



OFFICIAL REPORT
OF THE
STATES OF DELIBERATION
OF THE
ISLAND OF GUERNSEY
HANSARD

Royal Court House, Guernsey, Wednesday, 26th June 2013

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Law Officers

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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,
P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M J Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

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

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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

S.M.D. Ross, Esq. (HM Senior Deputy Greffier)

Absent at the Evocation

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

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

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The Assembly adjourned at 5.24 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 Senior Deputy Greffier

EVOCATION

5

CONVOCATION

The Senior Deputy Greffier: Billets d'État XI, XII and XIV of 2013.

To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 26th June 2013 at 9.30 a.m. to consider the items contained in these Billets which have been submitted for debate.

10

Questions for Oral Answer

15

Procedural

The Deputy Bailiff: Good morning, Members of the States.

20

Our first items of business that we have this morning is the newly revamped Question Time. So, if we can stick to the time limits. We have all sorts of technology in place ready to do it, and I am tempted to remind you not to repeat yourselves, deviate or hesitate during Question Time. *(Laughter)*

25

CHIEF MINISTER

Supported Living and Ageing Well Strategy Progress and timescale

30

The Deputy Bailiff: But we will start with Questions to be posed by Deputy Gollop to the Chief Minister.

Deputy Gollop.

35

Deputy Gollop: Thank you, sir. I am trying to find on the technology where this e-mail has disappeared to – so I will have to remember the Question.

40

A Member: Time's up. *(Laughter)*

The Deputy Bailiff: It is your time –

Deputy Gollop: And it also mystifies me as to how I have been called first when I put mine in at five to five? But never mind!

45 Moving on, I wish to ask the Chief Minister, as the Chairman of Policy Council, can he report the progress on the Supported Living and Ageing Well Strategy and what timescale he aims to bring it to this Assembly?

50 **The Deputy Bailiff:** Chief Minister to respond.

The Chief Minister (Deputy Harwood): Deputy Bailiff, the reduction of the Supported Living and Ageing Well Strategy, otherwise known as SLAWS, for shorthand, is one of the Social Policy Group's four priorities during the term of this Assembly. At its meeting on 3rd May, the Policy Council's Social Policy Group received the latest update on SLAWS. On 13th May, Deputy Gollop and I were among a large audience of interested stakeholders at a public meeting organised by the Guernsey Community Foundation, where the Chief Officer of HSSD and Housing made a detailed presentation and answered questions on all aspects of SLAWS.

55 Anyone who was at the meeting should not be surprised, given the depth and breadth of work entailed in its formulation, that I cannot give, at this Assembly, a definitive date when a report on SLAWS will be presented to the States.

60 What I can say is that the Social Policy Group and, by extension, the Policy Council, is keen that a report is debated by this Assembly as soon as possible. However, having assumed responsibility for SLAWS, the Policy Council is well aware there is an issue regarding the limited resources devoted and available to this major piece of work and this is an Agenda item for further discussion by the Social Policy Group during August.

65 It follows that until those discussions are concluded, it would be quite wrong to make any commitment with regard to timescales, not least because any report that is produced for the Policy Council will need to be subject to consultation, not just HSSD and Housing, but also Social Security and Treasury and Resources, before it can be presented to the States.

70 **Deputy Gollop:** Yes, sir. Apologies for my shorthand earlier.

The full Question was: when and what approximate date does the Policy Council, in conjunction with the Boards, anticipate the States will be able to analyse and debate and amend a completed version of the SLAW Strategy, including provision for extra care in the future? If the report is delayed, due to a lack of resource, how does the Policy Council propose to overcome this constraint?

75 Therefore, my supplementary is that – I too attended the presentation – given the fact that one of the two Chief Officers mentioned has changed their employment position, perhaps, and the other Chief Officer is actively engaged in many workstreams, including property restructuring, how is the Policy Council able to ensure that sufficient resource is there to enable this to be progressed as soon as possible?

The Deputy Bailiff: The Chief Minister to respond to that question.

85 **The Chief Minister:** As I have already said, the Policy Council has assumed responsibility now for SLAWS and we will be considering, during the month of August, how we can best source the necessary resources that will be needed to drive this forward.

90 I am very conscious of the fact that it has been long outstanding and it is a matter that I am very keen, personally, to see brought to this Assembly as soon as possible.

Deputy Gollop: My other supplementary is that given that I know, as a Member of the Social Security Board, that we are working very hard in conjunction with the Treasury and Resources Board to deliver new thinking on pensions, benefits and taxation, combined with the Deputy Chief Minister having told the Disability Alliance Annual General Meeting, that work is progressing on the Disability and Inclusion Strategy, would it not be good governance for this workstream to be included at the same time as we make decisions on both disability and the tax benefits and pensions areas because of the nature of planning ahead demographically?

100 **The Chief Minister:** Sir, if I may just address the first point, I think it would be wrong to delay the Disability Strategy by trying to catch up with SLAWS.

As regards the consultation that is out, currently, between Treasury Resources and the Social Services Department, then, certainly, there is an issue there and I think part of the work there will

105 relate to the work that is going to be relating to SLAWS, which is a funding issue, which Deputy Gollop will certainly be well aware of, sir.

The Deputy Bailiff: Deputy Bebb to ask a supplementary question.

110 **Deputy Bebb:** Could I ask, of the Chief Minister, whether this constant playing of priorities is actually damaging the Island now, with regards to those very important issues of these three and, therefore, it is time for the Policy Council to consider properly funding and resourcing all of those items that he has listed as the priorities of the Social Policy Group?

The Deputy Bailiff: Chief Minister to respond.

115 **The Chief Minister:** Sir, in an ideal world, yes. Unfortunately, we have to live within the constraints of our current budget issues. As I said, during the month of August, we will be, through the Social Policy Group and Policy Council, considering how best we can source the necessary resources in order to drive forward some of these.

120 I have to acknowledge there is a bottleneck and there is a log jam.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, Mr Deputy Bailiff.

125 When the States approved Maison Maritaine and Longue Rue, we were assured that the Older Persons Strategy was just around the corner. In the absence of that strategy and this one, who will be eligible for social housing as tenants, where is the money coming from and how many people will be eligible?

130 **The Deputy Bailiff:** I am not sure that that is a supplementary question arising out of the answer to the principal Question, Deputy Brehaut. So, I rule that out of order.

Any further supplementaries? Deputy Le Lièvre.

135 **Deputy Le Lièvre:** Yes, sir. I do not know whether you are going to rule this out of order, but we will give it a stab, if that is okay. *(Laughter)*

140 Given that the Older People's Strategy, on which work commenced in 2006 and which is now known as the Supported Living and Aging Well Strategy, was the precursor to extra care housing which, in turn, was the precursor of the revamping of Maison Maritaine and Longue Rue House and, given that that original report identified that the long-term care scheme was probably unsustainable, and given that that same scheme is now the subject of review, does the Chief Minister agree with me that it might have been sensible if the States had supported my sursis in 2011, which would have ensured that the starter, the main course and the dessert were served up in the right order?

145 **Deputy Brehaut:** As I said, sir! *(Laughter)*

The Deputy Bailiff: Chief Minister to answer.

150 **The Chief Minister:** Mr Deputy Bailiff, I could not possibly comment on the appropriateness or otherwise of Deputy Le Lièvre's sursis in a previous Assembly, but just rest assured that the Policy Council *is* trying to see how best we can address bringing forward SLAWS at the earliest opportunity.

The Deputy Bailiff: Are there any other supplementary questions arising out of the principal answer? No.

155 I have given an indication, as I have received a note, that if any Member wishes, because we have got a bit of our summer today, to remove their jackets during the course of today, they are free to do so.

160

TREASURY AND RESOURCES DEPARTMENT

**Finance function of the States
Review**

165

The Deputy Bailiff: The next Question or set of questions comes from Deputy Gillson to the Minister of the Treasury and Resources Department.

170

So, your first question, then, please Deputy Gillson.

Deputy Gillson: Thank you, sir.

Members may recall that, during the last sitting, I asked a supplementary question which the Minister declined to answer and that is what prompted these questions.

175

As part of the setting up of the Hub, finance staff were told last year, I think on 9th July, that their jobs were at risk and they had to apply for jobs in the Hub or in Departments. Could the Minister explain why, less than a year, a review of the finance function of the States is being undertaken, the result of which is that many of the same staff have to suffer the distress of being told their jobs are again at risk?

180

The Deputy Bailiff: The Minister to respond then, please.

185

Deputy St Pier: Sir, Deputy Gillson and Members will be aware that one of the programmes being run as part of the Financial Transformation Programme is Transforming Support Services, which, as the title suggests, is seeking to transform how we support what is sometimes referred to as the 'back office'. This, in turn, will mean the Departments are able to focus on their key objectives, including the delivery of more efficient and effective frontline services.

The first phase of this programme is the delivery of the SAP STSC Project. In terms of the finance function, the STSC Project sought to consolidate all transactional finance services in what is now known as the Hub.

190

In order to do this, the project team undertook an analysis of all finance processes across the organisation to understand what element of existing roles would be impacted by the introduction of the new SAP functionality and the creation of the Hub. Those staff who were fulfilling those roles that would change by over 10% were then quite properly advised that they were at risk and were asked to select their preferred roles in the new structure. Individuals were then slotted into or interviewed for these new or revised roles.

195

As I have already stated, this review considered the transactional element of finance work only. It was always the intention and clearly explained at the time that this was only the first phase of the work to review and improve the finance function across the States. Therefore, the second phase was left until the Spring of this year –

200

The Deputy Bailiff: That is your time up, I am afraid, Minister, so, I am going to enforce the rules, because this is what the Assembly has approved. *(Applause)*

If you do not like it, you know what you can do about changing it! *(Laughter)*

205

Deputy Gillson, do you have any supplementary questions arising out of that answer or do other Members?

Deputy Trott: May I suggest, sir, that my friend ask the Minister, by way of supplementary question, to finish the Answer he was giving.

210

The Deputy Bailiff: If that is the Question that you want to put, Deputy Trott, then of course, I will permit it, but Deputy Gillson –

Deputy Trott: Unless you rule it out of order, that would be sensible.

215

Deputy Gillson: I am happy to use the first of my two supplementary questions in that way, sir.

The Deputy Bailiff: Can you finish the original answer, please, Deputy St Pier. *(Laughter)*

220

Deputy St Pier: I would be delighted to, sir.

I should clarify that no posts have been put at risk as a result of the ongoing review. The work that was done in 2012 ensured that the finance roles were standardised across the organisation and prepared, as far as possible, for the phase 2 work.

225 **The Deputy Bailiff:** Are there any supplementary questions arising out of that answer?

Deputy Gillson: Yes, sir.

230 I note the Minister has said that there were no jobs put at risk as a result of the review, which is good to know. But, were any departmental staff, at any level, or departmental boards told before the review took place, that there was a possibility that jobs would be put at risk as a result of the review?

The Deputy Bailiff: The Minister to respond.

235 **Deputy St Pier:** Sir, can I just seek clarification from Deputy Gillson as to which review he is asking questions about: the first or the second?

Deputy Gillson: This is all around the second review.

240 **Deputy St Pier:** That I do not know without seeking further information, and I will revert to you within five days.

The Deputy Bailiff: Any further supplementary questions on this particular answer?

245 Your second question, then, Deputy Gillson. I do not know whether you want to put your second and third questions together?

Deputy Gillson: I will do, sir.

When were the political boards of T & R and the Policy Council made aware of this review?

250 **Deputy St Pier:** Sir, this review is an operational matter which is being sponsored by the Chief Executive and led by the States' Treasurer who informed the Treasury and Resources Board of the matter in April and the Policy Council in May, during May. I understand that the review is now largely complete and that the States Treasurer will be consulting on a proposed new structure shortly.

255 **The Deputy Bailiff:** Thank you, Minister.
Are there any supplementary questions arising out of that composite answer to the two questions? No.

260 Deputy Gillson, your final fourth question, then.

Deputy Gillson: Yes, sir.

Why did T & R choose not to voluntarily comply with the newly approved Rule 5(4)(d)?

265 **The Deputy Bailiff:** Deputy St Pier to answer.

Deputy St Pier: Sir, the Department has to admit to not having considered the applicability of the new Rule in this instance as, of course, Deputy Gillson's Question followed my Statement under Rule 8 and, of course, it was also prior to the introduction of the new Rule. I am sure that Deputy Gillson will appreciate that no disrespect was intended.

270 However, in future, we will ensure that any supplementary question, such as the one he has asked previously, that I am unable to answer in the Assembly, will be subject to a written reply within five days.

275 **Deputy Gillson:** Absolutely no disrespect was taken. It was just a good opportunity to highlight to Members and Chief Officers the small but important change to Rule 5.

The Deputy Bailiff: Is that a question, Deputy Gillson?

280 **Deputy Gillson:** I am sorry, it was not.

The Deputy Bailiff: Right. Are there any supplementary questions arising out of that answer that the Minister has given? No.

285

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

**Member expelled from the States
Eligibility to stand in subsequent by-election**

290

The Deputy Bailiff: Very well, then we will move onto a Question by Deputy Lester Queripel to the Chairman of the States Assembly and Constitution Committee.

295

Deputy Lester Queripel: Thank you, sir.

Sir, the first question I have the Chairman of SACC is this: if a Member of the States of Deliberation is expelled from the States, are they then permitted to stand as a candidate in the subsequent by-election?

300

The Deputy Bailiff: Deputy Fallaize, the Chairman of the Committee to reply.

Deputy Fallaize: Yes.

305

The Deputy Bailiff: You are not minded to try and spin that out for the full – *(Laughter)*

Are there any supplementary questions arising out of that answer?

Yes, Deputy Bebb.

Deputy Bebb: Yes, if I could possibly ask then a supplementary question of you, Deputy Bailiff?

310

Given that the information given regarding this Question was in the public domain, were such a request to have been made in advance of this meeting, would you have deemed it to have been inadmissible as a Question?

The Deputy Bailiff: I would have sought advice from Her Majesty's Procureur *(Laughter)* or Her Majesty's Comptroller. I would have looked at Rule 5B, which I turn over and find and, if the advice had been, yes, it was clearly in the public domain and fell within that role, then it would have been ruled out of order in accordance with Rule 5(2)(b).

315

Are there any other supplementary questions arising out of the one word answer from the Chairman of the Committee? No.

320

Then Deputy Lester Queripel, to ask his second question to the Chairman of that Committee.

Deputy Lester Queripel: Second supplementary, actually.

The Deputy Bailiff: Oh, alright, supplementary question, then.

325

Deputy Lester Queripel: The way I understand it, that information is not publicly and easily accessible, so could the Chairman of SACC clarify whether or not it is and where might it be found, please, sir?

The Deputy Bailiff: That is not a supplementary question arising out of the answer that was given to the principal Question, because the Question has been put and answered, Deputy Queripel. The supplementary you are asking arises out of what Deputy Bebb mischievously asked me.

330

The Procureur: For what it is worth, for public information: the Reform Law 1948, as amended, lays out the qualifications for a candidate at an election and it does not say that anybody is disqualified if they have previously been expelled.

335

The Deputy Bailiff: Thank you, Procureur.

340

Do you have any proper supplementary questions from the first answer, Deputy Queripel?

Deputy Lester Queripel: Well, I think I do, but you might rule it out of order, sir.

Because I am confused about this ‘publicly and easily accessible’ bit, sir, and I am not quite sure how to word it. Perhaps I should word it the way I was going to originally word it and leave it to your ruling, sir.

345 Presumably, that information is not either publicly or easily accessible, though I am not an advocate of living on presumptions, sir. So, can the Chairman of SACC clarify whether or not that information is publicly and easily accessible?

350 **Deputy Fallaize:** Sir, the situation is this. The Reform (Guernsey) Law 1948, as amended, lists the people who are not eligible to stand for the States and among that list is not a candidate who has been expelled from the States. Therefore, by implication, candidates who have been expelled from the States are able to stand.

355 The reason that the Committee decided not to try and invoke this Rule that the information was readily and publicly accessible was because Deputy Queripel was, in effect, asking the Committee to prove a negative. There is no Law where it says, ‘people who have been expelled from the States may stand at a subsequent election or by-election.’

360 However, it is the case that the information that he seeks could have been obtained fairly easily and is publicly accessible; but this is all immaterial, because the Committee did not ask for the Question to be ruled inadmissible, which is why the Committee was happy to answer it.

Deputy Gollop: I would like to ask a supplementary on that point.

365 Let us just say that the worst comes to the worst and I breach the Code of Conduct and there is a recommendation from the panel to expel me, which comes to the States. Would that effectively mean the States of Deliberation would be a chamber of impeachment of that process, but –

The Deputy Bailiff: Deputy Gollop, once again, I am going to rule that question out of order because it is not a supplementary question arising out of the answer given to the original Question from Deputy Queripel.

370 If these are topics that you wish to develop further, there are other means by which to do so. Any further supplementary questions on the original answer?

375 **Rules of Procedure**
Compliance with Rule 5(4)(d)

The Deputy Bailiff: Deputy Lester Queripel then to ask a second Question to the Chairman of the States Assembly and Constitution Committee.

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

Sir, in response to a Question that I asked during the May States debate, the Chairman of SACC informed me that nothing would happen if a Minister or Chairman violated Rule 5(4)(d), which states that he must simply supply, in writing, within five clear days, answers to supplementary questions they were unable to answer in this Chamber.

385 Was the Chairman actually saying the Minister or Chairman can get away with violating a Rule, but if an ordinary Member violates a Rule, they risk being reprimanded or even suspended from this Chamber?

390 **The Deputy Bailiff:** Deputy Fallaize, the Chairman of the Committee to reply.

Deputy Fallaize: Sir, though compliance what the Rules of Procedure might be regarded as a prerequisite of good governance, generally compliance remains at the discretion of the States, albeit that there is nothing to preclude a complaint being made to the Chairman of the States Members’ Code of Conduct Panel alleging that a Member’s failure to observe the Rules of Procedure has constituted a breach of the Members’ Code of Conduct.

The Rules relating to the Code of Conduct provide for an investigation panel to recommend suspension of a Member of the States, though of course the final decision still rests with the States.

400 With reference to Deputy Queripel’s phrase about ‘getting away with violating rules’, I should add that, in terms of compliance with the Rules of Procedure and the application of the Code of Conduct, there is no distinction made between Ministers, Chairman and other Members of the States.

The Deputy Bailiff: Are there any supplementary questions arising out of that answer? Deputy Lester Queripel.

405

Deputy Lester Queripel: Sir, I think that was a no.

It seems rather a nonsense to me that Rule 5(4)(d) can be treated with such nonchalance by a Minister or Chairman. Therefore, would the Chairman of SACC agree with me, it would be far more effective to place the words, 'or face disciplinary proceedings' at the end of the Rule itself, so that it reads: 'a Minister or Chairman must supply in writing within five clear days answers to supplementary questions they were unable to answer in this Chamber or face disciplinary proceedings'?

410

Deputy Fallaize: No, because that would be a misuse of the Rules of the Procedure.

415

In fact, we could insert the words 'or will face disciplinary action' after every single Rule. Compliance with the Rules of Procedure always has to remain at the discretion of the States of Deliberation, but if Deputy Queripel or any other Member believes that a Member of the States has breached the Code of Conduct by failing to observe the Rules of Procedure, then that Member does have recourse to the States Members' Code of Conduct Panel.

420

The Deputy Bailiff: Thank you, Deputy Fallaize.
Any further supplementary questions? Deputy Lester Queripel.

Deputy Lester Queripel: It is a two-part supplementary, sir.

425

If a complaint is made, we will then be spending taxpayers' money to pay for hearings and tribunals, when it seems to me it could all be avoided if we had a strict Rule in place that informs a Minister or Chairman they will face disciplinary proceedings if they do not comply with that Rule.

The alternative is, sir, that if it is accepted that a Rule can be so easily violated, then surely it makes a complete mockery of having the Rule in the first place, so should not we simply dispense with it?

430

The Deputy Bailiff: Deputy Fallaize to respond.

Deputy Fallaize: Sir, I think Deputy Queripel is seeing ghosts where there are none, because it is extremely unlikely, in my view, that the Rule will be breached. In fact, Deputy St Pier has just apologised for not observing the Rule in respect of the Question he was asked before the Rule was even in place. *(Laughter)*

435

I think it is very, very unlikely that that Rule will be breached. If Deputy Queripel finds that it has been breached and wishes to report that to the Committee, then the Committee will consider taking further action; but the Committee's view is the Rule is perfectly reasonable as it stands and will be observed.

440

The Deputy Bailiff: Does any other Member have a supplementary question arising out of the Answer given by Deputy Fallaize a while ago? I do not see anyone rising.

445

Well, that then, concludes Question Time. I hope you have enjoyed the new experiment.

Billet d'État XII

450

PROJETS DE LOI

The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013 Draft Projet de Loi approved

455

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013", and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

460

The Deputy Bailiff: Greffier.

465 **The Senior Deputy Greffier:** Billet d'État XII, Article I. The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013.

The Deputy Bailiff: So, Members, we turn to the Brochure and you will find this draft Projet de Loi at pages 1 to 14 in the Brochure. Is there any debate on this item of business?

470 If there is going to be some debate from you, Deputy Bebb, I turn to the Chief Minister first, because I believe this was a Policy Council sponsored Report. Is there any comment that you wish to make in opening the debate in relation to this, Chief Minister?

475 **The Chief Minister (Deputy Harwood):** No, sir. I was given prior notice, actually, that Deputy Bebb might wish to have this matter debated. I am happy to listen to his comments and then respond.

The Deputy Bailiff: I am very grateful.
Deputy Bebb.

480

Deputy Bebb: Thank you, Mr Deputy Bailiff.

I know that my chances of trying to get Members to vote against this particular piece of law are slim, to say the least – trying to get Deputies to actually vote against laws is not particularly easy.

485 However, I did speak against the particular Report on this Law and now we have the Law itself in front of us. The Law goes worse than what I actually highlighted in my original speech, when we were talking about the Report that came to the Assembly.

The Law itself, if we were to look at it closely – and I think it is specifically in section 3 – makes provision that any debt that would be given relief under this particular Law would in turn be clarified forever as being subject to that relief. Therefore, any subsequent changes to the country's behaviour, any subsequent changes to the country's wealth would simply not count against the debt that we have actually sanctioned and we have allowed under this Law.

495 So, what we are likely to see is a situation where a country could, in the future, at this point in time, be applicant towards this Law and be receiving the relief under this Law. However, if the circumstances were to change and we were to deem that country to be a not particularly pleasant country – and we do, at a later point in time, have an Instrument that is laid before us and that is in relation to North Korea – then we would find ourselves trying to find sanctions against that country whilst at the same time harbouring and allowing a relief of its debt.

This is not exactly an easy subject and I would actually ask Members to consider the IMF law that this is actually based upon, in relation to HIPC countries.

500 Now, the IMF law, at this point in time, makes provisions that debt relief is allowed to Uganda and the Democratic Republic of Congo and I will use those two countries as an example, as I did previously. Currently, there is a ceasefire in the Democratic Republic of Congo in relation to the M23 militias. However, it is well known that the M23 militias have been funded previously by the Government of Uganda. Therefore, if we see a resumption of hostilities in that area by the M23 militias, we could harbour Ugandan country's money and we could actually provide a relief from that, whilst that country will be, indeed, in breach of certain Human Rights.

505 At this point in time, there are also two countries who are seeking to be entered into HIPC status by the IMF and those two countries that I would like to highlight are Eritrea and Sudan. At this point in time, the press freedom within Eritrea, as measured by the Press Association and the – I am sorry, I forget the name of it – but the measurement of the press freedom, they currently class as 178 out of 178 countries. Press freedom in Eritrea is considered to be worse than in North Korea and yet on the same day as we would pass this Law, we would be passing sanctions against North Korea.

515 In Sudan, at this point in time, there is known to be in the southern part of that country and not as far south as the newly created South Sudan, but still within Sudan, in the southern part of the country, there is an active bombing campaign by the president of that country against the residents of the South of Sudan. That is because he is trying to clear the land in order to allow mining to happen within that region and, therefore, residents of that area are, of course, in the way of the desire of the President in order to exploit resources of that southern region – crimes which, really, are fairly horrendous.

520 I would contend that this particular Law is not necessary, given that IMF HIPC arrangements would allow for 100% of relief on those debts that qualify and, therefore, I would suggest that this

particular Law does not really assist us in trying to alleviate the debt of those countries that are subject to HIPC status.

525 So, I know that it is not regular and I know that Members have not previously, frequently, read the legislation as it comes before them, but on this occasion, I would ask that Members reject it. It is a poorly considered Law. In the UK, I do not believe that one case has been made appealing for this law and, therefore, I would also suggest that it is superfluous.

530 Thank you.

The Deputy Bailiff: Does anyone else wish to speak in this debate?

Deputy Gollop.

535 **Deputy Gollop:** Sir, I really want to take the opposite view from Deputy Bebb, because we have considered this matter, of course we have, on the Legislation Select Committee, but of course, even if Deputy Bebb's arguments have an element of truth about them in *realpolitik*, international terms, I do not think that is the reason for bringing in this particular piece of legislation.

540 It reminds me, I was reading, funnily enough, in the *Daily Sport*, (*Laughter*) a column by Mr Nuttall, the Deputy Leader of UKIP, who gave an extensive analysis on why giving foreign aid was wrong, because it benefitted India, which was a superpower and so on. But, it misses the point.

545 The point is setting international ethical standards and trying to help the poorest people in the poorest countries. Somebody is going to come bottom of press freedom. There is always going to be somebody who is 178 out of 178 and one of the reasons why some countries have tyrannies, lack of media freedom, insufficient Human Rights, is because of a combination of poverty and relative poverty between the elite and the average person. Now, if we are clobbering these nations with an extensive millstone of debt, that problem increases and that is why there has been international co-operation to support these measures.

550 You can, of course, choose examples of rogue nations, of countries that are not quite performing as well as they might, but I actually think there is another reason why Guernsey signs up to this. It is not just about making a gesture, although the gesture is important. It is because we are trying to build our international reputation and profile to be not just a part of the United Kingdom's wider foreign policy, but have our own independent autonomy and we have to be seen, as the point has been made frequently in the past week, actually ahead of the game – like at the conference yesterday, whereby it was argued, I believe, that Guernsey can actually instruct the United Kingdom in certain elements of regulatory standards.

560 This is Guernsey saying we want to be a successful off-shore community, but not to exploit the world's poor and it is effectively raising the bar and saying that we go for the highest international standards and that is the reason for supporting this today.

The Deputy Bailiff: Deputy Robert Jones.

565 **Deputy Robert Jones:** Yes, I would just like to clarify what the Legislation Select Committee did consider. It was not the political merits of this Law; it was actually... we considered the States resolution that was made back in October and Deputy Bebb did, rightfully, respect the process of the Legislation Committee, which is why he is now debating the Law at this stage.

570 But, at no point did we debate the political merits; it was simply a process of ensuring the draft Law reflected what the States resolution of October, I think, 2012, put in place at that time.

The Deputy Bailiff: Does anyone else? Deputy Trott.

575 **Deputy Trott:** Briefly, sir, I suspect the Chief Minister would have made a point not dissimilar to this, that the effect of this Law, as I understand it, is to make our jurisdiction unattractive to those who may wish to establish so-called vulture funds: funds that are considered by the majority of those operating financial services as to be unethical and immoral.

580 At the very least, these are entities that bring scorn from the majority of the international community and for that reason, if not others, it is a Law that should be supported, because Guernsey, as many in this Chamber have said, on many previous occasions, is one of the most legitimate and well-regulated international finance centres, that wishes to play no part in that sort of activity, sir. (**A Member:** Hear, hear.)

Thank you.

585 **The Deputy Bailiff:** Is anyone else rising to speak in this debate?
Chief Minister to reply to the debate, then.

The Chief Minister (Deputy Harwood): Mr Deputy Bailiff, Members, thank you.
I would urge all Members to support this piece of legislation. We are part of a global
590 community, we recognise our international obligations and what we are doing here is enacting
legislation which is in accord and is consistent with those obligations.

I would point out that if we rejected this legislation we would certainly be out of line with the
United Kingdom, Jersey and the Isle of Man immediately. There are other jurisdictions, clearly,
who have also adopted a similar point.

595 If I may say, sir, if we did not pass this legislation, as Deputy Trott has already alluded to, we
would be open to abuse by so-called vulture funds and, just so people understand the nature of
how the vulture funds operate, they go round buying up debt that is owed by developing countries
at a significant discount on the face value of that debt. They then use their muscle, their power, to
try and enforce the debt in various jurisdictions – the recovery of the full amount and, thereby,
creating a huge profit for their investors.

600 I suggest, sir, that is not the sort of business that we would wish to encourage. The purpose of
this legislation is to prevent such funds, wherever they are domiciled, from using the Guernsey
courts to recover assets that may be owned by developing countries that are within this
jurisdiction. It would be totally wrong to allow such vulture funds to have that free access to those
605 assets and, therefore, any suggestion we should not adopt this legislation, I think is totally
misguided.

If we did not pass the legislation, we could not react on a case by case basis, as I think Deputy
Bebb, perhaps, suggests. Mr Deputy Bailiff and Members, I would urge you to support this
legislation. It is important. It is sending out a message. It is vital that we actually do step up to
610 recognise our international obligations and our role as part of the global community.

Thank you, sir.

The Deputy Bailiff: So we move to the vote on the proposition which you will find on page
833 in the Billet d'État to approve this draft Projet de Loi. All those in favour; those against.

615 *Members voted Pour.*

The Deputy Bailiff: I declare that carried.

620

**The Aviation Registry (Guernsey) Law, 2013
Draft Projet de Loi approved**

625 *Article II.
The States are asked to decide:
Whether they are of the opinion to approve the draft Projet de Loi entitled "The Aviation
(Registry) (Guernsey) Law, 2013," and to authorise the Bailiff to present a most humble
petition to Her Majesty in Council praying for Her Royal Sanction thereto.*

630 **The Senior Deputy Greffier:** Article II. The Aviation Registry (Guernsey) Law, 2013.

The Deputy Bailiff: You will find this draft Projet de Loi at pages 15 to 92 in the Brochure. It
is a fairly extensive piece of legislation. Is there likely to be any debate on it? Is the Minister going
to say anything, Deputy Stewart? No.

635 Deputy Perrot, do we want to take this part by part or shall we just have general debate on the
whole of this? Let us take the whole of it.

Deputy Perrot, then.

640 **Deputy Perrot:** Sorry, sir, I missed that. I have just turned my machinery on.

The Deputy Bailiff: Do you wish to debate any part of this legislation?

Deputy Perrot: Sir, I wish to ask a question to the Minister about it.

645 **The Deputy Bailiff:** That is perfectly legitimate then. Would you like to put your question to the Minister, please.

Deputy Perrot: I would be delighted, sir. Thank you.

650 This legislation – which is much to be welcomed and I congratulate Commerce and Employment for coming up with this – needs to be read in conjunction with the Aviation Law which applies generally, which we approved last year. Those who wish to register aircraft on the local registry, who wish to fly those aircraft under a CAA licence as it is present is, although that will change, will wish to know that they are able to retain their IMC ratings to fly those aircraft.

655 When I asked the Minister about this, when the last legislation was going through, he assured me that this was an omission from the last piece of legislation which was going to be corrected. Would the Minister please confirm that he is not continuing to do nothing about this?

The Deputy Bailiff: Is there anyone else who wishes to speak on this item of business in debate? I do not see anyone else rising.

660 Minister, are you able to answer Deputy Perrot's question?

Deputy Stewart: Yes, sir.

665 I did, indeed, speak to the Director of Civil Aviation. I understand that is being progressed, but I will check with the Director of Civil Aviation and make sure that is in order.

The Deputy Bailiff: Thank you very much, Minister.

Deputy Stewart: And refer back to Deputy Perrot as well.

670 **The Deputy Bailiff:** We will move to the vote on this draft Projet de Loi. The Proposition is on page 833 in the Billet d'État once again. All of those in favour; all those against.

Members voted Pour.

675 **The Deputy Bailiff:** I declare that carried without dissention.

ORDINANCES

680

The Income Tax (Guernsey) (Approval of Agreement with Qatar Ordinance), 2013 Draft Ordinance approved

Article III.

685 *The States are asked to decide:*

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with Qatar) Ordinance, 2013", and to direct that the same shall have effect as an Ordinance of the States.

690 **The Senior Deputy Greffier:** Article III. The Income Tax (Guernsey) (Approval of Agreement with Qatar Ordinance), 2013.

The Deputy Bailiff: Members of the States, this short draft Ordinance is at page 93 in the Brochure. Is there any debate anyone?

695 Minister, you want to open the debate, do you? Deputy St Pier.

Deputy St Pier: Sir, I just wish to briefly draw Members' attention to the fact that there is a States Report later on our Agenda dealing with the same Agreement and just to explain the reasoning behind this Ordinance and the subsequent States Report.

700 Under our legislation, double tax agreements require a resolution of the States, which is what Members have been asked to approve later on the Agenda. This Ordinance deals with the tax information exchange part of this particular Agreement, which actually require an Ordinance, which explains why it is in this location, sir.

705 **The Deputy Bailiff:** Is there any further debate or comment on this item? No. Well, let us move to the vote, then. All those in favour; those against.

Members voted Pour.

710 **The Deputy Bailiff:** I declare that carried without dissention.

ORDINANCE LAID BEFORE THE STATES

715

The Senior Deputy Greffier: The following Ordinance is laid before the States:
The North Korea (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013.

720 **The Deputy Bailiff:** We note that that is duly laid at this meeting. There is no debate on it.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

725

The Senior Deputy Greffier: The following Statutory Instrument is laid before the States:
The Merchant Shipping (Oil Pollution) (Supplementary Fund Protocol) (Bailiwick of Guernsey) (Commencement) Order, 2013.

730 **The Deputy Bailiff:** We similarly note to Members that that has been laid at this meeting.

Billet d'État XI

735

POLICY COUNCIL

Managing the Size and Make Up of the Island's Population

740

Various measures Debate commenced

Article I.

The States are asked to decide:

745 *Whether, after consideration of the Report dated 29th April, 2013, of the Policy Council, they are of the opinion:*

Objectives of a New Regime

750

1. To agree the objectives which the new Population Management regime should aim to achieve, as described in paragraph 5.3.

Long Term Residency

755

2. To agree that:

(a) individuals who have lived continuously and lawfully in Local Market property for 8 years will be issued with an Established Residence Permit, will acquire the right to continue living in the Island permanently if they so choose and will be defined as Established Residents.

(b) individuals who have lived continuously and lawfully in Local Market property for 14 years will be issued with a Permanent Residence Permit, will acquire the right to continue living in the Island permanently if they so choose and will be defined as Permanent Residents.

760

Right to Return

3. To agree that once an individual becomes an Established Resident, if he or she then decides to move away from the Island, he or she will not have the automatic right to return to live in the Island at a later point.

765 4. To agree that once an individual becomes a Permanent Resident, if he or she then decides to
move away from the Island, he or she will have the automatic right to return to live in the
Island at a later point.

5. That where an individual has acquired the automatic right to return to live in the Island, this
right will be retained regardless of the length of time that the individual is away from the
Island.

770

Existing Qualified Residents

6. To agree the requirement that any existing Qualified Resident who: (a) is not resident in the
Island, but decides to return in the future, will be required to obtain a Permanent Residence
Permit.

775 (b) is resident in the Island and is, or wishes to be, employed in the Island, will be required to
obtain a Permanent Residence Permit.

(c) is resident in the Island and is not, and does not intend to be, in employment will not be
required to obtain a Permanent Residence Permit.

780 7. To agree that in some specific circumstances, to be defined in policies agreed by the States,
individuals may spend time off-Island, but still have their residence considered to be
continuous residence in the Island.

Employment Permits

8. To agree that:

785 (a) Long Term Employment Permits will be issued for a period of 8 years to address persistent
and enduring skills shortages where it is unlikely that those skills will be easily sourced, either
in the Island or globally, in the foreseeable future or where continuity in the post in the longer
term is in the Island's interest.

790 (b) Medium Term Employment Permits will be issued for a period of up to 5 years in
circumstances where:

- a post requires specific skills which are not available in the Island, but where that skills
shortage is likely to be able to be met in the foreseeable future; or

795 - the skills required are held by Qualified Residents and Residence Permit holders, but the
number of people resident in the Island with those skills is insufficient to fill the total number
of posts requiring a similar or identical skill set.

(c) Short Term Employment Permits will be issued for a period of up to 1 year to fill posts
where there is not a need for a high level of skill, but where there is a need for additional
manpower over and above that which can be sourced from within the Island.

800 (d) Short Term Employment Permits can be re-issued to the same individual, subject to a
maximum period of continuous residence of 3 years and a maximum aggregate period of 5
years residence.

805 9. To agree 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 Employment Permit for a subsequent period of
residence.

10. To agree that an Employment Permit must be issued before an individual arrives on the
Island to work, or before an individual who is already resident in the Island changes jobs.

810 11. To agree that the holder of an Employment Permit will be able to apply to change job at
any time during the life of his or her Permit, as long as the new post is also identified as one
which will attract an Employment Permit.

12. To agree that anyone who has been issued with an Employment Permit may hold more than
one job.

815 13. To agree that there will be provision in the new Law to place a maximum age limit on
applicants for Employment Permits, which could be activated by the States in the future if there
is an identified and proven need to do so.

Residence Permits – Family Connections

14. To agree that immediate family members will be defined as an individual's:

- 820 - Spouse / Partner
- Parents and Parents-in-law
- Children
- Grandchildren.

825 15. To agree that *Qualified Residents, Permanent Residents and holders of Established Residence Permits* will be able to accommodate immediate family members within their household.

16. To agree that holders of *Long Term or Medium Term Employment Permits* will be able to accommodate immediate family members within their household.

830 17. To agree that the holder of a *Short Term Employment Permit* will not be permitted to be accompanied by any family members.

18. To agree that family members will need to continue to live within the household of the individual with whom they have the close relationship during their period of residence under a *Temporary Residence Permit and Established Residence Permit*.

835 19. To agree that all adults and children in employment who are permitted to live in *Local Market accommodation* under the provisions for immediate family members will be required to obtain a *Residence Permit*.

The Open Market

840 20. To agree that an *Open Market*, largely in its current form, should be retained as part of the new population management regime to allow people to come to live in the Island who might not be *Qualified or Permanent Residents*, might not have strong family connections here and might not possess essential skills or fill manpower shortages.

845 21. To agree that the children of *Open Market residents* should become *Permanent Residents* after a period of continuous residence of 14 years. This will be the case as long as they were first resident in the Island before the age of 18 and as a member of the household of their *Mother or Father*.

22. To agree that the general policy should remain that, with the exception of those children mentioned in the previous recommendation, any *Open Market resident* without residential qualifications will not be permitted to live in *Local Market property*.

850 23. To agree that adult *Open Market residents*, and any of their children who are in employment, will be required to hold an *Open Market Residence Permit*.

24. To agree to redefine *Part D of the Open Market Housing Register* such that it will incorporate all lodging houses and all *Part A properties* in use for the multiple occupation of unrelated adults and that such properties will be defined as *Houses in Multiple Occupation*.

855 25. To agree:
(a) 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.

860 (b) that from the coming into force of the new regime, the cap will be set at the number of existing *Part D Lodging Houses* plus the number of *Part A properties* in established use for the multiple occupation of unrelated adults on the date of publication of this States Report.

865 (c) that, having regard to a particular property's established use, only those *Part A properties* that are in use for the multiple occupation of unrelated adults on the date of publication of this States Report will be given the option to transfer to the newly-defined *Part D of the Open Market Housing Register*, subject to meeting acceptable accommodation standards.

(d) To agree that any redefined *Part D property* may, at the owner's request, be returned to *Part A* for occupation as a family home.

870 26. To agree that tenants of a *Part D House in Multiple Occupation* 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.

27. To agree 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*.

875 28. To agree that employees living and working in *Part B and Part C properties* will be able to benefit from the *Open Market* status of the property and will be free to live and work in the property for a maximum period of 5 years' continuous residence in the Island.

880 29. To agree 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 and work in a *Part B or Part C property*.

30. To agree that genuine tourists and guests will not be required to obtain a *Permit to stay* in a *Part B hotel or guesthouse*, as long as their length of stay is for less than 90 days per year.

885 31. To agree that an individual who wishes to live in a Part C nursing or residential home to benefit from the health and social care services offered will be required to obtain a Permit to do so, unless he or she is a *Qualified or Permanent Resident*, and such Permits will not be time-limited.

States Controlled Properties

890 32. To agree that any individual living in States controlled property should be subject to the same requirements as any other member of the community with regards to his or her requirement to obtain the relevant Permit.

Restricting Where an Individual Can Live

895 33. To agree that Short Term Employment Permit holders will not be permitted to be householders in their own right. This means that they will only be permitted to live in accommodation that is shared with others.

900 34. To agree that there should be no general restriction on where the holders of Long Term and Medium Term Employment Permits may live, other than where there is an identified and proven need to protect specific parts of the housing market.

Criminal Convictions

905 35. To agree that criminal conviction checks will form part of the application process for everyone moving to the Island who is required to obtain a Permit.

Governance Arrangements and Responsibilities

910 36. To agree that the Policy Council will be responsible for overseeing the development of population management policies in accordance with the strategic objectives of the States, and for monitoring and publishing regular information on the size and make-up of the Island's population arising from their implementation.

915 37. To agree that under the political oversight of the Policy Council, a Statutory Body will be responsible for making day-to-day administrative decisions in accordance with policy directions from the States, the details of how such arrangements will work to be brought to the States for approval ahead of the new population management regime coming into force.

915 38. To agree to the establishment of an Advisory Panel to provide independent advice to the Policy Council in relation to population management policies.

Legislative and Policy Framework

920 39. To agree that the new regime will be driven by policies set by the States and that, wherever possible, those policies will be determined by reference to the strategic objectives of the States.

920 40. To agree that population management policies should be made public to ensure that the system is transparent.

925 41. To agree that the legislation will provide for an applicant to exercise a formal right of appeal against any decision taken under the Law.

925 42. To agree that the legislation will provide for both civil and criminal sanctions for proven offences.

Extension of the Housing Control Law

930 43. To agree to the preparation of an Ordinance to enable the Housing (Control of Occupation) (Guernsey) Laws, 1994 to 2008, to remain in force until 31 December 2018 or until such time as a new population management regime and related legislation is in place, whichever is the sooner.

Further Development Work

935 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.

Preparation of legislation

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

The Senior Deputy Greffier: Billet d'État XI. Policy Council: Managing the Size and Make Up of the Island's Population.

945 **The Deputy Bailiff:** I invite the Chief Minister to open the debate on this item of business.

The Chief Minister (Deputy Harwood): Mr Deputy Bailiff, Members of the States, in these days of measurement by results and of key performance indicators, it is perhaps unsurprising that just one year on from the creation of this Assembly, observers of the current States are looking for
950 evidence that we are willing to tackle complex and contentious issues and to make real and practical change for the long-term benefit of the community. The proposals before you today on managing the size and make-up of the Island's population provide just such an opportunity.

Indeed, I will go further and say that it is entirely possible that at the end of this political term in 2016, this States will be judged by the community on the extent to which we grasped the nettle
955 about population management and that the States were prepared to take the steps necessary to introduce a practical mechanism for achieving our objectives.

And, of course, the focus today is on just that: practical measures of redressing the myriad of issues associated with population in the future.

Today's debate is not about population policy or how many and what sort of people should or should not be here; rather it is about the process we wrap around those decisions, how we manage that population.

Now, I am acutely conscious that there has been considerable States engagement on this subject. I am confident that Members have familiarised themselves with the proposals set out in this Report. With that in mind, I am not going to repeat what it says. I am conscious that we have a
965 long debate ahead of us, complete with many amendments. Rather, I am going to restrict my further comments to the following few general matters.

This set of proposals before you today is presented largely as a package. It is setting out a regime. That does not mean that changes cannot or should not be made and, indeed, Members of Policy Council themselves, as will be apparent, have been signatories to certain amendments, and we accept that they will be debated and it is possible to amend detail.

What it does mean is that we will need time to carefully consider whether any of those amendments, if approved by the States, can simply be adopted or whether they will have follow-on unintended consequences. It may be, for example, that a particular change to one proposal, whilst perfectly acceptable, would require other parts of the regime themselves to be changed in a manner that may not be readily visible or easy to address in this Assembly today. Likewise there may be implications in terms of our economic or social policies arising from some of these amendments that will again require further work and mature consideration.

With this in mind, I am pleased to know that some of the amendments, if approved, recognise the need for the Policy Council to return to the States with a further detailed report on specific issues.
980 Indeed, as you will all have read, in any event, further reporting on a number of areas of specific detail, where the framework is set out today, but the details need to be filled in, will, in any event, be a feature of our developing regime.

So I would ask you to bear in mind the importance of keeping the integrity of the package and the integrity of the regime and testing any new proposals by subsequent debate.

I would also, in passing, mention the Housing Control Laws, for I believe that they are both a blessing and a curse: a blessing because, although for them to be designed to address housing problems in the immediate post-war era, nevertheless they somehow morphed and developed into something of a useful economic and social tool, available to regulate a part of our population. They are a blessing, because they provide a foundation on which we can build the regime, which is now presented before you, so to that extent we are not starting with a blank piece of paper.

But, on the other hand, they are a curse, because while we want to move ahead and consider a regime that will work in the 21st century for the whole of the population, there is a real danger that our minds have been conditioned by 60 years of experience of the present Housing Control Laws and that we will think in a particular way and focus on issues as a result of that conditioning.

I hope that Members will recognise that the previous Policy Council, the Population Policy Group and the current Policy Council and its steering group, while mindful of the legacy of the Housing Control Laws, have nevertheless tried to find new and different ways to approach the challenges that we face.

So, sometimes, in particular, replying to some of the amendments, I might ask you to think beyond your understanding of the present Housing Control Laws and to recognise that we are creating a new regime for a purpose for which the Housing Control Laws were never intended. I refer to your understanding of the Housing Control Laws: another curse is that many of us, including myself, think we understand broadly how those laws work and what their consequences have been. But, so often, when you dig under the surface and talk to those who administer the law,
1000 you find that things are not quite as they seem.
1005

So, please rest assured that what is proposed, in terms of building on the legacy of the Housing Control Laws, builds on the *reality* of how those laws are applied and not necessarily on the myths that surround them within this community.

1010 And can I make a plea for simplicity. I know it is a complex matter and any States report that seeks to base a Law on no less than 45 recommendations does not smack of simplicity. Moreover, whether in terms of future administration and its cost, getting the message across to employers, to employees and individual members of the public or being transparent about our policies and procedures, the simpler we can keep this new regime the better. That is why reverting to some of the practices currently imbedded in the current Law or seeking to find an answer today to each and every issue on matters of detail is something that I believe is unrealistic and could lead to an inflexible and rigid regime, which in turn would become more of a burden than a bonus.

1015 One of the features of Government generally, and ours in particular, is the need to compromise. A population management regime cannot expect to fix all our problems, nor can it accurately predict its impact on the world of the future nor satisfy the genuine and deeply felt concerns of everyone in this Island or all those represented in this Chamber.

1020 Many Members will feel passionate on issues that are raised during debate and may I also request that in the language that we use in debate, Members are also respectful of all members of our community and that we avoid xenophobic rhetoric.

1025 So, while I expect Members to press their points and raise their concerns with passion, I also hope that when it comes to the vote, Members will appreciate that to make this regime work will require a degree of compromise. The population management regime such as we are proposing must inevitably represent a balance between competing interests. Where that balance is drawn is a matter of political judgement. Neither I nor my fellow members of the Policy Council can lay any claim to have any monopoly on political judgment. It is for this Assembly and all its Members to exercise that political judgment.

1030 Finally, sir, in the run-up to this debate, I received a number of questions from States Members, as have the staff – and may, at this stage, take the opportunity to compliment and congratulate the staff who have worked very hard on producing this Report and who have also been making themselves available to answer questions from individual States Members and others and we have done our best to answer those questions.

1035 It has become clear, however, that some are simple questions as to how a particular proposal might work; others are, in contrast, more expressions of opinion and legal statements rather than questions in their own right; and yet other questions revolve around various ‘what if’ scenarios, that we simply cannot answer at this stage because we just do not have the information.

1040 It is against this background that I will do my best to answer as many questions as I can at the end of this debate or during summing-up on amendment. It may be that I simply decline to answer some questions and for these reasons will not feel compelled to address everything that is raised. Indeed, given the task before us, I believe it would be disservice to this Assembly if I attempted to do so.

1045 Members of the States I invite you, through you, sir, to debate the population management regime proposals as set out before you in this Report; to bear in mind what I have said about the need to keep the integrity of the Regime as a package, but recognising that in some elements and some detailed further reports will be necessary.

1050 Indeed I would hope that Members of this Assembly will approve the proposals in their entirety but, if not, that Members will endorse as many of the recommendations as is possible to give the Policy Council sufficient direction to allow it to continue to develop a regime at such a pace that this Assembly can introduce new arrangements at or before the end of the States’ term. Any delay in the process, by means of sursis or otherwise will make it unlikely that we will be able to introduce the new arrangements during the present term and, like the previous States, will merely pass the baton on to the next States.

1055 So, I ask the States therefore to approve the recommendations in the Propositions.

The Deputy Bailiff: Thank you, Chief Minister.

1060 Members of the States will be aware that there is a long list of potential amendments, but first I turn to Deputy Gollop. Are you moving your sursis, Deputy Gollop?

1065 **Deputy Gollop:** Yes, please. I know I have had one view that I possibly could withdraw, but I think it is important that the States are given the opportunity to hear the arguments for the sursis and also consider whether they want to, in the light of what the Chief Minister has said, proceed with the debate today.

I also thank the staff for the help that they have given, both at St James Chambers and the people who have worked on this Report, and will propose the sursis and it will be seconded by Deputy De Lisle.

It reads:

1070

To sursis the Article and direct that by no later than July 2014 the Policy Council shall lay before the States of Deliberation a report containing proposals for a population management regime, and further to direct that such a report shall include an assessment and analysis of the various draft amendments which have been circulated to Members.

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Now, the circulation of the amendments in my mind includes all 19 amendments, rather than just the first 10. A population management regime lays the door open for this to come back revised or for a different population management regime to be produced; and the date no later than July 2014, which is one year and one month, lays it open to the Policy Council to actually come back much quicker than that. One or two people have said, 'Do we want to wait a year?' Not necessarily, but I think maybe the Policy Council could come back to us well before Christmas on this matter. So I am not talking here necessarily a year's delay.

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Getting to the meat of the arguments, sursis motions, especially from me, have not always been universally popular, as they are seen to be creating unnecessary delays, costs (**A Member:** Hear, hear.) and even sitting on the fence, putting off making the difficult decisions. But in this instance, really, nothing could be further from the true picture.

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The main reason for all Members to vote for this sursis is that 19 amendments is at least nine or 10 too many to consider sensibly and rationally. The legal, social, economic consequences, at a time when we have reason to believe that our economy has been clattering rather than growing, of the umpteen plethora of amendments have not been considered by anyone, I would suspect, even some of the officers and experts concerned, given the incredible deluge of these amendments, I would surmise.

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The public affected by these amendments – and we are talking here of people whose human and economic rights will be changed – probably do not know of their content or even existence. Some may be unable to be implemented if passed, presuming they are passed, and may conflict with other aspects of the legislation or policy. This is not sound legislation or good corporate governance.

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What we need is a solid review, which is robust and vigorous and an active cooling-off period. The Chief Minister has said the outcome is a compromise, but that does not mean we should collectively be compromised, especially with both fundamental Human Rights and economic progress at stake. One only, perhaps, has to look at another island, not so far away, which has clearly got the population package wrong, to see what could be at stake.

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The other reason for a sursis though, more of a personal reason, is the need for more information, engagement, relevant consultation before making a mistake. Some of that has been achieved: there have been three years of consultation; there have been some workshops for State Members; there was a useful public meeting that the Chief Minister led in early June. But there were calls, I remember, from Deputy Lowe and others, for another meeting which did not take place. There has been a lot of interest from the public, from Guernsey people, from Open Market people, from hoteliers, etc, and those demands have not yet been satisfied.

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I know, too, that the Chief Minister thinks we all differ about the detail, but generally agree the principles of the new permit system. As he said, there has been no *significant* disagreement. Well, perhaps I am not very significant figure, but I do not really accept the need for this kind of change and I think a different approach would be better. I sincerely believe this new structure, in many ways, both complicates matters and is not necessarily legally or economically sustainable in the medium term.

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Therefore, a sursis gives everyone an opportunity to reflect, reconsider and deliberate on the best way forward on what may be the most important debate of this Assembly term, if not the decade. The anomalies intrinsic in this set of proposals, some of which I suspect will become more clear if we go into the rest of the debate this week, will come back to haunt us. We are, in my view, going in the wrong direction and yet this is not widely realised. That is, of course, another reason for the sursis. I accept society is changing quicker than we think and much of the thinking behind this package pre-dates our current economic and enterprise situation. Indeed, I believe the workstream on this started shortly after Deputy Lowe led a population report, and therefore some of the issues date back four or five years. Therefore, they are not responsive to the new realities of our changing demographic and economic situation.

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For those reasons, we would be better adapting the situation we have – as the Chief Minister has just said, the devil we know, in a way, the Housing Laws that we have both loved and hated – but it has to be acknowledged that they have served this Island quite well over the last 60 years.

1130 We risk going bravely into the darkness of uncharted territory which may very well lead onto lost Human Rights, unclear transitional areas and potentially lost businesses in tourism, hospitality and other areas, and a fundamental change to the economy. Also, as one property developer has implied to me, the price differentials between Open and Local Market properties may reduce, to the detriment of the Local Market, as we effectively cease to protect the Local Market housing stock for local people of moderate means and, therefore, that in turn will encourage pressure for development and creeping urbanisation.

1135 So, the ramifications of this debate actually go beyond housing rights and residential rights and affect ecological and environmental plans too. And, so, given the need to consider the 19 or more arguments within the amendments very carefully, and some of them extremely complicated when one looks at the detail, I would say the most statesmanlike position is to call this debate off today and request that the Policy Council reconsider the policy and the effect that the amendments and consultation will have.

1140 I therefore, move the sursis.

1145 **The Deputy Bailiff:** Thank you, Deputy Gollop.
Deputy De Lisle, do you formally second the sursis?

The Deputy De Lisle: Yes, sir, I do and I reserve the right to speak.

1150 **The Deputy Bailiff:** Thank you very much.
Chief Minister.

The Chief Minister: Sir, could I invoke Rule 13(4) at this stage?

1155 **The Deputy Bailiff:** Certainly. Members, the Chief Minister is invoking the Rule 13(4) of the Rules of Procedure. I am required to invite those Members who wish to debate the sursis to rise in their seats. If fewer than seven rise, there will be no debate and no vote on it.

Who wishes to debate the sursis?

1160 *Several Members rose.*

The Deputy Bailiff: Well, there is more than seven so the debate will continue. The Rule 13(4) does not apply.

1165 Can I remind Members that under Rule 13(5), where a sursis of a matter has been proposed and seconded, debate should be limited strictly to the sursis and no other issues relating to that matter shall be debated until the sursis has been voted on. It is straight decision: do we proceed to debate or do we defer for up to a year?

Deputy Fallaize caught my attention.

1170 **Deputy Fallaize:** Thank you, sir. I regret the Chief Minister invoking that motion and I hope we are not going to get a whole series of those on these amendments.

1175 I understand the anxiety that Deputy Gollop has expressed in laying his sursis and I do not think that the problems of delay should be exaggerated. If you consider that the delay there has been with some of the strategies – we were speaking about one earlier: the Supported Living... Aging Well, SLAWS – I mean that has taken absolutely years in gestation. It has changed names three or four times, but not much has been produced, apparently. And there are a lot of other examples too and I think that delaying the consideration of the new population management regime by another year does not mean that the sky falls in. This has been in development for years already, so let us not exaggerate the problems of delay.

1180 But I still think the sursis is flawed, for two reasons: first of all, it seems to me, based on the assumption that there is something wrong in a major policy report being laid before the States and then Members laying a whole series of amendments against it. Now, actually, I do not think there is anything wrong with that at all. This is what we do. We are an Assembly, a parliament, we are here to debate substantial matters of policy. If any Member has alternative views on any aspect of what is laid before them, to lay amendments, to debate those and then to reach a resolution at the end of the debate. Okay, I think there are 20 amendments, but this has happened before. I think

when the States debated the machinery of Government, there were 29 amendments. This is just what happens. Deputy Gollop has laid some amendments himself.

1190 So, I do not accept that there is anything wrong. And, also, one has to understand the context of this debate. We are not debating legislation here today. What will happen, even if some of these amendments get through, the Policy Council will have to go away and come back with detailed proposals. So, I cannot see any problems in debating amendments. Some of them will get thrown out, some of them probably will be passed and what we will emerge with is the sort of collective wisdom, if I can use that word, of the States, at the end of the debate and since we are a parliament, that is the place I think we should be in.

1195 The other problem with the sursis is I do not think it actually achieves anything, because what will happen in a year's time, if one thinks about it, the Policy Council will come back invariably with the same proposals, because these amendments cannot have been much of a surprise to them and if they thought that they were any good, they would have incorporated them in their original report. So, the Policy Council will go away, produce more or less the same report, spend a load of time telling us why they think that the amendments are flawed – which Deputy Harwood or other Members of the Policy Council no doubt are going to do when we debate them anyway – but the Members who are laying the amendments would not be persuaded that their amendments were a load of rubbish, so they will come and lay their amendments again. So, in a year's time we will end up with more or less the same Report before us and probably 16 or 17 of the same 20 amendments and we will be in exactly the same position.

1200 Also, if the Policy Council wants to provide an assessment and an analysis of the various amendments which have been circulated, then they will do that, in any event, when they come back with their detailed proposals. If they believe that the States has made a dreadful decision with terrible unforeseen consequences by passing one of the amendments then when they come back with detailed proposals, they will set out their opinion at that time.

1205 I think towards the end of Deputy Gollop's speech introducing his sursis, he betrayed the real reason he is laying a sursis, which is that he actually does not want to get rid of the Housing Control Law. I disagree with him about that. In fact, it is a miracle that the Housing Control Law has been sustained in anything like a semi-credible way for as long as it has been and it is to the great credit of Deputy Jones' Department that that is the case, because, for years, the States has known the Housing Control Law is not fit for purpose and I commend the Policy Council's Report. I think this is very, very well presented report. In fact, I cannot remember reading a report which has been presented as clearly and as coherently. It is a complex issue, but it has been presented coherently, in a very clear way and I think the Policy Council, at a political and a staff level, deserves credit for that and I agree with their proposals to replace the Housing Control Law with a regime based on Employment Permits and residency permits.

1210 I support some of the amendments, but the amendments are dealing with matters which are not exactly peripheral, but they are discrete aspects of the regime. Nobody is laying an amendment suggesting that the entire basis of the Policy Council's proposals should be thrown out.

1215 Therefore, I think there is pretty widespread support in the States for replacing the House of Control Law with the kind of regime laid out in this Report and if we are here a day, or two days, or three days, I might not be popular by saying this, but I do not really care! I think that is what we are here to do. (**A Member:** Hear, hear.)

1220 If the debate rolls over into two weeks' time and we have to convene in the middle of July and finish it off, so what? We do not actually meet that often as a parliament when you compare us with other parliaments. I think we just need to get on with having this debate, work our way through the amendments, give them the consideration they need and do that by throwing out this sursis.

1235 **The Deputy Bailiff:** Deputy David Jones.

Deputy David Jones: Thank you, Mr Bailiff, Members of States.

1240 I could not agree with Deputy Fallaize more on this. The fact of the matter is that this is probably the most important debate that this parliament will ever have, in terms of... I cannot think of a more important one since, perhaps, 1940 when they were debating what to do about the forthcoming German occupation of these Islands.

1245 This has never been done before. There has never been a debate in this Chamber on managing the entire population of Guernsey. We have had a series of scrappy debates over the years, trying to prop up a Housing Control Law that, quite frankly, is creaking at the seams and I thank Deputy Fallaize for his acknowledgement that the staff at the Housing Department and the Department

itself has done a sterling job in trying to enforce a Law that is becoming more and more difficult to enforce as the years go by.

1250 This sursis, by delaying this debate, as Deputy Fallaize has pointed out will change nothing and we really do need to get on with this. I, too, agree. I am not really concerned about how long this takes. Most of the amendments, as far as I can see, are subtle changing of words to certain recommendations and I would also urge those who have any real fears about any one of 45 recommendations, then fine, do not vote for it – send it back and it will be revisited and come back again.

1255 But that, to my mind, is no reason, in any way, shape or form, to delay this debate any longer. It has been years in the making and it is time that we get on with it. We are here. The Chief Minister has made it clear that it is basically a framework document, that the detail has to be worked out and the States will get to revisit that detail again in the future.

1260 So can I please plead with States Members to get on with this debate. Let us get these amendments placed and listened to and debated and, perhaps, we can move on to more pressing items as well, later in the year.

Thank you.

The Deputy Bailiff: Deputy Lester Queripel.

1265 **Deputy Lester Queripel:** Thank you, sir.

Sir, the population proposals are broadly based on suggestions made by five politicians from the previous Assembly. Three of those politicians are no longer in this current Assembly: two retired and one lost his seat in the last election. And it was at that last election that 22 new faces were elected. I am pleased and proud and privileged to say I am one of those new faces.

1270 The reason so many new faces were elected, sir, was because the electorate wanted change and they do not want change for the worse. They do not want to maintain the status quo; they do not want us to tread water; they do not want us to sit on the fence; and they certainly do not want to us to merely rubber stamp proposals made by politicians who are no longer in this Assembly.

1275 I can assure the parishioners who voted for me, I have no intention whatsoever of merely rubberstamping anything. I have got my own ideas and I have been elected to pursue my ideas and that is what I intend to do.

1280 Now, I have been following the whole population issue since the 2011 public consultation. I attended four out the six public presentations. I asked several questions at all four presentations and I did not receive satisfactory answers to any of my questions – that is nothing new, but sadly it is a trend that continues to this day.

Consequently, sir, I was not at all comfortable with the majority of the proposals then and I am not comfortable with them now.

1285 **The Deputy Bailiff:** Deputy Queripel, you do not seem to be addressing the sursis directly at the moment. Do you support the sursis or are you opposed to it? (*Laughter*)

Deputy Lester Queripel: I am getting to the bit where I support it, sir. (*Interjection*) I will fast forward two pages, sir.

1290 **A Member:** Can I raise you?

1295 **Deputy Lester Queripel:** So, I am concerned that the population proposals as a document itself is rather unbalanced, particularly from the Human Rights angle. Section 2 of Article 8 of Human Rights states that there should be no interference by a public authority with the exercise of this right, except such as in accordance with the law and is necessary in a democratic society in the interests of national security.

1300 If we take a more detailed look at what that actually means, it is all rather a grey area, because the question focuses on whether or not someone's work affects someone else's life and it does not ask the question it should be asking, which is 'Does my work or lifestyle affect someone else's private or family life?'

1305 In relation to Article 8, we have had an Item 56 which is in the Human Rights legislation which covers a vast range of issues and subjects including interception of correspondence, telephone tapping, search warrants, etc. I am concerned about the whole Human Rights angle of the population proposals, sir –

The Deputy Bailiff: Deputy Queripel... Deputy Luxon, you have risen to your feet.

Deputy Luxon: Sir, my apologies.

1310 I just wondered is Deputy Queripel actually beginning to debate the debate as opposed to actually talking to whether or not the sursis should be supported or not – and my apologies for interceding.

The Deputy Bailiff: That is fine, Deputy Luxton. You are drawing attention there to a point of order.

1315 You do seem to still be straying away from ‘should we debate this or not?’, which is the issue.

Deputy Lester Queripel: Sorry, sir, I will wind on another two pages. *(Laughter)*

1320 So, my final point in that case is we were elected to place our own recommendations before the States and I realise there are several amendments to debate, sir, but that does not mean any of those amendments are going to be successful. This is the most important issue that this Assembly will ever debate because everything hinges on the population of the Island, and we have got to get it right. We are not going to get it right working with an unbalanced document. And yes, I repeat, sir, there are several amendments but they may not be successful.

So I urge Members to support the sursis.

1325 Thank you, sir.

The Deputy Bailiff: Deputy De Lisle.

Deputy De Lisle: I thank you, sir.

1330 The first point that I would like to make is that economic and social circumstances have changed, in the interim, from whence this whole process began. They are quite fundamental, actually, in terms of the approach, perhaps, that we should be taking to many issues that confront the Island at the current time. Sir, this is certainly one of them.

1335 But I would like to lead on by saying that there has been criticism that very few people have engaged in this process and that is really concerning. Only 354 responded to the consultation document that went out. That is 0.5% of the population and only 1% of the working population have engaged in the process; 23 responses only were received from community, business and professional organisations; and following the release of the Billet, Policy Council had just the one hard-won evening engagement with the public for questions this month.

1340 Further engagement is essential to get this right, because population policy has a profound effect on the rights of everyone in Guernsey. It impacts on many areas of public policy and it extends into avenues of our life and work. It is important that the States get any change to the existing Housing Law right first time. With so many late amendments, their consideration on the hoof, this is not good politics. Each amendment needs very careful assessment and analysis, the legal, economic and social consequences need careful scrutiny and contradictions in the amendments need thorough examination. The effects of the new proposals on the Island’s demographic profile and housing and any discrimination and Human Rights issues all need appraisal. I do not think Deputy Fallaize and Deputy Jones, in their statements, have really considered these implications and the opportunity that will be provided by the Policy Council considering these issues in more detail.

1350 The Chief Minister is unhappy at a move for more consultation, but I ask, really, what consultation we have had this term? It is virtually none, and with half the Assembly new Members, that is not good government. We all want to get on with the job at hand, but it is one thing to get on with the job at hand; it is another thing to get it right. The recent debacle with the buses is a case in point: rush at your peril.

1355 The large number of amendments at the last moment reflects absolute dismay with the process and the lack of consultation and consideration of the public view. There is much concern and confusion. Amendments are being withdrawn and are revised on the hoof. It is not clear where we are going with this.

1360 One Member, sir, in front of me, has been cutting and pasting all night. The –

Deputy Perrot: I hope that was not a reference to me – I certainly was not! *(Laughter)*

The Deputy Bailiff: Thank you, Deputy Perrot.

1365 **Deputy De Lisle:** I think the Member got the point, sir.

The St Pierre du Bois Douzaine on Monday night supported the sursis and the point was made that debate of so many amendments – 20 or so – would give rise to a dog's dinner. I am very concerned, like many others.

1370 At the Forest Douzaine on Monday night, the point made also that the rights of people coming into the Island were being considered above the rights of those already here. The Report is almost entirely focused on confirming the rights of Open Market residents and setting favourable terms for those seeking to come to the Island to live and work, and there is little in the proposals for the benefit of long-established residents. Further engagement is needed to protect the rights of all people in the Island and time will allow for a fairer outcome.

1375 The *raison d'être* for the Policy Council intervention to develop a comprehensive population management regime, stated on page 706 of the Billet, is to deliver the objective to manage the size and make-up of our population and to enable Guernsey to maintain its population, if necessary at approximately at the same level as it was in March 2007. But nothing in this Billet tells how the sets of policy directions before us are to assist in delivering that objective and we need to be comfortable that the mechanism put in place will deliver the objective of control. We need that social/economic assessment before going on and we do not have it here and now.

1380 Sir, moving from the Housing Law, which is tried and tested, to a population management regime, an untried system, is a sweeping change, introducing uncertainty. Transitional arrangements from one to another have not been detailed here. Again, we have nothing in the Report before us on the long-term economic and social effects of the new regime. These need to be understood before implementation. The sursis will allow all Policy Council to provide additional details and to assess and analyse the various draft amendments which have been circulated to Members – multiple amendments asking for the Policy Council to report back – and we need a period of further review and assessment before bringing back for approval a report containing well-thought- through recommendations.

1385 I ask Members to support the sursis, to direct that by no later than July 2014 the Policy Council shall lay before the States of Deliberation a report containing proposals for a population management regime and further to direct that such a report shall include an assessment and analysis of the various draft amendments which have been circulated to Members.

1390 Thank you, sir.

The Deputy Bailiff: Deputy Dorey, then Deputy Brehaut, then Deputy Hadley.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

1400 I do not support the sursis. I was one of the two Members who was a member of the Population Policy Group during the previous Assembly.

The proposals were developed by a group of five politicians, but with some excellent help by a number of civil servants, but the important thing is that we did report regularly back to the Policy Council at intervals and we also reported back to the States Members, and there were some informal meetings with States Members. Of course, all the minutes of that Population Policy Group were seen by the Policy Council.

1405 When the final Report, which was debated in January last year, was put to the Policy Council, some of the proposals were then amended by the Policy Council. So, you cannot say that this group of five worked in isolation. That is not accurate, and the principles of the proposals were debated by the last Assembly and were supported. The proposal was to approve the replacement of Housing Controls Laws with a population management regime based on a system of permits.

1410 If you look at that Report, most of the details in that Report are also in this Report that we have today, so these proposals have been out there an awful long time.

1415 I would also like to comment on the consultation, because Deputy De Lisle referred to 350 responses and I actually think, knowing how complex they were and it was a long consultation document, that 350 was a good response. But what was important was that for the various meetings we arranged, it was estimated that over 800 people attended those meetings. So, there was another big group of people that we engaged in and had their opinions on, to develop these proposals.

1420 So, I ask the Assembly to reject this sursis.

Thank you.

The Deputy Bailiff: Deputy Brehaut.

1425 **Deputy Brehaut:** Thank you, sir.

I agree with Deputy Dorey. I see this as not the beginning of a process, but a process reaching an end and if we just...

1430 The former and the first Chief Minister, Laurie Morgan, said several times that procrastination was the art of keeping up with yesterday, and that is exactly what this sursis does. It stops things. If we think the process through, although I do not know whether there is such a thing as a 'sursis motivé' – it used to be referred to, which is that a sursis stops something dead; a sursis motivé gives an instruction, and this appears to do that.

1435 But if we think the process through it means that if we did support the sursis and the staff were sent away, presumably the staff would have these amendments and then have to gauge how much support the amendments had or not. They would then contact each of us to say, 'The Perrot/Green amendment: do you support it? Why do you support it? Conversely, why do you not support it?'

So, let us not do that tomorrow; let us do it today and get this debate underway.

Thank you, sir.

1440 **A Member:** Hear, hear.

The Deputy Bailiff: Deputy Hadley, then Deputy Le Tocq.

1445 **Deputy Hadley:** Mr Deputy Bailiff, there are two reasons to oppose this sursis: first of all, we need to give certainty to the Open Market; but more importantly, Mr Deputy Bailiff, under Human Rights legislation, as I understand it, a number of people on short-term licences are likely to establish a right to live on this Island and that is one of the loopholes the new proposals seek to close.

1450 So, procrastination is dangerous, in my view.

The Deputy Bailiff: Deputy Le Tocq.

1455 **Deputy Le Tocq:** Sir, the only reasons I have heard so far to support the sursis seem to be on the misguided concept that if you wait longer for something, it will be better. It is a bit like a sign I once saw driving, I think, round the M25, which said, 'Drive slowly, arrive more quickly'. To take that logic to its conclusion: stop still, arrive immediately. *(Laughter)*

1460 Sir, I do believe that we have before us proposals that have been well consulted and it is completely wrong to think that by spending some more time, more people will be happier about it or that even we will get agreement in this Assembly. So, I think the fact is, I have been quite amazed at how much agreement there is on the main Propositions, even with regard to people, members of the public contacting me.

1465 There are obviously parts of it that need to be debated and that is why we have got amendments. We are dealing with a Law that became very, very complex and it is natural that any attempt, which certainly... When we get to the main debate, I shall be saying, if no-one else does, is that one attempt is to make it a far more simpler piece of legislation than we have had before. But it will not be the end of the equation then. There will be opportunities in the future to amend it and to refine it as time goes on.

1470 So I do not support the sursis, because I do not believe that we will be in a better place in a year's time.

The Deputy Bailiff: Deputy Kuttelwascher and then Deputy Le Clerc.

Deputy Kuttelwascher: Thank you, sir, Members.

1475 I do not support this sursis for one good reason. If I just go back to last year, I attended a Policy Council meeting as the Deputy Treasury and Resources Minister, because Deputy St Pier was unable to on that day and in Any Other Business, I brought up the issue of the Population Policy Group, which was no longer in existence. At the end of the last term, the Population Policy Group was disbanded and disappeared and nothing was happening, basically. 'Excellent', says Deputy Fallaize!

1480 I brought up an issue relating to the slump in the Open Market and on that day, what was basically intimated was that the working party or Population Policy Group would be brought back into existence and here we are: success! The last thing I would want to see is for that to be put on the back burner again.

1485 A sursis will achieve nothing. I agree with Deputy Fallaize. I agree with other people and, therefore, I think it would be a backward step. We have to go though at least most of these most

amendments – one or two go way beyond the Propositions, but there we go – and get on with a solution. There is no point in any delay. It will achieve absolutely nothing.

So, I urge Members not to support this particular sursis.

1490 **The Deputy Bailiff:** Deputy Le Clerc and then Deputy Robert Jones.

Deputy Le Clerc: Sir, perhaps I am taking things a little bit too personal, but I am just concerned about Deputy De Lisle's comments and other comments that I have heard over the last few months about new Members, and an indication that we do not understand or have insufficient knowledge on matters.

As Deputy Fallaize has said, this is a really well written Report and I know, personally, assistance has been forthcoming from members of the Civil Service for those staff or those Members that wanted additional help and clarification. So, I thank them on that.

1500 I am not in support of the sursis. I do not feel that 19 amendments against 45 recommendations is unreasonable. They were, at first reading, a little bit overwhelming, but many of them will hopefully be quite fit for debate and they are very, very reasonable.

I do not want to delay this any further and I feel we must make progress and cannot agree with the sursis.

1505 **The Deputy Bailiff:** Deputy De Lisle, I saw you rising. I did not call you because I did not feel it was necessary for you to interrupt Deputy Le Clerc with what you were going to say.

Deputy De Lisle: Thank you, sir. *(Laughter)*

1510 I just would like to clarify the point that I made with regard to new Members. It was in no way to make a point with regard to, as the Member has stated, the fact that new Members have not had the time to consider the Report. It was just that new Members had not gone through the process in the past and had not had the advantage of the work that had been done in the past and the discussions that were held in the past.

1515 That was the intention, just to make the point that further consultation would be useful to everyone on this particular issue, because it is so important an issue.

The Deputy Bailiff: Deputy Robert Jones.

Deputy Robert Jones: Just briefly, sir.

1520 I think Deputy Gollop is going to have wait a little bit longer to bring a sursis that gives anything other than the perception of unnecessary delays and the perception that the States cannot continue to put off the hard decisions. We need to take a deep breath and get on with debating these amendments over the next two or three days if that is necessary.

1525 **The Deputy Bailiff:** I do not see anyone else rising, so I turn to the Chief Minister to reply to the debate, before I turn to Deputy Gollop.

The Chief Minister: Deputy Bailiff, thank you.

1530 Can I first of all thank Deputy Fallaize and Jones for their contributions. Broadly, I actually support everything that Deputy Fallaize said. I also thank him for his recognition of the hard work that had been undertaken in producing this report and his acknowledgement of that.

1535 I also submit, sir, that nothing will be gained by this sursis. It will not preclude an equivalent number of amendments, if the sursis were to be successful and the matter was brought back in July: we would be back exactly where we are now, because people would not accept any compromise that came out of that proposal and, therefore, we would still be faced with a myriad of amendments. Then, on that occasion, no doubt, Deputies Gollop and De Lisle would be asking for a further sursis, in order that we can consider and respond and analyse those further amendments.

1540 So, with the whole process, it will just go on and on and on, and I have to say, Deputy Gollop, I think, has been quite open, he does not like the idea of a new regime and you can argue that, by sursis, this, by bringing another sursis in another year's time, effectively he achieves what he wants to achieve, which is a continuation of the Housing Control Laws.

Incidentally, one consequence of this sursis will be that we will have to bring back to this Assembly a further extension of the Housing Control Laws, because that is part and parcel of the Propositions before you today.

1545 It is the nature of parliamentary democracy, the nature of the parliamentary process that people can produce amendments and will produce amendments and are *entitled* to produce amendments

from the floor or whether they are giving them in advance. That is the nature of what we are doing. We have to accept, we have to be grown up about this, we have to understand that we will have to react to things on the hoof, as much as some of us may find that difficult.

1550 Deputy De Lisle is talking about engagement. Well, Deputy Dorey has already indicated, the nature of engagement. We cannot force the public to engage. We have had a number of questions which have been dealt with by staff since the Billet came out – and I would also mention that we actually, through the permission of the Bailiff, produced the Billet earlier than the normal schedule in order to allow people to give consideration and if there was any lobbying to result.

1555 So, I would submit, sir, that we have tried to engage. There is no merit in delaying it further. There is nothing to be gained by this sursis, because we will still be faced by the same situation in a year's time as we are now. Therefore I would urge Members to reject the sursis.

1560 **The Deputy Bailiff:** Deputy Gollop, you have the final word on this debate on the sursis.

Deputy Gollop: Yes. Thank you very much.

I, too, would thank the patience of the expert staff who have been working on this document.

1565 In response to the Chief Minister, yes, there is a process that this would frustrate, but the question is how far should we, perhaps, be going in the wrong direction? Deputy Fallaize says there has not been a lot of fundamental opposition to this, but, looking back on it, I find that intriguing because, when I first entered politics, one of my great goals, actually, was to get rid of the Housing Law. Ironically I am now one of its few defenders, because suddenly there was a change in the weather about five years ago and the States collectively went from being arch-defenders of the Housing Law to wanting to put it bed. The sea-change has occurred and it has effected most Members' thinking, but I think that that is perhaps a premature conclusion to come to.

1570 Moving specifically to the points, Deputy Queripel said that the electorate voted for change in the right direction, rather than the wrong kind of change. I do fear that the consequences of some of the amendments will be the wrong kind of change.

1575 Deputy Le Clerc mentioned, amongst other things, the role of new States Members being as able if not more able than their predecessors. I would fully concur with her there. I think my technical point about the amendments was not to differentiate between you and... not older Members necessarily, but Members who had spent more time in the Chamber in the past – although I do thank ex-States Members for helping me with some of this thinking as well, who were part of the previous debates.

1580 But, Deputy Le Clerc, the point I am making about the 19 amendments is that we all know what they mean and we will debate are perhaps on a sound basis to make a collective judgment on some or all of them; but many members of the public who have legal, human and economic interests are not in that position, because of the way in which these amendments have come thick and fast in the last three or four days. That is one of the arguments for the sursis.

1585 I particularly thank Deputy De Lisle for his argument and, indeed, he came up with some additional ones, which I thought were particularly useful, not just looking at the wider social and economic objectives of a population strategy, but he mentioned three points of fundamental importance. The first is the transitional arrangements. If we do go for a 14-year structure replacing, for example, the 10-year structure, there will be people who may find themselves in the 11th or 12th or 13th year of a predicament and we do need to be clearer about the transitional arrangements, and I think the presentation acknowledged that that is still a workstream to come.

1590 The second point he made was the lack of relative business representations to the Population Working Party: 300 or 400 is not a lot compared to even, say, the bus issue or the Parochial Ecclesiastical Rates Review Consultation. So, I would deny that it has had a massive public engagement.

1600 And the third point, and this is a fascinating argument he raised actually, that had escaped my attention before, was that when we considered, in a previous Assembly, the population strategy that Deputy Lowe spearheaded, some of that was rejected and replaced by an amendment from the then Deputy Roffey capping our population at about the current level. That has never been formally revoked and so the mechanism by which that is ministered has to be congruent today.

1605 Now, my personal belief – that I cannot prove the rational argument, but it is a belief, but I will possibly return to this – is that the new structure we are creating will lead incrementally to a population increase of long-term residents. So, it not in conformity with current States policy and because of that, because effectively we are halving the residential requirements from the old 15-year licence to eight years, amongst other changes, I believe we should sursis this, because it is incompatible with current States policy, even though that current policy may be flawed.

1610 So, for all those reasons, the most sensible course of action, despite the work that has been undertaken today and I think the desire of States Members to get onto the amendments, is to reject the debate at this point by ceasing it and calling for a rethink on the implications of the amendments over the next year.

Deputy De Lisle: Can I ask for a recorded vote, please, sir.

1615 **The Deputy Bailiff:** Certainly, there will be a recorded vote. We will just wait for Members to take their seats.
When you are ready, Greffier.

1620 **The Senior Deputy Greffier:** This session, sir, the voting begins with the South East.

There was a recorded vote.

1625 **The Deputy Bailiff:** We will wait to be able to formally declare the result of that, but I do not think that should delay us proceeding to the first of the amendments to the Propositions in this Report. You will see a running order in your Agenda.

1630 What I am proposing to do is to call Deputy Gollop to propose his first amendment, but I am also proposing that Deputy Brouard's amendment, seconded by Deputy Ogier, will be run at the same time, because they are both dealing with the same Proposition, but just different periods and it seems to make sense, if you are content to run it that way, rather than to have two separate debates, and then we will close the other way round.

Not carried – Pour 3, Contre 44, Abstained 0, Not Present 0

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

Deputy Inglis

1635 **The Deputy Bailiff:** Before I call Deputy Gollop, I can formally declare the voting on the sursis.

There were – That is wrong. It is the other way round. *(Laughter and applause)* It is quite clear that the Deputy Greffier did not want debate to proceed either, the way it was handed up to me! *(Laughter)*

1640 The voting on the sursis was *Pour*, 3; *Contre*, 44. I therefore declare the sursis lost.
Deputy Perrot.

Deputy Perrot: Could you just confirm, sir, that you have received a copy of my amendment?

1645 **The Deputy Bailiff:** The amendment that you are proposing to move that is seconded by Deputy Green, yes. I think it has gone on every Member's desk, at the moment, Deputy Perrot. If you want to know when I am proposing to take that, it will come after the amendment being proposed by Deputy Lester Queripel, seconded by Deputy Gollop which has 'Amendment 1' on it, which is about 7 down. It will be inserted at that point.

1650 I call Deputy Gollop to move his amendment in respect of Proposition 2(b).

Deputy Trott: Sir, may I first raise a procedural issue, in the sense that it would be extremely helpful to me, if not others, to know as soon as possible after the opening of debate on the amendment, whether or not the Policy Council intends to contest it or not. I suspect that will have the effect of limiting debate in some, if not all cases, sir, and would ask for that guidance.

1655

The Deputy Bailiff: That is duly noted. It will be a matter for the Chief Minister and the other Members of the Policy Council, if they have taken a view on them, to give that indication at appropriate times.

1660 Deputy Gollop to move amendment marked number 1, seconded by Deputy De Lisle.

Deputy Gollop: Thank you, sir.

Well, I hope this vote will be more the other way: 44 for and 3 against. But, it goes without saying too that I have a lot of sympathy for the second amendment proposed by Deputy Brouard and seconded by Deputy Ogier.

1665

My amendment says:

To insert immediately after "14 years" in Proposition 2(b) "(or for 8 years in the case of an individual at least one of whose parents was a Permanent Resident or Qualified Resident at the time of that individual's birth or adoption)".

1670

It varies with the Brouard-Ogier amendment, number 2, in that the term I put is eight years rather than 10 years and to read the explanation for their amendment, which I think applies to mine: this amendment returns the position to as it is now. Well, in fact, this does not, this amendment changes our position, which allows children of a Permanent Resident to qualify not in 10 years but in eight years, so it is a leniency in that it allows local children less, they can qualify up to eight years, instead of 10 years.

1675

It will also continue to allow children born after a parent has become a qualified resident, that is to say has achieved the 14 years of residency, to also qualify not in 14 years or 10 years but in eight years. So in practice this would enable the children to qualify at an earlier stage than their parents, but I think we would accept, as we have accepted the principle of licenceholder and Open Market children, that they are, because of their being brought up in Guernsey, perceptively more local than others. But other children, it remains for parents to qualify in 14 years.

1680

Now, perhaps on a personal level, my initial thinking was to apply it to all children who come to Guernsey at a certain age or who are born here as part of their birth right – no discrimination whatsoever and I included in that children of English and other origin of children who come, through parents holding essential licences or companions holding compassionate licences or, indeed, Open Market children. But maybe that would be seen as a bridge too far, in view of our population constraints. So I have limited it to what we could call children whose parents are either are Permanent Resident or qualified residents at the time of that individual's birth or adoption.

1685

1690

To give a classic scenario, imagine a Guernsey person who has become an ex-pat who is working, because of the education and lifestyle they have received in Guernsey, they are bettering not just themselves, but maybe humanity in some other place. It might the United Kingdom, it

1695 might be Europe, it might be the Middle East, it might be anywhere in the world. But, they have children; they intend to return to Guernsey at some point when their career and other situation allows, perhaps when they can afford a property, for example, and they have children. Maybe one child is born abroad and another child subsequently is born in Guernsey. Everybody's circumstances are different.

1700 Now, I have always questioned whether it should be as long as 10 years for those babies to qualify and certainly going to 14 years is a burden too far, especially for the instance of a child of a Qualified Resident who, perhaps, comes here when they are three and then has to wait until they are 17 under that scenario.

1705 So, I move for it to be eight years. As I say, it is similar to the Brouard amendment, but it gives the benefit of the doubt and allows the child to qualify after eight years, rather than 10 years.

The Deputy Bailiff: Deputy De Lisle, do you formally second that amendment?

Deputy De Lisle: Yes, sir.

1710 **The Deputy Bailiff:** You reserve your right to speak until later.

Deputy Brouard, I would invite you to move your amendment as an alternative again to that, please – amendment marked 1.

Deputy Brouard: Thank you very much, sir.

1715 I think we are going to have quite a few people speaking in this debate, so part of what I will say will be what I will say now rather than later, and I think it gives a bit of context. I would like to thank the staff of the Population Team and also the Members who have served on that, because it has been a very difficult area to grapple with and I know it has spanned two States sessions. But even for myself and Deputy Ogier, in some of the scenarios, working out what happens if you do
1720 this or change one bit, trying to capture all that down, is quite a hard task.

Some people say we should be debating this in little small sections. I think on balance I prefer to debate it as one whole picture, as we have proved earlier. I think that gives us a much better way to make this painting. I think as Deputy Brehaut mentioned some time ago, we are painting a picture here for a different issue and this is what we are doing now, but very much the big strokes and the detail will be coming later and further.

1725 Basically, our proposal, with Deputy Ogier, seeks to maintain the status quo for permanent residents. Now, I know the Report does not use the word 'local', but I think that is probably about the best word that there is. It does sum it up and what we are seeking is that children who are of local parents or children who become local by birth, because their parents also became local,
1730 qualify in 10 years rather than 14. It is very similar, as Deputy Gollop mentioned, he is offering eight years. We think 10 years is better, being the existing position.

As I said earlier, it is quite a complex issue and if you have a look at appendix D on page 809, you can see some of the complexities. Is it things like 10 years out of 20 or is it going to be 10 years out of five? What happens if someone spends nine years, 11 months? So, there is going to be discretion, as there always has been, and that also will be taken on board in the transition arrangements. So, there are lots of policies that are yet to be written around it, but a broad brush stroke that Deputy Ogier and myself are proposing is rather than moving to 14 as a rule, we should still keep, to maintain that local difference, that people from local families or people who become local qualify in 10.

1740 One criticism could be that it introduces an extra note of complexity. Yes, it does, but I think this is a very small price to pay.

Now, we could change the rules to say actually all children qualify in 10, but that did not really reflect the current position or feel right either – and feeling right is probably about as close as you are going to get. There is no science in this. This is what it feels it should be, what we feel our interpretation of the Human Rights is, how the courts interpret it on a particular day, so it is a subjective decision and there are no absolutes or rights or wrongs.

1745 I would encourage Members to support the motion. I think we would be doing ourselves a disservice to move the goalposts further away, to make it harder for local children of local families to qualify and for those children who become local through their parents moving to the Island.

1750 I would ask you all to support the amendment.

Thank you.

The Deputy Bailiff: Deputy Ogier, do you formally second that amendment?

1755 **Deputy Ogier:** I do formally second the amendment.

The Deputy Bailiff: And reserve your right to speak or speak now?

Deputy Ogier: Thank you, sir.

1760 **Deputy Fallaize:** Sir, may I just raise one issue? May I suggest, and you may well have given this consideration already, that the Dorey-Green amendment is debated along with these two, because the strongest argument it seems to me for 14 years on the Local Market, or what is now the Local Market, and the Open Market is that it reduces complexity, but if the States is minded to support the Dorey-Green amendment and push the Open Market children back up to 20 years, then
1765 the argument that pertains most strongly to the Gollop and Brouard amendment falls.

So, it seems to me that they are really dealing with the same issue – the length of time after which children who have lived here with their parents ought to have permanent residency – and that we could debate all three together.

1770 **The Deputy Bailiff:** I turn to Deputy Dorey, first, for his comments on that, as to whether he would prefer the amendment that he wishes to move, seconded by Deputy Green, be dealt with separately, rather than within this debate?

1775 **Deputy Dorey:** I would prefer them separately. I always think it is simpler to keep the issues separate. One is to do with locals and one is to do with Open Market. I think they are quite different.

The Deputy Bailiff: Well, I was not minded to accede to Deputy Fallaize's request, but I will just put a motion to you as to whether or not you would rather take the next amendment on the list
1780 proposed by Deputy Dorey, seconded by Deputy Green, relating to Open Market children at this time or not. Those in favour of doing so; those against.

Members voted Contre.

1785 **The Deputy Bailiff:** And on that basis we will continue as we are.

So we will go into debate on the two amendments that are in play, relating to the qualification period for local children. Who wishes to speak in this debate on these two amendments?

Deputy Hadley.

1790 **Deputy Hadley:** Mr Deputy Bailiff, I think we have a common theme between some of these amendments and what I think Members have to remember is that, while extending the rights of people to return to the Island, this may well, in future, put pressure on people who have never lived anywhere else and if people choose to return to the Island in retirement – and we know this is going to be a continuing problem for the Island – it will be even more difficult for people who
1795 have never lived anywhere but Guernsey to support those people who are returning to the Island.

The Deputy Bailiff: Deputy Trott, you were rising before. Did you want to speak?

1800 **Deputy Trott:** Well, only my request was a serious one, sir. Can we have some indication from someone on the Policy Council what their views are to these two amendments early on, so we have the necessary guidance?

1805 **The Deputy Bailiff:** You have made your request. I indicated that it would be a matter for the Chief Minister or someone else as to whether they wish to speak. It is not for me to direct.

The Chief Minister: Could I just address that issue. The position is, I think, the view of the Policy Council is that it is up to individual Members of the Policy Council as to how they will vote. There is no firm Policy Council view on individual amendments.

1810 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: How does that concur with our fundamental principles of good governance? It is clearly in violation at the start, sir.

1815 **The Deputy Bailiff:** I am going to call Deputy De Lisle to speak next. You were indicating you wanted to speak, Deputy De Lisle, were you? Deputy De Lisle then.

1820 **Deputy De Lisle:** Sir, I just wanted to speak in support of the Gollop amendment, which invokes the eight years. In the Policy Report before us, sir, the qualifying for Guernsey-born children goes up to 14 years from 10 years. It will take longer for the Guernsey-born children to earn permanent residential rights and children of career-moving parents may be affected also.

The qualifying period for those not born here will reduce to 14 years from 15 or 20 years and it all seems to lighten restrictions on licences and Open Market, but tighten the strings on locals, so I think there is some adjustment needs to be made there.

1825 And those who have lived in Guernsey for eight to 14 years in the new proposals can stay forever, dropping the qualifying period for new residents to eight years from the current 15 years. So I think the eight years is appropriate given the new policies contained in this Report, in that the eight-year period conforms with dropping the qualifying period for new residents to eight years from the current 15 years.

1830 Thank you, sir.

Deputy Hadley: May I make a point of clarification, because several Members around the Assembly do not seem to have understood the points I was making, so would you allow me to explain it to people?

1835 If the Assembly passes either of these amendments, we will *increase* the number of people who will have a right in the future to return to the Island. Some of these people might have been off the Island through to their retirement. If they then return, people on the Island who have never lived anywhere else will have the increased burden of supporting these people, and so I think that point needs to be borne in mind.

1840 **The Deputy Bailiff:** There is nobody else rising at the moment. Oh, Deputy St Pier.

1845 **Deputy St Pier:** Sir, I understand the emotional attraction and rationale behind both of these amendments, but I will be opposing them both. I think it introduces additional complexity and for the children concerned, it will quite literally be an accident of birth. You could quite easily see situations where siblings will be treated differently, depending on whether their parent was or was not a Permanent Resident at the time of their own birth and that, to me, does not feel sensible, so I will be opposing both amendments.

1850 **The Deputy Bailiff:** Well, there is no further debate on this, so I will turn to the Chief Minister to reply on both of these amendments.

The Chief Minister: Thank you, sir.

1855 There is, I accept, some degree of comfort about accepting these amendments, because what they are proposing is, in fact, a continuation of some of the existing provisions of the current Housing Control Law.

1860 I will address both amendments. I can see the amendments may seem attractive. However, throughout the Report, the Policy Council has tried to justify the proposals before you from first principles and not just falling back on the precept 'because this is the way we do it today.' On the face of it the amendments are asking you to agree more favourable residency terms for those children born to qualify for permanent residence and also for the reason that Deputy St Pier has just mentioned, there is an issue then that you will have conflicted interests between siblings depending upon the accident of the time of birth. In fact, it is asking you to agree to less favourable residency terms for everybody else.

1865 As soon as we start introducing different terms for different groups of people in such fundamental areas as acquiring long-term residency rights, the new regime starts to become more complex. The new regime has been designed to be as simple as possible – not simple for simplicity's sake, but because if it is simple and straightforward there is a far greater chance of a new regime being understood. If it is understood, then there is a far better chance that people will be able to have a trust in the regime.

1870 If you are considering supporting this amendment, I would ask Members first to think about the consequences of introducing additional complexity and secondly to question whether they can

really justify such a fundamentally discriminatory proposition based on more than the civil argument, ‘it is because we have always done it this way’.

1875

I will be opposing the amendment.

The Deputy Bailiff: If Deputy Gollop will close the debate on the amendment moved by him and Deputy De Lisle, and we will take a vote on that, and then if we need to we will go to a closure by Deputy Brouard.

1880

Deputy Gollop: Thank you very much, Mr Deputy Presiding Officer, sir.

In a way, this starting debate has brought up some of my worst fears about the problem of debating these amendments, because we have already had two minor procedural arguments about which amendment should be taken in which context and we have had one Member effectively putting his point twice. It is hard to understand some of the arguments and I know at times I do not know what I am talking about. *(Laughter)* It is a shame, I do not, but some of the speeches I have heard from even senior figures today also reflect that they do not understand the propositions or the issues either.

1885

For example, it was implied by one Member that this is a new policy introducing greater complexity to our society; but it is not really because it is replicating, effectively, especially Deputy Brouard’s amendments, the existing status quo. So we are taking away a right.

1890

Then another Member suggested that this would be a bit worrying for our demographics if a lot of, if you like, elderly people or nearly elderly people decided to retire to Guernsey, having suddenly qualified. Well, in the first place, many people around the world already have that right and at this juncture, we have not decided to take it away from them.

1895

But the example I had in mind was about a young person, at the peak of their career who has gained useful and valuable experience on a global, professional sphere, who worked perhaps five, 10, 15 years in the UK or elsewhere, who then decides to return to Guernsey with those enriched skills at the age of circa 35, 40, maybe 45 and raise a family. As we know both men and women in many cases are having children later now, especially in professional business backgrounds. You do get, then, the anomaly of a family – maybe there has been more than one partner, maybe there has not – of one child being born here in one situation and another child who has come as a baby or a toddler having a different age at which they qualify. We are making all these situations harder and they are effectively bringing in a new policy of discrimination against people who we have encouraged to better themselves and serve the wider world.

1900

So, I think the argument is clear. We should, given the benefit of the doubt, give the first priority to people who are from what we would call our local community – and remember that it enshrined in law, too, in a sense, because part of our relationship with the European Union under Protocol 3 defines a group as being called ‘Channel Islanders’, who are specific and have slightly different rights of occupation in the European Union.

1905

Now, I know that is not the same as the housing categories, but that is an international recognition that there is an indigenous population who are true Channel Islanders, who are different from people who have moved here, however much they are part of the community, and we should be protecting those people especially.

1915

Therefore, I will support this amendment and if needs be, Deputy Brouard and Deputy Ogier’s amendment too.

The Deputy Bailiff: Thank you, Deputy Gollop.

We will move to the vote, then, on this amendment to insert some words into Proposition 2(b). Those in favour of the amendment; those against.

1920

Members voted Contre.

The Deputy Bailiff: I declare that amendment lost and invite Deputy Brouard to have the final word on the amendment moved by him and Deputy Ogier.

1925

Deputy Brouard: Thank you very much, sir.

Just a quick comment. Deputy St Pier mentioned that it would add a complexity. Wherever you put a peg in the sand, whether it is at 10 years, 14 years or eight years, you are going to have that same difficulty with siblings.

1930

For me, it is all about roots; it is all about the Island; it is all about history. We are not saying that we going to discriminate against anybody, it is just that if you are here and you have got strong roots, it is 10 years. When you arrive on the Island, it is 14; and once you have got strong

1935 roots here, it is ten. It is an evolving process that moves on and I would urge Members not to change from our present position and vote for this amendment, so that our local children and those who come in and become local qualify in 10.

Thank you, sir.

1940 **A Member:** Hear, hear.

The Deputy Bailiff: Could we move to the vote on the amendment proposed by Deputy Brouard and seconded by Deputy Ogier.

Deputy Lowe.

1945 **Deputy Lowe:** May we have a recorded vote, please.

The Deputy Bailiff: We will move to recorded vote then.

There was a recorded vote.

1950 **Deputy Trott:** So while that vote is being counted, may I ask, through you, the Procureur, a legal question about how these times will be considered by the courts, should a challenge be made?

1955 **The Deputy Bailiff:** Are you able to assist Members of the States, Mr Procureur, on that question from Deputy Trott?

Deputy Trott: Well, if I pose a question first.

1960 **The Deputy Bailiff:** I thought that was the question!

Deputy Trott: No, the question is this. There is to be a delay between decisions made by the Assembly today and the incorporation into legislation of these decisions. Now, those that are at the margins under the existing regime, those that say are nine years into a ten-year qualification period, is it likely that the courts will look favourably on any application that they be... oh, I do not know, given some sort of preferential treatment because they were so far through a process?

I think it is important to understand how that grey area will be interpreted as, throughout this debate, we start changing qualification periods in the manner in which we are being directed.

1970 **The Deputy Bailiff:** Mr Procureur, are you able to assist Members as to how the court might approach the interpretation of the 1994 Law as it currently stands?

The Procureur: Probably you would be in a better position to assist. *(Laughter)*

1975 **The Deputy Bailiff:** I am not going to.

The Procureur: What I would just like to say, in the pause as the votes are being counted, is use the opportunity to say to Members that I do not doubt that any number of legal and quasi-legal issues will arise in the course of this debate. I will do my very best to assist Members, but these matters are tremendously complex, as other Members have already indicated and I would not wish to mislead the Assembly.

So, please forgive me, there may be more occasions than I would like when I shall have to say, I will have to go away and consider that matter.

1985 Now, I think the only assistance I can give in relation to Deputy Trott's question is to say that one thing which is not mentioned in the Report, or at least I have not found it, is that where there are Human Rights issues and difficult matters to be considered, there will have to be, within the system, a right of review by the courts written in, and the bones of that will be dealt with in the legislation, so there will be some sort of appeal from the statutory official or whatever it might be and the normal principles will be applied by the courts in those events.

1990 Those principles, of course, include the Human Rights legislation, which will remain in force and the established principles of administrative law. Clearly, the closer somebody is to establishing a right, where there is a discretion to afford some form of permit, that will bear with the courts as an important element in the balancing exercise.

I suspect that that has not helped Members at all.

1995 **Deputy Trott:** The Procureur is correct, sir.

The Deputy Bailiff: Can I just say, from Deputy Trott, were you asking about the position after the resolutions on the debate today, before the new legislation is enacted and comes into force, under the current regime?

2000 **Deputy Trott:** I think there are two issues. I think that is one of them. There is clearly a grey areas between the decisions that are taken over the next few days and the enactment of the legislation and I understand the Procureur's difficulty. But there is also this issue of discretion and whether or not those who are undertaking to administer the new regime will have the discretion in order to address the sorts of issues around the margins that I have referred to.

2005 I do not see anywhere within the Propositions that creates that discretion and I think it would be comforting to me, certainly, and I suspect to many other Members of this Assembly, if we have the knowledge that it was not, if you like, an absolute guillotine but that discretion would be exercised. Otherwise, I can see a situation where the courts are full of challenges for a considerable period of time, sir.

2010 **The Deputy Bailiff:** Thank you for that clarification. Mr Procureur, do you want to say something further?

2015 **The Procureur:** Yes. Perhaps, I fell into my own trap, but this is what I am saying, it is just sort of assumed in the Report. We have been working on this for many, many years and everybody has always acknowledged that there will have to be an area, a marginal area where there is an element of discretion to be exercised in accordance with the principles established by the law of the land, which will include this law and the Human Rights law and everything else. In that area, there must be an opportunity to appeal or review, that is quite right.

2020 I did not answer the other bit, because I have not really understood it, but I am able to make absolutely clear that whatever the States decide today, until the new legislative regime is in force, the Housing Control Occupation Law 1994 as amended will continue to apply and the courts will continue to apply as they have to date.

2025

Not carried – Pour 19, Contre 26, Abstained 0, Not Present 2

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

2030 **The Deputy Bailiff:** Thank you very much.

Now, I can declare the result of the vote on the amendment moved by Deputy Brouard, seconded by Deputy Ogier. There voted in favour, 19. There were 26 votes *Contre*. Therefore I declare that amendment lost.

The next amendment in the running order is that proposed by Deputy Dorey, to be seconded by Deputy Green and that is an amendment to vary Proposition 21.

2035

So, Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

2040

The purpose of this amendment is to keep the qualification period the same as it is now for Open Market children. The current qualification period for children of Open Market residents, to enable them to live in a Local Market property, is 20 years in a 30-year period. That is for their children. The 20-year qualification period is longer than for the children of local and licence holders, as it was introduced after proposals contained in the Billet d'État in 1980 were approved.

The proposals sought to have a distinction between the various categories and those proposals were supported by the States and the Advisory and Finance of that day.

2045

It is important to note that, during the consultation period on these proposals in 2011, there was no call for the qualification period to be changed. The Population Policy Group had not proposed changing it.

2050

So, at the end of 2011, the Report from the Population Policy Group to the Policy Council reiterated the principle behind the different qualification period was to have a distinction between the Open and Local Markets. In addition, there are different rules for adults living in the Open and Local Markets, so it is completely consistent to have different rules for their children.

2055

I strongly believe that we should not make it easier than necessary for people to gain access to the Local Market, especially when, during the consultation, there was no call for this to be done. The more people who are able to live in the Local Market means the more pressure on prices and the States is less able to achieve the objective of managing the size and make-up of the Island's population.

2060

The amendment does not stop Open Market children from living in Guernsey; they can continue to live in the Open Market, but they would have to stay in the Open Market for the same number of years as they knew when they moved to the Island. The law has been like that now for 30 years.

Thank you.

2065

Amendment:

In Proposition 21, to delete "after a period of continuous residence of 14 years" and substitute "after having been ordinarily resident in Guernsey for an aggregate of not less than 20 years in any 30 year period".

The Deputy Bailiff: Deputy Green, do you formally second that amendment?

2070

Deputy Green: I do, indeed, sir and I reserve the right to speak later.

The Deputy Bailiff: Right. Who wishes to speak in debate on this amendment, then?
Deputy Hadley.

2075

Deputy Hadley: Mr Deputy Bailiff, this is blatantly discriminatory. One could have two children born on the Island at the same time, one of whom has to have a qualifying period of 20 years and one a period 14 years. It adds unnecessary complexity to the Law and I urge Members to reject the amendment.

2080

The Deputy Bailiff: Deputy Bebb.

Deputy Bebb: Very briefly, I also have to oppose this particular amendment. I think that it builds in a discriminatory feel into the whole area.

2085

People who come onto the Island as Open Market residents do it for a number of reason, but I see no reason why those children born on this Island should be subject to a different rule to children who are born to those who are living in the Local Market. It smacks of complete – It is a bizarre discriminatory feel.

2090

I do feel that Open Market residents, having been an Open Market resident for quite some time myself, frequently feel the whole system, at this point in time, is slightly skewed against them. I am afraid that, when we are looking a new population management system, what we would look for is parity and what we would look for is simplicity as well. This particular amendment would add complexity and you would not create parity and, therefore, I urge all Members to please reject this amendment.

2095 **The Deputy Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you, Mr Deputy Bailiff.

Sir, this is a very complex Report, but it does follow an awful lot of consultation as we have talked before.

2100 The reason that I will not be able to support Deputy Dorey's amendment is that, just because we have always done something in the past, as part of the old regime, which is now not fit for purpose, is not a good enough reason to want to retain that in this new regime.

2105 It is difficult because this new regime covers many of the old attributes of the current regime, but actually tries to fix many of the anomalies and, if one talks to many members of the long-serving staff in the Housing Department, they will tell you that one of the greatest difficulties they have is trying to knit their way through the fog of a very dated piece of legislation.

2110 So, sir, I cannot support it. There are some amendments that I will be able to support, but I would urge Members, only support any amendment if it materially adds to the proposals of this new regime. If it is simply casting back to something that was there before, that is not a good enough reason, because it may well not interlock into the new regime.

Thank you, sir.

The Deputy Bailiff: Deputy David Jones.

2115 **Deputy David Jones:** Thank you, sir.

Just to take up Deputy Bebb's point about a different rule for Open Market. That is because they come here under different rules from the Local Market, so there is bound to be a different set of rules for Open Market residents than there is for local people. They come with no restrictions and they can house pretty much anybody they wish and so that is how those rules came about.

2120 I do not happen to agree with my good friend, Deputy Dorey, on this particular point, because I think, when you are involving children, they have no say in any of this (**A Member:** Hear, hear.) and they are brought here or born here and it none of that, the decision making, is part of their process. So, therefore, the Review Group felt at the time that it was discriminatory against individual children to have different qualifying periods and I would be unable to support Deputy Dorey on this.

The Deputy Bailiff: Deputy Sillars.

2130 **Deputy Sillars:** Just briefly: two children born the same day, same Island, treated differently. I believe this to be totally wrong, but I would like clarification from the Procureur as to whether this is Human Rights compliant, please?

2135 **The Procureur:** I am not going to say it is or it is not. Clearly, people's cases, when they are before the courts, are judged against the backcloth of Human Rights and clearly Deputy Sillars' right to say that there is within the Convention, within our law, a provision that says when a Human Right is engaged then the treatments of the people concerned must be without discrimination on the grounds of, *inter alia*, birth.

2140 I would say, however, that we have different provisions for qualification periods under the Housing Law for people who first lived here as children in the Open Market from certain others and I am not aware that there has ever been a challenge tested in either our local courts or within Europe, so I cannot give a categorical answer.

The Deputy Bailiff: Thank you, Procureur.
Deputy de Lisle, then Deputy Green.

2145 **Deputy De Lisle:** Sir, just a small point. I think we should be fair to all children. That is very, very important in this new Law and the new Law should be non-discriminatory and I would hope that that will be what we will arrive at. Anything else is totally unsatisfactory and undemocratic.
Thank you.

2150 **The Deputy Bailiff:** Deputy Green, then.

Deputy Green: Sir and Members, I am supporting this amendment. We are told in the Billet, at paragraphs 13.11 to 13.13, in three very short paragraphs, the fundamental justification for the

2155 change which is set out in proposition 21 – three very short paragraphs in support of that. Now, 20 years is seen as excessive and at the point at which a child becomes a resident is totally dependent on their parents' decision.

Personally, I would have liked to have seen more detail and more analysis on those particular points and, perhaps, more detailed elaboration on the substance behind the rationale for that fairly significant change. However, in my view, these justifications are not wholly convincing. They are not sufficiently convincing to move us from the status quo.

I am supporting Deputy Dorey's amendment for three main reasons.

2160 Firstly, to my mind, cutting the qualification period from 20 years to 14 years for children of Open Market residents does represent a fairly substantial relaxation or liberalisation of the current rules. The consequences of this relaxation on future population numbers is, perhaps, difficult to pinpoint at this stage, but it is difficult to imagine that this Proposition 21, unamended, would lead to anything other than a quicker growth in population numbers. That is because it will fast-track more people towards permanent residency. It will, quite simply, accelerate us to a situation where more people are able to access Local Market housing, thus generating more pressure on prices and, as a result, the States will have less control over achieving the objective of managing the size and make-up of that population.

2170 Secondly, in principle, I would submit that it could be seen to be wrong to apply the same qualification period for permanent residents, regardless of the route by which you reached that qualification. The road by which you travel to permanent residence is significant of and in itself, in my view.

Now, under the proposals in the Billet, the qualifying period for Guernsey-born people will rise now from 10 years to 14 years, in order to achieve permanent residence with the right of return, but at the same time proposition 21 will mean that, for those under 18 who come to live in Open Market housing with their parents, the qualification period will be cut from 20 to 14 years.

2180 Now, that is actually in contrast to what the Population Policy Group set out originally, as I understand it, towards the end of 2011, when the original differential qualification period was preserved. I do not consider it appropriate to say, in essence, that being born and brought up on the Island of Guernsey should convey no advantage over the children of Open Market residents whatsoever; that being local should, in effect, count for little or nothing. Therefore, I would suggest that having parity between those two situations could be open to a degree of fair objective criticism.

2185 The third reason is and it is a point that Deputy Dorey made, which is that, simply, there was no obvious level of public support for this change in the consultation itself.

2190 So, I will be supporting this amendment and I ask Members to give thought to supporting it as well.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2195 The point that Deputy Green makes about the quantifiable or unquantifiable effect is a good one, actually. Clearly, what is proposed is a liberalisation of the present arrangements and I wonder whether the Policy Council, even if it cannot share the information with us today, has undertaken to try to understand what the effect might be of this change. Of course, there are some children of Open Market residents who would already have been here, perhaps for 10, 11 or 12 years, under the present arrangements, they are very many years away from qualifying, but if the proposals are passed unamended, they will be much closer to their qualification period.

2200 So I just wonder whether the Policy Council has tried to understand what effect that might have in the relatively near future, over, perhaps, the next five- or ten-year period.

2205 Nonetheless, the amendment is discriminatory and the problem I have with it – although I am very much in favour of moving away as little as possible from the present Strategic Population Policy, which relates to an amendment I will be laying later on – I do think that it is a mistake to believe that a child's connection to this community is dependent on which sector of the housing market that child happens to be growing up in.

2210 We have to get to the right number of years and 14 is, actually, quite arbitrary; it could have been 12, it could have been 15. But we have to get to the right number of years where we believe that a child's connection with our community is sufficiently deep and long-standing that they ought to have established or permanent residency. The children of Open Market residents, by and large, go to the same schools as the children of Local Market residents and they use the same services and they have the same group of friends. The Open Market is actually a bit more than Fort

2215 George. We do not just have these self-contained, gated communities, which are the Open Market in one place and then the Local Market children going to other schools.

So, that is the problem I have with this amendment. I am not convinced that 14 years is necessarily the right figure. Because of my attachment to the Strategic Population Policy, I would rather make the period as high as we can possibly get away with, but once we have settled on a figure and the implication of the defeat of the Gollop and Brouard amendments is that we are going to settle on 14, I do think it has to be the same for Local Market children and Open Market children.

2220 One final point, sir, and this is not a criticism of any Member, but I just wonder whether, given the nature of this debate, we ought not to have declarations of interest, because there are some Members whose personal circumstances and familial circumstances would be affected by not just this amendment, but several of the amendments.

For example, the previous amendment, if I had spoken on the previous two amendments, I think I would have been minded to declare an interest because I have children who have not yet reached even the first, let alone the second milestone and, clearly, if those amendments had been passed, my familial circumstances would have been advantaged and I think I ought to have declared that.

2230 So I just say that, sir. I know we do not want to have declarations of interest running right throughout this debate, but I do think that if Members speak on amendments where they have a direct interest in the matter, then they ought to declare an interest.

2235 Thank you, sir.

The Deputy Bailiff: Before we move on, Mr Procureur, can we just deal with that point? I am looking at Rule 12(8) –

2240 **The Procureur:** So, am I sir.

The Deputy Bailiff: – which says that, ‘the declarations of interest should be before speaking and, if not speaking, voting’. So, if Deputy Fallaize, thinks he should have declared his interest, he should have declared his interest before voting.

2245 Can we just have some clarification as to what Members might do throughout this debate?

The Procureur: I think this question is very much easier than the question which I am sure Deputy Fallaize, whose mind is frequently exercised with, is declarations of interest in Committee meetings, where there are some really difficult issues. The point of the Rule in the parliamentary Assembly itself, and rightly, is that Members must be transparent where they have a special interest; but that does not preclude them from speaking and it does not preclude them from voting.

I think it is a matter for Members and if every Member looks at his own situation and his family’s situation and says, ‘Am I affected by this in a more substantial way?’ – a ‘special way’ to use the words of the Rules – more so than the generality of the population, then it is as well to say so. But I should have thought, my own personal view, if I were a Member declaring an interest, I would not personally go so far as to say, ‘Because I have children then I might have what is perceived to be a special interest’, because an awful lot of the population have children. *(Laughter)*

2255 **The Deputy Bailiff:** And thankfully, otherwise we would not have a population to manage! *(Laughter)*

The Procureur: No, sir, we would not. So, it is a matter for Members’ individual judgments and, of course, at the margins, some Members may take the view one way or the other and could not really be criticised for that, but I urge Members to declare if they have the general feeling that, not they, but anybody outside might say, ‘Oh well, he ought to have come clean about that’, as it were.

2265 Again, not very helpful, sir.

The Deputy Bailiff: Does that assist, Deputy Fallaize?

2270 **Deputy Fallaize:** Well, sir, I made the point when I made it because I am not in favour of this amendment, so I do not want to be seen as if I am trying to disadvantage people. I just do not want the perception to be created that Open Market residents or people who may have come here in the Open Market are seeking to vote in ways which particularly advantage the Open Market, compared to where the Open Market is today. So, I am not in favour of the amendment; I am not

trying to make it more difficult, but I do think it is important that there is complete probity and that is why the declaration provisions exist in the Rules.

2280 Yes, it does help, sir. Perhaps, I was being overly conservative. We do not want people standing up, saying, 'I have children', but actually the number of people who have children in the Open Market, whose period of qualification might be about to be realised, is not a reflection of the general population.

2285 **The Deputy Bailiff:** Mr Procureur, if there were a Member – I am not sure there is, but if there were a Member – who has an infant child who lives in the Open Market at the moment, then they should declare that interest on this amendment. Would that be an accurate assessment?

The Procureur: If that is your assessment, sir. You are the Presiding Officer. I do not dissent. *(Laughter)*

2290 **The Deputy Bailiff:** If that is helpful, that is an indication that I would give about the direct and special nature of an interest in the specific subject matter of the amendment under discussion.

Deputy Hadley: Mr Deputy Bailiff, may I ask a point of clarification on this particular item?

2295 **The Deputy Bailiff:** Is this for the Procureur, yes?

2300 **Deputy Hadley:** The Proposition refers to the children of Open Market residents. One of the things that does worry me about this is that, of course, there are a number of Open Market properties that are occupied by local residents and, indeed, when my wife and I returned to the Island, as she was a local, but we chose to buy an Open Market property.

One of the effects of the amendment that Deputy Dorey is proposing, actually, would disadvantage local people who happen to choose to live in Open Market properties and I am not so sure whether that was indeed the intention of the Policy Council.

2305 **The Deputy Bailiff:** Mr Procureur, can you deal with that?

2310 **The Procureur:** I take the liberty of saying what the intention of the Policy Council is or, at least, the intention of the Report: the children of Open Market residents, what it means when it says Open Market residents, of course, is people who are lawfully resident in the Island because and only because they have a permit to occupy an Open Market property. That is what they mean by Open Market residents.

2315 Somebody who is a Permanent or a Qualified Resident under the old regime who chooses to live in the Open Market, after this new thing is in force, will still have a permanent residence certificate, just as people who currently are qualified residents and choose to live in the Open Market, have a status declaration, rather than a declaration of lawful residence.

Deputy Hadley: I can see that, yes.

2320 **The Deputy Bailiff:** Let us try and return to the debate.
I am going to put Deputy Duquemin next, because he drew my attention earlier, and then Deputy Le Tocq.

Deputy Duquemin: Thank you, Mr Deputy Bailiff.

2325 Deputy Sillars asked the question to Her Majesty's Procureur, whether this amendment would be Human Rights compliant. I would just ask the very simple question, ignoring the law courts: is this just right or wrong? I would say it is wrong.

2330 The reason, and perhaps today is quite a good day to use this example, although Deputy Fallaize did steal my thunder slightly, Year 6 at Castel School were here in the Public Gallery for the first hour or so of this morning's debate. It would be pertinent to look into their eyes, so to speak, and ask them are they any different. I do not know if any of them live in the Open Market or not, but they will go the same school, they will, perhaps, go to the same Cub, Scout group, Cub camp. They might even play for the same Guernsey football team. They might even go to each other's birthday parties at Crabby Jack's for a number of years. *(Laughter)* But, then, we want to treat them differently and I ask the question, is that right or wrong? I say it is wrong.

2335 In defeating or not accepting the first two amendments of the day from Deputy's Gollop and Brouard, we have got parity on the first two issues and this just basically seeks to complete the

2340 hat-trick. Children, as Deputy David Jones said, who are born here in Open Market accommodation, they do not ask to be born here; they are. But even, furthermore, if they even come here at the age of two, three, maybe even five, they do not ask to come here. It is their parents' decision. Their parents know the rules of the Open Market, but the children are just innocent parties and we should treat them all the same.

So I will not be supporting this amendment.

2345 **The Deputy Bailiff:** Deputy Le Tocq, then Deputy Brehaut. Thank you.

Deputy Le Tocq: Sir, I declare an interest: not only do I have children, I am a child (*Laughter*) and I was born here in Guernsey to individuals who, by all accounts, would be residents of Open Market. At 11 days old, I was adopted by a couple who span generations back of being Guernsey born and bred.

2350 So, how different would it be if that was happening today and I know, I realise, today, that adoptions occur very irregularly, full stop, let alone within the Island, but how right would it have been for that accident of birth, as it was – and it was an accident of birth in my case (*Laughter*) – that it should determine what right an individual should have. This is, as Deputy Duquemin put it so clearly, just plain wrong, irrespective of whether Human Rights come into it or not. I would be
2355 a ashamed to have a situation in our Island, if we are wanting to be a mature democracy, a key player in the world, where we have got a discrimination of that sort happening for children on the basis of the accident of birth.

I think it is wrong and I urge the House to vote against it.

2360 **The Deputy Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I was intrigued by Deputy Darren Duquemin's speech: he made all the arguments against the 11-plus, before we even got onto housing. Why separate children, why within the same school do
2365 we treat them in a very, very different way?

We have discriminated today. I am going to make an unashamedly emotive and, perhaps, a speech some might even think is nationalistic, and I make this speech as a Guernseyman. We have discriminated today, already. We say we should not discriminate, when we already have. If you do not want the nuances, if you do not want the difficulties that you have, currently, under the
2370 Housing (Control of Occupation) Law, this is not remedy, because there will also be people who contest periods of residency and call for the compassionate licence of some sort.

I would declare an interest. I have got two young children and I am very interested in them. As of today, one is local. That does not mean he woke up at the age of 10, ran out, bought a gâche and put a yacht on the model yacht pond, (*Laughter*) but he is local. My daughter will now not be
2375 for some time longer. If my in-laws in Scotland got unwell and my wife said, 'Oh, let us go and look after my family in my home', her home in Scotland, I would say, 'Hold on a moment, Etienne is local but what about Verity, because we have just changed the law?' I know that can happen at any point in time, but we are discriminating.

2380 We have made it more difficult for *local* people and we want to lower the tolerance on Open Market to bring them closer, so we have taken locals up and we are bringing the Open Market down to meet them.

2385 Now, people who are local could have been here through the Occupation, through thick and thin. They could have been here after the Occupation. They could have put blood, sweat and tears into the local growing industry. They could have put their heart and soul into the finance industry. They will still be here when all of that is gone, when it has gone to dust. Some people in the Local Market have freedom. They have freedom of movement. When things get sticky, when things get tricky, they can afford to be somewhere else.

2390 So, I will vote in a way that is discriminatory. I will vote positively to discriminate in favour of local people – people who have given their heart and soul and their life to the community, in staying here throughout. I think you have something that people who opt to move here do not have. Whether we call it... in Australia, they call it Aboriginal, they call it indigenous. That is the type of language I am using.

2395 So, I will vote in favour of this amendment, otherwise you will have people, and we do not know how many quite yet, who will effectively run... If you do not vote in favour of this amendment, you are actually voting against the aspirations of a policy, because you bring more people in and the population objective is lost.

Thank you.

The Deputy Bailiff: I do not see anyone else rising, so I will turn to the Chief Minister...
Deputy Gollop, did you want to speak?

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Deputy Gollop: Yes, because, actually, it was Deputy Fallaize that first persuaded me, but I thought about too what Deputy Brehaut has just said, because this is a difficult judgment call, this amendment, because how consistent can we be?

2405

Deputy Fallaize raised the point that he has got no – Deputy Green did too... He raised the point about how far we can make judgments without ideas on how many numbers this will affect. Well, we refused that option. The sursis gave the opportunity for economic analysis. We said no to that, so we have got to judge on the facts that we have.

2410

I, actually, did want to discriminate, because I wanted to make life easier for the total, if you like, indigenous children who Deputy Brehaut refers to and reduce it. That has not been possible and I then have to say that 20 years, which initially was the position in the past, is, in today's more mobile and egalitarian society, unacceptable, so I will have to go with the Propositions and reject this amendment.

2415

It is a difficult call, but I think it is one that we have to make in the interests of not being discriminatory to the point of extremism. But in a way Members are right, we should have had a better deal for local people. We have lost that opportunity. That is not a reason to then be unfair to other children too.

The Deputy Bailiff: So, I will now turn to the Chief Minister to reply to the debate on the amendment, before turning to Deputy Dorey.

2420

The Chief Minister: Thank you, sir.

Again, very short: this is an amendment that seeks to introduce complexity and that seeks to impose less favourable residency rights on one group of individuals – again, with no justification other than the fact that we do it today.

2425

The sense of belonging and commitment of a child living in the Open Market is no more or less significant for them than for those of a child living in the Local Market property for the same period of time. Therefore, I would urge States Members to recognise that and Deputy Duquemin has amply described that by referring to the pupils who were here earlier today.

2430

In response to Deputy Fallaize, the answer is I believe the Policy Council does not have the information available, because under the present regime, there is no process for registering Open Market residents. So, we just do not have that information, I believe. Whether we could get it or not, I do not know, but I do not believe it is available.

Thank you.

2435

The Deputy Bailiff: Deputy Dorey to reply on his amendment, then.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

2440

I thank Deputy Green and those who spoke in support. What has been mentioned by several speakers is the word, 'discriminate'. But, it is very clear that when this rule was introduced, which was to distinguish, the word we used was not 'discriminate', it was 'distinguish' between the various parts of the housing market. We distinguish because we want to protect houses for local people. We want to protect the prices. That is why we have an Open and Local Market. That is why we are having a system of permits; it is to try and protect our –

2445

We have a small island; we know, we have a large number of people who would like to live here and we want to protect this Island. We want to protect the houses for our local people. That is what the whole point of distinguishing between the Open and Local Market is.

2450

And there has been much emotion talked about children who are born here, but okay, if a child is born into an Open Market family, when they reach 20, they can then move into a Local Market house. I do not think that they would be ready to move into a Local Market house before then, so I do not think it affects them.

But, let us look at the other end, because this is up to 18, so we can talk about a 17-year-old and look at it quite differently. Should that 17-year-old, when they reach 33, be able to buy a Local Market or should they wait longer? I think you have to think of the complete range.

2455

And what happens if somebody comes from an Open Market family and that child is 18? They will never be able to, under these rules... other than in very exceptional circumstances, when they get to 65 and they are ill and they want to sell their Open Market house, and deregister it. They cannot move into the Local Market.

So we do distinguish, we discriminate, whatever word you want to use, between Open and Local Market. That is the principle they are based on.

2460 We distinguish between people who come here under Housing Licences now. If a child comes here under a licensed family, they have to wait 15 years. Under these proposals, they will have to wait... if their parents are on a short-term or medium-term licence, after five years, that child is going to have to leave. I do not think you can vote against this on the basis that we have different rules, which is what some people say, because that is the whole principle of it, of having the Open/Local Market, is that we have different rules. That is a principle, I think, of permits.

2465 And I ask you to think, is not one of the pressures on society in Guernsey the price of houses? This will have an effect. The more you relax the rules, it means the more people who can buy into Local Market, the more pressure you will put on prices.

2470 When somebody comes to live here in the Open Market, they know what the rules are. The rules are there. There has been no call for change between the consultation period, there is no call for change. The Population Policy Group did not propose a change. The proposals which were in the January Billet were changed when they went to the Policy Council at the end of 2011.

I think you have to, if you are going to change the rules from the status quo, you have to have a good reason. You have to have some pressure. There is no pressure.

2475 As Deputy Duquemin said, is it right or wrong to treat children differently? Well, we do treat children differently. As I said, if they come under permit, we are going to treat them differently to local children. So, we do discriminate. If a child comes here and lives for 13 years and goes away, they will not be able to come back, but if one is 14 years and their parents go away, they will be coming back. We discriminate, we make rules. If you are going to have rules, you are going to affect people. You cannot have rules and not affect people.

2480 So, I would ask Members to re-think, those who have spoken and think... We have got an Open Market, we have got a Local Market. Please maintain the difference, to protect houses for local people.

2485 Thank you.

The Deputy Bailiff: We move to the vote on this amendment proposed by Deputy Dorey, seconded by Deputy Green, affecting proposition 21 and we will have a recorded vote.

2490 *There was a recorded vote.*

The Deputy Bailiff: We will declare the voting formally after the luncheon adjournment but it looks as though that one was lost to me.

So, we will resume at 2.30 promptly to deal with the next amendment.

2495 *The Assembly adjourned at 12.33 p.m.
and resumed its sitting at 2.30 p.m.*

2500 **Procedural**

The Deputy Bailiff: ... after a short break at the conclusion of this afternoon's session. So it will be just after half past five, but we will aim to finish as promptly as we can, at or about half past five as a result.

2505

Managing the Size and Make Up of the Island's Population
Debate continued

2510

Not carried – Pour 12, Contre 34, Abstained 0, Not Present 1

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy Brehaut	Deputy Soulsby	None	Deputy Spruce
Deputy Lester Queripel	Deputy Sillars		
Deputy Gillson	Deputy Luxon		
Deputy Trott	Deputy O'Hara		
Deputy Laurie Queripel	Deputy Quin		
Deputy Lowe	Deputy Hadley		
Deputy Le Lièvre	Alderney Rep. Jean		

Deputy Collins	Alderney Rep. Arditti
Deputy Green	Deputy Harwood
Deputy Dorey	Deputy Kuttelwascher
Deputy Paint	Deputy Domaille
Deputy Burford	Deputy Langlois
	Deputy Robert Jones
	Deputy Le Clerc
	Deputy Gollop
	Deputy Sherbourne
	Deputy Conder
	Deputy Storey
	Deputy Bebb
	Deputy St Pier
	Deputy Stewart
	Deputy Le Pelley
	Deputy Ogier
	Deputy Fallaize
	Deputy David Jones
	Deputy Duquemin
	Deputy Le Tocq
	Deputy James
	Deputy Adam
	Deputy Perrot
	Deputy Brouard
	Deputy Wilkie
	Deputy De Lisle
	Deputy Inglis

2515 **The Deputy Bailiff:** The result of the voting on the amendment moved by Deputy Dorey and seconded by Deputy Green is that... (*Laughter*) I think that might be the wrong way round again Deputy Greffier. (*Laughter and interjections*)

There was something that Oscar Wilde said about one mistake! (*Laughter*)

2520 **A Member:** There is currently a voluntary redundancy scheme in...! (*Laughter*)

The Deputy Bailiff: Yes, the voting on the amendment moved by Deputy Dorey, seconded by Deputy Green is there voted 12 *Pour* and 34 *Contre*. Accordingly I declare the amendment lost, and I return the voting slip.

2525 So we move now to the next amendment in the pack and that is being proposed by Deputy Gollop, to be seconded by Deputy De Lisle and this will insert a new proposition, 7A. So I invite Deputy Gollop to move his amendment.

Deputy Gollop: Thank you, sir.

2530 One of the facets about Guernsey life, Bailiwick life, that I think we are very supportive of, generally speaking, has been our loyal devotion to the Armed Forces and the recognition too that many distinguished members of the Armed Forces have either settled in Guernsey or indeed been sons and less frequent endorsers of the Island. Guernsey has an incredible record. We know that one school alone has produced four holders of the Victoria Cross, for example, as Mr Bruce Parker pointed out in his recent talks. Therefore, I think there is a great degree of commitment to the
2535 Armed Forces, and in the past, the housing laws, both in Jersey and Guernsey, have recognised that.

Amendment number 4 – amendment 2 on the lists – the point is 7A:

2540 *To insert the following between Propositions 7 and 8:*

“7A. To agree that a local resident and his family being out of the Island with HM Forces would have this time considered as though it was spent in Guernsey.”.

Now, indeed, there is a simple provision in the Jersey law which effectively means that time spent outside Jersey, in the Armed Forces, is considered the same as if it was spent on island.

2545 I now come to the issues in the Report – when it has come through... (*Interjection*)

The Deputy Bailiff: That was not a Member interrupting another, was it? Was that a point of order? (*Laughter*)

2550 **Deputy Gollop:** We are having a few technological gremlins today, but never mind.

I shall read paragraphs 9.76 to 9.79, or the relevant points. ‘Agreed absence provisions’ – this is on page 743 and 744 of the old book versions:

2555 ‘There will be situations where an individual might spend some time off-Island and the Policy Council proposes that, in some specific circumstances, their residence will be considered to be continuous or unbroken.’

Under 9.77:

2560 ‘Some of these circumstances are listed below; however, this list is not intended to be exhaustive:’

and it includes any period of time spent in full time education; a gap year; and, importantly, time spent in the service of HM Forces.

And then we go onto to page 744, paragraph 9.79:

2565 ‘While the specific details in each of these circumstances have yet to be developed’

– in others words, the Policy Council has not come back with the detail that we can vote on at this stage –

2570 ‘it is proposed that in some cases – for example for those serving in HM Forces – time spent off-Island which is deemed to be continuous or unbroken residence in Guernsey will also apply to the spouse/partner and children of the individual who is subject to the agreed absence provisions. A large number of consultation respondents, including all of the organisations representing service personnel, suggested that the provisions proposed for those serving in HM Forces should be extended to their spouses/partners and children.’

2575

So the Policy Council have quite rightly advised us, that has been the message of the lobbyists and we have heard some representations ourselves.

2580 It is acknowledged here that time spent off-Island which is deemed to be continuous will also apply to the spouse and children, who are subject to the agreed absence provisions. Now, as I understand it, that would mean to say that a serving member of Her Majesty’s Forces, he or she, their spouse and children would be considered as if they were spending their time in Guernsey, assuming they were locally qualified in the first place.

2585 I am happy with that and indeed when myself and Deputy De Lisle were considering placing this amendment, we were kindly advised by Her Majesty’s Procureur that maybe the amendment was not really necessary, because the proposals contained in 9.76 to 9.79 are actually quite clear about the direction of travel the Policy Council wish to go in. But I thought, ‘Yes, but it is not a resolution and it has not been fully worked out.’

2590 So, all I am asking the Assembly today is to support a continuation, really, of the existing arrangements, strengthening it to include the partner and the children, and to vote a specific Proposition that embodies, in the resolutions, what is already agreed policy by the Policy Council in this respect.

So I would be amazed if the Policy Council oppose this amendment, because it is entirely congruent with their thinking.

2595 **The Deputy Bailiff:** Deputy De Lisle, do you formally second the amendment?

Deputy De Lisle: Yes, sir.

2600 **The Deputy Bailiff:** And you reserve your right to speak later?

Deputy De Lisle: Yes, sir, thank you.

The Deputy Bailiff: Thank you very much.

2605 Who wishes to speak on this amendment then? Deputy Luxon.

Deputy Luxon: Thank you, Mr Deputy Bailiff.

Deputy Gollop, in his slightly mischievous sursis earlier on, talked about many different things, but I think this is quite a virtuous amendment, although slightly unnecessary.

2610 The Policy Council Population Policy Group are minded to absolutely make this happen. It was not a recommendation, one of the 40-odd recommendations and obviously, I cannot talk on behalf of the Policy Council formally, but certainly the indication as you described in your explanation there is as we are thinking.

So, I certainly will be supporting this amendment.

2615 **The Deputy Bailiff:** Deputy De Lisle.

Deputy De Lisle: Thank you, sir.

Every effort should be made to safeguard the rights of Islanders serving in the Armed Forces and their spouses and children. Our Housing Laws need to make families of the Armed Forces a special case, as in Jersey and the Isle of Man, so that the spouse, partner and children of those serving in the Armed Forces have the comfort that the time they spend off-Island, in service, is classed as continuous residence in Guernsey.

2620 Now, that guarantee needs immediate attention. It is not fair on those families to have that uncertainty hanging around their necks. There is enough danger in the area without having these additional concerns to worry service personnel overseas.

2625 Now, Douzeniers in the Forest Parish were concerned that article 7 was not specific enough to the Armed Forces to provide guarantees to those families, and they wanted to bring Guernsey's laws into line with elsewhere. So I call on Members to lift the uncertainty that currently exists to families serving in the Armed Forces and to agree that a local resident and his family, being out of the Island with HM Forces, would have this time considered as though it was spent in Guernsey.

2630 Thank you, sir.

The Deputy Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

2635 Just in opening my brief few words, I would like if Deputy Gollop, in responding, just to confirm the gender specificity in his... is unintentional. He says, 'and *his* family being' – I would just remind that women are now full members of the military, and perhaps he could respond to that.

2640 Sir, I am very pleased to support this amendment. As all colleagues are aware, I am sure, there is a special relationship between society and the military. It is reflected in many other jurisdictions and that is manifest in special taxation arrangements, medical care, charities and long-term support.

2645 The relationship between society and members of the Armed Forces is often called the military covenant and that covenant recognises the special duties imposed upon members of the military forces and accepted by them throughout the time that they are members of the Force.

Sir, the Bailiwick obviously requires a special provision in terms of residency which is not necessarily replicated in other societies, for obvious reasons, but I would suggest, sir, that our version of the military covenant should embody and reinforce, as Deputy Luxon has already said, that we recognise that members of the Armed Forces are in a special position, and I would therefore recommend this amendment to colleagues and ask them to vote for it.

2650 Thank you.

The Deputy Bailiff: Deputy David Jones.

2655 **Deputy David Jones:** Sir, I would like to just ask the Procureur whether this amendment will cover people killed on active service in the Armed Forces, that their families would enjoy the right to stay in that event, because I am not too sure what we decided when we were discussing this. I forget what we decided on that point, but does this amendment cover that eventuality?

2660 **The Deputy Bailiff:** Procureur, are you able to help directly?

The Procureur: Well, all it does is to confirm what the Policy Council are going to propose anyway: that if there is a requirement in order to qualify or obtain a particular status that requires somebody to be living in Guernsey, if that person, he or she, is absent from Guernsey by virtue of being a member of the Armed Forces, then that requirement will be met over the same time period.

2665 It does not say anything, sadly, if somebody is *en route* to qualification and is killed before reaching that point, no, this amendment does not say anything about that.

It may be that, in bringing more detailed proposals back to the States, that is an issue which the Policy Council would wish to consider.

2670

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2675 What the Procureur has just said about this amendment, if I understand it correctly, is, I think, it goes slightly beyond what I understood the effects of the amendment to be, because the amendment says 'to agree that a *local* resident and his family, being out of the Island with HM Forces', etc. That is subtly different from a person who is on his way to accumulating sufficient years to be considered or to have any particular residential status.

2680 So I am thinking, for example, of a person who perhaps is the child of an Open Market Resident, who spends perhaps 10 years or 12 years in the Island as a child, and then leaves the Island to join the Armed Forces at the age of 17 or 18, having not yet accumulated the 14 years that would be necessary to be considered a Qualified Resident.

2685 From that the words that the Procureur spoke, it seems to me as if this amendment would incorporate those circumstances, but actually that is not what the amendment says. The amendment says 'to agree that a *local* resident and his family being out of the Island' and a person who lives in the Open Market and has not yet been here 14 years is not a local resident or a Qualified Resident or any other sort of similarity, anything similar.

2690 So, I think, what I am saying is that Deputy Gollop's amendment seems to be very sensible, particularly since the Policy Council agrees with it anyway; but I do not think that it does the complete job. I think that the Policy Council will need to extend the provision in this amendment, when they come back with the next stage of their proposals. I would ask Policy Council when they do that to take as liberal an interpretation as possible, because I do think that, by and large, where anybody, local or non-local, is living here, particularly when they have been a child, building up or working towards their residency rights, leaves the Island to join the Armed Forces, we ought to take a fairly liberal, generous view and assume that that time has been spent in Guernsey.

2695 Thank you, sir.

The Deputy Bailiff: Mr Procureur, can you offer some further clarification?

2700 **The Procureur:** Yes, the choice of words are Deputy Gollop's, but if he had used a technical term, one which has a meaning within the Report, and he had used a technical term such as 'Qualified Residence' or 'Permanent Residence' or something like that, I would have advised Deputy Gollop that that would not cover the sort of situation that Deputy Fallaize is talking about, and asked whether he really wanted that discrimination in this context.

2705 Because he used a generic term 'local resident' which, to me, simply means somebody who lives here, then I thought that it *would* cover such circumstances, and I am sure that Policy Council will take that on board in any event.

2710 **The Deputy Bailiff:** Deputy Ogier.

Deputy Ogier: Thank you, sir.

I would just like to seek clarification from Deputy Gollop, when he sums up: the effect of this amendment to graft Qualified Residential Status to people who *may* never have been on the Island.

2715 So an individual could return with a family and children, grown-up children, who could then purchase Local Market properties and enjoy all the rights of a Qualified Resident, even though they may never have seen the Island before.

The Deputy Bailiff: Deputy Stewart.

2720 **Deputy Stewart:** Deputy Bailiff, Deputy Ogier is quite right: my son has been in the army since age 18 and my granddaughter, age 2, was born in Germany and that is where she is now. But this does highlight the point and why I will voting for this amendment. I think that members of the Armed Forces do need certainty for their families, not only do they put their life on the line but they also have a very nomadic existence, often being moved from pillar to post and, when they do, have a family, often that family does move around the world, most of the time, with them and, at some point, they need somewhere where they can call home.

2725 I will be voting for this amendment, it does give some real certainty and certainly shows us paying respect to the members of the Armed Forces.

2730 **A Member:** Hear, hear.

The Deputy Bailiff: Does anyone else wish to speak in debate?
Deputy Brehaut.

2735

Deputy Brehaut: Thank you, sir.

The Housing (Control of Occupation) Law has often kept the courts in business because people would contest the conditions on which housing or otherwise gave people a licence and before we were talking about trying not to discriminate. Here we want to, again, positively discriminate in favour of the Armed Services.

2740

If I give the example, two people, both Guernsey residents, both of them serve in Afghanistan, Syria, Egypt: one is in the Armed Forces, but one is in the Red Cross; both in the theatre of war, both putting themselves at risks, both of them deal with the consequences, both of them putting themselves in harm's way. I think, if I was that person in the Red Cross, I would ask for a residency Permit under the same basis that someone did in the Armed Services.

2745

So, I do not think that there is any perfect system.

The Deputy Bailiff: I do not see anyone else rising, so Chief Minister to respond on the amendment on behalf of the Policy Council.

2750

Deputy Harwood: Thank you, sir.

Just, very briefly, certainly, personally I am more than happy to support this amendment for the reasons already set out, and I hope that my Policy Council colleagues will also consider to do so likewise.

2755

As is made clear in the Report, we had already always intended that there would be recognition of time spent off-Island and paragraph 9.77 did actually identify, *inter alia*, time spent in the service of HM Forces. There are other circumstances which will need to be considered.

So, sir, for the purpose of giving certainty on this particular occasion, I believe actually, it is appropriate to give this commitment, given that I believe it is Armed Forces' Week. I would urge the Members of this Assembly to support this amendment.

2760

The Deputy Bailiff: Deputy Gollop to reply to the debate on the amendment.

Deputy Gollop: Thank you very much.

2765

Yes, I entirely actually agree with the Chief Minister's point here: the purpose of the amendment is to give certainty. I thank Members for their contribution in the debate and for me, and with three or four exceptions, there seems general acceptance of this.

2770

If I can cover the odd points that have emerged – and this, of course, raises again a difficulty of discussing these complicated matters of legislative implications in this way – but I suppose I and colleagues had in mind the scenario of a local person, in the Local Market sense of the word, who has gone away to serve and has married somebody who is non-local, has had children whilst on active service and seeks to return to the Island in the fullness of time, or in the tragic circumstances that one Deputy has mentioned of being killed on active service, as Deputy Jones mentioned.

2775

Now, the question about could it apply to licence holders' children or Open Market children, whoever, on the way to qualification, is a valid one and my personal view would be a liberal interpretation of this. A 'local resident' could cover a wide number of permutations.

2780

But it is just an amplification of what was in the Policy Council's Report and as there are some details to be worked through on this, but I accept that, that it not only... In my mind, Deputy Ogier might occasionally have a point this respect, in that there *could* be examples of somebody who did join the Forces at a young age, had a great career spanning 20 or 30 years, perhaps died in active service at that point and had a family, including children who had reached maturity, who had not actually seen Guernsey, but would be qualified. But I do not see a particular problem with that because it already applies to people in other circumstances, and it has applied in housing terms and, yes, it is a perk for being a member of the Armed Services in that respect, but they perform such an important role on all our behalves.

2785

No, if one starts to stretch it and say, would it apply to international organisations, as Deputy Brehaut mentioned, or the Red Cross, then maybe it should; but this is not what the initial traditional policy of Jersey, Guernsey and the Isle of Man have done. But there is an argument for widening it, which I would support and also, to be inclusive here, there may well be examples of people who serve in Armed Forces that are not part of Her Majesty's that we might wish to include as part of a joint NATO prevention initiative. That could exist, but maybe the compassionate licence provision is enough to apply to those few cases.

2790

The purpose is for us to collectively show our loyalty, I think, to the Armed Forces and embody, in a resolution, what is already Policy Council views.

2795

I move this amendment.

Deputy De Lisle: Could I ask for a recorded vote please?

2800 **The Deputy Bailiff:** Yes, Deputy De Lisle, there will be a recorded vote on this amendment, proposed by Deputy Gollop and seconded by Deputy De Lisle.

Deputy Stewart: Deputy Bailiff, could I, just for completeness, declare an interest?

2805 **The Deputy Bailiff:** Yes, Deputy Stewart. Fair enough, we note your declaration.

Deputy Conder: Sir, could I... Deputy Gollop did not address the issue that I asked, which is fine. Could I ask, whether the Policy Council, if they return, that they make this gender neutral, please? (**A Member:** Yes.) Thank you.

2810 **The Deputy Bailiff:** Thank you, Deputy Conder.

There was a recorded vote.

2815 **The Deputy Bailiff:** I think we can regard that as carried, (*Laughter*) but I will declare the formal result in due course.

Let's move on, swiftly, to the next amendment in the running order of the pack and this an amendment to be moved by Deputy Brouard, to be seconded by Deputy Dorey and affects Proposition 5.

So I invite Deputy Brouard to move his amendment.

2820 **Deputy Brouard:** Thank you, Mr Deputy Bailiff.

Members, I hope you had a chance to have a look at the amendment. It was circulated fairly early on. There is quite a comprehensive explanation on the amendment itself:

2825 In the context that we are building, or what we are trying to build, is a population management tool. We cannot please all or grant all wishes. However, I do wish to thank Deputy Dorey for seconding the amendment.

2830 We do have a system today where once local Permanent status is achieved, that status is not lost and Policy Council are bringing proposals to perpetuate that particular situation, although that has not always been so, because I remember in the 1970s and 1980s, you had a chance, if you wished to work in the UK, you might be able to go away for five years, but you did not know when the bar might come down at any time in your career. So quite a few locals did stay on the Island for fear of losing our residential qualifications at that time.

2835 This is a very discrete amendment for those who come to work on the Island, but in their context of their life and their career, Guernsey is just but a small part. The problem that the Island will face and, to a some extent, it does face today, is that of accommodating all of those who have qualified but, at present, are off-Island.

My own view is that, while we continue to have a buoyant economy, the number of houses dictates the population; but that aside, if we are genuine in our desire to manage our population, then there needs to be some restrictions.

2840 Now, under the Policy Council's proposals, once a person comes to the Island, under a Work Permit, and has completed 14 years and then they move off-Island to continue their career working another 30 years in Australia, and then they decide they will come back to Guernsey in their retirement, that just does not feel right. They spent the vast majority of their life in other countries and had their career vastly in another place.

2845 We are making new rules for a new club. So no-one is going to be disadvantaged: that person that is going to be affected by the rules we have passed today is not necessarily here now, certainly on this one.

2850 The proposals are quite clear, I think, and there is quite a neat twist in it, because it recognises the longer the person spends here and the deeper their roots go. So, if someone is here for 14 years, we propose that they have a window of 14 years to return; if someone spends 30 years of their life, the window for that person to return is 30 years.

2855 There is also a distinction, as well, in that the children of that person, the second generation, where that Islander is born – maybe that is on the Island or maybe that is all they know – once they have qualified, their right to return has no restriction. So, I know there were some concerns, some of the amendments this morning about children's rights being affected, they have no choice. With this amendment, the second-generation child is not affected. It is only that first person who comes over to work on the Island, which is great, if they put down deep roots here, they will have a very

big window to go away and have their career elsewhere. If they put shallow roots down and we are just part of their tapestry of their life, well then, when they decide to retire, maybe Guernsey is not the place for them to come.

2860

So, it is a very fair and balanced amendment, I think, and I would very much like to have your support.

Thank you.

2865

Amendment:

To add at the end of the words in Proposition 5:

“; except that, where any part of the individual’s qualifying period has been as the holder of an employment permit, or of a residence permit issued to a person as the spouse, partner or adult child of an employment permit holder, his automatic right to return will lapse after a continuous period of residence away from Guernsey equivalent to the total length of his period(s) of residence in Guernsey”;

2870

And at the end of the words in Proposition 4: “(but subject to Proposition 5)”.

The Deputy Bailiff: Deputy Brouard.

2875

Deputy Dorey, do you formally second that amendment? (**Deputy Dorey:** Yes, sir.) And reserve your right to speak.

Carried – Pour 45, Contre 0, Abstained 0, Not Present 2

POUR

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. Arditti
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Storey
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Adam
Deputy Perrot
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford
Deputy Inglis

CONTRE

None

ABSTAINED

None

NOT PRESENT

Deputy O'Hara
Deputy Le Pelley

2880 **The Deputy Bailiff:** Before we go into debate on the amendment I would just formally announce the result of the last vote on the amendment moved by Deputy Gollop, seconded by Deputy De Lisle. There votes in favour 45 and there were no votes against, so I declare it duly carried and carried unanimously.

2885 Who wishes to speak on this amendment? Deputy Hadley.

Deputy Hadley: Mr Deputy Bailiff, I am certain... I would like to start by making a declaration of interest as the spouse of a local person, although whichever way this is carried, it will not actually affect me because I am a local now, as local as Deputy Quin – (*Laughter*) as I like to tell him every time he suggests I catch the next boat home. (*Laughter*)

2890 This amendment is discriminatory, but worse, it discriminates on the grounds of sex and I want to know why the proposer only applies this amendment to men and not women, when he says it is *his* automatic right to return.

So I do suggest that Members (*Interjections*) vote against this amendment.

2895 **The Deputy Bailiff:** Does anyone else wish to speak? Just leap to your feet, Deputy Dorey, if you want to speak! (*Laughter*)

Deputy Dorey.

Deputy Dorey: As the seconder of the amendment, Mr Deputy Bailiff, the right to return was certainly one of the biggest issues in the consultation in 2011. I remember that in particular from attending the free drop-in sessions at Checkers and the public meetings.

2900 On page 27 of the consultation document, which some of you might have or might not, the Report states that many respondents disagreed with any proposals to remove a Qualified Resident's automatic right to return, regardless how long the individual had lived away from Guernsey. They said it would be particularly unfair for qualified residents who were born here or had strong family connections.

2905 I agree with the last point. It would be unfair and that is for people who were born here with strong family connections. That is why this amendment will not affect people who have earned the right to return from coming here as a minor or being born here, as a right to return. I can remember when we were at Checkers, when you asked people, that is what they were concerned about: they were concerned about local people... My brother-in-law went to university and he works in France now. He was brought up here but it is for people like his right to return, that is what people were concerned about – not people who had come here for employment reasons.

2915 The Report went on to say, however, most of the respondents who said the automatic right to return could be lost, but it should only apply when a breach had required it through an employment related route, or as a family of an Employment Permit holder.

So, that is what the people felt they should... It is the Employment Permit holders and their family who should lose the right to return, if they go away from Guernsey for a period of time, which is exactly what this amendment is trying to achieve.

2920 It is interesting if you look at what happened in Jersey under their system, with the exception of those who, with Qualified parents who arrived prior to their 20th birthday, non-local people lose their right to return after being away for five years.

2925 So this amendment is far less severe than in Jersey as we are proposing that you have to be away for at least 14 years, assuming you have been here for 14, or longer if you have been here for longer, before losing your right to return, not five years.

The first objective of the new regime on page 71 states that it needs to be as effective as possible in enabling the Sates to manage the size and make-up of the Island's population. We know the Island faces a significant demographic problem from the existing population. If you look in the Billet on page 735, paragraph 9.55:

2930 'If the pool of Qualified Residents/Permanent Residents who can automatically return to the Island to live is allowed to continue to increase in an uncontrolled manner, then it will compromise the ability to ensure that changes in the Island's population are managed in the future.'

2935 We know we have, potentially, a considerable problem with a large number of people living in the rest of the world who could return, so why wait until the problem gets bigger before taking action?

2940 While the proposal is not stopping the right to return for someone who has lived away from the Island for longer than they have lived here, the connections will become very weak. You could give an example of somebody who has worked here, say, came here at 25, has done 14 years, leaves at 39 and then they want to come back at 70. I do not think that would be beneficial to us

and they should not have the right to return when they only worked here 14 years of their life and spent most of their life away from the Island.

2945 In the Report, the Policy Council, it says on paragraph 9.60 on page 740:

‘... believes that this new data should be regularly reviewed in the future and that the issue of whether or not an individual should retain the automatic right to return to the Island to live after a significant break in residence should be revisited based on that data.’

2950 However, I believe we should act now in order to limit who, in the future, has the right to return. I think it is very important that we vote for this amendment now. The data can still be collected and then in the future, based on the data collected, the law could possibly be relaxed, if there is evidence based on that decision we have made. But this would be a far better approach than collecting the data and finding that you have a significant problem and then you have either
2955 got the choice of having to live with that problem, and we want to control the population, or bring in retrospective legislation to tell people who had their right to return, they could not. I do not think that would be the right approach.

So, please support this, what I consider, very moderate amendment.

2960 Thank you.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2965 There may be some people who take a fairly cavalier approach to the overall population numbers and do not think it matters too much whether we have 65,000 or 70,000 or if it grows to 80,000, rather in the way that Jersey’s population has in recent years.

But I do not think that is the consensus of opinion, either inside this Assembly or outside. I think that the general view that people take, the prevailing view, is that we do need to do what we can to restrain population growth, because it does have an impact on the infrastructure and the quality of life, etc but in doing so, we must not unduly harm our economy and we must not, unreasonably, interfere with people’s rights. I think that is basically where the balance of opinion is.
2970

Now, I will vote for this amendment because I think it does give the Island a greater lever or a larger lever to influence the size and make-up of the population in the future and I do not think that it is an unreasonable infringement on anybody’s rights. I think it is right that when somebody, effectively, has asked to come and live in Guernsey, and we have to accept that when people apply for permits, they are not trying to get round the system; they are being tested against criteria which we have put in place and, they want to come to Guernsey, but in a sense we are inviting them as well, saying, ‘We need your skills, so please come and join our community and contribute to our economy.’ Now, once that person has done that for 14 years, I think it is quite reasonable that we should expect they should have the right to stay.
2975

But I do think that if they do that for 14 years and they then move away for more than 14 years, I do not think it is unreasonable for Guernsey to say, ‘Well, actually, your roots are no longer sufficiently deep in our community, which you happened to live in for 14 years, that when you get to 50 or 60 or 70 or any age, then you can come back to Guernsey.’ I think that that unnecessarily liberal.
2985

What struck me when I compared the Policy Council’s proposals with this amendment was that the Policy Council makes very... actually, they do not make any arguments at all in their Report for not taking away the right to return of the kinds of people identified in the Brouard-Dorey amendment.
2990

The Report says that the Policy Council has concluded that once an individual has reached the second milestone, if they then decide to move away from the Island, they should have the automatic right to return to live in the Island at a later point, and then goes on to list three or four arguments as to why, actually, it is perfectly reasonable for people to lose the automatic right to return. For example, there is no way of predicting what impact existing qualified residents who are currently living off-Island will have on the quality of life for the Island’s community, if and when they do chose to return to the Island. It is not known whether their skills and experience will of benefit to the Island’s economy, whether their age will have a negative impact on the demographic make-up, etc.
2995

3000 It then goes on to say:

‘If the pool of Qualified Residents/Permanent Residents who can automatically return to the Island to live is allowed to continue to increase in an uncontrolled manner, then it will compromise the ability to ensure that changes in the

3005 Island's population are managed in the future.'

It then goes on to say:

3010 'It is perhaps helpful to note the approach adopted by other jurisdictions [...] Some jurisdictions distinguish between those who attain their right to return through birth or through close familial connections and those who acquire them through other routes, e.g. for employment reasons.'

3015 And then says, the Policy Council has mixed feelings but, by majority, has concluded that once the second milestone is reached, the right to return should be permanent. That is the limit of the argument in the Billet – except for one paragraph, which relates to the consultation process and reads:

'A very significant majority of respondents indicated that they disagreed with any proposal to remove a long term resident's automatic right to return to Guernsey...'

3020 That is the one argument put in this Report by the Policy Council, which could be interpreted as against this amendment.

3025 Now, I do not think that we should place all the emphasis here on public opinion, but actually I suspect that that question or the response to whatever question it was in the consultation document has been misinterpreted, because I suspect what people were actually saying when they were responding was that they were thinking of local people: once local people have accumulated their permanent residency rights – for example someone who is born here, perhaps lives here as a child right up until they are in their early adulthood, then moves away from the Island, spends quite a few years living away. People do not think that that kind of person should lose their right to return when they are 40 or 50 or 60. I suspect that is what people meant when they said that they
3030 disagreed with any proposal to remove a long-term resident's automatic right to return to Guernsey.

I do not think that we should place too much emphasis on public opinion, but I suspect if this amendment was put to a referendum, it would carry very easily. So, given that the only argument
3035 against that rather long list of arguments which, actually, are in favour of this amendment and appear in the Policy Council's own document. I think this is a reasonable amendment and in trying to get that balance right between properly managing the size and the make-up of the Island's population and not being unreasonable or unfair, I think that we can deliver on the first without infringing the second by voting for this amendment.
3040

The Deputy Bailiff: I am going to call Deputy De Lisle next, followed by Deputy Trott, followed by Deputy Gollop.

3045 **Deputy De Lisle:** Sir, I would take care with this amendment. Personally I feel that it is discriminatory in some ways and I can see major issues falling out, actually, as we try to implement it and we go down the road.

3050 Guernsey has had some quite draconian type of regulations in the past which have restricted people coming back to the Island. I would not want to see anything like that re-imposed and I just feel that this is something that we should discourage. In fact, I do not that there should be regulations with respect to restricting the right to return.

I think, in several instances that we have heard today, people go away, they come back then to the Island with experience gained, whether it is 30 years or 20 years or whatever and that can be appreciated in the community. I do not think we just should, in any way, discourage that, because
3055 that experience gained very often is more worthwhile experience, than experience that might have been gained here, locally.

So let us not discourage that. Let us be open as well to people coming back to provide their services to this Island, after having received the opportunity of experience elsewhere.

Thank you, sir.

3060 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Thank you, sir.

3065 Sir, the beauty of an iPad is it enabled me to look up a few moments ago what the dictionary definition of the word 'residence' is. Apparently, sir, residence is 'the act of living or staying in a specified place'.

Now, if we look at the wording in the amendment, it says ‘his or her automatic right to return will lapse after a continuous period of residence away from Guernsey equivalent to the total length of period of residence in Guernsey’.

3070 Well, it seem to me, sir, that with that wording, someone could reside here for 14 years and move away for 13 and then some time during the 14th year pop back for a long weekend and that would qualify them accordingly.

Now, it seems to me that under those circumstances this amendment loses it’s efficacy and therefore is, if I can be so harsh, sir, not worth the paper it is written on. *(Laughter)*

3075 **The Deputy Bailiff:** Deputy Gollop, to be followed by Deputy Perrot.

Deputy Gollop: Yes, if Deputy De Lisle will forgive me, I was discussing with him the nature of these amendments and I said, ‘This amendment is a bit much, because if it had been implemented 30 or 40 years ago, it might have prevented Deputy De Lisle from returning, after a successful career in Canada’, *(Interjections)* and he said, ‘Don’t say that because then people will vote for it!’ *(Laughter)*

3080

No, but the difficulty with it is, I think that as Deputy Fallaize said, it is, when you think about it, quite sensible to vote for it, but I am still not going to *(Laughter)* and not just because of the public opinion reasons, because I think Deputy Fallaize is in danger of steeping into a minefield here.

3085

This is complicated, but Guernsey is not quite, yet, a sovereign state or an independent mini-state. It is, effectively, a Crown dependency of the British Isles, the United Kingdom to be more specific, and as a consequence there is not only a Common Travel Area, but there is a very subtle relationship with the UK and the European Union.

3090

Now, when people say they have lost their right to return to Guernsey, they are actually not being, strictly speaking, accurate because they do have a right to return, in most cases, to live on the Open Market. What they mean is they have lost the right of return to live in affordable accommodation to rent or buy.

Now, the very nature of this new set of permits changes the rules slightly, particularly in relation to shared lodging and the Open Market and certain other provisions and maybe to criminal record checks. For example, if you had been a Guernsey resident but you had something unfortunate on your record elsewhere, you might theoretically be barred from returning and all this. But what this does is it... what the proposition does and the amendment tries to prevent is the sense that you have gained, in short hand, not just 14-year Permanent Residence, but an unofficial kind of nationality that you are Guernsey. It is unofficial because it is not official, and if you are beginning to go down the route, as Deputy Dorey, has suggested, and Deputy Brouard, that you could lose that in certain circumstances, because you go away for 14 years or more, that is difficult because although we are not talking about nationality here or domicile, to a Guernsey person that is what the argument is about. That is why public opinion always comes back with, ‘We should have a right of return’; that ‘You are Guernsey, you are Guernsey for life’, even if you have spent most of your life in the United States of America or somewhere else.

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For those reasons, we should not tamper with the Policy Council proposition, even though we can all think of examples of somebody who, perhaps, does not have such a deep local attachment who returns or people who might come back for reasons of claiming better benefits or other aspects. There are those hard cases, but regardless of the technicality of the policy, I do not think we should be interfering in that and we should let the Proposition stand as it is.

3110

So I will not be voting for the amendment.

3115 **The Deputy Bailiff:** Deputy Perrot.

Deputy Perrot: Thank you, sir.

I am genuinely of two minds about this. When I first read the amendment, I was inclined to be dismissive of it, but then I had the mellifluous explanation by Deputy Fallaize and was really taken in by his beguiling arguments and I think I am now in favour of the amendment.

3120

But there is one curiosity which is thrown up if this amendment goes through, which is that, under the present system, if one is a Qualified Resident by dint of having a 15-year licence, the ability to leave the Island and come back remains. You do not lose your right to return if you are a Qualified Resident, on a 15-year licence; whereas if the amendment goes through you will have to serve an equal time... or rather, if you are away from Guernsey too long, you will lose that right.

3125

Now, I have always been terribly grateful to the States for making complex laws *(Laughter)* which allow for much litigation. One could quite see that this could be fertile ground in some

years' time for a challenge by those people who are affected by this amendment, claiming that they are discriminated against, compared with, say, those people who are, at present, qualified under a 15-year licence.

3130 Now, I am still hanging in the balance here. I really would like to give lots of money to lawyers in 15 or 16 years' time to be able to bring a Human Rights application, but there is that curiosity. I am not sure whether the movers of the amendment have considered this particular, this discrete point, and I would be grateful to hear from Deputy Brouard when he sums up.

3135 Oh, and I forgot to say, (*Laughter*) could I say, I am not sure that Deputy Trott is completely right in assuming that a person who comes back just for a weekend thereby is resident for the purposes of this sort of legislation. I think that ordinary residence does come into it.

3140 **Deputy Trott:** Sir, the eminent lawyer should know that in the absence of a definition, mine was as good as anyone else's.

The Deputy Bailiff: On what basis?

Deputy Perrot: Not as good as mine though. (*Laughter*)

3145 **The Deputy Bailiff:** Deputy Trott, on what basis did you rise, sir? (*Laughter*)

Deputy Trott: Am I bound to be acknowledged, sir? Because if I am, I need a little longer to think of a sensible reply! (*Laughter*)

3150 **The Deputy Bailiff:** Deputy Bebb, then.

Deputy Bebb: Thank you.

3155 It is an attractive proposition here for many Members. However, I think that when Deputy Fallaize said that, if this were put to a referendum, it would have passed, it shows that Deputy Fallaize is resorting to populist opinion as –

Deputy Fallaize: Sir, the Deputy is misleading the House.

3160 I said we should not take very much notice of public opinion, but the Policy Council's paragraph in support of the amendment was that a significant majority of respondents indicated they disagree with people losing their right to return. I was merely pointing out my view that if it went to a referendum, it would carry.

But I do not think that we should make policy on that basis, so the Deputy is misleading the House.

3165 **The Deputy Bailiff:** Deputy Fallaize, in future, can you wait to be called, please, (**Deputy Fallaize:** Sorry.) rather than just launching in when you are interrupting someone. Please continue, Deputy Bebb, but we will take your point of clarification.

Deputy Bebb: I will move on.

3170 The truth is that I am aware of certain professionals who have come to this Island who have spent an awful long time, probably in excess of 14 years, devoting their life to this Island; however, they have then subsequently decided to go and spend some time in foreign climes, and having spoken earlier about foreign climes, I am aware of one particular professional who left in order to live in Zimbabwe. You all know that not so long ago, in Zimbabwe, the conditions for white people residing in that country were made very, very difficult and, at that point in time, that person sought to return to Guernsey.

3175 I am surprised to see Deputy Dorey seconding this amendment because, as he knows, it is not particularly easy for us to recruit doctors. It is not actually an overly attractive jurisdiction and it is perfectly reasonable for us to consider that doctors, who generally qualify as a GP probably around 30, would move into this Island and leave at the age of 45, work in foreign climes for a period of time and then seek to devote a later part of their lives, in order to work to the credit of Guernsey. That is not an unreasonable assumption.

3180 This amendment would seek to make those people unable to return under local licences. It would be discriminatory and I think that whereas, previously, we have discussed the people who have given service through Her Majesty's Armed Forces, I would counter that those people who decide to devote part of their professional life within other countries, who are frequently doing it

for little benefit of their own, also justify returning here and not having their right curtailed by this law.

3190 I think that Deputy Perrot's point in relation to litigation that this would raise is also pertinent, and I do not think that to try and create additional bureaucracy, which I believe this amendment would do, is anything that would be of benefit to us.

Thank you.

3195 **Deputy Dorey:** Point of correction.

A doctor, as Deputy Bebb has just described, could return either to the Open Market or he could apply for an Employment Permit.

The Deputy Bailiff: Deputy Brehaut.

3200 **Deputy Brehaut:** Thank you, sir.

Sometimes, it is quite common when you are debating something and you are lost in the moment of something like population, you almost... it is quite easy to forget why you are here. We are here because of the dependency ratio, which we have not spoken about yet, but we have had so many presentations on the dependency ratio. How many people in work does it take to look after those who are not in work?

3205

We have growing pressure on our residential homes and our nursing homes, we have a shortage of housing and we have a very obvious population problem and on the way out, if you go out of Guernsey, we may as well put a sign on that says, 'Haste ye back'.

3210

We cannot afford to do this. We *cannot* afford... I am asking States Members to support the amendment. We simply cannot... and on Deputy Fallaize's point, that I think when the public responded, it was to those who we all understand as being local who move away and lose the rights to residency: people do not want that to happen.

3215

For these employment-related qualification periods, I do not think that we should be encouraging people to retire back to Guernsey, because people will work in 14-year timeframes and arrive back on our shores and then, over a very short period of time, become, in the fiscal, financial, social care sense, a burden, potentially, on the community and I do not think we can afford to do that to ourselves.

Thank you.

3220

The Deputy Bailiff: Deputy Paint.

3225 **Deputy Paint:** Sir, and Members of the Assembly, I spent many years away, in the Merchant Navy; I have several colleagues who have done exactly the same. The airline service has got many, many personnel from Guernsey who, to get to the ultimate of their career cannot work from Guernsey. You also, though, have local doctors, local vets who, to gain experience, cannot come back to Guernsey.

3230

There is one particular doctor that I know. He specialises in operations and without that knowledge, he would not be any good coming back here. He is not a general practitioner; he is an expert in the field. His sister, in actual fact, is a specialist in small feline animals. If a restriction gets put on them for returning to the Island, you are losing some of your best people. Do you want that?

Thank you, sir.

3235

The Deputy Bailiff: Deputy Luxon.

Deputy Luxon: Mr Deputy Bailiff, I do not know if Deputy Perrot has room on his fence for me, but if he has, I would like to jump up there.

3240

I am torn. If I was not part of the Population Policy Group, I think I would be supporting this amendment. There is something about it that is quite attractive, in the sense, based on what Deputy Brehaut has said about trying to limit returning people to the Island, in terms of people becoming dependent.

3245

However, I think, some of the speeches that have been made during this amendment demonstrate that if we over-complicate the regime and the need for the detailed legislation that will come back to the States, how complex it is going to be for the officers and the draftsmen to actually make that work.

So, I see the merits of it. I am inclined to want to support it and I can see that it would actually help us to put some kind of cap on an element of potential returnees; but I am conscious that the

Housing Department managing this issue is going to be a resource issue, and indeed the complexities of it.

3250 I will not be able to support the amendment.
Thank you.

The Deputy Bailiff: Is there any further debate on this amendment, before I turn to the Chief Minister? No.

3255 Chief Minister.

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

I personally, as Members will understand from the tone of the Report, Policy Council was divided on this but, by a majority, proposed the Proposition 5.

3260 I would, personally, be voting against this amendment. I believe that it will merely add complexity, and I am not sure that it actually will achieve very much. As Deputy Perrot has already indicated, the potential litigation opportunities will be enormous and as Deputy Luxon has said, the administrative complexity of dealing with this, I think, will add, considerably, to the cost of the new regime.

3265 I would also add, sir, that reference was made to 14 years and I would suggest that a period of 14 years, in Guernsey, is hardly... The connection you will have with the Island hardly amounts to shallow roots. Also we should recognise that anybody who has been here for 14 years will have made a contribution to this Island and I think it would be wrong to put up a barrier, that precludes them from returning.

3270 So I, personally, will be voting against this amendment. Other Members of Policy Council may have different views.

The Deputy Bailiff: Deputy Brouard to reply to the debate on the amendment moved by him and Deputy Dorey.

3275

Deputy Brouard: Thank you, sir; thank you, Members.

Deputy Dorey sent me a notice to remind me, I will just read one paragraph from the Policy Council's Report:

3280 'The Policy Council wants to emphasise that these proposals are not intended to remove, or reduce, any pre-existing rights which an individual has acquired under the existing or previous laws.'

This is going forward, so it does not affect anything that has already happened, and I think that this touches on Deputy Paint's point. I hope that, if anyone else has got any confusion on this, I think Deputy Brehaut made it fairly clear. If it is the local doctor, or the local vet, they are not affected. This is purely for people who come in, I am guessing at some age of around 19, 20, 25, 30, who are coming here for a specific job of work under licence and it is those people where Guernsey plays a part in their career, and we welcome them when they come in.

3285

Deputy Fallaize, I thank you for your support.

3290

Deputy De Lisle, I do not think these restrictions are draconian; they are a fairly modest stop gap to prevent us having the economy displaced with people returning who have no real genuine roots in Guernsey. I do not think that 14 years in Guernsey, out of a lifespan of, I do not know, 70 or 80 years, considers that to be a right to come and live here. Their rights... There are 60 or 70 years somewhere else that they have spent, where they have got even more rights.

3295

Deputy Trott, I think Deputy Perrot covered the issue: a long weekend, I think, is hardly called residence.

Deputy Gollop raised a point and something about losing rights, but they are losing something that they never had: the person has not come here, he has not lost something because, if you are of Guernsey, you have a right to return.

3300

Deputy Bebb, the issue about the professional person going and spending 14 years here and then the doctor going off to another place: if we need that skill 14 years on or 30 years on and someone has had that root in Guernsey of having already worked here and wishes to return and we have a need for that skill, we will welcome with open arms! They just have to apply for another licence. In fact, there would probably be more chance of getting the licence: they already know the Island, they would not have to spend so long acclimatising to our quirky ways. And as Deputy Dorey interjected, there is nothing to stop them going on to the Open Market or whatever, so it only affects those people who come here under a Work Permit and whose time on the Island is just a small part of their career.

3305

3310 Deputy Brehaut, thank you for your support.

Deputy Luxon, yes, the dilemma comes down to this: which locals – I will use that word – which locals will you displace? Because as it is at the moment, there is more pressure on the Island than the Island can take. So, for every one of those people who qualified by only doing 14 years here, if you like, somebody will be left out who had, perhaps, a birthright and maybe spent 30 years here, because they will not be able to necessarily get back because of the prices of houses.

3315 So, that is the dilemma, these are some real dilemmas going forward. For every one of these people coming back, it will fill up a space that somebody else could have had and it is that opportunity cost on those spaces.

So, please, come off that fence and join us here with this, fairly modest, way of putting some control onto our population as we go forward.

3320 I thank you for this debate, sir. Thank you.

The Deputy Bailiff: Deputy Trott, you wish to –

3325 **Deputy Trott:** Sir, we have heard what the proposer of the amendment's view is as regards what residency, or a period of residence, is *not*, but we do not know what a period of residence *is*. Is the Procureur able to offer a description of what will qualify as a period of residence in this case? Clearly, a long weekend does not count. Is it a week, sir, or is it two weeks or three months? Without that knowledge, it is impossible for this Assembly to make an informed decision.

3330 **The Deputy Bailiff:** Mr Procureur, are you able to offer any guidance to Members on how the term might be defined in legislation or how it might be construed thereafter, to assist Deputy Trott and others?

3335 **The Procureur:** I would prefer to defer to the Comptroller, to be honest, but if... *(Laughter)*

The Deputy Bailiff: She is not here. *(Laughter)*

3340 **The Procureur:** Residence... I am sure that residence is to be understood, in this context, as the place where one lives. It is not qualified by ordinary residence, I accept that, but we are... This is not a piece of legislation. It should be as helpful and as accurate as possible but, of course, in the legislation, clearly, there will be definitions and that is the time at which we will home in on this and get it absolutely as clear as we can.

3345 But, my understanding, in all the discussions that we have had leading up to this, when we talk about residence, we have all understood that to be the place where you live, not where you happen to be at a particular moment when you go on holiday for a few days or a week or something.

I am afraid that I cannot be much more helpful than that.

The Deputy Bailiff: Deputy Lowe.

3350 **Deputy Lowe:** Could I just – *(Interjection)*

The Deputy Bailiff: Just a minute, Deputy Lowe.
Deputy Lowe was on her feet first, so I will take her first.

3355 **Deputy Lowe:** Yes, but mine is slightly different to Deputy Trott's, so I am happy to give way to Deputy Trott and ask the Procureur for –

The Deputy Bailiff: What is this notion of 'giving way'? *(Laughter)*

3360 **Deputy Lowe:** Oh, alright then!

The Deputy Bailiff: You are getting ahead of yourself here.
Okay, we will take Deputy Trott.

3365 **Deputy Trott:** Sir, an example would be, you could have Guernsey sourced income here. You could have a bank account that was generating interest and you will have a tax liability. You would not be principally resident here, but for tax purposes, you would be resident for the purpose of that liability to income tax.

3370 So, I think this is the difficulty, sir, that we face, when we are dealing with amendments of this type, we do not actually know what we are voting for.

A Member: The amendment. *(Laughter)*

3375 **The Deputy Bailiff:** Deputy Lowe, what do you have to say? It could be on something completely different.

Deputy Lowe: Something, completely different, sir.

3380 **The Deputy Bailiff:** Deputy Brouard was rising just now – are you seeking to clarify the wording that you have put with Deputy Dorey as your amendment?

3385 **Deputy Brouard:** I was just seeking to remind the House, sir, that these are broad brush items that Policy Council are putting forward and there will be much detail that will be added to later, such as the point that Deputy Trott makes.

The Deputy Bailiff: Deputy Lowe.

Deputy Lowe: Mine is sort of similar to that, sir.

3390 It is just that I would like to ask Her Majesty's Procureur... Deputy Luxon seemed to think this was rather complicated to put into legislation. Now, I have seen some pretty complex amendments in my time and indeed States Reports. I do not actually see this one as looking particularly complicated, so I just wanted to ask Her Majesty's Procureur, does he believe that this amendment could be put into a coherent legislation, without it being too much problem?

3395 **The Deputy Bailiff:** Mr Procureur.

The Procureur: Following Deputy Fallaize's excellent example from this morning, yes. *(Laughter)*

3400 **The Deputy Bailiff:** Can we now move to the vote on this amendment? Yes. We will have a recorded vote, thank you, Deputy Brouard.

Deputy Conder: Sir.

3405 **The Deputy Bailiff:** Yes, Deputy Conder?

Deputy Conder: May I declare an interest? I am a licence holder and would be impacted by this.

3410 **The Deputy Bailiff:** Okay, we move to the vote –

Deputy Dorey: He would not be, because it does not affect people's existing rights.

3415 **The Deputy Bailiff:** If Deputy Conder wants to declare his interest, he can. He does not have to be – *(Laughter)*

Deputy Conder: Thank you, sir, and I would be.

3420 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Sorry, sir, but if Deputy Conder feels he needs to declare an interest, I think he has missed that point of what we have been saying, that it affects people going forward, not to the past and if that is the perception, then they may vote in an incorrect manner, sir.

3425 **Deputy De Lisle:** Sir.

The Deputy Bailiff: Deputy De Lisle.

3430 **Deputy De Lisle:** As a point of clarity, sir, I think that Members should read the recommendation 5 in the Billet, because it is quite clear, before they vote:

‘Where an individual has acquired the automatic right to return to live in the Island, this right will be retained regardless of the length of time that the individual is away from the Island.’

3435 **The Deputy Bailiff:** Members, this is to add an exception to that general Proposition that would then have to be crafted into legislation if it is duly carried.

So, can we now move to the vote we are going to have an *appel nominal*.

There was a recorded vote.

3440

The Deputy Bailiff: We will find out the result of that in a moment, but that should not stop us moving on to the next amendment, Members of the States. This is an amendment to be proposed by Deputy Laurie Queripel, to be seconded by Deputy Wilkie, and it is to substitute the first bullet point of Proposition 8(b).

3445

So, Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

3450

Sir, some of the wording in Proposition 8(b), I find intriguing and somewhat nebulous, particularly looking at the first two paragraphs:

(b) Medium Term Employment Permits will be issued for a period of up to 5 years in circumstances where:
- a post requires specific skills which are not available in the Island, but where that skills shortage is likely to be able to be met in the foreseeable future;...

3455

I stopped there, sir, and that is where I ask my questions: How? What will change? And who will do what?

3460

At the moment, sir, it seems that the only real onus on the employer or the business is to demonstrate that the skills they require are not available on Island or in sufficient numbers. Now, sir, it may be implied, but they are not *explicitly* required to demonstrate that they have or are attempting, wherever and whenever possible, to put in place a succession planning process to appropriately upskill existing staff or provide training opportunities for potentially suitable on-Island residents.

3465

Sir, I do not think that just bringing in people without some commitment to address the skills shortage is satisfactory. There needs to be some obligation to address the shortage in a sustainable manner and tap into the ability and potential that already exists here, on Island.

3470

Sir, a licence or, as it will be, a permit application, really should only be a last resort. The original intention, sir, of licences was to provide the business or employer with a breathing space, a period of time where, if possible, a local candidate of sufficient potential and ability could be trained up to succeed to that position, once the licence or permit holder’s time had expired. Sir, it was never intended to be seen and should not be seen as a convenient first port of call.

3475

Sir, a licence or permit should be viewed as precious and only be issued when *absolutely* necessary. They should not be seen as an alternative to training local staff, if the possibility exists to do so.

3480

I do not want to see permits used to shut the door on Islanders who are able and wish to take up more senior positions or effectively act as a glass ceiling, blocking the prospect of those desiring to advance their careers. This *has* taken place under the current licence system; I have been made aware of several examples.

3485

So this regime is intended to be an improvement on the old one. Therefore I am perturbed at the words in paragraph 10.2, on page 745, for it speaks of the need to continue to permit people with certain skills and experience to come to the Island to work – by implication, no change, almost defeatist, no constructive suggestions as to how those numbers, perhaps, could be reduced or what could be put into place to encourage or stimulate new thinking or better practices in order to upskill the existing workforce.

3490

Sir, do we really have such little faith in our people? Do we really think that they are not up to it or do not have sufficient ambition? I hope not, it would be doing them a great disservice.

If this document really is all about effectively managing the size and make-up of the Island’s population, putting more sustainable practices in place, then business as usual will not quite do. We need to provide an incentive for employers and opportunities for local workers.

3490 Sir, we need to recognise that we have to be more resourceful, work smarter, and whenever possible make the very best use of what we already have. So that applies to the States as an employer and the private sector. To do less would be wasteful and inefficient.

In fact, if we are to achieve the aims of the States Strategic Plan – improve the quality of life for Islanders, increase the value of jobs that Islanders do – then we need to help them to reach their potential and to do that we need the help of employers, businesses and States Departments.

3495 In fact, the social and economic benefits would be greater, for the community, if the aims of the SSP could be achieved without greatly increasing the Island's population, because increasing the numbers always comes at a cost: accommodation requirements, the extra demand on services, infrastructure and so on. Sir, this is particularly true when considering the limits of what a small Island can provide.

3500 I do not want Members to only think of the 400 or so that are unemployed. In fact I am, first and foremost, referring to employees within the existing workforces and, in addition, those who would, perhaps, welcome the opportunity to change careers and advance their careers.

3505 Sir, the current buzz phrase in the States is, 'we need to do more with less'. It is repeated almost *ad infinitum*. Here is our chance to put those words into practice and to help others to do the same.

Sir, I hope that my Assembly colleagues can see that this is a sensible idea. It is proportionate, will not be overly burdensome and could yield significant benefits for the Island's community. It could enhance more sustainable, resourceful and proactive practices, so, I ask my Assembly colleagues to support this sensible, and measured amendment.

3510 Thank you, sir.

Amendment:

In proposition 8(b), to delete the words at the first bullet point and substitute therefor:

3515 *' – a post requires specific skills which are not available in the Island but where the applicant or his or her proposed employer is able to demonstrate that the skills shortage is likely to be met in the foreseeable future, for example by demonstrating effective succession planning; or '*

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

3520 **Deputy Wilkie:** Yes, sir.

The Deputy Bailiff: Are you reserving your right to speak?

3525 **Deputy Wilkie:** Yes, sir.

The Deputy Bailiff: Thank you.

Not carried – Pour 19, Contre 26, Abstained 1, Not Present 1

POUR

Deputy Quin
Deputy Brehaut
Deputy Domaille
Deputy Le Clerc
Deputy Lester Queripel
Deputy Gillson
Deputy Ogier
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Dorey
Deputy Adam
Deputy Brouard
Deputy Wilkie
Deputy Burford

CONTRE

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. Arditti
Deputy Harwood
Deputy Kuttelwascher
Deputy Langlois
Deputy Robert Jones
Deputy Gollop
Deputy Sherbourne
Deputy Storey
Deputy Bebb
Deputy St Pier
Deputy Stewart
Deputy Trott
Deputy Duquemin
Deputy Green
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Perrot

ABSTAINED

Deputy Conder

NOT PRESENT

Deputy Le Pelley

Deputy De Lisle
Deputy Inglis

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The Deputy Bailiff: Before we move into debate, can I just declare the result on the amendment moved by Deputy Brouard, seconded by Deputy Dorey. There voted in favour, 19; against, 26. There was one abstention. Therefore I declare the amendment lost and return the voting slip.

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Who wishes to speak on the amendment being moved by Deputy Laurie Queripel?
Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

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Sir, we really do need to ensure that skills are being passed on to our local people as much as possible, because that is the only way we will get ourselves onto the sustainable path where we need to be. We really do need to invest in our own people and provide them with as many opportunities as we possibly can, otherwise we will simply have to continue issuing licences to overseas workers with essential skills.

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And on that topic, sir, we really do need to define the term 'essential skills'. I have a list of essential licences issued in 2012 and some of these figures are unbelievable. I suspect that there is an element of exploiting the loopholes in the system being displayed here by employers, because of the minimum wage being set so low.

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The term 'essential worker' lays itself wide open to misinterpretation and exploitation. I just want to spend a moment, sir, highlighting some of these figures: carpenters 30; electricians 17; labourers 8; plasters and decorators 19; roofers 9; site monitors 27; steel workers 7;. That is a total of 117 licences issued at a time when our own tradesmen are struggling and scratching around for work.

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The last figure I want to focus on is the figure at the bottom of the page: yard hand 11. Do we really need to bring 11 yard hands into the Island under licence? We have almost 500 of our own people unemployed. Surely one of them could have been considered for the job of yard hand or labourer.

The way I see it, sir, the message is: keep it local, look after your own and support Guernsey or lose it.

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Thank you, sir.

The Deputy Bailiff: Deputy Langlois.

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Deputy Langlois: Sir, just a point of clarification. The current unemployment figure is just over 400.

The Deputy Bailiff: Deputy David Jones to speak.

Deputy David Jones: Thank you.

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I just wanted to take issue with something that my neighbour, down in Le Valle, said in his speech, that it is almost as if we have surrendered. The fact of the matter is that Guernsey has thousands of jobs that we cannot fill. That is the problem. We must be unique in the world to have thousands of jobs, but not enough people to fill them!

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We have got 401, I think it is, the last figures I saw, that are claiming unemployment benefit. I believe the figures are higher, because I believe there are quite a number of people actually who have been laid off from the finance sector and other sectors who are not currently registered, but are currently looking for other employment. But the official figures are about 401.

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Now, we have this argument around the housing table all the time about what is essential. A doctor is essential, but is a mechanic down at the bus garage any less essential than that doctor? The buses would not run – (*Laughter and interjections*) Oh, I wish I had not started that!

But you see what I am saying: essentiality is subjective and as I say we have been in a position for many years where the Island has been absolutely booming and we have had more jobs than we have had people to fill them.

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Now, the Housing Department has used the tap in the short-term licences, to turn that tap down, and it has been partially successful – although we have been defeated, I have to say, by people who have been refused migrating into the ever-growing Open Market lodging houses where they are legally housed and still able to work, so it has not been as successful as it might be, if they had not have had the bolt-hole to go to. But I am saying, they live there perfectly legally.

3590 So, what I am trying to get across here is that while the wording of the document is perhaps not as robust as Deputy Queripel would like, we certainly have not surrendered. We are just in the very fortunate position and have been for many years, where the Island actually has more jobs than we have got people to fill them.

I would say to him that I understand his concerns over tradesmen. Actually we are seeing a slight downturn in numbers of local people and self-employed tradesmen. They are finding it slightly harder to find work. I think we, perhaps, need to tighten up on the numbers that are coming in to do work for a month of two and then leaving, taking contracts that could be priced for by local people.

3595 But I have to say this, we have not been helped, have we, by our own States Departments and the tendering process in Guernsey? We have got local companies that have got a brilliant track record who could not win a raffle at the moment, never mind a tender for local jobs. We are seeing local jobs exported off the Island, because the tendering process has now become so tick box and complicated that even companies with long-established records of doing excellent work and carrying out lots of local contracts simply cannot win them any more. That is what we need: we need a full blown investigation into what is going on in the tendering process in the States of Guernsey.

3600 So, I want to hear more about this particular amendment, because I do have some sympathy with what Deputy Queripel says, but I did want to point out, also, that the Population Policy Group has *not* surrendered, the Housing Authority has not surrendered. We have to keep the Island's economy, especially at a difficult time. It has never been softer than it is now and how we manage that is hugely important. People say, 'Why are you issuing these licences to this particular grower?', for instance. Well, the fact of the matter is this particular grower also employs 25 local people. Now, if you want to threaten his business by making it harder for him to operate, by not allowing that person to have some of the imported labour he needs, then you could be putting the other jobs where local people are employed at risk.

3605 So, it is always a question of balance in our Department and we do the best we can, with the tools we have got, but this is the one of the reasons why I am pleased that we are going to have a much more robust system in the future, where we have got 13 different ways now that you become locally qualified, and we are going to reduce that down, hopefully, to about four.

3610 But there are lots of other things that we need to look at, as well as just looking at the number of licences and permits that we issue.

3615 Thank you.

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

3625 I think obviously in a long list of amendments like this, sometimes it pays to just step back a short way and make sure that we are seeing what is being proposed in context, because there was some phrase earlier on in the structure of this Report, the Chief Minister referred to it being a package. I am not advocating, and I do not think he was either, that that means you have got to vote for the whole lot or nothing. There is every possibility that one or more of these amendments will work.

3630 But if you actually look at the Propositions from 8 to 13 where the heading is, 'Employment Permits', Proposition 8 consists of four parts. Three parts mention the word 'skills' and so a considerable amount of work and thought has gone into that bit of the package, if I can call it that, and I believe that people have come up with the right sort of balance here.

3635 My feeling is that, whilst I totally sympathise with the intention of the proposers here, I genuinely do not think that the change of words is going to make it any more or less robust and does run the risk of making it more complex and more difficult to implement.

So I would urge people to reject this amendment.

3640 **The Deputy Bailiff:** Deputy Trott; Deputy Fallaize thereafter.

Deputy Trott: Sir, there is very little difference between what is proposed – very little substantive difference – in the existing Proposition and what, my friends, Deputy Queripel and Deputy Wilkie are seeking to amend, save for the fact that the words, 'for example by demonstrating effective succession planning'...

3645 Now, here is a perfect example of where I can call upon a recent case that I have dealt with, sir, to do with the motor trade where a licence holder has been, let us call him, the senior mechanic within the organisation and there have been a set of apprentices under him. These apprentices, for

3650 a variety of reasons have not seen out their apprenticeships, so one could argue that whilst this business was certainly able to demonstrate a very plausible succession plan, it was not able to demonstrate an effective one, because these individuals did not see out their term.

Now clearly, sir, for it to be effective, it would be absolutely essential that that senior mechanic retained his licence because without that senior mechanic, there would be no apprenticeships. That is how this process works. So, I agree with others who have said that it is important to maintain that flexibility and I would argue that this is a perfect example of the word 'effective', which I think is probably the key addition to this amendment, will work *against* the purpose that it is seeking to serve.

3660 **The Deputy Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I want to make a point, to start with, about the nature of debate and the nature of some of these amendments which follows on from what Deputy Langlois was saying, because we are not presented here with complete legislation, and this is the way the States has to operate.

3665 In other legislatures, we would be presented with complete... the finished article, in other words, and you would take very detailed lines of legislation and try and knock them out and amend them with other alternative lines.

Now, we are not in that business, because that is not how the States of Deliberation operates. So a report comes to the States when it is much earlier in its development than it would be if we were a pure legislature. Actually we are more operating more like a giant committee and so we are faced with proposals which are quite general. The Chief Minister has already made his point, that these are not detailed proposals. The Policy Council will have to work up those detailed proposals after this Report.

3670 So, if one imagines that this was a committee meeting and a committee was developing population proposals and was faced with the sort of things that were before the States today, and Deputy Laurie Queripel was a member of that committee and said, 'Well, okay I am quite happy with that, but could we have a look at adding something to that, so that when there is an application for Medium-Term Employment Permits, the applicant would have to demonstrate that there is some sort of, for example, succession planning, but something in place which means that it will be one Medium-Term Employment Permit and it will not simply be, you know, a whole series of Medium-Term Employment Permits', no doubt the committee would say, 'Well, actually that does not seem like an unreasonable suggestion. We will go away and we will see if we can work something up into the words.'

3685 Now, that is what Deputy Queripel is proposing today. I do not think that we should take these sorts of amendments too literally.

On that point, I think some of the proposers of the amendments might be well advised not to overstate their amendments. I think that Deputy Queripel, in laying this amendment, almost created the impression that if the amendment is proposed, then all of a sudden we will have in place a sustainable population policy, but without the amendment, we are all going to hell in a handcart. Clearly, the amendment does not have that sort of substantial difference, but that is in the nature of some of these amendments. Members are trying to steer the Policy Council in this direction or steer the Policy Council slightly differently in this direction, I do not think that there is anything wrong with that.

3695 So, I think the amendment is valid, even though, as Deputy Langlois says, it may not make the world of difference, when the proposals end up being worked up into detail.

The reason that I am minded to support this amendment is because, when I was on Education, and Educations would apply for the equivalent of what will now be medium-term Employment Permits and the Housing Department would try to put the Education Department under pressure to demonstrate that it had in place effective succession planning or planning to ensure that there were staff coming through the system, locally qualified staff coming through the system, and the Housing Department could keep a lid on the number of licences it needed to issue. I always got the impressions that the Housing Department did not quite have the tools in the legislation that they would want, to try to put the public sector under more pressure to put those sorts of mechanisms, like succession planning, in place.

3700 Therefore, I think that if the legislation, when it is eventually proposed, can be tightened up so that the requirements on medium-term Employment Permit applicants can be made slightly more onerous and slightly more rigorous, then I think that is a good thing. If the amendment achieves that, and I am not certain that it will, but I think the balance of probability is that it is likely to achieve that, then I think it is well worth voting for this amendment, even though, clearly, it is not

3710 going to do all the things which Deputy Queripel claimed it would do, when he proposed the amendment. I think that the form of wording he proposes is a slight improvement on what is proposed in the Policy Council's proposals and I think it will give the Policy Council a steer when it is further developing the detailed proposals that the States expects to see in place slightly more rigorous legislation than is currently available to the Housing Department in administering the present regime.

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Thank you, sir.

The Deputy Bailiff: Deputy Bebb and then Deputy Storey.

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Deputy Bebb: Thank you, Mr Deputy Bailiff.

I think that Deputy Fallaize has, actually, just made the argument as to why this amendment should *not* be supported, because what he has claimed is that there would be a greater onerous... there would be an onerous bureaucracy put in place, demands would be made upon businesses in order to demonstrate an effective means of succession planning. Who would, actually, then justify these plans? Who would actually state that they are right, that they are effective? Who would actually make that judgement call? I am sure that the Housing Department have other things to do, and who is to say that they would be qualified to judge whether a succession plan would actually be effective or not?

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I think that, at this point in time, when we see businesses struggling in many areas and trying to cut their overheads, asking them to undertake additional layers of bureaucracy is exactly what we should not be doing. We should be stepping back and allowing businesses to run their systems properly. We have a very good idea of what is necessary on this Island, in terms of lacking professions – some of them are very evident and Deputy Queripel gave a list of certain areas in the building industry, where we need additional resources, we need those people with those skills, and what I would say is that there is evidently a need for it, because if there was no need for it these companies I am sure would far prefer to employ local people that to go to the difficulty of asking for a licence in the first place.

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Therefore I would contest that this amendment seeks to place an additional bureaucracy, not just on business, but also in Government and, as such, I cannot possibly support it.

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The Deputy Bailiff: Just a minute, Deputy Storey.

Deputy Storey: Thank you, sir.

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The Deputy Bailiff: Deputy Storey.

Deputy Storey: I must say, sir, that I disagree with the last speaker. I have sympathies with the proposals in this amendment, but I do take issue with Deputy Queripel's assertion that sticking with the *status quo* will not do, the implication being that companies apply for licences or housing licences at the moment are not required to demonstrate that they have such plans and that, in fact, is the case. The number of times that applications for housing licences come before the Housing Board where the response to grant it is, 'Yes, but do not expect that this licence will be extended or that a new application in respect of this job will be favourably considered, as this one has been done, at the end or the expiry of this current licence.'

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We are expecting companies to look to their internal resources to fill these more skilled jobs by training and the fact that this would require additional, major bureaucratic input from the Housing Department is not the case. We are not, as a Housing Department, not going to be considering whether or not a certain company's training programme is adequate or not. All we are saying to them is, 'You need to get a training programme in place because if, in five years' time, if it is a five-year licence, you come to us and say "we need it extending" or "please can we have another licence", the reaction is no, you got the licence last time and you were told quite explicitly that you need to put in an appropriate training programme.'

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So I take issue with the statement that Deputy Queripel made about the *status quo* will not do, but, on the other hand, I agree with what he is proposing, because that is basically what the Housing Department does already at the moment in relation to housing licences.

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So, of course, I will support his amendment.

The Deputy Bailiff: Deputy Wilkie.

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Deputy Wilkie: Thank you, sir.

If Members would just bear with me, as I have had some work done on my teeth at lunchtime, (*Laughter*) so if I am a bit tongue-twisted, you will know why.

3775 One of the reasons that I am supporting this, or seconding this amendment, is that I cannot really fine a credible argument against it. I think it is common sense. I think we do have a problem and it is States Departments with a revolving door of licences. Like we were talking about Education, I am sure it is happening in other places as well, and this will force Departments to look at succession planning.

3780 Some of the Departments I have been on are doing this and some are no. Maybe we need a States-wide policy, but this will all help to put the burden on Departments to get this done.

Deputy Trott said he had a problem with effective succession planning. Well, I have a problem with *ineffective* succession planning, (**Several Members:** Hear, hear.) because this has cost... If you support this amendment, it will mean we will have fewer licence holders, which has got to be a good thing.

3785 I would urge the Assembly to support this amendment.

The Deputy Bailiff: Is there any further debate on this amendment?
Deputy Sherbourne.

3790 **Deputy Sherbourne:** Thank you, sir.

I have not got a planned speech but I am moved to support this amendment.

3795 I think it is timely that Deputy Queripel has raised probably, what I consider to be a slight omission in this document, in that succession planning, training across the board – we have the example of the construction industry, which fluctuates, but we have a situation where we have, probably, the best apprenticeship scheme in the Western world. It is not generally known. It has been maintained and developed but it is struggling. The College of FE has been asked to reduce its budget by something like £700,000 as part of the FTP, and the apprenticeship scheme will take a certain reduction in that, which is not encouraging local industry to respond.

3800 My feeling, generally, is that the omission in the paper is an aspect of training and succession planning; it should be part of population control. We have incredible talent in this Island and we owe it to the community to develop it to the full.

3805 I do not think that this amendment will solve that problem. It is much bigger than that, something which, obviously, this Chamber will debate in the near future. We have had an apprenticeship review who had Skills Guernsey working on skill shortage in the Island. We know that there is a lot of work to do and there will come a time where this Assembly has to make a decision whether it wants to invest in the future, rather than constantly talking about reductions.

3810 So, although I do not think that the amendment will solve the problem I think it does raise the issue. I think it will be a spur to local industry and especially the construction industry, to respond to the needs that are out there, to make sure that our young people are getting the best possible training in the future.

Thank you.

A Member: Hear, hear.

3815 **The Deputy Bailiff:** Is there anyone else who wishes to speak before I turn to the Chief Minister? No?

Chief Minister to respond on behalf of the Policy Committee.

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

3820 May I first of all congratulate Deputy Laurie Queripel on the passion behind his amendment and I fully concur with the message that this Island needs to upskill, needs to provide training in order to reduce the dependency on licences or, in the future, on permits.

3825 However, I may also comment on Deputy Lester Queripel. If there was any illustration of the need for a new regime, I think Deputy Queripel emphasised that, by going through all his list of essential licences. We do need to move on to a new regime.

3830 I have difficulty with this amendment, because I find it rather confusing. It confuses the circumstances under which a permit will be issued, in this case a short-term permit, with the conditions that might be attached to such a permit, in some cases, and Deputy Storey hit the nail on the head here, when he actually said that already, in the context of housing licences, employers, when they are allowed to have a licence, are told in no uncertain terms that there needs to be put in place training programmes and that is inevitable but that is a condition that may be attached to the permit; it is not part of the qualification for the permit.

3835 Perversely, I am also concerned that this amendment, if thought through, would actually lead, by default, to employers moving towards longer-term permits to save them the hassle of having to demonstrate that the skill shortage is likely to be met in the foreseeable future, for example by demonstrating effective succession planning. The fact that they are going to be asked to demonstrate, to have to do something positive, in order to get a short term licence might, I suggest, have a perverse effect therefore leading them to apply for a longer-term permit.

3840 On balance I will be opposing, I will vote against this amendment, but I appreciate that other members of Policy Council will have their own views.

The Deputy Bailiff: Deputy Laurie Queripel to reply to the debate on his amendment.

Deputy Laurie Queripel: Thank you, sir.

3845 I am a bit dismayed by Deputy Harwood's comments. He seems to be saying that, actually, positive action should not be encouraged and I find that rather perturbing.

First of all, sir, I would like to thank Deputy Wilkie for seconding and supporting the amendment. I thank everybody for their contribution to debate, sir, but I particularly thank Deputy Fallaize and Deputy Sherbourne for their supportive and very informative speeches.

3850 Sir, at the risk of precluding myself from a Sunday lunch invitation from Deputy Dave Jones in the near future, I have to say, I think that he is somewhat missing the point. I said the new regime was defeatist. I did not say that Housing had not done their best to apply the old regime and we are being told that the new regime is meant to be an improvement on the old regime. Yet, here we are with no improvement being indicated at all.

3855 Sir, Deputy Trott's example, if we cannot even train up mechanics – which is a basic sort of tradesman, it is a skilled job, but it is a basic tradesman's job – and if we need to apply for licences or permits for mechanics, then I do not know where we go from there. He made a valid point: you can have a plan in place, but you cannot legislate for people's actions. You can have a really good succession planning process in place and then people can still say after two or three years, 'That's not for me, I think I'll walk away from it.' You cannot legislate for that, but that does not mean...
3860 that is not an excuse for not having a plan in place.

3865 So, what can we lose by asking employers, States Departments, businesses just to put this additional, modest, hoop, which is not even on fire – it is just a hoop, not one that is on fire! – in place, just to see if we can improve on this situation, just to see if we can make licences or permits a bit more of a premium and just to see if we can encourage, better and more succession planning processes in place on the Island, so that we can get the best out of our people that exist already here. It must be very frustrating for people on the Island, sir, who work in businesses, who are employees, that really believe that they have the potential and the ability to move up into the next position, and they are constantly denied it because licences or, as it will be, permits are applied for. I do not think that is good enough. I think it should be addressed.

3870 I agree with Deputy Fallaize that maybe I did slightly overegg the pudding, sir, when I presented the amendment. I am passionate about these things, I do think we need to have more sustainable, more proportionate practices in place. I think we need to have practices in place, sir, that reflect the ability of this tiny Island, sir, to sustain a population, to reflect the ability of this Island to provide services and infrastructure and accommodation. We cannot keep going on, and I
3875 am not going to say 'dishing out licences', because Deputy Jones would probably jump to his feet, but we cannot keep going on giving out licences when it is not necessary to give them out, when just, perhaps, a little bit of effort can rectify that situation. So I am looking for just a bit more effort, sir, something proactive, something a bit more sustainable.

3880 Sir, and I think, once again, I say that I do not want to overegg the pudding but I think Deputy Bebb did overegg the pudding, sir. Where are all these additional layers of bureaucracy going to come from? We are talking about one – *(Laughter)* We are talking about one more process and it is a proportionate process, it is a modest process, so I do not know where all this bureaucracy is going to come from, sir.

3885 Sir, if, and Deputy Sherbourne referred to construction businesses having apprenticeship schemes in place and it is becoming increasingly difficult for them and I appreciate that sir, but that is my point. If these businesses can have apprenticeship schemes in place, even under difficult circumstances, why should it be that hard for other businesses and other employers to do the same thing? It *will* yield benefits, sir. It will upskill members of the present and existing workforce.

3890 Deputy Storey did tell us that the Housing Department already have a requirement in place for employers and businesses to demonstrate that they have done their best to find people on Island to take these positions; but sir, that is the whole point, I did not know that. That is not explicit; it might be implicit, but it is not explicit. We need to emphasise that point more. We need to create

3895 that hoop that is not on fire – one more hoop that people need to pass through, just to show that they are not coming back time after time to look for a licence because it is the easy thing to do; just to show that they are making the effort, sir, because we do need sustainable practices. We do need sustainable businesses, we do need to reflect that fact that we have a small Island and we must not overburden the services and the ability or the capability of this Island to provide those services. We can do that by making better use of the people we have at hand already, people that have got ability, people that have got potential. It just needs to be realised, and it, hopefully, will
3900 be realised to a certain extent, if we can put processes, plans, training in place, as and when possible, sir.

So, Deputy Fallaize is right, I am not... this is not the detail. I am just asking the Policy Council to go away, hopefully with Members' support, sir, to look at this and put some detail to it and show how it could work and how it could be a practical idea.

3905 So, sir, what have we got to lose? I think if we put this in place and it works, it will only be an improvement, it will only make things better. It is not precluding permits from being applied for or from permits being granted; it is just asking that we just set the bar a little bit higher, and I cannot see a problem with that.

3910 So, sir, I cannot say any more, I ask Members to support this measured and modest amendment. I think it will bring about improvement and it will bring about better, sustainable practices for businesses and the Island, sir.

Thank you.

3915 **The Deputy Bailiff:** Well, Members, we move to the vote on the amendment proposed by Deputy Laurie Queripel –

Deputy Laurie Queripel: Can I have a recorded vote please, sir?

3920 **The Deputy Bailiff:** There is a request for a recorded vote, so we will move to that. This will substitute the wording in proposition 8(b) that you will find at the bottom of page 87 in the Billet. We will take the vote.

There was a recorded vote.

3925 **The Deputy Bailiff:** Members of the States, I doubt that the outcome on that will affect us moving on, so I will call Deputy Soulsby to move her amendment, to be seconded by Deputy Conder.

3930 **Deputy Soulsby:** Sir, the effect of this amendment is quite straightforward, although it may not appear so at first glance.

The purpose is to enable the continuous residence restriction to be extended from three to five years. It also clarifies the treatment of absence from the Island and when it does not constitute a recognised break in residence with regard to Short-Term Permit holders.

3935 Before providing further explanation as to the reason behind my placing this amendment, I would like to thank, in particular, the Director of Population Policy for her advice and assistance in helping me develop this amendment.

3940 Proposition 8(d) has been amended to remove reference to a continuous period of residence and proposition 9 amended, so that it makes clear that where a Short-Term Permit holder does not take a recognised break – e.g. nine months on, three months off – the period of absence will for part of the calculation of aggregate residence for Proposition 8(d).

3945 The effect of this amendment is to allow the Short-Term Permit holder on, say, a nine-month permit, to come to the Island for five cycles of nine months on, three months off. Before I explain the reasons why I believe this amendment is necessary, I would like to emphasise the point that I believe that, in the first instance, we should be helping and encouraging businesses to employ local people and the default option should be to choose local, not to fall back on Short-Term Permits. As a member of the Board of Commerce and Employment, I am fully supportive of the pilot stepping-in scheme, the joint initiative between the C & E, Housing and Social Services Departments, which aims to reduce the number of short-term housing licences issued for certain types of jobs in the Island by supporting employers to train local unemployed jobseekers.

3950 I really hope, through this initiative, as well as robust administration of the permit system, that we no longer need to bring in people from outside Guernsey to work in a fish and chip shop.

Now, one reason for proposing this amendment was to deal with inconsistencies and anomalies in relation to other Propositions. The current Proposition 8(d) is inconsistent with Proposition 26

3955 which states that tenants of a part D house in multiple occupation can live and work on the Island for a maximum period of five years' continuous residence.

In addition, the effect of current Proposition 9, to agree that an individual has to 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 Employment Permit for a subsequent period of residence, is that in individual on a six-month Work Permit, 3960 could return to the Island for the same six-monthly season every year for 10 years; whereas a worker on a nine-month permit would only be able to return for the same nine monthly season for three years as the three months is not long enough a break.

3965 More importantly, it is evident to me, having read the proposal to a statutory body and advisory panel that the new regime will result in additional cost to the private sector, something I will elaborate on in the main debate, and this would be exacerbated for seasonal businesses by limiting the amount of time that individuals can return to the Island.

This became apparent to me after having spoken to a number of such businesses. Remember these are predominantly locally-owned companies – not subsidiaries of some multi-national operations – and as such, these people bear the greatest burden in terms of fees, charges and taxes 3970 on this Island. We are living in a difficult economic climate and we need to ensure those businesses that operate in the global market place, which many of these businesses do, can do some competitively.

At the same time, seasonal businesses have been part of the economy of Guernsey for over a century, and seasonal workers from outside the Island have been essential to those businesses for 3975 much of that time – something, incidentally, that is not unique to Guernsey. At the same time, our businesses, as Deputy Dave Jones stated earlier, do also employ local people. Setting a three-year continuous residence period will, in reality, mean that the first year will be spent investing time and money getting workers up to speed; year 2 will enable the business to start getting a return from that investment; and year 3, well, it might not happen at all as the individual looks for other 3980 work.

The proposal to increase a potential cycle of continuous residence from three to five years enables businesses to get a better return on investment, should they be unable to employ local people.

3985 So, finally, I would like to thank Deputy Conder for seconding this amendment and I hope that members will agree with me that this is a sensible and pragmatic amendment that deals with today's reality and enhances the Report as it currently stands.

Amendment:

3990 1. In Proposition 8(d), to delete "a maximum period of continuous residence of 3 years and".

2. To replace Proposition 9 as follows –

3995 "9 To agree that, except in a case of successive Short Term Employment Permits, an individual must take a recognised break in residence before that individual will be eligible to obtain an Employment Permit for a subsequent period of residence; that a recognised break in residence be defined as an absence from the Island for a period of time which is at least equal to the duration of an individual's last period of residence in the Island; and that in a case of successive Short Term Employment Permits an individual's absence from the Island which does not constitute a recognised break in residence will be treated as part of that individual's 4000 aggregate residence for the purposes of Proposition 8(d)."

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

Deputy Conder: Yes, sir.

4005 **The Deputy Bailiff:** And reserve your right to speak?

Deputy Conder: Yes, sir.

4010 *Not carried – Pour 23, Contre 23, Abstained 0, Not Present 1*

POUR

Deputy O'Hara
Deputy Brehaut
Deputy Le Clerc
Deputy Gollop

CONTRE

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Quin

ABSTAINED

NOT PRESENT

Deputy Le Pelley

Deputy Sherbourne	Deputy Hadley
Deputy Conder	Alderney Rep. Jean
Deputy Storey	Alderney Rep. Arditti
Deputy Lester Queripel	Deputy Harwood
Deputy Ogier	Deputy Kuttelwascher
Deputy Fallaize	Deputy Domaille
Deputy David Jones	Deputy Langlois
Deputy Laurie Queripel	Deputy Robert Jones
Deputy Lowe	Deputy Bebb
Deputy Le Lièvre	Deputy St Pier
Deputy Collins	Deputy Stewart
Deputy Green	Deputy Gillson
Deputy Dorey	Deputy Trott
Deputy Paint	Deputy Spruce
Deputy James	Deputy Duquemin
Deputy Brouard	Deputy Le Tocq
Deputy Wilkie	Deputy Adam
Deputy De Lisle	Deputy Perrot
Deputy Burford	Deputy Inglis

4015 **The Deputy Bailiff:** Before we go into debate, I will declare the results on the last amendment: that moved by Deputy Laurie Queripel, seconded by Deputy Wilkie. There voted *Pour* 23 and *Contre* 23. Mr Procureur, on an equality of votes, my understanding is that the proposition is lost and therefore the amendment is not carried.

The Procureur: It is not carried, yes.

4020 **The Deputy Bailiff:** Very grateful, sir. Therefore, I declare the amendment lost. Who wishes to speak on the amendment that has just been proposed by Deputy Soulsby? Deputy Perrot and then Deputy De Lisle.

4025 **Deputy Perrot:** Thank you, sir. I will be supporting this amendment.

4030 In standing, I would like to raise one point in that there is, I think, an inconsistency in the hospitality industry between those businesses which employ workers from the European Union and those which employ workers from outside the European Union. The problem is one which relates to the obtaining visas, because if this amendment is passed, and I hope it will be, I think that will then put those businesses which employ European Union nationals into a better position than those in the hospitality industry, for example Indian restaurants or Chinese restaurants, who employ people because they cannot get local people to work in their restaurants. They are not able to obtain a visa beyond a specified period. I think that the reason for that is that anybody living beyond that specified period in the Island is then able to apply for British nationality.

4035 So, if this amendment is passed, I do ask the Chief Minister to liaise with... I think it will fall within the auspices of the Home Department Minister, to see whether this anomaly can be cured, so there is not discrimination between the two types of businesses. Clearly, we ought to be advocating the employment of local people, where that can be done, but if local people will not actually wish to be employed in those industries, then those local people who own the businesses must be able to have an equality of arms in employment.

4040 **The Deputy Bailiff:** Deputy De Lisle, to be followed by Deputy Stewart.

4045 **Deputy De Lisle:** It might be somewhat allied to the last inquiry, sir but my inquiry was whether this was consistent with immigration regulations, with the four-year immigration regulation and here we are talking about five years. I was just wondering whether there was an inconsistency there that might cause problems in the future.

Thank you, sir.

4050 **The Deputy Bailiff:** Deputy Stewart.

Deputy Stewart: Deputy Bailiff, I will be supporting this amendment. I do not want to speak for very long, I think Deputy Soulsby summed up the position very well indeed, and the explanatory note to this amendment is quite clear.

4055 One thing I will say is that the hospitality industry has made considerable efforts to recruit local people, both individually through courses and schemes run at hotels, but also through Skills Guernsey, with initiatives they have been helping with there. So, they are doing as much as they

possibly can to try and encourage local people into the hospitality industry. I think, in the future, as our hospitality industry moves much more towards the top end, three-star, four-star, five-star hotels, I really do hope that local people take up employment opportunities in our hospitality industry. It does have an extremely bright future, in my view.

4060
What I will say though, is that last year was particularly bad for the hospitality industry. In terms of horticulture, as well, they are still post-LVCR, hanging on by their fingernails to what remnants we have of the horticulture industry in the Island and I think to support this amendment supports those industries that do rely on these workers coming in, and to allow them five years is more consistent with everything else that we have approved so far today, and would be of huge benefit to those industries.

The Deputy Bailiff: Deputy Conder, to be followed by Deputy Gollop.

4070
Deputy Conder: Thank you, sir.

I am pleased to second this very sensible and pragmatic amendment and in doing so, I would like to congratulate Deputy Soulsby on her forensic analysis on Propositions 8(d), 9 and 26 and, for my part, the inconsistencies which I had not spotted. I think we owe her a debt for spotting those.

4075
Sir, as Deputy Soulsby says, the purpose and effect of this amendment is, as explained, to regularise the position of those working on Short-Term Permits of various lengths and/or those in different housing classifications, as in Proposition 26. Many Short-Term Permits are related to seasonal workers, we have already said, a six-month permit might, for example be from April to September or a nine-month permit, say, from March to October. This amendment simply regularises the occasions during successive years when an individual permitholder of a six or a nine-month duration can work on the Island and matches those opportunities for those of tenants for a part D house in multiple occupation.

4080
As I have said, I am pleased to second this amendment which is a sensible rationalisation in tidying up various propositions and, I believe, introduces greater simplicity and reduces complexity. I hope fellow Assembly Members will support this very valid amendment.

4085
Thank you.

The Deputy Bailiff: Deputy Gollop, then.

4090
Deputy Gollop: This is indeed a complicated amendment and it is not fantastically easy to understand, but I do take it on trust that not only does the Commerce and Employment Minister support this, but the two, proposer and seconder are both Members of this Assembly whom we know to have significant degrees in accountancy and business expertise and that too heartens one.

4095
I have had a lot of representations, both formally and informally, from people in the restaurant, hotel and hospitality sector and their misgivings which, to a degree, was part of the thinking behind the sursis, which failed earlier, is very much attached to this kind of area. I see the amendment as a useful way forward, at least to explore for legislation.

4100
What brought me particularly though to my feet was Deputy Perrot's point about anomalies with Immigration and Home. Now, this is a complicated subject that well predates the residential permit idea and indeed will come up in the next amendment. As I recall years ago a person who was, I think, of Indian origin, who worked at a restaurant, wished to work part time at another restaurant and under the visa, they could not, but under housing rules they possibly could. This also applied to Australians, New Zealanders and so on.

4105
If a business in Guernsey, whether it was called an Indian restaurant or a Guernsey restaurant, put an advert in for 'Indians only', I think they would get into trouble and you would also get into trouble if you put 'no Indians allowed to apply'. So, the reality is restaurants and other businesses have to employ people who they legally can and, by definition, people who are citizens of the United Kingdom or the European Community have a different set of rights, generally speaking, than people from the rest of the world, which includes the United States and Australia and New Zealand.

4110
So, that is a much bigger debate that we need to have as part of this and Home, and it will, as I say, be relevant to another amendment. But as far as this amendment goes, as the hospitality sector clearly wants something along these lines, I will support it.

4115
The Deputy Bailiff: Does anyone else wish to speak on this amendment before I turn to the Chief Minister?

Deputy Trott.

4120 **Deputy Trott:** Very briefly, sir, it has caught me slightly unaware there. I just wanted to say that this is precisely the way an amendment should be structured and delivered: not only does it make sense and indeed the explanatory notes is extremely helpful, but the proposer's opening speech was outstanding. *(Laughter)*

4125 **The Deputy Bailiff:** I do not see anyone rising to make any further comments on that, so I turn to the Chief Minister to reply to the debate on the amendment on behalf of the Policy Council.

Deputy Harwood: Thank you, sir.

At the risk of joining on a bandwagon, I will also congratulate Deputy Soulsby on the eloquence with which she presented the amendments and, actually, the detail of the amendments.

4130 The first comment I would like to make is in relation to Deputy Soulsby's second amendment which relates to Proposition 9. This amendment, in its own right, is helpful and serves to clarify a point of confusion that has, in fact, become apparent in recent weeks.

The Policy Council had intended the familiar working pattern of nine months here, three months away, could continue under the new regime, albeit for a limited period. The benefits of seasonal businesses, as already, been clarified by Deputy Kevin Stewart and others, is clear.

4135 So therefore, sir, I will certainly be supporting the second amendment, which refers to Proposition 9 and would urge all Members of the Assembly to do so.

4140 With regard to the proposed amendment to Proposition 8(d), the Policy Council originally established the need to restrict the repeated return of employees who are here working in roles which would attract a Short-Term Employment Permit. The Proposition put forward by the Policy Council seeks to reduce the period that employees can stay to a maximum of three years' continuous residence i.e. where there are no recognised breaks in residence. In this way, we would maintain the concept of seasonal returning permit holders and the transient nature.

4145 In my submission, three years would give a very clear distinction between those who are able to work in the Island and then those who are able to work here on a rotating basis for up to five years. I would therefore... I have some caution about accepting the amendment to proposition 8(d) but I may be alone in that amongst my fellow members of Policy Council.

But I would certainly support the amendment to Proposition 9.

Thank you, sir.

4150 **The Deputy Bailiff:** Deputy Soulsby to reply to the debate on the amendment moved by her and Deputy Conder.

Deputy Soulsby: I think, I am rather speechless after that, actually, especially after Deputy Trott. Thank you very much!

4155 I do not really want to add, make any other real additional comments, just to reiterate what I have said. This amendment is not changing the nature or structure of the Report; it simply clarifies matters, deals with inconsistencies and anomalies and just gives some slack to businesses at a time when they need it.

Thank you.

4160

The Deputy Bailiff: Well, Members of the States, in light of what the Chief Minister has said, what I am minded to do is to put the two paragraphs in the amendment or the two Propositions there separately, rather than take them together.

4165 So we will vote first in respect of the first paragraph, the first Proposition, which relates to proposition 8(d) deleting some words referring to a maximum period of continuous residence of three years. All those in favour; those against.

Members voted Pour.

4170

The Deputy Bailiff: I declare that carried.

In relation to paragraph 2, dealing with Proposition 9, all those in favour; those against.

Members voted Pour.

4175

The Deputy Bailiff: I declare that duly carried.

We move on to the next amendment which is an amendment to be proposed by Deputy Lester Queripel, seconded by Deputy Gollop and it deals with Proposition 12. I invite Deputy Lester Queripel to move his amendment.

4180 **Deputy Lester Queripel:** Thank you, sir.
 Sir, anyone coming here to work naturally wants to earn as much money as they can and I know overseas workers who have two part-time jobs, as well as a full time job. They willingly work 70 or 80 hours a week and after their full-time job, they will go shelf filling or cleaning or work on a check-out in a supermarket.

4185 I want to emphasise, sir, that, in my opinion, it is not the people who want to work that are the problem. No-one can fault their commitment, or their desire to work and make money. It is the system itself that is wrong, because the unintended consequence of allowing overseas workers to have more than one job is that the opportunities for our young people and our pensioners are no longer there.

4190 Now, when my son, Blaine was a student, he worked four three hour shifts every week on a checkout at a local supermarket. He earned his own money, he learned the value of money. When he was 15 he asked my wife and I if he could have a motor scooter and we said, 'Yes, you can have a motor scooter, as long as you pay for it yourself.' (*Laughter and interjections*)

4195 Within a year, he had saved enough money to buy a second-hand motor scooter, so having that part-time job gave him responsibility. He had to be at the supermarket three evenings a week from 5.00 until 8.00 p.m. and every Saturday morning from 9.00 until midday. That responsibility made him realise how important it is to work as a team and how important it is for everyone in that team to work together and play their part.

4200 And because of that responsibility, he felt important, he felt valued. Having that part time job gave him confidence and that is so important for a young person: to feel valued, to feel a part, instead of feeling apart, to feel included instead of feeling alienated.

4205 We often talk of an inclusive society. Well, here is a perfect opportunity for us to have a beneficial influence on an inclusive society. Young people, sir, need to learn the value of money, they need to learn the value of working as a team and they need to understand that there are boundaries in life that we all must work within to become responsible citizens and if they work within those boundaries, then the rewards will come fairly quickly.

4210 My son wanted a motor scooter. Within a year, he saved enough money to buy one. Another youngster might want a guitar or a computer or go on a school trip abroad. I remember my son telling me he felt a wonderful sense of achievement by being able to pay for his own scooter and having his own transport gave him his independence. He no longer had to rely on Mum and Dad for a lift. He could come and go as he pleased, and that all, as I say sir, did wonders for his confidence and the years between 14 and 18 are difficult years.

A Member: Is this 'This is Your Life'? (*Laughter*)

4215 **Deputy Lester Queripel:** It's not my life, sir; it's my son's life, sir. (*Interjections and laughter*)

The Deputy Bailiff: Do continue, Deputy Queripel.

4220 **Deputy Lester Queripel:** Sir, I think it is important that we give young people as much opportunity as we possibly can and, focusing on our senior citizens, in my capacity as Chairman of Age Concern, I am in contact with many of our senior citizens on a daily basis. Some of them are struggling financially. They cannot afford to live on their pensions. They need to carry on working in a part-time capacity four, or five morning or afternoons a week, but the jobs that they used to do simply are not there any more.

4225 Those jobs are now being done by our overseas workers, who often work two or three jobs and for some of our senior citizens, their part-time job is not only a vital source of income; it is a part of their social life, the only time they really get to meet people and, consequently, some of them are not only struggling financially, but they are demoralised and, in some cases, they are now isolated.

4230 So, we really do need to address these problems and support our own people. The way I see it, sir, we have to keep it local, as much as we possibly can, and we have to look after our own people. Supporting this amendment will offer as many opportunities as possible to our young people and to our senior citizens and I ask members to support this amendment, sir.

4235 Thank you.

The Deputy Bailiff: Deputy Gollop, do you formally second the amendment and reserve your right to speak?

Deputy Hadley attracted my attention first, and then Deputy Duquemin, then Deputy Green.

4240

Deputy Hadley: Mr Deputy Bailiff, this is the most bizarre amendment (*Interjections*) that I have ever heard.

4245

The object of the legislation we are trying to get enacted is to reduce the number of people that come into Guernsey and have to be housed here. Were this amendment to be passed and we restricted the rights of people to hold a second job, we would increase the number of people on short-term licences on the Island from around the 1,600 currently issued to well over 2,000! I just do not know where Deputy Queripel expects all these people to be housed, aside from the fact that it is an infringement of people's basic rights.

4250

This, *surely*, must be roundly rejected.

The Deputy Bailiff: Deputy Duquemin.

4255

Deputy Duquemin: To borrow Deputy Trott's phrase briefly, sir, I think Deputy Lester Queripel's amendment here is (1) trying to solve a problem that does not exist and (2) at the same time, it will *cause* a plethora of problems, and I will not be voting for this amendment.

The Deputy Bailiff: Deputy Green and then Deputy Gollop.

4260

Deputy Green: Sir, Members, I, too, will be voting against this amendment. I think it is trying to be totally prescriptive and unreasonably restrictive.

If I can draw Members' attention to page 755 of the relevant Billet and paragraphs 10.59 onwards, the reality is that there is no evidential basis for this amendment whatsoever. What we are told, in the Billet, 10.59 onwards is:

4265

'It is proposed that anyone who has been issued with an Employment Permit may hold more than one job. 10.60 This proposal reflects the current arrangements, and the Policy Council has not found any evidence to suggest that they are having a negative impact on the employment situation in the Island.'

4270

It goes on:

'There is a view that unemployment numbers in the Island could be reduced if existing employment-related Licence holders were restricted from having second jobs. However, there is anecdotal evidence to suggest that many of the roles which are taken as second jobs are not roles which those individuals who are registered as unemployed are looking to fill.'

4275

I do not think I can say any more than that, there is no evidence for this amendment and I ask Members not to support it.

4280

The Deputy Bailiff: Deputy Gollop, to be followed by Deputy Laurie Queripel.

4285

Deputy Gollop: The first point is that I think I will hold Deputy Green to the points that he has made when we next have a Social Security Board meeting, because sometimes I think we spend too much time being obsessed with getting the unemployed back to work, where it has been already developed the number of unemployed people on the Island is not great. It is actually *extremely* small by international standards.

As a consequence, therefore, we have always had this myth that we need to get the local unemployed back into jobs, which, of course, are out there but are being filled by foreign workers.

4290

I seconded this amendment to get it on the table and I think one could argue what the definition of a 'job' is, because is a job a profession? Is it freelance? Is it part time? Is it full time? Is it two part times equalling another full time occupation? I do not know.

4295

Nevertheless, I do support the amendment and will vote for it because it raises a question that we need to analyse. We actually need the evidential base that some Members have said is lacking. There are a lot of anecdotes out there but, I think, for example we already know there are some occupations where the workers, guest workers in some cases, are doing extensive amounts of overtime or part-time work. That, in some cases, is not healthy to the occupation concerned perhaps they are over working, but actually one impact of our policies... We have got to look at it more holistically. I do not see it as a simple, simplistic way of reducing unemployment by banning the second job. It is much more subtle than that.

4300

The two or three jobs culture has a number of social consequences, not all of which are desirable. One of them is undermining the average hourly rate of pay, because if somebody needs so much to survive on a basic standard of living, they will be competing, as a local person, against

4305 somebody who maybe is prepared to work 60 or 80 hours. Consequently, if they have the kind of skill set, that is competitive only for those jobs, they will suffer financially and, to a certain extent, end up being subsidised by the state in one way or another, whether we call it social housing or welfare. We are creating that problem by having the multiple job element.

Another consequence is it, I think it, it tends to lead to certain segregation of our society, where some jobs only appear to be occupied by either local people only or non-local people only, and that is a concern too.

4310 It is also about consistency. Deputy Perrot, in an earlier debate, spoke about the example of the Indian restaurant. I repeat, again, that, a few years ago, I think it was the Board of Administration, when it had oversight of the Customs and Immigration issues, were reluctant to allow an immigrant from the Commonwealth who was working in a particular industry an additional job. So, I believe that the Home Department restricts extra jobs, but not Housing for people in a different category of nationality. I think that is a point that the Policy Council have overlooked in their judgement on this one.

4315 So I suspect this amendment will fail today, (*Laughter*) but we are going to go on with the consequences of many under-employed local people having rather low hourly rates of pay, struggling financially, being part of the 15% of our society in relative poverty, and needing a degree of help from one kind of social assistance or another, partially because their ability to earn a living wage is undermined by, dare I say, the industry of some of our guests.

4320 I will make a final point too, as the Island's champion of disabled people, I am aware that there are many... well, certainly quite a number of people, who are having and impairments or disabilities of one kind or another, ranging from, perhaps, a wheelchair mobility across to mental health and other problems, and they are underemployed. Their ability, like the older generation Deputy Queripel mentioned, to gain employment – *meaningful* employment, at a living wage – would be enhanced if there was slightly less competition for jobs from very industrious temporary workers. We should bear those people in mind too, to give them the maximum amount of opportunity and dignity to find meaningful employment.

4330 **The Deputy Bailiff:** Deputy Laurie Queripel, then it will be Deputy Conder, Deputy Brouard and Deputy Brehaut.

Deputy Laurie Queripel: Thank you, sir.

4335 Sir, I do have some sympathy with the thrust and the point of this amendment and I think Deputy Gollop has made some very good points in support of it but I think if it was successful, ultimately, it would do more harm than good because, frankly sir, it is too late. The cat is out of the bag, the horse has bolted, the firework has gone off – I cannot think of anymore clichés (*Laughter*) to back up my point!

4340 But Deputy Green, sir, said there is no evidence to suggest that there is a problem in this area but, actually, there is some anecdotal evidence. I have heard from a number of people in recent times in regard to the problem that this is causing, guest workers doing more than one job.

4345 Now, traditionally, sir, many years ago when local people were looking to buy a property, taking out a mortgage and they needed to increase their income, they would do a second job, a part time job, aside from their full-time job. Typically, it would be in retail or it would be a cleaning job for a cleaning firm. I am being told that now, if local people, if Island residents want to access those kind of jobs, it is far harder for them to do so now, because those positions are being filled by guest workers.

4350 So, there is some anecdotal evidence and there is a suggestion that it is impinging on the ability of local people to do second jobs and to earn extra money.

But the trouble is, sir, that many of these businesses – retail, cleaning etc – they rely now on the guest workers doing these jobs and, if they could not access the labours and the efforts of the guest workers, their businesses might not function any more, they might not be viable.

4355 Invariably, sir, these businesses often, alongside employing guest workers, employ local staff. So, not only would the businesses and the employers not have access to the guest workers any more, sir, but there is every chance their businesses would not be viable. They would go under and the local staff would lose their jobs as well.

So, sir, yes, I do have some sympathy with the point that Deputy Lester Queripel is making. Deputy Gollop has made some good points but, on balance, I think supporting this amendment would do more harm than good, because it is too late to address this problem.

4360 Thank you, sir.

The Deputy Bailiff: Deputy Conder.

4365 **Deputy Conder:** Thank you, sir.

Sir, I have no sympathy whatsoever for the comments made by Deputy Queripel or the spirit of this amendment.

Indeed, I was sorry to hear a speech of the nature delivered by Deputy Queripel today and in that comment, I exclude Deputy Gollop's seconding and his speech.

4370 So, I think it would be unlikely to hear a speech of that nature in which part of our society is identified for particular restrictions in this day and age. To me, it seems more like a speech one might have heard perhaps a generation or two generations ago, in another democracy, but I think it very unlikely that one would hear a speech perhaps other than from the extreme wings of western parliamentary democracies, in other jurisdictions today.

4375 The reality is that our guest workers provide an essential service to this Island. (**Several Members:** Hear, hear.) This Island would not function effectively without them. They fulfil one, two or three jobs, however many jobs either they are required to do to fulfil their own personal needs or indeed our society requires them to do for this society to function. Using attempts to restrict their ability to live their lives in the way they want, given that they are legitimately here, inevitably, in my opinion, will make them feel vulnerable, possibly even ostracized. That is language and behaviour of a generation ago. They are important parts of our economy. They should be welcomed, as long as they are here legitimately. They should be allowed to pursue their lives in whatever way they wish.

4380 I would urge colleagues to roundly defeat this amendment.

4385 Thank you, sir.

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

4390 Just very quickly, just something that Deputy Gollop mentioned about our unemployed and that perhaps Social Security were thinking that it was quite a low figure. I think we do need to remember that when you are unemployed, 100% of the unemployment is for you. I think that it is also a barometer of how we are as an economy and we are not going to... We have a difficulty that some of the people who we have unemployed are unable to compete with guest workers for jobs.

4395 I think it is incumbent on all of us, especially some of our major Departments, to make sure that we equip the people that we had got now who do not have the skills, and especially those coming through, that they come out of education well motivated, well rounded and with skills because to try and put those skills in later takes a lot of time and a lot of effort. If we had those skills that people were well motivated to work when they come out, I can assure you, we would have a much lower number of unemployed.

4400 So, I just hope we do not take our foot off that throttle of looking after our unemployed and trying to skill them up to take as many of these jobs as we can.

Thank you, sir.

4405 **The Deputy Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I agree with Deputy Brouard, We have got the problem with those neither in education, employment or training, and that is a problem that we face and is one that does not appear to want to go away very quickly.

4410 I too have to draw the line at the speech made by Deputy Lester Queripel. It was like something out of a 1950s B movie, 'They come from overseas, they displace the elderly and the vulnerable – *The Permit Holders*, showing at a cinema near you.' It really was xenophobic, it was racist and it was entirely inappropriate.

4415 These people leave their families at home, they make enormous sacrifices to come here and ensure that we enjoy the quality of life that we have and we owe them a great, great debt of gratitude. (**Several Members:** Hear, hear.)

May I just also say, through you, sir, to Deputy Lester Queripel, is that he tends to, in his speeches, associate the elderly with being vulnerable. He just needs to look around this Assembly. Older people – (*Laughter and applause*) 'I am only 16, it is the job!' (*Laughter*)

4420 But I think it is a mistake, to always associate the old as being vulnerable. It does them a great disservice and there is one employer on this Island, and I will not mention them by name – 'If you want to do it...' – but you go in there and you are met by the staff, who are *extremely* informative,

simply because they have done the job a thousand times before, that you are attempting to do for the very first time.

4425 Thank you, sir.

The Deputy Bailiff: Deputy James and then Deputy Langlois.

Deputy James: Thank you, Mr Bailiff.

4430 Deputy Brehaut has just, almost, stolen my thunder. I am very pleased to hear what he has just said.

4435 There is a possibility that people think of overseas workers as unskilled. My mind was drawn to the amount of overseas nurses and, when I say overseas, I am talking about staff coming over from the United Kingdom. Many of our nurses that we bring over come from overseas and the United Kingdom. *Many* of them do not and cannot and are not allowed to bring their families with them. *Many* of them are, in fact, accommodated in relatively small units of accommodation. So, not surprisingly many of them are happy to work overtime, to go and work in other nursing and residential homes.

4440 Their additional hours, believe you me, are *valued* by this community. So never let us go down the route of preventing these people contributing in the most valuable way to our community.

I do find it really quite astounding to think that this Assembly could ever take that route of only allowing people to undertake one job. It is their choice.

4445 The one comment that I would agree with Deputy Gollop on is he thinks this amendment will fail. *(Laughter)* Sir, I would like us all to roundly prove Doctor Gollop – *Deputy* Gollop, rather! *(Laughter)*

Thank you, sir.

The Deputy Bailiff: Deputy Langlois.

4450 **Deputy Langlois:** Thank you, sir.

I think the amendment will fail as well. We can see the way the wind is blowing, so I will try and keep it brief.

4455 Sir, it has been quite an unusual day in the Assembly today, because so far, and with just 10 or 15 minutes to go, we have shown an unusual degree of consistency. We have actually made a set of decisions which make logical sense when all fitted together. I would not like to break that run right now.

4460 We have just supported Deputy Soulsby's amendment, which had all sorts of things to do with the health of local businesses and keeping the labour market fluid, and so on and so forth. This one, I think, would have the unfortunately perverse consequence of messing up the labour market in a particular band, and in the band where a lot of people who need work, need those jobs. If we mess with that bit of that labour market, it could lead to all sorts of unforeseen consequences.

4465 We have already got... I believe, on average at any one time, it is very difficult figure to track. You can look at the number of short-term licences that are issued, and that is in the region of 2,000 a year, but of course they are short term. But, at any given time, we have got 1,200 people working here on short-term licences. How do we think the Island would keep going, if we did not have those and so on?

I believe that if this went through, you would have a huge unforeseen consequence on the labour market.

4470 **The Deputy Bailiff:** Deputy Sherbourne and then Deputy Quin.

Deputy Sherbourne: Thank you, sir.

4475 The nightmare of policing such a proposal really frightens me. The thought that we would have sneaky people going around saying, 'Do you realise so-and-so has got a job down the road this minute? Let's phone the authorities and let them know.'

A Member: They already do.

4480 **Deputy Sherbourne:** Yes, I know people already do and that is rather sad, so we do not want to actually encourage it.

I cannot support this amendment. I think that the work ethic that is displayed by these people is an example to everyone in the Island (**Several Members:** Hear, hear.) and something that we should applaud.

4485 Thank you, sir.

The Deputy Bailiff: Deputy Quin.

Deputy Quin: Well, sir, I thought I had better reply on behalf of the oldies.

4490 When I first saw this amendment, I thought, ‘Hmm, this looks a bit like something from *Blackadder*.’ (*Laughter*) I could imagine the scene, ‘Baldrick: “Well, the Germans have got two rifles, we have only got one.”.’ This is awful, this is silly.

If you say people can only have one job, you are doubling the amount of people you need to bring in. I just think the whole thing is crackers. (*Laughter*)

4495 **The Deputy Bailiff:** I do not see anyone else – Oh, Deputy St Pier.

Deputy St Pier: Sir, given the nature of the speeches which have gone before, it does feel slightly unnecessary to rise as yet another individual to oppose this amendment, but I think it is worth, in addition to all the other very valid points which have been made as to why this amendment should fail, pointing out that of course our fiscal system is dependent, possibly over-dependent, on the taxation of employment income, it would be quite bizarre to introduce measures which do anything to reduce or discourage the generation of employment income on which our tax system depends. That provides another reason to reject this amendment, sir.

4505 **The Deputy Bailiff:** Chief Minister to reply on behalf of the Policy Council.

Deputy Harwood: Thank you, sir.

There is nothing, really, I can add to the voices that have already been expressed (*Laughter*) in opposition and I will not do so.

4510 I urge all Members to reject this amendment. I also deprecate the tone of the xenophobic nature of Deputy Lester Queripel’s opening speech. This amendment deserves to fail.

The Deputy Bailiff: Deputy Lester Queripel then to reply to the debate on the amendment.

4515 **Deputy Lester Queripel:** Thank you, sir.

Sir, Deputy Green asked where the evidence can be found. The evidence is out there on the street, talking to people, sir. The evidence will not be found on a report. How much more evidence do we need than that?

4520 Now, I want to assure Members, I am not being racist. I have got very good Latvian and Portuguese friends here in the Island. They work hard. They have integrated with our community. They have made Guernsey their home and they are most welcome here.

But I would like to remind Members of what I actually said in my speech:

4525 ‘I want to emphasise that, in my opinion, it is not the people who want to work that are the problem. No-one can fault their commitment, or their desire to work and make money. It is the system itself that is wrong, because the unintended consequence of allowing overseas workers to have more than one job is that the opportunities for our young people and our pensioners are no longer there.’

4530 So sir, this amendment seeks to offer as many job opportunities as possible to our young people and our senior citizens. I really do think that the only way we can get on to the sustainable path where we need to be is if we look after our own. I ask Members to bear that in mind when they vote, sir.

Thank you.

4535 **The Deputy Bailiff:** We will go to the vote on the amendment proposed by Deputy Lester Queripel, seconded by Deputy Gollop to replace Proposition 12. All those in favour; all those against.

4540 *Members voted Contre.*

The Deputy Bailiff: I can declare that lost.

4545 Members of the States we have just over eight minutes. Bearing in mind that I am proposing next to call Deputy Perrot to move his amendment and the debate is likely to take more than eight minutes, I imagine, are you minded to adjourn now? Especially as we have got the AGM of the Commonwealth Parliamentary Association to follow. Those in favour?

Members voted Pour.

4550 **The Deputy Bailiff:** Right well, we will adjourn now until 9.30. Can I encourage as many of you as are available and wish to, to stay for the AGM of the Commonwealth Parliamentary Association. We will adjourn to 9.30 in the morning.

The Assembly adjourned at 5.24 p.m.