



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 27th November 2013**

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**Present:**

**Richard J. Collas, Esq., Bailiff and Presiding Officer**

**Law Officers**

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

**People's Deputies**

**St. Peter Port South**

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

**St. Peter Port North**

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,  
R. Conder, 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**

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

**The South-East**

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

**Representatives of the Island of Alderney**

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

**The Clerk to the States of Deliberation**

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier) (**morning**)  
A. J. Nicolle, Esq. (H.M. Deputy Greffier) (**afternoon**)

**Absent at the Evocation**

Miss M.M.E. Pullum, Q.C., (H.M. Comptroller)  
M. J. Storey (*indisposé*)

**Business transacted**

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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 BAILIFF *in the Chair*]

**PRAYERS**  
*The Greffier*

**EVOCATION**

**CONVOCATION**

**The Senior Deputy Greffier:** Billet d'État XXII and XXIII 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, 27th November 2013 at 9.30 a.m. to consider the items contained in this Billet d'État which have been submitted for debate and notice is also given, pursuant to Rule 1(4) of the Rules of Procedure, of the convening of Billet d'État XXIII.

**STATEMENTS**

**Progress on Waste Strategy Implementation States Report  
Statement by the Minister for Public Services**

**The Bailiff:** Members of the States, we begin this meeting with a Statement from the Minister for the Public Services Department, Deputy Luxon.

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

I would like to update the Members on progress regarding the Waste Strategy Export Policy and Legislation Resolutions that were passed at the February 2012 States meeting, for which Public Services had intended to lay a Report before this Assembly in December.

My Department had prepared and submitted our proposed Report within the standard timeline. However, in detailed discussions with the Treasury and Resources Board we decided to delay our final Report by one month and so will now lay it for the January 2014 States meeting instead, as a supplement Billet subject to T&R's sign off at their Board meeting next week.

This Statement is by way of a courtesy to inform Members accordingly. We had already planned for the ease of Members to consolidate three separate and distinct elements into a single Report. These are the detailed costings and proposals for export of waste, the PSD mandate and legislation and future waste charging proposals and the proposed changes to the Policy Council mandated parochial legislation and charging arrangements. This will address the specific Resolutions we were working to, as directed by the previous Assembly in February 2012, and was done in consultation with the Policy Council and the Treasury and Resources Department.

However, in addition, T&R suggested it would be appropriate and helpful to include an additional section within our Report giving a financial overview of the entire project and looking at how waste operations should be funded in the future. My Public Services Board agreed to this suggestion. This we have done, as Members will see when the Billet is published shortly.

Sir, I do apologise for not bringing our Report to this Assembly next month, as planned, and particularly the proposals on waste legislation and charges which we were directed to present to

the States by December 2013. However, I hope Members will agree that the anticipated month's delay to provide a more complete update on the Waste Strategy is an appropriate decision.

Thank you, sir.

35

**The Bailiff:** Members are there any questions arising from that Statement?

Yes. Deputy De Lisle.

**Deputy De Lisle:** Yes, sir.

40

There have been reports that a number of locations were being considered with regard to the export of waste – in fact 17 locations – and I just wondered whether the Minister could outline where these 17 locations that they were considering were?

Thank you, sir.

45

**The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Sir, my Statement was meant to act as a courtesy simply to let Members know that we were not going to hit the prescribed December date for laying our Report, for reasons that I hoped Members would recognise were in the interests of this Assembly.

50

I could go into the detail of Deputy De Lisle's question but frankly those matters are covered in the Report itself, so I think we would be rehearsing the Report itself.

Thank you, sir.

#### **States Review Committee Statement by the Chief Minister (Chairman)**

**The Bailiff:** I see no-one else rising so we will move on to the next Statement that is to be delivered by the Chief Minister in his capacity as Chairman of the States Review Committee.

55

Deputy Harwood.

**The Chief Minister (Deputy Harwood):** Thank you, sir, and thank you for affording the opportunity or permission to make this Rule 8 Statement on behalf of the States Review Committee.

60

The Committee intended to request permission to make this Statement at the December meeting of the States, but instead have done so at this meeting in view of the Rule 5 questions which were submitted to the Committee by Deputy Gollop, who I thank for agreeing to withdraw his Question in order to allow this Statement to be made instead. Of course, I shall be very pleased to answer any questions Members may wish to ask following this Statement.

65

When the States resolved to establish the States Review Committee in March 2012 they directed the Committee to report to the States twice – first, by the end of 2013 and, second, by the end of 2014. The Committee apologises to the States for not having been able to submit the first report during 2013.

70

The Committee will, however, lay a first policy letter before the States in the second quarter of 2014. That policy letter will be more than the discussion document which originally had been envisaged. It will contain proposals for at least two alternative ways of organising the States. One model proposed will be a Ministerial or Cabinet system and the other model proposed will be a reformed Committee system.

75

That policy letter will be sufficiently comprehensive to allow the States to make what the Committee strongly believes is a binary choice between organising all States' affairs within either a Ministerial or Cabinet model or organising all the States' affairs within a reformed Committee system. Therefore, that policy letter will not be laid under Rule 12(4). It will be a normal policy letter capable of full debate, with substantive Propositions and without restriction on the laying of amendments.

80

That policy letter will address issues such as leadership and accountability; the development, co-ordination and scrutiny of policy; the relationship between policy planning and financial planning; the size and function of the States; and the number and membership of their Departments or Committees.

85

The Committee's policy letter will set out two alternative but coherent ways of reforming the States, both of which the Committee believes would significantly improve upon present arrangements. However, it will be entirely for the States of Deliberation to debate and to determine

whether they wish to implement either of the Committee's proposed models, to amend the Committee's proposed models, or to reject them altogether and retain the present arrangements in full.

90 Should the States reject all proposed reforms, the *status quo* will prevail and, in effect, the work of the States Review Committee will thereby cease.

Should the States resolve to approve one of the two models for reform set out in the first policy letter, the Committee will then, as originally envisaged, prepare a second policy letter proposing fine details of the structure, consistent with the States Resolutions on that first policy letter. This  
95 second policy letter will be submitted for debate in time for reforms to be implemented at the same time as the 2016 general election.

In closing this Statement, I should like to thank States Members for their high level of engagement with the Committee's review. Of the Members of States who are not members of the Committee, at least three-quarters have given evidence to the Committee in person and/or in  
100 writing, often in extensive submissions.

Separately, the Committee has also met with the members and senior officers of all Committees of States and the Committee's Principal Officer has also interviewed chief officers and other senior staff privately. Several former Deputies, Bailiffs and Law Officers have also shared with the Committee their experiences of the States.

105 In the early part of 2014 the Committee will subject its initial ideas to a period of public consultation. This will leave sufficient time for the findings of that public consultation to inform development of the first policy letter, which will be submitted for debate by the States in the second quarter of 2014.

Thank you, sir.

110

**The Bailiff:** Deputy Gollop, you have a question?

**Deputy Gollop:** Yes, sir.

115 What initially prompted my question was Deputy Fallaize communicating on *BBC Guernsey* and the realisation from the statements that, should the Review Committee come to the House on the timeframes outlined, it would be difficult, if not impossible, for the Assembly to change electoral districts, electoral systems, look at Island-wide approaches, and so on.

120 Would the Chief Minister consider bringing some of those points at an earlier stage because clearly, by the time of the second report, timelines for legislation and preparation would be constrained for the 2016 election?

**The Bailiff:** Chief Minister.

**The Chief Minister:** Thank you, sir.

125 To Deputy Gollop, the intention would be that the second report – which will contain the detail I think he would be looking for in relation to electoral changes – would certainly be brought to this Assembly within sufficient time to enable any changes that are approved by the States to be implemented and to be, in effect, enforced by the time of the 2016 election. That would be the  
130 intention.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** The follow up to that question would be: would the same principles apply to re-organisation of Departmental functions and roles, and perhaps those could be promoted before  
135 every aspect of the report, in order to ensure good corporate governance?

**The Bailiff:** Chief Minister.

140 **The Chief Minister:** Sir, I take note of Deputy Gollop's comment. I think in relation to the actual structure of the machinery of Government that it would probably be possible for any changes, again, which have been approved by the States to be implemented probably in advance of the 2016 election.

145 **The Bailiff:** Deputy De Lisle and then Deputy Lowe.

**Deputy De Lisle:** Can I ask the Chief Minister, sir, whether, in the report, he intends to bring out the full implications and the cost and the resource implications of any change to the current system?

150 **The Bailiff:** Deputy Harwood.

**The Chief Minister:** I take note of Deputy De Lisle's comment and certainly the Committee will take cognisance of that. I think it is a perfectly valid and proper suggestion made by Deputy De Lisle, which should be taken into account when we produce our first report.

155 **The Bailiff:** Deputy Lowe.

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

160 Would the Chief Minister agree with me that if a Requête does proceed to come to this House regarding Island-wide voting, that would not have any ramifications regarding the machinery of Government, as that is about electing the States Members rather than the process of once States Members are elected?

165 **The Bailiff:** Chief Minister.

**The Chairman:** I thank Deputy Lowe for that correction. As I say, the first report certainly will focus purely upon the machinery of Government. The second report: we have always envisaged that if, as a result of the change in the machinery of Government, the States approve or disapprove as a result of the first report, that may well have a consequential effect on, for example, the number of States Members and that may then also have a knock on effect in relation to the process of election.

**The Bailiff:** Is there anyone else? No, I see no-one else rising.

175 There are no other statements and there are no questions for Question Time so, Greffier, we will move on to legislation.

## Billet d'État XXII

### Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013, approved

*Article I.*

*The States are asked to decide:*

180 *Whether they are of the opinion to approve the draft Projet de Loi entitled 'The Severe Disability Benefit and Carer's Allowance (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.*

185 **The Senior Deputy Greffier:** Billet d'État XXII, Article I: the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 2013.

**The Bailiff:** This is in the brochure at pages 1 to 10.  
Deputy Langlois, Minister of Social Security Department.

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

190 I think a few words of explanation on this one would be appropriate for Members' information.  
In October 2011, the States approved changes to the Attendance Allowance and Invalid Care Allowance. The Law actually updates, mainly, the terminology in Attendance and Invalid Care Allowances and subordinate legislation, by replacing all references to Attendance Allowance with Severe Disability Benefit and references to Invalid Care Allowance with Carer's Allowance, in order to replace outdated terminology; and it removes the requirement of the 1984 Law for carers to not be gainfully employed, prescribed by regulations, having earnings equal to or greater than



the lower earnings limit. So, this is a technical change relating to terminology and certain aspects of entitlement.

200 The benefit was intended to promote care in the community by offering a financial incentive to volunteer carers. However, this low weekly earnings limit has precluded carers from working to improve their financial circumstances, or those of the person they care for.

205 With the removal of the earnings limit, the working age carers will be able to remain in the workforce wherever possible and appropriate. It also amends the 1984 Law in order to create powers for the Authority – that is the Social Security Department – to specify certain conditions relating to the receipt of Carer’s Allowance. This permits the Department to give general or case specific written determinations, making entitlement to Carer’s Allowance subject to such conditions as it deems reasonable, with a view to ensuring that the disabled person being cared for receives appropriate medical or other professional attention.

210 If approved by the States today, this Law does require approval of the Privy Council before entering into force and, when approved, it will be brought into effect on the day it is registered in the Royal Court. So, prior to becoming effective, the Department will implement the necessary operational and procedural changes needed. Regulations will also be made to remove a current inequality so that over 18s in full-time education but providing care for somebody are eligible to claim Carer’s Allowance.

215

**The Bailiff:** Any debate?

No. We go straight to the vote then. Those in favour; those against.

*Members voted Pour.*

220

**The Bailiff:** I declare it carried.

#### **Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, approved**

*Article II.*

*The States are asked to decide:*

225 *Whether they are of the opinion to approve the draft Ordinance entitled “The Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.*

230 **The Senior Deputy Greffier:** Billet d’État XXII, Article II: The Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013.

230

**The Bailiff:** Is there any request for debate or clarification?

No. We go to the vote. Those in favour; those against.

*Members voted Pour.*

235

**The Bailiff:** I declare it carried.

#### **Long Term Care Insurance (Guernsey) (Rates) Ordinance, 2013, approved**

*Article III.*

*The States are asked to decide:*

240 *Whether they are of the opinion to approve the draft Ordinance entitled ‘The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2013’, and to direct that the same shall have effect as an Ordinance of the States.*

245 **The Senior Deputy Greffier:** Article III: Long Term Care Insurance (Guernsey) (Rates) Ordinance, 2013.

**The Bailiff:** Any requests for debate or clarification?  
Yes, Mr Procureur.

250 **The Procureur:** Just a technical matter, sir.  
The date given for the Resolution in this and the next four ordinances is the October – well, in fact, it says \*\* October 2013. Those will need to be changed to 14th November 2013.

**The Bailiff:** To 14th November. Thank you Mr Procureur.  
Any other debate? No.  
255 Well the ordinance that we are looking at is at pages 17 through to 20 of the brochure. Those in favour; those against.

*Members voted Pour.*

260 **The Bailiff:** I declare it carried.

**Health Service (Benefit)  
(Amendment) Ordinance, 2013, approved**

*Article IV.*

*The States are asked to decide:*

265 *Whether they are of the opinion to approve the draft Ordinance entitled 'The Health Service (Benefit) (Amendment) Ordinance, 2013', and to direct that the same shall have effect as an Ordinance of the States.*

**The Senior Deputy Greffier:** Article IV: the Health Service (Benefit) (Amendment) Ordinance, 2013.

270 **The Bailiff:** Again, the same thing applies in relation to the date of the States Resolution.  
Any other debate or clarification? No.  
We go to the vote. Those in favour; those against.

*Members voted Pour.*

275 **The Bailiff:** I declare it carried.

**Social Insurance (Rates of Contributions and Benefits etc.)  
Ordinance, 2013, approved**

*Article V.*

*The States are asked to decide:*

280 *Whether they are of the opinion to approve the draft Ordinance entitled 'The Social Insurance (Rates of Contributions and Benefits, Etc.) Ordinance, 2013', and to direct that the same shall have effect as an Ordinance of the States.*

**The Senior Deputy Greffier:** Article V: The Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2013.

285 **The Bailiff:** There is an amendment proposed by the Minister for the Social Security Department, Deputy Langlois, and seconded by Deputy James.  
Deputy Langlois.

290 *Amendment:*  
*In the Ordinance entitled 'The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2013' –*  
*(a) in section 1(b), printed at page 24 of the brochure, for '7%', substitute '6.5%',*  
*(b) delete section 9, printed at page 27 of the brochure,*

295 (c) re-number sections 10, 11, 12, 13 and 14, printed at pages 27 and 28 of the brochure, as  
sections 9, 10, 11, 12 and 13, and  
(d) for the Second Schedule, printed at page 32 of the brochure, substitute the attached  
schedule.

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

Very briefly, sir: this amendment and one further amendment to Article VII.

These amendments reflect the decision made by the States on 14th November not to approve  
Proposition 1 of the Social Security Department's Report relating to the employer's contribution  
rate and, therefore, we had to produce this amendment for the legislation and likewise Article II  
305 fell because Article I had fallen and so on.

So this is again a technical amendment which simply brings everything in line with what we  
decided in the last meeting.

310 **The Bailiff:** Deputy James do you formally second the amendment?

**Deputy James:** Yes, I do, sir.

**The Bailiff:** Is there any debate either on the amendment or on the substantive ordinance? No.  
Well, we will go for the vote first on the amendment. Those in favour; those against.

315 *Members voted Pour.*

**The Bailiff:** The amendment is carried and then we go to the vote on the ordinance, as now  
amended. Those in favour; those against.

320 *Members voted Pour.*

**The Bailiff:** That is carried.

#### **Attendance and Invalid Care Allowances Ordinance, 2013, approved**

*Article VI.*

325 *The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled 'The Attendance and  
Invalid Care Allowances Ordinance, 2013', and to direct that the same shall have effect as an  
Ordinance of the States.*

330 **The Senior Deputy Greffier:** Article VI: The Attendance and Invalid Care Allowances  
Ordinance, 2013.

**The Bailiff:** Any debate? Any requests for clarification? No.  
We go straight to the vote. Those in favour; those against.

335 *Members voted Pour.*

**The Bailiff:** I declare it carried.

#### **Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013, approved**

*Article VII.*

340 *The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled 'The Supplementary  
Benefit (Implementation) (Amendment) Ordinance, 2013', and to direct that the same shall  
have effect as an Ordinance of the States.*

345 **The Senior Deputy Greffier:** Article VII: The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013.

**The Bailiff:** Again, there is an amendment proposed by the Minister, seconded by Deputy James.

350 Deputy Langlois.

*Amendment:*

355 *In the Schedule to the Ordinance entitled 'The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2013', in the substituted Table 1, printed at page 38 of the brochure, for '£500', substitute '£515'.*

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

Briefly again, this amendment results from our decisions in the last meeting and relates to the increase in the weekly Supplementary Benefit limitation for a person living in the community to change to £515 rather than the current £500.

360 The ordinance will come into force on 10th January 2014 and there are various aspects of the technical wording which ensure that. Supplementary Benefit is – for people's reminder in that long two week gap since we spent some time talking about it – a weekly benefit paid on a Friday and hence Supplementary Benefit rates must be uprated on a Friday. In actual fact the Social Security traditionally uprates Supplementary Benefits on the first Friday after the first Monday – if you follow this I am only marginally ahead of you – and so, again, there are technicalities to do with the dates and so on which end up with the exact wording of the amendment.

365 Deputy Le Lièvre has confirmed that he is happy for the weekly benefit limitation for people living in the community to be increased to £515, with effect from 10th January 2014 in accordance with the Department's usual practise.

370 Increasing the benefit limitation for a person living in the community to £515 per week will increase the supplementary benefit expenditure by an estimated £20,000 next year. I should take this opportunity to point out that very often we get caught up in these numbers and lose sight of the fact. There is a common misconception, certainly outside of this Assembly, that this applies to hundreds if not thousands of households. It is in the order of 20 to 25 households who will be directly affected by a change like this and not all of those receive the full amount. So we need to just keep this in proportion and I ask you to support the amendment and then pass the legislation.

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

380 **Deputy James:** I do, sir.

**The Bailiff:** Is there any request for debate, either on the amendment or on the ordinance? Deputy De Lisle.

385 **Deputy De Lisle:** I would just like to make a point, sir, with regard to the explanatory memorandum.

390 In each case here we have... and I really am pleased to see that we are doing that now – providing that information – and also that the Minister stands up occasionally and elaborates on and furthers the explanatory detail. But I would like, in future, that we also have the costs indicated. The Minister indicated the costs of that particular programme, but the costs with the others. We do have an indication of the percentage increase but we do not have an indication of the total cost and I think it is important to remind Members of that detail.

Thank you, sir.

395 **The Bailiff:** Any further debate? Minister do you wish to... Oh sorry, Deputy Lester Queripel.

**Deputy Lester Queripel:**

400 Thank you, sir.

I just needed some clarification, please, about terminology and proposal C – the use of the word 'abandoned'.

I am just wondering if perhaps it could have been the word 'disregarded'. Does the word 'abandoned' mean that the resources will be reintroduced at some stage later? I just need clarification on that please, sir.

405 **The Bailiff:** Sorry, I am not sure what you are referring to Deputy Lester Queripel. I do not think the Minister is either. You are referring to...

**Deputy Lester Queripel:** It is the word 'abandoned', sir.

410 **The Bailiff:** Where do you...?

**Deputy Lester Queripel:** Proposition C.

**The Bailiff:** In the ordinance itself?

415 **Deputy Lester Queripel:** Yes, sir.

**A Member:** Page 2109 –

420 **The Bailiff:** Page –

**A Member:** – of the Billet

**Deputy Lester Queripel:** Page 2109, sir.

425 **The Procureur:** Well, can I assist?

**The Bailiff:** Mr Procureur.

430 **The Procureur:** The trouble with these explanatory memoranda, which everybody is so keen on, is we have to explain the explanatory memoranda. (*Laughter*)

What this does is explain what the effect of the legislation is, in giving effect to a States Resolution of October this year. That States Resolution, amongst other things, was – and the States Members approved this – that if a claimant's Supplementary Benefit is found to have, the word used is, 'abandoned' any assets so that they cannot be taken into account in assessing his entitlement to supplementary benefit, well that is changed, as I understand it, so that they can be taken into account, whether that abandonment of assets was deliberate, for that very purpose or not and that, I think, was the previous problem. The States debated that in October – when I personally was not here – and agreed that policy and the exploratory memorandum explains that that is now being given effect by this legislation.

440 **The Bailiff:** Thank you Mr Procureur.  
Anyone else wish to debate? No.  
Minister, do you wish to reply then to those two?

445 **Deputy Langlois:** Yes, very briefly. Quite extraordinarily, sir, H.M. Procureur's erudite explanation fits entirely with my understanding and that is quite (*Laughter*) an unusual situation.

I would, however, say to Deputy Lester Queripel that I am very happy for us to engage in conversation in the Department with him to give him some examples of how that word 'abandoned' might be applied and some details of how it works.

450 **The Bailiff:** Thank you.

Members, we come then to the vote, first of all, on the amendment proposed by Deputy Langlois, seconded by Deputy James. Those in favour; those against.

455 *Members voted Pour.*

**The Bailiff:** The amendment is carried and then we vote on the ordinance as thereby amended. Those in favour; those against.

460 *Members voted Pour.*

**The Bailiff:** I declare the ordinance as amended to have been carried.

465

**STATUTORY INSTRUMENTS TO BE LAID BEFORE THE STATES**

**The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No 4) Regulations, 2013;**  
**The Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) (Amendment) Order, 2013;**  
**The Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Air Display Regulations, 2013;**  
**The Companies (Transitional Provisions) (Amendment) Regulations, 2013;**  
**The Air Navigation (Bailiwick of Guernsey) Law, 2012 (Commencement) Regulations, 2013;**  
**The Air Navigation (Bailiwick of Guernsey) (Savings and Amendment) Regulations, 2013;**  
**The Milk (Retail Prices) (Guernsey) Order, 2013;**  
**The Aviation Security (Bailiwick of Guernsey) (Amendment) Direction, 2013.**

**The Senior Deputy Greffier:** The following statutory instruments are laid before the States: The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No 4) Regulations, 2013; The Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) (Amendment) Order, 2013; The Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Air Display Regulations, 2013; The Companies (Transitional Provisions) (Amendment) Regulations, 2013; The Air Navigation (Bailiwick of Guernsey) Law, 2012 (Commencement) Regulations, 2013; The Air Navigation (Bailiwick of Guernsey) (Savings and Amendment) Regulations, 2013; The Milk (Retail Prices) (Guernsey) Order, 2013; The Aviation Security (Bailiwick of Guernsey) (Amendment) Direction, 2013.

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**The Bailiff:** There have been no motions to annul any of those Statutory Instruments.

**Procedural**

**The Bailiff:** Members, just before we move on, I have had a request as to whether Members may be allowed to remove their jackets.

It is cold outside, but some of us expect it to get warm in here. So, yes, Members may do so if they wish to.

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**POLICY COUNCIL**

**Disability and Inclusion Strategy  
Debate commenced**

*Article IX.*

*The States are asked to decide:*

*Whether, after consideration of the Report dated 30th September, 2013, of the Policy Council they are of the opinion:*

485

1) *To approve the Disability and Inclusion Strategy and affirm the States commitment to promoting positive and inclusive attitudes towards disabled people and carers.*

2) *To agree, in principle, to the actions outlined in the timetable in that report to be undertaken to implement the Strategy over the next three years, up to the end of 2016.*

490

*(paragraphs 131-138)*

3) *To approve, in principle, the enactment of legislation under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004 to prevent discrimination against disabled people and carers and provide for equality of opportunity, and direct the Policy Council to revert to the States with detailed proposals for such legislation following consultation with other States Departments, and representatives of the business sector, disabled people and carers, before the end of 2015.*

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500 (paragraphs 44-64)  
4) *To direct the Policy Council to seek the extension of the UN Convention on the Rights of People with Disabilities to Guernsey at the earliest appropriate opportunity.*

(paragraphs 92-100)  
505 5) *To direct the Treasury and Resources Department to increase the 2014 and /or 2015 revenue expenditure budget of the Policy Council by up to a maximum of £170,000 in total, funded by a transfer from the Budget Reserve to be used for the following projects as part of the initial implementation of the Strategy:*  
510 *a. develop information for disabled people and carers for a one off cost not exceeding £70,000;*  
*b. develop information for businesses and other organisations for a one off cost not exceeding £50,000; and*  
*c. assess/ audit the States obligations for reasonable adjustment and develop a plan of prioritised work at a one off cost of no more than £50,000.*

(paragraphs 142-145)  
515 6) *To approve, in principle, the establishment of an equality and rights organisation, based on the Paris Principles, but defer the implementation of such an organisation dependent on:*  
520 *a. a business plan being developed stating in detail the functions, staffing resources, costs and charges for such an organisation; and*  
*b. any additional funding required being available and the States having given priority to the establishment of an organisation through any prioritisation process in effect at that time.*

(paragraphs 119-124)  
525 7) *To agree the continued funding of the Disability and Equality Officer post.*

(paragraphs 139-140)  
530 8) *To direct the Home Department to lead the development of policies and procedures for safeguarding vulnerable adults in conjunction with other States Departments, reflecting those already in place for children.*

(paragraphs 133-134)  
535 9) *To direct the Health and Social Services Department to lead the development of frameworks for people with learning difficulties, people with autism and communication difficulties and people with dementia with other relevant States Departments.*

(paragraphs 105-106)  
540 10) *To direct the Health and Social Services Department to research and develop options for capacity legislation.*

(paragraphs 115-118)  
545 11) *To direct Departments to:*  
*a. contribute to a multi-agency approach to implementing the Strategy where their assistance is required and, in particular, to implement the actions laid out in the timetable;*  
*b. take account of the Strategy when developing strategies, policies, plans, procedures and when making changes to services or capital works;*  
*c. note the requirement to provide for reasonable adjustments under existing budgets, when legislation is introduced.*

(paragraphs 49-64, 76-77)  
550 12) *To direct the Policy Council to report back to the States by no later than December 2016 with a progress report on the implementation of the Strategy.*

555 **The Bailiff:** We then move on to reports and, as you will remember Members, at the last meeting, rather unusually, you agreed to take Billet XXII and the Policy Council's Report on the Disability and Inclusion Strategy ahead of the unfinished business from the previous meeting.  
So, Greffier, if you could just call that out?

560 **The Senior Deputy Greffier:** Yes, sir.  
Billet d'État XXII, Article IX. Policy Council – Disability and Inclusion Strategy.

**The Bailiff:** Thank you and the Deputy Chief Minister, Deputy Le Tocq, will be opening the debate and, I understand, replying to the debate.

Deputy Le Tocq.

565 **The Deputy Chief Minister (Deputy Le Tocq):** Thank you, Mr Bailiff, Members of the States.

As Deputy Chief Minister and Chairman of the Policy Council's Social Policy Group, I am delighted to be able to present and introduce the Policy Council's Report on the Disability and Inclusion Strategy. In fact, sir, just to pick up on what you have just said, the fact that we are  
570 debating this first, before the matters left over from the October sitting, is an example of the Strategy in action.

Sir, this Assembly and the people in it over the years – maybe decades, perhaps even centuries – have eulogised perhaps over the historic significance of a particular debate, speech or Resolution. For me, this certainly fits into that category today. But this Strategy matters not just because of the issues it highlights, not just because those issues matter – and they do – nor because  
575 of our Island's currently disabled people and carers, because they matter – and they do – but because 'We All Matter, Eh?' (*Laughter*)

At the beginning of the development of this Strategy comments may have been heard questioning its need, that after all weren't those few disabled people, that we are all aware of,  
580 being well looked after? This paternalistic attitude viewed disabled Islanders not as potentially empowered active citizens with a great deal to offer to our society as a whole but more in terms of people with a medical problem which needed to be fixed or looked after.

Thankfully, we are rapidly moving away from this medical model of disability and now consider that it is the barriers that all kinds of people face in Guernsey that can make life disabling.  
585 I am not just talking about physical barriers here, but those created by inflexible ways of doing things, about inflexible ways of thinking – with the biggest barrier, of course, being people's attitudes and sometimes prejudice.

We are therefore using a broad internationally-recognised definition in the Strategy. The United Nations' definition is:

590 'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.'

595 When we talk about disabled people we are talking about people with any kind of long-term condition or impairment which affects their day-to-day life, not just people who use wheelchairs and white sticks. This might be a physical, mental, intellectual or sensory impairment.

With the Disability and Inclusion Strategy we are looking to challenge attitudes of society, enabling different thinking about disabled Islanders and their carers. By developing a Strategy  
600 changes are already happening. Conversations are taking place, doors are opening and I am glad to say more positive attitudes are already starting to develop. All this will help improve the quality of life of disabled Islanders and carers so that everyone can be more fully included in Island life. We want disabled people and carers to be active citizens with equality of opportunity in the workplace, when going shopping or when going to the pub, the church, the theatre or in school.

605 This is a far-reaching Strategy that will affect everyone in the Island – all employees, employers, every organisation and every provider of goods and services, including all States Departments.

This type of change will take a long time, so even though there are already positive signs, these need to be nurtured. For such a sizable change, we are talking decades rather than a few months or  
610 years.

This is not just about a few Islanders. No-one was quite sure, at the start of the work on the Strategy, just how many people in Guernsey and Alderney had a long-term condition or how many Islanders with a long-term condition faced significant difficulties on a daily basis. This is why research was commissioned to survey a quarter of all households in Guernsey and Alderney. This  
615 research estimated that 4,000 Islanders with a long-term condition faced significant difficulties and are likely to benefit the most from this Strategy. But it also estimated that there are a further 10,000 people who might benefit from the Strategy, as they have a long-term condition and therefore might also be subject to discrimination in some way.

In addition, the research estimated that 8% of all households have at least one person who  
620 provides informal or unpaid care for a family member, relative or friend. That is an estimated minimum of 2,000 carers in Guernsey.



As with all other western societies, living in Guernsey has the benefit of living longer. This means that most of us will experience disability of some sort or other either as we develop long-term conditions, as we age or as we care for family or friends. We are therefore not just talking about a handful of people benefiting from the Strategy, but improving *all* our lives.

Sir, I want to speak a little of my own experience as a carer – or I should say *our* experience because it involved primarily my wife and myself, and my daughters as well – when we looked after, for nearly a decade, my elderly parents. It was an education to me just how difficult that was. It was an education to me just how much and how dependent they were upon us to do things for them and to find out what was available and what could be done to make their lives more flexible and more comfortable for them as they aged.

One of the things we found was the lack of information that was available. It was not that facilities and help and assistance was not available. It was finding out how it was available and how we could access that.

I particularly began to think of those who did not have a son or a daughter or children or grandchildren to look after them, to fill in forms, to do telephone calls for them, and the like. There are, of course, many like that and it illustrated to me particularly how this Strategy is so important for us but not just for disabled Islanders, for their carers as well.

This Strategy, as a result, is the start and not the end. The first steps are to provide better information and then to introduce legislation. These affect all disabled people and carers. We are looking to adopt a phased pragmatic, affordable approach that recognises the current financial position at this time of austerity.

Firstly, turning to information, there is a need to provide better, more co-ordinated information at the time disabled Islanders and carers need it, in a form that is accessible to them. This is vital and needs to be much improved. It is all very well the States providing a service or benefit that could help a disabled Islander or carer, but if you do not find out until years after the moment when it would have been useful to you it can be exceedingly frustrating and may lead to hardship which could have been avoided if it had been accessible earlier on, or it may lead to missing out altogether on the support that could have made life easier and actually cost less in the end.

As well as information specifically targeted for disabled Islanders and carers, the Strategy also proposes that information be provided to businesses and the general public so as to improve attitudes, to raise awareness and to build confidence throughout the Island. This will be a big part of changing attitudes in general. It will enable people and businesses to think about the small things we do or do not do that collectively have a big impact on the lives of disabled people and carers and, as a result, on the lives of us all as a community. Communities that accept and include everyone are, after all, happier places to live and to work.

Information alone will go so far to help change society's attitudes but legislation will also be required to provide that extra bit of enforcement, encouragement and challenge, to ensure that everyone knows what is expected. We therefore propose that disability equality legislation is enacted to provide a gentle reminder of what is acceptable in our society. This will provide protection for disabled people and carers, and will prompt businesses and organisations to take action that might not have been done through information and training alone.

I must emphasise that we do not want a copy of UK legislation. We want something that is straightforward, pragmatic and proportionate to the Island's needs. It is intended that this will be based on the principle of reasonable adjustment and which balances the need of the disabled person with the resources of the business or organisation concerned.

Whilst some of the principles have been outlined in the States Report, we are not expecting the Law Officers to be able to write legislation from these brief points. Instead, we want to be able to develop the basis for local legislation with businesses, other organisations and carers and disabled Islanders themselves.

We are conscious of the effects of any legislation on the large number of small businesses in the Island and have suggested that a small fund be established to help provide adjustments that would not otherwise be considered reasonable.

If it is agreed to enact legislation, it would be the intention to seek the extension of the UN Convention on the Rights of People with Disabilities. Local legislation will need to be in place before such an extension can be requested. It is hoped that by extending the Convention to Guernsey it will help us to focus on what needs to be done to make the Island more inclusive and less disabling. It will also mean that progress will be monitored by the United Nations. It will also enable the Island to signal its intentions to be an inclusive society to the rest of the world. That is very important indeed.

Sir, when Baroness Tanni Grey-Thompson, one of Britain's most successful paralympians and the Patron of the Guernsey Disability Alliance, visited Guernsey she was surprised there was no disability legislation in place. She had assumed it would be there.

685 Legislation makes it clear to everyone what is expected. It is also important in helping people to think about how they can make disabled people feel more included in society and feel more welcome in general. Legislation needs to be the first step, hand-in-hand with improved information, but the States also needs to lead itself. It needs to change its own practices and procedures, raise awareness of staff and we, as politicians, as well need to consider disabled Islanders and carers in our decision-making on a more general basis. In short, we need to make  
690 sure we are more inclusive and lead by example.

Sir, there are a number of amendments and when they are laid we will deal with them in detail but, for clarity, perhaps I can say, with regards to the amendments, the Policy Council in general is not minded to oppose any of them. But, with regards to the Stewart and Bebb amendment, when that is laid, it should be said that the Proposition to provide funds in any case, which is in our  
695 Report – funds at the moment which are up to £170,000 and if they are amended, to £250,000, from the Budget Reserve – this is not an open cheque in any case, but due process and good governance will apply because T&R will discharge their mandate and a fully-costed analysis of the business case will need to be made, whatever the decisions the States makes in terms of the amount.

700 I will ask the T&R Minister to confirm this in due course if the amendment is laid.

**Deputy St Pier:** Sir, I thank the Deputy Chief Minister for giving way. I think it might be useful for me to intervene at this point.

705 Sir, Proposition 5 directs Treasury and Resources to increase the 2014 and/or 2015 revenue budget of the Policy Council by up to a maximum of £170,000 in total. So we will need to make a decision by how much to increase the budget and in order to determine exactly by how much to increase it – whether it is £1, £10,000, £170,000 or £250,000 if the amendment succeeds – we will need to have a more detailed analysis and full costings to support the projects which are listed at the bottom of page 2176 in the Billet.

710 So I agree with the Deputy Chief Minister that this is not an open cheque book and that Members and taxpayers should be reassured that our understanding and intended application of the financial rules means that the normal processes will apply, to justify and support the proposed expenditure.

715 **The Bailiff:** Deputy St Pier.  
Deputy Le Tocq to continue.

**Deputy Le Tocq:** I thank the T&R Minister for his confirmation of that.

720 Sir, I would have liked to have been in a place to present a lot more to the Assembly at this time, but we know we cannot possibly achieve our goals if we try to do too much all at the same time. We need to choose the priorities carefully in those areas where we can succeed and where we can make the biggest difference. The Policy Council needs your support to make a start to improve the lives of disabled Islanders and carers.

725 As well as the involvement of a number of States Departments and primary care, the work of the third sector has been enormous in helping to bring this Strategy forward and I am proud of the 'together working' that we have enabled to happen through that. It is a model to be taken forward for future policy formation.

730 So I would like to thank everyone involved, but particularly Mind Guernsey, the Health Information Guernsey and the Guernsey Disability Alliance, of course. I would also like to thank Deputy John Gollop, who is the States' Champion for Disabled People and has taken an active interest in the development of the Strategy from the outset and has been ably supported in this role by Deputies Arrun Wilkie and Paul Le Pelley.

735 Sir, I ask the Assembly to approve all the recommendations in the Propositions, so that we can start this historic and vital journey to improve all our lives. *(Applause)*

**The Bailiff:** Well, Members, four amendments have been circulated. It seems to me they are all quite discrete and I propose that we have separate debates on each amendment and I would ask Members, if they can, to confine their debate on the amendments to the amendments and then have general debate later.

740 So, taking the amendments in the order of the Propositions to which they relate, we have first the amendment proposed by Deputy Bebb and seconded by Deputy Stewart.

Deputy Bebb.

*Amendment:*

745 *In Proposition 5 –*

*(i) delete ‘£170,000’ and substitute ‘£250,000’ and*

*(ii) in article a. delete ‘£70.000’ and substitute ‘£150.000’.*

**Deputy Bebb:** Thank you, Monsieur Le Bailli.

750 Members, the amendment is quite clear. It is in order to increase the limit from £170,000 through to £250,000. I do not think there is anything particularly controversial or difficult in its understanding but I will actually simply point out that if Members turn to page 2173 of their Billet, and the second paragraph of the information plan towards the bottom of the page, they will note that:

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‘However, there were strong views that, while the proposed budget may well be suitable to commission the vital research and database production in a developmental period, it will be sorely lacking if any sort of high profile campaign to raise awareness and understanding is needed.’

760

I know that we could all consider that any amount of money would be an increase but evidently what is currently being proposed is probably insufficient and, therefore, I would ask Members to simply support this amendment so that we give a greater resource towards this particular Strategy.

Thank you.

765

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

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

770

**The Bailiff:** Is there any debate?

Yes, Deputy Duquemin and then Deputy Lester Queripel.

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

775 Mr Bailiff, often as a Deputy you are forced to stand up in a debate and talk about something that you know nothing about, so I thought I would take the opportunity to stand up and talk about something that I do know something about, which is marketing budgets – after having had a professional career for 20 years or more and looked after the purse strings of companies, in many millions.

780 Sir, the Central Office of Information in the UK are often – that of the Green Cross Code film thing – top of the bill, in terms of the amount of money spent by advertisers in the UK. Government is a big spender, and in the UK that is the case and in Guernsey we are no different.

785 Here, I would add a point from Deputy Lester Queripel who often bemoans the communication of Government and I think he is right to question it often. With our local media landscape – a daily newspaper, two radio stations, two TV news bulletins and numerous magazines – we often think it is very easy for Government to get its message across. We often think it is just simply one PR release and the rest will happen.

790 Sir, that is not the case and here – and I think in this document that was distributed, number 8, the point on the value of the Disability and Inclusion Strategy – it is all about attitudes and, as has already been said by Deputy Le Tocq, those attitudes will not change overnight. Those are the attitudes not just of business but of those with a disability and the carers themselves. So we do need to work hard.

795 The question that I had with regard to the amendment – and it is a question that I mentioned to Deputy Bebb himself – was that the extra £80,000, that is directed in the amendment, is all directed towards speaking to the disabled people and carers... and I think, in time, it will not just be about speaking to those people but also the wider community as well. So I think, in a sense, it is important that there is money spent on speaking to the whole community and, crucially, business as well.

800 As I said before, the extra £80,000 amounts to doubling the budget for this particular area of activity and, let me tell you, you can spend £70,000 and it will work, it will reach its target market, or you can spend £150,000 and it will not work. So the extra money is not necessarily the quick fix. In many ways the budget that was put forward was a finger in the air as to say exactly what money might be allocated and I would readily support the comments this morning of the T&R

Minister, Deputy St Pier, who has said it is not an open cheque book and we will look to make sure that we get value for money.

805 In terms of getting value for money, I think this is where we need to work smart and have a big idea. In Guernsey we are lucky that we have a very active, creative industry with companies that work well – right from those individuals at Specsavers who have already been instrumental in setting up the Creative Industries Guernsey as part of the Arts Commission. But the point that I really make is that we do have a lot of very successful companies that produce really good quality  
810 marketing material. But in a way, looking for a big idea – and it has already been mentioned this morning – we can look no further than ‘We All Matter, Eh?’. In a sense that has already almost given us the trigger. So if the GDA would like to sell that to the States for £1 (*Laughter*) I am sure that would be money well spent.

815 So why will I be voting for the amendment? Well, it is not a blank cheque and I hope it is never seen in this sense but, for me, it is an insurance because I think the point that I make – and I think it has already been made there – when the amendment... if the amendment is carried, it will still say not exceeding £150,000. If the final total is a campaign for £60,000 and that does the job then that is great but, in a way, why I will be supporting the amendment is it is an insurance policy that amounts to roughly £1 for every Islander, to give this whole scheme and, I think, the whole  
820 Disability Strategy the chance to work, and it is vital that we do that.

825 Sir, I think I did start by saying that, roughly, we are asking to double a particular budget here and I will end with a very brief amusing, but I would say an erudite, anecdote from the world of advertising and that is from a chap called John Wanamaker. He was a pioneer in advertising in America as a retailer and he said, and he is oft quoted, ‘I know half the money that I spend on advertising is wasted, I just do not know which half,’ (*Laughter*) and, in many ways, I think that was just kept in the back of my mind when I looked at this amendment. So, I will be supporting the amendment, but in no way am I supporting the amendment thinking that we are signing a blank cheque.

830 Thank you, Sir.

**The Bailiff:** Deputy Lester Queripel.

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

835 This is my kind of amendment (*Laughter*) because it seeks to improve communication and information provision and, on those grounds alone, I think it is crucial that we all support it. But, I do need to ask Deputy Bebb for some clarification because, if we look at paragraph 37 on page 2122, we are told that there are four aspects of information provision:

840 ‘A wide range of relevant, easy-to-access online information; Outreach to disabled Islanders and carers through media; Information and training relating to the new disability equality legislation; A service to provide/convert resources into accessible formats.’

All vital aspects regarding improving communication. The aspect I take particular interest in is the training – the education.

845 Sir, with the training aspect uppermost in my mind, I would like to ask Deputy Bebb – and I apologise in advance, sir, if it is considered to be a silly question and perhaps for not even thinking of asking it beforehand – does he envisage the additional £80,000 being distributed *evenly* across all four aspects? In other words, all four aspects receiving an additional £20,000 worth of funding? Because my great fear is that the majority of the £80,000 may be spent on the other three aspects  
850 with very little left for the training itself. That could, of course, quite easily happen to any of the other three aspects and I have no proof or evidence that it will or it will not do. But I do harbour a fear that it could, so I am wondering if Deputy Bebb might want to consider laying another amendment to ensure the additional funds – in fact that the funds in general – are distributed evenly across all four aspects. So I would like to hear his views on that, please, when he responds.

855 Thank you, sir.

**The Bailiff:** Deputy Gollop.

860 **Deputy Gollop:** Sir, just speaking discretely on this amendment, I think the focus on it is actually very much on the information... and it does come from the budget reserve transfer.

I am certainly interested in the communication and information of marketing fields, and we can see examples of good practice in the States, but less good practice. One of my favourite Departments that I think manage their advertising on a tiny budget would be Culture and Leisure.

865 We know that the team – political and officer – at Culture and Leisure achieve remarkable results, such as the best Castle Cornet Museum attendance figures, on a relatively small and declining budget. I do recall when we had a SACC House Committee campaign to get people on to the electoral roll that cost about £70,000 to £80,000 and did not quite bring the massive turnout some of us would have liked.

870 I attended one of these Chamber of Commerce lectures a few months ago. It was a very interesting talk by a leading transport provider to the Channel Islands and they said, quite glibly, that if they took their UK and European marketing budgets combined – this was in a public context – it was perhaps between £1½ million and £2 million per annum. That is serious money and we tend to think, in States Departments, you can achieve a lot on very little. I take Deputy Duquemin’s point that it is creativity and hard work that is more important than money, but money

875 does buy tweeting time, television time, information leaflets, booklets in colour – because not everybody likes black and white – and so on.

880 What we have achieved already, through Facebook and ‘We All Matter, Eh?’, is amazing but you have got to put this into some kind of a context and some of these budgets are, effectively, the same as you see in other organisations all the time. I mean, we spent about £80,000, as I recall, on one election.

885 This is not just a one-off, but it is for changing and transforming attitudes in society for thousands of people. I think we need to listen to the sage words of Commerce and Employment who implied treble the budget was more realistic. Think how many thousands, even millions, they have to spend each year on promoting the visitor economy – sometimes with mixed results. And Deputy Stewart is not just a Minister, he is somebody who has spent a successful lifetime in media, marketing and promotion.

So I think this is a no-brainer really. We should support this amendment.

**The Bailiff:** Deputy Stewart.

890

**Deputy Stewart:** Mr Bailiff, Members.

This is not about something voting through £250,000. This is about headroom – as we have heard from the Minister of T&R. Of course, anything will have to be presented as a proper business plan.

895 I have worked with Deputy Duquemin before, on marketing campaigns, and I have spent my second career – which was media, designing campaigns – looking at how to build up a profile, how to change peoples’ habits, in terms of what they buy and how they think.

900 When I went through the figures, for that I do thank the Deputy Chief Minister and Shelaine Green, who spent a lot longer with Mike Baldwin than perhaps they anticipated they would... When we started to go through these figures it became apparent to me that, at £170,000, they would very quickly have to come back and probably ask for more.

905 So what this is about is creating that extra bit of headroom because, we heard from Deputy Jones, to bring a States Report and wade through the vergées of treacle that we sometimes have, for them to come back and then ask for another £80,000 is another debate, is another report, is time wasted and we all want to get this Strategy off the ground. So what we are going to create if we vote for this amendment is that little bit of extra headroom to give them that ability to get the information in place and, if we just go through the Billet and the Deputy Chief Minister’s opening speech, we hear about information, information, information. To me, the legislation is going to be a backstop.

910 What we really need to do is to change peoples’ attitudes because that is the best result. If we never have to really use legislation we have got the best result, if we have managed to change peoples’ attitudes. As they say in advertising, repetition builds reputation. The more people hear the message, the more they believe that message and it has to be multi-channel these days. It has to be a good and well-designed internet site. It has to be the use of radio in conjunction with printed media, in terms of also the *Press*, as well as leafletting.

915 I will tell you why I think attitudes need to change. A lot of people tend to live in their own little bubble these days. How many of us now see people who would rather avert their gaze than give up their place on a bus to an old lady? I was on a train recently which was absolutely packed and in the carriage with me were women and men, and there was a very heavily pregnant woman stood up – and this was going to be quite a long train journey – and it was much easier for everyone to bury their head in a newspaper than to get up and say...

So that, to me, is why we need this information out there. We need to educate people. We need people to understand. It is one thing to bring in legislation for employers but to get all the

employees on side, to get them to understand the needs of their fellow workers, is hugely important.

925

So you are not voting for £250,000. What you are voting on with this amendment – and why I hope you will support it – is just to give them that headroom, as I hope and I know we will do today. Vote through this Strategy and we give them the ability to be able to come up with a business plan that will get this whole Strategy off to a flying start.

930

Please support the amendment.

**The Bailiff:** Anyone else? Deputy De Lisle.

**Deputy De Lisle:** Sir, this amendment is very much, as Deputy Gollop has said, on the area of information.

935

While I am very supportive of the overall objective of the Strategy – to increase equality of opportunity for disabled people and social and economic inclusion, the need for change in attitudes and legislation to promote equality and the ultimate extension of the UN Convention – and there is no doubt that we have to work towards this objective, from my point of view, it is results on the ground, that we need. If we are going to spend money, spend it where there is critical need in the community, place the money into getting tangible results where we already know the issues exist, and the issues exist in this area.

940

Deputy Le Tocq has spoken of his role as a carer and the concerns that everybody has when they are actually introduced to this area. From my point, I would like to ask is anything new being done in providing support for respite care, for example?

945

This is where we need more help, we need more money and more facilities and budget. It came up as an issue, actually, in the review of the policy letter at St Pierre du Bois Douzaine on Monday night. There are references to it being within the remit of the Supported Living and Ageing Well Strategy (SLAWS), which is yet to come before the States, but it is a priority right here in the Disability Strategy. There is limited support for carers and many would argue, as the Report does in fact, that it is one of the most valuable and least valued roles in society. There should be a dedicated team for respite care and to rely on the goodwill of the Professor Shaw Centre in St. Martin's is not good enough.

950

There are other areas too, as some have said in the recent media releases, with regard to this Strategy and its support, but they have said that simple requests need to be looked at and financed. Cobblestones in town need to be made safe and re-pointed, for example. That is an area that can be done, that should be worked on immediately to resolve that particular issue. Also improved physical accessibility to buildings is something else that needs to be looked at immediately and needs financial support. Then the debate on the retention of disability area parking in town in Church Square – I mean that is something that should be retained and there should not be any debate about it, in reality, as we are going through this process.

955

So it is just that I feel a little frustrated that more money is being spent on information and yet there are so many other areas that we need to be working on and applying the money to, directly within this particular area of disability. So I think Members have to consider that very closely and be concerned about the broader issues and those areas that we can do something about immediately to make a difference. I think we should be putting money there as well as strictly on information.

965

Thank you, sir.

970

**The Bailiff:** Anyone else? No?

Deputy Le Tocq do you wish to make the penultimate speech then before Deputy Bebb replies?

**The Deputy Chief Minister:** Sir, I would not add very much to what has already been said because it would support, certainly, my position and I think, as I said before and others have reiterated this, in terms of the finances involved, what we went for... because you could have a budget of any particular limit when it comes to information and an advertising campaign, an information campaign. The point is what you do with it and how you use it best.

975

We were conscious, in developing the Strategy, that we wanted to have a figure that could be accepted by this Assembly at this time, I think, because there is a proviso that we will have to go through due process with Treasury and Resources, and the business case will need to be worked up. And, as Deputy Duquemin pointed out, this gives an insurance policy, as it were, and I think that is probably quite wise for us to have at this time.

980

985 I would like, certainly, personally, for us to be as creative as possible in disseminating  
information and ensuring that all the different organisations, as well as disabled Islanders and their  
carers, have access to the information available and, in order to have that creativity, we need to  
engage with the many increasing organisations that are creative in thinking about how to  
propagate and promulgate information into the public arena today – and we have got plenty of  
those here in Guernsey – but also disabled Islanders and their carers themselves, many of whom  
990 are creative and can help us to find ways of communicating effectively.

So, as I have said, I am supportive of this amendment.

**The Bailiff:** Deputy Bebb then will reply to the debate on this amendment.

995 **Deputy Bebb:** Thank you, Monsieur Le Bailli.

I believe that we only had one question, that was actually raised and that was from Deputy  
Lester Queripel, concerning the distribution strategy. Evidently, as has been discussed many times  
on this particular amendment, the business case is what we will know. So all the questions as to  
how it will be utilised will be worked out in the business case and if it is considered that the best  
1000 place in order to put the money is in one area more than the other then that will be highlighted in  
the business case – it will be agreed. Nobody is going to be proposing something that they do not  
feel will actually work – let's be honest. It is a limited budget. We are simply looking for a bit of  
extra headroom. I would sincerely hope that we have the unanimous support of the Assembly for  
it. (**A Member:** Hear, hear.)

1005 Thank you.

**The Bailiff:** We vote then on the amendment proposed by Deputy Bebb and seconded by  
Deputy Stewart. Those in favour; those against.

1010 *Members voted Pour.*

**The Bailiff:** I declare the amendment carried.

Next, we have an amendment proposed by Deputy Wilkie and seconded by Deputy Green.  
Deputy Wilkie.

1015

*Amendment:*

*To replace Proposition 7 as follows:*

*7. To agree the funding of the Disability and Equality Officer post at a level commensurate  
with the responsibilities of that position.*

1020

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

This is a very simple amendment. I am looking to give the Policy Council the opportunity to  
put the post of Disability Officer through the Civil Service tool, at grades post, and that is it. I am  
not stipulating a grade, just that it should be tested. The implementation of the Strategy requires a  
1025 different skill set to writing and researching the policy letter.

The current Disability Officer, who I believe did an exemplary job, has moved on to another  
role within HSSD. We got extremely lucky with that appointment and had a person whose ability  
was far greater than their grade. We might not be so lucky next time.

1030 What you have got to ask yourself is, is there any point in spending a huge amount of  
Government and Islanders' time developing this Strategy and then not putting a person in place  
with the skills to drive this Strategy forward? I would say there is none. This is not a box-ticking  
exercise. This Strategy will touch the lives of real people, people who have been let down for a  
very long time.

1035 However, Islanders are starting to realise just how good this Assembly is. I have been  
immensely impressed with the sheer volume of work that has been done by you all, with such  
limited resources. You are tackling social policy that has been outstanding for many decades and I  
know there is still more to come. For that reason I believe this Assembly is the most progressive  
for a generation.

1040 Support this amendment and make this Strategy the success it deserves to be.  
Thank you.

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

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

1045 **The Bailiff:** Any debate? No? No-one is rising.  
Deputy Le Tocq do you wish to speak on it before we go to the vote?

**Deputy Le Tocq:** Unless Deputy Green was going to speak, but –

1050 **Deputy Green:** I think in these circumstances, sir, I will not speak.

**The Bailiff:** You will not speak. In that case, perhaps Deputy Le Tocq will not either?

**Deputy Le Tocq:** Precisely, sir. *(Laughter)*

1055 **The Bailiff:** We will go straight to the vote on the amendment proposed by Deputy Wilkie, seconded by Deputy Green. Those in favour; those against.

*Members voted Pour.*

1060 **The Bailiff:** I declare it carried.  
The third amendment, which has also been circulated, is proposed by Deputy Bebb and seconded by Deputy James.  
Deputy Bebb.

1065 *Amendment:*  
*To insert at the end of the words in Proposition 10 ‘and report back to the States of Deliberation on this matter by no later than the end of 2016’.*

1070 **Deputy Bebb:** Thank you, Monsieur Le Bailli.

I believe that this will actually be a very quick debate, but I did want to use this particular amendment in order to highlight some questions concerning capacity legislation because I think that it is an area that we need to expand upon just a little.

1075 Currently in Guernsey we have no capacity legislation and capacity legislation, by its very nature, allows us a much more nuanced approach towards people when they are dealing with capacity issues.

Currently in Guernsey I believe that we have three provisions to deal with capacity but they do not deal with it very well.

1080 The first one is a Power of Attorney. If someone was to hand over a particular ownership or particular item, in relation to their life, it is specifically within a Power of Attorney. If they develop a lack of capacity, that Power of Attorney ceases to be effective. Therefore it is quite understandable that if someone develops dementia or if they develop certain problems then that Power of Attorney fails at the very time that you would need it to be in effect and therefore it does not actually assist in relation to capacity.

1085 Another area that can be dealt with capacity is guardianship. Guardianship means that you hand over *all* responsibilities to one person but, of course, it is quite possible that someone has the ability to very capably describe what they would want, in terms of clinical needs, in terms of assistance, but that they lack capacity in relation to another area of their life, such as financial. So there is a ‘one size fits all’ approach which is very black and white once again. It does not allow for that nuanced approach.

1090 The final approach that we have available is that in relation to mental health – and I use an example that if someone has a bi-polar issue and they are going through a period of mania, they will be quite capable and quite competent in relation to most areas of their life, but will once again lack capacity – which is quite understandable – in relation to something like financial matters, but our only option is to then put that person within Albecq Ward. Once again, it is an extreme measure. We are looking for something far more nuanced and therefore capacity legislation, of itself, is necessary in order to give people a much better understanding and a better way of dealing with issues when they struggle with capacity.

1100 The reason for the amendment is simple. This is a very large and complicated area. It comes with problems. It comes with a lot of work that needs to be done. I do not envisage that that work is possible within the term of this Assembly and therefore will go beyond the election. I am, therefore, seeking to tie the next Assembly to reporting back – not *with* anything, other than reporting back – on exactly what they believe the provisions should be on capacity. That is the purpose of the amendment.



1105 I would sincerely hope that, given that it is seconded obviously by a Member of HSSD, it has support from the whole of HSSD – and the largest amount of work will be done by HSSD – and that we will have the support of the Assembly.

Thank you.

1110 **The Bailiff:** Deputy James, do you formally second the amendment?

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

**The Bailiff:** Any debate?

1115 Deputy Gollop.

**Deputy Gollop:** Yes, I gather that this was very much initially a component and integral part... may be Deputy Adam can inform us of the lengthy work done towards replacing the 1930's Mental Health Act with a fit-for-purpose Law and, of course, since that time, Ms Crosby has advised and continued developing guidelines and codes of practice.

1120 Clearly, capacity was a side issue that linked with it. It also has to inform the Supported Living and Ageing Well Strategy. Capacity, as we have heard from Deputy Bebb, is a very complicated subject whereby people might lack self-control in some areas of their life, on some occasions, but not in all. So it does need to be tackled and tackled as a priority.

1125 Perhaps a secondary point I might make here would be that capacity has a variety of meanings and a specific meaning here to do with sound legal judgement. But if we look at the capacity of the States, as a whole, there is an argument that we lack capacity to deal speedily with some forms of legislation and we do very much need to sort that out. I still think that Christmas 2016 is an unacceptably long time frame and that the work should be done next year, for bringing back to the Assembly by the spring of 2015 and going and outsourcing to a professional consultant in this field, if necessary.

1130 I support the amendment.

**The Bailiff:** Any further debate?

1135 Deputy Adam.

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

1140 Since Deputy Gollop expected me to know something about this, (*Laughter*) I thought I should say what happened – and Deputy Sandra James actually knows more about it than me because this is her field – being mental health.

What happened was that mental health Law was a very complex and large piece of legislation which took long enough to sort out and then consider implementation of the changes that it brought about.

1145 It was considered, at the time, that if we waited for the capacity legislation to be organised and brought forward with it, we would delay the main bulk of the law. We felt it was important to get the changes with the main bulk of the Law, which are significant changes to the benefit of the clients who go for help and support in relation to mental health, and was long overdue – I think by about 30 years. Therefore it was important to get it on the table and I think the best person to say how easy it is to get the capacity legislation would be HM Comptroller.

1150 **The Bailiff:** Procureur.

**The Procureur:** I agree with that. (*Laughter*)

1155 **Deputy Adam:** And, sir, I thought he might answer something similar.

So I am sure it has to be done. Yes, certainly. When? It has to go into the queue and if this Assembly feels it should be pushed up and made more of a priority than other legislation then I think we should accept this amendment unanimously and direct the Policy Council accordingly.

Thank you, sir.

1160 **The Bailiff:** No one else is...  
Deputy James.

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

1165 I think that there is very little that I need to add to Deputy Bebb's explanation of capacity but, however, having been mentioned by Deputy Hunter Adam expressing the view that I am the expert in the field, I would just like to dispel that myth immediately. (*Laughter*)

1170 However, I think, in view of the issue that Deputy Gollop quite rightly raised... was that I felt extremely disappointed, as a mental health nurse, that the Capacity Act was not being moved forward in parallel to the review of the Mental Health Act.

I think I am right in saying that the Mental Capacity Act was introduced in the UK probably almost 10 years ago now and with hopefully adequate professionals who were trained to implement that particular Act.

1175 Sadly, as Deputy Hunter Adam has explained, the process is slow but I thank Deputy Bebb for actually moving this forward and was delighted to second it.

Thank you.

**The Bailiff:** Thank you.

Deputy Fallaize.

1180

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

It is just something Deputy Adam said that has made me get to my feet.

1185 I think it is important to recognise that this Proposition 10, which the amendment relates to, is a direction to HSSD to research and develop options for capacity legislation. It is not a direction for the legislation itself to come back to the States and I think this is the point that Deputy Gollop was making. If this was a direction to prepare legislation and have the full details of the legislation back then I can understand that it might not be possible to do it until the end of 2016, but if the amendment is successful – given that what is proposed in this amendment is actually a policy letter – it is not legislation, it is laying a policy letter setting out options for how legislation might be shaped – I would encourage HSSD, if they can, to come back to this States rather than to leave this matter for a subsequent House.

1190

Thank you, sir.

**The Bailiff:** Deputy Le Tocq.

1195

**Deputy Le Tocq:** Thank you, sir.

1200 Notwithstanding what Deputy Fallaize has said, I think the issue here is that, in order to even come to the point of producing a States report or policy letter, there would need to be an investigation and a lot of work done – my understanding would be – on such legislation and how it would apply to Guernsey or the Bailiwick. However, because this is a vital and sensitive matter and overlaps, definitely, with the work undertaken by Deputy James and her working party, and affects the issues we have got today – that is why we flagged it up in this Report – I am supportive and the Policy Council is supportive of this amendment.

1205

**The Bailiff:** Deputy Bebb to reply to the debate.

**Deputy Bebb:** Thank you, Monsieur Le Bailli.

1210 The one question that we have is 'why we can't we bring this back sooner?'. In the same way that we heard from Deputy Adam as to why it originally did not appear as a result of prioritising the mental health legislation, once again HSSD feel that we need to prioritise our investigation into disabilities. So this is why we, realistically, cannot envisage that initial paper appearing before 2016 – because it goes beyond that election. That is why it seeks to tie the next House. I would sincerely love somebody to raise additional funds for HSSD in order to undertake the work in advance. It is a very large piece of work.

1215

There is one other thing that I want to highlight in relation to this debate, of course. We have talked about the people who lack capacity. We have not in any way discussed – and I think that we should highlight – that the people who currently make certain decisions are afforded no protection under the Law and, therefore, it must deal with the people who make those decisions in the event of a lack of capacity, as well. It is a two sided question.

1220

I hope that I sincerely have the support of the whole Assembly in supporting the amendment. Thank you.

**The Bailiff:** Members we vote on the amendment proposed by Deputy Bebb, seconded by Deputy James. Those in favour; those against.

1225

*Members voted Pour.*

**The Bailiff:** I declare it carried.

We now come to the final amendment.

1230 I know at the outset I suggested that we take all four amendments separately. I have had a request that this next amendment... At least one Member wishes to speak generally while speaking on it and, on reflection, it may be that it is appropriate to take this amendment together with general debate, because I think it does go perhaps to a number of issues that people may wish to raise.

1235 So Deputy Le Pelley will open the debate.

*Amendment:*

*In Proposition 12, to delete 'December 2016' and substitute therefor 'September 2015'.*

1240 **Deputy Le Pelley:** Thank you, Mr Bailiff.

First of all, I have a declaration of interest to make. I am one of two assistants to the States of Guernsey's Disability Champion and, as such, I chair meetings of the Disability Champion's working party, which has discussed the Strategy under debate today in much detail. I am also very proud to be wearing my 'We All Matter, Eh?' supporter's badge, like many other people in the Chamber today.

1245 Also, like everyone in this Assembly, I have an increasing chance of becoming less able or even disabled to some degree with each passing year in the future and this legislation, when it does materialise, will potentially be of benefit to each and every one of us present here today and to many others in our society who will come after us.

1250 One of the details that the Disability Champion's working party has resulted in this friendly amendment... The Strategy takes a giant step forward today. Much hard work has already been done by a number of people and organisations – too many to name and I would not like to embarrass myself by inadvertently missing a major player out, but it is important to keep this very important work to the fore and at the top of our priority lists.

1255 The proposal of the Policy Council asks that it be directed to report back to the States by no later than December 2016. Whilst this does not preclude the possibility that a report could be made much earlier than this, it is quite possible that the reporting back could be done as late as December 2016, which would, in fact, be to the next Assembly of the States rather than to the current one.

1260 This amendment brings forward the date of the progress report to not later than September 2015. This means that the report would be given to the current Assembly and will also ensure that this subject remains more in the public eye and does not lose any momentum.

I am very grateful to Deputy Fallaize for his help and support, and also agreeing to second this amendment. I trust that all Members will be able to support this friendly amendment.

1265 Thank you.

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

1270 **Deputy Fallaize:** Yes, I do, sir.

**The Bailiff:** I now invite any speakers on the amendment or in general debate.  
Deputy Laurie Queripel then Deputy Adam.

1275 **Deputy Laurie Queripel:** Thank you, sir.

Yes, I do rise to support the amendment and to speak generally, if I may.

We had what I thought was a very lively and interesting and an informative drop-in or surgery at the Vale Douzaine Room on Saturday morning. The Disability and Inclusion Strategy was of course discussed at great length and there were members, or a member, of the Guernsey Disability Alliance (GDA) present.

1280 Sir, I was impressed with the points that they made. I left that session with three words very firmly in my head – something of a triple A: Attitude, Awareness, Action. It is that last word, sir, 'Action' that is prompting me to support this amendment.

1285 Sir, we must not let the dust settle on this Strategy. It is too important for that. By supporting this modest hurry-up, in the form of this amendment, that will help to ensure that this Strategy does not just bob along in the sea of all the other well-intended and potentially very good plans and strategies, but will immediately be given some momentum

1290 Sir, ideally, all of these Social Policy-linked strategies would be progressed together. They are designed, indeed, to complement each other, but we need one to take the lead and I think meaningful and successful progression and implementation of this particular Strategy will have such profound and far-reaching benefits for the whole of our community. So, sir, briefly, that is the Action aspect of the three As.

Now, sir, we come to Awareness and Attitude. I was very pleased to take part in an exercise organised by Aindre Reece-Sherrin a few months ago – perhaps it was more than a few months ago – along with a number of other Deputies. That exercise was called Mission Possible.

1295 Sir, we spent just a few minutes experiencing what it was like to have to cope with a disability, via simulations. Some experienced visual impairment. I piloted, or tried to pilot, a wheelchair from the Town Church to the bus terminus and then on to a bus. It was a revelation for me, sir. It was extremely difficult and somewhat frightening. That was the day that my sympathy became, as best it could, a form of empathy.

1300 I felt vulnerable. Things that I had not noticed before, that I had never considered to be a problem... Getting across the crossing in time, the edges of kerbs, the camber of the road, were suddenly massive, almost insurmountable, challenges and getting on the bus, sir, and the effort that took, even with help, that was very hard to describe. Then I had to make my way back to my starting point.

1305 Sir, I felt extremely lucky to be getting out of that chair and enormously humbled by the experience. Up until that time, I thought that my attitude was good and my awareness was sufficient, but, no, I was forced to rethink. That was an incredibly worthwhile exercise, sir, and I thank Aindre and all his helpers for organising it.

1310 Not everybody can experience what we experienced on that day but it was a really well-thought out and resourced programme of education and information. One of the fact sheets says... one of the main proposals... and No. 1 says, 'to improve the information that the States provides to disabled people, to carers, to businesses and to the general public'. I think, sir, a really well-resourced and well-thought out programme of education and information will reap great benefits.

1315 Sir, we are not talking about massive changes. We are not talking about sea changes, we are talking about small changes in attitude that will make such a big difference, such as drivers and other pedestrians being more aware, patient and understanding when somebody in a wheelchair or with a visual impairment is making their way across a crossing, and perhaps lending a helping hand... employers' understanding and making allowances for the fact that it might take a little bit longer to achieve a task or it might have to be approached in a slightly different way. Sir, little infrastructure adjustments that would allow those with mobility problems to negotiate – for example, Smith Street and the High Street – and improve that accessibility, generally, will make such a difference.

1320 When I first heard about the Strategy, I was a touch fearful about what it might entail for small businesses and, in that regard, the fact sheets we have been supplied with have proved to be invaluable.

1325 I will just read a few items on fact sheet 2:

1330 '1. When the Disability and Inclusion Strategy is debated in November, the States will only be deciding whether to start work on Disability Equality legislation...

2. Small and large businesses will be involved in the development of the law. As will disabled Islanders and their families.

1335 3. Guernsey will start from scratch. Our legislation will not be a duplicate of the UK's – we will learn from others' mistakes. It will be based on what has worked well for different countries around the world – we've already done the research...

5. Our law will be firmly based on the principle of 'reasonable adjustment'. That means organisations will only be required to make changes that are proportionate for their size and resources.

6. Reasonable adjustments often don't involve physical alterations to buildings. Many are just simple changes to the way you operate, like adjusting someone's hours. 44% cost less than £50. 95% cost less than £5,000.'

1340 So that is very reassuring... making the point, very clearly, that it is all about a gradual, reasonable, proportionate process. It is not about applying a heavy hand, but rather working hand in hand with the community. It is a journey we take together, sir. That is a point. So if we approve this Report today we can feel good about knowing we have set a good thing in motion but, to corrupt a seasonal saying, sir, such a Strategy is not just for Christmas, it is for life.

1345 We need to start the process today, sir, and ensure that it grows, develops, and matures, and becomes a part of our Island's social fabric and a part of our everyday lives.

Thank you, sir.

1350 **The Bailiff:** Next Deputy Adam then Deputy Bebb, Deputy Lester Queripel, Deputy James, and Deputy Green.

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

1355 I greatly welcome the successful development of this Strategy. It has taken several years – probably too many – but we have got to this point now and, as Chair of the Social Policy Group between 2008 and 2012, I do know how many people have been involved, I do realise the amount of hard work that has gone into this.

1360 The other thing that brings the importance of such a Strategy forward is personal experience. Deputy Le Tocq mentioned it in his introductory speech. My own personal experience was that my mother had senile dementia and my father had brittle nerve disease, and I had 400 or 500 miles in between us. The pressure it puts on the family is quite significant.

Sir, I just wish to highlight some of the aspects that I think were relevant in the progress to where we are today.

1365 First, sir, on 3rd October 2008, there was a presentation from the Guernsey Disability Alliance to the Social Policy Group. At that presentation was Wendy Bevan, Shelaine Green, Dave Purdy, Nick Humphries and the presenter himself, who started it by saying, ‘Can you hear me alright?’ So relevant. When our group met with the previous Chief Minister earlier in the year, we asked him why there had been so little progress on disability issues in Guernsey. He suggested it was because our voices had not been heard and that we needed to speak up. He later told us he was deaf in one ear.

1370 Anyway, I am very glad you can all hear me today. Sir, these words were in a presentation by Mr Robert Platts, who kindly sent me a copy of it. I do not intend to repeat it all because it is a fairly lengthy document, but what is relevant is that action here is identified in 2008 by the GDA for Social Policy Group’s consideration:

1375 ‘Commitment. As the States have re-examined its priorities, bring forward plans for committing to the United Nations Convention. We need the States to commit to researching disability in Guernsey.

Leadership. We should like the States to appoint a disability champion to lead all States Departments. We need the States to look at the consultation process which will encourage and ensure that disabled people are involved and consulted about.

1380 Change. We need the States to commit to changing attitudes towards disability, both within the States and within business and the wider community.’

1385 These words were presented in 2008. We are now, today, seeing a Strategy being published. Why has it taken so long? A very good question. I often ask myself why has it taken so long for the Supported Living and Ageing Well Strategy. (**Members:** Hear, hear.) That started in 2006. But, never mind, these things happen.

1390 So the next important aspect was an amendment to the SSB in 2009, allocating £50,000 for a disability and equality officer development strategy. So we actually then got someone appointed, with money ring-fenced, with a job description clearly laid down, so she could not be dragged off to do something else or put into another position, as happened with the long-term care strategy.

1395 This person developed initially. Work was on the establishment of current services and benefits in key areas and also to help to get an idea of an overview of services established and relationships. It is interesting that report was not really circulated all that much. There are two reports: one was, to a certain extent, the views of the receivers of services and the other, to a certain extent, was what Departments thought of the services they were providing to them. As many disabled people are fully aware, we think our Departments are doing an excellent job in many areas, but they know there are gaps and that is what we have to start looking at – the gaps of the services we provide to those who have disabilities.

1400 The next step was in 2011, when BMG Research and the University of Nottingham commissioned to carry out a Disability Needs Survey. That is the one that is, shall we say, part of the cornerstone of this Strategy Report. It is done in a scientific manner. It has been successful and it has highlighted the problems.

1405 Another issue that was carried out in 2010-2011 was the view of Disability Forum. Deputy Andrew Le Lièvre was the Member from HSSD who was on that forum and felt that it was not satisfactory in some aspects, and a review was carried out by the previous chief officer of HSSD, Mr Mark Cooke, and the issues to be resolved were the governance, strategy development and engaging stakeholders’ rights.

1410 That review has been very successful and I believe has made the functioning of Guernsey Disability Alliance and Disability Forum much better. We have now got this group which is focused clearly on ensuring the Strategy will go forward and, let me assure you, some members of

that group are very strong, forceful and, yes, they did give me a lot of hassle in the four years as Chairman of Social Policy Group – but very well-thought out. They planned carefully and I know it has been said already that the money is coming forward for this Strategy. It has to go through a business case and I am sure T&R will get that business case very clearly thought out because they  
1415 have got members who are experienced and who believe in supporting the people in the Disability Alliance Group and anyone else who has a disability.

So now we have a Disability Forum, and a Disability Strategy Steering Group. Excellent. That will go forward.

As far as this amendment is concerned, I would have to say it is fairly ambitious because of the  
1420 comments I have made about the length of time it takes to do things, but I feel that if you do put pressure on the Department and say, ‘2015’, you may get away with it. I hope so because we do need to see some development.

Likewise, I hope the Disability Strategy Group scrutinises the progress of this because the Proposition says ‘to direct the Home Department’. So we know that the Home Department has  
1425 some functions to fulfil – make sure you see that they are doing that work. Then it goes on to say, ‘direct the Health and Social Services Department’, at 9 and 10. Again, one has to make sure that these Departments pick up the torch and run with it and do not let it burn out and die, as has happened with the 2020 Vision... and the Children and Young People’s Plan has been put aside, and the Health Care Review which has not come forward as yet.

So it is important that that Strategy Group does make sure this is pushed forward. Now it is in  
1430 the public domain, now we know what has to be done, now we have various threads to advance down that line, get them down that line and progress it. As Deputy Laurie Queripel said, some of the things cost £50, some £5,000. Let us try and get logical progress and the funding of a disability officer will continue so that this whole work stream can continue.

I wish you all the best and I am always available at the end of a phone call if you want to bend  
1435 my ear.

Thank you, sir.

**The Bailiff:** Deputy Bebb then Deputy Lester Queripel.  
1440

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

I describe my political thinking as libertarian – the belief in small Government with two  
1445 guiding principles that must be upheld: that Government should protect its people and that Government should protect property. But I stand here and note that, by the inertia of political discussion, this Government has failed in the first of those two principles. We have not protected our people.

I would like to talk of a deficit – not the financial deficit that we obsess over, but a social  
1450 deficit. We have fomented a political discussion where our fiscal deficit is seen as the only imperative that needs tackling and that any other form of deficit can be ignored. Money is allowed to dictate our values and people are seen as collateral damage in the pursuit of eradicating the fiscal position. We are in danger of becoming a community that knows the cost of everything and the value of nothing.

The political discourse, for too long, has viewed spending in a binary form – spending money  
1455 is bad and saving money is good – but this is a simplistic and erroneous view. Evidence from the UK shows that for every £1 spent on the Access to Work programme the UK Treasury receives £1.14 in return. Is spending that £1 bad? Are we to be considered profligate for affording someone the ability to work and contributing taxes?

The political discourse must change: 2014 sees the end of the Financial Transformation Programme, 2015 must see the beginning of a ‘Social Transformation Programme’.

To understand our current social deficit, we must first look at our areas of social concern and  
1460 identify where the deficit lies. It is easy for me to rattle off a number of issues, such as gender, race, sexual preference and, of course, disabilities, but that is just the broad outline. What is required is an analysis of where the deficit currently lies. I believe that deficit to be a chasm from what people expect in this day and age to what is currently afforded them.

We should not be afraid of identifying this social deficit, as the solution is not simply financing  
1465 our way out of it. Money cannot answer all of our problems. Throwing money at gender and equality issues by, and of, itself will not resolve any of the problems that result in a Government comprised of only 10% of one gender that forms 50% of the population.

I know that Members will not be surprised to hear me talk of a political hero of mine. It seems  
1470 to be a staple of my speeches. Thomas Jefferson had a view of the ideal American life. It was the beginnings of what would later be called ‘the American Dream’. His view was of affording each

and every person sufficient land for them to pursue their independent life. He took the most readily available commodity and ensured that people gained independence by its distribution. He even went so far as to complete the Louisiana Purchase – buying twice the size of the existing former English colonies from the French to secure that wealth of land.

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Here in Guernsey, land is not such an easily available commodity, but the richest asset that we possess is also our most readily available commodity – our people. We have an abundance of them that can, and do, make a difference on a daily basis. It is this great commodity of our people that I believe to be our social capital and this is the answer to the majority of our social deficit.

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I am sure we have all seen the ‘We All Matter, Eh?’ videos showing Guernsey people living with disabilities. What I heard was a number of requests for small differences. Those small differences would be made by people – our social capital. I know we are not big on dreams here in the States but we seem to have a lot of visions. (*Laughter*) I am unsure whether the Old Testament prophets were forward thinking or whether the States are antediluvian in their thinking. (*Laughter*) May be Deputy Le Tocq would like to offer his thoughts in closing on this debate. (*Laughter*)

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I would, therefore, like to suggest a Guernsey vision. The problem is self-evident, for those who care to look: a social deficit spanning all areas of our community. The most evident of those areas that we have yet to tackle is race. How we got to 2013 and still permit discrimination on the basis of race is beyond me. The vision would be to enable people to live the life that so many of us take for granted: a home to call one’s own, a family recognised in law, equality of opportunity in pursuing employment, equal service to our neighbour. These may sound like the basics of our lives but to many they are a privileged position. It is not an overly ambitious vision but one that is achievable.

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I believe the Disability Strategy is the best place to start this vision addressing this social deficit. Key to the Strategy is the ‘Equality and Rights Organisation’. (**A Member:** hear, hear.) I suggest that this is not only key to the Strategy, it is key to identifying the full extent of our social deficit and that is why its formation is so pressing. The irony of this organisation not progressing as a result of our fiscal decisions is painfully evident. Our understanding of our social deficit will be deficient as we do not view people as being of equal value to money.

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Having spoken of Thomas Jefferson earlier in my speech, I would like to close by referring to him again. Of course, Jefferson is primarily remembered as the principal writer of the Declaration of Independence. That Declaration has as its preamble the following:

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‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.’

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On 4th July 1776, Jefferson attested to the equality of all men and spoke of their rights, secured by Government – an idea that translated to the French Revolution in 1789. That idea has finally made the crossing from Saint Malo. On 27th November 2013 the States of Guernsey are talking of a Strategy that one day might lead to equality of rights secured by Government, if we find the money. It would seem that nearly 250 years after those words were written we still have much to learn.

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Thank you. (*Applause*)

**Several Members:** Hear, hear.

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

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

At this moment in time we do not recognise the human rights of 14,000 disabled Islanders or their carers. Implementing this Strategy and supporting this amendment will ensure that we do.

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Disabled people do not need pity. They do not need sympathy. What they need is to be included in society. It has taken 20 years to get this far. Let’s not take another 20 years. Let’s bring this Strategy in today and let’s see some action, because it really is time to recognise the human rights of our disabled fellow Islanders and all the people who care for them. (*Applause*)

**The Bailiff:** Deputy James and then Deputy Green.

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**Deputy James:** Thank you, sir. I am rather taken aback – usually Deputy Queripel speaks for much longer. (*Laughter*) You caught me on the hop.

Thank you, sir. Thank you very much.

**Deputy Lester Queripel:** I can always say a lot more, sir, if there is a need (*Laughter*)

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**Deputy James:** Sir, I wish to begin by saying that this is, to me, one of the finest examples of inter-agency working.

I would like to echo Deputy Le Tocq's words of thanks in his opening speech and, at the risk of forgetting anyone, I will just echo that. But I would like to say, and I am sure I am not alone in saying this, it was such a welcome sight to be met with so many smiling and pleasant faces, (**Members:** Hear, hear.) appearing at a States meeting, many of whom were familiar and friendly. So I thank you all for getting up early this morning and welcoming us, rather than the usual coconuts that we usually face (*Laughter*) on approaching this building.

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I ask this Assembly to unanimously support this Strategy, just as you all did for the Mental Health and Wellbeing Strategy. Let us give a clear, concise and unequivocal message to the people of Guernsey and reinforce that we are a civil, caring, compassionate and inclusive States.

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Sadly, there are many barriers to some in our community, be them physical, environmental, opportunity or attitudinal. As you are all aware, there are three central prongs to this Strategy: improving opportunities, promoting positive and inclusive attitudes, and challenging disadvantages. I just know today you *will* vote this Strategy through and it will be the birth... and a positive move in the right direction.

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During my long professional career I have seen very many remarkable changes in both attitudes and behaviour, and the law, towards some of those who are less abled and directly discriminated against, and I quote just a few.

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I recall the law being changed regarding attempted suicide – given you survived an attempt, you were then prosecuted, despite the fact that you may have been suffering from mental illness or depression. Thank heavens, attempted suicide was decriminalised in the UK in 1961 and then enacted in Northern Ireland in 1966. I say that situation would appear quite ludicrous to us now. (**A Member:** Yes.)

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The Strategy is about changing and challenging attitudes. During my training as a nurse homosexuality was considered a mental illness and many forms of aversion therapy were used. Eventually, it was decriminalised in 1967. I say to you that mind-set would be unacceptable to us now.

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Not until a major shift in attitude, around the 1980's, did we see a radical rethinking – albeit a slow change in our approach – to how we treated those with a learning disability. Most were locked away in large Victorian institutions often or, if being cared for at home, were usually confined to their home and hidden from public view. Having a child with such a disability was often associated with some shame or embarrassment and I say to you that treatment would be unacceptable to us now.

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Likewise, people suffering from mental illness and, on occasions, those who had babies out of wedlock, were also despatched to large institutions. Many of whom spent their whole lives there once having been admitted.

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I was delighted to be working in psychiatry when the concept of community care was embraced and many who had been incarcerated for years were allowed and encouraged to live in normal housing, have a job and achieve their desired ambitions – no different to what we all want from life, and I say to you that custodial approach to care would not be acceptable to us now.

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We still have a mountain to climb, in changing and challenging attitudes and language use in relation to mental illness and mental health problems. We are faced almost daily with inappropriate cruel words and actions in relation to those with mental health problems.

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Recently, Tesco and Asda in the UK were irresponsibly advertising a Halloween outfit of an axe-wielding murderer covered in blood and they called it 'The Mental Patient'. Thankfully, following major online protests, including one from me, not surprisingly they withdrew it.

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As recently as Monday this week, and it saddens me to say – not that I am a particular fan of cricket – but we saw the Australian cricket captain referring to England as having a weakness and we all knew what the implication was there – it was that England had a player who was suffering from depression and needed to come home. I say to you, 'That is outrageous and certainly not acceptable to us'.

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Each and every one of us has a responsibility to challenge discrimination and inappropriate language use. I know it is easier sometimes to keep schtum, not make a fuss and not put your head above the parapet, but remember silence can be interpreted as being complicit.

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Members, during this debate there will be doubters amongst us who may use the argument it will be too costly. Well, sometimes doing the right thing does cost money.

Let us remember that this is a transitional process and the document is peppered with words like 'reasonable', 'reasonableness' and 'reasonable adjustments'. It is not asking for all the



1595 cobblestones in our high street to be removed. It is not asking for small businesses to install lifts. It is not placing unacceptable requirements and financially crippling expectations on employers. Please, fellow Members, do not let any scaremongers introduce doubt into your thinking. I ask for your unanimous support for this Strategy.

1600 Finally, just one comment. Whilst there is some reticence to identify individuals who have been responsible for presenting this document to us today – working on it... is that, when I arrived this morning, one face that bellowed out from the crowd with a huge great grin was Shelaine Green and I just hope that that grin is even wider at the end of today.

Thank you, very much. (*Applause*)

1605 **The Bailiff:** Next, Deputy Green who will be followed by Deputy Dave Jones then Deputy Dorey.

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

1610 Just a word on the amendment. I will support the amendment – that is the Deputy Le Pelley/Deputy Fallaize amendment. I am not going to say anything more about that, I will speak generally.

1615 I warmly welcome the introduction of this Strategy. The Strategy is, of course, only a first step, as we know – a first step on a long journey to ensuring that all disabled people in Guernsey have equal opportunities to lead genuinely inclusive lives and it may only be a first step but it is, in my view, an undeniably thoroughly necessary one.

Deputy Bebb, this morning, spoke about the social deficit that is evident in Guernsey and I totally associate myself with what he said. There certainly is a social deficit *vis-à-vis* the provision for disabled people in this Island and that deficit is now being tackled and it is about time.

1620 The three key elements of information provision, the proposed disability equality legislation, and the UN Convention will, in my opinion, create a good solid basis for a more inclusive Island. One of which will begin to remove some of the very real barriers faced by some people in this Island which have sprung up over many years of inflexible ways of working, as the Deputy Chief Minister spoke about in his introduction to the debate this morning.

1625 We all know that disabled Islanders are a very valuable part of our society and represent a fairly substantial section of our total population. This Strategy should be viewed as the start of a new, clear focus from Government and the wider community to deliver proper, lasting change to peoples' attitudes and aspirations around disability.

1630 Members, Mr Bailiff, it was only last year that the whole world marvelled at the exploits of athletes at the Paralympics. In many ways the Paralympics was a global game changer in terms of looking at disabled people, in terms of what they can do or they are able to do, rather than what they cannot do. But the hard reality is it may well take years of hard slog and clear focus under this Strategy, to genuinely change attitudes and aspirations in this Bailiwick for good.

1635 The Strategy itself does not set out tangible outcomes, in my view, but it seems absolutely obvious to me that the improving of information provision for disabled individuals and their carers will go an awfully long way to ending the unfortunate practise of disabled Islanders in this community being passed from pillar to post between different States Departments and services.

1640 I also think there will be a variety of implications that we should not necessarily try to disassociate ourselves from today. If we sign up to the UN Convention – which I dearly hope we will – clearly that is going to have a variety of implications, including – and I mention only one example – to the benefit system, in light of the certain particular Articles that are contained in that Convention. The disability equality legislation – that again I strongly favour – will clearly have obvious and clear implications for both Government and, of course, for business.

1645 The duty to make reasonable adjustments will have to be faced by both sectors – and the key word, of course, is 'reasonable'. Any new legislation will only require a business – including small businesses – to make adjustments that are reasonable with regards to the size of their organisation and their own resources. In future, I dearly hope that there will be a package of financial support available for small businesses when such changes are deemed necessary.

1650 I genuinely believe that small businesses should not fear the prospect of legislation in this area unduly and – it is almost trite to say this but I believe it to be true – any legislative provisions in this area can and will be interpreted with a healthy dollop of common sense.

So, yes, this Strategy is quite high level with no particular clear, tangible outcomes but we ought to acknowledge the full variety of implications that signing up to the Convention and the introduction of a new Law will create.

1655 I do want to sound a note of caution and, again, I applaud what Deputy Bebb said about the need for the equality and rights organisation because I do have concerns about the lack of an

equality and rights organisation being set up *ab initio*. I fully understand that there are good financial reasons for that and I do reluctantly agree with the Policy Council – in terms of they are going to go away, formulate a business case on that and, in due course, when funding is available, come back to the States on that – but I consider that an independent equality body is absolutely crucial in helping to make this Strategy fly.

1660 This is not just another quango that we do not need. If Guernsey purely relies on individuals being brave enough to bring complaints then the necessary attitudinal change will be about as quick as a glacier. It will be exceedingly slow. So an independent equality body which will be able to challenge organisations, including this Government, that will be able to issue enforcement  
1665 notices and that will be able to take complaints to the tribunal itself, I think is very important indeed and, in essence, that body will be able to bring together the disparate strands of improving, promoting and challenging in this area. So I really hope that the message gets back to the Policy Council on this loud and clear, that this body is not just another quango, it is essential.

1670 In conclusion, I do welcome the Strategy very broadly and I do genuinely hope that this is the first step towards changing societal attitudes and individual attitudes with a view to improving the quality of life for all disabled Islanders. It has been a very long time coming... all disabled Islanders, together with their carers. So that they can all be active – socially, culturally and economically – within the Island.

1675 Today, in essence, we have a real opportunity to break new ground and to start this very positive journey and to start addressing the social deficit of this Island. It is about the quality of opportunity for all disabled Islanders and I hope this policy letter will be strongly supported.

**The Bailiff:** Deputy Dave Jones.

1680 **Deputy David Jones:** Thank you, Mr Bailiff, Members of the States.

You know what, this is what makes Guernsey so special. Just look around you. These are members of our community who have come to their Parliament to watch legislation being enacted. This is what makes Guernsey so different from many other places in the world. This is our community getting involved with legislation and coming to their Parliament to see us put it into  
1685 practise and I applaud every single one of them who turned up here today. Of course, there will be others who could not come here today and we think of those too.

Let us just talk about, first of all, what Departments should be doing. From my point of view, the Housing Department is an impassioned supporter of this long overdue Disability Strategy. For years, we have been adapting our properties to enable people to stay at home, wherever that is possible, including small extensions, where space has allowed, installing wet rooms, where they have been required, with external ramps to gardens and street areas and providing hand rails and anything else that will improve the lives of those with various disabilities.

1690 We have also been very grateful – you would not think so last month – to our Social Security Department (*Laughter*) who has helped tenants over the years, with the extra funding for specific needs to retrofit properties in order to make them better suited to their needs and, as I say, we are grateful for that.

1700 However, over the last decade or so, through our partnership with the Guernsey Housing Association, we have stepped up our obligation to disabled Islanders considerably. All the new social housing and partial ownership properties built in recent years have been constructed to Lifetime Home standards, which means that anyone can live in them with varying degrees of physical disability. All the doorways now are fitted to standard – are wheelchair compliant. In other words they are of a width that will allow people into those homes at any stage of their life and allows them to stay there.

1705 I checked the other day and the GHA now have 132 properties that have been allocated to those with specific disabled needs. In addition to those are, of course, the ones that the Department have done itself and have adapted over the years for people with disabilities.

1710 We have also had some incredible feedback – and unprompted feedback – from tenants who have benefited from the new accommodation. Showing some Deputies around the new housing at the Grand Bouet a few weeks back, I was stopped by a guy moving in to his new house, who was eager to talk to us and invited us in to view his new home. He was very proud and really excited that he now had somewhere where he felt secure and which catered specifically for his needs.

1715 Here we had a single 61-year-old man who has been suddenly struck down by a stroke and who sadly would never work again. After a period of rehab at the PEH, he was able to go back to where he had been living, but it was only on a temporary arrangement because his room, unfortunately, went with his previous job that, of course, he could no longer do. Also, his room was on a different floor to the communal cooking facilities so he had to go up and down the stairs

whilst being unsteady on his feet at times. So his world had shrunk. He now had to spend all his time either in that one single room or just wandering around the town. So he desperately needed a new address and the new homes at Rue Sarchet and Rue Jamouneau provided the answer. His new house was literally a life changer for him.

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That is what this Disability Strategy is all about. It is about changing peoples' lives – giving people the same opportunities that we all take for granted. At Housing we have a real commitment to change many more lives as our joint development programme moves forward. Whatever a person's disability, whether it be physical or non-physical, we want to provide them with living environments where they can maintain or, in some cases, rediscover their independence so that they can participate in society as fully as possible. For those who need a little more help and support, we want to build more sheltered and extra care housing. We are here to help and that we will do while there is funding and sites to do so.

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Okay, enough of the Housing Department, let us talk about me. (*Laughter*) Before I started this speech I should have perhaps declared an interest in this Strategy, as I am actually a disabled person – officially, that is. I might not walk around with a label on my forehead and I refuse to display a blue badge on my car, but I suffer from chronic emphysema. My lungs are damaged and, while drugs slow the progression, they cannot repair it, but that is just the way it is. Most of the time you would not notice. My wife says, 'As long as your mouth keeps working, we will never starve,' (*Laughter*) but run up a set of stairs ahead of me and you will soon see how long it takes me to join you at the top. Like many of the people in the 'We All Matter, Eh?' videos I have a hidden disability, but I count myself as one of the lucky ones.

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I am more than capable of making my needs and views known and I have a supportive family and friends to help me when I need it. My employers, the parishioners of The Vale and the States of Guernsey, are flexible. They understand and allow me the time I need to function to the best of my physical ability. I can, if need be, in the Department delegate to an excellent Board, Chief Officer and the Department civil servants, who know my limitations by understanding there are some things I simply cannot do. And, of course, all of you, my fellow States Members, make allowances for which I am very grateful. But consider this, what if I was still driving diggers for a living? How different would my life be? Construction is an extremely competitive industry. It is also a very physical occupation where shortness of breath can seriously affect your ability to do the job. Would my employer even consider making a reasonable adjustment away from the heavy work of operating machines by transferring me, for instance, to do an office job? Would they be able to if they tried? Who would be there to give them and me information and advice to help make those decisions in a way that was fair to them and to me? Could I find another employer who would allocate me a less physical job that I could do, or would I be turned away and become dependent on the benefits system?

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As our population ages and the retirement age rises, I suspect that there will be many more people like me and, as a result, we are going to need lots of other informed and flexible employers in Guernsey. So, unless we are prepared to have a proper information highway telling employers what their options are, in order to help employees who have developed a disability such as mine, and we are not content that people spend years on disability benefits when they clearly want to work, then we need this Strategy.

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There are lots of other simple community things we can do tomorrow to help with disabilities. Unless, of course, we want people like me to buy everything off the internet, we need to make sure there is somewhere to sit down at bus stops or in the shops. We also need to improve access to some of these shops.

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Sadly for all of you, I am not ready for the scrap heap yet. (*Laughter*) I like to think I still have something to contribute to the Island and I am certainly not ready to spend years on benefits when there are jobs I can still do. And what I have, I want for others.

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The main thing I have learnt from the development of the Disability and Inclusion Strategy is just how many people there are like me in Guernsey and the barriers that they face in going about their everyday life. I intend to support this long overdue initiative for as long as my flexible employer, the people of the Vale, give me that responsibility.

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However, I recognise that lots of other Islanders are not so privileged. They are much more isolated, less assertive and, in many cases, do not know where to turn for help and assistance. This Strategy is about helping to change all that. It is about bringing disability out of the closet and into the open. It is about helping people to help themselves by providing them with up-to-date information to do so and it is also about what sort of Island we want to live in. It is all too easy to say, 'We want to improve things,' and then go away and do nothing. We have heard some of that this morning. This Strategy cannot be about that. It is not about a box-ticking exercise, as others

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have said, ‘Oh, I know, we have needed a disability strategy,’ followed by, ‘Oh, goody, now we have got one so that is okay then, the job is done.’

1780 Many of those with disabilities I have met do not want our sympathy, far from it – a more spirited group of people you would be difficult to find. They just want us to remove some of the obstacles and make sure that we understand some of the difficulties that they face every day of their lives. Government sometimes builds its own obstacle courses that would equal the best the British Army can put up at times, simply because we do not think. We do not think when we design buildings and road layouts, pedestrian walks or even access to rural areas. How different  
1785 some of those things might be if we had some of our disabled Islanders working in those Departments. Think about that.

So let’s not just vote this through because it is the right thing to do. Let us support this Strategy and vote this through because we honour those who struggle with disabilities of varying degrees from the moment they awake to the moment they go to sleep. Let’s do this because we mean what  
1790 we say and because, whatever Departments we serve on, we will do our best to find ways of improving things and enriching their lives, giving them the dignity and independence that we would expect for ourselves.

Thank you. (*Applause*)

1795 **The Bailiff:** Deputy Dorey.

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

I also support the amendment. The Health and Social Services Department, which has made a significant contribution to the development of this Strategy, welcomes it and its commitment to  
1800 improve opportunities for disabled Islanders and carers, challenging disadvantage, and promoting positive attitudes towards disability.

The Disability and Inclusion Strategy has a great deal of significance for the work of this Department. There have been many facets. HSSD is a large employer and we will continue to endeavour to be inclusive and non-discriminatory in our employment practises. As a major  
1805 provider of services, we will continue to work towards improving the accessibility of our buildings, our information and our services.

Most importantly, HSSD provides services and support specifically for disabled people – both children and adults – and for carers. We are responsible for meeting the care needs of people with complex physical and mental health conditions, and this Strategy reflects our commitment to  
1810 doing so in a way which respects the individuality of each person we work with and which promotes their independence.

If the goals of the Disability and Inclusion Strategy are to be achieved, HSSD will have a large part to play and we are committed to doing so. The Strategy will require HSSD to research and develop options for capacity legislation and report back by the end of 2016, which will help to  
1815 ensure that disabled people have control over their lives wherever possible, that they are protected from exploitation and that each person’s preferences are respected. Most disabled people will be unaffected by capacity laws but those who stand to benefit from it are generally users of HSSD services: people with dementia or learning difficulties, some mental health conditions or brain injuries, people who may have more difficulty in making or communicating their own decisions and who are therefore more at risk of being taken advantage of.  
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Appropriate capacity legislation will help us to fulfil Articles 12 and 19 of the UN Convention on the Rights of People with Disabilities which relate to equal recognition before the law and inclusion in our community. It is right at the heart of HSSD’s social care mandate and we will work closely with other States Departments, voluntary organisations, carers and disabled people.  
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The Strategy will also require HSSD to develop frameworks or plans for people with learning difficulties, people with autism and communication difficulties, and people with dementia. This stems from research which found that these three groups of people, together with people with mental health conditions, most frequently experience disadvantage of one kind or another in their day-to-day lives.  
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These plans will look at the range and the type of services available to people in these groups – which might include respite care, assessment services, community support and many other elements – and ensure that these are adequate. They will also look at training and awareness training, and will help to promote equality and challenge discrimination.

The reason why there is no requirement for HSSD to produce a framework for people with mental health conditions is because this work has already been done with the implementation of the Mental Health and Wellbeing Strategy.  
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I just want to take a moment to set realistic expectations. Each of these pieces of work is substantial and will involve similar staff groups and a similar pool of representatives from the voluntary sector. To do them justice, we must give each of them the time it needs and we cannot hope to complete them all at once.

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HSSD has given some initial thought to this work and we believe that each framework is likely to take a two-year development, with the first year dedicated wholly to research, consultation and fact finding, before we draw up a plan in the second year. We think we can stagger this work with some overlaps, beginning the first framework in 2014 and completing the third by the end of 2017. But we will, of course, refine our plans following this debate.

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Finally, we will seek to imbed this Strategy in all our work as a service provider, as a policy maker and as an employer. HSSD has been involved in the development of the Disability and Inclusion Strategy since the very beginning and we are committed to being involved in putting it into action, both by making changes within HSSD and in the work we do, and by working closely with other States Departments and external organisations to promote and support meaningful change across the Island.

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As a Department, many of our staff are closely involved in the lives of disabled people and carers on a day-to-day basis and we know first-hand what a difference anti-discrimination laws, greater accessibility and improved information will make to social inclusion in Guernsey. Thanks to the aspirations and actions of disabled Islanders and the voluntary sector, Guernsey has seen a substantial change in attitudes towards disability issues in the past few years, and I hope that today's debate will see the States match that commitment with its own will to make our Island a more equal and inclusive community.

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Thank you.

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**The Bailiff:** Deputy Brehaut.

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

I have to say it was marvellous walking in to the Assembly this morning to be lobbied in such a friendly way. It was very nice indeed. But I have to say the lobbying and the expectation makes me extremely nervous because you cannot carry through a Strategy like this by meaning well and with good intentions, and when the public gallery is cleared, and on the days when people are not lobbying for us, we will be going back to our respective Departments and Committees and have something tabled in front of us that will mean making a difficult decision because it chimes in and is part of the broader Strategy, and we must never forget that.

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I will single out, for example, the Strategic Living and Ageing Well Strategy that was the older persons' strategy. A member of staff said yesterday – very telling – while we were at a meeting at HSSD, 'You see the States are really good at building things but they are not very good at righting things,' and I thought it was quite a profound observation, in its way.

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Sir, when I was walking my daughter to school this morning, in her backpack she had a sponsorship form and she had raised £30. Well, when I say she had raised £30, she had actually found my wallet, is what she had done! (*Laughter*) It was the Lepra charity and she wanted to raise £30 because if you raised over £25 you got a free alarm clock. (*Laughter*) So there was an incentive there and I find it refreshing how charities have changed and how charity in society moves forward. My generation will remember the charity for leprosy. When I was at school it was called the League of Pity. If you remember those papier-mâché blue eggs that were really difficult to open when you needed to buy a bag of crisps on the way to school, I have to say – but nevertheless society moves on, charities move on and they have to be more innovative in the way that they raise money, and I am glad to see that Guernsey is eventually getting there and reflecting change in the broader world around us.

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I, too, would give a very direct experience of disability. My father was partially-sighted. My father died at the age of 54 and, not long before he died, he really could not see a great deal. I think I said at another meeting or presentation with some States Members recently that my interest in politics came from the fact that my mother was on one side of the room reading the newspaper to my father and there I was sat in the middle, as a young child, getting these quite mature stories. I think that is probably where I got my interest in politics, although it did take far too long for me to do anything about it, I have to say.

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In the room with us there was also a light box in the corner called a television and on that television was Mr Magoo. How funny that was – Mr Magoo! There he was, believing he was in a skyscraper, when, of course, he was not – he was on a girder, hundreds of feet above the ground just about to fall to a death and wasn't that hilarious, because if you are partially-sighted and near blind you get in some really funny predicaments and it is just a scream.

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1900 Of course, we do not have Mr Magoo anymore. Mr Magoo has been put to bed because it is not politically correct – rightly so – and it is not what we would want to do, is it. We would not want to ridicule people who are visually-impaired or near blind.

1905 You would not want to do that, of course, unless you sold glasses and Mr Magoo is back on television these days. It is absolutely hilarious. Two elderly people, who do not know where they are, think they are on a bench when in fact they are on a fairground ride so they get taken through the mill and it is funny. It is funny because they are old and it is funny because they are partially-sighted. In the other hilarious commercial, this near blind shepherd, who does not realise he has his dog, ends up shearing the dog and that is extremely funny, isn't it. On one level it works. That is the danger of marketing. That is the danger of young advertising executives not being disciplined.

1910 It is not funny, it is unfair and it is discriminatory, but how many people in this Assembly today would allow me to draft a letter to one of the Island's biggest employers, saying, 'We do not like your ads. They are discriminatory. Being partially-sighted is not funny and stop it. Stop doing that?' How many of us, if I drafted a letter, would sign – to Specsavers – and ask them to stop that type of advertising?

1915 Imagine if those people were young. Imagine if the people in the ads were young. A young person getting on a joy ride and having a bad experience would not be understood because you would be saying, 'Hold a minute, the reason he did not enjoy it is because he is blind and, wait a minute, a young blind person – that is not funny,' but an old blind person – that is not funny and I hope they do something about that.

1920 I think I do not want to appear a killjoy in saying that, but it was Deputy Stewart who prompted me with his remarks that repetition builds reputation. Well, I would contest that and marketing gurus have been some of the people who have done more damage in perpetuating stereotypes. If you look at the some of the marketing aimed at children and young adults, that really does make their lives... the expectations it raises is really quite outrageous – some of the advertising.

1925 When politicians tell you that, 'We are all in this together', be warned. When you are 'all in this together' that means austerity is just around the corner. When the reality is that we have not all been in this together for some time. Many people have been marginalised by the absence of policy and common sense over many years.

1930 I will hold my hand up. I have been in this Assembly nine years and what have I done before today? I have been a Member of HSSD for I do not know how long – okay perhaps too long – but what have I done as an individual? So there is no high moral ground here. This has taken too long and it has taken me too long to apply myself to this subject.

1935 In trying to get some sort of context and feel for where the community were with the Disability and Inclusion debate, I went on to the forum and I found it, on one level, quite enlightening and engaging, intelligent and rewarding, and on another level, I thought it was plain disgraceful what some other people were posting.

1940 This may sound over the top, but in light of some of them... I will read what Arthur Koestler, the writer who wrote *Ghost in the Machine* and other novels, said. He said – and it sounds over the top but this is what happens when society fragments:

'First they came for the Socialists and I did not speak out because I was not a Socialist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me and there was no-one left to speak up for me.'

1945 and that is what happens. It is a trite political cliché but that is what happens when we are not all in this together – and we need all of us to be in this together and to share with the community during the times of austerity, when perhaps... and I like the phrase coined by Deputy Elis Bebb when he spoke of a 'social deficit' – I think that is one that should be ringing in our ears. But our society, our Guernsey community, must share during times of austerity and when the economy picks up and everyone needs to benefit from that.

1950 You are probably all aware I have a young son who has exhibited some challenging behaviours at times. He is very fortunate enough to attend Le Murier School. I remember, not so long ago, running to the car because it had started to rain and we were running to the car as fast as we could and we were soaked through and running from Morley Corner to the top of the Val des Terres absolutely soaked through, stair rods coming down, and Etienne said to me, 'Dad, stop! Stop!' So I stopped and then we are really getting wet and I said, 'Why have we stopped?' and he said, 'Well, it only started to rain when we started to run.' (*Laughter*) That may not be normal but is it not just blooming marvellous.

Please support these proposals, thank you. (*Applause*)

1960 **The Bailiff:** Deputy Langlois.

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

It goes without saying – and that is a silly phrase to use at this juncture – but it goes without saying the Social Security Department clearly supports this Strategy. Two of the Members of the Department have already given impassioned reasons for their support of it and I would join them in that regard.

1965 Nobody is going to oppose this. As the Strategy explains, Social Security has been a member of the Disability and Inclusion Strategy Steering Group but, sir, today my colleagues on Social Policy Group, and others who have been involved in the development of this Strategy who happen to be present today, I think would actually walk away disappointed if I did not introduce a sort of chilly breeze of reality around it, in order to get some balance alongside the absolutely right and proper support which we have heard and will continue to hear, I am sure.

1970 The reason I need to do that is because of an awareness of our mandate, our duty, in Social Security for providing services but, at the same time, for prudently managing the funds available to us, and that is a balance which will not go away. It is there and it will stay.

1975 So, sir, if I refer people to page 2172, there is a brief letter of comment from the Department and it simply points out – and it feels that it was our duty to point out – that there are cost implications, which are very modest and we have already raised the stakes on that today, and that we feel obliged to draw the attention to the fact that future development and extension of the Strategy will almost certainly involve substantially higher costs.

1980 Reference has already been made by Deputy Green to Articles in the Conventions of the Rights of People with Disabilities and those will require the enhancement and extension of existing benefits or the introduction of new benefits associated with Disability and Inclusion. So, that, I think, needs to be just registered and remembered as part of today's discussion.

1985 We closed the letter with: 'The foregoing comment is made in the interests of informed decision-making,' and I would say today and in the future, 'and the Department would in no way wish this reservation for the future to delay the approval and progression of current Propositions.' So this slightly tepid water speech, alongside what we have heard, is not intended to back off from any of the passion which we are hearing this morning.

1990 Let me demonstrate briefly some ways in which the Department's realities, in relation to the future and further implication of the Strategy, could be affected.

Sir, we have heard an awful lot, almost *ad nauseam*, over the last few weeks and months about demographic projections reported by the Social Security. I know you are absolutely riveted by the statistical side of this and so I do think that we should remind you, on each and every occasion, about the demographic realities. Through the Government Actuary's Department, they report to us, and Social Security is very pleased to see that the Policy Council acknowledges the importance of the Strategy with helping to prepare Guernsey for an ageing population. The Strategy has identified the relationship between the increase of disability with age – there is a correlation there and it is quite a difficult one to track because you get all sorts of different shades and opinion, particularly medical opinion, about how the changing demographics will lead to changing health care patterns and requirements.

2000 It has identified that relationship between age and disability, and the States have already identified the fact that the retirement age will change to 67, over a period of time, in the foreseeable future. That has already been decided and that, obviously, will have clear implications for people with disabilities. We also note that the Strategy will seek to help people to become and remain economically and socially as active as possible.

2005 My still friend Deputy Jones has got a worry. It is not a worry that he has revealed to me before. He is worried about becoming benefit-dependent. I think I can relieve him of that worry, in the short term, because I have done a quick back of the fag packet preliminary assessment and I suggest he probably does not qualify at this stage, but he should not worry too far. But Social Security fully supports activating all of those who are able to return to, and maintain, work to their maximum capability, and the Department has noted, in paragraph 51, that while employment levels of disabled people are relatively high, under-employment and job retention are issues which have been identified and need addressing.

2010 Our Department supports a Strategy Statement that, 'The relationship between employer and employee, or between business and customer, is meant to be a mutually beneficial one.' That is a quote, again, from the Report. For our part, we are able, through – you would want to know – section 39(A) of the Social Insurance Law – I am sure you are all very familiar with it – to assist people with getting back to work when they are able, through help with training costs, back to work bonuses and recruitment grants for employers.

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It is vital, as the Strategy demonstrates, that small as well as large employers are supported so that disabled people can gain and remain in work. The Department supports the aims of the disability equality legislation: to increase opportunities for disabled people to participate in society and wider implications that this will have on personal, social and economic wellbeing in the community.

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So Social Security is already very active in the provision of some supported employment. We note that the Strategy acknowledges the rights of carers. Social Security administers the soon to be named – after this morning’s decision – Carer’s Allowance, which is for people who care for a severely disabled person. Likewise, the soon to be renamed Severe Disability Benefit Allowance – the Attendance Allowance, as was – is there and is in place and, if I can accelerate through the next list, besides those Social Security provides a variety of other benefits to assist those who have a long-term sickness or disability, including Invalidity Benefit for long-term sickness, Industrial Disablement Benefit for those with long-term or permanent disability as a result of an accident at work, Industrial Injury Benefit for short-term sickness relating to accidents at work, Industrial Medical Benefit, which covers medical treatment related to accidents at work, Long-term Care Benefit, Supplementary Benefit for people with disabilities and Supplementary Benefit for people who are sick.

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Those are operating today. They are there, they are in place. Through the Supplementary Benefit Law we are able to fund the provision of special equipment for those people who have a disability, such as medical appliances, aids from St John’s, as well as health adaptations, which were mentioned earlier, and assisting people to attend health appointments. I only give you that list simply to put a caveat on today’s events, just to say that I make a plea on behalf of the Social Security Department.

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So, sir, in conclusion, we fully support the Strategy and its implementation – have no doubt about that – but I think that the next steps and the further development must dovetail clearly and efficiently and take full account of current related activities and build on the provision which is already there.

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**The Bailiff:** Deputy Trott.

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

I think in any debate of this nature we run the risk of becoming, or attempting to be, a little too politically correct. So to counterbalance some of the things that Deputy Brehaut said earlier, I recall, with great fondness, watching on Britain’s Got Talent last year a superb, young disabled comedian who won the hearts (A Member: Hear, hear.) and minds of the British public. We were laughing with him. We were certainly not laughing at him.

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Sir, on page 2139, paragraph 139, we are reminded that the Policy Council recommends retaining the post, created through a successful new service development bid, for a Disability and Equalities Officer, back in October 2009. I remember, not necessarily fondly but with reasonable clarity, as many involved with the GDA will, that we arrived at that funding through a somewhat circuitous route. It was a perfect example of the creative accounting that sometimes goes on in the States. Nothing has changed, sir, because Members will have seen that we are using the budget reserve for the initial funding of this initiative moving forward. I say ‘initial’ because that is a short-term remedy and one that, my friends and colleagues in the Treasury and Resources Department will be well aware of, cannot be sustained.

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I think, sir, that anyone who was in any doubt as to the value of this initiative need have looked no further than this excellent sheet that was given to us and, of course, has also appeared in our newspaper breaking down into sound bites why this Strategy is so important. I have done my own prioritisation within the eight messages that are given. I think number 3 probably comes first and number 4, second, and number 2, third.

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For those who have not got access to this material to hand, let me say that, for me, it is all about our reputation. We are reminded that 95% of the population of the world lives in countries that have signed the UN Convention on the Rights of People with Disabilities and Guernsey is in the remaining 5%. That is not good for our international reputation and it is something that needs to be remedied swiftly.

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Equally compelling, although I have relegated this marginally to second place, it is good for our economy. Disabled people are loyal customers and loyal employees and Guernsey is currently losing out on talent and spending power. Carers are giving up work, unnecessarily, for lack of the right support – an issue of carers and right support I shall return to shortly.



2080 Lastly in this trilogy, sir, inclusive societies are happier societies. Peoples' attitudes can, often unintentionally, exclude disabled people from society. Communities that accept and include everyone are happier places to live.

I doubt that there is anyone in this Assembly, or more widely in our community, who would disagree with those three key points, which is why I am able to unreservedly support this initiative.

2085 I said I would talk about carers and I intend to, sir. If we turn to page 2132, there are three paragraphs that are worth mentioning. First of all paragraph 110, which tells us that, 'Caring for another person is one of the most valuable – and least valued – roles in society.' In paragraph 108, we are reminded that it can be the case that a carer's needs are forgotten or are assumed to be the same as the needs of the person they care for. In reality carers have their own unique needs, including the need for emotional and practical support, (**A Member:** Hear, hear.) enabling them to maintain their own physical and mental health and wellbeing. There are several people in the gallery today, sir, who are known to me, who I know carry out very important caring roles.

2090 Lastly, in paragraph 113, it is important to ensure that the needs of carers are taken into account when assessing a disabled person's support needs. The Supported Living and Ageing Well Strategy therefore needs to include provision for carers as well as disabled people.

2095 Sir, I have majored on that particular aspect of this Report because I want all the people who are involved in whatever aspect of caring, whether that be on a part-time or indeed a full-time basis, as many are, to have the respect, the appreciation and the admiration of this Assembly, and we thank them for it.

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**The Bailiff:** Deputy Fallaize then Deputy St Pier.

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

2105 Well of course the Policy Council deserves credit – the present Policy Council – for laying this Report before the States. I also think that their predecessors deserve some credit because a lot of this work, as Deputy Adam has pointed out, was started under the previous Policy Council. But, of course, I do not want to repeat my scepticism that I have raised in the Assembly before about strategies, but this is only a strategy.

2110 That leads me on to the amendment, which I am seconding, proposed by Deputy Le Pelley. Some of these Propositions, which do not contain time lines, concern me slightly. Proposition 4, for example, to 'direct the Policy Council to seek the extension of the UN Convention on the Rights of People with Disabilities to Guernsey at the earliest appropriate opportunity' – well, what does that mean? Proposition 9, as well, and to some extent Proposition 11, do contain directions but they are really quite nebulous directions and it just occurs to me that the States have a role in holding Committees to account for progress against strategies approved and, despite all of the positive speeches that are being made in support of this Strategy, actually as these Propositions are written, and if they are turned into Resolutions without the Le Pelley amendment, there will be no opportunity for this House to take a view or engage in a debate about progress on the Disability and Inclusion Strategy. That will be left to the following States and I do not think, given the enthusiasm and the support there is for this Strategy, it is acceptable for us simply to approve it and then not to have another debate to review its progress during the life of this Assembly. Deputy Le Pelley's amendment would provide an opportunity for that debate and it may be that the States, at that time, will need to change the course of the Strategy a bit or there may need to be reallocation of resources. I think the States need to give themselves that opportunity and Deputy Le Pelley's amendment is the only way of doing that. So that is why I am seconding it and why I would ask the States to support the amendment.

2120 I just want to say something briefly, sir, in respect of the States Assembly and Constitution Committee (SACC). Three things. There is an example today of ways in which aspects of this Strategy can be developed without any cost at all. When this Assembly was convened 18 months ago it was not possible for disabled people in some circumstances to view States debates or to sit in this Chamber and actually the Guernsey Disability Alliance had tried for some time to change that. We now know that disabled people are welcome to sit just this side of the public gallery and therefore people who previously would not have been able to view the States in session are able to now. That has not cost any money. It has not even required a change in the Rules of Procedure. So that is an example of ways in which aspects of this Strategy can be progressed without requiring investment.

2135 Secondly, the Committee has some responsibility – or all the responsibility – for putting on the induction programme for States Members and it is the Committee's intention to incorporate some disability or a programme that is related to disability and equality training, in the next induction programme.

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2145 Thirdly, the Committee is also aware that there are barriers to disabled people seeking election to the States and certainly there would be barriers if a disabled person, in some circumstances, were to be elected to the States. There would be barriers in that person fulfilling the role of Deputy and the Committee is eager, wherever possible, to try to remove those barriers and would like to work with the disability and equality officer, if Proposition 7 is approved, to see what could be done to improve matters.

Sir, I just want to place that on record on behalf of the Committee. Otherwise, I hope the States will approve the Le Pelley amendment and vote in favour of the Propositions, as amended.

2150 Thank you, sir.

**The Bailiff:** Deputy St Pier, do you wish to speak now or would you rather speak at greater length after lunch?

**Deputy St Pier:** I think it is a mission possible, sir, for me to speak in two minutes.

2155 Disability touches us all. I think there is a very small proportion of our population who will not be impacted at some point during their lifetime. It may be temporary. It may be permanent. It may be by accident. It may be illness. It may be ourselves. It may be our children. It may be our partners. It may be our parents. It may be our loved ones. We have had plenty of examples, already given in speeches today, of those who have been affected by disability in some way.

2160 Sir, I would like to commend this document, as being a demonstration of the Government and third sector working together. This is a very powerful example of what can be achieved and that relationship is incredibly important for the next stage of delivering on this Strategy.

2165 I would also like to echo Deputy Laurie Queripel's comments on Aindre Reece-Sherrin's Mission Possible exercise. My experience was exactly the same as Deputy Laurie Queripel's and I could not improve on his description of it. But, sir, I do not believe that we can begin change until we recognise that we have a problem and, for me, this Strategy is that first step. I feel that we are like an ostrich that is removing its head from the sand and, to coin Deputy Le Lièvre's analogy this morning, I think we are standing at the foothills, looking up at Mount Everest and, for me, that is a long journey but it is not a daunting one, it is an exciting one.

2170 I should qualify what I am going to say next by saying – as Members of the Assembly will know – I am a natural optimist and I do believe that attitudes have changed significantly in my lifetime, and are changing. I do not see this as being a 250-year leap forward, as perhaps some of Deputy Bebb's comments could have been interpreted. Deputy Jones certainly highlighted many of the changes which have taken place, so I am encouraged by that and I see this as being a very important part of that.

2175 For me, the journey actually began with the debate, in March, on the Mental Health and Wellbeing Strategy. I think the tone, the sensitivity and the contents of that debate was an incredibly important part of what is being continued here today.

2180 Deputy Fallaize has referred to disability and diversity training. I welcome that. I, personally, would not wish it to wait until the next induction programme. I know that there are Members – in fact, some in the gallery today – who have offered that to the States and I certainly would be delighted to take that up, as I am sure other Members of this Assembly would.

2185 Language is incredibly important and I, as this was being discussed in the Social Policy Group, argued whether, actually, it ought to be the Inclusion and Disability Strategy, rather than the Disability and Inclusion Strategy. The reason for my arguing that was really the focus on seeking to include everyone in our community rather than the focus on disabilities and the implicit presentation of that as presenting a problem and a barrier.

2190 Sir, language is incredibly important, but I do hope that this States will be, as Deputy Wilkie has said, the most socially progressive in a generation. That is not, I believe, remotely incompatible with fiscal conservatism. Indeed, quite the contrary. I would argue that unless, and until, we do have a long-term sustainable fiscal model then we will not be able to seriously address the social deficit which Deputy Bebb and others have described and the changes which do require funding will not progress very far. So I do see them as being entirely consistent.

2195 Thank you, sir.

**The Bailiff:** Members, we will rise now and resume at 2.30 p.m.

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

POLICY COUNCIL

**Disability and Inclusion Strategy –  
Debate continued –  
Amended Propositions carried**

2200 **The Bailiff:** Who else wishes to speak, either on the amendment or in general debate?  
Deputy Gollop.

2205 **Deputy Gollop:** Sir, I support the Le Pelley amendment for the reasons he gave and also Deputy Fallaize gave, because I think timelines are important. I would also caution the States that, despite the exuberance of the many wonderful people in the public gallery and outside, passing a strategy does not guarantee anything happening, as we saw with the Corporate Anti-poverty Strategy and as, to a certain extent, sadly, we have seen parts, but not all, of the transport strategies over the years. The Waste Strategy we are more optimistic about, but that is another matter. (*Laughter*)

2210 I would also say that several Members have already intimated that repetition builds reputation. I do not think it does in my case but (*Laughter*) I think what is important is to realise the meaning of the Disability and Inclusion Strategy, because we live in exciting and challenging times, with many hot topics. But we also need, despite the rigours of the Financial Transformation Programme, to come up with creative long-term thinking that comes from both the head and the heart – as Deputy Le Tocq mentioned – and shapes the future with a vision that engages us all and moves the Island forward to even greater progress.

2215 I especially welcomed the former Chief Minister’s intervention earlier because I think our international reputation as an evolving independent community is very important here. And, looking at Deputy James opposite, I would also say the inclusion part should definitely refer to the outlawing of discrimination against women, which I think is part and parcel of a disability strategy and should not be regarded as a separate topic.

2220 This debate will hopefully be unanimously approved. It has been three or more years in the making and spans the workload of at least two very different Assemblies and Policy Councils, though the basic hard core of solid intent has remained undimmed, which is to improve the quality of life for Islanders with a disability or impairment so that they too can actively engage socially and economically in every aspect of our, hopefully, pleasant and changing society. That engagement can be cultural too.

2225 The three basic tenets really concern improving opportunities for people, promoting positive and inclusive attitudes and challenging instances of disadvantage. This multi-faceted Strategy will develop and evolve, hopefully, into a dynamic plan of action that will generate positive outcomes and successful results – improving communication, information, political commitment to set the standard, but both changing those attitudes and strengthening the employment inclusivity of the States as an employer of people.

2230 Reference was made to the inspiring example of Baroness Tanni Grey-Thompson, who presented the Sports Commission Awards earlier this year. I remember she held a very well-attended breakfast seminar the following day when many colleagues were there and, in a way, the best question came from Deputy Bebb because he distanced himself from how can we help these people, to what possibilities, what potentialities, do people with a disability or impairment have to give to our society, to strengthen our economy, to build opportunity, and that can be very true for some people. One should look at it as an enabling empowerment rather than just as a form of public social solidarity.

2235 Change and reasonable adjustments to buildings and public services will affect both the States and the private sectors and maybe parishes too, such as St Peter Port. Small businesses who cannot initially afford to make such reasonable adjustments will be helped financially and I suspect the sum set aside in the Strategy will not quite be enough because the seminar we attended would suggest a more realistic figure for Guernsey. It may well be somewhere around the £100,000 mark but that is a personal view on my part. But this practice has generally worked well elsewhere in less caring communities than Guernsey prides itself to be – which is usually a brand leader in raising money for private charities.

2240 The main goal, initially in the first phase, will be to construct a robust new anti-discrimination law, the foundations of which were laid 10 years ago, and this should become fully operative within a couple of years... that will set standards for good behaviour. It will also, as I said earlier, reflect our growing maturity.

2255 Mental capacity is being dealt with and we are seeing – as has been said by Deputy James – a multi-agency cross-departmental approach. There is also a strong direction for boards to support and not obstruct a ‘Guernsey Employment Trust’, which will support disabled people at work. Interwork, of course, already does a lot of excellent work but I think the success in Jersey and the potential for a more focused approach will definitely be useful.

2260 We actually have greater employment of people with disabilities than many other communities precisely because we are buoyant as a society and as an economy. But we, nevertheless, have the potential to achieve more and, as the Report intimates, there are perhaps 14,000 people with some kind of disability and it has been suggested, indeed, that the figures for some of the parishes are actually under-estimated, for example those in tenanted ownership.

2265 I think too, it is possible to have more than one disability at the same time. When we had the excellent presentation from the researcher – the academic from the University in the East Midlands – she read out a list of a number of disabilities and I could identify with quite a few of them.

2270 I believe there are a few gaps in the Strategy. Welfare benefit issues are dealt with separately this month, as we have seen by the Social Security Report. We have still got to find a cohesive budget for the Disability and Equalities Commission and the shape of it is significant. Deputy Bebb perhaps has touched on this already but the role of it within the State has to be carefully considered. Maybe it could sit within or at arm’s length from a Department, like, for example, the Environmental Health Agency does with HSSD. It could be that the correct Department would be SSD or Home but my personal opinion is that – for international obligations and perhaps too the opinion that is most likely to come from St James – it does need to stand alone and be a separate body, very much independent of Government. We have to be aware that that will have a budget and if we are looking for the right kind of trust, the right kind of chair-person and team to manage that, who are not politicians, those people might require a realistic fee for what will be a challenging task.

2280 I still feel a certain amount of reserve that we have not seen meaningful integration for the delayed and, I am afraid, under-resourced Supporting Living and Ageing Well Strategy, but the recent progress that Deputy Harwood, Deputy Le Tocq and the Departments are making indicates that the position, hopefully, will change within a matter of weeks.

2285 This is generally a vibrant new Strategy based on the best international practice, such as the parish principles, and will benefit not just our society and many individuals we know, but the wider economy and perception of Guernsey as a caring society too.

2290 I would also like to mention here that it can be challenging sitting on Departments like Social Security and how difficult it is to find a balance between our responsibilities to the funds and to the taxpayer and to Social Policy and, as Deputy Wilkie memorably said, the potential to be the most progressive Social Policy Assembly of recent generations. Again, Deputy Bebb said maybe we need not only a Financial Transformation Programme but a ‘Social Transformation Programme’, and this fits within this.

2295 I will not go away content, even if we have a strong vote of support today, because the work is only just beginning and the resources, in terms of Policy Council commitment, Social Policy Group workload, the legislation, the advertising campaign, the training and the employment... The day-to-day work has to take place.

2300 When I was exploring some of these ideas with some members of the Disability Alliance the response came back, ‘That is all very well, John, but you really need to give it heart and passion’. And we have to think today: we have heard many stories and seen many faces of people who have day-to-day experience of living with difficulties, pain, suffering, really challenging issues. They are heroes and deserve our full and continued support now.

**The Bailiff:** Deputy Conder.

2305 **Deputy Conder:** Thank you.

Sir, colleagues, I will not reiterate everything that has been said so eloquently by colleagues, save to say that I unequivocally support all of the Propositions as amended.

2310 Sir, I will confine my speech to a few words regarding the Le Pelley/Fallaize amendment and then speak generally in respect of the benefits of education and training in enabling all of our fellow citizens who suffer some disability to maximise their opportunities in the workplace and in life generally.

Sir, in respect of the amendment, as has been said, this Assembly has brought forward an outline strategy for addressing the issues that people with disabilities face in their everyday lives. It is to be, and has been, welcomed but surely, sir, in having brought these Propositions before this

2315 Assembly for endorsement we, this Government, need to take full ownership for delivering at least some, and hopefully much, of the ambitious plans contained within the Propositions.

This Government has just under two and a half years left to it. The amendment drafted by Deputy Le Pelley and seconded by Deputy Fallaize does put the onus on us, this Government, to at least report back on progress, rather than either leaving it open or passing it to the Government that succeeds us. I think that is to be welcomed and I hope we will endorse this amendment as a demonstration of the seriousness of our intent in progressing and deliberating upon these initiatives throughout the life of this Government.

2320 Sir, turning to the main Propositions, in paragraph 51 on page 2124, the need to enhance employment opportunities for those with disabilities is highlighted, although it has to be said it is fairly silent in terms of training opportunities. The paragraph says:

2330 ‘Whilst overall employment levels of disabled people are high relative to other jurisdictions, research suggests that underemployment and job retention are issues which legislation will help to tackle. The legislation is also expected to make a difference in terms of access to goods and services. It might also provide greater opportunities for disabled people to progress to higher graded work where they may have been employed at a suboptimum level.’

Sir, in support of those aspirations, I would just like to add a few words in terms of the need to promote and foster training and development opportunity for those with disability. For it is through training and development that our fellow citizens can realise their potential and achieve the satisfaction of knowing that they can rise up the career ladder alongside their able bodied colleagues, if that is what they wish to aspire to.

2335 Sir, a few years ago, a ground-breaking piece of research measured the economic gain to arise from training and it found that for every £1 invested in training, able or disabled members of the community achieved £2.50 worth – £2.50 worth for £1 of investment – of additional productivity.

2340 Another more recent piece of research, undertaken by the University of Amsterdam, identified the benefits of training for disabled people. Of the 157 people in the research programme with disabilities, 60% secured employment after training. Of these, 74 reported that they were able to provide a better livelihood for their families, 92% reported increased social acceptance and 83% reported improvement in overall quality of life.

2345 Of those who did not find employment, 15 cited issues relating to the training course, 6% mentioned discriminatory attitudes of potential employers and 12% had problems related to physical access to their workplace.

Sir, too often our fellow citizens are denied opportunities for training or personal development, either because access to courses is too difficult or the structure and content of a programme makes it impossible for some people to benefit from them. Or, more likely, those designing, delivering or hosting the course have just not given sufficient thought to the needs of *all* of our citizens.

2350 Sir, I hope, in implementing this Strategy, we will think about the huge lifestyle, life enhancing and life changing opportunities that training and personal development can bring to our fellow citizens who have to cope with disability of whatever sort. We can *all* make a contribution to society. We *all* deserve the opportunity to reach our full potential, and this Government and these Propositions can help to open the door to those opportunities. Our fellow citizens deserve no less.

**A Member:** Hear, hear.

2360 **The Bailiff:** The Chief Minister, Deputy Harwood.

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

2365 May I first of all fully endorse and support the words of the Deputy Chief Minister in the opening of this debate? I cannot share with him his experiences as a carer but, nevertheless, I have worked closely with the Deputy Chief Minister over the last few months as we have shared some of the promotion and presentation of this Strategy.

2370 Like many Members of this Assembly who may remember the lead up to the last General Election, one of the highlights for me was the speed hustings organised by the Guernsey Disability Alliance. It offered for me – and I am ashamed to say this but – really for the first time, the extent of the problems of disability in this Island. It fed with me an intent and a desire to make sure that we did do something about it, that we did bring to this Assembly a strategy but also, I think more importantly, it firmed up in my mind that we need to back that strategy with some legislation.

2375 In presenting this Strategy and in considering this Strategy, we are not seeking – people should not be under any misapprehension – compassion, we are not seeking pity. Yes, that is implicit. What we are saying is that we want to recognise, through the Strategy, the rights of *all* our citizens, of all our community, to be included within that community. It is a right of inclusion and

that is important – it is an important part of this Strategy, it is disability and *inclusion*. And yes, Deputy Bebb, there is a social deficit. Part of that social deficit does relate to lack of inclusion. This is one step towards improving that inclusion.

2380 Fellow Members it is vitally important, in adopting this Strategy, we just do not do it in a form that recognises tokenism or box ticking. This Strategy must have legs, it must have support. It is the end of a process – yes, the process of actually developing the Strategy. Here I would also like to acknowledge, I think, the work of the previous Policy Council and previous States of Assembly because this present Policy Council is presenting this Strategy but there was a lot of work that was  
2385 undertaken during the previous term of the States and under the previous Policy Council and that must be acknowledged.

In order to avoid tokenism, we have to support this Strategy in three ways and it seems to me this is crucial. Firstly, by means of legislation and, yes, that legislation has to be appropriate to Guernsey. Here I would also acknowledge that work has already been undertaken by Mr Rob  
2390 Platts, who has done a lot of research into the styles of legislation which I think will be of great assistance and value to our legal draftsmen as we proceed.

I have said elsewhere that I think the legislation is there as a backstop. My grandparents had a phrase which said something along the lines of, ‘Fine words butter no parsnips’. We have to have a backstop. We have to have some grit in the process to enable those fine words to be translated  
2395 into action and we have to recognise there has to be legislation for that. A lot of people are reluctant to accept there has to be legislation, but I am old enough to remember the 1960’s when race relations were an issue. It needed a legislative push to ensure that actually society did develop an improvement of race relations.

The second part of that, that is important in order to found the Strategy, is the development of an independent organisation to oversee all equality and human rights issues. Here I agree also with  
2400 Deputy Bebb: the sooner we can take that step and find the finance in order to develop that independent organisation, the better. Because that in turn will then enable us to proceed to the third stage, which I believe is part of the foundation and the support of the Strategy, which is being able to sign up to the UN Convention, because by signing up to the UN Convention we will submit  
2405 ourselves to external validation of the implementation of this Strategy, and that will be crucial.

Finally, I think it should not be under-estimated... and within the body of the Strategy, we must recognise that the States of Guernsey, as an employer and as an organisation... we need to put our own house in order. Part of the funding that we are talking about in the Strategy is actually  
2410 for that purpose – in order to go to all Departments, look at all premises and the access and amongst those premises, I even suggest that perhaps this Chamber... we may need to look at whether or not we need to improve access to this Chamber. But the States of Guernsey, as an employer, as a provider of services, *has* to put its house in order.

That will need a review of premises but also a review of processes – and this comes back to a point that has been made during this debate: reasonable adjustments may be required from the  
2415 employer. That is not necessarily vast amounts of money to be spent on accessibility. It is also looking at the processes of recruitment and processes whereby you actually organise your businesses. So it is not all about accessibility, it is also about processes.

Members of the States, I would urge you all unanimously to endorse this Strategy and endorse all the amendments.

2420 Thank you, sir.

**The Bailiff:** Alderney Representative Jean.

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

2425 In Alderney, as Chairman of the ESC Committee, we are looking forward to making progress with our own programme of improvements for those less abled than ourselves. I realise we have never given enough time to this important area, which has long suffered from neglect. Now is the time to put that right.

In Alderney, we are grateful for the advice received from Aindre Reece-Sherrin. Since I was  
2430 re-elected to the States of Alderney, I have met him twice during the course of this year. He is very informative.

All of you may wonder why I am so keen that the word spreads to Alderney and that we are included. When I was a boy I was very unlucky and caught tetanus, or lockjaw as it is known. I  
2435 survived it, but only just and I was to pay for some years to come. Because of that experience, and amongst other things I had to learn to walk again, and while I was on the wards at the Southampton General Hospital and as I was learning to walk again and for some time to come using a wheelchair, I realised how life can change and so can our circumstances.

2440 I recovered and learned to walk again with all the kind care I received then in 1963, but I never forgot what it was like to learn all that again and it is not easy. I say this in the hope that none of us ever take this ability we have to walk for granted and I look forward with my Committee, the Estates and Services, to doing more work with our Departments and Aindre Reece-Sherrin to make Alderney more accessible so that each and every one of us is included. Together we will get there.

2445 Thank you, sir.

**The Bailiff:** Deputy Inglis.

**Deputy Inglis:** Mr Bailiff, Members.

2450 As Deputy Dave Jones previously noted, it is really nice to see so many people in the public gallery.

This Strategy is an important cornerstone for the States. It offers the opportunity to show that we are serious in identifying to all Members of the Community who we represent that they are treated equally and fairly. As has been said, we all know somebody who is affected by a disability and lack of inclusion in our society.

2455 I sense all Members will be supportive of the proposals laid before us today. Making the critical decision to get on board is vital to the success of the initiative, but what often happens... starts out with a good intent, can get left behind and become de-prioritised and left to sit in the vacuum of the States' progress.

2460 Our commitment today is important to all of us. It will allow our community to move in a direction that clearly proves effective in changing people's lives. The key message is to create easy access to services and opportunities which could establish a pathway to independent living, where possible.

2465 Many people who suffer from impairment quite often have one or more, which can make life even more difficult to achieve recognition. The issues can cascade through several Departments that may involve many work streams to provide the help needed, along with a lot of frustration. Are we prepared to shoulder that responsibility?

What is sad is the unseen consequences of disability. In other words, you look alright so you must be alright. Many of these problems occur because of a lack of understanding of the knowledge gap regarding the world in which certain members of our community live and work.

2470 A person with a disability goes about their normal daily life working around their problem in the same way that an able person might. However, consider somebody who is partially sighted who needs to go to work on the bus. They value their job as much as anyone else, if not more. So timekeeping and attendance is important. The bus is late or the bus does not turn up. What do they do? Straightaway they are in an area of panic or concern, whereas an able bodied person might just decide to walk. But it is not that easy when you have an impairment which necessitates help from someone else that is not always there.

2480 We need to have forward thinking about services being properly delivered and of consequences of not complying with a proper service obligation. The personal experience provided by the Culture and Leisure Department will invariably touch every member of our community at some time or another. It, therefore, makes me very proud today to stand before you and report on the success of the Department's integration of disabled members in our community, who we treat with equal status and respect.

2485 The Department is a customer-led organisation. Everything we do is for the benefit of all its users. Our journey began 10 years ago with the redevelopment of *Beau Séjour* where significant changes meant that we were able to provide a more inclusive environment. Together with Footes Lane, we took the opportunity to address many issues associated with access and use.

2490 The Department is committed to making its facilities and services as accessible as possible. This includes making adjustments to premises, our pricing structure and procedures, so as to allow access to disabled persons, wherever this can be seen to be reasonably achieved. So many of you know there is a clear and easy access and inclusion to all areas within *Beau Séjour*, which includes the swimming pool, the gym, sports halls, together with the theatre. We do, however, recognise there are still many areas to improve on.

2495 Our Visitor Information Centre is not user friendly to anyone, but the idea is to relocate this service under the States' Strategic Asset Management Plan which is, as Proposition 11 dictates, Departments working together in a co-ordinated way. Therefore, we have a great opportunity to provide an accessible location and get it right for everyone.

As has often been said, castles are designed to keep everyone out but slowly we are making inroads into the accessibility to ours. Not as fast as some would like but there will be. With

2500 specific funding proposals coming forward from the Department early next year to the Assembly, together with match funding with Community Projects, the support by this Assembly today will ensure that it can happen because 'It Matters, Eh?'.

Thank you, sir.

**The Bailiff:** Does anyone else wish to speak? No, no-one is rising.

2505 Well, Deputy Le Tocq, do you wish to speak on the amendment? Obviously, you will get your chance to reply to the debate in a moment. Do you wish to speak on the amendment before Deputy Le Pelley replies to the debate?

**Deputy Le Tocq:** I have nothing to add, sir.

2510

**The Bailiff:** Thank you.

In that case, Deputy Le Pelley, do you wish to reply to the debate on the amendment?

**Deputy Le Pelley:** Mr Bailiff, thank you, sir.

2515 As I always hope to be, I will be short, sharp and to the point. I have made notes on all that has been said by various speakers on Deputy Fallaize's and my amendment. There have been some excellent speeches and I thank everyone for their participation.

2520 I will reply only to comments made in relation to the amendment and not to the general debate which has been linked to it. By doing this, I will not lengthen the proceedings by referring to items raised in general debate. I will leave Deputy Le Tocq to do that in his right of reply.

I should like to thank everyone who has stood in support of this amendment. I will home in on one particular aspect and that was an aspect that was raised by Deputy Hunter Adam. That was the point he made when he said this policy is long overdue. The strong people that he referred to are still in place, supporting the Disability Champion, his assistants and the Disability Champion's working party. They are as determined as ever to get this Strategy finalised in legislation and in place as soon as possible.

2525 Passing this amendment shows the seriousness of our intent. Please support this amendment and, of course, please vote to adopt the Policy Council's Disability and Inclusion Strategy Report as amended, afterwards.

2530 Thank you, sir.

**The Bailiff:** Thank you.

Members, we will vote now on the amendment proposed by Deputy Le Pelley, seconded by Deputy Fallaize. Those in favour; those against.

2535

*Members voted Pour.*

**The Bailiff:** I declare it carried. Now it is for Deputy Le Tocq to reply to the debate.

2540 **Deputy Le Tocq:** Thank you, Mr Bailiff.

I am going to be brief because, as far as I could recount, I have not heard anyone speak against the Propositions and I have not had any questions. So, I am just going to thank everybody for their support and I am going to pick up a few things in my summing up.

2545 Perhaps it is an example today – if indeed we are in this Assembly all in Government – of how effective consultation, both through the Departments and with States Members individually, as well as effective lobbying from groups outside of the States and third sector agencies working together with politicians, can bring about the sort of change that has long been overdue, as many have indicated.

2550 Perhaps it is a sign of the way in which we can work together and it is not surprising that there is unanimous support – which I anticipate there will be in a moment – for these proposals. Someone said this is only a Strategy and these are only words. To a certain degree I agree with that and I do welcome the self-regulation of needing to report back and keeping this Strategy in our minds by making sure that there is action that follows our votes today. But actually words do matter and the language, communication and conversation that has taken place around this Strategy, in the formulating of it and even today, make and signal such a change that I do believe, and have hope that I believe is based in reality, that we are going to see a change in attitudes in our society, and that I welcome very highly indeed.

2555 I would say, in addition, that we need to keep on talking. We need to keep on talking because when attitudes change, actions change following on after that. So let this not be just a debate that



2560 finishes today, but let this be the means in which we mean to continue to change as we include in our conversation the issues facing disabled Islanders, the barriers that we need to change and, particularly, any negative attitudes that we pick up in society. It is incumbent upon all of us, and particularly politicians and leaders in our community, to speak in such a manner and to challenge those things that come against the sorts of proposals that we have before us today.

2565 So we are signalling something new. We are signalling that we are embracing positive change and that is a good thing for Guernsey. I was heartened by Deputy Laurie Queripel's comments right at the beginning because I think it is fair to say that he represented the views of some that were a little concerned about the effects on small businesses – the many small businesses that we have in our Island – and yet he reiterated in his speech the importance of good information being provided – good information being provided for employers so that they know that, actually, there are often simple solutions and it can be done... and a 'can do' attitude.

2570 To build on that – which is something that I believe we need to do – we need to celebrate good practice far more than we are doing. We can do so with the help of those in third sector groups and third sector groups themselves – the leaders of third sector groups – by finding out what the stories are and celebrating them and speaking of them, because that will encourage others to believe that change is a good thing for our society and change is possible sometimes, actually, at virtually no cost at all. But where there are costs, as we have heard already today, the outcomes of those costs, when they are spent wisely, can be that our economy benefits from them.

2575 I would say, in that respect... when Deputy Langlois spoke, he mentioned that there are, in effect, hidden costs in what we are proposing today, and we have not been quiet about the fact that this is just a first step – there will be further steps down the line that will have implications and costs.

2580 One of those, that is associated with better information being out there, is that there is likely to be more requests for assistance and that is going to have an effect on the Social Security Department. That is something we, as a Government, and our society must take on the chin because we must believe that is beneficial if we have these already – and we do – many means of assistance that are available, and more people become aware of that and are empowered to access those things, then it is only likely and it is right that they should do so and, as a result, we will need to provide that form of assistance.

2585 This is all about leadership – leadership to get action. This is a combination of effective leadership and we are going to need this in the future as we move forward, because the delivery of these things, that we are going to vote on in a moment, is going to require the continued leadership in all areas – in Government, in the public sector and in the third sector as well.

2590 There has been much talk of social deficit, social transformation, social capital, and I would underline that – absolutely right – because what we are dealing with here is, in a sense, whilst there are hidden costs, there are and there have been hidden resources in our community: disabled Islanders who have not been able to shine because of the barriers that they have had to face and, as yet, we have not found the means of overcoming them. This Strategy helps us face those things and to empower all of us to find the means to release them, so that they cease to become hidden, which is a shameful thing for our society, but instead they are embraced as important members of our community.

2600 Deputy Bebb likes to quote American leaders. I have one quote for him from an American, D L Moody, who said something like this:

2605 'Many people aspire to do great things whilst few want to do the many small things which, collectively, can make the real difference.'

2610 And I believe it is exactly that particular task that we have got before us. If all of us in our community did the many small things that we perhaps think by themselves make very little difference... but if we did that collectively, we would make the huge difference that this policy needs, that this Strategy needs, to move forward – all of us pulling together because we all matter.

2615 Yet there is a massive need for the Equality and Rights Commission to be set up as soon as possible, because this will help to communicate that change. Coupled with the legislation – but, in fact, really even before that – we need to see an organisation that will see it as its main task to focus our community's attention on the needs of disabled Islanders in order to find solutions for the things that they currently see as barriers. And finding a Guernsey solution to the operation of this Commission will be paramount as we take this Strategy forward.

Sir, I think it was Martina Navratilova who said, (*Laughter*)

2620 'Disability is a matter of perception. If you can do just one thing well, you're needed by someone.'

And I do believe, sir, that – whilst I do not like the title ‘disabled people’ because it focuses on what they cannot do – disabled people are not un-able people and we have, within our society, people who have many things they can do very well and we want, today, to signal to them that this society gives them the opportunity to do just that and to shine for the benefit of Guernsey, so that we can indeed not be part of the 5% that have not signed up to the UN Convention, but we can decide to be with the 95% that have... and proudly part of it.

2625 Sir, I will finish with a quote that I think is my own. (*Laughter*) For me, sir, the greatest and perhaps the only real disability in life is a bad attitude. Today we are saying we will not put up with bad attitudes, we will foster good ones. I implore the Assembly to vote for all 12 Propositions.

2630 Thank you.

**The Bailiff:** Members, the 12 Propositions are on pages 2176 and 2177 of the Billet and I remind you that there have been four successful amendments. Proposition 5 has been amended by the Deputy Bebb/Deputy Stewart amendment, Proposition 7 by the Deputy Wilkie/Deputy Green amendment, Proposition 10 by Deputy Bebb and Deputy James and Proposition 12 just now by the Deputy Le Pelley/Deputy Fallaize amendment.

2640 Unless anyone wishes to have a separate vote on any of the Propositions, I will put all 12 of them to you together.

So I am putting all 12 Propositions. Those in favour; those against.

*Members voted Pour.*

2645 **The Bailiff:** I declare them all carried as amended. (*Applause*)

## Billet d’État XX

### POLICY COUNCIL

#### European Communities Law – Definition of Community Treaties – Proposition carried

##### *Article IX*

*The States are asked to decide:*

2650 *Whether, after consideration of the Report dated 5th August, 2013, of the Policy Council, they are of the opinion to direct the preparation of such legislation as may be necessary to amend the European Communities (Bailiwick of Guernsey) Law, 1973 to take into account the Treaty of Lisbon, Treaty of Accession of the Republic of Croatia and any other consequential or technical changes.*

2655 **The Bailiff:** Greffier, we now move back to Billet XX and the unfinished business.

**The Deputy Greffier:** Article IX: Policy Council – European Communities Law – Definition of Community Treaties.

2660 **The Bailiff:** The Chief Minister will open debate.

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

I apologise for having to refer to matters of European Communities Law (**A Member:** Hear, hear.) in advance of Deputy Jones. (*Laughter*) Please just do not get your blood pressure in a rush. (*Laughter*)

2665 This is a technical proposal. It is to update the definition of the European legislation, recognising that, since 2007, the Lisbon Treaty was signed and came into force and also recognising the Treaty of Accession with the Republic of Croatia. It is therefore necessary that we amend our own legislation in order to reflect those two changes. The policy letter includes the advice from Her Majesty’s Comptroller and I assume, in this case, Her Majesty’s Procureur would also endorse that advice.

I think really I need say no more, except to encourage this Assembly, please, to support the recommendation and to vote in favour of the Proposition, in order to update the definition of Communities Law in our own legislation.

2675 Thank you, sir.

**The Bailiff:** Is there any debate? No?

No-one is rising. Well, we turn then to page 1741 of the Billet, where there is a single Proposition. Those in favour, those against.

2680

*Members voted Pour.*

**The Bailiff:** I declare it carried.

## COMMERCE AND EMPLOYMENT DEPARTMENT

### Financial Services Ombudsman – Propositions carried

*Article XII:*

2685 *The States are asked to decide:*

*Whether, after consideration of the Report dated 2nd July, 2013, of the Commerce and Employment Department, they are of the opinion:*

*1. To approve the establishment of a Bailiwick of Guernsey Financial Services Ombudsman on the basis set out in that Report.*

2690 *2. To direct the Department to work with the Law Officers to identify the necessary legislative requirements for the establishment of a Financial Services Ombudsman scheme.*

*3. To direct the drafting of such legislation as may be necessary to give effect to the above decisions.*

2695 **The Deputy Greffier:** Article XII: Commerce and Employment Department – Financial Services Ombudsman.

**The Bailiff:** The Minister of the Commerce and Employment Department, Deputy Stewart, will open debate.

2700

**Deputy Stewart:** Mr Bailiff, States Members, it is going to be quite hard to follow that previous debate. It has been quite uplifting today. But this is also about protecting vulnerable people in our society. This is something that we have had a huge amount of correspondence on in our Department.

2705 This Report proposes the establishment of a Financial Services Ombudsman to provide an independent dispute resolution between customers and financial service providers in the Bailiwick. The introduction of this has been externally recommended for many years – back in 1999 the Edwards Report, in 2009 The Foot Review, and in 2011 following our IMF visit.

2710 It was discussed and endorsed by the former C&E Board and the current C&E Board has followed this up with this Report – being the first time that it has been laid before the States of Deliberation.

2715 It is also a joint project with our Jersey chums for reasons of efficiency, effectiveness and cost savings in systems and staff. There has been a huge amount of formal consultancy with Guernsey industry through a working group, which involved GIBA industry, GFSC and, of course, Government, with much time spent, as you can imagine, on the subject of fees.

2720 The rationale behind this is quite straightforward. It is to protect consumers. Currently the GFSC can note complaints but has absolutely no power to settle them. Furthermore, at present the only redress consumers have against their bank is going to court which, as we all know, can be expensive, it can be time consuming and a lot of people will take the view that, ‘Well, it is probably not worth it. Yes, I have been wronged but going to court is just too much trouble’.

Furthermore – and we heard about this in the previous debate – this is about enhancing Guernsey’s reputation, particularly as an international finance centre. The funding model, which was the most difficult thing to work through, is really... well, I think where we have reached is a position where it is a fair and simple approach, it is a focus on keeping costs to a minimum, so as

2725 not to be an undue burden on industry at this time and the scheme, most importantly, will be free to the complainant. And after an initial start-up fee there will be, eventually, a move towards a model of 'the user pays' approach from industry so he who gets the complaints against him, will pay the money.

2730 There is not really much more I want to say on this. I would like to thank the staff at the Financial Sector Development Unit who produced, I feel, a very straightforward Report – easy to understand on this subject – and, therefore, that is why I am going to keep this speech brief.

I am sure that you will appreciate that this legislation is perhaps long overdue and, if approved today, we will estimate that the Financial Ombudsman could be operational by late next year. I ask you to support this Report.

2735 Thank you.

**The Bailiff:** Deputy Le Clerc.

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

2740 Along with yourself and other Deputies, I have had the opportunity to visit the Citizens Advice centre on the Bridge, for the last two years. When I have spoken to the staff, one of the many issues they deal with is the number of complaints in respect of financial services. I, therefore, welcome this long overdue – to repeat Deputy Stewart – Report from Commerce and Employment.

2745 There has been an upward trend of people seeking advice from the Citizens Advice Bureau over the years – the bulk of complaints being against the insurance industry, followed by banks. I note in section 14.3 the estimated complaints could be as many as 700 plus. From my own investigations and the work with Citizens Advice, I am hoping that it is likely to be less than this.

2750 We must remember that referrals will only be permitted after the in-house complaints procedure has been exhausted. As I have said, the bulk of the complaints to the Citizens Advice Bureau have been in respect of insurance, mainly related to the mis-selling of PPI, so there also may be an element of bank complaints in that. But, with an ongoing review and build-up of data, I hope that a proportional split of funding will occur in due course.

2755 Lastly, I would like to draw your attention to paragraph 2.10 regarding the support of this as a step towards Single Euro Payments Area (SEPA) membership. SEPA membership will also require Payment Services Directive legislation to be enacted and, whilst this also offers elements of consumer protection, it can also impact on business costs and we need to be aware of the balance required between consumer protection and additional financial burdens placed on service providers.

2760 On this occasion, I will be giving my support to the proposal and welcome the joint initiative with Jersey.

Thank you.

**The Bailiff:** Deputy Gollop.

2765

**Deputy Gollop:** I too give my support to the proposals.

2770 I know we are always comforted to hear from Deputy Le Clerc about banking, because she has done a lot of key work with GIBA and related organisations, but not everybody has a good relationship with banks. I have had more than my fair share of letters that I do not like to repeat (*Laughter*) and they can be awkward too, because I do know of instances of friends, business associates and people I have known over the years, who have suddenly, for often no apparent reason, had their accounts closed down or a structural change has been made. The excuse is sometimes given of a GFSC or head office policy.

2775 In reality, the personal finance arena for the population of Guernsey has gradually diminished over the years, not just because of global credit changes. Once upon a time persons like myself, and no doubt other Members, have the opportunity to meet friendly – or not always so friendly – faces like the former much-respected Deputy Minister, Deputy Jack Honeybill, who was your neighbourhood communitarian bank manager. Gradually changes in the Big Four banking has seen computerised figures, letters from the Isle of Man, Jersey, wherever, call centres and so on. That has probably created a greater amount of issues and, of course, we hear too of issues like the Co-operative Bank pulling out of Guernsey and so on.

2780

I have been to the Citizen's Advice Bureau too. I have heard what they have had to say. I think that there is a real issue about budgetary management, about communicating with financial services providers – not just banks, but money lenders and insurers too. I think that the Guernsey

2785 Financial Services Commission has not had much of a role here. It has perhaps not been part of their mandate to do so. And the average consumer has an issue to resolve.

I think, too, the fact that Guernsey and Jersey are world global leaders in finance – in particular what we could call corporate finance and offshore management – has led to financial institutions being less focused on the smaller business and personal customer than even you would find in other parts of the British Isles or Europe. So it is particularly needed in the Island and there are cases one knows about. It probably affects Social Security to a degree despite efforts by Deputy Le Clerc and the Department to overcome this. There are instances of individuals – perhaps the very people we have been talking about for much of the day – who are not able to get bank accounts or who have difficulty persuading institutions to give them accounts. Then, of course, there are issues about how to transfer benefits, cheques, payments and so on, that end up causing problems for States Departments and other agencies.

2790 So this is long overdue and actually I was tempted, if it had not been such a busy month, to have placed an amendment to stretch the argument slightly off topic and see what is happening to the broader principle of an Ombudsman in other areas besides finance.

2795 So if this is the beginning of a trend I welcome it.

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

**Deputy Soulsby:** Sir, as Deputies Stewart and Le Clerc have already said, this has been a long time coming. The need for a Financial Services Ombudsman has been talked about for decades but nothing has materialised.

2805 Part of this could be explained by the view that Guernsey has such strong financial services regulation and it would just mean extra cost without any perceived benefit. Indeed, I have to say that for many years as someone working in the finance industry I did question the need for a Financial Services Ombudsman and whether the industry should have to pay more on top of rising licence fees. However, if, like me, you have been contacted by a parishioner who tells you that the money they had put aside and invested for their retirement had been mismanaged, and they could not afford a lawyer to fight their case without using up the fund they had left, and with no guarantee they would win, you realise why it is essential we have such an Ombudsman in Guernsey.

2810 According to the UK FSO website, nine out of 10 people say they have no complaints about their bank, insurer or financial services firm, and most financial transactions take place without any problems. But sometimes things go wrong and sometimes a financial services business does not sort things out to the customer's satisfaction. It is then that the FSO can help out. That the GFSC provides no support here was evidenced by my parishioner who was told to go to an advocate, which is great but they do not come cheap even if they may consider themselves value for money.

2815 I believe bringing in an FSO will make the GFSC give more attention to the retail side of financial services, rather than the institutional focus it has had to date. At the same time, the proposals take into account concerns from industry that the need for an FSO to cover all aspects of the financial services sector, such as Class B funds aimed at institutional investors, is unnecessary.

2825 This is about protecting those people who are not rich, sophisticated investors with enough capital to fight their case in the court. This is about helping those people we should be supporting – those who carefully save throughout their working life to pay for their retirement but would not be considered wealthy by any stretch of the imagination. These are people who have taken responsibility for their own lives, trusting in professionals to invest their money wisely. These are people who will not be a burden on society and we have a duty to ensure that they have some level of protection. At the end of the day this will *save* us money.

2830 The G20 High-level Principles on Financial Consumer Protection, adopted by the Organisation for Economic Co-operation Development (OECD) in October 2011, include:

2835 'Jurisdictions should ensure that consumers have access to adequate complaints handling and redress mechanisms that are accessible, affordable, independent, fair, accountable, timely and efficient. Such mechanisms should not impose unreasonable cost, delays or burdens on consumers. In accordance with the above, financial services providers and authorised agents should have in place mechanisms for complaint handling and redress. Recourse to an independent redress process should be available to address complaints that are not efficiently resolved via the financial services providers and authorised agents internal dispute resolution mechanisms. At a minimum, aggregate information with respect to complaints and their resolutions should be made public.'

2840 Whilst there will initially be costs that will be spread across industry – which is not ideal – I believe this is the necessary approach to take before we build up a good enough picture of who the

most complaints are directed at and making sure that those are the businesses that pay. And, whilst I am probably one of those who is more sceptical than others about how far we can work with Jersey, I do believe that this is one example of where sharing a service will keep costs down and that we should be working with our sister Island to reduce the burden on industry.

2850

So I urge Members to support this Report, to help support improvement to reduce disputes, help financial businesses, themselves, resolve disputes of consumers, resolve any consumer disputes that financial businesses fail to resolve themselves and reduce burdens on the court.

2855

**The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Sir, I will not speak. Deputy Soulsby has covered the three points I wanted to cover.

Thank you, sir.

2860

**The Bailiff:** Deputy Dorey.

**Deputy Dorey:** I support the proposals but I just have one question for Deputy Stewart. In paragraph 14.27 it tells us that the initial funding calculations will be 50:50 between the Bailiwicks of Guernsey and Jersey.

2865

I just wondered why it was not done proportionally to the population.

**The Bailiff:** Deputy Trott.

2870

**Deputy Trott:** Yes, sir, a few points.

If I could ask the Minister, with regard to territorial scope... We are advised that this has a Bailiwick-wide reach and within the Propositions will clearly be the requirement to enact legislation. Will this extend to Sark and, if not, will separate Sark legislation be required?

2875

Moving on, sir, to the point just raised by my friend Deputy Dorey, I did have a concerned constituent raise almost the identical point with me. The point that was being made is that Jersey's financial services industry is larger and, therefore, by definition – in their view, sir, not mine I hasten to add – more likely to see a larger number of complaints. She wondered why we would need a 50:50 split, because clearly there was a more appropriate mechanism, albeit she understood this was an initial measure.

2880

Sir, the GFSC, whilst not being responsible for discharging the role of an Ombudsman and who clearly welcome this, have had a large number of contacts over the years from people who have seen them as the natural remedy to any complaint. I wondered, now that they will not be inconvenienced by a large number of calls – or if not a large number of calls certainly a number of calls – whether there would be any corresponding reduction in the licence fee?

2885

Finally, sir, I note that for reasons that are understood the scheme will be free to the complainant. The trouble is, of course, that it is difficult then to determine, or difficult then to dissuade, some vexatious complaints and my instincts tell me that that may be short lived. We may have to introduce some form of charge as this evolves, particularly bearing in mind that it is not the simple retail consumer that will be able to avail themselves of this service but – as we are told in the States Report – small businesses. Although there is no definition as to what a small business is, it is contained within the Report. I would argue that the vast majority of financial services business in the Island, particular in the fiduciary sector, could be, and indeed should be, defined for small businesses for that purpose.

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**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I just wanted to pick up on one of the comments there from Deputy Trott in relation to the scheme being free to complainants, which is set out in paragraph 9.1 on page 1961.

2900

This too was a point which I raised when I first saw this and I think it would be useful to raise this question in this Assembly, for the purposes of recording it for *Hansard*, because my understanding is that the primary legislation will make provision for the possibility of fees to be levied to complainants, should that prove necessary. So it will not be necessary to return to amend primary legislation and that will be relatively easy to do should it be necessary, but perhaps the Minister could confirm that in his summing up, sir.

2905

**The Bailiff:** Deputy Trott.

2910 **Deputy Trott:** Sir, if that is the case, there are no drafting instructions within the States Report to so advise and this is an example of the sorts of issues that the law draftsmen have had concerns about for some time. Whilst that is a laudable objective no such Proposition or indeed content would advise them in that way.

**The Bailiff:** Deputy Dave Jones.

2915 **Deputy David Jones:** Thank you, sir.

Yes, I actually agree with something that Deputy Gollop said. I think we could do with various Ombudsmen for various sections of complaints.

2920 The banks I think have... this one for the finance sector has been long overdue for the ordinary people in the street who have had a pretty rough time during this banking crisis, on some levels. They used to send me letters too, Deputy Gollop, asking me what I was doing with their money, which was odd because I wrote back to them once and said, 'Well, could you desist because I do not keep writing to you asking you what you are doing with mine?'. Then I attached a charge to it which they never paid, oddly.

2925 The idea of an Ombudsman is to try and save money for ordinary people from going through the courts and, while I hear what Deputy Trott is saying – that you might get some vexatious applicants who want to test the system – I think the general principle, that it should be free at the initial point, is a genuine one and one that we should try and maintain if we can.

2930 It is slightly different from planning appeals and others because there are not many occasions, I do not think, where ordinary people would have a beef against a bank unless it was a genuine one. It is difficult to see what they would complain about. Some people would complain, for instance, that their overdraft has been withdrawn but that would be as a result of a series of letters, usually, over a long period of time. But I think, if possible, we should keep it where it is.

2935 The problem with small people in the street is that they feel so bullied, on occasions, by these huge organisations that they feel powerless to fight back or do anything about them. This is why this particular Ombudsman is needed. The domestic banking system, in my view, has got domestically worse over the years, as service levels... If you want to know what the weather is like in India, ring up your bank. That is the kind of service that you get now. Then these wretched, 'If you want this section ring one or dial one. If you want this section...' and I see also – while I am on my feet and I have got the conch – that has spread to Government Departments now. When you ring up the Traffic office you get it through theirs and you get it through Environment and now it is a, 'Press button one. Press button two'. At one time you used to have a real human being on the end – somebody to talk to, to say 'Good morning' to. Now you do not get that unless you go through this speed dialling system.

2945 So I hope we support it and I think a lot of ordinary people out there in our community will use it, but I do believe that we should keep it free in the first instance.

**The Bailiff:** Anyone else wish to speak on this subject of the Financial Services Ombudsman? *(Laughter)*

2950 Deputy Lester Queripel. *(Laughter)*

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

2955 I rise with a concern that I have expressed in this Chamber before. It focuses on the legal definition of the word 'reasonable' in a court of law and, at the risk of incurring the wrath of H M Procureur who did his best to explain the definition on the previous occasion, the word 'reasonable' appears on several occasions in this Report and, I must apologise but I could not find the *Hansard* report to research the previous reply from H M Procureur.

Could he remind us of the legal definition – through the Chair I will ask him – of the word 'reasonable' in a court of law, please, sir?

2960 Thank you.

**The Bailiff:** Mr Procureur.

**The Procureur:** There is no wrath at all! I am feeling *(Laughter)* in a very benign mood, such has been the temperate nature of debate today.

2965 The word 'reasonable' means, 'That which can be justified by the application of reason' and before I get the next question, the word 'unreasonable' means, 'That which cannot be justified by the application of reason.'

**The Bailiff:** Deputy Brehaut.

2970

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

I too have attended the Citizens Advice Bureau sessions – although maybe not this year, certainly the year before. On page 1960, 8.3(e) refers to the Money Lending and Consumer Credit Providers and it is those money lenders that really do become something of a headache for people who may have lost their bank accounts, who may not be able to open a bank account and really do have to rely on money lenders. The situation they face is because they have a poor credit history they are not then considered credit worthy and they pay very high arrangement fees and higher levels of interest for that.

2975

I realise that the scope of what is proposed is broader than that and getting a complainant – and especially some of the individuals involved in disputes with lending companies who may not have the means – to go to an advocate to draft a representation for them. Does the Minister think, therefore, it is the case for the Commerce and Employment Department to just...? I did hear an interview and Deputy Sillars was right: we want to do our best to keep the pay day loan companies out – and I support that. But we have something around Christmas which is pretty close to that – that people are asked to loan sums of money with high rates of interest within a short timeframe.

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2985

Do you think the Commerce and Employment Department could be proactive in passively policing that? For example, if somebody – I do not know if it is called Advertising Standards anymore, but if somebody – is advertising a loan of £2,000 that in larger print they print exactly what the interest will be and the repayment in its entirety. Because, as Kate Raleigh pointed out, she has dealt with people who have dealt with these money lending companies that were delighted because they thought that the 15% rate of interest was a good rate. So that is the issue that faces some people.

2990

Thank you.

2995

**The Bailiff:** Anyone wish to speak? No.

Deputy Stewart then will reply. Sorry? Oh, I missed you, Deputy Perrot.

**Deputy Perrot:** I had not meant to speak in this debate, sir, but I could not resist noticing that Deputy Mrs Lowe is not in the Chamber. *(Laughter)* Tut tut, tut tut. *(Laughter)* No, that was not why I spoke at all. *(Laughter)*

3000

Although this perhaps is not really completely on a par with what we are talking about, what Deputy Jones has said has struck a chord, in that the concept of an Ombudsman, I think, is a good concept. I am sure that it will work very well in these circumstances. But could I just say to Deputy Jones, if he is, as it were, ‘bigging up’ the idea of an Ombudsman, it will take some time to bring that sort of thing in? So, meanwhile, I hope that he does not put the boot in when my proposals come along to expand the provisions of the present Administrative Review Tribunal.

3005

**The Bailiff:** Anyone else? No.

Deputy Stewart then to reply.

3010

**Deputy Stewart:** Mr Bailiff, thank you.

I will just pick up the comments pretty much in the order they were delivered. Ah, Deputy Mary Lowe returns to the Chamber! *(Laughter)* Welcome. Was it States business? *(Laughter)*

3015

Deputy Le Clerc, I too get the reports from the Citizens Advice Bureau and I think you are quite right that there are issues around insurance as well. I think this is a start. It is a long overdue start and as I go through the comments, hopefully, I can give Members some assurance that this is very much on Commerce and Employment’s agenda now. And just to pick up Deputy Le Clerc’s point, yes, we will always try and balance the cost to industry on this and to try and get... This is a start. I think that getting to the initial fees and the funding was actually much more difficult than drafting everything else, but we got there in the end.

3020

Deputy Gollop raises a very interesting point and perhaps I can tell Members where we are on this. He raised the point of social banking and this is something that the Treasury Minister and I have already started work on and something that is a concern to us, particularly with the loss of the Co-op Bank... in making sure that there is adequate provision for social banking within the Bailiwick. This is something that we are working on together and also I have had discussions with the GFSC on this as well.

3025

Deputy Soulsby also raised the point of the GFSC... and also to bring in Deputy Brehaut’s points here about wider lending... One of the advantages of being away in China and sat at breakfast everyday with the Chief Minister and the Director General of the GFSC was that it



3030 meant we actually had a lot of time to discuss issues that perhaps we would have had to set up appointments weeks in advance to get our diaries to match.

3035 One of the things that we did discuss – and this was brought up by the new Director General of the GFSC – was, as he put it, ‘protecting the Guernsey granny’ and I think perhaps the next piece of legislation to go in tandem with this is actually looking at our lending laws. Yes, we do have a usury law in Guernsey, going back to the 1930’s and, yes, I am sure we could probably update that in some way. But when I said this was all long overdue, this is way overdue – the Financial Ombudsman – and I think possibly legislation and consumer protection around lending, PPI and insurance, is also probably long overdue because it is unfortunate that the GFSC do not have the teeth, they do not have the mandate, this is not what the GFSC is set up to do.

3040 I think the whole issue around banking, pensions, insurance and consumer protection is something that the Commerce and Employment Board will be looking at. It is something that I have already discussed with the Chief Minister and Guernsey Financial Services Commission, who are very keen that we pick up the baton on this. So that is something that I, personally, feel very strongly about.

3045 Deputy Dorey said well why 50:50 with Jersey? I think it was kind of pragmatic but it is an initial funding model and as we go along we do not know where these complaints are going to be generated from and we will be moving to a ‘complainant pays’ model. So I think this was really a pragmatic decision. It is not a massive amount of money to set this up in the first place and I really wanted to get this moving, so I did not want to spend another three months arguing over, ‘Well, should it be 60:40, 55:45?’ I think this is pragmatic. It gets us going and it is just the initial funding model.

3050 Deputy Trott said does this include Sark with their two banks? Absolutely, it does. That is mentioned on page 1956 – paragraph 1.9, if I am correct – where we say,

3055 ‘As a Bailiwick wide scheme approval is required from Sark’s Chief Pleas and the States of Alderney,’

and I hope Alderney and Sark will support us in this initiative.

3060 I think the other question Deputy Trott asked was what do we do about Mrs Le Page that complains every five minutes – the ubiquitous Mrs Le Page who complains all the time... vexatious complaints? If I can draw Members’ attention to page 1968, paragraph 14.32 and it says:

3065 ‘In order to deter potentially vexatious complaints the FSO will have the power to make regulations to charge, in exceptional circumstances, complainants who persistently make vexatious claims. Complainants will not be charged in any other situation.’

I think this is an important piece of legislation. I hope we can get this in place by dates of, absolutely the latest, the last part of next year. We will proceed at speed on this if you can see fit to approve it today. We will obviously take into account the other comments that we have had on lending, insurance and PPI.

3070 Thank you, sir.

**The Bailiff:** Members, there are three Propositions on page 1972. I put all three of them to you together. Those in favour; those against.

3075 *Members voted Pour.*

**The Bailiff:** I declare them carried.

## HOME DEPARTMENT

### **Police Complaints Commission – Re-appointment of Members – Propositions carried**

*Article XIII:*

*The States are asked to decide:*

3080 *Whether, after consideration of the Report dated 12th August, 2013, of the Home Department, they are of the opinion:*

1. To approve the reappointment of Mr Kevin Francis McGoldrick as an ordinary member of the Police Complaints Commission for four years, retrospectively with effect from 1st July 2013.

3085 2. To approve the reappointment of Mrs Bonita Louise Hamilton as an ordinary member of the Police Complaints Commission for four years, retrospectively with effect from 1st July 2013.

3. To approve the reappointment of Mrs Ann Patricia Nippers as an ordinary member of the Police Complaints Commission for four years, retrospectively with effect from 1st July 2013.

3090 **The Deputy Greffier:** Article XIII: Home Department – Police Complaints Commission – Re-appointment of Members.

**The Bailiff:** The Minister of the Home Department, Deputy Le Tocq, will open the debate.

3095 **Deputy Le Tocq:** Sir, I have not really got anything to add to what is already in the States Report.

**The Bailiff:** Is there any debate? No.

3100 Well, again, there are three Propositions, this time on page 1976: to approve the re-appointment of Mr Kevin Francis McGoldrick, Mrs Bonita Louise Hamilton and Mrs Ann Patricia Nippers, all with effect from 1st July 2013 and, in each case, for four years.

I will put all three to you together. Those in favour; those against.

*Members voted Pour.*

3105

**The Bailiff:** I declare the Propositions carried and those persons re-appointed.

## Billet d'État XXIII

### TREASURY AND RESOURCES DEPARTMENT

#### Securing Strategic Air Links to London Gatwick Airport Propositions carried

##### *Article I*

*The States are asked to decide:*

3110 *Whether, after consideration of the Report dated 15th October, 2013, of the Treasury and Resources Department, they are of the opinion:*

1. To approve the revised Air Transport Licensing Policy Statement in accordance with the Air Transport Licensing (Guernsey) Law, 1995, as set out in Appendix 4 of that Report.

3115 2. To direct the Treasury and Resources Department to monitor and review the effect of the revised Air Transport Licensing Policy Statement and to report back to the States in 2017 with recommendations on any further amendments that it may require in light of that review.

**The Deputy Greffier:** Billet d'État XXIII: Treasury and Resources Department – Securing Strategic Air Links to London Gatwick Airport.

3120 **The Bailiff:** Before the Minister of the Treasury and Resources Department opens debate, I understand that the Minister for the Commerce and Employment Department wishes to make a statement about the position of the Members of the Commerce and Employment Department.

Deputy Stewart.

**Deputy Stewart:** Thank you, Mr Bailiff, Members.

3125 I have been told to read this out exactly as it appears on the page. *(Laughter)* This puts forward our position.

3130 As I advised the Assembly in July, when it debated a report from the Treasury and Resources Department on the acquisition of the aircraft by Aurigny Air Services, the Commerce and Employment Department is responsible for the Air Transport Licensing (Guernsey) Law, 1995 and for determining applications for Guernsey transport licences.

When determining any licence application, the Department has to carry out its licensing functions fairly, independently and impartially, in accordance with the 1995 Law and, in doing so, must take into account the relevant Policy Statement.

3135 Well, the Assembly is being asked today to agree amendments to the Policy Statement that was approved back in 2004. Those amendments relate specifically to the provision of air transport services on the Gatwick route and competition on that route where there is an incumbent operator – Aurigny is such an operator.

3140 The Department considers that debate on the proposed amendments is likely to involve discussion on commercial matters that will directly affect both Aurigny, which is owned by the States of Guernsey, and any competitors to Aurigny on the Gatwick route.

I, therefore, rise to advise the Assembly that, as was the case back in July, all Members of the Commerce and Employment Department will not be participating in the debate on this Report, and they will abstain in any ensuing votes on the Proposition, sir.

3145 As before, the Department is taking this action in order to avoid any possibility that a statement made or vote cast by any Member during the debate could be construed or perceived as doing anything that might prejudice or compromise the Department's licensing functions under the Air Transport Licensing (Guernsey) Law, 1995.

Thank you, sir.

3150 **The Bailiff:** The Minister of the Treasury and Resources Department will now open the debate.

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

I think you could tell that statement had not been drafted by Deputy Stewart. (*Laughter*)

3155 Sir, I do not always agree with the often hyperbolic and certainly the very much self-proclaimed voice of Islanders – namely the opinion column of the *Guernsey Evening Press* – but on this topic I think they are spot on. (*Laughter*) In the context of Flybe's recent further retrenchment, the Press wrote:

3160 'But, once again, the decision highlights the importance of the States maintaining some control over its air routes.

**A Member:** Hear, hear.

**Deputy St Pier:**

3165 'Private companies have a duty to their share-holders, no-one else. If it is good for an airline to cut services, that is what they will do. The Island's air links are too important to be at the whim of a share price.'

3170 Similarly, our former Deputy Peter Roffey – who has only this week attracted the wrath and ire of our own Deputy Dave Jones – wrote, referring to these proposals:

3175 'I know that it is far from perfect. Operational efficiencies tend to be driven by competition and without that incentive things can become flabby. But it is not that competition would completely disappear. Rival operators would still fly to other London airports and to Southampton. Also, because it is owned by the people, Aurigny has no imperative to maximise profits. If the States set it a strategic aim to break-even we could have reasonable but not unrealistic fares and an end to the draining subsidies on the public purse. It is contrary to good practice in normal circumstances and Guernsey's circumstances are not normal.'

3180 Sir, this States Report is not about easyJet. It is not about Aurigny's financial position. It is all about Guernsey's strategic air links. The real competition we face, as a community, is not between the airlines but it is for slots at London Gatwick and we would be very naive to think that anyone is going to protect those slots but ourselves.

3185 Those slots – and we currently have six of them – are currently worth, probably, it is estimated, about £1.5 million per pair. So that is £9 million in total. That is not an item that appears on the airline's balance sheet, but that, in effect, is what we have paid over the last 10 years in supporting the airline.

If those slots are not flown they will be lost and the reality is that if a competitor jet is flown on that route Aurigny's response would almost certainly be to have to drop at least two of those slots.

3190 Sir, we are not alone with this problem as Islands. Island Analysis have recently done some work which has identified that 19 islands own their own airline and that is up from 14 three years ago. A further 11 have a majority stake and seven have a minority stake. We are in good company, because we all face a similar problem in preserving our strategic links with the outside world.

3195 Competition also between routes is very real. Sir, we already have a sole operator flying into Bristol which competes with a sole operator flying into Exeter, a sole operator flying into Birmingham which competes with a soul operator flying into East Midlands, and Southampton is a very real competition for Gatwick, and of course Luton may well be additional competition as well.

3200 The policy change which Treasury and Resources is recommending to the Assembly today, through this States Report, of course, only affects Gatwick. So any other application in respect of Southend, Liverpool, Luton, Stansted, City, will be dealt with in accordance with the extant policy.

3205 Sir, I think it is worth spending a moment just thinking about the impact on some of our other islands. As I mentioned, we are not alone in dealing with this problem. The Isle of Man, in particular at the moment, finds itself presently – from next summer – facing the possibility that it will be impossible for anybody to do a day trip to the Isle of Man on business. That, of course, may change over the next few months, but that is the current situation and I would suggest that that risk simply cannot be contemplated by this Island, given our key industry here. And we cannot have that level of uncertainty which the Isle of Man is now experiencing as to whether that situation will be remedied or not.

3210 Sir, the Isle of Man currently has five weekday return flights to Gatwick. Four are smaller Flybe turbo prop services which, of course, will be withdrawn and one is an Easy Jet service with 155 seats. From next summer, that will be reduced to two weekday flights, using the larger aircraft. Flybe currently operates three return services from Gatwick to the Isle of Man on Saturdays and Sundays. So from next summer they will be reduced to just one or two larger jet services per weekend by easyJet. Newquay also has three weekday flights to Gatwick operated by Flybe and, of course, from next summer there will be no services at all.

3220 So these proposals, as I have said, do not preclude more than one operator being granted a licence on the Gatwick route, but they will establish additional criteria which the Air Transport Licensing Authority would need to take into account before granting a licence. These criteria include the investment made by an incumbent operator, the quality of the level of service provided by that incumbent and the likely impact on an incumbent of an additional licence being granted.

3225 The proposed arrangements will be reviewed after a three-year period and reported back to the States and at that point we will be able to report comprehensively on the different performance indicators that the supervisory Sub-Committee of Treasury and Resources will be establishing for Aurigny.

These proposals were not a response to the easyJet application which, of course, never fully materialised. We signalled our intention to bring forward proposals for possible amendments to the policy in July and, in doing so, not to reduce uncertainty around the licensing framework.

3230 Sir, preventing the loss of the Island's slots at Gatwick has been identified as a strategic priority by the States. Commercial airlines cannot be expected to take into account the public good that air links provide to the Island's strategic, economic and social requirements, ahead of their own interests, which of course was precisely the point of the press comment column. Importantly, the existing Policy Statement is clearly not delivering the service stability that we need on our key strategic route. We know that from the experience of the airlines which have come and gone on that route.

3240 Despite Flybe's leading brand and market presence, and existing competition on the service, growth on the Guernsey-Gatwick route has been virtually flat for the last 10 years – it is about 1.8% – but passenger and security charges paid by Aurigny at Gatwick have increased by 160%, plus air passenger duty levied by the UK Government has risen by 330% and aircraft landing charges payable by Aurigny at Gatwick have also risen by 320% and fuel costs by 270%.

Gatwick's landing charge policy has fundamentally changed the dynamic of the route and it is, as I said, naive to think that the route will sustain in future if the existing service frequencies, which are currently provided by both Aurigny and Flybe on the route...

3245 Gatwick's charging policy, as we all know, is forcing out the smaller aircraft that have historically been able to sustain this level of frequency and competing operation. As aircraft sizes increase, either passenger yields will suffer and/or, alternatively, service frequencies will have to be reduced.

3250 Aurigny currently provides a complete security of supply of air capacity on the Gatwick route, with over 400,000 seats per annum against an average of 341,000 passengers per annum. It will be seeking to maintain six weekday return services, offering a reasonable spread of frequencies throughout the day, which of course is what travelling public want.

There will be improved resilience with the operation of a larger jet aircraft – which is obviously the decision we made in July – and also the ability for that aircraft in relation to the

3255 landing charges. There will be substantial improved economies of scale for Aurigny, offering the prospect of a profitable operation by 2015, and the retention of a spare turbo prop aircraft will assist in recovering from service disruptions which will, of course, inevitably arise.

In terms of the competition issues and, in particular, preventing abuse, of course, the key here is that we do control the airline. A Commerce and Employment States report in 2011 recommended the establishment of a shareholder resource within Treasury and Resources. This resource would be responsible for holding the States-owned trading companies to account, in terms of performance against their strategic plans and shareholder objectives.

3260 As Members know, Treasury and Resources have established such a sub-committee – the Supervisory Sub-Committee – which will ensure that Treasury and Resources is an effective and active shareholder not only, of course, in relation to Aurigny but also Guernsey Post, Guernsey Electricity and JamesCo750, the tanker company.

3265 The Sub-Committee’s objectives include ensuring that the businesses operate efficiently, ensuring the businesses deliver cost-effective and innovative services, ensuring the business is operating in the best interests of the community and monitoring the businesses’ performance against both benchmarks and quality standards.

3270 The Sub-Committee can and will play a key role in protecting passenger interests on the Gatwick route. It will do so by setting performance targets for the company and benchmarking and measuring its performance. The performance targets will address such issues as fare levels and passenger yields on the route, with targets that incentivise efficiency and ensure that fares do not drift up. They would include such things also as service reliability, including targets for on-time performance and ensuring the airline has contingency plans in place to deal with delays and cancellations, and also capacity targets, ensuring that the airline is properly planning to meet the needs of the market at both peak and off-peak periods.

3275 Sir, benchmarking arrangements can be designed to measure the airline’s performance and compare it, for example, against recognised industry best practice in areas of strategic development, operation efficiency and its responsiveness to customers. So I think all the concerns which, naturally, people will have about the potential of there being a sole operator – which is not inevitable but a potential – given the change in policy, can be addressed.

3280 With all of that in mind, sir, I do encourage the Assembly to support this Report.

3285 **The Bailiff:** Deputy Fallaize and Alderney Representative Arditti.

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

I support this Report. It seems sensible, in view of the evidence that has been made available to the States, both in respect of the need to secure connectivity to London and because of the relatively small size of our jurisdiction, amending the Air Policy Statement in the way that T&R is proposing seems eminently sensible, and I commend T&R for bringing it to the States and I will vote for it. But the real reason that I have stood is actually to do with the role of Commerce and Employment in all of this, because I wrote to Commerce and Employment some weeks ago now and asked them to bring to the States a report about air links.

3295 The reason I wrote to Commerce and Employment is because the mandate of Commerce and Employment says to be responsible for:

‘The promotion, provision and regulation of air and sea links to and from the Bailiwick including liaison with other jurisdictions.’

3300 That is their mandate or part of their mandate. That is the responsibility they have been given from the States and yet here is a Report on air links to and from the Bailiwick, and Commerce and Employment Committee Members have just withdrawn from the Chamber and are not participating in this debate. That is a ludicrous state of affairs. (**Several Members:** Hear, hear.)

3305 In some respects, I do not blame them. They have a difficult position because they are also the licensing authority but that is where the problem arises. The States, in their wisdom in 2004, in wanting to come up with this totally rigid, inflexible structure that we are now operating under, decided that all the functions of Government had to be squeezed into 10 Departments and all of them had to have the same number of Members and all of them had to have a Minister sitting on the Policy Council. And, in their wisdom, they decided to put responsibility for air links policy and responsibility for air licensing into the same Department. And – typical of the States – when a Committee has both of those functions the one that they choose to exclude themselves from is policy. So somebody else is left to deal with policy, while the elected Members – politicians who are meant to be dealing with policy – sit there as a glorified licensing authority.

3315 Clearly, that is the wrong way around and it seems to me absolutely plain – and I hope this is something that the Review Committee will propose – that there needs to be a ‘Transport Licensing Authority’, so that the Department that has the responsibility to deal with air links policy – properly elected and mandated by the States – can actually get on and deal with that sort of policy, because it should not be the shareholder of Aurigny that comes to the States to propose this sort of policy.

3320 I applaud T&R. Somebody had to show leadership in the absence of the Department that was meant to. So I applaud what T&R have done but they are at risk of accusations of conflict of interest because of their role with Aurigny.

3325 There should be a States Department or Committee charged with being responsible for air links policy and it should be in a position, freely and properly, to advise the States in relation to *all* air links matters. I will give way to Deputy Luxon –

**Deputy Luxon:** Sir, apologies for interrupting Deputy Fallaize.

3330 I would just like to say that about a month ago at the Policy Council, I raised this very issue and the Policy Council were very clearly supportive of the need to resolve this anomaly and instructed officers to begin a process of looking at how the air transport licensing function could be moved or could be configured to prevent this quite strange and surreal situation where we have the lead Department not able to contribute, not just to this debate but to the entire discussion over the last several months.

3335 Thank you, Deputy Fallaize.

**Deputy Fallaize:** That is very useful, sir, and I am sure that the Review Committee, if it does propose a separate ‘Transport Licensing Authority’, looks forward to the Policy Council’s support in laying that before the States. But I do think that the right approach is to separate the licensing authority. I do not think we should have any ideas of separating policy and handing the policy over to somebody else. The Department should deal with the policy and there ought to be, in my view, a separate licensing authority.

3340 On the question about the Sub-Committee, which Deputy St Pier just raised, there have been some concerns raised by States Members about this new Sub-Committee. I think that those are unfounded because T&R have the responsibility to act as shareholder on behalf of the States. They cannot delegate that responsibility to anybody else. They have been delegated it by the States, they cannot sub-delegate it to somebody else but, of course, they do have some flexibility – and they have to have some flexibility – to determine how that responsibility is best discharged, and they have decided to form a sub-committee.

3350 Quite frankly, I do not really care and I do not think the States should particularly care how that responsibility is discharged, so long as it is understood that the five Members of T&R remain, at all times, politically accountable for the shareholder function and if the Sub-Committee does anything it does it in the name of the Treasury and Resources Department and the can is carried by the five elected Members of that Department.

3355 So the way I see this debate, sir, in terms of the way the process ought to work... I just think it is absolutely ridiculous that the Department which is supposed to be responsible for this area of policy has withdrawn from the States and does not even feel able to take part in this debate.

3360 **The Bailiff:** Alderney Representative Arditti will be followed by Deputy Dave Jones and Deputy Trott.

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

3365 I only rise as Chairman of the Scrutiny Committee to say that aspects of this debate may impact upon a review which the Scrutiny Committee is undertaking. I, therefore, as Chairman of the Scrutiny Committee, will not participate in this debate and I shall abstain from voting. But nothing is to be read between the lines of that, other than the determination of the Committee, insofar as it is humanly possible, to remain (a) political and (b) to do its work in a non-partisan way.

3370 Thank you, sir.

**The Bailiff:** Deputy Dave Jones.

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

3375 We sort of get the feeling during this debate that we are apologising for trying to protect the Island and it reminds me of the speech Deputy Fallaize gave back in the mists of time when

Deputy Flouquet was up here, saying that Deputy Flouquet was like an old General walking round the battlefield looking for somebody to surrender to. (*Laughter*) That was over the Waste debate, actually, and Deputy Luxon has got that to look forward to. But we do seem to be sort of apologising for trying to protect the Island.

3380 We should not be apologising for wanting to be the sole operator. These slots are our slots, the airline is our airline and our air link security is a matter that we should take very seriously, which we do. We have seen all the commitments from many other airlines in the past – that they were dedicated to Guernsey, that they were here to stay and I think it was KLM who gave a commitment a week before they headed out of the door, that they were committed to Guernsey.

3385 So, as Deputy Gavin St Pier has said, airlines are committed to their shareholders, they are not committed to jurisdictions. They care less about communities than about making money. It cannot be said about Aurigny that that is the case. But all those airlines that were committed to Guernsey, where are they now? They have all gone and the last one is heading for the door as we speak. So I think, for my mind, we have to now start doing things for ourselves.

3390 I do not believe anybody gives a hoot about us out there anymore, quite frankly. At one time we were protected in all sorts of areas that we are not any longer, which is the same reason why we had to buy our own fuel ships, to give us fuel security, and now we need to look after this airline that we have nurtured for many years, with some substantial subsidies but I think it was worth it. It is worth it and, hopefully, in the future we will not have to do that. As somebody said, even if we could get it to split even – that would be satisfactory in my eyes.

3395 So we must look after ourselves and we must look after this airline and these slots and I hope, therefore, everybody will give T&R their full support on this Report.

3400 **The Bailiff:** Deputy Trott will be followed by Deputy Hadley, Deputy Luxon and Deputy Gollop.

**Deputy Trott:** Sir, I am fully supportive of the States Report and I wish all of the matters that came before this Assembly for our consideration were as easy as this, because this is an absolute no brainer.

3405 Can I start, though, by saying that when I was flying back on Aurigny quite recently, I heard the captain advise that I was flying on the Channel Islands-owned airline and it got me thinking, because whilst this is owned in the Channel Islands – and if my memory serves me correctly, Aurigny is actually a Jersey-registered company – it is certainly not a Channel Islands-owned airline.

3410 Over the years, sir, my predecessors and I – and I assume my successor as well – has offered our friends in Jersey – in the spirit of inter-island co-operation – a share in Aurigny and they have always refused, for completely understandable reasons. For instance, they have an open skies policy and they have a longer runway and they have more service providers. Why is that? Well, it is because they are a larger community and the economies of scale make more sense.

3415 Sir, anyone who is worried about solus agreements need look no further than the relationship we have with Condor. We have an agreement with them which has obvious benefits and, in particular, the fact that the economies of scale would not support – to the benefit of the consumer, I would argue – two competing entities.

3420 The States Report tells us that the potential – and I think they are probably understated, for reasons that are given in bold within the States Report – of reducing the subsidy, i.e. turning a £2 million-a-year loss into the right side of the line, in itself will enable either – dependent upon how we treat it: as either capital or revenue – £2 million-a-year more, *at least*, to spend on projects that this Assembly favours, or an extra £2million-a-year to spend on ongoing service provision. It is an absolute no brainer.

3425 It seems to me, sir, that the only reason not to vote for this Report would be if you believe that prices and service would be better served if we had more than one provider. And if you do believe that, the States Report provides for it – as the Minister reminded us in his opening remarks. That could still be implemented if it was felt in the best interests of this community.

3430 As I said at the start, sir, if ever there has been a no brainer, it is this and I very much hope Members share my view.

**The Bailiff:** Thank you.  
Deputy Hadley.

3435 **Deputy Hadley:** I fully support the views of the last speaker and indeed the Minister of Housing, who frequently speaks a lot of good sense.

When we are talking about air links to this Island there is not the volume of traffic to allow proper competition and the actions taken by the States in the past were the sensible actions to take. If we do not now move to protect the position of Aurigny it would be absolute madness. We might as well just mothball our new jet and leave it sitting on the runway in case it is needed because some other operator pulls out. A monopoly on these routes is essential.

Deputy Trott also referred to Condor and, of course, if Condor were to decide to stop operating we would have to move to purchase a vessel to replace Condor and if we did that we would, I would suggest, want to have a monopoly to make sure that, in the fullness of time, somebody did not move against us.

To protect our strategic links, there is not enough room for competition. When the States moved in... we need to protect our investment in protecting those routes.

**The Bailiff:** Deputy Luxon.

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

Sir, I completely understand why Treasury and Resources have brought this Report to the States and, in fact, back in July when we were looking at the support of the acquisition of the jet, the T&R Department referred to the need. But I would echo what Deputy Fallaize said earlier, sir. The fact that Commerce and Employment are not able to contribute to this debate, I think means that we have a very one-sided debate.

Deputy Trott said that it is a no brainer and I think I may well be going along the route of proving I may only have half a brain, but what I want to do... I do recognise every argument and every word that has been said so far, in terms of the strategic support and protecting our links and the financials, but what I would say, sir, is that many in the business community and out there feel that the choice, the options, of having more than one airline operator would be beneficial.

Sir, the PSD position, before I start, is made clear both in terms of the PSD letter and also the Airport Director's report which is on 2213 and 2214. We talk there about the impact upon airport revenues, which you would expect me to do.

Sir, what I think is the problem here is, at the moment, we do not have another airline that is looking to come to service the Gatwick route, so I am uncomfortable supporting this, to put a restriction in place when there is not actually the need or the risk.

So, sir, I would just ask Members to think carefully. What is it that we would gain by approving this Report, on the back of the fact that we have not heard anything from Commerce and Employment who should be here talking about the economic connectivity benefits of more than one provider? And in that silence, and on the basis that we do not have the eminent risk of another operator competing with Aurigny, I would just challenge the logic of why we need to pass this Report at this stage.

I would ask Members to just think both aspects of this through.

Thank you, sir.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, I find myself, in a way, in agreement with Deputy Luxon, the last speaker. I mean I heard what Deputy Trott said but maybe I am in a minority again – the one with no brain, (*Laughter*) with the no brainers. But I must admit I am going to vote against this Report for many reasons.

The first point to reiterate, and even expand on what Deputy Fallaize said, is it is really ridiculous that the Commerce and Employment quintet departed. It is not just, as he made eloquently the point, that it goes against their mandate and it conflicts the policy with the legality side of it. I am sure the Procureur does not want to join in this debate but I would be intrigued as to the kind of advice they have had in this respect because one knows that the Minister sometimes cheerleads with States Members, saying that he is working hard with the airlines to bring transport links to the Island. Can he do that in the situation he is currently in?

Here is another point. Deputy Luxon just made the issue about choice of provider. One of the key elements of Commerce and Employment's mandate, that was an issue on *BBC Guernsey* only a few days ago, is tourism and the visitor economy. They are not doing their job because they are not giving the point of view of the corporate hospitality or tourism sector, nor are they giving the opinions of the Chamber of Commerce that there is obviously a link to.

I am a private member of the Chamber of Commerce and I attend some of their meetings, and it is clear that a substantial number of Chamber members – not all, I know that the Council had a varying debate with different factions putting forward slightly different points, but a number of



their members, a significant number – were concerned about the loss, permanently, of a competitor on the Gatwick link.

3500 We know that easyJet have not applied but, of course, the context was to make it discouraging for them to apply. I mean if the Government are publishing a report making the hurdles, not impossible as Deputy Trott said, but very difficult, that would put off most providers, especially given the nature of the service they offer which perhaps would be more tourism and consumer oriented than for business travellers.

3505 Of course, that hits the holiday sector. I see air links as an extremely difficult and vexed question because it all depends on who you are and what you want out of it. I quite agree with the editorial in the *Press* and opinion here that, of course, the business sector needs a lifeline to London Gatwick. Although, strangely enough, no-one says that perhaps they could do with a service to the City of London Airport as well, which I am surprised is not higher up the agenda. 3510 But if you are in the business of encouraging budget travel to the holiday sector, you are not necessarily concerned about the 6.00 a.m. red eye flight, which most holidaymakers perhaps do not want to take. You are interested in flexible travel that is inexpensive and has a wide marketing network of add-on destinations and promotions.

3515 Clearly that sector would benefit from more than one operator because I know Deputy Kuttelwascher and others have explained to me many times how the new regime does not necessarily lead to higher prices for the consumer, but I find it hard to believe that it would lead to lower prices because common sense would suggest that if you have one airline that is investing heavily in new resources and is the only airline virtually guaranteed by Government then it is not going to make a loss is it, unless it can absolutely avoid it?

3520 There have been knock-on effects of this as well. We are hearing bit by bit about the implications of the halving of the frequency of the service to Jersey. That concerns me from an economic point of view, from a connectivity point of view, from a casual tourism point of view, and a flexibility point of view. There will also be, potentially, a knock-on effect for Alderney there as well – I am not sure. But these are questions that need to be answered.

3525 The problem I have with the corporate governance of Treasury and Resources in this respect is their shareholder interest is perhaps rather narrowly developed, because of course they have Guernsey's best interests at heart but my suspicion, particularly given the nature of the new Sub-Committee, is that its focus would be very much on capital development and the use of assets in a way that is cost-effective to the community.

3530 There are other issues as well, such as social mobility, such as tourism development, such as economic development, such as encouraging links, and in the environment as well. I do not think that we see leadership collectively from the Island on air policy and that comes back to the fact that, instead of having a 'Ministry of Transport', we have a Public Services Department who have given us information that the airport has concerns about the potential loss of revenue, which I 3535 think is real in both of the Gatwick and the Jersey examples. We have the Treasury and Resources perspective which is, as it implies, Treasury-focused and we have not had much of a Policy Council collective view, I do not think. And we have had no view at all, really, from Commerce and Employment. So the tourism sector stays silent and so does the business development sector, the creative industries we hear so much about and so on.

3540 This cannot go on and rather than wait until the review of Government, I do urge the Policy Council, in conjunction with Deputy St Pier's committee, to come back to this Assembly with two things. Firstly, a vision on how they wish to take the next stage of external transport links that meet consumer interests, strategic interests, developments of new markets in France and the continent. The other issue is to create a situation where the Commerce and Employment 3545 Department can actually represent its component parts and be a political Department with elected representatives having the right of audience in this Chamber, rather than be apparently constrained by legal advice.

3550 **The Bailiff:** Deputy Dorey then Deputy Kuttelwascher and then Deputy Gillson.

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

I support the proposals and I fully support the comments made by Deputy Fallaize which, obviously, I supported.

3555 He mentioned about the six pairs of slots. As I understand it, two pairs of slots were not there originally when Aurigny started off and they applied for them and when they became available they were granted them. So we are not in the situation that they necessarily cannot get more slots in the future if the same situation happens.

I think we all want air routes which have all year round services, are good quality, reliable, with reasonable air fares, with an efficient airline that is profitable and develops a route, but if an  
3560 our current policies – because the number of passengers on most of our air routes means that  
having two airlines competing is not in the long-term beneficial, as it just finds out the airline with  
the deepest pockets, which is exactly what has happened in relation to Jersey now and Gatwick.  
Manchester – okay, I think there are two competing airlines and, from a licensing point of view,  
3565 one of them lost the opportunity to operate that route. But we now have the Southampton situation  
where we have two airlines competing and we are just going to find out the one with the deepest  
pockets again, and I really do not think – with the number of passengers on those routes – it is in  
the best interests of us as a community.

Deputy St Pier mentioned about the Shareholders' Sub-Committee, which I support but I am  
3570 concerned that they are going beyond the role of a shareholder. I almost feel that they are filling a  
vacuum which is lacking in the licensing of air routes because I think some of the criteria he used  
would be not what you normally expect the shareholder to be doing, and I would like to think that  
some of the criteria that Commerce and Employment are looking at... other airlines operating,  
3575 which are not owned by the States and other routes, to monitor them. I think, in the best  
interests... C&E should be monitoring all airlines along those criteria and others, and we should  
be looking at limited time licences so that if an airline does not perform on that route they will lose  
that licence or that licence would be available to other airlines. But I firmly believe it is in the best  
interests of our community to have the competition between air routes not on one air route.

Thank you.

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**The Bailiff:** Deputy Kuttelwascher.

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

I think Deputy Gollop is living in a mythical world if he thinks you can have low cost fares to  
3585 Gatwick from Guernsey. The reason for that is that we have a problem with our runway which  
cannot accommodate what the low cost airlines use as aircraft.

Back in 2008 a proposal for the States of Guernsey was submitted by ASM Limited, world  
leader in route development for airports, and on page 9 of that it mentioned low cost airlines and it  
says:

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‘The only low cost airline market test that Guernsey fails is insufficient runway length for commercial operations.’

That was actually confirmed by easyJet because when they issued a statement the first two things  
they said was – following a thorough commercial and operator evaluation etc – they were not  
3595 proceeding with their application.

The only reason we had Flybe on that route was because they operated turbo props and  
Embraer jets which actually fit Guernsey. The Airbus A319 is not suitable for Guernsey. They  
would have to block off quite a large number of seats and most seats would be blocked off in  
summer because as temperatures go up the aircraft performance goes down. It was just the wrong  
3600 aircraft. So they were never going to come here.

So one now looks at the situation: is it wise to have a sole operator on the Guernsey route? And  
I said – no, I have not finished. *(Laughter)*

**Deputy Luxon:** I thank Deputy Kuttelwascher.

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**Deputy Kuttelwascher:** You have already had two speeches. Sorry.

And I say this proposal – and it is an extra Article 18 – is nothing more than a requirement for  
the licensing group – which I think is three Deputies – to engage in some joined up thinking. That  
is all it is. It says, ‘you must have due regard to other issues’. If you are on PSD and you are  
3610 running an airport, you will say, ‘I want to land as many airplanes as I can here. We will make a  
few more thousand a year’. But if that means the taxpayer has got to subsidise Aurigny to £4  
million or £5 million a year, you need to consider it.

So it is an anti-silo mentality proposal and I think that is of great value and it is not a proposal  
for a monopoly. One hopes that will be the case and the chances of anybody wanting to come on  
3615 the route are now getting more and more remote. I think it is a good one to put in place because it  
actually puts the needs of Guernsey first, not commercial operators.

The other thing I want to highlight is two significant risks that remain. One is the continuing  
policy of Gatwick Airport to discriminate against aircraft of less than 150 seats. The Embraer 195

3620 will be one of those aircraft, so we can expect charges to continue to increase and the only value in the 195 is you can share the cost amongst more passengers – sharing it amongst 122 passengers is better than sharing it amongst 76.

3625 There is another significant risk in the medium term, if not the short term, and it is one I came across back in July 2011. I went to London and I was the political representative in a group, which consisted otherwise of other members of staff, at a meeting of the peripheral regions of the UK and we were discussing access to London hub airports. I did not know then – and I do not know where this has gone to now, although I believe Commerce and Employment might have more information on it – the European Union were seeking at that time, and continue to seek, control of slots at all European busy airports. That would include Gatwick.

3630 It could be that in a short period of time they might come along and say, ‘Hey, Guernsey is only a little place. We will give them two slots.’ Then we do have a problem and the only way you can mitigate that problem, is to have larger capacity aircraft. If we went from six to four slots and you had a 156-seater, you might be able to mitigate it. However, what I will leave you as a final thought is this: back in 2009 PSD’s report suggested that it would have cost at least £23 million to extend our runway, which could have mitigated a lot of our problems and we have actually, 3635 without much debate, agreed to spend £23 million to bring into operation a new jet, but we still have the short runway. What a dramatic irony I find! It is the same sum of money. We are paying out £23 million for an aircraft which is not really big enough but it is the best we can do because of our runway length, when spending £23 million four years ago and doing the job properly in the first place might not have had the same effect as regards what we are lumbered with now – and we are lumbered. At some time in the very near future the issue of the runway length will come back 3640 and it will be more expensive.

I hope Members support this proposal from Treasury and Resources.

3645 **The Bailiff:** Deputy Gillson.

**Deputy Luxon:** Can I just make a point of correction, please, sir?

**The Bailiff:** Deputy Luxon.

3650 **Deputy Luxon:** It would be wrong of me to discuss any confidential commercial negotiations that we were having but easyJet, when they did visit the Island, did not have a problem with landing their aircraft on this runway and that was not the reason that they were not able to continue with their discussions.

Thank you, sir.

3655 **Deputy Kuttelwascher:** Sir, that is not the point I made.

I have said before, you could land a 747 at Guernsey, at a 250 tonne landing weight and stop within 4,000 feet. If you took off with 20 tonnes and no passengers and freight, you can take off in 2,500 feet. You would mostly blow St Martin’s away (*Laughter*) but that is not the issue. I am not 3660 talking about whether they could land here or not. It is whether they could land here with a full commercial pay load to make it commercially viable. *That* is the issue.

**The Bailiff:** Deputy Gillson.

3665 **Deputy Gillson:** Sir, I am going to support the Propositions. I support Aurigny. I think, like Deputy Jones said, we should not be ashamed of supporting it because it is in the best interest of the Island.

I am going to make a comment about Commerce and Employment. Like many, I am amazed that all five of them have gone. The Licensing Authority consists of three people. (**A Member:** 3670 Hear, hear.) While I was on Commerce and Employment myself, Deputy Sillars and Deputy Storey refused every licence – all of the air licences, we refused them. We set it up so that we were a panel. The other two Members did not get involved at all so they could deal with any policy issues that came up. It was not ideal but it was a solution that we ran. So I am surprised that there is not at least one Member here to give the policy issues on this.

3675 As I said, I am supportive of this. I have concerns. I have concerns regarding the point of view of consumers. I think Deputy Trott’s comparison with Condor is not a particularly good one, because my understanding is that if Aurigny is the only airline flying then capacity will be significantly less than demand, especially on some peak times of flights. So that is not a very good comparison.

3680 I appreciate the shareholder's panel which has been put in place but I do have concerns on a governance issue, which I raised before in this Assembly, relating to director's responsibilities. Directors have a legal responsibility to act in the best interests of the company – not the shareholders, not the public, not the stakeholders – and directors do have to be wary of that. It is interesting that Aurigny do have a history of using that for making a decision. I remember in the  
3685 last Assembly Deputy Parkinson, as Treasury Minister, saying that the then board of Aurigny had refused to give some information to the T&R Board because they considered it was commercial and was not in the best interest of the company to release it. So it is interesting that the board we are talking about is the company that has got form of using that as a reason.

I think we do need to consider changing our company law so that States-owned companies have a wider obligation. The board have not got an overriding obligation to the company but to the shareholders and to the public. I will make a comment to the Minister of PSD: I suspect that they in PSD may be coming with some commercialisation suggestions or proposals relating to some of the parts of PSD. Although I tend to lean towards commercialisation I would be very loath to support any commercialisation, unless we really nailed down this issue of directors' responsibilities being wider than just to the company.

3690 Sir, I have got one final question to the Chief Minister. It is not in any way controversial but I give him the chance to definitively quash a rumour that I was made aware of at the weekend. The current Chairman of Aurigny, Mr Moulton, is an excellent person. I have great respect for him. (**A Member:** Hear, hear.) He is a turnaround expert who has got experience in being involved with  
3700 non-successful companies, turning them around and then selling them.

I was made aware of a rumour that he has been brought in with the plan of, at some point, selling Aurigny. I hope that is totally wrong but it would be good for the Minister to be able to definitively quash that rumour at this moment. (**Several Members:** Hear, hear.)

Thank you.

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**The Bailiff:** Deputy Langlois and then Alderney Representative Jean.

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

I start with the time-honoured comment that I was not going to speak in this debate. However, what started me thinking about a brief intervention was, of course, that as Members of this  
3710 Assembly and several before them realise... is the moment Deputy Trott gets up and says the decision is a no brainer, you start thinking there must be a really serious and balanced decision to be made here and debated in full.

3715 So one little bit of history here... Having been on Treasury and Resources in the last Parliament, I see the new Shareholder's Sub-Committee as an evolution of the way governance has been carried out. It is probably a positive move. It broadens the base and so on. At one stage during the strange history of Aurigny around the possible link with Blue Islands and so on, Deputy Charles Parkinson and I had an informal type sub-committee which developed relationships between the management and the shareholder role and so on and so forth. I think that is a good  
3720 evolution.

The main reason I wanted to speak briefly was that I think we may be *just* in danger this afternoon of doing the favourite States' trick of having something in front of us that is a relatively clear decision – if not a no brainer – for doing the right thing for Guernsey and then going off on several tangents. We are not here, in my view – and I would like the Minister to confirm this: that  
3725 this is his view of it as well – voting on the sense or otherwise of the Commerce and Employment exclusion. It is an issue and I agree totally with the comments that have been made about that. It has happened before. It has changed the whole direction of several strategies in this Island. I will not mention them because it only upsets people, but it has happened before. (*Interjection*) Me mainly – yes, that is right! But it has happened before and I think it has got to be looked at seriously, but not today. Neither are we voting on how the Gatwick route should be operated. We  
3730 are voting on setting up a set of rules for a body to make that decision.

So despite – and I am very familiar with Deputy Gollop's choice – a broadening of the topic – because it happens in most board meetings and we still finish on time with a bit of negotiation – but he is absolutely right to broaden the issue out and mention it, but just be clear about what you  
3735 are voting on today – you are voting on something very specific and then flagging up other issues.

**The Bailiff:** Alderney Representative Jean.

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

3740 When I heard that easyAir had left the scene, (*Laughter*) I was interested in the actual item brought here, brought forward to protect Aurigny.

To me, competition is better on any route and I am sorry I see it that way but it is annoying the public. The price of air travel may go up through these measures, which is what has happened in Alderney. The public here tell me they worry about a monopoly situation. We worry about our own monopoly situation in Alderney.

I agree with many of the points raised by Deputy Gollop. Alderney itself needs a better flight programme. I feel this does not encourage free trade and I find it hard to accept.

Thank you.

3750 **The Bailiff:** Deputy Duquemin.

**Deputy Duquemin:** Mr Bailiff, thank you.

‘Selfie’ was the word of the year – (*Laughter*) the new word that was added to the Oxford English Dictionary which describes when you take a photo of yourself on your mobile phone. I have never taken a selfie but it was another new word – or at least hyphenated words – in the dictionary that caught my eye – ‘binge-watching’. This is, apparently, when you store up a whole television series on your Sky Plus or you have got a box set DVD and you watch all or many episodes back to back.

When I can wrestle the remote control from my children or my wife I am a binge-watcher. Get to the point, Darren! (*Laughter*) My latest binge was a programme on National Geographic called Ultimate Airport Dubai. It could have been called Ultimate Airline Emirates because Dubai Airport and Emirates Airline are intrinsically linked. My binge-watching was a timely reminder to me of a thought I first had about 10 years ago when the States bought Aurigny. (*Laughter*) The thought I had a decade ago was that Aurigny should be to Guernsey what Emirates is to Dubai – (**A Member:** Hear, hear.) an economic enabler, a tool that can be used tactically, a flag carrier.

Just in the same way that Emirates operates routes into Dubai, Aurigny should operate routes into Guernsey, with an additional view on the spin-off benefits for the finance industry and tourism industry. The economic spin-off benefits derived for the Island might be far greater than just the cost of the air ticket. I have said before in a speech in this Assembly when we were asked to fund a new jet and I will say it again now: let’s not ask what we can do for our airline, let’s ask what our airline can do for us. (*Laughter*)

Ten years later, I still equate Aurigny to Emirates, Guernsey to Dubai. I know some people, perhaps even later in this debate, will say, ‘Oh, but there is a big difference between Guernsey and Dubai’. I know Deputy Jones would have fun trying to convince us otherwise but even when the Cour du Parc has seen a facelift, (*Laughter*) it cannot compete with the Burj Khalifa, the world’s tallest building. (*Interjection and laughter*) But I maintain comparing Aurigny to Emirates and Guernsey to Dubai is a very useful parallel to be drawn in this debate.

So what does all this mean? The *de facto* effect of approving Proposition 1 and adding paragraph 18 to the Policy Statement is, I am certain, that despite its clever wording Aurigny would enjoy sole operator status on the Gatwick route and no other airline would consider operating the route.

Is this right? Apologies for using this mantra again, but does this send out a signal that Guernsey is open for business or closed for business? Mr Bailiff, I can hear the accusations of, ‘Oh, but it is different’, but would Dubai want Emirates to have a monopoly on the Dubai to London Gatwick route? Or would it be actively encouraging airlines to help sell Dubai? I think I know the answer. Dubai is open for business.

EasyJet did seriously investigate operating a service to Guernsey and I think that Deputy Kuttelwascher is making two and two equal five when it comes to easyJet’s reasons for not coming here at the moment. They have not closed – I will not give way, sir. (*Laughter*) They have not closed the door, cross-checked and verified their Airbus when it comes to Guernsey.

EasyJet, more than anyone, should know the value of the landing slots at Gatwick that they considered using to operate a service to the Island. They parted with many millions of pounds to acquire these slots from Flybe, not to mention the millions of pounds they gave Airbus to acquire the fleet required to operate services too.

EasyJet decided not to pursue the opportunity at the moment, but they might be back in the future or others might consider the Guernsey to Gatwick route too. If an airline is willing to put their company assets to work for Guernsey – for our Island community – yes, for possible profit, a return on investment but no guarantees, what message does it send out to say an unequivocal, ‘No thanks. We are okay without you’?

3800 Sir, I used the phrase this morning in another debate but Aurigny is an insurance policy. We own the airline. We own the slots. And if we operate the flights nobody can take them away from us. Yes, the insurance policy might be a little bit more expensive if we let our States-owned airline compete, as has been the norm for a whole generation – *as has been the norm for a whole generation* – as one of perhaps two operators on the Gatwick route. But I would not wish us to ignore the benefits of another operator. If Guernsey was on the easyJet route map it might be an inconvenience to Aurigny but what would the orange glow of easyJet be worth to Guernsey plc as a whole? A point raised by Deputy Gollop in his speech when he spoke about T&R's perceived critical success factors.

3810 Is Guernsey open for business? Paragraph 18 is confined to London Gatwick but does it send out a subliminal message for all other routes too? Why would an airline invest in another new route when they are aware of this in the background?

3815 Sir, a few weeks ago I was sitting in seat 10F on G-COBO – now that is a name on the aircraft's fuselage that I do approve of – and I was eavesdropping the conversation of two passengers in 9D and 9F. Whilst we were still on the tarmac at Gatwick and before the propellers had drowned out their dulcet tones, I heard them discussing this States debate and Aurigny's possible sole operator status on the route, aircraft, fares, service levels and more. I quote them, 'It is a difficult one'. That is what they agreed, 'It is a difficult one' and, Mr Bailiff, *it is a difficult one*.

3820 The easy decision might be to look after our own airline. After all Aurigny will be offering more seats on the route than actual passenger numbers for the last few years. I get that. Although the point that Deputy Gillson raised about insufficient capacity at peak times is correct. Nobody could be more committed to Guernsey than an airline that is not only based here but is owned by the people of Guernsey. I get that. We facilitated millions of pounds of borrowing to buy a shiny new jet and we want to fill it. I get that. We desperately want Aurigny to make a profit and not a loss. I get that. So why am I still uneasy? For far more reasons than my Departmental mandate at PSD with an airport to operate, but reasons that I may be struggling to convey. I feel very uneasy about this Proposition because of the message it sends out.

3830 Perhaps we want Aurigny to have a monopoly on the lifeline Gatwick route to make up for the losses incurred on the other lifeline route, the loss making service to Alderney. But is this right? I know you cannot control the course of events but I also find it a frustration how we have been looking at Aurigny bit by bit as things arise and I look forward to a report that, once and for all, sets out what we want Aurigny to do for us, how it will do it and what we can do to help.

3835 The difficult decision is to keep the *status quo*. At the moment there are no other airlines wanting to compete with Aurigny on the Gatwick route after Flybe's departure in March. Aurigny may enjoy sole operator status for years to come. An airline might come knocking on Guernsey Airport's door tomorrow, next week, next month or next year, but at the moment, sir, I cannot close the door. I do not want to close the door. I want Guernsey to remain open for business.

3840 I repeat: yes, the insurance policy might be a little bit more expensive if we let our States-owned airline compete, as has been the norm, but I would not wish to see us ignore the benefits of another operator.

Aurigny has already shown that they should have nothing to fear from competition – I repeat, if it comes. Appendix 3 on page 2208 of the Billet shows that travellers have been voting with their feet – or should that be with their mouse clicks – and are choosing Aurigny as their preferred airline.

3845 When sitting in 10F I read the welcome page from Aurigny's new CEO, on page 3 of Bon Voyage, and I chuckled at what it said, 'Aurigny was committed to Guernsey'. We know that. Aurigny is not going anywhere. The subsidy for Aurigny might go up or down but it is not going anywhere.

3850 Sir, I have already stated in this Assembly that the States' decision to buy Aurigny was one of the best decisions that it has made in recent years. I am concerned that a States' decision today to give the airline sole operator status on the Gatwick route, albeit well intentioned, might be one of the worst and have – and I am sorry for the using the cliché – unintended consequences.

3855 I cannot support the Propositions and I urge other Members to carefully consider the pros and cons before voting today. I make no apologies for saying that I want to keep Guernsey open for business and I think the right thing for Guernsey *is* to keep that door open.

Thank you, sir.

**The Bailiff:** Does anyone else wish to speak?

Deputy Le Pelley.

3860

**Deputy Le Pelley:** Thank you, sir.

As a Member of the Scrutiny Committee who is likely to be involved in a forthcoming Scrutiny Committee investigation of the security of air slots, I hold the same view on this matter as Security Chairman, Alderney Representative Arditti.

3865 Consequently, I will not be casting a vote on this item, sir.  
Thank you. (*Laughter*)

**The Bailiff:** Anyone else? No.

3870 The Minister then, Deputy St Pier, will reply to the debate.

**Deputy St Pier:** Thank you very much, sir, and thank you to all Members who have contributed to the debate.

3875 Deputy Fallaize raised two very good points and others echoed his comments in relation to Commerce and Employment's role or absence of a role in relation to this issue and I think that has been well recognised and is probably shared by many and, as Deputy Luxon's intervention made the point, the Policy Council also recognise that and the States Review Committee are also aware of it. So it is an issue that does need to be dealt with and I would suggest sooner rather than later. But, as Deputy Langlois said, that, of course, is not the issue on which we are voting today.

3880 The second point which Deputy Fallaize raised was really to emphasise that, of course, the five Members of the Treasury and Resources Board remain accountable for their role as shareholder. That is not something which has been sub-contracted or delegated away to the supervisory Sub-Committee. Deputy Hunter Adam raised this at a Board meeting yesterday as a concern which had been raised with SACC and in fact I have drafted a letter yesterday to return to Deputy Fallaize to confirm that point. But I am very happy to do so here. All members involved in this process – the  
3885 Members of the board and the non-States members who are involved with the supervisory Sub-Committee – fully understand and are fully aware of their role and I will be happy to confirm that in writing to SACC.

3890 Deputy Trott referred to having heard the announcement that the airline is a Channel Islands-owned airline. I think, actually, if he listens more carefully he will hear that it is the Channel Island's *own* airline. It is a subtle but important difference. Nonetheless, (*Laughter*) his point was well made and perhaps the error was deliberate, who knows.

3895 Deputy Luxon asked what will we gain by accepting these Propositions today and asked Members to seriously consider and question that. Sir, what we will gain is the greater certainty and security than we currently have with the current policy. The amended policy will provide that greater security and certainty on our key route.

3900 Deputy Gollop expressed concerns about the narrow objectives of the Supervisory Sub-Committee and I hope that I can allay those by referring to the terms of reference of the Sub-Committee, one of which is to establish clear shareholder objectives and guidance for the businesses, including but not limited to, areas such a pricing and price controls, dividend policies, financial performance, quality of customer service, corporate governance, the environment sustainability and reputation. So it is a very broad ranging remit and I hope that gives him some comfort that it is not a narrow view only into this business.

3905 He also asks for a vision for air transport routes. Well, again, that is not something which Treasury and Resources can necessarily provide. However, we do intend to be returning to the States with a vision for Aurigny when we come back with re-capitalisation proposals for the airline – which, of course, is one of the pipeline projects in the Capital Prioritisation Report that was approved.

3910 I think it was Deputy Duquemin who said that we appear to be – forgive me if I have attributed this to the wrong Member – reacting to events. Indeed, that is the case. We have been reacting to events and it would be preferable to deal with this in one States report, but that has simply reflected the reality of the changing commercial environment with the withdrawal of Flybe this year.

3915 Deputy Dorey, quite rightly, made the point that slots are applied for – that is how the last two slots were acquired, taking us from four to six – and, therefore, if they were to go then we could apply again. He is technically correct but the point is that we will have no certainty that we will get them back and, of course, if Gatwick fills up again in a way in which it has done in the past, we may very well not get them back. I for one am simply not prepared to take that gamble, that those slots would be lost and, potentially, lost forever and could not be re-acquired.

3920 He also makes the point that, to some extent, Treasury and Resources, through the Supervisory Sub-Committee, has sought to perhaps fill a vacuum which might better be provided by Commerce and Employment's role. I think that probably is a valid observation but we are

performing that role as shareholder and, again, in the review of the Air Transport Licensing system and the role between Commerce and Employment and the Air Transport Licensing Authority, as that evolves it may well be that we evolve our shareholder objectives to reflect that change in relationship. But we are simply reflecting the current environment.

3925

Deputy Gillson raised two very important points in relation to the role of directors. I think it is a wider and, again, corporate law point but actually, interestingly, it is worth noting that the Minister and Deputy Minister of Treasury and Resources pro tem act as the shareholders of Post, Electricity and Aurigny and indeed James Co750, of course as nominees for the States of Guernsey.

3930

We also, peculiarly, act as two of the directors on Cabernet which is the holding company for Aurigny. There is no consistency around the approach we adopt in relation to States-owned companies. This is something, again, which does need to be reviewed as part of a wider review of the relationship with our States-owned assets. Indeed, I would suggest that there is no particular reason why any individual needs to be a nominee shareholder. The States of Guernsey is quite capable as a body that is able to own shares in its own rights. So it is something that we are aware of and will be looking at.

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Deputy Gillson also asked if the rumour was true that the Chairman of Aurigny had been appointed with a view to selling it off. I was not, of course, the Minister of Treasury and Resources at the time that the Chairman was appointed. However, I can categorically reassure Deputy Gillson, all Members of this Assembly and far beyond that Treasury and Resources has no intention, no plans whatsoever, for the sale of Aurigny. (**Several Members:** Hear, hear.) That is as categorical as I can give and there should be no ambiguity, whatsoever, in relation to that statement.

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Deputy Langlois also, quite correctly, referred to the Supervisory Committee being an evolution of what had gone before, in terms of the shareholder role. I think that is a correct analysis and I would expect and fully hope that it will continue to evolve. What we have put in place I see simply as the next stage.

3945

Alderney Representative Jean raised some doubts about this policy but I would suggest to him, sir, that the Alderney experience precisely proves the point – which actually Deputy Hadley made very well – that there are some routes which are simply not large enough to sustain competition. Alderney-Guernsey, clearly, was one of those when it was trying to sustain two airlines and, of course, Jersey as well, when it lost the link to Jersey entirely. What we are really saying is that Guernsey-Gatwick is in a similar position.

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Deputy Duquemin made some very valid points but I would say to him, sir, that Guernsey is not Dubai and it never will be Dubai. (*Laughter*) The point is that we are an Island, which is precisely why we are in the same position and predicament as many other islands that do have strategic air links with the outside world, with a limited demand for routes, which are incapable of sustaining competition and at the level that Dubai is operating at. He also suggested that the norm for a whole generation had been for competition on that route and he is right but the point is that the market has changed and that is what we have to recognise. The market has changed. Gatwick has changed. The pricing structure has changed. And we cannot simply stand by and observe that change without reacting to it.

3955

He also said, paragraph 18, if you were an airline – and this only applies to Gatwick but – would it send out a subliminal message that this may apply at some future point to other air routes. What I would suggest to him, sir, is what he was really suggesting is that actually the whole Air Transport Licensing policy is a barrier to airlines coming to the Island, and what he was really calling for was an open skies policy and I would suggest to him that the Isle of Man experience and other markets would suggest that is not appropriate for us and not something which I would subscribe to.

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Sir, I hope I have responded to all the key points which have been raised in debate and I do encourage Members to strongly support our Proposition.

Thank you, sir.

3975

**The Bailiff:** Well, Members, there are two Propositions on page 2216 of Billet XXIII.

I was going to say I will put them both to you together, unless anybody requests otherwise. Do you want them separately or both together? That is the first question, Deputy Lowe. Together.

I will put both Propositions to you together and it will be a recorded vote on both Propositions.

3980

*There was a recorded vote.*



## Billet d'État XXII

### POLICY COUNCIL

#### **Broadcasting Meetings of the States of Deliberation and the States of Election – Transfer of Responsibility – Propositions carried**

##### *Article VIII*

*The States are asked to decide:*

3985 *Whether, after consideration of the Report dated 30th September, 2013, of the Policy Council, they are of the opinion:-*

*1. To approve the following amendments to the mandates of the Home Department and States Assembly and Constitution Committees:*

3990 *a) Home Department: at the end of the second bullet point in paragraph (a), insert the words 'excluding the broadcasting of the proceedings of the States of Deliberation and States of Election'; and*

*b) States Assembly and Constitution Committee: in paragraph (a) after subparagraph (vi) insert '(vii) The broadcasting of the proceedings of the States of Deliberation and the States of Election,' and renumber existing subparagraphs (vii) to (x) as (viii) to (xi).*

3995 *2. To rescind Resolution 2 of Article XVIII, Billet d'Etat No II of 1983, namely; 'the States Broadcasting Committee be requested to oversee the arrangements for such broadcasts, to consider and approve or disapprove of any specific proposals or procedures under the terms of Resolutions of the States, and to make representations to the States in the event that any modifications of the terms, policies or arrangements are considered desirable.'*

4000 *3. To direct the States Assembly and Constitution Committee to report back to the States of Deliberation with possible changes to the current arrangements.*

**The Bailiff:** Well, Members, I think while those votes are counted we can move on with the next Article which is back in Billet XXII.

4005 Greffier, if you could just call the Article?

**The Deputy Greffier:** Billet XXII, Article VIII: Policy Council – Broadcasting Meetings of the States of Deliberation and the States of Election – Transfer of Responsibility.

4010 **The Bailiff:** Debate will be opened by the Chief Minister, Deputy Harwood.

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

The Report before you recommends the responsibility for the arrangement surrounding the broadcast of States meetings should move from the Home Department to the States Assembly and the Constitution Committee.

4015 As set out within the Report, the current level of access accorded to the media was established in 1983 and, consequently, pre-dates a number of significant developments. Conscious of these developments and cause of changes from both the public and local media the Home Department, as successors to the Broadcasting Committee, sought to review the current arrangements.

4020 Through this process, Home Department, in consultation with the States Assembly and Constitution Committee, were conscious that the arrangements are in the main a parliamentary function and, therefore, wrote to the Policy Council recommending that the responsibility be transferred.

The Policy Council fully concurs with such a view and are pleased to recommend to the States that the mandates of the Home Department and SACC are amended accordingly.

4025 In addition to making the required mandate change, the Policy Council considered it opportune to formally extend the broadcasting arrangements to the States of Election, recognising that the arguments for transparency and openness apply equally to both the States of Deliberation and the States of Election.

4030 Finally, in drafting the Report, the Policy Council were mindful there may be a number of areas within Departmental mandates which also have become outdated since they were first approved, either because of changes to the nomenclature or as a result of subsequent States Resolutions. Consultation took place with all Departments and a number of suggestions were put forward.

4035 Policy Council has consulted with the States Review Committee who advised that the proposed minor changes would not impinge on the work of the Committee. Policy Council therefore intends to submit to the States early next year a second report proposing a number of minor amendments to Departmental mandates.

Sir, the Propositions are set out on page 2114 of the Billet. There are three Propositions. I would ask the States to approve each of the Propositions.

4040 Thank you, sir.

**The Bailiff:** Is there any debate? No.

Well, we can go – Oh, Deputy Le Tocq.

4045 **Deputy Le Tocq:** Well, I was just going to use this opportunity to illustrate how something small like this, which should have just taken a very short time to have been passed. In fact the Home Department did consider at the beginning – because it is over a year ago when we were first put into office – just going ahead and arranging this but realising that, actually, it fell far more within the mandate of the States Assembly and Constitution Committee, decided to write to the Policy Council to ask for that to happen.

The Policy Council, in their wisdom, decided that it would be appropriate to have perhaps the minor sort of things like this that need mandate changing... to consult other Departments and I remember the now former Deputy Chief Executive of the States saying that he thought that this would only take a maximum of a few weeks.

4055 We are now way within months of that happening because, inevitably in our system of Government, small things do take a *long* time to move forward. So I apologise to the people of Guernsey that this has taken so long.

I do hope that the States Assembly and Constitution Committee improve upon that record.

4060 **The Bailiff:** Thank you.

If there is no further debate I will invite the Chief Minister to reply.

**The Chief Minister:** Point noted! (*Laughter*) I still urge the States Assembly to vote in favour of the Propositions.

4065

**The Bailiff:** As the Chief Minister said, there are three Propositions on page 2114. I put all three Propositions to you together. Those in favour; those against.

*Members voted Pour.*

4070

**The Bailiff:** I declare them carried.

### Vote results

#### *Vote on Air Links to London Gatwick*

*Carried – Pour 29, Contre 8, Abstained 3, Not Present 7*

#### **POUR**

Deputy St Pier  
Deputy Gillson  
Deputy Ogier  
Deputy Trott  
Deputy Fallaize  
Deputy David Jones  
Deputy Le Lièvre  
Deputy Spruce  
Deputy Collins  
Deputy Green  
Deputy Dorey  
Deputy Paint  
Deputy Le Tocq  
Deputy James  
Deputy Adam  
Deputy Perrot  
Deputy Wilkie

#### **CONTRE**

Deputy Lowe  
Deputy Duquemin  
Deputy Luxon  
Alderney Rep. Jean  
Deputy Domaille  
Deputy Robert Jones  
Deputy Gollop  
Deputy Bebb

#### **ABSTAINED**

Deputy Le Pelley  
Alderney Rep. Arditti  
Deputy Lester Queripel

#### **NOT PRESENT**

Deputy Stewart  
Deputy Laurie Queripel  
Deputy Brouard  
Deputy De Lisle  
Deputy Soulsby  
Deputy Sillars  
Deputy Storey

Deputy Burford  
Deputy Inglis  
Deputy O'Hara  
Deputy Quin  
Deputy Hadley  
Deputy Harwood  
Deputy Kuttelwascher  
Deputy Brehaut  
Deputy Langlois  
Deputy Le Clerc  
Deputy Sherbourne  
Deputy Conder

4075

**The Bailiff:** We just need to wait now for the result of the voting on the Treasury and Resources Department's Report on Securing Strategic Air Links to London Gatwick Airport... which is just being handed to me and I can announce there were 29 votes in favour with eight against and three abstentions. I declare the Propositions carried.

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That, Members, concludes the business for this November States Meeting.

*The Assembly adjourned at 5.13 p.m.*

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