



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 20th October 2022

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Present:

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

Law Officers

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

People's Deputies

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputies Y. Burford, T. L. Bury (*indisposée*); Deputy A. H. Brouard (*relevé à 9h 33*);
Deputies A. C. Dudley-Owen, S. J. Falla, M. A. J. Helyar, J. P. Le Tocq (*absent l'île*)

Business transacted

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État XVIII

COMMITTEE FOR HOME AFFAIRS

5. Population & Immigration Review – Debate continued

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

5 **The Bailiff:** Deputy Brouard, you crept in, almost on time!
Is it your wish to be relevé?

Deputy Brouard: Please, sir.
Thank you.

10 **The Bailiff:** The next of the amendments that I am taking will be Amendment 2, so Deputy
Kazantseva-Miller, is it still your wish to lay Amendment 2?

Deputy Kazantseva-Miller: Yes, sir.

15 **The Bailiff:** Then I invite you to lay it.

[Amendment 2.](#)

To insert the following proposition 1A: "1A. To note that the Human Capital Development Plan will include workstreams to improve economic and social participation of islanders through a variety of policy levers and that this work may reduce the requirement for the net migration level identified."

Deputy Kazantseva-Miller: Thank you, sir.

20 This Review has been very helpful in crystallising the declining trend of the workforce due to
national factors. The Review narrowed on net migration as the way to fill the gap. As we discussed
yesterday, the Review has not taken into account other factors that also have an effect on the

workforce and its productive output, such as participation rates across age groups, labour force utilisation and productivity factors.

25 The policy paper makes reference to those workstreams that they are under way but their effect is not taken into account on the headline number 300. I wanted to see what effect those figures would have and I did and I thought it was important to share this through this type of minor amendment because clearly there are effects, yet the work to understand the scope is to be determined.

30 If you look at just one factor, the Guernsey participation rate, you can see that it has been in decline in just recent history, for the age group of 25-65 it jumped by 1% between 2017 and 2021 and this would place us in the 26th position on the OECD equivalent index, behind the UK. So we clearly have scope for improvement on participation rates.

35 So what do those percentages mean in real time? Do they make any substantial difference? Well, if our rate for the 20-64 age group remained the same today as it was in 2017 we would have 646 more workers. Given the acute job situation we have that number, nearly 650 people would go a long way to aid the jobs crisis.

40 I must note that these metrics, like participation rates, productivity and labour utilisation can sound cold and robotic. It is not intended to and they are just statistical measurements that help us understand our economy, compare against other jurisdictions and help in decision-making. They are a crude measure of economic activity and do not take into account the value people bring to our community in non-economic ways.

45 Calculating the social and human capital is essential going forward but these metrics are not available right now. However, what we have goes into compiling key economic measurements and GVA and still, in those other measures that us, the States of Guernsey, largely look at when we look at economic activity.

50 So we need to better understand the dynamics for these trends but it is suffice to say that even small changes to participation rates can have a material difference. We know that we have had quite a few people move to Guernsey over COVID for lifestyle reasons, so perhaps some of them are not working. And we can also see some of the young people in the 20-24 age group decided to remain in education over COVID rather than get employed. So we can understand some of the reasons why the participation rate has declined.

55 So the numbers change over time and, just to clarify, I have only looked at one age group, 20-64 age. I have not looked into pensioners and young adults. There is scope for increases in participation among those groups as well, as trends in education and longer working lives develop. For example, there is a significant proliferation of apprenticeship-type programmes where students learn and earn at the same time. This makes their learning more practical and allows them to earn money and contribute to the economy straight away.

60 There are many in the pension age that contribute to charities and social enterprises but may not be captured as employed. If we have more commissioning down the line, the sectors can be attractive for people to volunteer the work in some capacity. So why are these factors important to take into account?

65 Yesterday we talked about a sustainable population and improvements to the participation rate can have a sustained and sustainable increase in the overall workforce, without any additional need for housing and public services because those people are already here. This means that the net migration figures identified may not need to be as high and these will have a knock-on effect on the amount of infrastructure we actually need to build and the pressure on public services.

70 So throughout the consultation of this amendment, officers were actually able to undertake high-level modelling with me on this. So you can see in the graph on the last page of the explanatory notes that the 3% increase in the participation rates between just the age group of 20-64, with a net migration of just 200 people, would not take us far away from just the crude migration level of 300.

This shows that the need for some of the net migration identified can be reduced, depending on the type of policies and actions that may come into play and their effectiveness. It will not be

75 enough on its own but it can certainly play a role and participation rate improvements can become disproportionately important if we continue being over-reliant on short-term employment permits.

That is because the workers on STEP contracts will not add to the cumulative workforce over time because they leave the Island and we have acute shortages following Brexit. If we cannot offer more longer term permits then we will continue seeing the big churn we see through total inward and outward migration figures and this means that net migration will not be as effective as the
80 linear forecast behind the review suggests.

So looking at ways to maximise opportunities for Islanders here to be as economically and socially active for as long as possible will be more important than ever. What this amendment tries to do is demonstrate the challenges around policy development with very significant inter-dependencies. So the Population Review, as identified, has dependencies with human capital, tax
85 review and many other areas.

This amendment is really uncontroversial but hopefully helps bring a little more light into how other pieces of work that are under way can influence the headline migration figure of the Review and influence the range of planning required for infrastructure and housing, specifically. So I hope that this amendment helps illustrate that it will be important to have such ranges within the planning
90 we are planning to do in relation to the final decisions of this policy paper.

I thank officers and Deputy Prow on their engagement on this amendment but also their support. It has changed significantly from the original draft and I ask Members to note its contents and support the amendment.

Thank you.

95 **The Bailiff:** Deputy Soulsby, do you formally second the amendment?

Deputy Soulsby: Please, sir.

100 **Deputy Taylor:** Rule 24(4), sir.

The Bailiff: Very well.

I am going to invite those Members who support debate on Amendment 2 to stand in their places please. There is clearly a greater number than seven and therefore Deputy Taylor's invocation
105 of Rule 24(4) fails.

Deputy Queripel.

Deputy Queripel: Sir, I am struggling to see why this amendment has been laid before us. It seems to be a complete waste of Law Officers' time. Also a waste of time for the people who were
110 consulted and of course a complete waste of the Assembly's time now we are debating it.

Of course, I stand to be corrected on that. I do have a couple of questions for Deputy Kazantseva-Miller. Can she please tell me what Her Majesty's Procureur said when this amendment was presented to her.

115 **The Bailiff:** Can we refer to His Majesty's Procureur, now, please?

Deputy Queripel: Sorry, sir?

The Bailiff: His Majesty's Procureur.

120 **Deputy Queripel:** Oh yes, indeed, sir. Sorry ... His Majesty's Procureur said when this amendment was presented to her and can she also please tell me what the President of Home Affairs said when he was consulted?

In my 10 years-plus as a Deputy I do not recall ever seeing an amendment laid before the
125 Assembly that asks the Assembly merely to note something. Amendments usually seek to amend,

to direct or to agree or to approve, all of which have a major effect on a Proposition if the amendment succeeds.

The way I see it is that to note means absolutely nothing because nothing will change, even if the amendment does succeed, which is why I say, with the greatest respect to the layers of the amendment, I think it is meaningless. Apart from the fact that I think it is meaningless by merely asking us to note, I cannot see what this amendment is even seeking to achieve that is not already covered in paragraphs 6.20 and 6.21, where – for the benefit of the Islanders listening on the radio, who may not know what is said in those paragraphs – we are told that the steering group noted that increasing the productivity of the local and existing workforce plays a pivotal role and goes on to say:

This ambition is currently being driven through separate workstreams of Government, principally the Human Capital Development Plan, which is being drafted to include proposals to:

- Upskill and re-skill the local workforce, and maximise participation;
- Increase productivity in the economy;
- Develop Guernsey's human capital through data-led and joined-up actions; and
- Ensure Guernsey's learning and skills system meets customer needs.

Paragraph 6.21 tells us that:

... as a part of the ongoing work to develop the Human Capital Development Plan, the Committees for Economic Development and Education, Sport & Culture ensure that the Plan is aligned with and supportive of the relevant aspects and recommendations of ...

– the Review and that this plan should –

... should set out clear steps that government in Guernsey should take in order to provide an environment for business and the community to increase participation and productivity in the Island's economy.

As we know, the amendment asks us to insert a new Proposition 1a:

To note that the Human Capital Development Plan will include workstreams to improve economic and social participation of Islanders through a variety of policy levers and that this work may reduce the requirement for the net migration level identified.

Well, sir, I have already noted all of that in paragraph 6.20 and paragraph 6.21. So why do I need to note it again, via this amendment?

I agree the words 'through a variety of policy levers' do not actually appear anywhere in those paragraphs but as far as I am concerned they do not need to. I do not need to see those words in those paragraphs for me to know that my colleagues on Economic Development and Education, Sport & Culture will be doing their absolute utmost to ensure this plan covers all areas and leaves no stone unturned.

So surely this amendment is superfluous to requirements? Surely all the work that needs to be done is going to be done? And in my view the amendment is asking us to note something that we are all quite capable of noting without being asked to do so. So why are we being asked to note something that we can already note in paragraph 6.20 and 6.21?

It could be said that this amendment undermines the integrity of the Members of this Assembly, especially our colleagues on Economic Development and Education, Sport & Culture. Now I am not saying that the layers of the amendment are trying to do that but what I am saying is that it seems to me it could be an unintended consequence of this amendment being laid before us today and it is ironic that the proposer of the amendment is a Member of Economic Development.

Sir, surely there are far more important things for H.M. Procureur to do than spend time considering this amendment? Surely there are far more important things for the officers and the President of Home Affairs to do than spend time considering this amendment? Surely there are far more important things for this Assembly to do than spend time considering this amendment?

An amendment that will have no effect whatsoever should it succeed. Pointless. Meaningless. Now sir, I am sure the layers of the amendment have laid it in front of us with the best of intentions and I apologise if I am missing a fundamental point somewhere along the line but in my view this amendment deserves to fail and should be consigned to the waste paper basket, where it belongs.

Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I am slightly perplexed by Deputy Queripel's intervention. For someone who was trying to persuade us that this amendment was wasting time, I think he went some way to exacerbating that problem. I very much welcome this amendment. I think, especially coming from someone who has particularly useful insights into the, whatever its official name is, Human Capital Development Plan, I think it is really important.

I think the reason that we should be debating this, even if it is just to note, is so that we carve out specific focus on something that really matters. Now I think the key paragraph here is in the explanatory note on the second page, which says if Guernsey's participation rate in the 20-64 age group today was in the same in 2017, there would be, I think Deputy Kazantseva-Miller means the equivalent of 646 more workers available.

Now, if anyone thinks that that is not something we should be discussing in the context of debate, I beg to differ. If anyone thinks that finding the homes and the public services and all the things that we need to do to support an additional 646 workers is insignificant, I beg to differ.

This is really material. This is absolutely what affects all the things that we need to invest in providing and supporting our workforce. I cannot understand. I think this is super-relevant. I am really grateful to Deputy Kazantseva-Miller for actually drawing attention to some really material factors and I think it is useful to have them in the form of an amendment, so that we can focus on these very issues. Because I think they would just get lost in general debate. So I very much welcome it.

Anyone who has ever complained about the impact of additional housing or any of the traffic impact should very much welcome the kind of data illustrated and articulated very clearly in this amendment because this gives us a really clear idea of how important the issue of participation, as one of those levers, is to avoiding those potential impacts. So I very much thank Deputies Kazantseva-Miller and Soulsby for bringing this amendment. I think it is really important and I would be delighted to note it.

The Bailiff: Deputy Inder.

Deputy Inder: Just briefly, I think both Deputies Kazantseva-Miller and de Sausmarez have actually missed Proposition 5. What Proposition 5 says is to note the Human Capital Development Plan will be published by quarter 2, 2023:

... and to direct the Committee *for* Economic Development and the Committee *for* Education, Sport & Culture to ensure that the Plan supports the relevant aspects and recommendations of this Review.

It is already baked into the policy letter. I am happy that Deputy Queripel brought that to our attention because potentially there is a bit of parliamentary arbitrage going on here. It is entirely possible now, creating amendments to note, that effectively on a small sub-topic of any particular speech, from now on we can just create amendments to any policy letter to note something so that we can have debate on a specific area.

I would ask SACC to give some consideration to this because I can see where this could run. I just do not understand why this now exists when we have already got Proposition 5. To give you some background, Deputy Kazantseva-Miller entirely came to the Committee promoting skills and

I think, along with Deputy Murray on Education and probably all Members of Education, saw that skills were incredibly important, particularly the President.

215 We have had an interim report, for want of a better word, in the last two months, and it has got a £4 million note attached to it; £4 million. Now the Committee has agreed, I think the joint Committees agreed unanimously for that to carry on, but certainly Treasury, we have asked the leads on the, I am going to use the words skills strategy because I just do not like the words human capital, it is just easier to say, the skills strategy, to have a conversation with Treasury. Because 220 £4 million at the moment is an awful lot of money, which we currently do not have. Or we do not appear to have. Or something is going to have to fall away.

So, in short, I might be dancing on a pinhead here but it will not be the first time. I just see this as entirely pointless because number five says, and I will repeat it:

To note that the Human Capital Development Plan will be published by Q2 2023, and to direct the Committee *for* Economic Development and the Committee *for* Education, Sport & Culture to ensure that the Plan supports the relevant aspects and recommendations of this Review.

225 This is, I am afraid, a pointless amendment, because all it does is note something, which is already baked into the policy letter and is actually a Proposition.

Thank you.

The Bailiff: Deputy Fairclough.

230 **Deputy Fairclough:** Thank you, sir.

I will be supporting this amendment and thank Deputy Kazantseva-Miller for placing it before us. It will be interesting to see how Deputy Queripel and others will be voting on the seven Propositions to note in the policy letter before us when it comes to the vote later.

235 So like the Committee *for* Home Affairs, I will be supporting it. In their letter of comment, and let us not forget it was that Committee that brought this before us today, it says:

The amendment identifies the need to ensure the participation rate of the local workforce is increased and maximised where possible, which may have an effect on the level of net migration required.

240 That seems to be fundamental to me. Notwithstanding the effects of increased participation alone would not be enough to meet the Island's long-term needs as set out in the policy letter, maximising levels of participation in the existing workforce should be encouraged and workstreams to consider potential mechanisms through which this can be achieved are welcomed and I agree with the Committee *for* Home Affairs. I will be supporting it and I urge fellow Members to do the same.

Thank you, sir.

245 **The Bailiff:** Deputy Matthews.

Deputy Matthews: Thank you, sir.

250 When I first saw this amendment I thought it did not really do any harm, it was just to note a feature that Deputy de Sausmarez said is quite an important feature and going by the advice from the President of Home Affairs, to be supportive, I did not see it would do any harm. I do, however, have to pay a little bit of attention to the argument that Deputy Queripel and Deputy Inder have put forward, that it does not really do anything.

255 I wonder if it has any unintended consequences by voting for it. Because by carving out and noting a specific part, is that inadvertently saying that we should not be noting any of the other things that this population policy should do? Because there are an awful lot of consequences that an increase in population should have right across the States. In healthcare, we would have many

more things to consider in terms of recruitment and in terms of the number of service users. Of course, education, very dramatic consequences, potentially, there as well.

260 Are we saying we do not need to worry about those because we are noting this part and we are not noting the other parts? It would seem to me, if we are going to carve out parts and say, 'we need to note this', we need to think about everything that the States should be noting in advance. I said in a speech yesterday that I think that the population policy and what I would like the States to make note of is that this has really very dramatic effects across the entirety of the States.

265 The States needs to re-focus what it is doing and think about how we can attract and retain young people, how we can try and change the demographics, how we can try and promote Guernsey as a place that people would like to come and live and raise a family and contribute to the Island.

270 I think that, whilst this is an important aspect to note, there are a great many things that are important to note. I am now at the point where I am not sure whether it is worth noting this over noting anything else. So I shall think about that during the course of the rest of the debate.

Thank you.

The Bailiff: Deputy Gollop.

275 **Deputy Gollop:** I wanted to support these amendments.

Many years ago, when I was younger, I used to do a lot of amendments like this – Deputy Trott and others will recall – or support those that others did, I hasten to add. It has come back to what I have so often said around the Committee tables over the years – and not listened to, of course – that it is not just about the meticulous and sometimes rolling your sleeves up, as Deputy Prow said, 280 the hard graft, Deputy Vermeulen said, of going through documents, meetings, Civil Service processes, checking with all the different agencies and so on.

It is not gesture politics. It is about making a statement. It is about emphasising things. I have to say I agreed with a lot of what Deputy Roffey said yesterday. I think he was probably on the money when he said the public were more on his side than perhaps the majority of the Chamber, including 285 me.

Because the reality is, when the population migration report hit the streets in September, at the time we were considering the disability and anti-discrimination Laws, many other things, suddenly my life got busier. People, especially older, core Island middle Guernsey generations saying, 'This is really worrying.'

290 Because from their perspective, we know all the arguments about economy and demographics and so on. They just saw it in very practical terms. Firstly, the issues Deputy de Sausmarez and others have referred to about extra traffic on the road. Secondly, about development of green fields, especially in the northern parishes, but not exclusively so. And, thirdly, the idea that what is already an over-the-top, in some ways out of control housing purchase, first-time buyer and rental market, 295 is likely, bound to, really, get higher. If there is not an increase in supply and there is an increase in migration, then you can guess what the result will be.

So they are not happy. Of course they actually, at the same time as Deputy Inder – I will give way to Deputy Inder.

300 **Deputy Inder:** I do not know if it is a give way or a point of order but I am not entirely sure Deputy Gollop is actually talking to the amendment. He is talking about yesterday's debate.

The Bailiff: Just a minute, Deputy Gollop.

305 Deputy Inder, if you have a point of order to raise, you raise a point of order, as you know. Deputy Gollop resumed his seat and effectively was giving way so what you are really raising is a point of order but it has not been raised in a proper way. But equally, Deputy Gollop, if you could speak to the amendment, that would be helpful please.

Deputy Gollop: Thank you.

I think the thrust of my argument is that it is too easy for the States to give the impression, although as we know, the Report is much more detailed than that, that we see the answer to population demographic issues and our shortfall in the workforce as being just about migration. This amendment is seeking to emphasise other issues and part of the reason we are here today is perhaps a lower than ideal participation rate and that is from both working families and the older generation.

Where I would have a degree of reservation is that we are not in a directed society, where we do annual tractor production statistics, or whatever. Some of us might quite like to think it might have been quite nice, in a way, in East Germany, but that is not the kind of society we want to have in Guernsey. You cannot direct people to work. I do not think any form of the States would be able to go up to somebody who is 55 years of age, or 60 years of age, or 65 years of age, and say, 'You must work.' Especially if they do not need Income Support, of course, and they are self-reliant.

Now, I believe that one of the reasons why we have a lower than we might expect participation in the workforce, which is covered in the extensive notes to this and has dropped marginally, is actually because, as Deputy Dudley-Owen hinted yesterday, choice. We know there are many people in the older segments of our population who do take early retirement, for whatever reason, and they choose to travel extensively or they choose to do home or garden extensions or they choose to look after grandchildren or whatever or they choose to take part in our voluntary sector, which is one of the greatest aspects of life in Guernsey and we have hundreds of charities and other groups and we should not forget that. Indeed some people take up a life working more for the Church, for example.

So you cannot oblige people to work but nevertheless we have underplayed, in this population debate, the Skills Development Plan, I wish now I could be a human capitalist but there you go, and what this amendment is doing, I think, perhaps notes but it is demanding that the States collectively includes workstreams to improve economic and social participation of Islanders, through a variety of policy levers. We will have another amendment a bit like this later.

So it is saying, come on guys, we all need to actually – whether Economic Development or Home Affairs or Policy & Resources or Education, Sport & Culture – work, to come up with various ideas, some of which might be tax incentives, financial incentives. In fact, we will come to a more specific amendment later, which I hope we will debate.

But we actually should be delivering on this and not just passing it off and there is a danger the population report becomes bogged down in the technical matter of Border Agency issues and population licensing issues and the number of years people can stay. Whereas actually they should be seen – and Deputy Inder would probably agree with me – as an aspect of Economic Development.

The Bailiff: Deputy Oliver.

A Member: Rule 26(1), sir.

The Bailiff: Deputy Oliver.

Deputy Oliver: Rule 26(1) please.

The Bailiff: Will those Members of the States who are still eligible to speak on the debate on Amendment 2 and who wish to do so please stand in their places? Is it still your wish Deputy Oliver to move a motion under Rule 26(1)?

Deputy Oliver: Yes please, sir. People will always stand up.

The Bailiff: Members of the States, I will put to you the motion that debate on Amendment 2 be curtailed, subject to the usual winding up stages. It is a procedural motion, so *aux voix*. Those in favour; those against?

Members voted Pour.

The Bailiff: I will declare that carried.

Deputy Queripel: Could we have a recorded vote, sir, please?

The Bailiff: Yes, of course you can.

Have we got the motion ready for Members, Greffier? Then please open the voting. So voting has been opened on this procedural motion, apparently.

There was a recorded vote.

Carried – Pour 19, Contre 12, Ne vote pas 3, Absent 6, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Aldwell	Deputy Brouard	Deputy Prow	Deputy Burford	None
Deputy Blin	Deputy Cameron	Deputy Queripel	Deputy Bury	
Deputy Dyke	Deputy de Lisle	Alderney Rep. Snowdon	Deputy Dudley-Owen	
Deputy Ferbrache	Deputy de Sausmarez		Deputy Falla	
Deputy Haskins	Deputy Fairclough		Deputy Helyar	
Deputy Inder	Deputy Gabriel		Deputy Le Tocq	
Deputy Le Tissier	Deputy Gollop			
Deputy Leadbeater	Deputy Kazantseva-Miller			
Deputy Mahoney	Deputy Matthews			
Deputy McKenna	Deputy Roffey			
Deputy Meerveld	Deputy Soulsby			
Deputy Moakes	Deputy St Pier			
Deputy Murray				
Deputy Oliver				
Deputy Parkinson				
Alderney Rep. Roberts				
Deputy Taylor				
Deputy Trott				
Deputy Vermeulen				

The Bailiff: On the motion to curtail debate, pursuant to Rule 26(1), proposed by Deputy Oliver, there voted in favour 19 Members, against 12 Members; 3 Members abstained and 6 Members were absent at the vote.

In that case I will declare that motion duly carried and I will invite Deputy Prow, as the President of the Committee, to comment on the amendment if he so wishes.

Deputy Prow: Thank you, sir.

I will be brief. In the words of Deputy Roffey, I think we need to make progress. Deputy Kazantseva-Miller is right. The Committee, when we responded, we did support the laying of the amendment and we did so because it does identify the need to ensure the participation rate of the local workforce is increased and maximised where possible and that is a point I think Deputy Fairclough has made.

Just to support what actually Deputy Inder said, the amendment also falls into the ongoing works to develop the Human Capital Development Plan, which is being progressed jointly by the Committees for Economic Development and Education, Sport & Culture, and there was more meat on that bone in the speeches. I would note the point that Deputy Inder has made that this will happen whether this amendment is noted or not.

What I must say, sir, is maximising the levels of participation should be encouraged and workstreams to consider potential mechanisms to achieve this are welcome. However, it is important to note that the Committee for Home Affairs is not directly affected by this amendment.

But we also did say in our comment that it may be worth cautioning against using amendments to note as they add nothing substantive to the Proposition, they are all contained in Proposition 5, points which Deputy Queripel and Deputy Matthews said. Also –

I give way to Deputy de Sausmarez.

Deputy de Sausmarez: I am really grateful to Deputy Prow for giving way.

It is just that, because he has mentioned that this adds nothing substantial, I do beg to differ on one point, which is that much has been made of the 'to note' but I think the really crucial part of this amendment is the third line, which says:

... and that this work may reduce the requirement for the net migration level identified ...

I wonder if the President would agree with me that that is very material indeed.

Deputy Prow: Yes, I do. I completely agree with that point.

Just before I sit down, mention has been made that some of the Propositions themselves are to note but please can the Assembly remember that this policy letter is based on a review and those Propositions we asked to note, they are really salient points that we need to progress so I think that is why I think there are a few substantive Propositions where we are very much asking the Assembly to note.

Thank you, sir.

The Bailiff: I turn to the proposer of the amendment, Deputy Kazantseva-Miller, to reply to the debate on it, unless you are delegating it elsewhere?

Deputy Kazantseva-Miller: No, I will do it.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, Members.

I appreciate your input. I must say I think just three weeks ago, on Deputy Blin's amendment, we spent about half of the time defending his right to speak and to lay amendments so I think it comes as a surprise to hear such consternation against laying this amendment. Actually, I think it is worth noting that this amendment has really changed. It was more in line with the amendment that Deputies Roffey and de Sausmarez brought yesterday, directing actually the Committee to undertake further work, because actually modelling for those factors will make a difference to the net migration levels identified.

However, I did not want to delay some of the decisions that had to be made today so I chose to do it in this manner and noting that this work will have a substantial effect on net migration levels that we evidentially identified and baking into a planning process.

In terms of answering Deputy Queripel's specific questions, H.M. Procureur, Comptroller had absolutely no issues with this amendment and we have had a very useful engagement with Deputy Prow.

I give way to Deputy Soulsby.

Deputy Soulsby: I thank Deputy Kazantseva-Miller for giving way.

Does she not agree with me, also, that it is all very well producing reports and we have had that case very recently but the one thing about having this amendment is that it will be on the public

record? I would say Deputy Kazantseva-Miller has done some extensive and really forensic analysis of information, which she has requested over the last few weeks, which really sets out information, which is not available in the policy letter and it does give a different impression as to what the situation is and the potential mitigations that we have towards net migration.

445 **Deputy Kazantseva-Miller:** Thank you, Deputy Soulsby, for your contribution.

I think that point is actually absolutely critical. So Deputy Prow opened his opening speech yesterday saying that this is probably one of the most fundamental policy papers that is coming to our attention and this policy paper models just a few factors. It takes into account a stable birth rate and it takes into account net migration. It does not take into account anything else. I know that
450 Deputy de Sausmarez and others have raised the question about participation rates –

Deputy Vermeulen: Point of correction, sir.

455 **The Bailiff:** Point of correction, Deputy Vermeulen.

Deputy Vermeulen: You are fundamentally wrong, there. The Review took into account the death rate in the Island as well as the birth rate.

460 **The Bailiff:** There is another issue in relation to what you are saying, Deputy Kazantseva-Miller, which is you are entitled to reply to the debate but not to raise new arguments. You do seem to me to be straying into developing things that have not been addressed in the debate.
Please continue.

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

Answering Deputy Queripel's 'What is the point of this amendment?' it is to clearly show that there are factors, and we have data on those factors available right now, because I could get access to that raw data from Data Analysis, that we could model today and we should have modelled those factors to show that, actually, the headline migration figure that we have identified is just one of
470 the levers we have and may not necessarily be the factor that we should be absolutely taking into account as what we bake into the critical strategic decisions that this policy paper then directs us to take.

So I hope he appreciates that the point of bringing this forward was to say that data is already there but it has not been included in the modelling of the policy paper and that it has an effect on
475 the range of the net migration figures that we have and it is critical because that will affect the strategic decisions we will have to take in relation to housing, public services and infrastructure.

I do hope I have explained this to him in sufficient detail and I think it has been interesting that, yes, absolutely, I am on Economic Development and leading on the skills policy, but I have not been involved in this policy whatsoever and in fact the policy in its full has been given to Members who
480 were not part of the steering group just the night before publication. So I have not seen this policy until it has been published and my only ability to contribute, to actually provide some of the data, has been through amendments like this.

Deputy Inder mentioned that we do have a Proposition on human capital. Yes, absolutely we do have that Proposition but that Proposition just assumes that human capital will support whatever
485 we have decided today, while this amendment, what it is trying to say actually the work of human capital and other areas can have actually a fundamental effect on the very key Proposition of this policy paper, which is the headline migration rate.

Again I hope that this explains that this is not just a repetition of other Propositions but actually the work that has to be undertaken in this sphere will have a fundamental knock-on effect on net
490 migration and the strategic decisions we have to undertake in relation to housing and infrastructure.

Deputy Fairclough, I think, illustrated again exactly that point, that this work will have an effect on net migration and again thank you for noting that there are seven other Propositions to note. That is a common way of how some Propositions are brought forward.

Deputy Matthews talks about the consequences. He is absolutely right. There will be all sorts of consequences. The key point of this, and actually we had some interesting discussions in Economic Development, what should be the sequence of some of these policy papers we are debating. Should it be population, skills, tax, or skills, tax, population, etc. They are all really inter-dependent. The human capital work, which this Assembly for the first time really has prioritised, as one of its action areas, we should congratulate ourselves for actually recognising that this is such an increasingly important piece of work. This work will have significant inter-dependencies on actually the implications of the decisions taken.

Deputy Gollop, thank you for again illustrating that this is the kind of data that we need to be looking at when we are making such important decisions going forward and unfortunately this data is simply not available in the policy paper.

Deputy Gollop mentioned that the effect of the Review is to potentially underplay the importance of these factors and I actually agree with him and perhaps because the policy paper came from the Committee for Home Affairs, obviously immigration and population management is absolutely within their mandates, that is the lever they know and they control, immigration, they do not have the mandate over other areas so perhaps within their mandate they see that as the biggest lever they can influence. I think the key is that, as a Government, we really need to be looking at other areas and really making sure that work is undertaken and have quick enough mechanisms to ensure that there are substantial outcomes from such work that those strategic decisions on headline migrations, housing, land supply etc., are amended.

I think what hopefully this amendment tries to say ... it is really the third line, as Deputy de Sausmarez has indicated. It is about showing that right now we have data available. I was able to model that within about a week of just number crunching, and this was confirmed by officers. That just took me a few days to do. This data is available to me today to say that the net migration figure we have identified, which is neither a cap nor a target, is probably overstating what we actually need.

This is the fundamental point of this amendment that –

Deputy Taylor: Point of order, sir.

The Bailiff: Point of order, Deputy Taylor.

Deputy Taylor: I think Rule 17(4) again.

The Bailiff: I think that is probably right that what you appear to be doing, Deputy Kazantseva-Miller, is introducing new or further arguments in support of the amendment rather than to respond simply to the points that are made during the debate on it. So can you confine yourself to that, please?

Deputy Kazantseva-Miller: Thank you, sir.

Yes, I am summing up. So the effect, by underplaying the importance of those factors and potentially overstating that headline migration rate, the implication is of us deciding on strategic factors such as infrastructure, public services, and housing, is that we should be straight away considering a range of options and I hope that is what this amendment has helped, by bringing evidence that is available right now, help illustrate that we need to take that approach.

So I absolutely encourage Members to support this. This is not a controversial amendment. There has actually been quite a bit of work I have put into it to illustrate those dependencies and I urge Members to support it.

Thank you.

The Bailiff: Well, Members of the States, we come to the vote on Amendment 2, proposed by Deputy Kazantseva-Miller and seconded by Deputy Soulsby. Will you please open the voting, Greffier.

There was a recorded vote.

Not carried – Pour 14, Contre 15, Ne vote pas 5, Absent 6, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Brouard	Deputy Aldwell	Deputy Dyke	Deputy Burford	None
Deputy Cameron	Deputy Blin	Deputy Oliver	Deputy Bury	
Deputy de Sausmarez	Deputy de Lisle	Deputy Prow	Deputy Dudley-Owen	
Deputy Fairclough	Deputy Ferbrache	Alderney Rep. Roberts	Deputy Falla	
Deputy Gabriel	Deputy Haskins	Alderney Rep. Snowdon	Deputy Helyar	
Deputy Gollop	Deputy Inder		Deputy le Tocq	
Deputy Kazantseva-Miller	Deputy Le Tissier			
Deputy Leadbeater	Deputy Mahoney			
Deputy Parkinson	Deputy Matthews			
Deputy Roffey	Deputy McKenna			
Deputy Soulsby	Deputy Meerveld			
Deputy St Pier	Deputy Moakes			
Deputy Taylor	Deputy Murray			
Deputy Trott	Deputy Queripel			
	Deputy Vermeulen			

The Bailiff: So on Amendment 2, proposed by Deputy Kazantseva-Miller, seconded by Deputy Soulsby, to insert a new Proposition 1A, there voted in favour 14 Members; against, 15 Members, 5 abstentions, 6 Members were absent at the time of the vote and I declare the amendment lost.

The Bailiff: The next amendment to turn to, Members, will be numbered 6, and I am going to invite Deputy Roffey, if he still wishes to lay the amendment, to speak to it, please.

[Amendment 6.](#)

To insert a new proposition numbered 1A :-

1A. That the Policy & Resources Committee shall coordinate an investigation into measures to optimise the economic participation of Guernsey's resident population and to increase, wherever possible, the productivity of the island's workforce. Such an investigation to involve other relevant committees and to include :-

[i] Possible measures to encourage older islanders to continue to be economically active, or to increase the level of their economic activity, such measures to include, but not be limited to, fiscal/financial incentives.

[ii] Creating a work steam in the next iteration of the Government Work Plan aimed at increasing access to affordable childcare in order to promote greater economic participation by parents.

[iii] Consideration of what, if anything, the States could do to encourage the use of mechanisation, robotics, automation and artificial intelligence in order to improve the island's economic output as a factor of the size of its workforce.

[iiii] Consideration of what, if any, changes to the education [including adult education] and training provided in Guernsey might be desirable to achieve the outcomes referred to in this proposition.

Such an investigation to take fully into account, and dovetail with, the ongoing work being done by the Committees for Economic Development and Education, Sport & Culture on developing Guernsey's Human Capital.

Deputy Roffey: I do, sir, and I will stick to my promise not to go over all of the ground that I went over yesterday about why economic participation is so important.

Indeed, I have been delighted in some ways that I think there has been universal recognition over the last day and a bit that maximising the number of people who are economically active and the degree of their economic activity from our existing population is absolutely crucial. However, I think maybe there are grades of how crucial various Deputies regard it as being. To me, it is absolutely up there as one of the key themes that this Assembly should be pursuing and one of the reasons why I voted for the last amendment, which lost by a narrow margin, was a recognition – it was that line 3 – that recognition that every extra person we can get working from our community is one less migrant, and I have got nothing against migrants; and I love the cultural diversity, we are talking numbers here, one less person we need to bring in.

So if we can get 1,000 more people working or working more in our community, that is 1,000 new homes that will not have to be built. That is vergée after vergée after vergée of land that will not have to be developed with the outrage we know that always causes.

So this amendment is really inviting the States to make maximising economic participation a real top priority, led from the top and co-ordinated. Now Deputy Prow has said yesterday and I think today that reporting knowledge exists and there are several Propositions say there is. There is the Proposition about developing human capital, but I sat on the working party and I know that that is largely about upskilling, which is really important. That is really important.

Another Proposition asks ESS to look at the way we can use our policies to try and maximise economic participation. But this is piecemeal. I think this needs an absolute co-ordinated strategy and the idea that it is being led from the top and the various committees, and there are a number of them that will have an input, being co-ordinated, I think, is absolutely vital, if we are really going to take economic participation seriously and it is not just going to be doing lip service to it and saying, 'Yes, it is a good thing but ...'

In particular, I have singled out, perhaps, in this amendment the issue of affordable childcare because that has for decades been rattling around as an area where Guernsey falls short of just about all of its competitors in actually unleashing the potential of its own workforce by not making sure that, as far as possible, as far as affordable and I know public funds are short, that we can make sure that people who want to work can work.

Now I could have just said let's have a review of that, it is so important I want it done. I realise that Policy & Resources are short as well, which is why I have asked for it to be addressed as a part of the next iteration of the Government Work Plan. But really I want this to be an acid test, this amendment.

We have heard just about every Member of this Assembly say the more people – it is not slavery, it is not forcing people to work who do not want to, but the more people – we can encourage to continue working, or to go back into the workforce or to work more, the better it is for our economy, the better it is for the migration figures. So I want to elevate this to an absolute top workstream for this Assembly and that is basically what this amendment does.

I could go through all the sections but that is basically what it does and I hope that it will get support from States' Members.

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

Deputy de Sausmarez: Yes, sir.

The Bailiff: Thank you very much.
Deputy Ferbrache.

Deputy Ferbrache: Again, a bit like Deputy Queripel's point in relation to the previous amendment, which is the reason I voted against the previous amendment, I do not see that this adds anything because if one looks at the policy letter, I think all the points made by Deputy Roffey are right. I know he meant it in a constructive sense about one less migrant means a couple less vergées that are going to be built on, etc. I support all of that.

610 But look at paragraph 6.20 of the report and one of the things that the Human Capital Development Plan which is being drafted includes is proposals to do various things: increasing productivity in the economy and that will include old people and can I just say I wish Deputy – and he is not old, I am sure – Prow, his 70th birthday today: Happy Birthday, Deputy Prow! That has got nothing to do with the debate but I am wishing it. It reminds me of a quote that was applied to Cleopatra, not that I am suggesting he is Cleopatra, but age has not aged him in any particular way
615 and custom has not staled his infinite variety. So I wish him a happy birthday.

But going back to the amendment, in relation to it, I do not see the point of it. It is already covered. We have got endless proposals, which cover everything. We realise we have got to look into productivity, we have got to make sure that every member of our community is given the opportunity to be as productive as he or she wants to be, whether they are 16 years of age, 70 years
620 of age, as Deputy Prow is today – I will just remind him in case he has forgotten that – or even older.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, perhaps Deputy Soulsby gave the speech I wanted to give for the last one,
625 because the point I started off on the earlier amendment, saying there was disappointment in some areas of our community, despite our need for a more robust demographic and more skills and enterprise on the Island and it is, as Deputy Soulsby pointed out, about mitigating the impact of population increase and, yes, Deputy Ferbrache, along with other Members, has a point that these workstreams are to be done.

630 But I kind of want more strength, almost like a cabinet, from Policy & Resources Committee, to actually look into the productivity issues that we have already explored and what is this calling for? It is actually calling for the next Budget and maybe the Tax Strategy to look at fiscal and financial incentives to encourage older Islanders to work.

One suggestion that people made to me, not for the first time – in fact a fellow candidate from
635 the last election put this point to me, a very sensible person who has contributed a lot to the Island in property and in other ways, and their argument – is that it is more likely people would continue in work if they were able to go on paying Social Security past pension age and have some form of enhanced pension or other forms of contribution. It is an idea. Perhaps easier to do when we get more new IT.

640 Other people have said that they would be more likely to do it. We know there are some private sector organisations already facilitating this if they could get training grants for retraining in later life. I remember Deputy Queripel, he spoke very eloquently over many years, over how difficult it was, even for somebody of 50, let alone older, to get sponsored state training to do that.

I was on the working party of the SOHWELL, the Living Longer and Ageing Well, but we were
645 aware that not everything at the time, in some ways I do not know about Deputy Ferbrache but some people on Economic Development did not take it very seriously. They thought what is the point of that group meeting every week, just talking about things? But we now know that it is part of the solution.

Deputy Roffey certainly is not joking when he says that he would like to see, is demanding to
650 see, I think many of us are, we want to see a workstream in the Government Work Plan but more than a workstream, actual cash on the table really, and real facilities, might be buildings, might be people, aims of increasing access to affordable childcare. We know we are behind Scandinavian countries. We have actually gone backwards because I remember a few years ago the States were more involved with creches at Beau Séjour and at Health & Social Care, for example.

655 Our increasing use of mechanisation, robotics is a big deal but it is all part of our data-driven Guernsey, as other Members have said and we want more, probably, from Education, Sport & Culture, especially when the new tertiary, kind of, college opens, how they can deliver lifelong learning to achieve outcomes.

So we actually want high-level, specific, probably a discreet report or reports in all kinds of areas,
660 from family, childcare to digital technology, to lifelong education, to ensure that we can actually

not just minimise immigration, perhaps, but maximise growth, maximise earning potential, maximise self-sufficiency and I think that is a very noble cause and that we should support this amendment and it adds beef, perhaps, to the impact of the overall report. I too, though, wish Deputy Prow a happy birthday and see him as a much younger person.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

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I just feel that there is a lot to this amendment, actually, in terms of delivering a high level of workforce participation, because that is what we want and there is a lot of slack, at the current time, in the system, that needs to be energised and brought out. Highly desirable to stimulate the maximum possible economic participation by the resident population and to increase productivity, if possible, also, through training and so on. Enabling and encouraging those wanting to work or work more, to do so. Parents wanting to work more but restrained by access to affordable childcare. That is another area that needs to be stimulated and encouraged.

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Now, sir, this is brought forward by the President of social and I have been informed by some under benefit and the States' housing that some of these programmes of support restrict families' ability to enhance themselves by taking up further work. Other jobs, additional jobs, to not only do a full-time employment situation but also to earn extra money and then to further work in perhaps a couple of jobs and bring in more money to the household.

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So I would like to see Deputy Roffey look at this Department and see where, in fact, there are opportunities to release some of these constraints to people doing more and becoming more involved within employment and the workforce.

Thank you, sir.

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The Bailiff: Deputy Inder.

Deputy Inder: Just briefly, sir.

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I think the Committee for Home Affairs is fairly neutral on this and I am only going to speak to what we have seen over the last 40 years and there is no two ways about it, and some of you will have heard me say this before, Guernsey has had an incredible last 40 years. We have effectively all been able to write our own cheques and we have all done very well and most of it is reflected in this Assembly.

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Now much is made of participation and I know, I think as Deputy Roffey said, he said he has the population on his side when he lost the amendment from 200 to 300. Now I do not think there is anyone in this Assembly who really wanted to increase population in any way. I do not really think anyone in this Assembly wanted to see the sort of green fields of Guernsey paved over with either a green plastic, to be perfectly honest with you, or housing either. But the reality is that this is – and I have also said this before – getting in was the easy bit. Making decisions the next day was always going to be the difficult bit.

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Now, in all of this, I suspect, and this may come from some of the data that Deputy Kazantseva-Miller along hopefully with Deputy Haskins and the HCDP will find out and I would like to know, actually, when Deputy Roffey does respond to this, what kind of data this is all based upon ... Because my memory of ESS is that it does struggle to extract data out of its own systems. That is not a criticism of the Committee, particularly; they will not know the hourly rates that people are working on, they will not know how long people have been working, so a lot of this is effectively supposition.

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I am going to support this amendment, only because I think it is the right thing to try and do. But the greatest driver to participation and effectively against participation is the economy. When the economy is doing very well we have got many retired people with lots of money in the bank. They may not want to participate and those are entirely personal choices and I really do not see – and we have seen this and they call it, I think the Americans call it, the great resignation – post-

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COVID people just did not want to come back to work and they seemed to be in and around, between the 50 and 60 year old.

715 For the life of me, I do not really know how Government can force people to participate back into the workforce when they just do not want to. I was listening to Radio 4 – Island FM must have been broken that day! – the other day. Since the start of COVID, again, in the range of between 55 and 58-year-olds, the British economy has lost 700,000 people out of the workforce. Now they clearly have not died. They have probably taken life decisions not to do what they do not want to do. So that is 700,000 out of the workforce.

720 So I will support this but what I would not like to see is millions and millions of pounds spent into something that may or may not achieve anything. It may not achieve anything. So I hope, if we go down this path, looking at participation, there will be some points where we look at the data and say, 'Look, this is possible, or this is not possible.' And either carry on or pull away because there is a danger with Government, once it sets off a workstream, that stream will just grow like topsy and once we have decided to do something, it will carry on and carry on and all we will have done is spent millions of pounds on consultants, lots of officer time and nothing will have come out of it.

730 So, I will accept it. I will accept that both Deputies Roffey and Deputy de Sausmarez have come with this in entirely a genuine way and quite clearly they want to reduce the net migration and they see this as an opportunity. But I have got my reservations. One of the greater economic drivers is the fact that we have done well and I suspect, and it is only a suspicion, that if there is lower participation, because the Island is doing well; as soon as the Island does not do well, you watch the participation rates go up, because people will need to work.

735 Thank you.

The Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, sir.

740 I have been in two minds about this amendment. It seemed fairly harmless and I was minded to support it. But then I re-read it and something popped out at me that I had not thought of before and that is point one. That is possible measures to encourage older Islanders to continue to be economically active.

745 Now, I am sure that most Members know that some firms still discriminate against older people, forced retirement ages. I think it is very ironic that Deputy Roffey has put this amendment forward when, wearing his other hat, the age discrimination legislation is still years and years away. So I do not think that is really joined up. On one hand, we want to encourage older people to work but we are nowhere near bringing in age discrimination legislation. So on that basis, I think I am minded to vote Contre.

750 Thank you.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

755 I think the official standpoint from Home Affairs is that we are neutral on this position, or this amendment. Personally, for me, I am in favour of this amendment. I will be supporting and I am hopeful that I could elevate Home Affairs' views or other Members' views from neutral to that of support and also extend that attempt to sway Deputy Ferbrache as well.

760 The main reason I seek to sway Deputy Ferbrache is his reference to not supporting this was based on 6.20 and that is a very fair point. It does cover broadly what is sort of suggested in this amendment but I would contest that it does not quite go far enough in there and again I think the phrase is it does not have the hook that might be required to actually enact some of the ideas that could come about if Amendment 6 was successful.

765 So the reason I would want Amendment 6 to be successful is really on point 1A(ii), which is
around the increasing access to affordable childcare and I think that really brings us back to why
we are actually having this debate in the very first place because the reason we are here having this
debate is because our workforce is declining and the main reason for our workforce declining is
because, maybe 20 years ago – do not quote me on the exact date – we stopped having enough
770 children and because we stopped having enough children, we are now at a point where there are
not enough coming through to fund all the people that did not have those children. We are not
encouraging people to have more children so we need to encourage more people in but if those
people do not have children it is just a scheme.

So that for me is a very important part. It is not going to change everything drastically but it
does help and I do not think it is a massive thing. I do not think anyone would disagree that we
775 need to have more children. Yes, they come with costs, they have been debated between Deputy
Dudley-Owen and Deputy Trott yesterday but we absolutely need more children and anything we
can do to make it more attractive to regular people in the community to be able to have children
and ideally get our fertility rate about 1.5, because that is a downward trend, and get that to two, I
think we should be supporting that. So not the best of arguments to put forward but I hope that is
780 just enough to convince my colleagues to support this amendment.

The only other point I want to raise is, I think it was Deputy Inder raised a question on 1A on
how you might encourage people to stay economically active. It is an amazing grey area and a
question I do not have the answer to. For me it might be envisaged as a way, you may be the Bailiff
today, sir, but when you retire you might want to do something a little less stressful. You might not
785 want to have to deal with us and you might want to become a florist. A completely different career
change and that is where I think there are potentially opportunities. To expect you, sir, to stay on
as the Bailiff once you pass Deputy Ferbrache's age, once you stay on, it could be incredibly stressful!

The Bailiff: I am not entitled to stay that long, Deputy Taylor!

790 **Deputy Taylor:** Apology, I did not realise that. Well maybe you might seek employment as a
florist in years to come!

It is thinking outside the box and if we have job roles that you may never have considered but
find a way, maybe like we do with children: we send them on work experience, we give them the
795 opportunity to go in and experience different areas of our economy and see what they think about
it because, as a child, they have probably got the completely wrong idea about those economies,
based on, I do not know what they have based it on. They have had the idea in their head from
some comment their parents may have made and the same way when you get to the end of your
career, you may have been a city banker, you worked in finance, and you have got perceived ideas
800 of hospitality, what you think it is, and they could be completely wrong.

So something as simple as just that exposure to what you may be able to do in your 'retirement'
I think is worth exploring. It does not have to be a massive, massive thing. I will be supporting this
amendment and I hope other Members will be too because I think it has got some good points in
it.

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

Deputy de Sausmarez: Thank you, sir.

I am absolutely intrigued by your future career plans now! I had never thought of you as a florist
but it is, as Deputy Taylor says, worth considering. Why not?

810 Actually, what Deputy Taylor has already said has, as Members will be pleased to hear, halved
what I intend to say now. I do completely agree with him that although paragraph 6.20 does cover
in fairly broad terms some of the work, it does not go into anything like the same detail. It does not
cover all the same ground that this amendment does. I am sure Deputy Roffey will elaborate when
815 he replies to debate.

Really, I just wanted to touch on two issues. One was Deputy Inder, when he spoke, talked about his reticence, or caution, I suppose, around forcing people to work, and I think Deputy Roffey made clear when he opened the debate that absolutely that was not the intention. I would really just like to draw the focus back onto the other side. If it is not forcing, it is about encouraging, supporting and facilitating and that is where the childcare, as one example, comes in.

I would put on record I am pulling my weight in terms of trying to get the Island's fertility rate up but, having lots of children, I have stared the harsh reality of the economics around childcare in the face and I know how difficult it is to make that stack up economically. I know what a huge barrier that is and that is just one example of barriers that are currently in the way of increased productivity that do not necessarily need to be there, that we can do things to mitigate, reduce those barriers and improve our participation and productivity.

The second point is it was Deputy Ferbrache who got me thinking, not for the first time, on this particular issue, actually. It was something I was thinking about when Deputy Mahoney spoke on my Amendment 1 yesterday and Deputy Mahoney said then and Deputy Ferbrache said just now in relation to this amendment, this is work that needs to be done anyway.

I am actually trying to get my head around how this works. We put a lot of time and effort into prioritising our scant resources through the Government Work Plan to prioritise accordingly and that is what, then, Committees go off and do. I am just struggling to actually understand, when a significant, very important, 'glad it has come up', policy letter like this comes along, there is a lot of work involved and we all assume that it needs to be done, we can all acknowledge and agree that it needs to be done, but it has not been prioritised through the Government Work Plan. That is one aspect that this amendment touches on.

I think it is actually really important because I would not like any of us or the States as a whole to be in a position where we have all agreed and directed various people to do, various Committees to do, various bits of work, but we have actually got no idea how that fits in with the other important work that the States has also directed those Committees to do and that also requires resources.

So I do think it is important for that aspect alone as well as the many other reasons, so I do hope Members will support this amendment.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

As with others, I join in congratulating Deputy Prow on his birthday. Also thanking he and his Committee for their useful note, I think distributed on Monday, giving their Committee's position on the various amendments, which has left me a little confused and I hope he will address that when he responds to this particular debate; because the last amendment he had indicated the Committee was supportive, which was certainly influential to me, and yet three Members voted against and he himself abstained.

So I would like some very clear direction from Deputy Prow on his Committee's position on this amendment. The indication is that they are neutral on it. If that has changed, as it clearly did in relation to the last amendment, then I think if that could be clearly articulated and the reasons why then that would be helpful in construing how to respond to this amendment.

My question, I guess, for Deputy Roffey, is to some extent building on Deputy de Lisle's point about the role of the Committee for Employment & Social Security because, when I read this, it did strike me as an obvious potential admission that too were not tied into the work that was being directed or considered by this amendment because it strikes me that there are opportunities in, for example, how and when and what rates Social Security contributions are levied in order to encourage greater participation.

The amendment is silent on that and it would be useful to have an understanding of why the Committee – sorry, forgive me, why Deputies Roffey and de Sausmarez – did not feel appropriate to perhaps draw their own Committee into this week; so if I could leave those two questions with Deputies Roffey and Prow, sir.

The Bailiff: Deputy Matthews.

870 **Deputy Matthews:** Thank you, sir.

I will support the amendment. I think it makes clear some points that I think should be fairly clear anyway that anything that we can do to encourage people and participation is useful. I wanted to speak up just to respond very quickly to Deputy Taylor because in his speech he mentioned about – it is alright, it was a positive response actually – it just said that this partly stems from the fact that
875 people stopped having children about 20 years ago and I just happen to have a graph in front of me, which is fertility rate for the world, and it goes back throughout the Twentieth Century, really, that fertility rates have declined and there is a number of factors. People are having children much later in life as well.

But yes, absolutely right that for more developed countries, the fertility rate was three in about
880 1950, which is about as far back as the chart goes; drops down to two in around 1980 and declines to about 1.5 and is predicted to very slowly rise very slightly from there to 2100. I think it is not generally recognised, and people know that people used to have much larger families, have them much earlier on and they do not any more, but this is the reason why we are undergoing this change in our society and all countries are undergoing this change at different rates.

885 So less developed countries are further behind, if you look at the profiling, and more developed countries are further ahead, countries like Japan, for example, are slightly probably at the far end of that spectrum. If you look at Afghanistan, I think it has enormous fertility rate. All countries are on this journey to become a different type of society where there will be more older people and it will settle down. But during that transition, the population needs to rise to accommodate it but anything
890 we can do to increase participation is a good thing, so I will support that.

Thank you.

The Bailiff: Deputy Blin.

895 **Deputy Blin:** Thank you, sir.

I am a little bit sort of sitting on the fence with this one. As with the amendment of Deputy Kazantseva-Miller, I was also sort of interested in it, but the action from it, I could not really support. So I left that one. This one, I can see the involvement is a bit more detailed. However, we all agree that we do need a sort of robust immigration policy and I understand, I believe it is Deputy Roffey
900 who said, the fewer migrant workers here, the more space available for others, etc.

But I feel like we are forgetting the point, a lot of this, what we have debated here, is sort of almost a parallel universe because everything is on market forces. Do you think any employer is actually standing and selecting, differentiating between whether it is a migrant worker or a local worker? They are not separating the CVs, they are not doing anything like that. They are choosing
905 the right person for the job. Now it might be the attitude of the person. It might be the wage level, where there is a willingness. It might be the skill. All of this, I can guarantee and from being a small employer myself, you look for the best person for any job. So we are agreed that we are all having debates on keeping the net immigration limited as much as we can but we have to consider into there as well that there are the market forces.

910 So in 2017, when we brought the new Population Management Law, that was a really good thing because it gave the options to everyone. As businesses grow, they can bring people in from outside the Island. They can actually train people here. The bigger they get, they have more opportunities for training people here.

915 So I see that all of this, I mean we know the importance of this, the gravity here is actually our education system, whether it be schools, whether it be the college, opportunities to get into, tied in with programmes where we can get training the right skills to help new businesses grow.

The other one is ESS. I had the privilege of working for nearly four years with ESS prior to standing as a Deputy and that was trying to get people into work, training programmes. I know that ESS do all they can to get lots of people into work but there was always – I believe I think it was

920 Deputy de Lisle and maybe others mentioned, there is always – this struggle, sometimes when they do get the work, if they work a bit too much they will lose their ability for benefit or housing, in aspects like this.

Meanwhile, I have seen that middle Guernsey has all the opportunities where they want to work really hard. When I say middle Guernsey, it is these people who do not get the support from ESS, 925 who actually do not have sufficient to get up the ladder and they are caught in between. Now the reason I have brought

all of this into it is because, as much as I would support this amendment, I am just nervous that we kind of go back to this base again that it will all be reviewed to see what more we can do through training opportunity, through ESS, but I always feel we just miss out this middle Guernsey 930 opportunity.

If we gave almost the same money we give on training to get people into work onto other opportunities to train people further we would have a really good chance.

I will give way.

935 **Deputy Taylor:** Sir, I am very grateful to Deputy Blin for giving way.

It was really just to pose the question that if he thinks 1A (ii) of this amendment, being increased access to affordable childcare might help people in middle Guernsey?

Deputy Blin: Thank you and actually that was another of the points. When it comes to things 940 we can do and also Deputy de Sausmarez had spoken about earlier today and yesterday, childcare is the key. It is those aspects. Get those things sorted. We do everything for education and other aspects. If we get there, if we also extend the route out and start to encourage – and this comes under the remit of ESS – start to encourage people to really have the chance to go out and develop, it is sometimes too easy and you can step back and get back into a benefit situation and I have 945 witnessed this through the work I did there and always tried to encourage that and I know it is a tough problem.

So in summary the reason I have brought all these things there, it just leads me in, if I agree with this amendment, this work will take place but are we not just continuing to turn the wheel? If we are going to reinvent the wheel, we need something more dramatic. A real change. So I do not 950 know which direction I am going to vote in this amendment because one side of me says leave Home Affairs to continue the programme. As we saw there, we are looking at all the aspects. However, I do not disagree with this amendment. I just do not know if it is going to be treated in such a way that will make a strong difference.

Thank you, sir.

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The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

There is no doubt in my mind that extending and providing the opportunities for people to work 960 well into what would be perceived as normal retirement age makes complete sense. But I have to say, sir, that I find speculation around your future career more stimulating than this particular debate! In the distant future, sir, and I underline the words 'distant future', I could see you as a pest controller (*Laughter*) drawing on your considerable experience of presiding over this Assembly!

965 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you.

Just really quickly, I probably am similar to Deputy Blin in that I agree with it but one thing that does worry me is where is the money going to come from and I do not think it is just affordable 970 childcare for the younger years, it is also after as well, like when they go to school, stopping work at three o'clock is not ideal for most people. Most people want to work to five. Well, most businesses

would prefer you to work to five. Where is the money coming from? A lot of this stuff – that does worry me.

975 **The Bailiff:** Deputy Murray.

Deputy Murray: Thank you, sir.

 I looked at this with interest because I do not disagree with any of what has been suggested here. I would probably say it probably does not go far enough and there is my concern with this
980 and I think I am very much in the same camp as Deputy Blin in this regard because there is danger, I think, with something as significant and strategic as, obviously, population management, that we do not look at the bigger picture.

 I do not want to drift into general debate because I want to come back to this theme later. There is a real danger because many of the things in this amendment are already being talked about in
985 one shape or form in different Committees. There is nothing particularly new here. It is quite useful to be reminded of this. The danger is that we start trying to create strategy on the floor of this Assembly and that concerns me greatly because there is a very big picture.

 COVID has changed everything for us. For the world, basically, at the end of the day. It is not just something that has passed and while we are recovering from it but there have been changes to
990 work habits, there have been changes in production chains, there have been changes in all manner of things. There are people who are scared to come back to work.

 So much has changed that we have got to be very careful we are not just tinkering at the edges, we are trying to put Guernsey's future into a better place than it is at this point in time and I am very concerned about Guernsey's future because I do not think it is actually in a very good place. I
995 think we have got huge challenges ahead of us, let alone the demographic issue that all, particularly western, economies have got to deal with.

 You cannot fiddle with that at the edges. You have got to start to think more strategically about the longer term. So whilst I completely agree with all of the initiatives here, I do not have a problem with any of them, I am concerned that we could just have a series of things that we would like to
1000 do, we would like to see. We will twist this dial and we will twist that dial or we will push this particular slider along a little bit, without actually seeing what the bigger picture requires of us, which is to some extent a fairly major rethink.

 Now I am very happy with the Population Management Report, very happy. Because I think it has given us a great deal of quantitative data at this point but it is not enough and it says in several
1005 places it is not enough. There are other streams of work that need now to carry on for this to be as effective as it possibly can be. And it will be effective, I am quite sure of that. But there are other issues to be concerned about here, which it could not possibly encompass because it was not within its terms of reference.

 And we are beginning to see some of that bleeding out into the conversations we are having at this point in time about some of the concerns it raises. How many more people it might actually
1010 bring in. What that would mean for housing. I think again, as Deputy Blin was saying, it is all very well trying to find people to participate in the workforce, but as an employer you are going to employ the person who is best for the job.

 So we might be able to bring back a mother who has been – child carer or whatever – she may
1015 not have the background for the jobs that we have got available. It does not necessarily follow statistically that we actually increase the amount of participation and that matches the jobs that we have got because the jobs that we have got reflect our economy and the direction and capability of our economy.

 That is the major issue here at the end of the day that is now being illustrated by the Population
1020 Management Review that if we stand still and it does refer to, even in there, standing still will not even deliver sufficient for our needs by 2040. So we have to have a bit of a major rethink and this is all well and good. I do not have a problem with it. I would like to see all of these things happen.

As I say, a lot of this work is already being considered and undertaken, as far as resources will allow, and maybe that is the key point, the resources, what resources we have got to reimagine our economy and the component parts of it, given that so much is out of our control. Brexit took so much out of our control, ultimately at the end of the day. COVID has taken so much out of our control.

We are in danger of just assuming we just have to respond to this bit and that bit and another bit and all will be good. I suspect that is not where we are any more. I think we have moved on from this quite considerably and yet I do not think the penny is dropping because we are trying to address the economic problems we have had in the past with a completely different future ahead of us.

So I am in two minds as to whether to support this because I do not want to set a precedent of trying to establish an Island Strategy on the floor of this Assembly, which these are components of but they are only components. It is not the whole picture at this stage and I would not want us to walk away thinking, 'Oh well, we have solved that, then, haven't we?' Because we have not. We have not solved that. There are some much bigger considerations for us out there.

So I can give support to this because I agree with all of its intentions but I want to put a marker down that this is by no means the end of the story. This is a part of a very much bigger picture that somehow we have got to find a focus for to actually address.

Thank you, sir.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I was not sure whether to speak on this or not, so I will be quite brief. I thank Deputy Prow and the team that put the paper we have been discussing together very much for all their hard work. It is very useful. And wish him a happy birthday. As for this amendment, there is nothing I object to in it. In fact, everything it says is fine. We should all be doing these things and, as Deputy Murray has said, to an extent, we probably all are.

So I do not think it matters too much how we vote on it, to be honest. Because I think the points are on ball. I think our population, the people of Guernsey, would prefer, so far as possible, to use the human resources that we have on the Island, the local people, as much as possible before importing more and more migrants, which I agree we have to do. I did not argue with the figures yesterday.

People have come up with various ideas. I suppose on the Education front, we could look hard and probably more for Deputy Murray and his team to comment on, we could look at encouraging our university age students to think harder about staying locally in our college, rather than going off to do degrees in the UK, which may or may not be useful to their long-term careers.

Enough points have been made about childcare. Obviously, it is very important. If we want women – it is largely women that end up looking after children but some men, I guess – if we want more people to come forward and have more children then obviously we have to make that as easy as possible.

I have got two thoughts on that. I do not know whether the schools can help by allowing the younger children to stay on after school hours in a sort of day care capacity, whether that is possible or whether they are doing it already, I do not know. I did read an article in the UK press in terms of the cost of childcare in private facilities. They are thinking of loosening up the regulations slightly so that you can have more children of a given age in a class. So I do not know how far you can go with that.

Those are a couple of thoughts I have. I agree with Deputy Inder that we do not want to use this paper as a basis for spending millions on researchers and advisers but I think it is a useful paper.

Thank you.

The Bailiff: As no other Member is standing to contribute, I will turn to the President of the Committee for Home Affairs, Deputy Prow, for his contribution to this debate, please.

1075 **Deputy Prow:** Thank you, sir.

I will start, sir, with the question posed to me by Deputy St Pier. I am not sure how relevant it is to the amendment but hey-ho. It seems to me a political question. Sir, you mentioned yourself in reply to something Deputy Trott said: we are not in Westminster; neither this Assembly nor the Committee employs a whip.

1080 The Committee *for* Home Affairs considered all the amendments with great care and one thing I have to say, and Deputy Kazantseva-Miller has very kindly mentioned this, we went into great dialogue. Officers did work to try and support her amendments. I know she was grateful. There was a great deal of engagement.

1085 The Committee did not have to make comment but we chose to and we chose to do that to be helpful. As Deputy St Pier knows, and I worked with him on several things last term, you still have to come into this Assembly and make out your case and you have to convince Deputies of that case and that applies to every single individual Deputy. It is right and proper, I can come into this Assembly thinking I am going to vote one way and listen to a debate and vote another. There is absolutely nothing wrong with that. But of course this sort of comment will be picked up by the media and one particular commentator, guess what, this point I am sure will appear in his column.

1090 So our democracy is different. We have a committee government system. As to my vote, re the last amendment, I was influenced by the people who spoke but also I listened to the mover of the amendment as well and I made my decision and voted and I stand by that and I am not going to apologise to anybody for voting *je ne vote pas*. So hopefully, I can move on.

1095 Now, sir, one thing Deputy St Pier did ask: we have made a response and the Committee response was neutral but the Committee does agree with the importance of finding ways to both maximise productivity and the participation of the Island's workforce. Therefore it is not opposed to the workstreams that seek to enhance both of these things, provided they can be progressed in tandem with the agreement of the strategic population objective.

1100 But one important point, I think, for the Committee *for* Home Affairs is that it is okay us supporting, not supporting or being neutral but this amendment engages the mandates and responsibilities of Policy & Resources, Education and Economic Development, so it is likely to require each Committee to feed into the work proposed.

1105 It is unclear whether these Committees, to the level they have been consulted. I was glad to hear from Deputy Inder and we have heard from Policy & Resources, so we are getting a bit of a view about how those Committees might feel about it but I am not sure – and perhaps Deputy Roffey in summing up can help us here – how far the Committees were consulted during the drafting of this amendment. So the Committee view is we neither support nor oppose this amendment.

1110 Just one point, sir, from me, I would like to ask Deputy Roffey, in 1A(i), where he talks about fiscal and financial incentives, can I just ask him to confirm that he is not thinking of any disincentives?

Thank you, sir.

1115 **The Bailiff:** I turn to the proposer of the amendment, Deputy Roffey, to reply to the debate, please.

Deputy Roffey: Thank you, Mr Bailiff.

1120 I think actually Deputy Ferbrache did the best job of anybody in showing why this amendment is so essential because he said it was not necessary because of 6.20. Now 6.20 is good stuff but it is a very limited range of measures in order to improve productivity and economic participation. It is just part of the mosaic and I do not want us to just look at part of the mosaic. I want us to step back and look at the picture because only then will we know how we get to where we need to be.

1125 Deputy de Lisle, I was totally confused, though, because he says that ESS stops people from working more. Well how on earth does he work that out? I do not know if he was listening to my Statement yesterday but certainly as far as States' house tenants are concerned, we have gone completely in the opposite direction and said, 'Unleash your earning potential, you will not in any

way threaten your tenancy by doing so.' I am not sure what more we could have been doing over the last year or three in order to do that.

Of course, if people earn more, the amount they qualify for Income Support goes down but surely that is a good thing? I can tell him that our experience is the vast majority of people on Income support do not want to sit at home taking Income Support, they want to work more and take less in Income Support; and I think that that is one of the urban myths that perhaps needs to be laid, the work incentive for people on benefits is just as high as anybody else.

Deputy Inder, I think, raised a very important point that there has been a suppression, maybe not quite so much in Guernsey as in the UK but we have still felt it, a suppression of economic activity brought about by the lockdowns. People who were working because they always worked and did not question why they would not be working.

They may be aged 62, 63, suddenly did not work for about six months because of lockdowns and actually realised they did not particularly need to work and they were quite enjoying having the time on their hands, it did actually slightly suppress economic participation because they never went back to being economically active. But that makes it even more important if we have had a slight degradation of economic engagement by our community to work in all of those things and incentivise that to happen.

Deputy Gollop raised an interesting one about ESS about whether people who were past retirement age could get an enhanced pension. I actually warm to that idea although it is complicated because somebody who leaves school at 16 and starts working will actually have a full contribution record before they reach state pension age so should they, even though they are not pensioners working, get an enhanced pension as well?

There is an argument that they should. They are paying more contributions into the system but it is the sort of idea that can be looked at and indeed, I think, should be looked at. Which brings me, I am jumping around a bit, but the logical follow on from that is Deputy St Pier's challenge and indeed Deputy de Lisle's about what is ESS doing to be involved in this? I think they will be very much involved.

In fact, there is a Proposition, which we are not seeking to remove, which says ESS should look at that, but even in the amendment, what it says, it does not specify which other Committees. It asks P&R to take a co-ordinating role and, if you look in the last line of the main bit off 1A, before you get down to the little (i)s, the (ii)s, it says an investigation involving other relevant Committees and I think ESS will be that and I can say to Deputy Prow, when he says how far have we consulted, we consulted his Committee and P&R because they were the lead ones, but beyond that we think that there are probably just about all of the Committees of the States that could have some role in trying to encourage maximum economic participation. So, short of actually going around and consulting every single one of them, I think that would have been difficult.

There have been quite a few comments about childcare and I do believe that it is an area where Guernsey has failed to stay up with its competitors over the years. There is some really interesting data, I think, in the previous amendment, which did not succeed, but in the explanatory note, with the participation rates of various nations.

Because when you look at the top 10 or 20 nations there, have got really high participation rates, I do not think it is any coincidence that that they are all countries that have really invested in childcare provision. Is the net cost negative or positive for them? I do not know. I can tell you they are largely very wealthy and prosperous nations so they are obviously doing something right in that respect.

Deputy Oliver said where is the money going to come for all of this? I am trying to save money. I am going to save money. The more economic participation you can get the less you need to grow your population, the less you need to invest in that expensive infrastructure, so I think I would turn the question around and say where is the money going to come from for the spending we are going to need to do if we do not do these sorts of common sense initiatives?

Deputy Taylor's contribution was mainly about florists. Actually, my stepdaughter wanted to be a florist. She applied for the job. She is brilliant at that but when she went home and looked at the

pay rates and looked at her mortgage, she stayed in the finance industry. But maybe later on she will actually go down that route. I understand it is important to fill your bottoms when you are doing floral arrangements. I do not quite know what that means but it is apparently very important.

Deputy Murray said, and I think this is a theme we have from Deputy Murray on just about everything now, we need to step back and take a look at the big picture. We are tinkering. We need to do more. Well, I am not suggesting that this amendment ... it is not 42, it is not the answer to life, the universe and everything, but I think it does address some important points and I know how the States works. If you are starting to do a workstream and actually other things become apparent that ought to fit in, you do not say 'No, that was not in the wording of the amendment,' you say, 'This is relevant to this area of investigation.' Put it his way, how do we re-imagine our workforce and our economy? So I hope he will support it, even though it will not answer everything that he wants to see.

Sir, I believe this is an acid test to how seriously we take the issue of prioritising, using our existing human resources. Not because we do not want to bring more people in but because we know that problems are caused by bringing too many people in; infrastructural problems. We want to maximise our own human resources. This is saying make that a real top priority and people will vote as they see fit.

The Bailiff: Members of the States, it is time to vote on Amendment 6, proposed by Deputy Roffey and seconded by Deputy de Sausmarez. I invite the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 19, Contre 8, Ne vote pas 7, Absent 6, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Brouard	Deputy Aldwell	Deputy Blin	Deputy Burford	None
Deputy Cameron	Deputy Ferbrache	Deputy Dyke	Deputy Bury	
Deputy de Lisle	Deputy Leadbeater	Deputy Haskins	Deputy Dudley-Owen	
Deputy de Sausmarez	Deputy Mahoney	Deputy Murray	Deputy Falla	
Deputy Fairclough	Deputy McKenna	Deputy Oliver	Deputy Helyar	
Deputy Gabriel	Deputy Meerveld	Alderney Rep. Roberts	Deputy Le Tocq	
Deputy Gollop	Deputy Queripel	Alderney Rep. Snowdon		
Deputy Inder	Deputy Vermeulen			
Deputy Kazantseva-Miller				
Deputy Le Tissier				
Deputy Matthew				
Deputy Moakes				
Deputy Parkinson				
Deputy Prow				
Deputy Roffey				
Deputy Soulsby				
Deputy St Pier				
Deputy Taylor				
Deputy Trott				

The Bailiff: In respect of Amendment 6, proposed by Deputy Roffey, seconded by Deputy de Sausmarez, there voted in favour, 19 Members; against, 8 Members. There were 7 abstentions, 6 Members were absent and therefore I declare Amendment 6 duly carried.

The Bailiff: The next amendment to which we will turn, Members, is numbered 3. Deputy Kazantseva-Miller, if you wish to lay that amendment, now is the time to do so, please.

Amendment 3.

To insert a new proposition 9A:

"9A. To direct the Committee for Home Affairs, when considering any policy changes to the Employment Permit Policy and the Immigration Work Permit Policy, to consider any options to provide long-term employment pathways for residents of the Common Travel Area, particularly in respect of duration of permits for jobs that might currently fall under the Short-Term Employment Permits system, and to report its conclusions and to make any recommendations to the States before the end of the current political term."

Deputy Kazantseva-Miller: Thank you, sir.

Yesterday we had a call from Deputy Prow about new ideas and this amendment is very much about that. There are crises escalating all around us and one of them is the most acute labour shortage I have certainly seen since having been here for more than a decade. Unfilled job vacancies were around well before COVID as well. I remember anecdotal evidence suggesting there were about 1,000 open jobs. Today this figure is undoubtedly higher.

We can speculate whether it is as much as 3,000 vacancies, as Deputy Moakes consistently tells us. The simple truth is that we do not know exactly because not all jobs in Guernsey are advertised and so you cannot rely on simply scraping in public data. These shortages are affecting every industry from finance to public sector, retail and accounting but sectors reliant on short-term employment permits, such as hospitality, facilities management and others, are affected especially hard.

This is one of the key direct effects of Brexit on Guernsey and which was exacerbated also by COVID and the numbers are quite stark. The top four industries that are relying on short-term employment permits, which are hospitality, construction, cleaning and health, welcomed half as many workers last year as before Brexit and COVID. That is about 1,200 people choosing not to come to Guernsey in that period of time.

I have engaged with multiple businesses recently in hospitality and cleaning and these businesses are truly on their knees and losing the will to continue in business because of the challenges around recruitment and I want to read an extract from an email I received just this week:

I got into the restaurant business with a passion for the hospitality and a love for innovation in food and drink. Nowadays it is becoming a struggle to maintain that passion when most energy is spent recruiting and finding acceptable accommodation.

So I really hope Members can truly appreciate how challenging the situation is, especially for these kinds of businesses. The backdrop of this Review is unprecedented job crisis, declining workforce in a post-Brexit world. Only now we are seeing the full effect of Brexit on the labour market. This is coupled with the lowest rate of unemployment we have had in recent history. Before Brexit we were indirect beneficiaries of the UK's membership of the EU, which provided free movement of labour to the UK and meant those people were not bound by UK immigration rules when coming to Guernsey. That is why a lot of our foreign workers were European. That it is how we had such a big and important Latvian community.

We have also traditionally had quite a substantial population churn, between 3,000 and 4,000 people coming in but also leaving each year, resulting in small positive or negative net migration over the last decade. But those numbers over the last years were significantly higher because of COVID. So their churn rate represents about 5% of our population each year. If you compare to the UK, that figure is only about 1%, so we actually have a much more transitory workforce.

The Review has done a great job identifying that we need to turn the trend on workforce decline and has recommended a number of changes. There are some really important proposals, like making it easier for the rest of the world's workers to come here, but I do question whether actually the changes go far enough and one of the key issues is that under the current proposals there will be more short-term permits given because some of the medium term permits' job roles will be

1245 absorbed into that list and the other key difference is those permits can only be given for a maximum of three years, instead of five.

That means we are making our businesses more dependent on a transitory workforce for jobs considered low skilled by the UK and this is a big issue and will continue affecting those struggling businesses in areas, especially such as hospitality, cleaning and others.

1250 So given this backdrop, we really must be leaving no stone untouched because we should be under no illusion how hard it is and will continue to be for those businesses in the post-Brexit world and this is where this amendment comes into play. To explore the option of tapping into the workforce of the Common Travel Area that we are so proud to be part of. Population and immigration proposals in front of us are significantly a product of Brexit and how it drives UK immigration policy, to which we are linked through our unique constitutional relationship.

1255 The UK's policy has been to keep workers that they consider low-skilled out so they do not make it onto what is considered the UK skilled worker visa occupations list. This UK list guides what job roles we can offer on long-term employment permits and which ones on shorter term. So the current changes to reduce the steps from five to three are designed entirely to prevent the possibility of those people settling in Guernsey and, by extension, in the wider Common Travel Area.

1260 However, and this is the crucial point, the current residents of the Common Travel Area do not need to worry about UK immigration restrictions because they have already achieved the right to remain in the area. Yet, the way our population management policy has been designed historically is that they will continue to be treated like any other national.

1265 So, Members, given really that one of the acutest labour shortages and the significant challenges following Brexit, we should be doing all we can to take advantage of our CTA membership by exploring an option to seek to remove barriers for CTA residents to access longer term employment in Guernsey. This is especially significant given the strategic objective identified by this Review to maintain the workforce at its current levels.

1270 So this amendment is not seeking to amend the population and immigration laws right now. It is simply directing for Home Affairs to consider options how this could work in principle and so the merit of those options can then be appraised. So at the time when they are brought back, there would be more information about the severity of labour shortages, effects of population/immigration changes and, further, to then make a considered decision.

1275 So I want to thank again Deputy Prow and also wish him a happy birthday, and officers for engaging on this amendment and also H.M. Procureur and Comptroller.

I want to address some of the concerns that have been raised through the consultation period. The first one was around discrimination. The issue that we would be discriminating potentially residents of the CTA area on a preferential basis. But population and immigration regimes are discriminatory by nature, some more than others, in different countries. We continue having discrimination through our population regime through the Open and Local Market properties, birth-right privileges and other criteria.

1280 By virtue of being in the EU, the UK had discriminatory preferential treatment of EU residents and had free labour movement and Guernsey has significantly benefited from that preferential treatment because it was very easy for EU workers to come to Guernsey as they were not subject to UK immigration rules.

1285 So just a few weeks ago we have approved the Prevention of Discrimination Ordinance, which in Schedules, I think 5 and 6, specifically exempt local population immigration regimes from being considered discriminatory on the grounds of nationality. So, ultimately, we are in control of our domestic regime and obviously within the bounds of law and we can design it in a way to suit the challenges we face and our strategic priorities we need to address.

1290 The second and related concern was about potential legal challenges, so that we may face significant legal challenges on discrimination grounds but, Members, again, I want to direct that the amendment only directs the Committee for Home Affairs to consider options. So this amendment does not present, if approved, any legal challenges of positive discrimination.

1295 I have specifically sought legal advice from H.M. Procureur and I am very –

Deputy Prow: Point of correction, sir.

The Bailiff: Point of correction, Deputy Prow.

1300

Deputy Prow: Yes, I was trying to attract Deputy Kazantseva-Miller's attention to give way.

I think, sir, she is misleading the Assembly, because she keeps referring to the discrimination ordinances but it is perfectly possible to discriminate under population management or immigration under far wider issues and take those issues to judicial review or other remedies around human rights and that is the discrimination that the Committee *for* Home Affairs has referred to, not the discrimination, which she rightly says, is dealt with in that discrimination ordinance.

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Thank you, sir.

The Bailiff: Deputy Prow, the comment that Deputy Kazantseva-Miller was making, was in the context of what is contained in that legislation that has been approved. So, although it is certainly not inaccurate, the misleading element of it is simply that she has not addressed a wider element, as you have just explained. But that is not a misleading statement, given the way in which it was being put by Deputy Kazantseva-Miller.

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Deputy Kazantseva-Miller to continue, please.

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Deputy Kazantseva-Miller: Thank you, sir.

So, I have specifically sought legal advice from H.M. Procureur on this specific concern and I read her kind response:

Regarding Amendment 3, if the amendment is approved, then it may be that the Committee *for* Home Affairs might conclude that there are legal hurdles and that it may not be possible in international law to discriminate against certain nationalities but this requires further research. I am aware that as a matter for international law, sometimes special measures of protection or assistance to promote local employment opportunities, which are in accordance with national law, will not necessarily be deemed discrimination.

The bottom line, however, is by simply agreeing to pass Amendment 3 to explore the options there is nothing to prevent the Committee *for* Home Affairs from exploring the options and concluding that the legal hurdles may be too great to overcome. And equally they may find, in taking legal advice, that any perceived legal hurdle could be overcome, perhaps even for a temporary period, for example. So in my view there is no serious legal hurdle to passing this amendment as it stands and as previously advised.

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So I hope I have given the Assembly full assurance that supporting this amendment right now, as it is worded, does not pose any risk of legal challenges and it is an amendment to explore the option.

The other concern raised that, looking into treating CTA residents differently will make the population management system more complex. Yes, possibly. However, the point is to judge the effectiveness of this regime on how well it supports its objective, which states that its objective is to have the right mix of people supporting the economy today and in the future.

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That is what we need to judge the effectiveness of this regime for. How well it is supporting employers right now and in the future, removing barriers to CTA workers to access long-term employment pathways is one of the ways to potentially support the economy and let me please quote John F. Kennedy on this:

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We choose to go to the moon not because it is easy but because it is hard. Because the challenge we are willing to accept and not one we are willing to postpone.

Another concern raised, that this amendment, the options may not make any significant impact. However, the Committee themselves, in their response, said that, as of last May, short-term employment permit holders from the UK represented 32% of all permits given. So I assume this makes the UK the largest nationality and clearly shows it is the easiest market for us to access. Thirty-two percent of permits for the whole of 2021 would be over 400 people. Imagine that this could be people in hospitality, cleaning and other companies could be kept for longer than three

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years. I can tell you that they will bite your hands off if they had this option. In the context of Guernsey these numbers could be the difference to employers who are really on their knees with recruitment and retention.

Another concern raised, the UK is suffering from its own acute workforce shortages so why would people move here? I accept that but we are not the UK. We do not need 100,000 cleaners. We just need 100 or 200. CTA provides enough of a pool of people for us to tap into.

Another concern is if we allow all these people in there is pressure on housing, there will be low-skilled people coming in potentially and so on. But let me run you through what I see is kind of actually how the market works and this is what Deputy Blin, again, today and yesterday, tried to explain again. The market completely self-regulates the types of workers and needs; who can come, who can stay.

So, follow my logic –

Deputy Taylor: Point of correction, sir.

The Bailiff: Point of correction, Deputy Taylor.

Deputy Taylor: It is not the market that dictates who can come and stay and who can work. It is the immigration rules and the population management rules that dictate who can come but it would be at the request of the employer. But to say they dictate who can come and who can stay is incorrect.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: So, people can only get employed if there are jobs available. Jobs only become available when businesses open up new jobs or need to fill old ones. Businesses can only do it if customers in Guernsey and beyond buy their products and services. Those businesses know best what they need, who they need and for how long. Workers will only keep their jobs if they perform them satisfactorily. So as long as the business is satisfied with their work, they will keep them. People stay if they can afford to live here and they can find a house in the first place. So, removing barriers for CTA workers to stay for longer does not mean they will suddenly flood the market. This will only happen if they are good enough for businesses to hire and keep in the first place.

So businesses do not need to match employment contracts to the length of the employment permit. So, for example, even if they get a long-term employment permit, they do not need to offer an employment contract of the same length. If they chose to they could still offer a three-year, four-year, five-year contract. That is managed through the employment contract conditions with the employer.

So in the absence of an economic strategy, and Deputy Murray tells it to us at every opportunity, I am sure he will bring this up in debate as well, in the absence of also the human capital strategy, either of which would help dictate more granularly which jobs we should have more or less of, we can let the market regulate itself. Therefore, when immigration rules do not apply, which they do not, in the case of residents of the Common Travel Area, the need for government intervention on dictating what permits they should have is actually completely unnecessary. The market will regulate itself.

In the sum, the main arguments presented against this amendment, in my perception, are that it will make the system a bit more difficult and that questions on discrimination grounds arise and absolutely, we have to look into that in more detail. So I just draw the Members' attention again to the Proposition, which is just to explore the option of treating CTA residents differently, so they can be retained for any job longer than three years if those businesses want it to.

I really hope that this amendment can be supported as it is one of those ideas that we should be exploring, because it allows us to think slightly differently. Just yesterday, I got an email from

1390 someone in the Isle of Man, who read a recent article, who said, 'What about if Guernsey, like we had an air bridge during COVID, could have some kind of labour bridge?' There are opportunities to explore how we can work closer with our Crown Dependencies as well.

I urge Deputies to be creative and innovative and to fully support the exploration of ideas like this. Please keep your eyes on the prize. We are proudly part of the Common Travel Area. Let us make sure we can take full advantage of what that membership can give and let us not forget that they have the closest language, cultural, historic and social ties to us, which will make any immigration to Guernsey for those residents probably easier, cheaper to assimilate and integrate. Thank you.

1400 **The Bailiff:** And Deputy Soulsby, do you formally second the amendment?

Deputy Soulsby: Yes, sir, I do.

Deputy Queripel: Sir, I rise to involve Rule 24(6), please.

1405 **The Bailiff:** Rule 24(6)? Okay.

Unless H.M. Procureur is going to advise me differently, I am going to say that this is not an amendment that goes further than the original Proposition. It is an unusual stance for me to take, where it is to insert an additional Proposition but in my view substantively it could have been done by amending Proposition 9 rather than adding a Proposition 9A because it could have included the direction on that basis.

So, for that reason, I am not persuaded, Deputy Queripel, that Rule 24(6) can be engaged.

1415 **Deputy Queripel:** Sir, the Rule says, 'shall have effect, if supported by a majority of the Members voting on the motion'.

The Bailiff: But it is necessary, Deputy Queripel, first, for me to accept that it is an amendment that goes further than the original Proposition and I have just indicated that I do not. So therefore you cannot invoke Rule 24(6).

1420 **Deputy Queripel:** In that case, sir, I invoke Rule 24(4), please.

The Bailiff: Alright. You are entitled to test the will of the Assembly as to whether they want to debate this amendment in that way. So what I will do is I will invite those Members who support debate on Amendment 3 to stand in their places, please. It is clear that there is a greater number than seven Members standing and therefore both of those procedural motions have not been successful.

1430 **Deputy Queripel:** In that case, I will invoke Rule 26(1), please.

The Bailiff: Alright.

There is a lot of up and down at the moment, Members, I do apologise. Can I therefore invite those Members who wish to speak in debate on this amendment to stand in their places. Is it still your wish, Deputy Queripel, to move a motion under Rule 26(1)?

1435 **Deputy Queripel:** It is, sir, please.

The Bailiff: In that case, I will put to Members the motion, proposed by Deputy Queripel, that debate should not occur on this amendment, subject of course to the usual right of those who are entitled to speak on it at the end to do so. Those in favour; those against?

Members voted Contre.

The Bailiff: I will declare that lost.

Deputy Queripel: A recorded vote, sir, please.

The Bailiff: Greffier, have we got the motion available for Members? In that case can we please open the voting on the Rule 26(1) motion.

There was a recorded vote.

Not carried – Pour 6, Contre 25, Ne vote pas 1, Absent 6, Did not vote 2

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Haskins	Deputy Aldwell	Deputy Prow	Deputy Burford	Deputy St Pier
Deputy Le Tissier	Deputy Blin		Deputy Bury	Deputy Trott
Deputy Mahoney	Deputy Brouard		Deputy Dudley-Owen	
Deputy Murray	Deputy Cameron		Deputy Falla	
Deputy Queripel	Deputy de Lisle		Deputy Helyar	
Deputy Vermeulen	Deputy de Sausmarez		Deputy Le Tocq	
	Deputy Dyke			
	Deputy Fairclough			
	Deputy Ferbrache			
	Deputy Gabriel			
	Deputy Gollop			
	Deputy Inder			
	Deputy Kazantseva-Miller			
	Deputy Leadbeater			
	Deputy Matthews			
	Deputy McKenna			
	Deputy Meerveld			
	Deputy Moakes			
	Deputy Oliver			
	Deputy Parkinson			
	Alderney Rep. Roberts			
	Deputy Roffey			
	Alderney Rep. Snowden			
	Deputy Soulsby			
	Deputy Taylor			

The Bailiff: The result of the recorded vote in respect of the motion pursuant to Rule 26(1), proposed by Deputy Queripel is that six Members voted in favour of it, 25 against, there was 1 abstention and 8 Members were absent at the time of the vote; and that is why I declare it lost on the recorded vote.

Who wishes to speak to Amendment 3?

Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

Amendment ... I am not doing very well here at all. Amendment 3 concerns me greatly and why it concerns me is because even though the reasons were made very clear in correspondence to the proposer by officers why this amendment could potentially be a disaster for the Bailiwick, it was laid. It was relayed to the proposer in correspondence, I quote:

For different reasons, Amendments 3 and 4 would both cross the red line.

Let me repeat that:

For different reasons, Amendments 3 and 4 would cross the red line.

In the worst case scenario, allowing STEP, short-term permit job types to become LTEPs, long-term employment permits, when they are not aligned with the UK list –

Deputy Kazantseva-Miller: Point of correction, sir.

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

Deputy Kazantseva-Miller: These points have nothing to do with this amendment, they correspond to the next amendment, sir.

Deputy Aldwell: ‘For different reasons’ with Amendments 3 and 4. And they do relate.

In the worst case scenario, which could undermine the Island’s Common Travel Area (CTA) membership as a whole, as these residents would eventually qualify to settle and could in turn become British citizens. The effects of Guernsey being removed from the CTA would also be widespread and profound and could include, for example, a risk of Islanders losing their own immigration status within the UK, requiring them to hold a visa to travel, live and work in the UK or even, more fundamentally, Islanders losing their right to hold a British passport at all.

Deputy Kazantseva-Miller: Sir?

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

Deputy Kazantseva-Miller: Point of correction, these specific points Deputy Aldwell is elaborating have nothing to do with CTA members; because they are members of the CTA they have a right to remain. This in no way jeopardises our membership of the CTA. Deputy Aldwell is referring to debate on Amendment 4.

The Bailiff: Deputy Aldwell, I will give you a little bit more latitude at the moment but I would like to know why you are opposing the insertion of the new Proposition 9A rather than talking to the substance of it.

Deputy Aldwell: Thank you, sir.

As a Guernsey person with a long heritage in this Island, I could never accept the potential risk of losing my British passport. In my opinion, these amendments are irresponsible and I am appalled that Islanders could be in such a potential situation of losing their own immigration status within the UK. I wholeheartedly reject these amendments.

The Bailiff: Deputy Gollop.

Deputy Gollop: I agree with a lot of what Deputy Aldwell has said, that there are dangers with this sort of amendment and I might describe in general debate some ideas I had but I probably would not wish to place as an amendment at this time, for some of those reasons. Deputy Aldwell is right, we do gain enormously from our Common Travel Area, from high net worth individuals, the business, digital and many other businesses from tourism and culturally too and the last thing we want is to not only have any issues in setting up our own, I do not know, diplomatic service, I would not be a good candidate, probably, but the whole business, imagine if we all had to apply and pay for visas to leave the Island, that would appear difficult.

But on Amendment 3, the thing is Deputy Kazantseva-Miller and Deputy Soulsby are weighing in here with things that I do not fully legally understand. I could probably benefit from a workshop from H.M. Procureur on these things, etc., but I have actually had sort of political lay experience of the Housing Law for a quarter of a century and I am possibly aware of it more than some Members and this is of course a new regime.

1520 But Amendment 3 is a different animal and seeks to disentangle a situation, which is a bit of a jumble. It is a bit like my bedroom, I think. It is not made too clear from the Population Report because one of the main lines of the Report is to integrate population and immigration, which you can understand from the point of view of not only working coherently within the Common Travel Area but providing, in a sense, a one-stop shop for workers from the European Union, from the Commonwealth Area and other parts of the world.

1525 But that is not the history of why we are here. It is so very easy to get muddled because I see, sir, that our two friends, two Representatives from Alderney over there ... and Alderney, as we have often said, is completely part of the Bailiwick but, you know what, Alderney people, whether they have arrived on the Island after 10 or 15 years, or were born there 30 years ago, do not have freedom of movement in Guernsey to live on the Local Market, necessarily.

1530 And people can move here, as dependents, as children, as partners of Open Market people or whatever. They can take any job that they want or start a business with no issues and the reason is obvious, because they are British Isles people within the Common Travel Area and that includes, actually, the Common Travel Area – I could be corrected on this – includes Sark and Alderney, Bailiwick of Guernsey, Jersey, which has completely different population law, England, Scotland, Wales, Northern Ireland and Ireland. Long before we were so dependent on EU and worldwide
1535 labour, when we were less cosmopolitan, the bulk of workers who came here, whether it was in hospitality or health or in any other area, were from England or Scotland or Wales or Northern Ireland or even Ireland.

1540 Their restraint on living here, if they could not afford or were not partnered up in the Open Market, when householders in the 10% of the Island that is Open Market, was their inability to gain a housing licence. A housing licence was about where you could stay and the rationale for it was to protect development and protect the prices, renting and buying, of true local people, so that there was not unnecessary pressure.

1545 It has not altogether succeeded of course. But as I see it, this amendment is calling for people who live within, who are British subjects or British passport holders, British residents, long-term residents, who live in the United Kingdom to potentially have longer term licences than people from other jurisdictions.

1550 Now I agree debating this today on the floor of the States, when we are not entirely sure what it means, is not wise, and for that reason I think I will abstain on the amendment but I think there is a conversation to be had. But what I would not like to see is any remotest possibility that we are discriminating against people from different places. Deputy Vermeulen and others would not want to do that.

1555 But let me put it another way. If I moved to England – people might like to see that – I would get off the boat at Poole, or Gatwick Airport, whatever, I am not necessarily, whether I would have the means is another matter, prevented from settling there; whereas somebody from Chile for the sake of argument would be without a visa, or whatever, because I am in the Common Travel Area and they are not.

1560 So the Common Travel Area, as defined by this, is not connected with the immigration, Border Agency issues. Again, I come back to longer serving Members of the States, like Deputy Ferbrache, Deputy Trott and others, Deputy Roffey, they all remember when I was young that in those days the Housing Licences which applied to anybody, but especially British subjects who were not Local Market, was administered by the Housing Authority. But the Customs side of it was not even administered by the Police, it was the Board of Administration.

1565 One had constituency cases: could a person who worked in a South Asian restaurant have an additional second job, and those kinds of things cropped up. So we have to separate the two and there are two different issues here. Are your licence restrictions for other British people, if you like, or other Channel Islanders, could be people from Alderney or Sark, certainly from Jersey ... are they too strict in some areas of occupations or too lenient? That is a different matter from any sense compromising our relationship of working in the Common Travel Area.

Now I admit it is confusing and the next amendment is something that would give me much greater concern but I do think that we do need to look if there is a way that does not involve discrimination or any other adverse consequence of potentially allowing more leniency with medium to long-term licences, or short-term licences, for certain businesses and occupations and enterprises from legitimate British subjects who live within the Common Travel Area.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

I was not going to speak but Deputy Aldwell has brought me to my feet because I really worry about a Member of Home Affairs raising the prospect that if this amendment is passed we may lose our British passports, we may lose our membership of the CTA, because I think it is just plain wrong. I do not understand the rationale whatsoever.

I do not say that because I am supporting the amendment. I actually am against the amendment because I think if we go down the line of allowing everybody that comes in on a short-term permit to stay forever, then we are just building, if we can remove that turn from our economy, we are just building the pressures for people growing older in Guernsey and consuming our services.

I am not in favour of the amendment so, to that extent, I am in line with Deputy Aldwell, but I think she is frightening the horses in a particularly unnecessary way here and I think she is just wrong. We are not a nation state. To be a member of the CTA, we have to be aligned with the UK on immigration policy. Absolutely accept that. I think that, when we get onto Amendment 4, may well be an issue that is engaged.

Allowing people who are not subject to the UK immigration legislation, because they are already part of the Common Travel Area, they come from Sheffield or wherever, to stay in Guernsey longer, is our decision. I am not supporting it but it is our decision. Alderney have not lost their passports. Somebody from inside the Common Travel Area can come and move into Alderney on a long-term basis and, if they are young people, I expect they will be very welcome. They have not lost their passports, they have not lost their ability to move within the CTA because immigration policy is not engaged.

While I do not support this amendment, I think it is absolutely important that fact gets out. The only way that we have to be in lockstep with the UK, and we have got the right not to be but then the consequences Deputy Aldwell has talked about... the only area where we have to be in lockstep is in the implementation of the immigration policy and that does not apply to members of the Common Travel Area, so I think she is just plain wrong on this but I think she is right to reject the amendment.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: We had, Deputy St Pier commented on an earlier amendment about the very helpful views given by the Committee for Home Affairs earlier in the week and they were given on Monday, so that is now, what, three days ago. Now I am going to read what they said in relation to this amendment. I appreciate that Deputy Prow may do so.

Because it is not just immigration it is the Population Management Law that the Committee for Home Affairs have drawn our attention to in their comments and it is the Population Management Law and how any statute in Guernsey, because we have human rights legislation that came into force many years ago, is subject ultimately to the test of whether it complies with the European Convention and if not it can be deemed to be non-compliant.

Even if it is compliant 'now', it might not be compliant if we did something which is adverse to it in the future. It has got to be considered by at least a court as senior as the Law Court, it could then go to the Court of Appeal, and it could ultimately go to the Privy Council. I do not think any of that has particularly happened yet. But it could.

1620 Now, what Deputy Prow and his Committee said, and I am going to read the words, if I can, from my phone – I have got my glasses on, I am still struggling:

In essence the amendment is seeking to make the Population Management (Guernsey) Law discriminatory on the basis of an individual's nationality or immigration status within the Common Travel Area, through the preferential treatment of UK or Irish nationals or others who hold immigration rights privileges, such as those who are held indefinitely to remain.

The Population Management Law is domestic legislation, which confers restrictions on those who do not qualify under it to reside and become employed in the Island. While the Island's immigration policy on immigration, as extended, is discriminatory by its very nature, the Population Management Law does not discriminate between different nationals or people with differing immigration status. In this sense the Population Management Law is blind to nationality as these restrictions are not nationality or immigration control-based but equally apply to everybody who does or does not qualify.

The objective of the amendment would require the Law to be amended in such a way as to treat individuals who have immigration rights or provide privileges more favourably, allowing them to live and work in the Island for longer periods as a consequence of their nationality or immigration status. This could lead to significant legal challenges and barriers in implementation as immigration requirements, which are based on legislation extended to Guernsey by the UK would be written into the Population Management Law. There has not been time in the lead up to the debate to establish and clarify with certainty these full legal risks and it is worth noting, in addition to the above, that it is also uncertain whether such amendments to the Law could be challenged on discrimination grounds under the European Convention on Human Rights or the Island's international obligations, which would require close and careful examination.

Irrespective of these uncertainties, the Committee maintains that the Law should not discriminate between nationalities or groups of people in the manner proposed but rather continue to exist as a level playing field that equally applies to all. Furthermore, the policy framework, as set out in paragraph 7.6 of the policy letter was worked up to meet the clear benefits of simplifying the employment permit policy application process. However the objectives to this amendment would make the employment permit policy not only more difficult to administer by the Population Management Office but also more difficult to understand across the Island's businesses and employers.

Employers would need to navigate a permit system that has different conditions attached to employment permits for different nationals, with varying maximum lengths of residency, depending on the nationality of the applicant. This would have the effect of making the application process more complicated and the longer term management of employees' varying rights to stay in the Island more confusing to contrast the proposals contained in the policy letter would bring the conditions and requirements for all nationalities into alignment with one another, making the system both easier to administer and understand across the community.

In addition, it is unlikely to make a significant impact on the number of STEP holders who come to work in the Island as the vast majority who do so on the STEP are EU, EEA or third country nationals. For example, in May 2021, the STEP holders from the UK comprised 32% of the total STEPs issued. That is likely to be reduced further as the policy framework, set out in paragraph 7.6 of the policy letter, is implemented, enabling more third country nationals to be recruited to the Island with STEPs.

It is worth noting that the UK is already suffering from an acute workforce shortage in respect of the many job types that would be categorised in STEPs. The pool of prospective employees to whom the objective of this amendment would apply is consequently likely to increase, regardless of whether there are more favourable conditions that area attached to their employment permits.

Irrespective of the few potential benefits of this amendment, or otherwise, the Committee contends that the objective will make the operability, implementation and understanding of the proposed Population Management Law more complex and confusing while also clearly amending the Law to be discriminatory towards certain nationals who may come up with significant legal obstacles. On that basis the Committee strongly opposes the amendment.

1625 Now that is very detailed comments from the Committee *for* Home Affairs. I am sorry I read that badly, but I had it on my phone and my eyesight is not the greatest. I am going to put, if I am allowed to, the Procureur on the line, because it said, by the Committee *for* Home Affairs that this would be discriminatory. I have got my own view but forget my own view because that is irrelevant. Unless she can tell me unequivocally, unreservedly, I do not want 'on the one hand this, on the other hand that' and perhaps if we look at the sun today it will be a different view tomorrow. (**A Member:** But she is a lawyer!) I want unequivocal assurance from her that the Committee *for* Home Affairs is
1630 wrong.

If she cannot say that they are wrong and it is potentially discriminatory that should be of great influence to everybody who is going to vote on this particular amendment.

1635 **The Bailiff:** Madam Procureur, I assume you have not been given notice of that question, so I am going to give you some time to think about it before you opine on what Deputy Ferbrache has raised for you to consider.

Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

1640 This is a dangerous amendment and also an irresponsible one. In the introduction I heard what Deputy 'Kazakhstan-Miller' said about being here for a decade and this being the worst possible time for recruitment and so on and so forth, how difficult it was and how employers are really struggling.

1645 Well, yes. Now I have been here over six decades and, yes, there has never been an easy time for recruitment in those six decades and Brexit has seen several changes to the UK. The one which impacted greatest on recruitment, and I know because I was still recruited, was the immediate fall in the value of Sterling. So previously, where guest workers would be employed on the Island and paid in Sterling, the pound in their pocket was worth less, 10%, more or less straight away. That has been a major factor in people perhaps not wanting to come to work in Guernsey. It is a limiting factor.

1650 There are other factors. The cost of travel. You know, it is not an easy place to get to and it is not a cheap place to get to. There are no direct flights from Latvia, da-da-de-dah, our runway is too short and other things, of course. But even stopping off in London and hopping on a plane, Aurigny, it is very expensive to get to. And it is also a very isolated Island. It is not like you are connected, you can hop in the car, drive and go and see the family in a couple of hours' drive. There is none of that. It is expensive to get on and off the rock and it is a limiting factor in attracting people into Guernsey.

1660 So those are things which are going on. COVID, I mentioned this earlier, I am sorry to repeat myself, sir, I think I mentioned it yesterday, COVID has had a profound effect on the whole world wanting to stay closer to home. There is less risk aversion. They are not prepared to put themselves in danger, really, so a lot of people have stayed close to home, whether it is to look after mum and dad or remain safe, there has been that sort of approach.

1665 So I was rather surprised, I worked with Deputy Kazakhstan-Miller on Home. It is interesting. (A Member: Point –) We have different views quite often; most of the time. There is nothing wrong with that. That is politics, isn't it? People have different views. But I was very surprised when things were mentioned about, for starters, hospitality and people had been in contact.

1670 Because I am the Member on Economic Development. I am the hospitality lead and I certainly have not heard that recently and I am usually the first point of contact. I am for retail, manufacturing and also construction. After another meeting it was moving onto construction workers and blow me down, sir, I sat down with the builders not six weeks ago and, again, that was not one of their concerns at the time.

1675 The other thing which really surprised me is my whole purpose over the last two years, really, has been to roll my sleeves up with my colleagues on Home and really do something about this, get through these two emergency problems. I have mentioned that what you have currently got, compared to what we had two years ago bears no correlation. It is far more flexible.

1680 So, what do you do when it hits the fan, sir? What do you do in an emergency? That was what we were faced with and I was given free rein. So what did we need to do? Well our population regime that we had actually created churn, which was the last thing you want in a pandemic. You do not want people coming and going all the time. You want to hold onto your staff. So there were immediate moves taken that people could stay beyond the terms of that policy. This is not reflected in what Deputy Kazakhstan-Miller is saying.

A Member: Point of correct –

1685 **Deputy Vermeulen:** She is saying here are the figures –

The Bailiff: Deputy Vermeulen, if you cannot pronounce somebody's surname properly it is probably better just to refer to the proposer of the amendment.

Deputy Vermeulen: I will do.

The Bailiff: If, as you have explained, she is a colleague around the Committee table, of yours, I would have thought you would know by now how to pronounce her name correctly. It is Kazantseva-Miller. The same applies to anyone else. So if you fear you might fall into error, rather than having somebody leaping to their feet to try and correct that, can I just suggest trying to do it in the third person.

Deputy Vermeulen: Thank you, sir.

So this was not mentioned in my conversation with my colleague, sir. She has drawn conclusions from actual figures about people coming and going but you have got to remember everybody was allowed to stay during that period. Those are the facts. So those figures and you can articulate them anyway to suit your argument, so again, I was most surprised to hear that, having made all those improvements.

Now, the whole Review aims to simplify and I am very pleased that Deputy Ferbrache read out the report from Home, pretty much in its entirety. He has got a good way with words and a lovely voice. I think he trained in the early days as a sports commentator and I do not know what he would have said about last night's match, sir, where United beat Spurs 2-0 but he read it out very well and there are some really very relevant points in there.

We recently went through a discrimination debate where everybody was unanimous that we wanted to adopt Discrimination Law, so blow me down, sir, here we are and even with the advice, the amendment, that this could well be discriminatory, we are pushing on with these measures. Now a little knowledge can be a dangerous thing but if we have aimed to simplify and make things even better from where we are now, which we have done, what on earth is the point of over-complicating it with a load of gobbledegook that nobody finds easy to navigate and understand? Employers will not be able to understand it and this was a point well-made and it probably formed the backbone of it.

Now I am not going to support it. I cannot really say more than I do, strongly, oppose anything that is irresponsible and anything that might have very far-reaching and expensive consequences for our Island, it is absolutely essential that we maintain migration to the Island and that is what we have set out to do.

As I said, we are pro-business. We are not anti-business but there are limits and we do have to respect the Common Travel Area, which we will get onto with the second dangerous amendment, also irresponsible, which we will be debating later. But it does give me much cause for concern, sir, that even though it has been pointed out that Home strongly oppose this, the potential is there to ruin the Island, we are still pushing on with something like this. I will not be supporting this and I urge all of my colleagues not to support this amendment.

Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

Like Deputy Vermeulen, I will not be supporting this amendment and largely similar reasons; that the domestic housing and employment laws should not really be looking at whether somebody is resident in the Common Travel Area or not. I think that it is unfortunate that the amendment did focus on only restricting the idea of granting more long-term permits to residents of the CTA. I would image that Deputy Kazantseva-Miller did that not intending to be discriminatory but simply to avoid an amendment, which would permit people from outside the CTA, which would then have an immigration implication and I think I was just avoiding some complexity.

These areas are complex and I think this is something that Home Affairs will want to look at and I am sure Deputy Prow will provide some more information on that. Because I think the intention of being able to liberalise what we do with short-term permits is a valid one and this is something that the States will have to do more of.

As Deputy Vermeulen mentioned in his speech, he will have employed many people from within the CTA and from outside of the CTA and the previous States' approach has always been, well, in order to protect our housing market and protect our Island, we will have these short-term permits and we will have people who can come in and work for a short period of time and then leave and not gain residency.

That had been thought to be a good thing, in order to protect the housing market and protect house price values from going up. Obviously our house price values have gone up at an extraordinary rate anyway but I think that, in this debate, looking at the demographic issues that we have got, we might well look back at that policy and think, actually, was that the right thing to do, because if many of those people who had come over and worked, often in quite low-status roles in hospitality and retail and construction, many of those people, if they had stayed in the Island would actually be now contributing to positive demographic change in the Island and would be having children who would bring up families who hopefully could then go on to become taxpayers themselves.

We may have not done ourselves a favour by having this churn of people who came in and worked and have then left and gone back to the countries that they came from. I also think it is unfortunate that the amendment unintentionally targets people from the CTA, from the UK and Ireland, because a lot of the people who had come and had worked in these mostly low-status jobs, you would quite often find they are actually people who you would very much want to have contributing to the economy of the Island. You quite often find a person who is serving you at the checkout in the Co-op is somebody from an eastern European country who is very well qualified and is only working here because of the very different purchasing power of the pound. Wages have been very much higher. The person pulling your pints has got a masters' degree or two.

So I think that the Island needs to do some re-thinking about how we approach this, because we do have this issue where we need to address our demographic challenges. Of course, we have got very little housing space for new builds but it is an area that we have to look at. I just do not think this is the amendment that does it.

Thank you.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

I have listened to some of the legal argument quite carefully and I have to say it is not obvious to me why Deputy Kazantseva-Miller's proposal cannot be discussed and is automatically in some way illegal because it would get us thrown out of the CTA. She is talking about people within the CTA – she will correct me if I am wrong ... it would be helpful actually, when she is summing up, if she can give us some examples of cases where this might work. But we are talking about giving citizens of the CTA possibly additional rights to longer-term permits than people from outside the CTA.

I do not see why she should not be able to make those proposals and we should not be able to discuss them. I do not see where discrimination comes in and I do not see where getting us thrown out of the CTA comes in. As to whether it is a good idea or it makes everything more complicated, that is another argument but I think she should, legally, be able to make her points.

As to whether H.M. Procureur can give a black and white answer in 20 minutes, I do not think that is going to be possible but I guess she will decide on that.

Thank you.

The Bailiff: Deputy Blin.

1790 **Deputy Blin:** Thank you, sir.

I would like to start actually just to give maybe a small example to that last question posed by Deputy Dyke. I will give you a potential example, which may help us. Let us take a K.P., a K.P. is coming here on a STEP, a short-term employment permit. That is one year; used to be one year up to five years. Let us say that under the new structure it would be three years, the possibility for a lower paid job like that. Let us say under this amendment a CTA person from Ireland comes in and takes the same job as this K.P.

Now I am sure we all appreciate how you become a fantastic chef and it is generally starting as a kitchen assistant or a kitchen porter and you work your way up, become one of these famous chefs we all read about. However under this system, the first person after three years would have to leave the Island because they cannot stay longer, whereas the CTA person who was down here would be able to actually work for three years and possibly extend on because they are part of the Common Travel Area. So that is one sort of response for Deputy Dyke to consider.

So I would like to bring to the point that this amendment that is being brought forward by Deputy Kazantseva-Miller is actually to me, it is one of these wonderful solutions, ones that it would be something I would love to see and I have been battling for a long time, since even when the EU settlement scheme was very frustrating, because all the people who had been here a sufficient time, received the EU settlement scheme but then, because their employment permits expired, they had to leave the Island.

That is the area those people deserve to have a longer time over here because they have already contributed and done something to our economy, whereas now we are in the situation where I struggle and I am going to refer to Deputy Vermeulen here, on the discriminatory side, which does feel to me and I appreciate Deputy Dyke has a different view, but how can we differentiate between a CTA person and a person coming from overseas on a permit, etc.? As much as I would love to see that opportunity happen to give businesses over here the opportunity to be able to employ and keep their staff for longer because, believe you and me, it is very difficult to lose your staff when the permit expires, and the frustrations associated.

I would, however, reiterate that I really hope that Home Affairs will continue to find ways to add new categories to all these employment permits. That is going to be the key. So as much as I would very much like to, and I will listen to the rest of the debate on it, as much as I would like to look at this sort of option, I just do not see how it can be deemed as equitable, palatable to have two different groups of people, as you say, irrespective maybe of nationality but at the end of the day we know what the Common Travel Area is, and then separating them from people who are coming from overseas.

Let us not forget that the whole premise of all jobs on this Island since the 2017 Population Management Law change is it is based on the job. So it should not be based on anything else but based on the job and as long as Home Affairs can also look at those jobs to see what can be included and adjusted, whether it be kindergarten care workers and cleaners, that is really a premise of how we have always been working since 2017 and we need to continue to work.

So, as much as I like the solution of finding something like this, I do not see how that can be palatable. But I also look forward to hearing from H.M. Procureur on that decision as well.

Thank you, sir.

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

*The Assembly adjourned at 12.33 p.m.
and resumed at 2.30 p.m.*

COMMITTEE FOR HOME AFFAIRS

**Population & Immigration Review –
Debate continued**

The Bailiff: Madam Procureur, are you in a position to give some advice to the Assembly on the matters that have been raised so far?

The Procureur: Sir, thank you.

1840 Yes, I am in a position to do so. Much as I hate to disappoint Deputy Ferbrache, I will not be giving a one-word answer to his request and, if I have noted it correctly, and I am sure he will let me know if I have not, there were two elements that I really picked up in his question. One related to the response from the Committee *for* Home Affairs, which has been circulated to all Members, which he read out at some length, and I had written down. One: was the Committee's view wrong?
1845 And it was quite an extensive view. Secondly, could I give an unequivocal answer to whether or not an amendment to the Law would be discriminatory.

Now, the reason my answer is not one word, I apologise Deputy Ferbrache, is that in relation to whether the Committee's view generally is wrong, the Committee's view seems to be focused on a perceived objective to the amendment to amend the Law but I would just ask Members to note
1850 that the amendment itself is a policy amendment and it is made in the context of considering policy changes. So, therefore, in my view, the view of the Committee *for* Home Affairs that an amendment to the Law might be potentially discriminatory is one issue but actually that is not what the amendment is designed to achieve.

In terms of whether an amendment to the Law, once policy consideration, if it is approved, were
1855 looked at would indeed be potentially discriminatory; there are two facets to that as well. One is that it may be potentially discriminatory and the Committee *for* Home Affairs is absolutely right in the paragraph that Deputy Ferbrache quoted that there has not been time in the lead-up to the debate to establish and clarify with certainty those legal risks. There might be some challenges on discrimination grounds.

1860 But the flipside to that is that, just because a matter might be challenged on discrimination grounds, does not necessarily mean that it would be unlawful in any event because in the international arena it is possible in some circumstances that discrimination can be objectively and reasonably justified, bearing in mind the particular circumstances of the case, which is the stock answer that everybody hates in a lawyer, I appreciate that, but I think it is important for Members
1865 to be aware that, just because there may be an allegation of discrimination that in itself does not necessarily mean it would render a course of action unlawful.

So, sir, to summarise if I may, in a way which hopefully does not confuse Members, to my mind the question as to whether the Committee *for* Home Affairs' view was wrong: was it wrong? It is not wrong in that it was absolutely right to say that any legal issues in the event that there was a policy
1870 matter which came back to the States to request an amendment to legislation, these issues would need to be identified. Could they potentially be discriminatory? Possibly they could be but that does not necessarily mean they would be unlawful.

But the short answer to looking at this amendment is that this amendment is actually a policy amendment to consider policy changes and therefore in my view the effect of this amendment itself
1875 would not potentially be discriminatory.

I hope that assists Members, sir.

The Bailiff: Deputy Soulsby.

1880 **Deputy Soulsby:** Thank you, sir.

H.M. Procureur has probably shortened my speech, somewhat, actually, so I am quite pleased and I am sure many others are poised to do a 26(1). I thought I would stand up as quickly as I could to get in there.

Deputy Vermeulen, a few points I will pick up on that he covered in his speech. I have heard many times and I have had it said against me more than once when an amendment is brought, 'it is dangerous'. I have had that said against me and I have also used it myself as President of a Committee, I know Deputy St Pier is chuckling away because I think he was on the back end of one of those amendments.

That is true, some amendments might well be but this amendment certainly is not dangerous and I thank H.M. Procureur for making that very clear. This is just asking about policy decisions. It is not forcing the Committee for Home Affairs to change a system. It is to consider options. There is nothing dangerous about that. In fact, I rather think we should be considering all options, given the jobs crisis, which Deputy Vermeulen very clearly stated earlier.

As H.M. Procureur said, really, I think that Home Affairs have completely missed the point about this amendment. In fact, Deputy Ferbrache asking the question, really the problem was, whatever the answer had been, it was not really relevant to this particular amendment.

Now Deputy Vermeulen talked about COVID and I think that is a really interesting point because of course when we did set up restrictions in –

I will give way.

Deputy Vermeulen: I did call it dangerous. I also called it irresponsible because we did not know what the outcomes of this could be. A lot of the work, which this sought to do, has already been done and as the precis on this amendment says, if it was successful it would not do very much anyway. So the emphasis was on irresponsible.

Deputy Soulsby: I do not understand where Deputy Vermeulen got that word from because if the work had been done I would have expected to have seen it in the explanatory note, but it is clearly said in the comment from the Committee they have clearly said they do not know yet until that work is done. It clearly has not been. If so, we might have withdrawn our amendment, but it has not been and so that is why we believe the amendment is still valid.

Anyway, going back to what I was talking about, COVID, of course during COVID, we had to look at how we dealt with people coming into and out of the Island and one thing that we did do was consider people in the Common Travel Area separately from people from other areas. I think if we can do it for that, surely there are opportunities to do that elsewhere? I might be wrong but perhaps, if we look at what the options are, we may be able to do something like that.

But I really do not think, and listening to some of the comments, I am not sure Members are aware of what the actual impact of the proposals put forward to us today are. It means medium-term employment permits will go. It means, I think it is about two thirds of those, will be converted to short-term employment permits and that most of the people I am assuming we need and we get, and I think they do, that they come from the UK.

So, Deputy Vermeulen, when he was talking about how hard it is to recruit and the problems of churn, well these proposals, by the very nature of getting rid of medium-term employment permits, will increase this churn.

Deputy Vermeulen: Point of correction, sir.

The Bailiff: Point of correction, Deputy Vermeulen.

Deputy Vermeulen: We are not actually getting rid or scrapping medium-term employment permits. It is being morphed into two, so it is short-term or it is long-term. *(Laughter)* So it is still there. The medium-term was the lowest take-up and did not really work anyway. So, by all means hold onto something that not many people use and is not popular, the least popular, but I think

you are not listening to the advice and the experience from Home Committee. So instead of scrapping, it is being incorporated.

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The Bailiff: Deputy Vermeulen, I am not satisfied that is a valid point of correction when you look at Proposition 10(c).

Deputy Soulsby to continue please.

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Deputy Soulsby: Thank you, sir. I do not think I need to respond any more to that.

What I was going on to say was in terms of this churn: it will be churn, of course it will, we do not have anything called a medium-term employment permit any more, we have short-term employment permit and long-term employment permit. Aside from the us and them aspect of this, which does bother me, and I know there is a concern in Jersey, actually, where they have something similar and they are looking at how they can change that because of that very much. Those people

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who can stay here for a long time and those people that cannot, I do think there is an issue there. But aside from that, why are we doing this? We are doing this because the UK, in its infinite wisdom, voted for Brexit and had to keep all of these foreigners out, who were all being a pain for everybody in the UK and now they are finding well actually they did need them and those people were doing really important jobs, which you might not think are skilful but actually they keep the wheels turning.

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That is why we are doing all this. That is why we are suffering the consequences of those decisions and because of that, what I consider a really daft decision in the UK, we are suffering. The UK is now restricting people from entering the UK but they are doing so from those outside the Common Travel Area. I do not think any of this system is actually impacting anybody within the Common Travel Area when it comes to the UK. I have not heard of anybody in the UK having to apply for a visa to go to the UK or only being allowed there for a short-term employment permit.

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It is the people from outside the CTA that are impacted by this. But the point is and what Deputy Kazantseva-Miller and myself are saying, we are setting more restrictions for Guernsey than the UK is. The UK are discriminating between people from the CTA and people from outside of the CTA but we think, no, because things are simpler, we will treat people from the CTA the same as people from everywhere in the outside world and we are saying why are we doing that. Why are we making things harder for ourselves when we do not need to?

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Deputy Vermeulen is right. It might not impact very many people and I know that Deputy Roffey's concern was it would mean lots and lots of people come on long-term employment permits. But it might very well not impact very many people. But we are saying even with the jobs crisis we are in at the moment, I understand we have got at least 1,000 vacancies or more quite possibly, why should we not be doing more and thinking differently, as we have been asked to do, about how we can make life easier for employers and for our community over here? That is the essence of exactly what we are doing.

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We are doing this as well at a time when the UK is in meltdown. I have just made some notes here and I said things could change tomorrow. Well they have already changed. We now hear that yet another Prime Minister has resigned in the UK. Things are changing. Things are very fluid in the UK so why are we trying to set these things in stone right now? This will lead to Amendment 4. We are saying why are we doing this right now and embedding what is going to be a much more restrictive regime for us here at a time when things are becoming quite difficult, to put it mildly in the UK?

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I am just going to make other comments. Deputy Aldwell's written speech, it did ignore the advice provided by H.M. Procureur, which Deputy Kazantseva-Miller read out and which now the Procureur kindly has given verbally just now. This really is not a dangerous amendment. It is basically what we were asked yesterday. Deputy Prow said if you have got different ideas, and you talk about thinking differently, working differently, give us some. This is what we are trying to do here. We think it is worth doing the work to see what it is we can do. Not the received wisdom of what we

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should do because of a regime in the UK, which is only part of the picture. We should be looking at what we can do for Guernsey. That should be our first and foremost consideration.

There is nothing challenging about this amendment. It just asks Home Affairs to just do a bit more work about other opportunities that we can have.

Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Try 26(1), sir.

The Bailiff: Okay.

Will those Members who wish to speak on this amendment, numbered 3, in the debate please stand in their places. Is it still your wish, Deputy Inder, to move the motion pursuant to Rule 26(1), which would have the effect of closing debate on this amendment, subject to comments from the President and the proposer of it? Those in favour; those against?

Some Members voted Pour, some voted Contre.

The Bailiff: I think I am undecided on that one, so we will have to split the difference by having a procedural motion done by the simultaneous electronic voting system, please, Greffier.

There was a recorded vote.

Not carried – Pour 15, Contre 17, Ne vote pas 1, Absent 6, Did not vote 1

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Aldwell	Deputy Blin	Deputy Prow	Deputy Burford	Deputy Mahoney
Deputy Cameron	Deputy Brouard		Deputy Bury	
Deputy de Lisle	Deputy de Sausmarez		Deputy Dudley-Owen	
Deputy Dyke	Deputy Fairclough		Deputy Falla	
Deputy Ferbrache	Deputy Gabriel		Deputy Helyar	
Deputy Haskins	Deputy Gollop		Deputy Le Tocq	
Deputy Inder	Deputy Kazantseva-Miller			
Deputy Le Tissier	Deputy Leadbeater			
Deputy McKenna	Deputy Matthews			
Deputy Meerveld	Deputy Oliver			
Deputy Moakes	Deputy Queripel			
Deputy Murray	Alderney Rep. Roberts			
Deputy Parkinson	Deputy Roffey			
Deputy Trott	Alderney Rep. Snowdon			
Deputy Vermeulen	Deputy Soulsby			
	Deputy St Pier			
	Deputy Taylor			

The Bailiff: Will you close the voting, please, Greffier?

This is where I should have gone to Specsavers! I have a big black bit in the middle of my screen which is really not helping. So the voting on the motion to close debate, proposed by Deputy Inder pursuant to Rule 26(1) was there voted in favour 15 Members, against 17 Members. There was 1 abstention and 7 Members did not vote through absence. So I will declare that lost.

Deputy St Pier.

Deputy St Pier: Thank you, sir.

H.M. Procureur's advice, I think, was very helpful. I think in particular the emphasis that this amendment, if it became a Resolution, is dealing with a policy change rather than a legislative change, if I have understood H.M. Procureur's advice. But of course, actually taking a step back even further, it is not even directing a policy change, it is merely directing consideration of a policy

change. For me, the key words in this amendment in this paragraph are 'to consider any options to provide'.

Now, the political reality, and this I guess will be a challenge for Deputy Kazantseva-Miller when she responds to this debate, sir, will be that if this amendment becomes a Resolution the reality is that the Committee will go away and consider it but it is quite clear that they are opposed to it and they are likely to come back in due course and say, 'We have considered it and we do not recommend any changes.' So, in that sense, is it really going to achieve a lot if that is the political reality.

Now that may not be a reason to vote against it but I think perhaps Deputy Kazantseva-Miller could just give that some consideration as to that political reality, given the opposition of the Committee *for* Home Affairs. However, flipping it onto the other side, sir, I think Deputy Ferbrache has referred to the paragraph of advice from the Committee *for* Home Affairs that there has not been time in the lead up to the debate to establish and clarify certainly the full legal risks.

That, for me sir, would provide a good justification for voting for this amendment because it allows a time to enable proper consideration to be given to those legal risks and I think, again, H.M. Procureur's advice was quite clear that there are quite a number of issues to consider and there may not be a clear answer at the end of the day in any event.

But I suppose my challenge to Deputy Prow, as the President of the Committee in responding to the debate, is the advice to Members by the email on Monday is very clear but it is quite hyperbolic in the context of those words merely to consider any options, as opposed to any direction to change the Law and it is really understanding the nature of the threat that the Committee truly believes exists in the context of merely a direction to consider an option, which in due course they might choose to come back and recommend is not accepted in any event.

So I think perhaps I would appreciate some further depth to the advice, which has already been given to Members by Deputy Prow, when he sums up, as to the strength of the opposition, which is quite clear here, and why they really consider it is such a dangerous, to pick up Deputy Soulsby's amendment, and I thought she, as the seconder of the amendment, did give a very strong speech in favour of it, that the use of this term dangerous I think is one which is used often. I am struggling to see the danger in considering any options and I would like Deputy Prow to explain to me why those words are indeed so dangerous.

Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Deputy St Pier has covered some of the points I would have made, certainly. Again, I will start where Deputy St Pier left off, actually, which is surely the whole purpose of this is to understand how we can make efficiencies, make the system work better to achieve our objectives, take down barriers that do not need to be there and I think actually this amendment plays a useful role in that and it is to direct the Committee *for* Home Affairs to consider this particular aspect.

It is something that I have seen as a barrier. I am concerned about the gap between the short-term and the long-term, and I think there are some real issues around short-term permits in terms of recruiting people who are really key to the smooth running of the Island and it is not something I have been able to resolve, certainly, working with officers in Home Affairs and Economic Development under the system at the moment.

So I do support investigating options in that respect. My only other thing that I wanted to raise, the only other point that I wanted to raise, was really on this issue of discrimination and I was a bit confused. Deputy Ferbrache asked H.M. Procureur a question. In the explanatory note, in the response from the Committee *for* Home Affairs in that second paragraph, it does say 'while the Island's immigration policy and legislation as extended is discriminatory by its very nature, the Population Management Law does not discriminate between different nationalities or people with differing immigration status'.

2070 Now I am pretty sure, because it was part of the original population management debate that
the whole issue of birth right is within our Population Management Law and not within our
immigration laws and that, to my mind, and I am pretty sure it is to Deputy Ferbrache's mind as
well, is inherently discriminatory.

I would give way to Deputy Prow but I have really got nothing left to say and I do not think there
are many more speakers, so he will get the chance to wrap that up. Thank you.

2075 **The Bailiff:** Deputy Queripel.

Deputy Queripel: Thank you, sir.

2080 I am really pleased Deputy Ferbrache spoke before me, because he covered almost everything
in his speech that I was going to cover in mine. Consequently, my speech is now going to be a lot
shorter.

2085 When she spoke, Deputy Kazantseva-Miller said something along the lines of discrimination
goes on all over the world and it even goes on in the UK. She is absolutely right. But just because
discrimination does still take place it does not mean to say we have to perpetuate it. Surely we have
to do our utmost to eliminate it?

2090 Seeing as this amendment seeks to favour one group of people over others then surely we have
to be concerned about that on the grounds of discrimination? It is ironic, when Deputy Vermeulen
spoke early on, he said that the unanimous decision of the Assembly during the recent debate on
discrimination was that we should not discriminate. Yet, here we are, being asked to agree to favour
one group of people over others.

2095 I am sure the layers of this amendment have laid it with the best of intentions but I do not
resonate or align myself with their views at all. And just to briefly remind colleagues of Home Affairs'
view, as relayed in detail when Deputy Ferbrache spoke, they referred to this amendment as a
dangerous amendment and their Committee will oppose it in the strongest terms, as it seeks to
direct work that could place the Island at risk.

So surely we need to be mindful of that and listen to Home Affairs when they say, in their view,
this is a dangerous amendment. And in relation to H.M. Procureur's advice, she said there are risks
here. So when in doubt, leave it out, surely. Why take that risk?

2100 I am in all in favour of thinking outside the box but not when the suggestion is to give one group
of people more opportunities than others. We really should not be going down that route in my
view. I do not even want that work done, sir. I cannot support this amendment on the grounds that
it does seek to favour one group of people over others and I know we are all guilty of adopting the
when-it-suits approach at times but we now live in an age of equality and this amendment drives a
coach and horses straight through that aspiration.

2105 Thank you, sir.

The Bailiff: Deputy Burford, welcome.
Is it your wish to be relevéed?

2110 **Deputy Burford:** Yes please, sir.
Thank you.

The Bailiff: I mark you as present.

2115 As I do not see any other Member leaping to their feet to speak on this amendment, I will turn
to the President of the Committee, Deputy Prow, for his contribution, please.

Deputy Taylor: Sorry, sir.

2120 **The Bailiff:** I will not.
I will call Deputy Taylor instead.

Deputy Taylor: Thank you, sir. I thought I would wait until no one else was standing.

Very simply, I was hoping to speak earlier in debate, had a bit of an epiphany earlier on today that it would be better to try and convince Members to do shorter speeches about amendments instead of trying to do a guillotine motion to speed things up. I wish I had gone with the guillotine motion because I am now speaking last so I cannot really convince anyone to shorten their speech other than the President, Deputy Prow, and Deputy Kazantseva-Miller.

The point has since been raised by Deputy St Pier and Deputy Soulsby, the seconder, that this is only to consider. It is such a simple amendment. So I could support this. I could consider what is being suggested here. I will not support it because we have considered it. The amendment was put before the Committee for Home Affairs. We have talked about it with officers.

We have not gone into a huge amount of detail but the overwhelming advice from the officers, the professionals with professional qualifications in this field, their overwhelming advice was that this is not a good idea. So that is why the Committee strongly oppose it and that is why I will be strongly opposing it and that is why I ask everyone to strongly oppose it too and I hope there will be no more long speeches in this debate.

Thank you, sir.

The Bailiff: This time I will turn to Deputy Prow to speak on the amendment if he so wishes.

Deputy Prow: Thank you very much, sir.

Once again, Deputy Ferbrache has cut my speech down considerably and I thank him for that. I am sure the Assembly is very grateful. I am sure he does that on purpose, sir!

I think I will deal with Deputy St Pier's question to me that he posed first. I actually thank him. It is actually a helpful challenge. Deputy Taylor has actually touched on the reason why the Committee for Home Affairs finds this in great difficulty. Throughout this process, I said in my opening, a lot of this is very technical, a lot of it is very complex and the Propositions that actually relate to the population management and immigration piece have been thoroughly researched by the subject matter experts and with legal advice, often actually on very specific issues.

What we have come up with is a change in the way that we are going to deliver immigration and population management and to do that we have had to take that advice and change our thinking. Thinking outside the box but with professional expertise giving us guidance. I think that is probably the way forward. So we have restructured it. The advice we were given is that what is called the enter served very little purpose. One of the issues that you have in restricting the population in a very small jurisdiction is routes to settlement and what we wanted to do is to make sure that the people that come here are the ones that do the most benefit.

This is a theme that has run through this debate and runs through the policy letter. What we have had is a very successful use of what we call the EPP, which is the Employment Permit Policy. What that does, and I said this in my opening, is it looks to where there are shortages in either skilled, professional work or labour shortages. Then it employs the tools we have in the box to bring in those people that we need; mostly the ones that come on the short term come in volume.

That is the regime that the officers, advisers and we discussed and challenged and this was done reasonably early on, actually, in the review. It got the endorsement of everybody that was involved in the review that this was the right thing to do and it goes back to Deputy Queripel's point about you have got to have trust in the people and the politicians and officers that advise the Review and you have to have trust in the politicians who, in Home Affairs, have passed another lens over this and decided this is the way to go.

So the EPP will become more difficult to administer and understand across the Island's businesses and employers, different conditions will be attached to employment permits with different nationalities. I will deal with that point again in a minute. This would make the application process more complicated, ongoing management of employees, varying rights to stay in the Island, more confusing.

In contrast, the framework in the policy letter was developed on the basis of simplifying and aligning the process and making it easier to administer and understand. So, sir, just moving onto some other comments. I thank Deputy Roffey. He gets this. In his amendment, he has expressed
2175 concern, rightly, over the issue of net migration. I chose the 300 because that is what I felt the review informed upon. He did his own research and came to another view, around 200. But we both agree that there is an issue around net migration.

Then you get all the mitigating and other suggestions that flow out of the Proposition. In my opinion, sir, he gets the effect of this amendment. There will be an impact on services, local housing,
2180 health, if we let the short-term employment permits from the Common Travel Area stay. That would be a result of that.

One other point is, when we are talking about net migration, the short-term employments cannot bring in dependents. So then that is another limiting factor. The EPP is about matching where there are shortages to those employment imperatives. So if more become apparent they can
2185 be increased. If we are, through all the initiatives we are talking about, able to fill some of those roles locally, it can shrink. It is flexible.

Just on the point of thinking outside the box and thinking about the flexibility that we want, the review wants, Home Affairs want, there is, Appendix 2 – I have referred to this before, there is a list of thinking outside of the box flexibility but, importantly, that flexibility has been achieved through
2190 professional advice and legal advice. It is on Appendix 2. There are one, two, three, four, five, six, seven, eight, nine – I was going to read them out but I am not going to – examples of policy details where we have and the processes I have described, managed to make that flexibility and, in the main, meet the needs of businesses, which is so vitally important.

So, turning to the points that have been made around why we oppose it, I thank H.M. Procureur for her advice. I think the bottom line of that advice is that the views that we circulated were proper and legitimate views to have. She makes a point around, yes, but the amendment talks about policy and asks us to investigate the policy. But, as night will follow day, to do what is being suggested here would, in my view, need a change in the Law. So we would be embarking on a journey that
2195 would take us to a situation where, if we thought this had merit, which we have clearly said we do not think it has merit, but if on further investigation we did, because at the moment, under the Population Management Law, we cannot discriminate on terms of nationality.

Population management does not go anywhere near nationality or immigration. Why would it? Because we have got the extended acts to deal with matters of immigration, matters of border, matters of security. And we do that as part of the CTA and that leads onto the next amendment if
2205 it is laid.

That is perhaps the connection between this amendment and the other amendment. Immigration policy is discriminatory by nature but the population management does not discriminate between different nationalities or based on immigration status. One point from what Deputy de Sausmarez said around birth right, there is no such thing as Guernsey nationality. We
2210 are British nationals. What, under the population regime, the birth right gives you is a route to residency. It is not Guernsey nationality. You do not get a Guernsey passport. You get a British passport.

I give way to Deputy de Sausmarez.

Deputy de Sausmarez: I thank Deputy Prow for clarifying that but doesn't he agree it is still discriminatory?
2215

Deputy Prow: Yes. That is an interesting point but my point is that you cannot at the moment, under the population management, discriminate in that way. Under the Immigration Act you can discriminate on nationality. I do not know how many times I have to say that, whether we are giving
2220 responses or not. So the population management regime is blind to nationality. H.M. Procureur has pointed out, yes, but that is not directly where this amendment takes you but that is where it would eventually lead to having to change and do some sort of legal gymnastics to get us there.

2225 So, the point has been made about significant legal challenges, there is a risk, and the point has been made there has not been enough time to specifically debate and establish the full legal risks but Deputy Taylor is right, we did consider this and we considered this with officers, and their advice to us was this was not a very good idea.

2230 Various Deputies have actually referred to the churn. Deputy Ferbrache very helpfully read out the full response that we gave. I will give a precis version of it, just to remind everybody. UK holders only comprised of 32% or all STEPS issued in May 2021. The UK is already suffering from acute labour shortage in STEP type roles, so the pool of prospective employers from that jurisdiction is unlikely to increase, regardless of any more favourable conditions.

2235 So, sir, in closing, the operability, implementation and understanding of the Population Management Law, under this amendment, would be more complex and confusing while also clearly amending to discriminate against certain groups of people if the policy was converted to legislation. The Committee is strongly opposed to this amendment.

Thank you, sir.

The Bailiff: Thank you very much.

2240 Now I turn finally to the proposer of Amendment 3, Deputy Kazantseva-Miller, to reply to the debate.

Deputy Kazantseva-Miller: Thank you, sir, and thank you for the contribution and the comments from colleagues.

2245 I think in summing up I again want to draw the comparison to three weeks ago when we debated the Discrimination Ordinance and when the Committee had strong opposition to many of the amendments laid, it did not prevent nearly half the Assembly to still continue with them. I think this is a matter of political direction and this is what this amendment is about.

2250 Deputy Aldwell referred to a number of things which really were completely irrelevant to this amendment in question, which made myself question then the response I received from the Committee in terms of the amendment because actually they have significantly changed through the consultation process.

2255 I absolutely claim to be no expert in the details of the laws and policies we have and clearly we have the population management and immigration policies and so, in a way, the amendment started in the first place when I was engaging with the Committee. They were a very different nature. There were suggestions to amend the actual laws and clearly there would be challenges of that. They have changed significantly to become just the amendment to consider properly and consider the legal questions around it.

2260 So Deputy Gollop, with his fantastic historic knowledge about how things change and how things develop, population management is only a very recent Law, which came about in order to admit the challenges that we had at the time. He talked about the need to adapt to a change in circumstances. That is exactly where we are at. Following Brexit we have fundamentally different challenges facing us and he talked about this need, potentially, to disentangle the immigration rules, that are UK driven, and population management rules and, unfortunately, right now, they are entangled via the imposition of the short-term permit process because that directly links to the immigration restrictions in the UK.

2270 This is where the key challenge of our population regime, in my opinion, continues to be, is in having the short-term versus long-term permit situation, which actually does not – this is the fundamental thing – it does not address the labour shortages and the situation we have right now on the Island.

I thank Deputy Roffey's contribution but I am confused in terms of what he is saying, he does not agree with it because he does not want more people to come. This is the whole premises of the whole population policy, that if we approve the original Propositions eventually, we are agreeing to more population coming in.

2275 Deputy Ferbrache –

Deputy Prow: Point of correction.

The Bailiff: Point of correction, Deputy Prow.

2280 **Deputy Prow:** Sir, I made great pains to say it is not about the Committee *for* Home Affairs not wanting people to come. It is about was it the right people to come to fill the staff shortages, professional shortages that we have and to do that, you need a flexible EPP policy.

Thank you, sir.

2285 **The Bailiff:** Deputy Kazantseva-Miller.

2290 **Deputy Kazantseva-Miller:** I am not sure there is anything much to answer to Deputy Ferbrache's reading of the commentary and we heard from H.M. Procureur. With Deputy Vermeulen, I think it is slightly ironic that we are debating immigration laws and welcoming people of different origin perhaps, not indigenous people, and that my dear colleague, Deputy Vermeulen, still struggles like others in this Assembly to actually pronounce my name. At some point, perhaps, it will change.

2295 **Deputy Vermeulen:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Vermeulen.

2300 **Deputy Vermeulen:** I think we both struggle with each other's surname. You have pronounced my name wrong three times so far, today.

The Bailiff: Let us move on, shall we.
Deputy Kazantseva-Miller.

2305 **Deputy Kazantseva-Miller:** So, I think Deputy Vermeulen questioned the examples I gave, basically, because he did not seem to believe the examples I gave from the businesses I have been talking to. I am very happy to share with him details if those businesses allow that. We all talk to businesses and we have access to information and I know wholeheartedly how those industries are struggling.

2310 It is absolutely true what he said, the Committee has made changes, absolutely. They have been responsive to making changes. But the issue is that the labour shortages we have right now are humongous, absolutely humongous. I do not believe the proposed changes in the original policy letter will go actually far enough to help address them.

2315 Deputy Matthews was talking about how we can liberalise, taking steps to liberalise some parts of the Population Management Law. The issue, I keep saying, remains around those short-term permit pathways because we are right now hamstrung by the UK's immigration laws. So their is not much we can liberalise in that phase and basically the businesses are forced to say goodbye to the employees who they want to keep because of the three-year timeline. So there will not be further liberalisation of the short-term permit pathways.

2320 The Common Travel residents are not subject to the UK immigration rules. So they do not need to be subject to those three-year restrictions for those short-term permits. That is the whole point of bringing this amendment because that is exactly trying to do that. It is helping make it a bit easier for the roles, the jobs that are considered low-skilled and can only attain a short-term permit –

2325 **Deputy Taylor:** Point of correction.

The Bailiff: Point of correction, Deputy Taylor.

2330 **Deputy Taylor:** Sir, this amendment will not make it any different for people on those short-term permits to stay longer as they were in a long-term permit. It would merely direct the Committee to consider whether that might be appropriate to happen.

The Bailiff: Yes, I think that is right, Deputy Kazantseva-Miller. This will not achieve any outcome until, as it says at the end of the inserted Propositions, it is returned to the States.

2335 **Deputy Kazantseva-Miller:** Thank you very much.

I absolutely take that direction, thank you, Deputy Taylor.

2340 Deputy Dyke, very much thank you, as a lawyer with a lot of international and legal background, he is absolutely correct. The amendment in itself does not raise absolutely any legal challenges whatsoever. And Deputy Blin, thank you; he considered this potentially being a wonderful solution and I think it could be. We have to remember that we live, right now, in a different world. Brexit is a fundamental change to us. It is not going to go away. That is it. We are stuck with it. Things will get even more complicated.

2345 We really have to be a bit more radical. The shortages we face and the ambition to keep and maintain the workforce is very ambitious. People have come over here because of our positive response to COVID. That may not stay. We have now, with the cost of living, lots of people leaving. We really have to move all barriers we can, to continue attracting the people and keeping them here.

2350 I thank again H.M. Procureur for highlighting again this is a direction and we have not established whether this will be discriminatory or not until further work is undertaken and whether that will present any challenges in international law at all.

Deputy Soulsby, thank you for reminding us about the changes to the travel arrangements that we could under the CCA or other regulations, impose around COVID. And that is what we did. We responded in a way to be responding to the challenges of the time. Again, this is the challenge that we have right now. It is a huge challenge and we need more action to address those challenges.

2355 Deputy St Pier, I think it is a fair comment. I think if the amendment is successful, while the Committee does say they have considered this question already, a political direction will tell them that perhaps this has to be considered in more detail, that actually legal advice needs to be taken on those matters so, as a States' Resolution, it will carry some way. But I guess he is absolutely right, Resolutions can remain in abeyance at the discretion of the Committee. None of us can force them to bring something absolutely back, even if there is a specific Resolution to do so.

2360 Deputy de Sausmarez talks about taking down the barriers that we do not need to be there and it is exactly what this is about. The barriers for CTA travellers do not need to be there and this is what we are trying to achieve here –

2365 **Deputy Taylor:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Taylor.

2370 **Deputy Taylor:** Sir, it is the same point of correction. This amendment will not remove any barriers to CTA travellers, which is what Deputy Kazantseva-Miller is again suggesting it will do.

The Bailiff: Yes, it is a first step rather than the final step, isn't it?

2375 **Deputy Kazantseva-Miller:** Yes. So it is the first step in the direction of seeing how we can continue removing those barriers.

Deputy Queripel, I am absolutely with him about embracing what we signed up to in terms of discrimination, the Discrimination Ordinance we passed a few weeks ago. This amendment, it sets the process in motion, it would remove barriers. It is removing the barriers, basically that we do not need to be there.

2380 Deputy Prow, I thank him for his speech and I will speak to the flexibility of the employment permit system, actually, in the next amendment, further. He mentioned that the EPP looks to where there are shortages and use the tools available in the box. Well the amount of chronic shortages we have right now, I think, speaks very clearly to the fact that the system is not enough and again I am not convinced that those changes will go far enough to be able to address that.

2385 With net migration identified, he thanked Deputy Roffey for his contribution and the concerns net migration might have on services, housing and infrastructure. But again this is the whole point of this policy paper. It is recommending that we do exactly that, that we bring more people in, that we increase our housing off the back of that provision, we look at how public infrastructure is improved. So, again, I am at odds at what he commented in terms of this amendment would lead to more people coming in. Exactly, because that is the whole point of what this policy paper is trying to do.

2390 So I think in summing up, the challenges that we face in the labour market right now are absolutely huge and we need to be doing everything possible to remove barriers which do not have to be there. I think this is something that should be considered further because it completely is uncertain what the legal position on that is. I really think that needs to be thought and the speculative scaremongering that this is the end of the world with this amendment is really not necessary right now.

2395 I do ask Members to support this amendment because it sets in motion a further work which makes sense in the time of Brexit and the very substantial challenges we face.

2400 Thank you.

The Bailiff: Well, Members of the States, we come to the vote on Amendment 3, proposed by Deputy Kazantseva-Miller, seconded by Deputy Soulsby, which proposes to insert a new Proposition 9A. Will you open the voting, please, Greffier.

There was a recorded vote.

Not carried – Pour 10, Contre 22, Ne vote pas 3, Absent 5, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	Deputy Aldwell	Deputy Matthews	Deputy Bury	None
Deputy de Sausmarez	Deputy Blin	Alderney Rep. Roberts	Deputy Dudley-Owen	
Deputy Dyke	Deputy Brouard	Alderney Rep. Snowdon	Deputy Falla	
Deputy Fairclough	Deputy Burford		Deputy Helyar	
Deputy Gollop	Deputy de Lisle		Deputy Le Tocq	
Deputy Kazantseva-Miller	Deputy Ferbrache			
Deputy Le Tissier	Deputy Gabriel			
Deputy Leadbeater	Deputy Haskins			
Deputy Soulsby	Deputy Inder			
Deputy St Pier	Deputy Mahoney			
	Deputy McKenna			
	Deputy Meerveld			
	Deputy Moakes			
	Deputy Murray			
	Deputy Oliver			
	Deputy Parkinson			
	Deputy Prow			
	Deputy Queripel			
	Deputy Roffey			
	Deputy Taylor			
	Deputy Trott			
	Deputy			
	Vermeulen			

2405 **The Bailiff:** In respect of Amendment 3, proposed by Deputy Kazantseva-Miller, seconded by Deputy Soulsby, there voted in favour, 10 Members; against, 22 Members, 3 Members abstained

and 5 Members were absent at the time of the vote and therefore I will declare that amendment lost.

2410 **The Bailiff:** Amendment 4 comes next.
Is it your wish to lay Amendment 4 now, Deputy Kazantseva-Miller?

Deputy Kazantseva-Miller: Yes, sir.
Thank you.

2415 **The Bailiff:** Thank you very much, then, please proceed.

[Amendment 4.](#)

To insert a new proposition after proposition 16:

'To direct the Committee for Home Affairs to explore what options may be available to add other job roles to the Long-Term Employment Permit list based on Guernsey's workforce shortages and unique economic context and to report back to the States before the end of this political term.'

Deputy Kazantseva-Miller: The amendment seeks to direct the Committee for Home Affairs to explore what options may be available to add other job roles to the long-term employment permit list, based on Guernsey's workforce shortages and unique economic context.

2420 When you look into it, we have quite a high churn rate in the population, about 5%. We have in the region of 3,000 to 4,000 people moving in and out, which then results in net migration figures. So if we want our population and workforce to grow, the first thing we should be doing is making sure fewer people leave, rather than just focus on how many more people we should be getting.

2425 If you want to achieve cumulative population growth over time, you need to keep people for longer. The key way to do so is through the long-term employment permit route. This is really the Holy Grail of employment pathways. This gives workers the security that they can stay for longer as long as they obviously keep their job and they equally give security and significantly reduce the cost to business so they do not have to re-recruit every few years.

2430 This review really brings to the fore how reliant we are on the UK immigration policy post-Brexit. This policy has been based on the principle of keeping low-skilled labour out and this is managed through the UK skilled worker visa occupations list; it is called the UK list. There is a long list of occupations that allow you to access the UK skilled visa, which allows you to stay for five years longer and get settlement status. So we are told that Guernsey is fully reliant on that UK policy and the list and the jobs that are not on the list cannot be offered, Guernsey, medium or long-term permits.

2435 One would assume that, as a starting point, our own employment permit list would be in synch with the UK. However, on close inspection this is not the case at all. For example, many construction jobs and all construction trades – joiners, roofers, carpenters, plumbers, plasterers, builders and so on – they are on the UK list. We have, I am sure I do not need to remind colleagues, a housing and building crisis and guess what, in Guernsey, those job roles are only afforded short-term employment permits right now.

2440 This was certainly news to me and the construction industry when I mentioned that we were not aligned with the UK list at all on that front. I really fail to see on what basis we would not offer full flexibility to the construction industry, given the housing crisis we have.

2445 Take other categories, digital and creative, which I know well, search engine marketing and maximisation, IT engineers, PR specialists, they are not on the list. IT specialists in Guernsey will only get long-term permits if they have senior experience. In general, in policy, permits are available for middle and senior managers only. In fact, 50 STEP permits were offered to digital roles before COVID, 50 MTEPs, and 19 LTEPs. We should be getting anyone with digital skills at any level to come
2450 to the Island, based on the digital skills shortages we have.

I meet with many businesses and the first challenge they talk about is labour and skill shortages in those industries. The bottom line, the bottom of the Guernsey employment permit list outlines the list of people who comprise the Population and Employment Advisory Panel (PEAP). There is no one to represent the digital service industry and the jobs there are not aligned with actually the requirements that have been identified, the workstreams, under the Digital Framework, which is part of the Government Work Plan.

Our list is neither in synch with the UK, nor reflective of the structure of the economy right now and the challenges we face right now, like the housing challenges. So why not adopt the whole of the UK list? As I explained before, the market will regulate how long the employment contracts are offered for and which job roles people apply for and who stays if they are given the jobs. So for example there will be job roles like rail conductors, that do not exist here, but no one will apply to them, so nothing to worry about. Or any of the digital jobs. Why not simply allow an employer to determine how long they need the permit for.

Otherwise, what it looks like is that population management is interfering with businesses and trying to determine how they should be run and who they should be hiring. For example, if you want to apply for a role that is not on that policy list, which is not even in synch with the UK, you have to apply for an out-policy role. You have to submit a whole raft of information, including an organisational chart, business plan, a succession plan for this role, impact if the application is not successful.

The businesses know how to run themselves. If they want those jobs and they want people they know how to run themselves. This is not far from being a nanny state of telling businesses how to run themselves. There is a real argument to say whether we should be creating so many employment permit structures.

So one part of this amendment actually seeks to ensure that our list actually aligns with that of the UK and does not put any barriers to business to recruit the people they need for those jobs. So the second part of this amendment seeks to raise the question, because of our unique economic context, and challenges that we face as a small jurisdiction, it raises the concerns that the UK policy can start having a crippling effect on our sectors that are reliant on low-skilled labour, such as hospitality and cleaning. Those sectors are as essential to our economy as any others.

If a hospital is not cleaned, and sometimes you need specialist COVID cleaning, then it will not operate. This simply may not be sustainable for Guernsey down the line. So this amendment seeks to raise the question about having the conversation with the UK on having some further flexibility of adding roles that may be considered essential to our own list by exemption or other ways.

This amendment only directs the Committee to explore the options. The Committee is strongly opposed to this part of the amendment on the grounds that it may risk our CTA membership. Absolutely. I do not think anyone here wants to put us into this situation but we are not in that situation. This amendment, if approved, will not do that.

I have sought comments from H.M. Procureur on this specific matter again and I can share, kindly, her comments. Regarding Amendment 4, the same issue applies as in relation to Amendment 3, in that if approved by the States the amendment only seeks the Committee *for* Home Affairs exploring options:

It may well be that Home Affairs concludes that the amendment might have unintended or indirect consequences on the CTA agreement but on the face of it this is speculative. Liaison with the UK would, I suggest, be required in order to explore this as an option and Home Affairs may wish to ask Chambers to take some expert legal advice on the potential issues, which might arise.

In summary, there are two key parts of this amendment in relation to the importance of the long-term employment list. One is to ensure that the LTEPs are as aligned to the UK as possible so that there is no unnecessary bureaucratic barriers, which have no link to any human capital or economic policies as they do not exist right now, and the second is that the option to explore the possibility of having some flexibility with our list, which may not 100% align with the UK is sought.

2500 None of this presents any legal or other challenges right now but can be hugely beneficial to the economy and crucially to fulfilling the strategic objectives outlined in this policy to increase workforce and population in the long run. The long-term employment permit list is the key lever over which Government does have direct influence and is the one that can significantly influence those cumulative net migration figures over time.

2505 In absence of an economic and human strategy that is able to tell Home Affairs in more granular detail what type of job roles we want to see more or less of then the best thing Home Affairs can do right now is move as many jobs as possible to the LTEP list. This amendment seeks to explore that option and I ask Members to support it.

Thank you.

2510 **The Bailiff:** Deputy Soulsby, do you formally second that amendment?

Deputy Soulsby: Yes, very happy to, sir.

The Bailiff: Thank you.

2515

Deputy Taylor: Thank you, sir, and I am very grateful to be able to speak early in this debate but I apologise because I am going to repeat pretty much the same comments I made under Amendment 3, because whichever way you look at it, Amendments 3 and 4 are pretty much identical amendments.

2520 They are both just directing us to go and look at something, which arguably we have already been looking at and we continue to look at on a regular basis where we need to and if we do not agree with what is being suggested we do not have to do it. But what is really interesting is previously we looked at extending the short-term permits to become long-term permits and now we are being asked to look at what extra job roles we can add to the long-term permits lists, which is most likely jobs that are on the short-term employment list.

2525 So it is just asking us the same thing and I was really minded to bring a 24(4) or 24(6) just to curtail this but I want to demonstrate that you can make a short point that really sums up why we should be voting against this. You do not need to go into a long, long speech about the benefits of having people on different permits, all that rubbish, because it is so small. We have just discussed this. So, Members, we do not need to have a huge, big debate, going over things. Let us put this to bed. Let us hopefully get on and vote on the pensions that we need to get onto and we can all get home and this can all be done and dusted.

Thank you, sir.

2535 **The Bailiff:** Deputy McKenna.

Deputy McKenna: Thank you, sir.

2540 The objectives of this amendment as set out in the explanatory note would go far beyond the existing employment permit policy framework and would put the Island's immigration policy at odds with that of the UK, which could have profound consequences for the Island and its inclusion in the Common Travel Area.

2545 The Common Travel Area, as a concept, is based upon Immigration Acts and rules consistently applying across each jurisdiction. As a Crown Dependency, persons looking to enter to live and work in Guernsey do so at the will of His Majesty the King, through the powers conferred to His Excellency the Lieutenant Governor.

This means that leave to enter and leave to remain applies and has force throughout the Common Travel Area. It does not allow entry to one jurisdiction, which is prevented in another, and this includes leave that leaves the settlement. These controls are enforced at the first point of entry under the Common Travel Area, which would include visa requirements.

2550 What I am reading out has actually come from our officers and also a well-respected advocate, who was the Chief Minister and holds the Order of the British Empire. They believe the objectives of this amendment, if realised, would cross that red line, as Deputy Aldwell said when she was talking about 3 and 4. So, in respect of job types and facilities management or certain hospitality positions, as mentioned in the explanatory note, this framework has been predicated on the assumption that 2555 Guernsey cannot be a back door to settled status and, in turn, British citizenship, across the Common Travel Area. Seeking to re-categorise some jobs would be in breach of that red line and would be in breach of the UK's law, which would not be approved as a pathway to the CTA.

If this was to happen, through the Common Travel Area, settled status in Guernsey would not then qualify for such status in the United Kingdom. We run the extreme risk, under Section 9 of the 2560 Immigration Act, 1971, of no longer holding British citizenship within Guernsey, if the Secretary of State decides that he has the sweeping powers to unilaterally exclude any Island from the Common Travel Area to protect the Immigration Laws of the United Kingdom.

The concern really comes when the Vice-President of Policy & Resources, who is involved heavily with these amendments, is fundamentally endangering our membership of the Common Travel 2565 Area. This shows a lack of leadership and a lack of consideration for the best interests of the Island. The Secretary of State can sign Guernsey out of the Common Travel Area if we are not compliant and he can revoke us issuing passports to Guernsey residents.

I want my children and your children and our grandchildren who are born in Guernsey to hold British citizenship, to be able to travel and work throughout the United Kingdom, without having to 2570 apply for a visa. I want Guernsey to enjoy the close relationship with the Crown as we have enjoyed for many centuries. Yet two Deputies are putting our history and our future in jeopardy.

In the *Guernsey Press*, October 13, 2022:

Increasing the Island's population to keep the economy afloat has been described as a Ponzi scheme by the Vice-President of a senior States' Committee. The statement was made during Scrutiny's Management Committee hearing, when the Committee faced questions on the progress of the Government Work Plan.

And I quote:

2575 I am concerned that the more people we bring in, it is a Ponzi scheme.

Well I can assure anybody that on Home Affairs we are not involved in any fraud of any description. We work with some highly qualified officers from very well-respected advocates and a former Chief Minister and we try our level-best to do the best for Guernsey and for the people of Guernsey.

2580 It is noted that the amendment is seeking to direct the Committee to conduct further work and the explanatory note references that this work should consider how it is possible to allow some long-term employment permits within our constitutional relationship within the United Kingdom. However, this work has already been done by the Committee and the steering group, through the Review, and the risks set out above were carefully and cautiously navigated when developing the 2585 policy proposals.

We have extensively gone through everything and I know there are some Deputies here that feel quite annoyed that maybe some Members of the Committee *for* Home Affairs do not vote the way they think they should but how do you think we feel on Home Affairs when we have so many Deputies voting against the hard work we are putting in and the hard work that is put in by the 2590 officers and of a highly respected advocate, former Chief Minister, who the Chief Minister said himself was probably one of the greatest commercial lawyers ever to be in existence? So how do you think we feel when we are constantly being hammered?

Anyway, that is why the Committee, we will strongly oppose Amendment 4.

2595 **The Bailiff:** Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

I am going to speak on what the proposer of this amendment spoke about. Now she is advocating that we adopt exactly what the UK are doing for Guernsey. I think earlier on she was
2600 advocating that there should only be a net migration of 200 but we have agreed on 300, now it is open door policy.

They are quite right to say these things have all been considered before. Why don't we do this? Why don't we do that? These things are discussed in Committee. But I hope I can explain why a one size fits all would not work for Guernsey. The UK and Guernsey are both completely different
2605 economies. Guernsey has full employment. The UK has two million unemployed. The UK adopted a points-based system. We did not. We had our own immigration system, which was put in place well before Brexit.

It is more flexible than the UK's and you can only go so far, and I know that, because our officers have been told, when they have applied for out of policy visas, by the UK, 'Oh, you are now giving
2610 visas for that role.' So I know my limits. Home knows its limits. It knows how far you can push the envelope and this crosses over the red line.

Yes, in Guernsey we have got a lot of hotels and restaurants and we have not got the individual staff. We have not got enough. We have to rely on getting people over and that is why things like that are slightly different. As I have touched on before, we talk about builders. Builders can work
2615 anywhere in the world. I spoke about Holland and France employing people. Germany is a huge payer. What people can earn here might not be as much as perhaps in Europe, where they are getting things.

Again, attracting Madeiran builders, for instance, we have had these discussions with the construction industry and the builders tell me they are quite happy staying in Madeira. They are in
2620 the sunshine, they have worked for this company before but they have got no particular wish to fly all the way to these colder climes and work for the UK.

Now, previously to help employers there was the PEAP and that was something where any business could input and those discussions were heard. I know very well because, in the early days, I was a regular attendee of the PEAP meetings, banging the table, complaining profusely, and things
2625 were changed. Over the period of a number of years, things were changed and improved and I think we have got something like 2,500 in-policy jobs at the moment.

You have got an administrator that goes out of their way, very professional, very experienced, he has issued thousands of permits. He knows what Guernsey needs and he knows, when we make recommendations, you can trust those recommendations because it is not something new. It is
2630 something that has been tried and tested, it has been reviewed and we are recommending that we improve it, streamline it and this will make things easier to navigate and better for all.

Now, I am not an expert on the UK economy. It seems pretty tumultuous at the moment. Things are changing all the time and I know that what they originally adopted, and those job policies, was not perfect for the UK either and I know that because I would get jobs where people were looking,
2635 for instance, farming, agriculture workers, people struggling to recruit on the Island. Guess what, the UK also struggled with that.

So times might change. Who knows, the UK might even go back into Europe and welcome a supplement of EU citizens, which has also affected the Island. Things change. They change. They have not got it right. But I am confident that we have got it far more right through the experience
2640 of those years, having trialled and tested it. It is bespoke to Guernsey's economy and it seeks to stay in line with the Common Travel Area.

Now, what would it look like if we got asked to leave the Common Travel Area? Some politicians, well it might be one politician, say that it is not the end of the world. Well it would change the whole relationship with how Guernsey interacted with the UK. So if you were going on a business meeting
2645 to London, for instance, you would have to apply for a visa. If you were going on holiday as a Guernsey person, you would not be in the Common Travel Area, you would be treated as a separate country and that would have to have a visa. Everywhere else in the world, you would be set up as a

separate company and it would be very different to what we currently enjoy at the moment. Very different.

2650 Would it be better? No, I do not think it would. Would there be a cost of regulation of doing that? You betcha, sir. It would be hugely expensive. I do not recommend it. I am quite happy with the current system and I am going to vote very strongly against this amendment and I am quite concerned it was still brought despite Home saying that they were going to strongly oppose it and I feel strongly, like Deputy McKenna said, the officers, the professionals that we employ, the team, 2655 the staff, they are a professional team. They know their onions. They have done really well. And I have challenged them, believe you and me. And the challenges out there, from employment, have been vast and the constant feedback we get is that: 'I spoke to the administrator at Home, he was absolutely brilliant.' We have improved our communication at immigration and we have tried to help steer and educate employers in exactly what they need. We have held their hand for a long, 2660 long time.

If there are things which they do wrong, we will try and point them in the right direction. But I do not think you can blame the lack of staff in Guernsey for the Immigration Laws and how they are policed because that just is not true. There are bigger issues in play. The world is a big place and people can take those skills anywhere they like. We will do our best to make sure every employer 2665 has every employee but there is a line and we must not cross it.

I do hold P&R in high regard and I do not know, we have had two years, I have never heard anything from P&R saying, 'Hang on Home, you are not doing a particularly good job.' This, that and the other. Why store it all up? If there is a problem, come and tell us. Have there been consultations on Home? Have you discussed this amongst yourselves? This is our senior Committee 2670 here and the Vice-President is proposing we go along this route. Well, I am sorry, I disagree, and I oppose this and I would recommend that my colleagues oppose it.

Thank you, sir.

The Bailiff: Deputy Soulsby.

2675 **Deputy Soulsby:** Sir, I am absolutely flummoxed by Deputy Vermeulen's speech there. Nobody is contesting what Home Affairs have done. The first I have known is seeing a policy letter and discussed it and the hard work done by Deputy Kazantseva-Miller. This is nothing about not thinking, having confidence in people and having a go at them. Mind you, I seem to be on the fat end of that from some of those people accusing us of doing all those things in the first place. 2680

The reason I actually have come to my feet is because of Deputy Taylor who, frankly, seems to be bored of the debate and told everybody it is not worth it and we all need to move on. So I thought, right, we need to start, the purpose of this place is as a debating Chamber and we need to give it the respect that it deserves.

2685 This is exactly as Deputy Kazantseva-Miller said in her opening speech, this is not the big, dangerous amendment that everybody is making it out to be from Home Affairs. My God, you would think the end of the world was nigh: will the last person leaving turn out the light. This is looking at options. I thought the best thing you can do is making sure we leave no stone unturned to make sure what we are doing will absolutely help the Guernsey economy.

2690 I do not know why, and I am quite happy to listen to Deputy Prow in his summing up, why we cannot have the same list as the UK. A lot of the stuff is irrelevant. There are things in there that we do not need – miners and other things – but there are other reasons why we could have a much broader list than we have got now. It is another impediment. I am sorry Deputy Vermeulen does not like that but that is absolutely the point that is being made.

2695 Just to reiterate, I think it is important because clearly the Members, certainly Deputy Vermeulen, and others have not heard the advice from H.M. Procureur. I will say it again. She said in terms of Amendment 4, the same issues apply as in terms of Amendment 3; if approved by the States the amendment only seeks CHA to explore options. Well it may well be that Home Affairs conclude that the amendment might have unintended or indirect consequences on the CTA agreement but on

2700 the face of it this is speculative. Liaison with the UK would, I suggest, be required, in order to explore this as an option and CHA may wish to ask Chambers to take some expert legal advice on the potential issues, which might arise.

So in short, if the amendments are approved, we will need some time to assist Home Affairs with legal research. There may be some legal difficulties to resolve but, in my opinion, they do not arise simply if these amendments are passed. Both amendments are, in my view, worded with sufficient flexibility that Home Affairs might report back to the States to say that the option cannot be explored fully because of legal difficulties. In that case, they can fully explain the issues to the States at that time, with the benefit of more research and understanding.

2710 So, really, these amendments are just seeking more information. That is all we have been asking for from day one. It is not dangerous, it is not the Vice-President trying to undermine Home Affairs. It is actually seeking and hoping that we can do what is in the best interests of the people of Guernsey.

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, I am going to be brief.

I know Deputy Taylor has already read it but I make no apologies for reading it again. Unless I can get categorical – and I do not mean a yes and a no and a possibly in an answer – and I do not mean any disrespect to the Law Officers, because I found the answer on the last matter helpful but not as clear cut as I thought it would be or should have been.

2720 But in relation to this, the first paragraph of the response from the Committee *for* Home Affairs ... and that explains why Deputy Vermeulen and Deputy Taylor and others in previous debates, like Deputy McKenna, they have consulted their officers, who are experts in the field. I know that, I work with them. They are first class professionals. They know their onions, to use the phrase that Deputy Vermeulen used. I have also worked closely with our External Relations team over a variety of matters and they are not first class, they are above first class.

So, when I read the introductory sentence, or introductory paragraph that says this:

The objectives of this amendment as set out in the explanatory note would go ...

My emphasis but their word.

2730

... far beyond the existing employment permit policy framework and would put the Island's immigration policy at odds with that of the UK, which could have profound consequences for the Island and its inclusion in the CTA.

That puts the collywobbles up me. That causes me a concern. Unless H.M. Procureur, H.M. Comptroller, can categorically assure me that none of those concerns are relevant, we should cut this debate short and vote against this amendment.

2735 **The Bailiff:** Mr Comptroller, I will do exactly as I did with H.M. Procureur this morning and give you some time to reflect on that before responding.

Because we have got other Members who want to speak, so Deputy Roffey.

Deputy Roffey: Thank you, sir.

2740

I was going to say this in general debate but I think I will say it now, because I think both this amendment and the last one have flagged it up. It is this: I absolutely understand why Home Affairs has gone down the line of amalgamating, in effect, the immigration controls with the population controls. It is a one-stop shop, it is simplified but it does, I think, throw up difficulties.

2745 When, as Deputy Gollop was saying earlier, for instance housing licences were totally separate from immigration, when I was President of Health, I could get 15-year licences for important nurses. But if they came from the Philippines they could only stay a few years because, although I had a 15-year housing licence, the immigration control, because we were subject to what happened in the

UK, said, 'No, they can only stay this long because we do not want them to have a route to permanency in the Common Travel Area.'

2750 That was disappointing but all of those people in those posts, that came from the UK, I could keep forever because they were not subject to the Immigration Law. So what is now being thrown up, the tension here, is that because, quite rightly, those dangers that have been flagged up by the officers at Home Affairs are quite correct, if we are going to combine immigration and population control we have to toe the line, we have to be in lockstep pretty much, there might be a little bit of
2755 wriggle room, but lockstep pretty much with the UK over immigration otherwise our place within the Common Travel Area, and all the other cataclysmic things that both Deputy McKenna and Deputy Aldwell have been referring to come into play.

But by bringing the two systems together, that means we have to apply those same strict criteria to anybody that in the olden days we would have been able to say, because they are not subject to
2760 migration – and they are not because they are from somewhere in the Common Travel Area – was absolutely fine. So I think we are, in a way, depending which way the UK Government goes, and I think it is hard to tell where it is going but I think it is actually, I suspect, because to balance the books they are going to go for a more liberal immigration regime, which will make it easier for Home Affairs to allow the kind of categories in that they want but, who knows, in five years' time
2765 they may swing the other way, we might have Prime Minister Braverman and we might have almost nobody allowed in, or allowed in for a few hours and then away to Africa or somewhere.

I do worry that we have tied ourselves to that system by the amalgamation. Sir, I give way to Deputy –

2770 **Deputy Ferbrache:** Only a point but would Deputy Roffey agree with me that if they were allowed in for a few hours, they are not going to be Prime Minister?

Deputy Roffey: Yes, especially if they have got a degree in PPE from wherever.

What I am saying is I think, I understand absolutely where Deputy Kazantseva-Miller and Soulsby
2775 are coming from. I know I cannot pronounce it easier and I apologise. Where the proposer of this amendment and the seconder are coming from. But also I do think, unfortunately, because we have tried to get the two together, the dangers being flagged up by Home Affairs are real. I just wonder whether we have gone down the right route.

I am not suggesting unpicking it now but somewhere down the road I am thinking there might
2780 be more flexibility for Guernsey and its economy if we went back to the system, where population control was done as a different regime to immigration control, in order to make sure that our population control was not being controlled like a puppet master from the UK.

I just wanted to make that point. I am going to vote against this amendment, even though I do not think it really has those dangers, because it is only asking to explore and I am sure, if they looked
2785 at other types of jobs, whether they should be open to eight-year licences and they would sound out the UK first and if the UK said, 'No way, Jose, you are putting a coach and horses through our immigration regime and you are going to be out of the Common Travel Area' there is no way they would add them to the list of eight-year licences.

But I think, because of the dangers that have been flagged up, I am not going to go with it, but
2790 I can understand the frustration of the proposer and seconder of this amendment because it does feel a bit like the tail wagging the dog; that in order to comply with the UK immigration we have to self-impose restrictions on our population regime, even in respect of people who actually are not migrating into the Common Travel Area at all.

2795 **The Bailiff:** Deputy Blin.

Deputy Blin: Thank you, sir.

As with Deputy Kazantseva's – I am confusing spelling and pronunciation myself now – Miller's previous amendment, I have the same feeling here. The sentiment and the direction of this is really

2800 strong and good. I can see that there is this element of imbalance, for various reasons, within the Assembly.

But the point where I do not necessarily agree is that we should synch with the UK. Now I have the figures in my commercial world and working a lot with senior roles with LTEP licences for the eight-years-plus and everything else and the other ones; I see how understanding and
2805 accommodating it is with population management. Already I can confirm that there is a very strong feeling there. So I am not sure about the synching with the UK because there are all sorts of other advantages with other aspects, especially in hospitality, where we are in a better position rather than being led to the Tier 3, etc., situation.

However, what I do feel is actually it is on the MTEPs and the STEPs, as in the medium-terms and
2810 the short-terms, where we should have in effect what is being proposed here, to explore the option available for other roles, for example retail.

Now, if you think historically back, the reason why you generally cannot get retail roles as STEPs and can maybe as MTEP for a senior manager of a large firm or a large shop, the reason you do not do it is because the thought process is, and rightfully so, that there is the opportunity for Guernsey
2815 people to be able to do those jobs.

However, as we have expressed in other conversations and debates today, it is market forces. It is the employer who chooses the best person. So if we did open that aspect up – I know I am going off track here because it is not what it is about – but it is really to convey that I appreciate the sentiments of Deputy Kazantseva-Miller's amendment and also taking on board what Deputy
2820 Soulsby is saying that this is not onerous, this is, as it says, to direct the Committee *for* Home Affairs. So what I am hoping is amidst all these debates that the President of the Committee – and I am sure he is – is taking on board all these areas. I do, 100%, believe that the Committee *for* Home Affairs are looking at all aspects and actually this debate is hopefully bringing more aspects to it.

So although I will not be supporting this amendment, I would like to reiterate, like with the last
2825 one, these amendments that are being brought forward, they have got the right sentiment and direction but in this case to synch with the UK for the LTEPs, I cannot support that but I do hope that this is a strong message because, from my personal perspective, when I stand here as a Deputy, I am trying to work with business.

I want to see a result for us to enable businesses to perform well and have the opportunity to develop and I keep on bringing myself back to that single point; that is the objective, to help
2830 businesses, at the same time manage the net migration by getting the right people into the right jobs.

Thank you, sir.

2835 **The Bailiff:** Deputy Inder.

Deputy Inder: Hopefully only briefly, sir.

I am never really going to knock anyone for doing some work, putting amendments together and bringing debates to this Assembly but I do wish ... I will remind Members again that we have
2840 all got incredibly difficult jobs now. When we all landed in this Assembly, it was off the back of a referendum, straight into an Island-wide vote, in the middle of COVID and, two months' later, we were in this Assembly agreeing the TCA and the Brexit. It was never ever going to be easy.

Now when I took this role, as President of Economic Development, I picked a team, which include, or did, Deputies Kazantseva-Miller, Moakes, Vermeulen, other way around, and Deputy
2845 Falla, who I thought understood what was required to get us over or at least get us through the term, if nothing else. I am not entirely sure it is always going to get us through Brexit. I genuinely think I have got a very good team.

Now, of course, we can argue like cats and dogs every now and then, I have said it before, it is a way to process, we do not have to like each other and sometimes we sincerely dislike each other.
2850 But I know we all work for the common good of the business and the mandate of the Committee.

The bit where I kind of part company on this, I just wish some Members would trust each other a little bit more. This is a very serious policy letter and one of the most substantive ones we will actually do in this Assembly. Now I know, it is Deputy Blin who made me rise to my feet, because I know the amount of work that myself, personally, working with Home Affairs, along with Deputy Vermeulen, Deputy Moakes to a degree in some areas, Deputy Blin and other Members have done, working hard with these officers. All the officers that have been mentioned by Deputy Prow. They are real people. They are not *Yes Minister* type officers that try and find ways of not doing something. They are genuinely trying to find ways to do something. And we have had some successes and we have done what we can do within the bounds that we have got.

So my only criticism of this, and I have got to be careful, I am going to choose my words very carefully and I think I probably will not use them at all, actually. There needs to be a little bit more trust between Committees. Home Department is not the enemy. It works very closely with Economic Development. In fact, we have got one Member who sits on both boards and, equally, from a Policy & Resources point of view, those three Committees work very closely together and they have worked very hard to deal with a number of the issues that have arisen, along with the officers.

Now, on that, therefore, I trust them. I trust the Home Department to do the right thing by this community and the business community. In fact, and Deputy Prow will bear me out, only recently as a consequence of these amendments being trailed through the *Guernsey Press*, very quickly at the eleventh hour we had a number of, we will call them big players in the market, jumping up and down, extremely concerned and, after actually talking to the people who are delivering it, those who are on the working party – not those who were not on the working party, those who were actually on the working party, those who were doing the policy – their issues fell away. I am sure some of that will come up in general debate.

So we have got to be careful. This is not a game. This really is not a game. This is about the future of this Island. This is about what we have to deal with and we do not even know what is going to happen tomorrow. Today it looks like the lettuce actually won. Prime Minister Truss has left her job and we have not got a clue what is going on tomorrow. So we need to keep calm and cool heads and try and work through this together.

That is my single message. I will knock them for bringing it but I do wish sometimes Members who are not entirely part of the process would at least trust the Committees to do the right thing by this Island because I think, irrespective of how we sometimes knock 10 bells out of each other, in the main, the majority of the people in this Assembly are here for the common good of this Island.

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

As someone who sits on both E&I and ESS, I thoroughly endorse Deputy Inder's comments about trusting Committees more and I just wish that had occurred to him, perhaps before the Prevention of Discrimination Ordinance debate, when a majority of this Assembly decided to insist that E&I bring such decisions as who to approve as dog trainers to the Assembly, rather than trusting the Committee to do it.

Anyway, back to the matter in hand. I am actually undecided on this particular amendment. I am very sympathetic to its aims. I am realistic about its prospects of achieving those aims, given the Committee view. But I do think that the danger has been overstated and I might say I do not think the hyperbole has been particularly helpful, actually, on this.

I think, for the reasons that Deputy Roffey very clearly articulated, there is no real danger of that cataclysmic potential result because, of course, if that risk were to be flagged in consideration of this issue then it would never be proposed and implemented. So I think in reality there is no risk of that cataclysmic outcome whatsoever.

My question is probably more for Deputy Prow actually, than the proposer of the amendment – whose name, incidentally, I can pronounce – but it is about the policy letter and the Propositions. Obviously one of the Propositions asks to remove MTEPs, asks us to endorse the removal of medium-term employment permits from the Law, and there is a lot of talk about maintaining LTEPs as they are and, it probably does not necessarily influence my decision over this particular amendment as much but I think it is relevant, I am just unclear from the policy letter whether Home Affairs proposes to completely revise its list of which permits should be LTEPs in the first place because I think when this policy, when the policy was first agreed, I think it was very inconsistent.

I had to fight really hard to get senior carers into the MTEP category, even though obviously they are completely critical to the Island, to the social fabric and to health and social care. Whereas without wanting to be in anyway disrespectful to hotel receptionists or assistant beverage managers, similar roles, I think hospitality, to their credit, had been incredibly well-organised ahead of that policy coming in and had managed to secure an awful lot of roles in the LTEP category.

So while I do hear the arguments that Home Affairs makes about, 'Well, the more LTEPs we have the more people we have, essentially, that are going to tip that balance in terms of our dependency ratio, as time goes on, I think the same logic should be applied to reviewing the roles that are currently LTEPs and seeing whether any of them perhaps might qualify for a shorter duration of permit.

So I would appreciate it if Deputy Prow could clarify that point for me and I will listen with interest to the rest of the debate and summing up, before deciding how to vote.

Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

Trust has been mentioned several times during this debate and it has made its appearance in a number of debates over this term. I find it an odd term to be bandied around that any suggestion that a Member bringing an amendment in some way does not trust the Committee. Amendments that seek to tweak or change policy is a perfectly legitimate tool for Members of this Assembly to bring and that is indeed the purpose of this Assembly. So I do think it is unfortunate to keep on banging that particular drum. I think the only person who has said they do not trust a Committee, of course, is Deputy Ferbrache during the last Meeting of this Assembly.

I rise, really, because Deputies Vermeulen and Moakes, in speaking to this debate, have I think rather unhelpfully raised the spectre of the entire collapse of the Common Travel Area and our access to it and the idea that we will be stripped of our passports and our citizenship and be subject to visa requirements when we want to go to London for the day.

Now I think that level of, I think I can only really, I used the term hyperbolic in relation to the last amendment so I am going to pick a different H word and I think it is hysterical. I do not think it is a helpful intervention into this kind of debate, which is simply directing the consideration of options. As Deputy Roffey has said, there would be many steps and many conversations that would take place long before the Secretary of State ever got to a position where he could tear up centuries of rights, which of course derive originally from Royal Charter.

So I think it is not helpful and it is certainly not persuasive to me to inject that level of reaction to this kind of amendment. There may be reasons for opposing it but I do not think that is one of them. I think the idea that the sky will fall in, as Deputy Roffey had said, is not a reason to oppose this amendment. He is opposing it for other reasons but not for that one.

I make that comment because I think it is linked to this question of trust and if we keep raising trust, then seek to build an argument based on an overreaction, I think that is unhelpful to the quality of the debate in this Assembly, sir.

The Bailiff: Mr Comptroller, you have had some thinking time. Are you in a position to respond to the issues that were raised by Deputy Ferbrache?

The Comptroller: Sir, thank you.

2955 I hope I have. If I understood Deputy Ferbrache's point, and I am sure he will correct me if I am wrong, it related to the first paragraph of the response from the Committee *for* Home Affairs that I think was circulated to Members and I will just read it out to refresh the memories of Members. What it says is:

The objectives of this amendment are set out in the explanatory note and go far beyond the existing employment permit policy framework and would put the Island's immigration policy at odds with that of the UK, which could have profound consequences for the Island and its inclusion in the CTA.

2960 Deputy Ferbrache, I think, was asking me to give some sort of assurance that was some sort of validation of that statement, I think, or to say that it was inaccurate. I must say I do not quite agree with it. Because if one reads the explanatory note, what it says at the end is:

The amendment directs the Committee *for* Home Affairs to explore ways under which it could have further flexibility to expand the LTEP list when required to address labour shortages and to meet States of Guernsey objectives and could be legitimately achieved without compromising ...

I will just repeat that.

2965 ... without compromising its important constitutional relationship with the UK and membership of the CTA on a risk-adjusted basis.

So I am not sure, I have not had the opportunity to discuss the advice that was given in this response from the Committee *for* Home Affairs, but I am not sure the first paragraph of that quite captures the intent, in my view, of the impact of this amendment, if that helps.

2970 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I was not planning on speaking in this debate but I just wanted to do a quick sanity check. There has been a bit of hyperbole on both sides, I think, of the argument. At the end of the day, we have mentioned numerous times in this Assembly how short we are of resources to be able to pursue the important work streams that we have ahead of us. One of those resources that is in short supply, besides money to fund things, is the human resource in our Civil Service and the amount of people and time they have got to dedicate to issues.

2975 So I think I am going to be taking a much more fundamental view on which way to vote on this amendment and other amendments presented. Regardless of the potential issues, do we want to see what is proposed happen and are we willing to divert valuable officer time to exploring it and potentially handling the issues that have been raised by the Principal Committee and do we feel strongly enough that we want to divert those resources in that direction? Or, if we do not believe that it is worth that commitment, then let us use those resources to get the rest of the policy in place or to do other things.

2985 On that basis, I understand the sentiment behind this amendment but I will not be supporting it; but I think we should all look at the amendments on that basis. What is it trying to achieve? Is it worth that commitment of resources. Remember, we are instructing the Committee to divert resources into an area that they have not planned to do. Therefore there will be other things they will not be able to do because they have got limited resources and they will have to be taken from somewhere.

2990 Thank you, sir.

The Bailiff: As no other Member is rising, I will turn to Deputy Prow to see if he wishes to speak to this amendment. Deputy Prow.

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Deputy Prow: Thank you, sir.

I think I need to start by actually referring to Amendment 4 and what it actually says and what it says in relation to Deputy Kazantseva-Miller's opening on the amendment. It says:

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To direct the Committee for Home Affairs to explore what options may be available to add ...

To add.

... other job roles to the Long-Term Employment Permit list based on Guernsey's workforce shortages and unique economic context and to report back to the States before the end of this political term.

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Now, notwithstanding what H.M. Comptroller has just said, where he quoted the explanatory note, I am going to delve into what the amendment actually says. What it does not say is to explore matching the EPP framework with the UK policy list. It does not say that. I think this goes back to Deputy Taylor's very short speech. I do not think he was trying to discourage debate, he was simply not wishing to repeat what he had said against Amendment 3 and I do not want to repeat what I said at Amendment 3. But what I am about to say goes into the question of trust that Deputy St Pier has raised.

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I think we can all use words, trust, and so on and so forth. I am going to put them in the context of this debate. What I think Deputy Taylor and many speakers said, and I said, is about listening to the advice of the subject matter experts, who did, sir, actually on wider issues and specific issues, take legal advice. And what the whole thrust of the policy letter is in regard to these subjects is to improve and make a more understandable, better system for business. The bottom line is and I think Deputy Roffey is one that gets this, if there is a need or a shortage, that can be evidenced and demonstrated, it will be put on the EPP list.

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But our needs in Guernsey and those of the UK are necessarily different. It has already been conceded, I think, in debate that we do not need train drivers and there are some professions on that list we do not need. Construction has been mentioned. This is the other side of the argument. We have a very strong trade sector in Guernsey. We have plenty of plumbers, decorators, and quite a lot of local people in the construction industry. So there is not necessarily the same pressure on that particular labour pool as in other areas.

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But if it is demonstrated by the construction area that there are shortages and they are evidenced, they can and will be put on the EPP. What this whole thrust, and it is all explained in the policy letter, is to ensure that where you are fulfilling that particular obligation, you do it with the necessary permit, i.e. with the short-term permit or the long-term permit, which brings me to Deputy de Sausmarez's question around MTEPs and I have some notes here about it.

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This is the advice that we have given. I have not made this up. This is the advice we have received. MTEPs have not proven to be an effective permit type. They do not help businesses recruit or attract talent because of their five-year limits. Further, if a business does have an MTEP holder who has reached their five-year cap, they can often make a compelling business case to keep that individual so that we expect it after five years' of experience, training and investment. On the other hand, LTEPs provide a boost to businesses seeking to recruit and retain good staff if they wish to. They are issued for eight years and provide a pathway to established residence.

3030

Under the new policy framework, the vast majority of MTEPs will simply become LTEPs. I will pause here from my notes. Deputy Roffey made a valid point around whether Home Affairs would continue to review this in a way of making sure that we are being as flexible as we possibly can and I hope to give him reassurance and repeat what I said earlier, that the EPP is the mechanism that we have chosen to do that. We have demonstrated in the past that we can be flexible and, if this policy letter is successful, the routes or the decisions around the STEPs and LTEPs will continue to be developed. They will be developed in conversations with industry.

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Also, for those, this is all contained in the information we have, for those that do not initially meet the criteria of LTEP but are pathway routes to more senior positions requiring professional qualifications and experience, we propose to issue pathway LTEPs, for example trainee accountancy

3045 to accommodate this transition. So a lot of the matters that Deputy Roffey rightly raised I can assure him are being thought about.

Returning to the EPP framework, which is what the policy letter and the Propositions are leading you to, if there is a need or shortage, and those persons qualify, they can be added to the list. So what I am explaining is the reason why, and it is a very good reason, why our employment permit list is not the same.

3050 So that, I hope, gives an explanation to the proposer of the amendment and some reassurance around some of the valid points she has made. That is, one, the progress that we intend to make and why the position is the way it is.

Also, one of the advantages of this policy is what it does is where you do have a skills gap it opens up the opportunity to fill those posts on a global basis and that, we believe, is a bigger advantage than the very limited advantage of the MTEP.

Deputy Inder mentioned the engagement with officers, which is part and parcel of what I have just said and I agree with his praise and I thank them for their engagement with officers.

3060 Returning to the wording of the amendment. What this is asking – and I accept the point that is made about you are just asking to explore what options may be available – and I completely accept every Deputy's right to lay amendments and I completely agree that having a discussion in this Chamber can be helpful. But I do not apologise, on the advice of officers, for the Committee *for* Home Affairs putting in some challenge around it and expressing that challenge in a way that measures our level of concern. I make no apology for that.

3065 Returning to Deputy St Pier's points, where he has widened this out into our constitutional arrangement with the UK. Well this policy letter deals with population management, which is domestic legislation. It is not an immigration control legislation. It is about residency and who qualifies for that and who qualifies therefore to reside and work in the Island. The Immigration Act of 1971, which is the extended version that we operate on, has operated since 1971. It is a legal framework, which completely enshrines what the Common Travel Area is. It is an immigration concept, legal concept.

3070 I am sorry to have to repeat this because it has already been brought up but it does not seem to be getting traction. Under section 9.5 of the Immigration Act 1971, as it is enforced in the UK, it states this:

3075 If it appears to the Secretary of State ...

– whoever they may be at the moment –

... necessary to do so by reasons of differences between the immigration laws of the United Kingdom and any of the Islands, he may by order ...

– secondary legislation –

... exclude that Island from Section 1.3 above, for such purposes as may be specified in the order and references to the Act to the Island shall apply to the Island so excluded so far as only may be provided by the Secretary of State.

3080 That is his power. Her power. Under the Immigration Act. It has been there since 1971 and we operate under the extended act. We operate the immigration controls under that regime. So that is why anything that interferes, as is said here, around reasons of differences between the Immigration Laws of the United Kingdom and the Island, anything that suggests that and is discussed on the floor of this Assembly is bound to cause concern.

3085 I am sorry if by raising that concern it seems that it is understated, that is what it says. That is where it is. I think I have covered all the points that were raised, sir, so I will rest there.

Thank you, sir.

3090 **The Bailiff:** So, finally, I turn back to the proposer of this amendment, Deputy Kazantseva-Miller, to reply to the debate.

Deputy Kazantseva-Miller: Thank you, sir.

I will try to be ... it is late. Deputy Taylor said let us cut it short because it was the same as the last debate. This amendment is very different to the amendment on the CTA. This amendment is trying to say UK has a long list of roles that are available for arrival and settlement. We should be following them where we can and that is evidenced by the extensive amount of labour shortages basically we have. This amendment is very different to the previous amendment.

Deputy McKenna, I am really sorry to hear Deputy McKenna feels constantly hammered and battered. I really do not sense that is what has been happening with Home Affairs and bringing an amendment, hopefully that is not what actually that means.

My dear colleague Deputy Vermeulen said he is happy with the current system. I do not know how he can be happy with the current system when we have issues like the housing crisis and we still do not have the construction industry on the long-term permit list just as an automatic. If they have those jobs they want to fill they will apply for those. If they do not have those jobs they will not apply for those permits. Again, this is a market-regulated system.

There has been a lot about the EPP system is efficient because if you have evidence we can increase it. What other evidence does the Committee need? The 3,000 open job vacancies that we have in the industry, is that not evidence enough? That the floodgates could be opened on permits because the demand is there. I really struggle to see what evidence –

Deputy Taylor: Point of correction, sir.

The Bailiff: Point of correction, Deputy Taylor.

Deputy Taylor: Deputy Kazantseva-Miller, really, I think is being slightly misleading because she is suggesting that the reason we have 3,000, I think was the figure, job vacancies, is because we do not have suitable permits available to give to people that could take those roles. I do not believe that is the case unless she is willing to provide evidence that suggests that. So it is a point of correction.

The Bailiff: Deputy Kazantseva-Miller to continue, please.

Deputy Kazantseva-Miller: Thank you, sir.

I hear from some of the businesses I have quoted, that they see the challenges around recruitment and the issue with being subject to short-term permits is a very serious issue. I think he has told me off for bringing amendments, again, which I do not take really those lessons, thank you.

Deputy Roffey is right. I think this amendment and the previous one is trying to really raise the issue that we are choosing a certain path, which was designed pre-Brexit, we have been adjusting it. But it does present challenges around the merging and the tying us potentially in knots. Something Deputy Blin has also alluded to, this element of imbalance. He talked specifically about some of the roles that we could be adding and I could not agree more.

If you look at the UK list, again, roles like sales manager, which would be the type of retail roles, he is saying why shouldn't we have them on the list? Again, if those job vacancies are open and businesses are desperate for those retail jobs, why are they not on the list, when they are on the UK list? I really just fail to understand that.

My other dear colleague, Deputy Inder, focused around speaking about trust. Trust each other more and I think probably I would put the mirror in front of Deputy Inder, perhaps this speaks more to the dynamics in the Committee because I could say exactly the same. I think, as a lead on the skills, I have not been invited to be any part of this working group, which I think is frankly an omission.

So, I think Deputy de Sausmarez has really asked the key question, would the LTEP list be reviewed and I think this is one of the key parts of this amendment. The LTEP list is our absolutely key level to attracting people but also ensuring that they stay, which is one of the fundamental

objectives of this policy paper. So really we are looking at the LTEP list, I think is of fundamental importance. I will certainly be writing to Deputy Prow in my capacity as ED and some of the workstreams there on digital for some of those roles to be, I think, reviewed, because that is absolutely necessary.

Deputy Meerveld talks about the resources. I am with him about that. I think what this amendment, again, is trying to do, is unlocking those jobs, unlocking those hundreds if not thousands of jobs. I think again Deputy Moakes has made some estimations of what kind of tax take we could have if all those jobs could be filled. It is millions of pounds. So if Deputy Meerveld does not think that unlocking millions of pounds of tax revenue by actually pursuing some of this, potentially the amendments, is worth it, then I have not much to say.

Deputy Prow, I really appreciate, again, all the work that he has been doing. I really think there is a disconnect between what is being said in terms of the employment permit policy can be expanded, those roles can be expanded if there is evidence. As I said, we have more than enough evidence in terms of the extreme labour shortages we have in the market and we really should be less risk-averse right now, perhaps just temporarily, of giving long-term permits, think how much the businesses are struggling.

So I think there are two issues here around reviewing the existing jobs you can add based on the existing UK list and the wider conversation that I think, legitimately, if we are struggling, if our industry is being crippled by the UK regime and other factors, I think it is within our gift as a Crown Dependency, with all the constitutional important relations that we have to at least ask that question and I think if we continue having those chronic shortages then we will need to more radically review our approach.

Thank you.

The Bailiff: Members of the States, we now come to the vote on Amendment 4, proposed by Deputy Kazantseva-Miller and seconded by Deputy Soulsby. I invite the Greffier to open the voting, please.

There was a recorded vote.

Not carried – Pour 8, Contre 23, Ne vote pas 4, Absent 5, Did not vote 0

POUR

Deputy Cameron
Deputy de Sausmarez
Deputy Fairclough
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Parkinson
Deputy Soulsby
Deputy St Pier

CONTRE

Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy de Lisle
Deputy Dyke
Deputy Ferbrache
Deputy Gabriel
Deputy Haskins
Deputy Inder
Deputy Le Tissier
Deputy Mahoney
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Taylor
Deputy Trott
Deputy Vermeulen

NE VOTE PAS

Deputy Gollop
Deputy Matthews
Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Bury
Deputy Dudley-Owen
Deputy Falla
Deputy Helyar
Deputy Le Tocq

DID NOT VOTE

None

The Bailiff: The voting on Amendment 4, proposed by Deputy Kazantseva-Miller and seconded by Deputy Soulsby was that there voted in favour, 8 Members; against, 23 Members. There were 4 abstentions and 5 Members were absent at the time of the vote and therefore I declare Amendment 4 lost.

3175 Now there have been some additional amendments submitted to the Greffier. I am going to take Amendment 7 before Amendment 8, on the basis that some Members might not have seen Amendment 8 yet but that can be circulated as and when; if we reach it today.

3180 Before Amendment 7 can be considered for debate, Deputy Brouard, you have a motion to suspend the requisite Rules to permit it to be put. Is there anything you want to say in respect of that?

Deputy Brouard: No, sir. I would just value the Assembly in the motion to suspend the Rules so that we can allow debate.

3185 **The Bailiff:** Right.
Deputy Ferbrache, do you formally second the motion to suspend?

Deputy Ferbrache: I do, sir.

3190 **The Bailiff:** Somebody remind me whether that is a procedural motion or not. I think it probably is, Mr Comptroller, on the basis that it is neither an original nor a secondary Proposition.

The Comptroller: I think that is right, sir. The definition is in the Proposition.

3195 **The Bailiff:** The motion is that the Rules of Procedure be suspended to the extent necessary to permit Amendment 7 to be moved. Those in favour; those against?

Members voted Pour.

3200 **The Bailiff:** I will declare that carried.
Deputy Brouard to lay Amendment 7, please.

[Amendment 7.](#)

1. At the end of Proposition, 7 insert 'and in conjunction with the Committee for Health & Social Care, to examine through suitable external advice whether there is scope for reducing the costs to the tax payer of any increased population's access to health and social care services via a commercially provided compulsory health insurance scheme, and to report back to the States of Deliberation thereon not later than the second half of 2023.'

3205 **Deputy Brouard:** Thank you, sir, and thank you to the Members for allowing debate on this, although I appreciate some people may not vote it in the end. But I appreciate the opportunity to have my day in court, as it were.

I am going to read the amendment, for the benefit of those people who have not had a chance to have a good look at it and also for those listening to it.

Deputy Brouard read out the amendment

3210 One of my biggest challenges and my recurring nightmare is of the rising cost of health and a bit like Deputy Trott, I am going to sound like him – my apologies, I do not want to be like him! – I am going to certainly sound like him for a while, is the actual cost of medical care these days. I have got just a few examples, a bit like we had yesterday, if I can get the machinery to actually come up with them. Here are a few, just to give you some idea of some of the costs that we are facing. It is

not just me, the whole Island is facing and you, in particular, States' Members, who are funding it, are also going to be facing and are facing.

3215 A heart bypass, which is not done on Island, anything between £12,000 and £30,000. Depending on the patient's conditions; £30,000 includes ICU with organ failure. Hip replacement, a standard hip, most are done on-Island at between £2,500 and £13,000. Again depending on the type of hip and the condition of the patient. Complex hips are done off-Island and again the range is between £11,000 and £15,000. Chemo treatment, mostly done on-Island, however radiotherapy is done off-
3220 Island and is roughly £5,000 per patient.

So just taking back how much income we would have to receive from somebody paying Income Tax to provide those sorts of sums and it soon becomes apparent that we do have an issue with rising healthcare costs. Not only for Guernsey but across the western world. We are the biggest budget of the States. One way or the other, we are a third or nearly up to a half of the States' Budget.
3225

Demand is continuing to increase. That is for many reasons. Not only are there more procedures now available, there is also greater demand from Islanders for services, which they will expect to have what everybody else has in the Western world and we will continue to try and follow that but there is a cost that comes with it.

3230 I think, also, the main point, and this is one, is the co-morbidities. I will do the deal I had with NatWest, which was something along the lines that I will work for them for 40 years and then I will live three score years and 10. My apologies to my birthday colleague! Hopefully he will be here tomorrow, as well!

But that was the deal. You get your pension and you have five, maybe 10 years. But we are well surpassing that and the number of opportunities for healthcare interventions between retiring and passing away to another world, when you are 80-90 are more and more increasing, You will get to a position where you may well have your hip done. You may well need some heart treatment and you may well need some cancer treatment. You will not die from those things necessarily but somebody will have to pay for them at some stages between retirement and passing away to another world.
3240

Technology is increasing all the time and technology is not always cheaper. There are some things that we can do technically that make things better but usually, as advances are made, these advances become quite expensive. And of course we have the issue, which we are all familiar with, NICE technical appraisals for drugs. We have raised our position from £30,000 QALY to £40,000. The States will next year debate whether we take that further or not.
3245

Now there are a couple of things I hate. Hate, I think is probably a bit strong. It is always awkward looking at other people's holiday photographs. It is always awkward looking at other people's children. I am sure they look lovely. Of course, when people then bring up their own particular issues it also becomes slightly ... So I am going to bring up mine, just to be really awkward. I have passed 65. I know it is hard to believe, thank you Deputy Roffey for that!
3250

I came off my Olympic rings the other week and that meant I was in hospital. I have had two operations on both shoulders. I have got a dodgy Achilles heel that needed to be sorted out by a local establishment. I have just had an MRI on my knee. I have got a scan needed for something else and I have just had a mole measured, which they are not too happy with. And I am healthy. I am one of the healthy ones! (*Laughter.*) So that is the position. It just shows how even people who are relatively fit like me can soon dip into our healthcare. And I am.
3255

I think where this amendment comes from, I am very happy for people to come here later in life and retire and join their families. Their families may well have come from the UK. They may well have married into families from the UK or other countries. I am very happy for them. Some of these people will be my friends. Some of them have been my friends coming here.
3260

The difficulty I have, and this is a bit sensitive, is that they may not have contributed much to the Island before they have arrived. They may well have done 20 years of Island contributions. Some of them may have done none whatsoever, but as soon as we welcome them into our fold, and

especially for those later in life, they then have access to all our social care and, as I have just explained, that can be quite expensive and it can last for many years.

So we may think about having to wait for 10 years before you can access facilities. However, that does not always work because if you arrive here at 55, it is not until after 65, 70 and 80 that the real expenses start to fall into play.

We do have a system already where we have a sort of credit system with regard to our old age pension. It is regardless of how much you earn, you get one year's credit for each year you are on the Island paying your Social Security stamp, for want of a better word, and after you have accumulated so many stamps for so many years, you then get a full pension, whether you are a millionaire or whether you have been on minimum wage working in some of the service industry.

So there is a sort of precedent that you only get the full pension if you have done your full amount of years of working on-Island. That is a legitimate way and we allow them access to our healthcare.

As I said, I have no problem with people coming into Guernsey. I, like Deputy Ferbrache, am lucky enough to have been born here and of course we welcome others who are choosing in their own lifestyle to move here. I mean, my gift was that I was given here. Other people have chosen to come here either to work or to join family or because they just love the place and that is great.

The issue I have, and I think it is probably there are two, it is not only those people who may be coming here late in life to retire but it is also perhaps those people who come here anyway, or even Islanders themselves. We need to find a way of raising some taxes. One of the reasons why we are looking at the Tax Review is of course because of the rising cost of healthcare that will need to be funded.

We have an opportunity, maybe, to have a look and see if there is an insurance scheme that either does for all cohorts, for everybody on Island, whether it does for those who come late in life to retire, who have not contributed to the Island, but we have an opportunity to look at whether or not some sort of insurance scheme could work, whether that scheme would be funded by the Government, whether it be done privately, whether it would be done over the partnership. I do not know. I do not have those answers. I do not know whether it is possible. I do not know what happens in other countries, whether you can just turn up there and you will have all the facilities that previous citizens have.

So this is why I think this is an opportune time, as we are looking at population management, we are looking at increasing our population and I think we talked about yesterday the right kind of people. The difficulty is we could well bring or encourage people to come here and through no fault of their own there will be no mechanism for them to contribute to their healthcare but will require it.

If things are going really well and we have got lots of money we can accommodate that but when things start to get tight, it becomes a difficult conversation. I mean, just in the few hours we have been sitting here this afternoon, all health and care colleagues of mine who sit on the Committee have had an email in from someone who is saying there is a particular service that they would like to see improved, they have struggled to get some of the treatment that they would have liked to have had and they are asking us as a Committee to see how we can improve it.

Unfortunately, it did not quite get to our Alderney Representative because they have mistyped his name on the email. But this is what happens day in, day out to our Committee. The demands for our services are rapidly rising and unless we are going to find ways of taxing Islanders more to pay for it or we are going to say, 'You do not have that treatment and you are welcome to try that one because that just does not work ...' The person will not come off the phone when I say we are not going to provide it, they just shout even louder.

It is not something that is going to go away. We are going to have to face this reality and I think one of the options, it may not be perfect, but I think we should perhaps look at some sort of compulsory insurance, or some sort of insurance scheme for some of our health costs.

You would be, I believe, negligent not to help me with my nightmares, and so I would very much encourage you to support this particular amendment. It was going to be with myself and Deputy

Helyar but unfortunately he could not make it here this afternoon. And it goes along with SLAWS. This is one of the parts that we are looking at with Social Security next year, will be coming forward, how we fund our-term care. SLAWS is unfunded as such. It is not even in the £85 million that we are looking at as a shortfall.

We also have an opportunity, we have a very lively insurance industry in Guernsey. We have captive insurance. We have reinsurance. There is an opportunity for us to use some of our local services, maybe to try and help us smooth our path as we try and provide the best healthcare for anybody who happens to be on-Island, whether they join us late or whether they, like me, join the Island rather early. I thank Deputy Ferbrache for very kindly seconding the amendment and I would hope you would kindly allow P&R to look at this issue and see if there is some way that we could take it forward to help with our costs.

Thank you.

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

Deputy Ferbrache: I do, sir.

The Bailiff: Thank you very much.
Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

Deputy Brouard has drawn our attention to a very real issue facing the Island and asks us to consider compulsory health insurance as a form of substitute taxation and that is a debate that may need to be had. But I do not see what it has to do with the Population and Immigration Policy Review.

That is why I voted not to suspend the Rules to allow this to be debated, because this has got absolutely nothing to do with the subject in hand. We obviously do face significant problems and the Health Committee particularly faces huge cost pressures, which probably need to be debated in the context of the Fiscal Policy Review, when that comes before the States.

But this is not a population and immigration matter. Can we please put this to bed, talk about it at an appropriate time and move on?

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

This is not an original idea, is it? I was in the States when Bob Chilcott and Laurie Morgan decided there was a real problem with funding specialist healthcare, like hip replacements, like chemotherapy, like all of those things. They decided the best way to overcome it was a compulsory insurance scheme. They persuaded the States and the Island to set up a compulsory insurance scheme. It was not universally popular. I remember the marches and banners: 'My health, my choice.' But nevertheless there was a universal compulsory insurance scheme.

As far as I know it is still going. So I am slightly confused here. I do take the point that people who come late in life have not paid into it for very long and therefore, to get the full benefits, may seem very unfair, and I think ESS have made exactly the same point and are reviewing the long term, care insurance scheme for exactly the same reason.

But everybody that lives in Guernsey helps to pay, helps to fund our Health Service through a compulsory insurance scheme, and it is a payment that does not end when they retire, unlike the pension scheme, it is one of those that carries on throughout their life.

So I am interested in looking at that idea again because I do think that there are these issues, particularly about people, as I say, who arrive late in life, and I think those are probably what we ought to focus on. I think if we were to actually force maybe young teachers you were trying to recruit or young nurses, or we already force them to take one compulsory health insurance through

the States, to take another one through a private compulsory one here you would be making recruitment very difficult indeed, particularly when we can go the other way and if you go and work in the UK we do qualify for NHS treatment almost straight away.

So I recognise all of the cost pressures that Deputy Brouard raises but I think reciprocity with the UK is going to be a big issue and I do think that this needs to be fairly focused. I do agree with Deputy Parkinson, it has not got a lot to do with this debate but it is before us and the majority voted to suspend the Rules, so what I would say is I do not think it should be sold as a general health insurance scheme because we have got one of those. If you want to amend that, fine. If you want to privatise it perhaps move it outside the ESS to be run by ... that is another thing. But we do have a compulsory health insurance scheme that every resident in Guernsey pays into.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

We are a kind society. We would like to be able to offer full healthcare to every single person on this Island. But it is interesting, there is a very striking statement that Deputy Brouard made some time ago, earlier in the term, that all healthcare is rationed. It is true. You could spend infinite amounts of money, there is always an experimental treatment somewhere else, or another treatment that might be better and the fact is our healthcare is rationed. There are certain limits to what we can provide to citizens who are sick.

So I think the issue that Deputy Brouard is raising is is it fair to those who live on the Island, have lived on it for many years and have contributed through their Social Insurance stamp and have accumulated capital in that scheme, effectively when they are young and not claiming, when they got older and they have an expectation that they will receive healthcare, is it right to ration their healthcare to a greater degree because healthcare is being given on exactly the same basis to somebody who just walked in the Island yesterday and have made no contributions to the system?

So I think that is a very valid point and, as healthcare costs escalate, as they are obviously linked to the ageing of the population as well, it becomes an increasing issue. Deputy Parkinson said, and Deputy Roffey referred to a universal health insurance. I do not believe that – and I will ask Deputy Brouard to clarify – but I think the reason it is being attached to the immigration debate is it is because of people coming in, working for a few years and then going.

Now this type of scheme is not unprecedented. When I worked and lived in Hong Kong and in Singapore, certain classes, types of workers brought in, the person employing them, as an individual or as a company, was required to buy health insurance for them for the time of their two or three-year contracts.

So this is not unprecedented and it is not necessarily coming out of a nurse's pocket, it is coming out of potentially the company's pocket. You want to import labour then there is an additional cost to importing that labour and I think most companies who are desperate to get labour would be willing to pay it.

What it means is, if that person comes into the country and has a medical issue either through an accident or through illness, they can receive exactly the same healthcare as everybody else but it would be covered by an insurance policy so it would not be drawing from the pot that everybody else has contributed to to receive their healthcare in the future.

So unless we want to face continued issues over either raising taxes to fund the same level of healthcare or further rationing of healthcare because of increased demand, then I think this is a scheme that absolutely should be considered and it could be that people who move here to live here long-term, you could actually have a States-sponsored scheme whereby their premium drops each year as they contribute each year to the scheme. There are ways you can work it out as a financial product so that if they have spent 20 years living here, even if they are not employed but they have been paying a Social Security stamp of some sort, then they do not need that insurance any more.

But I think it is absolutely legitimate that Health should be asking for this to be considered as part of the immigration policy.

Thank you.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

This amendment asks us to insert some text to the end of Proposition 7, so I think the text in Proposition 7 is relevant and I think I would ask for Deputy Brouard's clarification on this when he replies to debate, the way I read it is that Proposition 7 does specify that it is to lead a review into options, etc. for those who are new to a community and who may only be staying and working in that community for a fixed period rather than on a permanent basis.

So the way I read it, especially because that seems to be reinforced in the text of the amendment where it says, 'and the cost to the taxpayer of any increased population's access to health and social care', the way I read it this is quite focused on those people coming in for a fixed and temporary period of time. I do not know if you can have a temporary period of time, actually, but for a shorter period of time as opposed to a permanent basis. So I would welcome clarification on that.

I would endorse the point that Deputy Meerveld has just made and that I agree that any additional costs, I would hope that it would be investigated whether those costs can be levied on the employer rather than on the individuals because I think Deputy Roffey is quite right that it might cause significant recruitment problems if it is just considered an additional employee tax.

My only further question is that under the Rule 4(1) information it does tell us that the financial implications to the States of carrying the proposal into effect are not expected to exceed £50,000, which would be met by the Budget Reserve, and I just wondered whether that was £50,000 on top of any resources that might be needed to carry out the original Proposition or whether that was all bundled up.

I am still not very clear on any resource implications of any of the work that comes out of this very significant policy letter so I would welcome any clarification that either the proposer or seconder is able to give me on that.

Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I will be supporting this amendment. I think it is a very wise thing to look at, the issue of healthcare costs. Actually, as Deputy de Sausmarez has mentioned, I actually think it is worth looking at both. So it is worth looking at both cases for people who are looking at arriving or staying in Guernsey for a short period of time and for people who are looking to settle for a longer period of time.

The reason for that is exactly as Deputy Meerveld outlined, which is that if you arrive in the Island, especially later in life, having not contributed and we then pick up the costs for the time that you are here, whether you are staying for a short period of time or whether you are looking to settle here for the rest of your life.

I do think there will be some issues that would need to be tackled, as Deputy Roffey said, reciprocity with the UK, I am sure that would be a part of what was being looked at. I think that really answers the question that Deputy Parkinson put about why it was in population. It is really to do with people who are arriving in the Island, at least at the first stage. There is a case for making should we look at this as how we structure our healthcare in general?

I think the list of costs of operations that Deputy Brouard made at the top, where he talked about the cost of a heart bypass and a hip replacement, I think the majority of people have no idea how much these things cost. Most people, when they get ill, they go to hospital and they get the treatment that they need and they just expect that to be provided and do not really do any thinking

about how much it costs. The only time that most people actually see how much healthcare really costs is when they are on holiday and they get a bill. At that time you suddenly realise that these things are incredibly expensive.

I think actually structuring healthcare, as many European countries, many countries around the world do ... but the UK is unusual in having an NHS type of structure where it is free at the point of delivery, but as many countries do, one of the advantages of that is the visibility that it gives people about how much things are costing and how much cost is being incurred on your behalf.

So there are very good reasons to look at it. Of course, any proposals would need to be fleshed out and have lots of details and brought before the Assembly to see how it will work and there would be many questions to be answered about how it would work for people arriving in the Island, people who have already paid in having lived here. There are lots of issues to consider but I think it is a very good thing to look at and to provide some visibility to people on how healthcare costs are structured. So I will support the amendment.

Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

I too, with Deputy Parkinson, voted against suspending the Rules to debate this. This Assembly, in particular, does seem very willing to suspend the Rules to debate any amendments but they are there for a reason. Now this amendment has appeared very late and I think it is incumbent on those laying this amendment to explain why it is late.

Deputy Brouard, in particular, has had the opportunity through his Committee's opening comment, to address and raise this very issue and has not done so. So I would like his comments on that, together with whether this is actually his Committee's position or whether it is merely his position.

Like Deputy Parkinson, and indeed Deputy Roffey, this is a classic late amendment. It is superficially attractive. It absolutely addresses an issue, which I think has been recognised and looked at before. Like Deputy de Sausmarez, the question of resources has been dealt with in a pretty scant fashion in relation to the explanatory note under the Rules. The £50,000, without further explanation looks and feels very much like a finger in the air. Where has that number come from, how robust is it?

I would be surprised if a piece of work of this nature could be commissioned from external consultants for that sum or for less and therefore I do not have confidence in it. I am surprised, therefore, that Policy & Resources, or at least we know two of its Members, Deputy Ferbrache and Deputy Helyar are apparently supportive. Again I do not know what the rest of the Committee's position in relation to the deployment of the Budget Reserve when we are constantly told that spending is tight, to throw £50,000 at an unplanned piece of work, whether they are indeed all supportive of that or whether the majority of the Committee are supportive of that.

I would also like, preferably, to hear if Deputy Soulsby is willing, as the guardian of the Government Work Plan, to give some comments on the impact on the Government Work Plan. This has been touted many times when it has been debated in this Assembly as the Bible by which the work of this Assembly and its Committees should be undertaken and yet this amendment comes out of the blue, on a few hours' notice, with no comment around the impact on the rest of the work of the Committee and indeed other areas of Government business.

I would also like to know whether this has been a matter that Deputy Brouard has discussed and considered and taken advice from the subject matter experts, to pick up a discussion from the previous debate, namely his officers, whether officers are supportive and whether they have the resources to support this additional piece of work outside the Government Work Plan's priorities.

So, whilst, as I say, as Deputy Matthews has said and as Deputy Brouard has said in laying this amendment, there are clearly issues to be thought about and considered here, I think this is the classic late amendment, for which the States of Deliberation over many years has been much

criticised. I think if the States do approve it, it will join the pantheon of similar such amendments that should not have been laid late and approved in the middle of a debate.

3525 I have left many questions for Deputy Brouard but I would also welcome contributions from others, particularly from Policy & Resources, and of course particularly from Deputy Soulsby as the, I think, acknowledged guardian of the Government Work Plan.

3530 **Deputy Vermeulen:** Well, sir, finally an amendment, which funnily enough did come up during our scoping and I think this is quite a good suggestion, actually.

I am aware that other countries, other Islands, Cayman for instance, one cannot enter into Cayman for employment unless you have private insurance. On the other hand I was watching a programme about residency in Spain and there was this lovely UK chap who said, 'Yes, you can move to Spain but it is not all straight forward. Because we have not paid into their health system, 3535 you have got to prove that you have private medical insurance.' So other countries are doing it.

He also mentioned a couple of other things, actually, which were quite interesting, and we should consider people migrating to Guernsey. It is not for short-term, moving to Guernsey. Have they paid into the system? Should they have full access to it? So on and so forth. That should be considered if there is a saving or whatnot. I can probably support this amendment.

3540 The other things that the guy living in Spain mentioned were he said he wanted to bring his mother-in-law over. He was allowed to live in Spain and work in Spain but he had to prove that he had medical insurance. It was taken out of his wages to pay for medical insurance in Spain, but he was not entitled to it, he had to pay his own private medical insurance.

3545 He wanted bring his mother-in-law over but before she could come over, this older lady, they had to prove that she had private medical insurance herself. But on top of that, that she was not going to be a burden to society. She had to prove she had a pension income of whatever it was an income of so much; there was an amount set.

3550 His final thing was he said, 'Yes, you are allowed to come here but you have got to pay for all these things.' Because of Brexit, he said, 'It is not particularly cheap. I had a problem with work computers and they sent me one over from the UK. Well,' he said. 'I had a new computer, no problem, it came over.' The duty he had to pay on the computer was more than the computer cost. So there are other things to consider. So I think this should be included. I think it is a good idea. I am going to support it and I would urge other people to support it too.

3555 **Deputy Leadbeater:** I would like to invoke Rule 26(1), please, sir.

The Bailiff: In that case, can I invite those Members who wish to speak in debate on Amendment 7, who have not yet done so, to stand in their places. Deputy Leadbeater, is it still your wish to move the motion under Rule 26(1)?

3560 **Deputy Leadbeater:** Yes, please, sir.

3565 **The Bailiff:** In that case, I will put the motion to you, Members, that debate on this amendment be closed, subject to the usual personnel who can speak at the end of a debate. Those in favour; those against?

Members voted Contre.

3570 **The Bailiff:** I will declare that lost.

Deputy Queripel: A recorded vote, please, sir.

The Bailiff: Greffier, just let me know when it is ready to go.
Can you now open the voting, please, Greffier?

There was a recorded vote.

Not carried – Pour 13, Contre 20, Ne vote pas 1, Absent 5, Did not vote 1

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Aldwell	Deputy Blin	Deputy Prow	Deputy Bury	Deputy Vermeulen
Deputy Burford	Deputy Brouard		Deputy Dudley-Owen	
Deputy Cameron	Deputy de Lisle		Deputy Falla	
Deputy Dyke	Deputy de Sausmarez		Deputy Helyar	
Deputy Inder	Deputy Fairclough		Deputy Le Tocq	
Deputy Le Tissier	Deputy Ferbrache			
Deputy Leadbeater	Deputy Gabriel			
Deputy Meerveld	Deputy Gollop			
Deputy Parkinson	Deputy Haskins			
Deputy Queripel	Deputy Kazantseva-Miller			
Alderney Rep. Roberts	Deputy Mahoney			
Alderney Rep. Snowdon	Deputy Matthews			
Deputy Taylor	Deputy McKenna			
	Deputy Moakes			
	Deputy Murray			
	Deputy Oliver			
	Deputy Roffey			
	Deputy Soulsby			
	Deputy St Pier			
	Deputy Trott			

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The Bailiff: So the voting on the motion that Deputy Leadbeater has proposed, pursuant to Rule 26(1) is that 13 Members voted in favour of it, 20 Members voted against. There was 1 abstention and 6 Members did not vote through absence and therefore I declare it lost, still.

Deputy Gabriel.

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Deputy Gabriel: Thank you, sir.

I was, on the face of it, quite enamoured with this amendment when it turned up but then I read it twice more and I sympathise with Deputy Brouard and his Committee on the cost of healthcare. I am acutely aware of it, having recently had a significantly large bill from hospitals and services from a stay there last year, of nearly £10,000 for one night. I was there for, again, an injury similar to Deputy Brouard's. I think the invoice hurt more than the injury. But there we are, that is by the by.

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What I have got a small problem with is where we are compelling people to do something: compulsory health insurance scheme for people arriving who are increasing the population. That increase in the population may be an individual who is coming in to work in a financial service or an establishment, which already has a benefit in kind, being private health insurance. So we are then making them pay twice or they cannot take advantage of the perhaps preferential rates that the business has already procured or they cannot take up that benefit in kind, which is a problem that I have with it.

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But I can see the merits of it, of reducing the costs to the taxpayer and certainly we are going to be having that debate in January and, again, whether we need to cut services or not and perhaps this is because of the potential increase in population that we will be needing to cut services. I can see that it could be a burden.

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But again I sympathise with Deputy St Pier because I do think we have heard about unnecessary amendments and I think Proposition 7 covers it adequately enough when it says 'public services'. Health is a public service. So I will not be supporting the amendment.

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Thank you.

The Bailiff: Deputy Trott.

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Deputy Trott: Thank you, sir.

I shall be brief but I always think it is an odd day when I agree more with the comments of Deputy Meerveld than I do with the comments of Deputy St Pier, but this is one such exception. Anything that reduces the taxpayer burden, or at least has the potential to reduce the taxpayer burden, must be a good thing. As Deputy Vermeulen said, schemes such as this are not uncommon. They are not without precedent.

Let me start by saying that Deputy Brouard has been a Member of this Assembly now for 18 years and I have to say, sir, he is coming along nicely! (*Laughter.*) Because there would have been a time a few years ago where he would have been afraid, dare I say, to talk in raw figures. It is absolutely essential, in my view, that every Member of this Assembly does that between now and the time we debate the tax changes at the end of January. Because the reality is, and there is almost this fear amongst some to talk honestly about it, the overwhelming majority of taxpayers get a fantastic deal out of public services.

The reason I keep going on and on about median earnings and making these references is, as we know, someone on median earnings pays less than £5,000 Income Tax and yet, as Deputy Brouard has said, relatively simple procedures, certainly heart surgery does not fall into that category, but things like hip replacements now are relatively simple procedures, such is the expertise out there. But they are expensive procedures.

How I would imagine this development, that is not to pre-empt what any investigation will conclude, is that the scheme will be sort of part funded. It will be an insurance that goes so far, it covers an element but not the entire costs. Why do I say that? Because the private medical schemes that are available as part of an employee's employment contract in the private sector, they will be capped. In other words, we will provide X amount of cover and after that, if someone did not have the means, then clearly the state would step in.

It seems sometimes, whenever I speak, I sound as if I am negative towards our friends in Alderney and I am not. But Alderney is a classic example of where a problem exists and we can leave it to Deputy Brouard to explain how that happens. But it is quite easy, sir, for someone to hop on an airplane –

Deputy Taylor: Point of correction, sir.

The Bailiff: Point of correction, Deputy Taylor.

Deputy Trott: This better be because I cannot see how there can be a point of correction.

Deputy Taylor: Deputy Trott has just said he is not negative to Alderney, but I get the distinct feeling that he is. (*Laughter.*)

Deputy Trott: Well, hear me out. That is certainly not a point of correction, sir, that is a matter of opinion and a rather silly one, if you do not mind me saying so.

Because somebody can hop on an airplane in Southampton, go over to Alderney, buy a house, have quite significant health issues and yet have immediate access to our Health Service. That happens, as Deputy Brouard said, is encouraged –

Alderney Representative Roberts: Point of correction, sir.

The Bailiff: Point of correction, Alderney Representative Roberts.

Alderney Representative Roberts: Can the same thing not happen in Guernsey?

The Bailiff: That is not a point of correction, Alderney Representative Roberts.

Alderney Representative Roberts: Sorry, sir, the same thing can happen in Guernsey.

The Bailiff: But it is still not a point of correction because it is not a misleading statement that has been made by Deputy Trott. Let's let Deputy Trott try to finish so that we can all go home!
(Laughter.)

Deputy Trott: I take your point, sir. I had not noticed the clock.

The point is that the cost of housing in Alderney is substantially lower. The subsidy from the people of Guernsey towards Alderney is material. But I accept the point that it can happen here as well. So the insurance scheme would need to be Bailiwick-wide. But the point surely is that it is incumbent upon us to make sure that we introduce measures that reduce the taxpayers' burden at a time of significant cost pressures and the area where we have the highest level of cost pressure is the Health Service.

I mean I think there is an extra £26 million going towards the Health Service this year. My view is that is almost certainly justified because we know that medical inflation runs at a faster rate than domestic inflation. I hope we will get to the vote tonight on this matter because I am looking forward to supporting this amendment enthusiastically.

The Bailiff: I am going to propose that we now adjourn to 9.30 tomorrow morning.
Greffier.

The Assembly adjourned at 5.34 p.m.