



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Friday, 28th June 2013**

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**Present:**

**Richard J. McMahon, Esq., Deputy Bailiff and Deputy Presiding Officer**

**Law Officers**

H.E. Roberts Esq., Q.C. (H.M. Procureur)

**People's Deputies**

**St. Peter Port South**

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,  
R. Domaille, A. H. Langlois, R. A. Jones

**St. Peter Port North**

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,  
R. Conder, M. J. Storey, E. G. Bebb, L. C. Queripel

**St. Sampson**

Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,  
S. J. Ogier, L. S. Trott

**The Vale**

Deputies D. B. Jones, L. B. Queripel,  
M. M. Lowe, A. Spruce

**The Castel**

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,  
B. J. E. Paint, J. P. Le Tocq, S. A. James, M.B.E., A. H. Adam

**The West**

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,  
D. de G. De Lisle, Y. Burford, D. A. Inglis

**The South-East**

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,  
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

**Representatives of the Island of Alderney**

Alderney Representatives L. E. Jean, E. P. Arditti

**The Clerk to the States of Deliberation**

D. A. Knight, Esq. (H.M. Deputy Greffier)

**Absent at the Evocation**

Miss M.M.E. Pullum, Q.C., (H.M. Comptroller)  
Deputies P. R. Le Pelley, G. M. Collins, A. R. Le Lièvre (*relevé* à 9h 33)  
and M J Fallaize, (*relevé* à 9h 45)

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*The Assembly adjourned at 5.20 p.m.*

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## States of Deliberation

*The States met at 9.30 am in the presence of  
His Excellency Air Marshal Peter Walker C.B., C.B.E.  
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE DEPUTY BAILIFF *in the Chair*]

### PRAYERS

*The Deputy Greffier*

### EVOCATION

### CONVOCATION

**The Deputy Greffier:** Billet d'État XI, debate continues.

5 **The Deputy Bailiff:** Might we just call Deputy Le Lièvre's name on the roll?

**The Deputy Greffier:** Deputy Le Lièvre.

10 **Deputy Le Lièvre:** *Présent.*

**The Deputy Bailiff:** So we will mark you as present, and treat you as *relevé*.

## 15 Billet d'État XI

### POLICY COUNCIL

20 **Managing the Size and Make Up of the Island's Population**  
**Various measures**  
**Debate continued**

25 **The Deputy Bailiff:** Members of the States, if we were at Footes Lane running round the track, I think we would be coming into the home straight on this debate now. (*Interjections*)

So we will move to the next amendment on our list, which is that to be proposed by Deputy Dorey, seconded by Deputy Perrot, which is to delete Propositions 24 to 27 and substitute a single Proposition 24.

30 Deputy Dorey to speak to the amendment.

**Deputy Dorey:** Thank you, Mr Deputy Bailiff.

35 If I may start with a question, and I will answer this question by the end of my speech: (*Laughter*) does it do what it says on the cover, i.e. manage the size and make-up of the Island's population? So I will leave you with that question.

The purpose of the amendment is to ask the Policy Council to report back with proposals to phase out multiple occupation by unrelated adults in Part A properties; to set a cap to ensure the number of properties in Part A does not increase before they are phased out; and, to delete paragraphs 24 to 27, so that Part D effectively remains in the Local Market, as is now, and lodgers will need Permits just as they need Licences now.

40 The proposals in the Billet, in my view, make no sense as they relax the rules on Part D and at the same time would retain, in a slightly changed form, the Part A loophole. Part A was never designed to allow occupation by unrelated adults; it was for families.

When Part D was proposed by the Housing Department in 1984, the comment from A&F was based on the Open Market houses being used as lodging houses and the States having no control and A&F being in favour of Part D.

A&F said:

50 ‘The Advisory and Finance Committee is greatly concerned that there can be substantial entry of persons into the employment market in the Island through the use of the Open Market boarding houses. They are similarly concerned about potential immigration into the Open Market and strongly recommend that the States adopt the proposals of the Authority...’

– which, as I said, was to set off Part D.

55 It is clear that they thought they had stopped the misuse of Part A. I only became aware of the problem of the ‘unrelated adults’ loophole when I was a member of the Housing Department and when an Open Market Part A resident, who lived in small clos, contacted me. He was fed up that the next door Open Market property was occupied by numerous people, who came and went at all times of the day and night and every bit of tarmac in the clos had a car parked on it.

60 So the demand for change does not necessarily come from where you possibly think; it is other Open Market residents who have had enough of the misuse.

I will go through Part D and the multi-occupation of unrelated adults in Part A and compare the current situation to the Policy Council’s proposals and my amendment’s proposals.

65 The Billet told us there were 556 people living in 26 Part D lodging houses – I think that relates to 2009 – and we are also told there were 375 of those who were working. Currently, we have control of Part D lodgers, so they have to have Licences. It is, effectively, in the Local Market and so just as for all Licence holders, we can control the length of stay, what they do and where they work. Under the Policy Council’s proposals the length of stay will be up to five years, but we have no control of where they work and what they do.

70 Under my amendment, Part D is, effectively, in the Local Market and the lodgers will have to apply for Permits, so we can control the length of stay, what they do and where they work. So my amendment will maintain the same controls as now and the Policy Council’s proposals relax the controls where the main objective on the cover, as I said, is to manage the size and make-up of the Island’s population. With the PC’s proposals they will be less able to manage the population than under the Housing Control Laws for this part of the population. I will return with some figures to illustrate my point later.

75 Open Market Part A: the multiple occupation of unrelated adults. In the Billet we are told that in August 2011 there were 726 people living in 115 properties. By January of this year this had increased to 977 people living in 148 Part A properties – a 35% increase in 17 months – when we have a policy of maintaining a constant population, and I am sure by now, the end of June, that it has increased even more. Currently, we have absolutely no controls on how long they stay, where they work, what jobs they do, who they bring with them and how many Part A properties are used for multiple occupation of unrelated adults.

85 The proposals of the Policy Council for Part A would mean that we would still have no controls over where they work and what jobs they do. The only limitations would be that they can only stay for five years and the States can cap the number of properties, but not the number of people living in them, and the limit will be set at the current number of properties. If we had a period of high unemployment and we wanted to reduce the number of properties, I do not know how the cap would work and, at best, it would take a long time to have an effect. If we reduced, which properties would close? What would happen to the occupants? Whilst a system of Short-Term Licence gives you control, as Short-Term Licences have to be renewed each year.

90 My amendment asks the Policy Council to report back with a cap for the number of properties used for multiple occupation of unrelated adults to stop the problem getting larger and directs that the Policy Council report back on phasing out of the multiple occupation of unrelated adults in Part A. I deliberately use the words ‘phase out’ so there will be no shock to the economy, and obviously there can transitional arrangements. If any owner of a Part A property then wants to use their property to house a number of unrelated people, the owner can move it to Part D and the occupants will be subject to the Permit system, just like everyone else living in the Local Market. The States would have closed the loophole and it can be said that for these properties the States can manage the size and make-up of the population. If at some point in the future an owner wants  
100 a house on Part D to be a family house again, they can just move it back into Part A.

Under the new regime with my amendment, and when the Policy Council report back, if a company wants to employ someone, then they just have to use the Permit system and that person can live in a Part D property or a Local Market property, and that Part D property might have been a property which has been currently used by multiple occupation of unrelated adults in Part A or, as I said, a Local Market shared accommodation.

I would now like to illustrate the points with some figures and the source I have used is the Housing Department's Summary of Right to Work documents from 1st April 2011 to 31st March 2012, which was issued in February of this year. As quoted in the Billet, there are 375 people living in Part D and 977 unrelated adults in multiple occupation of Part A, and I fully accept that I have made assumptions; but I have to use the figures that are available and try to use them to illustrate a point.

Effectively, Employment Licences and Permits are the only area we can control. Currently 28% of all 'Right to Work' documents are issued for employment reasons. Under the Policy Council's proposals, if we then project those proposals on to those figures, because people living in Part D will no longer need Employment Licences, but people living in HSSD accommodation will now need Licences, I estimate only 27% will be issued for employment reasons. As I said, currently it is 28% and I fully accept that I have made assumptions and it is within the error rate between them. But what is really different is that with my amendment 39% will be issued for employment reasons of right to work, because residents of Part A multiple occupancy and Part D will need Employment Licences.

The new system, proposed by the Policy Council will manage less of the population, I think, than the Housing Licence system, although it is very close. I, therefore, conclude that because of the changes made since the 2012 Report, the new system is less able to manage the population than the current Housing Licence system.

Deputy Luxon said yesterday that all three of my amendments are dangerous. He was wrong, of course. (*Laughter and interjections*) But what is dangerous is if the States does not support my amendment, because it will deliver a system that is less able to manage the population than Housing Licences and it would have failed to meet the crucial objective of this whole project that has been going since 2008, which is to have a new system for managing the population. So if I go back to the original question that I asked: does it do what it says on the front cover? My conclusion is no, it does not.

Please support this very reasonable amendment asking the Policy Council to report back. If you do not believe me, just please still report and see the Report with proposals which will allow the new regime to fulfil its main objective of controlling the size and make-up of the population.

Thank you.

*Amendment:*

*To delete Propositions 24 to 27 inclusive and substitute:*

*'24. To direct the Policy Council to report back to the States of Deliberation at or before their meeting in June 2014 with proposals to phase out the use of Part A properties for the multiple occupation of unrelated adults, including the setting of a cap on the number of properties which may be so used from the coming into force of the new regime at a level no higher than those in established use as such on the date of publication of this States Report.'*

**The Deputy Bailiff:** Deputy Perrot, do you formally second? And you reserve your right to speak later?

**Deputy Perrot:** I do, sir.

**The Deputy Bailiff:** Deputy Fallaize has arrived. Would you like to be recorded as present so you can speak and vote?

**Deputy Fallaize:** Yes, please, sir.

**The Deputy Bailiff:** So we will mark you as *relevé*. Deputy Luxon and then Deputy Bebb.

**Deputy Bebb:** Sir, may I respectfully –

**The Deputy Bailiff:** Oh, just a minute, Deputy Bebb.

165 **Deputy Bebb:** Sorry, Deputy Bailiff, but I was simply commenting that there is an awful lot of static happening over the speakers at the moment and in conjunction with the noise outside, it was very difficult to hear the speech. I am just wondering if somebody could possibly look at the sound system so that we do not actually have the rest of the debate with people not actually hearing properly.

**The Deputy Bailiff:** Thank you very much, Deputy Bebb.

170 **Deputy Dorey:** You do not want me to repeat my speech? (*Laughter*)

**The Deputy Bailiff:** Well, I was just about to ask that. Deputy Luxon, then.

175 **Deputy Luxon:** Sir, regrettably, but respectfully, may I ask you to invoke 13(6)(a)? I believe this amendment goes way, way, way beyond the Propositions in this Report.

180 **The Deputy Bailiff:** Mr Procureur, can you assist me as to whether or not, in your opinion, this is a 13(6) amendment?

**Her Majesty's Procureur:** Well, I have to say, I went through them quite carefully to identify those in respect of which I thought 13(6)(a) might legitimately be invoked and I did not spot this one. It is always a matter of judgement.

185 I think the precedent has been that where an amendment is moved to ask a States Department or the Policy Council to investigate something and report back, if it is within the general ambit of the matter which is before the States that the previous rulings have been that that does not go beyond the Proposition. This is within the general ambit of the Report and I cannot see...

190 The point of 13(6)(a), I think, is because there may be some consequences, some *immediate* consequences from the amended resolution that Members have not had an opportunity properly to consider; that cannot be the case with the report back. So I think it must be a matter for your judgement, but my own view is it probably does not.

**The Deputy Bailiff:** Thank you, Mr Procureur.

195 Deputy Luxon, I am going to rule that the amendment that is proposed by Deputy Dorey, seconded by Deputy Perrot, does not go further than the original Proposition and therefore Rule 13(6) cannot be invoked.

**Deputy Luxon:** Thank you.

200 **The Deputy Bailiff:** Who wishes to speak in debate on this amendment?  
Deputy Brehaut.

**Deputy Brehaut:** Thank you, Mr Deputy Bailiff.

205 I have concerns now as we are running through the order of these amendments and, as you put it, that we are into the home straight, that the population objective enshrined in this policy could actually be for the high jump and it is beginning to concern me greatly.

210 What we are seeing, effectively... These amendments are a genuine attempt to manage population. What we are seeing is the defence of the policy and in disregarding these amendments, in saying that fiscal stimulus through the Open Market comes first, I think that is an enormous mistake to make.

215 When we discuss economic growth, we always acknowledge there is tension between economic growth and population. How do you achieve a cap, a sustainable population, and how do you have the growth that you also require, especially for the recession that we are in at the moment? There is an obvious tension there and I am afraid what I am hearing from Policy Council is a disregard to that, which is, 'Let us use the Open Market for continued fiscal stimulus and set the population objective to one side.' I am increasingly concerned because I think when we get to voting these Propositions through, if we look at the voting pattern around here, we may find that some of the final Propositions may not make our way through.

220 I would encourage people to support this amendment if we are *serious* about managing the population of this Island. There is an obvious loophole that this amendment tries to close down and I urge Members to support this amendment.

Thank you.



**The Deputy Bailiff:** Deputy Stewart, followed by Deputy David Jones.

225 **Deputy Stewart:** Deputy Bailiff, I think if we read through Propositions 24 to 27 inclusive, which is page 799 of the Billet on to page 800, I think what can be easily seen is that the Policy Council has addressed this problem, and multiple occupancy, as I stated yesterday, of Part A properties will be moved to a new Part D and those will be capped at the time of this Report.

230 Multiple occupancy does provide a flexible mechanism for employers to meet their ever-changing and some quite quick changing skill requirements, where the need for additional Employment Permits may cause some difficulties. So it is, if you like, a little bit of a safety valve. It could also be argued that having some maximum occupancy of Open Market D properties, as is suggested, is an efficient use of the Island's housing stock.

235 Here is the problem, and one of the things I have noticed over the last two and a half days is that a lot of people have talked about evidence, and this is something that came up at a recent Commerce and Employment board meeting when we were asked to make decisions, that we do collect a huge amount of data around this Island, but it is not consolidated.

240 Deputy Perrot talks of anecdotal evidence. Having to walk round his Parish it would be a lot easier if he were able to lay his hands on actually some empirical data that he could refer to in his speeches. I think this is something that the States needs to improve on and this is where we are at the moment. We have no idea how many of these people currently at the moment would be entitled to an employment-related Housing Licence which would allow them to live in Local Market properties if they ask for one. We have no way of predicting what the effect on the economy will be because Housing do not collect information on the Open Market. So how can we, 245 in a way, play Russian roulette with the economy and possibly consider phasing it out at this moment? We will be operating without evidence, without justification, and that is not good governance. Plus, at this time, when we are in a very fragile economic situation, we are playing Russian roulette with the economy.

250 What I will be driving for, outside of this debate and through Policy Council, is a way for the States to consolidate its data better to have, as they call nowadays, big data, so States Members can actually make better decisions and evidence-based decisions; but if we use this amendment, we will be making a decision without evidence.

255 A key point, and one thing we do know, is that all of these people are employed. We may not have information today on exactly what they are employed doing – we need to get that – but we do know that they are contributing to the economy in some way simply because they are employed. These people are employed in various parts of the Island's economy, across both the public and the private sector. The Policy Council – and this is where we come back... We are managing the population. The Policy Council is already proposing that we stem the growth in multiple-occupancy and that we prevent its residents from accruing significant periods of residence here.

260 In Propositions 24 to 27, you can see that in Proposition 26 here:

‘To agree that tenants of a Part D House in Multiple Occupation’

265 – which is where all the Part A multiple occupancy stock will go to –

‘will be able to benefit from the Open Market status of the property and will be free to live in the Island, and to work in any employment, for a maximum period of 5 years’ continuous residence in the Island.’

270 And then it goes on, in Proposition 27, to then state:

‘That an individual must have been away from the Island for a period of time which is at least equal to the duration of his or her last period of residence in the Island, before that individual will be eligible to obtain an Open Market Residence Permit permitting him or her to live in a redefined Part D property.’

275 So, we are addressing it. If we vote for this amendment, we risk throwing the baby out with the bathwater if we look to close multiple occupancy down completely.

Thank you, sir.

280 **The Deputy Bailiff:** Deputy David Jones.

**Deputy David Jones:** Oh, dear. Thank you, Mr Deputy Bailiff and Members of the States.

I am afraid the Minister of Commerce and Employment has showed, really, his inexperience in politics and certainly his very short time in the job, because also I am quite shocked that he has

285 made one of the statements he has made because he has sat with a working party between Housing and Commerce and Employment.

I believe that the 35% increase in Open Market lodging houses is a direct result of the policy that Housing adopted two years ago in turning down the number of Short-Term Licences in order to help the employment situation of local people (**A Member:** Hear, hear.) and those people have just migrated into the Open Market. Had you have been around a little longer than the year that  
290 you have been in office, you would have known that this is a battle that we have been fighting for some time.

**The Deputy Bailiff:** Deputy Jones, you should not address another Member directly.

295 **Deputy David Jones:** Sorry, sir, through the Chair. (*Laughter*) Through the Chair.

So it is a worrying aspect of what has been taking place, and as the Housing Department has tried to reduce the number of Short-Term Licences to try and help the unemployment situation, it is not a huge number; but nonetheless there are still people who are looking for jobs.

We have found that people have migrated into the Open Market in order to avoid or to get  
300 round the Housing Control Laws, and at the moment they are standing around about nearly 1,000 people. Many of those people living in Open Market will be long-term employees in the Island doing all kinds of jobs that, I think, if their companies had applied, they would have probably got a Long-Term Licence. They have chosen to live in the Open Market. But certainly it is not true, in  
305 my view, to say that this is not a problem, because it most definitely is a problem.

So on those grounds, I am going to support this, partly because it is asking the Policy Council to look at it and to come back; but to say that there is no evidence of this, again, is simply not true. Thank you.

310 **The Deputy Bailiff:** Is there anyone else who wishes to speak on this debate?  
Yes, Deputy Storey.

**Deputy Storey:** Sir, when I read the proposals in the Billet, I felt that they addressed what I definitely agree is a problem in relation to multiple occupation of Open Market category A houses perfectly well. It effectively says, in effect... I think it is in paragraph 25(a) – that the Policy  
315 Council's proposal is that there should be a cap and that the States should, on a periodic basis, have regard to the number of properties that should be inscribed in category... as it will then be, category D. So I think that that particular point is already covered in this area.

But to go to the extremes of this amendment, I think, would cause problems and it may not be a very large proportion of those houses. But I know for a fact that several of the houses in category  
320 A which are in multiple occupation are owned by international businesses, who use these properties to move their trainees from one jurisdiction to another so that they have the ability to understand the peculiarities of these various jurisdictions and so that completes their training. There is no way that people in that capacity would be treated or considered as essential to the business at that particular time.

325 So I cannot see how they could be given a Work Permit on the basis that the work that they can achieve and contribute to this Island is essential, but if these businesses are not able to include Guernsey in that roundabout of training for their potentially high flying employees, maybe there is not the need to be in Guernsey. Maybe, if they cannot train people in this way to be able to contribute at a later date to the Guernsey economy, either by working here or working somewhere  
330 else, but having an understanding of what we can do here, and therefore referring business to Guernsey, then we are going to lose that benefit; whereas the proposals in the Billet do cater for that situation.

So I would be very concerned that if we adopt the proposals in this amendment. It would send out a message to these international firms that contribute so much to our economy, that really  
335 Guernsey does not want them here and it is not really open for business. I think – to use Deputy Luxon's words – this would be a very dangerous move. Unforeseen consequences in that area could be quite significant and hurt our economy in the long term quite seriously.

340 So I would support the proposals in the Billet and reject this amendment and I urge all Members to do the same, because I think it is going to have a potentially significant damaging impact on our economy in the long term.

Thank you, sir.

**The Deputy Bailiff:** Deputy Hadley.

345 **Deputy Hadley:** Mr Deputy Bailiff, the Minister of Housing has explained how diligent the  
Housing Department is in restricting the number of Short-Term Housing Licences – a policy, of  
course, which I fully support. He said that this has had the effect of driving people into the Open  
Market. Well, it does make you think that perhaps our Department has been too diligent, because  
if the Open Market has expanded the number of people it is taking – and we know from the  
350 Minister of Social Security that our level of unemployment is at such a low level – if this had not  
happened, then the economy would have been considerably damaged, in my view.

So I do find it a little strange, the point that the Minister is making. He seems to be making the  
point that it is a jolly good job we have got the Open Market. I certainly agree with the last  
speaker. I think that we do not need to damage the economy by reducing the number of people in  
355 employment.

**The Deputy Bailiff:** Deputy Quin and then Deputy Luxon.

360 **Deputy Quin:** It is not often I rise to my feet, but on this occasion I have to. The last speaker  
but one said, ‘Let us send out a message to those who want to come to Guernsey’. Well, I came  
into the States in 2000 and the first thing that Deputy Jones and I did was to take a Requête to the  
House on housing and population, and then again in 2004 and 2007. We do not manufacture land.  
We have got an amount of people we can take, and that is it.

I will be supporting this amendment and I urge other Members to. This has been going on for a  
long, long time and people are side stepping the law, what it says and what it was intended to do,  
365 sir. It was not intended to do anything like this. It is now being used as lodging houses. I have seen  
it time and time again.

As most of you know, I spent most of my time in the building trade working on properties that  
have been bought by individuals to fill up with people who just should not be there – it is as  
370 simple as that. I urge the House, if they have got Guernsey at heart, please support this.

**The Deputy Bailiff;** Deputy Luxon.

**Deputy Luxon:** Thank you, Mr Deputy Bailiff.

375 Deputy Dorey and Deputy Brehaut asked, ‘Does this Report manage the size and make-up of  
our population?’ This Report is an incredibly well-crafted Report – as Deputy Fallaize said, I think  
yesterday or Wednesday – and it followed a tremendous amount of work and consultation by  
many people over the last couple of years. But, sir, the proposals, as stand, absolutely do manage  
the size and the make-up of our population.

380 The reason that this amendment is dangerous is because it tries to do something that we might  
wish we had done in the past; but we are here today. There are 148 properties with this multiple  
occupancy. There are a small percentage of those properties that actually have the problems for  
their neighbours that Deputy Quin refers to. There are many multiple occupancy homes that are  
occupied by professional business people, men and women, who contribute in a very high value  
adding way to our economy.

385 The reason that this amendment is dangerous is not because of the principles behind what  
Deputy Dorey and Deputy Perrot, seconding it, are trying to do. I have got great empathy and I  
understand the logic; but Government must not interfere into the economy, into the way our Island  
works unnecessarily if there are dangerous implications, and there would be. It is the uncertainty  
that this amendment would bring.

390 The Procureur very rightly advised the Deputy Bailiff that my request for 13(6)(a) was not  
appropriate, because it asks the Policy Council to go away and look into the issue. The trouble is  
that would perpetuate the uncertainty that has existed for the last two and a half years, and that has  
been damaging to our economy and it has been damaging to the revenues that this Island, the  
States of Guernsey, has been able to receive. I cannot measure that absolutely, but there is so much  
395 evidence that it is true and the last thing we want to do is to give to any group of residents in this  
Island – and they are living legally and lawfully, Deputy Quin... We may not have intended this to  
be able to happen, but these people are not breaking the law. They are not occupying these  
premises unlawfully. The principles behind what we wanted to make happen, we should have done  
better in terms of how we drafted the legislation; but we did not.

400 To apply any kind of retrospective approach to fixing the problem that we are here to solve  
with this Report on our population management would be a massive, massive mistake, and would  
be unfair to the people involved. I urge Members, not because the principles of what Deputy  
Dorey is trying to get to are not correct, but because we must move forward from where we are

405 and this Report does close this loophole and then, as Deputy Stewart said, we do then put a cap on the length of time people will be able to occupy these premises.

Sir, the Policy Council, through this Report and through these proposals, does deal with the issues that Deputy Dorey wants us to try and apply through his amendment, and I urge Members to, please, calmly reject this amendment.

410 Thank you, sir.

**The Deputy Bailiff:** Deputy Laurie Queripel and then Deputy Trott.

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

415 Sir, I agree with Deputy Dorey. What he is proposing is legitimate necessary population management, and I hate to use this term, sir, but, tool. I will make that worse by saying it is a tool that is missing from the box at the moment. Sir, we either use the Permit system properly or we do not. A halfway house will not result in effective population management.

420 Sir, I have had the same phone call as Deputy Dorey, from an Open Market resident living next door to a property that falls into this category. He was distressed. It was noisy with lots of people, lots of cars, lots of rubbish and bin bags etc. So when this situation does arise, how difficult will it be to get the occupiers of these properties who do behave in this way to engage in progressive transport and waste strategies, for example?

425 Sir, I would disagree with comments that Deputy Stewart has made with regard to the jobs that are being done because many of these jobs – for example, gardening, decorating, labouring and so on – are jobs that locals do and locals want to do, and it is affecting local traders access to this kind of work. So it is at times detrimental to the local workforce and their ability to earn a living, run a viable business and access this kind of work.

430 Sir, I would caution against Deputy Hadley's comments – again in regard to the unemployment figures. All is not rosy in the garden. The number of those who have not signed on yet or have received severance packages is increasing and so I would take those comments with a pinch of salt.

Sir, I will be supporting this amendment because I believe it is a necessary and legitimate population management tool.

435 Thank you, sir.

**The Deputy Bailiff:** Deputy Trott, then Deputy Fallaize.

440 **Deputy Trott:** Sometimes repetition in debate is valuable and I think this is one such occasion. I rise to echo the comments of others who have, in different words than these, made the point that economies thrive on confidence and certainty, and ours is no different.

445 I also take on board the comments of Deputy Luxon, that these sorts of issues should be dealt with in a calm and considered fashion. However, I have to tell Members of this Assembly that a constituent of mine described this amendment as being 'tantamount...' – his words, not mine, but it shows the sort of language that some people will attribute to this sort of behaviour – as 'tantamount to a Zimbabwean land snatch'. (*Laughter*) Now, that sort of language *magnified* many times over creates an image that Guernsey is prepared to adopt policies that send out a very strong signal that we are closed for business. We are not closed for business – anything but.

450 Small island economies, like ours, need to breathe. They need the flexibility that properties of this type provide. I certainly think that there is the potential for serious negative economic consequences, should this amendment be supported, although I remain confident, sir, that the Assembly will reject it.

**The Deputy Bailiff:** Deputy Fallaize.

455 **Deputy Fallaize:** Thank you, sir.

I can only assume that Deputy Trott's constituent has never been to Zimbabwe (*Laughter*) because to equate this amendment with what Deputy Trott just said is just absolutely bonkers.

460 I think that what has perhaps been neglected in some of the debate over the last two and a bit days, and in particular over the last half an hour in debate on this amendment, is the original purpose of the Report that is before us today: managing the size and make-up of the Island's population.

In 2007 – and I am in danger of straying into an amendment which I will lay later on – the States resolved that its population policy would be to retain the population at approximately what was then its current level. Taken literally, that is what the amendment meant. I think what the

465 States was trying to do was to exercise some *restraint* on population growth when it voted for that; but after that, of course, it was recognised that the States did not have sufficient levers to fulfil that kind of Strategic Population Policy and it is out of that concern that this regime arose.

470 One of the recurring themes of the debate back in 2007, when the States acknowledged that it did not have sufficient levers to manage the make-up and size of the Island's population, was the absence of proper control over the Open Market. In fact, that was, probably, the most glaring example of where the States did not have sufficient control to manage the size and make-up of the Island's population. I do not see in the Report that is before the States today very much – there is something, but it is quite peripheral – which will, in respect of the Open Market where there has been this glaring omission of control for a long time... I do not see very much which is going to provide the States with the levers necessary to manage the size and make-up of the Island's population, and I think that is what Deputy Dorey's amendment is seeking to achieve.

475 Again, I would say, as I said yesterday, I do not think Members should exaggerate the effects of some of these amendments. This amendment starts by saying:

480 'To direct the Policy Council to report back to the States... at or before... June 2014 with proposals to phase out the use of Part A properties for the multiple occupation of unrelated adults...'

485 Deputy Dorey is proposing that the Policy Council ought to go away and investigate how this might be done, in recognition of the fact – as Deputy Luxon and others who oppose this amendment or some of them admit – that for too long the States has not had proper control of the various components of the Open Market and unless... It is alright saying, 'Well, we cannot try today to fix a problem which emerged years ago', but unless we start trying to fix that problem now, then in years to come it will just get worse and worse. I am quite convinced that we will... Some Members may be stood here or people in this community will be saying in 5, 10 or 15 years' time, that this problem, this absence of control about this section of the Open Market, which ought to have been dealt with... yes, initially it should have been dealt with 20 years ago, but we are not 490 20 years ago and the best available to us is to deal with it now; but if we do not deal with it now, I think we will compound the problem of not having dealt with it originally.

495 If the Policy Council genuinely believes when it carries out the investigation that this amendment requires, if it is approved... if it genuinely believes that it will be absolutely disastrous for our economy and the sky will fall in, then I have no doubt that the Policy Council, when it comes back to the States, as it is able to under the is mandate, will advise the States of that and then the States can make a properly informed decision.

500 But not even to investigate this when we know that it is such... I will not use the word, 'loophole', because Deputy Luxon is right: these people are living legally. But when we know that this whole debate it about giving the States the levers necessary to control or at least *influence* the size and make-up of the population, to leave this area more or less uncontrolled and not to give the States the levers necessary, I think would be a very major mistake, and I ask the States to support the amendment.

505 **The Deputy Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, yes, I would just take up what Deputy Fallaize just said, saying, 'This Report... well it kind of deals with control, but in a very peripheral way.'

510 It states categorically in 25(a):

515 'That the number of properties that can be inscribed in the Register in the newly-defined Part D of the Open Market will be capped and that the level of that cap should be decided by the States, having regard to the size and make-up of the Island's population at any given point in time.'

Sir, I think it is quite clear from the Report just why I cannot accept the amendment.

**The Deputy Bailiff:** Deputy De Lisle and then Deputy Perrot.

520 **Deputy De Lisle:** Sir, the point has been made that fiscal stimulus is taking priority, through the Open Market and Licences, over population restraint. I would like the Chief Minister to address this when he sums up with regard to this amendment, because I am concerned about jobs and the economy at this time and anything with respect to tampering with the economy, which will dampen any further economic vitality in this community is very dangerous. But at the same time, 525 as I have argued earlier, I would like population control in the Island, because of the problems that we find in all areas with respect to rising population growth and the lack of seeming control over

that, and the Population Policy that we have in vogue at the moment, which is to control the population at about the 2007 level, so we have got an issue here, I think.

530 When this population Report was brought forward, years ago, I think the economy was steaming ahead and it was perhaps a good time to look at this change; but today, I think it is a fairly dangerous time. We have got an economy on the brink. We have got an international, global basically, recession that many are saying is not going to peter out very quickly and we are in it for some time, and I think we have got to be cognisant of that when we are looking at fairly dramatic changes which are being brought in through this movement from housing control to a population management system.

535 Sir, I would like the Chief Minister to give some assurance that perhaps if we vote against this particular amendment, he will consider, through the Policy Council, the intentions of the amendment to direct that particular sector, the Open Market, to some control.

540 Thank you, sir.

**The Deputy Bailiff:** Deputy Perrot.

545 **Deputy Perrot:** Sir, I think the general thrust of the anxiety about these amendments, which relate to the Open Market, relates to the wish not to create any impression of instability. I think that was founded, really, on the announcement that there was going to be a Population Management Regime and a review of the Housing Control legislation, and that probably was not handled terribly well, politically, at the time; but much more so, it suffered from quite irresponsible alarms on the part of the Guernsey press and that certainly had an effect on the Open Market and almost froze transactions from then until now. Sir, I do understand the anxiety about ensuring that we give a very strong message that the Open Market is here and is here to stay.

550 Sir, far as I am concerned, I echo all that Deputy Luxon says about the importance of the Open Market and in particular of course, Part A of the Open Market. So as far as I am concerned the Open Market is here and it is here to stay; but that is the very clear message which has been incorporated into this Policy Report and it is a very clear message which has been brought to you pretty well by all who have spoken in these various debates.

555 But as to whether this is dangerous, I have to say, with the utmost respect, that that really is an *absurd* exaggeration. This amendment seeks to correct an historical anomaly and it would be very odd if we made all of these changes and that whereas Licences are now required in respect of Part D of the register, they would no longer be required in respect of multi-occupancy properties in the future.

560 My one concern is that there is a form of compact between the Housing Department and the former Housing Authority and some of the businesses of the Island – financial services businesses and the hospitality industry – in that there was an understanding that staff, up to a certain number, could be allowed to reside in Open Market properties, and those who did, within the rules laid down by the Housing Department, were living there quite lawfully.

565 Sir, if this amendment is passed, then I hope that when the Policy Council comes back with transitional arrangements, the benefit of that compact is continued. So there will have to be some sort of sympathetic treatment of the granting of Licences to those within the financial services industry or within the hospitality industry so that existing rights are not adversely affected.

570 But I am not sure that I entirely agree with Deputy Luxon and with Deputy Fallaize that all people who are living in multi-occupancy at the moment, in houses on the register, are living here lawfully, because I do not think that that actually is the case in respect of many of those dwellings. Those who fall within the compact – as I keep referring to it – arrangements with the Housing Department are there quite lawfully; but there are a number of houses where there are so many people living in them, that actually separate households have been constructed within those dwellings and technically they ought to be removed from the Housing Control Register.

575 Deputy Stewart said that the anxieties expressed by Deputy Dorey, and now by me, have been dealt with in respect of the existing Propositions; but of course they have not in that if the proposals are accepted unamended, then there will be no form of control over those people who would live in multi-occupancy dwellings who are now on Part D of the register. He also challenges Deputy Dorey on the basis that some of the figures are surmised or anecdotal. Well, it seems to me that Deputy Dorey had a pretty good stab at coming up with the figures because he was using the figures which were officially available. Frankly, short of knocking on the door of every house in every Parish and making enquiries about their respective domestic arrangements, I am not quite sure that Deputy Dorey could have done very much more.

580 Sir, whatever ‘big daddy’ information is, it seems to me that Deputy Dorey went as far as he could. Having said that, I do not associate myself with the remarks of Deputy Jones, to the effect

590 that the Commerce and Employment Minister has somehow fallen down because of his  
inexperience. I think that that is an unfortunate criticism. I think he has done a thoroughly good  
job over the last year (**Several Members:** Hear, hear.) but if anybody disagrees with me, could I  
remind you all that I am still here and available. (*Laughter*)

Deputy Trott gave us the benefit of his massive political wisdom in saying that these issues  
should be debated in a calm and considered manner. He then tells us that what we are proposing is  
rather like a Zimbabwean... (*Laughter*). I just, in my gentle way, question whether that is part of  
595 the calm and considered debate?

I do not think that this sort of amendment is going to frighten the horses. I think it does nothing  
about the general thrust of properties on Part A of the register. It does mean that there will be a  
means of having information about people who are living in these properties and having an  
element of control over them.  
600

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** On a point of correction, sir, I did note when I was speaking that my good  
friend did not have his audio systems on and this may explain why he misheard me. I was referring  
605 to a constituent of mine who had used that language, sir; not language I would necessarily wish to  
be associated with. (*Laughter*)

**The Deputy Bailiff:** Deputy Le Clerc.

610 **Deputy Le Clerc:** Thank you, sir.

I would just like to come back to Deputy Dorey's opening remarks that this is meant to be  
about population control, and this Proposition talks about properties being capped; but it does not  
talk about the number of people being capped. (*Interjection*) We do not know that the properties in  
multiple occupations Part A at the present time, how many of those rooms are underutilised and  
615 when transferred to Part D will actually enable the population to increase even further.

I would just like to draw your attention to some of the figures: 3,413 residents in Part A; 977 in  
multiple occupancy. That is over a quarter. That is not what the Part A market was set up for. My  
concern is that we will be pushing people to Jersey to live in properties that we want the true  
residents of Part A to be coming here for.  
620

Sir, thank you. (*Applause*)

**The Deputy Bailiff:** Deputy Langlois.

625 **Deputy Langlois:** Thank you, sir.

I am very, very pleased to hear the seconder of the amendment, Deputy Perrot, making  
comments about balanced debates, because I had made a few notes of phrases and the famous one  
that has been repeated several times. Funnily enough, I think I met the same person as Deputy  
Trott, who repeated that phrase to me, and so I am not going to repeat it again. He was quoting  
somebody else.  
630

We have this morning had 'total economic disaster' and 'exceedingly dangerous.' We have had  
'economy on the brink'. Can we just get back into the middle ground, please, folks and look at an  
economy that is rebalancing a structural deficit and moving forward as well as most in the Western  
world at the moment and let us take some of the polarisation out of the debate.

635 What we are actually debating here with this amendment is: do we think that what is in the  
original Report will work? Everybody is entitled to make their own judgment call on whether that  
is the case or not. In making that decision, I am looking to proposing risks. One is the one which  
has just been mentioned about capping population, and that obviously is the primary objective of  
the whole thing. I do not think, however, that we can totally ignore the other risk of further  
destabilising things because, without a doubt, certainly events in the last term did destabilise the  
640 Open Market and the Open Market works in our favour in the economy. So overall, it works in our  
favour. So those are the two risks that you have got to balance out when making this judgment.

For what it is worth, I have made my judgment and my vote will go against this amendment  
because I think that the original Report and the recommendations we are going to vote on later will  
do the job.  
645

**The Deputy Bailiff:** Deputy David Jones.

650 **Deputy David Jones:** Sir, can I just make a point of clarification with reference to my good friend, the Commerce and Employment Minister? I also think that he has done a cracking job in the time he has been there. What I meant was that he has not been around the length of time that we have discussing this particular issue and perhaps he has not had the flavour of many years of talking about the problem that this particular sector of the Open Market has caused when it comes to tackling the issue of unemployment.

655 Thank you.

**The Deputy Bailiff:** Thank you, Deputy Jones. I am not going to encourage further comment. Deputy Duquemin.

660 **Deputy Duquemin:** Thank you, Mr Deputy Bailiff.

I am reluctant to start with the first part of my speech that I have scribbled down here because there may be accusations from Deputy Dave Jones that it is a ‘This is Your Life’, but I will do because I hope a small story will demonstrate a greater point.

665 When I was a student at university, I went to the West End and went to the theatre. I watched a play in London called, ‘An Evening with Gary Lineker’. It was a comedy and – (*Laughter*) unlike his television ... – but there was a wonderful line in that play – and apologies to Deputy Adam. It was talking about the Scottish football team, and words to the effect were used that the Scottish football team were good on paper, but rubbish on grass. (*Laughter*)

670 And this, for me, is pertinent to this debate and this amendment in front of us today because I, like many people, applaud the sentiment that Deputy Dorey has put into his amendment; but I think it is not the right way for a number of reasons, which I will come to briefly.

675 The first part that I would like to emphasise, referring back to page 771 of the Billet at 13.42, and for me a very telling phrase in there is, yes, it may have been a loophole and it may have been the unintended consequence of a decision made by a States previously, but nevertheless it does say and state very clearly in 13.42 that:

‘...it can be argued that a high level of occupancy of Open Market properties is a very efficient use of the Island’s housing stock.’

680 That is where we are now in the real world. That is where we are today.

685 It does continue in the later points at 43, 44, to the fact that there is no mechanism in place and the fact that there needs to be controls. This is where I would echo the comments of Deputy Soulsby, who asked the question, ‘Is it being dealt with in the existing Propositions that are laid before us?’ I think it was point made by Deputy Story as well. The answer that I would come to is yes. So to answer Deputy Dorey’s question, ‘Do the Propositions in the Billet manage the size and make-up of the population?’, I would say it does.

690 Another point to make reference to was one of the questions Deputy Storey has made about maybe a finance institution owning a house in Guernsey and using it for five of their trainees to come to Guernsey. It might be a law firm with five trainee advocates sharing accommodation. The question that we would ask is, ‘Oh, but if they were essential, they could have Work Permits.’ But what would happen? Five Work Permits. This is the real world. Five Work Permits. So five Local Market houses being used for these five trainee lawyers that may be here for three, four or five years. That to me, in the real world, does not make sense. It just clearly does not. What I would say is that would be an *inefficient* use of the Island’s housing stock.

695 So back in the real world, what I would like to ask is: what is the upside of voting for this amendment through? What is the upside? For me, the upside is...

700 Excuse me. Let me start again. What is the downside of voting this amendment through? That would be uncertainty. It is the uncertainty that was spoken by Deputy Trott, Deputy Luxon and others. What is the upside? The upside is certainty, and we need that certainty in these economic times. For me, Propositions 24 through 27 adequately cover a lot of the concerns that obviously Deputy Dorey quite rightly has and for me they are fine and they will work.

705 So now, as Deputy Stewart said, is not a time for Russian roulette – it clearly is not. We are in very, very difficult times and the Open Market, as has been mentioned, is a very, very sensitive issue. Now is not even the time to play Euchre with matchsticks. Okay.

Let us move forward and let us be calm, because I will be voting against this amendment. I will be doing it because I want to do the best thing for Guernsey and I want to do the best thing for the Guernseyman. I know the Open Market is a very emotive topic and there is perhaps a ‘them’ and ‘us’; but this is the best thing that we can do for the Guernseyman. Thank you.



710 **The Deputy Bailiff:** Deputy Le Lièvre.

**Deputy Le Lièvre:** Thank you, sir.

At various times during this debate, and previous debates, we have heard the word ‘unemployment’ mentioned and Deputy Langlois has sprung to his feet and corrected the figures that have been quoted. I think there is a danger that we talk about unemployment as a well-defined box, the edges of which are clear: you are either in or you are out and that is it. That is the end of the matter. You are unemployed for a time. You go away and you get employment and then you are out of the box, etc. It is not like that. It really is not like that at all.

715  
720 Long-term unemployment, of which there is a reasonable amount, where you fall out of the box after 26 weeks means that many people go ill. When they go ill, because they cannot find employment, they tend to become long-term sick. When you have been sick for a long time, you never, ever go back into employment. The other benefit for those people who go sick in the long term is that they achieve a pension without ever making a contribution. They achieve a full-rate old age pension because they build up credits for every week that they are sick and some people will achieve a full-rate old age pension with only working for a fraction of their working life.

725 I am not scaremongering here at all, because unemployment costs us small beer in relation to sickness. Unemployment is about £1.2 million; sickness is twice that at over £3 million; and IVB is six times that at over £7 million. The cost of long-term sickness is frightening. It endangers the level of the old age pension we pay. It has endangered and will continue to endanger, which is why I am so keen to see the outcome of the Tax and Benefit Review.

730 But I just want to stress today: please, do not talk about unemployment as though it is a *closed shop*; it is not. It is associated with Sickness Benefit. It is associated with Invalidity Benefit. It is associated with Supplementary Benefit and all of the other ills that go with a lack of fluidity financially. There is a risk when we have hundreds of people in employment... we know not which type and when we have hundreds of people that are unemployed, then we do run a risk. We run a risk of building up an unemployment and sickness record which is directly associated to the lack of knowledge we have got in our Open Market. I am not suggesting that is a necessary reason for... I am not scaremongering. I just wanted to bring it to Members’ attention because there is a tendency just to think of unemployment rather like a Christmas present: wrapped up cleanly in a box, that is it. It is not.

740 Thank you, sir.

**The Deputy Bailiff:** The Chief Minister to reply to the debate on behalf of the Policy Council on this amendment.

745 **The Chief Minister (Deputy Harwood):** Thank you, sir.

Deputy De Lisle asked me, in my reply here, to make some comment upon the economic effect of the proposal. As has been already mentioned, I am aware that the many professional firms use the Open Market to house professionals. It provides them with a very valuable flexibility, in that they can bring people in for a short period of time and they can move them up and move them on. If we remove that flexibility, I suggest, but it is no more than a suggestion, that might well influence the decision of sections of the finance sector, but not just the finance sector, because I am aware that there is at least one employer in the industrial sector that relies upon an Open Market to house what he would regard as essential staff, where in the past he has not got an appropriate reply for Licences. It may impact the decision of those organisations whether or not to continue to operate in this Island. So that, in summary, sir, for Deputy De Lisle, is my concern: thinking about the economic effect of these proposals.

755 So whilst I may once have had some sympathy with what Deputies Dorey and Perrot are trying to achieve, I have to say that having spent a considerable amount of time in the past 12 months working on these proposals before you, I have to say, I believe the amendment is flawed.

760 Like it or not, people have over the years, and sometimes with the assistance of clever lawyers, found a way by which Part A Open Market properties can achieve a return for their owners by accommodating individuals who, in many cases, but not all, would otherwise have required Housing Licences of strictly limited duration if they have lived in the Local Market. Whether by accident or design, we have allowed the practice to develop, as described in paragraph 13.4(1) in the Report, and that is largely because our economy has been healthy. There were more jobs than we knew how to fill and because the people who were in the Open Market in multi-occupancy were not occupying Local Market housing, therefore it suited us to allow that practice to continue.

765 Sir, for the first time in this Report we have recognised that problem and Propositions 24 to 27 address the problem for the first time. Sir, at a stroke this amendment wants to send out a message

770 that the practice should stop completely and the Policy Council should find a way to achieve this. Sir, this goes much further than the Policy Council proposes and, as has already been mentioned, would threaten to destabilise a section of the Open Market when it has only just recovered from the treat that are perceived from earlier discussions on its future. What I would also ask, sir, is: where do we suppose that all the individuals would go if we stopped this practice?

775 Deputy Stewart has already mentioned matters pertaining to the employment issues surrounding the treatment of those who live in this particular section of the Open Market. Many, if not most of the jobs that they fulfil will still be required. The effect of the amendment will be that we will stop them from living in the Open Market; but how does that in itself reduce population numbers?

780 Furthermore, sir, following the law of unintended consequences, many individuals – and I accept we do not know exactly how many – will be able to muster good arguments to be able to stay long term in this Island through the period of time they are connected with this Island through living in this particular section of the Open Market. If they cannot live in Part A properties and we do not recognise the expansion of Part D, as suggested in our Propositions, then they will surely apply to occupy Local Market accommodation. Is that what Deputies Dorey and Perrot want to achieve – to worsen our housing situation?

785 Even worse, the underlying assumption in the amendment is that all Part A properties currently used for multi-occupancy will somehow miraculously revert to family homes with the well-heeled wanted to relocate to Guernsey; but, again, sir, I ask: how realistic is that? I am going to suggest that if activated there would quickly become a lot of empty Part A properties, which would further depress the market. Is that in Guernsey's best interest?

790 Sir, I am also concerned that the amendment, if approved, would do away with the checks and the balances, which actually we have achieved and which we propose, as set out in Propositions 26 to 27. Gone will be the limitations on how long people can live in Part A properties while they are being phased out. Gone will be the provision that stops people returning to the Island after a period of time away. Why would we want to dispense with those provisions and wait another year for the Policy Council to come back and say that they are in fact needed?

795 In contrast to this amendment, sir, I would submit the proposals, as they are set out in the Report, are well thought through. They have been largely accepted as practical and achievable by those most closely involved with the Open Market and allow the aims of managing population numbers to be undertaken in a proportionate number. The situation, sir, will not get worse. The purpose of Propositions 24 to 27 is to freeze the situation; not to allow it to get worse.

800 Sir, Deputy Perrot seems to argue against his own amendment when he refers to the compact that exists with certain sectors of our economy and the need to ensure that arrangements, if you accept the amendment... He argues that we need to ensure that arrangements are put in place to ensure that the same number of people, who will no longer be able to occupy the Open Market, should be allowed, however, to remain on the Island, and that, in my submission, sir, will not achieve any meaningful management of population.

805 And, finally, sir, I would ask Members of the Assembly just to look at the wording of the amendment that is before you. This actually obliges Policy Council, whether we like it or not, to come forward with the proposals to phase out the use of Part A properties for multi-occupancy. It does not require us to go and research or to consider. It actually states, in words on one syllable, that we will be obliged to bring forward proposals to phase out the use of that section.

810 I would ask the Assembly to throw out this amendment.

815

**Several Members:** Hear, hear.

**The Deputy Bailiff:** Deputy Dorey to reply on the debate on this amendment.

820 **Deputy Dorey:** Thank you, Mr Deputy Bailiff.

I will start with Deputy Harwood's speech. The economy has been mentioned many times and he talked about professionals living in Part A. But it is interesting if you look at the actual figures, because in the consultation Report it had a bar chart of the medium earnings of the working population, and in fact the medium... and you probably cannot see, but this is for Part A, and in fact it is less than the Island's average. So those people earning in Part A, and that includes all the people who are living in Part A who are not in multiple occupancy and in multiple occupancy, but the average of those who work is actually less than the average of the population. So that proves that actually, yes, I am sure that there are professionals working in there, but the majority is not professionals. It is people on low incomes.

830 He mentioned about it stopped completely. This is to phase it out. The whole point of it is to phase it out, and the Policy Council can come back with proposals which will phase it out over a period of time. So it would not shock the economy.

835 He said, 'What would happen to that section of the Open Market?' Well, it is only 141 of 1,597 properties, and as I have said, if somebody wants to continue to use this property as a lodging house, which is exactly that they are, under my proposals they get to move them on to Part D and when they are on Part D those people would need Licences. So they could continue being used as they are but they would need Licences and so we would have the control. So we will not necessarily cause any reaction in the Open Market or the economy. It just means that we have control. This point has come up by a number of speeches.

840 The whole point of the new Permit system – and I am disappointed to hear people who have not actually been... Members of the Population Policy that have not been putting it forward – is that you have an efficient Permit system where you have got transparent policies and so the policies are known and published so that this can cover all the various types of employees that you might want to employ on this Island. You have transparent policies so that there is a system where an employer knows what the policies are. They can apply. It is not in a political process. It would be a statutory body and so it will be an efficient, quick decision. But the whole point of it, by having these policies, is you should know what the decision will be before you apply because you can see the policies.

850 So the fundamental principle of this is we have Part A now and I think Deputy Duquemin said something about managing the population; but as Deputy Le Clerc said, we will not control the number of people living in those properties under the proposals. The cap is only on the number of properties, not on the number of people living there. We will not control what they do or where they work. That is the whole point of the Permit system. It is like people do not have confidence in it. We have got a new system. We must have confidence in it and apply it to all. It is just totally irrational to apply it to some and you have this way around the Licence system.

855 I thank everybody who has spoken in favour. I will not go through all the speeches.

860 Deputy Stewart said about a safety valve; that is exactly what an efficient system of Employment Permits will be. It is a safety valve because it will enable employers to apply. They will see the policies and they will know what the decisions will be. If the situation on the Island that we do not want a particular industry or we do not want a particular industry to go, we will have the policies for that and everybody will know; but, now, if we want to do that, we cannot do it, because people can just get round it by using multiple occupancy of Part A. He spoke about housing data. Well, this is one of the Reports by you, a summary of the Right to Work document for that year – it is 39 pages. It is a very detailed paper. It is on the Housing Department's website – an excellent Report. It details thoroughly about what Licences they give out and what the live Licence is. The information is there if you want it.

865 I think I have covered Deputy Storey's points.

870 It will not damage the economy, Deputy Hadley. This will actually enable us to manage the economy, which is the whole point of having the Housing Permit system and not have some who can get round it.

875 Deputy Luxon, 'the Government must not interfere', he said. Of course we should interfere, because that is the whole point. We have a small Island, which is very densely populated. We cannot just continue to have people pouring into this Island and people doing jobs that we do not want them to do and we cannot control. The whole basis of why we had the original Housing Licence system was to have control and those controls have had their day. We want a new Permit system which will give us the ability to control and manage our economy so that we make sure that we manage it in good times and bad times for the benefit of the people of Guernsey.

Thank you, Deputy Fallaize for your support.

880 Deputy Soulsby, I think that the point was covered by Deputy Le Clerc about the capping of properties.

Deputy De Lisle was concerned about jobs and the economy, and that is exactly what I am concerned about. This proposal will give us the ability to manage our economy and manage the people in our economy and not have this system of Work Permits and have a way around it.

885 I think I have covered all the main points but I would just like to say a few words before I finish. Guernsey has been fortunate for many years in having a relatively low level of unemployment. Jersey has had a significant problem with the unemployed – nearly 2,000 people – and also it has a rapidly increasing population, increasing by 900 in the last year alone. Because our economy is doing well, the lack of controls over multi-occupancy of Part A Open Market by unrelated adults has not been the burning issue it should have been, but it has resulted in an increase in our population. Because it has not been a burning issue in the past, it does not mean it

will become one in the future. If things continue to get tougher and tougher in the future, we do not want to have a situation of increasing unemployment and having hundreds of low-paid migrant workers living in Part A or, as it will be, Part D in the future, taking up jobs that could be done by the unemployed.

895 We have just had the announcement of the very good system from Social Security for people to work with the people under Licence – the Stepping In Scheme – so that we can try and reduce the number of unemployed. But if we have all our people working in the Open Market, Part D, we cannot even do that. We will not know what they are doing. We have no control of their jobs because they do not have to reapply for Licences. We cannot control the situation. If we go with  
900 the proposals of the Policy Council, when we have unemployment, we would not be able to do anything about it. We really have no tools in the tool box, as I said. Do we really want to be in that position?

I think there is a definite message from some coming from this House: it is pro-business, pro-  
905 Open Market and they are not so pro the ordinary hard working Guernseymen. How does Guernsey benefit from having lots of low-paid migrant workers, who do not pay much tax or social insurance? I ask you to, yes, support this amendment. It will enable us to control our economy. It will enable us to control who comes and works in this Island and when we need it, we can turn the tap off and stop low-paid workers coming in or we can use our valuable space to ensure that we have the highest production from our workers by pushing them into the industries  
910 that we need and want to grow within our economy. So please support this amendment.

Thank you.

**The Deputy Bailiff:** Members, we move the vote on the amendment proposed by Deputy  
915 Dorey, seconded by Deputy Perrot, to delete Propositions 24 to 27 and we will have a recorded vote, please Greffier.

*There was a recorded vote.*

**The Deputy Bailiff:** Members, we will wait for the voting outcome in respect of that  
920 amendment.

We will move on to the next amendment while we are waiting, which is the amendment being proposed by Deputy Dorey, marked amendment 4, to be seconded by Deputy Ogier, to insert a Proposition 31(a).

925 **Deputy Hadley:** Mr Deputy Bailiff, I would like to invoke Rule 13 because I think this does go far beyond the Proposition.

**Deputy Fallaize:** May I just request that we get into the habit of allowing Members to lay their  
930 amendments before this Rule is invoked, please?

**The Deputy Bailiff:** My recollection, Deputy Fallaize, is that was a proposal from the last States Assembly and Constitution Committee that Members rejected. Is that right?

935 **Deputy Fallaize:** Sir, I think during this term it has been established, when attempts have been made to invoke this Rule, that Members will be allowed to lay their amendments first and then the Rule would be invoked. I think that was what your last two predecessors... well, that is not quite right, but the present Bailiff and the previous Bailiff, I think, established that.

940 **The Deputy Bailiff:** Mr Procureur.

**The Procureur:** The Rules differ according to whether the Member is invoking Rule 13(4) or Rule 13(6). If it is Rule 13(4), then he has got to allow the amendment to be moved. If it is Rule 13(6) and you rule that it goes further, then he is entitled to make that motion at any time.

945 **Deputy Hadley:** I wish to invoke Rule 13(6), Mr Deputy Bailiff. *(Laughter)*

**The Deputy Bailiff:** Deputy Hadley, which *paragraph* of Rule 13(6) are you invoking?

950 **Deputy Hadley:** Mr Deputy Bailiff, this goes beyond the original –

**The Deputy Bailiff:** Yes, but is it paragraph (a) or paragraph (b)? Do you want to postpone the debate on the amendment or do you want a motion that the amendment be not debated and no vote taken thereon?

955 **Deputy Hadley:** I wish that it be not debated, Mr Deputy Bailiff.

**The Deputy Bailiff:** Thank you very much.

I am satisfied that Rule 13(6) applies to this amendment because I take the view that the Policy Council has deliberately chosen not to pursue something that was in its previous Report. So trying to add a Proposition to deal with it goes further than the original Proposition.

960 Deputy Hadley has invoked Rule 13(6)(a) and therefore there will be a vote as to whether the amendment be not debated. That motion will have effect, if it is supported by not less than one third of the Members voting on the motion, so if you do not want to debate, you vote *Pour*; if you want a debate, you vote *Contre*.

965 We will have to have a recorded vote in respect of that.

*There was a recorded vote.*

970 **The Deputy Bailiff:** Members of the States, while we are waiting for the vote to be counted... Members of the States, quiet please.

*Amendment by Deputies Dorey and Perrot:*

*Not carried – Pour 16, Contre 29, Abstained 0, Not Present 2*

<b>POUR</b>	<b>CONTRE</b>	<b>ABSTAINED</b>	<b>NOT PRESENT</b>
Deputy Quin	Deputy Soulsby	None	Deputy Le Pelley
Deputy Brehaut	Deputy Sillars		Deputy Collins
Deputy Le Clerc	Deputy Luxon		
Deputy Lester Queripel	Deputy O'Hara		
Deputy Fallaize	Deputy Hadley		
Deputy David Jones	Alderney Rep. Jean		
Deputy Laurie Queripel	Alderney Rep. Arditti		
Deputy Lowe	Deputy Harwood		
Deputy Le Lièvre	Deputy Kuttelwascher		
Deputy Green	Deputy Domaille		
Deputy Dorey	Deputy Langlois		
Deputy James	Deputy Robert Jones		
Deputy Perrot	Deputy Gollop		
Deputy Brouard	Deputy Sherbourne		
Deputy Burford	Deputy Conder		
Deputy Inglis	Deputy Storey		
	Deputy Bebb		
	Deputy St Pier		
	Deputy Stewart		
	Deputy Gillson		
	Deputy Ogier		
	Deputy Trott		
	Deputy Spruce		
	Deputy Duquemin		
	Deputy Paint		
	Deputy Le Tocq		
	Deputy Adam		
	Deputy Wilkie		
	Deputy De Lisle		

975

**The Deputy Bailiff:** I will declare the result on the amendment that was moved by Deputy Dorey, seconded by Deputy Perrot. There voted in favour 16; there voted against 29. Therefore, I declare that amendment lost.

980 *Motion pursuant to Rule 13(6)(a):*

*Not carried – Pour 17, Contre 23, Abstained 0, Not Present 7*

<b>POUR</b>	<b>CONTRE</b>	<b>ABSTAINED</b>	<b>NOT PRESENT</b>
Deputy Sillars	Deputy O'Hara	None	Deputy Soulsby
Deputy Luxon	Deputy Quin		Deputy Stewart
Deputy Hadley	Alderney Rep. Jean		Deputy Le Pelley
Deputy Harwood	Alderney Rep. Arditti		Deputy Collins

Deputy Kuttelwascher  
 Deputy Domaille  
 Deputy Langlois  
 Deputy Robert Jones  
 Deputy Le Clerc  
 Deputy Sherbourne  
 Deputy Storey  
 Deputy Bebb  
 Deputy St Pier  
 Deputy Spruce  
 Deputy Adam  
 Deputy Perrot  
 Deputy De Lisle

Deputy Brehaut  
 Deputy Gollop  
 Deputy Conder  
 Deputy Lester Queripel  
 Deputy Gillson  
 Deputy Ogier  
 Deputy Trott  
 Deputy Fallaize  
 Deputy David Jones  
 Deputy Laurie Queripel  
 Deputy Lowe  
 Deputy Le Lièvre  
 Deputy Duquemin  
 Deputy Green  
 Deputy Dorey  
 Deputy Brouard  
 Deputy Wilkie  
 Deputy Burford  
 Deputy Inglis

Deputy Paint  
 Deputy Le Tocq  
 Deputy James

985       **The Deputy Bailiff:** Members of the States, the voting on the motion pursuant to Rule 13(6)(a) proposed by Deputy Hadley is as follows: there voted *Pour*, 17; *Contre*, 23. There are seven Members not present at the time of the vote. So, there were 40 Members voting: 17 is greater than one third of the Members voting in support of the motion, and so I declare the motion successful. The amendment will not be debated and no vote will be taken thereon.

990       We will move to the next amendment which is that to be proposed by Deputy Fallaize, seconded by Deputy Jones, which will substitute Proposition 36.

I invite Deputy Fallaize to move his amendment.

**Deputy Fallaize:** Thank you, sir.

995       I suppose somewhere I must have drawn the short straw, when 21 amendments are submitted and I get listed as 20 and 21 on the Agenda, (*Laughter*) but I will try to enthuse Members in debating the amendment which deals with political oversight of the Population Management Regime.

1000       I suppose some Members could say, ‘Well, can’t all of this stuff be sorted out at a later date?’ And my answer to that is, yes, it could be if the Policy Council had decided to do it that way; but the Policy Council has not decided to do it that way. Instead the Policy Council at Proposition 36 is asking the States to commit today to giving it, the Policy Council, responsibility for the political oversight of the Population Management Regime and because I strongly disagree with that Proposition, I am laying this amendment today.

1005       Now, obviously – and there is agreement between the Policy Council and me in this respect and I doubt that any Member would dispute this – the States of Deliberation will have to retain responsibility for the legislation underpinning this regime and for the major policies underpinning this regime; but some functions will inevitably have to be delegated. We cannot, for example, sit as an Assembly to determine every application for an Employment Permit. The basic administration of the regime, and also the political oversight of the regime does need to be delegated to somebody, to some sub-committee of the States, if I can put it that way, and I think that it is premature at best for the States to decide today that the body to which those functions should be delegated is the Policy Council.

1015       It is possible, after the States Review Committee’s review of the machinery of Government that there will still be a Policy Council as we know it today; but, it is only possible. It is possible, after the States Review Committee’s Review of the Machinery of Government, which includes the allocation of functions between Departments, that the States will decide, upon consideration, that the Policy Council is the best body to which these population management functions should be delegated and this amendment does not preclude that outcome. This amendment does not propose that under no circumstances should the Policy Council have responsibility for the regime; but I think it has to be accepted that the Policy Council was not set up to be an eleventh States Department, sitting on top of the other 10 Departments and gradually absorbing the functions of the other Departments where, for whatever reason, it believes those Departments are not capable of undertaking them.

1020       The Policy Council is not an executive. It is not a cabinet. With the exception of External Relations, and one or two other quite discrete areas of policy – Overseas Aid is one, the States as employer is another – the Policy Council’s explicit role is to advise the States and to co-ordinate strategic policy between Departments; not to develop policy on its own, but to co-ordinate strategic policy. That is what its job is.

1030 Ministers might point to a part of the Policy Council's mandate, which is:

'to ensure appropriate responses to strategic issues... including any population and migration measures considered necessary;'

1035 But we should not be fooled by that, because that relates to strategic and corporate policy. In fact, that bit of the amendment sits below a sub-heading which reads, 'Strategic and Corporate Policy', and that is why the high-level policies of this regime have been developed by the Policy Council. My amendment does not, in any way, interfere with that.

1040 This amendment is about which body has political oversight for the Population Management Regime once it is in place. Who is it who has political responsibility for the present, albeit imperfect, population controls that we have? It is not the Policy Council. It is the Home Department, to a relatively minor extent, through the Immigration Regime; but, in the main, it is the Housing Department through the Housing Control Law. If Proposition 36 is carried unamended, a not insubstantial area of policy will have been centralised under the remit of the Policy Council and Ministers alone.

1045 Sir, apart from the fact that is not consistent with our system of Government, it creates an even bigger problem, and that is that it involves the Policy Council at a level of policy detail which was never intended of it in the first place and which would prevent it, because the more policy detail the Policy Council absorbs, the less time it has to commit to doing the strategic policy coordination which it was set up to do, and I do not think we should encourage the Policy Council to get itself involved in a very detailed level of policy. What it needs to do is co-ordinate at the very highest level of what we tend to call, imperfectly, perhaps, 'strategic policy'.

1050 Now, an argument could be put that while population actually affects lots of different Departments, and therefore the Policy Council has to absorb it; but actually if you take that to its logical conclusion, that becomes an absurd argument. Housing affects health and education. 1055 Education affects social welfare and economic development. Economic development affects health, crime and the revenues of the States. But all of those functions sit within States Departments and so should all of those functions be centralised under some single all-knowing, imperious Policy Council? Maybe, they should be. But that is cabinet government, and I do not think that we should enter into that territory by stealth.

1060 Maybe there are good arguments in favour and maybe there are bad arguments in favour, but we should have those arguments openly and transparently and make informed decisions and not enter into that by stealth.

1065 **A Member:** It is true.

**A Member:** Hear, hear.

1070 **Deputy Fallaize:** Sir, if I was a civil servant...and I do not seek to impugn civil servants who have been involved in the development of this policy, because as I have already said, I think this document is one of the best and most well written clearest documents that I have ever had presented to me as a Member of the States, but if I was a civil servant and I did not want too much political oversight of whatever area I was responsible for, I think my first suggestion would be to delegate, to move my area of responsibility into the mandate of the Policy Council. That is not a criticism of the Policy Council or the Ministers who sit on the Policy Council, but it is a fact that, 1075 in the main, the Ministers must be the busiest Members of the States because they are leading, often very busy Departments and trying to take an interest in all the other Departments so that they can properly fulfil their role of strategic co-ordination.

1080 Sir, the Policy Council is a busy body – and I do mean that as two words, sir (*Laughter*) – but I am absolutely convinced that if the States delegates political oversight of the Population Management Regime to the Policy Council and to the busiest Members of the States, the effect of that will be to have no effective political oversight of the Population Management Regime, and I do not think that is in the best interests of the States or of the regime itself. It may be that the Policy Council is suspicious of this problem itself because at paragraph 6.4 of its Report it speculates that:

1085 'One possibility would be for the Policy Council to create a Sub-Committee to fulfil its responsibilities under the new regime. This might include States Members who are not members of the Policy Council.'

1090 Well, if one thinks about that for a moment, in respect of this sub-committee, if the Members of the sub-committee are appointed by the Policy Council, then obviously the accountability for

oversight has to remain with the Policy Council and the sub-committee becomes not much more than a charade. If, on the other hand, the members of the sub-committee are elected by the States, it is actually a sub-committee of the States, but called a sub-committee of the Policy Council, and that is a very good way of splitting accountability and dividing accountability and creating a complete mess. I think that this idea of a Policy Council sub-committee, which involves other Members of the States, really has been thrown into this Report as a bit of a sop. I do not think it has been terribly well thought through and I think it is sure fire way of creating something that is pretty dysfunctional.

I am not suggesting the creation of a whole new States Department and a permanent bureaucracy to serve that Department. I do not think we need a Minister of Population – actually we do not need a Minister of anything, because we do not have a ministerial system of Government – and they are chairmen or presidents presiding over their committees, but that is perhaps another debate for another day... I do not think we need... I am not suggesting that we need a separate Minister for population – I think that would be ridiculous – but a disadvantage of our present system of Government is that we all become slaves to uniformity.

We have this view that everything Government does must be chopped up in 10 ways, and each of those must be called a States Department and each of those must have five Members and each of those must have a Minister, and all of those Ministers must sit on the Policy Council. I do not think that that uniformity necessarily gets the best out of the 47 Members of the States. Just take a hypothetical example: if there is a Member of the States, who is not a Member of the Policy Council, who is particularly capable or interested in... I do not know, something like external relations, then I do not see any reason why that person could not be used for the benefit of the Island and for the benefit of the States in the area of external relations, and if it happens to keep the Member well away from domestic policy, then maybe that is not such a bad thing. *(Laughter)*

But I think these kind of examples... there are examples of where States Members have particular interests or particular experience and they can be deployed in particular ways, that they perhaps happen not to sit on the Department or the group which that function has happened to be collected under the for the sake of splitting up Government in 10 separate ways, and if the oversight of this regime, this Population Management Regime does not sit comfortably with any existing States Department – and I can understand that – then why should it be pushed upwards to the Policy Council, which is meant to be dealing with the co-ordination of the highest level of strategic policy?

Given that the legislation underpinning this regime in all the major policies will already have been determined by the States, why cannot, for example, the States form a very small group – call it a population group, a population board, a population authority, whatever it is – say three States Members, and elect them to have political oversight of the Population Management Regime? Now, I do not put that forward necessarily as the best model. I think it is one model, among many, which needs to be considered, certainly after the States Review Committee has reported for the first time and, if possible, after it has reported for the second time. I think when there is a machinery of Government review going on, which will report in the next six or nine months, it is certainly premature for us to start delegating additional functions which in effect sit in States Departments at the moment into the hands of the Policy Council. As I say, I do think it has the effect, if we continue to do that, of preventing the Policy Council from doing the strategic coordination job that it is meant to do.

So, sir, I think that deals with the new Proposition 36 which Deputy Jones, my seconder, and I are trying to insert and consequential changes to Propositions 37 and 38.

There is one final item in the amendment at the end of the new Proposition 38, which is:

‘... further to agree that the terms of reference and membership of the Advisory Panel shall be determined by the States of Deliberation only.’

I have to confess to having one or two reservations about this Advisory Panel because I think that in terms of perception, there is the perception of one or two sectors of the community or lobby groups having a particularly strong influence over States policy and I think that would be regrettable. But I am prepared to be persuaded that this Advisory Panel could be of some value, but if the membership and the terms of reference of the Advisory Panel remain in the hands of this Assembly. The Policy Council actually speculates in its Report that it might be minded to construct it in that way. I think that should be stuck down in the States resolutions today.

Sir, a Prime Minister of France, Clemenceau, said:

‘War is too important [a matter] to be left to the Generals.’



Sir, I submit that population policy is too important a matter to be left to the Ministers.  
Thank you, sir.

1155

*Amendment:*

*1. To delete Proposition 36 and substitute therefor:*

*'36. To agree that:*

1160

*(a) the States of Deliberation will retain responsibility for setting the objectives of the population management regime and for determining all substantial policies relating thereto;*

*(b) it would be impractical and improper for every matter concerning the management of the new regime, including applications for permits, to be put before the States of Deliberation;*

1165

*(c) in order for the population management regime to function effectively, the States of Deliberation will need to delegate certain functions of the regime, including: the development of policies which are of a level of detail so as not to require the approval of the States of Deliberation; the political oversight of the day-to-day administration of the regime; and the monitoring and publication of information concerning the size and make up of the population;*

*(d) such functions shall need to be delegated by legislation or States Resolution to an existing or new Department, Committee or other similar body of the States;*

1170

*(e) any decision about the Department, Committee or other similar body of the States to which it would be most appropriate to delegate such functions should await, and be informed by, at least the first, and if possible the second, report which is to be laid before the States of Deliberation by the States Review Committee and which is to contain proposals for the future of the machinery of government.'*

1175

*2. In Proposition 37, to delete the words 'the Policy Council,' and substitute therefor 'whichever Department, Committee or other similar body of the States to which the States of Deliberation resolve to delegate population management functions,'.*

1180

*3. To delete Proposition 38 and substitute therefor:*

*'38. To agree to the establishment of an Advisory Panel to provide independent advice in relation to population management policies to whichever Department, Committee or other similar body of the States to which the States of Deliberation resolve to delegate population management functions, and further to agree that the terms of reference and membership of the Advisory Panel shall be determined by the States of Deliberation only.'*

1185

*'38. To agree to the establishment of an Advisory Panel to provide independent advice in relation to population management policies to whichever Department, Committee or other similar body of the States to which the States of Deliberation resolve to delegate population management functions, and further to agree that the terms of reference and membership of the Advisory Panel shall be determined by the States of Deliberation only.'*

**The Deputy Bailiff:** Deputy David Jones, do you formally second?

1190

**Deputy David Jones:** I do, sir. Yes, thank you.

Can I speak now?

**The Deputy Bailiff:** Of course you can.

Deputy Jones to speak.

1195

**Deputy David Jones:** When I first discussed this with Deputy Fallaize, actually some of the things he had to say reflected some of reservations that I have had all the way through this process, going back four or five years, about where this eventually was going to end up.

1200

The Report quite rightly puts in its Report about having a statutory body that would oversee the day-to-day running, and while I have some reservations about that statutory body, I think that the political oversight of that body is not close enough to the coalface for my liking.

1205

As Deputy Fallaize has already said, the Policy Council is extraordinarily busy. All the Ministers are working long hours trying to keep their Departments functioning and doing all the things that they have to do and on top of that they are members of the Policy Council, which gives them another telephone directory of papers every week and they are on other different sub-groups, and myself, for External Relations, the Manual Workers' Pay Group and the Population Working Group. So there is a huge amount of work that is delegated to Ministers already.

1210

It is in the Report that the Policy Council has thought about this because they have put in their Report talking about a sub-group; but I believe that we are a long way off from having to decide this yet. This is going to take, if this is passed today, which I hope it is – and despite my reservations on some of the issues, I do support the Report – there is going to be a 15-month, probably, lead-in until we decide how this whole thing is going to hang together and of course, in the meantime the Policy Council has to come back with a lot more of the detail of these proposals.

1215 So, in that regard, we are in no real hurry. My favourite is that we would actually have a 'Population Office' where staff from the Housing Control or whoever it is would be transferred through to operate this system – they are going to have to come from somewhere – but it is the oversight of that particular office.

1220 Deputy Fallaize in his speech raised a good point, and that is about the influence of powerful factions outside the States and business groups who will always try and put pressure on whoever it is in charge of issuing Permits. We know that, having sat on the Housing Department for 13 years, and I know that we come under huge pressure, as a Board, from all these powerful factions about, 'We need more Licences. We need longer Licences', and, of course, that will include States Departments and they will always be fighting their corner for more, more, more, and every IOD debate, Housing goes, I am invited. So I could be beaten up on the floor of the IOD (*Laughter*) because of the length of Licences or lack of them or lack of forethought about the economy and just about everything else.

1225 The Chamber of Commerce has tried over the years to talk about Licences and the length of them. So the influences outside the States are always putting constant pressure on our Department for more, more, more, and believe me, when it comes to a Permit system, that will not change; in fact, it is likely to intensify.

1230 I believe that what we should do, and it will be for... I think Deputy Fallaize is absolutely right, because I do not believe there is any rush. We should get the review into the machinery of Government back and let us see where that is all going to hang together. What you are prepared to support and what you are not. Then once you have done that, you can decide how this Population Office should be overseen by some political accountability, because just to have a statutory body with no political accountability other than the Policy Council that actually is so busy, what will happen is it will gradually delegate more and more and do very little, in my view, is not political oversight and the political accountability that the public expect us to have will most certainly disappear over the years.

1240 So my view would be that we do have a Population Office and three Members of this Chamber, and not Ministers – in fact, I would make that a pre-requisite, but they would not be Ministers – who are universally respected by this Chamber, who are people that you can have confidence in and trust to form a political body to oversee the statutory authority that issues these Permits. Many of those Permits – and I do not mean that those three Deputies should be interfering on a daily basis, telling these statutory officials what they should be doing, because that is not how it works now... Most of what is passed by the Housing Department's Housing Control Section is done under policy. The only time that the Board gets involved as a Board is on Long-Term Licences, 15-year Licences; Compassionate Licences; Special Circumstances. All these kinds of areas, which is its proper role, and they will not go away because you are still, under the Permit system, going to be required to issue Compassionate Permits and Permits Under Special Circumstances, and they will not fall under a nice, neat black-and-white Government policy – in fact, as now, they will require the judgement of Solomon on occasions to resolve.

1245 So that is, I believe, where that political body, apart from making sure that the statutory officials are not inundated with pressure from external factors, which is going to be inevitable... that is where that small political group will actually be asked to give its view in certain areas. So I am not asking for political involvement in the day-to-day administration of the Permit system because that is simply is not feasible, and any way most of it will fall under black-and-white policy that is laid out in this document and the detail which will come back as amended; but it certainly should not be the Policy Council in my view.

1250 So that is why I am supporting Deputy Fallaize's amendment, which is highly unusual, because we are usually on different sides. I think he does talk an enormous amount of common sense on this and the fact that he is also on the Government Review Group, you can ignore that somewhere this is all going to fit into that review, and just to ignore it at this stage and say, 'Well, we will just carry on as we are and we will just kick it upstairs to the Policy Council', is not in the best interest of this Assembly or in the best interest of the community.

1255 I will say something else. Once you have lost political oversight of anything, the public have lost confidence in you and that is the real problem. You are elected to be accountable to the people of which we serve and once we delegate that to a higher level where we know that the people who have got the job simply will not have the time to do that job properly, then you have lost control of it, as a political body, and the public will have lost confidence in all of us.

1260 So I hope you do pass this amendment. I do not think it needs a long debate really. (*Laughter*) I think that Deputy Fallaize and I have laid out the stall fairly comprehensively and it is a bit of a no-brainer, to be honest.

1275 **The Deputy Bailiff:** Deputy Green, to be followed by Deputy Domaille, to be followed by Deputy Conder.

**Deputy Green:** Sir, Members, I think at this stage I will probably support this amendment. I do have some reservations, and I will come onto those in a moment and hope that Deputy Fallaize will be able to address some of those concerns when he stands up at the end.

1280 When I first saw this amendment, I must say that although the date at the top on the right says 26th June 2013, I looked at the typeface and wondered whether I had actually got an amendment from 1913. (*Interjections*) I am not quite sure whether Deputy Fallaize used an ancient typewriter.

But putting that one quibble to one side, I would suggest the content of it is rather impressive and he made a good speech in support of it this morning.

1285 Frankly, the Policy Council must have enough on its plate right now already. Let us not add to their burden. I quite agree that it should be this body, the Assembly, the States of Deliberation which retains responsibility for setting the objectives of population management. I certainly agree with Deputy Fallaize with his comments about not proceeding to cabinet government or executive system of government by stealth – that is quite wrong. (**A Member:** Hear, hear.) If we want to do that – it is a big ‘if’, and I am looking at Deputy Bebb at that point (*Laughter*) – and if that is the direction we want to go in, it should be via the front door and not the back door. (**Several Members:** Hear, hear.) But within the current system of Government that we have, I sincerely believe that it ought to be this body which retains that responsibility, subject, of course, to the delegation of day-to-day functions to the appropriate body with political accountability.

1295 Deputy Jones talked about the case for a Population Office, and I quite agree with him. I quite agree with the idea of having, maybe, three Members of this Assembly, not in the Policy Council, on that. Of course, and totally stealing the thunder of my Castel colleague, Deputy Duquemin here, that is not actually in this amendment. There is nothing specifically about that here. So that is a slight qualm that I do have here.

1300 The other concern that I have relates to the third point in Deputy Fallaize’s amendment concerning this Advisory Panel and the amendment on the Advisory Panel, because I think the concept of that, which obviously is in the Policy Council’s document, raises concerns for most ordinary people looking at this from a commonsense point of view: do we really need that? Do we not have enough advice already from the law officers and from the civil servants? Do we really need that extra body and that extra layer of bureaucracy? I am sceptical of that. I am think that might be one step too far. I appreciate the fact that this is seeking to amend the Advisory Panel recommendation in the Report, but I am not entirely happy with that.

1305 Putting that to one side, I think, on balance, I probably can support this amendment, but I probably would look to Deputy Fallaize to address those concerns specifically to some extent when he sums up at the end.

Thank you.

**The Deputy Bailiff:** Deputy Domaille.

1315 **Deputy Domaille:** Thank you, sir.

I agree with Deputy Jones, and so I am going to be brief. I do not think it needs a long discussion. I actually will be supporting the amendment. I agree with the general thrust and the principles behind it.

1320 I agree with some of what Deputy Jones said, but I have to admit I really cannot support the notion of a statutory body. I think if we are really saying that we, as politicians, should have control over the population management issues policy... that we should not have that. I will expand on my reasons for that in general debate; but, in the meantime, I will be supporting this amendment.

1325 **The Deputy Bailiff:** Deputy Conder.

**Deputy Conder:** Thank you, sir, and Members of the Assembly.

I am a Member of the States Review Committee and so in many ways what I am going to say is informed by that.

1330 Like Deputy Green, I was impressed by the typeface. I happen to know it is a Remington 1931 – Deputy Fallaize’s birthday present (*Laughter*) – and without any sign of Tipp-Ex. So I compliment him on that. (*Laughter*)

1335 Sir, we have heard a number of excellent speeches. Deputy Fallaize's and Deputy Jones' presentations really summed it up and I do not want to delay this, because I think I will support all of the parts of this amendment.

I do wonder why the Policy Council – in what is an excellent document, which has already been said and for which they have been complimented on and I add my compliments to that – would wish to take this on, and I am sure the Chief Minister will, perhaps, comment on that in his response.

1340 What I have learned from being a Member of SRC, the States Review Committee, is that, of course, as a new Member you need it emphasised that this Assembly is the Government – all 47 of us are the Government. The Policy Council co-ordinates policy and it does not, I would suggest, want to take on the responsibility for managing our population policy – that belongs in another body.

1345 I believe, as Deputy Fallaize has so very eloquently said, it belongs in a Department, and so I would recommend to our colleagues in the Policy Council that they do not want this; that this amendment relieves them of that problem. I would also say, if I might, and I think I have said it elsewhere – again, as a new Member – that one of the most opaque parts of Government for me are the sub-committees of the Policy Council. I cannot see into them. I do not see anything and they are a bit of a black hole, I suppose. I cannot see into them and nor can I see anything coming out of them.

**A Member:** That is the nature of a black hole. (*Laughter*)

1355 **Deputy Conder:** Indeed, that is why I used the term. (*Laughter*) That is probably very unfair to members of the Policy Council who are working very hard. I apologise for that, but that is how it feels, and I do not think you want to create another sub-committee of the Policy Council.

1360 Finally, my last comment is that I, too, as with previous speakers, have concerns about quasi-judicial bodies, such as advisory panels. Deputy Fallaize has included in his amendment to Proposition 38, it would do the job for the time being. I will support it, but support it with some reluctance. I think, as Deputy Green says, it is this Assembly's responsibility to manage detailed policy or to oversee detailed policy, not a quasi-judicial arrangement. I do feel nervous about that and I would be interested in how Deputy Fallaize sums up and the Chief Minister's response.

1365 On balance, I will vote for it, but I am a bit nervous.  
Thank you, very much, sir.

**The Deputy Bailiff:** Deputy O'Hara to be followed by Deputy Gollop.

1370 **Deputy O'Hara:** Thank you, sir.

I think I am going to support this amendment totally. For a considerable time I have felt that Members of the House should be involved with the groups that the Policy Council have. I made it clear in the last Assembly and I have made it clear this time.

1375 If we are going to truly govern together, we must be together, and there are times when I feel that we make decisions when having people from the House on our groups would be beneficial. Why? Because those groups will talk to other people, within the floor of the House, at the same time. So I think this could be a start of a different approach. I think it could be a start of full integration of people from the floor into the Policy Council groups and I think it would lead to a far better Government.

1380 **The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Yes, sir.

1385 I support the amendment, too, and what Deputy Fallaize said, because I am one of the longest serving Members of the States now and I have certainly seen a massive sea change from the late 1990's. In that era it was expected that the representatives, whom the public voted for, would actually be, in a sense, running the Government, and since that time we have seen an enormous array of quangos, statutory bodies, commercialisation and other endeavours, which in many cases has continued the operation of issues in the public domain, but outside of political control and that puts the elected representatives in a very peculiar position because it is sometimes difficult to have a debate on the topics, to ask questions or to have any sense of ownership at all in working on the public's behalf. It creates apathy towards Government, an alienation effect and a sense of being disempowered.

1395 It also has to be said that – if I can be forgiven for saying this – people involved with the statutory bodies are inclined to be successful individuals, perhaps not on low incomes, and are therefore further distanced from the rank and file of the public. So, for those reasons, I think it is important to have a degree of political oversight and to see where this goes, because effectively we are going to vote for the end of the Housing Department’s say on these matters.

1400 And, again, this is an anecdotal view of mine, which you could actually prove with evidence, but I would say that historically many people who sat on Housing have been more socially minded or concerned about over-population of the Island, compared to some other Members who wanted to serve more on commercial Departments and if, of course, you are losing that dimension to a body, which perhaps would just reflect interest groups who were active in business, the balance would be seen to have gone too far. So I support the amendment.

1405 **The Deputy Bailiff:** I do not see anybody else.  
Deputy De Lisle.

1410 **Deputy De Lisle:** Yes, I just wanted to briefly say, sir, that I also support Deputy Fallaize and Deputy Jones in this amendment, and that is defusing, almost, the responsibility with respect to the management of any Policy Management Regime more broadly than the Policy Council. In fact, I have felt very often that the Policy Council is holding too much to its chest, in terms of the sub-groups that it has, and not perhaps involving enough of the States Members, with regard to many of these sub-groups.

1415 So I think this, to me, is a direction that we should be following in future and certainly seeing far broader representation on any of these sub-groups and, as Deputy Fallaize says, the Policy Council holding that overview of the States as a whole; but not perhaps getting enmeshed in the day-to-day detail with respect to a management regime of this type.

Thank you, sir.

1420 **The Deputy Bailiff:** Is there any Member who wishes to articulate a different point of view and speak *against* the amendment because I would be encouraging them to speak sooner, rather than later?

I am going to call Deputy Duquemin next.

1425 **Deputy Duquemin:** Thank you, Mr Deputy Bailiff.

As my colleague, Deputy Green, did say... he did steal my thunder a little on a point that I made to him, but I will ask the question of Deputy Fallaize.

1430 The first thing I would like to say – continuing a theme of my previous speech and also of a number of comments – is that this is certainly one amendment that did look good on paper. *(Laughter)* So congratulations there. I have got a quill pen for Deputy Fallaize to autograph my copy later. *(Laughter)*

1435 My question is fairly simple. I am a Member who is more interested, possibly, in progress than process and my question is quite simple. In his speech in seconding the amendment, Deputy David Jones – I think I heard correctly and I did check with a colleague – said, ‘There is not any rush on this’, and I will check the words that he said...

1440 My question is simple: with this amendment, when this gets passed and when the amendment... obviously with the amendments and when the resolutions get passed, who is this going back to, to carry on the good work that you, Deputy Fallaize, mentioned in your speech, that is carried out in this document, because point (e) in Deputy Fallaize’s amendment of 36 refers to the States Review Committee and waiting for the decisions of that before we decide where this workload sits?

1445 My concern and my question is simple: when we finish this meeting today or in two weeks’ time, *who* is going to do the work to make this happen, because I do not want it to go and disappear into – as Deputy Storey mentioned – a black hole? We cannot wait until 2016 for there to be any certainty over who is doing the job because in 2016, as Deputy Fallaize said, there may be no Policy Council and there may be different Departments, but we should not wait until then before actually saying, ‘Let us get on and let us get the job done.’

Thank you, sir.

1450 **The Deputy Bailiff:** I do not see anyone else rising and so Chief Minister, I turn to you to reply on the debate on the amendment moved by Deputy Fallaize, seconded by Deputy Jones.

**The Chief Minister (Deputy Harwood):** Thank you very much, sir.

1455 May I say the answer is that I fully agree with Deputy Fallaize's analysis of the role and functions of the Policy Council. I would also wish to make it clear to this Assembly that Proposition 36 was not intended to be a power grab by the Policy Council and I have to say that I confess myself somewhat agnostic on this amendment. In putting forward the Propositions in the Report, I recognise that there was no particular existing Department within our system of Government with which political oversight would obviously rest for the functions going forward.

1460 The amendment seeks to ensure the Policy Council does not assume responsibility for the new Population Management Regime and what it does not do, however, really – and I think this is echoing Deputy Duquemin's point – is come up with a practical suggested alternative at this stage.

1465 In answer to Deputy Duquemin, the position is that the Policy Council is still charged to bring the new regime forward and so the work developing the regime will still continue under the auspices of the Policy Council. What we are looking at here is the ongoing governance once the new regime is in place. The Report explains there needs to be an improvement in co-ordination between different areas of States policy which affect the management of the Island's population, and it is in that context that it is felt, perhaps, in its role as coordination, the oversight might fall with Policy Council.

1470 As I say, Deputy Fallaize believes that an alternative option might come out of a future debate on the future of the machinery of Government, and then we can all look forward to that debate. In the meantime, sir, I would suggest that it would be unwise and I might even say, perhaps – and no, I will not use the word 'irresponsible' ... to suggest that we wait until that time before we actually identify clear political accountability for the governance and the implementation of the new regime.

1475 On balance, I will be voting against this amendment; but, as I say, I am somewhat agnostic on that. Other members of the Policy Council, as is obviously already apparent, will be voting according to their own dictats.

1480 **The Deputy Bailiff:** Deputy Fallaize, then, to reply to the debate on the amendment that he has moved.

**Deputy Fallaize:** Thank you, sir.

1485 I will deal with Deputy Duquemin's point first, and I was surprised that it was just him who raised that point.

1490 What Deputy Harwood said is quite correct, that if this amendment gets through, the next phase of the development of the new Population Management Regime remains with the Policy Council, because that is the development of strategic policy. In fact, if one refers to the Propositions – presuming they are going to get through, which they are – it is implicit, at least, in all of these Propositions and in fact there is a Proposition 44:

'To note the Policy Council's intention to return to the States with further detailed recommendations during the development of the new Population Management Regime.'

1495 Well, this amendment does not interfere with that and I will be voting in favour of that Proposition because the Policy Council has started this work and it needs to finish it. It needs to bring to the States the final regime, all the legislation and all the headline policies.

1500 This amendment deals with, after that stage, which body has political oversight for the administration of and the application of the regime and also for the lower level policies which need to be developed, because let us not imagine that once the States puts in place the legislation that underpins this regime and the headline policies, that that can be part, and then some statutory official or member of staff can just get with dealing with permanent applications, because there is a big gap between there. There will need to be some lower-level policy developed to ensure that States policies and the legislation are applied reasonably and there is a gap between the decisions of the States and the statutory official or the member of staff or whoever it is, that the Policy Council is proposing filling that gap with itself and for all the reasons I set out in my opening speech, I do not think that is equipped to do that job or that it is the job it should be doing and that is why I am laying this amendment.

1510 I thank Deputy Jones for seconding this amendment and he is the most experienced Minister sitting on the Policy Council and if he is saying the Policy Council cannot really carry out this task of political oversight, then that is good enough for me.

Incidentally, if the second most experienced Minister, who is Deputy O'Hara, is saying the same thing, then that is also good enough for me, and I thank Deputy O'Hara for his support and for Deputy Domaille's support. I think it is quite clear, actually that the Policy Council cannot

1515 make a particularly strong or coherent case as to why it should have responsibility for political oversight of the regime and I think that this Proposition 36 is erroneous.

As Deputy Jones said, it will be some time before the regime is in place and in the meantime the States Review Committee will report back at least once, probably twice, before this regime comes into place and the States will have a debate. It will probably be a long debate, an involved debate. There might even be more than 21 amendments on that occasion and the States will resolve the future shape of the machinery of Government, and part of the task the States Review Committee is undertaking at the moment is considering whether we have the right functions allocated in the right Departments and committees, which fall squarely under this amendment. So I think we should wait for that committee to carry out that work before deciding that we want to allocate these very detailed functions to the Policy Council.

1520 I am afraid, in answer to Deputy Green's question, my friend Deputy Conder was right, that this amendment was written on a typewriter – not quite back to 1913 or 1931, actually, but 1941, the Imperial model T typewriter. (*Laughter*) I can recommend it to anyone and I thank my wife for a very decent birthday present. (*Laughter*)

1530 Concerns were raised about part 3 of this amendment and I think I have to point out, and I am sorry to be old fashioned, but this is actually an amendment. It is not trying to substitute something entirely different. The Policy Council is proposing an Advisory Panel. I am suggesting that if the States wants an Advisory Panel, its terms of reference and its membership should be determined by the States of Deliberation. So that is why I am asking the States to vote in favour of section 3 of this amendment.

1535 If, however, once or if the amendment is approved and we have this new Proposition 38, if the States does not want an Advisory Panel, then it just votes against Proposition 38 when those Propositions are put at the end of the debate. My amendment does not tie the States to having an Advisory Panel. It says that if you want an Advisory Panel, if you are going to vote for Proposition 38 at the end of the debate, then I think that the way set out in my amendment is the right way to construct it.

1540 And, no, I have not proposed prescriptively which body should have political oversight of the Population Management Regime; that is precisely the defect in the original Report which my amendment is trying to put right. I think that in advance of the States Review Committee's review, it is premature to put in place or to determine which body should have those functions delegated to it and I did not want to replicate those defects by suggesting which body it is. But I think at the moment – and Members who sit on the Review Committee will know why I am saying this – it is probable... well, possible, perhaps, that my view at the moment would be that to have a separate population office or a population authority, whatever they are called, with three Members of the States elected by the States, to discharge the function of providing proper political oversight in accordance with all the legislation and policies put in place by this Assembly, is probably a better model than it sitting in one of the existing States Departments or the Policy Council. That will have to be developed and I would envisage that when the States Review Committee Report comes back, if it knows this amendment has got through and there is this resolution sitting there, I would imagine the States Review Committee would want to refer specifically to where it would envisage population management oversight sitting post-2016.

1555 Finally, I agree with Deputy Conder. I was surprised the Policy Council wanted this task, because I understand the argument about corporate policy, but I really do think that the more time that the Policy Council spends involving itself in very detailed level of policy, which is proposed here, then the less time it will have for strategic coordination, which is the job the Policy Council really does need to focus on. Therefore, sir, I ask Members to support the amendment.

Thank you, sir.

1560 **The Deputy Bailiff:** Deputy Fallaize, can I just check with you? Are you regarding all three elements of the amendment as combined? Certainly, paragraphs 1 on Propositions 1 and 2 are interlinked, in my view; but Proposition 3 is partly interlinked and partly an addition. So would you seek a separate vote on Proposition 3?

1570 **Deputy Fallaize:** Normally we vote on the amendment together and then when the Propositions are separated at the end of the debate we can vote separately. But actually, as it happens, I agree. I think 1 and 2 of the amendment sit together and they have to be taken together, but 3 is separate, and if the States wanted to vote for 1 and 2 and against 3, or against 1 and 2 and for 3, or whatever combination, I do not see a problem with that, sir.

1575 **The Deputy Bailiff:** Mr Procureur.

1580 **The Procureur:** I hate to be pedantic, but a part of the amendment number 3, if one can put it that way, is consequential on the others because if that were voted against, then we would have a bizarre situation where this Advisory Panel would be providing advice to the Policy Council, rather than to the Department, Committee or whatever it is. So I think my advice would, sir, unless you have got a very strong reason for thinking otherwise, to do what we normally do.

**The Deputy Bailiff:** Take them together.

1585 **The Procureur:** Take them together and then Members can vote separately.

**The Deputy Bailiff:** And if there is any desire to have the last bit of substituted Proposition 38, then that can always come forward distinctly in any event.

1590 So let us take all three elements, all three Propositions within this amendment, proposed by Deputy Fallaize, seconded by Deputy David Jones. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare that carried.

1595 The final amendment in the package that has been circulated and left on your desks is an amendment to Proposition 1 that is to be proposed by Deputy Fallaize, seconded by Deputy Quin. I invite Deputy Fallaize to move this amendment and subject to what he says, I may be suggesting to Members that we run this amendment with general debate, if you are so minded, because it is covering everything.

1600 Deputy Fallaize to move the amendment.

**Deputy Fallaize:** Thank you, sir.

1605 I expected that a Report setting out a new Population Management Regime would include clearly among its objectives the need to fulfil or at least to contribute to fulfilling the Strategic Population Policy of the States, but that is a commitment which is conspicuously omitted from this Report; hence this amendment.

1610 I would accept, and I am going to say this before my seconder says it, that this is a rather verbose amendment, but then it is being proposed by me (*Laughter*) and actually parts (a), (b) and (d) to (g) of the amendment replicate paragraph 5.3 of the Policy Council's Report. I actually think that there is some merit in converting the aims of this regime, which at the moment are in the body of the Report, into the States resolutions. I think that would actually be the normal way of doing it, rather than saying the aims of the regime refer back to some other paragraph that you have read earlier. That is the not the real reason for laying the amendment. It is a tidying up exercise.

1615 The real issue with this amendment is at the new paragraph 1(c), Proposition 1(c) which Deputy Quin and I want to insert, and that is:

'To agree that the new population management regime should aim to be:

...

1620 (c) capable of fulfilling the strategic policies of the States, especially any strategic population policies of the States, including any which are in place at the time of the inception of the new regime and sufficiently flexible to adapt to any changes to such policies;'

1625 I advance two arguments for this amendment: one is that I think there should be a direct link in the States resolutions between the development of the regime and the Strategic Population Policy; and, secondly, without any hesitation, I say that I believe in and I want to emphasise the present Strategic Population Policy of the States.

1630 No Population Management Regime can be completely neutral or apolitical; there is a pretence about this Report that it can be, but that just is not true. Many of the amendments, which we have been debating over the last two and half days, have sought to make aspects of this regime more conservative or more liberal, and overall, once it is in place, the regime is bound to have a conservative flavour or a liberalised flavour – I use those words in lieu of better words which I could not find last night. But I think Members understand that what I am saying is that no Population Management Regime is neutral or apolitical.

1635 The regime needs to be flexible and adaptable and has to acknowledge that in the future the Strategic Population Policy of the States might be for the population to rise or for the population to fall, or for it to remain static, or for any other kind of population policy, and we do not want to have to change the whole regime in the event that the States amends the Strategic Population Policy. So the regime has to be flexible, but it cannot be turned into a chameleon. We cannot



1640 pretend that this regime is going to be all things to all men and I dispute that we can put in place a new Population Management Regime and then at some later date deal with the strategic population policies that we are trying to ensure that this regime fulfils.

My view is that as the regime is developed further, it should be anchored in the Strategic Population Policy of the States and therefore I think it is appropriate that the States resolutions should express the clear aim that the new regime is capable of fulfilling whatever the strategic population policies of the States are.

1645 Before I come onto the next bit of my speech, which is speaking, really, in support of the present strategic population policies of the States, if there are Members who disagree with the present policy, I think it is incumbent on them to come to the House and to make the argument against the present strategic population policies and not to use the details of a regime, which ought to be put in place pursuant to that overarching policy, to allow that policy to wither on the vine.

1650 So Deputy Quin and I say quite openly that we want the States to move as little as possible from the present Strategic Population Policy, which broadly, or literally is no net increase in population; but less literally, tends to be interpreted as exercising *restraint* in population growth. Other than a few city states, Guernsey has among the highest population densities of anywhere in the world. Guernsey is far more densely populated than major European countries and the other Crown Dependencies. It may be undesirable or impractical for us to work towards population decrease – I am sure it would be undesirable – and there are dangers in that, but I think there are also considerable dangers in us working towards or aspiring to significant population increase.

1655 The population obviously fluctuates according to the economy and Guernsey's history demonstrates that: as the economy goes through boom times, the population tends to increase; as the economy flattens out, the population tends to plateau. Obviously, while Government has levers and influence over population, we are not in a position of being able to dictate exactly what the population should be. We cannot sit here or stand here and say, 'The population in five years' time must be 63,000 people', and then try to put in place a regime which we expect to deliver exactly that number. So the Strategic Population Policy has to be an aspiration. There has to be an acknowledgement that it only an aspiration; but it is worth having that aspiration nonetheless.

1660 The last time the States debated the Strategic Population Policy and resolved that it should be what it is at the moment was in 2007, and that Report demonstrated quite well that the demographic time bomb will not be resolved through population growth, unless we are prepared to allow a very, very significant increase in population numbers. In fact, Jersey has just carried out a report looking at the relationship between its population level and dependency ratio and to make a significant difference to the dependency ratio in the years ahead, their Report looks at the possibility of net inward migration of 500 people per year, which would put up their population to 128,000 – that is the kind of population growth we need if we are going to try and use population growth to deal with the demographic time bomb.

1675 What the States considered in 2007 and rejected – wisely, in my view – was to aim for the next several years...decades actually, for a net population increase of 200 per year; but that Report demonstrated that that would have resulted in the 2040's, 2050's and 2060's in a very, very marginal improvement in our dependency ratio, only very marginal, and in the meantime it would have put all that additional pressure on the infrastructure and public services. So I think we just have to accept that we cannot buck demographic changes. The population is going to grow older and we just have to plan for that accordingly.

1680 In fact, encouraging population growth would likely make the problem worse because it would actually extend the period during which this time bomb is likely to explode, because if you look at the projections there will be a demographic problem and the time bomb will explode, but it is only for a period of time and then the dependency ratio starts to improve again. If we start looking at significant population growth to try and deal with this demographic time bomb, actually the period of the problem will simply be extended as well as adding pressure to the infrastructure, which is already under some strain. The likelihood is that if we do that we will actually step onto a population escalator and we will find that it will be impossible to step off at a later date.

1685 Members who do not believe that these aspirational population policies make any difference at all might care to look a few miles south to a jurisdiction, the name of which I have already mentioned. Jersey has had a more liberal population policy for some time and over the last 10 years their population has increased by more than 10,000 people. During the same period, Guernsey has had a more conservative Strategic Population Policy and our population has increased by around 3,000, and I ask anybody here, or anybody living in Guernsey: would we care to swap Jersey's economy and Jersey's quality of life for ours? Perhaps we should not pretend to be better than anywhere else and we certainly would not claim to be worse than anywhere else, but we are different. I think that our approach towards population, which has a restraining flavour, has

1700 been the wise approach. I do not apologise for wanting Guernsey not to be turned into a cross between Hong Kong and Milton Keynes.

Sir, I firmly believe that it is in our community's best interest to maintain and, as far as possible, to seek to fulfil a fairly conservative, cautious, restraining Strategic Population Policy and I believe these States resolutions, upon which the regime will be built, should include among their aims that the new regime is capable of fulfilling the strategic population policies of the States.

1705 I think we would expect to see that major proposals concerning the future of secondary education would be capable of fulfilling the strategic social policies of the States. I think we would expect to see that major proposals concerning the future of, say, direct or indirect taxation would be capable of fulfilling the strategic fiscal policies of the States, and in turn, surely there must be room for a commitment in these States resolutions that as it is developed, the Population Management Regime should be capable of fulfilling the strategic population policies of the States.

1710 There is still a great deal of work to be done in the development of the detail of this regime and when we leave this Assembly today, we have to be confident that we have given the direction that we wanted to give to the Policy Council in the development of this regime. We need to set the expectations that we have, and I think that one of those expectations should be that we ought to retain this *restraining* influence on the Strategic Population Policy of the States. I fully respect that there are some colleagues who disagree with that view and would prefer a more liberal approach to strategic population policy. I do not agree with them. I respect their right to hold that view; but, as I say, I think they ought to bring that debate to this Assembly and not move forward in the anticipation that there might be a regime which slowly could emasculate the more conservative Strategic Population Policy of the States, which has been in place for some time.

1715 So I hope, sir, that colleagues who favour a more liberal regime and colleagues who favour a more conservative regime, can at least agree that this regime, while it must be flexible and adaptable, should be contributing as far as possible to whatever the Strategic Population Policy of the States happens to be now or at any time in the future, and that therefore Members will accept my proposal to insert that commitment into the States resolutions today as set out in this amendment.

1720 Thank you, sir.

1730 *Amendment:*

*To delete Proposition 1 and substitute therefor:*

*'1. To agree that the new population management regime should aim to be:*

(a) *as effective as possible in enabling the States to manage the size and make up of the Island's population;*

1735 (b) *legally robust and designed to meet the Island's domestic and international obligations, taking into account that human rights considerations and the immigration regime are of particular significance in managing the size and make up of the Island's population;*

1740 (c) *capable of fulfilling the strategic policies of the States, especially any strategic population policies of the States, including any which are in place at the time of the inception of the new regime, and sufficiently flexible to adapt to any changes to such policies;*

(d) *sufficiently flexible to allow the States to respond wisely, and where necessary quickly, to economic, social and environmental changes, including to demographic challenges, without the need for changes to primary legislation;*

1745 (e) *supported by an efficient and flexible administrative process which contributes to making the Island an attractive place to live, work and do business and which is not so complex and bureaucratic as to deter people from using that process;*

(f) *capable of providing regular statistics to allow the States to monitor, and understand how the regime is affecting, changes in the size and make up of the population in order to ensure that the States is in receipt of as much information as possible when developing policies; and*

1750 (g) *transparent in its policies, procedures and rules in order that the public understands how and why decisions are being made.'*

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

1755 **Deputy Quin:** Yes, and I reserve my remarks.

**The Deputy Bailiff:** Thank you.

Having given an indication that I might be minded to run this in general debate, having listened to Deputy Fallaize, I think we might take this discretely. Who wishes to speak on this amendment?

1760 Deputy Harwood.

**The Chief Minister (Deputy Harwood):** Sir, it may assist the speed the debate if I speak now rather than waiting to sum up. I certainly speak for myself, but I think, probably, for other members of the Policy Council... happy to accept the principle that the aims set in paragraph 5.3 of the Report should be incorporated into a Proposition, and therefore there is not argument with Deputy Fallaize on that.

I also fully support Deputy Fallaize's suggestion that one of the aims should be to link into strategic policies of the States, especially in strategic population policies. The only fundamental change, I believe, sir, in the wording that Deputy Fallaize is proposing as opposed to the wording set out in paragraph 5.3 of the Report is that at 5.3 the Policy Council specifically refers to the States Strategic Plan; whereas, I believe that Deputy Fallaize is broadening that into talking about strategic policies generally. I think that is possibly semantics and therefore, sir, I would be perfectly happy to support Deputy Fallaize's amendment.

1775 Thank you, sir.

**The Deputy Bailiff:** Thank you, Deputy Harwood.

Does anyone wish to speak in the debate on this amendment? I do not see anyone rising. Deputy Fallaize, you do... Oh, Deputy Luxon.

1780 **Deputy Luxon:** Thank you, sir.

Sir, just briefly, Deputy Fallaize did not actually draft these amendments on his Remington typewriter because his wife gave him a birthday present; it was because Master Fallaize hogged the home computer to do his homework (*Laughter*) – I know this for a fact – and would not allow him access. So just for clarity.

1785 Sir, I was slightly worried about this amendment when I first read it. I was worried because it actually looked quite helpful and benign; therefore I was able to support it, until I looked at clause (c). I applaud Deputy Fallaize's political integrity, as in his speech he actually clarified that in fact clause (c) actually is a very powerful and a very significant clause insertion.

I am not going to be able to support this amendment, and the reason I am not going to be able to is that Deputy Fallaize rightly explains that in February 2007, when the States decision was in real terms to freeze population growth, although it did talk about net immigration of, I think, either 100 or 200 as he mentioned in his speech, and back then the population was at 61,175 people. We now know that our population is just over 63,000.

1795 One of the reasons that this clause concerns me greatly is that we do have an ageing demographic problem and we do have a major, major issue in terms of dependency ratios. Deputy Fallaize again articulately explained that right now for every one dependent, whether that is somebody on benefits or indeed pensions or whatever, there are four economically active members of this community supporting that one and that ratio will fall to two to one over the next 20 years. Deputy Dorey will be able to confirm that. The work he and his Department did when he was Minister of Social Security was excellent in terms of providing the data and the actuarial studies in terms of what our population numbers were going to do and the implications for both pension liabilities and also our economic capability.

1800 So the reason that Deputy Fallaize's clause (c) concerns me so much is not that I do not agree with him that we do not want to see significant population growth on our Island. Why would we want to see our 63,000 population mushroom to the 70,000 that perhaps it would need to be if indeed, we wanted to try and earn our way out of the problem that we will have? But my problem is that our current policy... and what Deputy Fallaize's amendment here is trying to do is to get us to commit to *existing* policies and resolutions and this population freeze is one of them, it means we would be tying our hands should we need a small amount of population growth. I agree with Deputy Fallaize. This Island does not want to see, I do not believe, any massive increase.

1810 Sir, I think it was last year – it may have been the end of 2011 – that Jersey conducted a census, and Jersey believed they had 91,000 residents in their island, while we had 63,000. That census told them that instead of having 91,000, they were actually at 97,500 – I hope my numbers are right, but certainly, scale-wise, that is correct – and they had made a commitment that they were happy to see their population increase from 91,000 to 100,000 to deal with some of their demographic problems and fiscal economic problems; but actually they were already almost there. As Deputy Fallaize said, that would probably have to lift to 128,000, which is just simply not credible and not sustainable.

1820 So, sir, I would urge Members, that this feels like a warm bath. It looks like a safe warm bath, maybe with a bar of chocolate on the side; (*Laughter*) but, sir, it is not, because what it would do is

1825 just tie our hands. It would hobble us in case we want an element of population growth, a *small* element, and before the financial market collapse in 2007, sir, it was well reported that Guernsey had 800 job vacancies within the Island, and not just in the finance sector. Eight hundred job vacancies. So, back when business was booming and demand had increased our numbers to be able to grow their business, 1,000 increase in population, sir, assuming it was all single families, which I realise is stretching the point, but a relatively small 1,000 or 1,500 people would have been able to fill those jobs and create economic value for the Island, provide income tax revenues, which would allow us to proceed with many of the social services and social plans that many of us wish to see happen over these next few years.

1830 So, sir, I just do not want this benign, innocent looking, comfortable, warm-bath-feeling amendment to actually allow us to make a decision that will just tie our hands and I will never use the words, 'unintended consequences' again, sir, I promise; but just stop us from having a tool in our box for a *small* amount of reasonable and logical population growth.

1835 So, please, sir, I just ask Members to reflect and not support this amendment.  
Thank you.

**The Deputy Bailiff:** Deputy De Lisle, Deputy Gillson, Deputy Dorey.

1840 **Deputy De Lisle:** Sir, I had some difficulty, actually, with the Propositions as they were written there in 7.2(1) with regard to the objectives of the new regime, and I am pleased that Deputy Fallaize has come out with this rewrite, that I feel is far more acceptable to myself. I note, particularly, (c) which I think is certainly more to my consideration with respect to embodying current Population Policy. I think that that is very important that it should be stated there.

1845 Unlike Deputy Luxon, who perhaps might want something quite different to allow that flexibility, but I have to point out to Deputy Luxon that despite the Population Policy that we have, we have grown by a couple of thousand above that with the Population Policy that we have. So there is some flexibility there, otherwise surely they would have come down and said, 'We have not been meeting that as we should have been with respect to the policy that is in place at the current time.'

1850 There is one other thing that I would like to just remark on and that is the section of monitoring the policy and the new regime in terms of statistics, and that is at section (f). I think it is very important that we see that that statistical monitoring and the generation of statistics is done through the statisticians within the Government and not necessarily have that to be embodied within this population management area that is defined in the future in either one Department or as a separate body, or whatever. But I think it is important that those statistics should come from a proper statistical section or unit within Government that they would be responsible for producing statistics and the population management group would be looking at managing population from that point of view and utilising statistics that are coming from a Government unit responsible for statistics in a broader frame, including population.

1855  
1860 But I would like to say that I support the rewrite, because I think it is certainly more apropos than the original that we have in the document here before us.

Thank you, sir.

1865 **The Deputy Bailiff:** I did not stop Deputy De Lisle from addressing the other sub-paragraphs of substituted Proposition 1, because I chose not to. But there is no need for Members to address anything other than paragraph (c) as that is really the only change, because the rest of it can be dealt with in general debate because there will still, if the amendment does not carry, be a cross-reference to paragraph 5.3 in the Report.

1870 So, Deputy Gillson.

**Deputy Gillson:** Sir, hopefully, I am not seen as somebody who overreacts, but I found some aspects of Deputy Luxon's speech quite shocking, particularly for a Minister. He was suggesting that it was acceptable to just ignore an outstanding States resolution.

1875 Whether we like it or not, we have a States resolution which says we should limit our population to a round number. I do not particularly agree with that resolution, but it is an existing resolution. If he or the Policy Council wants to disregard or not adhere to that resolution, you bring a resolution to withdraw it, to rescind it. You do not stand up and say, 'Well, I do not want to be held by it and we must vote against this amendment because all it does is tie us to an existing States resolution.' What sort of good governance is that to put forward?

1880 We have a resolution and we should be sticking to it. It is a failure of the Policy Council to bring something that does not stick to resolutions. Are we just going to start playing fast and loose

with States resolutions as something that we may want to adhere to, or not? Certainly not. Policy Council should be the guardian of States resolutions, ensuring they and Departments adhere to them; not have Ministers saying that it is okay to ignore them.

1885 I will support this resolution, even though I do not agree with the resolution from 2007; but we have to maintain the integrity of this Government and its integrity can only be maintained if we adhere to resolutions that are passed by this Assembly. (**Two Members:** Hear, hear.)  
Thank you.

1890 **The Deputy Bailiff:** Deputy Dorey, to be followed by Deputy Trott.

**Deputy Dorey:** Deputy Gillson stole my words, and all I can say is the democratic... I was just astounded with what Deputy Luxon said. I was just absolutely amazed that somebody can come to this House and say, 'Oh, we will just ignore something. Just put it aside and do something different', and not be willing to come back to this House. I am sorry, that was a moment for me where I was just appalled.

1895 I would now move on to the actual (c) in the amendment. I, as seconder of the original Population Policy, have sat here for a number of years just depressed that we failed so miserably to hold the States to that policy. I have accepted the points from the Housing Department that they have not been able to deliver it; that they just did not have the tools in their box to deliver the States Population Policy. But I must admit, after this morning, that I am really concerned, because from the statistics that I showed this morning and the research that I have done, I do not think this new system is capable of delivering a Population Policy either. I think it has got so much flexibility in it that it is incapable of delivering any Population Policy.

1900 We have a system of Permits, but we have massive highway around them. I am really disappointed today and I just wonder if we really are going on the right track with changing from the Housing Laws, and I will have to think about it over lunch.

1905 But I will support this amendment because I think, whatever we have, it is actually crucial that we do have a Population Policy and I think that is what the population of this Island want. We do want this Island even more over-populated and over-developed. We are a very small Island. We are already, in my view, far too over-developed.

1910 Thank you.

1915 **A Member:** Hear, hear.

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, I take a contrary view. I think Deputy Luxon has throughout this debate been a sense of reason on many occasions and this is no different.

1920 At the moment, what we should do is be honest, and say that we actually have to rebalance our Strategic Policy and accept that there are 63,000 people, or thereabouts, here now and that needs to be the starting point, because if we look at the wording of Proposition (c) in the amendment, we can see that reads:

1925 '... capable of fulfilling the strategic policies of the States... including any which are in place at the time of the inception of the new regime...'

1930 Well, unless we do that, the policy that is in place at the time is 61,000, and unless we accept it – the requirement to rebalance – the consequence of the *status quo* would be to incorporate policies that *actively* drove down our population from 63,000 to 61,000. Now, not only would that very seriously affect our demographics... well, let me explain why that would be.

1935 I will tell you the people who would not leave: the elderly; the sick; the people who have no option. The people who would leave would be those who are able to be economic migrants and those who can find work elsewhere, who are likely to be the most skilled members of this community and almost certainly the younger members of this community. That is how *dangerous* policies like this can be if they are not thought through very carefully.

1940 So I would ask my good friend, Deputy Fallaize, to advise, in his summing up, whether he believes we should rebalance and start again from 63,000 or whether he believes that we should slavishly adhere to the policy of 2007 and, as I say, as a result of that, actively involve ourselves in policies that drive down our population in a reckless fashion?

Thank you, sir.

**The Deputy Bailiff:** Deputy Gollop, are you going to be quick?

1945 **Deputy Gollop:** Yes, I am going to support the Fallaize amendment as a gesture, because it is a gesture to support it.

Deputy Luxon has had criticism today, but I think the point he was really making is the figure that the States set has been overtaken by events and is no longer a valid one, and I have to agree with that. But the Fallaize amendment is no more than a political gesture that we need, somehow, to integrate our thinking on population with this new set up. My own suspicion is it will be impossible to do.

1955 **The Deputy Bailiff:** Deputy Fallaize to reply to the debate on this amendment. It has just clicked to 12.30 p.m., but shall we try and clear this so we can open general debate when we resume after lunch?

**Deputy Fallaize:** Thank you, sir. I will be as quick as I possibly can.

1960 Deputy Luxon was the only Member who really spoke strongly – I will pick up on Deputy Trott's point in a moment – but he was the only Member who really spoke strongly against the amendment. I was amazed when Deputy Luxon spoke – absolutely amazed – and I think actually that he, in many respects, makes the case for the amendment, because I was wondering, while sat here, whether he betrays one of the purposes of the regime that is before the States today.

1965 The Strategic Population Policy of the States does matter – it is not a gesture. As I said when I opened, if one looks at Jersey you see it may not be possible to stick rigidly to a conservative population policy, but if you take the alternative course of action and you adopt a liberal population policy, you only need to look to Jersey to see what has happened.

1970 I was also amazed when listening to Deputy Luxon because he talked about inflexibility in the existing Strategic Population Policy, and Deputy Trott referred to this point as well. He said, Deputy Luxon, that this amendment would tie our hands. Nobody is suggesting that we should drive down our population from 63,000 and something to 61,000 and something. Of course, the Strategic Population Policy has to be rebalanced to take into account what the population is today; but that, I would contest, is the purpose of the Strategic Population Policy of the States.

1975 I do not think the States in 2007 was really saying that the population must remain at 61,000 exactly, or whatever it was; it was saying that the Strategic Population Policy of the States must be population restraint or restraint in population growth, and actually the Strategic Population Policy of the States is to maintain *approximately* the same level of population. Well, I would argue that approximately 61,000 and 63,000 is near enough approximately, actually; but if we had adopted the sort of liberal approach that Jersey has adopted, we could well find ourselves, quickly, at 65,000, 68,000 or over 70,000, and that clearly would not be *approximately* the same level of population as in 2007.

1985 And Deputy Gillson is right. If Deputy Luxon believes that the Strategic Population Policy of the States is flawed, then it is incumbent on him to try to argue, through the Policy Council, that the Policy Council should seek a revision in that policy. But let us not put in place a regime, half expecting that that policy will be allowed to wither on the vine; that is really no way to deal with strategic population policies of the States, which are already expressed in States resolutions.

1990 Sir, I very much thank the Chief Minister for saying, on behalf of the Policy Council, that he did not see that there was any great risk in this amendment and that he was prepared to accept the amendment. If there is any difference in wording, other than the bits he referred to, between the paragraph and the Policy Council's Report and this amendment, it is only a matter of semantics.

Sir, I do think, whatever one view takes of the present Strategic Population Policy, that this regime should be capable of fulfilling that Strategic Population Policy, and having listened to Deputy Luxon this morning, I believe even more strongly now that that commitment ought to be expressed in the States resolutions that we pass today.

1995 I do think it is in this community's best interest to maintain at least a restraining, cautious, conservative influence on population growth. It may not be possible to retain our population at a static level. It probably is not. There will probably be some population growth. Anything else would probably harm our economy. But let us at least aspire to population restraint and not do what some other jurisdictions have done and put ourselves on a population escalator, and I ask the States to incorporate that present Strategic Population Policy in the States resolutions today by voting for this amendment.

2000 Thank you, sir.

2005 **The Deputy Bailiff:** As we move to the vote then on the amendment proposed by Deputy Fallaize, seconded by Deputy Quin, to substitute Proposition 1. Those in favour; those against.

*Members voted Pour.*

2010 **The Deputy Bailiff:** I declare that carried.  
Members, we will now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.35 p.m.  
and resumed its sitting at 2.30 p.m.*

2015

**Managing the Size and Make Up of the Island's Population**  
**Debate continued**  
**Propositions with amendments carried**

2020

**The Deputy Greffier:** Sir, Billet XI, debate continues.

**The Deputy Bailiff:** Thank you. Are we? *(Laughter)*

2025 General debate, now. The first Member that I propose to call... you are on your feet. Do you want to speak, Deputy Adam?

2025

**Deputy Adam:** Sir, no. I wish to bring a guillotine on this particular States Report, but not until four o'clock, by which time I feel it gives sufficient opportunity for most people to say anything else extra that has not been said already, and then have the summing up by the Chief Minister after that with the hope that we can finish off the rest of the States matters by, if necessary, six o'clock this evening, sir.

2030

**The Deputy Bailiff:** Very well.  
Alderney Representative Jean.

2035

**Alderney Representative Jean:** *Monsieur le Député Bailli*, sir, Members, I am delighted to see the inclusion of Alderney in this Billet Item. Our needs are so different from those of Guernsey and there are many things you have done so well for us. I praise you for the way we have been included in your apprenticeship training schemes over the years.

2040

As I know, young men and women in Alderney have been left high and dry through the recession at various times – not too often, but it has happened. We honoured our obligations to those young people and you helped us by not letting them down in the apprenticeship schemes. I thank you for that, I truly do, and I ask you to remain vigilant, along with ourselves, for with our depopulation comes another problem: the danger of a lost generation, who cannot find or get an apprenticeship anywhere. There are signs in Alderney this is already happened. We must do our best to see that no-one loses out.

2045

Whilst we plan to take on our issue of depopulation and fight to regain the lost ground, according to our census figures, just released a week or two ago, there are 1,900 people in Alderney – a drop of around 400. Many of this number are young families, sadly, with children – our living, working stock leaving our Island. Our school roll has dropped to 132. We need to offer more access to training and skills. Many people on Alderney feel that as our young ones are born in Guernsey, and are all tax paying citizens of the Bailiwick later on, it should be made easier for them to enjoy similar rights to live and work in Guernsey. Some say: Are we really part of the Bailiwick or not? When will it be time to test the water?

2050

2055 There are still many clever people on Alderney, who can complement Guernsey with yet more skills. When will the time come to let them in? They have been knocking on Guernsey's door for many years. Is it right to keep them out? We ignore a draining of talent from Alderney, leaving for the mainland and not heading for Guernsey, with all the years of investment that that has entailed. I hope, eventually, we can work on this together so that our stream of talent can come the way of Guernsey, a true Bailiwick for us all.

2060

Thank you, sir. Thank you very much.

**The Deputy Bailiff:** Alderney Representative Arditti, to be followed by Deputy Domaille and then Deputy De Lisle.

**Alderney Representative Arditti:** Thank you, sir.

2065 I rise to support all that has been said by my fellow Alderney Representative. He has expressed  
the Alderney dimension extremely well. Perhaps I can add just a little more detail about the useful  
part which Alderney can play in population management in Guernsey. Before I do this, I wish to  
preface my remarks in three ways. First, may I trouble Members to turn to page 794? That is 794.  
2070 And may I draw Members' attention to paragraphs 19.5 and 19.6? Like Alderney Representative  
Jean, I thank the Population Management Group and the Policy Council for these words of  
comfort that they have Alderney well in mind and that they fully intend to look at the Alderney  
dimension.

2075 Second, I understand completely that the Population Management Group and Policy Council  
need to know what population management scheme we are heading for in Guernsey before  
reaching conclusions about where to fit in Alderney. They need to know the context of the rules  
which may need some slight adjustment to allow for the Alderney dimension.

2080 Third, I fully understand that Alderney must *not* be used or abused as any sort of backdoor  
entry or route for circumventing population control in Guernsey. We, in Alderney, can have no  
restrictions on our population because we need to repopulate; the complete opposite to Guernsey's  
need to restrict population. We fully understand this and there is nothing in what I am going to say  
which would enable anyone from outside the Bailiwick to use Alderney to circumvent population  
management in Guernsey. In the light of these general comments, I would like, if I may, to put a  
little flesh on the three categories which make up the Alderney dimension.

2085 Category 1: there is a mutual benefit to be gained for both Islands to allow people in Guernsey,  
under the new regime, to move to Alderney, without fear of spoiling their Guernsey residence  
prospects if they subsequently find that they need to return to Guernsey. Let those who want to try  
Alderney – a charming village 40 years ago – where homes are affordable and the people are very  
welcoming. The best kept secret in the British Isles. Let them come and live with us without fear  
of losing out under the new Population Management Regime.

2090 Can I put to you one example of the use which some imaginative thinking could make of this  
category? The recruitment of key workers: we, in Alderney, can offer Guernsey key workers  
immediate residence and affordable housing. A number of these recruits will be well used to  
commuting long distances into central London, Birmingham, Manchester or Bristol, at not  
inconsiderable expense in terms of time, inconvenience and fares, because this suits their preferred  
2095 lifestyle or their pockets. At the same time we know that some of these key workers have to be  
recruited in Guernsey as agency staff at highly inflated rates of pay because their aspirations for  
residency cannot be guaranteed in Guernsey. There are, therefore, enormous savings to be made in  
Guernsey, which would far outweigh the travel costs, if Alderney could serve Guernsey as a  
dormitory village in the tried and tested way that the Home Counties have served London, for  
2100 example, since the advent of the railway. On this occasion, I will spare Minister Paul Luxon from  
further prompting about the necessary adjustments to the northern airfield. He can relax just this  
once.

2105 Category 2: Category 2 is our children educated here in Guernsey at great expense. It cannot  
make sense to turn away the return on this investment if, after completing their education, they  
want to make their way in Guernsey. And how are we, in Alderney, going to keep our skills up-to-  
date for the revival of our economy; indeed, for a revived economy, if Alderney youth, educated in  
Guernsey, cannot settle in Guernsey, make their contribution and return, either themselves or the  
next generation?

2110 Category 3: Category 3 is a group here in Guernsey and in Alderney whose family connections  
go back uninterrupted for centuries. One generation living in Guernsey, the next in Alderney and  
another in Guernsey again – backwards and forwards, across the generations. These people are  
known in Alderney as native islanders. Their ties, shared family names and histories, go back into  
the mists of time. They are no threat to population management in Guernsey, neither in terms of  
2115 numbers – there are few of them – nor in terms of any positive discrimination. Indeed, under  
ECHR, excluding this small group might even be problematic.

We commend to you these very narrow, specific and targeted categories. They are of mutual  
benefit to both our islands today, while recognising that throughout history the people of our two  
islands have been inextricably linked. These categories may seem small and of little consequence  
when viewed from Guernsey, but I assure you that they are *very important* to the northern isle.

2120 Thank you.

**The Deputy Bailiff:** Deputy Domaille next.

**Deputy Domaille:** Thank you, sir.



2125 Statutory bodies... that was an insult, sir. (*Laughter*)  
While statutory...

**The Deputy Bailiff:** I do not think I am a statutory body... (*Laughter and interjections*)

2130 **Deputy Domaille:** While statutory bodies can be a useful vehicle, I do not consider a statutory body to be the most appropriate administrative approach for population, and I ask Members to reject the notion of a statutory body, as set out in paragraphs 6.7 to 6.13. I do so because this body would distance Government from the implementation of population measures.

2135 Paragraph 6.11 and paragraph 6.12 outline the risks of using a statutory body, but state that the statutory body would ensure States Members could not be in a position whereby they can make a decision on the basis of their views, rather than agreed policies. Members, we have exactly this potential problem with regard to planning applications, and the model we have adopted for planning polices and applications works very well. I consider a similar model would be the more appropriate way to approach population.

2140 Under this planning model, this Assembly sets the direction through its Strategic Boundaries Plan and sets policy through urban and rural area plans. The Environment Department is charged with implementing the policies. It does so mainly through staff, who advise applicants, as appropriate, and who resolve the great majority of applications. Importantly, however, those applications of a significant annual involved judgment on balancing various policy implications are referred to the political body, that make the sometimes difficult decision on the balance to be struck.

2145 In the case of population management, there will be occasions when the many strands will have to be balanced – we spent two and half days talking about most of those strands – and a degree of interpretation and discretion applied when considering an application and this should not be left entirely to an unelected statutory body. I stress that the occasions when an application would be referred to a political body would be the exception, rather than the rule, and just as with planning, on many occasions, staff would determine an application. I would add that importantly the planning model has a robust independent appeal process whereby an applicant can appeal a decision to an independent panel and I would see this as an important part of the population management process.

2150 Sir, I suggest that a statutory body is not necessary for Guernsey and a model similar to the planning model is a better way forward. I ask Members to reject Proposition 37.

Thank you, sir.

2160 **The Deputy Bailiff:** Deputy De Lisle next, followed by Deputy Soulsby, followed by Deputy Gollop.

**Deputy De Lisle:** Thank you, sir.

2165 As we move, as this Report recommends, from the Housing Law – something known and understood – towards a new Population Management Regime – untried, untested – which introduces uncertainty really for the future in many minds, I would like to ask that the Policy Council, in their deliberations on the Report and the results of these debates that we have had in this Assembly, to look very carefully and to come back with material on transitional arrangements that have to be considered with respect to moving towards the new regime. Also, the economic and social effects of any proposed Permits regime and the resources required, also, for the new regime to come in, and any discrimination and Human Rights issues, together with the effects of the new proposals on the Island's demographic profile and housing.

2170 If there is any discriminatory rub vested on the local population, as some may have intimated during the debates, I would ask that those issues are considered by the Policy Council and corrected appropriately and accordingly.

Thank you, sir.

**The Deputy Bailiff:** Deputy Soulsby.

2180 **Deputy Soulsby:** Sir, I have been struck, as we have debated each amendment to this comprehensive Report, to use its sub-title, and even after Deputy Fallaize's amendment, the beginning of the end of the Housing Department, that it has evidently been well researched and given how few amendments have been passed, how robust the proposals are. This gives me some confidence that we will end up with a fit-for-purpose regime for the future, and I think a lot of credit must go to the authors and that this Report should be used as an example of why it is better

to take time to get something right, rather than rush something through, which ultimately will not stand up to the scrutiny in this Assembly. (**A Member:** Hear, hear.)

2190 However – and, of course, there is always a however (*Laughter*) – I did find it ironic that at the time Departments are expected to make significant savings, through the Financial Transformation Programme, that this Report proposes the creation of another statutory body – something which has proven to be, in certain notable cases, a very expensive model; but, then, the devil is in the detail.

2195 I do welcome the acknowledgement by the authors of this Report that there are issues surrounding the existence of a statutory body and the scope of the responsibilities that such a body might have and how the political oversight will work will be addressed in a future report. I am not totally against such a body, like Deputy Domaille, as it is not necessarily a bad thing; but what I do not want to see is a report proposing a structure that requires a board of several executive and non-executive directors, separate offices, numerous support staff and bespoke IT systems. What I do want made abundantly clear, so that the statutory body can be in no doubt in the future, is that it will be an administrative, not a policy-making body and that those who run it are ultimately servants of the States of Deliberation via whatever body we decide it should be in the future. I therefore look forward to reading the report with interest.

2200 Now, associated with this – another matter that concerns me – is a comment made by the Treasury Resources Department at the end of the Report in which it states that the ongoing costs of the new regime will be met by charges made in accordance with the policy set out in the 2007 States Report on Fees and Charges and recent publication of further advise on its implementation from Policy Council; but this does not answer some important questions. Will this regime cost more or less than the current system? Do current charges cover current administration costs? Basically, all that has been said is, ‘That it is okay. Whatever it costs, we can recharge it’, and unless for the first time we see the creation of a statutory body resulting in less cost and in our brave new world of FTP, this will mean an increased economic burden will fall on the private sector again. We shall wait and see.

2205 And that leads me to the final point which I would like to make. This Report covers where we are now and where we want to be, but there is nothing that deals with the transition period. I understand that. It is pointless considering how to get from A to B, until you know what B is. However, there are a lot of individuals and business left with a fair amount of uncertainty as to where they stand until this is addressed and the only ones that will gain from this uncertainty are our competitors and the legal profession. (*Laughter*)

2210 I therefore urge the Policy Council to bring a report on the transition period to this Assembly as soon as practically possible.

**The Deputy Bailiff:** Deputy Gollop, followed by Deputy David Jones, followed by Deputy Brouard.

2225 **Deputy Gollop:** Sir, thank you.

Firstly, I would like to endorse everything Deputy Soulsby and Deputy Domaille have said. There is an enormous cost already to the hospitality sector and lower-paying sectors in going for Licences and the bureaucracy that is even more expensive and more politically detached would not be in the best public interest.

2230 I, also, as a kind of pseudo-representative of Alderney, entirely appreciate what Mr Jean and Mr Arditti have said and would argue that the quantity of population emanating from Alderney is sufficiently small to be flexible in giving them more rights, especially those people who have been educated in Guernsey or from long-established Channel Island families. Policies can be created, but I am optimistic now that we are likely to endorse a Work Permit based system, that there can be synergies and compatibilities with the Alderney system, because when we were wedded to a housing-based system, that was not so easy.

2235 What I would say, generally, is I suppose over the last three days I am learning to live with the new set of policies in as much that it is clear which direction the States is going to go in and that this system will be created. I think there is still room to look again at the margins, particularly at the Work Permits for those in the hospitality and tourism sectors, and also a free-for-all for certain kinds of occupations, perhaps.

2240 But, I have to agree with what has been said, that the Chief Minister and Deputy Jones have said, that what is likely to emerge is a compromise between different points of view, because Deputy Fallaize ably put across this morning that there were at least two different approaches to the machinery of population management: that is a liberal approach and a conservative approach.

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The approach we have inherited, being based on the Roffey amendment, intrinsically implies conservatism, and I remember – I am old enough to remember – when I was first interested in politics or even a States Member, it was a bit like an American state. You know, in certain American States, you have got a choice between two candidates: one is right wing and the other is very right wing... perhaps, arguably. *(Interjection and laughter)*

The situation in Guernsey was historically, when I sat on the Housing Board, that there were really two approaches: one was relatively draconian and the other was even more draconian. We are, perhaps, moving away from that as a philosophy, not just through the old chestnut of Human Rights, but for many, many other reasons. So what we are going to deliver will not satisfy people who have been particularly worried about protecting local employment and financial interests. But at the same time we are creating a structure, which has a family resemblance to the Housing Law – as we have known and loved – that will be materially different, but it will not satisfy people who wish to see no controls at all.

Nevertheless, I think, for the record, that the decisions we have collectively taken over the past few days will inevitably lead to dissatisfaction in both camps and a gradual erosion of the concept of any form of meaningful population management or control or housing management and control over the next decade or so.

**The Deputy Bailiff:** Deputy David Jones.

**Deputy David Jones:** Thank you, Mr Deputy Bailiff.

I was pleased the two Alderney representatives spoke and the working party, the Population Working Party, has kept Alderney in its gun sights all the way through this. *(Laughter)* Okay, on its radar *(Laughter)* all the way through this, because, clearly, we appreciate Alderney's unique problems.

I think Alderney Representative Arditti summed it up when he said that it is about... we do not want to see a backdoor policy because, basically, I suppose Alderney, as Deputy Gollop said the other day, is really all Open Market. So we would have to see what you could do to close your doors in order that we could open up the whole process to include Alderney as well, but that is a debate for another day.

Also, I do not share Deputy De Lisle's concerns actually. The change from the licensing system to a Permit system will be pretty much as it is now. The Housing Control staff have a super duper computer system that is light years from what we have been using for years, and just changing the word from 'Licence' to 'Permit', and the way that we conduct it, will be no different. The lengths of periods of permits will be slightly different, but the principle remains the same.

I hope, actually, Members support the thrust of this Report. I have grave doubts about two or three of the issues, which I have raised, and I continue to have those. I thank the Chief Minister for at least acknowledging that I have been consistently bad tempered all the way through *(Laughter)* on all three or four or them; but we live in a democracy and the States has decided that they have got those three wrong and we will live with it.

Deputy Soulsby and your question to the Minister of Treasury and Resources, we do cover the admin costs now. It is a burden on the private sector, but once we gave up £100 million in corporation tax, we could not continue to provide services to the corporate sector free of charge and it was inevitable that once they had a big tax windfall, that there were going to be other ways that we would have to charge for services. I do not think the burden to the private sector... in actual fact I was sitting here thinking about that, that because we are going from 13 different ways to become locally qualified to four, it should actually be cheaper because there will be less applications for all the 12 or 10 other ways that you need to apply. But people do lose their documents and that is quite a problem for the Housing Department, because you cannot just accept that the person in front of you is the person who is reapplying for a duplicate. You have to check that they are who they say they are – identification and all the rest of it – and that does incur a charge. So I do not suspect that this permit system is going to be any more expensive than it is now. That is my view. I have been wrong before, but not very often. *(Laughter)* So, I give that to you.

Deputy Gollop made the interesting observation that when he was on the Housing Department it was either draconian or more draconian and in actual fact there were three areas. He says, 'Draconian and more draconian', and there was Deputy Gollop's. It was a completely different world to where the rest of us lived on many occasions *(Laughter)* who wanted no restrictions at all on anybody and we should all stop being beastly to everybody. But, the fact is we were not draconian or even more draconian and the reason for that is because every Licence case is appealable. So it is impossible to be draconian, because at the end of the day the courts will decide

2310 and the one basic then that the courts laid down, as a first step, is that any authority must behave reasonably. So you have to get over that hurdle first and if people had decided that we have been too harsh or we had been unfair, then they could appeal their case and a judge and the jurors would decide whether that was the case. So I do not think we were draconian or even more draconian in that regard.

As I say, I hope we support this and I hope, Mr Deputy Bailiff, we can take some of them individually, because there are some that I simply cannot live with at this stage, and we can get on and get this document back to you with some meat on the bones and some more detail.

2315 Thank you.

**The Deputy Bailiff:** Deputy Brouard.

2320 **Deputy Brouard:** Thank you, Mr Bailiff.

I am going to cover a point made by other people, and I know you did ask for us not to repeat the arguments, but the difficulty I have here is unless the argument is repeated by enough people, Policy Council may not take the weight of the message beside the actual argument itself, and I am touching, like Deputy Domaille did, on Proposition 37 which is the new statutory body.

2325 At present, we have various bodies which undertake statutory duties: the Administrator of Income Tax; the Administrator of Social Security; Registrar of Companies. At the other end of the scale, we have organisations, such as the GFSC and the Channel Island Office of Competition Regulatory Authority. The problem I have found is that those bodies and officials close to shore seem to fit and be well understood with close communication. The others in deeper water seem to require larger ships, more expense, and by the nature of being further offshore, communication also tends to be more difficult.

2330 I would prefer for this body or statutory person to be more of the onshore model and Deputy Soulsby also made the point as well. I have no problem in having a statutory person or body. I would just like it more in Government, rather than a few leagues away.

2335 Thank you.

**The Deputy Bailiff:** Deputy Conder, followed by Deputy Sillars.

**Deputy Conder:** Thank you, sir.

2340 After Deputy Brouard's speech, I realise I am going to repeat and so I will keep this very short, given your guidance. I just do find it difficult in our FTP environment, and as a Member of the Education Board, living with that, to contemplate the creation of further bodies.

2345 As a general rule, as a fiscally conservative, as my colleagues know... never ever create a new body, never create a new advisory panel and never create a new quango, particularly in this environment. It is interesting that there is a direct link, in terms of the Propositions between the creation of an advisory panel and Skills Guernsey. For example, at 6.14, it says:

'The Advisory Panel will have close links with the Skills Guernsey group.'

2350 I recall – I still carry the scars – the creation of the Skills Guernsey Group, which will be cost neutral. It is a long way from being cost neutral. They never are, and nor will either this advisory panel or the statutory body. If it is funded from its own fees, well it is costing somebody, and those fees will go up. So I will oppose and vote against Propositions 37 and 38 and I hope the rest of my colleagues will. I hope the Policy Council will come back with revised proposals.

2355 Thank you, sir.

**The Deputy Bailiff:** Deputy Sillars.

**Deputy Sillars:** Thank you, sir.

2360 Just a point of correction to start with. Local companies still pay tax on their, perhaps diminishing, profits. So it is low, but they are paying tax.

From an Education Department's perspective, there are a limited number of specific observational comments on the States Report that I wish to make.

2365 Recommendation 2, relating to long-term residency, will be attractive to potential off-Island staff as it will provide greater security of tenure, rather than the uncertainty which exists with the current system. Five-year Licences currently do not mean that staff will stay for five years and typically, due to the uncertainty, staff will often start looking for new opportunities around the

completion of the third year. These new proposals will assist with the retention of good quality staff and make Guernsey more attractive in a competitive, professional labour market.

2370 Similarly, the right to return proposals will make Guernsey more attractive for off-Island recruitment. It is debatable whether off-Island teachers would actually wish to spend their entire careers in Guernsey. There may be more opportunities for career progression in the UK and they may also have family ties there.

2375 Recommendation 8 addresses eight-year Permits and this is a proposal which the Department supported in its responses to the Mulkerrin Primary and Secondary Education Reviews last year, and I believe that this option will be preferable for educational professionals.

2380 Members will be aware of the problems with the five-year Licences. Five years do not typically mean that staff will stay for those full five years. Eight years, instead of five years, does provide greater security of tenure and will make Guernsey more attractive in the labour market, and I believe that this applies across all areas of employment. It is also worth noting that teachers will wish to develop their careers, seek promotion, rise from, perhaps, class teachers to heads of departments, etc, and take on additional responsibilities. Many off-Island teachers are likely, therefore, to move away from Guernsey to develop their careers; but most critically, it will be a decision that they will be able to take and will have control over their lives.

2385 Whilst we have been successful over the last 12 months in obtaining extensions to five and seven-year Licences from Housing, for which I thank them, the existence of these time constraints has caused uncertainty for the staff involved. Teachers acquiring eight-year Licences would be beneficial for their, and our, future.

2390 My main concern is with respect to recommendation 10. It is important that the Employment Permit has to be processed efficiently and in a timely manner. Prospective candidates, to whom we wish to offer positions within the service, will not resign from their current posts unless there was a Work Permit in place. It is *essential* that the new programme allows education to fleet of foot in the recruitment of the best off-Island candidates. Education only really has two windows of opportunity for recruitment and we are certainly competing with all the schools in England for the first class teachers. Whilst the process suggested in recommendation 10 is laudable, please do not

2395 let this develop into another hurdle to deter our future teachers.

Thank you.

**The Deputy Bailiff:** Deputy Ogier, followed by Deputy Storey, followed by Deputy Brehaut.

2400 **Deputy Ogier:** Thank you, sir.

I would like to echo those who praise the Report for its clarity. It is a very well written, very well drafted Report, easy to read and easy to follow. It was a real pleasure.

2405 It has been an odd series of debates, with some seemingly unusual voting patterns being observed over the past few days, and I think that is because the lines have been drawn, not on a left/right split as we are, perhaps, more used to seeing, but it is more of a free market verses a protectionist split. A small ‘c’, small ‘l’, conservative/liberal split, as Deputy Fallaize described it, with perhaps the more free for all, ‘Let the market sort itself out’, on one side, and the ‘Let’s afford some protection’, on the other. It has been a rough few days trying to work out the voting patterns with some unusual alliances forming with, perhaps, dare I say, Deputy Trott and Deputy Hadley cheek by jowl on one side and Deputy Gillson and Deputies Queripel on the other.

2410 *(Interjection)*

2415 It is clear that those wishing to afford some form of protection to the people who have been living here for years, decades, and, in some cases, centuries, the form of protection acknowledged as *reasonable* by international protocols, which recognise an Island’s right to protect itself and its population, it is clear that those of that view have been roundly outnumbered by those who believe it is *not* right to continue protecting parts of the Local Market housing. They have been outnumbered by those who think children born to local families are not local at 11, 12 or 13 years old.

2420 I am teaching my nine-year-old where the clam beds at Grande Havre and where the flat fish spawn, which seaweed you can eat, when it is safe to go across the neck. She knows where Gran’s beach is, where you get your cockles, and she can already run or lope across a rocky beach – not bad for a nine-year-old. She, in turn, is teaching her younger sister to do bunchos. *(Laughter)* She loves the Babouins and she does not like budloes. *(Laughter)* She can grasp a nettle and not get stung. She cannot wait for the blackberries to come out this year and she wonders what sloe gin tastes like. *(Laughter)* Well, she can wait!

2425

You try telling her at nine, she is not a Guernsey girl. You tell her she does not have the right to live here and you will see a Guernsey donkey dig their heels in. *(Interjection)* And it has been

2430 said already that this Assembly – in this debate... and these are not my words – gave away rights, precious beyond words, rights that generations of our predecessors fought and died for, and rights that there were not even this Assembly's to give. Not my words, but strong words from someone outside this Chamber, and like Deputy Trott's source, it merely shows the depth of feeling being discussed out there in the community.

2435 I firmly believe we need this new Population Management Regime and we have fixed many problems; but we have also lost something, and in this civilised debate with its lack of passion, it went with barely a whimper. Deputy Harwood says that this debate would be the defining moment of the States and it was. This general lack of protection will not be felt immediately, but over the longer term it will have an effect.

2440 We hear of local families moving away from the Island because it is getting too expensive, because their children cannot reasonably look forward to affordable homes and we have done nothing to fix those problems here today; in fact, it could be argued that we have not only continued those problems but added to them. It may well be to the benefit of the economic prosperity of the Island that this be the case. Perhaps lower income families may be displaced by better skilled, higher wage earning families, which will be a boon to the coffers of this Island.

2445 But our Population Management Regime should have been about fairness to all, but it has been about equality. My grandfather was French. One grandmother was Scottish. My father was born and raised in Scotland. I am not xenophobic. I welcome much needed essential workers coming to this Island, coming to this safe harbour, because it is a safe harbour. It is a tough world out there and Guernsey is a wonderful, safe and prosperous Island to live and work. I do think, however, that those living here already should be afforded some form of protection, whether it be that their children qualify for residence quicker or whether it is that a section of the housing market is protected; but this Assembly has thought differently.

2450 Guernsey should recognise that their Island is changing, will continue to change and may change faster from this point in and there may be some friction between this new direction and the aims of this Assembly to maintain and enhance our unique cultural identity. This debate was indeed, in my view also, the defining moment of this Assembly. *(Applause)*

**The Deputy Bailiff:** Deputy Storey.

2460 **Deputy Storey:** Thank you, sir.

Trust me to choose to speak after a speech like that.

2465 First of all, sir, I would like to join the chorus of people congratulating the authors of this Report because, as has been said, it was easy to follow. When it comes to the recommendations, though, I am pleased and take refuge in Proposition 44, because I do believe that there is so much missing from this Report on how we are going to do things, and that is going to be where, I think, possibly, more problems are going to come in us reaching agreements.

2470 We have got a skeleton here and we very much need to put the flesh on that skeleton, and I think we will all be looking very carefully at the proposals that come forward for that. I hope that the Policy Council and their staff will take note of the points that have been raised during this debate to reflect the views of this Assembly in the proposals that do come forward for debate at a later stage.

Obviously, I do not want to waste everyone's time going through the all the areas where I think there is a lot of flesh missing, but there are two areas that I think are worth mentioning, sir, so that perhaps the Policy Council could give consideration to them when considering the flesh to be put on the bones.

2475 The first one relates to the discussions we had relating to recommendation 25(c), which related to the population in the multiple occupied Part A properties. In there, a lot of people have been concerned, sir, that although we are proposing, as a result of this, to control the number of properties that will be used for multiple occupation, we are not controlling the number of people. But I take comfort, to a certain extent, from recommendation 25(c) because that talks about these properties having to meet acceptable accommodation standards. I think that we would be failing in our duty to the population if we do not try to make sure that that happens, and that could be done by ensuring that there are proper sanitary facilities within the properties for the number of people there and even, perhaps, stipulating how many people that property is able to accommodate on the basis of unrelated adults. I think that the Policy Council might give consideration to looking into that area because this will not only effectively restrict the number of properties that are transferred into Category D, but might also have some effect in limiting the number of people who are living on the Island under this category, and also protect the living standards of the people who are living in those areas because I think it is not all a one way street and we need to consider not only the

2490 population policy, but also the living standards that people who are accommodated in that property.

The other area that I think the Policy Council could usefully consider, on the basis of comments that have been made today, is the relationship of the body that is going to be issuing the Permits in relation to the real world.

2495 There is a talk of an advisory committee. There is talk of a statutory body. I think the point made that we do not want to be incurring a lot of additional cost is extremely relevant, and I think what is also relevant, sir, is the effectiveness of whoever is issuing these Permits, the effectiveness of reflecting the need for Permits in particular job categories to the rules that they are operating at that particular time. In other words, it is no good acting on a list of job skills shortages that were prevalent today when they are deciding on whether or not to issue Work Permits to people in a year's time, because the economy changes, the demand for people changes, and we need to be fleet of foot. If we are not... and take it to its ultimate extreme, that if this list never gets changed and it started several hundred years ago, we would still have marmalade makers as a skill shortage on our list of Permits to be issued. So I think we need to be fleet of foot to react to the demands of the marketplace and not be issuing Permits just because they tended to be issued last year.

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2505 The other reason we need to be fleet of foot is the reason mentioned by Deputy Sillars: it affects education; it affects health; it affects a lot of other areas of Government. If there is a certain skill we are short of, we need to make sure that whoever is going to be responsible for issuing these Work Permits works swiftly and with the people concerned, because otherwise we are going to find that we never get around to recruiting anybody because by the time the Work Permit has been issued, the prospective employee has found a worthwhile job elsewhere and we start all over again.

So those are the two areas, sir, that I think, for me, the Policy Council would do well to think deeply about and I look forward to seeing detailed proposals when the Policy Council reports back to the States at a later date.

2515 Thank you.

**The Deputy Bailiff:** Deputy Brehaut.

2520 **Deputy Brehaut:** Thank you, Mr Deputy Bailiff.

If I could just start with a couple of, perhaps, housekeeping points?

The Press have run a piece that implies that I referred to Deputy Lester Queripel as racist. I think what I said yesterday, sir, was that amendments of that sort can be interpreted as racist or xenophobic. I am not saying, nor would I say, that the Deputy is a racist, sir. I would like to make that clear.

2525 Also, while we are clearing the decks, Deputy Jones has made great strides with social housing and I commend... I beg your pardon, sir, the Minister.

**The Deputy Bailiff:** David Jones.

2530 **Deputy Brehaut:** David Jones, sir, has made great strides for social housing and my remarks may have sounded a bit disparaging. It was a remark on the general state of the housing market. That said, sir, thank you.

**A Member:** Stop digging!

2535 **Deputy Brehaut:** No, it was Deputy Jones who stopped digging. He became a Housing Minister (*Laughter and applause*) – No, please... (*Applause*) – mainly for functions. (*Laughter*)

I start with Deputy Heidi Soulsby, who intrigued me with what she said, because having read the Population Report, having made her remarks regarding the statutory official, she said, 'How will this impact on the private sector?' I could remind her, through you, sir, that she is Chair of the Public Accounts Committee. What we have not seen in this debate is an input from the Public Accounts Committee, to say, 'Is this statutory official role value for money?' We have not seen that, and I think that would have been a good piece of work from the Public Accounts Committee, rather than just to oppose it, to say, 'Let us take away this statutory role. Is this statutory role value for money? Does it work?' I think that is something that the Public Accounts Committee could have done.

Also, bearing in mind that this debate has been considered to be a debate of some significance, it has been a debate with no input from a scrutiny... from a parliamentary committee. There has been nothing from Scrutiny and there has been nothing from the Public Accounts Committee. In

2550 the last term, I would imagine that both parliamentary committees would be much more visible in their debate, and I am not casting aspersions because I know there are resource issues. If there are resource issues, please let us work on those... and okay, perhaps I was casting an aspersion. *(Laughter)*

2555 I am clearly in the Deputy Dorey camp, because he is absolutely right that we can have the rules that are in place, but we do have this short cut, which is still the Part A, that as people have tried to circumvent the Housing (Control of Occupation) Laws, people would still be able to use the Open Market in the same way. Deputy Dorey graphically illustrated, with the Part A earnings graph, that Part A is not working in the manner that a number of Members of this Assembly, including Members of the Policy Council presented that it was working. If we are looking to avoid the Court of Human Rights, well, 'The king is dead, long live the king!'

2560 If we think that in changing the Housing (Control of Occupation) Law, that all of a sudden you are in the clear, you are not. My view, actually for some time, was that why did we not just initially take the qualification period, give eight-year Housing Licences and just see where that leaves us. Just see how that would that play out.

2565 Like Deputy Scott Ogier, my children are local. My wife is Scottish and I am local. I do not know whether that makes my children 'Scotal' *(Laughter)* or 'Guernish'. I am not too sure what it makes them. But my children, too, enjoy doing bunchos, and occasionally it might leave them with a baba which is something you would like to avoid. There has always been an amalgam where languages merge.

2570 I am sorry for the repetition, as I may have told this story before, years ago, but years ago when I was nursing, I wanted this elderly gentleman, who only spoke Guernsey French – Guernsey patois, call it what you will – and I wanted him to walk backwards and sit down. I said to him, 'You were a farmer. If you were driving down a lane and you were in your tractor and you had to go backwards, what word would come to mind?' And he said, 'Oh, reversaier.' There has always been an amalgamation of cultures and language, and Guernsey is not the centre of the universe – people come and go. That said, I am hugely disappointed and saddened that for local children, we take the qualification period up and for children of non-local people, we then take it down and justify it as being some equalisation – that has made me very, very uncomfortable.

2575 There are elements of this States Report policy letter I cannot support and I hope that some Propositions will be taken separately.  
Thank you.

2580 **The Deputy Bailiff:** Deputy Lowe, to be followed by Deputy Green, to be followed by Deputy Lester Queripel.

2585 **Deputy Lowe:** Thank you, sir, and, like others, I will not actually repeat a lot of what has been said. There are just a couple of points I wanted to make.

2590 The Report is actually called, 'Policy Council – Managing the Size and Make-up of the Island's Population', and, as has been said before, that is not actually what this Report is all about and it is perhaps just as well we do not have a Trades Description Act, sir, because this would actually fail big time because that is not what it is about.

2595 It was quite nice to have a bit of humour following Deputy Brehaut when he followed Deputy Ogier, because Deputy Ogier's speech was a cracking speech, and I think there were some that perhaps felt a bit uncomfortable, and others quite relieved that actually he was saying what a lot of people are saying out there in our community about how Guernsey has been given away today, over the last couple of days. In fact, one said to me, 'Cherie, that will soon be gone too.'

2600 The one final thing I want to say is that when I was on the Population Group a few years ago... and, yes, it was not a particularly great report, but it was a report that did come to the States and the amendment was actually passed for keeping the population at the level at that time, but nevertheless, the legal advice at that time was, 'You get rid of the Housing Control Law at your peril. You strengthen it; you do not get rid of it. If you get rid of it, you will open up the doors and you will actually leave Guernsey in a far worse place.' So that brings me back to say what I said before, 'Cherie Guernsey.'

2605 **The Deputy Bailiff:** Deputy Green.

**Deputy Green:** Sir, and Members, I am in somewhat two minds about this, because on the one hand some of the most sensible elements of this Report are concerned with helping us to protect the authorities of this Bailiwick from expensive, time-consuming litigation – something which our



2610 current Housing Control Law leaves us incredibly vulnerable to at the present stage – and you only need to look on the front page of the press to realise that that is the truth.

We know, very clearly, that our current regime is open to challenge, where we deny individuals, who have accumulated, perhaps, six, seven, eight years of residence in a home, the right to stay indefinitely. Funnily, if we do not reform this aspect of our current administration, the courts are going to do it for us, and so we simply have to legislate. So I accept entirely the legal advice that is set out in the Billet, and I am totally committed to that. But, my difficulty is that whilst achieving that perfectly sensible solution and perfectly sensible stance to perhaps stem potential claims under the Human Rights Law in the future, I do have serious misgivings about the overall impact of this Scheme and, like Deputy Dorey and Deputy Brehaut and, indeed, Deputy Ogier were saying today, I am not sure that this is really going to do what it is supposed to do and what it supposed to say on the tin.

I am not really sure that a system of Employment Permits and Residence Permits is going to be any more effective at helping to manage our population and the current Housing law. I think we all accept, pretty much, without any exception, that the Housing Control Law is outmoded, outdated and unfit for purpose, and it has always been a very indirect and imprecise way of managing population numbers. It was never supposed to do that; but I am not convinced that what we have been discussing over the last few days is necessarily any better, with the exception of the fact that it may well be more Human Rights compliant. I am not sure that it is necessarily a step forward. I think the proof of the pudding will be in the eating.

2630 As I say, I am not totally convinced that this new regime will be specifically more successful in restricting population numbers or, indeed, any better at protecting us from the understandable strains that will always be a part of our community when we increase population numbers, the strains on infrastructure, on services, etc.

2635 In conclusion, I do believe that it is time to be dispensing with the Housing Control Law in order to safeguard us from Human Rights claims; but I am very much going to withhold my judgment on whether this new system of Permits will actually achieve the objectives that we think it will. I guess, in due course, we will have to see, but I am very much in the sceptical camp at this moment.

2640 Thank you.

**The Deputy Bailiff:** Deputy Lester Queripel.

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

2645 On Liberation Day, sir, I had the pleasure of spending two very enjoyable hours with Deputy Le Clerc. *(Laughter)*

**A Member:** Tell us more! *(Laughter)*

2650 **Deputy Lester Queripel:** We were on marshalling duties on the Crown Pier and during that two hours we saw literally thousands of people and yet we knew very few, and that concerned me somewhat because it finally exercised the myth in my mind that Guernsey is so small that everyone knows everyone else's business.

2655 Another reason that concerned me, sir, was that both Deputy Le Clerc and I had been out in the community for many years in various guises. She topped the poll in the last Election, with 1,708 votes, so she was, and is, a high profile figure and yet very few people knew us, and likewise, we only recognised a handful of people ourselves. So I then ask myself the question: why am I so concerned about the future population of Guernsey? Well, this is my home. I love my home and I want to retain as much Guernsey culture, tradition and heritage as possible, but how do I know if future generations will want what I want? Well, I do not, but I am only too aware that Guernsey cannot possibly stay as it is, because we have a demographic problem looming and we need more people in the workplace.

2660 Deputy Storey asked, 'How are we going to do things?' Well, in relation to future housing, we often hear that we have limited land available for housing and even for light industry, but I am currently on a personal project of identifying how many derelict vineries we have here in the Island. I pushbike all over the Island, and so far I have identified 54 derelict vineries in four parishes: the Vale; St Sampson; St Peter Port; and the outskirts of Castel. The reason I have only covered those parishes, sir, is because they are all flat and I have an aversion to cycling up hills; but I will get around to the upper parishes eventually. So currently, in four parishes we have 54 derelict vineries lying dormant and a total land mass of four times as big as Saumarez Park.

2670 I am not advocating the rezoning of derelict vineries *exclusively* for housing, because we also need land for light industry. We also need to seriously think about growing more of our own food because we import 90 per cent of our food.

2675 **The Deputy Bailiff:** Deputy Queripel, you will forgive me for interrupting you (*Laughter*) but can you get to the *relevant* points relating to the Propositions that are being debated.

**Members:** Hear, hear.

2680 **Deputy Lester Queripel:** Sir, I just felt that housing was relevant to population. But I will move on, sir.

Sir, as I mentioned in my earlier speech, I personally would not want to see Guernsey become like Manhattan, but I realise we cannot stagnate and we have to strive to attain a balance. I will put aside the next two pages in my speech, sir. (*Laughter*)

2685 I would just like to close by seeking clarification from the Chief Minister, when he sums up, sir, if I may? I apologise if I have missed something in the last couple of days, but there was a question posed at the Beau Séjour presentation, in relation to recommendation 30. Somebody was asking for the definition of the terminology, ‘genuine tourists and guests’, and I would be grateful if the Chief Minister could clarify that terminology for me, please, sir.

Thank you.

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**The Deputy Bailiff:** Deputy Bebb, followed by Deputy Kuttelwascher.

**Deputy Bebb:** Thank you, *Monsieur le Député Bailli*.

2695 Many things have been said already; however, there are a few points with regard to this debate that have not been mentioned so far. I think that we need to take a step back and just be aware of how fortunate we are to be living on this Island and the fact that we are introducing a Population Management Regime, and it does not seek to do some of the most appalling things that other countries do in relation to trying to support their populations. I refer, in a specific case, to the one child policy in China, which is the most reprehensible and immoral of behaviours, in my opinion, to try and control population. Therefore, we are living in a very fortunate place where people are free in order to exercise their rights to have children and, sir, that is something that we sometimes forget.

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The population though, as a result of us being far more liberal, will grow naturally because we cannot... we *should* not legislate for the Island’s fertility. I would also suggest that the other thing that we will also see as a result of economic growth is a growth in the Island’s population, and that is what happens: by being successful, we attract more people here; by attracting more people here, we need more people to service them. It is an ever-increasing demand. Therefore, for us to think that we really want to reduce the population, we might have to start learning to have slightly lower quality of service, because if we are going to address this population issue, where we do not increase the population and yet we also have to deal with a greater degree of people, who will not be economically active, that inevitably will be part of the issue. I know that is not something that we will immediately address today, but it is something that we need to give due consideration to.

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There is one other thing that I made reference to in a previous debate on one of the amendments. When I first came to the Island, I was in the Open Market – and I am pleased to see that the proposals here today with regards to the Open Market will *restrict* the Open Market residency more than they were my time and that there will be greater control on the Part A Open Market by moving into Part D – but since that time I have been living with my partner, and on a frequent basis I have to fill out an application form for my Licence. I am not sure if the Licence still does, but it definitely at one point in time used to ask me the question, ‘When do you intend to get married?’ To which I felt frequently like writing, ‘When you get your Act sorted.’ (*Laughter*)

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I think that it is indicative that once again – and I will highlight that – by *excluding* members of society from being related, being in a partnership, in a recognised form in law, then it will create issues of trying to prove, such as those within the section on the family, which I think is section 11: residents; permits; family connections. If you look at that section, the truth is that it does frequently refer to ‘partner’, but there is always the case of having to prove that you are a partner and it is not so easy when there is no legislation to allow it a formal means, as there is not in this Island.

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There are two other areas that I would like to touch on. The first is the criminal convictions proposal: 35 of resolutions. This has not been mentioned to date. I have reservations because, as we all know, any proposal for a criminal conviction check on Jimmy Savile would have come

back as clean as a whistle. I am unfortunately sceptical as to the criminal conviction checks because too frequently, as the church warden in the Town Church, we were asked to fill in criminal conviction checks on a whole manner of people for what I felt was just bureaucracy. We did not have to pay for those criminal conviction checks and I am concerned as to the cost that  
 2735 such a regime will actually have and where that cost will be; therefore, when we see further, more detailed proposals being brought here, I would sincerely hope that a fully costed report in relation to the criminal convictions will be brought back to this Assembly, because realistically, that has to be addressed. Actually, I think that is all I will say on that at the moment.

2740 Thank you.

**The Deputy Bailiff:** Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Thank you, sir, Members.

2745 I just want to say a few words about what is in the Report about the Open Market, and I did declare an interest yesterday.

This morning, Deputy Harwood made a comment, which pricked my ears up a little here, when he was replying to the last debated amendment of Deputy Dorey, when he intimated that we did not want to hinder the recovery or the continued recovery of the Open Market. I will just give you a few numbers to see whether there has, indeed, been a recovery.

2750 In 2011, there were 33 sales of Open Market houses, and the normal number of sales is between 80 and 120 a year – the average is 100 – and those sales generated £2.1 million in document duty. If that had been an average year, we would have generated more than £6 million in document duty; so there was a good £4 million shortfall on an average year. If you then throw in what would have been lost in fees by estate agents and tariffs of Advocates, that comes, actually,  
 2755 to about another £5 million. We do not get that, but if that had been distributed as income or bonuses, we would have got another £1 million in Income Tax. So we were losing at least £5 million a year from that particular slump in that year and I am not even beginning to consider what was lost from the wider Open Market economy relating to the building industry or indeed the retail industry, which benefit from people moving houses, and in fact that is an issue that is brought up at every meeting that I have chaired of the Construction Sector Group, of which Deputy Laurie Queripel is also a member, as a Member of Commerce Employment.

2760 Last night I received the document duty receipts for 2012 – that was £2 million. It had dropped, albeit by a nominal amount, but in real terms it was a bit more than that, if you account for inflation, and you could say the good news was there were 47 house sales. So we have gone up  
 2765 from 33 to 47. The bad news is that 47 houses sold for less than the 33 the previous year. I think that has been the big issue in the Open Market, the erosion of the premium, and we were getting to a stage where if you wanted to sell an Open Market house, you sold it at the local value, plus whatever you could get for it.

2770 So I have looked at what has happened this year. January looked promising. There were 10 sales and I do not know the value, but...sorry, January, February and March, in the first quarter, there were 10 sales. In April there was one and in May there were two. The good news there was that these particular sales were in the order of £1 million to £2 million, which was unusual because all the previous sales were right at the bottom end. So I think we are actually at the bottom, and I am now pleased, particularly because of the failure of the last amendment of Deputy Dorey, which  
 2775 was not debated, because that reflected what was Proposition (k) in the original consultation document, which I think was part of the problem which spooked the market. I am hopeful, now, that these revenues can be recovered rather quickly, and they are not insignificant. It would certainly help towards our filling of the structural deficit and make our job on T&R just a little bit easier.

2780 So I am hoping that Members do support the 12 Propositions in here in relation to the Open Market and we can look forward to it recovering, because I think there is nothing here which will bother it – I should know because I am in it – and for that, I think we should be quite grateful. I look forward to this particular part of our economy growing again for the benefit of everybody on this Island.

2785 Thank you, sir.

**The Deputy Bailiff:** Deputy Le Lièvre.

**Deputy Le Lièvre:** Thank you, sir.

2790 *[Inaudible]* I thought I had better throw that in to prove my ‘Guernseyness’.

**A Member:** For *Hansard*. (*Laughter*)

2795 **Deputy Le Lièvre:** For *Hansard*. Thank you.

I support this Report wholeheartedly and the reason I do so is that I am going to put my faith in paragraph 1(d), as amended, which says the scheme should be:

2800 ‘sufficiently flexible to allow the States to respond wisely, and where necessary quickly, to economic, social and environmental changes, including to demographic challenges, without the need for changes to primary legislation.’

Sometimes we talk about this document as though it is set in tablets of stone, when quite clearly it is not. The scheme should be sufficiently flexible to do all those things I have read out.

2805 The one fear I have is that during discussions we have been talking about the demographic time bomb and actually it annoys me, the demographic time bomb, because it is not my fault that my father was in the RAF during the unpleasant years of 1939 to 1945 and that I happened to be born in 1950. That is not my fault, but I feel that I have become part of a time bomb and a *burden* to the future generations, when I do not think that is the case; but it is beginning to annoy me and goodness knows what I am going to be like when I am 70. (*Laughter*)

2810 **A Member:** Not long then!

**Deputy Le Lièvre:** No, not long. That is right. (*Laughter*) Exactly.

2815 The reason I am worried about the demographic time bomb is that there is some sort of feeling that it is some years off – that it is a long way away. But I, and my communicator... (*Laughter*) It is my new name for it. I think it is a wonderful name. I am going to use it in the future at all times. I pulled up the Government Actuary’s Report to the Social Security Authority when it was setting its pension rates for 2011 and it shows that 2010 was the high point of the projected future ratio of contributors to old age pension beneficiaries, based on migration set to be sufficient to maintain the total population at the April 2007 level. Well, take the thing with a bit of a pinch of salt, but 2820 2010 was the high point.

In ten years’ time the ratio is going to be 1.52. We will have lost 0.8 of a whole person as a contributor in relation to the number of old age pensions. So we are already in it. We are in the demographic time bomb zone and we are not scheduled to come out of it until 2055. One would expect that if we were going to have a problem funding old age pensioners and the care of the elderly that we might have been just a little bit more rapid with the progress of our Strategic Living and Ageing Well Strategy, which has just disappeared without trace; and yet, we are already in this time bomb zone. That is one question I have put against, or a question mark, that causes me to just doubt, just slightly, the efficacy of 1(d).

2830 But I still am going to maintain my faith in the Policy Council or whoever administers it in the future, but let us ensure that we do not slip into a SLAWS mode when it comes to changing things, when quite clearly there is an indication of change. As I said, I will support it and I will put my faith in it because of 1(d). I do not want to be let down.

Thank you, sir.

2835 **The Deputy Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Deputy Bailiff.

2840 I cannot leave Deputy Kuttelwascher’s remarks about the Open Market to go without saying something back.

We have 1,597 Open Market Part A properties on the housing market. If we look at our sister island, they have a policy in relation to their equivalent 1(1)(k), as they are called, and I will read from it:

2845 ‘Applicants will normally be required to demonstrate that they are able to generate sufficient income so that, at the present rate of tax, their annual contribution is at least £125,000 [a year]. In some circumstances a lower contribution of tax might be acceptable if other particularly compelling economic benefits for the Island would be likely to result from the applicant taking up residence.’

2850 And it goes on to say that they also look at voluntary work, business contribution, training and sporting events, the nature of any actual potential media coverage for any activities etc, and cultural interest.

As a small community, which I think is over-developed, I think we should actually be expecting a lot more from our Open Market. When I looked at a website last night for one of the

2855 estate agents, I think I saw a property for sale for £545,000. I just do not think that we should allow somebody to, with no test, no hoop using the words of Deputy Queripel – and can just come into our community and purchase a property of that price and live in our community. I think we should, if they need a Licence, and they are fine, we can allow them in our community; but I actually think we should set a hurdle that we get a greater economic benefit.

2860 It is interesting that if we had the same policies as Jersey, and we could fill each Open Market Part A property with somebody paying £125,000 tax a year, we would have tax just short of £200 million from the Open Market sector. I think our total individual tax take estimated for last year was £224 million.

2865 I think that we could actually benefit as a community, rather than developing this Island, and actually make our Open Market sweat a lot more and produce a lot more for this Island. I am not anti-Open Market. I just want to get the maximum economic benefit and I do not see why our sister island, so close, can set such a high hurdle, while we set such a low hurdle.

2870 I really do hope – even though a minority voted for my amendment not to be debated – that T&R seriously look at it, as they should be looking at all opportunities for income. We should be looking at more than just a duty on transactions, when many of those transactions are done by company share transfers and so we do not even receive that anyway. I think we should be looking for a far greater contribution from our Open Market if we are going to maintain it at the level it is.

Thank you.

2875 **The Deputy Bailiff:** Deputy Hadley.

2880 **Deputy Hadley:** Mr Deputy Bailiff, I do really find that speech quite extraordinary. My understanding is that Doug and Mary Perkins retired to this Island into the Open Market. Were we to have done what Deputy Dorey has just suggested and specified that they would have had to have shown an economic benefit to the Island of £125,000, they would not have been able to come here. And again, a gentleman from Nottingham, Mr Tom Scott, I believe he retired to Guernsey, and whatever your view about Mr Scott –and I certainly think he has been of great benefit to the Island, in terms of the input that he has put into the industry in the Island... again, he would not have come to the Island.

2885 It does seem to me extraordinary how often we shoot ourselves in the foot. My colleague, Deputy Kuttelwascher, has gone to great lengths to explain that this Island has lost £5 million a year through the way we have damaged the Open Market – £5 million, a quarter of our black hole, probably.

2890 Again, when we look at the Population Regime, and we are talking about Licence holders, you forget – and you can close a door and keep them all out if you want – that we actually issue Licences to people we *need* on the Island, because there needs to be an exchange of population. We do not always have the people here that we want at the time we want them. At the moment, we are producing far more doctors than we could possibly use. There are, I think, something like eight, or so, students a year off this Island going to study medicine in the UK. They cannot all come back, but at the time we want doctors of a particular speciality, we will have to attract the right people here. It is no good saying, ‘We sort of want you, but not really. You can become a second rate citizen and you can live where we want you to live.’ I think our attitude, sometimes, is extraordinary.

2900 I think the new regime goes some way to addressing this by allowing people to come with reduced restrictions, but you have got to remember that we are being very discriminatory. We are not letting everybody in to the Island. We are only having people on the Island we want, and when we do want them, we have got to make sure that they are welcome. So I hope Members will remember that when they come to vote on the Propositions.

2905 **The Deputy Bailiff:** Deputy Perrot.

2910 **Deputy Perrot:** I would like to disassociate myself completely from the remarks of Deputy Dorey. Let me be the first to change my mind and adopt some of the phraseology used by Deputy Luxon earlier on: ‘That is dangerous’. If anything is going to make the Open Market unstable, it is a feeling that actually there is something very nasty indeed in the woodshed coming along when further proposals come before the States.

Deputy Dorey did not have the chance to get that other amendment debated, and I am pleased about that because it went too far. He ought to realise that that amendment has now been kicked into touch and all that I ask is that the Chief Minister, when he sums up at the end of what I hope is going to be a shortly truncated debate, that he very firmly rejects what Deputy Dorey is saying

2915 and confirms to us that there is no possibility, as far as he is concerned, of there being a consideration of how much the Open Market residents put into the community. They put a *huge* amount into the community. It is quite remarkable what they spend. They bring a social aspect to us. They are a levelling process for us and they are very welcome, for all those reasons, for both of them.

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**Several Members:** Hear, hear.

**The Deputy Bailiff:** Deputy Trott.

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**Deputy Trott:** Sir, I shall be brief.

I tell you what I take from this debate, I take three, I think, rather important conclusions. The first is that we are an Assembly that is progressive in our thinking. The second is, wherever possible, we treat people fairly. And, thirdly, we are open for business. I think the last one of those conclusions is arguably the most important. (**A Member:** Hear, hear.)

2930

Sir, the Chief Minister has stated that this policy is a potentially defining moment for this Assembly and, in turn, and more importantly, for our community. Time will tell as to whether that proves to be an accurate prophecy. However, at this stage, we can be certain of something. This debate has been a defining moment for this Policy Council. It has presented an excellent States Report and dealt with argument in debate in a convincing and professional manner. For many years a number of dedicated and competent civil servants have assisted in the development of this most contentious and complex policy. It is a testament to their work, the work of elected policy makers from previous Assemblies and the fortitude of the current Policy Council that we are at a stage where we can approve a set of workable Propositions.

2935

Sir, in conclusion, Deputy Ogier used many words in his speech that will challenge the person tasked with checking the accuracy of the spelling used. Sir, I do not wish to make that task any more onerous, but would still wish to congratulate today's Policy Council on a very successful debate, and for avoiding stepping in a bouzat. (*Laughter*)

2940

Would a translation be helpful, sir?

2945

**The Deputy Bailiff:** Is there any other person who wishes to speak in this debate before I turn to the Chief Minister to close it? No.

Chief Minister, then, to close the debate on this important matter.

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**The Chief Minister (Deputy Harwood):** Thank you very much, sir, and fellow Members.

Firstly, may I thank you, sir, for the manner in which you have presided and particularly how you have marshalled the amendments. (*Applause*) It has been very helpful to the flow of debate. Thank you very much.

2955

Secondly, may I thank all Members of this Assembly who have participated in this debate. They participate in a passionate, but, I believe, an objective manner and with well thought out comments. Above all, I am encouraged that we have all been fairly temperate. Some of us may have, perhaps, over-reacted to the language used by Deputy Lester Queripel yesterday, and if I was one of them, I also apologise to Deputy Queripel.

Thirdly, and I am grateful to Deputy Trott.

2960

May I also express a grateful thanks to all those who have in the past contributed to the development of this regime, to Members of the former Population Policy Group, to Members of the last Policy Council, who bore the brunt of much of the heavy lifting, but especially to those officers who have stayed the course and seen this project through to where we are today. (**A Member:** Hear, hear.) Without their diligence and effort, we would not have been in a position of holding this debate.

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In a non-partisan Assembly, such as this, there can be no winners or losers. All 47 of us have been asked to exercise political judgment and we have all, in my commission, sir, stepped up to that plate. The winner is the democratic process.

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In my opening speech, sir, I said that the outcome of this debate and the Population Management Regime that emerges from the debate will be a compromise. It has to be by definition. It is a balance between competing interests. There will be many Members of this Assembly who will be disappointed with the outcome of decisions on certain aspects of the regime, but I would urge all Members to recognise and respect the democratic process. We should now move on to the next phase of the development with a positive attitude. Much work still needs to be achieved.

2975 Sir, today's debate has been about population management, but the wording of the  
 Fallaize/Quin amendment, which we debated this morning, which now sets out the aims of the  
 new regime in the form of a Proposition, correctly, in my opinion, links the regime with the  
 Strategic Population Policy that the States may from time to time put in place. Sir, the Policy  
 2980 Council in the context of the States Strategic Plan has already proposed that there should be a  
 debate on population policy during this term. So by the time the new regime comes into effect, this  
 States will have had the opportunity to review and possibly amend the existing Population Policy.

2985 Sir, I would also wish to note and acknowledge the concerns that were expressed yesterday in  
 the debate on the amendment brought by Deputies Perrot and Green. Whilst the amendment did  
 not succeed – arguably because it was the wrong debate – nevertheless the sentiments behind the  
 amendment were well recognised and the position of the availability of properties within the  
 financial means of first-time home buyers is something that I believe this Assembly should and  
 will need to consider in the near future.

2990 Many people, sir, have suggested that the new regime will be too liberal and it will only lead to  
 an increase in the size of the Island's population. Sir, I do not agree with that sentiment. There is, I  
 believe, nothing in the Propositions that will inevitably lead to that consequence. It is perhaps  
 correct that we have not tightened up the regime as much as some Members would have liked, but  
 we have, sir, I believe achieved a balance that is fair to the general community, the business  
 community and to the Island's resources. Sir, the new regime tries to distinguish itself from the old  
 2995 regime because of concern about the occupation of the housing stock, and concerned itself with  
 numbers of houses. The new regime is correctly focused on numbers and is, I believe, more  
 closely allied to the objectives of a population policy.

Sir, the new regime aims to be fair. It aims to offer certainty and not to be overly complex. By  
 offering certainty and lacking complexity, hopefully it will deliver a regime that is understandable  
 and one that can be trusted.

3000 Sir, our Alderney representatives remind us of the importance of the Alderney dimension and  
 that is recognised by Policy Council in paragraph 19.5 and 19.6 of the Report. I would say we  
 have also taken note of the suggestions put forward by our Alderney colleagues, and in particular  
 the annual sales pitch, which was put forward by Alderney Representative Arditti.

3005 There has been considerable discussion about the statutory body, and my colleague Deputy  
 Domaille led on that charge. Sir, I would refer the Assembly to paragraph 6.7, which sets out the  
 reason why, in the opinion of Policy Council – and it is the majority, I accept, of the Policy  
 Council – it is believed that a statutory body is appropriate. If I may quote, but briefly:

3010 'A key principle in developing the proposals for a population management regime has been to provide clear and  
 transparent separation between two distinct roles in the process – policy making and day-to-day administration. This is  
 intended to enable States Members to freely express their views on population management matters *at a policy level*  
 and to govern policies directing the decision making process without any conflict of interest with the day-to-day  
 administrative decision making.'

3015 Sir, the reasons set out in that policy is that the Policy Council believes that a statutory body *is*  
 appropriate, but I acknowledge that Deputy Domaille and Deputy Jones have both for a long time  
 advocated against using a statutory body, and I know that Deputy Domaille used the example of  
 the Environment Department as the paragon as an alternative to a statutory body.

3020 Sir, Deputy De Lisle correctly recognised that the Policy Council needs to come back to this  
 Assembly sooner rather than later with details of transitional arrangements, and also, at the same  
 time, I acknowledge that we will need to address any residual Human Rights concerns.

Deputy Soulsby, again, is concerned about the cost of establishing a statutory body. As stated,  
 Policy Council intends to bring back more details of the structure and the governance of the new  
 regime, assuming that the States today accepts the Proposition that there should be a statutory  
 3025 body, and that detail will also include costings. But I do take comfort from the comments of  
 Deputy David Jones, that hopefully the new regime will not, in fact, effectively cost more than the  
 existing Housing Control Regime; but again, clearly, as Deputy Soulsby also recognises the  
 importance that we do have to address the transition.

3030 As a result of today's debate, we will hopefully – and again I will refer to the skeleton analogy  
 that Deputy Storey made – know the shape of the skeleton. We will know the bones that will go  
 into the skeleton and we will then be able to put the flesh on those bones.

3035 Again, a number of deputies have spoken about the statutory body in similar terms: concern  
 about the cost. Deputy Brehaut, I think, acknowledges that there are a number of different models  
 that can be used for a statutory body and he certainly identifies that – and I am sure many of us  
 would agree – statutory bodies should be more of an onshore model, rather than offshore.

I am grateful to Deputy Sillars for his comment. He is concerned about Proposition 10. He has acknowledged a number of people from industry and the commercial sphere have also expressed concern with that; but I would also draw to the attention of the Assembly, actually the linkage between Proposition 10 and Proposition 35, which talks about criminal conviction checks.

3040 To Deputy Ogier, sir, I would hope that he will come to recognise that the permit system that will be put in place, if this regime is followed, will actually give protection; hopefully, it will lose protection for the local population.

3045 Again, affordable homes: as I have already said in connection with Deputy Perrot and Green's amendment, I think this Assembly does need to come back to consider how we can best deal with the challenges of the first-time buyers.

3050 Sir, Deputy Storey, in his comments, correctly identified that part of recommendation 25(c), which perhaps some of us have overlooked... but here is the recognition about acceptable accommodation standards and that is important, because it is only through recognising the multi-occupancy element of Part A of the Open Market that we can begin to address what I believe is actually a real concern, the standards that some people are living in, in multi-occupancy properties.

Sir, with due respect, I will not go through every single comment that every single Deputy has made because otherwise will be here until... too late.

3055 In response, generally, to Deputy Green, who obviously is a sceptic, the one difference that I would suggest he needs to recognise under this new regime, as opposed to the existing Housing Control Law, is that this will enable the States to manage the *whole* of the Island's population and not merely the small number of people who are currently the subject to the Housing Licence system.

3060 Deputy Lester Queripel threw a challenge at me: to come up with a definition of 'genuine tourists'. I would defer to Her Majesty's Procureur, who I am sure will come up with a definition, if you would like to speak to him after this meeting. There is, I believe, an existing definition, but I have not got it at the top of my head in relation to Part B, but I would suggest –

**The Procureur:** A *genuine* tourist is a tourist who is not a *fake* tourist. (*Laughter*)

3065 **The Chief Minister:** I am obliged to Her Majesty's Procureur for that clarification; but I still suggest that Deputy Lester Queripel might want to talk to Her Majesty's Procureur outside this meeting.

3070 **Deputy Queripel:** I was just seeking a definition of a 'fake tourist', sir, actually; but I will let that one go, sir.

3075 **The Chief Minister:** Thank you, sir. Deputy Brehaut identified concerns with the criminal convictions and the cost. One aspect of criminal convictions, which I think is perhaps sometimes overlooked, is the mere fact that we will require these conviction checks, will itself act as a deterrent for a number of people who might otherwise come to this Island.

3080 The Deputies Kuttelwascher, Dorey and Hadley have sparred variously over the Open Market issues. I would also agree with Deputy Perrot, that I would disassociate myself from Deputy Dorey's comments in this respect. I do not believe we should be seeking to establish a minimum economic contribution. They have done, historically, in Jersey. Guernsey has never sought to do so, and I think it would, entirely wrong to introduce that at this stage.

3085 Sir, can I just use a sporting analogy, and I am not a sportsman myself? Hopefully, we have taken over the baton from the previous Policy Council in bringing these Propositions to this Assembly. I would hope that we would be in a position before the end of this term to complete the whole exercise so we do not have to pass over the baton to the *next* term. On that basis, sir, I would ask the Assembly to support the Propositions that are now being put before you.

Thank you, sir.

**The Deputy Bailiff:** Thank you, Chief Minister.

3090 Members of the States, a number of Members have indicated a wish to vote distinctly on specific Propositions. What I am minded to do is use the bold headings in grouping them; but if people want individual Propositions within that group taken separately, we will. It is also an opportunity to remind ourselves of those Propositions that have been amended before we vote on each of them in turn.

3095 To start with, I am going to put Proposition 1, as substituted by the successful amendment moved by Deputy Fallaize, seconded by Deputy Quin, which you will find in your amendment pack at 19. So that is the Proposition that you are voting on. All those in favour; those against.



*Members voted Pour.*

3100 **The Deputy Bailiff:** I declare Proposition 1 carried.  
Proposition 2, you will find on page 826 in the Billet. All those in favour; those against.

*Members voted Pour.*

3105 **The Deputy Bailiff:** I declare Proposition 2 carried.  
Propositions 3 to 5, I will take together under the right to return. All those in favour; those against.

*Members voted Pour.*

3110 **The Deputy Bailiff:** I declare Propositions 3 to 5 duly carried.  
Under the heading, 'Existing Qualified Residents', there are now three Propositions: Propositions 6, 7 and 7A, although there is an argument that might come under the next heading, but we will take those three together.

3115 Proposition 7A was added by the amendment moved by Deputy Gollop, seconded by Deputy De Lisle, that you will find at number 4 in the pack. So Propositions 6 to 7A inclusive. Those in favour; those against.

*Members voted Pour.*

3120 **The Deputy Bailiff:** I declare Propositions 6 to 7A duly carried.  
Under the heading of 'Employment Permits', we have Propositions 8 to 13.  
Proposition 8(d) and Proposition 9 have been amended by the successful amendment moved by Deputy Soulsby, seconded by Deputy Conder, which is amendment number 7 – just to remind yourselves of those. Is there any request to take any of those Propositions separately? No. We will take 8 to 13 together Members of the States. Those in favour; those against.

*Members voted Pour.*

3130 **The Deputy Bailiff:** I declare those Propositions, 8 to 13, inclusive, duly carried.  
The next heading is, 'Residents Permits Family Connections'. Propositions 14 to 19, inclusive. All those in favour; those against.

*Members voted Pour.*

3135 **The Deputy Bailiff:** I declare Propositions 14 to 19 duly carried.  
We then move to Propositions on the 'Open Market', 20 through to 31, inclusive. Is there any request for any of those to be taken separately? No. Very well, we will take Propositions 20 to 31 together. Those in favour; those against.

3140 *Members voted Pour.*

**The Deputy Bailiff:** I declare Propositions 20 to 31 inclusive duly carried.  
Propositions 32 is a standalone one, 'States Controlled Properties.' Those in favour; those against.

3145 *Members voted Pour.*

**The Deputy Bailiff:** Proposition 32 is duly carried.  
There are two Propositions under the heading, 'Restricting Where an Individual Can Live.' I have a request to take those distinctly.  
So we will take Proposition 33 first. Those in favour of Proposition 33; those against.

*Members voted Pour.*

3155 **The Deputy Bailiff:** I declare Proposition 33 duly carried.

Proposition 34 has been amended. The amendment was the one marked C, proposed by Deputy Laurie Queripel, seconded by Deputy Jones. It has been substituted, rather than added to, and that is number 10 in the pack. All those in favour of the substituted Proposition 34; those against.

3160 *Members voted Pour.*

**The Deputy Bailiff:** I declare Proposition 34 duly carried.

3165 It is Proposition 35 – forgive me for getting confused – where there have been some words added. That was the amendment in your pack, number 13, moved by Deputy Ogier, seconded by Deputy Brehaut. So, Proposition 35 to you. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** Proposition 35 is carried unanimously.

3170 In relation to Propositions 36 to 38, each of those have either been substituted or amended and I have a request to take each of those distinctly.

These were the amendments moved by Deputy Fallaize, seconded by Deputy Jones, which is marked number 18. So it is those Propositions.

3175 Proposition 36, first, on the first page there, as substituted. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare Proposition 36 duly carried.

3180 Proposition 37 has been amended in minor way through the substitution. Over the page, Proposition 2 of the amendment. Those in favour of the amended Proposition; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare Proposition 37 duly carried.

3185 Proposition 38 is the substituted Proposition from the amendment moved by Deputy Fallaize. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare Proposition 38 duly carried.

3190 The next heading is ‘Legislative and Policy Framework’, Propositions 39 to 42, inclusive. Those in favour of those Propositions; those against.

*Members voted Pour.*

3195 **The Deputy Bailiff:** I declare Propositions 39 to 42 duly carried.

There are three further Propositions. The first one is Proposition 43 on the extension of the Housing Control Law. All those in favour; those against.

3200 *Members voted Pour.*

**The Deputy Bailiff:** Proposition 43 is duly carried.

And Propositions 44 and 45, I will take together. Those in favour; those against.

3205 *Members voted Pour.*

**The Deputy Bailiff:** I declare those duly carried. (*Applause*)

3210 **The Deputy Bailiff:** So we can put aside Billet d’État XI and our pack of amendments.

#### Procedural under Rule 9

3215 **The Deputy Greffier:** Sir, we are on Billet XII, Article IV: Policy Council: Improving Governance in the States of Guernsey – Implementation Plan.

3220 **The Chief Minister (Deputy Harwood):** Sir, could I at this stage, perhaps, ask that we take the Supplementary Billet, which I have not got in front of me at the moment (**The Deputy Greffier:** Billet XIV?) Billet XIV, which deals with the Bi-Lateral Agreement with Croatia, given that Croatia is due to become a member of the European Union over the weekend? (*Laughter*)

3225 **The Deputy Bailiff:** Members of the States, this is a motion pursuant to Rule 9, which prescribes the order of business. It is suggested that this is time critical, and just in case we do not reach because it is slightly down the Agenda, are you minded to agree the motion moved by the Chief Minister? Those in favour; those against.

*Members voted Pour.*

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## Billet d'État XIV

3235

### TREASURY AND RESOURCES DEPARTMENT

#### EU Savings Directive Bi-Lateral Agreement with Croatia Propositions carried

3240

*Article I.*

*The States are asked to decide:-*

*Whether, after consideration of the Report dated 8th April, 2013, of the Treasury and Resources Department, they are of the opinion:-*

3245

*1. To agree that the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) Law, 2004, as amended, be further revised, by Ordinance, as provided for in that Law, in order to allow the provisions of that Law to be applied to any agreement between Guernsey and any EU Member State (including Croatia), notwithstanding that the agreement may relate only to exchange of information rather than to retention tax.*

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*2. To agree that the bi-lateral agreement with Croatia described in the Report, once signed, be approved and that Croatia be added to the list of EU Member States in Schedule 1 to the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) Ordinance, 2005 (and that further minor modifications be made to that Ordinance and the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) (Amendment) Ordinance, 2006 to mirror the changes to the 2004 Law proposed above).*

3255

*3. To authorise the Chief Minister, or other Minister designated by the Policy Council for that purpose, to sign bi-lateral agreements with EU Member States (including Croatia) which provide, wholly or in part, for the exchange of information in relation to tax matters.*

3260

*4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.*

**The Deputy Bailiff:** Very well, then, we will deal with Billet d'État XIV. Can we just take the Article, please, Greffier?

3265

**The Deputy Greffier:** It is Billet XIV, Treasury and Resources Department: EU Savings Directive – Bi-Lateral Agreement with Croatia.

**The Deputy Bailiff:** I invite the Minister of the Treasury and Resources, Deputy St Pier, to open the debate.

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**Deputy St Pier:** Sir, I shall be brief, but it may be helpful for Members to explain why this has come before us and why it is necessary to deal with it now.

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Sir, since 2005, Guernsey has had Agreements with EU Member States equivalent to those under the EU Savings Directive. Under these Agreements, those making payments of interest for residents of EU Member States have to pass details of those payments to the Director of Income Tax, who then, in turn, passes that information on to the relevant tax authority in each of the EU Member States.

3280 In the first years of the operation of these Agreements, there was an alternative under which Retention Tax could be paid instead of the transmission of details of the interest; however, as Members will know, that Retention Tax option ceased in 2011. Initially, Guernsey had Agreements with 25 EU Member States and this was extended to 27 in 2006, when Bulgaria and Romania joined the EU.

3285 On 1st July, this year – so that is Monday – Croatia will also accede to membership of the EU and so it is necessary for Guernsey to enter into a similar bilateral Agreement with Croatia. The significant difference with Croatia is that it will be the first EU Member State with which Guernsey has entered into such an agreement since the abolition of the Retention Tax option, and two issues therefore arise in relation to this. The first is that when the States gave authority for the Chief Minister to sign the previous Savings Tax Directive-style Agreements on behalf of Guernsey, this was stated as being in relation to Agreements which included a Retention Tax option; but, of course, as I have said, sir, Croatia will be the first agreement that does *not* include such an option.

3290 The States is being asked, therefore, to agree that in the future the Chief Minister, or another Minister designated by the Policy Council for the purpose, may sign bilateral agreements with EU Member States which provide wholly or in part for the exchange of information in relation to tax matters. The second issue in relation to Croatia is that in order for the Agreement to be signed with Croatia to be given effect, some minor changes will be required to the relevant legislation. In addition, the Agreement, once signed, with Croatia, needs to be approved and added to the list of EU Member States in the relevant ordinance. This Report seeks the States approval for these matters.

3300 As I indicated earlier, Croatia is due to accede to EU membership at the beginning of next week. In order to ensure that Guernsey is in a position to be able to sign the appropriate Agreement with Croatia in time for its accession, the States Legislation Select Committee has resolved to enact the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) (Amendment) Ordinance 2013, which deals with all of the legislative amendments required. This will take effect on the signing of the bilateral agreement referred to in the States Report, the approval of which is subject to Proposition 2. I therefore commend Proposition to the Assembly, sir.

3305 Thank you.

3310 **The Deputy Bailiff:** Does anyone wish to say anything on this Report? Very well, we will move to the vote then. There are four Propositions and they are on page 999 in the Billet. I will put them all together. Those in favour; those against.

*Members voted Pour.*

3315 **The Deputy Bailiff:** I declare all four Propositions duly carried.

## Billet d'État XII

3320

### POLICY COUNCIL

3325 **Improving Governance in the States of Guernsey  
Implementation Plan  
Propositions carried**

*Article IV.*

3330 *The States are asked:-  
Whether after consideration of the Report dated 25th March, 2013, of the Policy Council, they are of the opinion:*

- 3335 *1. To approve the categorisation of each recommendation in the implementation plan as shown in Appendix 1 to that report.  
2. To direct the States Review Committee to consider the relative merit and priority of 12 in-principle recommendations as identified in Appendix 1 to that report and that the Committee's*

*review report, due by the end of 2014, should either reaffirm or supersede these recommendations.*

3340 3. *To rescind the Resolution of the States to approve in principle recommendations k, dd and xx as set out in Appendix 1 to that report (Resolution 1k, 1dd, 1xx, Billet d'État V, March 2012).*

3345 4. *To rescind the Resolution of the States "That the Policy Council proposes an amendment to the mandates of the Public Accounts Committee and Scrutiny Committee to make them explicitly responsible for 'the promotion and monitoring of good governance'" (Resolution 4, Billet d'État V, March 2012).*

5. *To rescind the Resolution of the States "That the Public Accounts Committee and Scrutiny Committee report to the States of Deliberation during 2015 setting out the extent to which by that stage the States is complying with the principles of good governance" (Resolution 3, Billet d'État V, March 2012).*

3350 **The Deputy Greffier:** Sir, if we can return to the previous matter, Billet XII, Article IV: Policy Council – Improving Governance in the States of Guernsey, Implementation Plan.

**The Deputy Bailiff:** I would like to turn to Chief Minister to open the debate on this Report.

3355 **The Chief Minister (Deputy Harwood):** Thank you, sir.

Members will be pleased to hear I do not intend to repeat what is in the Report at this hour, which I hope is self-explanatory. However, I would like to highlight what I believe are the key points to take away from this debate.

3360 Firstly, governance may appear to be a dry subject, but it is critical to how Government operates. Good governance is essential to good government. The Policy Council and, I trust, the whole of the States of Guernsey, remains committed to improving governance against the six core principles that were adopted in March 2011. Sir, there has been several reports over the years, including the March 2011 Joint Committee Report, which gives rise to this follow-up Report before you today. Those Reports have pointed to weaknesses in our governance arrangements. Sir, significant progress has been made in addressing these weaknesses, not only through the 29 recommendations of the Joint Committee that are completed or in progress, but also, I would hope, sir, you would acknowledge in a wider context across the public sector. Sir, unfortunately, we are never going to achieve perfection. There is no end game to implementing good governance; but it is a continuous journey of improvement.

3370 The States Review Committee is now charged with identifying options for the structure and functions of Government. The option that this Assembly chooses for its future Government, when it considers that Report will, to a large extent, dictate the most appropriate governance arrangements that we will need to have in place. This is why the Policy Council has devised its recommended Implementation Plan, which is presented in Appendix 1 of this Report, because it is intended to be flexible around the work of the States Review Committee. At times, such as now, when resources are stretched, the Policy Council feels that it will be unwise to commit to any work that may become duplicated or redundant.

3380 However, sir, you will see in the Report that the Policy Council has committed to giving further consideration as to how compliance with the core principles should be implemented and monitored and who by, as part of the implementation of whatever emerges from the review of the functions and structure of Government. Sir, the journey continues with that valuable work and will continue to do so thereafter.

3385 Sir, the current review of the States Review Committee is examining the very foundations of our system of Government and the States Assembly will be asked to make a conscious decision as to what type of system it wishes to operate. The task, following that, will be to embed good governance structures appropriate to the chosen system of Government so that continuous improvement becomes a part of the culture, and indeed, becomes business as usual.

Sir, I commend this Report and its Propositions to the Assembly.

3390 **The Deputy Bailiff:** Deputy Robert Jones, followed by Deputy Gollop.

**Deputy Robert Jones:** Thank you sir.

I would just like to say a few brief words on this Report in my capacity as Chair of the Legislation Select Committee.

3395 On pages 864 and 865, there are two recommendations that refer to or impact on the work of the Legislation Select Committee. The recommendation mm is a recommendation that the Committee agrees with in principle.

3400 Since taking on the role in May 2012, we have worked very hard with St James' Chamber to address the level of explanation that the Members of the Committee receive when we review draft legislation. Whilst we do not actually receive explanatory notes in the detail that accompanies legislation when it goes to the Justice Select Committee in the UK, we have worked hard to get better explanatory notes to help us review the legislation. In addition to this, we also ensure that we have links to the relevant States Reports, and you will appreciate some of these reports go back a good few years and beyond the time that has been spent by many Members on my Committee;

3405 but we have to ensure that the pack includes that, and the reason I say that is because it can be quite difficult to go back, as an individual, to find exactly what report you are dealing with.

On complex issues, we also have, on most occasions, invited the drafts person in to ensure that we are fully informed on various complex issues – for example, the tax legislation that has just gone through our Committee most recently was quite complex, but we do ensure that we have the relevant people there to guide us through.

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Often, we do have members of the Sponsoring Department in meetings with us, which is very useful, because obviously we have to try and follow the legislation from the States Resolution through its embryonic stage and the policy development and various things, to enable us then to make sure that we have legislation that does fit in with what the States has resolved to do.

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The reason I stood, I think, was just to give you reassurances, because a lot of our work does go behind the scenes and it is not that obvious what we actually do, but in the year that I have been Chair, we taken some really good steps to ensure that we are fully informed. What you will get from some of these recommendations that you see here is that we now want to work to get those explanatory notes and more details into the Billets to assist States Members with their preparation for States meetings, so that you get better informed.

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I think the Minister of the Treasury and Resources Department has taken great strides in helping and assisting Members of the Assembly when he does stand up, as he has done today, to give a better explanation. I know other Ministers have done that, but I would encourage Ministers to do that and work with their Departments to give us better information, because I do not want us to be seen as simply nodding through legislation, which is the perception that people do get from time to time; but that is not the case. We do ensure that we have all the right information in front of us in our Legislation Select Committee meetings. We are, on occasions, spending three, four, five hours, going through line by line. So I think it was appropriate to stand up here.

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The other recommendation here, I think, states that we do not want to duplicate the work of the States Review Committee, and that particular recommendation is looking at whether we should have another reading stage or whether the Legislation Select Committee should get involved with legislation at an earlier stage of the drafting. I do not want to duplicate that work. We do have lots of discussions in our meetings about when the Committee should get more involved; but I think it is right to leave that to the States Review Committee. I think for a lot of the work that we do it would be difficult to try to amend what we do under the current mandates and I think it is appropriate that we leave those sorts of matters for the States Review Committee.

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3435

That is all I have got to say today. Thank you.

3440 **The Deputy Bailiff:** Deputy Gollop, then Deputy Bebb.

**Deputy Gollop:** Yes, sir, thank you.

Specifically on legislation, Deputy Rob Jones has created, I think, a workmanlike approach in binding a team together to improve the process and I think in a way, you, sir, as the Deputy Bailiff and the Bailiff have also I think emphasised the need for all Members to have explanations of legislation and the opportunity to be aware of them prior to debate. Of course, it could be argued that the Corporate Governance Review and the Crowe Report, which the Legislation Select Committee is looking at, has led to a change in the weather, really; but then others might argue that Deputy Rob Jones, as Chairman, has been more effective than his predecessor. *(Laughter)* No, we are moving on from that. *(Laughter)* Actually, I am speaking...

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There are some disappointments, though, in this particular Report. In a way, it has been slightly buried through the workload we have in other areas of politics and life at the moment; but it goes backwards a bit, in that the Scrutiny and Public Accounts Committee have not progressed with a work stream and now have a new thinking on the matter and want to rescind, and the Policy Council is suggesting three work streams are abandoned, which intrigues me. One of them was linked to something I was interested of legislation, about consolidating and researching extant

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legislation, and indeed, the former Scrutiny Committee did a lot of work with monitoring, and that has been abandoned on grounds of resources and cost.

3460 Another one was the Policy Council acting as a guide or mentor to individual Departments about corporate governance and the third one relates to, effectively, corporate communications, I think. It is interesting then to see a progress statement to the Policy Council to say they have appointed a Corporate Communications Director, which is something Deputy Trott did and was criticised at the time. So it is funny how we reinvent the wheel.

3465 Nevertheless, although I do appreciate that many of these issues are being looked at or being worked on as part of the broader States Review, which we all should input into more, there is a sense that after the massive amount of work – at least 20 States Members were engaged in, in the last Assembly – that it has been disappointing that we have not really got a template that we can activate at this stage and that the practical results so far have been relatively meagre.

3470 **The Deputy Bailiff:** Deputy Bebb.

**Deputy Bebb:** Thank you, *Monsieur le Député Bailli*.

3475 Very briefly, I can concur with what Deputy Rob Jones has said previously. Obviously, I am a Member of the Legislation Select Committee and anything that we can do in order to improve scrutiny of legislation can only be welcomed.

Moving on, I had one very brief point, and that is paragraph 6.2 on page 838, and the very last sentence says:

3480 ‘Meanwhile, the Financial Transformation Programme has required corporate working across all Departments to focus minds on fiscal responsibility and value for money.’

The Chief Minister does not have to respond today – he has a month to do so – but it seems to be at complete variance with regards to the Policy Council’s response to the Requête, which I am laying next month. (*Laughter*)

3485 **The Deputy Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Thank you, sir,

3490 Sir, I will brief. The levels of communication both within and from the States has always been of great concern to me and it is very frustrating and demeaning, even, to hear news or read news in the media prior to being told about it. So I echo Deputy Gollop’s views. I take great comfort from the fact that as of June this year there will be a Corporate Communications Manager based within the Policy Council’s staff team. I am sure we all welcome that, sir, and that is all I have to say regarding the levels of communication, which will improved, no doubt, sir.

3495 **The Deputy Bailiff:** I do not see anyone else rising to speak in this debate. So, Chief Minister, I will turn to you to reply to the debate on this Article.

**The Chief Minister:** Very briefly, sir.

3500 I am grateful, too, for the contribution from Deputy Rob Jones.

Deputy Bebb, I am sure, sir, we will have an interesting debate in July when we deal with his Requête.

3505 I am pleased to have the acknowledgement from Deputies Gollop and also Lester Queripel that we do need to... and we recognise that communications do need to be improved. The manager has actually now started and I think I saw her at her desk earlier today. So we will make every effort to improve communications.

3510 Members may feel somewhat disappointed that there are some Items that we are recommending, that they be rescinded; but it should be noted that we have, I would suggest, made progress on 29 of the recommendations and 11 have already been completed. So there was a long list of recommendations originally put forward in the Joint Committee’s Report and work has been progressing; but, for reasons I have already stated, we feel that some should be adjourned pending the outcome of the States Review Committee.

Therefore, I would commend the Propositions to the States.

3515 **The Deputy Bailiff:** Members of the States, there are five Propositions. You will find them on page 873 in the Billet. Unless any one wishes to have any of them put separately, I was going to put them to you together. Those in favour; those against.

*Members voted Pour.*

3520 **The Deputy Bailiff:** I declare all five Propositions duly carried.

3525 **TREASURY AND RESOURCES DEPARTMENT**

**Double Taxation Arrangements with  
the Republic of Singapore and the Government of the State of Qatar  
Proposition carried**

3530 *Article V.*

*The States are asked to decide:*

3535 *Whether, after consideration of the Report dated 2nd April, 2013, of the Treasury and Resources Department, they are of the opinion to ratify the Agreements made with the Republic of Singapore and the Government of the State of Qatar, as appended to that Report, so that they have effect in accordance with section 172(1) of the Income Tax (Guernsey) Law, 1975.*

3540 **The Deputy Greffier:** Sir, if we can now return to the Report of the States Department, Billet XII, Article V: Treasury and Resources Department: Double Taxation Arrangements with the Republic of Singapore and the Government of the State of Qatar.

**The Deputy Bailiff:** I turn to the Minister of the Treasury and Resources Department, Deputy St Pier, to open the debate on this Article.

3545 **Deputy St Pier:** Sir, I referred to this States Report yesterday when we were approving the legislation that was required in relation to the Agreement with Qatar. I have nothing further to add, sir.

3550 **The Deputy Bailiff:** Is there any debate on...?  
Deputy Bebb.

3555 **Deputy Bebb:** Very briefly, if I may?  
Certain Members, outside of this Assembly, have frequently said that the length of debate is the weight of importance that we weigh on things, and I am sure all Members will agree today that whilst debate on this particular item will be very, very brief, it is no less important and that we should always recognise the great effort that is being done in order to improve our financial position by the Treasury and Resources Department and to congratulate them on that.

3560 **Members:** Hear, hear.

**The Deputy Bailiff:** I do not see anyone else rising.  
Do you feel the need to respond to that at all, Deputy St Pier? (*Laughter*)

3565 **Deputy St Pier:** Only to acknowledge Deputy Bebb's point.

**The Deputy Bailiff:** Members of the States, there is a single Proposition – you will find it on page 948 – to approve both these agreements. Those in favour; those against.

3570 *Members votes Pour.*

**The Deputy Bailiff:** I declare the Proposition duly carried.

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**ENVIRONMENT DEPARTMENT**

**Traffic and Transport Services, Fees and Charges  
Propositions carried**

3580

*Article VI.*

*The States are asked to decide:*

*Whether, after consideration of the Report dated 23rd April, 2013, of the Environment Department, they are of the opinion:*

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*1. To approve the introduction of new fees and charges as set out in the Appendix of that Report by way of legislation, as set out in paragraphs 3.2 to 3.5 inclusive of that Report.*

*2. To approve the proposal that adjustments to any of the fees and charges listed in the Appendix of that Report can henceforth be enacted by way of regulations of the Environment Department, as set out in paragraph 5 of that Report.*

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*3. To direct the preparation of such legislation and any other minor consequential amendments as may be necessary to give effect to their above decisions.*

3595

**The Deputy Greffier:** Billet XII, sir, Article VI. Environment Department: Traffic and Transport Services – Fees and Charges.

**The Deputy Bailiff:** I invite the Minister of the Environment Department, Deputy Domaille, to open the debate on this Article.

3600

**Deputy Domaille:** Thank you, sir.

This Report is seeking Members' approval to introduce new fees for services, as identified in paragraphs 3.2 to 3.5 of the Report. The services identified concern application for Permits for exceptional undertakings and are only occasionally required. Currently, these services are provided free of charge and are financed by the taxpayer, rather than the individual organisation benefitting from the service. If approved, legislation will be required to introduce these new fees. However, the legislation is not extensive and drafting time should take no longer than one or two days.

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The Report also informs Members of the Environment Board's intention to introduce a fee for the transfer of a motor vehicle from one registered keeper to another. There are approximately 17,000 transfers a year, which is a reflection of the high vehicle ownership in the Island and as such, the charges will impact on a large proportion of the population. However, the £25 charge is low in monetary terms, especially when compared to other motoring costs, and the monies received will go some way towards meeting the cost of the service provided by the traffic division. Sir, as with the other services identified in this Report, this service is currently provided free of charge. However, unlike the other fees identified in this Report, new legislation is not required and the fee will be introduced by regulation in accordance with existing powers. I must emphasise that all of the proposed charges comply with the guidelines provided by the Treasury and Resources Department and the Policy Council.

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The Environment Department is also proposing to introduce better record checks to enable it to keep the Register of Vehicles up-to-date and maintain it in a proper state. The estimated additional annual cost of the checks will be covered by part of the income received from the introduction of the new charge for transferring a vehicle.

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Sir, these proposals comply with the requirements of the 2007 States Resolution, requiring Departments to consider where there is scope for the introduction of new fees and charges. They will assist the Environment Department in meeting its commitments to the Financial Transformation Programme. They are fair and reasonable, and provide for the maintenance of an accurate and up-to-date Register of Vehicles.

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I ask Members to approve the proposals.

3630

**The Deputy Bailiff:** Thank you, Minister.

Once again, I do not see any...

Deputy De Lisle, do you wish to speak in this debate?

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**Deputy De Lisle:** Yes, sir.

I would just like to say that I would support these fees and charges, because there are costly areas of administration, in reference to the traffic and transport services and, as you will know, it

was only in the last number of years that the Department has begun to charge for planning development applications.

3640 But there is one point, however, as there has been some criticism of the Department bringing in charges to support FTP. As I understand it, £50,000 is set to pay for a new record checking system to keep vehicle registrations up-to-date, and that is fine, but the remainder would count towards the Department's FTP savings, in that it does not require States approval. But there is a public perception that at a time of austerity, that perhaps we should be looking at real savings in terms of cost reduction in the Department, rather than adding administration costs in order to deal with FTP savings. I would like the Minister just to comment on that, but I would support these charges and fees.

3645 Thank you.

**The Deputy Bailiff:** Deputy Brehaut.

3650 **Deputy Brehaut:** Thank you, sir.

Deputy De Lisle does refer to the... I am a signatory to this. I am on the Environment Department, but I do not remain entirely content about the path that the States is embarking on generally in this direction.

3655 The £385,000 raised is meeting... the Department is meeting its commitments to the States of Guernsey Financial Transformation Programme and we need to think: what does that transformation mean? The transformation is we simply turn civil servants into mechanisms to charge their time out to the public. How many times can we do that? How many times can we *keep* doing that?

3660 Deputy Kevin Stewart, sir, is shaking his head, disapproving, but if we are saying that it takes a given period of time to handle paper and quite rightly there should be an administrative charge and we just keep doing that and the public pay their taxes to pay for the public sector, there does come a point when the public would say, 'How much tax am I paying and how many fees and charges are you levying against me?' This does not make the Environment Department more efficient. This is costing the people of Guernsey more. This is levying a charge on the taxpayer, once again, whether it is a fee or whatever it is.

3665 Our efficiency was well demonstrated by the spectacular negotiations surrounding the bus service, which made us £400,000 more efficient. Sir, we have an efficiency figure we have met of £785,000, if you factor this in, and a decrepit bus service. Is that the efficiency that we are looking for?

3670 Sir, as a Member of the Department, I will sign off these and my name is on this, but I really want to flag up: what do we mean by transformation, really, and what do we mean by efficiency? If it is saying, at every opportunity, 'Charge your staff out double. Charge them out at every given opportunity because a fee and a charge is not a tax.' We have to guard against the creeping levels of fees and charges that start, ultimately, in the long run, to affect what money is in the system to tax people eventually, if everybody had to do that.

3675 Thank you.

**The Deputy Bailiff:** Deputy Gollop, to be followed by Deputy Fallaize.

3680 **Deputy Gollop:** I support it. I was just hoping that the extra money raised would be used to give us even more bus services.

**The Deputy Bailiff:** Deputy Fallaize.

3685 **Deputy Fallaize:** I agree except for the words, 'even more'. *(Laughter)* A bus service would be a start. *(Laughter and interjections)*

3690 I agree with some of what Deputy Brehaut has said, although I think there is a difference between charging a fee for a service, which is perhaps not essential and an essential charge. I am wholly opposed to charges in education or secondary healthcare, or those sorts of areas that clearly Government ought to be providing those free at the point of use, paid for out of general taxation; but I do not think that circulating an oversized vehicle is an essential right that a person ought to have paid for by the taxpayer.

3695 So I do not oppose what is in this States Report, but I do have a question: given that some of this income or all of it... well, no, some of it is contributing to the Department's FTP target, does that mean that a portion of the additional income raised will be paid to the States FTP consultants?

So if the Minister could advise us of that when he replies, please.

**The Deputy Bailiff:** Deputy Paint.

3700 **Deputy Paint:** Sir, Members of... [*Inaudible*]

**Several Members:** Your microphone.

3705 **Deputy Paint:** Oh, I thought I had said 'Mike', sorry. (*Laughter and applause*)  
Sir, if you would just indulge me for a moment, and what was said in the last debate, I thought I would just correct a few things. It is for the information of all of you who do not speak Guernsey French, and perhaps, sir, a little bit more, for Deputy Brehaut, in case he becomes a Minister again: to back a tractor would be '*arracoche*' – that means '*coche*' is to go ahead; '*recoche*' is to go backwards. To ask a person to move backwards a little, you would say, '*Bouge arrière aen pie*'; but it must always be followed by '*s'il vous plaît*.' So move backwards a little bit, if you please.

3710 **Deputy Brehaut:** And in Gaelic? (*Laughter*)

3715 **Deputy Paint:** Well, like you, Deputy Brehaut, if I can for you, sir, I speak four languages: I speak Guernsey French, English, Gibberish and Rubbish. (*Laughter*)

**Deputy Trott:** Sir, Deputy Brehaut speaks two of those himself. (*Laughter*)

3720 **Deputy Paint:** Sir, with regard to the increase in charges and extra charges, I would like to say that for many, many years, charges have not been increased; so we have been led into a false impression that charges remained the same, where everything else has gone up. Everything else has gone up, so the Environment Department finds itself in a position that it cannot even *half* cover its costs.

3725 If, let us say, half of inflation had been added every year, we would not find ourselves in the position we are, and I am sure that it not only Environment. I am sure it is many other Departments. So this is the reason that we have to, unfortunately, rise charges much more than we would like to, but we have a £50 million deficit, or thereabouts, and we have to try and find something to do it. Okay, it is not exactly FTP, but it is things that have not moved on and we have to do that.

3730 Thank you, sir.

**The Deputy Bailiff:** I do not see anyone else rising at the moment, so I will turn to the Minister, Deputy Domaille, to respond to the debate.

3735 **Deputy Domaille:** Thank you, sir.

I will be relatively short and even my memory might deal with this.

3740 Deputy De Lisle was supportive and I thank him for that. He raised, I think, the question of FTP savings, and I think he was asking the question, really: as well as putting charges up, are we doing anything else, really? The short answer is yes, we are. We have cut back on our staff numbers. I do not have the figures to hand, but we have done a mixture of both areas, frankly. We have also, in fairness, as Deputy Paint has alluded to, on other occasions, put up our charges in line with our PI because a number of charges have not been increased in some cases since 1990.

3745 Deputy Brehaut: yes, in fairness to Deputy Brehaut, he has made his concerns about the appropriateness of fees and charges, versus tax, on numerous occasions. He always makes the point very well.

I think Deputy Fallaize differentiates between charges for essential and non-essential. I think the debate on fees and charges and this spilling over into FTP is for another day; but I do recognise the points on both sides of the argument and the need for a balance to be struck.

3750 I think in a case of motoring costs, where it is reasonable to do so, the direct and indirect costs of motoring should be met by the motorist and so I am quite comfortable with the charges we are proposing.

Deputy Gollop wanted some more money for the bus service. Well, let us see what happens when the Transport Strategy comes back. Personally, I hope there will be more money for the bus service.

3755 Deputy Fallaize – I cannot read my writing – oh, consultants. Yes, this forms part of the FTP package and whatever that agreement is with the consultants, they will be paid a proportion of it.

Deputy Paint: you have already talked about charges, and all I can say is I am glad I am not writing *Hansard*. (*Laughter*)

3760 Thank you, sir.

**The Deputy Bailiff:** Members of the States, there are three Propositions. You will find them on page 959 in the Billet d'État. Those in favour; those against.

3765 *Members voted Pour.*

**The Deputy Bailiff:** I declare all three Propositions duly carried.

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## PANEL OF MEMBERS

### Report of the Review Board for 2012 Proposition carried

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*Article VII.*

*The States are asked to decide:*

*Whether, after consideration of the Report dated 18th April, 2013, of the Panel of Members (constituted by the Administrative Decisions (Review) (Guernsey) Laws, 1986-1993), they are of the opinion to note the contents of that Report.*

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**The Deputy Greffier:** Next, sir, is Report of other States Committees, Billet XII, Article VII: Panel of Members – Report of the Review Board for 2012.

3785 **The Deputy Bailiff:** I invite Deputy Perrot, the Chairman of the Panel of Members, to open the debate on this matter.

**Deputy Perrot:** This is the Annual Report of the Administrative Review Panel and Members will have seen from page 933 that the only thing which I have to do today, through you, is to get them to note the Report. Well, having considered my track record over the last couple of days, I am not sure that I can even do that (*Laughter*) but I will have a go.

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There are a couple of comments which I have to make about this legislation. It was brought in in the 1980's at a time before we had judicial review. It followed from a very substantial political row, which I had at that time with the Water Board over a burst pipe, which was resolved by way of a Requête. I was much less of a pussycat then than I am now. (*Laughter*) Anyway, after all that, the then Advisory and Finance Committee was alarmed at the idea of bringing in a formal appeal system, so there was born this sort of 'ombuds-committee' system, which was a compromise.

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The result of that compromise is that the Panel has only got power to recommend; but if it does make a recommendation as a result of any finding and that recommendation is not adopted by the Department or Committee concerned, the Department or Committee has got to justify itself in the States. So I continue to think that there is justification for the continuation of this system and we have had a few appeals: one last year, which you will have read about, perhaps, in this Report and one that has just been concluded this year. I think it is a good idea because the prospect of Royal Court proceedings, before judicial review, can be quite daunting for some – a dislike for modest stipends of the Advocates involved (*Laughter*) – but the review procedure is completely cheap. It is free and it is relatively swift.

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But we have seen over the last year that there are a number of areas in which this legislation needs to be expanded and I suppose I am standing on my feet just to give due notice to the States that that is what I propose to do. I am not quite sure what the formalities are for doing this and doubtless I will have to go on my bended knees before my former employer, the Chief Minister, to see whether he will allow this legislation to go forward; but what we will need to do is change the filtering system.

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At the moment, in the generality, any complaint has to go before the States Chief Executive. He then has to decide whether the complaint falls within the provisions of the law and he has to make a determination, actually, as to whether there is some existing legal remedy or right of appeal or something like that, and in order to do that, he quite often has to take advice from the law officers because he is not a lawyer himself. Well, that, of course, then brings in an immediate conflict because quite often the Law Officers, or their Department, would very likely have been

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involved in the matter of which the complaint is made, so that the Chief Executive is conflicted. So we do need to have a different filtering system.

3820 I think to bring in the European Convention on Human Rights, this time, Article 6, one has probably got to bring in a right of appeal on a point of law. Something which has emerged quite recently is that we must make sure that the people who actually sit on the Panel of Members are excluded from legal liability, and that is not clear within the law. So there are those three areas of law which are going to have to be dealt with.

3825 I therefore, ask that the Report be noted.

**The Deputy Bailiff:** Thank you, Deputy Perrot.  
Deputy De Lisle.

3830 **Deputy De Lisle:** Sir, I would like to ask: one of the complaints against HSSD was to be heard by the Review Board on 23rd May. Are we at liberty to hear the results of that hearing, sir?

**The Deputy Bailiff:** Deputy Bebb.

3835 **Deputy Bebb:** Thank you, *Monsieur le Député Bailli*.

Very briefly, I am very heartened to hear that Deputy Perrot intends to look at this process again. The Panel forms a very important function and I do recognise that. However, in an increasingly litigious society, on occasions when someone does question certain aspects, as we found in this particular case, we can stray into an area where it is possible that we would see litigation.

3840 My understanding at this point in time is that Members of the States are immune from any such litigious actions simply by dint of their parliamentary privilege; but, of course, the Douzaine representative that also sits there may not be and therefore it is a little bit anomalous.

3845 I, personally, would welcome a Requête or a forming of a special committee in order to duly give all consideration to the whole of this area and give it a full briefing. I am not generally in favour of additional bureaucracies, but on this occasion I do not think that such a committee would have a very large task. I think that it would be able to give all areas due consideration and report back to the States quite swiftly, and I would definitely support any such measure that Deputy Perrot would seek to bring.

3850 Thank you.

**The Deputy Bailiff:** Deputy Adam, then Deputy Lowe.

3855 **Deputy Adam:** Thank you, sir.

Following on from the last comment, I was actually the Minister involved in this case and, as is stated on page 969, at the postscript 2:

3860 ‘A number of individuals were referred to during the course of the parties’ presentations, who were not present to counter or otherwise correct any perceived wrongful assertions relating to them.’

3865 Sir, H. M. Comptroller has actually listened to the full tape and has counted up that I said to this Board on several occasions that the inquiry was becoming a medical/legal matter and there is no one there to represent the accusations that were being made against the medical technician or the other people concerned. I personally thought that was inappropriate, discussed it fully with the civil servants there and discussed it with H. M. Comptroller and I am still waiting for a response back from one of my letters, and that was from January of this year. But it did concern me, and as I agree with Deputy Bebb, it does need reviewing and making sure that the reasons for them going forward is purely administrative and it is not there to judge and to criticise, unless the person who is being criticised can respond.

3870 Thank you, sir.

**The Deputy Bailiff:** Deputy Lowe.

3875 **Deputy Lowe:** Thank you, sir.

I was going to ask that at some time in the near future we could have a review of this, because although States Members do a cracking job sitting on these Panels, there is no doubt about it, the public perception is that actually it is too close having States Members on these Panels, because we all work together and they find that very difficult, that it is a bit too cosy at times.

3880 So I would ask that we do look at this and we do perhaps have a completely independent panel that the public can apply to because I do think it is a good avenue for members of the public to have that opportunity, but I really think we actually, in this day and age, need to take it away from the States and have it completely independent.

3885 **The Deputy Bailiff:** Deputy Gollop and Deputy Green.

3890 **Deputy Gollop:** Sir, I have been resisting the urge to get up on my feet here, but the comments have drawn me to, because I was part of the former Scrutiny Committee that did, in fact, a Complaints Review and also touched on whistleblowing. At the time, that Committee, and indeed the then Public Accounts Committee, considered a suggestion, I believe, from the then Deputy Chris Brock for an ombudsman. I think we do need the body that Deputy Bebb and Deputy Lowe has talked about, which will investigate this matter. Unfortunately, it goes beyond the PERRC mandate (*Laughter*) but I certainly would be interested in getting involved with that.

3895 Deputy Perrot has heartened me too with the idea of legislative reform in a number of areas. But the point Deputy Adams made brings into question the scope of this kind of review, because is it a political process or not? That is Deputy Lowe's point: is it a judicial process or not? If it is a judicial process, should it have not courtroom rules, which might include the compulsory provision of Advocates, for example, as I was concerned that Deputy Adam, I thought, was in a difficult position, so they say, because he was both a politician, a person with a lot of medical expertise and also, in a sense, a kind of unofficial Advocate all at the same time? It is those kind of issues that make one realise there is a need to look again at what the scope of this is and whether it could or should be used for these increasingly complicated, medical-type cases as well, because it is possibly not the right vehicle for that.

3900 But I do salute Deputy Perrot's proactive approach, the way in which he has publicised it and the skill that he has brought to reviving this administrative review, which is the best we have got in the interim.

3905 **The Deputy Bailiff:** Deputy Green.

3910 **Deputy Green:** Sir, I just wanted to ask Deputy Perrot: he made the point quite fairly that the existing system under the Administrative Decisions Review Law is free, swift, but he also made the point that the body only has the power to recommend, so would he agree with me that actually the system, as it has been set up from the 1980's, has always been considered by many lawyers in this Island as something of a toothless tiger? Would he actually advocate the powers of that body being increased to a rather more substantial degree?

3915 Would he further agree with me that there is a legitimate argument for saying that the Administrative Decisions Review Law was created at a time before the remedy of judicial review was recognised in the Island? Subsequent to that recognition of judicial review, and bearing in mind the fact that Legal Aid can apply to judicial review proceedings, would Deputy Perrot agree with me that this 1986 Law is potentially becoming increasingly defunct?

3920 **The Deputy Bailiff:** Deputy Brouard.

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

3925 It just might assist the House... having sat as Chairman of one of the Administrative Decision Review Board's sittings. When you sit, you are not sitting there as a judge *per se*, you are sitting there to see if the Department has made a *reasonable* decision, not necessarily the decision that you would make. I think Deputy Green is moving the emphasis forward perhaps, and not necessarily where the Administrative Decision Committee lies, as it were. So you do sit there and just judge whether or not they have made a reasonable decision – not necessarily your decision, but a reasonable one.

3930 Sir, I think if we move forward to be some sort of new body, I think that is a completely different animal. The idea works quite well at the moment because the Committee then makes their recommendation back to the Department, who *then* can consider whether or not they are going to take that second look and take it forward. That is where the litigation takes place; not at the Review Board. The Review Board just says, 'Was it a reasonable decision?'

3935 Thank you, sir.

**The Deputy Bailiff:** Deputy Fallaize.

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**Deputy Fallaize:** Thank you, sir.

I rise only to say that I do not think it will take a Requête or even Deputy Perrot getting down on one knee (*Laughter*) to produce a review of this process, because not very long ago we were debating a Report entitled, 'Improving Governance in the States of Guernsey – Implementation Plan', and one of the proposals of the Joint Committees was that:

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'The Policy Council should redouble its efforts to present proposals for the establishment of appropriate processes for hearing complaints and appeals against States Departments...'

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The Policy Council's response to that is:

'The delay in carrying out this review has been purely one of resources and other issues taking priority. The Policy Council has undertaken to complete this review by the end of 2014.'

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So I think the States can look forward to the Policy Council coming to the States with those proposals by the end of next year and I presume that they will do so in conjunction with Deputy Perrot, as Chairman as the Panel of Members. That is all I wanted to say.

Thank you, sir.

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**The Deputy Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir.

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Just very briefly, I think the late Bill Bell was Chair of the Review Committee, and I do not think there was ever a hearing when he was. Then I think Deputy Rhoderick Matthews was, and there was never a hearing. The founder of the process has had three hearings in as many years, and so a success, I suppose.

I just wanted to make one observation: when I read the case that Deputy Hunter Adam was involved in, it was not clear to me whether it was a debate about the reasonableness of a political board's decision or a judgment on the *clinical* decision, and I think the boundaries do blur when you read it, sir.

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Thank you.

**Deputy Hadley:** A point of correction, Mr Deputy Bailiff.

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**The Deputy Bailiff:** Yes, Deputy Hadley.

**Deputy Hadley:** There was a hearing when Deputy Matthews was the Chairman, relating to the Education Service.

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**The Deputy Bailiff:** Thank you very much.

Nobody else wishes to speak in debate, so Deputy Perrot, Chairman of the Panel of Members, I invite you to reply to the debate on this Article.

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**Deputy Perrot:** What do I have to do just to get to Members to note a report? (*Laughter*)

**A Member:** Sit down!

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**Deputy Perrot:** Deputy De Lisle asked about a recent hearing on 23rd May: to the best of my knowledge, information and belief that has been published. It certainly has come up on my electric communicator, and I do not know if that was just because I am Chairman of the Panel, but I think that has been disseminated now to all Members, or at least it is available on the States website.

Deputy Bebb raised the problem concerning Douzaine Representatives. Well, actually, it is not Douzaine Representatives. They are Deans of the Douzaines. Those are the ones who are eligible to sit on the Panel and those are precisely the people who need to be brought into the security of a complete exclusion of liability.

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Deputy Hunter Adam is perhaps wincing a little bit from the fact that he was involved in one of the hearings from last year, and I was Chairman of that Panel. I certainly do not wish to rehearse a case that has already been disposed of and which has been reported in full in this Billet, but I thought that it was being made abundantly clear in the postscripts that no finding of negligence was being made against individuals, because that was not without our power. We were not a court of law. But there are times when looking to see whether a States Department has conducted itself properly, one must ask oneself the question about whether an appropriate service has been given,

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or whether in giving that service the Department has become somewhat muddled about what it had to do. I rather thought that that judgment was quite clear.

4005 Deputy Lowe: I thank her for her support. She asked the question about whether there should be an independent panel, and my response to that is no. The reason why the Panel is as it is, is that it is, sort of, cheap and cheerful, and the way of dealing with that is to get Deputies engaged in that as part of their duties as Deputies. If we set up a completely independent tribunal, I can quite see us throwing money at this because we would have a secretariat, we would have paid judges and we would have Uncle Tom Copley and all involved – that was not the intention at all of what we  
4010 were trying to do in setting this up. It certainly needs some degree of extra power and it probably needs some degree of refinement; but actually it works very well and it works robustly.

If any one of Deputy Lowe's constituents is telling her that the Administrative Review Boards are patsies for the States of Guernsey, I ask her to read the reports of recent decisions when I chaired perhaps, or in rather more elegant English, the one that was chaired recently by my  
4015 colleague, Deputy Matt Fallaize.

Deputy Gollop was speculating on whether we ought to have Advocates involved, and my response to that, despite the fact that I am still nominally one, is no. I think that the watchword for everything to do with the Administrative Review Panel ought to be dealt with on a non-legal...  
4020 Well, in as a non-legalistic basis as possible, and I do not think it right incidentally, as happened recently, that a person who is making a complaint, who might be unrepresented, has to face not only the full might of a States Department, but the lawyer representing that Department as well. In my view, that is not an appropriate equality of arms. So in response to Deputy Gollop: I am dead against it. That was why costs are not recoverable under the Administrative Review.

Sir, I move on to Deputy Green who seems to be repeating something which has often been said by my colleagues at the Bar over the years ever since this Law came in, which really is the whole idea of this ombuds-committee is a bit sniffed at. It is a bit infra dig, a bit beyond the pale, and it is not what we deal with as lawyers. (*Laughter*) I am perfectly happy with that. I do not think that it is a toothsome tiger, because I repeat: read those decisions and you will see that robust decisions were made. So I do not agree that it is becoming increasingly defunct.  
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But I do take up something raised by Deputy Gollop, where he talks about my having publicised this. Well, I ask all States Members to familiarise themselves with the possibility of bringing complaints to an Administrative Review Panel. It may be cheap and cheerful, but it certainly can produce results. So I think I am agreeing with my colleague, Deputy Brehaut, that a new body would be a completely different animal. I like *this* animal, thank you very much.  
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4035 Finally, could I thank Deputy Fallaize for his *very* considerable help, both on being on a Panel with and on chairing one recently.

But, I repeat, I hope Members will note the Report.

**The Deputy Bailiff:** Members of the States, there is single Proposition – you will find it on page 970. It is asking you whether you are of the opinion to note the contents of this Report. Those in favour; those against.  
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*Members voted Pour.*

4045 **The Deputy Bailiff:** Very well done, Deputy Perrot. (*Laughter*) It has been duly noted.

### Procedural

4050 **The Deputy Bailiff:** Members of the States, before we rise and close this session, can I just touch on three matters? First of all, can I congratulate you all on the focus that you brought to your debates during the course of the last three days and for complying with the Rules of Procedure.

4055 Can I remind you that the next meeting of the States of Deliberation has been convened for the Tuesday, that is the 30th July this year.

And finally, with the Island Games taking place next month, I hope you will all join with me in wishing our sportsman and other representatives attending, a safe journey, good sports and great success. (**Members:** Hear, hear.) Thank you all very much. (*Applause*)

4060 We will close the meeting.

*The Assembly adjourned at 5.20 p.m.*