID, as an alternative to the use of these Emergency Regulations. In relation to that, it will make arrangements for a policy letter to be brought to this Assembly so that it – this Assembly – may decide how the Bailiwick manages the epidemic. And it will do so soon.

The Authority has already concluded that there are two discrete areas where powers to regulate outside the Civil Contingencies Law are needed. First, there is a need for a statutory provision to be in place in order that, for example, the Medical Officer of Health may control the movements within the Bailiwick of individuals who are infected or who may be infected with COVID. These are health-related provisions which the Authority believes are best given to the Medical Officer of Health and her team to use.

With that in mind, the Authority is exploring the potential to provide for the current MOH powers in the Emergency Regulations to be inserted into extant Public Health legislation on a permanent basis and removing the need for ongoing provision to be made by way of Emergency Regulations. The relevant Emergency Regulations powers have changed remarkably little since the very first iterations of the Regulations; and, importantly, they are considered to be necessary and essential in the same form and likely to last for some time.

Secondly, there is a need to have in place restrictions, based on origin, that may be necessary to impose on those arriving legally into the Bailiwick, and associated powers, both subject to variation on advice from the MOH. There are a number of alternatives to creating appropriate restrictions under Emergency Regulations, but currently no Committee has the necessary authority or mandate to create and enforce those restrictions.

These are provisions that have been subject to the greatest change over the course of the pandemic. Because of the more limited scope of any regulatory regime addressing this issue, it would probably be more appropriate to create suitable powers under a new Projet, rather than by way of a Projet amending the Civil Contingencies Law.

The Authority is currently discussing where those powers should rest. Clearly, a number of factors would need to be considered when making any Regulations under that new Law. A practical solution

75 would be for the Policy & Resources Committee, as advised by the MOH and a Policy & Resources
Sub-Committee of, say, Principal Committee Presidents, and Presidents and representatives of
Alderney's Policy & Finance Committee and Sark's Policy & Finance Committee. Those Principal
Committee Presidents would proffer advice in the context of the policy mandates as delegated to
80 them by their Committees akin to the successful model which was adopted during the Brexit
negotiations.

The Authority will consult with other Committees and the Governments in Alderney and Sark to
develop its final set of proposals for the Assembly, and intends to seek permission to lodge them
as an additional Billet for debate at the States' Meeting on 25th November this year. This timeframe
will also provide adequate time for legal advice and possibly to bring forward draft legislation,
85 should that be the recommended option.

Finally, Members must be aware and should be reassured that, whichever of the options they
resolve, the Authority will continue to discharge its monitoring and preventative role. It will, in
particular, assess the risk of the COVID emergency reoccurring which may necessitate the Authority
again making Emergency Regulations. The triggers it will monitor will include rates of infection,
90 disruption to critical services and deaths such as may transpire from a naturally occurring new
variant of concern which is vaccine-resistant.

If that occurs, it does not mean that any new structure will cease to act, but rather the Authority
will work alongside the new structure to ensure that any significant Regulations, which may be
necessary to prevent, control or mitigate any aspect or effect of the new emergency, can be made
95 urgently if needed. Thank you very much.

The Bailiff: Members of the States, there is an opportunity to ask questions within the context
of that statement. Deputy Gollop.

100 **Deputy Gollop:** Thank you very much, sir.

Whilst welcoming the announcement, there has been a degree of questioning amongst some
Members of the community how we go on to define what an emergency is. I would ask Deputy
Ferbrache: would a future expansion of the CCA in one format or another include the Presidents or
Members of Education, Sport & Culture and Economic Development, because it could be argued
105 that the nature of the pandemic as it evolves has had significant economic and educational impacts,
as well as impacts on security and health?

The Bailiff: Deputy Ferbrache.

110 **Deputy Ferbrache:** Sir, in relation to that, under the new ... If the legislation is brought forward
if it is approved by this Assembly, it would include the Presidents of the Principal Committees, so it
would include the people that Deputy Gollop has referred to.

As for the definition of an emergency, there is already scope within the 2012 Law for that to be
well-considered and there are tests that I have referred to that have to be met before something
115 can be declared to be an emergency. I would expect, although it is not for me, because I am not a
legal draftsman, that similar provisions and similar definitions would be included within any
substantive legislation.

The Bailiff: Deputy Kazantseva-Miller.

120 **Deputy Kazantseva-Miller:** Thank you, sir.

The President of the CCA gave some useful explanations as to some of what I call the two dispute
areas where powers could be potentially delegated. The first one was around the statutory provision
in terms of if you have been infected with COVID, and the restrictions and how the best person
125 moves around. The second is in relation to restrictions on the place of origin from which people
arrive, which I think seems quite logical and sensible.

One area, I believe, continues remaining and is of increasing contention, is the discrimination around people who are vaccinated and choose to do so for health reasons or other reasons and those who choose not to, and that specifically also will be affecting children. So I would like to understand their approach going forward in terms removing any grounds for discrimination on vaccination status on movement, on travel and so on.

Thank you.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I do not believe there has ever been any discrimination.

Again, the form of any legislation going forward will be subject to careful review by this Assembly. But it raises a topic – and I do not want to get into a scientific argument now – but I believe it is overwhelmingly the case that if people are double-vaccinated that they get more protection, they are less at risk, and they are less at risk of passing on this horrible virus to other people. So I can countenance that there will be circumstances where regulations may have to be made, which distinguish – not discriminate, distinguish – between those who are fully vaccinated and those who are not.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I appreciate the Chairman's remarks on the movement going forward for the CCA in relation to the broadening of the membership and other ways of going forward. One area that I did not hear, with respect to the update, was with respect to long COVID. Jersey seems to have got ahead with their programme and identified numbers and also areas, and ways of dealing with that particular problem through a detailed programme.

I am just wondering where Guernsey has got to with identifying the numbers with long COVID and also a programme that may help those people affected?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, Dr Brink has said on several occasions that that is work that is ongoing. I do not know whether Jersey is ahead or not. It is not a competition, anyway.

Long COVID is and will remain a problem and clearly needs to be identified and people with long COVID will need various kinds of treatment, dependent on the severity of their illness. It is work that Dr Brink and her team are actively pursuing, but it has to fall into place with all the very many other things that she and her team are doing.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I would like to thank the Chair of the CCA for giving an update on the Authority's work. As I understood his statement, essentially two pieces of legislation will be moving forward, one inserting into extant Public Health legislation and a new piece of legislation, hopefully for the November Meeting.

However, I would just be grateful to receive Deputy Ferbrache's confirmation of my understanding that it will not actually be possible – or very unlikely to be possible – to have implemented those changes by the end of the year, given that there will be a need for a Royal sanction, and that process; and therefore the target in the Government Work Plan – the delivery and implementation by the end of the year – is likely to slip into next year. Could he perhaps confirm that?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I can give that confirmation.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, in relation to the body which Deputy Ferbrache described as possibly being created, involving other Principal Committees, there is a possibility that it could recreate the old Policy Council and, in order to avoid some of the flaws in that model, it would be necessary for those that participate in that body to have delegated authority from their Committees to commit, on behalf of those Committees. I think he referred to that in his statement but, again, I would just be grateful if he could be quite explicit that the legislation that is envisaged would involve the delegation of authority to the Presidents, those that participate in that body, representing their Committees.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I agree with what Deputy St Pier has said and I so confirm.

The Bailiff: As I do not see any other Member rising to ask questions of the Chairman of the Civil Contingencies Authority we will move next into Question Time proper.

Questions for Oral Answer

DEVELOPMENT & PLANNING AUTHORITY

Agricultural land – Loss and change of use to domestic gardens

The Bailiff: The first questioner this Meeting is Deputy de Lisle, who has two questions to the President of the Development & Planning Authority. So, your first question, please, Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

The number of applications for change of use of agricultural land to domestic gardens continues unabated, despite concerns over the loss of agricultural land more broadly. Since adoption of the IDP, how much agricultural land in vergées within the APA and outside the APA, has been granted approval to change to domestic curtilage by year and total?

The Bailiff: And the President, Deputy Oliver, to reply, please.

Deputy Oliver: Thank you, sir.

The statistics requested are as follows: in 2016, 0.59 vergées within the APA and 0.85 vergées outside the APA; in 2017, 10.53 vergées within the APA, 60.67 vergées outside the APA; in 2018, 12.98 vergées within the APA and 76.71 vergées outside the APA; in 2019, 12.94 vergées within the APA and 70.78 vergées outside the APA; in 2020, 7.81 vergées within the APA and 54.39 vergées outside the APA. The total is, therefore, 44.39 vergées within the APA and 263.3 vergées outside the APA.

It should, however, be noted that the legal definition of the agricultural land is used and, as that definition is wide, it does not necessarily give an accurate representation of the amount of land which is actively farmed, or land lost from active agricultural use, which is likely to be considered less than these figures suggest.

220 **Deputy de Lisle:** May I ask a supplementary, sir?

The Bailiff: Yes. Deputy de Lisle.

Deputy de Lisle: Two supplementaries, in fact.

225 Given concerns over the change of use of agricultural land to domestic gardens and more broadly, am I right in believing that the statistics given constitute only part of the land lost to agriculture, as there are other competing uses?

The Bailiff: Deputy Oliver.

230

Deputy Oliver: No, as I said, the land lost – it was answered in the last bit of the question. The definition is wide, it does not necessarily give an accurate representation of actively farmed land, so these figures will be a lot less than actually you think they will be for actively farmed.

235 **Deputy de Lisle:** If I may ask a further question on that, sir?

The Bailiff: Second supplementary, Deputy de Lisle.

240 **Deputy de Lisle:** Could you give details of the total loss of agricultural land inside the APA and outside the APA for other uses, besides the change of use to domestic gardens? Other uses since the adoption of the IDP.

The Bailiff: Deputy de Lisle, I am not sure that question arises out of the answer to the principal question. If that is something you want to know, you will need to put that to the President separately, please.

245

Deputy de Lisle: Thank you, sir.

The Bailiff: Deputy St Pier.

250

Deputy St Pier: Sir, the President said it is likely that the amount of actively farmed land is less. The obvious question that arises is: how much less? What would the estimate be by the Authority of what quantity of actively farmed land has been lost?

Obviously if the President is unable to answer today, could she undertake to revert to Members in due course?

255

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

Deputy Oliver: Sir, I cannot. We only get figures from what the AMR actually states. So that might be quite difficult even to obtain. But I will ask my officers to see if they can provide that information.

260

The Bailiff: Deputy Gollop.

265 **Deputy Gollop:** Agricultural land, as I recall when I was on DPA, covers a wide spectrum of uses. Agricultural Priority Areas are designed to keep land for dairy farming. But my question is: does agricultural use include all kinds of things such as keeping Shetland ponies, horses, piglets, even puppy farms, up to a point? How do you define 'natural' as distinct from man-made uses?

270 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Sir, Deputy Gollop is right that agricultural land is different from the agricultural priority, and the agricultural land actually means greenhouse – well, that is brownfield – all the horses, pig farms and even puppy farms. But I do not think we have got any puppy farms in Guernsey.

275

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

280

I think the President makes a good point about the correlation between the figures and the loss of actively farmed land. But I wonder whether she would agree with me that actually, although that is definitely the case, it still represents a loss of land that *could* be farmed in future should there be a fundamental shift in policy or an increasing need?

285

Also, I think this is another one of the unfair questions to lob at her without any warning, but I am just wondering whether she is aware of any reverses in change of use to agricultural land in recent times?

Thank you.

290

The Bailiff: Deputy Oliver, can you answer the two questions that have been posed by Deputy de Sausmarez?

Deputy Oliver: The first one I can answer because it is relatively easy. If there was a fundamental shift in what should be Agricultural Priority Area or none, it is actually Environment & Infrastructure's policy. It kind of goes on to the second question. It could be changed, but it would be actually Environment & Infrastructure who do that change.

295

The second one I do not know the answer to and I will have to get my officers to answer it.

The Bailiff: Deputy Queripel.

300

Deputy Queripel: Sir, bearing in mind the Committee does not actually see or decide upon any of the applications submitted, apart from those applications that result in Open Plan meetings, can the President tell me if the Committee themselves have any concerns about the loss of agricultural land? And, if they do have concerns, what are they currently doing to address those concerns?

305

The Bailiff: Once again, Deputy Queripel, that is not, as far as I am concerned, a question arising out of the answer that was given, which was very much about statistics and the definition of land used and not about this issue generally. So, there is no need to answer that.

Deputy Roffey.

310

The Bailiff: Deputy Roffey.

Deputy Roffey: Would the President of the DPA agree with me that, as far as commercial agriculture is concerned, what is absolutely crucial is defending the larger blocks of land, whether they be large individual fields or ...

315

Am I out of order as well? Oh, right, I thought it related to the statistics that were given, but there we go.

The Bailiff: It does not arise out of the answer given, which is purely statistics and the legal definition.

Deputy Gabriel.

320

Deputy Gabriel: Thank you, sir, I will give this a go.

Would the President confirm, given the statistics, that 0% statistic of converting agricultural land to domestic curtilage could be a target; and that, in effect, no conversion of agricultural land to domestic curtilage should be permitted?

325 Alternatively, it is pleasing to see that there has been some change and that the biodiversity net gain is now being implemented. In respect of monitoring that situation, how does the Department monitor that in a year's time the biodiversity net gain is still there?

Thank you.

330 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

The biodiversity net gain, if it is a large space there will be a planning covenant on it to make sure that it remains that there is a biodiversity net gain.

335 In relation to your first question, the target of zero would mean I think, actually, just the removal of the policy. Because at the moment within the policy, if you have a very different-shaped field, you can actually square the field off to make it ... That is what the policy says, that you can square the field to make it more useable space, basically.

340 **The Bailiff:** Deputy Burford.

Deputy Burford: Thank you, sir.

Does the President agree with me that the policy is quite cautious insofar as if land is needed for agriculture, then permission is not granted? However, given that the 307.69 vergées that has been lost under this policy probably does not affect agriculture significantly, what it does affect, and is likely to affect, is biodiversity.

The Bailiff: Deputy Oliver.

350 **Deputy Oliver:** Yes, I completely agree with Deputy Burford.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

355 My question is about statistics and I am springing it on Deputy Oliver, through you, sir, but I would like her to maybe furnish us with an answer. The question is: if all of the derelict vineries in Guernsey, with brambles growing out of the lines, were cleared, how much additional agricultural land would this lovely Island of ours enjoy?

360 **The Bailiff:** Deputy Oliver, are you able to answer that question?

Deputy Oliver: I have got the numbers straight off my head! No, unfortunately sir, I cannot answer that. But if we are able to answer it I will get the officers to send an email around with all the questions that have currently been asked that I do not know the answers to.

365 **The Bailiff:** Deputy Inder.

Deputy Inder: I think this arises from Deputy Burford's question, the answer to it.

370 Would Deputy Oliver agree with me there is a slight perversion in the Law, inasmuch as somebody who has a very small patch of X greenhouse, which has been cleared, cannot currently put a greenhouse on that agricultural land until such time as they have actually converted it to extended curtilage?

The Bailiff: I am going to rule that out of order, as well, Deputy Inder, on the basis that this is *not* an opportunity to ask questions about the policy or anything to do with it. The question was asking for some statistics. The President gave an addition to the answer that was required for that question, relating to the definition of agricultural land, saying actually the *loss* of agricultural land might be *lower* than what is on the face of the statistics. It is a very narrow answer and therefore it is not an opportunity for a general questioning about agricultural land use and the policies associated therewith.

Any other supplementary questions before I invite ... Deputy Taylor.

Deputy Taylor: Thank you, sir.

Notwithstanding the fact that vergées is probably important to Guernsey, would the President agree with me that providing the data in vergées might be slightly confusing for some Members who are not familiar with it in actual size terms, as opposed to using acres or hectares as used in the AMR?

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you for my Vice-President for that. So, Guernsey works in vergées and most surveyors will understand vergées. However, in the AMR Report, if you want to have a better look, it is in square metres.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I wondered if the President would agree with me that this concept of a difference between the legal definition, for planning purposes, of agricultural land and what we would commonly call agricultural land, does seem a bit peculiar? I wonder if we have any method of measuring how much agricultural land we have got that is designated as agricultural land for planning purposes that is not actively being used for any form of we might think of as farming? And, in that case, why we have this land designated as agricultural and what else we might be able to do with it?

Thank you.

The Bailiff: Deputy Oliver.

Deputy Oliver: I do agree with Deputy Matthews to a certain extent, but the whole reason why it was first designated, either in the APA or just as agricultural land, is that it ties in with other land surrounding it. So, it might be on the peripheral edges that it might not be used as true agricultural land, but I imagine if you start saying, 'Okay, that is not true', it will just slowly get smaller and smaller.

So there has to be a cut-off point with everything and the IDP, the States, came to the decision that was going to be APA land and that was going to be agricultural land, back in November 2016.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Within the statistics involved, we often see applications for change of use which are thousands of square metres – I am sorry I do not know how many vergées that is, but it is thousands, sometimes 5,000 up to 7,000 and so on. If someone wanted to build a garage or greenhouse, often that is 30 square metres.

Would the President agree with the observation that requests for change of use of thousands of square metres, actually are completely disproportionate to the need for domestic development?

The Bailiff: Once again, I am going to rule that question out of order on the basis that it does not arise from the statistics or the definition.

425 Your second question, Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

430 Due to the concerns over the loss of agricultural land by the farming fraternity and members of the public – which is recorded now as over 300 vergées – and the desirability also of reserving agricultural land for the use of *bona fide* inhabitants of Guernsey engaged wholly, or mainly, in work of an agricultural or horticultural nature in Guernsey: will the Development & Planning Authority support the introduction of other means of control, besides the recently announced assessment of biodiversity criteria of land, including introducing a law to control sales and leases of agricultural land as is already existing in Jersey?

435 **The Bailiff:** Deputy Oliver to reply, please.

Deputy Oliver: Thank you, sir.

440 The Island Development Plan affords, for the first time, priority for agricultural use of the Island's best and most versatile agricultural land, through the Agricultural Priority Areas designation. If the States wish to introduce further controls on the use of agricultural land outside of the current planning system, this would be a matter for the Committee *for the* Environment & Infrastructure to bring forward on the basis of a thorough, strategic assessment of the issues, and in accordance with the Government Work Plan.

445 **Deputy de Lisle:** Perhaps I can ask two supplementaries, sir?

The Bailiff: First supplementary, Deputy de Lisle.

450 **Deputy de Lisle:** The first one, some may see this as passing the buck. There are surely areas that the Development & Planning Authority can address, sir? Dairy and arable farmers do utilise fields outside the Agricultural Priority Areas.

455 Is it not possible for the Development & Planning Authority to focus also on the Island's best and most versatile agricultural land *outside* the large areas of contiguous agricultural land because, as I see it, most of the land taken up, 263 vergées is outside of the APA, with only 44 vergées within the APA?

The Bailiff: Deputy Oliver.

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

465 As Deputy David de Lisle actually stated, come 1st September, the Authority actually decided that we needed to get a little bit more control of the loss of agricultural land, and on the APA, and we introduced the assessment of biodiversity criteria of the land. So this is actually making it a little bit harder for people to change of use from agricultural land to domestic curtilage; and the bar is set even higher when it is in the Agricultural Priority Area if they want to change that. Very few, as we have seen, go through.

Deputy de Lisle: If I may ask my second question, sir?

470 **The Bailiff:** Second supplementary, Deputy de Lisle.

Deputy de Lisle: Already, paragraph 19(69) of the IDP states that the applicant may be required to undertake an assessment of the biodiversity of the site, prior to determining the application. So that is already in there. Am I not right that more could be done within the current planning system,

475 to broaden the criteria used to assess the contribution of land to commercial agricultural use
outside the APA, where the main losses to agriculture are currently occurring, despite the IDP's
responsibility to provide for other legitimate land uses?

The Bailiff: Deputy Oliver.

480

Deputy Oliver: I did not actually understand that question at all. I am really sorry, sir. Could
Deputy de Lisle repeat it?

The Bailiff: Could you put the question again for Deputy Oliver's benefit, please, Deputy de
485 Lisle?

Deputy de Lisle: Yes, I can, sir. I will speak slowly.

Am I not right that more could be done within the current planning system to broaden the
criteria used to assess the contribution of land to commercial agricultural use outside the APA? And,
490 despite the fact that the IDP's responsibility is to provide for other legitimate land uses from
agricultural land, more could be done, surely, within the current planning system to broaden the
criteria further, in order to assess the contribution of land to commercial agricultural use outside
the APA?

The Bailiff: Deputy Oliver, I hope that is clearer.
495

Deputy Oliver: I suppose so.

I think the States as a whole just have to have faith in the Authority, because we are looking at
it, we are trying to do everything we can to change the IDP within our powers, through minor
500 departures. All I can say is that we are looking at curtilage and change of use from agricultural land,
and the agricultural priority.

So I think it is a matter of watching this space to see what we are allowed to do and what we
cannot do, because if it is any material changes it will not be done for two years. I think if we
announce that, I can imagine everybody actually going, 'Well, at the moment I can get it in, so let's
505 do that.' We are looking at what we can do in sensible and proportionate ways.

The Bailiff: Deputy Gollop.

Deputy Gollop: Bearing in mind the President has ably given the issues about biodiversity and
the use of land, would it not be the case that perhaps Planning should also communicate with
510 Environment & Infrastructure, STSB and Economic Development on any application to use
agricultural land for other purposes that does not just include dairy use, but food production use,
or flower use, or vegetable use, so that we have a stricter criteria?

And, also, that the future of the farming industry with the least land is considered as part of the
515 criteria for planning permission – the viability of the future farming industry, as a criteria of
Planning?

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.
520

I think we need to be careful inasmuch as almost trying to dictate to the farming and agricultural
market. Because if landowners think that once a dairy farmer, or agricultural farmer, or a flower
grower actually get on their land, if they do not renew the lease that will not be allowed, it will
almost be tying them into that person. We need to let the market flow.

525 So we just need to be slightly careful about dictating the market, basically.

COMMITTEE FOR HEALTH & SOCIAL CARE

**Mental health and wellbeing –
Review in relation to the COVID-19 pandemic**

The Bailiff: The next question is to be posed by Deputy Gollop, to the President of the Committee for Health & Social Care. Your question, Deputy Gollop, please.

530 **Deputy Gollop:** Thank you very much, Mr President, sir.

Will the Health & Social Care Committee be seeking an evidence-based review of mental health and emotional wellness in the context of the past 18 months of the impact of coronavirus in the community; and perceived reactions to lockdown restrictions in the after-effect of vaccination programmes?

535

The Bailiff: Deputy Brouard to reply, please.

Deputy Brouard: Thank you, sir. I thank Deputy Gollop for his questions.

540 It was very difficult in the light of the recent launch of the Bailiwick Community Survey which has been done by the Corporate Communications team. The survey asked the community to provide information which will help us to understand the mental health and wellbeing aspects of the pandemic, amongst other things.

545 The 2020 survey was completed by over 3,600 people to provide some rich information about the impact of the first lockdown on health and wellbeing. We know that individuals have been affected practically, financially and emotionally by the pandemic and some individuals have sought help from various sources across primary care or the third sector for their mental health. I am sure the latest survey will provide us collectively with valuable information to build on these earlier findings, allow for trends to be analysed and to inform our priorities moving forward. The Committee does not consider it necessary to review the mental health of those who have chosen to be vaccinated, as the feedback of the vaccination programme has been very positive.

550

The Bailiff: Supplementary question, Deputy Gollop.

Deputy Gollop: I would like to ask two supplementaries, please, thank you very much.

555 My first question is: in evaluating the 2020 survey and hopefully the 2021 survey just launched, will the Committee, using many techniques including academic, be trying to evaluate whether in advising us of the desirability of lockdowns whether the damage done by the spread of the virus is in any way counter-balanced by potential mental damage and physical damage done by lockdown and restrictions?

560

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

565 The survey itself is being done by the Corporate Communications Team and they will be doing the initial assessment and then they will pass that information through across States' Departments to use, as necessary. Of course we have probably a slightly different position with regard to lockdowns, as we have not been in lockdowns as much as some other countries of the world, and therefore we have probably got through the pandemic so far in a better position and in a stronger position than other places. I am sure that will be reflected in our survey results.

570 But of course, as I said, people have been in some cases, severely affected. For some others, *they* have not hardly noticed it, so it just really depends on your own personal circumstances.

The Bailiff: Deputy Gollop, a second supplementary.

Deputy Gollop: Thank you.

575 I note from the answer that the Committee does not consider it necessary to review the mental
health of those who have chosen to be vaccinated. But would it not be useful for Health & Social
Care to evaluate the mental health of people who both choose to be vaccinated, or choose not to
be vaccinated? And whether such patients or people have any ill-effects, mental or physical, as a
580 result of having had the vaccination or type of vaccination, of course, or maybe a booster, in the
future?

The Bailiff: Deputy Brouard.

Deputy Brouard: I think we can safely say that everybody will fall into one of the two categories,
585 either you are vaccinated or you are not vaccinated with regard to the coronavirus. Therefore the
survey that will be done by the Communications Team will pick up both people who are vaccinated
and unvaccinated. I am not aware of whether there is a specific question in the survey, whether
someone is vaccinated or not.

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

Deputy Dudley-Owen: Thank you, sir.

I have been lucky enough to sit as an attendee, a guest, I suppose, of the CCA during periods of
our lockdown, in relation to the effects on our school population. I wonder whether the President
595 of the Committee for Health & Social Care would agree with me in my observation, that Dr Brink
and her team have mental health and wellbeing at the forefront of their minds when they are
advising the CCA, and their Committee, in regard to how we react to the lockdowns and the
pandemic and how quickly we come out of those?

600 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I totally agree with Deputy Dudley-Owen and she said it probably far more
eloquently than I could. This will be reflected, of course, in some of the answers that will come
through from further questions that will be asked.

605 But, absolutely, and that is why one of the reasons that the team has recommended to the Health
Committee that we offer vaccinations to 11- to 15-year-olds, which is partly for their mental health,
for their schooling and for their own particular family circumstances. So it is absolutely right that
Public Health is not just a public health for the coronavirus, it is a public health for all of us, for *all*
time.

610 **The Bailiff:** Well, Members of the States, before we move on to the next thing, Deputy
Leadbeater and Deputy Soulsby, you have now arrived. Is it your wish that you both be relevéd?

Deputy Leadbeater: Please, sir.

615

Deputy Soulsby: Yes, sir.

The Bailiff: Thank you very much.

620 **Deputy Dudley-Owen:** Sir, I know we are not allowed to do a point of correction but I just
wondered whether the President of Health & Social Care might wish to correct the age range of
what he has just said in regard to vaccinations?

The Bailiff: When you said 11, you meant 12?

625 **Deputy Brouard:** Yes.

The Bailiff: Now, Members of the States, it has happened more than once, so I am going to remind you because this is early in the Meeting, that it is a convention in this Assembly that we do not name civil servants. We refer to them by reference to their job title. So, please can we try and respect that, moving forwards.

630

COMMITTEE FOR HEALTH & SOCIAL CARE

The Mental Health Service – 2018-19 review and subsequent report; plans for a future review

The Bailiff: Now, the next questions are on a similar topic and therefore we are moving to Deputy Queripel at this point, who also has two questions to put to the President of the Committee for Health & Social Care. So, your first question, please, Deputy Queripel.

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

In response to a Rule 14 question I submitted recently to HSC, I was told that a review of our Mental Health Service had taken place during 2018 and 2019, and that the review was undertaken internally on the understanding that the report resulting from the review would only be shared within the organisation and not released into the public domain.

640 So, can Deputy Brouard please tell me who undertook that review and who actually made the decision that the report would only be shared within the organisation and not be released into the public domain?

The Bailiff: Deputy Brouard to reply, please.

645

Deputy Brouard: Thank you, sir.

The review was carried out by Mr David Geddes. It was commissioned by HSC's Corporate Management Team as a leadership tool to foster continued professional development within HSC's Mental Health Service. The report was never intended to be published and therefore was not written with this in mind, on the basis that this would allow more candour and provide staff with the freedom to speak openly.

650

That said, in the light of the ongoing interest from Deputy Queripel in the findings of this report, HSC has asked its author to prepare a summary of its findings and recommendations for publication. I would hope that when this summary is available, Deputy Queripel will take time to meet with staff and Members of the Committee to find out more.

655

Thank you.

The Bailiff: Supplementary question, Deputy Queripel.

660 **Deputy Queripel:** Two, sir, please.

In his response, Deputy Brouard said the review was undertaken internally on the basis that it would provide staff with the freedom to speak openly. Then he went on to say, due to *my* interest HSC has now asked the author to prepare a summary of the findings for publication. That really concerns me, because that goes completely against the understanding that was in place originally and staff may now be fearful of repercussions.

665

Can he tell me, please, if staff were consulted regarding a summary of the findings and recommendations now being published?

The Bailiff: Deputy Brouard.

Deputy Brouard: You cannot have it both ways, Deputy Queripel. That is the dilemma we face.

The idea of asking Mr Geddes to look through his report is to be able to filter out some of the findings without naming names of the people involved who submitted information to it. It will be at a higher level of the information that the report has brought out. It will not be naming individuals who have contributed.

It is our attempt to address your concerns. If you do not want us to do this work, we are very happy not to. But we thought that it would be helpful to you. So, please advise us, because it will be at expense and it will take time.

The Bailiff: Second supplementary, Deputy Queripel.

Deputy Queripel: Thank you, sir.

In his response, Deputy Brouard said he hoped I would take time to meet with staff and members of the Committee to find out more when the summary becomes available, and I would very much like to do that. But I would like some of the people who have approached me with reports of unprofessional behaviour within the service to accompany me to that meeting.

So my question is: would that be possible? If the answer is no, then why not, because surely that would arouse suspicions that our Mental Health Service has something to hide?

The Bailiff: Deputy Brouard.

Deputy Brouard: I think I would like to part the ways at this point. There are two different lines here.

If Deputy Queripel has got any constituents who have got concerns about the Mental Health Services either provided by ourselves or through primary care or through others, then please report that through. There are facilities in place for that to be reported and that should be done separately.

The next part is for him to be accompanied when he is looking at the report from David Geddes. I do not think it is appropriate for members of the public who have got mental health concerns to be at that particular meeting.

On the third position, we have always said that we will be happy for Deputy Queripel to come as a McKenzie Friend with anybody who has got concerns over the service to speak to either our staff or our professionals in charge of the organisation. I hope that covers the breadth of the different positions.

Thank you.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

Sorry, this is picking up on your warning about naming civil servants, so it may be a silly question. Who is Mr Geddes? Is he a role within the Civil Service or is he someone who has been employed here?

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

He is not a civil servant. I think he is a consultant that was employed especially for his skills in this particular area to produce a report at the time. Thank you.

The Bailiff: Deputy Gollop, supplementary.

720 **Deputy Gollop:** Yes, I appreciate, if I do not necessarily agree with Deputy Brouard's response in relation to the confidentiality of the report, but would it be possible for some or all States' Members to have a briefing on the salient and less personalised aspects of the report to inform our considerations?

725 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I will happily take that back to the Committee, Deputy Gollop. I have not got a position on it today.

Thank you.

730

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

Deputy Queripel: Thank you, sir.

735 Does Deputy Brouard agree with me that a comprehensive review of our Mental Health Service, undertaken by an independent and non-biased body, now needs to take place and the results of that review should then be made public? If he does not agree with me, can he please explain why he does not? If he does agree with me, can he please tell me what HSC are currently doing to progress that review?

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

Deputy Brouard: Thank you, sir, and thank you for the question.

745 I am afraid that there is not a simple answer. The Committee *for* Health & Social Care, early on in looking at our Mental Health Service, considered that a review of our services and the services of primary care and the third sector could be beneficial, and this was included in the Government Work Plan, together with a broader review of primary care.

This is important because the mental health services provided directly by the States are just one part of the support available locally. However, the *immediate* action is to progress the crisis centre pilot, prioritised in the GWP, and information gathered through this pilot will inform our next steps.

750 Thank you.

The Bailiff: Deputy Queripel, supplementary.

Deputy Queripel: Two please, sir.

755 In his response, Deputy Brouard said there is not a simple answer to my question and went on to explain that HSC are going to progress the crisis centre pilot that was prioritised in the GWP. That sounded like a no to me, which would have been a simple answer to my question. So, can he please clarify his response?

760 Does saying that HSC are going to progress the crisis centre pilot mean they do not agree with me but, in the interests of openness, honesty and transparency, our Mental Health Service needs to be reviewed by an independent, non-biased body as a stand-alone review on the understanding that the eventual report will be made public?

The Bailiff: Deputy Brouard.

765

Deputy Brouard: At the present moment in time, the HSC Committee has got no intentions of doing a comprehensive review of the Island's Mental Health Service. What we want to do is to progress the crisis pilot for mental health and that will hopefully do several things at the same time. One, it will provide a new service, and it will also provide information as to where we have got other

770 gaps in the service and how that may be filled. We think that is a better use of our time and resources than a comprehensive review of all the mental health facilities on the Island at the present time.

The Bailiff: Second supplementary, Deputy Queripel.

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

Progressing a crisis centre pilot may sound impressive to some people; to others it may sound like a highly qualified pilot one would call on in times of war. So, for the benefit of Islanders listening on the radio, and our community in general, bearing in mind these questions and answers will be published and broadcast in the media, can Deputy Brouard please explain what progressing a crisis centre pilot actually entails?

780

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

785 What it actually entails is literally as the words are. We are gathering together information to put a crisis centre into play that is available to Islanders who at any given time may have some mental health needs, which could be serviced in a different format than we have now by using a crisis centre, and we wish to progress that.

It will take a few months. As part of the Government Work Plan we were hoping to have it within six months and that is still our plan. We hope to have it, hopefully, by Christmas. But that is what we are working towards with other organisations to bring this service to the Island.

790

I do not know what extra information he would want to know but it is you would organise it, you would have staff, you would engage, you would consult. All those things are things that will be progressed over the next coming months to ensure that we have the best start we can to introduce the pilot, which I think is good news for Islanders.

795

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

800 Would the President of the Committee for Health & Social Care agree with me that mental health services over the last few years have been reviewed out of existence? There has been the internal review that he references, Dr Geddes; there were two external reviews of secondary mental health services, following very sad incidences that happened a few years ago now; and there was also another review done by the Director of Public Health to look at gaps within the service. It was out of those reviews that the concept of having a crisis centre came up.

805

I have forgotten to mention the MIND survey, and all those reviews put together. We have had enough reviews and now we just need to get on and do what has come out of those reviews.

The Bailiff: Deputy Brouard.

810

Deputy Brouard: Again, I thank Deputy Soulsby. She has well over five years' experience of being the Minister for Health so I do thank her for that reminder. It is about bringing forward some actions to see some positive things on the ground rather than another review.

I know Deputy Queripel has been one that in this Chamber has many times ... All these reviews that sit on shelves and do nothing. Well, this is a time we are actually going to try and do something.

815

COMMITTEE FOR HEALTH & SOCIAL CARE

**COVID-19 unvaccinated persons –
Visiting access, employment or recruitment within HSC**

The Bailiff: We turn next back to Deputy Gollop, who has a further question to the President of the Committee for Health & Social Care. Your question on vaccinations.

820 **Deputy Gollop:** Will Health & Social Care also be evaluating and risk-assessing any developing situation where certain adult individuals may be prevented from visiting access, employment or recruitment in the health and social sector, due to not necessarily having the right vaccination passport or certification?

825 **The Bailiff:** Deputy Brouard, the President, to reply, please.

Deputy Brouard: Thank you, sir.

The Bailiwick COVID-19 vaccination programme operates on a voluntary basis and employment at the Health & Social Care is not dependent on vaccination status. The uptake of COVID-19 vaccines among staff employed by HSC is higher than in the general adult population in the
830 Bailiwick. For the small number of staff who have chosen not to receive a COVID vaccine, measures are in place to mitigate the risk to them and the patients they care for in the course of their duties, and to support their return to work following travel, and in the event of developing COVID symptoms themselves.

835 Details were circulated last week to Members in answer to a question at the last States' Meeting. There are no restrictions in place at the PEH Hospital or recommended for other Health & Social Care sites at this time, which relate to the individual's COVID-19 vaccination status, except for restrictions at Le Mignot Hospital, which I think were announced this morning. However, the Committee reminds anyone with symptoms suggestive of COVID-19 not to visit any health or care setting, whether vaccinated or unvaccinated, as this could put staff and service users at unnecessary
840 risk.

Thank you.

The Bailiff: Supplementary question, Deputy Gollop.

845 **Deputy Gollop:** My supplementary would be: although I thank the Committee for what is a very fair and frank, even-handed answer, is the President or Board aware that it is possible that certain recruitment organisations, companies, agencies, whatever, will be more reluctant perhaps to employ staff going forward who have not been vaccinated, in certain types of job on the Island?

850 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I do not think that really arises out of the question, sir, but I think, as Deputy Ferbrache said –

The Bailiff: On that basis, Deputy Brouard, you do not have to say anything further.

COMMITTEE FOR HEALTH & SOCIAL CARE

**Civil Contingencies Authority –
Transference of some powers and interests to HSC**

855 **The Bailiff:** Deputy Gollop, it is back to you for a further question on a different topic, to be put to the President of the Committee *for* Health & Social Care.
Final question.

860 **Deputy Gollop:** Would the Health & Social Care Committee welcome the return or transference of some CCA, Civil Contingencies Authority powers and interests to the Health & Social Care board in the foreseeable future?

The Bailiff: Deputy Brouard to reply, please.

865 **Deputy Brouard:** Again, I thank Deputy Gollop for his question, which is very relevant in the light of the statement made earlier by the President of the Civil Contingencies Authority. However, this is not something that the Committee *for* Health & Social Care has discussed in any detail in order for me to offer a firm view on its behalf.

870 I know that HSC Committee Members would be happy to take part in discussions about how we move forward treating the COVID-19 pandemic response as part of business as usual in the future, and back to Committees' mandated responsibilities. But my personal view is the CCA has worked very well under the leadership of Deputy Ferbrache, we all contribute and there is a robust framework for co-operation, funding and timely execution. This, in my view, will need to be replicated in any CCA light or when these decisions are passed back to Committees.

875 **The Bailiff:** Supplementary question, Deputy Gollop.

Deputy Gollop: Yes, sir, thanks to the President for answering my question.

880 I think perhaps he has not answered my point as to whether the board would welcome the return of some of these powers, so they could be considered predominantly in the eyes of professionals and the public from a Health & Social Care point of view, rather than from perhaps a broader point of view that the CCA is mandated to do.

885 **The Bailiff:** Deputy Gollop, the answer given was that this has not been discussed at the Committee, and therefore it is not really a question that can be put arising out of that answer until it has been discussed at the Committee.
Anything further?

POLICY & RESOURCES COMMITTEE

**Termination of former Chief Executive's employment –
Costs incurred; legal advice sought; process followed**

890 **The Bailiff:** Now we move on to Deputy St Pier's sets of questions, and the first is a set of six questions to the President of the Policy & Resources Committee. So, your first question, please, Deputy St Pier.

Deputy St Pier: Thank you, sir.

895 The former Chief Executive took steps to ensure that the employment costs for members of the Chief Executive's Leadership Team have been published in recent years in the States of Guernsey's annual accounts. In accordance with best corporate practice for disclosure, can the President confirm that any costs incurred in terminating the former Chief Executive's employment will in due course be disclosed in the States of Guernsey's annual accounts?

900 **The Bailiff:** The President, Deputy Ferbrache, to reply.

Deputy Ferbrache: Thank you, sir.

As you said, Deputy St Pier will ask six questions. The answer is the same to all of them and this is the answer: as a matter of standard practice, the States of Guernsey in its capacity as employer does *not* comment publicly on employment matters concerning individual members of staff.

905 **The Bailiff:** Supplementary question, Deputy St Pier?

Deputy St Pier: Yes, sir.

Obviously, there is a limited room for supplementaries from such a brief answer but I will give it a go, sir; and I will do so by effectively rephrasing the question in a generic way in response to the President's answer. Can the President confirm that any costs incurred in terminating any employee whose annual remuneration details are disclosed in the accounts will, in accordance with best corporate practice for disclosure, be disclosed in the States of Guernsey's Annual Accounts?

915 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Well, I think I can answer that, sir, because it will depend on the nature of the agreement.

Most employment contracts where they are terminated, where the parties come to an agreement and they are sometimes subject, more often than not, to a confidentiality clause. If they are not subject to a confidentiality clause: (a) I would be surprised; but (b) then it would seemingly fall within the purview of the question asked by Deputy St Pier.

925 **The Bailiff:** Is this a second supplementary question, Deputy St Pier?

Deputy St Pier: It is a second supplementary question, sir, which is: does the President agree with me that it is both normal and best corporate practice to disclose such information in an organisation's Annual Accounts?

930 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Whenever possible, sir.

935 **Deputy St Pier:** Sir, given that the response to each original question is the same, in the interests of time, would it be easier for me just to move to the supplementaries, rather than going through the charade of each question, each response? It is entirely up to you. I will be guided by you, sir.

The Bailiff: The questions need to be asked and the answer needs to be given.

940 **Deputy St Pier:** In which case, sir, my second question: was any formal legal advice sought and obtained from the Law Officers before the termination of the former Chief Executive's employment?

The Bailiff: And the answer, Deputy Ferbrache, is ... ?

945 **Deputy Ferbrache:** As a matter of standard practice, the States of Guernsey, in its capacity as employer, does not comment publicly on employment matters concerning individual members of staff.

The Bailiff: Deputy St Pier, how are you going to get a supplementary out of that answer?

950 **Deputy St Pier:** Two supplementaries, sir.
Is formal legal advice sought and obtained from the Law Officers before the Committee terminates any employment?

955 **The Bailiff:** I think we are reaching the position where those are not questions that arise out of the answer given, on this occasion.

Deputy St Pier: In which case, I will attempt a second one, sir.

960 **The Bailiff:** Yes.

Deputy St Pier: On the grounds that it is seeking, as I say, to not focus on the individual, does the Committee follow States' guidance to mitigate litigation risk?

965 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, sir.

970 **The Bailiff:** I am just waiting to see if anyone else is rising to try a supplementary, Deputy St Pier, but they are not. So we will go to your third question.

Deputy St Pier: Thank you, sir.

What process, if any, was followed by the President and/or the Committee in terminating the former Chief Executive's employment?

975 **The Bailiff:** And the reply, Deputy Ferbrache.

980 **Deputy Ferbrache:** As a matter of standard practice, the States of Guernsey, in its capacity as employer, does not comment publicly on employment matters concerning individual members of staff.

The Bailiff: Supplementary question, Deputy St Pier.

985 **Deputy St Pier:** What process, if any, exists for the termination of employment by the Committee?

Deputy Ferbrache: Sorry, I did not catch the supplementary, could you repeat it, please?

990 **Deputy St Pier:** Yes, of course. What process, if any, exists for the termination of employment by the Committee?

The Bailiff: I am afraid that I am not satisfied that arises out of the answer given to the question posed, Deputy St Pier. These are matters that potentially can be dealt with by way of another set of questions, whether they be Rule 14 or whether they be further Rule 11 questions next time around.
A second one?

995 **Deputy St Pier:** I will attempt a second and keep going until tell you me whether you are going to rule questions in or out. Has the Committee at any time agreed to delegate any authority to any Member of the Committee in relation to the termination of employment?

The Bailiff: Deputy Ferbrache.

1000 **Deputy Ferbrache:** Sir, the Committee has always acted properly. I do not think I am going to go any further than that because Deputy St Pier, without casting any aspersions on his integrity, of course, is seeking information in relation to a matter where I have already answered the question as best I can.

1005 **The Bailiff:** Deputy Gollop.

1010 **Deputy Gollop:** Sir, I understand and agree that the States' Policy & Resources does not, as a matter of practice, comment about the employment conditions of any individual, but would a scrutiny-type review change that in that context? Or would it remain a non-negotiable position for Policy & Resources?

The Bailiff: It does not arise out of the answer given, Deputy Gollop.
Deputy Taylor.

1015 **Deputy Taylor:** Thank you, sir.
I wonder if the President can confirm, is the position of not commenting on any individual employees a new policy for the new Policy & Resources Committee? Or is it something that is there from previous terms?

1020 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: My understanding is it is a long-existing principle.

1025 **The Bailiff:** Your fourth question, please, Deputy St Pier.

Deputy St Pier: Yes, sir.
Did the Committee formally resolve to terminate the former Chief Executive's employment before his contract was terminated?

1030 **The Bailiff:** In reply, Deputy Ferbrache?

1035 **Deputy Ferbrache:** Again, as a matter of standard practice, the States of Guernsey in its capacity as employer does not comment publicly on employment matters concerning individual members of staff.

Deputy St Pier: I fear I know the answer to this from you, sir. Does the Committee formally resolve to terminate employment before doing so?

1040 **The Bailiff:** It really does not arise out of the answer given to the question that was posed. I did see another Member rising to try a supplementary but I do not know whether anyone is going to. So, your fifth question, please, Deputy St Pier.

1045 **Deputy St Pier:** Yes, sir.
Has a settlement been reached with the former Chief Executive been reached following termination of his employment?

The Bailiff: The answer, Deputy Ferbrache.

1050 **Deputy Ferbrache:** As a matter of standard practice, the States of Guernsey in its capacity as employer does not comment publicly on employment matters concerning individual members of staff.

1055 **Deputy St Pier:** Without focusing on any individuals, has the Committee reached or authorised any settlements with employees following the termination of employment?

The Bailiff: Again, we are in the realms, Deputy St Pier, of that is another route that can be taken more generally. But it is not a supplementary that I am satisfied arises out of the answer given to the question.

Deputy Burford.

1060

Deputy Burford: Does the Policy & Resources Committee intend to publish an aggregate rather than an individual figure in the accounts relating to terminations of employment that have taken place in the previous year?

1065 **The Bailiff:** That is a question that could, potentially, have been asked as a supplementary to the first answer but not to this answer. Again, if that is something that, Deputy Burford, you want to take up with the Committee, then you can do so in another context.

Deputy Trott.

1070 **Deputy Trott:** Shall I have a go, sir, in an attempt to be helpful as ever?

The Bailiff: It might misfire! *(Laughter)*

Deputy Trott: I think this is helpful, sir.

1075 Can the President of P&R advise whether a non-disclosure agreement is in force with regard to the subject of the questions?

The Bailiff: That is going to be the next question from Deputy St Pier!

1080 **Deputy Trott:** Like I said, trying to be helpful, sir.

The Bailiff: You obviously had your crystal ball out, Deputy Trott. Anything further?
Deputy St Pier.

1085 **Deputy St Pier:** Sir, I am grateful to Deputy Trott as my warm-up act for the sixth and final question.

Is the Committee seeking, or has it obtained, agreement for non-disclosure provisions in any settlement with the former Chief Executive?

1090 **The Bailiff:** And the reply, Deputy Ferbrache, to this question?

Deputy Ferbrache: And to both Deputy Trott and to Deputy St Pier, sir: as a matter of standard practice, the States of Guernsey in its capacity as employer does not comment publicly on employment matters concerning individual members of staff.

1095

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I will ask the supplementary, which the President may well have answered in response to the first question but, nonetheless: is it Committee practice to seek agreement for non-disclosure provisions in any settlements with former employees?

The Bailiff: I am afraid once again that falls into that realm of it goes further than the answer to the question posed. It does not arise out of it but could be pursued on a separate line of questioning as a result of those answers.

POLICY & RESOURCES COMMITTEE

Civil Contingencies Authority – Investigation into potential breaches of confidentiality

The Bailiff: But you do, Deputy St Pier, have a final question on a different topic, again put to the Policy & Resources Committee. So, that question, please.

Deputy St Pier: Yes, thank you, sir.

The mandate of the Policy & Resources Committee includes requiring any Committee to examine any issue, whether within or extraneous to its mandate. In view of the serious concerns which would arise from any apparent breaches of confidentiality in the Civil Contingencies Authority's work, does the Committee intend to ask the Scrutiny Management Committee to appoint a Scrutiny Panel to conduct an investigation or review? Or to advise the States if in its opinion the circumstances justify the establishment of a Tribunal of Inquiry, in accordance with the Tribunals of Inquiry (Guernsey) 1949 Law, as amended?

The Bailiff: I understand the Vice-President, Deputy Soulsby, will reply to this question. Deputy Soulsby.

Deputy Soulsby: Thank you, sir. A slightly longer one from P&R this time.

Under Section 22 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, a person who is or has been a member of the Authority, a States' employee, or a contractor is guilty of an offence if, without lawful authority, they make a disclosure of any information document or other article which is or has been in his possession by virtue of his position as a member of the Authority – or her. As such, any allegations of a serious breach of confidentiality would be a matter for Law Enforcement.

However, the Committee recognises that the emergency has been more complex and longer in its duration than the situations envisaged when the Law was drafted. As such, it has necessitated officers advising the Authority to discuss measures necessary to prevent, control and mitigate the impact of the pandemic on a confidential basis, with a wide range of third parties. In many cases this has involved persons who are not employees of the States of Guernsey, nor contractors, and therefore not covered under Section 22 of the Law.

As such, both in my capacity as Vice-President of P&R and as an adviser to the Authority, I will be recommending that the provisions of Section 22 are reviewed and, where necessary, strengthened to capture everyone in whatever role they could fill, whether this be inside or outside of Government.

Finally, the mandate of the Scrutiny Management Committee does not require a request from the P&R Committee for the Scrutiny Management Committee to inquire into the work of a Committee of the States, and those organisations which are in receipt of public funds and which have been established by legislation. Similarly, its mandate makes clear that it should advise the

1140 States if and when, in its opinion, circumstances justify the establishment of a Tribunal of Inquiry in accordance with the Tribunals of Inquiry (Evidence) (Guernsey) Law 1949, as amended.

The Bailiff: Supplementary, Deputy St Pier.

1145 **Deputy St Pier:** Thank you, sir.

With a little more material to work with I do have a couple of supplementaries which I am confident will arise from the response. The Vice-President said in her answer that it has been necessary to discuss measures with third parties who may not be employees of the States. Presumably, Deputy Soulsby can confirm that such disclosures were authorised disclosures by the Authority in accordance with Section 22?

1150

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Yes, as Deputy St Pier will be well aware, such conversations were authorised as part of the progress through the pandemic.

1155

The Bailiff: Second supplementary, Deputy St Pier.

Deputy St Pier: Second supplementary, sir.

1160 The Civil Contingencies Authority has of course been established by legislation and so is subject to the scrutiny of the Scrutiny Management Committee, as the Vice-President has said. Given that response, does the Vice-President agree with me that any disclosure by any member of the Authority, States' employee or contractor, without the prior agreement of the Authority, would be a serious matter that, in addition to Law Enforcement, would be a matter for the Scrutiny Management Committee if that Committee so chose?

1165

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes, clearly I confirm, as the Scrutiny Management Committee are not fettered in what they are able to review, and certainly as it covers all Committees and organisations and those that have public funding, Scrutiny Management Committee are free to consider whatever they see fit.

1170

The Bailiff: Question Time is therefore concluded, just about on the hour.

1175 We move to the first Item of Business, please, Greffier.

Oh, just before we do, because the sunshine has come out and we are still enjoying a bit of summer, if Members wish to remove outer jackets, etc., then they are free to do so.

Billet d'État XIX

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

1. Planning Panel – Election of three new ordinary members – Mr Burke, Mr Bell and Mr Le Poidevin elected

Article 1.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Planning Panel – the election of three new ordinary members" dated 18th August 2021 they are of the opinion:

1. To elect

(a) Mr Roy David Burke as an ordinary member of the Planning Panel for a further term of six years from 1st October 2021;

(b) Mr Keith Charles Bell as an ordinary of the Planning Panel for a further term of six years from 1st October 2021; and

(c) Mr Raymond Thomas Le Poidevin as an ordinary of the Planning Panel for a further term of six years from 1st October 2021.

1180 **The Deputy Greffier:** Article 1. Committee *for the* Environment & Infrastructure – Planning Panel, the election of three new ordinary members.

The Bailiff: I invite the President of the Committee, Deputy de Sausmarez, to put these matters forward, please.

1185 **Deputy de Sausmarez:** Sir, I do not think this needs any introduction from me, but I am happy to respond to questions.

1190 **The Bailiff:** I do not see any Member rising to question anything here. Therefore I will simply put the Proposition to you, Members: to elect the three named persons as ordinary members of the Planning Panel for the further term of six years, from Friday, and we will insert the word 'member' in (b) and in (c), where it has been omitted, for that purpose. Those in favour; those against?

Members voted Pour.

The Bailiff: I declare all three gentlemen duly elected – or appointed, as I think it is on this occasion. The Proposition is carried.

POLICY & RESOURCES COMMITTEE

**2. Tax on Real Property Appeals Panel –
Appointment of four additional members and to designate a new Chairman –
Mr Burke, Mr Bell, Mr Le Poidevin, Advocate Gist
appointed members; and Mrs Roberts designated Chairman**

Article 2.

The States are asked to decide:

Whether, after consideration of the policy letter entitled "Tax on Real Property Appeals Panel - Appointment of four additional members and to designate a new Chairman", dated 19th August 2021, they are of the opinion:-

- 1. To appoint Mr Roy David Burke as a member of the Tax on Real Property Appeals Panel for a period of five years commencing on 1st October 2021.*
- 2. To appoint Mr Keith Charles Bell as a member of the Tax on Real Property Appeals Panel for a period of five years commencing on 1st October 2021.*
- 3. To appoint Mr Raymond Thomas Le Poidevin as a member of the Tax on Real Property Appeals Panel for a period of five years commencing on 1st October 2021.*
- 4. To appoint Advocate Robin Gist as a member of the Tax on Real Property Appeals Panel for a period of five years commencing on 1st October 2021.*
- 5. To designate Mrs Audrey Branch as the Chairman of the Tax on Real Property Appeals Panel for a period of five years commencing on 1st October 2021.*

1195 **The Deputy Greffier:** Article 2 – Policy & Resources Committee – Tax on Real Property Appeals Panel – Appointment of four additional members and to designate a new Chairman.

The Bailiff: I invite the President, Deputy Ferbrache to open.

1200 **Deputy Ferbrache:** Sir, very brief.

Mr Burke, Mr Bell, Mr Le Poidevin, Advocate Gist, to be appointed for five years, from 1st October this year; and to designate Mrs Audrey Mary Branch as Chair of the Panel, again, from 1st October, also for a period of five years.

I would also like the opportunity to thank Mr Weir for his service, and indeed all former members.

1205

The Bailiff: Once again, Members of the States, I do not see anyone rising to make any comment or ask any questions. Therefore, I am proposing to put all five Propositions to you together unless there is a request to take Proposition 5, for example, separately. There is not and therefore those in favour; those against?

Members voted Pour.

1210 **The Bailiff:** I therefore declare all five Propositions duly carried.

POLICY & RESOURCES COMMITTEE

**3. Guernsey Financial Services Commission –
Election of an ordinary member–
Mrs Dorey elected**

Article 3.

The States are asked to decide:-

Whether, after consideration of the Policy Letter dated 20th August 2021, of the Policy & Resources Committee, they are of the opinion:

1. To elect Wendy Dorey as an ordinary member of the Guernsey Financial Services Commission for a three-year term with effect from 1st November 2021.

The Deputy Greffier: Article 3. Policy & Resources Committee, election of an ordinary member of the Guernsey Financial Services Commission.

1215 **The Bailiff:** Deputy Soulsby, the Vice-President, is going to open on this matter.

Deputy Soulsby: Yes, very briefly, we would like to put forward Mrs Wendy Dorey, who is currently an existing member of the Guernsey Financial Services Commission.

1220 **The Bailiff:** As no one is rising, I will put the Proposition to you to, effectively, re-elect Mrs Wendy Dorey as an ordinary member of the GFSC from 1st November this year. Those in favour; those against?

Members voted Pour.

The Bailiff: I declare that Proposition duly carried and Mrs Dorey continues.

MOTION TO DEBATE APPENDIX REPORT

**Guernsey Legal Aid Service 2020 Annual Report –
Motion to debate –
Proposition carried**

The States are asked:

To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix Report to Billet d'État No. XIX entitled 'Guernsey Legal Aid Service – 2020 Annual Report'

1225 **The Deputy Greffier:** Motion to debate an Appendix Report – Stage One – Guernsey Legal Aid Service 2020 Annual Report – motion to debate.

The Bailiff: I invite the proposer of the motion, Deputy St Pier, to speak thereon.

1230 **Deputy St Pier:** Thank you, sir.

I am not sure whether I am competing with an angle grinder or not. I will keep this introduction to the motion brief, indeed very brief.

The legal aid service came into existence for criminal matters on 1st September 2001. It has just passed its 20th birthday. A scheme for assistance in civil matters started on 1st January 2002. The

1235 Legal Aid Law was passed in 2003 and came into effect in 2005, but the statutory schemes did not come into effect under that Law until 1st January 2019.

Turning to page 11 of the Report, it would be very easy to say that the service underspent its budget by £400,000, so there is nothing to debate or discuss. But with a budget of nearly £3 million a year, a little more public scrutiny and debate should be welcomed, I would suggest, by the
1240 responsible Committee, the Committee *for* Employment & Social Security, the Assembly, and indeed the Legal Aid Service itself.

The most important issue to debate is perhaps what is *not* in it. In the 2019 review, the administrator wrote:

Initial steps were taken in 2019 by Employment & Social Security towards a general review of Legal Aid. As there has not been a full review of legal aid since it was brought into force, this is with my full support and I look forward to assisting with this.

The 2020 Report is silent on what happened next. There is no provision for this review in the
1245 Government Work Plan. Further, as we can see on page 12 of the report, a substantial portion of the civil legal aid relates to children. Any reform of the Children's Law will have an impact on legal aid, possibly a material one. These are matters which warrant debate, and I hope both the Committee and the Assembly will support this motion to debate.

1250 **The Bailiff:** Deputy Burford, do you formally second that motion?

Deputy Burford: I do, sir.

The Bailiff: Thank you very much.

1255 I therefore now invite the final speaker on this motion and that is the President of the relevant Committee, Deputy Roffey, to speak on the matter.

Deputy Roffey: Thank you, sir.

1260 The Committee *for* Employment & Social Security have absolutely no objection at all with this Assembly debating the Annual Report for Legal Aid.

The Bailiff: Therefore, Members of the States, I put to you the motion to debate the Appendix Report, the Guernsey Legal Aid Services 2020 Annual Report, which is proposed by Deputy St Pier and seconded by Deputy Burford. Those in favour; those against?

Members voted Pour.

1265 **The Bailiff:** I declare that motion carried and therefore we will pick that up later on.

ITEMS DEFERRED FROM SEPTEMBER 8TH MEETING OF THE STATES

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**4. General Election 2020:
Reports from the CPA BIMR Election Expert Mission
and the Registrar-General of Electors –
Debate commenced**

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 Deputy Greffier: Article 4 – States' Assembly & Constitution Committee – General Election 2020 – Reports from the CPA BIMR Election Expert Mission and the Registrar-General of Electors.

1270

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

Deputy Meerveld: Thank you, sir.

1275 I am pleased to finally present to the States, on behalf of the States' Assembly & Constitution
Committee, this policy letter attaching the Reports from the CPA BIMR Election Expert Mission and
the Registrar-General of Electors. As set out in the policy letter, the Committee agreed to submit
these Reports with a covering policy letter setting out how it will address their findings and
recommendations, and to provide States' Members with the opportunity to endorse and provide
1280 feedback on the work streams the Committee intends to undertake.

It is also an opportunity for Members to identify any other areas they believe the Committee
should consider as it prepares for the 2025 General Election. This debate is the first step in making
improvements to the oversight, legislation and processes relating to elections in Guernsey. The
Committee has set out its direction of travel over the next couple of years to show Members and
1285 the public how the Committee will respond to the findings and recommendations from these
Reports.

However, there will be other areas that the Committee will consider when undertaking its review
of the General Election before it reports back to the States. These areas will come from the
Committee itself as it undertakes various work streams and matters arising that merit further
1290 investigation, Members, for many areas raised in this debate, and further consultation, civil society
groups and the public.

The Committee is committed to consulting with key stakeholders when developing Propositions
for the States to consider. Members are asked to consider the recommendations in the appendices
and the Committee's response to them and advise if they disagree with any proposed direction of
1295 travel or if they wish to see other areas considered by the Committee.

The Committee will keep the States and the public regularly informed on the work it is
undertaking on this workstream, through consultation and other means, to ensure there is Island-
wide engagement on this important matter. I do not intend to talk through each area of the policy
letter and repeat what Committee intends to do.

1300 The policy letter is structured in a way that groups recommendations under sub-headings for
ease of reference and feedback. I will, however, take the opportunity to stress that the Committee
is particularly keen that work is undertaken throughout this term to provide information for the
public about the work of Deputies and the work of the States, to demystify what being a Deputy
entails in reality for both the public and potential candidates.

1305 It would also seek to provide information on the General Election in the two years prior to the
election being held rather than just in the period immediately prior to the election. The debate
today focuses solely on the matters relating to the General Election and I would ask Members to
retain focus and limit their comments to matters relating to the General Election in Guernsey. For
example, whilst Members might have views on the operation of political parties in political life,
1310 comments should be limited to party politics in relation to the General Election, rather than diverting
into matters such as the Rules of Procedure.

In closing, I am pleased to present these Reports to the States for consideration. The CPA Report
confirms that Guernsey's legal framework for the conduct of elections complies with local, regional
and international standards for democratic elections. The 2020 General Election was a success but
1315 many lessons have been learned through that process and will be addressed as we progress towards
the 2025 General Election. I look to Members to support that progress and to assist the Committee
in providing feedback on this Report.

Thank you, sir.

1320 **The Bailiff:** Deputy Falla.

Deputy Falla: Thank you, sir.

I commend SACC, sir, for bringing this Report to the Assembly in such a timely fashion and I am
pleased that we have finally got to discuss it. There are a number of points that I will briefly comment
1325 on, reflecting the feedback that I gave to the Registrar-General of Electors soon after the election.

On the subject of hustings, the reality of course is that we will never be able to emulate the hustings culture of the parish or district elections of the past. One of the benefits of those was that voters could eyeball all of the candidates eligible for their vote in one place at one time. Even then, where districts attracted a large field of candidates, there was very limited airtime to make a meaningful comparison.

But we all recognised that to do so with an Island-wide field of candidates would be impossible. But it would be positive if further creative thought could be given as to how this missing link with elections of the past could be reintroduced. At the same time, I do note that the appetite for public meetings may be waning in this tech-savvy era. The recent ESC public meeting saw very low numbers of people attending in person.

The suggestion that we revert to parish-centred hustings would also be far from equitable. For example, in St Andrew's, Deputy Roffey and I were the only two candidates in the last election and, while I am sure that he and I would have both appreciated the share of voice a parish husting would have afforded us, it would hardly have helped our fellow parishioners in choosing up to 38 of 119 candidates.

But I also question the benefit of quite a few of the hustings events hosted by third-party special interest groups in the last two or three weeks leading up to the election. While worthy and well-intentioned, and I know they were aiming to help their members decide how to vote, they were partly wasting two thirds of their breath lobbying the entire field of candidates when only 38 of us would end up in the States.

Again, because of the size of the field of candidates, these speed-dating-style events left each one of us with too little time to start any real conversations, although I was personally educated on a number of interesting and unexpected topics, including the life and times of Guernsey bats and their habitats.

I fail to see the benefit of giving further consideration to increasing the number of signatories on a candidate's nomination form. While it might be time-consuming to approach 10 people and obtain the signatures, I do not really see how this is evidence that a candidate is committed to standing.

Finally, sir, I relate to the sense of anti-climax reported to the Registrar-General about the timing and manner in which the results were issued at a quarter to two in the morning on 9th October. While I was personally by no means disappointed by the result, having monitored and commented on many Guernsey elections over the years, we lost the gradual reveal of the shape of the new States, which was a hallmark of previous elections. I wonder whether there could have been a Eurovision-style staged update on how the votes were coming in at certain points during the count.

Resources permitting, it would also have been better to have the count throughout the night, starting from the point at which the final votes were cast or at least to have started counting at 6 a.m. the next day, rather than 9 a.m. This could have been done in shifts, which would have maintained momentum and would have meant that we would have had the results at a reasonable time of day on 9th October.

On the whole, the first Island-wide election was a great success and a credit to those involved and I am optimistic that the SACC work streams following this debate will ensure that the next one is even better.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

Firstly, on the back of Deputy Falla's comments, I would just like to thank the officers, Douzaines and other volunteers from the community who made the election such a success, despite the considerable work required to be done in a relatively short period of time.

I did not support Island-wide voting but neither did I want it to fail. There were some who did, both on Island and those further away. But for Guernsey's reputation, I did not. The reality was it was just another example last year of how Guernsey showed it could punch above its weight. I think

it could very much be seen to have been a resounding success, even though not from the view of all candidates, understandably.

1380 But I do think it was handled incredibly well and I was very impressed when I went round David Ferguson Hall to see what a slick operation the count was. And all this during a global pandemic. This has come out very clear in the overall summary by the CPA Expert Mission and I would just like to thank them for undertaking their work.

1385 The Propositions in this policy letter reflect recommendations by the Expert Mission and I am comfortable with all of them. Well, all except one. That is 1(a) in relation to investigating the creation of a dedicated, independent elections body. Whilst it sounds like a great thing to do, I do not think there is any evidence to show that we need to set up yet another permanent statutory body.

1390 The argument seems to be that the body needs to be independent. However, whichever way you look at it, it will be run by civil servants, paid through the public purse. Whilst I absolutely see the reasoning and justification for such a body in a large jurisdiction like the UK, we are a population of 63,000, not one of 1,000 times more than that. There is no evidence that there is a need for one. There is nothing in this Report on anything in the community expressing concern as to the way the election has been conducted, such that there is any loss of confidence in our electoral process. Quite the opposite, I believe.

1395 At a time when we know finances are tight, I do not believe such a body is required or that it should even be investigated right now. So, if possible, sir, I would like to be able to have a separate vote on Proposition 1(a).

1400 However, whilst the election was run impeccably, I am concerned over the democratic deficit that arises from our political structure and that is magnified by Island-wide voting. The most surreal aspect of the election, different from probably most places in the world is that, once an election starts, there is almost nothing in the media about it. So, at a time of heightened political interest, you would have little idea a General Election was actually taking place. Previously, this was less of an issue as the candidates were able to get around their district and meet people, as well as have hustings where you are in the room as all those who you are up against.

1405 Island-wide voting changed that. Door-knocking can only go so far. Hustings are much harder to work out when you have 110 candidates and, on that, I am happy to support consideration of the States' organised hustings but I do think that the event held at Beau Séjour worked really well, especially for those members of the public who wanted to speak to new candidates.

1410 The result of this virtual vacuum also means it is easier to spread misinformation and harder to counter it. Advertising was the only outlet to do so and that is, rightly, restricted by the expenditure limit. So an election was going in some kind of parallel universe but conversely people felt overwhelmed by the number of candidates and taking in the sheer volume of information. I therefore think that, contrary to what I thought would be the case, it was actually harder for incumbents than it was new candidates as the opportunity for scrutiny just was not there. None of the hustings put together by parties or individuals were very well attended and something was lost somehow.

1420 Just covering off some final points. Yes, to electronic voting; and yes to a rolling register. I really do not see why on earth we create a new register every four years and it really should not be needed now we have a rolling electronic census. I also believe that there should be a DBS check. Indeed, I believe all Deputies should be subject to a DBS check. Last time I wrote to the then States' Assembly & Constitution Committee requesting that they look into this and met them on one occasion, but it did not go anywhere. However, I think it is really important. Deputies can have access to places others do not. Something I was conscious of in particular when at Health & Social Care. I think if there is a DBS check ahead of that then the work will have been done.

1425 The rules on recounts should also be investigated. It was highly unlikely that the results would have changed based on the margins between candidates around the cut-off at the last election. However, I do think it was a good thing that it was called for this time, give the completely different system that was used and the fact it demonstrated just how accurate the first count was and this provided assurance over legitimacy of the results.

1430 I did find comments on attracting women to stand for the States interesting. Newer Members here might not know that there was an attempt to do this in the 2016 Election. The 2012-2016 term there were just five of us in the States, which embarrassingly put us somewhere at the bottom of the chart of parliaments in terms of female representation. So we wanted to correct that.

1435 A group of Members at the time and others who supported us did try to do just that. It was successful, with 11 women getting elected. However, there was an immediate backlash with criticism and complaints made by unsuccessful male candidates. This time around we have a smaller number of women in our Assembly. We really are going nowhere fast. Saying that, it is great we do now have our first female Deputy Bailiff and Presiding Officer to join our first female Procureur in this place, but we do need to do more and I am grateful to SACC for including consideration of how we can encourage a more gender-representative Assembly.

1440 Sir, it was Winston Churchill that said that no one pretends democracy is perfect or all-wise has been said that democracy is the worst form of government, except for all those forms that have been tried from time to time. Last October we saw democracy in action and the world has seen what a mature democracy we are.

1445 Thank you, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: A couple of points, sir.

1450 I think both under Islandwide voting and under our previous district system, we have to be perfectly frank that democratic engagement by our population has, for the whole of the period that we have exercised democracy, been woeful in the Island.

1455 We see the sort of 70%-71% turnouts, it looks really good. But when you work out that that is a percentage of people on the Electoral Roll and the number of people on the Electoral Roll is only whatever it is, 58%-60% of those who could be on the Electoral Roll, we are probably talking about less than half of the people – I am not sure if that is exactly right – but round about a half of the people who could vote who would be entitled to vote, actually do. By international standards, that is woeful.

1460 I do not know what you do about it and I have not got any answers for SACC but I think that, if we are looking at how to make our elections more meaningful going forward, has to be at the heart of what we have tried to achieve. I do agree with auto-enrolment but I think all it is going to probably do is reveal how poor our turnouts are, because we will suddenly go to just about everybody being on the Electoral Roll but I am not sure it would actually persuade more people to actually go, either to the ballot station or to the letter box or to their computer to vote, however we are doing it in future. As I say, I raise that just because I do not think we should be smug about our record of democratic engagement.

1470 I do agree with Deputy Soulsby that the first Island-wide voting exercise was run extremely well and I have to say that some of my concerns over the mechanics of it did not come to fruition, and I am delighted that did not happen. However, I have to put on record that my more fundamental concerns over the change from district- to Island-wide voting still persisted, both as a candidate and as a voter.

1475 As a voter, despite being a total political anorak, I failed to discharge my duty of really trying to get to know all of the candidates that were on offer and their policies and what they were likely to do once they were elected to this Chamber. I just could not do it. Maybe Mrs Le Page is better at it than me, but I somehow doubt it, so I suspect that that was really quite common.

1480 As a candidate, I failed to get the level of engagement, despite knocking on 5,000 doors, that aged me five years, I think, despite trying to organise a whole series of hustings for various people, which as Deputy Soulsby said were not particularly well attended – 50 or 60, we thought it was a good evening – really I know I did not properly engage with the public and therefore was not held to account by them.

Now, I am not suggesting that we get rid of Island-wide voting. Personally, I preferred the old system, but (a) I think the Island actually embraced it; and (b) I think any new system deserves at least two or three iterations before you actually make a judgement. You do not start changing all the time.

1485 I think, superficially, it is a really effective system. I am not sure that it serves democracy and people really making a deep policy judgement. It would work, of course, if we nearly all stood as party members and therefore you had five or six different parties to judge the programmes of. But I am not sure that is going to happen and I personally hope it does not happen. We certainly seem to be getting fewer and fewer people in this Chamber that have got a party hat – well, they are not
1490 allowed to wear hats in here – a metaphorical party hat on.

I notice that in the Isle of Man there does not seem to be much take-up of parties in their election. Although Jersey does seem to be heading in the other direction. But I really do think it is two sides of the same coin. It is an electoral system designed to suit a party system and I think there are real difficulties. How on earth people get to now, even if we go down from 119 to 90 or 80,
1495 how on earth do people get to know all of the different candidates. I struggle to see how that could happen.

Again, I agree with Deputy Soulsby over this business of getting people more signing your form, particularly in these days of social media. You would whistle up 10, 20, 50 – sorry it was Deputy Falla that said that – I cannot see the point really. Yes, we only want candidates who are serious about it
1500 but I do not think the number of people, the number of mates you can get to actually – particularly now it is Island-wide and anybody in the Island would be able to do it as long as they are on the electoral roll – I think that that is a pointless exercise.

Now, coming to the *[inaudible]*. The business of CEDAW, I do not fully understand, I have to say, where we are over CEDAW. The recommendation was that certain articles of CEDAW which could
1505 be extended to Guernsey as soon as possible. I am not an expert but I do not believe the UK could even if they wanted to, extend certain articles of CEDAW to Guernsey. Either CEDAW is extended to Guernsey or it is not.

The latest advice that ESS has had from the UK Government is that they would only consider doing that if a whole set of criteria were met, which includes equal pay for work of equal value.
1510 Now, there is a slight amount of confusion, though, because Jersey somehow managed to seem to have CEDAW extended to them without actually fulfilling that criteria.

So, I am really not sure where we go with that, but I think it is almost ... Although I desperately want CEDAW extended to Guernsey, the point is the stuff in CEDAW that relates to trying to encourage female candidates and females to be elected can be done by Guernsey with or without
1515 CEDAW.

So, I think in the context of this debate, we should actually park the debate over CEDAW and just get on and do the things. I do not care how many sour-grape candidates make how many remarks, I believe we ought to be encouraging more Guernsey resident women to stand for this Assembly and hopefully – this will be a matter of judgement by the electorate – hopefully more will
1520 be elected as well.

I think Switzerland came very close to actually being a majority government of women very recently. Unfortunately, Afghanistan has gone in completely the opposite direction. I do not take the line that parliaments would have to be exactly representative. I think you will tend to always get more people of a certain age, rather than people who are 17, 18 or 19 – well, they cannot be 17 –
1525 18, 19, 20 because people do other things in their lives at that time.

Certainly, when it comes to gender I think we are so unrepresentative that it is ... I find it an embarrassment, quite frankly. So I would encourage SACC to press on with that and if there are voices of opposition, and there will be, just have the strength of character to say, 'Sorry, we hear what you say, but we think you are wrong.'
1530

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

1535 Yes, I was obviously a new candidate and someone who decided quite late. So, to some extent we have a wonderful system where you can make a decision quite late, stand and actually be elected. I think there are some interesting observations or lessons for myself.

1540 One of them, and we have been talking about it, is the need to register to the Electoral Roll. I think we absolutely have to scrap this system and have some kind of rolling register. I think that is an absolutely huge barrier to getting more people participating in an election. We should be absolutely, I think, scrapping that. I certainly know of quite a few friends or families who realised the election was going on too late. Even if it was just a few days, a few weeks, it was too late. So, I undoubtedly think this absolutely affects the final turnout, so we should be removing that.

1545 I think i-voting is definitely an opportunity we should be going to and part of becoming a more digitally capable nation. There are many jurisdictions, increasingly more jurisdictions around the world, I think, that are looking into that, I believe some of the Scandinavian countries and i-voting and having a platform for i-voting could become a platform through which we could be holding referendums or perhaps requesting communities to comment on certain aspects of legislation.

1550 I think again, in some of the Nordic countries, I think it is Finland, they have a system where policy items can be put out to the population for comment during the political terms. I think embarking on some kind of digitisation of our election system is something that the world will be going to and as a small jurisdiction I think we have a really good opportunity to do so.

1555 My decision to actually even consider standing for election did come off the back of helping volunteer, initially, for setting up Women in Public Life, a charity, an LBG that has met with colleagues of SACC earlier in the year, and just actually taking a step to participate in that initiative, just put the idea or the opportunity to stand for election on my radar, which I did not even have, I never even considered doing so.

1560 I do believe initiatives like that actually play a huge value. It is obviously a completely independent initiative and it is not just looking at election for Deputies, it is looking at all the public posts we have available, which actually there is a really huge amount. Building a pipeline of women through those public posts, whether it is Douzeniers, panel members, tribunals, non-States' members, I think actually is a hugely important part of building that panel of having more diversity in the States.

1565 So, Women in Public Life presented some ideas to colleagues in SACC. I hope some of them will be again considered. One of the ideas including a longer term education training campaign for respective candidates on the role of being Deputy on the States. I certainly think that is something that should be followed up.

1570 One point, and I guess the question I have in my head, is: do you win the election during an election period? How much of the actual election period of those three, four or five weeks we have make the real difference to you being elected and how much of the election is won before? I do not know whether I was elected because of the work and relationships I had previously – I certainly think that played a huge difference – and how much was won during the election.

1575 I absolutely support the move to Island-wide voting. Again, I think that is the democratically correct way to continue, but I do think that Island-wide voting has changed the way the election works and will continue shifting the dynamics of elections and politics. Obviously, the creation of parties is one of the really interesting developments and a year down the line we see that again things are shifting. And they will continue shifting.

1580 Whether it is official political parties, whether it is other alliances or groupings, whether it is groupings outside of the political system, such as think tanks, will actually play increasingly an important role and my feeling is that the election will be largely won prior to that very narrow election period which means, I think, that having an oversight of what happens *before* the election and also looking at what influences public opinion I think is going to be more important and I actually would like to encourage colleagues at SACC to think about that because I do not think that has been mentioned in any of the Reports.

Specifically, this relates to some extent to points (d) and (e) in relation to campaign financing and also disclosure by candidates. I wanted to draw Members' attention to a ruling in the United States by the Supreme Court in 2010 called *Citizens United v Federal Election Commission*. This was a very substantial ruling by the Supreme Court, which basically allowed unlimited campaign financing of political parties in the US by the corporate world. That has made a dramatic shift in how much money different companies with different political and lobbying interests have been able to finance into the Democrats and Conservatives party.

I think this is something we should really be starting to be more party to. We have significant media outlets on the Island now owned by local business interests, which is different to what happened at the last election. I think that is something to keep in mind. We also have, for the first time, the creation of think tanks, which have actually familial relationships to political Members of this Assembly.

These types of alliances and voices will become increasingly more important. So I think we should be extending how we look at, effectively, campaign financing into outlets that are having an increasing effect on public opinion and basically the election. So I think I would like to put the idea that campaign financing should be extended to think tanks, such as Guernsey Politics and Economics Group, and ensuring disclosure of where funding such initiatives, which actually are making quite significant political statements in terms of certain pieces of legislation, such as anti-discrimination legislation that needs to be looked into.

I think those for me would be a number of ideas for Members of SACC to pursue, but as my colleagues I wanted to applaud the efforts of the last Island-wide vote and election, which was really put together in a very short period of time; and I think in my experience as a candidate was very well run and probably one of the highlights actually was the hustings at Beau Séjour. That was really helpful. That did really allow us to meet a good number of candidates and I think centrally organised hustings-type events should absolutely be something that the Electoral Commission is looking also to do.

The Bailiff: Deputy Gollop.

Deputy Gollop: I had the pleasure and opportunity to serve on the SACC – I was also briefly on the House Committee but that was a long time ago – with Deputy Meerveld and Deputy Queripel and others and they said to me, 'Be in listening mode, John, don't talk all the time' because I have already had an opportunity to interject a bit.

I agree with everything in the Report. The only thing I am possibly not 100% committed to is this business of having many nominators. We used to, many years ago, allow people standing for parish Deputy to have more than one proposer and one seconder. You ended up with half the parish supporting one candidate or another and the poor Bailiff would be having to sort through all those nomination forms. That was reformed.

Although Jersey had, is it 10 or 20, the problem is such a ruling of increasing the number of people would benefit the more prepared candidate but it would also benefit, I am afraid, the party candidate, who would easily find 10 or 20 stooges, perhaps, to sign them up. As an individual there would be less opportunity. That is the downside of that. It also favours the extrovert.

Although I can understand Deputy Soulsby's wise point that the last thing we need is more expensive civil servants and statutory officials, the idea of having an electoral body or commission, which could of course be filled by existing people in public life or people for a nominal or no fee, perhaps, has been in the mix for over 20 years.

Advocate, former Chief Minister and now Home Affairs member Advocate Harwood, indeed, proposed that in his famous eponymous report. There were kind of feelings that things occasionally went a bit awry at election time 20 years ago. We are in a different era now, an era of social media, Island-wide elections. So I think it is something SACC needs to look at.

I also take on board Deputy Soulsby's long-lasting concerns about criminal checks for States' membership and also potentially Committee membership and possible parochial roles. It is a very

complicated subject, though, because we are in the 19th century office more than we are in the 20th or 21st century career. That is one issue.

A second issue it is easy to say police checks. Do you need an advanced one or an ordinary one and is it based upon risk? Would we end up in a situation where a panel of the great and the good, or existing States' Members would be able to veto a candidate because he or she had been naughty with drugs 20 years ago? Or had not gone to the toilet in the right place after a few too many. I do not know. We know what we are thinking about here and the risk into people homes, into private things. But I think perhaps it needs to be looked at not just as part of the disclosure issues but also within the context of Committee memberships.

Moving slightly on from that, we had an interesting report from the MPs, the parliamentarians who came over. They almost went in the other direction because they said our requirements for people who had served small jail sentences were too onerous. Whether the public would wish to vote for people who had recently been in prison is another matter and the public should have the right to know, and I agree also perhaps with uncorrupted directors and so on, they should have the right to know. But we have seen people who have been in prison elected in other communities, including the UK. I will give way to Deputy Inder.

Deputy Inder: I am intrigued. I can probably read it from my speech anyway, but now we are talking about 1(d). Obviously, Deputy Gollop's name is all over this because it is his Report:

... investigate the merits of introducing disclosures by candidates ...

In your determination of this, as a Committee, did you actually decide the employer was? Who do you submit these to?

Deputy Gollop: Yes, that is precisely the problem, the employer. It is also a problem of publicity because whereas if Joe Soap applies for a role with ESC or Health & Social Care or any employment and it goes through the appropriate level of checks, a conversation will then be held with the candidate at that point.

Whereas, in the electoral cycle, what was utterly bizarre about this election, the last election, and a point I was not entirely happy with, although people said I should have known better, and you should be prepared, and not be a Danny Ditherer, but you literally had Friday at four o'clock to hand in your nomination form, last possible moment. Then at five o'clock you were supposed to get a template electronic document to get your material in the brochure – and a bank holiday on the Monday – Vale Earth Fair in between, I think. It was all very strange and I personally think if we vote Island-wide, and I think we should at least for another election, we should have at least another week of canvassing and campaigning time because it was a bit shortened, especially with all the other groups we had to meet.

Like Deputy Kazantseva-Miller, I certainly want diversity and inclusivity, and maybe we have gone backwards with proper and true gender representation. There is no greater supporter of women in public life than myself and I wonder what would happen if Jackie Weaver became a Deputy in Guernsey. She would certainly tell people they have not got the authority to do certain things, maybe.

But what I worry about, though, is women's representation in the Chamber is not the only issue. How many tenants have we got in this Chamber? I am a tenant and I am also a property owner, strangely enough. How many people under 30? I do not think we have got anyone at the moment. How many Members have we got who are employees? Not many. How many have we got running their own businesses? Not many. How many have we got with visible, or invisible disabilities?

The issue is if we are seeking representation of the entire community it is not just women and if every woman who is a Member here is an extremely able, articulate, well-off, fortunate individual that is great, but that is not representing every kind of person or every kind of woman, and that is where we need to work forward. I agree with Deputy Roffey too, our lamentable ability to get people on the Electoral Roll contrasts poorly with even the inner cities of the UK.

Some people say we have got too many Members at 38 or 40. We had 57 at one time. Pity the Germans who have got 735 members of all kinds. So that is a big chamber. But if we keep with the current size, we need to ensure that everybody has access to the candidates and, yes, we can look at different forms of hustings and different ways of doing things. As Deputy Inder would probably say to me, it comes down to the electorate's choice in the end. There were a lot of candidates at the last election and they did not choose, in my opinion, sadly, in some cases, the more radical anti-establishment kind of candidate, perhaps.

That was not the flavour of the month. Sometimes it is, sometimes it is not. I think that people would choose stability, the economy, whatever they go for and we have to live with that. I think there is a valid argument that has been put to SACC that to a certain extent the number of people elected from a group is reflective of the number of candidates who stand from that demographic, so we need to maximise candidate choice and candidate breadth.

I too would be interested in signing up with CEDAW. The fact that parliamentarians think they could and Jersey have gone down that route suggests there is a window of opportunity, if not a door open.

I suppose the only thing that I would add to this Report that is not explicitly there to look at is as always candidate financing and expenses is a knotty problem. I think I would like at least one other Member of SACC who may speak later, be prepared to see publication of candidates' electoral expenses. Mine would be extremely messy and confusing, and had to be changed three times.

More to the problem is certain suppliers of services to States' Members are not as shrewd as they could be in understanding the time limits and the nature of what is a semi-statutory process of actually putting in accurate estimates and things like that. So, there is a learning experience for the business sector and the marketing sector on the Island.

Deputy Kazantseva-Miller said something else that I concur with that, I do not know about the think tanks, but you need to look at pre-election expenses by parties and associations and the professionals they employ, and look at the bigger picture and not have too many loopholes for the future. We are where we are today but I think for the next election we need to be brighter, sharper, wider choice and more prepared.

The Bailiff: Deputy Inder.

Deputy Inder: Good speech, Deputy Gollop; well done. The first thing I am going to do, I am going to thank the staff from SACC, home and the volunteers and the Douzaines who delivered what was the Island's first Island-wide General Election in the middle of a global pandemic. It has been an incredible feat by a very small team.

Auto-enrolment, I think Deputy Kazantseva-Miller has touched on digital, as she tends to do; and Deputy Roffey, who is not here, he had concerns over auto-enrolment. But I think auto-enrolment is the key. That is where you absolutely start. The Government in some way, shape or form knows where we are, it knows where we live, it can tax us, it can send us to school, it can expel us from school, some of us. It knows when we are born, what age we are 16, and probably knows when we die. There is no reason in a modern society that every single person who reaches age 16 should not be automatically allowed on to the Electoral Roll and taken off when they are dead.

Now, as soon as that happens, it counters Deputy Roffey's issue with sign-up, which he made the argument and then argued against in the same breath, which I thought was a bit odd. You can then obviously move on to, as discussed in the policy letter, on to online voting. The reason I think online voting can and will work is because it kind of sort of did work through postal voting. Through the postal voting, that was incredibly successful in the last election. That was Guernsey saying 'We want online voting', because they could not be bothered to go to the polling stations.

I actually went around on election day, every single polling station on Guernsey, to thank all the volunteers. There was no one there. They had all basically, in the main, used postal voting as their method of voting. That clearly says Guernsey, analogue Guernsey talks digital, talks SmartGuernsey, talks this, talks that, but cannot actually do what it should be able to do. It should be absolutely

simple for us to move to auto-enrolment into a digital application into an online app, and be able to vote. I am really quite disappointed that it seems to be something we will do in the future. I was assuming we were heading to 2024-25 for that.

Anyway, I was going to agree with Deputy Soulsby about 1(a) but I am going to now disagree with it because there are two things here. The trouble is that I do not like parliamentary Committees entirely populated with elected representatives and I would say the same with SACC and to a degree I think the same could be said for Scrutiny as well.

I like parliamentary committees having a certain amount of independence. I think we should be in fear of them. I really do. I think they should be seen as entirely independent and I would actually move to some form of a commission or possibly a version, which might help Deputy Soulsby, where we have got less political Members on SACC and more non-States' members actually as part of that debate.

I just do not like the idea, with elected Members rolling around these parliamentary Committees in any way, shape or form. So it might be a case that if there is some direction here that Deputy Meerveld and his team could look at effectively winding themselves down and rolling up their non-States' Members and ensuring some kind of independence so we do not want to go to the full commission body. That is where I would be with that one.

Where are we coming to? Yes, 1(d), this thing about disclosures. I find this a bit odd. As Deputy Gollop in the give-way sort of alluded to, it is not entirely sure who employs us, actually no one does. If indeed we decide that we have some form of DBS check and we have to give it, give it to who? Show it to who? Who is going to actually look at it? Who decides that X candidate has got a certain type of conviction or a spent conviction or an unspent conviction that precludes them?

My real concern about this, and I think Deputy Kazantseva-Miller sort of alluded to it. Deputy Roffey did as well and I am joining three things here. I am distinctly detecting that SACC is being directed to get more involved in the election and I *really* do not like the idea of elected officials telling future candidates how they should approach a position of election. My honest encouragement to Deputy Meerveld is SACC to stay away from opinion as much as possible.

It is not our duty as the advantaged, elected officials, to tell the people of this Island, effectively by in some way having a recruitment process that determines how people should be elected, if they are the right candidates to stand. I genuinely would discourage Deputy Meerveld from getting too involved in the preamble towards the election to the creation of the right candidates or the wrong candidates. We saw that in the creation of these parties, where there were clearly recruitment officers out there, determining who were the right candidates and the wrong candidates, and I do not want to see this applied via SACC to us who are now currently in a privileged position.

Apart from that, all of it seems relatively sensible. I agree that one of the highlights was again put together by not necessarily the Committee's political lead, certainly with officers. The Beau Séjour candidates speed-dating hustings thing, I think it was a fantastic success. All of the output that came out of the previous Committee and, again, the politicians sometimes can take the glory but the reality is the officers actually did it, so great thanks to the Comms Team and those Guernsey companies who helped put that together under huge duress; and, if we remember, and just referring briefly to Deputy Gollop's issue, regarding signing up and having to submit your digital manifesto, if he remembers correctly there were something like 23 amendments to one of our policy letters. I think it was policy letter 3.

We were getting pulled from pillar to post. I am still not entirely sure what the reason was for it but the sum of it was effectively the parties ended up getting more money than the candidates, which was not the initial idea in the first place. There is a lesson there. People, when they do have sensible Committees, when it does happen, just listen to them. They were actually right and the amendments were wrong.

We got to the point where effectively the parties ended up having more money than the individual candidates and that was never the intention. It was a cascading nonsense of an amendment that got us into the exact opposite place, which was the intentions of the amendment, so there is a lesson there and I would certainly like Deputy Meerveld to review that in some way.

1790 But in the main, sir, I am going to agree with this. I honestly would encourage him to look at some form of electoral commission for the reasons I mentioned, and certainly look to some kind of auto-enrolment that would then move us into digital and online voting.

Apart from that, as I said, a very successful election and well done the previous SACC Committee.

1795 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff. I will be brief. I can be brief because I agree entirely with the speech made by Deputy Soulsby and I will not repeat the point she has made.

1800 All I would perhaps ask to consider is that there has been discussion around the Electoral Roll and how that roll affects democracy and how we can encourage people to vote. I would perhaps make a suggestion to the President of SACC, when he sums up, about whether there should be a conversation with the Committee for Home Affairs about where the responsibility for the Electoral Roll should lie, i.e. is it right that it lies within Home Affairs or should it be more joined up? In effect it is a joint team that actually considers this. I think that is a factor and I think that brings to me to
1805 the point where other Deputies in this debate have congratulated the former SACC Committee on how they approached it, the success of it, and all the parish officials and all the independent officials who made it a fantastic success in my view.

Deputy Gollop and Deputy Inder, I thank them for debating around Proposition (d) which is investigating the merits of introducing disclosures by candidates and I think just that little debate
1810 has teased out the difficulties with it. Perhaps I could put another spin on this. There is the expression about politically exposed persons and as soon as we are elected – and candidates need to bear this in mind – we are politically exposed both locally and internationally. We are all enjoying our positions of influence and the public have a right to know what our interests are when we are discharging our duties and it is a very important point.

1815 Those few Deputies that attended the anti-money laundering presentation that was put in, the whole subject of corruption, overseas, in political circles, was mentioned, and the need for us all to understand that we are very accountable. So, I think this is the point. This is the conundrum. The public need to know when they go to the ballot box what our interests are, how we might use those influences in our elected positions. That, of course, includes criminal convictions.

1820 So I just would like to perhaps look at it from that perspective and that is really all I want to say. Thank you, sir.

The Bailiff: Deputy Le Tocq.

1825 **Deputy Le Tocq:** Sir, I too would be brief and I just want to speak really just to one issue that has been touched on by a few speakers so far.

It is the fact that we are a small jurisdiction, so there is a limit to how much we can effectively produce the sorts of institutions and checks and balances that larger jurisdictions can. We could, if we were to have inordinate amounts of money and were willing to employ all sorts of people that
1830 could be arguably dispassionate and disinterested, in other words they did not live in the Island. But, to pick up on some of the things that Deputy Gollop said about representation, for example, in this Assembly, I think it is quite ridiculous. We have to draw the line somewhere, otherwise the only way in which you could say that we had fair representation, sir, would be for everyone in the Island to be part of this Assembly.

1835 We are human beings and, as far as I am concerned, human beings are about as far as it goes. If it is a representative democracy, then the people allowed to vote, vote in whoever they might be. I am certainly keen on encouraging people to stand, of all sorts and of all types, and of seeing diversity but I do not think we should force the issue. I think that is where it gets difficult, particularly if the current Assembly is seen in any political way, or even that the States as a broader body of
1840 employed civil servants, etc., of promoting a particular group at any particular time. I think that is a dangerous position. To a certain degree, sir, I would say it is a sledgehammer to crack a nut.

To pick up on some of the points that Deputy Inder raised before, I was persuaded, reluctantly, to go onto SACC during the last term, even though I voted against myself on two occasions. Because it is, as I was saying to somebody earlier, these sorts of things are not the things that really interest me in politics but they are important issues.

Where I am struggling, sir, and I would ask – and I think Deputy Soulsby has already asked for this – for a separate vote on 1(a). I am not sure that an independent election body would be appropriate for Guernsey. I am pretty certain that, in looking to populate such a body, we would probably do no better than effectively what is done by civil and public servants at the moment.

I *certainly* do not think we should be spending money doing that. Providing we have proper observational observers coming in from outside, as we have done on the first time on this occasion, we continue that practice. There is a cost obviously to that but I think that is a good thing. We can learn from that, certainly.

My own experience of being on SACC and then being delegated from SACC to the body that was responsible for administering and running the actual nuts and bolts of the election last term, there came a point, sir, where I did find myself feeling awkward in that, where decisions had to be made where what type of events were put on, what type of support was put in; and eventually I said I do not think it is right that I, as an elected person, should be part of this any longer.

But that particular group, which was populated by officials from the Committee *for* Home Affairs, particularly, as well as our own staff from SACC and others – who had been put into that role particularly for the election – they continued, I think, quite well and produced what I have to say was a much better run election than I or many of my friends anticipated.

So, I do not think we should be spending a lot of time trying to find mechanisms that probably do not suit our size of jurisdiction and on that basis sir, providing we have a separate vote on 1(a), I will be supporting the rest of it.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I want to only make a few comments in respect of this policy paper. First of all, to add my voice to the gratitude that has been levied to volunteers and also public servants. The election was undoubtedly a resounding success, given the risk, I think, the leap of faith that we took. However, that said, I still do not like Island-wide voting. Call me a traditionalist, I think that the parish system, the electoral district system, perhaps, actually worked better for getting to know the candidates and really getting the feel of the individuals who are going to be standing as our elected officials.

The process for Island-wide voting, I think, was *hugely* onerous on candidates. I think the administrative burden probably has not really been drawn out during this debate. I do not want to touch on my experience too much but I undertook, like Deputy Roffey and former Deputy Le Clerc, to do hustings to give independent candidates an opportunity to have their mettle tested by the public. And, wow, didn't I regret doing that, because the hours that I spent, essentially being an events co-ordinator, interrupting my family life. I did have a move at the same time, actually, which of course was my choice to undertake a house move. But in addition to my duties as an elected official already, was just disproportionate to really what it should have been. Of course, I am there co-ordinating the payments for others, etc., in the halls and all that sort of thing. So, I really do think that SACC could do a lot more, and obviously they have been asked to do that in terms of the communication initiatives in one of the proposals.

Hustings are essential, they really are. The 'Meet the Candidates' event at Beau Séjour was undoubtedly *really* valuable for a lot of people, but hustings are a different type of beast in communications. Having to sit on a panel where people can see candidates under pressure, because it undoubtedly is a pressurised environment where people are throwing questions at you, where you are expected to you talk in a public forum sensibly, knowledgeably, openly, without losing your nerve, can really test whether or not that person has got what it takes to be an elected official in a

public arena, where it is not just talking about bonfires in a small parochial way but it is also going abroad and representing your Island amongst other world parliamentarians.

1895 The role of a Guernsey Deputy cannot be and should not be underestimated for all members of the public, sometimes who decry what we do and how we represent them. It is not a job for the faint-hearted. That said, I think that the lobby groups – and I call them that with due respect because a lot of their concerns politically are very valid concerns – this time, I think that the way in which they approached candidates made the job of the candidates even more difficult.

1900 I, for one, felt like a bit of a keyboard warrior filling in form after form and giving my views, which essentially were duplicated, replicated across many different platforms for various different lobby groups who, in of themselves had undertaken to do a brilliant job to try and get candidates' voices out to the wider electorate. I missed the deadline for one of them, a subject that is close to my heart, a passionate subject, on environment, and I asked, 'Could you please give me a few more hours?' 'No, sorry.' And, I thought, I had spent hours doing these responses for people and then I miss their deadline and therefore I cannot be published. What a shame.

1905 That time I could have spent knocking on doors rather than sitting in front of my screen. So that was really frustrating but if SACC could maybe look to include that within that communication initiative on behalf of lobby groups, that would be brilliant.

1910 The one thing that I would like to pick up on is the matter of diversity. Now, I may be a lone voice here but of course I am keen proponent for women. Why would I not be? I am a female, after all, and we are equal. However, this should be about *cognitive* diversity, not diversity based on characteristics and it is clear that the electorate want to vote people in based on their merit.

1915 So, absolutely, let us get behind all candidates and ensure that all candidates know what the role entails – good induction, good communication from us. But I think we do have to be careful. We did have a number of female candidates put forward and it was a real shame that actually more did not get through. That was a democratic process. I lament that many of those female candidates did not make the grade and join us in this Assembly, where I think that many of them deserve to be. It is on merit and maybe what we should be doing is encouraging candidates to come forward with more information about themselves around their qualifications, their experience that is directly relevant, in the same way that we do with jurats, really starting to hone in on that, rather than the personality

1920 We have had various studies undertaken, Dr Chris Pitch from Nottingham Trent University, and his team have done some brilliant studies about Guernsey specifically and our cult of personality, which unfortunately follows us into this Chamber. That seems to pervade our electoral cycle, whether you are known, whether you are local or whether you have got family history, etc. That seems to be all-important. But I really would like us to be try and buck that trend and start encouraging future candidates to start to talk about themselves, and their merits, and their work history and where they have got relevant experience and qualifications – as opposed to that their mum was in the States, like my mum was previously.

1930 I give way to Deputy Queripel.

Deputy Queripel: Sir, I thank Deputy Dudley-Owen for giving way.

1935 It is just as a Member of SACC I need clarification on what she just said earlier on. She said something about SACC looking into lobby groups, regarding lobby groups, questionnaires, etc. Does she mean that she wants SACC to pursue measures that actually forbid lobby groups to submit questionnaires?

I would like clarification on that, please? Thank you.

1940 **Deputy Dudley-Owen:** To answer Deputy Queripel's question, that is absolutely *not* what I meant at all and I am sorry if garbled my way through that and was not clear enough. It was merely the way in which the candidates are being approached, I think it would be useful for lobby groups to actually be corralled, so to speak, or facilitated through a central portal, which I think would make it much easier for candidates to be able to respond across the board to those lobby group questions

1945 and requests for commentary. So merely that. But no, I think the lobby groups actually really went all out to be able to help candidates to put forward their views, so I think they are a very important part of the election.

1950 So, apologies to listeners for my rambled speech today. I just wanted to put forward some of those points and thank you also to the States' Assembly & Constitution Committee for being so patient in being able to bring this debate forward.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

1955 I had not planned to speak but I just wanted to stand to agree with two of our leading female Deputies in the Assembly today. Firstly, I would like to say how impressed I was with how the election was run this time. It looked as if it was going to be a completely complicated mess and that was not the case at all. It worked very well. I was quite pleased to see the recount, actually, to demonstrate to everyone how accurate the voting, counting actually was. I think that is probably a relief to us all. So, we can probably be slightly more relaxed next time in terms of worrying about that sort of thing.

1960 A couple of points arising. I agree with Deputy Soulsby, we are a small jurisdiction, we could probably do with not copying everything the bigger jurisdictions do, in particular if there is a cost, and I guess we will be talking about that later in the week. On the question of CEDAW, I am not sure if everyone has been following this but I have a general reluctance to sign up to these international organisations and obligations and treaties, because what they do at the end of the day is cut down on our own freedom of action. We may want to do something and then someone comes along, 'Well, you can't do that.' Every time we sign up to one of these things, we take a little bit of democracy away from our people. So I think we need to be very careful about that.

1970 I would also like to thoroughly agree with Deputy Dudley-Owen on the question of diversity. We do need diversity but, as she put it, cognitive diversity is probably most important. We should not get hung up on how many women there are, how many young people there are, we should look at each candidate in terms of their experience, their character and what they offer, and that is what I think the electorate do. The electorate do not vote for women, they vote for competent women and they vote for competent men. *(Interjection)* Well they *try* to, that is what they try to do! So, I think we should just encourage people to stand and make it as easy as possible to stand but not try to divide people up into categories.

That is all I have to say.

Thank you, sir.

1980

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

1985 Firstly, I would like to thank SACC for bringing the policy letter and the recommendations. I agree with a couple of Members that have already spoken but mainly I want to speak about hustings and i-voting, or electronic voting. I will go onto i-voting first.

1990 Whilst I agree that it is a great way of accessing the electorate and getting people to engage and vote, it is relatively easy to put something on paper and not necessarily copy and paste or hone, and at a time of leisure, being a candidate, to put stuff down on paper, your manifesto; and, as Deputy Dudley-Owen alluded to earlier, replying to various chains of email, etc., or lobby groups.

1995 But quite often, when using an online service – I do not know about you but sometimes you can rush a decision and in the morning have some sort of click regret, or perhaps even in a couple of days' time, through using the dreaded online service – and something arrives which is not quite what you were expecting, perhaps the specialist pair of shoes that you have ordered, which you could not get in the high street, are not the right size or the right quality that you expect. I suspect

you may get a part of that using i-voting. But I do welcome the Report investigating that because I think we could get, say, a significant amount more uptake and people voting.

Back to what Deputy Dudley-Owen said. I was part of an independent hustings and certainly it did test my mettle, and I thank ex-Deputy Le Clerc for galvanising a group of 20 of us into those hustings, because it certainly did put me in front of people and they did see the whites of my eyes and we did have a short, sharp question time, effectively, all of us, at 10 a session. I believe that certainly the hustings is the way to go, where people can question you about your ability, they can see your responses, and they can see how you are able to react to questions and orate, and in general how you stack up as a person rather than just looking at a manifesto and trying to get the feel of a person. For me, you cannot necessarily get the feel of a person on paper.

Going on to paper, certainly the telephone directory-style compilation of manifestos in the main was useful, although it did take a lot of time because we did have a significant amount of candidates; and I do thank the relevant officers and departments and committees that put that together. I think, for some people, it did save the mailshots and collated everything. Perhaps a little bit of an environmental impact as well, in that there were not direct mailshots for every single candidate. No doubt Guernsey Post did not necessarily benefit, but I think the populous did.

What I also found confusing, being a new candidate, and after the event, were certainly the rules around advertising, or financial rules as well. The parties seemed to have not necessarily bent any rules, and I am not making any accusations that they did, but there seemed to be earlier adverts than were permissible if you were a standalone candidate. So I welcome the Report highlighting that as well.

I would also like to repeat – not necessarily repeat, because we are not here to repeat – but echo my sentiments on the ‘Meet the Candidates’ event at Beau Séjour. I certainly found that very useful and, from memory, I think 48 people sat in front of me and questioned me quite well on my manifesto and, again, they were able to see the whites of my eyes and question me. So that was a very good event and I would like some of that sort of event to continue, perhaps even held over a number of weekends, or perhaps even an evening because, again, all people cannot get there all the time.

Finally, I would like to echo Deputy Falla’s sentiments on the timing of the announcement and the count. Yes, we did lose the parish aspect of it and the excitement and the building excitement, I suppose, of the announcement of the results. But, like him, I know that there were a certain amount of dedicated individuals doing that count and well, if it could have been started earlier or again as soon as practical as the polls closed, I know that the boxes came back to a safe location, I believe it to be here at the Royal Court, and then they went on to Beau Séjour to be counted at 9 a.m. the next morning. But certainly if something could be done earlier to get an earlier result when there is that amount of candidates, or even a faster count, that would add to everyone’s benefit, I think, not least the candidates and the media, and the public waiting to find out who are going to be their representatives.

So, to conclude, I thank SACC for their policy letter and I think perhaps that all 37 of us in this Assembly agree that it was a successful election, because we are *here*. Perhaps we need to ask the people that were not necessarily elected if they thought it was a successful election. I suspect that a lot of them will do because democracy ruled the day.

Thank you.

The Bailiff: Deputy Helyar.

Deputy Helyar: Sir, thank you. A few comments.

As the parliamentary leader of the last remaining party, there is a lot of difficulty in the administration of costs for parties during the election. I think that probably is not appreciated by independent candidates, but the rules were very complex. You had to allow for items that were created personally as against items that were created for the party and allot a certain percentage

to it. It made it *very* complex and I am sure there are easier ways of that being done, which would also make the accounts more transparent in terms of the way they are published.

In terms of the number of candidates that stood – and I am not necessarily expressing a personal opinion entirely, but there were a number of people that said to me there seemed to be a whole lot of people in this booklet that have no prospect whatsoever of being elected, but they are being paid £500 for the privilege of doing so. I do wonder whether we should consider the possibility of a deposit system, so that those who do seek to stand will look into the likelihood or probability of their election, because their standing does incur cost public cost. It involves printing, it involves hustling debates. It does not need to be a significant amount and it is returnable if you win.

I know there are Members that will completely disagree with that. I can see them shaking their heads. But that is one way of controlling the large number of candidates who stood in this election.

I would also like to make some comment about the comments made by Deputy Kazantseva-Miller, because there appears to be some conspiracy theory that the Guernsey Political and Economic Group is some kind of wing of the Guernsey Party. Now, it is not possible for that group to have contributed to campaign costs because, as a question of *fact*, not insinuation or innuendo, it was not formed until November, which is after the election. So, to insinuate that it could have conducted campaigning on behalf of the party is entirely wrong and should be withdrawn. To also insinuate that there is a connection between our party and – I will not give way, no.

Deputy Kazantseva-Miller: Point of correction.

The Bailiff: Point of correction, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: I do not think I made insinuations that they contributed to your campaign financing at the election.

Deputy Helyar: Thank you, sir.

The insinuation was that there is a connection between the party and GPEG. Now, if it is the case that my mother being the member of a completely independent organisation, I am not a member of it, I have not been to any of its meetings except its formation party, I do not know of any other members of our party that are members of that group and I do not know if they have been to any of the events either. But if we are going to investigate independent groups that are lobbying, that my mother is a member of, then we need to include the L'Ancrese Golf Club, we need to include the Bridge Club, King's and several other clubs as well.

These kinds of comments are toxic and one of the reasons, in my view – and I know, because I had asked several women to help and to stand in the election – one of the reasons I have been given personally is because of this kind of toxicity, and I completely reject any insinuation that there is a connection and it really should be withdrawn.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you.

I resonate with a lot of what has been said but just one thing that has not been picked up yet, and I know there was a big problem with, was the actual ballot papers going through the machine. Some people had folded them and crossed them and I know there was a bit of ironing going on and various other things, and it was just for SACC just to have a look to see if there was any better way that people can stuff their paper into the ballot box without actually making it more difficult.

I know that was really time-consuming and that is where I think we lost a lot of momentum because of the time it took. But it was no fault of the people doing the election, it was the actual ballot paper itself. So if we could just look to see if that could be fixed, that would be great.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

2100 I will reiterate some points that have been made but I do want to pick up on a couple others that I do not think have been. I was very pleased to hear, and I do not think it has been mentioned by many in the President's opening, about demystifying the role. I really think that is the crux of the matter in terms of attracting a wide range of candidates, leading on to the diversity conversation, which I do think is important. It is not about promoting certain groups it is just about representing
2105 our community and of course the electorate will make the decision, but they can only vote for who is there.

I think it is fair to say that there are quite large sections of our community who just do not see themselves here, or it has not even crossed their mind and perhaps if they understood more the role they may see that they have skills and values and attributes to bring to it. In fact, referring to
2110 Deputy Dudley-Owen's speech, where do we educate our community about this? Is it something that could be brought into our PHSE lessons for students? Obviously, the Youth Commission and the Youth Forum is a really good vehicle for that, but I do think that whole education piece via SACC and possibly through ESC, would be exceptionally valuable in addressing a lot of the conversation around diversity.

2115 So, I am very interested to see how SACC will pursue that and also – Happy to give way.

Deputy Dudley-Owen: Thank you to Deputy Bury for giving way.

We do have an education programme, which is rolled out into schools and was very ably led by former Deputy Le Clerc in the last term. I am not entirely sure who is leading for that this term, and
2120 it would be great to know, and I am looking around the Assembly and no one is seeming to nod. But potentially Deputy Meerveld in his closing speech might be able to help us. Also, Deputies are asked to go into schools to talk about this.

So, I think it is something that we could ramp up massively.

2125 **Deputy Bury:** Thank you for that contribution. I think it would be a really valuable thing to pursue.

I do think there are things that we can do as Deputies, as Deputy Dudley-Owen alluded to, accepting invites, maybe promoting the work that we do because, ultimately we all do make of it what we make of it. There is not any one experience, so sharing that with the community I think is
2130 valuable to them. I try to do that through social media platforms, which I know not everyone in the Chamber agrees with, but it is an opportunity to reach those that perhaps do not engage in the more traditional methods of communication.

Moving on to the signatories, I agree with I think almost all the comments that have been made but I do not think increasing the signatories on the form really adds any value in terms of seriousness or commitment to standing. It was obviously my first election and, as an events organiser myself, it was interesting to be a part of. I have often wondered if I should have been on the other side of it. But I would really like to extend, as many others have, my thanks, and commend the previous committee and officers and organisers. It was fantastically organised. There was a huge amount of information available to new candidates and I think many of those work streams should be
2140 continued. They were valuable to both candidates and the electorate.

Online voting, I think, is a must; but more so the rolling register. That is democracy in our grasp, fully, to not have to re-register every single time. And particularly, perhaps, for our younger voters the time period for registering was over the holidays, and so perhaps they would not have had those natural avenues of reminders via their educational settings.

2145 One thing that I do not think has been picked up on and might be slightly outside of the election, I think some consideration does need to be given to those in employment at the time of campaigning. Again, this does have a dotted line back to diversity. For those in full-time employment, it is a struggle to campaign. If they knew they were going to campaign they may have been able to save some holiday and take some time off, but actually one of the key things that I

2150 think needs to be considered is how does someone in full-time employment, if they get elected, how do they manage a traditional notice period?

I was very lucky, my employer was very good to me and very understanding and supportive of the wider Guernsey community need, and they had experienced it before with another employee standing and getting elected. So, I was very lucky in that situation, that I was allowed to shorten my
2155 notice period, which was very valuable because, as we all know, once we are in, we are in, and work starts straight away. I know that other Members were not so lucky and were having to try and juggle a notice period and all of the fantastic induction and the new things that we needed to be getting on with. That goes back to the diversity, that most people are in employment. They are not necessarily running their own business or have that free time that they can take to campaign and
2160 then just to drop everything if they get elected. As I said, maybe slightly outside the very specifics of the election but something that could potentially open up standing to more people.

In terms of Island-wide voting, as a counterpoint to Deputy Dudley-Owen's point, I do think that it gave rise to some real ramped-up engagement between the electorate. Not everybody's friends and family all live within the same parish any more. It allowed those conversations to widen out.
2165 Obviously, it is hard to say because it is the first time I was actively involved as a candidate so, inevitably, more people were talking to me about it, but I felt that those conversations were able to be had and that was perpetuated, those conversations, and got more people engaged.

I agree and, while it is understood that not everybody supports Island-wide voting, we have got it now, we have done it once, and I agree with Deputy Roffey's point that really we should continue to refine it. We have to give things a good go and take those opportunities to refine and improve as we go along.
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But, although those points of engagement were positive, much of the feedback on the doorstep and from the electorate was of confusion of too many candidates. Despite being a candidate, and many people asking me about other candidates, sometimes I thought, 'Who? I do not think I have met them yet.' I did not manage to apply myself as much as I would have liked to making sure that my votes went in the right place, and I was not able to give the level of feedback to people asking me that I would have liked.
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So, I think, going back to Deputy Soulsby's point about the media, I do not know if there can be a review of policies within the media or whether SACC can work with the media on honing down how that period of time works. There were some initiatives run by some media outlets that I think were very useful but there was a huge amount of information spread over so many sources and, while I think each one independently was trying to provide a useful service, it then because a mass of information that was hard to pick your way through, as a voter.
2180

I think this is a useful opportunity to discuss the direction and the suggestions that SACC have brought in the paper and I am also hopeful that we might see continued engagement, maybe on specific subjects and matters, and those are something that I would really like to be involved with so that – and obviously it is quite a long time period until we will see these things come to fruition that we are kept up to speed and able to input as time goes on.
2185

Lastly, coming to the end, I think that assistance with campaigning may be something useful. Not everybody comes from a marketing background or knows how to do this, and I think fundamentally we would need to ask ourselves a question that do we believe that marketing and communication skills are the most valued skill that elected Members need? Ultimately campaigning is a marketing strategy and possibly the world's worst popularity contest. But is that a skill that is needed to be a valuable elected Member?
2190

If not, perhaps we should offer assistance from SACC on how you would run a campaign. Perhaps not the ins and outs, but advice on printing, advice on not writing a manifesto that is 11-pages long. I know there was advice in terms of the centralised document but perhaps just some broader information around access to printers, lead times, etc., that some people will not have had in their toolkit. But, as I said, I think that perhaps some Members will think that no, that is a skill that elected Members need. But I think there are possibly other values and attributes that would be more needed in the Chamber.
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2200

So, as I said, I would just like to reiterate that I do think the election was run very well and pass my thanks over to everyone that was involved.

Thank you, sir.

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The Bailiff: Deputy de Sausmarez.

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Deputy de Sausmarez: Sir, I would like to speak but I have quite a lot to say and I am aware that we are coming up to lunchtime and I know that some people have things planned for lunchtime. So I just wanted to take your view on whether you would like me to go ahead and speak now or maybe delay till after lunch, if the absence of anyone else wanting to speak.

2215

The Bailiff: Is there any other Member who wishes to make a short contribution? Deputy Queripel, is it short?

Deputy Queripel: Probably the shortest speech I will ever make, sir.

The Bailiff: Right, we will take Deputy Queripel before breaking for lunch.

2220

Deputy Queripel: Thank you, sir. I will be brief.

2225

I merely rise to inform colleagues that, as well as doing all sorts of things that we need to do on the campaign trail, I organised separate roadshows and drop-ins, as Deputy Dudley-Owen did. I organised seven. I found them extremely time-consuming. Not only that, but they were in general extremely demoralising because of the low turnout, even though they were widely publicised. The largest turnout was 15, at the first drop-in, but then the turnout dropped off considerably from then on. There was one drop-in when nobody turned up at all and that was really disappointing. I made a point of inviting new faces to join me on those roadshows; the eventual line-up being seven new faces and two established Deputies.

2230

Perhaps the electorate had already made up their minds whether they were going to vote for the candidates on the roadshow or not, which is perhaps why very few people turned up to ask questions. We will never know, but it was very disappointing to say the least. One good thing that did come out of it was, due to the fact we had two and sometimes three hours to fill, it gave all the candidates at the drop-in time to get to know each other, and that was a valuable exercise.

2235

I will not be standing in the next election. (*Interjections*) I said that last time but I *mean* it this time! I do not intend flip-flopping again. I will not be standing in the next election so I will not have the problem of deciding whether or not to stage drop-ins. But the drop-in at Beau Séjour, in my opinion, that is the way to go in future. I would like to see five or six of those organised next time because the electorate can go along, they have not got to worry about getting around 100 or whatever candidates in one day, they can go along at their leisure over five or six occasions and question the candidates. I look forward to going along, sir, and doing that myself, questioning candidates in the next election.

2240

Thank you, sir.

2245

The Bailiff: Members of the States, we now adjourn until 2.30 p.m.

Deputy Taylor: Can I propose a 1.30 p.m. return from lunch, sir?

The Bailiff: I will test Members' appetite for a shorter lunchtime, then.

2250

Deputy Taylor: Can I request it with a recorded vote, sir? (*Interjections*)

The Bailiff: I am going to put the motion to you *aux voix* first, because I think that is the right way to proceed, just to see whether it is really worth having a recorded vote; and that is that rather than resume at 2.30 p.m. we resume at 1.30 p.m. Those in favour; those against?

Members voted Contre.

2255 **The Bailiff:** I think that is pretty resounding and, rather than take up lunch, we will adjourn now until 2.30 p.m.

*The Assembly adjourned at 12.32 p.m.
and resumed at 2.30 p.m.*

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

4. General Election 2020: Reports from the CPA BIMR Election Expert Mission and the Registrar-General of Electors – Propositions 1(a), 1(b)ii-vi; 1(c)-(h) carried

The Bailiff: Deputy de Sausmarez.

2260 **Deputy de Sausmarez:** Thank you, sir. I was just thinking maybe I should plug my laptop in, but I will try not to be too long.

I will start by echoing the comments that many people – in fact, I think, most speakers – have started with, which is to extend my thanks to all those involved in the administration of the election, which I think especially given the scale of the challenge and the unprecedented and unique nature of it, was carried out admirably. Technically, very smoothly. I do agree with Deputy Dudley-Owen –
2265 but it does not affect my view – that Island-wide voting is still not an inherently successful system.

I say this primarily because I think voters had so much choice that a great many of them felt unable to make a really well-informed choice. Certainly that is what many members of the electorate expressed to me at the time and I have heard quite a few express it since. I do worry that, as a system, it is more likely to deliver an Assembly that is good at soundbites, because it does not afford
2270 the electorate ... That may or may not relate to a candidate's ability on more substantive matters, but my question is really around the opportunity that voters have to properly interrogate, and scrutinise, and analyse and really assess those candidates in a meaningful way.

I think part of this does come down to hustings and I would endorse Deputy Dudley-Owen's assessment of hustings and why they are important. They really are, or were, the only opportunity
2275 – in their old format – that the public had to put candidates on the spot and see them answer; not just in real time but in a way that, as a voter, you could be confident that no one else had written the answers for them. And also in a way that ensured they were saying the same thing to everyone and not just adjusting the message according to what doorstep they were standing on. I think hustings were a really valuable electoral asset and I regret losing them. If SACC can do anything to
2280 help reinstate that in any form, I think that would be really welcome.

To the issue of representation and women, I think the massive under-representation of 50% of our community is probably the most glaring issue in terms of unrepresentativeness and it is something we should and can address. I really do not think we should wait for CEDAW. I think we should be tackling this head on. I agree with Deputy Roffey.

2285 I ran the stats when I think Deputy Dyke spoke a bit earlier, or someone spoke a bit earlier, and according to my calculations I think female candidates translated into female Deputies in roughly the same proportion as male candidates translated into Deputies, in fact slightly higher, if anything.

But the major problem was we had such a low proportion of women standing in the first place. So I think that is where the focus needs to be.

2290 I do agree with Deputy Dyke that we need to encourage the most capable people to stand for the Assembly and that is precisely why I think we could do with considerably more women being elected. I think it is notable that, although women only constitute 20-odd per cent of this Assembly, between them they hold 15 seats on various Committees and bodies, eight of them as Presidents or vice-presidents. So, I would like to think the women in this Assembly do give the taxpayers value
2295 for money.

Deputy Helyar raised the issue of a deposit and I am really interested in what he thinks that would achieve and what problem it is trying to fix. I think this is one of the red herrings of the policy letter, actually, that candidates were not serious about standing. We did not have an Elmo or a Lord Buckethead standing in the Guernsey Election and some of the electorate might regret that!
2300 *(Interjections)* Deputy Helyar might have thought that some of those candidates had no hope but I think that is incredibly unfair on those candidates.

I believe *every* candidate in the running had the right to have some hope that they would be elected and long may that be the case. Introducing deposits would not stop those that Deputy Helyar considers to have no hope from standing. It would stop candidates who cannot afford to take the financial risk of losing £500 from standing and, to me, that would be a travesty. We already have an Assembly that is in aggregate far wealthier than the average Guernsey person and I would not like to see anything introduced to further exacerbate this already very unbalanced picture.
2305 **(A Member:** Hear, hear.)

I would not have intended to speak for so long had a few comments not been made about i-voting and general enthusiasm for it. With great apologies to those who might have heard me speak on this subject before, I do think those comments are worth reiterating now at this point in time. It is, of course, very superficially attractive. Who would not welcome the opportunity to make voting as easy and convenient as possible? I am no Luddite, for the record. I do embrace technology. But I do have serious concerns over this and I think it is something we need to approach with great
2310 caution.

The old system, the traditional way of voting, might seem like a bit of an anachronism in this digital age where we all expect to be able to do everything from the comfort of our smartphones. But, however clunky, old-fashioned and perhaps inconvenient the polling booth, pencil, paper and ballot box system is, it has survived the test of time for a very good reason. It ticks three fundamental requirements to ensure a free and fair election. It is secure: in other words, your vote is securely stored and cannot be changed; it is anonymous, so no one can tell how you voted; and it is accurate, and we can verify its accuracy because there is an easily audited paper trail that does not compromise the secret ballot aspect. The potential for things to go awry, either intentionally or unintentionally, in that analogue system, is relatively low. The whole process can be independently
2320 observed, audited, and verified end to end.

There are a couple of different phrases and I think it is worth pulling them apart. There is e-voting, which is using electronic technology to cast a vote; and i-voting, which is essentially using the internet to vote. Anyway, both are far more susceptible to problems by comparison, in terms of the technical malfunction and indeed perhaps deliberate tampering. The broader and more complex the system, the greater the scope for technical problems becomes. There are some really tricky issues around the auditing of the software involved, especially if it is proprietary software rather than open source, and there also issues around the programming of any hardware that is used.
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The scope for tampering is also much greater with e-voting. Deliberate attacks on paper systems do not really scale very well. You have to put in an awful lot of effort to change one vote and the chances of getting busted are pretty high. But actually, when you take that on to an electronic platform you can potentially change hundreds or thousands of votes, and the risk is high still for i-voting, internet voting.
2335

Now, I have always been a particular fan of one of the experts in this field, because I love chocolate and I would love to take an occasional break, and it is a chap called Jason Kitcat. But

2340 anyway he is an expert in this field, and I am quoting him here, and he said: 'The problem with internet voting is that it opens up the voting system to the entire world. Anyone with an internet connection can start to attack it and seek to undermine that, often undetectably.'

Now, I know this probably sounds a bit alarmist but he was part of an international group of independent e-voting security experts that undertook a peer-reviewed study called *Security Analysis of Estonia's Internet Voting System*. Estonia's internet system is one that is often held up as a sort of case study for this type of thing because they are very advanced in this field, compared to other places.

In the words of the reviewers:

Estonia is the only country in the world that relies on Internet voting in a significant way for legally-binding national elections — up to 25% of voters cast their ballots online. This makes the security of Estonia's system of interest to technologists and voters the world over. As international experts on e-voting security, we decided to perform an independent evaluation of the system, based on election observation, code review, and laboratory testing.

What we found alarmed us. There were staggering gaps in procedural and operational security, and the architecture of the system leaves it open to cyberattacks from foreign powers, such as Russia. These attacks could alter votes or leave election outcomes in dispute. We have confirmed these attacks in our lab — they are real threats. We urgently recommend that Estonia discontinue use of the system.

2350 Now, I am sure that for us sitting here in this Assembly that all seems fairly far-fetched, that we would not be subject to any such interference by Mr Putin, or anyone else. But state-sponsored attacks were by no means the only vulnerability of the Estonian system that were highlighted. It was also vulnerable to side-server attacks. So malware rigging the vote count that could be introduced by a dishonest election official for example, and client-side attacks, such as a bot that overwrites your vote, which could simply be a bored teenager with a penchant for hacking from the comfort of their own bedroom.

2355 For context, Estonia's internet voting system is actually quite sophisticated and the study showed that they have done a lot of things right: it was built by people with an intimate knowledge of security; they made large parts of the system open source; they document their procedures; they have got a video of just about every step of the process. But these things, the experts say, are just not enough.

2360 Estonia had an excellent platform on which to develop e-voting because they already had a good e-government system to begin with. For example, everyone there has a national ID card, chip-and-pin-style, which is used via a card-reader as one of several security measures attempting to protect their i-voting system. And, yet, even in a country where everyone has a digital ID, the system still is not considered secure enough or transparent enough to establish trust in the electoral outcomes.

2365 When I last researched this – which was a year and a half, two years ago, I lose track now – I discovered there had been many documented problems with e-voting and i-voting internationally. E-voting issues are legion, there is a very long list, and have been responsible for some elections even being declared invalid. But i-voting is perhaps the area I am going to focus on. It is less well-spread but cautionary tales are not hard to find. The original examples I gave in previous debates included a system called iVote that was used in the New South Wales regional election in Australia in 2015, where it was reported that 66,000 electronic votes could have been compromised. Even though the iVote server was secure, a third party website was able to attack the system.

2370 In Canada, 51 municipalities in the 2018 Ontario municipal elections were affected by technical failure, bandwidth problems brought about by a massive surge of people trying to vote online in the early evening after they got home from work. Since then, of course, we have had the USA election, where the integrity of the electoral system – or more specifically the increasing widespread doubt in the integrity of the voting and counting system – is an increasingly worrying theme. However unjustified some of these claims might be, I think we do need to acknowledge the very real impact they can have on the public's *perception* of democracy.

2380 A digital democracy expert, someone called Professor Haldeman, of the University of Michigan, summarised his views as follows: 'In my assessment, no country in the world today can do internet

voting safely and it is going to be a decade, if ever, before we are able to solve some of the central security problems at stake.'

2385 There was also, a couple of years ago, a really good presentation, locally, called 'Democracy in a Digital Age' and we have got a home-grown digital democracy expert in the form of Dr Victoria Nash of the Oxford Internet Institute and she reported very similar concerns from her department, which is responsible for auditing, basically, this kind of thing worldwide.

2390 So, to electronic vote counting. When I spoke on the subject before the general election, I warned of some of the potential problems and, according to BIMR Report, some of those chickens did indeed come home to roost. In fact I was slightly amused to read a reference in the Registrar-General's report that talked about unforeseen problems with scanning the ballot papers, because those issues were very much foreseen as they had been experienced in plenty of other jurisdictions, as I explained at the time.

2395 In the earlier debate I explained that electronic vote counting machines have a fundamental problem of essentially being a big box into which you put your ballot papers at one end, and out of the other end of which you get a set of numbers. There is no way of verifying those numbers other than a manual count which, as we know, is very time-consuming. But there should at least be an auditable paper trail. So I was concerned when I read the following in the BIMR Report from our election, obviously:

Numerous ballot papers were rejected because the scanning equipment was unable to assess them correctly, due to being creased when returned in the post or ripped when envelopes were opened by counting staff. In these cases, counting staff assessed the ballot paper and then 'transposed' the original information onto a fresh ballot paper that would be accepted by the ballot scanner. This was a labour-intensive process, and to third party observers it was an unusual and potentially concerning method, due to the large amount of human engagement which could facilitate possible human error. While no evidence of malpractice was observed virtually, this could have been a possibility, particularly as a significant number of ballots were transposed via this method (852 in total). Once the original ballot had been transposed, it was kept in a separate pile from the newly transposed ballots, with no apparent audit trail in place linking the two ballot papers. This could have prevented a rigorous countback audit process. If candidates or agents had wanted to check the audit trail to ensure no errors had been made in this transposition process, this would not have been possible.

I give way to Deputy Inder.

Deputy Inder: Thank you for giving way.

2405 I have read this and the Kitcat stuff before because I have heard the same speech before, two-and-a-half years ago. Last time he wrote was back in 2017 and the internet has moved on somewhat since then. Picking on that point there, through you, sir, to Deputy de Sausmarez, what is the point of picking up an electronic system that ultimately saved thousands and thousands of hours of man-counting, or woman-counting, and find a few discrepancies through folded paper and using that as an excuse to stop electronic counting? Can you imagine, if we had actually had to handcount every single ballot paper and transpose that on to an individual results sheet?

2410 It is also worth reminding Members – and I find this rather objectionable actually – that Deputy de Sausmarez does not like electronic voting, does not appear to like the internet and does not want any form of the internet anywhere near the electronic system. I think she really is downplaying it. It is through lack of knowledge, because she was not there. I remind Members that she left as soon as she did not like the results. But every single ballot paper had an individual – and I am going to use the word IBAN – number attached to it,

2415 So, yes, there may have been problems in transposing, but can you imagine the problems if they were actually done by manual counting? We would still be there today. This is the same speech and it really has gone on far too far, in which was a very successful election.

2420 **Deputy de Sausmarez:** I am glad Deputy Inder was paying attention the first time. I did apologise that I was going to repeat some of that but I think it is very relevant. I said in the original speech, and I will reiterate again now, I do not think there was a viable alternative to electronic counting given the system that we were using. I did raise these concerns ahead of the decision to

2425 go for Island-wide voting because some of the problems that we were likely to encounter, and the very Report that we are considering today has shown that some of those problems did in fact affect our election.

I am not suggesting that there is a better alternative to e-counting. I think it is the appropriate moment and to record for the record and provide some, hopefully constructive, direction to SACC
2430 to record potential problems. I do not think there is a way of getting around it. As I said earlier on, my personal view, which I do not know if I did say this earlier on, is I would like to see Island-wide voting evolve more into a form of elections split over several years so the range of choice presented to the electorate is at a more manageable level and therefore the level of votes also becomes a bit more manageable.

2435 But I do not think we can be blind. I am certainly *not* against the internet – that is just ridiculous – I do think we need to be cognisant. I do not think we can be naïve about this. I do think we need to be cognisant of potential risks. I do think it is incumbent on SACC to investigate these issues *very* carefully.

The reason I reiterated this information is because I do think it is really important. I think
2440 especially, given the experiences in the US and Brazil, where the integrity of the democratic process itself is being undermined because of justified or unjustified distrust of electronic systems, I do think it is a real risk that does need to be given serious consideration. Once the public loses trust that an election is free and fair, we may as well give up. I do think, the other thing that I will reiterate from previous debates, is a quote by Joseph Stalin. I try not to make a habit of quoting Joseph Stalin but
2445 I think actually it is pertinent that it is him. He said:

People who cast the votes decide nothing ... People who count the votes decide everything.

I think we do have to go into this cognisant of the fact that it is not just a really easy solution and that there are not any problems. I do think there is plenty of potential that my information might be out of date, that all the experts have taken another look and they have gone, 'Actually, happy days, we are there, it is all sorted.' But I do think it is something that SACC does need to look
2450 into and I think they would be wise to. I think there are really serious fundamental issues around trust in the democratic process at stake.

The only other thing that I do not think has been touched on particularly is in terms of the election period. I think other people have done a really good job of drawing out some of the benefits and some of the challenges in terms of the experience of being a candidate and a voter in
2455 that. I think in some aspects the videos were particularly helpful from a voting point of view. I think some of the systems around that were really useful. I think that was great.

One of the things that concerned some voters that I spoke to was, because we do not have much of a plurality in terms of our media, and I think someone earlier on in debate mentioned the strange media void that occurs around our election, which is very unusual, there is also no kind of fact-checking process. Someone in the community, or a group of people in the community, actually did
2460 set up an organisation that attempted to fact-check, but I think that was something that was highlighted by various members of the public as lots of facts or so-called facts were being bandied around and it was very difficult to know, especially given the sheer volume of information that was being presented to the electorate, what was factually accurate and what was not.

2465 A lot of claims were being made, obviously, with the purpose of presenting that particular candidate in a good light and I think that was an element that the electorate found particularly frustrating. I do not have any particularly useful suggestions as to how you address that but I think it would be great if SACC could take a look at it.

Also I think it is just lamentable as well that this election was a first, as far as I am aware, for
2470 negative campaigning. I thought that was a really sad development in our democratic system. **(A Member:** Hear, hear.) I hope that does not become a regular feature.

Sir, I have got a couple of questions on the Propositions. I am open to being persuaded on the issue of 1(a) but I think it really will come down to this question of proportionality in terms of an

electoral body. Also, I have got a question about 1(b) and what exactly we are being asked to agree to. I do not actually have the Propositions in front of me – ah, thank you – 1(b) says to:

b) review the Reform Laws and other relevant legislation underpinning General Elections, including:

Then it lists:

- i. increasing the number of signatories on the nomination form.
- i. introducing provisions requiring the publication of candidates and parties' election expenditure.

I was just a bit confused, because of the wording, whether if we agree 1(b) we are agreeing to review the increase of the number of signatories, etc., or whether we are agreeing to increase the number of signatories. Because I certainly agree with other people who have spoken on that issue. I just do not see what that achieves. I would not have enough information on some of the other aspects to necessarily have a well-informed view on them. I am quite happy to review them but I think if the vote is to agree them on the spot, then I would not necessarily support all of them, certainly not 1(b)i.

I think that is about me done. I thank the Assembly for its patience on what I know is a very long week. But I am grateful that we have had the opportunity to discuss this. I am very interested to see what SACC come back with. I am glad they have got a bit of a run-up before the next election is due.

Thanks.

The Bailiff: Deputy Burford.

Deputy Burford: Okay, the immortal words, I was not going to speak. But I cannot let the issue of female representation go by without comment, unsurprisingly.

No one disagrees with the principle of the best person for the job. I do not think there is anybody in this Assembly who would disagree with that. But if we are happy that 80% of this Assembly is male, we are essentially saying that men are significantly more likely to be the best person for the job. With all due respect to my male colleagues, I cannot subscribe to that view. As Deputy de Sausmarez highlighted in recent elections, largely women and men have been elected in proportion to the number of each sex that stood. This shows quite clearly and repeatedly that the reason that we have a dearth of women in this Assembly is simply that not enough women stand.

Why is that? Are Members not curious? There are many reasons, mostly cultural and structural. If we truly want to have an Assembly of the best people for the job, we cannot be ignoring a resource representing 51% of the population, and we should therefore be encouraging women to stand and leaving the electorate to do the job of choosing as usual. People cannot vote for those who are not on the ballot paper. Another reason we need more women in the Assembly is that women actually vote differently. I have analysed voting patterns in this Assembly and in previous ones and there are not infrequent instances where a majority of the female Deputies supported a Proposition but the majority of male Deputies did not and, as the Assembly has an over-representation of men, that view then holds sway.

This is most noticeable in votes on issues that predominantly affect women's lives or which women are particularly involved in. On Deputy Helyar's point about a deposit, while £500 might not be a great deal to some people, it would be a complete barrier to standing for others. However, I do think that potential candidates should have a much better idea of what they might be letting themselves in for and suggest that the various inductions, presentations, etc., are all put on *before* the election for all candidates and potential candidates to attend. Such a process would both better equip successful candidates on their arrival into the Assembly and also allow people to consider if the job really is for them before they risk committing to it.

On the subject of the Beau Séjour drop-in, I am not as enamoured with it as some of my colleagues seem to be. I spoke to around, maybe, 25 or 30 people in a full day, and yet I could have canvassed many times that number in a full day on the doorstep. I am also not enamoured with

parties and, crucially, I am not sure the make-up of this Assembly would have been vastly different had they not existed at the last election.

Finally, as much as I am still not a fan of Island-wide voting, all those involved in running the Island-wide vote rose magnificently to the occasion and I accept that it is with us for a while yet. Thank you also to SACC for this policy letter. It is very well written and I am pleased we have finally got around to debating it.

The Bailiff: As I do not see anyone else rising to speak in this debate, I will turn to the President of the Committee, Deputy Meerveld, to reply to it, please.

Deputy Meerveld: Thank you, sir.

As I am quite severely dyslexic, I had an interesting time trying to listen and write notes that are then legible at the same time. But I will try my best to address all the main issues that everybody has brought up. I have tried to organise it. Right, in no particular order, I will just go through the issues as they have been mentioned, starting off with Deputy Burford and also, I think, inclusivity, including women making, I suppose, the role more attractive to women in some ways. I think actually it is the wrong way of putting it.

SACC has looked at this issue and we want to make the States more inclusive, full stop. It needs to be opened up to everybody. We want an Assembly and I want an Assembly that is not made up of people from one particular section of our society because I think that in itself is dangerous. It will end up with an Assembly that becomes disconnected from the populous.

SACC has been talking about this and we are looking to bring in an education campaign, starting a year or two before the election, that increases the public awareness, not only of what the role of being a Deputy is and demystifies it, and gives them an idea of the things that they would be expected to do or would be required of them, but also makes them aware of the training and support that they will get to take on that role. Because the fact is I believe that any Member of our society should be able to sit in this Assembly and should be given the assistance and the training to be able to bring them up to speed. So, it really needs to be *everybody*. That is what we will be aiming to do.

This issue was raised by lot of Deputies – Soulsby, Roffey, Kazantseva-Miller, Gollop, de Sausmarez, Dudley-Owen, Le Tocq – all mentioned about this inclusivity. I think the way we were looking to address it is through that education demystification process of making sure that we attract all candidates, but also prepare them for what is involved, whilst also telling them how they will be supported. Again, that will come back in more detailed proposals.

The objective of this green paper – and, by the way, thank you for everybody for engaging in this debate in such a constructive way, it has done exactly what we hoped it would do and drawn out a lot of suggestions and areas that we need to pay attention to. So that education campaign will be detailed in the policy letter that will subsequently come to the States detailing our plans, some time next year.

Hustings and the Beau Séjour event, again mentioned by Deputies Kazantseva-Miller, Dudley-Owen, Queripel and de Sausmarez. I think Deputy Queripel did not like it and Deputy Burford possibly, but most others were positive about it. The Beau Séjour event, I think one of the lessons we learned from that is that the directory of people standing needs to be published before and circulated before the event happens so that people can read up. But I think if that is organised differently, I think we will have a better turnout and that could be presented better. SACC will be looking at hustings, if we can organise other forms of hustings, because as several Deputies pointed out people want to see the whites of your eyes. They want to meet you, they want to talk to you.

Deputy Oliver, over lunchtime, mentioned the videos that were prepared were very useful because it gave a short snapshot of a person live –

Deputy Queripel: Sir, point of correction.

The Bailiff: Point of correction, Deputy Queripel.

2575 **Deputy Queripel:** Sir, Deputy Meerveld said he thought I said I did not like the Beau Séjour, the idea of the Beau Séjour being hailed as a drop-in. I said exactly the opposite. I said I thought it was the way to go and, in fact, I would like to see five or six of those at the next election.
Thank you, sir.

2580 **The Bailiff:** Deputy Meerveld to continue.

Deputy Meerveld: My apologies, Deputy Queripel. Yes, I am losing track of exactly who said what on every issue. There have been a lot of comments to record.

I certainly think the Beau Séjour event was a good event but I think it could be improved, and I
2585 think that SACC could also look at the possibility of holding other hustings-type events in potentially at a parish level. Not necessarily parish Deputies but getting small groups around and organising regular events.

Rolling electoral registration and e-voting, or i-voting. Yes, the registration is being done. As
2590 Deputy Prow said, it sits currently at Home and certainly SACC will be very happy to liaise with Home and try and see how that should be handled and managed going forward. It will be, I think, a major step forward in our democracy. I cannot mention how many people mentioned to me after the election started, 'Oh, if I had only known. I didn't realise and I didn't register to vote in time.'

So I think, going forward, everybody having that entitlement automatically through an electronic
2595 rolling registration will work, and also it will go back to the point that Deputy Roffey brought up about the actual engagement with the public and how many people actually vote. It will end up giving us a real number of who is eligible to vote and who participated. Hopefully, however we do it, we can carry on increasing the engagement of the public; and I think electronic voting certainly would be a way that would appeal to the younger generation in Guernsey.

Having said which, Deputy de Sausmarez gave an excellent speech on the technical issues in this.
2600 SACC has had brief conversations with Microsoft about this at a very senior level and they basically said the technology is not there yet. The issue would be, even for a small jurisdiction like us, you would have hacker groups or even nation states waiting to see what they can do with it if we go out there as a test case. So, I think it is a step beyond at this stage but that is not to say we are not going to explore it and come back with a further commentary in the policy letter we bring. But I am
2605 just controlling expectations by saying that is the feedback we have had to date and that is likely to be a step too far. Certainly the electronic rolling registration is an excellent initiative and will definitely put us on a step in the right direction.

Deputies Falla and Gabriel mentioned earlier results and a gradual reveal, or how we get the
2610 results earlier in the equation rather than 2 a.m., and how that would encourage media coverage of the election, which again is important because people have gone out of their way to engage in that process and get their vote out there. It would be good to engage them in the results as they go live and be more accessible in that. I think it is definitely something we can look at in the process if there is any way to start, because ballot boxes obviously fill up earlier in the day. Whether there is any way, again ...

2615 But I will have to work with officers, and the Committee, to see whether that is possible to start the count process happening earlier. That could also then work into this early reveal idea where you actually have results posted as boxes are emptied and counted, so that at least you are involved in the process rather than having a final count with a read out of names in alphabetical order.

Nomination signatures. It has been mentioned by a few people and has come up in conversation,
2620 it is something we are reviewing. I would agree with Deputies Falla, Roffey, Bury and Gollop, I personally very much stand to be convinced that increasing the number of signatures will do anything other than potentially hindering some people. I do not see what advantage it gives. That is my personal perspective. But the Committee, it has been put on the agenda for the Committee,

it will be looked at, and recommendations will come back to the Assembly for the Assembly to make its own decision.

Deputy Dudley-Owen, I think, made a point about how onerous the election was on candidates and Deputy Bury mentioned about people in employment and how they could find the time to actually go out and campaign and whether they were disadvantaged. This was the second election I have stood in and this one was far more onerous than the previous one. I know, speaking to unsuccessful candidates, they said how difficult it was, they had so many requests for filling out forms and information, requests for information, events to turn up at, some of which conflicted.

It was very hard for anybody, I think, to keep up with – even I did not fill in all of the requests for information, I again just got timed out or did not get around to it, with other commitments. So I think, going forwards, SACC has already talked about helping to liaise with special interest lobby groups, with think-tanks, to help orchestrate it a little bit ... For instance, in a common diary, where each organisation that wants to have FaceTime with Deputies submits a questionnaire with a deadline. Or at least if we maintained a central diary for candidates so they could look at what is coming up tomorrow and next week, and what deadline I have got to hit, so it is all in one place. I know I missed out on one set of questions for one of the groups wanting to survey because I put it in to do later and I had forgotten about it until after the date had passed.

I think that is certainly, again, just looking at ways that we can facilitate it and make it a little bit easier for the candidates. I also picked up on the point about, possibly, I think it was Deputy Bury again, assistance with marketing campaigns, etc. Not assistance with their campaigns, but in the preamble and the lead-up to the election, sitting down with candidates and saying, 'Okay, this is the type of marketing that was generally done at the last election. These are the kinds of things that can be done. These are the kinds of things we have been thinking about.'

The fact that, as Deputy Gollop mentioned, hitting the deadline for an hour after registration closed, getting your document, your page in for publication in the directory. Two or three people missed that. Again, if we can warn people in advance and give them some kind of schedule, we can give them guidelines on how early you have to write a manifesto if you want to get it published on time. If you do a postal run with the Post Office, you have got to book what day you get it posted out and how long it is going to take to get it delivered.

There are a whole load of things that I think SACC and this Assembly can do to help the next round of candidates, get themselves organised, because not only do we want anybody feeling they can stand but we also have to accept, as Deputy Bury pointed out, that not everybody has a skill set applicable. They may have great strengths that they can bring to this Assembly, although they may not have the skill set to market themselves in the way that this election is evolving. I would absolutely agree that SACC should be looking at ways that we can assist candidates.

Quickly flicking through other comments. The recount, a couple of people mentioned that – Deputy Soulsby, Deputy Dyke. Yes, the recount was very useful in that I think it helped reaffirm confidence in the system, but it took a bit too long and certainly in the paper we are looking at addressing, the issue with the bandwidth and the amount of votes, the percentage or number of votes deviation, so that it is a bit tighter. Because now we are Island-wide voting, of course, we are dealing with much bigger numbers.

Expenses and finances, are always going to be an issue and SACC is definitely going to be looking at how we can make that more transparent, easy to understand, what should and should not be published. DBS checks, again, difficult because somebody pointed out, I think it was Deputy Inder, who is the employer, how do we vet those? Do we actually have a pre-screening process and say to people quietly, 'You cannot stand,' or, 'You should not stand'? Should those DBS checks be public domain information for then people to seize on and dig into? There are a lot of issues I think there that need to be examined. But we definitely will look at it and we will come back on it.

I think before I go on to the one last outstanding major issue, which is 1(a), the independent commission suggestion ... I will go on to that next.

Independent commission: something has been suggested by several of the monitors several times in the Reports is the suggestion is we should have an independent commission. I would ask

the Assembly to approve this and let us explore it. Now, remember, this is accepting a green paper and just giving us the latitude to look at it. The reason it has come to us there is a danger in elections that you lose expertise on how to run elections. You do not have perspective, you have issues sometimes with independence where, I think, Deputy Le Tocq was saying, he was in a room where he said, 'I should not really be here on a panel on this because I am a candidate in this election.'

Accusations of political bias: if we are looking at setting something up we are not looking to hire a whole team of civil servants or pay a fortune to do it. By example, I am Chairman of the Review Board and that is the ultimate body that people complain to through the Complaints Panel if they are dissatisfied with the rulings given by States' Departments. It is completely volunteers and has a budget of £5,000 a year. So that is the kind of thing we are going to be exploring.

I can assure Members I will not be coming back to the States to recommend some kind of empire, if that is what we decide is necessary; but I would ask people to support 1(a) and just give us the ability to examine it and take it forward. All of this will come back to the States in policy letters in detail, with recommendations for the Assembly's consideration, amendment, and prior to implementation.

As a final comment, I would like to echo the views of so many –

Deputy Gabriel: Point of correction, please, sir.

The Bailiff: Point of correction, Deputy Gabriel.

Deputy Gabriel: Sorry to interrupt you, Deputy Meerveld, but something has been troubling me about what you said earlier about auto-enrolment. It is my understanding from some previous research that the Dorey and Green amendment in 2019 factored auto-enrolment into that, and that was carried in the April Meeting of 2019. Perhaps you could clarify my understanding on that because I believe you said that auto-enrolment was not a facility, but in that amendment there is scope for it to be included in the functionality?

Thank you.

Deputy Meerveld: Thank you, Deputy Gabriel. I think you may have misheard me. I think I said it was, it is, that is exactly where we want to be going to, is auto-enrolment.

Anyway my final comment, just before I ... Sorry, I give way to Deputy de Sausmarez.

Deputy de Sausmarez: I thank Deputy Meerveld for giving way. I was just taking the opportunity to remind him if he could possibly explain the effect of voting for 1(b), whether we are voting to review or whether we are voting to increase/introduce, etc.?

Deputy Meerveld: Thank you for that interjection. No, I can absolutely, categorically say simply all the Propositions laid before you today are a green paper. None of them will lead to us implementing anything other than bringing back, looking at them as issues; and, as I stated, my position on the extra signatories, looking at those issues at the SACC level and bringing it back to this Assembly for debate. That includes the commission of it, it includes any recommendations on signatories. Again, what we will do is present the Assembly, very much as we have done in this paper, we have hopefully a balanced report that says, 'Here are the pros and cons of any one area of recommendation. This is what the Committee thinks. What does the Assembly want?' That is the process.

Final words, I would like to echo the comments of quite a number of you who have spoken today in thanking the civil servants, the Douzaines, the volunteers and all the other people that put in a lot of time and effort to make the first, rather unique, election Island-wide such a success, and enable it to go smoothly, at short notice during the COVID pandemic. It was an exceptional effort and every thanks and respect should be given to them.

Thank you, sir.

The Bailiff: Members of the States, as it has been indicated to you, nothing is going to be written in stone, whichever way you vote on these Propositions, because this is a Rule 17(9) – it is almost a warm-up for something later in this Meeting. But I did have a request from Deputy Soulsby for a separate vote on Proposition 1(a).

I am quite happy to have separate votes on everything if that is what you would like, so that you can give an indication to the Members of the States' Assembly and Constitution Committee that, if there is a vote against any particular part of these proposals, then it is a bit pointless doing the work and bringing it back, because it is going to be defeated at that point.

Deputy Roffey also wanted a vote on 1(b)i, discretely, as I think some others do. But are there any other requests for a discrete vote, for example, do you want 1(g) taken separately? Because if there is not then we will go 1(a), 1(b)i – 1(g)? No.

Okay, so the first Proposition I am going to put to you, Members of the States, is simply on Proposition 1(a), which is that the work should be undertaken to investigate the creation of a dedicated, independent elections body for future elections. Those in favour; those against?

Some Members voted Pour, some Members voted Contre.

The Bailiff: I think we might move to a recorded vote on that please, Deputy Greffier, just to clarify.

There was a recorded vote.

Carried – Pour 20, Contre 15, Ne vote pas 2, Absent 2

POUR

Deputy Blin
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Fairclough
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Kazantseva-Miller
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Oliver
Deputy Parkinson
Deputy Queripel
Deputy Roffey
Deputy St Pier
Deputy Vermeulen

CONTRE

Deputy Aldwell
Deputy Brouard
Deputy de Lisle
Deputy Dyke
Deputy Falla
Deputy Ferbrache
Deputy Helyar
Deputy Inder
Deputy Le Tocq
Deputy Leadbeater
Deputy Moakes
Deputy Murray
Deputy Prow
Deputy Soulsby
Deputy Trott

NE VOTE PAS

Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Mahoney
Deputy Taylor

The Bailiff: Members of the States, in respect of Proposition 1(a), there voted Pour 20, Contre 15, two abstentions, two Members were absent and therefore I declare Proposition 1(a) duly carried.

We will move next to Proposition 1(b)i, which is to include in the review of the Reform Laws increasing the number of signatories on the nomination form. Those in favour; those against? *(Interjections)*

Members voted Contre.

The Bailiff: Members of the States, I will declare that lost, therefore.

Members of the States, can I now put the rest of the Propositions to you collectively for a single vote? Those in favour; those against?

Members voted Pour.

The Bailiff: I will declare all those carried.

POLICY & RESOURCES COMMITTEE

5. Amendments to the Court of Appeal (Guernsey) Law, 1961 – Propositions carried

Article 5.

The States are asked to decide:

Whether, after consideration of the Amendments to the Court of Appeal (Guernsey) Law, 1961, Policy Letter (dated 28th May 2021) they are of the opinion:

1. To approve, in addition to those amendments approved by the States at their meeting held on 30th November 2011, the further amendments to the Court of Appeal (Guernsey) Law, 1961 described in paragraphs 3.2 to 3.9 of the Policy Letter, and

2 To approve the Projet de Loi entitled "The Court of Appeal (Guernsey) (Amendment) Law, 2021" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

The Deputy Greffier: Article 5 – Policy & Resources Committee – Amendments to the Court of Appeal (Guernsey) Law, 1961.

2755

The Bailiff: I invite the President, Deputy Ferbrache, to open debate on this matter.

Deputy Ferbrache: This should be, hopefully, a brief debate. The explanatory memorandum says it all but let me just read some of these words:

This Law amends the Court of Appeal (Guernsey) Law, 1961 to incorporate those changes approved by the States of Deliberation at its meeting of 30th November 2011 ...

2760 So we are not far short of 10 years since that Resolution was passed.

Now, in relation to the Court of Appeal Law, it in itself had a chequered history because after the 1948 reforms there was talk about a Channel Islands Court of Appeal but guess what, Jersey and Guernsey did not work together, they did not get on. So in the early 1950s a decision was made to have a separate Court of Appeal. The 1961 Law was passed but it did not come into force until 1964.

2765 It took another three years. So the history is not an untroubled and positive one.

I would have actually liked to see more amendments but I was told when I suggested it, that would cause a further delay and I thought the best part of 10 years was enough of a delay to bring what should be inconsequential and unobjectionable amendments. I would hope, having represented people, sometimes unsuccessfully in a criminal court, that those who are interested in criminal justice realise that the ground of appeal, in connection with appeals that we follow, goes back to 1907. I think that is probably a long time ago and we should have changed it. Even if they changed it in 1968, Guernsey still has not caught up.

2770 So those that are still practising criminal law, that are interested in justice, should realise that Guernsey is justice, because everyone wants everybody convicted unless it is their relative, or their friend, or they are involved and then they want the full greatness of the law applied to them. So, perhaps somebody would look at that. It will not be me, because I will not be here in 10 years' time. I hope I am still around in 10 years' time but I will not be in this Assembly.

I now ask the States to approve these amendments.

2780 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I do not want a brief debate. Maybe I need a brief as well.

I concur with a lot of what Deputy Ferbrache said. I remember in the last States' Chamber, that he and Advocate, then Deputy, Green raised the fact that there were further reforms needed to the criteria for cases that went before the Court of Appeal, and I do not believe they are with us in this particular package. Like him I, too, note that it has taken nearly 10 years.

I think one of the issues is this has gone through, on this occasion, Policy & Resources. But you could argue it could have gone through Home Affairs. Some of it has gone through the Legislation Select Committee chaired by Deputy Dyke, but their role is more to ensure congruence with the original Resolutions rather than refreshment.

We possibly lack political will to do more justice kind of work, which hopefully will change. But I note within it that, for example, there is a lot at play about the role of the Attorney General and not using that English, anglicised phrase, and using HM Procureur, which of course is right. But I wonder how far outside the Island people understand what a Procureur is. In fact, in some quarters, the word '*procureur*' did not always have a great meaning.

Yet rather than necessarily tie into our Norman French traditions there is now a recommendation that judges can make an oath in English. I have got nothing against that but I do not see why judges, who are men and women of learning, could not make an oath in both French *and* English. Presumably, they would have an accurate translation. There is a lot of detail here and why it has taken so long for a Deputy Bailiff to be automatically a member of this Court of Appeal, I do not know.

So, I support it in principle but I think we actually do need to undercut, with more work done in a more expeditious fashion about ensuring that what we do in a Court of Appeal matches other communities, is congruent with Jersey, and so on.

One other point I remember reading that curiously enough the Secretary of State title is being replaced by, sir, the Lieutenant Governor, which is very useful to us and I hope to see further developments so the Lieutenant Governor's office can be used instead of the United Kingdom. But of course it is a different role from the Secretary of State because in the United Kingdom a Secretary of State would be assumed, usually, to be an MP, occasionally a Lord ... whereas the Lieutenant Governor has more of a neutral role. But, nevertheless, hopefully this work will continue.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I completely support the amendment to the Court of Appeal (Guernsey) Law. Just following on from Deputy Ferbrache's opening and Deputy Gollop's comments: of course, the Government Work Plan has approved a Justice Review and work has started on scoping that and a policy letter will come back to this Assembly.

I think that it is an opportunity and a vehicle to perhaps sweep up some outstanding issues, some of which have been mentioned in this debate. So, I very much hope that we do not have to wait another 10 years and that we can use the Justice Review as a vehicle for these sorts of reforms.

We must have confidence in our criminal justice system and a robust appeal system is absolutely fundamental. So, I agree with Deputy Ferbrache and I agree with Deputy Gollop.

Thank you, sir.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I think Deputy Ferbrache, when he spoke, made a valid observation around the extent of the delay and I thought it might be a helpful contribution to the debate to explain at least a portion of that. I can perhaps comment on at least four of those years if not unable to explain the previous six.

Certainly, in the last term, I think it is fair to say that the blockage was not really one for either the draftsmen or indeed for the States, and perhaps you will forgive me for saying this, sir, because I think the issue largely lay with the Court of Appeal itself and it rested on the desk for a considerable time with your predecessor, sir; and indeed I think it is fair to say my observation would be that it seemed to move when there was a change in that particular role.

It is a difficult observation to make in this Assembly, when the parties are not in a position to comment themselves but I do think it is appropriate to observe that there was a delay caused, essentially, outside the control of Members of this Assembly or indeed the draftsmen for that reason, that the Court of Appeal themselves needed to satisfy themselves with the terms of the draft legislation. I appreciate that is probably background that Deputy Ferbrache may have been unaware of.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

This is more of, I guess, a question that perhaps the President may explain the situation a little bit better for me. I read in paragraph 2.1 that the head, effectively, of the Guernsey Court of Appeal is no one less than our esteemed Bailiff of Guernsey but I believe he is obviously as well the head of the Royal Court, if I am correct.

I would like to ask the President of P&R to explain to me how we can have a fully robust judicial system where we have a head of appeals and the Royal Court being the same person?

Thank you.

The Bailiff: As no one else is rising I will turn to the President, Deputy Ferbrache, to reply to the debate.

Deputy Ferbrache: I am grateful for all four speakers but I will deal with Deputy Kazantseva-Miller's question. The Court of Appeal: there is a Court of Appeal Civil Division and there is a Court of Appeal Criminal Division. The Criminal Division deals with criminal appeals from the Royal Court, and it deals with appeals against conviction and against sentence from the Royal Court. It can also, if there is a point of law, sometimes you go from the Magistrates' Court to the Royal Court to the Court of Appeal to deal with, I don't know, it might be an issue of law in relation to a Magistrates' Court conviction. It cannot deal with appeals from the Magistrates' Court, against sentence.

The Civil Division deals with civil appeals above a certain financial limit and where there are matters of law; and also it deals with matrimonial appeals from the Matrimonial Causes Division of the Royal Court.

The panel comprises of – and it will comprise now: the Bailiff has always been President since the Court of Appeal was set up; in Jersey they have had the Deputy Bailiff as a member of the Court of Appeal, maybe forever, but certainly for a long time. We now will incorporate the Deputy Bailiff and I think that is an excellent amendment, because not only is a judge sitting in the Court of Appeal dealing with the appeal there is lots of interlocutory work and it is very helpful to have an on-Island judge to be able to deal with that. The Bailiff cannot deal with it all because he has got one or two other things to deal with. He will be sitting here for the next, probably, three days, four, five, six, seven days, I do not know. But in relation to that, it is always helpful to have that.

The appeals are dealt with, a panel of three, unless there is a particular issue; sometimes you have a panel of five or seven in criminal appeals if the court is laying down general sentencing policies as it did some years ago in connection with drugs. But civil appeals are dealt with by three judges. We have got an excellent panel of judges. They vary because you have got English judges, Scottish judges, or they might be senior practitioners.

I can remember the first Court of Appeal that I appeared before, was then Mr Hoffmann, who became Lord Hoffmann, one of the senior Jurists that we ever had. Then Lord Clyde, or the

gentleman who became Lord Clyde, who was probably again an eminent Scottish Jurist; and I believe another gentlemen who became a Lord Justice.

2885 So for a humble Guernsey advocate standing in front of these august bodies trying to splutter out a few words it was a significant thing. We are very well served with the judges that I have experienced over the last 40 years, that have comprised our Court of Appeal. We have an excellent system of justice and of course there is an appeal in certain circumstances to the Judicial Committee of the Privy Council.

2890 Just to complete the history lesson, before we had the Court of Appeal, the equivalent of the Court of Appeal was called *La Cour des Jugements et Records* which was really just the Bailiff sitting with another group of Jurats who had not decided the case in the first instance, and it was a bit of a mismatch and every 10 years or so there was something that went to Privy Council.

I hope that deals with the point.

2895

The Bailiff: Well, Members of the States, there are two Propositions. I will put both of them to you together. All those in favour; all those against?

Members voted Pour.

The Bailiff: I declare both Propositions duly carried.
Next item, please, Greffier.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

6. The Island's Future Aggregate Supply – Debate commenced

Article 6.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'The Island's Future Aggregate Supply' dated 28th June 2021 they are of the opinion:

1a. To agree the principle of on-island quarrying in order to provide the future supply of aggregate for Guernsey (Option A in the policy letter).

Or, only if Proposition 1a shall have been defeated,

1b. To agree the principle that the future supply of aggregate for Guernsey shall be through importation (Option B in the policy letter) on exhaustion of existing aggregate reserves at Les Vardes Quarry.

2. If Proposition 1a is approved:

a) to agree that Phase 3 of the development of Chouet Headland for quarrying will be subject to a decision of the States as to whether on-island quarrying remains the most appropriate method of supply of aggregate for Guernsey at that time, and to direct the Committee for the Environment & Infrastructure to provide the States with updated evidence to inform their decision no later than five years before the completion of Phase 2.

b) to direct the Policy & Resources Committee, in consultation with the Committee for the Environment & Infrastructure, to continue negotiations with land owners in relation to Les Vardes Quarry and Chouet Headland, including, where appropriate, in relation to the acquisition of land or the right to use land, in order to best achieve the States of Guernsey's strategic aims in relation to on-island quarrying and other potential future strategic uses and to bring forward its recommendations to the States of Deliberation.

c) to direct the Development & Planning Authority to complete the Development Framework for Chouet Headland in order to give planning guidance for the area safeguarded for mineral extraction; and

d) to note Ronez Limited's agreement to offset local negative environmental impacts in the short and long term, to achieve overall biodiversity net gain (see section 10.68).

3. If proposition 1b is approved, to direct the States' Trading and Supervisory Board and the Committee for the Environment & Infrastructure to submit propositions and a policy letter to the States which establishes the infrastructure requirements associated with the importation of aggregate and includes updated estimates of any financial implications to the States of any improvements needed in relation to infrastructure, storage space and other matters to allow for future supply of aggregates through import and any proposals needed for approval of funding of the same.

2900 **The Deputy Greffier:** Article 6 – Committee *for the Environment & Infrastructure* – the Island's future aggregate supply.

The Bailiff: I invite the President of that Committee, Deputy de Sausmarez, to open debate.

2905 **Deputy de Sausmarez:** Thank you, sir. Apologies for the delay it was actually a pronunciation question I fielded to Deputy Le Tocq.

2910 Sir, aggregate is an essential commodity for the construction industry. It is either supplied as dry stone or used in the manufacture of concrete, concrete products and asphalt. In other words, if there is a demand for construction, whether that is home improvements or new housing developments, or road maintenance or major infrastructure of the kind envisaged in the Government Work Plan, like schools, harbours and hospital buildings, there is a demand for aggregate.

2915 The level of demand can fluctuate year-on-year but in a normal year, without a lockdown, the current base demand is 110,000 tonnes. That base demand is currently met through extraction at Les Vardes Quarry and supplemented by a smaller volume of other materials, which are imported: 500 tonnes of coarse aggregate, 10,500 tonnes of sand and 8,000 tonnes of bulk cement.

2920 As Members will be aware, Les Vardes is now the only working quarry in the Island. Its origins as a quarry date back around 200 years and Ronez have operated it since 1961. Anyone who has visited Les Vardes or walked around the nature trail there, will appreciate quite what a significant volume of stone has been extracted over its lifetime as a quarry. But that is now drawing to a close. The unconstrained reserves, which are those that can be extracted without moving the plant, were just 191,000 tonnes at the end of August and are expected to be exhausted by the end of 2023.

2925 There is a further 487,000 tonnes of aggregate at Les Vardes, effectively trapped under the plant. These are known as the 'constrained reserves' and can only be extracted when the plant and the equipment is removed. If the headland at Chouet is developed as a quarry, Ronez would keep the plant at Les Vardes *in situ* until a new plant is installed at Chouet and then remove the original plant and extract the remaining reserves. If Chouet is not developed as a quarry, Ronez would use a mobile plant to process the constrained reserves. However, a mobile plant would have a more limited processing capacity, so roughly 50,000 tonnes a year would need to be imported while those

2930 constrained reserves are extracted.

2935 So, to Chouet. The headland has a long history of granite extraction, with six former quarries bearing testament to the role the area has played in the sector over many decades. Today, it is the only location in the Island with commercially viable stone reserves so, if on-Island quarrying is to continue, it has to be at Chouet. The headland is 70% owned by the States of Guernsey and 30% by Ronez. If the Assembly decides to develop it as a quarry, the area will be worked in three phases, starting phase one with the land owned by Ronez, and with phases two and three falling within States-owned land.

2940 This Assembly is tasked with making an important binary choice. Should aggregate be supplied through on-Island quarrying or should we supply it through importation alone? There are undoubtedly benefits and disadvantages to both options, which makes it a very tricky decision. But no matter how difficult, the States does need to choose one of these two options. The alternative, in other words the effect of both sets of proposals being rejected, is that construction in the industry effectively stops.

2945 Both options, on-Island quarrying and full importation, are valid and workable and the Committee will, of course, diligently implement whichever is chosen. Deciding on a recommendation to bring to the Assembly was, in itself, a long and detailed process. Testing the patience of our officers, perhaps, we were keen that this issue should be considered in the round, taking social and environmental factors into careful consideration, alongside economic factors.

2950 These very different kinds of factors cannot be compared like-for-like, so it is inevitable that decisions will be subjective, to a degree, because ultimately it comes down to how individuals weight the importance of some things relative to others. The recommendation in the policy letter is not unanimous but by a majority. The views across the Committee are by no means polls apart. In fact, in some respects, they are very close. But, ultimately, two different conclusions were reached from the same body of evidence considered. Hopefully, this will make for a better debate.

2955 I will explain why the majority of the Committee recommends on-Island quarrying and E&I's vice-president, Deputy Haskins, will explain the minority recommendation for full importation. We have tried to present the information in the policy letter as objectively and transparently as possible, so as to help Members of the Assembly reach their own informed conclusions. I will summarise as concisely as I can the main factors we are asking the States to consider in order to come to a resolution and explain the reasons behind the majority recommendation.

2960 The economic case is relatively straight forward. The economic impact of continuing to quarry on Island would be minimal, as operations would continue in a similar manner, maintaining similar levels of employment. Importing all our aggregate, on the other hand, would incur additional costs. The full infrastructure requirements to facilitate importation still need to be determined by the STSB if that is the decision the Assembly make.

2965 From initial correspondence, it seems likely that there would be significant costs involved in maintaining or purchasing the required equipment and finding a suitable storage location for aggregate before it is transferred to sites. These costs will be reflected in the price locally of aggregate and aggregate-related products, which would have a knock-on effect on the cost of construction more generally. Factors affecting house prices and investment in infrastructure do need to be given careful consideration in the current context. A move to full importation would also result in redundancies in the quarrying sector, although some additional workforce may be required at the ports to facilitate increased levels of importation, which would partially mitigate those redundancies, at least at the theoretical level, if not at the personal level.

2975 Another important aspect that should be considered is that of security and continuity of supply. Quarrying on Island does not make us fully self-sufficient by any means. But it does give us a reasonable level of security over local supplies. Continuing with on-Island quarrying would continue that level of security for the next 30-35 years, with any additional demand from large-scale projects met through importation, as is the case now.

2980 A move to full importation, on the other hand, would make more of the supply chain vulnerable to external factors beyond Guernsey's control. This could affect both prices and logistics. These are real risks. Members will be aware of the situation relating to the shortage of haulage drivers in the UK as a very current example of our vulnerability to supply chain pressures. It is, of course, having a tangible and economic knock-on effect to our building trade and other aspects of life here.

2985 Guernsey's demand is small compared to other jurisdictions and so is unlikely to generate enough competition to ensure continuity of supply or competitive pricing. Add to that uncertainty around weather, tides and even the availability of the type of vessel able to deliver aggregate to the Island, the risk to Guernsey is significantly increased.

2990 The social and environmental cases are more complex and nuanced. The Chouet Headland has a social value, particularly in respect of its amenity but also its cultural and heritage factors. There is no doubt that if Chouet is developed as a quarry, the amenity value of the area would be impacted. Members of the public would not have as wide a range over the area as they currently do, although the path around the headland, which is where much of the biodiversity is concentrated, in fact, would remain accessible, and we anticipate would in fact be enhanced.

2995 Much of the social amenity impact, such as the potential loss of the shooting range and model flying club, would be concentrated in phase three, though. This is one of the reasons the Committee is recommending what amounts to a break clause between phases one and two, and phase three, in order to determine if quarrying on Island remains the most appropriate method of supply at that time, given the potential changes to technology and construction techniques that could occur over
3000 the considerable time until phase three is required.

Should phase three go ahead, the pistol and model aircraft clubs will need to be relocated, but there is some considerable time to ensure that this is done. I should also stress that the pre-Martello Tower and its Battery is a protected monument and would therefore be given a *high* degree of protection from direct or indirect effects of any quarrying even if phase three is progressed.

3005 There would, of course, also be a social impact on neighbours in the area and I would like to take this opportunity, actually, to thank them for reaching out to me and engaging really constructively. They have made their case eloquently. Their concerns are valid and I am certainly not going to dismiss them. No matter how much mitigation we put in place through the planning process, there is no denying the fact that these residents and businesses will be impacted. I think it
3010 is important that the Assembly understands these impacts and takes them into account in coming to a decision.

When I met with the residents, they questioned how I could be sympathetic to their concerns and yet still recommend that on-Island quarrying continues. I explained to them that when we make decisions at a strategic level we need to weigh up a lot of different factors. The issues they raise are
3015 valid and it is right that they are represented. But in the view of the majority of the Committee, the balance of arguments on the other side is stronger. That does not, and should not, take away from the validity of their concerns and nor should it, in any way, excuse us from mitigating them as best we can.

If we move to full importation we would avoid those social impacts at the Chouet Headland but,
3020 on the flip side of the coin, there would be different social impacts associated with that option, such as a significant increase of HGVs moving through and between St Peter Port and St Sampson's. The relative environmental case is most complex of all. Environmental impact has many layers. There is ecological impact and there are carbon emissions. There is local impact and wider impact. There is the short- and the long-term and sometimes there are tensions and contradictions between these
3025 different layers of consideration.

One such internal tension is carbon emissions. Logically enough, quarrying at Chouet will create significantly more direct carbon emissions, i.e. those emitted in Guernsey, compared with importing all our aggregate. However, when Aether looked at emissions associated with each option, they
3030 concluded that emissions overall would be greater under the importation option. This is for two reasons. First of all our aggregate extraction compares fairly favourably in carbon emissions terms with some other forms of extraction, such as marine-won aggregate. Secondly there are additional emissions arising from the need to ship this heavy, bulky material to the Island.

Our Climate Change Policy explicitly looks beyond the narrow scope of direct emissions, so these emissions generated by the importation option would need to be taken into account and indeed
3035 accounted for in our net-zero target in the longer term. We do look at quite a wide scope of environmental impacts, including transport, noise, vibration, water, heritage, landscape and visual impact; but a key focus, quite rightly, of the local community is on our local ecology.

If the States agrees to continue on-Island quarrying there will be no doubt about it, a medium-term, negative ecological impact at Chouet, which would not be the case under the full importation
3040 option. We have included quite a lot of information in the policy letter and appendices on the

potential impact, to give Members and the community a good general idea of the biodiversity value of the area. The most species-rich habitats were in fact found near the public path around the headland, which is not in the area that would be quarried and, if anything, these areas will be enhanced further.

3045 At this stage, we need to make a high-level strategic decision so the level of detail is, in that respect, quite generalised. But I should stress that if we opt to quarry Chouet, the planning process will require a full environmental impact assessment, which will go into much more specific detail and it is *that* process that would put in place the proper protections and mitigations.

3050 Over and above this, Ronez has agreed to implement biodiversity net gain, which will not only enhance the overall environment in the long term but will also provide a useful pilot for the Government Work Plan workstream. They have also gone above and beyond and agreed to offset local negative environmental impacts in the short term too, if Chouet is developed and, if so, we will continue to work with them at the planning application stage.

3055 Full importation would have less localised environmental impacts. But it would not deliver the short-term benefits, such as the clearing of the Torrey Canyon Quarry. It is worth noting, though, that any aggregate we use in Guernsey creates a negative environmental impact, irrespective of where it is extracted and there is an ethical question to consider around creating greater environmental and climate impacts overall by offshoring our emissions and impacts.

3060 Just as environmental impacts would be looked at in far greater detail and mitigated through an EIA, so too will HGV movements be more closely analysed and mitigated through a traffic impact assessment, again as part of the planning process. Some high level information has been included in the policy letter but there is of course a range of potential vehicle movements depending on factors such as truck size and the length of the quarry's operational day. Even so, the high-level analysis indicates that it would not be any higher and more likely lower than the number of vehicle movements in the area when the landfill site was in full operation and at its peak.

3065 For balance, we do need to bear in mind that full importation will not eliminate the traffic impact, just move it. That option would result in a significant increase to vehicle movements across the Island, especially through St Peter Port and St Sampson's. Determining the future supply route for aggregate is a serious strategic decision. It enables the delivery of our own agreed priorities but also the construction industry as a whole, as we recover from the COVID-19 pandemic.

3070 I would like to take this opportunity to remind Members that the decision today is about future aggregate supply and not the potential use of Les Vardes Quarry for any future strategic purpose, once exhausted. That could well be a very important debate in its own right in future but a debate on it today would be premature without the full spectrum of relevant information necessary to make a properly informed decision.

3075 As agreed through the Government Work Plan, my Committee will be working closely with the Development & Planning Authority and the States' Trading Supervisory Board to bring forward a policy letter in 2023 on the future use of Les Vardes Quarry. In order to do this, evidence will be gathered and analysed to determine the best long-term interests of the Island for waste, water and stone.

3080 It is important that decisions about any possible future use of Les Vardes are evidence-based but equally important that this does not detract from the separate and more immediate decision that we have to make today. With this in mind, I would ask colleagues not to fall into the potentially time-consuming trap of mixing the two separate topics during this debate.

3085 So, to conclude: the Committee, by a majority, believes that the continuation of quarrying on Island achieves the best balance between the States' economic, social and environmental objectives and is most closely aligned to both the States' Energy and Climate Change policies. I look forward to the debate.

3090 **The Bailiff:** Deputy Queripel.

Deputy Queripel: Thank you, sir.

I am going to vote in favour of Proposition 1a and do that for the reasons I am about to relay in this speech. Members of this Assembly will have all read the positives and negatives in this Report and, as with every issue we debate in this Chamber, this is all about balance.

I have done my best to attain balance in my considerations. As regards Chouet Headland, the reality is there has been a rubbish dump on Chouet Headland for years. There has been a green waste dump there for years. So it is already an area of heavy industrial activity. And if we do not give this area over to Ronez then several people will eventually lose their jobs and end up claiming unemployment benefit. That will be a cost to the community.

Not only that, but those people will not be paying anywhere near –

Deputy Oliver: Point of correction, sir.

The Bailiff: Point of correction, Deputy Oliver.

Deputy Oliver: Deputy Queripel cannot say that if the people lose their jobs they will not be able to get other jobs. That is very subjective.

The Bailiff: It is subjective but it is his opinion, Deputy Oliver, and he is entitled to express that opinion in the way he is giving it. He is not misleading the States as such.

Deputy Queripel to continue, please.

Deputy Queripel: Thank you, sir.

Those people will eventually lose their jobs and end up claiming unemployment benefit and that will be a cost for the community. Not only that, but those people will not be paying anywhere near the amount they currently pay in the system via tax and Social Security contributions. So that is another cost to the community.

Aggregate will then have to be imported, which will add another cost to every single building project that takes place here in the Island. Plus, of course, we need to bear in mind the cost to the environment and the carbon footprint, with all the extra cargo boats entering and exiting our harbours. Plus, we will also then be relying on other jurisdictions to supply us with what we already have here on Island; and where is the sense in that? Because we already rely on other jurisdictions for our very survival. We rely on them to supply us with electricity and we rely on them to supply us with the vast majority of our food. Surely we need to stop relying on other jurisdictions so much.

There are supply problems all over the world with all sorts of things at the moment and that is not just going to go away any time soon. This is the new norm. We are really struggling with Brexit and we are struggling with COVID. We are really struggling with food supplies and we will soon be struggling with fuel supplies. Why on earth would we put ourselves in a position where we are struggling with such a basic building commodity as aggregate, when it is already here?

Now, when we do end up struggling, as we will if we do not agree to Proposition 1a, our construction industry will practically grind to a halt. Hundreds of people could potentially lose their jobs and hundreds of people potentially apply for unemployment benefit, and the same scenario will apply that I referred to earlier. Paying out unemployment benefit will be a cost to the community and all those people who once worked in construction will not be paying anywhere near the amount they are paying now in tax and Social Security.

Major costs to the community. And now we have to bear in mind, of course, that all of that will happen at a time when we need to be building as much affordable housing as we possibly can in order to encourage our young people to stay here on the Island and make their lives here, and at a time when we need to build as many care homes as we possibly can in order to ensure that those people who need that level of care are appropriately housed.

So, why put ourselves under all of that pressure and trauma when we already have what we need here on the Island? It would not make any sense. Now, for me to say I am great supporter of biodiversity might sound a little odd, bearing in mind I am all in favour of this proposal at 1a, but I

3145 am a great supporter of biodiversity. I was an active member of Floral St Peter Port for several years and also an active member of the Art of Living Community Projects Group for several years until my problems with my back put paid to all of that. But I realise how vital and how crucial and how valuable biodiversity is, and I want to do all I can to not only maintain it but improve it wherever possible.

3150 With that in mind, what I would like to see is E&I provide more areas for biodiversity to flourish, just like they did at Jerbourg Point not so long ago. In my view, if you are losing an area of biodiversity somewhere then it should be replaced in another area, somewhere else.

So moving towards a close, sir, I would like to hear an assurance from the President when she responds, please, that her Committee are always mindful of that and that they are always looking
3155 for areas where biodiversity might be encouraged. If she can give the Assembly that assurance then that might just sway some Members who are concerned about the loss of biodiversity in this case.

In asking for that assurance, sir, I am fully aware of what we are told at the bottom of paragraph 1.4 when we are told that there are always opportunities to improve our biodiversity in other parts of the Island. So, I am seeking clarification on that, sir: are the Committee always mindful
3160 of that? And do they actively seek out areas where biodiversity can be improved?

Thank you, sir.

The Bailiff: Deputy Haskins.

3165 **Deputy Haskins:** Thank you, sir. I was hoping to have been the second Member to speak but I was not quick enough on my feet.

This is a question that has been around for 30 years and it has us somewhere between a rock and a hard place. (*Laughter*) Members will have to pardon the puns, there are a few gems, though.

Should we continue to quarry on Island? That is the question. We are being asked to separate
3170 out all the other inter-dependencies and only ask a simple question. As I say, the plan to quarry Chouet was made some 30 years ago, perhaps even more. Some Members may have been here for a good portion of those. But I urge Members to listen carefully to my arguments against on-Island quarrying, first. After hearing this, and through you, sir, *then* make up your minds as to whether you think giving the go-ahead to destroy Chouet Headland, Ebenezer Le Page's home turf and that of
3175 many other creatures, for a new quarry is the right way forward for our Island.

So, to quarry or not to quarry. Economy versus environment. Now, I have a quote for you, through you sir, from Professor Guy McPherson:

If you think the economy is more important than the environment, try holding your breath while counting your money

3180 So, going back to the inter-dependencies I mentioned, when asking should we quarry on Island, what are they? Why are they relevant? Well I will explain why. The decision to quarry on Island or off will have an impact on decisions and costs made regarding the harbour, our water supply storage capacity, our inner waste disposal and the development of our Island infrastructure. Every one of these has an economic impact.

So, I believe that asking to separate out all the inter-dependencies from this decision is a mistake.
3185 How can we truly and fully appraise when we are not taking a holistic approach? It is quite clearly not a question of just quarry on Island or off, but I shall do my best.

We have been quarrying on Island for a long time. Our Island is one big rock. Some call it 'The Rock', so that makes sense. Dig a hole and we use the stone to build houses. To many Members that might make sense. We have plenty of it. Well, according to Ronez there is only one site left on
3190 the Island. Only one commercially viable site of the right type of rock left and we are told there are between 3.5 to 4.1 million tonnes, or 30 years until rock bottom.

Before I continue let me just make sure Members are aware of exactly what we are talking about. We are talking about removing a chunk from L'Ancrese Common, strip fields, German Bunkers, and a wonderful amenity for locals and other creatures, and blasting into our Guernsey granite to
3195 produce aggregate – crushed rocks that are used in concrete.

You know what? The Guernsey flagstones of old are granite. Bordeaux diorite, to be precise. In fact there are three rock groups in Chouet alone. Something I have recently learned is that geology is a hard subject. (*Laughter*) Anyway, put simply, the right stone is crushed into little pieces of thinner material for concrete. We use traditional aggregates for concrete products and our roads.

3200 But let's look at these two. Can we do things differently? What about concrete? Concrete is the second most used material on Earth. It is also the second largest emitter of CO₂ emissions. My question: is concrete made with local aggregates and imported cement the future of Island construction? Are there other alternatives? Yes. Hemp, paper, fibre, waste plastic, post-consumer glass and concrete debris. They are all examples. So why are we not seriously looking into these examples rather than going for the same old traditional method?

3205 Let's look at roads, asphalt. We use aggregate and instead of cement we use tar. Are there alternatives for this, too? Yes. Crumbed rubber, scrap tyres, as an additive in asphalt is considered a sustainable construction method. By adding rubber you are decreasing the amount of aggregate required in the mixture and by needing less aggregate in the first place, making it cheaper and re-using tyres, which we would pay to dispose of anyway.

3210 Then, we have recycled plastic. Also an accepted alternative additive to asphalt instead of aggregate. I will say 'additive'. These are examples where the construction sector is developing new and innovative solutions for a more circular economy, an intelligent economy, where waste products are not wasted but instead they are used as a resource. Waste used as a resource. The point I am making is that doing things differently can conserve our natural resources, reduce waste production and of course reduce the cost involved. And, as an extra benefit, decreases our Island's carbon impact. That is four birds with one stone.

3215 We should be making a move to be as self-sufficient and sustaining as we can be. We should not just look to implement a 30-year-old plan that only lasts 30 years. This plan, I suggest, is no longer fit for purpose. It does not consider all the current inter-dependencies and actions we need to take in order to deal with the global pressures caused by environmental degradation, plundering natural resources and of course pollution.

3220 I believe we need to look at other viable alternatives and do so right now, if indeed we are genuine about being more sustainable. Let me be clear, quarrying the only bit of stone we have left commercially available is not sustainable. Sustainability means meeting our own needs without compromising the ability of future generations to meet *their* own needs. There is only 30 years or so supply in Chouet. What do we do after we have depleted this resource? It does not, like money, grow on trees. We shall, of course, have to move to importation anyway. This Assembly faces many difficult decisions but I must urge Members not to do things the same way just because it has always been done like that.

3230 Anyway, back to the quarry. We have been informed that by the end of 2023 the unconstrained reserves will be exhausted. There is another 487,000 tonnes available, but it is constrained, as the current plant sits on top of it. So, they will have to move the plant to quarry it. On paper, that gives us another four or five years, taking us to 2027 or 2028. However, we have been told that only a mobile plant could be used to process this remaining stone. The existing plant has to, of course, be dismantled to get underneath it.

3235 The production rate, as Deputy de Sausmarez alluded to, is slower than the fixed plant. It can only process around 60,000 tonnes a year. On paper, therefore extending the life of Les Vardes Quarry to 2032. It is important to note at this point that full importation of aggregate would only need to *start* from 2032 but it is important to note, in order to make up the current average production rate of 110,000 per annum, partial importation would start at the end of 2023. This gives us over two years to make any necessary arrangements just for partial importation and around 10 years to prepare for full importation.

3240 Let's drill into our Island's quarrier. Ronez, it is owned by SigmaRoc, a UK, AIM-listed plc. It can be invested in by anyone, in fact Members may well be invested. As a plc, its primary aim is to maximise profit for its shareholders. Chouet Headland, which is part of L'Ancrese Common is owned 70% by the people of Guernsey through the States and only 30% by Ronez/SigmaRoc.

To quote from the *Investors Chronicle*: 'Ronez is a market-leader in the Channel Islands where there are high barriers to entry ...' and they have 'a low tax charge resulting from Channel Island-operating companies.'

Low tax and Chouet is 70% public land. As I say, the expectation that Chouet would be quarried for aggregate has been on the cards for a long time. Did you know that asbestos was not fully banned in the UK until 1999? The first mention of this quarry plan I can find dates back to 1987. Times change. The *Chronicle* also states: 'Ronez is in negotiations with the States of Guernsey to lease the portion of the Chouet site that it does not own.'

This was in 2019. To me, given the amount of time this has gone on and now apparent urgency, this further illustrates the lack of thought that has gone on, in my mind, into developing our Island's infrastructure in a sustainable manner.

Now the main thrust of this debate is predicated on on-Island quarrying being better for the economy; and, by better, I mean cheaper. Cheaper for companies developing our green sites and fields for housing, cheaper for homeowners wishing to extend their houses. It is cheaper for Island infrastructure, roads maintenance, and we definitely do not need any more increases to construction costs. Not right now. In fact, we are just about to start a few big projects. We will probably need much more aggregate.

I have two things. We are talking about two years more of the *status quo*, even by moving to importation. Two, if consumption is higher than our production we will have to import aggregate to meet this extra demand in any way. So let us have a look at the cost. Simply put, we are told it is more expensive to the Island to import stone and the average Islander will be worse off. What are the costs, though? Why is it more expensive? Have we really unearthed and understood all the economic, social and environmental costs to the company, the Islanders, dependent businesses and of course the natural habitat and heritage value of this corner of L'Ancrese?

Now I believe the policy letter tried to do that but, with the speed at which it was produced due to the urgency I mentioned, the urgency of inter-dependencies from the option to quarry on Island, I believe certain things were not brought out as much as they could have been and might not have been scrutinised as much as they should have been, and perhaps I have to hold my hand up.

Before I dig into the costs I want to ask what if, when looking at other factors and costs, quarrying is not the cheapest option? What if it were more expensive? Would this change the way Members vote? Through you, sir, I will ask that question again. Would you quarry on Island if it were more expensive?

I am going to explain the very reasonable doubt in my mind and why I have taken a different view to the majority of the Committee. I will first put the economic issues into context and then explain why it may not be possible to get that economic benefit we have been told exists, after all.

What are the costs to businesses using aggregate? Using figures that Ronez has supplied, the current price of aggregate is £30 a tonne. They also estimate that partially imported aggregate will increase this cost by £7.50 and that full importation would increase the costs by £10. So, from £30 to £40 per tonne. So what is the increase in cost to businesses? Let's not fool ourselves. There is no increase in costs to businesses using aggregate because, what do all businesses do? They pass it onto the consumers, customers, Islanders. Suppliers do this all the time. Just look at the price increases in day-to-day consumables, from coffee to dog food.

What does it really mean to consumers, or rather taxpayers? If it is more expensive to resurface a road then eventually the cost is passed on to us, the taxpayer, and shared between us. After all, we all use our roads. If you want to build a new house, though, it might cost you more. More than last year? Last year there was an increase of almost 15%. Was the supply of aggregate to blame? No? COVID? Perhaps.

Let's have a look at what an increase in cost in aggregates would mean to house prices. To do this, we need to put all the costs into context. The estimates of the rock in the proposed quarry are 3.5 million to 4.1 million tonnes. Using 3.5 million, the lower end, and an extraction rate of 125,000 tonnes a year, that gives us 28 years. So, in as little as 28 years, the quarry could be depleted and we should be moving into importation. That is a stone-cold fact.

3300 So, through you. sir, for those of you who are asking yourselves importation versus on-Island quarrying, it is not strictly fair, is it? It is more of a question of importation now, or importation in 30 years, after of course changing the landscape of our Island forever. For some context, in 30 years' time, I will be 66.

3305 Okay, back to prices. Currently the price is £30 a tonne for Island aggregate; 3.5 million tonnes would cost us £105 million. At £40, full importation rate, this would be £140 million. That is a total difference of £35 million, or £1.25 million per year over the 30 years. Let's put that into perspective. The average house price rose by 14.8% at Q1 last year. The average house price currently at almost £510,000. That difference of £960 equates to less than 0.02%. There is the context, an increase of 0.02%. A tenner more for a tonne of crushed rocks.

3310 But, through you sir, do not forget I have said that that economic benefit might not be there after all. To do so, we will have to look at the cost to Ronez because there are of course additional costs to the company in setting up a new quarry, and I will unpick these, along with the scale of this cost because it is important.

3315 Remember, any increase will be passed onto the consumer. So what are these costs? I will rattle through the list and tot them up at the end, so Members can understand the scale. Of course, these figures are on my own back of an envelope but nevertheless need recognition. Dismantling and removal of the current plant, purchasing an entirely processing plant, installing said plant, purchasing or renting a mobile crusher, purchasing dedicated trucks to haul part-processed aggregate, drivers for the new trucks, new electricity substation, new cable infrastructure, removal
3320 and dumping of the over-burden in order to get to the stone, installation of environmental noise and visual screening along the coastal path.

Then you have the environmental work for biodiversity net gain. I think this stands for the price that we are putting on the environment, not that we have any idea now what it is, how long this net gain will last, what it will look like, if it is achievable or how it is measured. It is a pilot, as we have
3325 heard.

Then we have additional fixed overheads for having two quarries pumping electricity, etc., and perhaps additional added proportional explosives costs for two quarries, added transportation costs between two quarries for parts processed on each site, the cost to clear Torrey Canyon – that is in the policy letter I do not have to magic that number up, that is £1.5 million. I think you can
3330 understand some of the scale of these costs.

The cost to rehome the pistol club. I mentioned, we heard, that there is a break clause so, after phase one and two, there could be a break clause so that phase three might not go ahead and then some of these extra, large costs might not have to happen. But also in the policy letter it states that if you do not do phase three, phase two will not mean you have full extraction, which then affects
3335 the bottom line and let's not forget that this is apparently about the economic benefit.

Then you have the cost of the environmental impact assessment. I do not believe those are cheap these days. Cost to enhance the public highway. The cost of extra environmental mitigation factors for dust and noise for a plant being higher up and closer to an SSSI – a site of special scientific interest – over the lifetime of the quarry.

3340 Then you have the cost of new road infrastructure, a new explosives store for Guernsey Police, decommissioning of the new plant once the quarry is exhausted. Then of course there is the cost of royalties to the States mentioned in the policy letter. That is the largest single cost. I think it would also be prudent to consider the cost to reinstate or perhaps purchase the land after the new quarry. Also any effects to local businesses and the potential nine redundancies there. The potential risk to
3345 the pre-Martello Tower, or Loophole Tower, from being impacted. It is a potential, it is a risk. Any health, litigation claims, the negative impact to the local environment and then any other unforeseen costs.

According to my calculations, and I do not think I have left any stone unturned, this equals £25 million. Add a 25% contingency and we are looking at a total figure of *£35 million*. Whatever
3350 the scale of these costs are, moving from a depleted site to a virgin site has extra costs. The potential for these extra costs are huge and they will be passed on to the consumer.

So, just looking at the economic cost and forgetting the negative environmental effects for a minute, if the extra costs of a new quarry are of the same magnitude as importation, then the price of on-Island aggregate will be increased to absorb these, meaning that it might not be cheaper after all.

Just to recap, demand is estimated at 125,000 tonnes a year. If we move to fill importation Ronez will still quarry the remaining constrained stone, that underneath the plant. They will have to use a mobile processing plant. They have estimated this output to being 60,000 tonnes a year. This meets only 50% of the demand and is 50% of the output.

We are told in paragraph 8.3, if output is reduced by 40%, the price would need to be £40 a tonne. Well output has been reduced by 50%, so for both these to be true, the shortfall, the imported element, would have to be around £35. If we are told that the partial importation would equate to a cost of £37 per tonne, it does not make sense. They cannot all be true at the same time. Something, somewhere, is incorrect.

Out of interest, what is the trend of aggregate use? There is a downward trend in the use of new aggregate. The demand used to be 140, at just over six years it was 125, then it was 110 and last year it was only 93. Recycling rates are growing, meaning less new aggregate is needed, which is great, but it affects the price going forward, due to those fixed costs mentioned. Ronez did tell us that a 40% reduction would increase the costs of on-Island to £40 a tonne. So, how long is it before that trend brings us to exactly that figure?

I have to remind Members we do not have control over the current price or the future price of on-Island aggregate. This is important, so I will repeat it. We do not have control over the current price or the future price. Through you, sir, I will have to ask Members, again, would Members quarry on Island for no economic gain and certain environmental loss? I hope not, especially given the environmental factors that I shall go through now.

So, what is the cost to the environment? How do we quantify the cost to the environment? Where do these costs end up, whatever they are? Well, they will be borne by not just this current generation of Islanders for a further 30 years and potentially longer, but also for every single generation to come because the landscape will be changed.

Turning to these environmental considerations. Let's be clear, though, if this policy letter were purely about local environmental factors, absolutely nobody would agree to quarry on Island, I hope. It definitely has a large negative effect on the local environment: the noise, the dust, the transportation, the vibration, the destruction of the landscape forever, the loss of habitat species, fauna, the lowering of air quality, social impact and of course cultural heritage sites.

But helpfully there were a few documents. Let us look at some of these figures and reports. Now in June 2020 the States of Guernsey commissioned a consultancy to undertake work to assess the potential carbon impact of different quarrying options for Guernsey, Appendix B. But it uses some assumptions that are incorrect. The Report uses St Peter Port Harbour for its calculations on shipping distance. The Report also uses a website that, when I visited, stated that St Peter Port to Portsmouth, for example, is 187 nautical miles. It is 215.

In reality and after a quick look on my Navionics, it is actually around 100 miles. This is almost half the distance but they have used this figure for their calculations in assessing the carbon impacts of the shipping element. (*Interjection*) Half-load, yes. By using St Peter Port as the basis for calculations, this will also skew the carbon emissions for the transport for importing from St Peter Port going up to St Sampson's. But we are told we need new cranes in St Sampson's. St Sampson's is where we might, where we should, will be, importing the aggregate, not St Peter Port. That is, of course, if there is not an issue with the cranes.

But I believe these anomalies show that the figures used do not hold up to scrutiny. The figures are weighted towards on-Island quarrying, as opposed to importation.

The policy letter suggests that we must include indirect emissions that occur in a company's value chain. Scope 3 emissions. We must use these for imported aggregate. Yet we do not include Scope 3 emissions for importation on any other goods. This includes other construction materials, iPhones and other electrical goods, to name a few. So why now, then, when the only Scope 3

emissions that do count towards our 2050 target, as per the Climate Change Policy & Action Plan are off-Island travel and cruise ships and waste management? As stated in the policy letter, if only direct, Scope 1 emissions are considered, as per the greenhouse gas inventory, scenarios that involve significant importation would have considerably lower emissions.

What about traffic analysis? The traffic analysis also has its faults. I alluded to one earlier, where the Report was inconsistent on transport and distance, but here is another example. The environmental pre-assessment did not cover the extra movement of aggregate between Les Vardes and Chouet, especially during the transition period, when Ronez will be operating both sites.

There were instances where the analysis does not include both journeys. For example, when a truck drops some stone off, they need to go back to pick up some more. Why is that leg not included? The trucks used in this analysis are 14-tonne trucks and I believe from what I am led to understand, apparently, 10-tonne trucks are used.

Deputy de Sausmarez did ask us not to focus too much because there will be a higher, more detailed assessment. However, put simply in my mind, I am of the different opinion, there will be a large impact in traffic numbers of heavy goods vehicles in pretty much our own oasis left. A part of the Island much loved by families who cycle, beachgoers, golfers, dog walkers, nature-lovers. I would not like to guess the increase in air pollution in and around this oasis, as well as the economic cost of the damage of all these heavily laden trucks and what they will do to our roads' infrastructure. Who carries the cost burden of the maintenance and repair? The taxpayer.

What about getting into the nitty-gritty of our environmental factors, though, because we have not really started? Let us talk about habitats. Ten acres, about 25 vergées, I believe. Planted coniferous woodland, coastal grassland, semi-improved grassland, dense scrub. According to a 2018 habitat survey, coastal grassland is categorised as endangered. In 2010 there were 76 hectares; 2018, 52.

Semi-improved grassland. This one 'critically endangered'. In 2010 there was 194 hectares, in 2018, 36. But let me tell you what it reads: 'Semi-improved grassland habitats have high ecological value due to the floral density they contain and faunal communities they support. Restoration of damaged grassland may take decades, if at all possible.'

This is not just scaremongering that this is an irreversible event, and probably on multiple levels. What species are there? The long-eared owl, a rare local breeding species ... I am sure everyone has heard of these before. You have your breeding barn owl, bat species, small mammals and slow worm. From the development framework: 'This site is not in L'Ancrese Common site of special significance but, due to the scale of operations, there may be adverse effects on the special interests of the SSS.' Another one: 'The area of biodiversity important foreshore could also be negatively impacted by operations and represents a sensitive boundary.' I am just trying to give some environmental context.

Historic and archaeological context: there are 17 German fortifications, points of interest, on Chouet, including a granite-lined H-tunnel bunker, which is unique. There was not much of this mentioned in the pre-environmental assessment, which does not cover all phases. They refer to it as MGU2439. What was not really said was this is unique, as in one of a kind. Their suggestion: record it. There are various other bunkers on the site that would also be destroyed. Destroyed, not just impacted or severely impacted, I think the quote was. Destroyed. The mitigation is to take some photos.

There is a pre-Martello Tower, a Loophole Tower, that is of course liable to being impacted due to the close proximity of the blasting, even *with* the mitigations. But I hope Members will agree that environmentally and culturally, just looking at those two, saying no to quarrying at Chouet is a no-brainer.

But one more point before I go to my summary. It is from a strategic point of view. The land is designated of strategic importance. It is strategic to hold a reserve of stone but if we quarry it now it is gone. It is our only potential site. Do we absolutely need it now for potentially no economic gain and certain environmental loss? If something drastic happens on a global scale and we do

3455 absolutely need to quarry on Island we are taking away that choice. For how much? Ten pounds a tonne.

In summary, this is not a question of on-Island or off-Island quarrying, it is a question of when do Members want to start importing aggregate? Do we do this now in increments or in 30-odd years? Do we look at becoming more sustainable and innovative within the construction sector, 3460 aiming for a more circular economy? An intelligent economy where waste products are not wasted but instead they are used as a resource.

Do we vote to ignore the very significant negative, irreversible in some instances, environmental impact for questionably cheaper aggregate? I have highlighted that with all the extra costs that Ronez will have to absorb and inevitably pass on to the consumers, meaning the cost for both 3465 options is likely to be very similar.

I believe we should move to importation sooner rather than later when there are still reserves. We should look to mitigate wider impacts of inevitable importation sooner rather than later. By looking at things differently, for example, by using alternatives to aggregates, we could drive the overall costs of our waste down, which is a reported Scope 3 emission. But this would have a much 3470 wider environmental benefit and would help reduce costs. We can then look at initiatives to helping first-time buyers and those struggling to afford houses and housing on the Island, as this really is an important factor for the sustainability of our working population, our Island.

The world is changing. We have to look after our Island. It is the only one we have. We have to change our mindset and to look to do things more sustainably, protecting our environment, not 3475 unsustainably plundering it. One thing is for sure, if Members decide to continue quarrying on Island using Chouet Headland it will be lost forever and all that lies beneath. This is a decision that will affect the Island not just for generations but forever. Forever. It is permanent.

I urge Members to vote against Proposition 1a.

3480 **The Bailiff:** Deputy Inder.

Deputy Inder: I have got to commend Deputy Haskins for that speech. I think it is one of the best speeches I have ever heard in the Assembly. Somebody who actually cares about his subject. He came into the States wearing his environmental credentials on his sleeve, he spoke about 3485 sustainability and today we see one of the problems Environment & Infrastructure has actually got. Because it has got 'environment' in part of its title and 'infrastructure' in the other. It has always been difficult and that is a deep conversation that needs to be had in any future machinery of Government.

I have an awful lot of sympathy with Deputy Haskins in his position. He mentioned when he 3490 started his speech he spoke about the economy versus the environment. He talked about Ebenezer Le Page's area and the inter-dependencies, about water and stone. His President told us not to talk about inter-dependencies between water, stone and harbour. But the most elegant solution, and I absolutely agree with him, would have been a three-way deal where we got rid of that nonsense of Longue Hougue South – that alone would have offset an environmental impact – and you could 3495 have offset that against Mont Cuét as it is at the moment and found Les Vardes as a solution for our inert waste strategy.

Now, I do not know why that happened. I was in conversations when I wanted that to happen but somewhere it got lost in environmental impact assessments, looking at the long term – the usual nonsense we get in this Assembly where we had an opportunity to talk about that three-way 3500 solution, the Mont Cuét version, Les Vardes as our inert waste strategy and getting rid of that Longue Hougue South. Long Hougue South, I remind Members, started at £30 million, it was at £45 million seven months later. It is now at £65 million and that was when Deputy Ferbrache mentioned it, almost a year and a half ago now, and I can almost certainly guarantee we are staring at £100 million.

3505 That is one of the problems we have got with Government. We come from a small Island. We talk about COVID agility, we talk about working together, yet we have absolutely disparate

processes to get to a point. We had one opportunity, this States, to deal with the three existing issues, Les Vardes, quarrying at Mount Cuét and getting rid of that Longue Hougue South nonsense. And again, as usual, we have got to kick it into the long grass because there will be some kind of planning something-or-other, another environmental impact assessment, and it really does irritate me. Because when we can be good, we can be really good; but, my God, don't we go ways to make ourselves look bad? This is another day of awfulness because we as an Island cannot get our act together and deal with the things that we need to do, to deal with in a consistent way.

That does not necessarily mean, unfortunately, through you, sir – I was going to call him Deputy Ebenezer ... sorry, Deputy Haskins! I beg your pardon, I was reading from notes – that I am going to agree with him. I will give some reasons why. I agree that we need an intelligent and circular economy but that is driven by his own Committee and we have heard nothing from them for practically, certainly four years of the previous Committee, and a year now of practical silence.

By policy, by direction, it is his Committee that could have been talking about this circular economy. It is his Committee that could have been driving us towards different materials but, as usual, materials are almost driven, again, by the market.

I will give way.

Deputy de Sausmarez: I thank Deputy Inder for giving way. The circular economy is a pretty fundamental part of our Climate Change Policy, which is one of the policies that our Committee has brought to this Assembly and has been approved.

Deputy Inder: That is fascinating stuff but, a year on, I have seen nothing by policy letter or direction from that Committee. So some of the solutions to sustainability are actually in his hands.

Now, part of the argument Deputy Haskins made that the hole itself, at the current rate, will only last 30 years. But actually the logic to that is – not necessarily. If we do change our method of building materials used, almost certainly the aggregate extraction will decline and almost naturally will extend the life of that quarry. I think he played a little bit too hard on that argument.

I will give way.

Deputy Haskins: I appreciate Deputy Inder giving way. That could well be true because exactly the same will happen with Les Vardes. The issue there is that the price will then increase and that is what Members are apparently voting on.

Thank you.

Deputy Inder: I may accept that, out of grace more than anything, because it was such a detailed and very good speech by himself, I just have not been immersed in it as much as he has.

But our Committee was asked to comment on this, I am thinking in March probably of this year, and our role in it was quite simple: do we agree that on-Island quarrying should continue in the Island? And unanimously we agreed with that position. It was unanimous, I think – I am not entirely sure with Deputy Kazantseva-Miller, she looked at me, I am not too sure if she dissented, but I am happy to give way ... She has not corrected me but in unanimity we agreed to carry on with on-Island quarrying.

But I have got some hope here for Members who might waver. As I dive, snorkel around Rousse, trust me, I do not want to see the end of the Martello Tower, the pine trees, that profile of the north – Sorry?

Deputy de Sausmarez: I would just like to reassure Deputy Inder and anyone else listening, I really do need to scratch this concept that the pre-Martello Tower is at risk. It really is not. It has got a high degree of protection as a protected monument.

Deputy Inder: I just heard from another speech, from one of your Committee Members, that it was at risk. So maybe Deputy de Sausmarez and Deputy Haskins should talk more. But I am referring

3560 directly to Deputy Haskins. She did have a chance in Deputy Haskins' speech to correct him but Deputy Haskins actually said in his speech there was a risk. But the point remains, as I stare across the Rousse, I am the last person in Guernsey who wants to see the loss of that profile.

3565 But that profile does come back and there are *plenty* of examples of it. We have had, historically, over 300 quarries in this Island, most of them dotted around the Vale, and practically all of them have been returned to a Hougue or a field, have been returned in some way to their natural state. I cannot think of too many holes, with the exception of Les Vardes. Even Mont Cuet itself is now turning back to its natural Hougue.

So the loss is temporary. It is nothing that I particularly want to see but the loss is temporary. But we do have a responsibility and that responsibility is to ensure that we keep aggregate as agreed by this Island to be mined and extracted from Guernsey.

3570 So, in short, sir, Deputy Haskins is correct in many ways and I have the same concerns about it, but I think they are mitigatable – if that is a word. If we look at the temporary holes on the Island that we have had in the past, anyone who has been in the Island 10 years will not even realise St Germain Quarry was actually there. It is now a path, a wildlife area. We have got trees growing all over the place. You would never know that was a quarry and Bordeaux Quarry itself, if you look at what it was when I was a kid, it was full of tomatoes from the strikes. Forty years on, we have got gorse, ferns, we have got trees growing all over the place. So it does come back.

3575 These holes are not necessarily there forever. Even though I absolutely agree with Deputy Haskins, I do not particularly want to see, and it hurts to a degree that we are going to lose an area of the north of the Island.

3580 But I must talk about the overburden, quickly. As I understand it and I will wait for Deputy de Sausmarez to respond, that overburden is something like ... 800,000 tonnes of it before we actually get to Guernsey? That could be used on the other side of the road for the *old* Mont Cuet. Because that Mont Cuet itself it has now become again, it has come out of the ground, it is back to La Hougue and the overburden could be used elsewhere. I assume it is not done for free. I assume there must be some kind of deal; and I am assuming that Ronez is not going to get it for nothing.

3585 So, in short, sir, there is an ability for diversity offsets. I am not overly happy to knock out the profile of one of our most beautiful parts of the Island. In fact, I will not even say *one* of the most, it is the most beautiful part of the Island.

3590 But it is a reality of coming into this Assembly sometimes, what we can and cannot do at election, I will always say that the election was the easy bit. And if anyone in this Assembly thinks this is going to be a difficult decision, wait until the Income Tax debate. The election was always the easy bit.

So in that regard I am hoping my Committee, most of my Committee are still with me, that we will be supporting the continual extraction of stone on Island.

Thank you, sir.

3595 **The Bailiff:** Deputy Burford.

Deputy Burford: Thank you, sir.

3600 Very briefly indeed, and thank you to Deputy Haskins for confirming via notes and figures he mentioned in his speech, which I thought at the time did not sound right to me but I did not want to interrupt him. He referred to £960 per house increased cost in the additional cost of imported aggregate to construct that house, and compared it with a £510,000 average sale price and said that represents 0.02%. In any case, it is 0.2%, so it was either out by a factor of 10 or 100. I just wanted to correct that figure, because it is quite a big difference.

3605 I am not sure it will change anybody's mind. I am not entirely sure how I am going to vote on this but I am inclined to support the policy letter.

Thank you.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I just want to touch on a few areas first, before I come to the main thing. I think we also have to have consideration for the neighbours and I would certainly not want a new quarry to be started off in the Brehauts playing fields. That is something I think we do have to recognise and we would like to say that Ronez, I think they are a very good neighbour, will do everything they can to support the neighbours in that area because it will be for 20 years, a difference from what they have now. Although I will come to something else in a minute.

As a Guernseyman I like to be independent. I like to make sure that I can run my own power station if I need to, without the cable. I like to have our own waters, I like to have less French people fishing in it or, if they do, they pay me a fee for doing so. I like that independence and I will pay a premium for that independence. So I like the independence that we have by having our own stone and our own quarry and our own aggregate.

Labour skills. Quarrying is a particular art. I am sure that many of us will have relations who have been a quarryman in the past or have certainly worked as stonemasons, etc. I think that is a very good skill to have and that is something I would be sad to lose, the quarrying industry from Guernsey.

The move to Chouet Headland and Les Vardes will also give the opportunity, one of my things that I have been on about for about 10 years or more, since I was on PSD back in 2004-2008, was that we need to think about water storage long term. People say, 'Oh, it's okay, we can always put a salination plant in place.' Well, that worked really well back then. But it really does concern me that we do have climate change and we just do not know what the long-term rainfall patterns will be. It may be in 10 or 20 years' time that we have to hold water reserves for 10 or 20 years, not necessarily just rolling over on a yearly basis. I know that Guernsey Water has been starting to change their outlook, instead of looking just 25 years out, starting to look more like 50 years out.

So I would very much want to see Les Vardes kept for water storage. Because I think of the things of life – I said it in a speech the other day – the two things that really help: one is vaccination and the other one is a clean source of water. I think we will rue the day that we lose the facility to store large amounts of water, which we may have to do for many years with the climate change. If I am proved wrong, well we have got a bit hole in the ground with a lot of water in it. I think overall in the scheme of things of being an independent Island, I think that would be a strong place to be.

I have also been around Ronez's Quarry many times, either collecting stone there and also on States' visits, they are as I believe – they have not contacted me specifically for this occasion – quite good on the environment side. They do look after some of the birds and things that they have had there at the quarry and I am sure they will be just as good on the environment later on when they move, hopefully, to Mont Cuet.

I think one of the aspects from a very good speech from Deputy Haskins, it is nice to see both sides of the argument and that is why I think it is very good on Committees that we have not just naysayers or whatever it is, but we have people that will contribute with both sides of the argument so you get the best positions. So I do not have any problem at all with different views on a Committee, I think that gets us to a stronger position.

One of the things he mentioned was about the trucks taking stone away from Mont Cuet headland there, but of course that area has been known for trucking for a long time. We quarried out the Mont Cuet Quarry in the first place and then we have now spent the last 25 years filling it back up again, so there has been a lot of truck movements along that area already. It is a fact of life and people would have bought properties, etc., knowing that was something that was happening.

The one that I think that probably gets me the closest, in his early opening remarks, was the economy versus the environment. The economy, yes, I think from the jobs point of view in Guernsey it is very good to have a large employer like Ronez, especially on the quarrying side, I think there are 15-odd people there. But also the other part of it was the environment side. I think overall, for the environment, why would I want to quarry somewhere else? Maybe damage *their* environment, bring the stone then on ships, run those ships on oil to transport it by lorry, again, on fossil fuel.

I think for the environment's point of view it is something that it would be better for the environment if we used our own stone in our own place and we have the environmental consequences of that, rather than exporting our environmental conscience to somewhere else, from my point of view.

So, I will be supporting these proposals but I would ask the Environment to take as much consideration with regard to the neighbours and how they are going to be affected.

Thank you.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

I came with a clear idea of how I would vote and I actually really want to thank Deputy Haskins for contributing fantastically to a really good debate. What saddens me a little bit is that sometimes issues are put as economy against environment or infrastructure against environment. I think it is a very unhelpful rhetoric because actually everything is much more complex. It is not one or the other and we really have to move away from this rhetoric to some extent.

I really applaud Deputy Haskins' vision and aspiration that it is time to think big, it is time for industry to be more sustainable, the use of materials to change, etc. I absolutely agree with him. Having been in Guernsey for a while now, I can see how slowly things move in Guernsey and I just fundamentally do not think that industry is ready for a radical shift at this stage.

The simple fact is there is still high demand for aggregate use, that is the most used material in construction. The industry has not moved, I believe, quickly and perhaps there has to be more innovation. I think we are yet to see the shift that we are looking towards. I think what is really important to remember is that just because quarrying is not going to happen here, it will happen somewhere else. So arguing that we are doing good for the environment by removing quarrying on Island is just not valid. Basically we are offshoring the problem to someone else and we just have to be realistic in terms of ... Quarrying on Island really brings it home what kinds of materials, how much of the natural resources we actually, as a civilisation, as a community and as the world continue to use. It really brings home how unsustainable our existing practices are and it brings it home that we have to act in terms of to move to a more sustainable world.

Offshoring the problem to other countries, where there is going to be exactly similar environmental issues, I do not think that is a solution. I believe the first principle is that as communities we need to try to live within our means, within the means of our natural environments and we have the opportunity to continue doing so, which will obviously have different impacts.

I think one aspect that probably perhaps was not explored sufficiently in Deputy Haskins' speech, was around the constraints of our harbours. Yes, St Sampson's can accommodate a certain level of importations but there are real issues and it is certainly not a long-term solution. There are also issues around actually where you would store that material – Griffith's Yard was mentioned but actually is a very well used facility with a waiting list. There are infrastructural issues around importation, which I think is one of the real costs to not continue quarrying on the Island.

In absence of a plan with regard to harbour development, which we did not vote through a few months back, we do not have a plan with what happens to our harbours. I think it is out of order, to try to vote for importation when actually fundamentally our infrastructure is not ready for importation beyond a short period of time.

I do have a slight issue with the policy, to some extent the way our Government works, which is a bit what Deputy Inder said, that although we have had what is called the environmental appraisal as part of this policy letter, the permission to go and develop the Chouet Headland is still dependent on Ronez coming to the Planning Department and with environmental assessments being done, and getting that approval from the Planning Department, which is five political colleagues who will be making decisions.

Frankly, at this stage, I do not really know what the difference is between an environmental appraisal and an environmental impact assessment. I do not know how they are going to be

different. But if we are still saying that further environmental impact has to be done, then I am
3715 concerned that we do not have all the sufficient details to make an informed choice. However, I am
still minded to approve the policy.

One area which I think also is important to note, and it was drawn out a little bit in Deputy
Haskins' speech, is about the fact this is going to be, effectively, leasing land to a commercial entity.
So this is obviously not going to be developed by the States of Guernsey. This is a strategic asset
3720 and this entity is a fully commercial entity, SigmaRoc incorporated on the AIM stock exchange, and
so this obviously raises some interesting dynamics.

SigmaRoc's share price has actually nearly tripled just since before the pandemic. This has partly
been driven by, I am sure, a demand and increase in prices for the commodities they are selling but
they have been doing very well, just in the last two years. In fact, they have been doing so well that
3725 they have just completed acquisition of a very large limestone-producing company, Nordkalk, which
is nearly the same market capitalisation size as SigmaRoc itself. This is again showing they are doing
very well, they are expanding and I think we should not be under any illusion that providing this
strategic asset to them is extremely valuable. This does create an absolutely monopolistic situation
and I think if we do approve this policy today, whatever negotiations go ahead have to be really
3730 good commercial negotiations in that Guernsey plc has to derive important value.

I think Deputy Haskins also said that, right now, we do not have control of what the price of
aggregate is going to be. They could put up the price of aggregate quite significantly. Would
Guernsey derive benefit from price increases? He also mentioned in terms of favourable tax
positions. This industry I believe is not taxed by corporate taxation.

Again, I think if we do choose to support the policy, which I am minded to do, this is of huge
3735 commercial benefit to one specific entity with largely shareholders elsewhere, and we do need to
ensure that Guernsey, the Islanders and Guernsey plc and Government do derive proportionate and
strategic value out of this decision and investment. And perhaps I would like to hear from Deputy
de Sausmarez, whatever she can share at this stage, that this will be taken care of down the line.

3740 Thank you.

The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir.

3745 I also would like to congratulate Deputy Haskins on a really excellent speech. Clearly very well
researched and incredibly thought-provoking in the true sense of the phrase. Sadly, he has not quite
managed to persuade me I am afraid. I do accept that there are concerns about the on-Island
quarrying option both in terms of the loss of the use of the Chouet Headland for a range of
recreational pursuits and the environmental impact on the habitat that there.

3750 I do have sympathy with some of the views that were expressed, albeit by really only a handful
of Islanders who have made contact with Deputies over the environmental side of things. However,
in my view, the impact of continuing with on-Island quarrying is lesser and preferable to the much
larger environmental impact that importation could cause.

Importation would put the bulk of the environmental damage at arm's length, out of sight and
3755 out of mind, which is slightly disingenuous, passing the environmental buck; and that is just not
responsible. Whichever option the States votes for there will be some environmental impact.
Aggregate is a dirty business. But the policy letter states that the biodiversity and ecological value
of Chouet is relatively low, when compared to other parts of the Island. Also, the environmental
factor has to be balanced with the economic, social and infrastructural aspects, not least further
3760 inflation on house-building costs, which are already a problem, that importation would be likely to
cause. We already have a crisis as a result of rising house prices and a shortage of supply.

Furthermore, Proposition 1a, the policy letter tells us, is the most closely aligned option to the
States' Climate Change Policy and Energy Policy. Also sir, in my view, we need to think longer term.
The Chouet Headland will eventually be restored. There will be a hole in it, but within a few decades
3765 it could once again be an amenity area for Islanders to enjoy.

I remember very well the anguish experienced by neighbours of the Bordeaux tip in the 1980s as it was approaching ground level, exacerbating the problems with odour and flies, among other things. But look at the Bordeaux Headland now. It has been restored. It is a very pleasant place for a stroll or dog walk. Great views. The same can be true for Les Vardes, post-2032, when the remaining constrained reserves have been quarried, and they could then also potentially maximise its future strategic value, potentially providing 2.7 million litres of water storage. Ultimately, the same could be true for Chouet Headland in some shape or form in decades to come.

Coming on to Ronez, I am glad they are doing well, because if we are going to get into bed with them we want to get into bed with a successful company. Ronez is a business but it is a business that has demonstrated a conscience. It has a good track record at mitigating its environmental impact as Members who have taken advantage of the nature walk and site visits will appreciate. The clearing finally of the Torrey Canyon oil which, by anybody's standards is an environmental embarrassment, is a bonus.

Sir, I have come to my own conclusions on this issue after engaging with constituents who have made contact, engaging in conversations and two site visits. In fact, I was one of just three Deputies who took up the invitation to visit and question Ronez in recent weeks. An invitation that was open to all Members.

Proposition 1a is a kind of public-private partnership, a win-win, if you like. For our part, we will be realising the economic value attached to the mineral assets located on States-owned land at Chouet Headland, retaining jobs, minimising environmental damage and doing what we can to prevent further escalation of building costs.

I refer to a news item in the *Bailiwick Express*, just three weeks ago, regarding the importation of sand into Jersey:

It is 'inevitable' that importing building sand will cost more and have a financial impact on the building trade and its customers, according to suppliers who have hastily arranged a shipment from Holland this week

Sir, I would urge Members to support 1a, thank you.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

I join those who commend Deputy Haskins for an excellent speech, I thought there were some great puns. You will not get any puns from me, sir, because I have learned that when you are in a hole it is best to stop digging! (*Laughter*)

I have risen for two fundamental reasons. The first is to say that whenever we are discussing things as having environmental impacts I am staggered at how little I know about the environment. We are told that a number of things are in danger or at risk. Things like hairy rock cress, fringed rupturewort, bog pimpernel, viper's bugloss, yarrow broomrape, prostrate asparagus and, most disturbingly of all, sir, something called fine-leaved sheep's fescue is endangered. Now, I had no idea that these things were at risk and I am grateful that this policy letter has informed me of that.

Now my main point for rising. I am an honorary member of the Guernsey Pistol Club. As the President said in her opening remarks, if these proposals do extend all the way to phase three, the Guernsey Pistol Club would be compromised. The Guernsey Pistol Club is hidden away, sir, it does not interfere with anybody but it produces some spectacularly good shots. There is no doubt that the medal table at the Island Games acts as testament to that.

My question is: *if* – and it is an *if* – the pistol club needed to be relocated, who would be responsible for those costs? Would it fall to the States or would it fall to Ronez? That is why I mentioned I am an honorary member, sir. That means I do not pay subs. So even if it fell on the good folk at the pistol club it would not impact upon my modest pocket. But it is, I think, important for those Members to understand exactly where the liability for those relocation costs would be.

Of course, it also affects the Guernsey Model Aircraft Flying Club, also referred to in the opening remarks, but I have no relationship with that group other than to watch them sometimes from the

3815 butts as they loop the loop – for Deputy Ferbrache, that is an aerobatics term, I will give you a lesson
on that some day when we have the time. (*Interjection*)
Thank you very much indeed, sir.

The Bailiff: Deputy Ferbrache.

3820

Deputy Ferbrache: Sir, I read the same list as Deputy Trott about species that are at risk and I
was very pleased indeed to see that neither he nor I were on it. (*Laughter*) In relation to Deputy
Haskins' speech, let me say this: his godfather is very proud of that speech. But let me say this also
in relation to the history. I know Deputy Taylor likes my history stories and even if he does not he
3825 is going to hear one. (*Laughter*)

In relation to that, we are talking about quarries disappearing and Deputy Inder, when he was
not angry, was talking about the environment changing and reverting back after a period of time.
Now, my paternal grandfather was born in September 1872 and by 1884 he was working in a quarry,
he was a stonemason. By the time he retired, when he was a mere 80, 68 years later, there were not
3830 so many quarries because the industry had changed. Now there are very few quarries indeed.

Where I agree with Deputy Haskins, and disagree with Deputy Brouard, is that although I would
like to see Deputy Brouard is that although I would like to see the environment protected worldwide,
I actually would prefer to see our own environment protected and if Deputy Haskins was right there
undoubtedly would be less adverse effects on our environment than if we carried on with the
3835 proposals under way.

But sadly that is where I part with Deputy Haskins because I am going to vote for 1a, because
we need Les Vardes. We do not need it for water because I can remember Guernsey Water in real
problems when I was first in the States, and Deputy Berry rescued that by a series of Propositions
which made sure that Guernsey Water now has ample water supply and will have ample water
3840 supply unless there is a one-in-500-year event; and I am prepared to risk a one-in-500-year event.

What we are going to have is inert waste, because we do have a construction industry and it will
continue. Remember, it was in the doldrums just a few years ago. Now it is in boom. It just shows
how quickly things can change. We need to put our inert waste somewhere and, for me, Les Vardes
is the place where we should put our inert waste.

3845 Now, Ronez have to move from there. They have got to move somewhere. Why should they
pack up? Deputy Haskins has made the point quite properly, they are a profitable company and
they do well. I do not actually have any problem with that because businesses have to. I know we
have got the Guernsey Party – and who I am now going to call, for other reasons in a later debate,
the Guernsey Inaction Party – (*Interjections*) But, in relation to that, we need commercial enterprise.
3850 We need a constructive building industry. We need to be able to do it.

People have mentioned Bordeaux Quarry. Deputy Falla, amongst others, mentioned Bordeaux
Quarry. I can remember acting for the States of Guernsey many years ago and their insurers when
there was a threat of the Bordeaux people around the Bordeaux area suing the States of Guernsey
for the way that the quarry was managed. Now it is an attractive part of Guernsey. St Germain,
3855 another area, an attractive part of Guernsey.

I do appreciate the point Deputy Haskins makes because we are talking about many years. We
are talking about decades. Therefore the environment will be affected adversely for decades. But
he used the word, when he finished his speech, or towards the end of his speech, 'forever'. It will
not be damaged forever. It will be re-established. It will be. That, I am sure, will be part of the
3860 regulation and conditions that the quarry will be subject to. If not, it should be; and if not, it *can* be;
and if not, it *will* be. So it will be protected in relation to all of that.

I do feel, I do not have the same dismissive – I do not think it is meant rudely – about people
knew when they bought their own houses that this was a possibility. It does not matter. Those
people genuinely enjoy one of the most beautiful parts of the Island. I feel sorry for them, because
3865 their enjoyment of their properties will be adversely affected and no doubt the value of their
properties will be adversely affected for a long time.

But we live on 24 square miles. We are 63,000 people. We are 25,000, 26,000, 27,000 units. We need some more units of accommodation. Deputy Roffey and I, and Deputy de Sausmarez are on a group called the Housing Action Group where there will need to be more building on the Island and it needs to be in a constructive and positive way.

So, we have got no option. Building is already *horrendously* expensive in Guernsey. We should do everything we can to make sure, within the bounds of reason – and I think this is within the bounds of reason – to make sure it is less expensive.

So my grandfather, if he was still alive – he only made it to 92, he only had about 12 years' retirement – but he did have 14 children, so he had enjoyed himself along the way – (*Laughter*) In relation to that, I think he would be looking down now and saying that we have got to move on. He was always a man who said ... He said to my father, who said to me, that the man who wears the suit often earns more than the man who uses his hands. That has been true over the past 40-50 years. It is a shame really, because it is a shame that our society in a way has developed in the way that it has, albeit it is better for people like me who cannot use their hands very productively, and we have had to use our limited intelligence to make a living.

But in respect of all of that, we have got to move on. The only way we can move on is carrying out what we are going to do, I hope, if the States pass it – and I think they will, despite the very able speech made by Deputy Haskins – in making sure that there is quarrying on Island for a few more years yet.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

This is yet another debate I was not planning on speaking on, but I am forced to my feet. I actually will be voting against option 1a and for option 1b, for a number of reasons, and I am going to approach this in my usual practical, pragmatic way.

Deputy Brouard said he values our independence and the ability to do this on Island. Once we mine that quarry, we quarry that stone, that is it. Our reserves are gone. We do not have any independence.

Deputy Ferbrache just mentioned 'damaged forever'. Once those reserves are gone, they are not coming back; you might reinstate the look of the land on top.

So one issue we have is that we have a reserve there. Now, if we go with 1b, what is very clear is we are not completely dependent on imports for a number of years. Les Vardes Quarry will carry on producing almost half of our needs for an extended period. Or we can phase imports in. And, as I said in our last debate, when we talked about Guernsey Electricity, I do not like monopolies. I do not like monopolies if they are state-owned or privately owned, because there is a tendency to abuse them for profit or abuse them just because you can. Abusive practices come from it.

Effectively if we agree to 1a we are perpetuating a monopoly for another 30 years. There is no control of this States in this agreement to control the profit that is made from that stone. It could be increased and effectively it is going to be unable for anybody else to enter the market. They can start bringing in cheaper imports but Ronez will have a load of stone where they can cut the prices and put them out of business for a limited period and then put them back up again. There are various things that monopolies can do to control their market and limit free access and limit a free market.

Whereas, if you start phased import now, in the short term, you will have both Ronez and the imports competing on price and supply. That would help stabilise the prices and will help bring in what I would call competitive market place, the correct price for the product.

Deputy Kazantseva-Miller also raised a very good point. Our construction in Guernsey is overly dependent on concrete and we want to see and promote a move to other forms of construction. If there are shipping or pricing issues with aggregate, hopefully it will accelerate that process. So I like that as well.

Deputy Brouard mentioned about water storage at Les Vardes. Deputy Ferbrache mentioned inert waste. Both will be no doubt argued at some stage in the future and both are perfectly legitimate uses for Les Vardes quarry. But what they seem to have both missed is that Les Vardes quarry will be empty at the same time in either case, 1a or 1b. The restricted aggregate still in the quarry will be mined, one way or the other, in either option, and that quarry will end up empty at the same time available for either water or aggregate. So those arguments again do not compel me to perpetuate a monopoly and the environmental impact, the unsightliness.

Also the other thing is Vale and St Sampson's again. I met with the Vale Douzaine on Monday night. We did not actually discuss Les Vardes but they were talking about the issues they face with over-building, congestion, infrastructure not being up to it, etc. And you now want to move the quarrying down into that end of the Island again? It is another blow to that end of the Island.

For all the reasons of preserving a reserve on Island, so if we have problems with supply in the future we have got somewhere to go and get it; and also having a phased introduction for imports, which is balanced with local supply at the same time as imports, so price stabilisation and supply and demand stabilisation will happen – the incentives it creates for long-term evolution into more sustainable building methodologies and the environmental impact. For all those reasons, I have decided against 1a. I will be supporting 1b.

I do, as have many other speakers, commend Deputy Haskins on two things. One, an excellent speech and very wittily put as well; but also voicing an opinion against the policy letter of the Committee as well. Sticking to his point and coming forward with an alternate view is a brave thing to do.

Thank you, sir.

The Bailiff: Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

Deputy Haskins has made a very passionate speech in favour of importation, sprinkled liberally with numerous puns. Of course, he could have been bolder – (*Interjections*) and even talked about clean slates, it is disappointing he did not. But most disappointing of all perhaps is that he could have noted that what we are being asked to make here is an all-or-nothing decision.

Deputy Haskins reminded us that Chouet will only last 35 years. I think he said 30, but I think Deputy de Sausmarez said 35 years – apologies to whichever I got wrong – but then went on to tell us that the stone usage was drastically reducing, presumably therefore extending the life of Chouet to 40 years, 50 years, whatever it is. So in fact we are not talking about 30-35 years, we may be talking about 40 or 50-plus years. Obviously, a good thing.

Deputy Haskins and Deputy Meerveld now note that once it is gone, it is gone; but, sir, I have lived and worked in both the Cayman Islands and the Bahamas and they seem to be coping pretty well without quarrying stone there.

I am tempted to go down the future use of Les Vardes, but that argument can run and run, and no doubt when we finally get around to it at some point and since we are apparently due to debate tax at some point, I will not. I have not much more to add. It has been said already by Deputy Falla *re* the 50-year-plus blight of the Torrey Canyon quarry would be settled, which would be fantastic.

So, not much to add to the policy letter, which I am sure we have all read and the opening statement from Deputy de Sausmarez. In fact, the only thing that I might disagree with her is that I believe she said – I stand to be corrected – that it was a difficult decision. For some it may be but for me this is not a difficult decision. Some things are strategic decisions and this for me is certainly one, so I will be supporting 1a and I would urge my colleagues to do so.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I do not necessarily go with all of this strategy. I was interested in what Deputy Falla said but I found quite a bit to part company with him on in a way because, for example,

3970 he said that we should not import stone that has been quarried somewhere else. That is irresponsible.

But I do not really *care* if it is irresponsible. The common-sense way of looking at this is about the *size* of Guernsey. There are places in the world which are huge, which have relatively small populations where quarrying is a big industry, where it is part of the fabric. But we are very small.
3975 We have limited leisure facilities. The Vale is a highly populated parish. We have to look after our marine, our natural environment.

I think, if we apply the logic of what we heard, we might as well say we should have had an incinerator in Guernsey because exporting our waste is immoral. (**Several Members:** Hear, hear.) Okay, we have got to be consistent here. We made a decision which was more expensive, but in
3980 some ways greener and more ecologically friendly for the Island.

Therefore, I am actually going to support Deputy Haskins who has put a very interesting case, very well-researched, and also I think Deputy Meerveld's points; because we should be looking at alternatives to the current way of building, whether it be modular construction or using new materials or more revolutionary uses. We should also be wary of putting, as Deputy Ferbrache put
3985 it, what could be a declining value on people's properties, a life enjoyment for maybe decades. If we are going to do that we should have more robust compensatory mechanisms.

Then, of course, we have the fact we are talking about having maybe more population on the Island, as a strategic decision, but less and less green areas and less and less space for leisure. I think another factor in this is the way in which we want to create our environment and also refashion the
3990 ports. We kind of kicked the can down the road on the ports, but really that is an intrinsic part of how we are going to build back better but also use stone and other materials in a way that makes more sense. We are actually making the stone last a bit longer already by two years.

Deputy Oliver, of course, is President of the Planning Committee but I think they are in a peculiar position here because we are in a general debate. They will probably, if it is passed, have to make a
3995 decision maybe at an open planning meeting about balancing an application against possible objections. The difficulty there is that somehow or other, despite the enormity and scale of this project – I remember I was President when we first launched the development framework – it will avoid, maybe, a planning inquiry for itself, because it is included as a strategic asset within the Island Development Plan.

That is a bit of a paradox compared to the past, so if people think that they have the luxury of going to a planning inquiry to put their case, I think that is an incorrect assumption. Therefore, this makes this highly political in the sense that it is likely to come back to Planning.
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So my position really is I am not necessarily 100% against this as an idea to hold in your kitbag for some stage in the future. I think Deputy Haskins was spot on when he said in some respects it is a choice between doing it now and importing stone in 30 years' time. And I think the argument
4005 too that the stone might have a greater value to us in decades to come should also be considered.

So, my position is, rather than make a decision today, I would prefer to see other options explored such as improved use of other materials and a refurbished east coast seaboard to have better and more environmentally friendly immigration of aggregate and other materials for
4010 building.

The Bailiff: Well, Members of the States, we will now adjourn until 9.30 a.m. tomorrow morning.

The Assembly adjourned at 5.32 p.m.