



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 31st May 2013

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Present:

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

Law Officers

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

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, S. A. James, M.B.E., A. H. Adam

The West

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

The South-East

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

H.E. Roberts Esq., Q.C. (H.M. Procureur)
Deputies M. J. Storey and J. P. Le Tocq (*relevé à 10h 15*)

Business transacted

Evocation 613

Billet d'État VIII

IX. 113th Medical Officer of Health Annual Report –
Debate continued 613

*The Assembly adjourned at 12.28 p.m.
and resumed its sitting at 2.30 p.m.*

IX. 113th Medical Officer of Health Annual Report –
Debate continued – Proposition with amendments carried 645

Billet d'État VIII

X. SACC Report, 18th March 2013 – Amendments to Rules on Questions agreed 647

Good wishes to States' cricket team..... 670

The Assembly adjourned at 4.28 p.m.

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

Billet d'État VIII

HEALTH AND SOCIAL SERVICES DEPARTMENT

5

113th Medical Officer of Health Annual Report Debate continued

The Deputy Greffier: Billet VIII, Article IX of the debate continues.

10

Amendment voted on the previous day:

15 “2. To direct that by no later than July, 2014, and after consultation with the relevant States Departments and the Medical Officer of Health, the Policy Council, in accordance with that part of its mandate which makes it responsible for “...the co-ordination of action to enable the implementation of the States Strategic Plan...” and in order to contribute towards fulfilling the Social Policy Plan general objective of “equality of opportunity, social inclusion and social justice” (Resolution 3 on Billet d'État VI of 2013), shall report to the States of Deliberation setting out its considered response to Recommendation 7 of the Medical Officer of Health's 113th Annual Report, which considered response shall include an assessment of whether to adopt as expeditiously as possible a measurement of income inequality.”

20

Results of the recorded vote.

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

POUR

Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. Arditii
Deputy Harwood
Deputy Brehaut
Deputy Domaille
Deputy Robert Jones
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Lester Queripel
Deputy St Pier

CONTRE

Deputy Perrot
Deputy Kuttelwascher
Deputy Langlois
Deputy Le Clerc
Deputy Storey
Deputy Stewart
Deputy Gillson
Deputy Trott
Deputy David Jones
Deputy Spruce
Deputy Paint
Deputy Adam

ABSTAINED

Deputy Bebb

NOT PRESENT

None

Deputy Le Pelley
Deputy Ogier
Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy James

25 **The Bailiff:** Members, I can begin by announcing the results of the vote on the amendment proposed by Deputy Fallaize and seconded by Deputy Green. There were 34 votes in favour, 12 against, with one abstention. I declare the amendment carried.

 We move on now with the amendment that is proposed by Deputy Burford and seconded by Deputy Luxon.

30 Deputy Burford.

Deputy Burford: Sir, my purpose in bringing this amendment is twofold. Firstly, it will, I hope, be another step in the much-needed cultural shift towards making it easier for a mother to initiate and to continue to breastfeed her child for as long as she sees fit. Secondly, if measures to improve breastfeeding rates are successful, it will save us money.

35 I would like to make it clear at the outset that I fully support a woman's right to choose freely exactly how she wishes to feed her child. I am sure that comes as no surprise to you. There are enough demands on a new mother without adding to them, and in no way is anything in this amendment designed to be a judgement on the choice a woman makes.

40 However, both the data and the reported evidence clearly show that of the three quarters of mothers who commence breastfeeding, many stop for reasons other than simply not wishing to carry on.

 Of the one quarter who do not initiate breast feeding, and these are mostly younger women, some are deterred by lack of confidence, embarrassment, cultural views, unsupportive partners, and misconceptions about the effect of breastfeeding on bodily appearance, amongst other reasons.

45 This amendment directs the Health and Social Services Department to report back in 19 months' time with proposals to improve breastfeeding initiation and continuation rates in Guernsey. Such proposals are to be informed by four of the five recommendations made in the Medical Officer of Health's Report. Although the amendment has been designed in such a way as to allow consultation and intradepartmental working to result in the best proposals to achieve the stated aims, without the risk of being constrained by exact letter of the recommendations.

50 The time scale of 19 months, although lengthy, was at the request of HSSD in order for it to have sufficient time to incorporate the work into its busy 2014 schedule.

55 To take the recommendations in turn, recommendation 17 seeks to address the main issue of rates of initiation and continuation of breastfeeding by addressing staff qualifications, community accreditation, and volunteer peer support.

 It must be said straight away that the Princess Elizabeth Hospital is providing some excellent support in numerous ways, having achieved Maternity Unit UNICEF UK Baby Friendly Initiative accreditation in 1999.

60 However, rates of continued breastfeeding decline rapidly. The World Health Organisation recommends six months of exclusive breast feeding with no other food or drink, followed by continued breast feeding with the addition of appropriate complimentary foods until at least two years of age.

65 As stated in the Report, some areas of data collection in Guernsey are lacking. Despite the World Health Organisation recommendation, in the UK only 12% of babies are still breastfed at just four months of age.

70 A study commissioned for the UK Department of Health found that breastfeeding peer support offers an effective evidence-based method of increasing duration of breastfeeding. It is valued by new mothers and increases initiation and, most importantly, continuation rates. It is a low-cost intervention and also has a role in reaching women who do not easily identify with health professionals. The study showed that peer support is growing confidence and can go on to further training, including as midwives.

 Recommendation 18 seeks to gather more robust data on rates of initiation and duration of breastfeeding, informed by reasons for not starting and for stopping. Clearly, knowledge of such

75 reasons would prove extremely useful in constructively addressing and responding to the issues experienced by women.

I believe this to be of paramount importance. I am less concerned about the recommendation to set target rates of breastfeeding. What if we set a target of 90%, but in truth only 85% of women actually informedly want to breastfeed? The aims must be to tackle misinformation and obstacles and to enable mothers to make an informed, supported and facilitated choice.

80 Recommendation 20 seeks education for children on breastfeeding to ensure they regard it as perfectly normal and natural behaviour. Although it is perfectly natural, it is also a learned behavior. The UK Health Protection Agency recommends that accurate information should be provided through schools and that a lack of observable role models leads to a neutral or negative attitude to breastfeeding.

85 Finally, recommendation 21 seeks to improve community support, in particular through improved employment practices. It also seeks to encourage mothers who wish to feed their babies when out and about.

90 Members will have read the transcripts on page 52 of the Medical Officer of Health's Report describing some mothers' experiences of breastfeeding in public. People may wonder why a mother cannot wait until she gets home to feed her baby. New-born and young babies usually demonstrate a demand to feed every one to three hours and feeding time can be anything from 10 minutes to 30 minutes or longer.

95 It should be noted that the purpose of suckling is not simply for food and comfort, but to stimulate and establish a sufficient and robust supply and therefore to ensure higher rates of breastfeeding success that do not require formula supplementation.

One can see from this that, without the ability to feed the baby freely when she is out and about, a breastfeeding mother can very soon feel as if she is under house arrest.

100 It is indeed odd that some regard it as inappropriate for women to feed in a public place, yet at the same time see nothing odd in the best selling UK daily newspaper printing a topless picture of a woman every day. Make feeding in public familiar and ubiquitous and the shock factor disappears.

One of the most common reasons for a mother to stop feeding her child is because of a return to work.

105 Members will know that the Medical Officer of Health's Report makes five recommendations on ways to improve breastfeeding rates, but that this amendment cites only four of them.

The one I have omitted refers to improved maternity leave and maternity benefits. Clearly that is a major issue and while I would fully support it, together with a move to parental leave, it is for another day.

110 However within the scope of this amendment is the desire to see improved practices to assist those mothers returning to work, who wish to be able to express and store milk – essentially a quiet place, a fridge and a little understanding. It would be great to see the States, as the largest employer, take the lead on this.

It is odd indeed that smoking places and smoking breaks are catered for by some employers, but not necessarily a place and a break for a mother to express and store milk.

115 I would like to conclude with some reasons why as a society we might wish to improve breastfeeding rates.

120 A study in the US has estimated that if 90% of babies were breastfed for the first six months of life, \$13 billion would be saved in healthcare costs. Whilst appreciating the inherent risks in extrapolating this to a Guernsey scale on a population basis, this would equate to £1.65 million a year.

125 Another study shows that for every 1,000 babies, formula-fed babies have 2,033 extra doctors' visits and 212 extra hospitalisations each year, compared with breast-fed babies. Further research states that if all infants were exclusively breast fed, the number of hospital admissions each month with diarrhoea and lower respiratory tract infections could be reduced by 50% and 25% respectively.

The Medical Officer of Health's Report references various studies which show the benefits of breastfeeding, not only to the child but also to the mother. These include a reduction in the incidence of type 2 diabetes, rheumatoid arthritis and breast and ovarian cancers.

130 The Guernsey Obesity Strategy also cites the benefits of improved rates of breastfeeding on obesity levels in children and mothers.

To finish, I too would like to thank Dr Bridgman for his assistance in this amendment and I ask Members to support it.

Thank you.

135

Amendment:

To number the proposition as proposition 1 and to insert a new proposition 2 as follows –
“2. To direct that by no later than December 2014, and after consultation with the Medical
Officer of Health and other relevant parties, the Health and Social Services Department,
working in conjunction with other Departments where appropriate, shall report to the States
setting out proposals designed to improve the rates of breastfeeding in Guernsey as informed
by, but not limited to, recommendations 17, 18, 20 and 21 of the 113th Annual Medical Officer
of Health Report.”

140

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

145

Deputy Luxon: Yes sir.

The Bailiff: Thank you. Who wishes to speak? Yes, Deputy St Pier.

150

Deputy St Pier: Thank you, sir.

Deputy Burford contacted me to ask me whether I would second this amendment, and my
immediate response was I had concerns about HSSD’s ability to discharge yet another project. I
did not hear further from her, she disappeared and obviously had a conversation with HSSD,
which resulted in an extension of the deadline and I also understand obtaining their support to
undertake this work. So she obviously then contacted Deputy Luxon to second the proposals so I
did not get the opportunity, but I am pleased to third it, if that is possible. *(Laughter)*

155

My only other comment is really just to state the obvious, which I think is – again I have
confirmed with Deputy Burford – her understanding is, of course, that this amendment is
instructing the Department to undertake some work to bring some further proposals back to the
Assembly. Those proposals could themselves have resource implications.

160

I think for all the recommendations the appointment of a lead health visitor, of course, could be
an existing resource or it could be an additional resource. The improving measurement may
require resources, a media campaign could of course be quite expensive and the provision of
community facilities, if that was one of the firmed up proposals could have resource implications.

165

It is simply to note, at this stage, that there may be resource implications which this Assembly
would need to consider in due course, and of course, in the present state those resources may not
be available. I know Deputy Burford is well aware of that at this point, but notwithstanding that I
think the thrust of this amendment clearly is to undertake the work to bring proposals back to the
Assembly for us to consider the implications in time and I have no reason to do anything other
than to support the amendment.

170

Thank you, sir.

The Bailiff: Deputy Soulsby.

175

Deputy Soulsby: Sir, I am a bit nervous of making this statement with Deputy Adam within a
couple of feet from me, but here goes! *(Laughter)*

I am pleased to support Deputy Burford’s amendment and agree with her that, rather than
following targets of breastfeeding, the aim must be to allow mothers to make an informed,
supported choice, and the key word for me is *choice*.

180

The trouble is that women are bombarded with advice from so-called experts on what they
should and should not do from the moment they get pregnant – do not drink this, do not eat that,
avoid this, make sure you take that – which goes beyond general health advice, such as not
smoking, keeping fit and eating a balanced diet. Much of this advice is contradictory.

185

Media headlines such as these have appeared within months of each other in *The Times* earlier
this year – firstly:

‘Warning tiny amount of alcohol during pregnancy can harm child’s IQ’

190

and then:

‘Drinking alcohol occasionally when pregnant does no harm’.

195

Well, let me tell you, when I was nine months’ pregnant, felt like a beached whale and had
something doing somersaults inside of me, the very occasional glass of wine was found to have
clear medicinal benefits for this mother. *(Laughter)*

And then when you do give birth and amazingly the baby is okay, despite the fact that you did not take all the advice but used your natural instincts, the guilt trip and contradictory advice continue.

200 A classic example is about babies sleeping on their backs. Now, we all know we are told to put your baby on its back to sleep to avoid cot death; but at the same time, we are advised, do not let them lie on their backs too long, otherwise they will be developmentally delayed and will get a flat skull.

205 Then we come to breastfeeding. No-one would deny that breast is best; however, the World Health Organisation's recommendation of exclusive breastfeeding for six months should also be considered alongside its other recommendation that babies should be fed on demand. Just how practical is that for women who have to, or choose to, go back to work before then? For someone who has been through it myself, I would say it is not easy. Obviously, you cannot be there to feed your baby when it demands it, and let us just say, expressing milk is not for everyone.

210 I totally agree we should be encouraging women to breastfeed for as long as they can, but not to set an artificial date that for many hard-working women is impossible to achieve, especially if they have more than one young child, and just adds to all the other advice that can serve to make them ignore their natural instincts as mothers. The journalist Charlotte Philby wrote in *The Independent* recently:

215 'Mother's guilt is the heaviest of burdens, and with the constant juggling modern motherhood demands there is plenty to feel bad about without being confronted with a blazing reminder of your imperfections every time you reach for the powdered milk.'

220 **The Bailiff:** Thank you. Deputy Gollop.

Deputy Gollop: Sir, this is not a subject I know anything about, (*Laughter*) but that has not stopped me in the past. No, I rise actually to support the amendment because it is really a no-brainer.

225 We employ a highly qualified specialist in Public Health, we have listened to his recommendations on other subjects, such as smoking. This is clearly highlighted in the Report as an area that needs to be developed. There are at least two illustrations on the front cover which must be making a point of some kind, and I agree with what Deputy St Pier says; but I do not believe that the financial resources question that we are always hearing about should override a public health and social and family issue that is highlighted in a professional report, so I therefore concur with the amendment.

230 **The Bailiff:** Deputy Lowe.

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

I expect you are going to see all the women jump up, because this is the only thing we can actually talk about with any informed knowledge on the subject.

A Member: Sir, I do not think that is correct.

240 **Deputy Brehaut:** Well, that's a shot in the arm for feminism, isn't it? (*Laughter*)

Deputy Lowe: Well, if you can actually take up breastfeeding, then you are going to make a lot of money! (*Laughter*) My colleague says he is halfway there!

245 This amendment I do support, but I support with a lot of caution, because I am aware that there are many women out there who feel extremely guilty, because of the organisation that we have got here and the systems that we have already got here in Guernsey, where they are made to feel guilty because they are not breastfeeding. If you are setting targets to increase that, it is going to make it worse.

250 It must be a woman's choice, there is no doubt about it, and the States of Guernsey should not be the big brother dictating to women if they have to breastfeed or not.

255 So I am very anxious about this, because I know of somebody who had a baby only a matter of about three months ago, who ended up in tears because she felt isolated in the hospital because she was not going to be breastfeeding. She felt guilty about it all, felt inferior. She was told that she was putting her baby at more risk by not doing so, and that word of 'risk' actually sent fears down her and all the ramifications of the hormones up the creek and everything else. It did need an awful lot of support to assure that woman that actually it is a very small risk and there is not... your baby will survive if you do not breastfeed.

260 I would like, as part of this Report, some local data because we have got the data from the UK about how many are admitted into the hospital with infections and things and there are only a handful from the information that I have gained so far of babies that are admitted into our local hospital. It turns out that those that have been admitted have not been admitted because they did not actually breastfeed their babies. So I would like some accurate data on the Guernsey situation.

265 Of course, if people want to breastfeed, that is fine, but please do not make women feel inferior if they actually want to bottle feed their babies, and so it is finding the balance. So if you are looking for a room, as well, for women to breastfeed, why is that room not available actually for anybody who wants to feed their children, rather than be discriminatory, one against the other?

Thank you, sir.

270 **The Bailiff:** Thank you. Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

Like my colleague, Deputy Gollop, I am not an expert on this topic, but I would like to discuss one or two of the issues which really will impinge upon Education.

275 I would like to thank, first of all, Dr Bridgman for raising this issue in his Report, and also to thank Deputy Burford for raising it as an issue for us to debate.

280 National Curriculum Guernsey requires schools to provide what is known as Personal, Social and Health Education programmes. Now, I do not know how many people are aware, but on the topic of breastfeeding, there are two occasions, as far as the curriculum is concerned, where this is addressed in our schools. One is in Year 1, six-year-olds, but not delivered by the school, delivered by the health visitors. Nothing then, unless individual teachers take it upon themselves to discuss the matter, happens until the secondary phase.

285 Up to a few years ago, most of the high schools provided child care courses: most of those have now disappeared, so it is a lottery whether this actual topic is handled with teenage young ladies and that, in my mind, is why this amendment is a timely reminder, for those of us on Education and all of you here, that we do need to address the issue.

290 Growing up is hard to do and all adults have a responsibility to provide good role models for each successive generation. Schools, in my experience, do their best to complement and supplement parental responsibilities in many areas of personal development – but they cannot do everything. They do have, however, a role to play in promoting the perceived wisdom in parenting skills. Evidence abounds of the benefits which have already been described to you.

In my opinion, our curriculum is packed full and in many respects, we are trying to fit a quart into a pint pot. We as a service have not been very good at continually assessing the validity of all that we teach. We have had a habit of bolting on additions and overloading the process.

295 Personal Social Education emerged in the 1980s in schools. It was left to chance beforehand. At least there is a structure there now, and I do welcome this amendment which raises the issue once again, and will focus Education's thinking as it approaches a review of our school curriculum.

I support this amendment, sir. Thank you.

300 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you.

305 I was trying to think of a speech to write on this particular amendment for some time and I am afraid it just was not actually coming, but there are a number of things that I wanted to advise the Assembly of.

310 I recently had cause to be coming in on the bus from Footes Lane to town and on that bus – it was not late by the way – there were two women, two proud mothers with their infants that were in a pram, and they were talking quite happily about the various problems and issues that they were having – children staying up late, having to get up in the middle of the night – quite proudly and quite openly. Then suddenly as the bus was quite full, it is fairly popular route, because I was standing next to the mothers, their tones turned to hushed whispers and the discussion was as to whether or not they were breastfeeding, and the first striking act is that they suddenly felt the need to be quiet and silent on it.

315 We have this ridiculous attitude towards breastfeeding that mothers feel that they cannot even discuss it openly in the same way that they are talking about whether the child has actually been sick last night or whether they got up in the middle of the night or whatever else issues are happening. It is a perfectly natural part of our upbringing, it is a perfectly natural act and yet here they were embarrassed.

320 The other thing that struck me is that eventually one of them said, ‘No, I just decided enough
was enough, I’m giving him *proper milk*.’ Well, ‘proper milk’ as we know does not come in a red
carton from the dairy. Proper milk for a child – (*Interjection*) Proper milk for a child is from the
breast, and whereas I fully support the choice of women as to the best way for them to bring their
child up at that point in time and whether they choose to feed from the breast or not, we must
325 move away from this ridiculous idea of ‘proper milk’. We need to address the fact that it is
people’s choice.

Another point that I would like to make is that Deputy St Pier quite rightly raised the question
of resources. Well, thanks to Deputy Burford’s discussion with HSSD, that it why this amendment
now is through until December 2014. We have not put in place our workload for 2014, but we will
330 happily accept this, because the financial benefits alone – never mind all the other health benefits
that will come from this amendment – of breastfeeding are enormous, and therefore it is within the
interest of this Assembly. It is fully in line with the 2020 Vision for us to undertake this kind of
work and indeed some of the recommendations that will come to this Assembly will probably have
some resource implications, but those costs will probably be far less than the costs of inaction.

335 Therefore, I do look forward to those proposals coming to this Assembly, hopefully towards
the end of 2014, definitely early in 2015.

Finally, I think that when we are talking about breastfeeding, we need to also discuss the fact
that what HSSD are already doing.

340 There is a need more to re-profile the PEH and in particular the maternity ward, and it is
staggering that Mr Dyson, who most of us regard as being associated with hoovers, that very same
inventor has invested a fair few millions of pounds in re-profiling a maternity ward in the UK – a
maternity ward which before the re-profiling was turning out 69% of women who were
breastfeeding. At the end of re-profiling, due to natural light, a wood interior, fairly simplistic
changes, 92% of women left the ward breastfeeding.

345 Therefore, at this point in time, accounting that women are not given the *choice*, because too
frequently we put them in a situation that does not allow it, we need to *allow* women *choice* as to
the means that they decide to actually feed their child. Therefore I would ask everybody, I would
urge you that if you supported the 2020 Vision, I cannot see how you would be against this
amendment.

350 Thank you.

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you, sir.

355 Just very briefly, I believe the amendment is reasonable and is clear in both substance and
presentation. It asks HSSD to report back to us on proposals designed to improve the rates of
breastfeeding in Guernsey by the end of 2014. I think the rationale and logic is also very clear and
it is shared in the explanatory notes and indeed Deputy Burford’s very detailed and factual speech.
She is beginning to get some form for spotting common-sense amendments, as she demonstrated
with the tobacco education amendment, earlier this year.

360 Sir, it is healthier for mothers and babies; it is easier for mothers; it is less expensive for
parents; and a reduction in future healthcare costs, too. With the speed of modern life, social
media, digital immediacy, many young mums will find peer pressure to actually go with artificial
feeding for the wrong reasons, and as Deputy Lowe said the most important thing is that we give
mothers choice – and young mothers especially – choice with detailed information.

365 So I support the amendment. Thank you.

The Bailiff: Deputy Adam.

370 **Deputy Adam:** Thank you, sir. (*Laughter*) After Deputy Soulsby’s comments, I feel that I
should make some comments.

First of all, sir, I would just like to compliment Deputy Burford’s speech praising
breastfeeding. I fully agree with everything she said. In a perfect world, that is how it should be.

But Deputy Soulsby was actually talking about the factual lifestyle of people concerned, and
the problems and how they are bombarded by various bits of advice from left, right and centre.

375 As far as alcohol is concerned, some of the recent surveys have shown that there is actually a
lot more foetal alcohol syndrome, which means that babies have not developed properly *in utero* if
the person has drunk, let us say, excessive amounts.

What is excessive? That is what is debatable: whether one glass of wine a week is permitted,
that is up to the individual and Deputy Soulsby, you must remember that after delivery of your

380 baby and if you are breastfeeding, if you have a glass of wine, it is very good sedative, it puts the baby to sleep! I do not advise that...

Deputy Soulsby: It did not take me long to work that one out, actually! (*Laughter*)

385 **Deputy Adam:** I do not advise that either, but I noticed the first time my wife had a glass of wine, having had our son, he slept for six hours, peacefully and quietly!

As I say, on the one hand, the Deputy was very correct: the other advantage she did not mention was that for developing countries, if there is breastfeeding there, breastfeeding is actually a very good contraceptive. Therefore, it is very important for developing countries, where
390 contraception is not... or may be not so freely available, that they continue, and they will continue often up to a year or even longer. It gets more painful because teeth actually happen to develop and it is uncomfortable for the nipples.

But the other thing that Deputy Lowe did mention, and it is very important, is the guilt factor. People actually do feel guilty, if they do not manage to achieve breastfeeding and sometimes the
395 nipples are cracked or the shape is difficult for the baby to suck on properly, to fix on properly and all these problems – yes, I do know a bit about them all – and therefore one has to be sympathetic. It is one of those things, you cannot take your horse to water and make it drink. (*Laughter*) It is a thing that is natural, so choice is very important and not forcing or pressurising the person into saying it is the only way to do things. Feeling guilty is very harmful to the woman concerned.

400 Attitudes to breastfeeding: well, everyone has got their own attitudes. Sir, my attitude is completely inappropriate, my attitude is simply, ‘Well, that is what they are there for, you carry it around with you all the time, it is the most convenient way of doing things – get on and do it!’ (**A Member:** Hear, hear.) But that is fine, if it works out for the individual concerned.

405 Deputy St Pier mentioned resources; so did Deputy Bebb mention resources. The one that Deputy Burford missed out or just mentioned briefly was a recommendation to improve maternity leave and maternity benefit. That has actually been passed by a previous Assembly. The reason why it has not been introduced yet is simply because from the people employed by the Public Sector, it would cost another approximately £200,000 in extra social security payments and that it
410 is not forthcoming, so it has not been introduced. But that would help a lot of people and actually it is almost essential to encourage people to breastfeed and continue for the six-month period.

I am totally supportive of this, but I would also like just to mention that actually the midwives have done a huge amount of work. If you look at the graph on page 607 of the States Report, you will see the percentage of increase in breastfeeding over the years. It has gone up from a rather poor 59% in 1992 to 75% in 2011 and, as Deputy Burford said, the midwives achieved UNICEF
415 accreditation in 1999, as baby friendly. So the midwives are doing a lot of work to encourage breastfeeding and encourage people to continue breastfeeding and I think they should be given credit for that. Deputy Burford might have been, as well as speaking to Dr Steven Bridgman, to speak to the Head of Midwifery to find out exactly what measures they have in place, and what they are doing continuously to encourage breastfeeding.

420 ‘Breast is best’, there is no doubt about that, but please be sympathetic to those who find it not possible to breastfeed. That often goes for people with twins as well. Remember, in that situation it is very difficult to have a baby on each one, sucking away quite happily.

This is very reasonable, it has resource implications. I feel to a certain extent that the midwives are doing an excellent job at the present time, and have been for the last, since the mid 1990s,
425 because they have got the UNICEF accreditation and they should be applauded for the work they do.

Deputy Lowe mentions the statistics afterwards and continuation rates. I find it disappointing that they are not more accurate and up to date, but then district nurses, health nurses are quite busy; but actually it would be useful if that information was up to date and maintained.

430 So I support this amendment with the caution of resources and also, I feel that she should have mentioned the work the midwives do do at the present time and the quality of midwifery care in Guernsey.

Thank you, sir.

435 **The Bailiff:** Does anyone else wish to speak. No? Deputy Dorey, do you wish to exercise your right to speak? Penultimate speech.

Deputy Dorey: Thank you, Mr Bailiff.

440 The Department supports this amendment and I wish to thank Deputy Burford for seeking the Department’s views on the amendment before it was sent out, and amending the date by which we

have to report back. It was originally February and that was not achievable: she moved it to December and we will make every effort to make sure that we report back by December 2014.

445 Of course, we will have to manage it within our 2014 work plan, and as resources have been mentioned, it will mean that we will not do something else, but the Department considers that it is important enough to be included in our 2013-14 work plan.

450 Deputy Adam mentions about the midwives, and I wish to just inform the House that advice is given by midwives working in hospital, by midwives working in the community, by health visitors and paediatricians. HSSD also work closely with the voluntarily sector at the National Childbirth Trust, and the Princess Elizabeth Hospital staff have worked hard to achieve and maintain their UNICEF UK Baby Friendly accreditation.

455 The prime reason why we do support this amendment is that despite all our efforts so far, breastfeeding rates are lower than other jurisdictions and consequently some babies will not receive the benefits of breastfeeding and, as has been mentioned, the health benefits of it. We are pleased to support this amendment to see what can be done to improve the rates, but are obviously very aware of the comments made by Deputy Soulsby.

Thank you.

The Bailiff: Deputy Burford to reply to the debate.

460 **Deputy Burford:** Thank you. Firstly, thank you to everyone who has made supportive speeches.

Deputy Lowe talks about tears. Only last week a mother came to me to tell me how she had essentially been forced to give up feeding her child at age four months when she returned to work, as her employer was unsupportive: she too was in tears.

465 We really should be dealing with what it is in our culture that makes women feel guilty, rather than worrying about the issues that were raised. That is the bit that needs looking at, because women should not feel guilty in their choices.

In a developing world, actually babies are fed until an average age of four years, so I do not think teeth are an issue and also many mothers do tandem feed.

470 As Deputy Dorey says, the midwives are excellent. I think it was a point I did make in my speech but as he also acknowledges, rates do fall off quite dramatically and that is what we are looking at.

475 Nothing much else to say, although this morning I will just finish by saying, sir, on Twitter this morning, Deputy Green wondered whether Benjamin Disraeli would be quoted again in the Assembly today. In order not to disappoint Deputy Green, Disraeli did say:

‘My idea of an agreeable person is a person who agrees with me.’

480 I hope this morning all Members are feeling agreeable.

The Bailiff: Thank you very much.

485 Just before we come to the vote we need to make a minor amendment to the first line of the amendment just to read ‘To insert a new proposition 5 as follows’. That is consistent with what we did yesterday, with other amendments and Deputy Le Tocq, you wish to be *relevé* before the vote.

So we come to the vote then on the amendment proposed by Deputy Burford, seconded by Deputy Luxon. Those in favour; those against.

Members voted Pour.

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

Now I have been advised that there is to be a further amendment. (*Interjection*) Is this proposed by Deputy Lowe? Is that right?

495 **Deputy Lowe:** It is sir, I believe the –

The Bailiff: Do we have copies available for distribution?

500 **Deputy Lowe:** I believe the ushers have got them. It is a very straightforward one sir, do not worry I do not think it should entail a debate although some way wish to do so.

The Bailiff: Do you just wish to pause a moment while it is distributed. Thank you. *(Pause)*
Does everyone now have a copy of the amendment? Almost, not quite.

Right, yes, everyone now has a copy: just in the first line, it must now be numbered 6 because we already have five propositions.

505

Deputy Lowe.

Deputy Lowe: Thank you sir.

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The Bailiff: Actually, for the benefit of people listening on the radio –

Deputy Lowe: I am just going to read it, for the benefit of those that are listening and the media would not have had this:

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To insert a new proposition which will be numbered 6 as follows –

“6. To direct that, from 2014, the Health and Social Services Department submit a States Report to which is appended as part of that report the Medical Officer of Health’s Annual Report as soon as is practicable after the publication of that report.”

520

It says it all on the tin, really, sir.

I think we have all benefited from having this Report before us today. It used to be published in the Billet as an appendices years ago, and it seems to have fallen off the radar, and it is so important.

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We have to pay an independent Director of Public Health who looks right across the spectrum of how the health can be improved for islanders living here, and yet we do not actually have the opportunity to be able to discuss and debate that Report in the Assembly. We can all get in touch with the Health Department as the conduit to get to the Medical Officer of Health or indeed go and knock on his door.

530

It is important that we actually discuss the issues that are being raised, because it is our job to either implement or take forward some of those things or actually ignore them at our peril sometimes. I just think we need to get back on track and rather than have it as an appendices, because again that can face another amendment for it actually to be debated, let us just be very clear and straightforward by having this presented before us annually by the Health and Social Services Department as a report. Whether people just note it or want to discuss it will happen on the day.

535

I ask Members to support this amendment. I thank Deputy Andrew Le Lièvre for seconding it.

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

540

Deputy Le Lièvre: I do.

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

545

Deputy Brehaut: Sir, I support it sir, but I think... I will support this amendment, but I think we need to just reflect that the observations made for amendments have been what you might describe as passive. The breastfeeding initiative is one people are sympathetic to and the outcome on public health is a positive one.

The amendments placed by Deputy Fallaize and others yesterday again gave us the tools to measure inequality and equity and that will enhance aspects of public health.

550

Where I get concerned is, if an independent statutory official tells us that PFOS levels in the community are too high, that we then get a political reaction from the Department that are responsible for PFOS, saying that the Minister of PSD says that ‘He may be a statutory official but he is *wrong*.’ We could have other issues where a politically defensive response could in some way tarnish the independence of the report.

555

While I approve of it in principle, I hope that as long as we do discuss the Medical Officer of Health Report, we acknowledge that aspects of the Report may make us feel uncomfortable but that does not necessarily mean that it is wrong and it would need to be corrected by some verbose political statement.

Thank you.

560

The Bailiff: Deputy Harwood.

565 **The Chief Minister (Deputy Harwood):** Can I raise the... In my opinion, sir, and I would ask your view and that of HM Comptroller, this amendment must surely go beyond the scope of the original proposition that is before us, which refers specifically to consideration of the Report dated 8th March 2013 to the Health and Social Services Department. This I would submit is going beyond the terms of the original proposition. I therefore raise the matter under Rule 13(6).

The Bailiff: It certainly does go beyond. Madam Comptroller.

570 **The Comptroller:** Sir, yes, it does. In fact, all these amendments will, because inevitably the proposition was neutral.

575 **The Bailiff:** Yes, so we have now started debate, but you are asking that a motion be put that it be not debated are you, Chief Minister?

The Chief Minister: I am.

580 **The Bailiff:** Is there any objection to doing that once the debate has opened, Madam Comptroller? Normally it would be taken at the outset.

The Comptroller: As far as I am aware, sir, the Rules do not specify that one cannot bring that at any stage, so I have absolutely no objection.

585 **The Bailiff:** Yes, so Members I put to you the proposition that the amendment be not debated, and, as with yesterday, if you vote *Pour*, it means you do not wish to debate the amendment; if you vote *Contre*, it means that you are voting for a debate.

There will have to be a recorded vote, Greffier, to see whether the proposition is supported by one third of the Members voting.

590 *There was a recorded vote.*

Carried – Pour 15, Contre 30, Abstained 0, Not Present 2

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

595 **The Bailiff:** So Members of the States, the result of the vote on the proposition that the amendment be not debated was 15 votes in favour, 30 votes against, and Rule 13(6) provides that the proposition has effect if supported by not less than one third of the Members voting. It has

been supported by one third of the Members voting. One third is not less than one third, so the proposition has effect and there shall be no debate.

600 Madam Comptroller, I see, is nodding in agreement.

The Comptroller: Yes sir.

The Bailiff: So we move on then to general debate.
605 Yes, Deputy Bebb.

Deputy Bebb: I would like to start by affirming to Deputy Lowe that I am fully supportive of bringing the 2014 Report from the Medical Officer of Health to this Assembly for debate and I will put that to the Board. Obviously, it will be the decision of HSSD.

610 I would also like to affirm that fortunately SACC are currently working on a report that will hopefully remove this appalling undemocratic Rule of 13(6) (**A Member:** Hear, hear.) which is a disgrace that one third of the Members can stifle debate. It is so undemocratic, it is unbelievable. I hope that we have a majority and not a third who will support removing that ridiculous Rule from the Rule Book.

615 Moving on to the Medical Officer of Health – now that I have vented my spleen – (*Interjection*) I would like to start by saying thank you very much to Dr Bridgman for an excellent work. I think that it has brought to light a number of issues that we simply must address as part of the fundamental healthcare review.

620 The Townsend Report many years ago identified that it was one of the essential factors within the people of Guernsey's need was some form of medical insurance and we are thankful that we have got the Odd Fellows and the Foresters Societies, who actually work in order to allow a number of people access to healthcare which in other cases could be quite expensive.

625 It is all well and good if you have got enough money, we all know that. It is all well and good if you are healthy, that is all fine. The problem is that if you are falling into that health inequality factor, you do not have a sufficient amount of money and you are subject to an illness that requires regular healthcare.

Unfortunately diabetes is a very real case in point, that we see very high cases of diabetes amongst those which are in the lowest income earning parts of our society. It is unsurprising that those with diabetes then need to have a blood test on a regular basis and as we all know the charges for blood tests are only ever going to go up and up and up.

630 We have some very real issues and we have within this Report an understanding that when we consider the healthcare system, as it currently stands, we do not need to look solely upon the health system itself, which is very fragmented and drives some very perverse incentives.

We need to understand the effects that any changes will have on those people who are currently unable to access healthcare, and it is a very real problem here in Guernsey.

635 It is something that I have been looking at in relation to the funding of healthcare and three different models are available for funding healthcare. One is an NHS-style model, such as the UK, (*Interjection*) where the UK funds it wholly; secondly, is a social-security-funded model, such as that in Europe; and the third one is a private model, where you would simply have everything funded privately, as is currently the case in Switzerland and the US.

640 Here in Guernsey, we have a combination of all three and that combination has not been properly worked out. As a result of that, we have driven inequality within healthcare. It is essential for us to consider how we fund the healthcare system and how we will realise those monies in order to then look at the effects on people. It is essential.

645 The other issue, the breastfeeding issue within the Report, I am grateful to Deputy Burford and thank you to all who supported that amendment. I was minded to bring a Requête later on the issue, but now I am pleased that we will just simply move on with work within the Department, but there is – (*A mobile phone rang.*) A £10 fine for somebody.

650 There is one other issue that I am going to highlight within the Report. We do not often think of dentistry as being part of healthcare, but here on the Island we are subject to some very serious problems with the dental care. Too frequently people are unable to access dentistry because of the charges and we end up with a situation that we push people to the point of having to wait until they have to see an orthodontist, which is far more expensive.

655 So once again, our system has perverse incentives that push costs to be far greater and be a burden on the system. Therefore we have to realise the inequalities with the system and try and remove them in order to make it a more cost-effective system. I think that that is one of the things that... the inequalities of the system drive both the system itself and people's access to it.

I think that the Report stands for itself and I think that that is all I have to say on this particular matter but I hope that when the healthcare review comes, those are the issues that are foremost in people's minds on that debate.

660

Thank you.

The Bailiff: Next, Deputy Dave Jones to be followed by Deputy Laurie Queripel.

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

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I think the Report actually is a bit like a curate's egg: it is good in parts.

I just want to pick up a couple of issues. First of all, I am very grateful to Dr Bridgman for his comments on housing because I think they are very fair and they are very valid. The Housing Department has considerable sympathy with some of the MOH observations about poverty in Guernsey as our tenants are some of the poorest members of our community. The housing staff witness at first hand the problems faced living in a high cost jurisdiction. They also see the difficulties experienced by those people who are on our waiting list, living with family or friends or in the private rental sector. When housing costs are high and one part of the equation... it is all too easy to say that housing is the sole issue, but unfortunately it is not. Many people have low paid jobs and limited promotional prospects. They are not the stereotypical benefit scroungers, but are the hard working backbone of this Island. They are the people I have worked alongside for most of my working life. They simply do not earn enough money to feed and clothe themselves or their families, or to enjoy some of the other benefits of life that most of us in this Chamber take for granted. This is why this housing board, and incidentally the one before it, is so committed to working with social security to design a modern benefit system that is fair and equitable to all and one that recognises that poverty is as much a problem for those in work as for those out of work. It is also why it is absolutely no surprise, in many ways, that the MoJ, the MOH has ventured into what some considers being the political arena to highlight this problem. We could debate all day whether it is Dr Bridgman's job to get embroiled in the politics of it all, but as I said, I am not surprised because poverty often means bad health, low educational attainment, crime and anti-social behaviour, all of which cost the Government huge amounts of money.

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I also want to say something about housing conditions and why we are quietly and purposely working with our colleagues in HSSD to take these measures to improve the lot of those in the community who live in poorly maintained properties. This is something the Deputy Brehaut was working on when he was a member of Housing and he really brought this whole subject to the fore, producing a whole realm of photographs of properties right across the Island that begged belief, quite frankly. This issue has actually taken far too long to come but... Nothing may have come to the States yet but operationally our work with environmental health officers and others is becoming more joined up and effective, nipping problems in the bud before they become serious.

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We are also working on legislative measures that will target houses in multiple occupation and raise the standards in many of these properties. This work will be given further impetus if the States accepts the proposals of the Population Management Report to cap a number of open market properties in multiple occupancy, something I am very committed to seeing happen.

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Whatever the rights or wrongs of the Assembly debating it, I do welcome the MoJ Report and have no difficulty with what has been written about housing. It is simply a restatement of an agenda that I have been working on hard since I was elected to the States in 2000. It is still a work in progress but one where real achievement can be seen and felt, but more can be done and will be done in the future.

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The rest of the Report, unfortunately some of it seems to be a sort of a cut and paste from some UK document. We talked on page 591 about inner-city developments in Liverpool which I do not believe have any real relevance to Guernsey. Also there is a reference on page 586 in the Report of green spaces and families in multiple occupancy flats – another section I suspect that was cut and pasted from elsewhere.

705

The truth of the matter is that we have a natural playground in Guernsey for our children – several verges of parks, miles of cliff paths, together with common land and further miles of open beaches for natural recreation – and I think really it is up to parents, rather than sitting on the doorstep watching children play on the street, to get out there and take their children to the natural environment of Guernsey and let them benefit from some of the spaces that we have. So I think it has more to do with the parenting of children rather than the lack of places for them to go.

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As I say, the rest of the Report is unfortunately, from my view, dotted with references to the UK. Again, many of the examples are not relevant to this small Island community and I do not think it helps these kinds of reports if you start to pad them out with things that are not relevant to Guernsey.

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720 One other section that I *cannot* agree with is on page 588 where the Report strays into our education system. It says on that page, and I will just read it for you:

725 *‘The downside of the Guernsey selective system is that it is too easy to create “winners” and “losers” in terms of the schools the children go to. The problem is if people feel they are losers, some will start acting as losers. Long term, this simply reinforces social exclusion in the island. Selection also creates divisions between children who have been to the same primary school and disrupts friendships that have been built up over years.’*

What a load of drivel!

Deputy Fallaize: Sir, may I raise a point of order?

730 Deputy Jones appeared, I think, to anybody listening to this debate to be quoting the Medical Officer of Health. Could he actually advise the States who he is quoting when he reads out that quote?

735 **Deputy David Jones:** It is from a section in the Report. It comes from Mulkerrin’s review on the Education Service. It is *in* the Report. We are discussing *this* Report. It comes under the title ‘Medical Officer of Health’s Report’.

740 But I say, what a load of drivel! Children will do and face selection all of their lives and they had better get used to it. Whether it is being selected for a job at the interview stage or chosen to represent a team in sport, or even selected by their friends to be part of that friendship group. They will be chosen by partners in relationships and rejected by others. Rejection is common and it is sometimes very brutal, and misleading children that this is not part of normal life is complete and utter fantasy. They ought to be... life is not fair, and as Bill Gates said in a very famous lecture:

745 *‘Your school may have done away with winners and losers, but life has not. In some schools they have abolished failing grades; they’ll give you as many times as you want to get the right answer. This doesn’t bear the slightest resemblance to anything [that happens] in real life.’*

I support that statement and I do not think any of that makes them losers; it just makes them stronger. This woolly-headed *Guardian*-read clap-trap just turns them into luvvies (*Laughter*) who cannot cope with life in the real world later on.

750 I think that is about it, so I will just sit back now and wait for the letters to arrive! (*Laughter*) Feel free to carry on.

The Bailiff: Deputy Laurie Queripel then Deputy Paint and Deputy Stewart.

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

Mr Bailiff, Assembly colleagues, I hope it is apparent that this Report does resonate with me and I do agree with many of its findings and recommendations, but I am going to make what some Members might feel is a slightly Jekyll and Hyde speech, in that I am going to try and look at a number of these issues from two sides.

760 I would just sound a note of caution in regard to a phrase, and I know it is a phrase that many of us are not fond of and there is good reason for that, but that phrase, sir, is ‘relative poverty’. It is mentioned in the Report. Relative poverty can be a somewhat subjective term.

765 Deputy Jones yesterday alluded to a conversation that he and I had in the morning and I was thinking back to when I was a lad – and I was tempted, sir, to say that with a northern English accent, but I did not think I could carry off, so I did not. Perhaps Deputy O’Hara could do the honours!

770 I do not think the term was that well known then, or at least it was not measured in any particular way. Had that been the case, I think my family would have been found to be living in relative poverty. My parents *never* owned a car, we *never* had a family holiday, we lived with my gran for the first few years of our family life, tin bath and outside toilet and all, and I would not recommend that to anybody.

775 Then we moved into social housing. We did not get a phone until I was 16 years of age, so that was all of five or six years ago! (*Laughter*) No, sir, I am a child of the 1960s, I have to confess, but in those days there was not a marked difference between what you might call *my* social group and the next group up. I apologise if I am not using very PC terms, but it is very difficult to find a way to describe it.

But even then, I did see school friends occasionally being picked up from school in their parents’ cars. I did hear about the occasional exotic family holiday to Bognor Regis or

780 Scarborough, somewhere like that! (*Laughter*) And some of my school friends even had brand new ‘pushangs’ or push bikes.

But the point is, sir, I did not really feel that I was missing out or I was deprived. My parents had very limited disposable income and they *had* to prioritise. They chose to ensure that we were well fed, as you can see – I think Deputy Lester Queripel might have missed out somewhere along the line (*Laughter*) – and we were well clothed, sir. Expectation did not really enter into the equation and the word ‘entitlement’ was just a fairly long word.

785 Dr Bridgman on page 592 of his Report makes it clear that these are very different times. He talks about the mindset of our community and the desire to show that we are high-status humans. On page 631, he says this:

790 ‘The power of corporations is vast. Unfortunately even the recent London Olympic Games has been strongly influenced, with top sponsors such as Coca-Cola, McDonald’s, Cadbury’s...’

Then he went on to say a bit further down:

795 ‘The marketing campaigns of multinational corporations are harming our physical, mental and collective well-being[...] Evocative promotion, widespread distribution, perpetual new product development and seductive pricing strategies are used to encourage unhealthy consumption.’

800 And, sir, I think that applies generally – not just to the things that we imbibe in. The pressures now and the demands on limited disposable incomes are very different and there is no doubt that this has led to the stresses and complexities of modern life. I do not think it is my imagination, but I think nowadays there is more restlessness and more impatience and more discontent than I can remember from when I was a lad.

805 High pressure marketing and peer pressure cause poor choices and illogical prioritisation. The irony is that the economic model that we live to *has* brought success and wealth, but it has also highlighted and almost created the issue of so-called ‘relative poverty’. It has starkly illustrated the gap, the division that exists.

So, sir, I have no problem. I think we have no choice but to advance social policy in an effort to close that gap.

810 How do we fund that? Besides the excellent and proactive work that is taking place at Commerce and Employment to facilitate business and open up new opportunities, I also have no problem with Dr Bridgman’s suggestion when he said, on page 591:

815 ‘Would it not be fairer to take a little more from the wealthier so that everyone can participate in society and achieve their health potential?’

and according to a study conducted in 2002, the majority of Islanders have no problem with that either.

820 Sir, I offer this as an observation rather than a strong opinion, but I will ask, are we looking through the telescope from the wrong end? This upwardly mobile economic staircase that we are looking to ascend means that we will always have to – as long as we have a social conscience and long may that be the case – ensure that we take everybody along with us. Is that sustainable? Possibly not, but we cannot allow more and more people to fall into the gap.

825 Dr Bridgman ably and clearly illustrates in this Report that people who *are* taking responsibility for themselves, who *are* working, who *are* earning, *still* cannot access decent accommodation, justice, or proper health provision, and that exists, sir, partly because of the thresholds that currently exist and for people in that position it must be incredibly demoralising.

830 So, sir, if we truly desire to be a progressive community, we do not only need to advance social policy, but going back to an earlier point that I made, I think we have a job of work to do in what one might term ‘lifestyle education’. Many of these things might be obvious to many of us, but I think a compass or a guide is required in regard to nutritional information, re-establishing values and proportionality – a message that the wanting it all and wanting it now approach is not necessarily healthy, balanced, or fulfilling.

835 We need to redress the balance; we need an antidote to the extremely materialistic, consumer driven, instant gratification society that we inhabit and that is acknowledged, sir, in this Report.

We have to address any *real* genuine examples of poverty. Blatant *inequality* in a society that considers itself to be civilised and advanced is just not acceptable. So we cannot create a utopia, we have to find ways to make more of the fine words in this Report a fine reality.

840 Thank you, sir.

The Bailiff: Deputy Paint.

Deputy Paint: Sir, and Members of the States, although the amendments that are being passed today are admirable, I have to say I have great concern in the cost, the staff resources and the extra costs that will come from them.

845 I am therefore not surprised that the FTP will not reach its targets. This has happened too much. We cannot continue to pay out for the wants of some States Members who do not seem to understand the general public in one form or another will have to pay for these extra charges, extra sums. We have to work within our pockets like every household in these Islands, or we will end up the same as many countries around us who are burdened with debt. That debt is considered that they will never get out of. We no longer have the vast sums of surpluses that we had a few years ago. We have a deficit, and until we can balance our books, I have to express caution to you all on our spending.

Thank you, sir.

855 **The Bailiff:** Thank you.

Next, Deputy Stewart, to be followed by Deputy Lester Queripel and then Deputy Sillars.

Deputy Stewart: Mr Bailiff, you will be pleased to know I am still chipper, (*Laughter*) but this is not a chipper document, this is not a chipper report; it is downbeat. Any positives that are within this document are buried within negatives. I will go through some examples, but also what bothers me is, as Deputy David Jones pointed out, I think it also strays very much into the political arena as well.

860 What we really need here is some sort of quality check on this document and I will give you some examples of where I think those have not been applied, but if we want good social policy, we need a vibrant economy, a point that was made by Deputy Trott yesterday, and documents like this, and other things that go into the public domain, are read wider, and by reading this... and actually, sometimes when I read the *Guernsey Press*, I actually think, 'Is this the same Island that I live in?' (**Several Members:** Hear, hear.)

870 Dr Bridgman has not engaged with C&E over the past year. If he had done, he would know we have instructed CICRA to conduct a competition enquiry into primary healthcare. He has not discussed with this Department any of the propositions he is making about minimum income. We had to protect what is now a very fragile economy. (**Several Members:** Hear, hear.)

875 Unemployment now in Europe, in the Eurozone, is now at an all-time high of 12.2% average across Europe. Both Italy and France this week have announced their record unemployment levels. In Guernsey, we are just below 1.4%; but look at our sister isle – already that is over 2,000 unemployed at 4.7%.

880 Now, we can start pulling on the tiller of the economy and giving it a hard yank, but the problem is we could open trap doors and start causing that boat to yore. What we need to do is be very, very careful with how we approach the economy. Yes, of course we can all sit here and vote to put up minimum wage to £9 or £10, but the effects of that, the effects on our economy could be widespread and then what we will have is more unemployed. So then you will have more social deprivation. What we need is a vibrant economy and full employment.

885 Let me just go through some of the areas this Report – page 571, the Townsend Centre. That Report is now 12 years old and one thing I do know about is surveying, commissioning surveys, and interpreting that data in real detail. I spent my life doing that and my livelihood depended on it.

890 Actually, they surveyed 443 households, so that is 43 per parish. Start breaking that down in demographics – over 65s, lone parents, 25-35s, 35-45. It is not really represented if on the day it may have turned out different.

895 So I do actually believe, although he is asking us to carry out so many surveys and it probably is something to actually bring us up to date that is meaningful, because to rely on something that is 12 years old and with the work that is being done with social housing in that 12 years, will have a huge impact on those results from Townsend. So I do not really think that Townsend is relevant anymore.

Let's look at page 575, 'Housing need, household expenditure survey'. Buried in the first paragraph:

'Whilst the majority of households (over 95% in both surveys) were satisfied...'

900 Well hang on a minute, that's a headline! We should be proud of that. That is a real achievement for this Island – but no, that positive is buried around a load of 'Oh yes, well, we have got a bit of damp in some houses.' Well, I have moved house and every survey I have had,

the guy has managed with his damp metre to find some damp somewhere, and actually when we do read down:

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‘... serious damp reported in 4%.’

I would like, with these documents that are out there in the public domain being read, let’s have some more positivity, because if we are going to have a vibrant economy, if we are going to move forward, we need a positive attitude, and to be honest, all of this is depressing reading.

910

Then we get in, let’s have a look, blow me, at page 589, suddenly the *Guernsey Press* is something we need to quote. Here we are, page 588, bottom of:

915

‘Guernsey has a very significant Social Welfare provision...’

and so we go on about all these good things. *However:*

920

‘Given the progress in the last decade some commentators have concluded that poverty is not a priority for the States...’

Oh, look at the source, *Guernsey Press*, 2012. Well, there is a surprise! (*Laughter*)

We go on, ‘Collaboration with other Small Jurisdictions’, page 595, and we have got a whole paragraph on LVCR, and it says here:

925

‘For instance the UK Government’s arguably highly unfair and discriminatory decision on Low Value Consignment Relief led to job losses and will have had a significant, but unmeasured impact on local health and well-being’.

Let me tell you, the work that Commerce and Employment did together with FSD totally mitigated that. Oh, look at the source – BBC, 2012. Well, that is a really reliable source. Let’s get that off the internet and chuck it into the Report, shall we? (*Laughter*)

930

A Member: Is that your last employer?

Deputy Stewart: Yes, and I put quite a few reports right that some younger journalist had written that was totally inaccurate.

935

So what I have to say is there is no quality check on this and as a statutory official, fine, write a report, but now we are going to have to pull it apart and start defending it, and if we are to put out reports, let’s focus on some positive things about Guernsey that I passionately believe in. If we *are* going to drive forward, if we *are* going to ride out this storm, we need a positive attitude and this, to my mind is *too* negative with the positives buried round a lot of negatives which have no substance.

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I was going to mention the green spaces, because I discussed this with Dave Jones but it is utter cut and paste from some UK report. Look at the map: how far do you have to walk to be on a beautiful beach on a day like today, in a beautiful green space, somewhere in a park – the work that has taken place at Delancey Park? To say we do not have a social conscience as the States of Guernsey is entirely wrong, and that is how this document comes across.

945

Several Members: Hear, hear. (*Applause*)

950

The Bailiff: We will move now to Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

Apologies for stating the obvious, but if something is unbalanced, then surely it needs balancing and the need for balance is paramount throughout this Report and I want to cite three areas specifically.

955

On page 590, paragraph 2, we are told that:

960

‘The current significant budget reductions in health and social services, as part of the Financial Transformation Programme [...] are likely to have some negative impact on less affluent members of our society...’

So the need for every Department to attain balance is crucial when they are looking to make savings.

On page 591, at the bottom of paragraph 3, we find a question which reads:

965

‘Would it not be fairer to take a little more from the wealthier so that everyone can participate in society and achieve their health potential?’

So again, whatever we need to do in that area will have to be done with balance as the ultimate intention.

970 Finally, still on page 591, the bottom of the last paragraph tells us that:

‘... it is interesting to note that in Guernsey there have been concerns that the Minimum Wage has had unintended consequences by some employers paying a lower wage.’

975 It is a shame that Deputy Stewart has left the Chamber, sir, because once again the next figure proposed for a minimum wage will have to take all the factors into consideration, and C&E will have to recommend the figure for a minimum wage that is balanced.

I know Deputy Stewart and I disagree on this issue. In fact, Members will recall I was a lone voice in this Chamber when I referred to the current minimum wage as an *insult* to the hard working people of Guernsey. So I sincerely hope that I will not be referring to the next figure Commerce and Employment set as a minimum wage as an insult.

980 And finally, sir, the overall message this Report relays is that we, the States, have to balance the books. That, as I know I do not have to tell anyone, is the biggest test we will face over the next three years, so ‘balance’ must always be the operative word.

985 Thank you, sir.

The Bailiff: Deputy Sillars.

Deputy Sillars: Thank you, sir.

990 I was not going to stand, but I thought I ought to now, regarding education. Just covering the comments of Dr Bridgman, on page 587, just really starting where it goes from:

‘A good early years home learning environment with parents interested in their children’s education and reading with their children is vital.’

995 Well, I would go far farther than that: it is *all* children, but it is on the way, and just to confirm, within our Vision we are bringing a Pre-School States Report, hopefully in November of this year, regarding that area.

1000 Now, the one that got Deputy Jones to his feet, I guess, is where Education is concerned. Again, what was quoted is a small part of a much larger Report regarding secondary education. Yes, my Board has not discussed this yet and our officers are still putting the 11-plus to us, but we are committed, within the Vision, to come back to the States in 2014 to discuss this area. I guess I have learnt where Deputy Dave Jones will be voting for on that one.

Going slightly further down, page 588:

1005 ‘Also important for health equity and social mobility is the Skills Strategy...’

Absolutely right, and we as Education have started to deliver new initiatives in this area.

1010 I understand that Dr Bridgman has not consulted with Education, which I was disappointed he did not come and see us, but I would like to actually formally invite him to come and talk to us and meet us with Education so we can work together. I shall look forward to working more closely with HSSD for the benefit of all our children on this Island.

Thank you.

1015 **The Bailiff:** Does anyone else wish to speak in general debate? Deputy Le Lièvre.

Deputy Le Lièvre: Yes, Mr Bailiff and Members of the Assembly, I have not gathered my thoughts completely because listening to... Could somebody answer a question? I am sorry to start like this, but is Deputy Stewart a member of the Social Policy Group? (**A Member:** No.) Oh. Thank goodness!

1020 There seems to be a general lack of understanding about the nature of this Report. You cannot be upbeat about increases in psychiatric disorders. It is difficult to be upbeat about ovarian cancer etc. One has to have honesty, an honesty and transparency that people who read this know where we are too, as they would say.

1025 Now, I was shocked to hear the Minister for Housing, who appears to lack *any* knowledge of what is happening on his actual social housing estates. They are not areas of equality; they are areas of inequality, financial inequality, educational inequality and social exclusion.

That is not down to housing as such – no, it is not down to housing as such, but the creation of large estates has not helped. The concentration of poor people into large estates does not help. It is one of the driving forces of social exclusion.

1030 Now, I know Housing have done an awful lot to reduce that problem, but it is not going to go away quickly. We have not got fairness in this Island, and we *need* reports like this to bring these inequities, these unfairnesses, these inequalities, to the notice of States Members, which was a great shame that 15 Members of this Assembly sought to deprive the rest of the Assembly from the ability, on a regular basis, to discuss what is the health of our nation.

1035 Education, there was a reference by the Housing Ministry again as to the nature of the references of Dr Bridgman to education. Education is the foundation of everything, without good education we have nothing. The lack of health, *good* health, means you have very little. Lack of proper housing means you are excluded, so I welcome this Report and I thought Deputy Stewart's attack on it was totally inappropriate. (**Several Members:** Hear, hear.) It was damaging to this Assembly and it showed a complete contempt for those people who are at the bottom of our social and financial ladder, and who the problems of health are at the foremost of their problems. It was despicable.

And I think I will end it there, before I lose my control completely. Thank you, sir.

1045 **The Bailiff:** Deputy Conder, then Deputy Fallaize.

Deputy Conder: Thank you, sir.

I would just like to endorse what my colleague and friend Deputy Le Lièvre has said. I was somewhat embarrassed to hear some of the comments made by Minister Stewart, and I was also somewhat embarrassed and uncomfortable by the rather rousing round of applause he got at the end. (**Several Members:** Hear, hear.)

1050 There is absolutely nothing wrong with presenting a report with a list of recommendations that highlights inequalities and failures in our society. These are recommendations, we *need* to have these brought to our attention and I applaud, and rather more strongly than that, Dr Bridgman's Report, and thank him for bringing these matters to our attention. Whether or not we act on them, whether or not we accept them, is not the point. We need them to be brought to our attention, so I thank him and honour him for that.

1055 I would just like to make one point, sir. On page 632, I think it has already been alluded to, there was the reference to soft drinks and I think perhaps soft drinks are about to take their place in the pantheon of damage to public health that, over the last 50 to 100 years we have come to recognise with tobacco.

When I was a boy, a fizzy drink was a very rare drink. They were not available in the way they are now. Soft drinks, acidic drinks, sometimes are the only type of drink that some children get, and the well-known damage it does to dental hygiene and overall health is extraordinary.

1060 So, I would refer to page 632. I think there is an opportunity here in the same way as Deputy Burford's splendid amendment on education for tobacco consumption was accepted some time ago. I hope in due course we will recognise the damage that acidic fizzy soft drinks do to dental hygiene.

Thank you, sir.

1070 **The Bailiff:** Deputy Fallaize – and then Deputy Le Tocq, were you seeking to rise? Yes, Deputy Le Tocq.

Deputy Fallaize: Thank you, sir.

1075 I hope that the HSSD do bring this Report to the States in the future. I noted that there are four Members of HSSD present today, and all four of them voted in favour of debating Deputy Lowe's amendment. I hope that that is an indication that they are content to lay this Report before the States in the future, and that the other Members support Deputy Bebb's proposal when he puts it to the Department.

1080 The Medical Officer of Health is accused of intervening in politics. I find that an extraordinary allegation. He is the Medical Officer of Health of a government. Of course he is going to intervene in politics! Every consultant who the States engages, every statutory official who the States appoint, every civil servant who the States appoint, and every politician who is elected, engages in politics to some form or another because politics is what underpins the activity and the processes of any government.

1085 I suppose what Deputy Stewart and what Deputy Jones mean is that they think the Medical Officer of Health has been at partisan, rather than political; but it always seems to me that statutory officials and civil servants and others are allowed to be as political as they like, or as partisan as they like, as long as they are very partisan well to the right of centre. (*Laughter*)

1090 I remember, I think it was the previous Policy Council, started to commission an annual
independence report about the condition of our economy. To start with, there were three people
appointed on a panel who produced at least one, possibly two, very balanced reports. They were
people whose economical experience was very wide ranging, but aspects of their report were quite
1095 critical about levels of public investment and the present condition of fiscal policy and the
persistent deficit etc – but they were not allowed back.

I was told that they had been replaced by somebody who could do it alone. We did not need a
panel of three people any longer, we had found this person we could use from here on in. We
happened to find – I am sure it was a coincidence – about the most ultra-conservative economist
1100 that the UK appeared ever to have produced, but there has been no criticism of the Policy Council.
In fact, I have asked the Policy Council whether they could consider using more than one person
again to carry out that report again to get a range of views, but I have been told that is not
necessary.

So I do not think the issue here is that the Medical Officer of Health has interfered in politics;
it is that some members of the Policy Council – and I do mean some and I will return to that in a
1105 moment – simply do not like the evidence that he is putting before the States. Therefore, they pile
in and criticise, essentially undermining his right as an independent statutory official, to lay his
objective professional opinion before the States; and I do not think that is acceptable. (**Several
Members:** Hear, hear.)

Of course, and I have to agree with these recommendations, I said yesterday as I laid one of my
1110 amendments, it is the Medical Officer of Health's job to present his objective professional advice.
It is our job as policy makers to decide whether we accept it, or how we respond to that advice, but
it is his job to produce his independent, objective advice. Ironically enough, those of us down here,
if I can put it that way, do not appoint this guy. He is a statutory appointment of the Policy
Council, so it is ironic to hear Members of the Policy Council piling in against him, his objectivity
1115 and his report.

I do want to thank the Members of the Policy Council, who have spoken in a very measured
way on the amendments and on the Report, and the Members of the Policy Council who voted in
favour of at least debating Deputy Lowe's amendment – particularly the first point.

Deputy Sillars, for example: I think I know Deputy Sillars' view on selection at 11 and I am
1120 not sure that it accords with my own – and I am not sure that it accords with the majority of the
members of his Board either! (*Laughter*) But leaving that to one side for now, he did speak in a
very measured way, accepting the evidence of the Medical Officer of Health, inviting the Medical
Officer of Health to speak to the Department, saying that the Department would consider evidence
on both sides and would produce a report for the States.

Now, that to me is the kind of responsible, measured view that I want to hear from Ministers,
and we heard from some of them yesterday in debating the amendments. I thought Deputy St Pier
spoke in a very measured way about some of the amendments, so did Deputy Luxon. I do not
understand why Ministers who disagree with a report that contains the evidence or the objective
1130 view of a statutory official need to pile in so aggressively against it, when all that is being
presented is evidence. We are not debating any proposal that is emerging from this Report; we are
simply debating the objective, independent advice of one statutory official.

Deputy Trott: Sir, in fairness, if I may, to Deputy Stewart, that is all he was seeking to do. He
was analysing the objectivity of some of the evidence and his view was that it was not an adequate
1135 sample size to be objective, so I do not think that criticism is justified.

Deputy Fallaize: Sir, what I am saying is that I think that some Members of the Policy
Council, who may still be uncomfortable with some of the evidence, have spoken in a very
measured way about it and some Members have spoken in a very disproportionate way about it.
1140 And the concern I have about that is that it implies that there are some Ministers, and this really
does concern me, who are almost blind to evidence which has the temerity to confront their
prejudices, and I think that is a very real concern. I want Ministers to want to receive as wide a
range of evidence as they possibly can, and then to use their political judgement and their
experience inside and outside the States to weigh up that evidence and determine policy responses.
1145 I think the kind of knee-jerk, disproportionate comments that were made by Deputy Stewart this
morning imply that, well he at least is just not receptive to evidence which confronts his political
preconceptions, if I can put it that way.

Deputy Stewart: Sir, I absolutely am receptive to evidence and that exactly is what I was
1150 questioning. I do not think the *Guernsey Press* or BBC website is evidence.

1155 **Deputy Fallaize:** So sir, I would implore Ministers to want to accept evidence and opinion and analysis from as wide a range of contributors as possible. They do not have to agree with it, in fact it is quite healthy sometimes in politics to receive evidence from sources who you may not necessarily agree with, and in Guernsey we do not have enough of that, so that is my reflection on this Report.

1160 I thank the Medical Officer of Health for producing his Report. I do not agree with all of it, as it happens, and I do think that there are aspects of it where he has placed too great an emphasis on certain items of evidence, which does come across as slightly disproportionate, but that is not the point. He is an independent, professional person who is able to advise the States and in relation to Deputy Lowe's amendment, I think it is key that the advice of the Medical Officer of Health is put before the States, for precisely the reason of some of the speeches that we have heard from Members of the Policy Council.

1165 I would like to know, what did the Social Policy Group of the Policy Council make when Dr Bridgman presented his Report to them? Nobody from the Social Policy Group has spoken to advise the States. Has he been to the Social Policy...? Now, I find that extraordinary! This Report was produced at the end of last year and five months into this year, and still the Social Policy Group has not been able to meet with Dr Bridgman, and I feel certain that that is not Dr Bridgman's fault.

1170 So, I just believe that this is one report among a whole suite of reports which the States receive: some about the economy, some about social policy, some about environmental policy. It is a worthwhile exercise. He is an appointment of the States and I think that for his... not his integrity, I would not go that far, but for his professional judgement to be doubted in the way that it has been by one or two speakers this morning is very, very unfortunate.

1175 We do not, if we decide not to, have to accept any of the recommendations in this Report. Of course, that is a matter for political judgement. But let us just accept as much evidence before us as possible, in order to make those informed judgements.

The Bailiff: Deputy Dave Jones.

1180 **Deputy Jones:** Mr Bailiff, am I allowed to make a point of clarification?

The Bailiff: Yes, if you think he has misled me.

1185 **Deputy David Jones:** I did not want to interrupt the Deputy during his lecture to the Policy Council, other than to say I will repeat what I said in my speech.

1190 I am absolutely not surprised in many ways. (*Interjections*) Sorry, this is a point of clarification. I have been accused of attacking the Medical Officer of Health and that is not what I did. I said it is no surprise in many ways that the MOH has ventured into what some consider to be the political arena to highlight the problem, and we could debate all day whether it is Dr Bridgman's job to get embroiled in politics, but as I say, I am not surprised because policy often means bad health.

1195 That is what I said, that was not an attack. I said actually that I was agreeing with what Dr Bridgman had to say in the Report and I was not surprised that he was saying it. That was not an attack on Dr Bridgman at all, Deputy Fallaize, and you should listen more and talk less.

Deputy Fallaize: Sir, with respect, the attack on *Guardian* reading rot, which Deputy Jones made... well, that is in the Medical Officer of Health's Report as well. I was talking about the whole of Deputy Jones's speech, rather than a rather jaundiced extract he just read out.

1200 **The Bailiff:** Deputy Le Tocq, do you have a...? Oh, there are other people waiting to speak. Deputy Le Tocq and then Deputy Le Clerc.

1205 **Deputy Le Tocq:** Thank you, sir, I look forward to Deputy Trott's speech in a moment. (*Laughter*)

I rise firstly to give, hopefully, some hope to the Assembly and, to Deputy Dave Jones in particular, in that I once upon a time shared his views on selection at 11. Through evidence, which in my case was three children going through the system, I completely changed my views. So, there is hope for us all.

1210 Sir, I want to particularly commend the Medical Officer of Health for producing a Report which helps us to discuss, to debate, to focus on issues that obviously involve social policy and concern us, and should concern us because there *is* poverty in Guernsey. The reason that we

sometimes do not like to admit that, or we do not feel that it is there, is because it is often hidden. It is hidden from many of us. You have to deliberately choose to go and hunt it out, and I know that Members of the Policy Council, certainly certain ones have told me that they were shocked, when last year canvassing around, to see some of and experience some of the levels of poverty and particularly social exclusion and social injustice that were evidenced as they knocked on doors.

1215
1220 Actually, it should be, and I recommend to every Member of the Assembly it should not be just when we canvass that we do those sorts of odd experiences of just knocking on a door, turning up in an unexpected place that you would normally drive past, perhaps in some of the estates that we have.

1225 Now, I know that many in this Assembly do that, but I say that as a reminder to myself that it is on those occasions, perhaps, that I have been shocked into seeing things that I did not realise were there. It is the same reason why we think we are being good sometimes and effective when we give money, because we see some impoverished children in sub-Sahara Africa on the television and the rest of the time we forget about it.

We live in a visual world and we have to choose to do that, and so I do not deny that there is poverty in Guernsey. It is hidden in some cases and in other cases it is accepted. I am not being unreal about this.

1230 There are some people, for all sorts of reasons, who seem to choose a lifestyle that repeats the past and it is very sad to see that. We need to do our utmost to minimise that, but I do not believe that we will ever get rid of poverty completely, or inequality, but we can minimise it and if there is one role for Government, it is to stand up for those who are perhaps the least able to speak for themselves and sometimes that involves some unpleasant and difficult situations and decisions.

1235 So in some places in his Report, the MOH has highlighted some of these situations which are uncomfortable, and perhaps unpalatable to some, but they do exist.

1240 However, I am disappointed that he has not highlighted some of the things that are changing and have changed particularly in recent years. There are a few references to some of these things, particularly on issues like crime, for example, and criminality. The reduction in crime, particularly those linked to our larger estates, to anti-social behaviour, to violent crime, to threatening crime, has been quite pronounced in recent years and that is evidenced also by the reduction in our prison population, which has been significant, particularly in recent months, but also those needing custodial sentencing generally.

1245 There is a massive improvement and part of that is down to the work of organisations such as the Arts Commission and the Sports Commission and Action for Children and other NGOs as well as statutory and Government bodies working deliberately choosing to target places that were areas of real concern and need, and multiple complex situations, families with complex needs. That is going to be ongoing because if we continue to target that, I believe we will deal with a lot of these issues of social inequality that are seen here, but it is not just down to and neither can be done simply by the States or by legislation. It will be down to us bringing the whole community with us.

1250 There is some good news there, and I am disappointed that some of that... and perhaps that was echoed by some of what Deputy Stewart was trying to say. There is some good work that has been going on, and that is evidenced particularly by seeing the reduction in crime numbers in areas that, a number of years ago, we were very concerned with. So I am disappointed that does not say that, because that is one thing that I think could balance some of the things that are hinted at here. But this is, as Deputy Fallaize has said, a statutory official's report and it says right at the beginning, in the acknowledgements... there is a list there of people and some of them are not employed by the States, others are employed by the States. Dr Bridgman is honest in saying that some have contributed, and others have assisted. He has been the one that is chosen to edit it and put it together. It is one man's view, it is not a committee or a board's view, and so I hope that next year, if and when HSSD choose to bring this Report to the Assembly, that they come not with just a view to note, but with some proper detailed responses.

1255 If they disagree with that, and if the MOH has commented on other issues to do with other Departments, even with social policy, I hope that he has not contacted anybody from social policy here. Our officer has not been contacted there.

1260 We are very happy for him to come and present his Report to us, we have no problem in doing that. Perhaps that is some of the anomalies of being appointed by the Policy Council. Presumably, that is to have some distance from the appointment, and yet the way in which he reports is via HSSD. It is a bit unusual but there is no reason why he should not do that.

1270 The reason that I would want, or what I would ask HSSD to do, is to come back with some reasoned responses, some recommendations perhaps, some reasons as to why they do not believe that what is in the Report is appropriate for now, or there is some evidence to say why that is not right for Guernsey. That is an appropriate thing, and it would be better. We would have a more

informed debate. We would have opportunity then not to have amendments on the hoof that could change.

1275 They have been largely benign, but they could potentially be quite dangerous and that is why there is that provision in the Rules to not debate an issue when there is potential that it could have further reaching effects than those of us currently now, in a snapshot in the Assembly, could imagine. We would come out thinking ‘Why did we do that? If only we’d known and had time.’ There are reasons why there are rules like that.

1280 So generally I am very happy with the opportunity to do this and I welcome it. I come back to the points that I made right at the beginning, that there is poverty in Guernsey, and there is inequality and there is social injustice which is an area that I feel very strongly about. I do not really think we will get rid of poverty, but I think to at least have the opportunity where more people can make choices – irrespective of where they come from, what their means are – where they are able to choose and if they choose in the end not to do what we would consider to be the wisest, then that is down to them. But we need to live in a society where more of that is happening.

1285 I am happy that there is today, in the day in which we are living, a greater co-operation between government agencies working in the social arena and non-government agencies. There is even more desire to target those, even if they are just a small part of our community, but particularly if they are hidden, and particularly if they are living in an environment where they think there is no hope beyond reproducing what the past has been for them in a family.

1290 I am happy that we are beginning now to target that, and I do believe that we are doing that through all different sorts of means, fiscal and social. We are beginning to focus on those things, so it is not a bad news story, it is an opportunity to continue the good work.

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The Bailiff: Deputy Le Clerc, then Deputy Inglis.

Deputy Le Clerc: Sir, if I can start my speech with a quote. I like my quotes:

1300

‘I never travel without my diary. One should always have something sensational to read in the train.’

That is an Oscar Wilde quote and at first reading of this Report, this perhaps was something sensational, and shocking! However, on further reading, there are some very good points, as well as some points which I feel are very poorly validated statements.

1305

As a member of the Social Security Board, I am very familiar with the needs of those of our community that live in or around the poverty line, whatever measure you use, and I will agree that those just above the thresholds of benefits *are* the working poor and that is on page 565 of the Report.

1310

What does concern me are the referrals to surveys that indicate, people are willing to pay more contributions to eliminate poverty – page 564.

Again on page 574:

‘Two-thirds of people supported a tax increase to end poverty.’

1315

And lastly, page 591:

‘... the majority of local people are willing to pay more tax to eliminate poverty...’

1320

These surveys are, as Deputy Stewart illustrated, out of date and I would urge all of those listening to the debate today on the radio to please respond to the Personal Tax, Pensions And Benefits Consultation so we can have up to date information and appetite for the people out there for potential increases in tax and where they should come from. In addition, the consultation document has a lot of up-to-date, validated data.

Thank you, sir.

1325

The Bailiff: Deputy Inglis, then Deputy Langlois and Deputy Trott.

Deputy Inglis: Mr Bailiff, thank you very much.

1330

Members of the Assembly, I hope that the applause given to Deputy Stewart was for his performance, rather than his content. (**Several Members:** Hear, hear.)

I rise to speak about my concern about being asked to note this Report, because I feel if it is noted it will just go up on the shelf. I would like to bring out some comments and things that we have heard already, we came across yesterday, but the important element is the fact that we need to be reminded.

1335 This Assembly, back in 2003, voted to set up an Anti-Poverty Strategy which was debated and the States agreed the contents of that Report and to approve the development of the Corporate Anti-Poverty Strategy. There was meant to be an annual assessment of progress by the Policy Council and a States report giving an updated promise for 2009. This was following a repeat survey of Guernsey's living standards.

1340 What is alarming is that Members of this Assembly today made a commitment that they would reduce what they called 'relative poverty' at the time by 50% by the year 2008. That is reducing poverty by 50% of an estimated 10,000 people – a very powerful statement with a huge horizon, but the cynical side of me may have said that was early electioneering talk.

1345 There was no update in 2009, and subsequently 2010's Social Policy plan simply outlined the States' core values, which recognised the need to reduce poverty and improve welfare support and increase social inclusion.

1350 In fact, Members, you will all recall that in November of last year the Social Policy Group reminded us that their ethos was a more equal and fair society, removing barriers, being inclusive and being in acceptance of each other. They also said maintaining healthy, happy, active lifestyles and being more positive about ageing.

1355 So the background to this issue has always been established, but has been stifled by issues of the day and it is probably fair to say that in 2008 the Zero-10 Tax Strategy was adopted and it needed breathing space to function and to adapt – although by then, remember, the promise had been made to reduce the problem – and finally of course, there was the implementation of the Financial Transformation Programme.

1360 It has been said already, but it is worth saying again, that the MOH serves to advise and lead a team of medical experts on matters that provide public health, expertise to support health surveillance, population health and disease control initiatives. However, we do appear to be shooting the messenger because the social conscience is far too expensive to handle and we therefore are taking the view that we should be sticking our heads in the sand of time.

1365 In his Report, the Medical Officer of Health points out that States policies need to focus on giving everybody fair access to health resources and sets out to reduce poverty. Dr Bridgman has said that it is important to tackle poverty and health equity now, because it will create major benefits for the Island in the future. States policies need to focus on giving everybody fair access to health resources and reducing poverty. It is plain that local research has shown a significant minority of Islanders do not have fair access to health resources and that is partly down to our policies.

1370 In the Report, he highlights income as a key factor as to why people do not have fair access to health and the review of the tax benefit system currently underway could go a long way to supporting that. The main advantage for everyone will be a stronger, fairer society and more people in work, which clearly is what Deputy Stewart is looking for. That will obviously bring us the benefits of tax and look to reduce benefits. The data used by the MOH, by his own admission, requires substantiating but we do not have current statistics so people on the ground can best acknowledge what the problem is.

1375 A health professional working with local families contacted me and I quote:

1380 'Disadvantaged families and individuals are socially excluded because they are unable to access what the rest of us take for granted. They feel shame and experience poor mental and physical health. They tend to become more isolated and this has an impact on their children, sometimes resulting in poor school attendance which appears different States Departments do not talk to one another. So for example, there can be delays when people move house and Social Security do not pay the new rent in time, leading to immediate arrears that low income can be difficult to clear. Living on the poverty line makes it difficult to live with dignity and make good life choices. Poverty is not about having the bus fare to go to the doctor. It is not going to the doctor or the dentist to take their children when they should do because they always fear for the unexpected expenses which may result from the diagnosis. People on low income are in fact least able to economise. They cannot afford the three for two offers, or the bulk buy, replacing household equipment can be a problem and you have to resort to buying on instalment plan. It is a vicious circle of debt resulting in high interest and bank charges with the constant anxiety of how to settle outstanding accounts.'

1390 So that is what a healthcare professional has told me. Guernsey clearly has deprivation and other than the ill-fated supplementary benefit reform, there appears to be no obvious social policy work stream trying to get to the bottom of it.

1395 Now, I know many of the Medical Officer's recommendations are work in progress and some need closer consideration, but people in the front line of the sharp end are the third sector. I must remind you that there are over 300 charities that are working there and you have to ask why those 300 are there. They have the expertise and the commitment that is needed to be involved in what is a systematic approach, starting with talking to all the professionals and charities involved, lifting the lid on the other side of Guernsey.

1400 I work with several charities, and the message I get from them is not about hand-outs; it is more a helping hand. It is about cost, but it is how you apply it. It is clear that engaging with the third sector now through public debate clearly is the way forward in recognising the gaps in the system.

I was listening to the radio this week and there was another comment, very much like Deputy Le Clerc has mentioned, that was by Henry Ford. He said, coming together is a start, keeping together is progress, and working together is success.

1405 Thank you, sir.

The Bailiff: Deputy Langlois.

1410 **Deputy Langlois:** Thank you, sir.

Well, it is hardly surprising given the nature of the document that there is plenty of passion about this morning and that is what politics is about. There is plenty of passion on both sides and let us all try and be tolerant that passion is right on both sides, and can be expressed and can be reacted to.

1415 Do not worry, sir, I am not going to sit on the fence like Deputy Stewart or Jones or Le Lièvre this morning. I am going to try and find my own very particular balancing point on a fence. I must say, first of all, I do have some concerns about why we are debating this Report in the particular shape and form of the debate. That is not criticism of the Report; it is just the way it has come here and the process by which we got here.

1420 However, it has presented an opportunity to clarify some aspects of definitions of poverty and relative poverty in Guernsey, which we know we are going to have to debate further down the line and I think it is an ideal time to make some clarification.

1425 However, that aspect of the Report and the way in which poverty is referred to, and in particular its relationship with any possible policy changes should not be the sole lever through which policy changes are recommended. The politics of this have got to be broader and have got to pull in more than simply coming from a health angle.

1430 So I am slightly disappointed that HSSD chose to bring the Report in this form and to say no to it, rather than giving us some early indication of their views, of the priorities within the recommendations, how they choose to see them through. I am afraid and I would very much hope that when...because the reason why I think it is wrong to simply compel them to debate it every year is because it could become a very easy routine and saying 'Oh, there is the Report, put it in,' covering one page report and it does not lead any...it could lead to that and that is why I was against that particular approach.

1435 Now, I am not surprised and I am very pleased to hear that the present HSSD almost certainly will say 'Next year we will bring the Report back' or 'We will bring the new Report back'. Let's make sure of two things. One, let's make sure that it is worth bringing back – and with due respect to Dr Bridgman, I am simply saying that a report is a report; we have got to make sure that it is relevant, that it has proper actions, that it fits with what HSSD are talking about and so on. So, that is the reason, that is one reason why I think it is absolutely right that it should be an annual decision, rather than a compulsion.

1440 I would also urge HSSD next time to not simply, in that sense, acknowledge the problem – which is what this Report does, to some extent – but to then convert that into some policy recommendations about how the problem is going to be tackled. So for the future, I hope that there is just that little bit more bite about the use of an independent report of this sort.

1445 So, I am not going to dwell on weaknesses of the evidence used in this Report because that has already been covered somewhat vociferously by others. I am rather going to concentrate on much more recent work that has been undertaken and there is passing reference to it in the Billet on page 581, but the work on that is now nearer completion, largely as a result of the consultation paper which is very current, and in fact, if you look at the consultation paper which Deputy Le Clerc referred to on the Personal Tax Review, the notional deadline is today. Some people have asked, can we have an extension to that? Certainly something that does not arrive by five o'clock tonight will not be ignored by the group looking at personal tax.

1450 I think there is a danger in the present state of the Report, and that is that if what I am about to say goes unmentioned, then people may believe that nothing is being done about the conditions which it describes.

1455 Now, I am extremely grateful to staff of the Policy Council's Research and Policy Unit for the huge amount of work they have done in very short order, against a really tight timetable, both to inform the Tax and Benefit Consultation process and to assist with the development of revised

proposals on supplementary benefits, which my Department is going to be bringing back in October.

1460 Both pieces of work are closely linked and involve the development and refinement of a data set which was put together jointly by SSD and the Income Tax Office in the last term of the States. We have had plenty of references over the last couple of days to the inadequacy of data, but we are working within all sorts of constraints and statistics do not come cheap.

1465 The work that is now being done is a small spreadsheet. It is 28,000 rows, nothing ambitious, just reasonably straightforward stuff, because if you go with this sort of area, it is all too easy to come up with a single figure that seems to indicate all sorts of things, but underneath the surface, there are so many complications to that and you can easily, if you use a single indicator, go off in a direction which produces perverse outcomes.

1470 With the benefit of time that was not available to the last SSD Board, when they met their March 2012 deadline for putting proposals, the data set and financial models have been substantially improved and it has allowed the production of the estimated percentage of households in – and I do not apologise for the use of the term – ‘relative poverty’. I do not apologise for the use of the term, simply because that is an internationally recognised measure which enables us to compare between ourselves and other jurisdictions and so on, and it is a standard economic measure.

1475 I know it has undertones which people who particularly put social policy high on the agenda do not like, but you have got to start somewhere with a standard set of terminology. The measure that is being used is the widely used OECD measure of a household being *at risk* of relative poverty, if that household’s income is less than 60% of – and forgive me, all listeners and all Members, sir – ‘equivalised median income’ in that country or community, and the term ‘equivalised’ again is a highly technical one, which you have to dig deep to find out exactly how you get to that number.

1480 So, with respect to Deputy Laurie Queripel, I think he possibly had the subjectivity and objectivity reversed because he referred to relative poverty as being not an objective measure. Funnily enough, it is relative poverty that you *can* turn into an objective measure. It is pure poverty or absolute poverty, or whatever other adjective you want to put in front of the word, it is *poverty itself* which ultimately is the subjective term.

1485 Now, the most up-to-date information we have got: this was produced just a couple of months ago and is in the consultation paper, which is circulating. It indicates that in real terms, 12% of Guernsey households are at risk of relative poverty. That is when the measure is applied in the same way as the OECD standard method, including the value of benefits in kind by way of education, healthcare, and so on. That is an important measure because obviously in some communities, if you have a certain amount of cash in your pocket, if you are having to pay for education, if you are having to pay for – and I say, *having to* – healthcare, then your cash in your pocket has got to go towards those services. If you already receive those services because of various States measures, then that is a benefit and that is effectively a substitute income. So it is absolutely right that those should be included.

1490 Be clear, this OECD measure is an indicator of inequality only. It *does not* replace the concept referred to in the Fallaize amendment which we just debated yesterday. The Personal Tax Review consultation document also includes two other measures, still referring to the 60% of median, one being based on gross household income and the other on net household income after income tax and social insurance. These obviously show higher rates of relative poverty because of the absence of any note of what benefits people are receiving in kind.

1500 The rise in those figures, away from the 12% to 19% and 27% respectively, that rise actually indicates that the benefits system that we have is working in a redistribution manner. If all of those figures were the same, then I am not quite sure what anybody would say we have got a benefit system for. They are different simply because different households are receiving different support through different routes and those differences are particularly important.

1505 In terms of comparisons, I think for us, the key comparison is that if we accept the 12% figure, our 12% compares with 16% across the UK. It is very, very comparable with the other Crown dependencies, but it is 16% across the UK. So from this point on, I am talking about 12% of households at risk of relative poverty.

1510 You get into a very subjective area after that, because the second stage of having a decent statistic is how does it feel? Does it feel about right? I think there was a problem in terms of part of the way this Report was expressed, in the sense that the measures of ‘relative poverty’ – forget about what you think about Townsend and MIS and the validity of them and the up-to-date nature and so on, but those figures were instantly at the turn of a page, turned into ‘so therefore there are between 5,000 and 10,000 households in poverty.’ And that, I am afraid I have to say, is a bit of a *non sequitur*.

1520 The real issue about this 12% is that you can dig deeper and come up with facts about different types of household and when you look at the sub-categories, you find out that 3% of pensioner couples are in relative poverty – only 3% compared to the 12% Island wide. Good news, we would probably say – not for the 3%, but good news generally that it is below that central average. But 19% of single pensioners' households are in that group. Importantly, the figures also show that 34% of single people households under the age of 65 are in that group.

1525 Now, there are technical reasons for this, income reasons for this and social reasons for this and so these figures only take you so far.

I am very conscious and I am not talking about the figures in this report, I am trying to explain that the danger here is that we can take a report like this and accept and be misled that this is a major problem that is across the Island, it has big numbers attached to it. That does not give us any indications as to where you go in terms of action.

1530 So, sir, the OECD measure of relative poverty, at an income of below 60% of median income, is an essential measure and tool that we will be continuing to use. Work that has been done for the personal tax and benefits review indicates that current rates with supplementary benefit including allowances for rent, ensure that many supplementary benefit household types end up with an income which is more than 60% of median income for that household type. We believe that this is the case for single householders, single parents, couples without children and couples with one child. It is in the household types comprising couples with two or more children, or single parents with three or more children where the benefit income is less than 60% of median income. That is what is informing us. The reason why that is the case is partly the effect of the benefit limitation which currently, after last year's outrage, was moved to £500 per week. I have to say that in our current thinking, that limitation, that cap is probably politically going to be still recommended, not necessarily that figure, but that maintaining a cap is probably going to be a necessary political action and we will obviously debate that later this year.

1540 So sir, we are not here to rehearse other debates. I merely wished to challenge what is potentially an alarmist, *non sequitur* aspect of this report. There is work going on. This Island does have an effective benefits system. It is not perfect – of course it is not perfect. Arguably, a system of that complexity never will be, but let us not get carried away with the thought that it does not exist.

1545 Deputy Lester Queripel yesterday said dramatically, 'We simply cannot afford to ignore poverty.' Well, Deputy Queripel, of course we cannot. Nobody is ignoring poverty, there is bags of work going on and it should be recognised.

The evidence of relative poverty presented in this Report is dated and is incomplete and that is why we have got to move on to much more sophisticated measures.

1555 Despite all of this, I urge Members to note the Report. We *must* note this Report. Apart from anything else, not to note it asks all sorts of rather odd questions and I really have not got the appetite for the debate that would follow about the meaning of 'not to note', and I would not like to ask anybody, including the Crown officers and you, sir, to try and explain what that would actually mean.

1560 *Work is underway* on this issue, right? *We will welcome* views from HSSD and from the Medical Officer of Health about the potential health consequences of any proposals that come up on the tax side. Let us maintain my boring and constant plea for a sense of proportion and let us not create overreaction by some, and disbelief by others.

1565 **The Bailiff:** Next, I will call the Chief Minister, Deputy Harwood. Deputy Trott no longer wishes to speak. So if you are ready, Chief Minister – if not, it will be Deputy Soulsby to be followed by Deputy De Lisle.

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

1570 I stand to answer the challenge that was put before by Deputy Fallaize, the question that all members of the Policy Council were piling in against the Medical Officer of Health.

I can assure Deputy Fallaize that this Member of Policy Council is not piling in to challenge the Medical Officer of Health. In fact, I take this opportunity of congratulating him on his Report, which has been very provocative. That is the role of the statutory official. It is to inform us, at the same time also to provoke our thoughts and to encourage us to develop policy. I congratulate him on doing that because I think he has achieved that objective.

1575 I also congratulate the Medical Officer of Health in making plain to us (a) that clearly there is poverty. We all acknowledge there is poverty and that we can argue as to how you measure poverty and that will be a matter that we will be coming back to the States with, during the course of next year.

1580 But what he has also emphasised and I think this is absolutely valid, is that poverty is not the province or prerogative of any one Department. Poverty and health equity matters cover all Departments: you have heard the Housing; you have heard Education; Home Department; SSD obviously. Environment has not spoken, but there was clearly reference to green spaces and matters like that. It is a matter that covers all Departments, and if nothing else, I congratulate the
1585 Medical Officer of Health again for emphasising this that we have to have joined-up Government and joined-up approach to how we deal with poverty. I congratulate him on that.

Deputy Langlois has already touched on the consultation on personal taxes, pensions and benefits and again, I would hope that through that and through the outcomes of that, there will be a possibility of tackling and dealing with this poverty trap, which I know Deputy Le Lièvre is frequently drawing our attention to.
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So, again I would assure Members, as Deputy Langlois already has, there is work going on. It is not that the Policy Council is sitting back on its chair and ignoring poverty, we are actually taking active steps to try and deal with it.

The issue I would have, however, with the Report, it is I think, and it must be acknowledged to be, it is a document that is meant to inform us. I think it is, and Deputy Langlois I think has already identified, it is not a document that is necessary to be accepted as a considered or balanced argued report on which policy might be appropriately introduced.
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Deputy Stewart, I think, emphasised that somewhat graphically and somewhat robustly, but the Report is a personal report. I think it must be recognised as that. Clearly, Dr Bridgman is putting forward his argument and he is using justification for his argument, but it is one person's argument, and we must always, I think, be conscious of that, particularly I think as we have been talking about the amendments and considering amending or creating policy on the hoof, which is an expression that has been used on the back of the report.
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In conclusion, sir, I would congratulate Dr Bridgman on his Report. It has certainly provoked debate, it has provoked interest and I can assure Dr Bridgman and others that Policy Council is taking cognisance of the impact of that Report.
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Thank you.

The Bailiff: Next, Deputy Laurie Queripel.
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Deputy Laurie Queripel: Sir, can I just make a point of correction to some of Deputy Harwood's words and some of Deputy Le Tocq's.

I do not think the amendments were on the hoof, they were presented to Members of the Assembly and the Policy Council a week perhaps two weeks before the debate began, so I think Members of the Policy Council had plenty of time to consider the amendments and the implications of them and I think, if anything, Members of the Policy Council yesterday themselves acted on the hoof by objecting to them so late in the day.
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Thank you, sir.

The Bailiff: Deputy Soulsby.
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Deputy Dorey: Just clarification –

The Bailiff: Deputy Dorey.
1625

Deputy Dorey: I did not receive the amendments until late last week.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I would like to follow up on the theme that has emerged over the last couple of days, and that is the availability of accurate, relevant, reliable and timely information, and the resources to obtain and analyse it.
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One of the things that struck me most about this Report, which has been highlighted by the placing of the four amendments, is that bar the environmental health statistics and those on births and deaths, there is a distinct lack of quality data upon which to make strong evidence-based decisions. In fact, a quarter of the 29 recommendations of the Medical Officer of Health actually relate to the need for better information.
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There is nothing new here. The Welsh Audit Office, back in 2009, commented that decision-making within the States is often not supported by an adequate evidential base.

1640 Now in the Report on Developing SAP and Shared Services in October 2011, the then Treasury and Resources Department stated that:

1645 ‘Access to high quality credible information is critical in developing any proposal laid before the States, and delivering [the SAP] project will give policy groups, departmental boards and staff significantly improved access to robust data.’

The Report goes on to say that:

1650 ‘... implementation of a truly cross-departmental, cross-functional system will provide hugely improved access through simple, intuitive tools to better quality information for all stakeholders. The information provided will be used to underpin critical operational decisions for many years to come and it is essential that this data is robust, credible and readily available.’

1655 However, none of this is any good if you do not have the people, not only to extract the data but most importantly to analyse it. What is the point in having a top of the range IT system costing £8 million, if you cannot make best use of it? That is not value for money. It is a bit like having the latest iPad and only being able to surf the internet and read e-mails on it – (*Laughter*) Exactly! (*Interjections*) Neither are we leveraging the information that we should be able to extract from it for purpose, health, tax and social insurance systems.

1660 I was concerned yesterday when the debate turned to the lack of resources and skill sets to provide the information sought in these amendments.

I would therefore urge Policy Council to seriously consider ensuring the States does have the necessary skills and resources to have relevant reliable and timely information, so we do not end up with a complete white elephant of an IT system.

1665 **The Bailiff:** Deputy De Lisle, and then Deputy Gollop.

Deputy De Lisle: Thank you, sir.

1670 Sir, cancer rates have been shown statistically to be higher in Guernsey than in Jersey, South West England and England as a whole. This had been noted by Dr van Steenis when he lectured here in 2010 and three years later the high incidence of reported cancer in Guernsey was broadly reported by HSSD on the front page of the press just this month.

I note on page 639, under ‘Other Public Health Highlights’, in the Billet, that it says, under ‘Public Health Intelligence’, number 5, in the middle of that page 639:

1675 ‘Improved processes of reporting of cancer data to South West Cancer Registry will result in improved comparability of local data with Jersey and the mainland.’

1680 Sir, can I ask, through the Minister when he sums up, for some clarification of what is being implied here? Is it that the current processes of reporting cancer are deemed inadequate in some way? What exactly is being improved, or what is implied exactly here?

But perhaps more important is the question of what research is ongoing to address this issue: what resources are being put and spent on this by HSSD in terms of a real issue of concern locally, which is the very, very high incidence of cancer in this community?

1685 Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I just want to make four quick points, on what I think has been perhaps more developed than confrontational debate than I expected.

1690 The first is to reiterate a point that I brought up yesterday in one of the amendments, that a lot of the data that is included in the interesting report that Deputy Le Clerc mentioned earlier – Tax, Pensions and Benefits Review compiled by the team at Sir Charles Frossard House – is not totally dissimilar to the work that Dr Bridgman has brought out in the Report.

1695 So I think that although there are degrees of difference and emphasis and I also acknowledge we live in changing economic times. One has to not be too precious on that point and I would also say that I have heard dozens of times in this Assembly, and again from Deputy Soulsby just now, that there is a shortage of credible data analysis and so on.

1700 To be honest, that is a problem in Guernsey we have to live with, especially at a time of the FTP. We will not in a position to employ armies of analysts who will do samples and all kinds of other economic exercises, so we have to make use of what we have, extrapolate it and make some shrewd guesses and go with it.

1705 The third point is that every year, the Health and Social Services Department arrange presentations of the Medical Officer of Health's Reports, and they are not particularly well attended by Members, especially some of his more trenchant critics, and if there are issues of theme or analysis or content may be that is the place where some of them should be explored.

1710 My fourth point is that we have spoken a lot about social equity, health equity, wellness, people's perceptions of the Island, but I think particularly if you have significant contact with people with special needs, impairments, disabilities of one kind or another, generally speaking they tend to be at the sharp end of gaps in Social Services, reductions in services and income deficiencies, and we particularly should pay regard to their needs in moving policy and taxation and benefits forward.

The Bailiff: Deputy Brehaut.

1715 **Deputy Brehaut:** Thank you very much, Mr Bailiff.

1720 I have been in this Assembly for nine years or however many months, and I am accustomed to being on the left of the political spectrum in Guernsey, so I am accustomed to feeling a bit isolated. But I have to say after Deputy Stewart's speech, I felt as if I was on another planet, and I feel tainted by association that a speech like that from a Minister of this Assembly got such a warm, round rousing round of applause. I thought it was despicable, as Deputy Langlois... I beg your pardon, Deputy Andrew Le Lièvre has already said.

1725 These are accurate figures – please feel entitled to give them a round of applause when you get each one of them. We are 431 houses short of our own Housing Needs Survey, currently, at this moment. Figures given to me by the Housing Department say that they have 190 families on our waiting list – again, feel free to applaud, if you wish.

1730 The Sarnia Housing Association has 14 one-bedroom flats. They have 21 families or individuals possibly on their waiting list, and that is emergency housing of which the *majority* of people have been in that accommodation for over one year – so that illustrates to you what some do not like, I suppose. 'Let's give good news. Let's give people the good news and avoid bad news statistics like this.'

If you do not measure it, as we were saying yesterday, you cannot manage, and *nothing* is ever remedied.

1735 The social mobility was spoken... Just in response to something Deputy Jones said, which was that selection is not such a bad thing, if we just look at the arguments made by those who wanted to be on the Ladies' College Board, they spoke about social mobility. If you are in a high school, if you are at St Sampson's High School, how does it feel to be told that you are more socially mobile – it is easier for you, if you can move into this other sector of education which takes you up the ladder? How does that make you feel? So our education system can be divisive and feel divisive at times.

1740 The other less palatable good news is that, in my view, we have a seriously underfunded Health Service at the moment and strands of those golden threads can be found in Dr Bridgman's document and to be clearly evidenced.

1745 Guernsey struggles with what is known to be debt-induced poverty, where people at the end of the month simply have to pay off debts, rather than meet the commitments to get by on a daily basis. Now, I believe Commerce and Employment can do something about that: under the advertising standards, all companies on Guernsey... What you do is you print not only what you can loan in bold, but you print in bold the interest rate at which you will pay back and the total sum you are paying back.

1750 I remember, from years ago, one presentation given to the Housing Department by Kate Raleigh from the Citizen's Advice Bureau, where she spoke of one individual who was delighted that she actually got a 15% rate of interest from a company. She thought 15% meant a good rate and was looking for the highest figure when she was looking for a loan, so it illustrates the depth of the problem we have.

1755 I did say, when I spoke on the amendment before, that the difficulty of presenting a report like this is that it leads to defensive verbose statements from overly defensive Ministers. I think we have seen a bit of that, but I commend Dr Bridgman for bringing this Report and it is disappointing that we did throw out the Lowe amendment.

1760 Just in closing, I did hear also the Henry Ford quote which is hugely ironic because the one thing Henry Ford could not do was work together. Henry Ford, in his Rouge factory had... they could not organise unions, they oppressed the workers and the origins of repetitive strain are in the Ford factories because of the methods of their production. So although a good quote, perhaps a little ironic, also.

Thank you.

1765 **The Bailiff:** Alderney Representative Arditti.

Alderney Representative Arditti: Thank you, sir.

1770 Well, clearly it is impossible to vote not to note the Report. We are talking about our Medical Officer of Health: how irresponsible, how reckless would it be for us to disregard anything that he says in his Report. Of course we have to note it.

1775 I only rise to offer one small observation. Listening to the debate, clearly numbers of us have been putting down markers for when this emerges into some sort of policy. It has been in a sense a very premature debate, but listening to the contributions, what I do not understand is how we are ever going to make the hard choices that we all know we are going to have to make, or start making before too long?

1780 How are we going to make the hard choices, if a realistic view which is unpalatable is dismissed as prejudice? Why is not an unrealistic view, which is palatable, not also equally prejudice? It seems to me that when that time comes and we actually have to start doing some work in the Chamber, we are going to have to put our prejudices to one side, so that views which are realistic and unpalatable have the same currency as views which are unrealistic but are more palatable. Thank you, sir.

The Bailiff: Does anyone else wish to speak? Deputy Lowe.

1785 **Deputy Lowe:** Thank you, sir.

1790 I will just help Alderney Representative Arditti and indeed I think it was also Deputy Langlois who was saying about the note. Can I remind Members actually the 'to note' Rule means you either support or you do not support. It is not definitive; you just note it. It does not mean you support it or you reject it.

Alderney Representative Arditti: Always obliged for Deputy Lowe's help.

Deputy Lowe: You are welcome. It is in the Rule Book.

1795 I welcome this Report... I am not being sarcastic; it is in the Rule Book.

A Member: Yes you are.

Deputy Lowe: Well, take it sarcastically, if you like. I just wish more Members would read it.

1800 I welcome this Report and it is has clearly been uncomfortable for some and that has got to be a benefit for the people that this Report will eventually benefit.

1805 I am more that disappointed that the Chief Minister chose to stand up and bring in the Rule to have my amendment stopped. I would have thought the Chief Minister would be leading on this and not be shying away from it. I hope that Rule will be changed, that a third of the States can actually reject what 30 people, 30 States Members wanted this debate on it. I do not think that is particularly helpful.

1810 I would have been more comfortable if actually the Chief Minister had stood up and actually tried to stop all the other amendments that went further down. This one did not actually have any resources; all the others had resources which could be justified to a certain extent to be stopped, and yet this one, which was bringing the Report back... As I said, I think it is because this Report has been pretty uncomfortable for some of the Ministers sitting up there on the top bench.

I hope and I would like assurances if the Minister of HSSD is going to speak.

1815 I now thank Deputy Bebb for already saying that he would support it and I get the impression Deputy Brehaut will as well, that they will bring this Report annually. As I say, it used to be an appendix in the Billet, but that has dropped off the radar.

We have spent over six and a half hours debating this, and that is great, and yet there are some who are saying we must not debate it. The amount of time we have spent debating this speaks volumes. So the message to the third that wanted it rejected: wake up! Wake up, States Members want to debate this – six and a half hours. So that is democracy. That is what this debating chamber is all about, to debate reports. No matter how uncomfortable it is, we are here to debate it.

1820 If you have got an independent Medical Office of Health who has over 38 *years* in the profession, has produced reports in the UK and been recognised and won awards for his reports, I think we should not be ignoring it. He is doing it for the best for the community and this Island,

and I thank him. I thank him for that. All of us will not agree with different parts of it, but that is his job, he is independent.

1825 Originally when I produced the amendment, I was going to ask Policy Council to bring that report and not have HSSD as the conduit, because I do believe there is a conflict of interest with the independent Medical Officer of Health actually presenting as a conduit through HSSD when he is looking at health and all the others. But after hearing and seeing the rejection this morning, I am glad I did not put HSSD on there, because it would concern me greatly that that report would be sat on and not necessarily be brought into this Assembly for us to be able to make and have a discussion on it.

1830 So there was not a *sursis* for it, thankfully, so some of those that have said they did not really want to debate it, they did not take the time to get a *sursis*, so again that is sending out mixed messages. I hope as I say I really do hope that HSSD will make this an annual report and we can have that assurance from the Minister.

1835 If he is not going to speak, I will write to him after this debate and if they are not going to bring it, we will look forward to an annual Requête coming each year to make sure that you get this report in this Assembly.

1840 Thank you, sir.

The Bailiff: Yes, Deputy Hadley.

1845 **Deputy Hadley:** I was not going to speak on this Report, because it seems to me that too often this Assembly reads reports, reads suggestions, identifies social inequality, applauds them and says we will do something about it, but does not allocate the resources.

I think this Report emphasises more than anything that it is time this Assembly decided how it was going to increase its income without damaging the economy. I would remind Members of the Assembly that I was the only Member of this Assembly that did not support the Financial Transformation Programme because – (*Interjection*) Oh, I do beg your pardon, Deputy Gollop.

1850 Because it worries me that the way we are saving money now causes much more financial damage for the future. The failure to deal with these problems means that we will pay much more deeply in the future, and that we perhaps ought to be thinking about initiatives that will save money in the long run, even if it does mean it takes us longer to wipe out the annual financial deficit.

1855 Thank you.

The Bailiff: Yes, Deputy Sherbourne.

1860 **Deputy Sherbourne:** Sir, I am very conscious of the time and I will be short and to the point. I welcome this Report and I welcome the opportunity to debate the issues raised in it.

1865 It has been quite enlightening to listen to the responses of my colleagues, and I also was very disappointed that a man that I have great regard for, with a lot of energy, who is driving our Commerce and Employment Department forward at the necessary rate, should wish to sweep under the carpet the issues that have been highlighted in this Report, because that basically was what he was saying.

Deputy Stewart: I do not think I was saying that at all, sir.

1870 **Deputy Sherbourne:** Well, I am sorry as far I could, I listened very carefully –

Deputy Stewart: I just questioned some of the evidence within that Report.

Deputy Sherbourne: You focused –

1875 **Deputy Stewart:** I did not sweep any of the issues under the carpet, sir.

1880 **Deputy Sherbourne:** Deputy Stewart focused on issues that he was obviously uncomfortable with. There is plenty in this Report that one can criticise, I accept that. There are also a lot of extremely valid points that have been made, and certainly I for one welcome the evidence that was provided.

For the period of my 35 years in Education in Guernsey, I have worked with many, many disadvantaged families and it is not a hunch that there are problems out there; it is a fact, and it is very difficult to quantify. Dr Bridgman has tried to do that. I welcome that. I think we should be

1885 big enough to be able to stand up and face those problems, and not worry too much that maybe an alternative message is being given to the public about reality.

I want to sell Guernsey the same as anyone else, I want business to prosper here, but I also want us to be constantly aware of the issues that need to be addressed in this Island and that it is these independent reports that we will note that will lead us along that route.

1890 Thank you.

The Bailiff: Anyone else? It is now nearly 12.28. Are you going to be more than two minutes in reply to the debate, Deputy Dorey?

1895 **Deputy Dorey:** Yes sir, I am obviously not going to pick up all the points because a lot of them were not to do, and it is an independent report, but I think I need to reply to some of the points.

The Bailiff: Right, I suggest then we rise now. We will come back at 2.30 and you will reply to the debate when we re-form.

1900

*The Assembly adjourned at 12.28 p.m.
and resumed its sitting at 2.30 p.m.*

1905

**113th Medical Officer of Health Annual Report
Debate continued
Proposition with amendments carried**

1910 **The Deputy Greffier:** Billet VIII, Article IX, debate continues.

The Bailiff: Deputy Dorey.

1915 **Deputy Dorey:** Thank you, Mr Bailiff.

The number of people who have started their speeches with quotes so I will start mine with one – an Oscar Wilde one as well.

‘There is only one thing in life worse than being talked about and that is not being talked about.’

1920 *(Laughter)* We certainly have spoken at length about the MOH Report, which is certainly different for this and previous States. I think it has been a sometimes passionate debate, but it has been good and I think it is worth actually having a debate where it is not particularly focused against a resolution of any significance, because it is just to note the Report, and let people speak on various policies which are of concern to them.

1925 Deputy Bridgman – sorry, Dr Bridgman... *(Laughter and interjections)*

A Member: A Freudian slip there!

1930 **Deputy Dorey:** I will start again. Dr Bridgman assured me that he had consulted with officials from another of the Departments in order to write this Report, but he did not present it to the Social Policy Group as he was not asked.

I will also give you some information that reminds you, because some of the comments made were that the Report is dated November 2012, so it is not as up to date with some of the things that have changed since then. But by nature, his Report has highlighted problem areas, so naturally, rather than highlighting things which have happened which are good, it is going to highlight problem areas, so that is naturally going to be controversial.

1935 I am not going to go through all the points made, but we have covered things like the Healthcare Review, dental care, open market, community mindset, sponsors of the Olympic Games, income redistribution, FTP, deficits, competition, economy, employment, damp in houses, 1940 LVCR, increasing income. There are not many debates that we have that have got such a wide range of subjects.

I will pick up one or two points and statistics have been mentioned. I think Deputy Le Clerc mentioned about statistics, but she also mentioned about the consultation. It is not in particular in relation to the Tax and Benefit Consultation, but often in consultations we do, we ask people to

1945 comment. I think we have to be careful that it is a self-selecting group and it does not give you the opinion of the Island; it gives you an opinion of those people who choose to reply. So in terms of actually understanding what is happening in the Island, it is, I think, of limited value. I think we must always remember that, when we go out to consultation.

1950 Deputy Gollop mentioned about attendance at the presentation. I agree it would have been beneficial to have had more people attending that.

1955 Poverty has been mentioned an awful lot and it was mentioned about the Townsend, the OECD and I personally still favour the Minimum Income Study, and the Minimum Income Standards. I think it was a good standard in relation to see whether people can participate in your community and they have got enough money to participate in the basics which people consider is a standard for your community. It is still my favoured way of measuring whether we have a poverty problem or not.

1960 In terms of the actual Report, I think I would just like to repeat a couple of things I said in the opening speech, because I think people must remember, the Report we are discussing today is an independent report produced by the Medical Officer of Health. It provides a professional opinion, which should not at this stage be taken as HSSD or States policy. Indeed, it is important for the health of the Island that the Medical Officer of Health should remain an independent professional voice on health matters, outside of official policy.

1965 The HSSD Board considers the annual reports of the Medical Officer of Health and they are important advisory documents. I also remind you that Deputy Bridgman – sorry, *Dr* Bridgman – sorry, I will try and stop saying that! – is an accredited specialist in Public Health.

I am not here to defend or agree with the opinion of the Medical Officer of Health's Report, but I will defend his right to write this Report and criticise Departments. I think that is the value we get from it: that he is independent and he can criticise.

1970 In fact, I would be more concerned if he was not criticising Departments, because I do not think we will ever get it completely right, and it is that independent voice which I think gives us value.

What I do not want to happen as a result of this debate is for him to feel restrained in future because of some of the criticism he has had today and I am pleased that we have had a balance with a number of people praising the Report.

1975 Concern has been spoken about the amendment and the fact that we did not debate whether we should debate this Report annually in future. The view of the HSSD Board was that we should debate it in future. But I will say a note of caution, because it might change the document. The author will always have in the back of his mind that it will be debated here and that will no doubt have some influence on him. You cannot allow a document that tends to concentrate on some areas of the health system to dictate the work plan of the States and HSSD, without having the balance of other priorities of HSSD and the States.

So I think we have to be very careful, if we are debating in future, that we do not lose that independent view.

1985 Deputy Le Tocq talked about when HSSD comes back, it should have its views of the Department against the proposals in it. I do not think that is correct. I do not think this debate should be an opportunity to debate HSSD's priorities, based just on the information from one document. That is the purpose of the Government's Service Plan, to debate that, and I do not think we should try and debate a Department's priorities or even the States' priorities. Yes we have had some amendments, but I do not want to turn this debate into an annual debate on HSSD's work plan. I do not think that would be right. I think it is an independent report which is for information, not just to HSSD but to the States, and that is how it should remain.

There was, I think, one question which was from Deputy De Lisle and that referred to page 639, where it says:

1995 'Improved process of reporting cancer data to South West Cancer Registry will result in improved comparability of local data with Jersey and the mainland.'

2000 I think it is self-explanatory, what that is. It is purely there for us to be able to have a comparable system, so that we can compare our cancer rates with the UK, simply by having a common reporting system.

2005 He also asks about what HSSD was doing in relation to cancer. Well, as you know, we have had debates on the Anti-Smoking Strategy and an update is due to come to the States because the time period is going to be complete for the previous one and we have just been, last year, debating the final parts of that previous Strategy. We have a Health Promotion Unit, which obviously works to help people give up smoking and highlights the sun exposure which causes cancers. We have

the Obesity Strategy, we have the Drug and Alcohol Strategy and, of course, we have our Treatment Services.

2010 Sir, I think, as Deputy Harwood said, it was good to have a Report which stimulated debate and Members had an opportunity to voice their opinions on a wide range of subjects, with many of those subjects not to do with HSSD.

I know Dr Bridgman has listened to the speeches, but I hope also that the relevant Departments have listened to the points made by Members, particularly Members who do not sit round a table at their particular Department. I think the value is for all of us to know what many of our fellow States Members' views are on social issues which are relevant to their particular Department.

2015 Finally, the proposition at the end of the Report is to note, and I think, as Deputy Lowe has mentioned, and it is on page 559 in italics, it explains what it is, quoting from the Rules:

2020 'A proposition the effect of which is to note the report shall be construed as a neutral motion, neither implying assent for, nor disapproval of, the contents of the report concerned.'

So I ask the Assembly to note the Report.

Thank you.

2025 **The Bailiff:** Members, we come to the vote. There are now five Propositions: the original proposition numbered 1 and then the four additional propositions that have been added by the four successful amendments from, respectively, Deputies Fallaize and Sherbourne, then Deputies Green and Le Lièvre, Deputies Fallaize and Green and finally the Deputy Burford/Deputy Luxon amendment.

2030 Unless anybody wishes any of those Propositions to be voted on separately, I would propose to put all five of them to you together. Is anybody requesting a separate vote? No.

So I put to you the five Propositions. Those in favour; those against.

Members voted Pour.

2035 **The Bailiff:** I declare them carried.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

2040

SACC Report, 18th March 2013 Amendments to Rules on Questions agreed

2045 *X. The States are asked to decide:
Whether, after consideration of the Report dated 18th March 2013, of the States Assembly and Constitution Committee, they are of the opinion:*

1. To agree that Rule 5 be deleted and the following substituted therefor:

2050 "5. (1) At the time prescribed in Rule 9, unless the Presiding Officer otherwise directs, and subject to Rule 7 and the conditions set out in paragraph (2), questions may be addressed to:

(a) the Chief Minister;

(b) the Minister of a Department;

2055 *(c) the Chairman of a Committee.*

(2) The conditions referred to in paragraph (1) are that the question:

(a) shall not relate to the business of the day;

(b) shall not seek information which is readily accessible in the public domain;

(c) shall not relate to more than one topic and shall not exceed one minute in duration;

2060 *(d) shall be furnished either in writing or electronic format to the person to whom it is addressed, the Presiding Officer and Her Majesty's Procureur not less than 5 clear days before the day of the Meeting, excluding Saturdays, Sundays and Public Holidays;*

PROVIDED THAT

the time limit prescribed in sub-paragraph (d) may be shortened with the consent of the person to whom the question is addressed;

2065 *(3) The Member replying to the question shall furnish, either in writing or electronic format, a copy of the proposed answer to the Presiding Officer and to Her Majesty's Procureur not later*

- than noon on the day (excluding Saturdays, Sundays and Public Holidays) preceding the meeting of the States and by 5.00 p.m. of that same day to the Member asking the question. The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- 2070 (4) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer: PROVIDED THAT –
- (d) no Member may ask more than two supplementary questions in respect of each principal question;
- 2075 (e) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
- (f) such supplementary questions are put before the next question of which notice has been given, or the business of the day is proceeded with, as the case may be; and
- 2080 (b) Members answering a supplementary question may decline to answer the question if, in their opinion, any answer given thereto might be inaccurate or misleading but shall provide the answer to the said question in writing not later than 5 clear days excluding Saturdays, Sundays and Public Holidays following the date of the meeting.
- PROVIDED FURTHER THAT the period of 5 clear days referred to in sub paragraph (b) may be extended to a period not exceeding 10 clear days if in any particular case –
- 2085 (c) the Presiding Officer, on application of the Chief Minister, Minister or Chairman, as the case may be, in the interests of good government so directs, and
- (b) the Chief Minister, Minister or Chairman, as the case may be, advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.
- 2090 (5) When more than one question is asked at any meeting the order in which questions are put shall be determined in accordance with the order of voting prescribed in Rule 14(2A).
- (6) If, at the conclusion of one hour after the commencement of question time, all the questions have not been disposed of, the Presiding Officer may, in his discretion, postpone dealing with questions not then disposed of to no later than the conclusion of the meeting.”
- 2095 2. To agree that the following new Rules be added after Rule 5:
- “Urgent Questions**
- 5A.(1) A Member may, not less than half an hour before a meeting commences, seek the leave of the Presiding Officer, subject Rule 7 and to the conditions set out in paragraph (2), to address a question to:
- 2100 (a) the Chief Minister;
- (b) the Minister of a Department;
- (c) the Chairman of a Committee.
- 2105 (2) The conditions referred to in paragraph (1) are that no Member may ask more than one question pursuant to this Rule at any meeting and that the question:
- (a) shall be of an urgent character and which relates to a matter of public importance;
- (b) shall not relate to the business of the day;
- (c) shall not seek information which is readily accessible in the public domain;
- 2110 (d) shall not relate to more than one topic and shall not exceed one minute in duration;
- (e) shall be supplied in writing to the Presiding Officer, Her Majesty's Procureur and the Member to whom it is addressed.
- (3) If the Presiding Officer considers that the proposed question complies with the conditions set out in paragraph (2) he or she shall determine when the question shall be put.
- 2115 (4) The Member replying to the question shall furnish, in writing a copy of the proposed answer to the Presiding Officer and to Her Majesty's Procureur as soon as possible before the time determined by the Presiding Officer in accordance with paragraph (3). The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (5) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer: PROVIDED THAT –
- 2120 (d) no Member may ask more than two supplementary questions in respect of each principal question;
- (e) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
- 2125 (f) such supplementary questions are put before the business of the day is resumed; and
- (b) Members answering supplementary questions may decline to answer them if, in their opinion, any answer given thereto might be inaccurate or misleading but shall provide the

answers in writing not later than 5 clear days excluding Saturdays, Sundays and Public Holidays following the date of the meeting.

2130 PROVIDED FURTHER THAT the period of 5 clear days referred to in sub paragraph (b) may be extended to a period not exceeding 10 clear days if in any particular case –

(d) the Presiding Officer, on application of the Chief Minister, Minister or Chairman, as the case may be, in the interests of good government so directs, and

2135 (b) the Chief Minister, Minister or Chairman, as the case may be, advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

(6) If, at the conclusion of one half hour after the question is asked, any supplementary questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of ordinary business that day.;

2140

Questions where information sought is in Public Domain

5B.(1) When, pursuant to Rule 5(2)(b) or Rule 5A(2)(c) the Chief Minister, the Minister or Chairman, as the case may be, is of the opinion that the answer is publicly and easily accessible he or she shall request the Presiding Officer to determine that the question is inadmissible on that ground.

2145

(2) If the Presiding Officer so determines he shall forthwith advise the Member asking the question and the Chief Minister, the Minister or Chairman, as the case may be, that the question is inadmissible on that ground.

(3) The Chief Minister, the Minister or Chairman, as the case may be shall reply to the questioner, in writing, advising where the information sought may be obtained.”

2150

3. To agree that in Rule 8, after the words “not exceeding 15 minutes” insert “(which period may be extended at the discretion of the Presiding Officer)”.

2155

The Deputy Greffier: Billet d'État VIII, Article X, States Assembly and Constitution Committee – Questions.

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

2160

Deputy Fallaize: Thank you, sir.

Members will be aware that an amendment has been circulated to be proposed by me and seconded by the Committee's Vice-Chairman Deputy Gillson, which is to do with just tidying up an error in the numbering or lettering of Propositions.

So, sir, perhaps we could just deal with that. I think it is a technical amendment.

2165

The Bailiff: Before you have even opened the debate?

Deputy Fallaize: Well, at the same time, I suppose, but I just draw it to Members' attention and hope that it is not objectionable.

2170

The Bailiff: Okay, if you open the debate and then we will go straight to the vote on that.

Deputy Fallaize: There is also... before I start, I just want to clarify a couple of other errors in this Report.

2175

At paragraph 15, there is reference made to paragraph 28(1) relating to the Propositions and it should be a reference to Paragraph 30(1).

At page 688, in Proposition 2, at 5A(1), there is a missing 'to' between the words 'subject' and 'Rule 7'.

Clearly my Principal Officer was some way past his best when we put this Report in, sir. We have had to let him go. (Laughter) I hope he is settling in well as your new Secretary, sir! (Laughter)

2180

The Bailiff: Extremely well, thank you, Deputy Fallaize!

2185

Deputy Fallaize: Sir, when some time ago, the Committee wrote to all States Members to ask for their views on anything related to the Rules of Procedure or any other areas covered by the Committee's mandate, one of the most frequent replies that we received was that we should look at reforming Rule 5 of the Rules of Procedure – that is to say, the Rules relating to Question Time

2190 in the States. The Committee is very grateful for the representations it received and it is on the
 basis of those representations, together with the experience and observations of the Committee
 Members themselves, which we lay this Report before the States.

In general, the Committee believe that its proposals have a fairly liberalising flavour. That is to
 say that if they are used appropriately, they could serve to contribute towards openness and
 2195 strengthen accountability and they certainly further empower Members in seeking to obtain
 information from States Departments and Committees.

The proposals include: extending to one hour the minimum period during which Members
 would have the right to put Questions at the start of each meeting of the States; provision that
 when Departments or Committees or their Ministers or Chairmen decline to provide answers to
 2200 supplementary questions immediately, they must then provide them in writing, usually within five
 days and within a maximum of 10 days; provision for Urgent Questions to be asked without
 having to give five days' notice, at your discretion, sir, and provision for supplementaries to
 Urgent Questions as well; more flexibility for the period provided for Questions which follow the
 making of Statements under Rule 8; replacing the Presiding Officer's current powers to postpone
 2205 Questions indefinitely, with powers to postpone Questions but only until no later than the end of
 the same sitting of the States; and removing the special and, in view of the committee, entirely
 unnecessarily restrictive provisions relating to questions asked in the course of debates on the
 Annual Budget and the Annual Accounts.

However, the Committee is of the view that the generally more liberal regime that it is
 proposing should have one or two additional qualifications inserted as well, so the proposals also
 2210 include: limiting supplementary questions in respect of each principal Question to no more than
 two per Member; ensuring that each Question relates to one topic only; and not permitting
 Questions, at least not under Rule 5, where the information sought is readily accessible in the
 public domain – although that is a fairly narrow restriction, because the relevant Minister or
 Chairman would need to advise the Member exactly where that information can be obtained.

2215 At this stage, I will not say anything about the new Rule 5(5), which we are proposing in
 Proposition 1, because that is going to be the subject of an amendment to be laid by Deputy Lester
 Queripel, and I think it is probably more appropriate to address all of the issues when we have the
 discrete debate on that amendment.

2220 Finally, I will refer to the proposal that each Question shall not exceed one minute in duration
 and each reply shall not exceed one and a half minutes in duration. If these proposals are carried,
 those limits would apply equally to principal and supplementary questions.

In the opinion of the Committee, Question Time should be a dynamic exchange between
 Ministers or Chairmen and Members. The present arrangements, especially permitting long
 2225 Questions and invariably even longer replies, hardly facilitate such a dynamic Question Time.

The Committee is fortified in that view by the advice of the Deputy Bailiff who, when he was
 presiding in the States in September – and his advice is set out in full on pages 678 to 679 – drew
 to the attention of the States that Question Time in Guernsey is unnecessarily – or unusually
 perhaps – discursive, I think he referred to it as, and asked Members to reflect on perhaps trying to
 2230 move towards a punchier or, as he put I think, pithier Question Time. He invited Members and the
 Committee to reflect on his advice. The Committee *has* reflected on his advice. We are in
 agreement that the Rules regarding Questions do need to be reformed and we believe that the
 proposals we are putting forward strike an appropriate balance between affording Members
 reasonable rights to obtain information from Departments and hold Ministers and Chairmen to
 account, while also introducing a measure of additional discipline during the Question Time
 2235 period.

I hope Members feel able to support the proposals.

2240 **The Bailiff:** Well, Members, as you have heard, in fact, there have been three amendments
 which I have noticed. The first one, proposed by Deputy Fallaize seconded by Deputy Gillson is a
 purely technical amendment. I hope that you all have copies of it. Nobody is indicating otherwise.

Deputy Fallaize, do you wish to say anything further in relation to the amendment, or do you
 think it speaks for itself?

2245 **Deputy Fallaize:** No, just put it, please, sir.

Amendment:

2250 *In Proposition 1, in paragraph (4) of Rule 5, re-designate the sub-paragraphs (d), (e), (f) and (b) of the first Proviso as (a), (b), (c) and (d);*

In Proposition 1, in paragraph (4) of Rule 5, re-designate the sub-paragraph (c) of the second Proviso as (a);

In Proposition 2, in paragraph (5) of Rule 5A, re-designate the sub-paragraphs (d), (e), (f) and (b) of the first Proviso as (a), (b), (c) and (d);

2255 *In Proposition 2, in paragraph (5) of Rule 5A, re-designate the sub-paragraph (d) of the second Proviso as (a).*

The Bailiff: Deputy Gillson, do you formally second it?

2260 **Deputy Gillson:** Yes I do, sir.

The Bailiff: Any requests for any debate? No, we go straight to the vote then. Those in favour; those against.

2265 *Members voted Pour.*

The Bailiff: I declare it carried.

The next amendment is proposed by Deputy Lester Queripel and seconded by Deputy Trott. Deputy Queripel.

2270 **Deputy Lester Queripel:** Thank you, sir.

The wording of the amendment itself may be somewhat confusing, but the explanatory note underneath details the intention perfectly.

2275 The purpose of this amendment is to ensure that questions are dealt with in this Chamber, during Question Time, in the order in which they are received by the Presiding Officer. Under the current system, seniority is given preference and new Members are placed at the back of the queue. *(Laughter)* Did I say something funny, sir?

2280 The electorate elected us all into this Assembly as equal. They did not elect a new Member to be put at the back of the queue for the entire duration of the four-year term. **(A Member: Really?)** *(Laughter)* That was not the deal, sir. When the people of Guernsey elected us, it was on the understanding that we would all be starting from the same place and have equal opportunity. Yet the current system, in a very real sense, penalises a new Member simply because they are a new Member. If we are to attain true equality, then surely we must all start from the same place.

On that basis, sir, I ask Members to support this amendment in the name of equality.

2285 *Amendment:*

In proposition 1, to insert immediately after “substituted therefor”:

2290 *“; but subject to the deletion from draft Rule 5(5) of “determined in accordance with the order of voting prescribed in Rule 14(2A)” and substitution of “the order in which the Presiding Officer certifies that he received them in accordance with sub-paragraph (2)(d)””.*

The Bailiff: Deputy Trott, do you formally second the amendment and reserve your right to speak?

2295 **Deputy Trott:** Spot on, sir! *(Laughter)*

The Bailiff: Deputy Fallaize, do you wish to speak now?

2300 **Deputy Fallaize:** Yes, I think so, sir, please. I am going to pile into this amendment on equality.

I will just say something about the present arrangements, because there may be one or two Members who are not aware of exactly how things are arranged at the moment.

2305 When Deputy Lester Queripel says ‘seniority’, he means number of years’ service in the States. That is how the order of Questions is arranged at present. I was slightly concerned when he spoke that some Members may think that it is organised on the basis of the people who have been elevated above us mere mortals get to ask Questions first and everybody down here is left until the end. But it is done on the number of years’ service, so if Deputy Gollop chooses to ask a Question – which is every month *(Laughter)* – he is always first to ask because he is... Well no, Deputy

2310 Lowe would be first to ask, actually, but Deputy Lowe rarely asks Questions (*Laughter*) – for which we are ever so thankful! (*Laughter*) So Deputy Gollop invariably ends up always asking the first Question.

2315 Now, what the Committee is proposing is that the order in which Questions are asked would rotate, in the same way that the *Appel Nominal* rotates every month. There is a very small administrative issue and I am not going to make a big thing of this, but if a Question was received not via e-mail, but if it was delivered in person on the same day, or it was put through the post and it arrived in the office on the same day, it would not be easy, necessarily, for the Greffier to work out exactly which one has been received first and which one has been received second. That is a very small administrative issue, probably not a reason to form a judgement about the amendment, but it is a point I wanted to make.

2320 The two biggest issues, I think, with this amendment are that I think there could be a perverse incentive, as a consequence of this amendment, where Members... Deputy Lester Queripel obviously believes that the order in which Questions are asked is a material issue, otherwise he would not be laying this amendment. Therefore, it strikes me that there could be the perverse incentive of encouraging Members to submit Questions as early as possible.

2325 Now, that may lead to the submission of Questions which are perhaps not as well framed or as well conceived as they might otherwise be. I think we would be better off with Members to be taking a bit more time when framing their Questions and make sure they have got their Questions right, rather than trying to get to the front of the queue so that they can be asked first.

2330 There is also the possibility I think, of Members stacking up Questions for future months, so you think of a Question a day or two after one States Meeting has finished and you start submitting it for the next month or the month after that or the month after that. I am not sure that is terribly helpful either.

2335 Deputy Queripel argues that his amendment gives Members a fair chance. That is an argument against the present system, where the order of years served dictates the order in which Questions are asked, but actually, in a sense, the only ‘fair’ – if that is the right word – way of doing it, in our view, is that you actually put in place a rota system which cannot be interfered with. That way it is fair for everybody, because it moves from one electoral district to the next and back again.

2340 Actually, it is possible that Deputy Queripel’s amendment may actually work against newly elected Members, because usually newly elected Members are less familiar with procedure, whereas Members who have been re-elected know exactly how the process works and so they may be in a position to know exactly what you do when you want to submit a Question. They may be able to get their Questions in first and the poor newcomer, who is still trying to familiarise him- or herself with the Rules of Procedure, is left until the end. So I am not actually sure that this amendment achieves what Deputy Queripel wants it to achieve.

2345 Incidentally, at the last election, in most of the electoral districts – six out of seven districts – the person who finished at the top of the poll was a Member who was standing for the States for the first time. Five, actually – I think the sixth of the seventh was Deputy Perrot who had not served for a while. So actually, if we go to a system where it is done in rotation, very many of the newly elected Members would automatically have the chance to ask the first Questions, whereas those Members whose reputations have been completely tarnished and have only just... they would be further down the order!

2350 So actually, I do not think Deputy Queripel’s amendment achieves what he wants it to achieve and I do think what the Committee is proposing is preferable. So I hope Members will defeat the amendment.

2355 Thank you, sir.

The Bailiff: Does anyone wish to speak? I see no-one rising. Deputy Gollop, you are half rising – are you rising or are you not rising?

2360 **Deputy Gollop:** I was not going to speak on this. (*Laughter*) I have got my own amendment.

The Bailiff: You were not going to speak: well, do not let me encourage you! (*Laughter*)

2365 **Deputy Gollop:** What I would say is the difficulty of supporting Deputy Queripel’s amendment goes even further than Deputy Fallaize’s argument, which is that the early birds would get the Questions in, and if we still had a time restraint on Question Time, the Questions that were, say, three weeks old would take precedence over more pressing matters that emerged shortly before the States meeting.

2370 I do support equality and fairness and I do not think people like me always being the first to stand up, but there are probably better ways of doing it.

The Bailiff: Deputy Queripel, do you wish to reply to the debate then?

2375 **Deputy Lester Queripel:** Thank you.

I must emphasise that it is not the logistic I am focusing on; it is the principle – the quest to attain equality.

I ask Members to bear that in mind when they vote. I would like to go to the vote and have a recorded vote, please, sir.

2380 **The Bailiff:** Right, in that case, Members, you have been asked for a recorded vote on the amendment proposed by Deputy Lester Queripel and seconded by Deputy Trott.
Greffier.

There was a recorded vote.

2385 **The Bailiff:** Well, Members, I will declare the formal result of that vote (*Laughter*) in due course.

In the meantime, I suggest we move on. The next amendment proposed by Deputy Gollop, seconded by Deputy De Lisle.

2390 Deputy Gollop.

Deputy Gollop: I know it is a Friday afternoon and people are a bit anxious to get on with other work – or Board meetings or whatever, never mind – but this is specifically in Proposition 2, I will read it. It is seconded by Deputy De Lisle:

2395 *In proposition 2, to insert immediately after “Rule 5”:
“but that in Rule 5B(1), the words “publicly and easily accessible” be replaced by the words “in the public domain”.*

2400 The explanatory note is that:

‘The purpose of this amendment is to clarify the circumstances in which questions may be determined inadmissible by the Presiding Officer’

2405 or on occasions, perhaps the Deputy Presiding Officer.

To give a broader overview of where this is coming from, I hear Members of the States frequently, overtly or covertly, accuse Members who put Questions of seeking self-publicity, of wasting time, of political games playing, of electioneering or whatever. On occasion, that can be true and it is funny – (*Laughter*) but I would not ascribe base motives to any of my colleagues. But it has to be said that Question Time has a much more serious purpose than that, too.

2410 In fact, I heard over a lunchtime conversation an interesting fact, that many of the newer Members here are perhaps more able in this area than the old stagers, because they have had the privilege of going to Westminster and having some advice from the Commonwealth Parliamentary Association talks, and of course those who have joined Scrutiny and perhaps Public Accounts. It is a template of assembly democracy, of parliamentary democracy.

2415 The purpose of Question Time goes beyond the individual issues or egos of the Member asking the Question. The reason it is more important than that is because the Question we are asked is now reported in our *Hansard* and used to be taped, it is heard on the radio on occasions, it is reported in other media organs and it raises the issue officially and also publicly. As we know, States Members do not like misleading their colleagues, so it guarantees a certain truthfulness on the record.

2420 If I obey a Minister’s advice, perhaps, and ring up the appropriate politician or civil servant involved about an issue, I may well find out the answer, but that is just me finding out the answer. My constituents would not know and in some cases, I could not tell them because of the issues that we heard about yesterday. Moreover, the other 44 or 46 colleagues politically speaking in here do not hear the answer, nor do they have the opportunity to learn from the experience or ask supplementary questions. So they do fulfil a useful purpose, even on occasions when the facts are publicly known.

2425

2430 The reason why we are proposing a change to ‘in the public domain’, from ‘publicly and easily accessible’, is because ‘in the public domain’ is a more legally recognised phrase and ‘publicly and easily accessible’ implies perhaps that it was on the radio a few weeks earlier or in a newspaper, in the *Gazette Officielle*. Perhaps it was somewhere buried on a website or in a presentation that was available to some members of the public; whereas ‘in the public domain’, I think puts a narrower test. It is more of a halfway position between the current *status quo*, and the implied direction that the States Assembly and Constitution Committee wish to take us.

2435 I think it will lead to less frequent situations, where the Presiding Officer is perhaps having to engage with Ministers and their advisers, as to whether the Question represents a repetition of an issue in the public domain. I think we want to ensure there is a level playing field between the relatively under-resourced ordinary States Member and the generally well-resourced States Department. Again, it is sometimes hard, we have all been caught out on occasions, to recall that the answer to your Question was actually on page 564 of last year’s Billet, or whatever.

2440 I think that proposal of the States Assembly and Constitution Committee, far from being more liberal, is actually more restrictive and indeed the practice in other parliaments allows all kinds of wild and stooze questions to engage a free-for-all on supplementaries. Our particular system at the moment is not only more restrictive than the United Kingdom or Jersey, but it is even more restrictive than the position 10 years ago, when we only needed five days prior to the States Meeting, rather than seven. It has gradually become more restricted and I fear that many aspects of the SACC Report, particularly this Proposition, makes it too hard for persons to ask Questions and get responses – not only for their benefit but the benefit of all their colleagues and the wider community.

2450 So I move this amendment.

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

2455 **Deputy De Lisle:** Yes.

*The results of the previous recorded vote were as follows:
Lost – Pour 4, Contre 36, Abstained 1, Not Present 6*

POUR	CONTRE	ABSTAINED	NOT PRESENT
Deputy Lester Queripel	Deputy Brouard	Deputy Gollop	Deputy Perrot
Deputy St Pier	Deputy Wilkie		Deputy Kuttelwascher
Deputy Trott	Deputy De Lisle		Deputy Domaille
Deputy Laurie Queripel	Deputy Burford		Deputy Storey
	Deputy Inglis		Deputy Ogier
	Deputy Soulsby		Deputy Le Tocq
	Deputy Sillars		
	Deputy Luxon		
	Deputy O’Hara		
	Deputy Quin		
	Deputy Hadley		
	Alderney Rep. Jean		
	Alderney Rep. Arditti		
	Deputy Harwood		
	Deputy Brehaut		
	Deputy Langlois		
	Deputy Robert Jones		
	Deputy Le Clerc		
	Deputy Sherbourne		
	Deputy Conder		
	Deputy Bebb		
	Deputy Stewart		
	Deputy Gillson		
	Deputy Le Pelley		
	Deputy Fallaize		
	Deputy David Jones		
	Deputy Lowe		
	Deputy Le Lièvre		
	Deputy Spruce		
	Deputy Collins		
	Deputy Duquemin		
	Deputy Green		
	Deputy Dorey		
	Deputy Paint		
	Deputy James		
	Deputy Adam		

2460 **The Bailiff:** Just before we open debate, I can announce the result of the vote on the amendment proposed by Deputy Lester Queripel, seconded by Deputy Trott. There were 4 votes in favour, 36 against, with 1 abstention. I declare the amendment lost.

2465 **Deputy Lester Queripel:** Sir, I am heartened by the fact that it was such a close vote. (*Laughter*)

The Bailiff: Deputy Fallaize, and then Deputy Laurie Queripel.

Deputy Fallaize: Thank you, sir.

2470 The Ministers and Chairmen Handbook says that I am supposed to launch all sorts of fears every time an amendment is laid against my Committee: we do not have the resources or there is no staff time or it is not going to be possible to do it, and it says that when all the arguments run out, then you are supposed to say that you do not like the colour of paper the amendment is written on. (*Laughter*) I think that just about sums up this amendment!

2475 It is difficult in a way to say anything useful on behalf of the Committee, because I do not actually understand what this amendment means. I do not understand what the difference is between the proposal of the Committee, which uses the words 'publicly and easily accessible' and the proposal of the amendment that uses the words 'in the public domain'. I think they are self-evidently one and the same thing. So it is very difficult to argue against.

2480 I think there are times when there are amendments which committees feel it is important to oppose, there are times when there are amendments which committees can see validity in and accept, and there are times when amendments are so completely and utterly pointless that I think the only position a committee can take is to say, 'We will leave it up to the Members of the States.' There is no particular advice the committee can give, if it will not cause any problem if the States wants to vote for these words, because they do not mean anything any different from what the Committee is proposing.

2485 But I will not be voting for it because I do not think they add anything. It is for the States Members to decide it, if they feel strongly about the different words.

Thank you, sir.

2490 **The Bailiff:** Thank you. Yes, Deputy Robert Jones. Sorry, I said I would call Deputy Laurie Queripel next.

Deputy Robert Jones: Oh you did, yes sorry.

2495 **The Bailiff:** Sorry, Deputy Laurie Queripel and then Deputy Robert Jones.

2500 **Deputy Laurie Queripel:** When I first heard about this amendment, I was rather hopeful that it would address my concerns in regard to the SACC recommendation; but sadly, for the reasons that Deputy Fallaize has stated, I do not think that it does. But I have some sympathy with Deputies Gollop and De Lisle, because it is very hard to further define the Proposition and it is a Proposition that has set off just a small alarm bell for me.

2505 It is my experience that Deputies often ask Questions, as Deputy Gollop says, at the behest of the public and sometimes it can be a request made by several parishioners. Now I, and I am sure other Members, would always take steps to ascertain whether I could obtain that information easily. So I have a concern about anything, however remote the possibility, however unlikely, *anything* that could impinge upon the democratic process, hinder the free flow of information to the public or in any way constrict accountability or transparency.

2510 'Easily accessible' is open to interpretation. In recent months, some Members of this Assembly, including Members of the Policy Council, have been putting out the message that Questions of either kind, either Rule 5 or 6, are inconvenient, that they are a drain on Departments' resources and are disruptive. On one hand, sir, that is understandable but it is also disturbing.

2515 I think back to the Code of Conduct issue in regard to Deputy Hadley that we so recently debated. Now, he was told on several occasions that he had not used the parliamentary tools that were available to him to address his concerns; and yet, these are the very tools or routes that are being discouraged and frowned upon by certain Members and certain members of the Policy Council.

I think all Members realise that their questions have to be relevant, necessary and address the genuine concern. I think back only to April and the April States Meeting, which was, in effect, a

2520 greatly extended Question Time. I thought it was rather dynamic and revealed some very interesting information. Members saw an opportunity there and they took it, and I do not believe that any Questions dipped, as it were, below the line. So I do not think this Proposition is warranted.

2525 I believe that this Proposition is something that would mirror the approach taken in the UK Parliament, but, sir, that is nothing to write home about. I believe the process still exists in the UK Parliament when the PM, for example, is asked the same question over and over again, as the first question – something akin to ‘What is the Prime Minister’s business for the rest of the day?’ He will say, for example, ‘At 1.00 p.m. I am meeting with my real bosses, the EU Commissioners’, (Laughter) or he will say, ‘And at 3.00 p.m. I am having tea and digestives with the Queen, or walking the corgis.’

2530 But sir, even if a Question ticks all the right boxes, I still believe it will be seen by the Department receiving it as a nuisance, as a fly or mosquito that they just want to swat away. But is that not the idea, sir, of a good Question? It should cause waves, ensure that a Department or a Committee cannot close themselves off, that they have to be open to scrutiny and responsive.

2535 I think this Proposition *could* give an extra tool to those who would rather avoid or deflect Questions. This is why I mentioned interpretation.

2540 Ministers, Chairmen, staff could advise that a particular piece of information is available in a paragraph, as Deputy Gollop says, on a website or in a line in a Report from, say, 2009 – but I think that is missing the point. I think the answers to Questions need to be heard loud and clear, read widely and reach as many Islanders as possible, as quickly as possible. It is about informing the public: we are here to serve the public interest. Some members of the public, sir, cannot even access websites, they do not have computers.

2545 Sir, I know that we have the substantial backstop, the security of the Presiding Officer rendering this final judgment, but even then, I am uneasy. I think it just opens up a crack that could be used as leverage by those who might like to see Questions limited or restricted. So, sir, as I said, I think it is an unwarranted Proposition. I do not think the evidence exists to justify it.

2550 So I think the only route available to me, sir, and to those who would like to oppose this proposition is to ask that it be taken separately, when we come to voting, so that we can vote against the Proposition.

Thank you, sir.

The Bailiff: Deputy Robert Jones.

2555 **Deputy Robert Jones:** Yes, I think I am just going to stick the Proposition to replace the words ‘public domain’, because what we are being asked to do... the Presiding Officer would determine what would be in the public domain.

2560 I am just wondering whether he would use some sort of legal definition of ‘public domain’. I am trying to sort of cast my mind back to my student days and I think in the UK in particular there was no legal definition of public domain. I just wondered whether Deputy Gollop could clarify whether there is a definition of public domain that is something other than ‘publicly and easily accessible’, because the dictionary definition of public domain is in fact pretty similar to the words that are already in there, sir.

2565 I do not want to prolong the debate any more, but just wonder whether the Presiding Officer would be using any particular definition.

The Bailiff: Madam Comptroller, do wish to indicate how you might advise the Presiding Officer to deal with this?

2570 **The Comptroller:** Well, sir, in essence, the header of this Proposition itself is termed ‘in the public domain’, so I agree that this sentence, ‘publicly and easily accessible’ is within the caveat of that header.

2575 There might be an argument that ‘easily accessible’ is different to ‘publicly available’. Normally, ‘in the public domain’, one usually uses that term in copyright legislation, sir, and it will mean that basically the public has the right to use that information, as you will know, without infringing any copyright rights. That is how it is usually understood. But it is also quite easily demonstrated, I would suggest, in that if there was a decision as to whether it was in the public domain, you could evidence that from a media report or a newspaper cutting or something of that nature. That is what it is generally understood to mean.

2580 It is really a matter of interpretation as to whether you think ‘and easily accessible’ could be thought to mean something else, above and beyond what is in the public domain as circumscribed within that header, sir.

The Bailiff: Thank you.
2585 Yes, Deputy Gillson.

Deputy Gillson: Sir, maybe I can clarify this by... if people refer to page 689, at 5B(3), where it says:

2590 ‘The Chief Minister, Minister or Chairman, as the case may be, shall reply to the questioner, in writing, advising where the information [may be] sought...’

2595 So it is only in the public domain if the Minister or Chairman actually can say ‘this is where it is’. So we are not saying that the Minister would say, ‘It is in the public domain – it was in a report published seven years ago, go and find it.’ The expectation is the Minister will be able to point the questioner to the exact place or the exact website or the report which was published in the Billet on such and such a date.

The onus is upon the Minister or the Chairman to be able to specifically identify to that person where the information is.

2600 **The Bailiff:** Deputy Harwood.

The Chief Minister (Deputy Harwood): On this occasion, I am actually supporting this amendment because I believe it makes it consistent with the wording that the Committee has actually put forward. If you turn to page 686, for example, the new Rule 5(2)(b) says:

2605 ‘... shall not seek information which is readily accessible in the public domain’.

2610 We use the phrase that is already there and again, on Proposition 2, Urgent Questions, 5A(2)(c) again says:

‘shall not seek information which is readily accessible in the public domain’.

2615 In my submission, sir, I think the amendment that is now put forward, which is the amendment to 5B(1), actually then gets consistency with those two previous sections. On that basis, I would urge people to support the amendment.

The Bailiff: Deputy De Lisle.

2620 **Deputy De Lisle:** Yes, thank you, sir.

Obviously, I am seconding this particular amendment and it was drawn from page 689, where you will note halfway down, ‘Questions where information sought is in Public Domain’, that really was the crux of what the Proposition was trying to draw on. I think it is important that we get back to that – for a number of reasons, actually.

2625 The term ‘easily accessible’ from my point of view is too open to interpretation and very arbitrary. I believe that it gives the Department and the public service more leverage. It is easier to defray a response, and what we want is a curt, pithy response to a pithy Question. So I feel that that is very, very important as we go forward.

2630 On the other hand, the term ‘public domain’ is used extensively and it is better understood. The amendment supports the principle intended, by changing the words in proposition 5B(1), ‘publicly and easily accessible’ to ‘in the public domain’. As I say, if Members turn to page 689 in the Billet, this change reflects the title in bold, halfway down the page and that subtitle reads ‘Questions where information sought is in Public Domain.’

2635 In informal usage, ‘the public domain’ consists of works that are publicly available; while according to the formal definition it consists of works that are unavailable for private ownership, or are available for public use. The public domain is the realm of material – ideas, images, discoveries, facts, and texts. That is unprotected by intellectual property rights and free for all to use or build upon.

Most Questions arise from the public, sir, and the public and their representatives have the job of communicating their Questions succinctly and hopefully (*Laughter*) getting answers that are

2640 fairly direct. I just feel that we should not really provide the opportunity to defray responses in any way.

So I would ask that Members support this minor amendment. Thank you, sir.

2645 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I was just going to ask whether Madam Comptroller could perhaps advise Members which wording she would find it easier to advise the Presiding Officer on. (*Laughter*)

2650 **Deputy Trott:** But should that information be in the public domain or not, sir? (*Laughter*)

Deputy St Pier: I think it is about to be!

2655 **The Comptroller:** Sir, I think the use of the term 'in the public domain' is well understood, and I would be quite happy with that wording.

The Bailiff: Deputy Lester Queripel.

2660 **Deputy Lester Queripel:** Sir, I am not at all comfortable or convinced that we know what 'publicly and easily accessible' actually means. I really think we need a *written* understanding of the definition, because we are being asked to make a decision on terminology that we cannot agree on. It makes a nonsense of the whole thing, sir.

So, surely we need to have an understanding of the definition itself, before we go to any vote sir.

2665 **Deputy Luxon:** Sir, is the definition not 'the public domain'?

The Bailiff: I think HM Comptroller has explained how she would advise me as to how I should interpret it.

2670 **The Comptroller:** Sir, I think the use of the term 'publicly and easily accessible' might be open to some ambiguity because 'easily accessible' does not have to mean the same as 'in the public domain'. It might simply be that 'You should have seen it because it was easily accessible in my office', with all due respect to Members, as opposed to being something that is published.

2675 I think it is an easier and more objective test to use the words 'in the public domain', because it can be demonstrated why the information is in that public domain.' Easily accessible' to my mind is a more subjective test.

The Bailiff: Thank you. That is very clear.

2680 **Deputy Fallaize:** May I just raise a point of order

With respect, I think that what is being proposed is that the information would have to be publicly *and* easily accessible, so it cannot possibly be information which is easily accessible in someone's private office, because it has to be *publicly* and easily accessible. If it is publicly accessible, then it is publicly accessibly, not privately accessible.

2685

The Bailiff: Right, the point Madam Comptroller is really making is that is a more subjective test, (**The Comptroller:** Absolutely.) whereas 'public domain' is a more recognised term that would be more objective.

2690 **The Comptroller:** Yes.

The Bailiff: Alderney Representative Arditti, then Deputy Bebb.

2695 **Alderney Representative Arditti:** Sir, is this fight private or can any lawyer join in? (*Laughter*)

I am conscious of the hour and the day and the undesirability of trying to draft something by committee, let alone by Assembly, but I do feel that the Committee has considered this and the two are very different. They have come to a particular decision that the information should not merely be in the public domain, but that it should be easily accessible, and the two are not...

2700 My understanding – here we go – *my* understanding (*Laughter*) of ‘public domain’ is simply published. I have not got my Stroud’s Judicial Dictionary with me, but that would be, I would have thought the easiest definition of ‘public domain’ – is published.

2705 But the trouble is if it published in some remote part, it is not what the Committee is recommending. The Committee, as I understand it, is saying that it should be easily, reasonably easily, accessible.

Although I am attracted by Deputy Harwood’s tidiness approach of having the one test in the various parts of the Rule, two wrongs do not make a right, and I would have thought it would be a good idea to get this one right and then deal with others later.

2710 **The Bailiff:** Deputy Bebb.

Deputy Bebb: I would simply say that Alderney Representative Arditti has actually said exactly what I was going to say, that it needs to be easily accessible.

2715 I look forward to future debates on how the angels can dance on a pin head.

The Bailiff: Any further debate?

2720 **Deputy Lester Queripel:** Sir, it is the ‘easily accessible’ bit that I think is the whole stumbling-block here.

The Bailiff: I think this is a second speech, Deputy Queripel, you have already spoken once. If nobody else wishes to speak, I invite... Deputy Fallaize has already spoken. I invite Deputy Gollop to reply to the debate.

2725 **Deputy Gollop:** Thank you, sir.

I thank Deputy Harwood for his support and, indeed, I meant to say in my opening speech that one of the important strengths of our Question Time was that it was recognised by the first Harwood Report as being a facet of holding the Government to account, and in that respect, I think we should ensure that we interpret it in as liberal way as possible.

2730 In regard to points being made by different Members, Alderney Representative Arditti’s point I struggle with, because he was implying that the Committee had carefully considered exactly what they wanted to achieve, but as has been pointed out on page 686, in the opening paragraph, it is rephrased now that Question Time:

2735 (a) shall not relate to the business of the day;
(b) shall not seek information which is readily accessible in the public domain’.

Then on page 689, ‘Questions where information sought is in Public Domain’.

2740 So what we have in here is a confusion, because the public domain is the lynch pin here, but then the Committee wish to expand it to mean ‘publicly and easily accessible’, which, as perhaps HM Comptroller has advised, could potentially have a different nuance of meaning.

2745 I notice when Deputy Gillson, who I think is Vice Chairman of SACC responded, he actually opposed my amendment, precisely by saying ‘it is all in the public domain’. That is my whole point! We should have one phrase for public domain which is congruent with the whole document, rather than having a different definition, which, as we can see, has already meant a huge number of different interpretations, especially from the more learned Members of our Assembly.

It is precisely to simplify matters, and in a way, I am surprised that Deputy Fallaize is not supporting it, because he is usually extremely punctilious on semantics and specific points of accuracy.

2750 I implore the Assembly to go for one simpler definition, than have a mix-and-match approach of two, which in my view will lead to confusion, political disagreements and unnecessary additional restriction on our rights to ask Questions freely.

2755 **The Bailiff:** Thank you.

Members, we come to the vote then on the amendment proposed by Deputy Gollop, seconded... A recorded vote you requested, Deputy De Lisle?

Deputy De Lisle: Yes, thank you, sir.

2760 **The Bailiff:** A recorded vote then Members on the amendment proposed by Deputy Gollop, seconded by Deputy De Lisle.

There was a recorded vote.

2765 **The Bailiff:** Well, Members, while the votes are being counted, may I suggest that we move on with general debate.
Deputy Dave Jones.

2770 **Deputy David Jones:** Thank you, sir.
Well, given the amendments, most of them, have fallen by the wayside, I actually welcome this SACC Report. I think Question Time has needed tidying up. I was the victim of a long series of Questions that had all been answered before, but they were just differently phrased by different Deputies on a different month. I think keeping them tighter and a bit more ‘pithy’, I think the word the Deputy Bailiff used, is absolutely the right way forward.

2775 The fact of the matter is if you were in our position where we sit, you ought to be on top of your brief, and you ought to be able to answer the questions in the best way that you can. Some of that will come from advice from senior staff members, especially on operational matters, and I think that is where most Ministers get caught out, because they cannot be expected to know every single individual operational matter in their Department.

2780 It is quite easy for me, it is not quite as hard for me, because I have a very small concise Department: it is either tenancy issues or housing control, and there is not much in between. But with Environment or Health, for instance, or perhaps PSD and others, those Ministers would not be expected, I suspect, to have at their fingertips every single answer on every single operational matter.

2785 I welcome the Report. I do not get as ‘lummy’ over it as some do, but the only thing I would say is that, just given the last amendment, where Ministers have answered Questions before and they are easily found in the public domain... Most Departments have had Billets printed with their policies writ large in them, going back many years – some of those policies clearly will have changed, as the States, but that is easily accessible to lots of States Members and they should think before they ask some Questions.

2790 I am not sure how the Health Minister and others are going to get on answering in a minute and a half some complex health questions, but nonetheless let us try it and see, and it may make the whole thing a much livelier and a better process as a result.

2795 The Presiding Officer has a huge amount of leeway in all of this, which is what I wanted to see preserved, because I think sometimes Question Time might go on for an hour and four or five minutes, and it is up to him to decide whether the questions are valid and are being asked anyway, so I think that is right and proper.

So I hope the Members support it.

2800 **The Bailiff:** Members, before I call the next speaker, just the result of the vote on the amendment proposed by Deputy Gollop and seconded by De Lisle:

The results of the previous recorded vote were as follows:

Carried – Pour 14, Contre 26, Abstained 2, Not Present 5

2805

POUR

Deputy Wilkie
Deputy De Lisle
Deputy O'Hara
Alderney Rep. Jean
Deputy Harwood
Deputy Brehaut
Deputy Le Clerc
Deputy Gollop
Deputy St Pier
Deputy Stewart
Deputy Trott
Deputy Collins
Deputy Dorey
Deputy James

CONTRE

Deputy Brouard
Deputy Burford
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Quin
Deputy Hadley
Alderney Rep. Arditti
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy Gillson
Deputy Le Pelley
Deputy Fallaize
Deputy David Jones

ABSTAINED

Deputy Luxon
Deputy Lester Queripel

NOT PRESENT

Deputy Perrot
Deputy Kuttelwascher
Deputy Storey
Deputy Ogier
Deputy Le Tocq

Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Duquemin
Deputy Green
Deputy Paint
Deputy Adam

The Bailiff: There were 14 in favour, 26 against and 2 abstentions. I declare the amendment lost.

2810 Now, Deputy Brouard.

Deputy Brouard: Thank you, sir.

2815 Just a couple of points which I think might be helpful to other Members as well as myself. When SACC brings these Reports and they are amending the Rules, what would be very helpful for me is, rather than having the Rules repeated twice as they are going to be, a tracked change of the existing Rule in the actual body of the Report would be really helpful, so that you know exactly which bits are changing and changing with what. That would be very helpful.

2820 The second part, which would also help: we have got about seven or eight amendments that are being fed into those Rules, but we do not have the Rules, as seven or eight Propositions at the end; instead we have big chunks of the Rule Book being reprinted. It would be helpful if the Propositions were as per each of the changes done. So one could actually ‘*Smörgåsbord*’ and say, ‘Actually I want this one and that one, but I am not so keen on that one.’

Because now to do an amendment, you have got to then try and sift out of the whole Rule Book, I just think that might be helpful.

2825 Thank you, sir.

The Bailiff: Deputy Lester Queripel and then Deputy Brehaut.

Deputy Lester Queripel: Thank you, sir.

2830 I think it is fairly obvious by now that I am not in favour of placing any restrictions at all on Question Time.

2835 With that uppermost in my mind, I do have a concern regarding the recommendation that states that a Member should not be allowed to ask more than two supplementary questions when a Minister, for whatever reason, does not respond to the original Question with all the information you need. It is then very likely you will need more than two supplementary questions to tease the information out of him.

So my first question to Deputy Fallaize, sir, is: can a supplementary question be a two-, three-, four-, five-, whatever part question?

2840 Another concern I have is in relation to the recommendation that states a Member may decline to answer a question in the Chamber as long as they provide the answer in writing within five clear days. So my second question to Deputy Fallaize is: can you tell me what would actually happen to a Member who did not provide an answer in writing in five clear days?

2845 Finally, sir it is very frustrating when answers that are given by Ministers are not comprehensive or satisfactory, because that then means that the Member who has asked the Question will either have to ask supplementary questions or submit Rule 6 Questions, and all of that could be avoided if the answers were satisfactory in the first place.

At the risk of upsetting him, sir, I disagree entirely with Deputy Dave Jones. (*Interjection and laughter*) He said that a Minister is unable to answer Questions comprehensively on occasions; and yet, they have five clear days, sir, to research the answer! Sir, that is unacceptable.

2850 **Deputy Dave Jones:** Point of clarification, sir.

I was referring more to the supplementaries that come about operational matters.

Deputy Lester Queripel: Be that as it may, sir. (*Laughter*)

2855 With that in mind, sir, my last question to Deputy Fallaize is: has any consideration been given by SACC to introduce a condition into Question Time whereby a Minister is obliged to answer questions with as much information as possible?

I look forward to the answers to those questions, sir.

2860 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, Mr Bailiff.

I will say something that probably sounds undemocratic, I suppose, potentially, but I think the time and energy that Rule 6 Questions pose for larger Departments is becoming something of quite a serious issue. (*Interjection*) Well, I could answer that point in a moment.

2865 You will find the Chief Officer of a Department, for example, with the Head Pharmacist, with the equivalent to a press officer dealing with Questions that may have an inter-relationship between HSSD, SSD, Primary Care and MSG. The staff draft questions. The questions have to be approved by everyone who is by association drawn in by the question. The answers are approved. 2870 They are emailed to the States Member. Within half an hour that States Member will want more information to build a Rule 6 Question and the Rule 6 Question will lead them to where they want to be, which is a solid Rule 5 Question.

The time spent in Departments that are really fully stretched is sometimes... well, it is how much that costs – and I know there is a much more philosophical ‘what is the cost of Government? You are obliged to do this anyway, it is part of your job.’ The time and energy that goes into sometimes Questions that are posed... we have heard *Smörgåsbord* already; but really for *Schadenfreude*, which is to cause discomfort to Departments. It unsettles me a little bit.

2875 What I say to Deputy Lester Queripel, through you, specifically, sir, is that sometimes I get the sense that Deputy Queripel feels he is ‘in Government, but not in power’, to use that expression. Deputy Queripel is on the Scrutiny Committee. Now, the Chairman of the Scrutiny Committee has told us it is apolitical: it is an apolitical Scrutiny Department. The consequences of that are that people are coming to this Assembly to ask Questions, because the scrutiny mechanism has almost become redundant.

2880 Deputy Jones has been called into, I believe, on the Complaints Review with Scrutiny some time ago, but perhaps in his capacity as Minister of Housing or Deputy O’Hara in his capacity as Minister of Commerce and Culture and Leisure for years, when were they called in to a Scrutiny hearing on the record, to go through some of these issues?

If you really want to take HSSD to task, get me in a public hearing, get me on the record and ask me as many questions as you like; from that question and answer session, get recommendations and help improve policy where you believe it is failing.

2890 I have used this expression before and I am sorry, but it can feel a little lazy sometimes, to come in and to pose a Question, that you sort of know the answer to, but you want it in the public domain, so this is the way to do it – when actually we need to really strengthen our scrutiny mechanisms, parliamentary committees to that robust scrutiny, thorough scrutiny, real scrutiny, rather than questions on a whim because you are taking a Department somewhere, when actually you know they are on their way there already.

2895 I think it is clear, my feelings on this. I think that, sadly, scrutiny is progressively being eroded, I am afraid. Thank you.

2900 **Alderney Representative Arditti:** Sir, I cannot let that travesty about the Scrutiny Committee go uncorrected.

If I may, Deputy Brehaut wholly confuses the concept of being apolitical, on the one hand, and a severe lack of resources on the other.

2905 **The Bailiff:** That is Alderney Representative Arditti.
Deputy Green.

2910 **Deputy Green:** Sir, Members of the Assembly, I certainly feel that these proposals are entirely sensible and they should help to oil the machinery about Question Time. The Report does suggest that Question Time should be a dynamic exchange between a Minister or Chair and the other Members of this Assembly.

2915 It is quite clear that the present Rules do not necessarily facilitate that, but there is, of course, an element of truth in that, but equally that there will always be a limited amount of dynamism in the exchanges in Guernsey Question Time simply because of the consensus-based system of Government that we have. The Minister or Chair is simply one Member of a departmental Board or Committee: he or she cannot always speak for the whole Board or Committee, especially in answering supplementaries on the hoof.

2920 We do not have the concept of individual Ministerial responsibility in our system. I hope that, at some point, that will be considered off the back of the States Review Committee, because if we do genuinely want to see the kind of spice and dynamism that you see, for example, at Westminster, you cannot have it with the system of Government that we have – or at least you cannot have an exact replica of that.

2925 But moreover I would say that we should welcome this package of measures. They may well help, in a fairly modest way, to improve the scrutiny of decision makers in our Assembly. Certainly, extending the period available for Question Time to an hour is commensurate with that objective. I think that the new provision for asking Urgent Questions in appropriate circumstances is also very valid in terms of asking Urgent Questions without the usual five days' notice.

2930 I do note paragraph 24 of the Report: that reminds Members to exercise *discipline* when both asking Questions and responding, and the same paragraph confirms that the Committee is not going to regulate against abusing Question Time for self-publicity.

I think that is the right approach for the time being. At the end of the day, Question Time will work best and our democratic system will function most effectively when Members use common sense in both asking and responding to Questions. We should not need to legislate, in effect, to stop the abuse of Rule 5 or any other types of Questions, if Members are sensible and exercise judgement in what they are asking and responding in the same manner.

2935 In conclusion, these reforms should help to improve our democratic process, but ultimately, there is a limit to the amount of spice and dynamism that you can conjure up at Question Time within a consensus model of Government. But I do applaud the Report as it is.

2940 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I would just bring forward two technical points that I am not entirely clear on.

2945 The first is that in the current regime it will be possible say for me to ask a question at the December States Meeting, for the sake of argument, to Deputy Harwood in his capacity as Chief Minister, and the first question would be on progress say towards civil partnerships and the second question would be maybe equality for women.

Now, they are two separate topics and as I understand it, it would be difficult to submit them collectively, but whether one has the technical right to submit them separately, as I would if I was asking the Chief Minister a Question and, say, the Minister for Health and Social Services, is not entirely clear.

2950 I would also say, based on what Deputy Fallaize has said, that the biggest single impediment to our Question Time working in the way that perhaps some of us would like, relating to what Deputy Green has just said, is the tendency for Ministers actually to be almost too responsible, because over the years most Ministers do not wish to answer Questions in a political manner, off the cuff but they would diligently seek documentation from their Civil Service advisers and occasionally one hears an answer that goes on for 10 minutes. That will be perhaps prevented now, but it is extremely detailed, very technocratic, very long winded, and that takes the wind out of Question Time. I think we are wanting focus on policies, rather than processes.

2960 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, not a great deal to say, but will you be having a bell? Will you be having some method of notifying us when we – ?

2965 **The Bailiff:** Some form of guillotine will be in use, yes, Deputy Trott. (*Laughter*)

Deputy Trott: Fantastic – long overdue in some cases, may I add, sir! (*Laughter*)

2970 A couple of other observations: Deputy Queripel was talking about examples when a Minister, or indeed the Chief Minister, may be wish to defer a Question. A perfect one would be if the Question was 'what is the Policy Council's view?' and the Chief Minister did not know the Policy Council's view, because he had not had an opportunity to consult with them. That would be a perfect example of where a deferral would be necessary, but as you know, sir, I sometimes find myself bemused by debate.

2975 Debate on the last amendment was one such occasion. (*Laughter*) We had the SACC Chairman telling us initially that he did not actually know the difference between the two wordings and did not particularly care, then the Comptroller advised you it was easier to advise you in line with the amendment, and then immediately the Chairman of SACC did understand the difference between the two, (*Laughter*) and put up a strong argument in favour of his Committee's proposals.

2980 What was curious about that, sir, was not the change of heart or mind – that is a common occurrence in this Assembly – it was the fact that we actually went to the decision on that amendment not in a position to make an informed decision and, ironically, in doing that, we violated a key principle of our Governance Rules. The Governance Rules, Members will

remember, were brought by the Chairman of the States Assembly and Constitution Committee and so the virtuous circle continues – (*Laughter*) and a good weekend to you all, sir! (*Laughter*)

2985 **The Bailiff:** So Deputy Trott, again a rather flippant answer to what was a serious question. We do have other situations where time limits are imposed, such as when somebody is being proposed for election, the Greffier keeps an eye on the clock.

2990 Whether we have a bell or whether it will simply be that he will indicate to me that time is up. I usually keep an eye on the clock as well. Exactly how we do it, I do not know, but it will either be a bell or it will be me saying time is up. We will see.

We are waiting to see whether this gets approved before we decide exactly what system we use.

Deputy Duquemin.

2995 **Deputy Duquemin:** I will be brief, sir, and I am almost a bit reluctant to follow Deputy Trott when he is in that mood. (*Laughter*)

3000 I will have to make a couple of serious points. Deputy Gollop, before, mentioned the CPA trip to Westminster and it was a very worthwhile trip. One of the questions that we asked was about their Question Time and their equivalent of Rule 5 and Rule 6 Questions, and when we were told the number of questions that their MPs asked, primarily through their equivalent of Rule 6, it was staggering. What they had actually had done is they had quantified it in terms of money, in terms of cost, what those Questions actually cost the UK taxpayer and I think that is one thing that is pertinent to us.

3005 We discussed the whole of the Billet at the Castel Douzaine on Saturday morning and I think we were getting a little bit ‘demob happy’ by the time we reached this last point of the Billet, (*Laughter*) but having said that, we then had a very active debate.

3010 One point, I am very much in support of the SACC proposals as they are laid out, and it is interesting that we now look at Question Time being extended to one hour. The point that I would like to make is that it is not really just one hour. There is an awful lot of staff time, there is an awful lot of our time that goes into staging what we are talking about a much pithier one hour of cut-and-thrust and entertainment. Those hours that make up that hour have a huge cost.

3015 The one point that I made on Saturday morning, and I will make again now, is that there is an issue that when people ask Questions, there is a cost attached to that, so rather than the real cost of a Deputy perhaps being £34,000 a year, or whatever it may be, arguably when we are asking lots and lots and lots of Questions the real cost is possibly closer to £340,000 because that is the amount of money that is being expended, to build on Deputy Brehaut’s point before. I think in times when we are looking at the FTP, when we are looking at spending every pound wisely, it is up to the conscience and the judgement of all of us to act as responsibly as we possibly can, within the democratic process, (**A Member:** Hear, hear.) and do not abuse Rules 5 and 6, because in my opinion, in the year, that I have been here I have been disappointed at some of the Questions that have been asked.

Thank you, sir.

3025 **The Bailiff:** Thank you. Deputy Bebb.

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

3030 I would just briefly like to make an observation. Deputy Laurie Queripel, during the previous debate on the amendment, made reference to questions at PMQs in the Westminster Parliament. Questions at PMQs are all supplementary questions and that is why the opening Question is always so broad ranging so that supplementary questions can be on any subject whatsoever. The people who are allowed to ask those questions are subject to a lottery. So if he feels that that is a more democratic process, I welcome his proposal in a Requête in future.

3035 The truth is that assemblies around the world have brought forward rules which are in relation to their own circumstances, and I know that the one that has caused concern is that Rule with regards to information that is publicly accessible. Let me remind Members that, at some point last year, Deputy Lester Queripel asked a question of Deputy Sillars and the Education Department, and I remember that the response... well, the response was simply Deputy Sillars reading out vast tracts of the Mulkerrin Report and at one point, he simply stopped and said, ‘You know, all this is available on the website.’ That is exactly the type of Question that adds little value in this Assembly.

3040 What I would argue is that if the Question were to be asked, after these Rules are introduced – were they to be introduced, then Deputy Sillars would respond to Deputy Queripel saying, ‘This

3045 information is freely available, here it is', and then Deputy Lester Queripel would be able to form far more meaningful pertinent questions that address his concerns. Therefore, *that* question would be posed to the Minister and the Department and therefore a greater degree of scrutiny and a greater degree of understanding of issues would be facilitated.

I would therefore counter that this Rule will assist us in really getting to the nub of these Questions that are actually being asked.

3050 Finally, Deputy Brouard, I would simply say that thank you for your recommendation. When we actually looked at it –

The Bailiff: Through the Chair, please, Deputy Bebb.

3055 **Deputy Bebb:** Sorry, my apology.

I would say that Deputy Brouard's point was actually a very good point, and indeed that when we looked at these particular questions and the Rule changes in Committee, they were brought to us with tracked changes from a Word document. Of course that would therefore be an eminently sensible idea and we thank him for that proposal.

3060 Thank you.

The Bailiff: Deputy St Pier.

3065 **Deputy St Pier:** Sir, I just have a very quick question which I would be grateful if Deputy Fallaize could deal with in summing up.

My only surprise in relation to the proposals was the limitation of the response to merely a minute and a half. I understand the rationale of seeking to prevent statements being delivered as a response to the Question, but a minute and a half is a very short time, so I would just be interested to understand the Committee's thinking in reaching that really quite short timeframe.

3070 Thank you.

The Bailiff: Deputy Dorey.

3075 **Deputy Dorey:** Thank you, sir.

I would just like to make a comment about supplementary questions. What this new Rule, it is going to be important that, what is a supplementary question and what is not, is clearly defined. Because if a Minister does not answer a supplementary question, if it is not a supplementary question in relation to the answer then it just falls, but obviously if it is a supplementary question in relation to the original answer, then the Department has to answer it within five days. I think we are going to have some tests of what relates to the original Question.

3080 In relation to that, I would ask Members when they are asking Questions to... because there have been comments about the cost, because when you get a series of Questions, you have to try and work out what the supplementary questions are going to be, and it is not just preparing the answers; you then discuss with your Department, particularly if it is detailed questions. I am not particularly speaking about Deputy De Lisle, but I will use his example from Question Time, when he asked me the Question about PFOS in St Saviour's Reservoir. Then he followed up with PFOS in drinking water. That was a supplementary; that did not come out of the answer – that is my view.

3090 As a Department, do we have to prepare answers to all... because that is a detailed question. I, as a politician, am not going to have that information to hand. A lot of staff time can be wasted preparing answers to what other questions might be related to that, on the chance that somebody is going to ask a question.

3095 I would ask Members if they intend to ask supplementary questions, to please perhaps speak to the Department beforehand, because that will save money and time, because we will just prepare those answers for that question and not for a number of other supplementaries which you think you might ask, but you do not ask.

Surely in the end, the best thing for Question Time is to have the answer there and then, but if you do want to ask a question about not just PFOS in St Saviour's Reservoir, but PFOS in drinking water, why not ask those two questions, if you want to ask them, up front, five days before and let the Department know?

3100 It is a far more efficient process, than... I always think there is a game in trying to ask questions and catch Ministers out – perhaps that is what it is all about, but when it is detailed... If it is policy questions, that is fine but if it is detailed questions like that, which nobody is going to have available, unless you have done your homework beforehand, it is far better to ask those

3105 questions and give notice to the Minister, then you will get the answer and you will walk away satisfied.

So I ask people to seriously think about that when they are asking questions, but I do think that, as a result of these, the test of what is a supplementary is going to have to be clearly defined, because if we have not got the information and it is not a supplementary, it falls; but if it is we have to answer it within five days.

3110 Thank you.

The Bailiff: Deputy Sillars.

3115 **Deputy Sillars:** Sir, just following on from that it was me, I think, who got told off for giving a long answer to the Deputy Bailiff. It was important to me to actually... it was a technical question, but it was important to set the scene, assuming there were quite a few people who may not have understood how it sat in the context of the overall.

3120 Again, it goes back to the Chairman of SACC: if he could, when he answers Deputy St Pier's question of a minute and a half, do we just literally give the answer to that Question and have absolutely no cognisance for the wider context of that Question?

Thank you.

The Bailiff: Deputy Gillson.

3125 **Deputy Gillson:** Sir, first, I think I will comment on Deputy Lester Queripel's question about what happens to a Minister, if he does not answer a question. I think you have to put our change in context with what we have already got.

3130 Under the existing Rules, a Minister can decline to answer a supplementary question and that is the end of it. What we are doing is adding a further obligation, by saying, 'Okay, you can decline a question, but if you do, you then have an ongoing obligation', so I think ours... I am not sure if there is a sanction for somebody not answering a question, other than you then putting it as a Rule 5 or Rule 6 the following month, but it does improve things a little.

3135 I think I just want to expand a little bit on Urgent Questions, because it does pose a question of what becomes an Urgent Question, and that will be ultimately up to the presiding officer to decide but I think I will just explain a little bit where I think a Department can act in a way that opens the door for Urgent Questions, and to do this, I will just go back to my first principle.

3140 We have a one-week cut-off period before a meeting, to which people can ask Questions, and that is so that the Department can get up to speed on the a particular area of their mandate. It might be an area where they have not been focusing upon for a while, getting information and be able to provide a full answer and that is absolutely right. Now, the situation I think if Departments or Committees can open the door for an Urgent Question is if they issue a report or make a media statement around the time or after that five-day deadline, because if a Department is issuing a report or making a statement, you would expect them to be, and their officers to be, up to speed on that subject at that time.

3145 So I think that is a time where if a Department a week before or the weekend before a States Meeting issues a document or a report, then that actually opens the door for questions on that to be classed as Urgent Questions.

3150 I would also then like to just refer to section 26, which is something we have not recommended but may well do one day, and this is where we have noticed occasionally Ministers have answered a question that they have not been asked, or rather they have answered the question they would like to have been asked, rather than the one they have been asked. (*Laughter*) There have been a couple of occasions where I think I may have stood up and asked the Minister to answer the question he had been asked. (*Interjection*) We accept that in the cut-and-thrust of politics a Minister may be asked a question that is embarrassing and they might then try to deflect the answer by answering a slight different question, but I think that when they are caught out by this and challenged, then they should actually have to answer the question that they have been asked, rather than the one they would prefer to have been asked.

3160 I think Ministers just note that, because we have not brought a Rule to try and address that at the moment, but if we see an incidence of this increasing, then I think we may well do.

I hope that Members will support all of these proposals.

The Bailiff: Yes, Deputy Conder.

Deputy Conder: Thank you sir.

3165 Just to follow up a number of points that colleagues have made. I am of course a member of SACC and support all of these proposals.

I think what these proposals do, and I would like to support very much what Deputy Green and Deputy Duquemin have said, is perhaps to assist in instilling a sense of self discipline in those who are asking Questions. I think that is all that Rules can do, in terms of making sure that Questions that are asked for the purpose of actually eliciting answers, because we often talk in this Assembly about Ministers and the fact that Ministers are simply chairmen of committees – not even first among equals; one amongst five people – and I have to say, I do struggle with this idea that Question Time is about catching a Minister out.

3175 We do not have an opposition and a government. We have 47 Members of a Government. The Ministers, as I have said, are one of five individuals and they are doing their best to answer Questions on behalf of their Boards. I will not be part of a system where we are trying to catch out people by the process of Questions. I do want to actually get an answer, to put it in the public domain, but it is not about for me catching out individuals and framing Questions to embarrass individuals. That is not what they are there for. They are there as Chairmen of Committees and if a Minister – may I use the term, so-called Minister, because it is simply a term – is there to be caught out. That is not the way our system of Government works.

3185 I commend this Report because it assists each of us in asking Questions to exercise self-discipline and to use Questions for what they are meant for, which is to elicit answers professionally, put them into the public domain and not try and catch out individual members of Committees.

Thank you, sir.

The Bailiff: Any further debate. No?
Deputy Fallaize then will reply.

3190

Deputy Fallaize: Thank you, sir.

I thank Deputy Trott for pointing out my gross inconsistency. That is now 1:1 after my ‘ring back’ comment of yesterday. *(Laughter)*

3195 He asked how the limit on Questions and replies will be imposed if these proposals go through and, it is not in the Report, but actually in that corner of the Chamber in particular, we are going to insert a gunge tank. *(Laughter)* So I am afraid he will be caught out by sitting next to Deputy Lester Queripel, *(Laughter)* but that is just the way it goes!

Sir, Deputy Brouard suggested that the Committee might wish to insert –

3200

Deputy Trott: May I say, sir, it could be worse – I could be sat next to you! *(Laughter)*

Deputy Fallaize: You just cannot let go! *(Laughter and applause)*

3205 Sir, Deputy Brouard suggested that – *(Interjection and laughter)* suggested that the Committee should incorporate a track-change version of procedure proposals and, as Deputy Bebb says, that seems to me to be a perfectly reasonable idea and when we do that in the future, we will incorporate his idea, although we have just submitted a Report proposing Rule changes, a sort of annual report that the Committee proposes for July and it will not be incorporated in July but from that point on, we will incorporate his suggestion.

3210 I agree with him actually about separate Propositions, and I have been critical in the past myself of Committees and Departments which have not submitted proposals in separate propositions and tried to group them all together.

3215 It is slightly difficult when you are trying to amend the Rules of Procedure because of course one change of Rule is consequential on another change of Rule, and so it could be particularly chaotic, if the States votes against certain Propositions and not other Propositions. I think I am right in saying that our July Report does have separate Propositions and we would always try to do that whenever possible.

3220 Deputy Lester Queripel asked whether supplementaries could be multi-part and I think the strict answer to that question is yes, they can be. I am very reluctant to give Deputy Queripel that advice, but I think under the Rule changes that we are proposing, the provision that Questions have to be related to one topic only is binding only on the principal Question, although of course the supplementary does have to arise out of the answer to the original Question, so probably because the supplementary is associated with the original Question, it would be difficult for a Member to launch into a multi-part supplementary question.

3225 He then asked what would happen if Ministers did not answer Questions or did not reply within five days, if Questions were deemed to be inadmissible. Well, if these proposals go through, it will become part of the Rules of Procedure.

3230 What happens if Ministers in Departments break Rules of Procedure? Well, nothing normally, but obviously they would have the same force as all the other Rules of Procedure and actually the Rules of Procedure, and adherence to the Rules of Procedure, by and large are political judgements and occasionally the Rules of Procedure are not adhered to fully. We as politicians have to make political judgements: if you break the Rules of Procedure and you find that a majority of the States believes you are in the wrong, then you have to pay the political price for that, but we cannot put hard and fast Rules in place to force Ministers to answer Questions in a particular way.

3235 He said can SACC please require Ministers to answer Questions fully. Well, no, we cannot and frequently there have been exchanges where Members feel that their Questions have not been answered fully. Usually the Presiding Officer says, 'Well, you have asked your Question and the Minister has given the reply, and that is the end of it', and again that is a matter of political judgement.

3240 I would suggest that if a Minister repeatedly refused to answer Questions in a way that was reasonable, then he might find himself admonished by the States.

3245 Deputy Brehaut raised concerns about the time it takes to reply to Questions and he clearly is right, but they are part of the Rules of Procedure and I am concerned... I had an exchange actually with the Deputy Chief Minister not so long ago, because he was raising a similar sort of concern, which is a perfectly valid concern, but of course, asking Questions is a proper part of the democratic process and holding Departments to account. I do sometimes get the sense that Departments... It is not their fault, Departments are under considerable budgetary pressure, but one sometimes gets the impression that they are almost saying that they have not got the resources to fulfil their obligations under the Rules of Procedure. I think there has to be a balance struck between Members' discipline and understanding that Departments are under budgetary pressure, but also ensuring that the Rules of Procedure provide for reasonable level of scrutiny and accountability of departmental activity.

3250 Deputy Brehaut wants scrutiny panels in the Westminster model, to have Ministers in front of them routinely. I agree with that, but that is a system of government issue and also a question of resources. I think if we were to move to that kind of model, it would consume considerably greater resources than Rule 5 and Rule 6 Questions do at the present time. That is not to say that it is a bad idea, but it something that has to be considered in the fullness of time after the States Review Committee has reported back.

3255 Deputy Green is right: there will always be a limit to how dynamic Question Time will be in a committee system of Government and invariably, if it becomes too robust, the Minister says, 'Well, I cannot answer that question because I have not consulted with my Department or Committee', and the Minister is perfectly entitled to do that.

I think that the proposals that we are laying out are likely to make Question Time about as dynamic and robust as it can be, under the present system of Government.

3265 Deputy Gollop wanted to know whether he could submit different questions on different topics and the answer... He says no – could he clarify the question, please, sir?

3270 **Deputy Gollop:** Well, as I understand it, I could submit Questions on different topics to different Departments, but not include them in the same Questions to the same Minister of a Department.

Deputy Fallaize: Well, every Question would have to be limited to one topic, but Members would not be limited to one principal Question, I think that is the simplest way of describing the proposals.

3275 Supplementary questions cannot be asked... sorry, different questions cannot be asked in supplementaries than in principal Questions, but one cannot do that now.

Deputy Dorey referred to that, and I will pick up on that in a moment. He referred to the problem of replies that last up to 10 minutes and of course, that is the principal thing that the Committee is trying to reform with these proposals.

3280 Deputy Duquemin mentioned the trip to Westminster that some Members went on. I think it was out of that trip that the Committee received representations from some Members about potential reforms, which are the basis of the Committee's proposals. Of course, he also mentioned the need for balance between the proper right of Members to hold Departments to account and the need to take account of how much preparation time Questions can take.

3285 In Guernsey, under our system of Government, we have not got an opposition, we do not have competing newspapers, so the media view tends to be quite monolithic at times, and there is a general absence of scrutiny and accountability. I think one does have to protect Members' rights to ask Questions quite forcefully, but obviously, Deputy Duquemin is right that Members also need to exercise some self-discipline and we hope that some of the proposals in this Report will address that.

3290 Deputy St Pier wanted to know about the one-minute-thirty limit on a reply. We referred to... I was going to call it the BBC limit. I think it may have originated from the BBC, but there is a sort of standard words per minute that can be applied to the spoken word. (**Deputy Stewart:** 160.) I think it is 180 –

3295 **Deputy Stewart:** That is quite fast.

Deputy Fallaize: Well, okay, maybe it is 160, but I thought it was a BBC limit –160 or 180 – but we felt that around about 250 words... When we looked at the kind of Questions that are asked and the replies that are necessary, around 250 words was adequate for a Minister to answer a Question, remembering that if these proposals are approved, Questions themselves will be limited to one minute only.

3300 So at the moment, there are some Questions which go on for longer than that and then of course that means that the Minister has to address more issues when he replies.

3305 Deputy Sillars made the point about needing to give full answers, which is a good point, but sitting where I sit, and I know some other Members feel the same way, when a Question is asked, there are some dreaded words. If a Minister starts the reply by saying, 'First I need to give some context', then you know that you are in for a very, very long reply.

3310 Actually, if a Minister believes that he or she cannot answer within a minute and a half, then it is always open to the Minister or the Department to circulate some additional information to Members, either in writing or at a later date, whether it is by e-mail or even on Members' desks on the morning that the Question is going to be asked.

3315 The difficulty that we have – I do sympathise with the point Deputy Sillars makes – but the problem that we have is that unless we try to impose some kind of time limit, then we will have no chance of making Question Time a bit more relevant and dynamic. If it is not a minute and a half, what should it be? We could have chosen three minutes; we could have chosen five minutes. Invariably, if we put a limit of five minutes, all replies would have gone right up to the five-minute limit, and the whole set of proposal would have been counterproductive.

I hope that Members believe that the Committee has got the balance right in proposing a one-minute limit on Questions and a limit of one minute and a half on replies.

3320 The final point that I want to address was one made by Deputy Dorey. He was concerned about the scope of supplementary questions, particularly now that Ministers who are not able to give replies at the time are bound to reply in writing within five, or a maximum of 10 days.

3325 Nothing in these Rules, nothing in these changes, alters the fact that supplementary questions must arise out of the answer to the original Question. The presiding officer has absolute discretion to rule out any question which is not a genuine supplementary question, and I think there is probably a fair prospect that, now that Ministers will be bound to provide written replies to any supplementary questions, the need for supplementaries to arise out of the original Question perhaps may be enforced a little bit more rigorously, and I do not think the Committee would have any objection to that.

3330 Clearly, that is the point that Deputy Dorey is making, that we do need supplementaries genuinely to arise out of the reply to the original Question.

I think that they were the only points that were raised in debate and I hope that Members feel able to support all of these proposals. I hope that in time, it will help to make Question Time as dynamic and as relevant as possible, under the present system of Government.

3335 Thank you, sir.

The Bailiff: Well, Members, we come to the vote then on the Propositions which start on page 686. As we have heard during the debate, they really are almost composite Propositions, incorporating quite a number of amendments.

3340 Deputy Laurie Queripel, you wanted to have a separate vote on... what was it?

Deputy Fallaize: Deputy Queripel asked me if we could vote separately on the Proposition which Deputy Lester Queripel's amendment failed to amend. I think that is Proposition 1 –

3345 *(Interjection)* Proposition 1, Rule 5(2)(b); Proposition 2 – **(The Bailiff:** Sorry, one?) Sorry, Proposition 1, Rule 5(2)(b) –

The Bailiff: Proposition 1, Rule 5(2)(b) ‘shall not seek information which is readily accessible within the public domain’. Yes.

3350 **Deputy Fallaize:** Proposition 2, Rule 5A(2)(c) – *(Interjection)*

The Bailiff: Proposition 2, Rule 5A(2)(c), again ‘public domain’.

3355 **Deputy Fallaize:** If they are taken separately and voted against, it seems to me that 5B falls automatically. **(The Bailiff:** Yes.)

I think that is what the Deputy wants, sir.

3360 **The Bailiff:** Yes. Are there any other requests to take any other Propositions separately? No. Well, in that case, what we will do is... and I think we take those two Propositions together, because they really go together. We will take those separately and then vote on the remainder.

So the first vote Members is in respect of Proposition 1, Rule 5(2)(b), the words ‘shall not seek information which is readily accessible within the public domain’, and Proposition 2, Rule 5A(2)(c) relating to Urgent Questions and again the same wording, ‘shall not seek information which is readily accessible in the public domain’.

3365 So if you vote *Pour*, those words will remain in the Propositions and hence in the amended Rules, if they are approved. If you vote *Contre*, those two subsections will disappear from the amended Rules, I think that must be the consequence.

So I hope that is clear to everybody. Those in favour; those against.

3370 *Most Members voted Pour, some Members voted Contre.*

The Bailiff: I declare those carried.

We therefore vote on the remainder of the Propositions. Those in favour; those against.

3375 *Members voted Pour.*

The Bailiff: I declare them carried.

3380

Good wishes to States’ cricket team

3385 **The Bailiff:** That, I believe, concludes the business for this meeting, but Members, before you depart, I would just like to wish well to all those States Members who are going to Jersey next Friday to play cricket against the Members of the Assembly in that other island. I hope that they will retain the trophy and emulate the successes that our footballers achieved in the Muratti Vase. *(Laughter)* **(Members:** Hear, hear.)

So I wish you all well.

3390

The Assembly adjourned at 4.28 p.m.