



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 21st February 2024

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Present:

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

Law Officers

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People's Deputies

S. E. Aldwell	J. P. Le Tocq
C. P. A Blin	M. P. Leadbeater
A. H. Brouard	D. J. Mahoney
Y. Burford	A. D. S. Matthews
A. Cameron	L. J. McKenna
D. de G. de Lisle	N. G. Moakes
A. C. Dudley-Owen	R. C. Murray
J. F. Dyke	V. S. Oliver
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S. J. Falla	R. G. Prow
P. T. R. Ferbrache	L. C. Queripel
A. Gabriel	P. J. Roffey
J. A. B. Gollop	H. J. R. Soulsby
S. P. Haskins	G. A. St Pier
M. A. J. Helyar	A. W. Taylor
A. Kazantseva-Miller	L. S. Trott
C. J. Le Tissier	S. P. J. Vermeulen

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy T. Bury (*indisposé*); Deputy H. L. de Sausmarez (*relevée à 9h 33*);
Deputy N. Inder (*relevé 10h 13*); Deputy C. Meerveld (*relevé 9h 43*);
Alderney Representatives S. Roberts and A. Snowdon (*relevé 9h 59*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The States' Greffier: Billet d'État II of 2024. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday, 21st February, 2024, at 9.30 a.m. to consider the items listed in this Billet d'État, which have been submitted for debate.

Billet d'État II

SCRUTINY & MANAGEMENT COMMITTEE

General update – Statement by the President of the Scrutiny Management Committee

The Bailiff: Good morning, Members of the States, and good morning, Deputy de Sausmarez. Is it raining?

10

Deputy de Sausmarez: Just a bit, sir.

The Bailiff: Would you like to be relevée?

15

Deputy de Sausmarez: Yes, please.

20

The Bailiff: We will mark you as present. And without further ado, I will turn to the President of the Scrutiny Management Committee, Deputy Burford, to deliver the Committee's Statement, please.

Deputy Burford: Thank you, sir.

I am pleased to present this update on the work of the Scrutiny Management Committee. In September 2022 the Scrutiny Management Committee commenced a review of the first full Island-wide voting election, with assistance from the States' Assembly & Constitution Committee. I would

25 like to put on record my thanks to those who sat with me on that review panel, namely Deputy Fairclough, Deputy Meerveld, Advocate Chris Green and former Deputy Michelle Le Clerc.

The review evaluated the public's opinion of the electoral changes that had been made in 2020, and considered the demonstrable and perceived advantages and disadvantages of the Island-wide voting election process. We gathered evidence by three separate means: a call for evidence; a
30 comprehensive survey undertaken by Island Global Research; and public hearings with relevant parties.

In November 2023 the Committee released its final report which provides an important evidence base for fine-tuning the current system of election in 2025, and which will act as a resource to inform any future changes. I thank the SACC President for his assurance that the recommendations in that
35 review will be considered, and I look forward to refinements being made for 2025 in response to the evidence gathered in the report, and I would encourage all Members to find time to read the report in full.

My Committee agreed early in this new term that holding regular public hearings would be a central feature of our work, as required in our mandate. I am happy to report that six further public
40 hearings were held in 2023. Public hearings with P&R and the Principal Committees will continue in 2024 – the next one being next Tuesday afternoon at the Castel Douzaine Room with the Committee for Environment & Infrastructure, when Deputies Dudley-Owen and Kazantseva-Miller will be joining the panel, and I thank them for their willingness to be involved in the wider scrutiny process.

The SMC mandate requires the Committee 'to promote and facilitate the participation in scrutiny
45 of the widest possible range of States' Members and persons independent of the States.' This is beneficial both to those members who participate and who inevitably gain a better understanding of the work of other Committees, which can only be a good thing for all. It is essential for good scrutiny that my Committee is able to harness the different talents and interests amongst Members of this Assembly and indeed the community.

I would therefore encourage all eligible Members to offer their time to sit on public hearing
50 panels or review panels during the remainder of this term.

In 2021 to facilitate the implementation of the GWP, the SMC established its Government Work Plan Scrutiny Panel, designed to specifically focus on the progress made against the priorities identified in the Government Work Plan. The SMC believes that it remains important to provide
55 ongoing parliamentary scrutiny in this area, and I would like to take this opportunity to thank Deputies St Pier, Gabriel and Fairclough for providing their input as Members of that panel. The next hearing with P&R will take place on 11th April, and I thank P&R for the prompt engagement with the Committee in setting a date.

We have continued to livestream public hearings and we believe it has already proven extremely
60 valuable in encouraging wider public engagement in the work of Government, by making it more accessible. Evidence shows that live-streamed hearings are viewed consistently by many more people than were able to previously attend in person. The video also creates a useful resource for politicians, the media, and members of the public which leads to greater public discussion and understanding of what the States is doing. It remains our intention therefore to continue to live-
65 stream public hearings wherever possible.

Recently, one of the Committee's non-States' Members, Mr John Whittle, has stepped down from the panel due to personal commitments. I would like to thank him on behalf of the Committee for his valued input over the last three and a half years. The Committee sought expressions of interest for a replacement member and was pleased to receive 12 high quality applications for this
70 role. After a comprehensive selection process the Committee have decided to propose Ms Christa Feltham, and a policy letter will be coming to the States shortly. Ms Feltham is a corporate lawyer who works as an in-house legal counsel within the financial services industry locally.

In addition to Committee hearings, the SMC are currently finalising a significant review of the work of Agilisys, focusing on performance and value for money. This has been a complex review to
75 execute, and in particular I would like to take the opportunity to thank the volunteer panel members,

who have brought truly invaluable and significant private sector expertise across a variety of information technology disciplines, for their assistance to the Committee in this essential work.

In the last year, the Legislation Review Panel (LRP) has continued to work diligently under the chairmanship of Deputy Dyke, with a significantly increased workload, mostly due to Moneyval. Since the beginning of this political term some Members of this panel have expressed a view that they believe the amount of legislative scrutiny undertaken in Guernsey could and should be increased. The LRP Members recognise that some progress has been made in the Machinery of Government changes over the last 20 years. Nevertheless, some Members believe further steps could be taken to strengthen this essential parliamentary function. It is acknowledged, however, that the current system, although lacking in resources when compared to alternative approaches undertaken elsewhere, is a relatively speedy and low-cost approach to providing meaningful legislative scrutiny. I made a request to the Assembly for expressions of interest to join the LRP after Deputy Gollop's elevation to the Policy & Resources Committee. The only Member to express an interest was Deputy Meerveld, and the Committee has happily accepted his offer to join the panel immediately.

In any complex public service organisation, financial scrutiny is an essential part of the assurance process. This is the role of the SMC's Financial Scrutiny Panel which includes reviewing the Annual Accounts and considering the work undertaken by Internal Audit in order to determine areas which might benefit from further investigation. This work has continued in 2023. Much of this work is by its very nature not visible externally but it remains an important contribution to the overall accountability of public services to the local population.

Nevertheless, I considered this to be an area that required further strengthening and to that end the Committee took steps to enhance the membership of this panel last year both from within and without this Assembly. However, this progress was somewhat scuppered by the promotion of our two newest States' Members on the panel to the roles of President and Vice-President of the Policy & Resources Committee! *(Laughter)* I therefore put out a call to Members for replacements, and the Committee is grateful to Deputy St Pier, who was the only person to offer his services, and who has now joined the panel.

I am pleased to announce that at our meeting last week it was confirmed that the SMC would undertake a review of the political and governance oversight of States' investments, led by the Committee's Financial Scrutiny Panel. Terms of Reference for this review will be published shortly.

At the beginning of last year, the SMC introduced a Freedom of Information (Fol) appeals process in accordance with a Resolution of this Assembly, made in response to the SMC policy letter on the matter. This new service, which I am pleased to confirm was introduced fully within existing resources, provides the opportunity for members of the public to challenge Government decisions not to release or supply specific information via requests made under the Freedom of Information Code. This independent appeals process, which is led by suitably skilled and experienced panel members and supported by the SMC staff, has introduced an additional check and balance on the transparency of Government locally.

I believe that the availability of independent scrutiny of Committee decisions on Fol requests represents genuine progress to providing additional transparency within Government. For clarity, the Committee itself does not get involved in any decision-making regarding the appeals process. We provide the secretariat to support the panel who make the determinations. To date, we have had a total of five appeals. It is likely that the very existence of the process concentrates Committees' thinking when they are considering whether or not to use exemptions to refuse disclosure and therefore I believe it provides a valuable service by its very existence.

Sir, I thank Members for their attention, and I will be happy to answer any questions.
Thank you.

The Bailiff: Well, Members of the States, there will be an opportunity in a moment to ask questions of the President on any matter within the mandate of the Committee.

But, Deputy Meerveld, you have arrived. Would you like to be relevé?

Deputy Meerveld: Yes, please, sir.

130 **The Bailiff:** At least then you can deliver your Committee's Statement in due course, rather than the Vice-President being called upon.

Who wants to ask a question of Deputy Burford? Deputy Brouard.

Deputy Brouard: Thank you, sir, and thank you, Deputy Burford, for the update.

135 By the end of this term we will have spent some £3 million on scrutiny. It would be great to hear perhaps three actual individual successes where the workers helped a Committee make substantial savings, or caused a Committee to change policy in a significant way, or just have uncovered some dastardly plot.

Thank you.

140

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

I rather feel I outlined a lot of that information within my speech, but I certainly point to ... I know the Deputy is talking about savings, but I think our mandate goes wider than that. I would certainly point to the Freedom of Information Appeals Panel. I think that is absolutely vital. I think it gives the public confidence. But the one I would point to most, perhaps, is our forthcoming Agilisys review, which is going to be published within the next couple of months and, given the amount of money that we spend on IT, I think that is really, in terms of the financial area, going to be one of one of the most significant.

150

Thank you.

The Bailiff: Deputy Kazantseva-Miller.

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

The President indicated that significant parts of their mandate, including legislative review and financial scrutiny, require, under her opinion, strengthening. Would the President be bringing forward measures or recommendations back to the Assembly that will improve the functioning of those parts of the Scrutiny's mandate?

160

Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

165 Yes. With those two areas, I think the decision of the Committee has been that as there is work ongoing on the Machinery of Government review, it would be our intention to contribute at that stage. I believe that there are considerations within that review, which I now understand is going to be a green paper, for changes particularly over the issue of whether we continue with a Financial Scrutiny Panel or perhaps a reversion to a standalone Public Accounts Committee, and this is something I have had quite a lot of discussions with people about, in particular with the former PAC Chair, Deputy Soulsby, who has been very helpful in her comments about it.

170

We also do have a paper prepared by the Legislation Review Panel highlighting some of the areas, and again, that will be a contribution towards that debate.

Thank you.

175

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, it is a follow up really to the last answer. Would therefore, in principle, the Scrutiny Management Committee be looking to re-establish as soon as possible a standalone Public

180 Accounts Committee and/or an Audit Commission, which might be a mixture of parliamentarians and non-States' members.

The Bailiff: Deputy Burford.

185 **Deputy Burford:** Thank you, sir.

My views on a standalone Public Accounts Committee have rather moved backwards and forwards a little bit during the term. I do think that the current setup actually allows an immense amount of flexibility, but I also respect the view that if a Public Accounts Committee was to have a standalone President, and I think this is from discussions I have had with Deputy Soulsby, there are advantages, certainly in the perception of that setup. But seeing that we are now moving towards
190 a green paper on changes in the Machinery of Government, I think that it seems fairly clear that no substantive changes are going to be made this term, and I really do think it is work that needs to be wrapped up in the wider Machinery of Government changes.

Thank you.

195

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir. I thank the President for her update.

The Agilisys report is due out in a few months, I believe you said. Can you give a bit more detail
200 about that? Will there be recommendations to the Assembly? Will it be coming to the States, or will it just be a report written for people to read, and publication?

The Bailiff: Deputy Burford.

205 **Deputy Burford:** Thank you.

Yes, it will contain recommendations. The recommendations will largely be directed at the Policy & Resources Committee who have overall responsibility for this area. It is not our intention at the moment to bring it to the States as a separate report. However, the Scrutiny Management Committee, in the same way as it did with the Freedom of Information, if we were to feel that
210 recommendations were not being actioned, that is the point at which we would seek perhaps to gain States' Resolutions on them.

Thank you.

The Bailiff: Deputy Haskins.

215

Deputy Haskins: Thank you, sir.

The President stated that financial scrutiny is an essential role. Now given that the latest video online received 150 views, may I ask the President to remind Members of the average cost of each live stream, and whether she believes they still exhibit value for money?

220

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

Yes, I think it is in the region of £900, although that could include the room as well. I would have
225 to come back to the exact details to Deputy Haskins on that.

Yes, I do believe it does, because it goes wider than just the number of views. We have never had anywhere near 150 people in the C  tel Douzaine room to come and observe things. It is usually more like 10, half of which are former Deputies. However, it gives an immense resource as well to the media. Quite often, members of the media cannot put aside two or three hours to attend an
230 entire hearing, but they will find time to review the video online. The reporting of happenings within

Government that emanate from a scrutiny review has gone up exponentially this term in terms of the coverage that we tend to get after scrutiny meetings. So yes, I do think it is value for money.

Thank you.

235 **The Bailiff:** Deputy Taylor.

Deputy Taylor: Thank you, sir.

Given the poor attendance at live meetings and poor take up on watching the recorded meetings, would the President give consideration to holding the meetings at a different time
240 **(Deputy Gollop:** Yes.) when people might have more availability, i.e. the evenings?

Deputy Gollop: It would be better.

The Bailiff: Deputy Burford.

245

Deputy Burford: Thank you, sir.

I think that if we are talking about a different time and more availability, then that would probably mean evenings or weekends, because people tend to work 9 to 5 now. **(A Member:** Hear, hear.) As Deputy Taylor will be aware, we tend to have a lot of senior Civil Service staff at these
250 hearings that the Committee bring along, and I really think if we are talking about costs that we could certainly see an escalation in costs if we had to operate on that basis. Whereas I think that in terms of accessibility, possibly if there is an area we can improve things, and I have actually been having discussions on this this week, is by publicising more widely when the scrutiny hearings are taking place, and perhaps an explainer to the public of what it actually concerns. So I think that is
255 definitely an area where we could make an improvement. I just do not think it is feasible to hold these at evenings or weekends, realistically.

Thank you.

The Bailiff: Deputy Gollop.

260

Deputy Gollop: Yes, thank you.

I very much appreciate the work this Scrutiny Committee has done, even if there is a little bit of questioning. But my question would be with more resources, staff, additional social media, higher profile, maybe more politicians on the Committee, would it not be possible to hold double the
265 number of panels per year, say, 12 a year or more, and also do more reports, because some Scrutiny Committees, especially on Jersey, are rather more active in terms of their output.

The Bailiff: Deputy Burford.

270 **Deputy Burford:** Thank you, sir.

The number of hearings we had last year was reduced slightly by the amount of work going on, particularly on the Agilisys review. But I would point out to Deputy Gollop that I think the staffing resource in Jersey is significantly higher than what we are operating with in Guernsey.

Thank you.

275

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

The UK parliamentary system has the tool of the Select Committees, which are permanent
280 Committees established by the Houses to report and scrutinise the work of different departments. Jersey and Isle of Man have perhaps similar but slightly different, more permanent Committees looking at the work of all State Departments. Does the President consider that that kind of scrutiny

tool and parliamentary tool should be explored further ~~in~~ as part of the Machinery of Government review in Guernsey?

285 Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you.

290 Yes, I think the Select Committee system in Westminster is one of the more successful parts of Westminster, and certainly our scrutiny function is modelled on that basis. Of course, the comparisons with Jersey and Isle of Man need to take into account their different Government structure, which then moves towards a different scrutiny requirement. But I am certainly open in the review of the Machinery of Government at looking at any kind of ways of improving parliamentary
295 scrutiny and scrutiny of Government.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

300 Following on from my last question, I am certainly aware that within the Civil Service there is an allowance for flexi-time and flexible working, and I do not think it is unusual that senior civil servants might be expected to work a few hours in an evening or weekend once or twice a year. So with that in my mind, I pose the question to Deputy Burford, is it just her view that she does not think
305 conducting a Scrutiny Management hearing in the evening or weekend is feasible? Or has any research actually been conducted, i.e. questions posed to Policy & Resources as the employer, to understand whether contractually there is a possibility that meetings could be held in the evenings to increase engagement?

The Bailiff: Deputy Burford.

310

Deputy Burford: I thank Deputy Taylor for his question. I am very happy to go away and ask the questions that he has raised and revert to him with what I find out.

Thank you.

315 **The Bailiff:** If there are no more questions to the President of the Scrutiny Management Committee, I will turn to the President of the States' Assembly & Constitution Committee, Deputy Meerveld, to deliver that Committee's Statement under Rule 10(4), please.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

General update –

Statement by the President of the States' Assembly & Constitution Committee

320 **Deputy Meerveld:** Thank you sir.

My apologies for missing the roll call this morning. I suspect that when I did not appear the SACC Vice-President, Deputy Gavin St Pier, might have thought that Brutus of Brutii had left him to face the wolves, (*Laughter*) based on his most recent *Guernsey Press* article, but I can assure him that I was coming in, Kevlar skin included.

325 Moving on, I am grateful for this opportunity to provide an update on the work and priorities of the State's Assembly & Constitution Committee. As ever, the Committee has had a busy year, largely dominated by work in connection with Guernsey's first Parliamentary Commissioner for Standards. The Committee was delighted that the States gave a ringing endorsement of its proposal for the appointment of Dr Melissa McCullough to this role in May last year, with 38 Members voting in
330 favour.

Whilst debating the appointment of Dr McCullough, the States identified a need for a formal appeal process for any Member or complainant unhappy with the outcome of a review by the Commissioner for Standards. Swiftly responding to this feedback, SACC laid its own successful amendment instructing the Committee to consider a new appeals process, and the Assembly
335 considered its proposals in this respect last month. Or actually, I do not think it did. I think ... Oh yes, the appeals process has been considered.

Once again, the Committee's propositions were strongly supported by the Assembly, as a result of which the Members' Code of Conduct has been revised, and I think it is fair to say is now more comprehensive than it has ever been. Importantly, the Assembly agreed that future appeals may be
340 heard by a Deputy Commissioner for Standards, thereby creating a robust and transparent process in keeping with the principles of natural justice, while also making the system more resilient by establishing an alternate to the Commissioner for Standards in case they are conflicted or indisposed.

A further piece of work arising from the same policy letter is for the Committee to review Parts
345 III and IV of the Code, which deal with Parliamentary Privilege, and to return to the States with its findings by the end of this political term. Clearly this will now be an important priority for us as we enter the final year or so of this political term.

Our other main priority, as I said in my last update Statement, is to ensure that we are well prepared for the next General Election in June 2025. Now that the Scrutiny Management Committee
350 has published its review of Island-wide voting, the Committee is looking carefully at the recommendations therein and, late last year, held a workshop, which included representations from the Committee for Home Affairs, to consider how it might respond in respect of election-related matters. This was an extremely productive workshop.

One policy letter dealing with amendments to the Reform Law has already been debated, with
355 a further policy letter expected in May, informed by the workshop I have just mentioned, which will cover key dates and other matters like manifestos and expenditure limits.

Of course, there is far more to do in preparation for an election than amending the legislative framework, crucial though that is. Thankfully, now that we are not in the midst of a global pandemic, it will be possible to carry out much more activity in the period preceding the election and we will
360 soon be commencing a programme of activities designed to support anyone who may be thinking of standing at the next election.

This will start with the launch of the Election 2025 website next month, followed by a series of informal events to show candidates some of the realities of being a Deputy. I very much hope that my colleagues in the Assembly will participate in these events because no one is better placed than
365 we are to explain those realities to aspiring Deputies.

During my last update Statement, I mentioned that the Committee has recognised the need for a pragmatic guide to key points of parliamentary practice to complement the Rules of Procedure. Regrettably, owing to other pressures, it did not prove possible for that to be progressed last year but the Committee is optimistic that work will be completed on time for the new Assembly to have this additional guidance on hand from the beginning of the new term.

In conclusion, sir, I believe that the Committee has achieved a great deal in the 12 months since my last update Statement, particularly as it operates with very limited resources and budget, and I would be happy to take any questions that my colleagues may have.

The Bailiff: Thank you very much. Well, there will be an opportunity to ask some questions of the President, if you wish shortly, Members, but the two Alderney Representatives have arrived. So Alderney Representative Roberts and Alderney Representative Snowden, is it your wish to be relevée?

Alderney Representative Snowden: Yes please, sir.

Alderney Representative Roberts: Yes please, sir, thank you.

The Bailiff: And ask lots of questions to the President. Deputy Prow.

Deputy Prow: Thank you, sir, and I thank the President of SACC for his update.

Sir, I contacted SACC last year around the issue that appears to happen from time to time when a computer that is issued to Members when elected Members are about to vote. The application, although it appears to be functioning adequately, is entirely reliant on the equipment issued by the States and its functionality. The Rules do not appear to adequately and fully cater for a process when the Assembly goes into division, and a Deputy is prevented from being able to vote using the SEV. Thereby, although they are present in the Assembly, and in their place, are prevented from discharging arguably their first duty – to cast a vote. Please, may I ask the President if this matter has been addressed by SACC and what is the outcome?

Thank you, sir.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

Yes, I thank Deputy Prow for his question. It is certainly something the Committee is considering and will look at coming back to the Assembly with when we bring our next policy letter on the Rules. I think we have been very fortunate in that the SEV has performed spectacularly well and has shortened Meetings. I think it is a much more effective system than the old one and much more transparent. But there are occasions when equipment does not work. Having said which, the app does work on, not just the States' issued computers, but on my own Mac or on mobile phones and tablets as well. So I would encourage Members, if they are having problems with the hardware, to have an alternate with them, or the Constable has machines that they can hand out.

Thank you, sir.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

Hansard is an invaluable tool for States' Members giving us the ability to look back on what has been said in previous Meetings. But the *Hansard* reports seem to take an awful long time to make their way on to the States of Guernsey website, and it leaves Members only with the opportunity to go on to the full recording and then skip through to try and find the comments they might be looking for. Could Deputy Meerveld give an update on the timelines for *Hansard* being produced?

Is it something on their radar that there are big delays, and is it something that they will be looking at?

420 Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you.

425 *Hansard* is certainly a service very much out of our control. It is broadly used by other parliaments as well, and it does take a time to come back to us, but then one has to remember the validation process. So they go through and listen to the recordings, type up the original, then they have to forward them on to I think the Greffier team, etc. to be checked. It is a protracted process and, unfortunately, we have no control over that, and there is no other alternate service that I am aware of that we can utilise to do it more quickly or efficiently or at a lower cost.

So it is not something that SACC has reviewed, but if it is of great concern to Members then email me and I will try and find out if there is any way to expedite the production because, like Members, I sometimes share the frustration of the last two or three Meetings not being on the website and available to view when you do want to go back to what was said in a recent Meeting.

435 Thank you, sir.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

440 While on the topic of *Hansard*, what would be fantastic, rather than going remembering, 'Oh, I think it was that day, or maybe that day,' and scrolling through the agenda to see if it was on there, is actually a search function. So you could actually search and put in a word and then they bring up the agenda or something, because that would be so much easier to find, particularly when it is from years ago where you were not actually involved in it.

445

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

450 It is something that I would be happy to look at, on behalf of SACC, but again it would be a resource issue if it is not already available on the *Hansard* website directly, because I have never tried there myself. It certainly is not available on Guernsey Government website because it is simply a PDF file. But I understand the frustration, because there can be several days of debate and it can be a long debate, and it can be hard to find sections of text because I know I have struggled with myself. Something I am happy to look at, but as I say, if we were to try and process that in Guernsey and add an index to it then it would have cost and resource issues.

455

Thank you, sir.

The Bailiff: Deputy Queripel.

460 **Deputy Queripel:** Sir, in his Statement the President asked Members to contribute to the role of Deputy initiative being undertaken by SACC. Can he tell me please, will SACC be editing the views put forward by Members if they consider those views to be discouraging rather than encouraging candidates? In other words, how honest are we allowed to be?

465 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you. I thank Deputy Queripel for his question.

SACC and me personally would never look to edit the views of any politician. That is hardly democratic. And in fact, I think part of the conversation we need to have with potential candidates

470 is the negatives of the job. We need to make sure that people who are standing are aware of some
of the issues with being a Deputy, and that they put their name forward in the full knowledge and
acceptance of those negatives. So I would actually encourage Members, when they speak to
potential candidates, to not just talk about the great responsibility and the great influence that we
can bring to bear on behalf of the community that we can view as our positive contribution, but
475 also the negative aspects of the role, because I would like to have more better-informed candidates
all round. It is very hard to be elected for the first time and then learn on the job that there are
aspects of this job that you possibly cannot cope with.

Thank you, sir.

480 **The Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

First off, I would like to thank the President for his update, and I would like to draw his attention
to Rule 8(2) in the Blue Book, which is for Members' clarification:

While the States are in session Members shall not have any communication with a person in the public gallery

485 – and I would like to ask the President how relevant he thinks this Rule is, seeing as we all have
access to independent electronic devices which have instant communication with Members who
may be sitting in the Public Gallery or elsewhere? So I would like to ask him about the relevance of
that Rule.

Thank you.

490

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I thank Deputy Gabriel for his question.

Absolutely. A lot of our Rules were written long before electronic devices came into existence. I
think it is rather bizarre. My personal opinion is, it has not been put to the SACC Committee yet,
495 but I think the Rule does need changing. It seems rather bizarre that you can step outside that door
or entering the Gallery, and you can communicate with anybody in this room. And in fact, I receive
messages from people not just in Guernsey, but around the world while I am sitting here in this
Assembly and can communicate with them, but not the few hundred square metres or the square
500 feet of the Gallery. So I think in future that we will have to look at that Rule, and again, SACC will
have to bring it back to the Assembly to make a decision.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

505

Deputy Kazantseva-Miller: Thank you, sir.

One of the duties of the Committee is to consider practical functioning of the States, as well as
the ongoing support, provision of facilities and equipment to States' Members. Many parliaments
around the world have moved to offering iPads, for example, to Members as well as when you use
510 electronic devices to scrutinise legislation, you are able to have hyperlinks to original legislation
rather than just have a piece of paper that just gives you a bit of text.

It was emphasised as scrutiny of legislation is a key potentially weakness of our Machinery of
Government. Could the President tell the Assembly, what has the Committee done in terms of
executing against this mandate with these specific two points about provision of facilities, about
515 provision of support to Members and the practical functioning of the States of Deliberation?

Thank you.

The Bailiff: Deputy Meerveld.

520 **Deputy Meerveld:** Thank you, sir.

Considering our limited resources at SACC, our single officer is currently signed off sick, we have not looked at that part of the mandate, and this is the first time it has been raised to me directly. Certainly what the States of Guernsey provides to its Members to support its Members, both electronically and in staff and office facilities, is woefully poor compared to anywhere else in the world that I am aware of.

525 We are very much self-employed individuals who turn up on the first day and get handed a notebook computer and then see you in four years. We do not get a business card. We are self-employed. No pensions, we have no desk to work at. It is woefully inadequate, and it is certainly something that I would be passionate about trying to see Deputies supported so they can be more effective parliamentarians (**A Member:** Hear, hear.) both with facilities, equipment, and when Deputy Kazantseva-Miller mentions hardware failures, a better Government website, not just for us, but for the public as well. All of that needs doing. But the problem is, as always, resource and cost.

Thank you, sir.

535 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

Deputy Kazantseva-Miller mentioned one of the functions being around the functioning of this Assembly, and in that respect, the Rules of Procedure are really important. Deputy Meerveld also just referenced issues regarding Rules in terms of communication with the Gallery, but does he not agree that there should be at least a review of the Rules at this stage? People are not happy about the give way Rule, for example, and I think other issues have raised their head over this term. (**A Member:** Hear, hear.) Is it the intention of the President for the Committee to have a read through those Rules now and see whether there could be some changes through just one policy letter?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

550 Members may not remember, but last year we actually raised this issue. The original plan of SACC at the beginning of this term was to have a regular review of the Rules in sections. So we do it rather than doing the entire rule book, which I remember, the 2016 term resulted in a three-day, rather ungratifying, navel gazing debate going over the entire rule book. We were trying to do it in sections, but as Members are aware, our one and only officer went off on long term sick leave and therefore we simply did not have the resources. So we came back to the Assembly and said that we would try and do one wrap up, and we would ask Members to give us a targeted list of Rules to look at, the ones that were particularly of issue, rather than reviewing the entire rule book.

555 SACC still intends to do that before the end of this term, but again, our officer is off sick again. We are very resource-strapped and we are still trying to find the resources just to be able to do work to implement the election. So I would ask Members to bear with us, but we definitely want to come back, and when we do decide to do that review of targeted questions, we will email all Members and ask them for a list of the Rules that they would like to see addressed and what their suggested change would be. That way everybody can have an input. We will do one policy letter that acts in a targeted way rather than a general review that I hoped was going to be happening on an annual basis, taking sections of the rule book.

565 But I hope that answers Deputy Soulsby's question.

The Bailiff: Time is up, Deputy Meerveld.
Deputy Mahoney.

570 **Deputy Mahoney:** Thank you, sir.

Given most of the answers have involved, 'We do not have enough staff,' so far, 'because our officer is currently on sick leave,' could the President please confirm in fact, another civil servant has already been switched out to take her place and is working for SACC, and therefore the litany of
575 excuses we have had so far just simply does not wash its face?

SACC needs to get on with stuff. Deputy Soulsby raised the great points about actual work that would make our jobs easier and better in terms of various Rules, re 'give ways', re 26(1)s, with 24(6)s and all sorts of things which actually need sorting out. So could SACC actually get on and do it, rather than blaming the fact that they do not have an officer when in fact they already do have a
580 replacement officer.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir,

I was wondering when my Kevlar skin would be engaged. Deputy Mahoney is incorrect. Whilst we have an officer being lent to us on a part-time basis, what we do not have is an officer with a full-time commitment to SACC. We have an officer who has a very broad mandate and is doing many other jobs, and therefore cannot dedicate the time to SACC that we require to be able to fulfil all of the massive list of deliverables under our agenda, especially with an impending election. So
590 applications have been made and are being processed through the Civil Service for either to beg, borrow or steal resources from elsewhere, to be able to be delivering. But certainly the part-time stand-in who is there obviously doing what they can, is not capable of taking on the workload of a full-time person because they have their own portfolio that they are working on as well.

Thank you, sir.

The Bailiff: Well before I call anyone else, Deputy Inder, is it your wish to be relevée?

Deputy Inder: Yes please, sir. Thank you.

The Bailiff: Let us mark you as present then.

I am going to take people who have not asked questions before I take anyone who has already asked one question, so I will ... Well, I was going to call Deputy Haskins, but he sat down. Deputy Haskins.

Deputy Haskins: Thank you, sir.

I would just like to ask the President if he is aware of Rule 10, where the text of his entire opening speech should be agreed by the Presiding Officer in advance? Thanks.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Yes, sir, I am aware. Thank you.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

Just like the duties and powers of the States' Assembly & Constitution Committee, point 2 refers to the procedures and practices of the States of Deliberation and Committees of the States, paragraph 3 or point 3 refers to the practical functioning of the States of Deliberation and the States of Election. Is it therefore not unreasonable to think that the Rules that govern this Assembly are incredibly important? With that in mind, does the President of the States' Assembly & Constitution
620 Committee think it is right or correct or wise to refer to a debate on those Rules as navel-gazing?

Thank you. *(Laughter)*

The Bailiff: Deputy Meerveld.

625 **Deputy Meerveld:** I can understand Deputy Taylor's concern, but he was not present in the last
term of 2016. What I was referring to there was a policy letter that covered the entire rule book and
attracted a dozen or two dozen amendments, and went down numerous rabbit holes without
necessarily thinking about because they were driven by amendments, some of them late, that did
630 not necessarily think about the implications of those things. And that is why the unintended
implication of the changes suggested. And that is why I said that SACC originally wanted to do
targeted sections of the Rules and make it a much more targeted debate on specific sections so
that there was a certain amount of focus. Whilst the navel-gazing is probably not the way we should
phrase it, it was the way the public perceived it at the time.

635 Thank you, sir.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

640 Given the interest in the States' Rules of debate and sometimes questions about issues around
the length and relevance of answers and debate and how that can influence things, with such limited
resources, how on earth will SACC be able to address any of those sorts of questions? And if the
resources are not there, then what are the alternatives that might be open to doing some reviews
of the Rules of debate and of procedure?

645 Thank you, sir.

The Bailiff: Deputy Meerveld

650 **Deputy Meerveld:** I think I recognise exactly this issue, and it is one we struggle with constantly,
and have had particular issues with this term. The senior civil servants are aware of, the senior
management team are aware of, the issues. They know that we have an election looming and that
we require more resources to be able to deliver on these things, and I am confident that we will be
given the resources we require, because we have to be. We simply cannot deliver without them.

Thank you, sir.

655 **The Bailiff:** Deputy Inder.

660 **Deputy Inder:** Only briefly, sir, I just want to pick up on two questions from Deputy Mahoney
and Deputy Soulsby. I think Deputy Mahoney was correct that there is a lot of, 'We are going to do
something', but would the ...? I believe SACC is the Committee of the Assembly, it is not just Deputy
Meerveld's Committee, it is an Assembly Committee. Would the President commit to publishing the
forward work plan along with the timelines so we as the States' Members can assess what we think
that he may need for resources, which he seems incapable of identifying himself?

Thank you.

665 **The Bailiff:** Deputy Meerveld.

670 **Deputy Meerveld:** Well, much that I would like the capability to identify resources myself, and
I would go through the Civil Service and very quickly pick some resources for myself, but
unfortunately, like all Deputies, I cannot do that. I have to work through the Civil Service and see
what is available, and as every Member in here knows, it is not just SACC complaining of a lack of
resources. The fact we only have one officer, and when that officer is not available it is zero, does
make it more challenging than other Committees that have much larger teams, where at least it is
not 100% loss of resources when one individual goes off, it is just a smaller percentage. It has more

675 impact on us, but we again have to rely on the Civil Service to be able to find some resources within their net to be able to deliver.

As part of the other question, sir, can Deputy Inder mumble that again?

680 **Deputy Inder:** Well, I can put a Rule 14, Deputy Meerveld, I am more than happy to if I am allowed to respond through you, sir. He asked me to ...

The Bailiff: Deputy Meerveld has asked you to repeat the question you asked, (**Deputy Inder:** Yes, just checking.) and please do put that again.

685 **Deputy Inder:** I will speak clearly. Will Deputy Meerveld publish his forward work plan, (**A Member:** Hear, hear.) so we as a States' Assembly can review the work that he is claiming that he will be able to achieve before the end of term? I hope that is clear enough for Deputy Meerveld.

The Bailiff: Deputy Meerveld.

690

Deputy Meerveld: I thank Deputy Inder, and I wish he would always speak that clearly! (*Laughter*) (**A Member:** Pour!)

I certainly do not have any issue with that, but I will take it to the Committee for their approval. But I have no issue with sharing the forward work plan so that everybody is aware of what needs
695 doing. As far as timelines is concerned, again, resource dependent. We cannot be a hostage to fortune until we know what resources we have.

Thank you, sir.

The Bailiff: Well, Members of the States, I am going to extend questions to the President of the
700 States' Assembly & Constitution Committee beyond the 20 minutes, in part to use up the time we saved earlier in questions to the Scrutiny Management Committee.

Deputy Queripel.

Deputy Queripel: Sir, I was pleased to hear the President say in response to my previous
705 question, SACC will not be editing views put forward by Members in their Role of a Deputy initiative. We all know the sorts of things Deputies are subjected to and have to endure, such as being physically assaulted out in the community, having excrement put on your doorstep, having excrement put on your cars, which we all know has happened to Members, so will that level of honesty be permitted by SACC?

710

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I thank Deputy Queripel for his question. He missed out having a car driven
715 at you as well! I had that one. At the end of the day, SACC of course abhors this kind of behaviour, and I think all Members do and would condemn it, but we cannot control the actions of members of the public. But hopefully what we can do is engage Law Enforcement, etc., to take action when deemed necessary.

Thank you, sir.

720 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

SACC is committed to review Rule 49, a matter that has been troubling the Assembly since last term, regarding conflicts of interest held by Deputies in the Committee for Environment. Bearing in
725 mind the importance of avoiding and dealing with conflicts of interest to maintain public confidence, please could the President update the Assembly on this work stream?

Thank you, sir.

The Bailiff: Deputy Meerveld.

730 **Deputy Meerveld:** I thank Deputy Prow for the question. Yes, the conflict of interest is something that has been troubling me since the last term, and is certainly on our list. So when we come back with a policy letter before the end of this term with the Rules that Members have identified that they want to address, Rule 49 will definitely be in there. And I think it needs to be
735 significantly amended because at the present moment it is massively broad. There is no definition of what a special interest is in Law or in the Rules, and therefore it can be deemed to be anything. If you are a stamp collector you cannot be in the room when discussing the management of the Post Office, for instance, it is that tenuous.

740 At the end of the day, we have to manage conflicts of interest and make sure that the public are reassured that there are no substantive conflicts of interest. But equally, we also need to be able to do our jobs as parliamentarians, and we need to have that better defined, and I can assure Deputy Prow and this Assembly we will be coming back with clarification on that Rule.

Thank you.

745 **The Bailiff:** This Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

I seek assurance that with the changes to the Code of Conduct complaints and the appointment of a regulator, that this Department has not become something of a toothless tiger. Are
750 complaints – Code of Conducts against Deputies – being taken seriously?

The Bailiff: Deputy Meerveld.

755 **Deputy Meerveld:** Can I thank the Member for his question. Yes, the Code of Conduct complaints have always been taken incredibly seriously, and what we have now is an independent, arm's length Commissioner who is doing it on our behalf in a more professional way. So I have been informed by the officers who liaise with the Commissioner that the complaints are being processed far faster than they were in the past when we had to convene a meeting of volunteers to review each complaint, and I feel assured personally that it has been handled in a much more competent,
760 professional way than it was before, and being addressed more quickly, which is in the best interests of natural justice for everybody.

Again, the Assembly must remember that you do not necessarily hear about all the complaints that are being processed because ones that are dismissed as being ungrounded or vexatious would never be published. There is work that goes on behind the scenes constantly, and I think some
765 Members have already been through that process and seen that happen.

Thank you, sir.

The Bailiff: Deputy Kazantseva-Miller.

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

The President has now on several occasions released what could be considered under GDPR personal and sensitive information in relation to the single officer outlining they have medical long term sickness conditions. Would the President agree that he should refrain from mentioning or releasing any kind of this information in such a public setting, and instead of hiding behind the
775 resource issue, which seems to be a single point of failure for this Committee to actually deliver on their mandate, that it really concentrates on working together with P&R and the Civil Service to actually deliver on their mandate this term. (**Several Members:** Hear, hear.)

Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I have not, as is custom in this Assembly, mentioned anybody by name. But we cannot get away from the fact that SACC has only a single officer. There is only one person who can do the job, who is allocated to do the job, on a full-time basis. As far as going to the Civil Service to get resources, yes, we are doing that, and we are doing that actively. And I am very grateful for Scrutiny to having effectively lent their chief officer to us to help sit in meetings, and other people have been put in on a part-time basis, but they are all people who have other portfolios to manage and full-time workloads elsewhere. So it is a problem, I cannot escape from that.

The fact is I think going forward that the SACC really should have more than one full-time person (FTP), we should have more than one, because that is the only way to create resilience. We should not have any Committee of the States left in a situation where a single person goes off long-term ill and they are left with zero resources.

Thank you, sir.

Several Members: Hear, hear.

The Bailiff: Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

Just very briefly, we have heard a few times so far in his reply to questions 'before the end of the term', which is a sort of deliciously loose politicians' phrase, isn't it, for you might get to see it in April 2025, if you are lucky. Surely it is not beyond the wit of man to actually state 'I will come back to the States by June of this year' or whenever, given that April 2025 is still a year, a year and a half-ish away. Are we really expected to wait a year and a half before we get some sort of policy letter from SACC to do all these very important things? Can the President actually commit to doing this in a fixed timescale that is not some time before the end of term?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I refer back to my comment to Deputy Inder about the fact that he was asking for the forward work stream with a delivery schedule. Until we have a resource and we know what that resource is, if it is available full time or not, there is no way we can commit to a specific timeline for delivering things.

First priority has to be matters relating to the election, simply because, again, in accordance with the Vienna Accord, those have to be delivered by June or should be delivered by June. No changes to the electoral system should be done less than a year prior to an election. So we do have deadlines that are implicit in our forward work stream, but there is no way at the moment I can put hand on heart and say that I can deliver anything on a specific date until I know we have got the staff available to do it.

Thank you, sir.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

Hearing the answers to all the questions, I am actually seriously concerned that the President does not actually have a handle on SACC and that particularly when it comes to the general election that you have got to deliver, that, 'We cannot get the Rules sorted out, we need to get the elections sorted out.' Well, I am starting to worry. Are you actually capable of delivering this?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Well, I would like to allay Deputy Oliver's concerns. I am more than capable of delivering on this, as is my Committee. Remember, I am just simply representing a group of five people, so when she expresses her dissatisfaction, she is doing so in a group of five Deputies, not one, and as of today, we do not have the dedicated resource.

So people can ask me for all commitments in the world until that is provided. Now I am reassured that that is happening. I have had offers or people and conversations with people about where we can get these resources from. Once we have them, then we can obviously start scheduling delivery based on their availability and the amount of hours dedicated. But, barring Deputies taking over Civil Service roles, there is no way to deliver that at the moment. A lot of these things ... and of course, we are neither equipped nor allowed to take over operational matters ourselves. So we are in a bit of a bind at the moment.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, I am still on the Committee for an hour or so, but maybe it is just as well I am going now. *(Laughter)* But my question is, there has been a bit of a turnover, but bearing in mind the questions Deputy Queripel raised and the importance of the election, as Deputy Meerveld has stressed, will he and the Committee, as we formed, be asking assistance from organisations like Women in Public Life, but many others, to put forward people who would like to be acquainted with the role of Deputy and what it entails, and in general, the behaviour and rules and issues of being a Member of the States of Election, so that we get maximum buy in from both the public and potential nominators and candidates for the next election; so will that be prioritised even if there are staff issues?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I welcome our, well, current Member of SACC until an election happens, Deputy Gollop. We have already met, as he will know, with Women in Public Life, and we welcome any other organisations that wishes to encourage people to stand to contact us and meet with us. I am a great believer in public-private partnerships and working together with organisations outside the States as much as possible to deliver on our mandates. Certainly we will be identifying organisations like Women in Public Life, and sending out notices to them when we are having events to get them to hopefully encourage people to stand, to come forward and attend in anticipation of standing. I think that is a requirement for us to try and encourage the broadest based representation in this Assembly.

Thank you, sir.

The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

Last year the President told the Assembly that his Committee had allocated 0.7 of an FTE, not an FTP, full time equivalent. Can I ask the President what is his current level?

Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: At the moment we have technically on paper allocation, the same allocation, but in reality we have a zero available. So I think it is 0.7 because the SACC officer actually helps in

this Assembly as well when available. But yes, at the present moment we are effectively operating on zero. We are supposed to have a 0.7.

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

Deputy Kazantseva-Miller: Thank you, sir.

Two Members of the Committee were on the elusive Machinery of Government process. Could the President update us where he thinks, from the Committee's perspective, that process got to
890 from the Committee's perspective point of view.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: SACC has had two Members participating on that working group, but I
895 cannot really comment on the progress because it is actually a group formed by Policy & Resources. It comes out of their mandate and they are currently considering the findings and their response. So a question would be more appropriate directed at them as far as the progress is concerned. Thank you, sir.

900 **The Bailiff:** Deputy Inder.

Deputy Inder: From the update, it is fairly clear the Assembly is unsatisfied with the way the Rules are. Well, they have got concerns based around Rules. and now it seems we have got issues regarding the delivery of our democracy. I hope Deputy Meerveld is understanding that. I am being
905 clear: we have concerns about his leadership on delivery of democracy. And he is hiding again behind lack of resources and senior leadership team. Can he commit to writing directly to the head of Policy & Resources, spelling out all of the issues he has from the technical role or the tactical role of delivering Assembly Rules and the delivery of democracy, to ensure that Deputy Meerveld does not fail the Island and ensures that it is properly resourced, not hiding behind 'I have not got any
910 resources from the senior leadership team'?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Yes, I will quite happily write to the head of Policy & Resources to press the
915 point with the senior management team. But I am not hiding behind anything and nor am I failing at anything. I am struggling with, or my Committee is struggling, with resource issues. It is quite simple and it is very obvious, I would have thought, to a blind man that if you have got no staff to do the work, zero, then things do not get done.

But I am in the process of having those conversations. The Committee has approached the right
920 people to get those resources allocated, and I certainly hope that they will be, I am assured that they are being dealt with expeditiously, those requests, and I can assure Deputy Inder that I am not failing democracy, I am not failing this Assembly. Nor is any Member of my Committee. We will deliver what is required on time because we have to. Because it is required. But I cannot give you exact dates until I know what we have got to work with.

925 Thank you.

The Bailiff: Deputy Taylor ... Taylor, yes.

Deputy Taylor: Sorry, sir, I had taken my headphones off and I could not hear.

930 So in response to a question from Deputy Prow regarding directing special interests, Deputy Meerveld told us, or told Members, that a stamp collector would be precluded from considering the Guernsey Post accounts. Now Rule 49 covers the Committee setting for direct and special interests where the discretion is given to the President, or indeed Vice-President, of that Committee,

935 to recuse the Member and withhold papers, and in the Chamber here is Rule 17, 15, 16 and 17 that
cover direct and special interests. And those Rules require a disclosure of you being a stamp
collector, but you are not precluded from taking part or indeed voting on the discussion. So could
Deputy Meerveld identify exactly which Rule would automatically preclude a stamp collector from
considering Guernsey Post accounts?

Thank you.

940 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: I was making an extreme analogy. Under special interests you can define
anything as special interests. I have seen it done. I have had it done to myself, where officers had
945 turned around and said, 'You have a special interest in a certain issue because maybe in the future
you will', and that can be enough to get you excluded from an issue that you feel very strongly
about, on the basis it is presented to the Committee, 'Ah, well, possibly he might have a conflict in
the future if he chooses to do this.' Right?

What we need to do is define in Rule 49, we take the word 'special' out and put in 'pecuniary
950 interest', or be more specific in how we define that special interest, because at the present moment,
it is too open to interpretation, and some Committees and officers will interpret extremely strictly;
other ones will be far more lax, and when we have had the Law Officers in to advise on it, they have
said there is no definition of what 'special interest' means. There is no legal definition. There is no
definition for the Rules, so it is open to interpretation.

955 So it is Rule 49 where you could potentially be excluded as a stamp collector, but that is an
extreme example. But that is what we need to address in the Rules, and we will address before the
end of this term.

Thank you.

960 **The Bailiff:** Last question, Deputy Mahoney.

Deputy Mahoney: Thank you, sir.

I just want to get something straight for the record. We have heard the President now say that
he now has zero staff, I think that was correct, down from whatever it started at and it is now zero,
965 but I have had a direct face-to-face conversation with a senior civil servant who have told me that
they have been removed from their current duties to work for SACC. So, for the record, do I need
to go back to speak to that senior civil servant to ask why they have said that? Because they are not
working for SACC, or does Deputy Meerveld wish to amend his statement that he has nobody from
the Civil Service working for SACC at the moment?

970 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I suggest that Deputy Mahoney does go back and speak to that individual because the only
975 individual we have had, or the officer has been supporting us, I am working with them on another
project as well, outside of the SACC mandate. So I think he is misinformed that they have been
allocated to us 100%.

Thank you, sir.

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

Israel-Palestine War – International humanitarian law

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The Bailiff: Members of the States, I think it is time to move on to Questions pursuant to Rule 11, and the first question comes from Deputy St Pier to the President of the Policy & Resources Committee, please.

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Deputy St Pier: Thank you, sir.

Deputy Trott, having been beatified as the first stage to living sainthood, of course, does not need a flak jacket made of Kevlar or indeed anything else. So my questions for him, sir, begin.

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Following the acts of terrorism by Hamas on 7th October, the President of the Committee stated, 'We stand with Israel unequivocally against these acts of terrorism.' Does the Policy & Resources Committee agree that, in exercising its legitimate rights to self-defence and in seeking the release of the hostages, the State of Israel is obligated to comply with international humanitarian law – the law of armed conflict – and that both sides in the conflict should be seeking an immediate and sustained ceasefire to allow the pursuit of a peaceful two-state solution?

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The Bailiff: President Deputy Trott to reply, please.

Deputy Trott: Thank you, sir.

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So first and foremost, this is a terrible situation with awful consequences for innocent people. At a human level the Policy & Resources Committee members have the deepest concern and sympathies with people of all ages who are killed, injured, subjected to sexual violence, hurt, displaced, suffering or otherwise caught up in any conflict.

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On 10th October last year, the then Policy & Resources Committee made a statement solely in relation to condemning the Hamas terrorist attack of 7th October in Israel. I know that was not a statement or comment about the complicated history of the region and the foundation of Israel, nor about any future events that might follow. It was a statement of solidarity against acts of terrorism.

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Now as my friend, Deputy St Pier, knows as well as I, due to the centuries-old constitutional relationship with the British Crown and the consequent responsibilities of the UK government for Guernsey's formal international relations and defence matters, it is not appropriate for Guernsey's Government or parliament to make any statement which contradicts UK foreign policy. That is a long-standing principle which will continue to be followed.

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The Committee is somewhat encouraged that in recent weeks more jurisdictions and organisations seem to be seeking urgent paths to provide humanitarian aid and ways to secure lasting peace. The Committee knows that there are some strong views within Guernsey about the current situation. It values freedom of expression, but also expects people to respect others and their views and beliefs. Everyone in Guernsey should be able to feel safe, secure and respected, and we are committed to ensuring that this continues to be the case.

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The Bailiff: Does that answer your question, Deputy St. Pier?

Deputy St Pier: Yes, sir.

I have two supplementaries. The first of which is, does the President agree with me that to utterly condemn the heinous acts of terrorism and to note the universal application of international law to which Guernsey is itself subject, are not mutually exclusive?

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The Bailiff: Deputy Trott.

Deputy Trott: Yes, sir. I do agree with that comment.

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The Bailiff: Second supplementary, Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

1035 And does the President also agree with me that Jewish members of our community are not responsible for the actions of the State of Israel or its defence forces, and they are entitled, like all residents of any ethnicity or faith, or indeed none, to live their lives without fear of intimidation or hate?

The Bailiff: Deputy Trott.

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Deputy Trott: Yes sir, I further agree.

The Bailiff: Deputy Matthews, supplementary.

Deputy Matthew: Thank you, sir.

1045 Does the President agree with me that in the original statement which led to this question, the use of the word 'unequivocal' did leave open the possibility for some misinterpretation of what the States' intention was or what the intention of the statement was, and that indeed, it has been misinterpreted in some quarters as meaning that Guernsey's position is to stand unequivocally with Israel in subsequent events? And would it therefore be useful to issue some clarification or update as to the Policy & Resources Committee status, or current views on where we are at?

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Thank you, sir.

The Bailiff: Deputy Trott, you can answer the second part of that question, but not the first part, because it does not arise out of the answer.

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Deputy Trott: Under those under those circumstances, sir, can I ask Deputy Matthews to repeat the second part of the question, because I was intending to answer the first part? *(Laughter)*

Deputy Matthew: I believe the second part was really to say that given that there was some misinterpretation that could have occurred in the community, would it therefore be useful for Policy & Resources to restate or to issue an updated statement?

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Deputy Trott: So I think I can understand why the word 'unequivocal' may well have been misinterpreted, but I do not think for a moment that the previous Policy & Resources Committee was intending to make any comment other than its unequivocal condemnation of acts of terrorism, irrespective of where and how they occur.

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The Bailiff: Deputy Roffey, supplementary.

Deputy Roffey: Would the President agree with me that, given the States of Guernsey's very limited remit in relation to international matters, which I think is misunderstood by many people – people have asked me to make statements and I have explained it is a bit like somebody on the Hampshire County Council making statements about it – that we should probably not slip into what

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1075 we have done a couple a couple of times recently, which is make statements, both of which I totally agreed with in this instance, and on the Ukraine war, 100% agreed with, because once you start establishing that precedent, people do not understand when you say you cannot make statements in relation to international matters in other areas?

1080 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, I think that is a reasonable comment, and I think it is also entirely reasonable if I restate the actual relationship. Our constitutional relationship with the British Crown and the consequent responsibilities of the UK government for Guernsey's formal international relations, unless we are formally entrusted – and that does happen from time to time, the signing of tax information exchange agreements is a perfect example – but otherwise, our international relations and defence matters are a matter for the UK government. That is our constitutional relationship, and I agree with him, we should remain ever conscious of that in comments that we make in this Assembly.

POLICY & RESOURCES COMMITTEE

The Occupation – Update on awaited policy letter regarding conviction of police officers in 1942

1090 **The Bailiff:** As no one else is rising for a supplementary question, the next question that you have is on a different topic, Deputy St Pier, but still to the President of the Policy & Resources Committee.

Deputy St Pier: Thank you very much, sir.
1095 In a reply dated March 2021 to a Rule 14 question in relation to the conviction in 1942 of a number of police officers, the Committee advised that, 'a policy letter will be prepared and brought before the States this year'.

In a reply dated May 2022 to a Rule 14 question, the Committee responded that, 'the aim is for the relevant policy letter to be brought to the States for consideration later this year'. In a reply
1100 dated January 2023 to a Rule 14 question, the Committee responded that, 'it is now intended to bring the matter to the States this year'.

Having been unable to bring the policy letter to the States as previously indicated in 2021, 2022 or 2023, when will the policy letter be brought to the States?

1105 **The Bailiff:** I invite the President, Deputy Trott, to reply please.

Deputy Trott: Thank you, sir.

The previous Policy & Resources Committee repeatedly said that it intended to bring the relevant policy letter to the States, as Deputy St Pier has stated in his question. It is important to note that
1110 the Committee also repeatedly and consistently said this work will continue, provided that it can be progressed alongside the Government Work Plan priorities and work streams.

A draft policy letter regarding occupation matters was prepared on behalf of the Policy & Resources Committee. Legal advice was requested in the usual way from the Law Officers of the Crown in the early part of last year. The Law Officers provided their advice, including research using
1115 archive records at the end of last year. The policy letter is now being finalised following consideration of that advice. Consultation on the draft policy letter is ongoing, with the Committee aiming to publish the policy letter during Quarter 2, 2024.

The Bailiff: Supplementary question, Deputy St Pier.

1120 **Deputy St Pier:** Yes, sir, I have two supplementaries, the first of which is, whatever the reasons for the delay in view of the undertakings given year in, year out in this Assembly, does the Committee agree that the work is substantially overdue?

The Bailiff: Deputy Trott.

1125 **Deputy Trott:** Thank you, sir.
Substantially overdue, yes, but appropriately prioritised with reference to all the pressing policy and legislative matters we are facing, and would also receive an answer in the affirmative.

1130 **The Bailiff:** Second supplementary, Deputy St Pier.

Deputy St Pier: Yes, sir.

Does the President agree with me that given the circumstances of The Occupation, it is not a great surprise that there may have been miscarriages of justice, but acknowledging that 80 years after the end of the war should not be seen as an attempt to judge those living, and indeed surviving, through the circumstances and pressures which those of us who did not live through The Occupation cannot begin to imagine?

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The Bailiff: Deputy Trott.

1140 **Deputy Trott:** I do agree, sir.

STATES' TRADING SUPERVISORY BOARD

Island waste exportation – Reduction of household recycling

The Bailiff: We will now turn to the next question, which is this time from Deputy de Lisle to the President of the States' Trading Supervisory Board. Two questions. Your first question, please, Deputy de Lisle.

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Deputy de Lisle: Thank you, sir.

In 2022 Guernsey's household recycling rate fell under the 70% target for the first time since the current recycling and waste system was put in place in 2019. The annual rate in 2022 was 68% down from 71% in 2021, 72% in 2020 and a high of 73% in 2019. Recycling appears to be regressing. Is therefore the amount of Island waste being shipped or exported increasing?

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The Bailiff: I invite the President, Deputy Roffey, to reply.

1155 **Deputy Roffey:** Thank you, sir.

Actually, the greatest change between 2019 and 2022 was the amount of general waste disposed of at the Household Waste and Recycling Centre. It almost trebled over this time, from 1,000 tons to nearly 3,000 tons, mostly wood, furniture and other bulky items unable to be reused or recycled.

The trend probably reflects an increase in home improvements due to some extent to the impacts of COVID. Whether it will reduce again in time is unclear, but it is interesting to note that without that increase, our recycling rate would still be above 70%.

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Waste collected from households has remained relatively unchanged over the same period. In 2022, the total amount of dry recyclables, food and green waste was 259kg per person, compared with 264 in 2019. On the other side of the equation, black bag waste was also steady, with 64kg per person collected in 2019, compared to 66kg in 2022, both very significantly below the 134kg collected in 2018, before the current collections and charges were introduced.

We did see a peak in recycling and general waste collection in 2020 and 2021, where more time was spent at home due to COVID lockdowns, the closure of hospitality businesses and increased home working.

Deputy de Lisle: Can I ask a supplementary, sir?

The Bailiff: Supplementary, Deputy de Lisle.

Deputy de Lisle: Sir, I worry that Guernsey Waste, through their increased charges is, in fact discouraging recycling. We cannot continue increasing the charges for waste disposal and applying new charges on various categories of waste, in that the total tonnage of waste sent away for recovery increases, and in turn the total amount of recycling reduces. So will Guernsey Waste be taking measures to increase the recycling rate and reduce the amount of waste arising and shipped out of Guernsey?

The Bailiff: Deputy Roffey.

Deputy Roffey: I am slightly confused by that, because the vast majority of the recyclates collected are the blue bag waste and the white bag waste, and I am delighted that the States decided that they would ask General Revenue to pick up the shortfall in the Waste Strategy rather than countenancing any introduction of charges for recycling.

The Bailiff: Supplementary, Deputy Dudley-Owen. Oh, no, Deputy de Lisle, we have got a second supplementary.

Deputy de Lisle: Yes, I had another one, sir, with regard to is Guernsey Waste actually going to assist organisations and charities with their waste disposal issues and recycling, by putting aside the charges?

The Bailiff: Deputy Roffey.

Deputy Roffey: Can Deputy de Lisle clarify what charges he wants us to put aside for charities?

Deputy de Lisle: There is concern of the amount of waste that is delivered to some charities, sir, and as a result I just wonder whether in fact Guernsey Waste is considering putting aside the charges for that waste?

The Bailiff: Is that clearer, Deputy Roffey?

Deputy Roffey: It is. I think it is incumbent on any – presumably Deputy de Lisle was talking about charity shops – I think it is incumbent on them simply not to accept any items that they believe to be substandard and appropriate for them to sell in their establishments.

The Bailiff: Supplementary, Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I am smiling because I am not sure whether you will allow it, because I am not sure whether it derives from the response because it was from the response previously. However, I will try.

1215 Would the President agree with me that possibly it could be less about charges in terms of the reduction of recycling rate, rather than trust from the community that actually the recyclates are going to be dealt with in an appropriate way further down the supply chain, because of recent reports related to our recyclates being dumped in developing countries and marring their environment?

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The Bailiff: Deputy Roffey.

Deputy Roffey: I would like to see those reports, sir, because the onward audit of what happens to our recyclates is extremely robust, and I know I have heard national reports of this happening, but I think I can assure Members that we are absolutely convinced that that is not the case here.

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I would also make the point that the crude measure, like 70%, while it is a useful guide, ought to be treated with some suspicion. For instance, if those like me and there are thousands of us on this Island, who home compost their food waste and their green waste, were to start using the recycling service instead, I think that would be a worse situation, but it would push the recycling rates up well above 70%. So I think we do have to be cautious. This is very much a guide rather than a precision tool.

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The Bailiff: Deputy Oliver.

1235 **Deputy Oliver:** Thank you, sir.

You said that it is a guide, the 70%, but you did say that it has fallen. Do you think this is any correlation to the lack of bring banks that we now have that has contributed to it?

The Bailiff: Deputy Roffey.

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Deputy Roffey: No, the figures that Deputy de Lisle was quoting date back to a time when the bring banks were still operating, so I do not think it can be put at that, and I have to say, as somebody who really preferred to use the bring banks to the doorstep delivery service, I have not reduced my amount of recyclates. I just have to remember that tomorrow night is glass and plastic. No, sorry it is not, it is plastic and tin night.

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, would the President agree with me that if consumers reduce their consumption and reuse more of what they buy, which are the highest levels of the waste hierarchy, recycling rates will go down.

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The Bailiff: Deputy Roffey.

1255 **Deputy Roffey:** Yes, that is true, but of course if they also reduce what would have gone into the black bag waste, it just shows that this headline figure we need to peek below, and as I said, when we peek below we do not find that there has been any significant reduction in the amount of recycling being done by this community, which, incidentally, is way above just about any other community you can choose. But Deputy Parkinson is right, the hierarchy is such that recycling should not be the ultimate aim, we should hope that waste reduction and then reuse comes before that.

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The Bailiff: Deputy Blin.

1265 **Deputy Blin:** Thank you, sir.

Hearing that the repetition coming back all the time to the 70% or below 70% recycling, when we are talking of recycling, is that a bio digester? And, according to DEFRA UN, that is not necessarily recycling, that is recovering energy. Would you be able to respond to that?

1270 **The Bailiff:** Deputy Roffey.

1275 **Deputy Roffey:** I think the point is that we have kept the definition of recycling the same throughout, and if we start messing around with it, taking certain things in and out of those categories, then we would be accused of playing fast and loose with the statistics. You have to compare like with like.

The Bailiff: Deputy Gollop.

1280 **Deputy Gollop:** Following on from some questions, especially Deputy Parkinson, why does the STSB think that the rate pre-COVID at 73% has post-COVID dipped to 68%, and is that compensated by a genuine reduction in the amount of rubbish created because people are using less to begin with?

1285 **The Bailiff:** Deputy Roffey.

1290 **Deputy Roffey:** No, sadly not. I think I gave the figures and showed that the amount being collected, both in black bag waste and recyclates from households, are broadly similar over a number of years. What has happened is there has been a very significant increase in the number of non-recyclables taken to the centre at Longue Hougue, and that in turn has pushed the percentage of recyclates down below 70%, not because there is less recyclates, but more large goods that cannot be recycled being taken to Longue Hougue.

The Bailiff: Your second question to the President, please, Deputy de Lisle.

1295 **Deputy de Lisle:** Thank you, sir.

1300 My second question: given the concerns over the deficit at Guernsey Waste and new charges being brought in to try to compensate for losses, that raises the question of whether Guernsey Waste is recovering the true value of recyclables; what was the revenue recovered from recyclables in total and by category – aluminium, tin, scrap metal, plastic, cardboard, paper, etc. – for the years 2019 and 2022?

The Bailiff: Deputy Roffey to reply please.

1305 **Deputy Roffey:** Thank you, sir.

It does not quite work like that. In respect of all of the materials listed, we work with a local company with many years' experience of the recycle markets and the benefit of other contracts, which enables them to obtain the best possible prices. That company is contracted to sort, process, export and secure outlets for these materials, and therefore they receive the sales income.

1310 In the case of blue and clear recycling bags, the contract has a mechanism to adjust for changes in market prices, so that ensures that Guernsey Waste benefits when prices go up, but also receives a share of the risk when they go down. So Guernsey Waste does not receive any revenue from the sale of recyclates directly, but the amount it pays is adjusted accordingly each year to reflect the market rates.

1315 For scrap metal delivered to Longue Hougue, this encompasses a wide range of different items and materials, and for some Guernsey Waste does receive income, while for others the contractor will manage, sort, process and export them, at little or no cost to Guernsey Waste. The current scrap

metal contract is due to go out to tender later this year, and Guernsey Waste will be looking to establish a similar pain/gain share arrangement as it has for the kerbside recycling contract.

1320 **Deputy de Lisle:** If I can ask a further supplementary, sir?

The Bailiff: Deputy de Lisle.

1325 **Deputy de Lisle:** Guernsey Waste has to be accountable and transparent in the amount of income derived from recyclates. At the moment, it appears from the answer that has been given, we are giving any income to a local company and not receiving any income from the sale of recyclates at all. Is this the situation?

The Bailiff: Deputy Roffey.

1330 **Deputy Roffey:** We do not get cheques at STSB, but we fully benefit from the revenue from the sale of those recyclates that have residual value, by a reduction in the amount that we pay to the company that handles them. It just shows how dangerous it would be, for instance, to allow certain work waste streams to be taken out by the Douzaines and sold on, maybe add a million cans, because it would completely make it skyrocket the price of disposing of the residual recyclates that do not have such value.

Deputy de Lisle: And a further supplementary, sir, if I may?

1340 **The Bailiff:** Supplementary, Deputy de Lisle.

Deputy de Lisle: Given the deficit at Guernsey Waste and the fact that aluminium, for example, is £500-£1,000 a ton, clear PET plastic is £90 per ton and newspapers £65 a ton, cardboard £72 a ton, why are the States not demanding a share of the income derived from the processing of recyclates?

The Bailiff: Deputy Roffey.

1350 **Deputy Roffey:** Well, we are, but it comes in the form of a discount in the cost of handling these goods. That is how that contract works. It would be very bureaucratic to have a fixed price that we pay in and then get some money back out. It could be done like that, but we have negotiated on behalf of the people of Guernsey the most effective contract that we could in this respect, and I agree that we need to minimise the deficit in the whole Waste Plan to the greatest degree that we can. Deputy de Lisle refers to charges. We would love not to charge anything for anything, but we do have to respect the fact that it is being underwritten by General Revenue at the moment, and we need to minimise that.

The Bailiff: Deputy Dyke, supplementary question.

1360 **Deputy Dyke:** Thank you, sir.

I am having difficulty following Deputy Roffey's answers to Deputy de Lisle. The point I think Deputy de Lisle was asking, is if these waste streams have value, why are we not receiving any value for it, as opposed to having a discount on a price we are paying, which is the opposite? We are still paying to dispose of things that might have an economic value, so I do not think Deputy Roffey has answered that question. In terms of food waste, which I am told does have a value, are we achieving any value from the food waste we hand over to the local waste recycling company, which seems to have a monopoly on everything here. I would just be grateful for an explanation.

Thank you.

The Bailiff: Deputy Roffey.

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Deputy Roffey: I think there was more than one question in that. I think I was trying to explain that we do receive full value for the sale of the recyclates in the form of discounts or reductions in the cost of the contract. But if Deputy Dyke believes, he is free to set up a company, because if he thinks that actually you can take Guernsey's total recycling and come out of it with a profit despite those residual values, he is seriously deluded because the cost of running the recycling programme is greater than the revenue that can be gained from it.

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As far as food waste, there is no monopoly, and I could explain why, but I suspect we are going to have that debate at great length next month, so I will refrain from doing that.

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The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: With the innovations in recycling and re-usage, it seems like the value of waste is increasing, and clearly there is a lack of clarity and questions around the financial model currently that the States and the contracts that Guernsey Waste has with its recycling partners. Has any independent financial scrutiny been undertaken in reviewing the model of delivering waste and the financials behind it? And if not, would the President be open for such an independent financial scrutiny to be available for the way we dispose of waste?

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The Bailiff: Deputy Roffey.

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Deputy Roffey: The contracts for the disposal of all of our waste streams go out to tender on a cyclical basis, and at that point the cost effectiveness is one of the factors that is taken into account at great length in deciding which is the best contract, or best tender bid to accept, and that is absolutely true with recyclates.

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And I am sure that the scrutiny the next time it comes up, I cannot remember the date, I will try and find out for the Deputy, will be front and centre. Obviously the contract that is signed at the moment will continue for the duration for which we have signed up to it.

The Bailiff: Deputy Blin.

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Deputy Blin: Thank you, sir.

Actually, following on from Deputy Kazantseva-Miller's question, there have been talks in the past and communications between various Members and STSB about different types of biotechnology. We are aware that technology moves forward very quickly, waste to hydrogen, all the conversions there. Now, when the STSB works on this tender operation on a central system across all parishes, Douzaines, does it not therefore consider what Deputy Kazantseva-Miller says, still break it down and separate and look at it differently, because biotech has changed and we cannot just have this more cumbersome operation.

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Comments that Deputy de Lisle made, including cost per ton, papers £236, copper is £4,000 a ton. There must be a way, taking into consideration the cost, the recycling process. There are values and we all know the expression of brass ...

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The Bailiff: Deputy Blin, the time for asking the question is up. There was a question in there. Deputy Roffey, can you answer it, please?

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Deputy Roffey: Yes. These things are absolutely taken into account during the tendering process. Our job is to try and get the best value for the people of Guernsey, and technology does move on and that is one of the reasons why these tenders come up on a regular cyclical basis.

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The Bailiff: Deputy Gollop.

Deputy Gollop: Would the STSB be more interested in future contracts that actually saw a measure of getting direct value from the recyclables, bearing in mind that the value of recyclables can change from month to month, year to year, but nevertheless might bring more money, rather than allowing the contractor to make any profits based upon the value of recyclables?

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The Bailiff: Deputy Roffey.

Deputy Roffey: We do get direct value from the sale of recyclables now, of recyclates now. But of course, Deputy Gollop is right that when this next comes up, people will put forward different proposals and they will all be considered and we will try, we will make sure, that we obtain the best possible value for the people of Guernsey.

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The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

Would the President of STSB agree with me that there is the inherent cost of processing and shipping and transport is also included and in getting that best value, and that even if we are, or the recycling company, is receiving £60 per tonne for PET or cardboard or paper, that that is outweighed by the shipping, transport, processing costs and that is benefiting from the £500 per ton for the tin, etc.?

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The Bailiff: Deputy Roffey.

Deputy Roffey: Yes, sir.

I think that was the point I was trying to make to Deputy Dyke, that there is residual value in sale, but it comes to less than the actual costs involved in the processing and the shipping and everything else, and therefore it seems entirely logical to me to say that we will net one off against the other, and pay the appropriate amount, rather than have a money-go-round where we pay a set amount and then get cheques back in a rebate.

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The Bailiff: Deputy Kazantseva-Miller, as far as I am concerned you asked two questions earlier because there were two elements to what you asked. So that is it, thank you very much.

No one else is rising, so we will turn to the final question.

POLICY & RESOURCES COMMITTEE

Funding for the Guernsey Institute – OECD Pillar Two initiative

The Bailiff: This is also from Deputy de Lisle, but on this occasion it is to the President of the Policy & Resources Committee.

Deputy de Lisle, your question please.

Deputy de Lisle: Thank you, sir.

Given that the additional borrowing through OECD's Pillar Two initiative is now uncertain, how will funding for the Guernsey Institute at Les Ozouets be funded, or will funding now be withdrawn?

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The Bailiff: And the President, Deputy Trott, to reply please?

Deputy Trott: Thank you, sir.

1465 As acknowledged during the January debate, how much money Guernsey receives once the OECD's Pillar Two initiative is implemented is dependent not only on how the final legislation is applied locally, but the approaches of other jurisdictions and company behaviour. This remains the case.

1470 The Committee has not received any differing information, nor made any announcements, reflecting a different position to that presented in the successful amendment to the Government Work Plan. Therefore, the proposal for funding the Guernsey Institute remains the same as that agreed at the January States' Meeting.

The Bailiff: Supplementary, Deputy de Lisle.

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Deputy de Lisle: Yes, please, sir.

1480 I ask whether the States actually were misled in January by the statements that funding for the education project would be derived from the substantial increase in the estimate of revenues likely to accrue through the implementation of the OECD's Pillar Two initiative. As we see now, P&R are stating that funding is dependent on how the final legislation is applied locally and on approaches of other jurisdictions, and in fact, there is no certainty that the funding promised will arise from Pillar Two, or that the Pillar Two initiative will be introduced in the future. So I ask, were the States misled by statements in January from P&R in their amendment?

1485 **The Bailiff:** Deputy Trott.

Deputy Trott: No, they were not, sir.

The Bailiff: Second supplementary, Deputy de Lisle.

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Deputy de Lisle: A second supplementary, sir.

I ask, how is the States going to fund the educational project that the States have agreed to, with no fixed quotes on construction and no funding from Pillar Two?

1495 **The Bailiff:** Deputy Trott.

1500 **Deputy Trott:** Sir, the second part of the question has already been answered. The situation remains unchanged, but it may be helpful, sir, if I make this point. The revenue service staff are the only people who will know who is in scope for Pillar Two. So any sort of speculation by non-revenue staff observers is not only unhelpful, but extremely unlikely to be accurate because only the revenue staff will have historical data which informs the likelihood of those entities which will be affected.

1505 And the only way an external observer could determine an objective assessment would be if they provided professional tax advice to all those that would fall in scope, and that is extremely unlikely for obvious reasons. Therefore, the only informed predictions can come from our revenue service. Those predictions take into account a number of matters, including a calculation as to how other jurisdictions may behave and, importantly, how the businesses in scope may behave, and their best estimate remains unchanged. So as things stand today, the funding of the Institute remains. I am confident remains in a position that should not be a concern to this Assembly.

1510 **The Bailiff:** Deputy Kazantseva-Miller.

1515 **Deputy Kazantseva-Miller:** The Isle of Man has just announced that within their current Budget, this year's Budget, they will be increasing corporate taxation on banks and large retailers from 10% to 15%, based on the Pillar Two initiative. So they are taking a unilateral action to bring an increase of taxation today under the existing tax regime.

Would the President consider that there is perhaps opportunity for bringing forward some of those tax increases that will be needed anyway under Pillar Two, which might help alleviate some of the concerns that Deputy de Lisle has in terms of the uncertainty of continuing with the time scale that originally P&R was thinking about?

1520 Thank you.

The Bailiff: Deputy Trott, it does not really arise out of the answer that you gave, but if you want to answer it, I will let you.

1525 **Deputy Trott:** Yes, I think I should. I only learned of the propositions in the Isle of Man during the course of yesterday. We have already asked our staff to give the matter some consideration. It was not, of course, the only announcement that was made, somewhat sensibly. The Isle of Man Treasury Minister has proposed an increase in the personal rate of Income Tax from 20% to 22%. That is also a matter that Members in this Assembly may wish to give some thought to over the coming weeks and months.

1530

The Bailiff: Well, that concludes Question Time, Members of the States. We will turn to the next item of business, please. Greffier.

1535 **The States Greffier:** Yes, sir.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

1. Election of a member of the States' Assembly & Constitution Committee – Debate commenced

Article 1.

The States are asked:

To elect a sitting Member of the States as a member of the States' Assembly & Constitution Committee to complete the unexpired term of office, that is to the 30th June 2025, of Deputy J. A. B. Gollop who has resigned from that office, and whose notice of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

The Bailiff: I will invite the President of the Committee, Deputy Meerveld, to propose a candidate if he wishes to do so.

Deputy Meerveld: Thank you, sir.

1540 Again, I would like to express thanks for those who have put themselves forward, but the Committee has made the difficult choice of selecting Deputy Burford from the able candidates who came forward. Deputy Burford needs no introduction to this.

The Bailiff: Do not speak about the candidate at the moment, Deputy Meerveld. You should understand these Rules. The question is: is Deputy Burford's nomination seconded? Deputy Fairclough.

1545

Are there any other nominations for the vacancy on the States' Assembly & Constitution Committee?

Deputy Prow.

1550

Deputy Prow: Sir, please, could I nominate Deputy Taylor? Thank you, sir.

The Bailiff: You can. And is Deputy Taylor's nomination seconded? Deputy Aldwell.
Any other nominations for the vacancy?

1555 No. Okay. Well, now, Deputy Meerveld, it is your opportunity to press the candidature of Deputy Burford.

Deputy Meerveld: Thank you, sir.

1560 As I said, Deputy Burford needs no introduction. SACC have worked very closely with Scrutiny and continue to do so on things like the Island-wide voting review, and I have just recently joined the Legislation Review Panel, and there is a certain amount of crossover between the two, effectively House, Committees. Therefore, we see great synergies in bringing Deputy Burford, who is a very able and capable person who is also, like me, quite analytical, into helping to deliver against the mandate of SACC, and we hope that the Assembly will support our candidate.

1565 Thank you.

The Bailiff: And I invite Deputy Burford to speak for up to three minutes on her candidature, please.

Deputy Burford: Thank you. sir.

1570 I am hoping that this, my third attempt to secure one of the very few other seats a President of Scrutiny is eligible to occupy, will be successful. I am keen to do more within the States, and I thank the President and the Members of SACC for this, their second nomination of me to a vacant seat on their Committee.

1575 Of course, simply wanting to do more within the States is not my only reason for seeking a seat on SACC. As Deputy Meerveld has just stated, there is a synergy between Scrutiny and SACC as they are both parliamentary Committees. I am interested in the process of elections, and I enjoyed working with members of SACC on the recent Scrutiny review of Island-wide voting, which gave a fascinating insight to how the public views issues around the general election, and which will stand me in good stead for the Committee's work on this matter. I am also engaged in the subject of
1580 parliamentary rules and procedures, which are vital for the efficient, respectful, fair and orderly running of this Assembly.

At this stage in the term, with just 16 months to go, Committees have well-established work streams, so working as part of the Committee on their current and projected work streams and constructively challenging where appropriate, would be my main objective as there is limited scope
1585 for new initiatives.

There are also recommendations for SACC to consider which came out of the review on Island-wide voting, and that is also something that I will be able to readily assist with. As is evident from the questions following the President's update Statement, the biggest challenge facing SACC at the moment is around resourcing, particularly staff resourcing. I am pleased that staff from Scrutiny
1590 have been able to step in and provide some assistance to the Committee, and I hope this assistance might be increased to help facilitate SACC manage its work stream to the end of the term.

In terms of my availability, I do not travel off-Island very much, and therefore I anticipate being readily available for all the regular meetings, which I believe is always important, especially with so little time to go before the election.

1595 So I ask Members to support my candidacy, and thank them in advance.

The Bailiff: I will turn next to the proposer of Deputy Taylor, Deputy Prow, to speak to his candidate, please.

1600 **Deputy Prow:** Thank you, sir.

Whilst at extremely short notice, Deputy Taylor's wish to stand, I am very happy to nominate him, sir. Like Deputy Burford, we are well into this term, and I think Deputy Taylor needs no CV introduction. I would point out that he is the youngest Member of the States, and I think in the role

in SACC a fresh approach to matters, actually may be very well welcome, and I can confirm he always does his homework.

He comes across as a good and intelligent – a very good and intelligent – member of the Home Affairs Committee, and I think all the members of that Committee see him as an absolute asset. He understands the issues and is very diligent in asking the questions and appropriately, provides challenge. So he can be a bit of a rascal in the Assembly, but certainly he does demonstrate and understands the Rules of the Assembly and indeed the shortcomings of those Rules.

We have just had an update from the President of SACC, and in that update he was bemoaning the lack of resources, but somewhat ignored the fact that the Committee members and the work that they can do and the work that needs to be done by the Committee members and the leadership required to engender this, and, sir, in my view, sir, Deputy Taylor's contribution to SACC would help to fill that void that is obviously there, and provide the challenge currently needed.

Thank you, sir.

The Bailiff: Finally, I invite Deputy Taylor to speak to his candidature please.

Deputy Taylor: Thank you, sir.

And I have to start with a very sincere thank you to my proposer, Deputy Prow. It has been a pleasure working with him on Home Affairs, and it is lovely to hear those kind words.

For me, sir, I do not think I need to explain to Members, I have always had a keen interest in SACC. Coming into the States, I was firmly of the view that if things need changing, first you need to understand what you are changing, and it is only once you have that understanding that you can actually move forward. You cannot change a rule that you do not understand. And so without wanting to blow my own trumpet, I think I have a good understanding of these Rules, and I hope I have demonstrated that over the last couple of years.

For me, sir, it is absolutely a big issue that SACC make multiple references to lack of resources, and I do genuinely feel that I could assist in that area. I am not putting myself forward as a as a civil servant. I am putting myself forward so that I can assist in discharging the mandate, and to me, the Rules are a big part of that mandate because they set out how we operate. There has certainly been talk this morning that demonstrates there is a clear will of the Assembly to adjust Rules, and it does not sound like anyone was talking a wholesale overhaul of those Rules, it is tweaks, it is little bits and pieces, and if I was elected as a member of SACC, I would take great pleasure in leading on that and at least bringing something back to the Assembly before this term closes.

Sir, another area that is of quite a lot of interest. Quite recently, the States resolved that we would direct this Committee to review absolute privilege. I think that is sensible. I do not think there is anything wrong with that, but I have experience, I now have experience on both sides of the Code of Conduct table, and it is my view that although absolute privilege needs looking at, that should also give consideration to the immunity given to complainants under Section 12 of the Law. That basically gives absolute privilege to people making complaints. So it comes back to a point I made before, power and responsibility. So I think I would have an invaluable input on that review, and that is due to come back to the States before the end of this term.

As regards to Deputy Burford coming in, I think she would offer a great contribution, and I see the synergy I think that was referred to. But, sir, I am firmly of the view that Committees are separate. If there is great synergy between SACC and Scrutiny, merge them. Call it 'Scrutiny' or something, I do not know. But whilst they are separate, I am of the view that Members should stay separate and then more Members can have their ... we can get more bums on each seat. So with that, I hope Members will support me in this role. It is one I am absolutely interested in. So yes, I welcome your support.

Thank you.

The Bailiff: Well, Members of the States, voting has to be by secret ballot. I remind you that there are two candidates for the vacancy on the States' Assembly & Constitution Committee. Deputy

Burford is proposed by Deputy Meerveld, seconded by Deputy Fairclough, and Deputy Taylor has been proposed by Deputy Prow and seconded by Deputy Aldwell. When you have completed your voting slip, will you pass it to the Sheriff, please?

1660 Are there any more voting slips that have not been handed in? Because we would hate somebody to miss out. All right, well, while those votes are being counted, I think we can turn to the next matter on the basis that there are no ineligibility issues arising from that vote.

TRANSPORT LICENSING AUTHORITY

2. Election of a Member of the Transport Licensing Authority – Debate commenced

Article 2.

The States are asked:

To elect a sitting Member of the States as a Member of the Transport Licensing Authority to complete the unexpired term of office, that is to the 30th June 2025, of Deputy D. de G. de Lisle who has been deemed to have resigned from that office, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

The States' Greffier: Article 2, the election of a Member of the Transport Licensing Authority.

1665 **The Bailiff:** And I will invite Deputy de Lisle, the new President, to propose a candidate, if he so wishes.

Deputy de Lisle: Yes. The TLA put forward the name of Deputy Le Tissier, sir.

1670 **The Bailiff:** Thank you very much. Is Deputy Le Tissier's candidature seconded?

Deputy Blin: Yes, sir.

1675 **The Bailiff:** Deputy Blin, thank you very much. Are there any other nominations for this hardworking Committee? *(Laughter)* Come on.

All right. Well, in the circumstances where there is a single candidate, there are no speeches, you will be pleased to hear, but there is still a requirement for a secret ballot, because that is on the face of the Rules. So, I will simply remind you that there is one candidate for this vacancy on the Transport Licensing Authority, and that is Deputy Le Tissier, who is proposed by Deputy de Lisle and seconded by Deputy Blin.

1680 Are there any more voting slips to be handed in? No.

Greffier, can I suggest that now is an opportune time to read all the legislation that has been laid before this Meeting of the States?

LEGISLATION LAID BEFORE THE STATES

**The Transfrontier Shipment of Waste (Bailiwick of Guernsey)
(Amendment) Ordinance, 2023;
Companies (Annual Validation) (Amendment) Regulations, 2023;
Foundations (Guernsey) Law, 2012 (Annual Renewal and Fees)
(Amendment) Regulations, 2023;
LLPs (Annual Validation) (Amendment) Regulations, 2023;
Limited Liability Partnerships (Guernsey) Law, 2013 (Amendment) Regulations, 2023;
Limited Partnerships (Guernsey) Law, 1995 (Amendment) (No. 2) Regulations, 2023;
Limited Partnerships (Annual Validations) (Amendment) Regulations, 2023;
The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey)
(Specified Jurisdictions) Regulations, 2023;
The Regulation of Fiduciaries, etc, (Amendment of Companies Law) Regulations, 2023;
The Parochial Elections (St Martin) (No.2) Regulations, 2023;
The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2023;
The Health Service (Pharmaceutical Benefit and Medical Appliances)
(Amendment) Regulations, 2023;
The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Fees)
(Amendment) Regulations, 2023;
The Financial Services Commission (Fees and Administrative Penalties) Regulations, 2023;
The Fire Services (Fees and Charges) (Guernsey) Regulations, 2023;
The Criminal Justice (Miscellaneous Amendments – Preventative Offences) (Bailiwick of
Guernsey) Ordinance, 2023 (Commencement) Regulations, 2023;
The Marriage (Bailiwick of Guernsey) (Amendment) Regulations, 2023;
The Births and Deaths Certificates (Fees) Regulations, 2023;
The Document Duty (Anti-Avoidance) (Fees) Regulations, 2023;
The Public Records (Fees for Registration and Certified Copies
of Document) Regulations, 2023;
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey)
(Amendment – Iran) Regulations, 2023;
The Motor Taxation (First Registration Duty) Ordinance (Amendment) Regulations, 2023;
The Social Insurance (Benefits) (Amendment) Regulations 2023;
The Office of the Lieutenant-Governor of Guernsey (Salary and Official Expenses)
(Performance of Functions) Regulations 2023**

The States' Greffier: The following legislation is laid before the States: The Transfrontier Shipment of Waste (Bailiwick of Guernsey) (Amendment) Ordinance, 2023; Companies (Annual Validation) (Amendment) Regulations, 2023; Foundations (Guernsey) Law, 2012 (Annual Renewal and Fees) (Amendment) Regulations, 2023; LLPs (Annual Validation) (Amendment) Regulations, 2023; Limited Liability Partnerships (Guernsey) Law, 2013 (Amendment) Regulations, 2023; Limited Partnerships (Guernsey) Law, 1995 (Amendment) (No. 2) Regulations, 2023; Limited Partnerships (Annual Validations) (Amendment) Regulations, 2023; The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Specified Jurisdictions) Regulations, 2023; The Regulation of Fiduciaries, etc, (Amendment of Companies Law) Regulations, 2023; The Parochial Elections (St Martin) (No.2) Regulations, 2023; The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2023; The Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2023; The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Fees) (Amendment) Regulations, 2023; The Financial Services Commission (Fees and Administrative Penalties) Regulations, 2023; The Fire Services (Fees and Charges) (Guernsey) Regulations, 2023; The Criminal Justice (Miscellaneous Amendments – Preventative Offences) (Bailiwick of Guernsey) Ordinance, 2023 (Commencement) Regulations, 2023; The Marriage (Bailiwick of Guernsey)

1705 (Amendment) Regulations, 2023; The Births and Deaths Certificates (Fees) Regulations, 2023; The Document Duty (Anti-Avoidance) (Fees) Regulations, 2023; The Public Records (Fees for Registration and Certified Copies of Document) Regulations, 2023; The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Amendment – Iran) Regulations, 2023; The Motor Taxation (First Registration Duty) Ordinance (Amendment) Regulations, 2023; The Social Insurance (Benefits) (Amendment) Regulations 2023; The Office of the Lieutenant-Governor of Guernsey (Salary and Official Expenses) (Performance of Functions) Regulations 2023

1710 **The Bailiff:** Thank you very much. There have been no motions to annul any of those measures. We simply therefore note that they have been laid at this Meeting of the States, and any motion can still be brought at the next Meeting of the States.

Shall we move on to the next item of business, Greffier?

POLICY & RESOURCES COMMITTEE

3. The Publication of Official Notices (Guernsey) Law, 2024 – Proposition carried

Article 3.

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Publication of Official Notices (Guernsey) Law, 2024", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

1715 **The States' Greffier:** Article 3, Policy & Resources Committee – the Publication of Official Notices (Guernsey) Law, 2024.

The Bailiff: Deputy Trott, as the President of the Policy & Resources Committee, is there anything you wish to say?

1720 **Deputy Trott:** No, sir.

The Bailiff: Is there any debate on this draft project?
Deputy Gollop.

1725 **Deputy Gollop:** I miss being on Legislation here in a way, but of course I support this Rule, and I hope it may be extended to parishes, too. But I do, I always worry about changing to online for three reasons.

1730 Firstly, it is not necessarily inclusive because some of us have more technical challenges than others, especially the traditional press-reading or more paper based older generation. But I think there are people of all ages in that category.

Secondly, I think it is important people do not miss these notices. Thirdly, there is an issue of electronic records, such as how they are stored or kept. If I access, for example, timetables online, you are never quite sure whether they are current or former, whereas the paper does not lie if it is dated, and I think one has to be very disciplined in keeping these online records updated.

1735 And my third point is that at the moment, rightly or wrongly, public bodies contribute financial revenue to the newspaper, whereas of course, that might not be the case with this, and one has to be aware of the perhaps unwanted consequences of that.

But yes, we have to move forward and this does not stop the official, it just widens the options and we cannot be Luddites and hold it back, but I just hope that we are aware of the broader position here.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

I am pleased that this is finally coming to pass, since we originally debated it back in November 2022, I believe, if my memory serves me correct. And I also note, having had a discussion recently with an editor of the *Guernsey Press*, that the current *Gazette* notice in print will remain, but I am informed that for States' Committees and Departments, and also parishes, which I think will welcome the publication in the *Gazette*, there is going to be a limited or even very low charge for the publication for 2024.

So while this will come into act and we will have our own facility eventually, now we have the legislation, but *The Guernsey Press* will be still able to print and the parishes under the States' Committees and Departments will be able to benefit from that. And of course, picking up on what Deputy Gollop said about cost, I am sure that they will suffer financially, but of course, I note that they have increased the purchase price of *The Guernsey Press* by some 15p recently per issue, so that may go some way to offset what they are doing for 2024. But I welcome this legislation coming through, and I will be supporting it.

Thank you.

The Bailiff: Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

I am delighted that this has come into being. I originally started, when I was a Constable, we asked about how we could do things differently. With a small parish like Torteval, it was costing £10 a household to put an advert in the *Press* to say that there was going to be an election in St Peter Port, or elsewhere it was a lot less, but because the Law required them to be in *The Guernsey Press*, there was nothing that we could do about it.

So this gives Douzaines another option to save some money for the taxpayer, for their ratepayers, which is normally about £4,000 a year to take off the rates that they have to charge out. So, I am delighted. It has taken a long time, I think since 2019, we first asked about this, so this is, yes, good news.

Thank you.

The Bailiff: I invite Deputy Trott to reply to that short debate.

Deputy Trott: Thank you, sir.

There were no questions. I note the comments made by Deputies Gollop, Gabriel and Aldwell, and ask the Assembly to support the Proposition.

The Bailiff: Well, Members of the States, there is a single Proposition. Whether you are minded to approve the draft *Projet de Loi*, and I will invite the Greffier to open the voting, please.

There was a recorded vote.

1785 *Carried – Pour 37, Contre 0, Ne vote pas 0, Did not vote 1, Absent 2*

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Leadbeater, Marc	Brouard, Al
Blin, Chris				Bury, Tina
Burford, Yvonne				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

The Bailiff: So in respect of that Proposition, there voted in favour 37 Members, no Member voted against, no Member abstained, 3 Members were absent at the vote, and therefore I would declare that duly carried.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

Election of a member of the States' Assembly & Constitution Committee – Debate continued – Deputy Burford elected

1790 **The Bailiff:** I can announce the results of the election to the vacancy on the States' Assembly & Constitution Committee. Deputy Burford, who is proposed by Deputy Meerveld, seconded by Deputy Fairclough, secured 21 votes. Deputy Taylor, proposed by Deputy Prow and seconded by Deputy Aldwell, secured 14 votes. There was one spoilt paper and there was one blank paper, but I therefore declare Deputy Burford duly elected to the States' Assembly & Constitution Committee.

1795 Next matter, please, Greffier.

COMMITTEE FOR HOME AFFAIRS

4. The Sexual Offences (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2024 – Proposition carried

Article 4.

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Sexual Offences (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2024", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

The States' Greffier: Article 4, Committee for Home Affairs – The Sexual Offences (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2024.

The Bailiff: And I will invite the President, Deputy Prow, to speak to this matter if he wishes to do so?

Deputy Prow: Yes, thank you, sir.

Very briefly. This is a technical change for the purposes of the proper function of criminal justice, i.e. allowing the guilty to be convicted and the innocent to be acquitted. The background to this Law is that as part of the original sexual offences legislation policy letter, which resulted in the Sexual Offences Law, 2020, it was proposed that the offence of indecent assault against a female, a customary law offence, would be abolished on the basis that the new offences would cover the same conduct.

However, although the statutory offences were repealed, the customary law offences, including indecent assault against a female, were not abolished. In and of itself this is not a problem, however, the issue relates to the prosecution of offences when the date of the offence cannot be stated beyond reasonable doubt. The Sexual Offences (Transitional Provisions) (Bailiwick of Guernsey) Ordinance, 2023, approved by the States in September last year, dealt with a situation where it was unclear whether the correct offence to charge was repealed, statutory offence, or the new 2020 Law offence. The 2023 Ordinance did not make provision for customary law offences as they had not been abolished, and can therefore still be charged.

The enactment, which dealt with the defences for the customary law offence of indecent assault on a female was repealed, but not the offence. In short, this Law abolishes the customary offence and makes similar transitional provisions to the 2023 Ordinance.

The Law also makes a technical amendment to the definition of extreme pornography in the Sexual Offences Law. I ask the Assembly to support this legislation.

Thank you, sir.

The Bailiff: Well, as I do not see anyone rising to debate this draft projet, I will put the single Proposition to you, and invite the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 0, Did not vote 2, Absent 1

Pour

Aldwell, Sue
Blin, Chris
Brouard, Al
Burford, Yvonne
Cameron, Andy
De Lisle, David
De Sausmarez, Lindsay

Contre

None

Ne vote pas

None

Did not vote

Le Tocq, Jonathan
Leadbeater, Marc

Absent

Bury, Tina

Dudley-Owen, Andrea
Dyke, John
Fairclough, Simon
Falla, Steve
Ferbrache, Peter
Gabriel, Adrian
Gollop, John
Haskins, Sam
Helyar, Mark
Inder, Neil
Kazantseva-Miller, Sasha
Le Tissier, Chris
Mahoney, David
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roberts, Steve
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

1835 **The Bailiff:** In respect of that Proposition, there voted in favour 37 Members, no Member voted against, no Member abstained, 3 Members did not participate in the vote, and therefore I would declare that Proposition duly carried.

TRANSPORT LICENSING AUTHORITY

Election of a Member of the Transport Licensing Authority – Debate continued – Deputy Le Tissier elected

1840 **The Bailiff:** I will turn back to the election of a Member of the Transport Licensing Authority. There was a single candidate, Deputy Le Tissier, proposed by Deputy de Lisle, seconded by Deputy Blin, and he secured 26 votes. There were five spoilt papers and there were five blank papers. But I still declare Deputy Le Tissier duly elected to that vacancy.

The Bailiff: Next item of business, please, Greffier.

POLICY & RESOURCES COMMITTEE

**5. The Income Tax (Exemption of Benefits) (Amendment) Ordinance, 2024 –
Proposition carried**

Article 5.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Exemption of Benefits) (Amendment) Ordinance, 2024" and to direct that the same shall have effect as an Ordinance of the States.

1845 **The States' Greffier:** Article 5, the Policy & Resources Committee – the Income Tax (Exemption and Benefits) (Amendment) Ordinance, 2024.

The Bailiff: Deputy Trott, is there anything you wish to say?

1850 **Deputy Trott:** Yes, sir.

Partly an acknowledgement of a thoroughly enjoyable meeting that some of us had yesterday with the Dutch Ambassador to the United Kingdom, where bicycles featured heavily, sir, as you might expect. (**A Member:** Yes.)

1855 I will advise the Assembly that this comes about as following an amendment to the 2024 Budget, the Ordinance prescribes that the provision of a bus pass or bicycle by the employer, for the purposes of travelling between home and work, should be exempt from Income Tax, as should the payment of a mileage allowance for employees using their own bicycles, and I would like to reassure my friend, Deputy de Lisle, in particular, sir, that this will not impact materially on any funding issues that the States may be undertaking at the moment.

1860 **The Bailiff:** I do not see anyone raising to debate this draft Ordinance, and therefore there is a single Proposition, whether you are minded to approve it, and I will invite the Greffier to open the voting, please.

1865 *There was a recorded vote.*

Carried – Pour 37, Contre 0, Ne vote pas 1, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	Helyar, Mark	Leadbeater, Marc	Bury, Tina
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Mahoney, David				

Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roberts, Steve
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

1870 **The Bailiff:** In respect of the Proposition relating to this draft Ordinance, there voted in favour 37 Members, no Member voted against, 1 Member abstained and 2 Members were absent at the vote, and therefore I will declare the Proposition duly carried.

POLICY & RESOURCES COMMITTEE

6. Public Services Ombudsperson – Debate commenced

Article 6.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Public Services Ombudsperson' dated 8th November 2023, they are of the opinion:

1. That in the current financial climate and with the need to find savings across the public service, and given the recent review of the existing system for public service complaints, establishing a Public Services Ombudsperson is not a priority use of resources and should not be pursued further at this time.

The States' Greffier: Article 6, the Policy & Resources Committee – Public Services Ombudsman.

1875

The Bailiff: And I understand the Vice-President is going to open in respect of this matter. So I call Deputy Soulsby, please.

Deputy Soulsby: Thank you, sir.

1880

As Members will know, this was a policy letter put forward by the previous Committee, and it is a bit weird presenting it as the one who laid the successful amendment to have the Committee investigate this area, and led to the policy letter. If I had known that, I am questioning whether I might have actually laid it in the first place, but there we go, I did.

1885

Whilst the Proposition was that of the previous Committee, it is a view of the majority of the current Committee that now is not the time to introduce an ombudsman, woman or person for cost and resource reasons. However, there are concerns with the Proposition as it stands, and that is the reason for the technical amendment we are putting forward, and I will cover it up in a moment.

1890

There are differing views on the Committee on the need for an ombudsman. However, personally, I was surprised to see the estimates of cost from our near neighbour, and that does not even include dealing with health and care cases. Budgeting six-figure salaries and external offices does seem to be a bit over the top. I, for one, want to see more joint working, but we do have to

consider whether it makes economic sense for Guernsey, and I do question whether it does in this instance. Indeed, the Isle of Man has a Public Services Ombudsman for Health and Care that works on a part-time basis and on an hourly rate, and for around £35,000. Now I do not know whether the Isle of Man is satisfied with that service, but it does show it is possible to have an ombudsman at a more reasonable rate.

But then I think the problem has been that the number of cases that we will have to deal with may well be overestimated. It should be remembered that a case would not be reviewed by the Ombudsman before the normal complaints channels had first been exhausted. But regardless of that, it is one thing to say that now is not the time when the current process is working as envisaged, and another when it is not. And it is clear there are issues with the current process, and it really cannot be working where there have been minimal representations to the Complaints Panel, and only one case that has gone on to the Administrative Review Board, although of course its remit is narrow, and it really has no real teeth, but it cannot be working if when that case is heard, which was meant to be in public under the Law, it was not advertised. It also cannot be working if there has yet to be an annual report, again as required under the Law. Indeed, there has not been any work to raise awareness of the process either.

Now P&R has a power under 1A.10 of the 1986 Administrative Review Law to appoint a principal officer and other officers and facilities as it thinks fit. However, clearly what we have is not fit for purpose, and as such, the Committee has agreed to review the current provision to help it work more as it was intended, until such time another ombudsman is introduced, whether now or in the future. So, can I move straight on to the amendment, or do you want to do another amendment first?

The Bailiff: No. There have been two amendments that have been circulated, Members of the States. The first one is on behalf of the Committee, so I am going to invite Deputy Soulsby to move amendment 1, please.

[Amendment 1](#)

To delete the Proposition and replace with the following:

1. That in the current financial climate and with the need to find savings across the public service, and given the recent review of the existing system for public service complaints, establishing a Public Services Ombudsperson is not a priority use of resources and should not be pursued further at this time but that this should be revisited as part of a planned review of finances in 2026.

OR, IF PROPOSITION 1 IS NOT APPROVED:

2. To agree to proceed with the establishment of a Public Service Ombudsperson in conjunction with Jersey.

OR, IF BOTH PROPOSITIONS 1 AND 2 ARE NOT APPROVED:

3. To agree to proceed with the establishment of a Guernsey-only Public Service Ombudsperson during the political term commencing in June 2025

Deputy Soulsby: Thank you, sir.

And as I just said in my opening remarks, this is a technical amendment and deals with an issue regarding the original Proposition, and at the same time say that if it is decided we should not go for an ombudsman/person now, to at least revisit as part of the review of finances in 2026.

As things stand, and as a number of Members have pointed out, were Members not to vote for the existing Proposition, then we are in limbo. Voting not to not have an ombudsman does not mean the same as voting for one. This amendment puts that right and provides an opportunity for Members to vote for looking to create a shared ombudsman with Jersey, or to go it alone.

The Bailiff: And Deputy Gollop, do you formally second the Amendment 1?

Deputy Gollop: Yes, I do, sir.

The Bailiff: Thank you very much. Deputy Burford.

Deputy Burford: Thank you, sir.

1935 I will be speaking on this amendment, but probably not in general debate. My speech follows on quite a lot from Deputy Soulsby, insofar as I was the seconder of the amendment that she referred to, which led to this policy letter.

I wrote to the last P&R when the policy letter was published some months ago now, asking them to amend the sole Proposition as it risked leading to the nonsense situation of this Assembly agreeing not to not do something. I am grateful that the new P&R has picked up on that request, and is proposing a new Proposition that will resolve that risk.

1940 In addition, they have also given the States two additional options in this amendment in the event that the States wishes to go ahead with this service, and as the seconder of that amendment leading to this policy letter, I am in favour of having an ombudsman. It is, of course, right that Islanders should have a fully independent route by which to challenge the administrative decisions of States' Committees. **(A Member:** Hear, hear.)

1945 Complaints can be a good thing. If handled well they build public trust and lead to service improvements, and therefore potentially to savings. Paradoxically, however, I am struggling to vote to set up this service based purely on this policy letter and the options in the amendment. We need reliable data to help us make decisions in this Chamber, but this policy letter, possibly because it was written with the predetermined intention of not proceeding with the service, does not contain the robust data or information needed.

A key question in making a decision in favour of an ombudsman is what number of cases would such a role be expected to handle? The policy letter estimates 55 cases per year, but that is extrapolated from one source only, and that is the number of complaints received in 2022-23 by the Scottish Public Services Ombudsman. The policy letter fails to mention that only 192 Scottish cases went to a full investigation in that year. The rest of the many thousands of cases were closed after initial investigation.

1955 Confidence in the estimate for the number of cases is vital, because that is what determines whether Guernsey needs a full-time ombudsman, or could potentially manage with someone being paid on a day rate, like the Commissioner for Standards. I do not have confidence in the 55 case estimate.

So what does the policy letter tell us about costs. It tells us that Jersey has budgeted £400,000 per year for their proposed service, and that the Guernsey cost, if there was a joint ombudsman, is estimated at £170,000. That was with the joint one. If Guernsey were to go alone it would cost 1965 £215,000. But the Jersey cost is purely an estimate, as they have not set up their service yet.

Why does the policy letter use an estimate as a comparative basis? Why not compare with similar jurisdictions that actually already have an ombudsman? For example, the Tynwald one, as Deputy Soulsby mentioned, which has a budget of £35,000 a year based on the work occupying just one day a week.

1970 It is recognised that that budget is too low and much is being done pro bono in the Isle of Man, but nevertheless there is an enormous gap between £35,000 and £400,000, and who is to say where Jersey's costs will actually end up? So, we do not have robust estimates either for the number of cases or the cost, and on the issue of cost, the policy letter says that a move to establish an ombudsman service in 2006 was rejected due to resources. Now if we were not prepared to resource 1975 it in 2006, pre-financial crash pre 0/10, maybe the issue is not really resources so much as a reluctance to give the community a robust, user-friendly means of challenging the decisions of this Government.

In this policy letter, the Committee says that it cannot justify recommending it in the present financial climate, but that the idea does merit further consideration. When? In another 18 years; in 1980 2042, perhaps? Are P&R simply saying to the public, we cannot afford for you to be able to complain?

Sadly, the policy letter is also thin in relation to its recommendation in the text that Guernsey retain its current Administrative Review Board (ARB) system. For a start, I have no idea how many cases the ARB currently processes each year, which is hardly surprising when, despite it being a requirement, we have not seen an annual report. The policy letter recommends that the ARB continue, whilst at the same time stating that it is overly complex, time consuming, unsatisfactory in redressing perceived injustice and lacking in independence. Hardly a ringing endorsement.

Are there any Propositions in this policy letter to improve the ARB? No. Has the current Complaints Panel been asked for their input? Apparently not. Has the public been asked if they have any idea that the ARB even exists or what it does? No.

The policy letter does say that the Complaints Panel and Review Board are not called upon regularly, but that is likely to be because hardly anyone is aware of its existence. And that brings me to the issue of potential savings to set against a new ombudsman service. How many cases would there be under the current system, if people were actually aware of its existence, and the processes to avail oneself of its services were not so complex?

So, I will finish by reminding Members that we are the people who run Committees that are being complained about. Yet we get to decide the level of resourcing for the independent system for resolving those complaints. This is particularly true if we remain with the current ARB system, where the budget is not directly visible. If the ARB is not given enough funds to promote its existence to the public, there will be fewer complaints. If the officer who manages the system is pulled to other projects, complaints will take longer to resolve. Is this really fair on the community?

So if this amendment carries, as it should as the original Proposition is a nonsense, I am left with a complete dilemma about what to vote for at the substantive stage. My preference is to vote for Option 3, the Guernsey option, because I believe that has the distinct possibility to be significantly less costly than the Jersey option, despite the figures in the report.

I have no faith in Proposition 1 being anything else than kicking the whole idea into the long grass. But if Options 1 or 3 are successful, I implore the Senior Committee to do the additional work to ensure that it is as cost effective as possible, rather than just sanctioning the figures or assumptions in this report, which leave something to be desired.

Thank you.

The Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, sir.

I will be speaking in general debate as well as on the amendment and the speech I am about to make, and I applaud Deputies Soulsby and Gollop for allowing this amendment in front of us. Paragraph 1.3 of the policy letter reads as follows:

1.3 Although the existing processes for public service complaints have been improved in recent years, compared against other jurisdictions and international standards they remain overly complex and time consuming, unsatisfactory in redressing perceived injustice, and lacking in independence ...

So with all that in mind, surely if ever a situation needed to be addressed and amended, then it has to be the current situation here in the Island regarding having complaints investigated. I have a particular interest in this, because it was my brother, formerly Vale Deputy Laurie Queripel, and I who instigated the Marshall Review into the Children's Law, which is referenced in this piece of work. That was back in 2014, and we did that because 33 families had come to us complaining of what they viewed as unprofessional – *extremely unprofessional* – behaviour by members of staff working for several States' Departments, but particularly our Health Department, and Laurie and I met with representatives of all those 33 families and every one of them totally traumatised, absolutely distraught at the way in which they had been treated by those States' Departments, and we realised it was far too big for two Deputies to take on, which is why we implored Scrutiny Committee to undertake the review.

When we suggested it to the late and much missed Paul Arditti, the Alderney Representative who was the Chairman of Scrutiny at the time, to his credit he did not need a great deal of persuading. And when one bears in mind that 33 families, if you just took a figure of, say, 10 immediate family members, you are talking about 330 Islanders who felt they had been violated and abused by numerous States' Departments, and many of them broke down in tears when Laurie and I met them, such was the level of heartache, stress and trauma they had been forced to endure.

So why should our fellow Islanders in such a horrible and vulnerable position be made to wait as Deputy Burford inferred when she spoke? Have they not already suffered enough? And promises of improvements to processes in the future mean absolutely nothing to our fellow Islanders who have been rendered victims of injustice. If I might go as far to say that promises are an insult to our fellow Islanders who had been treated in such a way. They have been violated, they have been abused. Then they deserve accountability.

And I ask, sir, every one of my colleagues in this Chamber to put themselves in the shoes of fellow Islanders who have had to endure the torture and the heartache of watching a loved one fall to pieces because they have not been given the sort of care they were promised ...

[A personal device makes a noise] (Laughter)

Sir, I just want to repeat the last sentence because I lost my thread with that *(Laughter)* digital interjection. *(Laughter)*

Sir, I ask colleagues to put themselves in the shoes of Islanders who have had to endure the torture and the heartache of watching a loved one fall to pieces, because they have not been given the sort of care they were promised.

And on that note, *BBC Radio Guernsey* yesterday morning carried a news item that should act as a wake-up call to us all. This is a sad and extremely harrowing story, and I will highlight it in an attempt to encourage colleagues to vote in favour of this amendment.

[A personal device makes a noise]

Sir, I usually get asked to give way, but no.

Deputy Ferbrache: This is my way of doing it!

Deputy Queripel: It is a new way of trying to silence me.

Sir, in highlighting this case, I am not revealing any confidential information, it is out in the public domain, and I sincerely hope none of my colleagues leaps to their feet in an attempt to discourage me from relaying this story, because what I am about to say is absolutely key to the message I am trying my best to get across here, the message being that we really do need an ombudsperson in place ASAP if we are to have any hope whatsoever of attaining fairness, justice and accountability for our fellow Islanders.

The news item on the radio yesterday was facilitated and delivered extremely professionally by political reporter John Fernandez in an extremely balanced manner. He informed listeners that a fellow Islander who was in care here in the Island was abused by his carers. I emphasise the plural, sir, it was not just one carer, but it was three. The abuse finally came to light, and as far as I understand, all three carers, who were agency carers from the UK, have now been sent back to the UK.

However, this is Julia Le Pelley, the sister of the person who suffered abuse at the hands of his carers, said that the investigation left a lot to be desired, because several questions she asked and her family asked still have not been answered. For example, when Mr Fernandez asked Mrs Le Pelley if she had been given an assurance that her relation was now safe, she said that question had not been answered. When he asked her if she knew whether or not those three carers were still practising in the UK, once again, she said that question had not been answered.

She wanted to say that two reports had been produced, but they had been severely redacted and therefore they were not open and honest and transparent, which she felt was an insult and an injustice to her and her whole family. And when Mr Fernandez asked Mrs Le Pelley if she felt an

2080 independent body should be put in place to investigate incidents like this, she said yes, because that is the only way justice and true accountability will be attained.

And she also added that because the whole process takes so long it weighs you down, and you lose the energy to fight for justice and accountability. Which adds credence, surely, to the point I am making that we do need an ombudsperson ASAP.

2085 There are several more examples I could relay, sir, in my experience as a Deputy, working with Islanders losing the will to live because the system that is currently in place has let them down. But hopefully this one case will be enough to persuade them to support this amendment.

But in my experience of working on 1-to-1 cases with Islanders, this taught me that we do need an ombudsperson. So it is not just other people reporting incidents, it is my personal experience of
2090 working on 1-to-1 cases with Islanders. And over the years, and even to this day, Islanders are saying to me it is not right or just that if they encounter a problem with a States' Department they have to make an official complaint to that Department, and the Department then carries out an internal investigation into the way the matter has been handled, more often than not coming to the conclusion that nothing untoward has taken place.

2095 So then the person who has made the complaint and has been violated has nowhere else to go. Unless they can afford, of course, to take the matter to court. But the vast majority of people I talk to cannot afford to do that, and Mrs Le Pelley in the interview yesterday said her family could not afford to do that. So even though they know something has gone horribly wrong they have no other means of pursuing it. So they get more and more demoralised, and no one has been made
2100 accountable, and they have not attained justice. They have not been given an apology, they have not been given any compensation, and how can that be fair in this day and age, when we say everyone should have equal opportunity and has a right to quality of life? How can they possibly have equal opportunity and quality of life under the current situation? The answer, of course is because they cannot and they do not.

2105 It has always concerned me that anyone making a complaint, complains to the very Department they are complaining against. Then they have to accept that someone within that Department who has undertaken the investigation will then carry out a non-biased, non-judgmental investigation involving their own colleagues. Now I am not for a second inferring that the person carrying out that investigation is going to protect their colleagues, but the suspicion is always there that they
2110 could do and they might do. So why not remove that suspicion altogether by putting an ombudsperson in place? And should this amendment succeed, I will be voting against Proposition 1, because all that Proposition does is propose the next Assembly consider introducing an ombudsperson, in two years' time; in other words, Deputy Burford used the term 'kick the can down the road'.

2115 But that does not take into consideration the fact that in that time even more of our fellow Islanders will have to endure stress, trauma, heartache and demoralisation due to the fact that their voices have not been heard.

Propositions 2 and 3 are far more proactive. Now we know they come as a cost, so on the issue of cost, Deputy Burford also touched on this when she spoke, the good news is that having an
2120 ombudsperson in place will actually save resources. So consequently save cost, because the civil servants who undertake in-house investigations when complaints are made will no longer have to do that, so they will be free to get on with the day job.

As explained, actually, by HSC in their letter to Deputy Ferbrache, in this policy letter those civil servants will have more time to get on with their day jobs, which means extra staff will not be
2125 needed to be employed. And how many times do we hear, we have heard it this morning at great length, 'we have not got staff'? One of the reasons we have not got enough staff is because they are doing this kind of work. Unnecessary, not needed, when there is a solution to that in the form of an ombudsperson.

Now, of course, I understand the need to exercise financial restraint. But on that note, exercising
2130 financial restraint does absolutely nothing to help Islanders who are in crisis and are totally demoralised because their voices have not been heard and they have nowhere else to go. In fact,

my friend Deputy Ferbrache once said in a speech when he was up there on the top bench as CM, it is not always about money. He said something along the lines of it is about giving people hope and opportunities. I cannot remember the topic that was being debated at the time, but it was late last year, I do recall that.

So in every sense, surely this is a speculate to accumulate initiative, because by speculating, we accumulate confidence and trust out in the community and we dispense with suspicion. Suspicion that there has been some kind of cover up. Whether or not there has been a cover up is irrelevant, it is the suspicion. We need to dispense with the suspicion. Surely all of that has got to be worth every penny.

So I will move towards a close by saying this is for the good of the people, this is for the people, for the good of our fellow Islanders. And Islanders I have spoken to about this understand there would be a cost to introducing an ombudsperson, but that cost will be balanced out by the fact that civil servants in Departments were no longer needed to carry out these investigations, and even when we discussed that with one another they say they are not even that concerned, to be honest, about it balancing out. They say the cost is worth it to attain accountability, justice and fairness, and dispense with suspicion.

Thank you, sir.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I will support this amendment because I would really support any measure, I think, that will improve the independence and objectivity with which we handle complaints and how we provide services to Islanders.

There are really two extremes about how people can view complaints. One of them is just that complaints are something of a pain to deal with, and rather that they just go away. But the other extreme, actually, or an alternate view, is to say that complaints are a goldmine of potential to improve potential areas of weakness, and actually, it is towards the latter view that I tend to subscribe, and I think that we should process our complaints and deal with complaints as independently and objectively as we possibly can, in order to improve the service that we provide.

In terms of the two options, I think that it is well worthwhile looking at the option to work alongside Jersey. I think that any option where we can look at improving co-operation between the Islands is worthwhile, but particularly so when it is useful to try and look at increasing the independence and having an agency that covers the Channel Islands does that. It is true that it is often difficult to work on a Channel Islands basis. There are some examples, though, where it has worked. The Channel Islands Safeguarding Partnership is an example where working across the Islands has been possible.

So I will be voting for Proposition 2, and if it is not successful, Proposition 3 when it comes to the vote.

Thank you, sir.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I will speak solely to this amendment.

I welcome it, and thank Deputy Soulsby and Deputy Gollop for bringing it. I think it is an improvement on the Proposition in the original policy letter. However, I do have some concerns about this amendment in that I think the Propositions are in the wrong order. And I think for those of us who may feel that an ombudsman is required or at least further work is required, there is a very real risk of emerging from today's debate with nothing. And I was hoping that another amendment might emerge overnight or before this debate began, which sought to address that.

And I have also picked up from both Deputy Soulsby and indeed from Deputy Burford, the comments in relation to the Isle of Man's experience, which is not covered in the policy letter, and

the work that really needs to be done to look at that model, and effectively a model which relies on access to an ombudsperson when needed, rather than as a permanent position, and that is absent from this set of Propositions as well.

So I am glad I have had the opportunity to rise before lunch, because I am interested to know whether those proposing this amendment would have any appetite to revisit this and look at an amendment which effectively changed the order and dealt with that issue of data from the Isle of Man. Or indeed, if the proposer and seconder are not, whether there are other Members who would be interested in doing so, in order that the States does have that opportunity, and rather than risk emerging from this debate with little of substance and leaving the matter firmly in the long grass.

The Bailiff: Now I turn back to the proposer of the amendment, Deputy Soulsby, to reply to that debate, please.

Deputy Soulsby: Thank you, sir.

I think I will start with Deputy St Pier's question to, actually, and to address Deputy Burford's concerns. We have the amendment we do because it is not from a Deputy, although I am proposing it and Deputy Gollop is seconding, it is from P&R and it reaches, as we have been trying to do since we took office, some consensus and produce something that we can all get behind. That is why, a reason why, we have it constructed as we do. I think it is fine.

I would also like to give the assurance from, one, if the first Proposition is adopted, then there is ample time as part of the review, when we relook at this as part of the planned review of finances, to see how we can do things more efficiently and effectively, and also have more information, certainly from what Jersey start off doing, and find more from the Isle of Man and elsewhere to inform us in time for that review. And I think it is very much felt that the planned review of finances in 2026 would slot in very well because of the concerns people have, and rightly, and I totally understand about our financial situation at the moment, and that was a fundamental reason why the previous Committee did not support an ombudsman and why the majority of this Committee do not either. So I think it is fine as we have it at the moment. Of course, anybody can come up with another amendment to change it around if they desire.

Deputy Queripel, I have a lot of sympathy with what you said, and really, it is not for me to lay the amendment in the first place. I think we have got to be careful, though, when we say that the Ombudsman will solve all our ills, to remember that the people still have to exhaust the existing complaints processes first. So all the issues that sadly, the people experienced might not be swept away because of those procedures, the initial complaints need to be dealt with in a different way. So I think I would just reference that.

But the final thing I would just say is, yes, the big advantage of having an independent ombudsman is that independence and to take away the suspicion for all people, and you give credit to everybody taking part and doing the things to the best of their ability. If it is not truly independent then there will be that suspicion, so I totally get that. But I do ask Members to support this amendment.

The Bailiff: Members of the States, we come to the vote on Amendment 1, proposed by Deputy Soulsby, seconded by Deputy Gollop, with the intention of replacing the single Proposition with some options, and I will invite the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 33, Contre 4, Ne vote pas 0, Did not vote 2, Absent 1

Pour

Aldwell, Sue
Blin, Chris
Brouard, Al

Contre

Ferbrache, Peter
Haskins, Sam
Helyar, Mark

Ne vote pas

None

Did not vote

Leadbeater, Marc
Moakes, Nick

Absent

Bury, Tina

Burford, Yvonne
Cameron, Andy
De Lisle, David
De Sausmarez, Lindsay
Dudley-Owen, Andrea
Dyke, John
Fairclough, Simon
Falla, Steve
Gabriel, Adrian
Gollop, John
Inder, Neil
Kazantseva-Miller, Sasha
Le Tissier, Chris
Le Tocq, Jonathan
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roberts, Steve
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

Mahoney, David

2235 **The Bailiff:** So in respect of Amendment 1, proposed by Deputy Soulsby, seconded by Deputy Gollop, there voted in favour 33 Members, 4 Members voted against, no Member abstained, 3 Members did not participate in the vote, and therefore I will declare Amendment 1 duly carried. And we will now adjourn until 2.30.

*The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 2.30 p.m.*

**Public Services Ombudsperson –
Debate continued –
Propositions 4-7 carried (as amended)**

The Bailiff: Deputy St Pier, is it your wish to move Amendment 2 at this point?

[Amendment 2](#)

To insert new propositions as follows:

"2. To note that the June 2020 'Review of the Governance Arrangements of the Arm's Length Bodies of the States of Guernsey' recommended that: "The establishment of either a public service Ombudsman or a health Ombudsman would not at this juncture be proportionate for Guernsey and the Review Panel does not recommend doing so, but rather a watching a brief should be kept on developments in relation to the development of such models in other comparable jurisdictions."

"3. To note that on 26th March 2021, following the debate on the Government Work Plan – Stage 1 P.2021/21, the States resolved inter alia to rescind the resolution that: "The Policy

Council should redouble its efforts to present proposals for the establishment of appropriate processes for hearing complaints and appeals against States Departments and Committees, having set out the merits or otherwise of a Centralised Tribunal Service and an Ombudsman" because the work was to be "incorporated into the subsequent work on the Review of the Role and Governance of Arm's Length Bodies."

"4. To direct that having regard to the Government Work Plan resolutions of 26th March 2021, the Committee considers the recommendations in the June 2020 'Review of the Governance Arrangements of the Arm's Length Bodies of the States of Guernsey' and to report back by March 2025 with any further recommendations and an implementation timetable for the States' consideration that the Committee deem appropriate."

2240 **Deputy St Pier:** Yes, it is, sir, and also I will take the opportunity, in moving Amendment 2, just to give notice that there is an Amendment 3 in the system on the issues that I referenced in the previous debate. So just to give Members that notice, but I hopefully can dispense with this amendment fairly briefly, sir.

2245 I think it seeks to insert new Propositions, which I guess, given the success of Amendment 1, would become Propositions 4, 5 and 6. The first two Propositions are merely to note, and it is really, I guess, to give a bit of a preamble to Members, particularly those who were not in the States in the last term as to the background of the so-called arm's length body (ALB) review.

2250 I think it is also accepted that these Propositions probably go beyond the original, but nonetheless, I think there is a clear tie-in and link with the debate around a public service ombudsman, as was then referred to, ombudsperson as currently referred.

So the first additional Proposition:

To note that the June 2020 'Review of the Governance Arrangements of the Arm's Length Bodies of the States of Guernsey' recommended that: "The establishment of either a public service Ombudsman or a health Ombudsman would not at this juncture be proportionate for Guernsey and the Review Panel does not recommend doing so, but rather a watching brief should be kept on developments ...

2255 That is one of the conclusions of the review body that was led by former Deputy and advocate, Peter Harwood, and a team of three other non-States' members in a June 2020 report, which is appended as an explanatory note.

2260 The Proposition 3, sir, is to note that in March 2021, taking Members back to almost the beginning of this States, the first stage of the Government Work Plan, the States resolved, amongst other things, to rescind a Resolution. Now if my memory serves me right, and no doubt Deputy Soulsby will correct me if I am wrong when she replies to debate on this amendment, sir, the text that then follows around the Policy Council, as it then was, should redouble its efforts into setting out the 'merits or otherwise of a Centralised Tribunal Service and an Ombudsman', I think came from an amendment or possibly a requête, I cannot recall, that actually, Deputy Soulsby may have been involved with. As I say, she will correct me if that is not right.

2265 Nonetheless the new Policy & Resources Committee at the beginning of this term decided that that particular Resolution should be rescinded as part of the bonfire of extant Resolutions in order to clear the decks. And the rationale that was given in the policy letter at the time was because the work was apparently to be 'incorporated into the subsequent work on the Review of the Role and Governance of Arm's Length Bodies'.

2270 Now, if you look subsequently at the Government Work Plan policy letters, subsequent to March 2021, really that stream of work has really gone silent. And so this amendment then in the final new Proposition to direct that, having regard to the Government Work Plan Resolutions, the Committee considers the recommendations in the June 2020 report, and indeed reports back by March next year with any further recommendations. And what I am seeking to do there, sir, is ask Policy & Resources to look at the 29 recommendations that are in that report and really just come back to the States and tell the States how many of those they think should be progressed, how many of them they do not think are worthy of further action, and what kind of implementation timetable

there may be. Now, clearly, that is likely to go well beyond the end of this particular term, but in essence, what I am really saying is that the work, four years ago, of the arm's length body panel should not be lost, and that this is a good opportunity to ask the new Committee to give its view on those recommendations, and really how that ties in, for example, to the centralised tribunal service, the Public Service Ombudsman, and so on.

I have had an opportunity for consultation with the Committee, who, I gather, met and discussed this at their meeting on Tuesday, and I am grateful for that, and understand that they have advised, or they have advised me through their officers, that the Policy & Resources Committee, as is set out in the Rule 1 for information, took opportunity to consider your draft amendment during their meeting this morning and agreed that they had no objections to its content, and I am grateful to that and indeed, grateful to the engagement, particularly with Deputy Soulsby, who has agreed to second this amendment.

For the discussion around this there is genuinely no better person than Deputy Soulsby on all of these issues, having been involved really almost since the beginning of her time as a Member of this Assembly, and it is often, sir, it is a phrase I have not heard used for a while, but there is this concept of a golden thread that runs through things. Well, in many ways, Deputy Soulsby is the golden thread on these kind of issues, so I am grateful to her for seconding this, and for Policy & Resources Committee's support.

I hope that Members will see that there is some merit in doing this work, and that the debate on the amendment in particular, can be kept relatively short, and we can move on to general debate.

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

Deputy Soulsby: I do, sir, and I just wanted to speak now.

The Bailiff: Well, let me just pause briefly to see if anyone is raising any point. No? In that case, Deputy Soulsby to speak as well.

Deputy Soulsby: Yes. I would just like to thank Deputy St Pier for his comments. I do not know if golden thread or pain in the backside is probably more appropriate for me in this regard. I have been wittering on about it for ages as he well knows, because he was often on the other side of me doing that.

This raised interesting points for me because I had no idea until Deputy St Pier sent me a copy of this report that it existed in a finalised form, so that has been really helpful. I do not know if all Members got a copy of it from as attached to the amendment, though. No, but I think I can see no reason why Members should not have a copy of it, because it sets out recommendations that have been actually taken forward, and I think it will be useful for Members to see that and what progress has been done to date, because I got an update yesterday on the back of this to tell me all the things that have been done, and one of them is to have a combined Review Tribunal Service and I think that will help. And it might also help when it comes to the current process of having the Administrative Review Board that we have got at the moment.

So I think we are quite happy, I think, I have not spoken to the other Members of the Committee, but I am just looking at ... I cannot see that there should be any problem why Members should not have a copy of it. And Policy & Resources do not have an issue with it, they totally understand it and so it made common sense. I think it was common sense, I think was the phrase that Deputy Trott used, and I think we all agreed that, so we have got no objections.

I am quite happy to support it. Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

I will be supporting this amendment, as much on the basis that Policy & Resources have no objections, because my only concern would be the work involved actually in Proposition 4, but if the Committee are happy, then I am happy.

All I would say about it is that I first saw this report in, I think it was, round about early 2021, when the Scrutiny Management Committee were looking to put in a Freedom of Information Appeals Panel, and the reason I had cited it then was because the then P&R said that they did not agree at that point with us putting in such a panel, because there was this review of arm's length bodies and actually that would sweep it all up and that would instead solve the problem of our Freedom of Information Panel.

We had some back and forth and SMC stuck their heels in the ground and brought a report to this States and of course, the Panel was approved, and I am pleased it was because that is three years ago, and although Deputy Soulsby has said some progress has been made, certainly I think that we got a much more expeditious result.

So my only word of caution on it, or perhaps encouragement to the Committee, is that I would not take this amendment passing as being a certainty that the Propositions in the actual Ombudsman policy letter are not necessary. I think they are just as necessary whether or not this amendment passes, and that is the only point I really want to make. This is not a substitute, it is an addition.

Thank you.

Deputy Inder: Rule 26 (1), sir.

The Bailiff: Can I invite those Members who wish to speak in debate on Amendment 2 to stand in their places?

Deputy Inder, is it still your wish that I put the motion that debate on this be curtailed? Well, it is a motion under Rule 26, paragraph 1, Members of the States, that apart from hearing from the proposer of the amendment, Deputy St Pier, no further debate be taken on this amendment. Those in favour; those against?

Members voted Contre.

The Bailiff: I will declare that lost.

Deputy Inder: Recorded vote, sir?

The Bailiff: Yes, we can have a vote on that. I invite the Greffier to open the voting as there has been a request for a formal vote.

There was a recorded vote.

Rule 26

Carried – Pour 19, Contre 17, Ne vote pas 2, Did not vote 1, Absent 1

Pour

Aldwell, Sue
De Lisle, David
Dudley-Owen, Andrea
Dyke, John
Ferbrache, Peter
Haskins, Sam
Helyar, Mark
Inder, Neil
Le Tissier, Chris
Le Tocq, Jonathan

Contre

Blin, Chris
Brouard, Al
Burford, Yvonne
Cameron, Andy
Fairclough, Simon
Falla, Steve
Gabriel, Adrian
Gollop, John
Kazantseva-Miller, Sasha
Leadbeater, Marc

Ne vote pas

De Sausmarez, Lindsay
St Pier, Gavin

Did not vote

Parkinson, Charles

Absent

Bury, Tina

Mahoney, David	Matthews, Aidan
McKenna, Liam	Moakes, Nick
Meerveld, Carl	Roberts, Steve
Murray, Bob	Roffey, Peter
Oliver, Victoria	Snowdon, Alexander
Prow, Robert	Soulsby, Heidi
Queripel, Lester	Vermeulen, Simon
Taylor, Andrew	
Trott, Lyndon	

2375 **The Bailiff:** In respect of the vote pursuant to the motion that Deputy Inder put pursuant to Rule 26 (1), there voted in favour 19 Members, against 17 Members, 2 Members abstained, 2 Members did not participate in the vote, and that is why it is declared carried now.
So Deputy St Pier to reply to the debate.

2380 **Deputy St Pier:** Sir, a very short debate to reply to very briefly. Really just to respond to Deputy Burford, I think, and to confirm, as she has expressed, these are additional Propositions. They are not substitutes in any way for the need to make a decision one way or another on the Propositions that relate to the Public Service Ombudsman, sorry, Ombudsperson. So I think that addresses Deputy Burford's point, and with that, sir, I urge Members to support this amendment.

2385 **The Bailiff:** Well, Members of the States, it is now time to vote on the Amendment 2, proposed by Deputy St Pier, seconded by Deputy Soulsby, and I will invite the Greffier to open the voting on that amendment, please.

There was a recorded vote.

2390 *Amendment 2*
Carried – Pour 33, Contre 4, Ne vote pas 0, Did not vote 2, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Ferbrache, Peter	None	Dyke, John	Bury, Tina
Blin, Chris	Haskins, Sam		Parkinson, Charles	
Brouard, Al	Helyar, Mark			
Burford, Yvonne	Mahoney, David			
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				

St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

The Bailiff: And the voting in respect of Amendment 2, proposed by Deputy St Pier and seconded by Deputy Soulsby, is that there voted in favour 33 Members, 4 Members voted against, 3 Members did not participate in the vote, and that is why I will declare it carried. We will work out what the numbers are in due course.

Greffier, I understand we have got the printed copies of Amendment 3 now, so let us have that circulated, please, so that everyone can see.

Does every Member of the States have a printed copy of Amendment 3?

Well, Members of the States, there is a motion under Article 7, Paragraph 1 of the Reform (Guernsey) Law, 1948 first, in respect of Amendment 3. Deputy St Pier, do you wish to explain why that should be approved?

Deputy St Pier: Sir, yes.

I am advised by the States' Greffier that that is necessary because of the potential financial implications of Propositions 1 and 2, notwithstanding that, of course, we have that was already present in the Amendment 1 from Deputy Soulsby and Deputy Gollop, but of course that was moved by the Committee, and therefore the same notice period does not apply to the Committee amendment as it does to a Member from outside the Committee. So that is, sir, the only reason for the need to, as I understand it, suspend the Rules. Otherwise, sir, I will speak to the Propositions if Members are minded to do so.

The Bailiff: Thank you very much. Deputy Burford, do you formally second the motion?

Deputy Burford: Yes, sir.

The Bailiff: Thank you.

Members of the States, I am going to put the motion to you without further debate that the Rules be suspended to enable Amendment 3 to be placed. Those in favour; all those against?

Members voted Pour.

The Bailiff: I will declare that carried.

Deputy Haskins: Sir, could I have a recorded vote, please?

The Bailiff: Yes. It is possible I might lose two here.

So there is a request for a recorded vote, and therefore, I will invite the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 20, Contre 16, Ne vote pas 1, Did not vote 2, Absent 1

Pour

Aldwell, Sue
Blin, Chris
Burford, Yvonne
Cameron, Andy
De Sausmarez, Lindsay
Fairclough, Simon

Contre

Brouard, Al
De Lisle, David
Dudley-Owen, Andrea
Ferbrache, Peter
Haskins, Sam
Helyar, Mark

Ne vote pas

Soulsby, Heidi

Did not vote

Dyke, John
Parkinson, Charles

Absent

Bury, Tina

Falla, Steve	Inder, Neil
Gabriel, Adrian	Kazantseva-Miller, Sasha
Gollop, John	Le Tissier, Chris
Leadbeater, Marc	Le Tocq, Jonathan
Matthews, Aidan	Mahoney, David
McKenna, Liam	Moakes, Nick
Meerveld, Carl	Murray, Bob
Oliver, Victoria	Prow, Robert
Queripel, Lester	Taylor, Andrew
Roberts, Steve	Trott, Lyndon
Roffey, Peter	
Snowdon, Alexander	
St Pier, Gavin	
Vermeulen, Simon	

The Bailiff: So in respect of the Motion under Article 7(1) of the Reform (Guernsey) Law, 1948, proposed by Deputy St Pier, seconded by Deputy Burford, there voted in favour 20 Members, there voted against 16 Members, 1 Member abstained, 3 Members did not participate and that is why it was declared carried, and therefore I would invite Deputy St Pier to move the amendment.

[Amendment 3.](#)

To delete the Propositions inserted by Amendment 1 and replace with the following:

"1. To agree to proceed with the establishment of a Public Service Ombudsperson in conjunction with Jersey.

OR, IF PROPOSITION 1 IS NOT APPROVED:

2. To agree to proceed with the establishment of a Guernsey-only Public Service Ombudsperson during the political term commencing in June 2025.

OR IF PROPOSITIONS 1 AND 2 ARE NOT APPROVED:

3. To direct that the Policy and Resources Committee return to the States by November 2024 with additional up-to-date and revised information on the likely costs of a Guernsey Ombudsperson, in particular by considering cost and case number data from the Isle of Man's Tynwald Ombudsman service, as well as the potential for the Ombudsperson to be part time in the manner of the Commissioner for Standards, and to identify savings that an Ombudsperson service could deliver by cost avoidance from current processes.

OR, IF PROPOSITIONS 1, 2 AND 3 ARE NOT APPROVED:

4. That in the current financial climate and with the need to find savings across the public service and given the recent review of the existing system for public service complaints, establishing a Public Services Ombudsperson is not a priority use of resources and should not be pursued further at this time but that this should be revisited as part of a planned review of finances in 2026."

Deputy St Pier: Thank you, sir, and thank you to Members for doing so.

I shall be brief in introducing this amendment. It is simply reversing the order of the Propositions that were inserted by Amendment 1. So this, Members, would effectively trounce Amendment 1 and replace it with these Propositions instead, but simply allow us to vote, effectively, in reverse order in respect of what would become Proposition 1, namely, to proceed with a PSO with Jersey, or, then Proposition 2 to agree with the Guernsey only PSO, and then Proposition 4 – I shall return to 3 – is exactly as set out in Deputy Soulsby and Deputy Gollop's Amendment 1.

So the only addition is the insertion of Proposition 3, which for the benefit of Members outside the Assembly, I will read:

3. To direct that the Policy and Resources Committee return to the States by November 2024 with additional up-to-date and revised information on the likely costs of a Guernsey Ombudsperson, in particular by considering cost and case number data from the Isle of Man's Tynwald Ombudsman service, as well as the potential for the Ombudsperson to be part time in the manner of the Commissioner for Standards, and to identify savings that an Ombudsperson service could deliver by cost avoidance from current processes.

So, sir, that Proposition, proposed Proposition, emerges out of the debate on Amendment 1, and just to declare my own interest, sir, I will speak in general debate anyway, but it would be my intention personally to vote down 1 and 2 and to vote for 3.

I think that, to me is the most logical thing that we should be doing next, is looking exactly, as Deputy Soulsby and indeed Deputy Burford said in the debate on Amendment 1, looking at the data of the Isle of Man, which has not been done in the policy letter, and whether we can have a part-time service, and also to consider what the cost implications are of the way we currently go about things and how we could take that cost benefit into account in making a fully informed decision about the costs of a service.

So, sir, I would, if this amendment is successful, that is what I would do, and then in the event of that failing the default remains as set out in the original amendment as the first Proposition. So hopefully that explains the position, but obviously if Members have questions or concerns about the way it is presented, I will obviously respond to that in debate, sir.

The Bailiff: Thank you very much.

Deputy Burford, do you formally second Amendment 3?

Deputy Burford: I do, sir.

The Bailiff: Thank you very much.

Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, sir.

I thought I heard Deputy St Pier say that this was the same amendment, save for having turned it round into a different order, but we have an additional Proposition here, which is really quite different from the original amendment, and so I beg to get a lot more information, given in Deputy St Pier has given in his opening speech around that Proposition 3.

Furthermore, I really thought that after the conversation that we had had this morning in relation to Rules and obviously people's desire to get on and to ensure that we were sticking by the Rules that we ourselves are happy to obviously put up with, because no one brings any requêtes, and SACC is not coming forward with the revisions to the rule books and obviously for the reasons that the President has articulated.

But this is just over a lunch hour, and I thought that this had been in the public domain for long enough that we may have been able to muster up amendments in advance of this. And I note that Deputy St Pier said that he thought that something might come overnight, but I wonder why he himself did not come overnight with the amendment that he thought was appropriate for this particular Proposition.

So I am not warm at all to this. I am not warm to the certain Resolutions to go forward. I was quite prepared to vote in favour of the Resolution as originally drafted by the former Policy & Resources Committee, as put forward by the current Policy & Resources Committee. So all these different variations now, I do not feel are substantively described in enough detail for me to be able to make an informed decision.

I note that Deputy Burford also alluded to the same when she spoke about a lack of data that had been presented in the original policy letter, and I think that for me, that we are being asked to decide on some quite far-reaching policy decisions here in terms of setting up a new branch of Government. For those of you who do not want any more civil servants, you do not want any more cost to Government, well, this is it, and so I am just at a loss at the moment as to tie up a lot of the threads that I think are loose at the moment.

So I am not going to be minded to support this amendment.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

2505 Hopefully in my speech, I can make Deputy Dudley-Owen feel a little bit warmer than she claims to be feeling. I think to be fair to Deputy St Pier, he did clearly say that this is the same as the amendment we all approved this morning, with the exception that it has one extra Proposition in it, which is Proposition 3, and then he came back to that and elaborated on it, which I will also do.

2510 But I think the Deputy Dudley-Owen cites me as sort of having said there is not enough data, etc. and this is the very whole point that this Proposition 3, the additional one, actually seeks to unearth that data without actually committing us to the cost of an ombudsman at this stage.

2515 And I think that is really important, because as I said in my previous speech, for me, the real issue with the policy letter was that I did not feel that the figures were right. I felt that they were quite overstated, when we can see what is done in the Isle of Man on a one-day basis, like for a Commissioner of Standards, and I think that I would like to think that everybody in this Assembly, if we take the money out of it just for a moment, and I know you cannot take it out permanently, feels that the public should have a clear, cohesive, easy-to-use system when they have often very legitimate complaints about the actions of this Government, and this is what all of this is working towards.

2520 So I am very supportive of Proposition 3. I think also that there are people in this Assembly, as we have heard from the debate and from discussions, who are very keen on the idea of an ombudsman, but are uncomfortable with the Propositions 1 and 2, and I think this Proposition 3 gives us a bit of a halfway house to that, to actually come back. Because this report has been 18 months in the making, as I pointed out this morning, I think that some of the figures and data is questionable, and we could actually make a more informed decision.

2525 And if all that fails, then we have got Proposition 4, without being too dismissive, is really a bit of a 'kick it into the long grass' or rely on Deputy Soulsby, and I am sure we can all rely on Deputy Soulsby, but it is much better to have it backed up with a firm Proposition.

2530 The other thing that this amendment does, the only other thing that it does, is it reverses the order of the Propositions from the most detailed one down to doing next to nothing, and I think that that is the correct order when you are going through a cascade of this nature.

So for the technical reasons of putting the Propositions in, what is a better order and the option for some Members who may feel that the public do deserve this service, but we do not really want to be spending £200,000, then Option 3, or Proposition 3, is there as that backup.

2535 Obviously, this is an amendment we have to have a vote for the whole lot, and then, after main debate, we can go down those even though Members may not agree with all of the Propositions, that for now I would certainly hope that Members will be able to get behind this amendment. It is marginally different from what we had this morning. It gives one more option that could end up saving money and providing a service.

Thank you.

2540

The Bailiff: Deputy Inder.

Deputy Inder: Only briefly, sir.

2545 This morning we had a statement from the President of SACC telling us that they are struggling with resources. This looks, again, resource heavy. Collecting data, finding information, is resource heavy, and I am talking about really, Option 3 here, and it looks like, again, another extra piece of work outside of the Government Work Plan.

2550 I am not saying it is illegitimate, but I can see that our Committee itself has seen today we are struggling as an Island to get plant inspectors. From an Economic Development point of view, one of our main exporters is having problems with testing plants for export. Now I would much rather, that is me personally, us to deal with what we have, the problems that we have already got today, rather than creating another resource area again, which is as legitimate as it might be, and I generally agree with the sentiment, but today is not the day. We have got problems in plant inspectors, we have got problems within our own Committee that we have lost members of staff.

2555 Deputy Meerveld has said that he is struggling with staff, but this looks like another two people for a very long time trying to extract data, which is not in the Government Work Plan, and again, it has got big Government written all over it.

So that is where I am, and I just simply cannot support anything beyond what we have agreed only two months ago, and that is where I am on it, sir.

2560 Thank you.

The Bailiff: Deputy Gollop.

2565 **Deputy Gollop:** I was pleased to support Deputy Soulsby's amendment, but I missed my chance even to speak on that because today has been going so fast so far. It is perhaps slowing down a bit, and I felt discombobulated sitting in a new seat, knocking over another Member's water, *(Laughter)* crossing unfortunately in front of another Member when I had to go rather suddenly. So it can be challenging and not having all the papers here.

2570 But nevertheless, I am interested in the Ombudsperson debate. I think it started as an ombudsman in a more sexist age, and we made reference not only to a previous report from the last term, we got the term Policy Council, that goes back a bit. Or maybe it does not, I do not know.

2575 But we go back to, I remember the debate in 2005, 2006, and I remember who brought it. The then Deputy Brock, who is very well known as a senior civil servant and analyst and researcher on islands and small communities and many other areas in Guernsey, Alderney and elsewhere. And he believed then that we need an ombudsperson.

2580 Deputy Burford has explained that if we did not do it then, pre-Zero-10, when we had lots of money, why are we doing it now? Well, I think the need has actually got greater than then, and my reason for supporting it is not just because I think the Administrative Decisions Review Board is a clumsy process that has not quite worked in getting people to participate, and it has got lots of barriers. But the whole area of complaint is a growing area. In other areas we see it in judicial review.

2585 I sat on ESS and we used to have an active complaints and procedure. Usually every quarter we only had two or three complaints that were dealt with, and four or five compliments, so that was good, but you nevertheless hear round and about of issues. Deputy Queripel, in a very interesting speech, raised complicated cases relating to Health & Care and related issues. Now some of them might be covered by an ombudsperson, others might not be. But we already have an ombudsperson in the form of a financial ombudsman. That works, but that was a specific requirement for the offshore sector. It seems, with more general issues and complaints, that we are not modernising enough, because my main reason for supporting an ombudsperson is actually not because we have a lot of issues to deal with, or because the Civil Service cannot work with it, or there are complications there, nor is it that there is an overwhelming need. My problem, my issue, is I think we must move away from the era of Deputies by normative pattern, getting overly involved in constituency cases. I think it puts Deputies in a very ...

2595 **Deputy Mahoney:** Point of order, please, sir.

The Bailiff: Point of order, Deputy Mahoney.

2600 **Deputy Mahoney:** Sir, I just wonder if we are slipping into a general debate here. This is really not to do with this specific amendment. This does seem to be a debate to be had when this one is accepted or not in general debate.

2605 **The Bailiff:** Well, what I was going to expect of Deputy Gollop is that he is speaking in general debate, and therefore he will not speak in general debate when we get to that stage. But he can continue at this point, just as Deputy Burford indicated earlier that she was not planning to speak in general debate. Deputy Gollop.

Deputy Gollop: Yes, Deputy Mahoney is quite correct. I am speaking generally, although the amendment by its very nature is even more general than the policy letter, because it includes an additional Proposition. But I will not speak again, as other Members have intimated.

2610 But I find I have had two media enquiries in the last week or two from people saying, why are you going to the Isle of Man, Members? Or why are you interested in conferences? Working with the Isle of Man is very useful because they are a Crown Dependency, not entirely dissimilar to Guernsey, and I would entirely endorse Deputy St Pier and Deputy Burford for including the Isle of Man, because why are we not supporting it just like that?

2615 Because the report as written clearly shows that there are gaps, deficiencies with the current system. Deputy Meerveld presides over the Administrative Review Committee, formerly the then Deputy Falla and Deputy and Advocate Green, but the Committee has not met very often, and when it has done, it sometimes issues whether it meets in public or private, and maybe we need a different system. And an ombudsperson, I think, would take it away from the more traditional areas of
2620 Deputies and Douzeniers, and professionalise it.

Now I always, as a first preference, would wish to work with Jersey because it seems to make common sense, and if they are doing something there, we can get involved with that, as we have done in many other areas, from codes of conduct to, I do not know, working collectively on the future of the ferry transport, for example.

2625 But Jersey sometimes, because they have GST and a larger population, do a Rolls Royce solution to things. Maybe it is too expensive. So I would also like to explore the Guernsey-only option, and I think to have more information on the Isle of Man, and that should not be that onerous. In fact, States' Members themselves could do the research, really, rather than rely on hard-pressed officers, because I take Deputy Inder's points seriously that we are not full of resources.

2630 But I do not think this is going to happen anyway, just like that, this term. I assume that the policy letter ... well, we know the original policy letter before the amendments started, basically said we will not proceed with it at this time, and the work within it was designed for that. But if the Members, and I hope we do want to proceed with it, I hardly think it is going to happen next month or the month after, it will be something that will be brought back for implementation really in the
2635 next term.

So I think we should support the St Pier/Burford amendment and the Propositions that will be revised, so that we have our minds open, that we look for the best solution, that is at the same time, not too onerous in terms of resources or costs.

2640 And of course, as we know, statutory officials do seem to come rather expensive. I was surprised in the policy letter to see the estimated costs at £97,000 or something like that. I think we have heard there are less expensive alternatives, like what the Isle of Man does. Maybe we could pay on a needs-basis rather than having a permanent official. I suspect, initially at least, the number of complaints will not be as great as pessimists might assume.

2645 But what we need is to modernise our system. We are in a world now of increasing litigation, judicial review, scrutiny, regulation. We have seen even in this term issues whereby if States' Members take up particular cases in certain areas, there can be misunderstandings and problems. I think we cannot afford not to do this, (**A Member:** Hear, hear.) and I thought that Deputy Queripel made the point very well that not only are we risking cases exploding into the media that could have been dealt with so much better elsewhere, but there is a cost when public servants and civil servants get
2650 involved on issues that are not really our core business.

So I say vote for this, and support the Propositions as amended.

The Bailiff: Deputy Le Tocq.

2655 **Deputy Le Tocq:** Thank you, sir.

I am sure that Deputies St Pier and Burford are well-intentioned by doing this. But, a bit like Deputy Inder, I despair sometimes, sir, that we often spend in this Assembly large amounts of time debating various Rules of Procedure, then we choose to suspend them.

2660 We have debated at length the Government Work Plan, and this amendment, or certain parts of
it certainly, would be well outside that. The reason being, sir, is I am a democrat, but I also do believe
that we need some degree of discipline in this Assembly if we are to achieve anything, because
there are quite a number of things that, and it may ... I do not disagree either with some of the
intention here of a Public Service Ombudsman. The idea is that it would certainly be an
improvement. But the point is this, we have priorities, and if we make everything a priority, then
2665 nothing is a priority, and I have many things that I would love to bring back to this Assembly, and I
imagine some here would say bring them back then we will spend all our time debating things.
Well, we know what happens, sir, when that happens, we do nothing. We do nothing, and we are
very dangerously into that arena already here.

I cannot therefore support this amendment, even though, as I said before, it is well intended.
2670 And I do ask and remind Members to keep focused on the things that we have said we will achieve
and use all our resources because they are very limited. They are very limited and if we fooled
ourselves into thinking that by the end of this year we could come back with concrete evidence of
what it is costing, things might change in the Isle of Man even in that time. In that time, we have
already heard of their particular financial difficulties at the moment. We cannot afford to be adding
2675 even what seems maybe to some, as small additions to what we have already prioritised. So I will
not be supporting this.

The Bailiff: Deputy Ferbrache.

2680 **Deputy Ferbrache:** Sir, I echo what Deputy Le Tocq has said, and I am also not going to speak
in general debate. This is my one speech.

I was one of the four Deputies that voted against the previous amendments. We really cannot
do any more. In the last few months of the old P&R I asked, and information was given to me, by
our civil servants about how many of these, I call them quangos we have got. Over 50. Over 50 in
2685 Guernsey already. This will be another one, another cost, another addition.

And also, the point has been made very well by Deputy Trott, very clearly by Deputy St Pier, I
have to say, because he said the extra bit really, other than changing the order, is three. Three, of
which is the comeback by November. Well, to come back by November, P&R in the next seven
months, because presumably they will have to get the work done by about September to come
2690 back with a November policy letter, will have to go off and work out what the additional up-to-date
and revised information on the likely costs of a Guernsey ombudsperson in particular, by
considering the data from the Isle of Man service.

But it also says 'and to identify savings that an ombudsperson could deliver by cost avoidance
from current processes.' So I imagine that means – the way I interpret it, but Deputy St Pier can
clarify it when he sums up – that you have got to look at all the complaints that are currently made
2695 to various States' Committees, etc. and work out the costs of all of those to the Civil Service.

Well, I am not sure what cost saving there would be, because I recollect Deputy Soulsby saying
in the early part of this general debate earlier this morning, that you are going to start to go through.
She corrected what Deputy Queripel had ... his understanding of the position, but you are still going
2700 to have to go through all the processes. Ombudsman or ombudsperson, ombudswoman, ombuds-
whatever you may call the people nowadays, they are going to have to be ... they are the backstop
for all of this. So you are going to have to go through all the current stuff to get to the
ombudsperson doing his or her job.

So I am not sure how that is going to save a penny in relation to it, and sadly, I would kill the
2705 baby now. I am not even going to vote for anything that is going to delay it, because our fiscal
position is not going to improve dramatically in the next two, four, six, eight years. We are in a
difficult pickle. We have got lots of issues to resolve.

Now, my good friend Deputy Trott, I am sure inwardly had a warm spirit yesterday when he saw
the Isle of Man Budget and saw the 2p Income Tax. I mean that not as a criticism, because he
2710 advocated on two previous occasions to the States that we should increase Income Tax by the good

old Guernsey phrase of tuppence, I think in one case or threepence, whatever it was, and I could see him, I am not predicting and he has not spoken to me about it, we have not had a chance to have a chat, but no doubt we will, because we talk quite regularly on various things, but he may well bring something back in the next two months about that, I do not know. I am not saying he will. That is a matter for his thoughts with his Committee in the due passage of time.

But we have not got enough money anyway. We just have not got enough money anyway to do all the things that we need to do, whether it is health, whether it is education, whether it is welfare benefits, whether it is ... we have not got enough money.

So a mere £35,000, £170,000, £200,000, we have got no idea what the figure is going to be. Oh, it is a mere bagatelle, isn't it? It is a mere bagatelle when you talk about £600 million or £700 million worth of spending money. Well, it is not: £170,000 is about 20 persons, 21 people who pay tax at the average rate, their full contribution, whether it is Income Tax and other benefits that they pay by buying their petrol, by buying what other things they do, their import duty, etc.

So it is 21 people. What is a mere another 21 people paying tax in relation to this, to pay for something that is a nice to have, but it is far, *far* from a necessity.

Now, I remember Deputy Leadbeater saying recently about when we were debating the report about the Police, the Police complaints about, 'Look at the number of Police complaints we have.' He gave the statistic very ably. Now it is a long time since I have dealt with police forces – in other jurisdictions, admittedly, but I used to when I was a barrister in other jurisdictions dealing with police forces in other jurisdictions. To say that the Guernsey Police Force is anywhere near compared with the Metropolitan Police or the Nottinghamshire Police, etc. and the way they behave, is naive in the extreme. But we get more ... I am not going to give way.

Deputy Leadbeater: Point of correction.

The Bailiff: Point of correction, Deputy Leadbeater.

Deputy Leadbeater: Deputy Ferbrache infers that I was comparing the Guernsey Police's performance solely to that of police forces in England and Wales, when I also compared statistics with Jersey and the Isle of Man, which are comparable with the statistics in England and Wales.

Deputy Ferbrache: Well I am not sure what I said that was wrong, because I was not drawing any analogy with Deputy Leadbeater's point, other than to say he was saying and he gave the statistics, and I was commending him for giving the statistics, and he was giving them accurately in relation to the context he spoke.

I am talking about my experience, which is probably different to his experience because I have actually practised elsewhere. I have dealt with police forces elsewhere. I have not just written textbooks, I have actually dealt with them. I have prosecuted for them, I have criticised them, I have defended them. I have done all kinds of ...

Deputy Taylor: Point of correction, sir.

The Bailiff: Point of correction, Deputy Taylor.

Deputy Taylor: I am sorry to have to come to Deputy Leadbeater's defence, but Deputy Leadbeater was referring to figures that were quite recent statistics on complaints about Police in recent years, whereas Deputy Ferbrache seems to be referring to his experience when he just trained as a barrister, so it is quite likely that things have changed since his experience. I am not commenting either way, but I just do not feel it is a very fair comment on Deputy Leadbeater.

The Bailiff: But that is not a point of correction, with the greatest of respect, Deputy Taylor, on the basis that Deputy Ferbrache has explained more than once now what he is talking about. He is

talking about his experience. It may be historic now, but it is his experience that he is talking about. So please continue, Deputy Ferbrache.

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Deputy Ferbrache: Yes, sir. it goes back to Mrs Thatcher's times before, so it is a long time ago, but the point I am really making is, the point I was coming to, perhaps labouring ... I do not think I was labouring, I was just interrupted twice. The point I was coming back to was in relation to statistics. It said, 'Look what they have got in Scotland.' If you just extrapolate that to Guernsey and do it by a pure figure basis, you are only going to have 55 complaints a year. It does not work out like that.

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In a small jurisdiction, you tend to get disproportionately more complaints, and what we are also told, and that is what I am saying in relation to the Guernsey Police, I have no doubt that the Guernsey Police perform a lot better than just about any other police force anywhere, and I am just saying my own experience and I would be very much doubting, although it is all those years ago, Mrs Thatcher is now dead, Mr Callaghan is now dead – all the Prime Ministers when I was a barrister in the UK ... but that the Guernsey Police is performing a lot better than other police forces. But the point I am making is you cannot just extrapolate figures from a bigger jurisdiction and say, arithmetically or statistically, that is going to happen. We would have a lot more than 55 complaints.

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We are told in the policy letter that 40% of the complaints in Jersey are anticipated to be health complaints, but they take up 70% of the time, which makes sense because health related complaints generally tend to take a lot more research, etc., so I understood all of that.

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But the upshot of it all is that we know once you have let the genie out of the bottle, the assistant needs an assistant, who needs an assistant, who needs an assistant, and the assistants always have an assistant and another assistant. So the cost will go up and up in relation to where we are and our £35,000 or whatever it might be for the Isle of Man, or £170,000 if it is with Jersey, or £250,000 if we do it ourselves, that is going to go through the roof. It is going to go absolutely through the roof.

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We are just going to have another layer of bureaucracy, which is going to actually do no real good for the good people of Guernsey, and I am very much in favour of criticising. I have criticised establishments for a long time in relation to it. I have probably written more rude letters to the States' Department over the years than anybody else in Guernsey in relation to ... and they are quite fierce on occasions. So I do not have any problem with saying that the procedures could already exist.

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This is just not even a nice to have, it is something fanciful that we cannot afford. And we should kill the baby, this particular baby, at birth now before it creates more work for which Policy & Resources have not got the time to do, frankly, in the next seven months with all the work they have got to do, which, even if we defer it until 2026 and see if our fiscal circumstances are going to get better, that is unrealistic.

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They are not going to get better in relation to all the other things that we have got to do, because we have got far more important things to do. We have got hospitals to build, schools to sort out, benefit systems to improve, pensions to resolve, waste perhaps to be looked at again. I do not know, because we have got three requêtes next week, so we might have another three next month. We will have another three because it seems there are some people who have signed every requête going. It is interesting to see what they are going to say. Anyway, I do not want to digress in relation to all of that, because that is immaterial.

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But what I am saying is we should just make the decision now to say enough is enough, and I hope that perhaps when we consider this amendment, we might actually get more than four votes.

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The Bailiff: Deputy Roffey.

2810

Deputy Roffey: Sir, with respect, I think some Members are overthinking this.

An amendment of this sort is about what Propositions we vote on at the end of general debate. Now, Deputy Ferbrache says we cannot afford an ombudsperson service, but the existing

2815 Propositions that we have got already include two quite expensive options for bringing in an ombudsperson service: one with Jersey, who never do things on the cheap, and therefore, even if we only pay pro-rata, I suspect we are paying quite a lot; or doing it ourselves as a standalone facility.

2820 If Members think no ombudsperson service can be justified, and the costs like Deputy Ferbrache, whether this amendment is passed or not, they will vote simply not to have it. I feel slightly differently. I came in here torn, but I am going to go against introducing an ombudsperson service because of the cost.

2825 Because I know we have got a lot of important things to consider, but I actually think in a modern jurisdiction, a clearly dispassionate complaints service is quite an important feature, if we could afford it. But I have to agree with P&R that the sort of cost circa £200,000 we are talking about at the moment, we absolutely could not.

2830 Now, I came in here today and learned for the first time that a fellow Crown Dependency, they used to be a fellow low-tax jurisdiction, it seems no longer, actually managed to do it on a comparative shoestring. So, having come in absolutely determined as Deputy Ferbrache to say, sorry, we cannot afford this; nice to have, but we cannot have it, I do not know how Members will vote at the end of the day. Some will vote for an ombudsperson service, some will vote against. But if there is a chance that they are going to vote for, I would rather have the cheaper option: the day rate, the case-by-case rate approach on the table, so that that can be investigated. I am told that that would be a lot of resources out of the Government Work Plan, but frankly, if we vote for the other two Propositions that are in already, doing our own or doing it with Jersey, which are both, I think it was almost unanimously passed to put those options in, that is going to involve just as much work for civil servants to work up the detail and to bring that in.

2840 So really, all this does, the only change from the Propositions before us now, is to introduce the possibility. And it may be chasing unicorns, I do not know, it will not take long for somebody to pick up a phone, I do not think, to look at the system in the Isle of Man and say, can it be done on the cheap? I want that on the smorgasbord. I am going to vote for this amendment. I would listen to General Debate before deciding how to vote amongst the options at the end of the day.

The Bailiff: Deputy Meerveld.

2845 **Deputy Meerveld:** Thank you, sir. I will be speaking now on both this amendment and for general debate as well.

2850 I think Deputy Roffey has hit the nail on the head. I think people are missing the point slightly in that we are discussing here reordering and adding one Proposition to be voted on at the end of the day. But the reason I stand is really to address what Deputy Ferbrache had said, and a few other people here, about not being able to afford an ombudsman.

2855 Well, as Deputy Gollop pointed out, I am actually the Chair of the Review Board. Now I would forgive Members for having forgotten that I have been elected to that position at the beginning of this term because we hear so little from it, and I do not think Members of this Assembly are particularly familiar with how it operates, let alone the members of the public for whom this is meant to be a facility.

I can tell you as Chair of that Review Board, it is a broken system, and if it had not been for this policy letter and knowing it was coming, I probably would have been bringing a requête at some stage myself to look at something else. And I say it is broken in many ways.

2860 First of all, cost. When I joined it, it had one and a half FTE. That is double the resources allocated to the SACC Committee, allocated to the Review Board. Now I think that may have changed, I think it may be down to one FTE now, but it was one and a half when I first got involved. So, and those I would reckon they are, probably you are looking at a wage bill alone of probably £120,000-£130,000 for those civil servants, let alone additional associated costs with doing the work. That is our internal costs we do not see.

It is also broken from the perspective that when I did the induction training, it is a four-day intensive course because it is a pseudo quasi-judicial type process and panel in the way it operates. On the second day, I observed that what I had learned by that stage was that neither I nor any other Deputy should be in the room, because we are marking our own homework. (**A Member:** Hear, hear.)

2870 This is not an independent process. Effectively, the Civil Service is being asked to erect Chinese walls where one set of civil servants do not talk to another, and Deputies are being asked to sit on panels which could be criticising the failures of either their political colleagues or civil servants. We are marking our own homework and that just is not acceptable in this day and age.

2875 Therefore, I at that stage had already come to the conclusion that we need an ombudsman. Now if that was not enough, the Review Board has received and sat on two complaints this term, both of which I recused myself from because on both occasions I knew the person making the complaint personally, the second one much more closely than the first.

2880 I saw the process they went through, and I am talking about a process here of complaints that takes years to go through the system, that gets frustrated at every turn. Where there is no natural justice, there is no expediency. They were sent through incredible hoops, and the fact is, unless you are somebody of quite significant intellect and intelligence, or a lawyer, you would struggle to go through the process. Which is ironic, since the rules of the Review Board said you cannot be represented by a lawyer. But it is something that your average person on the street would have no chance of working their way through.

2885 Now, as Deputy Soulsby pointed out, and I think Deputy Ferbrache did as well, you have still got to go through all the internal review processes, so this is a point of last resort. But the fact is, when people come to that last resort, and they do occasionally, we are failing them. Not only them, we are failing the electorate in another way. The system is failing them. But, if there are processes where we failed, we should be encouraging them to see the light of day, to learn lessons from them, to improve it. Because when we make mistakes, it costs money. When the Civil Service do things and they do not follow their own procedures, it costs money.

2890 We have seen recently with the Police complaints, an out-of-court settlement for something that went wrong. We do not know the details and we do not know the amount, but when we as an organisation, the States of Guernsey, do things wrong it can have very significant cost implications, or implications on the quality of service we provide to the public.

2895 Also those who want executive Government. I know there are quite a few people who would like to move to a smaller Assembly with more executive powers. Well, you need to have this kind of independent scrutiny. What people talk about, we want executive powers, but they very often overlook the need for greater scrutiny functions to hold that executive to account. This kind of thing here is not an exception that we cannot afford, a baby that should be killed at birth, it is something we absolutely need. We need it, and we have got it in a Review Board, but that Review Board is not independent. It is not functioning as it was intended, and it is not delivering for the people of Guernsey or for this Assembly.

2900 I actually think we would save money by going to an ombudsman employed in a very similar way to the Commissioner for Standards, where they are paid an hourly rate for processing complaints and they have got a standing contract. I think it could be done jointly with Jersey, but if Jersey, as long as Jersey is interested in moderating their expectations, because I think their price point is way too high. But our Commissioner for Standards is not going to be costing anywhere near this kind of money, and we will be dealing with probably on a similar number of complaints, 2910 the rather vast amount of complaints that get to the Review Board Panel and Board system.

So I absolutely support this amendment because, as Deputy Roffey pointed out, it is simply reordering the Propositions and putting one other option on the table. I personally will be voting for 1, 2, and then 3. if I cannot get to that one. I personally would like to see something very much done like the SACC Committee has done with Jersey, where we have a joint commission, I think a joint ombudsman spread across the two Islands, an independent person, is a very good way to go, 2915 if we can get the price right.

If Option 1 is approved and the price is not right then Policy & Resources can always come back to the Assembly with a proposal to do our own system. But I will be voting in that order.

2920 I, hand on heart, truly believe that we need an independent ombudsman. I believe it would ultimately save the States money, both in direct cost and the indirect cost of things happening and perpetually being perpetuated that are negative, that need to be resolved. So I would wholeheartedly encourage all Members to both vote for this amendment, and then when it comes to general debate, to vote for 1, 2, and 3, in that order, to enable us to push forward with this.

2925 And the reason I do not go for 3 immediately is I do not think we need to do the work in the sense of how much is it justified, etc. I think this is so essential, as a Government, that we have that independent scrutiny that people can have confidence in, because even the people, as I said, have gone through the reward system are always harping on about the fact that they feel that the Civil Service are protecting their own. We are marking our own homework. There is no independence and impartiality in the system.

2930 So let us bite the bullet and get it done. So I will be voting 1, 2, and 3, hoping each in that sequence and that priority will be successful. I encourage other Members to do likewise.

Thank you, sir.

The Bailiff: Deputy Gabriel.

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Deputy Gabriel: Thank you, sir.

I will speak to the amendment and likely stray into general debate, so I will not be speaking in general debate. So when this first arrived on my desk I welcomed it, and because it seems well needed in my view, reordering the Propositions, because it seems that the current P&R has inherited many problems, and the appointment of either a joint or sole public ombudsperson could solve a few of them, especially around those who have complained about a decision, an act or omission in respect of an administrative decision made by, or on behalf of, a Committee of the States of Guernsey, which is what we are talking about. And again, I welcome Option 3 specifically, which if passed, may in November give us the opportunity to copy or even make use of the Tynwald service that this amendment gives.

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And my view is the public ombudsperson office could alleviate some States of Guernsey pressures surrounding those complaints as described, and perhaps freeing up some time, some officer time, which could be redirected to other well-needed areas that we have heard about this morning. And even if it did not do that, the creation of this body will give the public some much needed confidence that we, their elected Members, are doing something to help them. (**A Member:** Hear, hear.)

2950

We cannot often hear of an internal review of a process following a complaint. So what confidence does it give the public that a States' internal review is independent or impartial? And I am not casting aspersions here, because even if it is independent and impartial, as is quite often the case being a States' Member, it is the public's perception of that. The presumption that we should leave it to the next Assembly or cohort of States' Members, to me, is absurd.

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Think back to last term. Then, we were the next Assembly and what are we doing, we the current Assembly? We are putting it off to the next Assembly. So what confidence again, does the public have, and that we have, that the next Assembly will actually progress it? They may put it off again and the public left wanting. So those people that have approached us in desperation, hopeful that we can intervene in their particular issue with a States' Committee or decision, because in all reality, where can they go to get credible help if this independent body is not created?

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And if it is about cost, then what about the cost of not doing it? Deputy Meerveld already alluded to it, sir. Quite often we either pay out-of-court settlements or even have found wanting and the settlement not gone in the States of Guernsey favour, and that cost us a significant amount. And confidence in us, the people's representatives, is again diminished and cost.

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What about the moral cost? We have a duty of care to the people of Guernsey to provide an independent route to dispute resolution, with complaints made against our own system. An independent public ombudsperson is the way forward, and I have reworded the Proposition in the

policy letter. Establishing a public services ombudsperson should be a priority use of resources, and should be pursued further at this time.

Thank you.

The Bailiff: Deputy Prow.

Deputy Prow: Sir, may I try Rule 26(1) please, sir?

The Bailiff: Okay. Can I invite those Members who still wish to speak in debate on this amendment, because there will still be an opportunity to speak in general debate in any event but just on this amendment, to stand in their places?

Deputy Prow, is it still your wish that I put the motion?

Deputy Prow: No, sir.

The Bailiff: All right. Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

Members, I know we can theoretically talk about why we need something or why we do not need something, but I want to give you a very specific example that, based on my experience as a Member of DPA, I now think it is more essential than ever that we go ahead with establishing an ombudsman person facility.

One day last August, we were notified by officers at Planning that they would be sitting in a panel of what is called the Administrative Board Review (ABR). I would assume that most Members here, and certainly the vast majority of the public, would not have a clue of what ABR is, what it is there for, what the process is about, how many cases they have seen, etc. But that board exists to be able to look into complaints where complaints, internal complaints procedures undertaken by the States, were not conducted appropriately.

So myself, Deputy Oliver and Deputy Taylor had a lucky chance to go and observe the panel, and it was absolutely fascinating. To me it was a fascinating experience because it is an aspect that I think most of us have never been to, because I also believe it is one of the only live cases that ABR has properly looked into. And what is interesting is that, sir, I am not sharing any confidential information because the findings are public, so if you search for the Administrative Board Review and determination of complaint procedures, you will find that this report has been published. So DPA, as other Committees, will have internal complaints procedure processes.

And in this case we had a complainant who was not happy with certain decisions and the way they were conducted. So an internal complaint was submitted in 2020. Okay? 2020. So that complaint was reviewed by a senior planning officer. The complainant was not happy. It then had to go to be reviewed by a different senior person. The complainant was not happy. It had to be reviewed again by another person because the complainant considered there were conflicts of interest and other procedural irregularities.

All of that process had to be overseen by the most senior civil servant officers on numerous occasions. Okay? So we are now going through probably three cycles of extreme involvement by very senior civil servants, with the outcome that the complainant was still not happy with what was being determined, to a point where this was considered for investigation to the independent Administrative Review Panel. So we are now three and a half years into this process with a ridiculous amount of internal resources taken, and the outcome is still deeply unsatisfactory, both for the internal service and also for this person.

And I will just read what the complaint was about. The complaint in relation to what was investigated by the Administration Review Board was on two points. It was in relation to the conduct of the investigation of the complaint by the DPA, and this related to the Director of Operations

3020 appointing himself, failing to follow applicable complaints procedures, failing to notify the complainant of the right of appeal.

And on number two, in terms of the conduct of the second person who reviewed the complaint, in reopening and reinvestigating the complaint by failing to follow applicable complaints procedures internally.

3025 The findings were a unanimous decision of the Review Board to uphold the complaint, and this is because, in the opinion of the Review Board, whilst there was no evidence of impropriety, and I think, again, this is important, we are not trying to say there was any wrongdoing, but there was clear evidence, also that the DPA acknowledged, there was a justifiable perception of conflict of interest in the selection of the people who were doing the internal review of the complaints. DPA
3030 acknowledged procedural errors and the need to review all evidence available given the date of the complaint.

So clearly this indicated that we can do better, probably significantly better, in how we manage the complaints procedures, and that ultimate issue about conflict of interest, because you are ultimately going to be possibly reviewing your close colleagues or people you work with. How do you really
3035 define those boundaries of conflict? (**A Member:** Hear, hear.)

And the key recommendation from the Review Board of that process was that the Review Board's expectation in respect of the reconsideration is as follows: that another investigation will be carried out by an independent, impartial senior person with no prior involvement with the complaint or perceived conflicts of interest. So this was the key finding of the Review Board in terms of how this
3040 process should really be handled.

So this really ultimately, I think, very much focused points to the point that it is essential to have an independent and impartial process. But to me, I think that is absolutely key in terms of the trust the public will have, that the Government is able to be open and transparent in how they deliver services. To me, actually, probably one of the most important outcomes is the time savings, the
3045 resource and the financial savings we can make internally, but ensuring that there is less burden on the Civil Service in internally investigating the complaints and having to continuously go potentially through different loops when the complainants are not happy with the outcome of the investigations. And as long as this process is internal, there is a much higher risk that there will always be the perception of a conflict, whatever conflict of interest, and that the complainants will
3050 determine that those complaints were not considered impartially and appropriately.

So I think while there are concerns about the cost of establishing this service, I think there is fundamentally a much more important cost-saving and efficiency that has to be made, and a critical mirror of trust that we can show to the public that we can deliver the service openly and transparently.

3055 I think, sir, with this in mind I am actually grateful for the amendments that have been brought forward, and I would probably very much align with the voting that Deputy Meerveld suggested earlier, because I think actually it is something very important that we do progress this political term.

3060 **The Bailiff:** I am going to turn to the Vice-President, Deputy Soulsby, to speak to Amendment 3, please.

Deputy Soulsby: Thank you, sir.

The Committee did look at an early draft of this amendment yesterday, and its reviews. The
3065 Committee by a majority – we have heard Deputy Gollop already speak – believe that it was not right to do it this time, and what we ended up with is the amendment that we have already approved and are now substantive Propositions, as I said, did come out of working together and reaching a compromise solution, and I will reference that more again in a minute.

I will start with Deputy Inder, who was right when it comes to the Government Work Plan. This
3070 amendment basically is being brought in in order to try and get people to support Proposition 3, I

think; otherwise it is unnecessary. It could be put in ... I think Deputy St Pier said he would not support 1 and 2, but we could have 3. So, it could have just been this Proposition.

But anyway, that Proposition 3 effectively trumps other stuff that is in the Government Work Plan saying, 'Now let's bring this in and look at it now and get it all done by November,' and he also talked about problems and staffing. Well, the actual staff involved in this, and the same staff who produced the policy letter, the same staff that is actually serving SACC.

So I am hearing Deputy Meerveld talk about how and why it is important now and we do it now, but that those resources will effectively be taken away from SACC to do this. So I think we have got to think these are real resources. They are not like things in the ether. It is trying to balance priorities.

We are here, and people have been saying the priorities they think SACC should be doing, and yet this will take it, if we support Proposition 3 and people support 3, those resources will be taken away from SACC from that point of view.

Deputy Inder: I might be being a bit ... thank you for giving away, Deputy Soulsby.

I am not quite clear, and it may be me, it probably is. In the statement by Deputy Meerveld I think he said he did not have any resources at all. In fact, he said zero. Now we are hearing that he has now got resource support for SACC, so I am not entirely clear, genuinely I am not entirely clear whether these resources exist, and if indeed they do work for SACC. The point I think I am making is that if they then moved to something else, then it is less work and less support for SACC, which apparently the President does not know he has got.

Deputy Soulsby: Sir, I do think Deputy Meerveld – I do not think I need to give way to Deputy Meerveld, I can answer.

Resources have been provided to SACC, but they are shared. They are across various parts of the States. But that, well, it is one person. Let's face it, it is being stretched on different things, and it is not just this, it is Machinery of Government as well.

So we do not have banks and banks of people to do this work, and this member of staff has been involved in policy letter providing information for this debate at the same time. So I think people need to be aware it is quite a lean machine from that point of view.

But Deputy Gollop stated he is not happy that we should deal with this, but we are. I am just trying to reiterate to Members here, Members, having supported Amendment 1 before lunch, have inserted substantive Propositions, the first of which says to look at that, an ombudsman in light and as part of the review of finances in 2026.

Now that makes more sense, as Deputy Gollop said, well, we are not going to be able to look at this this term anyway. And that is probably true, that as I just said, those resources are tight. The resources that will be needed for the election as well. It is all tied up in the same thing. So it is unlikely to happen. That does not even include the legislation that will be needed, and I think there is enough that needs to be done, with Moneyval and everything else this term, so it is not going to be the highest priority.

It is not going to be brought in this term, so it makes more sense doing it at a time when we, and over a period, when it can be considered and as resources allow. And so that is what Proposition 1 is meant to set out. I am probably the person in this room who, as Deputy St Pier said earlier, has wanted an ombudsman more than anybody else, but I also understand the practicalities. I also understand the importance of consensus, and that is how we have ended up with the Propositions we have got at the moment, which will take us forward and in a more reasonable, pragmatic way than the Amendment 3 as part of Proposition 3 as part of this amendment. So I think, I hope that puts it into context for Members. We are trying to come up with a reasonable compromise to move things forward.

Deputy Ferbrache talked about resources and whether resources could be saved. I think he is right. I do not think there will be lots of savings. I think there will be minimal savings because we have got minimal resources that are already currently put in the Admin Review Board. There will clearly be more costs with an ombudsman, and that will be offset by the existing resources we have

got, and possibly complaint procedures elsewhere. I do not know, that work does need to be done, but as I say, that is work that can be looked at between now and 2026. But I disagree with him, as he knows, in terms of the need for underspend, and I think I can deal with that in general debate when I sum up.

But I think there are those who believe in it and those who do not. I think those have been quite heavily involved on social policy areas and in terms of Health & Social Care areas they might see it more than others do.

Deputy Meerveld talked about the current process, as Deputy Kazantseva-Miller did. I think I covered that off in my opening speech, and said P&R have said that they are happy to look at resources between now and then and see if we can at least improve the current process, which we know is not working adequately.

So as I say, I will finish now, we have considered everything. There are those who really, really want an ombudsman. Deputy Gollop is one, I am one. There are those who do not believe that we need an ombudsman at all, and we have got other priorities. What we are trying to do here is to find a way through that says we can look at this, and we know more work needs to be done. The information policy letter probably does not explain all the things that we should be looking at, and other areas that we could be looking at, and other options we could be looking at. But we can do that over a more reasonable period of time, rather than looking at this and reporting back in November this year.

So that is why the Committee are looking at this from a consensus compromise point of view and believe that they cannot go as far as supporting this amendment, but believe that Members should be supporting the substantive Proposition 1 that we have now got.

Thank you, sir.

The Bailiff: And the proposer of Amendment 3, Deputy St Pier, to reply to the whole debate, please.

Deputy St Pier: Thank you, sir, and thank you to Members who have contributed to the debate.

I think most of the contributions were actually towards general debate, so there is little to respond to. I would note in particular Deputies Burford and Roffey, who I think have nailed their understanding of this amendment, the key provision of which is to insert what would become new Proposition 3 to give an additional option, an additional choice, and in particular to find out whether there is a more cost-effective way of doing this, and in particular, also to identify what cost savings could be delivered as a result of doing this.

At the moment, we have a very skewed picture, which is only looking at the costs. There is no assessment at all as whether there may be any benefits, and that, in essence, is what the new Proposition 3 will provide. So I am grateful to Deputies Burford and Roffey for their analysis and indeed, for those others who have also indicated their support, and I do hope that a majority will support this amendment in the vote, sir, now.

The Bailiff: Members of the States, it is time to vote on Amendment 3, proposed by Deputy St Pier, seconded by Deputy Burford, and I invite the Greffier to open the voting, please.

There was a recorded vote.

Carried – Pour 23, Contre 14, Ne vote pas 0, Did not vote 2, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Brouard, Al	None	Mahoney, David	Bury, Tina
Blin, Chris	Dudley-Owen, Andrea		Parkinson, Charles	
Burford, Yvonne	Ferbrache, Peter			
Cameron, Andy	Haskins, Sam			
De Lisle, David	Helyar, Mark			
De Sausmarez, Lindsay	Inder, Neil			
Dyke, John	Le Tissier, Chris			

Fairclough, Simon	Le Tocq, Jonathan
Falla, Steve	Leadbeater, Marc
Gabriel, Adrian	Moakes, Nick
Gollop, John	Murray, Bob
Kazantseva-Miller, Sasha	Prow, Robert
Matthews, Aidan	Soulsby, Heidi
McKenna, Liam	Trott, Lyndon
Meerveld, Carl	
Oliver, Victoria	
Queripel, Lester	
Roberts, Steve	
Roffey, Peter	
Snowdon, Alexander	
St Pier, Gavin	
Taylor, Andrew	
Vermeulen, Simon	

3170 **The Bailiff:** So in respect of Amendment 3, proposed by Deputy St Pier, seconded by Deputy Burford, there voted in favour 23 Members, 14 Members voted against, no Member abstained, 3 Members did not participate in the vote, and therefore I will declare Amendment 3 duly carried.

What that means, Members, is that if you take Amendments 2 and 3, you do not need Amendment 1 anymore, you have got the seven Propositions, the first four from Amendment 3, and then they will be now Propositions 5, 6 and 7, added by Amendment 2.

And we go into general debate. Deputy St Pier.

Deputy St Pier: Sir, nobody is more surprised than I am to emerge from this debate so far, with all the Propositions having emerged from me. My goodness, there you go. Something has changed.

3180 Sir, I am going to speak early in general debate because I suspect there may be a desire to guillotine it at some point.

A few years ago I would definitely have been in Deputy Ferbrache's camp, and I would have been very sceptical about the need for an ombudsperson or an ombudsman, as it then would have been, and I would have seen it as exactly as he described it, as an additional layer of bureaucracy and cost.

3185 And my views have changed and they have changed substantially.

And what I have come to realise is that we, the States, the Government, are just not very good, in fact we are very bad, at handling complaints. (**A Member:** Hear, hear.) We treat everybody as a litigation risk with financial exposure, and that makes us defensive and hostile to the complainant, and the reality is that most, I would say nine out of 10, complainants just want to be heard. They want an acknowledgement that something went wrong. They want lessons to be learned so that others do not have to go through whatever it is that they have been through. And for the one in 10 who may want some kind of compensation, nine out of 10 of those, as Deputy Queripel said, simply will not be able to pursue that anyway. So a fear of litigation risk is, I would suggest, massively overblown and it drives the wrong culture and response.

3195 And again, I think, as Deputy Queripel said in his speech, we seem to have forgotten that our public bodies are in positions of authority over the lives of our community, and with that authority comes responsibility. And we seem to be careless in our disregard for the fact that our failure to handle complaints properly compounds the individual's trauma from the maladministration or other poor service that they have experienced.

3200 And all of this is actually explained extremely well in the policy letter at paragraph 3.12, and I quote:

Having considered all of the above and the functions and values of comparable systems in other jurisdictions, a number of drivers for change have been identified which would be addressed by the introduction of a PSO, and these would help to form its core governing principles:

- Perceived or actual absence of independent decision maker for a final appeal in States of Guernsey service user complaints process.
- International best practice to have access to an independent channel for all public service complaints should internal routes to resolve prove unsuccessful.

- Need for openness and transparency for service users to feel the complaints procedure is accountable and credible.
- Need for a more straightforward, accessible procedure that resolves complaints in a timely and efficient manner.
- Need for a procedure that is fair and effective in redressing those who may have suffered injustices, ensuring they receive proper explanations and feel listened to and supported.

Now, the reference to international best practice is interesting, given our recognition of the need to adhere to best practice in other areas, including, of course, financial services regulation, election rules referenced this morning by reference to the Venice Commission, and indeed our position in the world set out in the Government Work Plan objectives at the beginning of this term.

Now as it happens, there have been some really good examples reported in the media, and so in the public domain, in the last week or so, which illustrate how badly we handle this stuff. Although, for the avoidance of doubt, I have double-checked with families that I can reference them.

Now, the first one, the Curvengen petty debts claim against police officers seeking damages for alleged misconduct, giving rise to two years of litigation, only arose because of the way their original complaint was handled in a system without perceived impartiality or independence, leaving the complainant unaware, for example, of the existence of investigators, reports or outcome decisions.

Mrs Le Pelley, also referenced in the media this week, drawing attention to the appalling abuse of her vulnerable brother, Richard, because the family's complaint has dragged on and on with an absurd level of redactions – and they were absurd because I have seen them, both before and after the GDPR got involved – and the family is still waiting after more than three months, for information on an additional complaint in relation to other alleged incidents of mistreatment of Richard. In situations like this it is no wonder that complainants are left thinking that the public service is either hopelessly incompetent or is covering up its failings. (**A Member:** Hear, hear.)

HSC as the largest public service will receive its fair share of complaints, and their position is well-explained in the policy letter at paragraph 6.1:

6.1 Recent discourse around safeguarding and calls for an independent complaints procedure for Guernsey's health system...

– so I think that is an oblique reference to me –

...have arisen during the development of this policy letter, most notably from the recent debate in the Assembly following the publication of findings of the Privileges Panel ...

And paragraph 6.3:

6.3 Whilst establishing a PSO would improve the degree of independence for complaints handling in relation to maladministration and service failure, it would not address these calls in relation to independent review or handling of complaints for medical matters. Such matters would not be the remit of the PSO, and such concerns would default to existing regulatory procedures.

Now, sir, from my own experience, the four original families with safeguarding cases the policy letter refers to in the paragraph I have just quoted at 6.1, were not medical matters subject to other regulatory procedures. Had there been a PSO, the delay and costs of commissioning an independent review, which gave rise to the now infamous learning report, might have been avoided, and I might add, all that has flowed from that.

Now one individual contacted me with the following, and this has been touched on, I think, by Deputy Queripel or others, 'A complaint that involves more than one States' department is a nightmare. The complaints procedures for each have to be used, but they are not co-ordinated and neither are the appeals processes. It then generates more complaints about the way the complaints have been handled,' and certainly we have seen that in the Curgenven case as well.

Having given me permission to quote their case, they went on to give me the detail, and I am going to give you it in an abridged form. It is quite lengthy so this is the abridged version.

'It was essentially a typical SEN case where additional input from HSC was required to meet needs, and was included in a formal determination of SEN. In this case, there was a misleading contradiction in the description of need and a significant element of the identified requirements to meet need not provided, which meant that the placement was not

necessarily appropriate. I requested to appeal, hold a determination and Education confirmed with the Law Officers that I was legally entitled to do so. The Appeal Panel consisted of the Chair of the Employment Tribunal, an educational psychologist and a headteacher, both from Jersey. The panel agreed that the determination needed to be reviewed to resolve the anomaly in the description of need, but that overall the decisions taken by Education were reasonable because the key missing services were not their responsibility but that of HSC, and I would have to complain directly to them to resolve the issue. Getting it reviewed and corrected was a challenge, basically saying it was reasonable for Education to recommend a placement that potentially was not fully meeting the needs of the determination. Formal complaint duly sent to HSC. Full response took several weeks. Problem was the complaint was passed down to the relevant departments to investigate themselves. Understandably, they did not admit to any failings. I challenged the response and, following months of meetings and correspondence, it was escalated to the second stage appeal process, which involved the case being referred to Jersey. After several months in the system, they sent it back saying they could not deal with it because of the education element of the case.

Going round in circles here.

After that the only option seemed to be administrative review, though this could only send both Departments back to their decisions. Whilst the case was with the Chief Executive's office pending administrative review, Education and HSC offered to jointly commission an independent review of the case. It took four years of dogged persistence to achieve a resolution, a considerable unnecessary time, expense and stress to both parties. Most people simply do not have the resources and so just give up.

I will pause at that point to say that is a really key point and a really key theme, that I think Deputy Queripel touched on, is there are very few people who have the persistence, particularly when they are under the stress of a given situation, to continue, as they see it, battering their head against a brick wall, and they do just give up. And actually it does require real determination and grit and resilience, I would say, to power on.

I continue.

The Kathleen Marshall ...

– and this has been referenced again –

... review of the Children's Law ...

– and it is also noted in the policy letter –

... noted this, and of course, that report recommended that there should be an independent ombudsman for children. An ombudsman or complaints panel would probably be cost effective. The case I am citing must have cost thousands in senior officer time to no effect, and still resulted in the need to commission an independent review. Good luck to all those making the case for an ombudsperson.

Now sir, the policy letter does not attempt to quantify at all the cost burden of the inefficiencies in the current system and therefore the cost benefits of a more cost-effective system, including a PSO, and I would suggest, sir, that the cost avoidance on the Curgenven case alone would be enough to pay for a PSO.

We cannot actually afford not to do this. We are penny-wise and pound-foolish if we think our current arrangements are remotely fit for purpose. The policy letter recognises and concedes that they are not. We can do what our predecessors did in 2005 and 2006 and kick it into the long grass, where our successors will pick it up and spend more time and resources looking at the idea again, all while limping on.

So, sir, I will certainly support the case for PSO, and will be voting for what is now Proposition 3. Thank you, sir.

The Bailiff: As no one wishes to speak in general debate, I will turn to the Vice-President, Deputy Soulsby, to reply to the debate.

Deputy Soulsby: Thank you, sir.

It is not the most taxing of summings-up I need to make to a general debate. I do hear Deputy St Pier, and I know the experiences he has faced, and I know the experience of others as well. Of course, as I said previously, that bringing in an ombudsman will not cut out all the current frustrations when it comes to dealing with the States' complaints process, as he well knows.

3270 And so it is not going to be the *panacea* that people think it is, but from a personal point of view, it is clear that I absolutely support the bringing in of an ombudsman, what we are doing, and as the Committee has said, we are trying to be pragmatic and reach a compromise on this and find a way forward.

3275 We have all the options set out for Members now, and quite happy that they have the choice to vote. I do not think there is anything more I need to say.

3280 **The Bailiff:** Well, Members of the States, we will start with a vote on Proposition 1, as it is found in Amendment 3, which is to agree to proceed with the establishment of a Public Service Ombudsperson in conjunction with Jersey, because if that is approved, then there is no need to vote on Propositions 2, 3 or 4.

And I will ask the Greffier, if he will please, to open the voting.

There was a recorded vote.

3285 *Not carried – Pour 14, Contre 22, Ne vote pas 0, Did not vote 3, Absent 1*

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	Aldwell, Sue	None	Meerveld, Carl	Bury, Tina
Burford, Yvonne	Brouard, Al		Parkinson, Charles	
Cameron, Andy	De Lisle, David		Trott, Lyndon	
Fairclough, Simon	De Sausmarez, Lindsay			
Gabriel, Adrian	Dudley-Owen, Andrea			
Gollop, John	Dyke, John			
Kazantseva-Miller, Sasha	Falla, Steve			
Matthews, Aidan	Ferbrache, Peter			
McKenna, Liam	Haskins, Sam			
Oliver, Victoria	Helyar, Mark			
Prow, Robert	Inder, Neil			
Roberts, Steve	Le Tissier, Chris			
Snowdon, Alexander	Le Tocq, Jonathan			
Taylor, Andrew	Leadbeater, Marc			
	Mahoney, David			
	Moakes, Nick			
	Murray, Bob			
	Queripel, Lester			
	Roffey, Peter			
	Soulsby, Heidi			
	St Pier, Gavin			
	Vermeulen, Simon			

3290 **The Bailiff:** In respect of Proposition 1, there voted in favour 14 Members, 22 Members voted against, no Member abstained, 4 Members did not participate in the vote, and therefore I will declare Proposition 1 lost.

Which means we now turn to Proposition 2, which is the Guernsey-only Public Service Ombudsperson, and I will invite the Greffier to open the voting on Proposition 2 please.

There was a recorded vote.

3295

Not carried – Pour 14, Contre 22, Ne vote pas 0, Did not vote 3, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Blin, Chris	Aldwell, Sue	None	Meerveld, Carl	Bury, Tina

Burford, Yvonne	Brouard, Al	Parkinson, Charles
Cameron, Andy	De Lisle, David	Trott, Lyndon
Fairclough, Simon	De Sausmarez, Lindsay	
Gabriel, Adrian	Dudley-Owen, Andrea	
Gollop, John	Dyke, John	
Kazantseva-Miller, Sasha	Falla, Steve	
Matthews, Aidan	Ferbrache, Peter	
Oliver, Victoria	Haskins, Sam	
Roberts, Steve	Helyar, Mark	
Roffey, Peter	Inder, Neil	
Snowdon, Alexander	Le Tissier, Chris	
St Pier, Gavin	Le Tocq, Jonathan	
Taylor, Andrew	Leadbeater, Marc	
	Mahoney, David	
	McKenna, Liam	
	Moakes, Nick	
	Murray, Bob	
	Prow, Robert	
	Queripel, Lester	
	Soulsby, Heidi	
	Vermeulen, Simon	

The Bailiff: And in respect of Proposition 2 there voted in favour 14 Members, 22 Members voted against, no Member abstained, 4 Members did not participate in the vote, and therefore I would declare Proposition 2 also lost, which means we now move to Proposition 3, as included by Amendment 3, and I will invite the Greffier to open the voting on Proposition 3, please.

There was a recorded vote.

Not carried – Pour 18, Contre 18, Ne vote pas 2, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Burford, Yvonne	Aldwell, Sue	Blin, Chris	Parkinson, Charles	Bury, Tina
Cameron, Andy	Brouard, Al	Soulsby, Heidi		
De Lisle, David	Dudley-Owen, Andrea			
De Sausmarez, Lindsay	Ferbrache, Peter			
Dyke, John	Haskins, Sam			
Fairclough, Simon	Helyar, Mark			
Falla, Steve	Inder, Neil			
Gabriel, Adrian	Le Tissier, Chris			
Gollop, John	Le Tocq, Jonathan			
Kazantseva-Miller, Sasha	Leadbeater, Marc			
Matthews, Aidan	Mahoney, David			
McKenna, Liam	Moakes, Nick			
Meerveld, Carl	Murray, Bob			
Queripel, Lester	Oliver, Victoria			
Roffey, Peter	Prow, Robert			
St Pier, Gavin	Roberts, Steve			
Taylor, Andrew	Snowdon, Alexander			
Vermeulen, Simon	Trott, Lyndon			

The Bailiff: So in respect of Proposition 3, there voted in favour 18 Members, there voted against 18 Members, 2 Members abstained, 2 Members did not participate in the vote, and on an equality of votes, I will declare the Proposition lost. (**A Member:** You're joking!) Which means that we now have to have a vote on Proposition 4.

Deputy Taylor: Sir, could I have a recount on the previous one, Rule 26(4)(b) please?

The Bailiff: Yes, I will be prepared to allow, even though the system is the system. Having declared the Proposition lost on the equality of votes, there will be a second vote on Proposition 3.

Sorry, Greffier. Will you open the voting on Proposition 3, please Greffier, for the second time of asking.

3320 *There was a recorded vote.*

Not carried – Pour 17, Contre 19, Ne vote pas 2, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Burford, Yvonne	Aldwell, Sue	Blin, Chris	Parkinson, Charles	Bury, Tina
Cameron, Andy	Brouard, Al	Soulsby, Heidi		
De Sausmarez, Lindsay	De Lisle, David			
Dyke, John	Dudley-Owen, Andrea			
Fairclough, Simon	Ferbrache, Peter			
Falla, Steve	Haskins, Sam			
Gabriel, Adrian	Helyar, Mark			
Gollop, John	Inder, Neil			
Kazantseva-Miller, Sasha	Le Tissier, Chris			
Matthews, Aidan	Le Tocq, Jonathan			
McKenna, Liam	Leadbeater, Marc			
Meerveld, Carl	Mahoney, David			
Queripel, Lester	Moakes, Nick			
Roffey, Peter	Murray, Bob			
St Pier, Gavin	Oliver, Victoria			
Taylor, Andrew	Prow, Robert			
Vermeulen, Simon	Roberts, Steve			
	Snowdon, Alexander			
	Trott, Lyndon			

3325 **The Bailiff:** So in respect of Proposition 3, there voted in favour 17 votes, (*Laughter*) there voted against 19 Members, 2 Members abstained, 2 Members did not participate in the vote, and therefore it is still declared lost, and that is the final time of asking. It is not the best of three!

Deputy Taylor: I knew it was dodgy, sir, I knew it.

3330 **The Bailiff:** So now we will properly have a turn to Proposition 4, because each of Propositions 1, 2 and 3 have not been approved, and I will invite the Greffier to open the voting, please, on Proposition 4.

3335 *There was a recorded vote.*

Proposition 4

Carried – Pour 27, Contre 9, Ne vote pas 2, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Blin, Chris	Queripel, Lester	Parkinson, Charles	Bury, Tina
Brouard, Al	Cameron, Andy	Taylor, Andrew		
Burford, Yvonne	Ferbrache, Peter			
De Lisle, David	Gabriel, Adrian			
De Sausmarez, Lindsay	Haskins, Sam			
Dudley-Owen, Andrea	Helyar, Mark			
Dyke, John	Mahoney, David			
Fairclough, Simon	Matthews, Aidan			
Falla, Steve	St Pier, Gavin			
Gollop, John				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				

McKenna, Liam
 Meerveld, Carl
 Moakes, Nick
 Murray, Bob
 Oliver, Victoria
 Prow, Robert
 Roberts, Steve
 Roffey, Peter
 Snowdon, Alexander
 Soulsby, Heidi
 Trott, Lyndon
 Vermeulen, Simon

3340

The Bailiff: And in respect of Proposition 4 there voted in favour 27 Members, 9 Members voted against, 2 Members abstained, 2 Members did not participate in the vote, and I will declare Proposition 4 carried.

3345

We did not really need any amendments, did we? Does any Member – just a minute, Members of States – want to vote differently in respect of any of the Propositions that derive from Amendment 2, which are now Propositions 5, 6 or 7, or can I put the three of them to you collectively?

3350

If there is no request for any separate vote on any of them then, Greffier, if we can get the three Propositions together that will assist. Will you now please open the voting on Propositions 5, 6 and 7?

There was a recorded vote.

Propositions 5-7

3355

Carried – Pour 27, Contre 9, Ne vote pas 2, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	De Lisle, David	Brouard, Al	Parkinson, Charles	Bury, Tina
Blin, Chris	Ferbrache, Peter	Taylor, Andrew		
Burford, Yvonne	Haskins, Sam			
Cameron, Andy	Helyar, Mark			
De Sausmarez, Lindsay	Inder, Neil			
Dudley-Owen, Andrea	Le Tissier, Chris			
Dyke, John	Leadbeater, Marc			
Fairclough, Simon	Mahoney, David			
Falla, Steve	Prow, Robert			
Gabriel, Adrian				
Gollop, John				
Kazantseva-Miller, Sasha				
Le Tocq, Jonathan				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Trott, Lyndon				
Vermeulen, Simon				

3360

The Bailiff: And in respect of Propositions 5, 6 and 7, there voted in favour 27 Members, 9 Members voted against, 2 Members abstained, 2 Members did not participate in the vote, and therefore I would declare all three of those Propositions duly carried.

COMMITTEE FOR HOME AFFAIRS

7. Road Traffic Legislation – Amendments in Relation to Hazardous Driving, Drink-driving and Drug-driving – Propositions carried

Article 7.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Road Traffic Legislation - Amendments in Relation to Hazardous Driving, Drink-driving and Drug-driving' dated 30th October 2023, they are of the opinion to:

- i. introduce a new offence of Causing death by careless, or inconsiderate, driving including a provision for the courts to convict a defendant of this offence as an alternative to death by dangerous driving without it having to be specifically charged;*
- ii. introduce a new offence of Causing serious injury by dangerous driving;*
- iii. introduce a new offence of Causing serious injury by careless, or inconsiderate, driving including a provision for the courts to convict a defendant of this offence as an alternative to causing serious injury by dangerous driving without it having to be specifically charged;*
- iv. remove the requirement that evidential alcohol breath tests from suspected drink drivers are obtained only at a police station, and allow for portable test equipment to be used;*
- v. remove the option for suspected drink drivers to provide a specimen of blood or urine when they have already provided evidential breath samples over the legal alcohol limit;*
- vi. introduce specified legal limits for certain drugs and create an offence of Driving whilst over the prescribed limit for specified drugs;*
- vii. introduce a new offence of Failing to comply with a preliminary impairment test;*
- viii. approve the use of roadside drug screening tests for the detection of drugs affecting drivers and introduce a new offence of Failing to comply with roadside drug screening tests;*
- ix. amend the offence of dangerous driving so that the wording includes a definition similar to that applicable in England and Wales;*
- x. amend the offence of driving without due care and attention so that the wording includes a definition similar to that applicable in England and Wales;*
- xi. introduce new provisions and amendments to allow 'registered health care professionals' (in addition to medical practitioners) to take blood samples, and give advice, provide opinions, and do other related things for the purposes of drug and drink driving offences;*
- xii. direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The States' Greffier: Article 7, Committee for Home Affairs, Road Traffic Legislation – Amendments in Relation to Hazardous Driving, Drink-driving and Drug-driving.

The Bailiff: And I will invite the President, Deputy Prow, to open the debate, please.

3365

Deputy Prow: Thank you, sir.

This policy letter proposes important legislative changes, which are vital for keeping our road users safe. Although robust, Guernsey's road traffic safety legislative framework has not kept pace with other jurisdictions or societal and technological developments. The Committee's proposals

3370 seek to change that by modernising the Law to create new offences in relation to hazardous drink-
and drug-driving, as well as updating the Law to reflect modern alcohol and drug testing
mechanisms.

The proposals will not only enhance the effectiveness of operational policing in respect of these
road traffic offences, but also help to deter and remove drivers who represent a risk to the safety of
3375 others using the roads. These changes will also assist the efficiency of the criminal justice system
and equip the courts with appropriate sentencing options.

Referring to the new offences. Firstly, the amendments will correct the gaps in relation to
hazardous driving. Guernsey Law currently does not sufficiently cover the range of hazardous
driving offences, or necessarily impose penalties commensurate with the gravity of road traffic
3380 outcomes.

The Committee proposes the introduction of three new offences: causing death by careless or
inconsiderate driving, including a provision for the Courts to convict of this as an offence, as an
alternative to death by dangerous driving; causing serious injury by dangerous driving; causing
serious injury by careless or inconsiderate driving, including a provision for the Courts to convict a
3385 defendant of this offence as an alternative to causing serious injury by dangerous driving.

Definitions are also proposed for dangerous driving and driving without due care and attention
or careless driving. The amendments proposed seek to align with the legislation in place in England
and Wales. Secondly, the policy letter proposes a number of overdue modernisations to the drink-
drive Law, which also covers drug-driving.

3390 Driving while intoxicated through drink and/or drugs remains a problem in Guernsey. From 2017
to 2021, an average of 103 drink- and/or drug-drive offences per year were recorded. Referring to
drink driving, the drink-drive law was drafted in the 1980s, when breath-test machines for alcohol
were large, with a stationary fixed machine at the police station specified in the Law. This means a
driver has to be brought to the station for an evidential breath-test. Further, in the 1980s, there
3395 were concerns about the accuracy of alcohol breath-test machines, meaning that drivers can have
two chances to be assessed via breath-tests.

There is also a statutory option to have a blood or urine test in certain circumstances. Blood tests
have to be carried out by a doctor, which not only comes at a cost, but also means that alcohol
levels may diminish while waiting for a doctor to attend.

3400 Our legislation needs updating. The UK removed the statutory option for a blood or urine test
in 2015. It is time for Guernsey to do the same. Technology has moved on and so must we. We
know that the accuracy of breath-testing machines has been verified time and time again, and the
machines themselves have become smaller and lighter. The proposed legislation will mean that
modern portable breath testing equipment can be used.

3405 I now refer to drug-driving. Guernsey Police have seen an increasing number of instances of
suspected drug-driving, and we need to ensure that officers are equipped to deal with such offences
robustly, and keep road users safe. Cannabis is the most prevalent illicit drug locally. The drugs'
landscape in Guernsey has changed in recent years. Illegal class A and B, and I stress *illegal*, class A
and class B liquid vape products are becoming more commonplace. Diversion of prescription
3410 medicine is a recognised problem which extends to the diversion of medicinal cannabis, which may
see more people driving under its influence and making our roads more dangerous. These
proposals will ensure that the Police have the necessary tools to keep our roads safe, by providing
a range of indicative assessment tools.

Unlike drink-driving, there is no legislation for setting limits on drug that impairs driving. It is
3415 proposed that Guernsey introduces specified legal limits for certain drugs and create an offence of
driving whilst over the prescribed limit for specified drugs. The prescribed limits will be informed by
those in UK legislation. The Committee's proposals will mean that Guernsey Police can use their
roadside drug screening tests, which are already available to their UK counterparts.

The use of preliminary impairment tests for drug-driving will now be supported by an offence
3420 of failure to comply, giving the Police another tool in the box for supporting evidence to a person's
unfitness to drive. In addition, the use of roadside swab tests will be available to provide a

preliminary indicative test to show the presence of cannabis or cocaine in a driver's system. This will be supported by a new offence of failing to comply with roadside drug screening tests.

3425 It is important to note that the proposed legislation will still provide for a doctor to be called out when necessary to assess whether somebody who is thought to be unfit to drive is impaired due to a medical condition rather than a substance. Sir, I refer to the taking of blood samples.

Finally, the policy letter recommends amendments to allow registered nurses and other registered healthcare professionals designated by the Committee, to take blood samples under the drink-drive Law in order to make best use of resources.

3430 In presenting these proposals to the Assembly, I acknowledge that the Committee shares the responsibility for road safety with the Committee *for the* Environment & Infrastructure, and it is very grateful for the comprehensive response that E&I provided as part of the consultation process. Furthermore, the Committee will continue that dialogue in the drafting stage. These measures are about keeping our road users safe. I urge the Assembly to support them.

3435 Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

3440 E&I welcomes these proposed measures, which will have a positive impact on safety for road users. The deficiencies in this area of legislation are something that was raised in discussion between our two Committees earlier this political term, so it is great to see this work now come forward.

3445 I would like to thank the Committee *for* Home Affairs for consulting with E&I ahead of the publication of this policy letter, and incorporating our detailed feedback into its body and Propositions. I am grateful that the Committee *for* Home Affairs made changes that responded to that feedback, but I do want to put a little detail on the record in respect of one of the issues that we raised, as it is still a work in progress.

Proposition 9, or *ix* in little Roman numerals, asked us to agree that we:

ix. amend the offence of dangerous driving so that the wording includes a definition similar to that applicable in England and Wales;

3450 *d* – and I am supportive of the Proposition in this form, as it is not asking us to agree to copy the England and Wales definition exactly. Indeed, paragraph 3.10 of the policy letter makes that clear.

3455 The issue that E&I flagged in relation to this Proposition during the consultation phase, is that the England and Wales definition is famously problematic in terms of its practical application, especially in how it is distinguished from careless driving. This is formally acknowledged by the UK Parliament itself in various all-party parliamentary group reports, one of which recommends that the Ministry of Justice should investigate the issue because:

confusion and overlap between careless and dangerous driving means that often bad driving does not receive the level of punishment that the public feel it should.

This concern was reiterated in the APPCG's Road Justice Report 2023, which stressed the fact that there had been a formal recommendation to review this troublesome issue since 2014.

3460 We provided the relevant evidence illustrating this problem to Home Affairs, which they then looked into and adapted their Proposition to the form that we have before us today. I am hoping that when he replies to debate, Deputy Prow can confirm that his Committee would be happy to keep E&I in the loop with the legislative drafting with respect to this Proposition in particular, so that we can be satisfied that it does indeed minimise any risk of importing the problems associated with the England and Wales definition into our legislation.

3465 Some of the issues relate to sentencing policy, which is absolutely not a rabbit hole. I think this debate today should disappear down as it goes beyond the scope of this policy letter and the Propositions before us now. We know that a review of sentencing policy is to be progressed under

the justice framework, and that is a significant workstream that I know E&I very much welcomes and supports.

3470 In summary, while we do believe there is a need to tread carefully in respect of these new definitions, we are wholly supportive of these Propositions and the policy letter in general.

Thank you.

The Bailiff: Deputy Inder.

3475 **Deputy Inder:** Only briefly, sir.

I am generally supportive of the track that Home are going down, but on the breathalyser example, in the UK, I understand, and some very basic research, there are circumstances where members of the public may have a reasonable excuse not to take a breathalyser test. There are things like suffering from asthma or respiratory conditions, phobia of needles, prostate problems
3480 or urinary tract infection, mental health conditions.

I would like to hear from Deputy Prow when he sums up if reasonable excuses are not captured in this policy letter, might there be an instance where he or she refuses a breathalyser for reasons stated here, there might be an automatic assumption of guilt? Or is it? I am not entirely clear. Is there still an option to take a blood test should a person driving car be stopped and have that
3485 reasonable excuse?

Thank you.

The Bailiff: Deputy St Pier.

3490 **Deputy St Pier:** Thank you, sir.

I would like to begin by commending the Committee *for* Home Affairs for this policy letter. It is refreshingly clear and concise and makes a lot of common sense. So thank you. Thanks, through Deputy Prow, to the members of his Committee for this.

I have only got two points to make, one of which is slightly tangential and one of which I have
3495 already given notice to the President. The first he has already touched on in opening debate, which is the issue of prescription medication and how that is increasingly an issue, particularly the diversion of medicinal cannabis, and of course, it is not only medicinal cannabis that this is intended to deal with, there are obviously other prescription medicines which are also diverted.

However, we know that medicinal cannabis is a particular problem because of its extraordinarily
3500 exponential growth in recent years, and it really just highlights the challenge, which is a wider justice and health issue in operating a legal medicinal market alongside an illegal black market for recreational cannabis, and at some point there has to be some reconciliation of those two positions. So that is very much tangential to this policy letter, but it takes the opportunity to make a point.

The only substantive point relating to this policy letter, sir, is in relation to paragraph 3.8 where
3505 the policy letter sets out a provision in Jersey legislation for the definition of what a serious injury might be, and it says 'an injury that (a) requires hospitalisation for more than 48 hours.'

And I have given notice to the President that I would just like his Committee to give consideration, with appropriate advice from officers and no doubt from those that are drafting the legislation, as to whether consideration ought to be given to whether actually recommended
3510 hospitalisation is more relevant. And the situation I am considering there is actually if somebody is involved in an accident and they then self-discharge in less than 24 hours, which we all recognise that people involved in accidents are often experiencing trauma and they may just want to get home against the advice of their doctors, and it would seem unfortunate that the fact that they might self-discharge could potentially lead to the avoidance of a charge for those who are responsible.
3515

That is the issue that I am concerned about, whether it can be addressed in that way or another way, but it is an issue that I would like the Committee to give consideration to. But aside from that, sir, I will be supporting. Aside from that one question, I will be supporting all the Propositions.

Thank you, sir.

3520

The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

3525 In general terms, I am quite supportive of this, but I did want to re-emphasise what Deputy Inder said, that my concern was about the reasonable grounds. So in the UK, where someone can refuse to provide a blood test, they can only do so with reasonable grounds, otherwise they will be committing an offence.

3530 Now to me, just from this, I think it is paragraphs 3.3.9, I think it could touch on it, I would like some clarification. That is where it seems to me like there is the possibility that someone who is physically unable for some reason, say, I do not know, going through a bout of acute asthma or something like that, for which they will quite reasonably refuse, can then be charged, and I do not think would be right.

So I would also like clarification, if that is the case, whether I could vote against that, seeing as it looks like this is just all one Proposition.

3535 Thank you, sir.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

3540 I welcome these measures. I note paragraph 2.3 makes the point very clearly that it is not just about alcohol, but cannabis and vape products also. The Guernsey Police have seen an increasing number of instances in which it is suspected that motorists have consumed drugs which have impacted their driving, and cannabis is the most prevalent illicit drug locally, which is stated in paragraph 2.3.

3545 But I notice also that disposable vapes will be banned in the UK as part of an ambitious government plan to tackle the rise in vaping and protect health in general, and protection of health is one of the major proposals that has come through our Assembly last term, this term.

Deputy Inder: Point of order, sir. And I think it is very important that we ...

3550

The Bailiff: Point of order, Deputy Inder.

Deputy Inder: I am not entirely clear Deputy de Lisle is talking to the proposals in front of us. I cannot draw the connection between vaping and driving. I do not think it is illegal to vape and drive.

3555

The Bailiff: It may be, Deputy Inder, that what is in the vape is actually a controlled drug. So let Deputy de Lisle continue.

3560 **Deputy de Lisle:** Yes, I think one has to be very careful before jumping up and down in this Assembly, but all I was referring to was the UK and its concern, and the fact that it was taking action against disposable vapes, and I cannot understand why we are not following the UK on this.

3565 **The Bailiff:** Now, Deputy Inder, you are straying away from the Propositions here. This ... Deputy de Lisle. It just trips off the tongue, Deputy Inder! (*Laughter*) So, this is about the set of Propositions here, it is not about disposable vapes.

Deputy de Lisle: I realise that, sir, but the fact is that it is part and parcel of the Police checks, and what they are actually saying they have concern about. And they are making the point in 2.3 that vape products and cannabis, they are finding on checks that these have impacted the driving

3570 of certain individuals. So all I am saying is that we should be looking a lot more closely at disposal vaping and also cannabis with regard to the road responsibilities that we have as a jurisdiction.

So I very much support these measures that are provided here, and I am thankful that action is being taken to amend the current legislation. But I also feel that we should be taking a broader action with regard to some of these products.

3575 Thank you, sir.

The Bailiff: Deputy Ferbrache.

3580 **Deputy Ferbrache:** Sir, I think it is the point that was well-raised by Deputies Haskins and Inder, I do not think is a real point, but I do invite Deputy Prow when he responds to deal with it, because reasonable excuse, on my understanding, will still be available as a defence. For example, you cannot provide a breath test if you are asthmatic or you have got some other ailment, so that must exist.

3585 I would like him to unreservedly do that, but my understanding is that that is going to be part of the substantive legislation, and I think what this does generally, because drink-driving offences reported, I think, in England by the Road Safety Act 1967, we did not have our Act until 1989, and what we did when we brought it in, somebody who dealt with cases in the UK and then came back to Guernsey when you were able to defend somebody, if they could stand on one leg and talk back, take seven away from 102 and they would still have a defence until the 1989 Law came in, maybe doing two on a Friday afternoon once.

3590 But in relation to that, what the 1989 Statute did, quite sensibly, was take away a lot of the procedural faults that existed under the 1967 legislation and made it very simple. Is it the intent here, when the legislation is promulgated and developed, to make sure that if there are quirks and Deputy de Sausmarez has drawn attention to one in relation to a certain particular point, to really iron out any defects, faults, that might exist in the relevant English legislation, to make sure that the 3595 Guernsey one is as watertight and as free from problem as could be, because that is what they did in 1989 with the 1967 legislation; are we going to try and do the same with this?

The Bailiff: Deputy Leadbeater.

3600 **Deputy Leadbeater:** Thank you, sir.

Like the rest of the speakers, I am going to be supporting the Propositions, and I thank Home Affairs for the policy letter.

3605 I think that we need to thank the availability of medicinal cannabis for this coming forward, because that seems to have been the focus of the policy letter. But either way, there has been, as I think many of us recognise, we, Guernsey, have an issue with the diversion of prescription medication across the board and even without the diversion of prescription medication, there are hundreds or thousands of drivers out there prescribed high strength drugs across the board, be that your Tramadols, your opiates, or whatever they may be. So anything that we can do to make our roads safer in regard to people driving under the influence has to be supported.

3610 Just one other point, actually, when you look at 3.1.3 and it references the equivalent offence in England and Wales of careless and inconsiderate driving, and it says 'if a person drives a mechanically propelled vehicle on a road or other public place', and it references a mechanically propelled vehicle and just a search from the definition of that because I am just thinking of EVs etc., and the definition I found is mechanical cars are powered by an internal combustion engine, which 3615 converts the chemical energy stored in fuel into mechanical energy to propel the vehicle.

Electronic cars, on the other hand, are powered by an electric motor that are supplied with electricity from a battery or fuel cell. So could I just request that when the legislative drafting comes back to the Assembly, that that point is considered just to make sure that is completely flushed out and we have got no issues with people trying to circumnavigate the rules because they are driving 3620 electric vehicles?

Thank you, sir.

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir.

3625 I am certainly generally supportive of what we have got in front of us although I have some concerns with subsection x or 10, but I do not think that we are actually going to be able to vote separately. It does not seem to be a separate Proposition as such, but I may be wrong.

If I refer to 3.1.4 and subsection 4, which I am a little concerned is very subjective, or could be, in its interpretation. So we read at the moment 'a person is to be regarded as driving without
3630 reasonable consideration for other persons only if those persons are inconvenienced by his driving'. I assume it actually applies to all sexes, at the end of the day, it is not just guys that are going to get caught by this, but what is the explanation for 'inconvenienced'? And on whose say so do we actually decide what 'inconvenienced' actually means? It does seem somewhat subjective.

3635 So I would just like to know what the likely interpretation of that would be and by whom, so that we can understand whether an offence is actually at the behest of the person who feels that they have been inconvenienced, or the police officer who was either involved to assess the situation, or indeed the driver who has been accused of causing inconvenience. It just seems a little bit subjective to me, so I would appreciate an explanation of that.

Thank you, sir.

3640

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, sir. I will be supporting the policy letter, and I did want to comment though, because in relation to administered medication and treatment I always find it rather strange
3645 when I was receiving chemotherapy a couple of years ago, that I was never given any advice from my medical staff, who were all fantastic, about driving. I was able to drive afterwards, away from the hospital. They said you will be a bit wobbly, etc., but I would not allow myself to drive for up to a week after I had had my chemotherapy, because it is a very strong cocktail of drugs, and I do think that there is something in that; that certain cocktails of drugs that you are administered, when you
3650 have certain conditions, will render you in a position where personally you may feel unable to drive, and actually there should be something there. And I do wonder about this because I should imagine that had I been tested at that time, I would have probably been well over the limit, and it would not be just about cocaine or marijuana, because obviously those were not the chemotherapy drugs that I had been administered.

3655 However, that said, that certainly the point of the drugs was to treat a condition, but that would also render you really incapable of driving or operating mechanical machinery. But, I do wonder where that sort of blind spot is within this policy. Obviously, it is going to be made illegal, but actually there are administrations of certain medical treatments that probably would be covered by this as well. But I do wonder if there is any advice that we should be taking from medical
3660 professionals, and indeed, they should be looking at some of the advice that they give to patients after these administrations. And I just thought I would raise that in the scope of this, because obviously people would not want to be taken off the roads unnecessarily.

3665 But I am sure that given your own judgement after these administrations, certainly I felt that it was far too dangerous for me to be on the roads within a week of having some of these treatments that I had, and I would just like to pass a word of caution there, that I think that should be on our radar.

The Bailiff: Deputy Roffey.

3670 **Deputy Roffey:** I genuinely was not going to speak, but everybody else is having their little go at the minutiae, sir.

I am going to ask: paragraph 3.12 gives the current definition in Guernsey of driving without due care and attention, and it does not just relate to vehicles, but also relates to animals and I have

always found this quite interesting, because I think years ago, the cross references in what was the definition of animal and it cross referenced another bit of legislation which meant some animals were brought in and some were not. I am not sure if that is still the case.

I think at one stage it would be perfectly okay to be blotto in charge of an elephant, because that was not covered in the other thing, or a llama, but not some, not a chicken, actually, I think because it cross-referenced to some agricultural.

But whether that is the case or not, I am interested to know if we are going to go to the UK definition, whether animals are going to fall out of the consideration, because I would hate to see the whole equestrian, I am sure they would not, fraternity be able to hitch up their horses outside the local hostelry. That is like some Wild West thing, and I am just interested to know whether animals and alcohol will be allowed to mix in future, or whether we are going to maintain our strict regime of saying that you should not be drunk in charge of an animal.

The Bailiff: As I do not see any other Member rising, I would turn back to the President, Deputy Prow, to reply to that debate, please.

Deputy Prow: Thank you, sir, and I thank everybody who has contributed to the debate, and I think it is fair to say there is overwhelming support, which I am very pleased about, but there are some questions and comments that I need to close off in this debate.

I will start off with Deputy de Sausmarez. Can I just reiterate and thank not only the President, but all of the Committee of E&I for their engagement with this, which was actually extremely helpful, and it was also extremely helpful to the very able Crown advocate that has advised the Committee on this. And absolutely the particular issues that she has highlighted we are aware of, and we have responded, but I absolutely confirm that, using Deputy de Sausmarez's words ... keep her and the Committee in the loop in the drafting stage.

I think one thing that this debate has teased out is about the technicalities and the nuances of the wording of the Law. So not only will we do that, we will welcome the feedback in that as we proceed to the drafting.

Also, Deputy de Sausmarez did mention sentencing policy, and I am glad this debate, unlike some others, has not gone down that particular rabbit hole. And the Committee's view was we like to task and finish and complete things, and that the justice framework is the vehicle that we would like through the Government Work Plan and available resources, to be the vehicle for looking at sentencing policy more generally.

Both Deputy Inder and Deputy Haskins raised a point about somebody being physically unable to use the breathalyser and around the reasonable excuse. Now the legislation ... and I am very pleased and happy that Deputy Ferbrache did give us his experience around the UK situation, and reasonable excuse is a defence, and I think this also goes into the point that was raised by Deputy Dudley-Owen. And so, if there is a reasonable excuse whether it is not to conduct a particular test or a reasonable excuse as to why a person is found to be in excess of the prescribed amounts, particularly with drugs, that will be adequately addressed in the legislation, and obviously the legislation will come back to this Assembly, so that is a second chance for this Assembly to scrutinise that. Actually, dealing with that matter, Deputy Dudley-Owen and others have outlined situations where a person might fall foul of the legislation, but this is all about a person's fitness to drive and whether they are fit to drive or not, and again, we have the reasonable excuse provisions.

But also this will be about making much more public awareness. Medicine that is prescribed to you does come with warnings. When you open the box, you will find that there is a leaflet inside, and the manufacturers are very careful to advise people where a medication, particularly one that has any sort of psychotic effect, that there are warnings about not only the ability to drive, but using machinery, for example. And so all medicines will have those instructions from the manufacturer, but I think Deputy Dudley-Owen's point was about more awareness around these issues, and I agree with her.

3725 Deputy St Pier. I thank him for his support in this. He was absolutely right about talking about prescription medicines and to move away from referencing certain medication, and to highlight particularly the challenges around that particular subject. But I return to the theme, this is about somebody who is taking a medication or an illegal drug, and finds themselves in a position where they are unfit to drive. This is the thrust of the legislation.

3730 So this is absolutely about the ability to drive safely and that is the focus, and I think certainly that is what I drew out of the point that Deputy St Pier was making. I again thank him, as he always does where he has a question, and he thinks it is useful to put me on notice of it, and he is talking about the particular issue – and I will just find what the Law says – around the definition of serious injury, and the use of the words that he has picked out was about requiring hospitalisation for a period of 48 hours, and I take the point that he has made.

3735 I have done some preliminary research and asked for advice on that. What I will assure him, right from the get-go, is this is an issue that the Committee will take further forward and come back with a definitive answer. But the answer that I have at the moment, is that this wording is actually taken from a UK legislation in England and Wales. It is also used in other numerous enactments, including air navigation, which is an example.

3740 However, some use the word ‘involve’ rather than ‘require’, but the very able draughtsman has settled on the wording that we have, which is ‘require’. So it is a well-recognised definition of serious injury and it has stood the test of time, and the example that was given to me on analogy is if a serious incident was to occur, for instance, which required a plumber to fix it taking 48 hours, will be the case even if the repair is not attended to and causes a flood throughout that inaction. So the thinking is that that wording is adequate. But I will undertake to do further research, and I will certainly come back to Deputy St Pier, and this legislation will have further scrutiny when it comes back to the Assembly.

3750 Deputy de Lisle. I thank him very much for his support on this. He mentioned the question of disposable vapes and the broader considerations. I agree with him, but I think that that is a matter for another debate, and it is certainly a matter that the Committee *for* Home Affairs and the Committee *for* Health & Social Care are due to meet and discuss jointly on. So perhaps that does give him some reassurance, but I repeat that is not for this debate or this policy letter.

3755 And just to reinforce the point from some of Deputy de Lisle’s comments, this is all about the amount of drugs in somebody’s system which renders the person unfit to drive and cause a danger. So that is what we really need to be concentrating on in this debate.

3760 Deputy Leadbeater. I completely agree with his comments. Where we talk about diversion of medicines and controlled drugs, we should not talk in terms of one particular drug. I think the mention of prescription cannabis is around the views of the Police, as what they see is the highest prevalence of illegal drug use, so that is why it got mentioned.

3765 But his point is a good and powerful one. We should not be concentrating on any one particular drug. It is about terms of diversion because class A drugs and very dangerous drugs and medicines can and are diverted. So he makes a powerful point. I take on board his point around the vehicles themselves being driven when they are unfit, and he has alluded to section 3.1.3, and I think that is a good point, and I will further research and come back to Deputy Leadbeater on that.

3770 Deputy Murray makes a point I think around the last Proposition. The point I just wanted to endorse is that in the drafting of this legislation we are going to be extremely careful that we have analysed all the issues; and that where we do feel that there are improvements that can be made where we are looking at UK, England and Wales legislation, or other legislation, we will be extremely careful to ensure that the wording is fit for purpose, and is improved upon, and I hope that that gives him some assurance on that, and I think that is a point also made by Deputy Ferbrache.

3775 Deputy Roffey. I was not quite sure whether he talked about whether the animal was unfit to be on the roads or whether the person controlling them was. But it seems to me that it is not something either I or the Committee completely applied our minds to, but it would seem nonsensical to me that particularly somebody in control of, for example, a horse or a horse and cart on the roads should not be subjected to this legislation. But again, I will research that further.

So I hope I have covered all the questions that I was asked, and I ask everybody to support this legislative project.

Thank you, sir.

3780

The Bailiff: Well, Members of the States, although it looks like a single Proposition, I do not think it really can be. I think there are 12 Propositions here. So are there any requests to take any of the 12 Propositions separately? In other words, any Member who wants to vote differently, otherwise I will put them all to you together. I did hear muttering about Proposition 10. No?

3785

Well, if nobody wants to vote differently, then I will simply put all 12 Propositions to you collectively, and invite the Greffier to open the voting, please.

There was a recorded vote.

3790

Carried – Pour 36, Contre 1, Ne vote pas 0, Did not vote 2, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Roberts, Steve	None	Le Tocq, Jonathan	Bury, Tina
Blin, Chris			Parkinson, Charles	
Brouard, Al				
Burford, Yvonne				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

The Bailiff: So, the voting in respect of all the Propositions is that there voted in favour 36 Members, 1 Member voted against, no Member abstained, 3 Members did not participate in the vote, and therefore I would declare the Propositions carried.

3795

POLICY & RESOURCES COMMITTEE

**8. Schedule for Future States' Business –
Propositions carried as amended**

Article 8.

The States are asked to decide:

Whether, after consideration of the attached Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 20th March 2024, they are of the opinion:

1. To approve the Schedule; and

2. To agree that the General Update Statement to be provided by the Policy & Resources Committee shall be taken as the first item of business immediately after the lunch recess on 20th March 2024.

The States' Greffier: Article 8, the Policy & Resources Committee – Schedule for Future States' Business.

3800 **The Bailiff:** I will turn to the President, Deputy Trott, to open the debate in relation to this.

Deputy Trott: Thank you, sir.

3805 There is one slightly unusual Proposition for the Schedule for States' business, which might require a little bit of additional explanation. We are asking that the statement that is scheduled to be delivered on behalf of the Policy & Resources Committee be taken immediately after the lunch recess when we convene on 20th March, in order to enable me to attend an important event on behalf of the States the day earlier, and in the knowledge that I am unlikely to arrive into the Assembly until mid-morning on that day, sir.

Thank you.

3810

The Bailiff: Well, Members of the States, there is a rarity. There is an amendment to the Schedule, proposed by Deputy Oliver and seconded by Deputy Roffey, in accordance with Rule 3, paragraph 18. There are only three Members who are entitled to speak on the amendment. That is the proposer, Deputy Oliver, the lead requérant, Deputy Dyke, and Deputy Trott. So I am going to ask Deputy Oliver to speak to the amendment, please.

3815

[Amendment](#)

To insert the following wording at the end of Proposition 1.

"subject to deleting "P.2024/11 – Affordable Housing GP11" and inserting immediately before "Items for the Special Meeting of the States commencing on the 5th November, 2024" the following words:

"Items for Ordinary Meeting of the States commencing on the 24th April 2024

P.2024/11 – Affordable Housing – GP11""*

Deputy Oliver: Thank you, sir.

3820 It is the opinion of the majority of the Development & Planning Authority, the Committee for the Environment & Infrastructure and the Committee for Employment & Social Security, that the debate in March would be premature. The Development & Planning Authority is well advanced with its focused review of the Island Development Plan policies, including in relation to the housing land supply which is a statutory requirement. This includes a detailed examination of tariff payments and a review of the effectiveness of GP11. Industry experts, arc4, have ...

3825 Sorry, sir, you are looking at me funny. *(Laughter)*

The Bailiff: Well, can I just say, Deputy Oliver, you have got two minutes maximum to speak, so ...

Deputy Oliver: I will quickly go on.

3830 ... have been commissioned to undertake this work, which will be completed by the beginning of April 2024, with a presentation to the States' Members being arranged in advance of that meeting to explain the findings and the recommendations.

This is a complex commissioned work which has already involved extensive stakeholders. The arc4 report will be provided as evidence-base necessary to inform any debate on the delivery of affordable housing or GP11. It will be a valuable resource for the States' Members when debating this requête.

3840 If the States debate the requête in March, before having the opportunity to consider the evidence in the report, it would mean the debate would be relatively uninformed and would not take into account any of the considerable evidence, stakeholder consultation or expertise that are fed into the report.

Secondly, such scheduling would be problematic for subsequent publications of the report itself. The States risk publication criticism of wasting time, effort and taxpayers' money by commissioning the report and the debate is effectively already been taken part. As the arc4 report can be available at the beginning of April, this will allow an informed debate by the Assembly, the Development & Planning Authority, the Committee for Environment & Infrastructure and the Committee for Employment & Social Security, who between them hold all the mandates for housing, the effectiveness of its delivery, requests that the requête should be scheduled for consideration of the States' Meeting at the beginning of April – 24th April 2024.

3850 **The Bailiff:** And, Deputy Roffey, do you formally second that amendment?

Deputy Roffey: I do, sir.

3855 **The Bailiff:** Thank you very much.
Deputy Dyke, as the lead requérant.

Deputy Dyke: Thank you, sir.

3860 This puts me in a slightly awkward position. I have not had a lot of time to speak in person to the other requérants. I think we have slightly different views on this. Naturally, I think I smell a rat here, Deputy Roffey.

However, to avoid being accused of trying to have a debate before relevant evidence is available, I am inclined to accede to this request. I doubt if this report is going to be very relevant or tell us very much. I would be interested to know how much taxpayers' money we wasted on it. It was not put together by Planning.

3865 But anyway, having said that, we are delaying again by another month any possibility of getting decent sized housing projects moving, but I think on balance, in terms of getting the best possible result out of the debate, I will agree to this, although I have to say that not all the requérants agree with this position.

Thank you.

3870 **The Bailiff:** And finally, Deputy Trott, as the President of the Policy & Resources Committee, to comment on the amendment.

Deputy Trott: Thank you, sir.

3875 Under the circumstances, particularly in the absence of any strong opposition by the requérant to a delay till April, the Policy & Resources Committee's recommendation is that the States, in fact, do support the amendment.

Thank you.

3880 **The Bailiff:** Well, Members of the States, we go to the vote on Amendment 1 to the Schedule for Future States' Business, proposed by Deputy Oliver, seconded by Deputy Roffey, and I see the voting has already been opened, but I was going to invite the Greffier to open the voting.

There was a recorded vote.

3885

Amendment

Carried – Pour 30, Contre 6, Ne vote pas 1, Did not vote 2, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Ferbrache, Peter	Dyke, John	Le Tocq, Jonathan	Bury, Tina
Blin, Chris	Helyar, Mark		Parkinson, Charles	
Brouard, Al	Inder, Neil			
Burford, Yvonne	Le Tissier, Chris			
Cameron, Andy	Mahoney, David			
De Lisle, David	Vermeulen, Simon			
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Kazantseva-Miller, Sasha				
Leadbeater, Marc				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				

3890 **The Bailiff:** So, in respect of the amendment to the Schedule for Future States' Business, proposed by Deputy Oliver and seconded by Deputy Roffey, there voted in favour 30 Members, there voted against 6 Members, 1 Member abstained, 3 Members did not participate, and therefore I will declare that duly carried.

3895 Does anyone wish to debate the two Propositions now? Does anyone want to vote differently on Proposition 1, as amended, and Proposition 2? In that case, I will, when it is up, invite the Greffier ...

It has not got Proposition 2 on, but we will take it as it is. Proposition 1 as amended, and Proposition 2, and I will invite the Greffier to open the voting.

3900 *There was a recorded vote.*

Carried – Pour 38, Contre 0, Ne vote pas 0, Did not vote 1, Absent 1

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Parkinson, Charles	Bury, Tina
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Prow, Robert				
Queripel, Lester				
Roberts, Steve				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

3905

The Bailiff: And in respect of the two Propositions, there voted in favour 38 Members, no Member voted against, no Member abstained, but two Members did not participate in that vote, and therefore I would declare both Propositions duly carried.

3910

So, you know what you are doing at the next Meeting, and you know to save all your difficult questions for Deputy Trott until after you have had your lunch.

Can we now close the Meeting then, please, Greffier.

The Assembly adjourned at 5.23 p.m.