



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 9th April 2025

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Present:

Ms J E Roland, Deputy Bailiff and Deputy Presiding Officer

Law Officers

M. M. E. Pullum, K.C. (H.M. Procureur)

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
T. L. Bury	L. J. McKenna
A. Cameron	C. P. Meerveld
D. de G. de Lisle	N. G. Moakes
J. F. Dyke	R. C. Murray
S. P. Fairclough	V. S. Oliver
S. J. Falla	C. N. K. Parkinson
P. T. R. Ferbrache	R. G. Prow
A. Gabriel	L. C. Queripel
J. A. B. Gollop	P. J. Roffey
S. P. Haskins	H. J. R. Soulsby ^{MBE}
M. A. J. Helyar	G. A. St Pier
N. R. Inder	L. S. Trott ^{OBE}
A. Kazantseva-Miller	S. P. J. Vermeulen
C. J. Le Tissier	

Representatives of the Island of Alderney

Alderney Representatives E. Hill and E. A. J. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy H. L. de Sausmarez (*relevée à 10h 01*) ; Deputy A. C. Dudley-Owen (*relevé à 10h 58*) ;
Deputy A. W. Taylor (*relevée à 10h 58*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

CONVOCATION

The States' Greffier: Billets d'État VIII 2025. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Court House, on Wednesday, 9th April 2025 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate.

Rearrangement of business

The Deputy Bailiff: I apologise for interrupting you, States' Greffier. Before we go to the Statement from the President of the Committee for Home Affairs, I had a request from Deputy Oliver to reorganise business as she has a personal matter to attend to tomorrow, in relation to the Development & Planning Authority, if we get to it (*Interjection*) – today. I am terribly sorry. The appointment is today, she will be back this afternoon. If we do get to Article 9 by this morning, the request has been to rearrange.

So, the suggestion is that rather than – if you look at Article 9, the order being Development & Planning Authority, then the Further Legal Reform to Domestic Abuse and Sexual Offences and then the Double Taxation Arrangement with Bahrain, we move the DPA matter which is already opened but we need to deal with the amendments to the third item. So we will deal with Domestic Abuse first, then Double Taxation and then the DPA matter.

Those who support the motion please indicate pour; those against?

Members voted Pour.

The Deputy Bailiff: So there we are. We will rearrange that order accordingly. Thank you very much

Statements

25

General Update – Statement by the President of the Committee for Home Affairs

The Deputy Bailiff: I will now invite the President of the Committee *for* Home Affairs to give his Statement.

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Deputy Prow: Thank you, madam.

As we head towards the end of this political term, I am pleased to have the opportunity to present the final update to the Assembly on the activities of the Committee *for* Home Affairs. Some commentators have remarked that the amount of policy initiatives and legislation driven through the States this term by the Committee has been exceptional. There have been a number of themes that have occupied the Committee's agenda this term, including tackling financial crime, domestic abuse and sexual violence, managing the consequences of Brexit and the delivery of business-as-usual services that keep our community safe.

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We have not taken our foot off the pedal, and in recent weeks we have lodged policy letters in relation to nationality and borders together with P&R, approved ports and noisy vehicles together with the E&I, demonstrating our commitment to work strategically with other States' Committees in order to tackle issues that impact locally and nationally.

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Madam, therefore, may I pay tribute to my excellent Committee, including our non-voting States' Member, and indeed the great support we have received from the whole Assembly. Following their recent retirements, I must formally put on record the Committee's thanks to the Chief Fire Officer, Jon Le Page, and the Head of Law Enforcement, Ruari Hardy, for their years of dedicated service to the Island community. I welcome the new incumbents, Les Britzman and Damian Kitchen, respectively. The experience that they bring will be an asset to the services they represent and to the Bailiwick.

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In the last four years there has been a significant focus on activity aimed at combating complex financial crime and meeting the Bailiwick's obligations to comply with international standards. This has involved numerous policy letters providing direction for the development of a significant programme of legislative reform. This has improved the Bailiwick's statutory response to tackling financial crime and improved the jurisdiction's ability to recover the proceeds of unlawful conduct using enhanced civil remedies.

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The Bailiwick Strategic Co-ordination Forum, which I had the privilege to chair as President, and was supported by P&R, Home Affairs and Economic Development members, officers from across Committees and the authorities responsible, have ensured preparedness for the Moneyval evaluation and the Bailiwick's compliance with the FATF recommendations. The final Moneyval evaluation report was received at the beginning of February 2025. The Committee was delighted to be able to report that the Bailiwick achieved a highly successful outcome for the Moneyval evaluation. Securing a positive outcome was a major priority to the Committee, such is its importance to the continued prosperity of the Island's financial services sector.

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The EFCB and the FIU has been strengthened and placed on the statutory footing, and the Financial Crime Centre established at Marie Randall House paid for from seized assets and not the taxpayer.

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The Bailiwick obtained sufficient ratings for the immediate outcomes, by which its effectiveness in the area of anti-money laundering and combating the financing of terrorism, as well as combating the financing of proliferation of weapons of mass destruction.

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The Bailiwick is one of the few jurisdictions to pass all 40 recommendations around technical compliance. This secures the Bailiwick's position as one of the best compliant, secure and safe jurisdictions in the world for financial services. I again pay tribute to all those involved for their skills, often working long hours and going the extra mile.

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75 A delivery framework and governance structure has been developed and implemented. Policies and strategies have been strengthened with the publication of a National Strategy and the National Risk Assessment. We have achieved much, but cannot relax. It will be essential that Government continues to demonstrate its commitment to global initiatives aimed at preventing and eliminating economic and financial crime.

80 At the beginning of this political term, the Committee's agenda was monopolised by items brought about by the UK Government's decision to exit the EU. The withdrawal from the EU was not the end of a process, rather it marked the beginning of a complete reset of our relationships with jurisdictions across the world.

85 With regard to the movement of goods, necessary arrangements have been made to customs legislation and policies to fulfil the obligations of the Customs Union and the free trade arrangements. Recent amendments include methods of valuation import duty and the customs rules of origin, verification, determination and record-keeping. All of this has been necessary to deliver Government's ambition to be part of the Customs Union and not only to enter but also fulfil free trade agreements and, with regard to the movement of people, remain part of the Common Travel Area.

90 The Committee considers cybersecurity as a priority. Investment in cyber and telecom security is critical to ensure that Guernsey continues to be a stable, secure and attractive place to live and do business. Recent activity has focused on the creation of the Guernsey Cyber Security Centre, which will improve our Bailiwick cyber resilience, provide parity with the other Crown Dependencies and support the wider delivery of Government initiatives by ensuring data security. It is anticipated that the Centre will formally commence activity next term.

95 Young people today are growing up online and it is essential that Government provides the tools to help them navigate the content that is at their fingertips. Law enforcement's Digital Safety Development Officer works closely with the Neighbourhood Policing Team, across Committees and the third sector to create and deliver learning experiences, tools and resources to increase awareness and empower people of all ages to gain an understanding of online safety and security.

100 The Committee considers it essential that delivery of its criminal justice policy mandate is underpinned by fit-for-purpose legislation and has brought upgrading proposals to the Assembly this term.

105 We remain committed to progressing a comprehensive review of the police complaints regime. This work will involve public consultation and will inform changes to the way complaints about police conduct, direction and control of the force and service delivery are handled. A refreshed and enhanced complaints regime is essential if the public are to have confidence in the process and the Police in general.

110 The new Police Chief has already embarked upon an initiative of consultation through a public survey and has commenced a programme of events aimed at understanding the views of Islanders, which the Committee fully supports.

115 At the beginning of this term, the Committee identified tackling domestic abuse and establishing a Sexual Assault Referral Centre among its priorities. The first step was broadening the Domestic Abuse Strategy to include sexual violence, raising awareness of this social problem, with the objective of reducing instances of domestic abuse and sexual violence by providing a co-ordinated community response in the Bailiwick. New domestic abuse and sexual violence offences legislation has been among the Committee's most significant achievements this term, and I am hopeful that the Assembly will consider the second tranche of legislative proposals later in this meeting.

120 Working with third sector partners, Safer, Victim Support and Witness Service, and SafetyNet, the Committee has been able to support an open conversation about these issues, which affect so many in our community, providing a voice for victims and survivors, ensuring that they can access support when they need it, and that the criminal justice system is equipped to bring offenders to justice. I thank them all most sincerely.

Over the last year, Willow House, the Sexual Assault Referral Centre, has continued to grow and strengthen its services to better support individuals affected by sexual assault across the Island. Our

125 new service manager, who has now been in post for six months, has brought great momentum to the role, with a key focus on raising public awareness of the service. So far in 2025, Willow House has received approximately 60 calls to our helpline. They have carried out four forensic medical examinations and created a safe place for eight children to be seen following incidents of sexual assault.

130 In addition, we have referred 12 clients to the ISVA, the Independent Sexual Violence Adviser service, which is currently supporting 56 clients. Delivery of the Domestic Abuse and Sexual Violence Strategy should continue to be prioritised. In addition to the implementation of the statutory provisions set out in the new domestic abuse legislation, there should be a sustained focus to continue on working to improve refuge provision and the establishing of the SARC as a permanent service, moving away from its current pilot status.

135 Critical to discharging the Committee's mandated responsibilities and operational service is its workforce, with pay accounting for more than 90% of its budget. This term the Committee has consistently prioritised the delivery of sustainable service that can respond to changing societal pressures and meet community expectations through the prioritisation of resources, demonstrated through a commitment to review the target operating models of the Police and Fire and Rescue, and the merger of Population Management and Immigration.

140 The Committee for Home Affairs has made notable and tangible progress in advancing priorities this term. This has been possible by taking a collaborative approach, working across Committees with the third sector, supported by dedicated professionals with the objective of approving outcomes for the community and keeping our Bailiwick safe.

145 I must end by again thanking all our third sector partners for their invaluable contributions, hard work, expertise, and advice.

Thank you, madam.

150 **The Deputy Bailiff:** Thank you.

Any questions? Deputy Leadbeater.

Deputy Leadbeater: Thank you, madam.

155 Madam, I thank the President for his update and I apologise for not giving you an advance warning of this question. The Justice Review last term teased up an anomaly with the Rehabilitation of Offenders Act 1974 in the UK and the Acts locally, where convictions get spent far quicker in the UK than they do in Guernsey. For example, a conviction of over 30 months but less than four years, that conviction is spent in three and a half years in the UK and it is never spent in Guernsey, so that puts Guernsey ex-offenders at a massive disadvantage compared to UK counterparts when looking for employment and even things like car insurance. Can the President give us an update as to any progress the Committee has made in this area this term?

160 Thank you.

The Deputy Bailiff: Deputy Prow.

165 **Deputy Prow:** I thank Deputy Leadbeater for his question.

Yes, the work on the piece on criminal justice is a piece of work that was in the Government Work Plan and where we have moved to is to develop a justice framework, which we have published, and also to issue a Justice Action Plan, which we intend to do before the end of this term. This is a piece of work that was very dear to the heart of the Committee but has not, with the other priorities, been taken forward as quickly as we would like to have done. But it will remain in our pass-over document to the next Committee, as I agree with Deputy Leadbeater, that this is an area around the justice piece which does require further work in the next term.

170 Thank you, madam.

175 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, madam Deputy Bailiff.

180 As other Policy & Resources members know and people, I am quite interested in the islands of the Bailiwick, especially Sark and Alderney. It has been said that Sark's economy and tourism is affected by them not having a separate customs and immigration post. What efforts are being made to remedy this so that customers from Jersey and France can directly enter Sark and not have delays or going via Jersey or Guernsey?

185 **The Deputy Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Gollop for his question.

190 The fact of the matter is that to be part of the Customs Union and to maintain our place in the Common Travel Area, it is absolutely essential that services first clear customs and immigration in the approved ports in Guernsey. The ongoing discussions which have gone on for very many years around Sark's ability to operate a customs and an immigration port are basically in a place that the resourcing required and the infrastructure required at Sark's harbour would have to be developed, and that this would have to be done at the cost of Sark. So we have had no recent approaches around developing that conversation with Sark.

195 To maintain the security and safety of the Bailiwick as a whole, customs and immigration clearance has to be obtained in Guernsey before ongoing to Sark. Any changes to that will require significant investment from Sark.

Thank you, madam.

200 **The Deputy Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, ma'am.

205 I have mentioned in the past my interest in active community policing, and I have noted that there is a tendency to start and then later on stop and we do not have a continuum with regard to active community policing. So perhaps the President could update the Assembly with regard to where we are with community policing and what we can expect in the future.

The Deputy Bailiff: Deputy Prow.

210 **Deputy Prow:** I thank Deputy de Lisle for his question and it is a good question.

I mentioned in my update Statement that we have a brand new Police Chief. Both I and the Committee have had many conversations with him since he has been in post, and I can assure Deputy de Lisle and this Assembly that community policing, neighbourhood policing, he believes is an absolutely crucial plank in delivering policing, particularly in an Island setting. He is certainly at this moment in time investigating ways that neighbourhood policing can be developed. I take Deputy de Lisle's point that a consistent approach to that is one that the Committee very much supports, and certainly the Committee is very much behind the new Chief's initiatives with regard to neighbourhood policing.

215 Thank you, madam.

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The Deputy Bailiff: Deputy Gabriel

Deputy Gabriel: Thank you, ma'am.

225 In the previous response to Deputy Leadbeater, I heard the President mentioning about clearance of Sark. Is it still the case that Jersey residents wanting to take a day trip on their own vessel to Sark still have to clear customs and immigration procedures in Guernsey or has there been any temporary exemption allowed?

Thank you.

230 **The Deputy Bailiff:** Deputy Prow.

Deputy Prow: I thank Deputy Gabriel for his question. I apologise if I have not heard him completely but I think with reference to services from Jersey, we are in the process of upgrading the legislation with regard to this.

235 But with regards to services from Jersey, it is possible to make arrangements with the Border Agency around specific services, and I would encourage those operators wishing to have services from Jersey to Sark get in touch with the Border Agency.

Thank you, madam.

240 **The Deputy Bailiff:** Deputy Cameron.

Deputy Cameron: Thank you, ma'am.

Given the Sexual Assault Referral Centre's unsuitably close proximity to the Probation Service and the fact that the Victor Hugo Centre is planning to move into the building currently occupied by Probation, could Deputy Prow please clarify what future plans are in place for the relocation of the Probation Service?

The Deputy Bailiff: Deputy Prow.

250 **Deputy Prow:** I thank Deputy Cameron for his question.

He raises a very good point and indeed the Committee has in fact asked the same questions of Property Services. I think he is right that the location of Probation in its present facilities is something that needs to be addressed and that Property Services, I understand, are investigating what those possibilities are.

255 As far as I am aware, Property Services have not yet established or finalised their arrangements regarding not only moving Probation out of that building but other services that operate from it as well.

Thank you, madam.

260 **The Deputy Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, ma'am.

It may come as no surprise to Deputy Prow that I am going to ask him about the serviceability of the Leopardess. Back in his Statement of July last year I asked him, and I recall his response that it was going away to a Dutch shipyard for a £524,000 refit and that it would be serviceable in the new year. Here we are in the new year, what is the update on the Leopardess, please?

The Deputy Bailiff: Deputy Prow.

270 **Deputy Prow:** I thank Deputy Gabriel for his question.

The Committee and indeed Economic Development share his frustration that the refit of the Leopardess has not happened as quickly as we would like it to. Where we are is that the funding from seized assets has been secured and that the contract with Damen, the shipbuilder that actually built the vessel in the first place, have been completed and I am assured at the last update the Committee had that, as soon as Damen can give us a date, the Leopardess will set sail and go to the shipyard. The new engines have been ordered and we are in a very good place to have this achieved in pretty much short order.

Thank you, madam.

280 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: Some of us were very pleased to attend – me partly as a Douzenier – Mr Kitchen’s discussion to the wider public, the Police Consultative Group, Deputy Vermeulen was there, and I think we all benefited. But one issue that came up surprisingly strongly – wearing my Living Streets hat I was not surprised – is traffic safety. Will there be more resources put by Home Affairs into effective education and policing of pavement circling, excessive speeds, inadequate vehicles, and looking at appropriate road speeds and junctions and safety alignments?

The Deputy Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy Gollop for his question.

I did make reference to the initiatives of the new Police Chief regarding the public consultation and the survey, and the public consultation meeting that was held at Les Cotils, which I am informed was a very worthwhile exercise. He is right; from the feedback I have received, both from Deputy Vermeulen and the Chief of Police, is that many issues and challenges were raised and, rightly, the public concern around traffic and the standard of driving was raised as a concern. I think the best answer I can give Deputy Gollop is it is now a matter for the Police to digest the feedback that they have received and they will work with the Committee to see what more needs to be done and can be done in a very congested road network.

What I must say is that this term we have worked very much with Environment and Infrastructure around all these issues, and both Committees are very aware and doing everything they can to make our roads safer. But he is right, this is obviously a matter of public concern and more work needs to be done.

Thank you, madam.

The Deputy Bailiff: Deputy de Sausmarez, do you wish to be relevé?

Deputy de Sausmarez: Yes, please, madam.

The Deputy Bailiff: Would you now like to ask a question?

Deputy de Sausmarez: Yes, please, madam.

Following on from Deputy Gollop’s question I was wondering if the President was aware that actually in the last few weeks Jersey has issued a Collision and Casualty Reduction Plan based on the Safe Systems approach, and I wonder whether the President can commit to exploring whether such a plan could be useful; particularly tying in to the work that you have just referenced, that Home Affairs jointly commissioned with E&I on improving road safety and enforcement. So I wonder whether the President can commit to exploring whether Guernsey may also benefit from a similar plan to the one that Jersey has just published.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: I thank Deputy de Sausmarez for that very useful question.

The short answer is yes, absolutely, and I would endorse what I said before about working with her Committee, Environment & Infrastructure, around any initiatives we can do to make Guernsey’s roads safer; I absolutely applaud and will participate in.

Thank you, madam.

The Deputy Bailiff: Any more questions for Deputy Prow? Yes, Deputy Matthews.

Deputy Matthews: Thank you, ma’am.

335 The President mentioned in his speech about how Home Affairs has had a challenging start to the term with commitments for Brexit and Moneyval preparation. Could the President give the Assembly an indication of what will be in the handover pack for the new Home Affairs to try and progress that has been deferred from this term – such as elements of the justice review around sentencing – that the next Home Affairs Committee would look to try and progress that had not been possible to progress this term?

340 **The Deputy Bailiff:** Deputy Prow.

Deputy Prow: Yes, I thank Deputy Matthews for his question.

345 The answer is the Committee for Home Affairs has already agreed its Action Plan. Much of the work that needs to be passed over is a continuation of the matters that he has actually already highlighted, which is around continuing the aftermath of the effects of Brexit, and absolutely continuing the work on financial crime. We must not take our foot off the pedal.

350 There were helpful questions from Deputy Leadbeater. One of the areas that will appear in that Action Plan is around the criminal justice piece and the Action Plan, and indeed the matter that he has raised in his question around looking at sentencing and sentencing options is key to that. These are areas that require a lot of consultation with all the stakeholders involved and the public, and with all the priorities that we have had this term we have not been able to progress this as much as we might, and he is right to raise this as an area that must become a priority in the next term.

Thank you, madam.

The Deputy Bailiff: Thank you. Any further questions? Thank you.

355 Before I go to the next statement, Deputies Dudley-Owen and Taylor, do you wish to be relevé?

Deputy Taylor: Yes, please, madam.

Deputy Dudley-Owen: Yes, please, madam.

General Update – Statement by the President of the States' Trading Supervisory Board

360 **The Deputy Bailiff:** Thank you.

I will now turn to Deputy Roffey for a Statement on behalf of the States' Trading Supervisory Board.

365 **Deputy Roffey:** Thank you, madam.

370 Most President Statements provide a snapshot of current projects and issues affecting the Committee's mandate, which are either occupying that Committee's attention at the time or will be over the months ahead. But with only weeks of this term to go that approach is really no longer meaningful. So I am going to focus instead on the legacy that we will leave for the next STSB, but it is also worth reflecting on where we have come from over the last four and a half years.

375 At the start of this term the Island was still in the midst of the COVID pandemic, which was nothing short of a disaster for Guernsey Ports. It impacted on travel/their revenues and completely wiped out all of their cash reserves. Passenger numbers – the driver of critical income streams – have picked up again since but remain some way short of pre-COVID levels, so regrettably Guernsey Ports has had to rely on taxpayer funding.

Financial recovery has been a challenge but it is essential. There is a good argument that Guernsey Airport should receive some amount of central funding to reflect the fact that it is a key economic enabler, which could be undermined if it had to rely solely on user charges. But beyond

380 that, Guernsey Ports should be largely financially self-sufficient. We have, therefore, implemented a plan to return Guernsey Ports to a sustainable, self-funding position, including £1.3 million worth of costs savings throughout the next two years and growing non-aeronautical and non-maritime revenues considerably.

385 These steps, alongside the well-publicised phased increases in user charges over a three-year timescale should eliminate the need for taxpayer funding by 2026. Save for the possibility of an airport PSO, which I just mentioned, plus any specific funding which may be required very occasionally on one-off, very large, strategically-focused capital projects, which are essential for the whole Island.

390 Addressing historic underinvestment in the current Ports infrastructure, particularly at the harbours, remains a challenge. But considerable progress is being made with capital expenditure in 2024 of £4.4 million and Guernsey Ports aiming to increase this to £6 million by 2026. This progress is in part thanks to our investment in more in-house project management resources. This not only allows us to tackle the significant portfolio of work that is in train or in the pipeline, but it also reduces our reliance on costly external consultancy support.

395 The STSB is pleased that the DPA has published the Draft Local Planning Brief for the Harbour Action Areas in St Peter Port, St Sampson, and the Vale, of course. That has been long awaited and will hopefully remove some of the obstacles to development within and around the current harbours, which the absence of these detailed plans has obviously made more difficult.

400 In July 2022, if Members can remember, we presented a detailed policy letter setting out the Island's future harbour requirements and options for delivering those. Regrettably, that debate did not result in any clear direction at all, but one positive was the subsequent formation of Guernsey Development Agency which is tasked with unlocking development potential along the Island's eastern seaboard; something that successive States have so far failed to progress. However, despite that positive nearly four years on from that debate we are no closer to agreeing a future harbour strategy, which is going to be absolutely key to delivering development on the east coast. That now will have to be left to the next Assembly.

405 One infrastructure decision which we can resolve is the future use of Les Vardes Quarry, which we have a chance to debate later this month, and it is critical. In the event of a severe drought occurring the Island's current water storage reservoirs would be unable to meet demand with an estimated supply deficit of nearly 3 million litres per day. That would necessitate strict water rationing with potentially significant social and economic consequences. That is the situation today before allowing for the anticipated population increases and potential changes in future rainfall patterns.

415 I accept that demand management measures such as compulsory metering and supply improvements, such as PFAS treatment, will go some way to reducing that deficit. But it can only be fully addressed by investment in a major new water resource, which would be a multiyear project. The STSB, therefore, fully supports the Committee for Environment & Infrastructure's recommendation for a new reservoir at Les Vardes as well as the proposal for a new land reclamation project at Black Rock. The latter will prove a medium-term solution for inert waste, which we are currently having to temporarily stockpile at Longue Hougue, because that is another issue that this States so far has failed to address, but luckily we have the opportunity to correct that before the end of this term. There is still a great deal of work to be done but if States' Members give the go ahead we will work closely with the GDA to deliver that new land reclamation project, which has a lot of potential benefits for The Bridge area.

425 Continuing on the infrastructure theme, and to give this Assembly credit, both the Energy Policy and Electricity Policy have been agreed this term. The latter provides clear direction for Guernsey Electricity to develop strategic investment plans which will support the Island's energy transition. Key to this will be additional interconnection with the European grid and appropriate reinvestment in the transmission network to meet future requirements. A key focus of the next Assembly will need to be to finalise these long term plans and agree how they can be funded.

Guernsey Electricity has also benefited from the decision by this Assembly to end the previous dysfunctional regulatory system, which left both tariffs unchanged for a decade. Investment in the Island's electricity infrastructure had fallen well below what is necessary, but thankfully that is now being addressed. Regrettably, that has required significant price rises in the short term, however, that will ensure that Guernsey Electricity is generating sufficient revenues to properly maintain the existing network. The need for future bill increases will be mitigated by efficiency savings of £1.65 million over the next four years, which the STSB has set as a requirement in the 2024 tariff application review.

Returning to matters that are still to be resolved, we have the future of the Guernsey Dairy. We were very encouraged by the clear vote of support that the Assembly gave to the local dairy farming industry in February, which also acknowledged the important role of the Guernsey Dairy. But we do now need to move ahead and replace the current ageing facility with a more modern, efficient, and fit-for-purpose dairy. We, therefore, hope this will be included in the next capital portfolio. In the meantime we are investing around £2 million on priority maintenance to maintain safe and compliant operations on the current site.

On a very positive note, I can report that Waitrose has agreed to stock Guernsey butter in 240 of their stores throughout the whole of the UK. (**Several Members:** Hear, hear.) It was previously available in a much more limited range of its UK supermarkets because regular supplies could not be guaranteed. However, the Dairy is now able to increase butter production by utilising the milk and cream that would previously have been used to produce cheese. That will provide a much better return and it is expected to boost Guernsey butter sales by around 15%.

The STSB regrettably will not be able to present to this Assembly the findings of its investigations into a new marina development in St Peter Port. This would have been something of a premier offering compared to the facilities we currently provide for local and visiting boats. As we have highlighted previously, our work indicates that it is a genuine economic development opportunity with the potential to provide a real boost for a number of sectors, however, it does come with a considerable price tag and that presents a funding challenge. We hope that Policy & Resources can complete their work on that soon because the policy letter is otherwise ready to go.

That brings me to Aurigny. We are all only too familiar with the significant problems encountered during 2024 which will no doubt weigh heavily on its financial results for this year. However, it should be remembered that our airline had very good results in both 2022 and 2023 and, therefore, it is not envisaged that any losses in 2024 will require further capitalisation. Of course the sub-par performance for about seven or eight months during last year not only damaged Aurigny itself but also the Island as a whole. The STSB always takes its role as an active shareholder very seriously and we were very keen to ensure that Aurigny was held to account during this period of unacceptable performance and that it was corrected as quickly as possible. That is why we commissioned an expert external report on both the events of last year and Aurigny's wider business model.

Thankfully I can report that we have seen a return to the reliability levels seen before last year's so-called black swan event, with reliability now ahead of industry comparators. But I have warned Aurigny it will take a very long period of reliable operations before its reputational damage is fully repaired.

On a happier note, the Paris link launched last year has proved to be a great success, as have the regular Dublin services. Both of these provide further onward connections and hundreds of international destinations as well as going through London. The PA Consulting report last year identified a number of challenges that the airline will need to address, but overall it concluded that Aurigny was well-placed to deliver on its route network.

Staying with aviation, to our Alderney colleagues, I am truly sorry that we have not been able to deliver the runway refurbishment that we worked so hard on during this term. That too was initially affected by COVID; first delaying this and other airfield projects, and then as we discovered through the tendering exercise resulting in a backlog of simpler, more attractive projects being out there in other places for contractors. That timing has been most unfortunate but we hope that the debate this month can help find a resolution. The STSB remains ready to support that in whatever we can.

In closing, the Trading Group businesses are responsible for some of the Island's most important infrastructure, which is vital to the provision of various essential services. It is capital intensive and requires long-term planning, both technical and financial. That is one of the benefits that we hope
485 can be brought about to the incorporation of Guernsey Water, Guernsey Ports and States Works, which Members agreed to in principle last month. By loosening the direct political control over these businesses and instead focusing on setting high-level priorities and objectives, they can in turn focus beyond each individual States' term.

The work around incorporation has been a significant undertaking for the current STSB and it is
490 something now that the next STSB will be charged with progressing. We do not underestimate how much there is still for them to do. The next STSB will also have to continue tackling the appalling legacy of historic underinvestment in infrastructure over previous terms. That has been an absolute key focus for the STSB during this term and the next iteration is going to need the political support of the next Assembly if it is going to continue to address this challenge.

495 **The Deputy Bailiff:** Thank you. Deputy de Lisle.

Deputy de Lisle: Thank you, ma'am.

Deputy Roffey touched on increased tariffs to the public in terms of electricity pricing. Would
500 Deputy Roffey and the STSB bring in some form of independent regulation in some way or other? We have gone through some quite extraordinary hikes in rates and charges, particularly in terms of electricity, water, and ports mooring fees. Can Deputy Roffey please see some movement to at least a partial move away from States' regulating trading boards with respect to rising prices?

505 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: With the greatest respect to Deputy de Lisle I do not think that falls within our mandate. The whole question of regulation is one for Economic Development. We know that they
510 are working on new forms of regulation. We were going to have a presentation the other day but that slipped slightly, but whether or not any form of regulation applies to any of these areas will be a matter I guess for this Assembly on the recommendation of Economic Development.

The Deputy Bailiff: Deputy Burford.

515 **Deputy Burford:** Thank you, madam.

Does the potential emergence of a Heathrow route give the President any concern for the viability of Aurigny?

The Deputy Bailiff: Deputy Roffey.

520 **Deputy Roffey:** We have not seen any proposal for a service to Heathrow but I have read the *Guernsey Press* like she has, and there is no doubt that a link to Heathrow not provided by Aurigny, particularly if it was subsidised, would cannibalise very considerably the main route of Aurigny to Gatwick. The STSB had some initial considerations of this concept very recently and were very clear
525 that under the current Air Connectivity Framework approved by this Assembly we could not support any kind of airport subsidy – because we would not be allowed to under the instruction of this Assembly – that cannibalised another route. So that is where it stands at the moment.

But, yes, it would certainly very much change Aurigny's business plan and viability because they
530 have built their business plan around the instructions of this Assembly in that framework.

The Deputy Bailiff: Alderney Representative Snowden.

Alderney Representative Snowden: Thank you.

535 Could I just thank the President for his comments about the Alderney runway. Regarding a recent incident when we had no planes for Alderney, and Skybus I believe came to the rescue, which was great to see and a lot of support there, could I just ask the President, I think you said before when I asked you that Aurigny was looking to a new aviation model. Is there any progress with the new aviation model that you can update us with?

Thank you.

540 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: Yes, good progress has been made but it is still subject to financial and commercial sensitivity. However, because there have been so many false rumours Aurigny are happy for me to put out the basic concept that they are looking at, which would obviously be subject to approval by STSB as shareholder and P&R as the PSO issuer.

545 As has rightly been rumoured, their idea is to replace the Dornier with Twin Otters. However, it is not for Aurigny to buy any Twin Otters, the idea is that Aurigny would reduce to only having ATRs but that they would do what is called damp-leasing, which is halfway between wet-leasing and dry-leasing, so the planes would belong to somebody else but would be badged in Aurigny's colours and flown by Aurigny's crew.

550 The big advantage of that is there will be huge cost savings for maintenance at Aurigny only maintaining one type of aircraft, whereas the owner of the Twin Otters would also have a number of other Twin Otters so they would be looking after that maintenance. So it would be a very considerable cost saving. I know they are also looking at the possibility of having a third aircraft on standby for medivac so that they do not have to constantly take the passenger aircraft out of circulation whenever a medivac comes about. They believe that this will not only increase resilience considerably, for instance by making sure replacement aircraft are available when maintenance is going on, but it would also reduce the cost of the PSO.

560 That is their concept and I think they are talking to two large fleet owners of Twin Otters at the moment, and I am not going to name them because it is a competitive situation.

The Deputy Bailiff: Deputy Vermeulen.

565 **Deputy Vermeulen:** Thank you, ma'am.

I thank the President for his update. I seem to remember that I, along with many other Deputies, voted for redevelopment of St Peter Port Harbour which was coming in at £450 million, which seemed extraordinarily expensive. I see other ports have been creating deepwater berth facilities with eight metres under the keel. Douglas in the Isle of Man did one recently for £11 million. Is there any appetite to provide a similar deepwater berth for ferries, maintenance for windfarm vessels, or indeed cruise liners?

The Deputy Bailiff: Deputy Roffey.

575 **Deputy Roffey:** There is certainly an appetite to have a deepwater commercial harbour somewhere along the east coast. The research into that was taken out of our hands and given to P&R; I do not know where it stands at the moment. But the £450 million, there was never any intention that the taxpayer would stump up anything like that. As is now being shown by the GDA's work, the potential to release important areas for commercial development would have been the main driver of that. If I did not get that across properly in 2021, despite my best efforts, I apologise. But that was really always very clear that that would be the case.

580 But the idea that a deepwater port is going to be created for just a few tens of millions of pounds I am afraid is just absolute pie in the sky, I think.

585 **The Deputy Bailiff:** Deputy Le Tissier.

Deputy Le Tissier: Thank you, ma'am.

I would like to thank the President for his Statement. Would the President please tell me when we might be able to leave liquids under 100 millilitres in the cabin baggage when they go through the scanner, such as other airports nearby, including Gatwick?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: It is entirely driven by regulatory requirements. We did go through a period where we were permitted to do that and people left their liquids in. I do not know exactly when that situation will happen again but I will try and find out if there is any estimate and get the relevant officers to reply to Deputy Le Tissier.

The Deputy Bailiff: Deputy Helyar.

Deputy Helyar: Thank you, ma'am.

Deputy Roffey mentioned the forthcoming policy letter on waste and water, and having read through that I noted that there is an estimate in there of £20 million to plumb in Les Vardes. There is also no estimate for how much Les Vardes would cost. Given that Guernsey Water is about to be commercialised it will, therefore, need to stand on its own two feet in terms of its capital expenditure. Has STSB done any estimate of – say it is £20 million for Les Vardes, so £40 million of capital - how much that will add to local people's water bills going forwards?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: The development of Les Vardes in the medium term has always formed a part of the – one thing that Guernsey Water does have that a lot of other Guernsey businesses and departments do not have is a very well developed capital and financing programme going forward, and that is very much a part of it. I do not believe the purchase is in there but certainly the development of it as a water resource is. I will tell Members one thing, I suspect it will be an awful lot less impact on the people's bills than having to go for desalination, which would probably be the alternative option.

The Deputy Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Madam, the President lamented the lack of progress on the decision of the future harbours. However, a budget – if my memory does not fail me – was approved of about £4 million for the Ports to undertake the necessary technical work to progress that decision. Could the President update the Assembly on what work has been progressed since that decision was made?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I cannot because it was taken out of our mandate, and it was that £4 million was approved for P&R to commission – I am sorry, Deputy Kazantseva-Miller can shake her head all she likes, the reality is that that task was given to P&R to do. My understanding is it has not yet been done but you will have to ask P&R to be sure of that.

The Deputy Bailiff: Deputy Queripel.

Deputy Queripel: Ma'am, can the President please clarify how much influence, if any, STSB are permitted to have in the operational issues of Aurigny?

The Deputy Bailiff: Deputy Roffey.

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Deputy Roffey: Almost none apart from holding them to account for the outcome of those operational issues. The role of the STSB and the States is to set strategic targets which will obviously influence the way they operate. We were talking about the future of the Alderney services just a minute ago. Obviously the sale of assets like Dorniers, they would need a shareholder agreement to that because they are a significant part of their asset base. But day to day, no, Aurigny is not a States' run airline and I am glad it is not a States' run airline and I never want to see any States' run airline because it is usually not a good formula.

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The Deputy Bailiff: Deputy Dyke.

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Deputy Dyke: Thank you, ma'am.

I thank Deputy Roffey for his presentation and congratulate him on the excellent news regarding the export of butter. I think that is a major bright point. Could I follow up on the question of electricity prices? We do not have a regulator now. I assume that negotiations will be going on with EDF as to the price of their electricity when our current deal runs out either this year or next year. I do not expect him to give me details of the negotiations but could he agree in principle that if that electricity becomes too expensive for our people to pay for there comes a point that we would have to switch back on our power station full time to provide electricity from that?

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The Deputy Bailiff: Deputy Roffey.

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Deputy Roffey: All of the indications are that thermal generation on Island would prove considerably more expensive than importation. The current contract runs out at the end of 2027. The Channel Islands grid – not just Guernsey Electricity – are negotiating not just with EDF but with other potential providers from the European grid. The most likely outcome will be EDF, I fully accept that. I think the negotiation is going reasonably well but I must flag up that one characteristic of any new contract is likely to be that the volume risk is passed to Guernsey from EDF.

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So we will be contracted to take a particular level of electricity, which if we do not need because it is a sunny, windy day and we have built lots of windmills and solar panels, then we will need to obviously sell that on in the international market. That may be a concern but generally speaking the negotiations are going well.

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The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you, ma'am.

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The President hopefully will agree with me that the black swan event was a direct consequence of Aurigny's decision to sell the jet, and the substantial losses that the Board are now incurring for 2024 are wholly the responsibility of that board. In a question before he did say our job is to hold Aurigny to account. Something between £6 million to £10 million is the likely bill that they will be sending to Guernsey. How has STSB held the Board to account for their operational failings?

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I am not an expert in aviation but we brought in an expert panel in aviation, led by a former British Airways chief pilot, and a chief pilot is not just somebody who flies planes, they are very much a management role. Their conclusion was that the problems were not caused by the sale of the jet. They went further and said had the jet not been sold the likely situation would have been worse.

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690 What I have said in my update is that we do not expect to be approaching the Assembly for any further capital injection as the result of any losses that we made last year. We expect Aurigny to be able to trade their way out of that and so the last injection of money from the taxpayer remains at 2021.

695 **The Deputy Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, ma'am.

Deputy Roffey mentioned operational oversight in response to Deputy Queripel, and holding Aurigny to account. Would he agree that the operational outsourcing of a call centre to the Pacific, I believe Fiji, is a good arrangement and how does that serve the people of Guernsey?

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Certainly Aurigny, like every other local employer, was struggling to find the amount of capacity that they needed and, therefore, outsourcing to another jurisdiction where it was easier to increase that capacity I think made absolute sense.

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The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, ma'am.

710 There has been rises for two years in a row for the boat holders, and when I went walking there I was really surprised to see how many boats for sale there were. Has the waiting list decreased in size and also have they seen boat owners actually sell their boats and not be replaced by new ones, so there are more gaps in the marina?

715 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: The answer is no. There is still considerable backlog of demand for use of the marinas. I think it peaked at about 220 and there is now maybe just under 200, but then that is partly because the actions of our own Ports team that went through and removed certain legacy vessels that really should not have been there anymore, which opened up further possibilities. So there may have been a very slight softening but, by and large, no, there has been no significant reduction at all in demand.

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The Deputy Bailiff: Deputy Vermeulen.

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Deputy Vermeulen: Thank you, ma'am.

Given Aurigny had no significant competition last year at all, and reviewing the problematical performance of the airline all year, which impacted business and hotels on the Island, could the President give assurance to the Assembly as to what the actual projected performance loss was for the trading years for 2024?

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I have not seen any actuarial figure yet. I imagine they would be published together, as they have been every year, as part of the States' accounts together with everybody else. But I imagine it is going to run into several millions of pounds; in fact I know it will run into several millions of pounds. But this is a company that will declare its results when they have had the proper actuarial processes that have been gone through.

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740 **The Deputy Bailiff:** Deputy Helyar.

Deputy Helyar: Thank you, ma'am.

I was amused by the President's answer to my previous question, which seems to be predicated on the fact that we need a desalination plant, even when we have more than twice as much water per head of population as they do in Jersey. But my question is, the President is quite a keen cyclist, he spends quite a lot of time outside, so will he have noticed, as I have, that the amount of average rainfall in Guernsey is going up rather than down?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Two answers to that. He starts by comparing our water reserves to Jersey and my advice is do not start from there. Jersey are absolutely in a pickle. I remember the beauty of Queen's Valley before they had to flood it, and they had no choice. They have had to invest in desalination and they are going to have to invest in expanding it. They are going to look to flood another of their beautiful valleys in the not too distant future, so do not compare us with Jersey because I do not want to be there.

As for extra rainfall; yes winters are getting wetter, and what can we do? The rainfall runs into the sea because we have got nowhere to put it. But all of the forecasts is that the risk of extreme droughts in the summer are going to increase and, therefore, it is a bit like the biblical thing of the seven lean years and the seven fat years, or the other way around; sorry Deputy Trott. You really need to be able to save that water when it is available to make sure you can use it when it is not coming out of the sky.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, ma'am.

The Dairy and cheese. The Dairy not providing cheese has been widely criticised in the public arena. What are the reasons for this unexpected situation, and can we expect some cheese production in the near future and a return to the production that we have already noted in the past?

The Deputy Bailiff: Deputy Roffey, that is two questions in one. If you only want to answer the first you can do.

Deputy Roffey: With respect, I do not think it has been widely criticised. If we had done this with butter or cream I would have had to leave the Island, so I actually think it has been quite restrained. The reason we are doing it I think was well explained at the time. We need to bring in a new milk packaging and processing assembly line. We cannot put it where the current one is because the only way to do that would be to stop processing milk while the new one is installed and that is clearly not practical, so we needed the space on a constrained site. Discontinuing a not particularly profitable product, and not actually that exceptional a product in my view compared with other good cheddars, made absolute sense. A byproduct of that, as I have mentioned this morning, is we have got more of the raw material to actually invest in an absolute premium product like butter, which will be showcasing Guernsey's dairy industry throughout the UK.

The Deputy Bailiff: Deputy Gollop:

Deputy Gollop: Last month the States took the decision to investigate the potential commercialisation of water, and we would also generally acknowledge there has been under-investment in essential infrastructure in water, despite the points Deputy Helyar has made. But would the President be concerned if the commercialisation and investment in water leads to price rises, which then have a knock-on effect on both the private consumer and the viability of certain businesses? How can water be regulated in an era when they may have to rise prices?

The Deputy Bailiff: Deputy Roffey.

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Deputy Roffey: I see absolutely no linkage whatsoever between commercialisation and the requirement for price rises. In fact, if they become slightly more efficient as businesses it should mitigate them. We are not talking about privatisation where shareholders are expecting dividends to be paid out; that might require price rises. The price rises that we have been seeing are driven by the need to invest in infrastructure that has been neglected for far too long. Whether these wholly States'-owned businesses are controlled directly via States' Committee or through a commercial board should make absolutely no difference to the amount of investment that is required.

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The Deputy Bailiff: That is 20 minutes. I will allow the questions to go on for a further five, so until 10.45 a.m. Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: The harbours have prime real estate with ageing facilities, especially for visiting tourists and boats. In their quest for a more commercial approach can the President please outline what has been done to make the best use of such facilities; whether it is around Pier 17, The Boathouse, or other areas? I do ask this question pretty much at every President's update and I have to keep asking because I do not see any progress in relation to actually doing something about those assets.

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Developing around the harbours have previously – despite the statements of Kazantseva-Miller and others in this Assembly – been blighted by the fact that the Harbour Action Areas had not been implemented and, therefore, we were very limited in the opportunities we could present. I have to say, there are some very exciting prospects not only on the sites that she has just mentioned but others around the harbour and indeed around the airport as well. Very many commercial prospects are being driven forward.

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I think it would be foolish of me to actually say exactly what until outline contracts have been agreed with the various people concerned because you do not draw up those sort of contracts in public.

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The Deputy Bailiff: Deputy Inder.

Deputy Inder: Just briefly, ma'am, to assist Deputy Roffey. I have sighted some of the developments he is talking about and I agree with him. As it moves forward with the new management team I think the Ports are in a better place. However, he did not answer the question I asked before and it is a specific question.

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I made mention of the likely losses that Aurigny are going to deliver for 2024. In a previous question, I think it was from Deputy Lester Queripel, he said his job was to hold the Board to account. His words; not mine. He knows that there is a substantial bill coming and how that is paid for will be determined by a new Assembly. With that knowledge – and he said he would hold the Board to account – we know it is in the millions; how has he held the Board to account for those losses in 2024? His words; not mine.

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I clarify for the third time that I do not believe there is a substantial bill coming. We have made clear to Aurigny that, yes, they will have made losses during their very sub-par

performance during 2024, but that was not going to lead to a taxpayer bailout. They are going to manage that inside their own trading accounts and see it forward.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.

Further to Deputy Dyke's question which implied that on-Island thermal generation was cheaper than importing electricity, can the President confirm my recollection that actually the last time we had to significantly rely on thermal generation on Island in the cable outage of 2018-19 it incurred an additional cost of I think in the region of about £1 million a month?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Yes, and although the regulator did keep base tariffs frozen completely for a decade, they did at least recognise that that extra cost was so substantial that they allowed what was called a pass through, an extra fee to be put on top of the normal fees. What I am really hoping that greater interconnectivity with the European grid will bring is not just less need to use our on-Island thermal generation, but allow us to have the security to actually retire some of the older thermal generating plant, which will be an enormous cost saving to Guernsey Electricity because the N-2 requirement really is incredibly onerous.

The Deputy Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, ma'am.

Would the President please tell me when a second CT scanner is going to be installed at the airport? Would the President agree with me that buying an old style scanner was possibly with hindsight a false economy, given the way the world is moving towards having all CT scanners?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I have not got the details at my fingertips but I remember that the supplier of the one new style scanner that we have got also provided the other scanner. Because we were right at the front of the curve, we wanted to make sure that we had some legacy equipment in case it was needed; and I have to say it was needed at times. But there was an agreement to allow an exchange and upgrade that second scanner with the supplier. I do not want to give details because I might get it wrong but that was very much thought about.

The Deputy Bailiff: Deputy Gollop, and this will be the last question.

Deputy Gollop: Is it part of your mandate or not; how far are you working with other Committees, Economic Development especially and Policy & Resources, to look seriously at the opportunities for making the Guernsey Airport – and indeed even the Alderney airport – run from a trading perspective as economic enablers (**A Member:** Hear, hear.) of growth rather than necessarily as cost centres? What strategies will you be putting to the new States to look seriously at reconstruction?

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I think there are two parts to that. First of all, trading, absolutely as I have mentioned that we are determined to drive non-aeronautical and non-maritime income, and the relatively new Chairman of Guernsey Ports is very much focused on those commercial opportunities.

895 As far as being an economic enabler, the States has passed a Proposition in the last Budget telling P&R and the STSB to work together on whether there is a case for a financial subsidy to the airport to make sure that all of its costs are not met by fees, which may actually be a producer of cold water, if you like, economically.

I think P&R's problem is that while they agree with that in principle, where is the (*inaudible* 10:46:46) coming from. But I think it was the number one resolution in the last budget debate that told the two Committees to get on and do that.

Questions for Oral Answer

EDUCATION, SPORT AND CULTURE COMMITTEE

Our Education Strategy Annual Report – School attendance levels

The Deputy Bailiff: Thank you. We will now move on to the questions under Rule 11.
905 Deputy St Pier, your question to Education, Sport & Culture.

Deputy St Pier: Thank you, madam.

In the Committee for Education, Sport & Culture's *Our Education Strategy Annual Report* for 2024 it is noted that school attendance levels remain below pre-COVID levels. What were the last full year
910 pre-COVID, in other words 2018-19, attendance levels for primary, secondary and special needs schools?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, ma'am.

The last full year pre-COVID 2018-19 the average attendance level in our States' primary schools was 95.7% or a 4.3% absence level. For the secondary phase it was 93.2% or a 6.8% absence level, and for our specialist schools it was 91.2% or an 8.8% absence level.

The Deputy Bailiff: Supplementary question, Deputy St Pier.

Deputy St Pier: Yes, please, a supplementary, madam.

Is the President able to give any more information on her Committee's views or understanding of what the reasons are for the decline in attendance post-COVID compared to the pre-COVID
925 levels?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: This was an inevitable question and it takes a long time to unpack in the detail that it deserves. But what we do know is that the instability of our secondary phase has likely
930 played a part, but we also know that in the Guernsey context some of the parents of today's students left school at 15 in a very different employment market. We also know that it is very easy to walk out of school without qualifications into employment in Guernsey, and that is unusual, so the draw to get the higher States' qualifications at level 2 is less potentially than in other jurisdictions.

We know that the scourge of social media and internet not only leads to sleep deprivation but also anxiety, and that has led to an increasing amount of school refusal. But we know the impact of

COVID has for some students led to a real struggle to get back into the routine of school because it was a significant disruption to the everyday schedule, and without strong parental support or services support these type of absences can be particularly challenging. We know that breakdown in the nuclear family can leave some homes without those strong models, and blended families.

Higher attendance in our primary schools may also reflect that parents in that phase need to take time off work to look after their children, and in the secondary phase they do not have to take so much time. But we also know that the prevalence of working from home now for adults leads more parents to possibly think that it is acceptable for their children to 'work at home online' which absolutely is not acceptable because the face to face and social aspects of –

The Deputy Bailiff: I know it is a huge answer but I am afraid that is your one and a half minutes. Deputy St Pier, your second supplementary question?

Deputy St Pier: My second supplementary, madam, is: does the President have anything further that she wishes to add to her first answer.

Deputy Dudley-Owen: My sincere thanks to Deputy St Pier for affording me that opportunity. Yes, just to finish off on that, is that we know how important it is for predictable routines and good habits. This is an area that the Committee takes a great deal of time focusing on and receives regular updates from officers in this regard.

The Deputy Bailiff: Deputy Inder, your supplementary question.

Deputy Inder: Yes, a secondary question actually.

I note with interest the President cited parents, COVID, internet, home working, social media and something else I cannot remember because I cannot read my own writing. Having had two children who have gone through the state sector who had pretty good attendance, what I am absolutely certain of, there were concerns among their cohort – extending over many years – over the inability for the state sector to hold its maths and English teachers. What I note from her response, it seems to be all about everyone else. Could she at least recognise or come back possibly in a greater response and give some consideration and recognition that the inability to hold teachers over core subjects may have impacted on absenteeism as well?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, and Deputy Inder probably could not read his own writing. The first point that I raised was the instability of the secondary phase has likely played a part. There is now a stability and consistent applications of the policies across all these settings, which is having a positive impact, not least of all a workforce strategy that has been put in place, greater levels of retention, and certainly massive, concerted efforts to recruit high-performing staff into these roles in order to retain them. So, yes, there is a broad, complex area to study within this particular subject, and we realise that the delivery of education needs to be high quality in order to ensure that we are playing our part.

The Deputy Bailiff: Deputy Gollop, your supplementary question.

Deputy Gollop: I know the answers relate to a decline in attendance averages since COVID in some schools, but I believe that before COVID they were going in the right direction and things were getting more positive. But one regulator here were the old style school committees that had a duty to ask about attendance levels. Will the new corporate governance boards be equally strong in asking the questions Deputy St Pier has asked today, per school?

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you, yes, and I think that we have covered this off on multiple occasions with Members in our presentations, that absolutely the breadth and depth of the governance boards are able to look into these particular areas and become champions for attendance in each of their schools, and to provide support and encouragement to headteachers in the pastoral leads, the family liaison officers. This is a very big focus in each of our schools: the data collected, the support provided to each individual child to attempt to try and meet their needs, because of course non-attendance is a manifestation of a need and we need to try and meet those.

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The Deputy Bailiff: Your second supplementary question, Deputy.

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Deputy Inder: Yes, I am going to try and I am happy for it to be called out of order.

There was a recent Channel TV interview with a young lady who had great concerns about the turnover, or churn rather, of teachers in, I believe, her maths. It was only two or three weeks ago. I have to say my children experienced something similar. That report only came out four weeks ago on Channel TV. I accept the instability of the sector probably included teaching as well; I read it as buildings so I do apologise for that. Has that improved? Could the President – maybe not now – give us some indication in the core lessons that the employment of teachers has truly stabilised and we are not getting the multiple churns that kids in the state sector got over maths, English, and some of the sciences. Could she at least commit to giving us some kind of analysis of those improvements over the last couple of years, rather than necessarily doing it now?

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The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, I am very happy to send quite an in depth report around about this because I think it is a matter that has been raised on multiple occasions in the Assembly, because we are all worried about ensuring that we have consistency of practice and high quality practice across each of our schools, and doing everything that we can to drive up attendance levels and also outcome levels. Again, the Committee has just received a review of the maths situation in schools and also an update on recruitment in that area, and we are pleased to say that we are starting to see that we are having multiple maths teachers applying for single jobs, and high quality ones at that. So, yes, we are starting to see the firm roots of recovery.

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The Deputy Bailiff: If there are no further supplementary questions I will ask Deputy St Pier to pose his second question.

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Deputy St Pier: Thank you, madam.

In 2023-24 what was the breakdown in absence levels between authorised and unauthorised absences?

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The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, ma'am.

For clarity, unauthorised absence refers to a learner missing school without permission or a valid reason. This includes term-time holidays or attending family events. Authorised absence is where a learner is absent with the school's approval; typically illness, medical appointments or attending career related interviews. For the 2023-24 academic year the breakdown is as follows, and I am happy to circulate these numbers to Members via email. For our primary schools averaged authorised absence was 3.7% and unauthorised was 1.6%. For secondary schools averaged authorised absence was 8.4% and unauthorised was 4.8%, and for specialist schools averaged authorised absence was 7.4% and unauthorised was 6.4%.

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The Deputy Bailiff: Supplementary question, Deputy St Pier.

Deputy St Pier: Yes, madam.

1045 I am grateful to the President for providing that information. It is clear from that, that the
authorised absence level in the primary and secondary sector is running at about twice the rate of
the unauthorised absence level, which is interesting to note. The question, therefore, is the level of
authorised absence in 2023 for secondary schools was 8.4%. It is higher than the total absence in
1050 2018-19. Given that authorised absences relate to, as is said in the response, typically illness, medical
appointments or attending career-related interviews, is there any more information available as to
why that is the case? In other words, why has authorised absence increased so significantly in the
post-COVID era?

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you, ma'am.

I am sorry, there was a little bit that I did not quite catch within Deputy St Pier's question, but
because he is starting to talk down into quite some detail about figures, and I am not quite sure
where he is quoting those from because he made a comparison.

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The Deputy Bailiff: Deputy St Pier, would you like to repeat your question?

Deputy St Pier: Yes, madam.

1065 From the information which the President has given in response to the first question, it is clear
that authorised absence is running at about twice the rate of unauthorised absence for both the
primary and the secondary level. In other words, authorised absence represents about two thirds of
the total absence rate. It also is about almost double – sorry, it is significantly greater – well, the
authorised absence in 2023 at 8.4% in the secondary sector is higher than the total absence in
1070 2018-19 at 6.8%, which is as advised in response to the first question, so seeking to understand why
authorised absence has increased so much post-COVID.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, ma'am.

1075 I cannot seek to respond to that on my feet here today because I simply do not have the data in
front of me with all the codings which are attributed to these different authorised absences, but
I do commit to look into that and circulate that information.

The Deputy Bailiff: Deputy Oliver, your supplementary question.

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Deputy Oliver: Thank you.

I know the President could not answer the last one but I know that in 2018-19 my daughters
used to get doctors' appointments after school, now they all tend to be in school, so it is not always
the school that is at play, it could be outside sources.

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The Deputy Bailiff: And the question? Is that her experience? Is that what she thinks?

Deputy Oliver: Do you agree?

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The Deputy Bailiff: Yes, Deputy Dudley-Owen.

Deputy Dudley-Owen: I simply do not know the detail down to the granular for each of the schools about the reasons for authorised absences, whether there is a greater amount of parents booking doctor's appointments or dentist appointments in the school time, or for other reasons that we have noted. But I will commit to seeing what anonymised data we are able to provide to States' Members to answer that question from Deputy St Pier.

The Deputy Bailiff: Is this a supplementary question, Deputy St Pier?

Deputy St Pier: It is a supplementary.

The Deputy Bailiff: It is your second one then.

Deputy St Pier: I am grateful to the President for undertaking to provide the information in written form in due course, in accordance with the rules. I am wondering whether, as part of that response, she could also seek to reconcile the response given in relation to the first question, which is a lot of the explanation for the increase in absences around social media, school disruption, and so on, when actually it appears that a significant portion of absence is authorised, and the response given is that that relates to illness, attendance at interviews and so on. So there does seem to be a little bit of a discrepancy between the detailed response to the first question and the second. I think it would be helpful to reconcile that when responding to my first supplementary, madam, if that is possible. Is that possible?

The Deputy Bailiff: Thank you. Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes.

The Deputy Bailiff: If there are no further supplementary questions in relation to question 2, Deputy St Pier, will you pose your third question?

Deputy St Pier: Thank you, madam.

It is noted in the report that improving attendance is a focus for 2025. What are the steps being taken to improve attendance?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, yes.

Our strategic approach to improving attendance will help to deliver the aims of our Education Strategy. We have rolled out a new high-quality inclusive practice programme for staff, ensuring that teaching practice is adapted to the needs of every learner in every classroom. Specific interventions include the appointment of two family support workers in each secondary school, supporting our most vulnerable learners and families, and in collaboration with HSC, appointing an early help co-ordinator working with identified families. These sit alongside our well-established school-based attendance leads and school attendance team.

Improving attendance is everyone's business because barriers to accessing education are wide and complex, both within and beyond the school. Improving attendance happens through partnership with parents and services beyond education, especially because a core group of very vulnerable low attenders bring overall attendance averages down.

Ofsted's 2022 report, *Securing Good Attendance and Tackling Persistence Absence*, identified effective strategies for improving attendance which we endorse, and chief among them are having high expectations for every pupil's attendance at schools and communicating them clearly, strongly and consistently to parents and pupils, which our schools do through frequent newsletters, for

example, explaining that missing 10 minutes of learning a day adds up to a week of lost learning over a school year.

1145 Also listening to parents carefully to find out why their children are not attending well enough, and by supporting and challenging them to improve their child's attendance. Of course, our new governance boards will champion high levels of attendance.

The Deputy Bailiff: Two supplementary questions. Deputy St Pier.

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Deputy St Pier: Yes, madam.

I am just wondering if the President could explain in a little more detail the link between what she called the high quality inclusive practice programme for staff and attendance rates.

Thank you.

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The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

1160 The purpose of the high quality and inclusive practice improvement programme is to ensure that teaching meets the needs of each individual child and ensuring that that happens within the school and the classroom means that children are less likely to have felt left behind in their learning, because once they feel left behind in their learning they disengage from that learning and they switch off. Disengagement is a big reason for not wanting to go into to school because children feel that they are behind their peers, they may feel silly in the classroom, not being able to answer questions, etc. The high quality and inclusive practice strips the learning back to ensure that there is a mastery of skills and knowledge and that all children move at a progressive rate through this and that children are not left behind.

1165 Therefore, there is a high link between, or a very strong link, high-quality teaching and pedagogy, children's engagement and therefore propensity to attend school.

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The Deputy Bailiff: Deputy Inder, supplementary question.

Deputy Inder: Again, it might not be supplementary.

1175 I am just harking back to when I used to pull tummy aches to try and get out of school. I think Dad drove up in the Mark 1 Escort, I think it was red, with the leeches next door, threw us out the car and said, 'If you have still got a problem at 12 o'clock, Neil, give us a call and we might pick you up.' I never phoned them and I stayed there.

1180 Now, whether it helped me or not is another matter, but on that I just wonder is there something potentially wrong with society that they do not take education as seriously as we used to do back in our day? Does that relate in any way to some of the absenteeisms? Is education now for some basically optional? If not, does it get in the way of their social life?

The Deputy Bailiff: Deputy Dudley-Owen.

1185 **Deputy Dudley-Owen:** I will point Deputy Inder back to the notes that he made that he could not read about the reasons for absences being broad and complex. Actually one of those is that our schools are dealing with societal problems that come into the classroom. A huge amount of time, really a huge amount of resources and effort is put into supporting the needs of each individual child and for them to come in.

1190 It is too flippant to say that kids should just be more resilient, parents should just get on with it, drop them off at the school gate and be done with it, because society has changed from when we were teenagers. Deputy Inder and I are of a reasonably similar age and times are different. Yes, I would not want to simplify this and also to say that there is one easy answer, because there is not, and we spend an awful lot of consideration and effort on this matter within the Committee.

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The Deputy Bailiff: Deputy Bury.

Deputy Bury: Thank you, ma'am.

1200 My question follows on nicely from the President's answer there. I think it's important, and I hope that she and the Committee do as well, that while attendance is important and high aims in that area are important, it is also important to recognise the vulnerable students that are mentioned, the wide barriers to accessing education and to recognise that sometimes full attendance for a student may not be the best thing for them for a variety of reasons.

1205 I do know that staff on the ground from personal experience recognise that, but I would really like the reassurance from the President that the Committee do as well.

The Deputy Bailiff: Deputy Dudley-Owen.

1210 **Deputy Dudley-Owen:** Well, I clearly have not demonstrated the empathy and compassion with which we view this particular subject because we really do. We are all parents that sit and consider these matters, and it is not an easy subject. I think that there is a view that the kids need to just get a grip, the parents need to man up and just send their kids to school (**Deputy Inder:** Hear, hear.) and I am hearing Deputy Inder saying hear, hear. I realise that he has got his tongue in his cheek there because he is a parent and he realises that parenting is a complex issue.

1215 We have more societal issues these days to deal with or we recognise them, and we certainly also recognise that full attendance for some children at some particular points in their lives just is not possible. Those instances are dealt with huge amounts of compassion, kindness and care.

So, yes, I absolutely can assure Deputy Bury that that is the lens through which this is viewed.

1220 **The Deputy Bailiff:** Deputy Queripel, a supplementary question.

1225 **Deputy Queripel:** Ma'am, I am aware that some schools reward pupils who attend school on a regular basis, which could, of course, make pupils who are not able to attend school on a regular basis, through no fault of their own, feel excluded and inferior. In her response, the President said ESC endorsed the approach of listening to parents carefully to find out why their children are not attending well enough, and supporting, as well as challenging, to improve their child's attendance. That sounds proactive and impressive, ma'am, but does not give us any detail.

Can the President give us some examples of how parents will be supported and challenged, please?

1230

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, ma'am.

1235 Again, I am happy to provide a little bit more detail behind this, but in terms of the length of time that I have got for the response, I think that it is really important here just to give a quote that we heard in a recent meeting of a child who said to one of our technical team, 'How can I learn when I do not even know where I am going to be living?'

1240 Now, I think that that says an awful lot about the forum in which we speak to children and we listen to parents and families and caregivers, the detail into which officers go, family liaison officers, who are actually calling on the families, who are knocking on the doors, who will take the children to school for some of our most vulnerable families, where things just are not going well, where the family life is not as stable as many of us in this Assembly have been privileged to witness. It really is time that a lot of people in our community woke up to the fact that life is not always rosy, life has changed and things are very difficult, very challenging.

1245 I think that the Committee are absolutely impressed on a regular basis for our quarterly attendance updates that we have, which take quite some time within Committee, looking at the

data and understanding the individual needs that are being dealt with, but also the compassion with which these cases are being managed. Once the children are picked up by the school as being low in their attendance and struggling, they are working with the school attendance services and the family liaison officer, and then when it gets to a certain point, the convenor will have to be involved through the Multi-Agency Service Hub. As the children are supported through those, and we know that we have a job of work to ensure that families are only saying it once rather than having to go through multiple different people to tell their stories, that is a job of work between HSC and ESC that every single step along that way is dealt with with the kindness and compassion that it deserves.

Thank you.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: My first question is, I sometimes feel disengaged but what might engage me to go to maybe school or some other learning event is if I am given a breakfast or a school lunch. Would the President not agree that school breakfast clubs, the possibility of lunches where appropriate – and indeed I know in England they are even trialling out giving young people pocket money. Will Education be looking into the wider context to ensure that young people who are disengaged will engage through treats?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, ma'am.

I am not a fan of big Government or removal of parental responsibility, but actually it must be recognised that we have an increasing amount of people in our community who are expecting more. So, yes, wraparound care is really helpful, breakfast clubs and after-school clubs, not just for the more vulnerable, who need that stability, who need to have nutritious meals, but also for working parents. That is a fact.

Speaking to new members on our governance boards, telling me that that is a choice that parents are now exercising, whether States' primary schools can deliver that wraparound care versus the colleges, the grant-aided colleges, and the care that they can deliver. So this is exactly why the Committee for Education, Sport & Culture in the next term should, in my view, be asking these States for additional resources in order to provide that.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: I have had the pleasure and interest of chairing the Corporate Parenting Board, Children and Young People's Board, and one excellent factor of that is we get lots of papers from different elements of the States, giving us reasoned arguments and statistics. Now the President today has had a lot of tough questions involving technical answers and statistics. Will it be possible for her and the ESC to send it to all States' Members and for wider publication to develop some of the supplementaries that could not be answered today? Because I think that would assist all of us.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, I will.

The Deputy Bailiff: Deputy Oliver, supplementary question.

Deputy Oliver: Thank you, ma'am.

The President mentioned disengagement, and I think that is really key to a lot of things. But disengagement also comes from not just absentees, but from attendance and, for whatever reason,

1300 just fall behind. But I do understand that policy seems to be that they never stay down a year anymore, it is always just pushing them up. Could the President tell me why that is?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

1305 I do not know what the previous policies were about keeping children down a year, but I understand that the general school of thought is that children should progress through their school years with their peers because actually when it washes out the other side those children end up being older. Actually this is where the high quality and inclusive practice works in, that actually that should not be necessary because the pedagogy and high-quality teaching should be able to
1310 take all children equally through their school at the time that they are meant to be, through the syllabus and reaching those age-related expectations and developmental milestones unless, of course, there are additional learning needs or specialist needs which require those children to have specialist provision in one of our specialist schools.

1315 **The Deputy Bailiff:** Deputy Matthews, your supplementary question.

Deputy Matthews: Thank you, ma'am.

The President mentioned in previous answers that children and parents face a wide variety of different challenges to attendance and a degree of understanding is clearly necessary to understand
1320 all the different causes and what the solutions might be. In the answer that she had given to the original question, she said that there was a core group of very vulnerable low attendees who bring attendance averages down, which I think is clearly something that the Committee will want to address with some care.

1325 There is also a recognition that, for example, La Mare de Carteret had built up a very strong relationship in its community and would likely have been affected by the transition to Les Varendes. So I would ask the President in her detailed answers that she was going to give to the previous question, is it possible to break it down by school and to identify if any of the transition effects might have affected overall numbers?

1330 **The Deputy Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

The data that Deputy Matthews is asking for is published within the Education Strategy and so is up-to-date if Members would care to look at that, but of course we are happy to provide a link
1335 to that in any detailed summary response.

In terms of the effect of the merger, I think he is talking about that, that has not been identified as any particular reason coming from the governing board of the La Mare de Carteret School or even the school committee as being a reason for non-attendance in the meetings that either we have received reports from or I have been in attendance at.

1340 We know that historically Le Mare de Carteret has had some of our more vulnerable children, but obviously with the advent of removal of selection that that has changed. But each school has to deal with a pocket of particularly vulnerable children in our non-selective system who will bring the average attendance rates down. It is just a simple fact.

1345 **The Deputy Bailiff:** Deputy Inder, your second supplementary question.

Deputy Inder: Yes, following on from the last one. It is interesting, I think I probably knew it anyway, but it looks like education provides transport in the morning, it can provide breakfast clubs, what else does it provide? It provides social working as well, it may even end up providing dinner
1350 as well, and after school clubs and transport home. Well, that is quite a substantial social service.

I do wonder if in the accounts at some point there is actually a new account line that actually shows the value that education provides to the Island beyond just the education bit, rather than looking at education costs us X, because quite clearly there is substantial social service in here. I think we used to call it parenting, where I think this should be on an account line somewhere, rather than just – because it is quite clearly not an awful lot to do with education.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: It is really interesting that it feels like from some of my colleagues that the penny is starting to drop about the need for investment in education in order to return the dividends that we need for a knowledgeable, competent workforce in the future. Times have changed. It is really interesting that Deputy Inder is drawing that social care aspect to within education but is that not what education has always been about, having our most aspirational and inspirational teachers in our individual lives being those who have demonstrated some compassion towards us and maybe gone above and beyond what they were contracted to do? Which is what teachers across the board, no matter what sector, no matter what phase, have always done.

But in terms of the requirement for the services, that is a legal requirement for transport. The discrimination legislation which bites on education in September – sorry ma'am, I cannot continue, apologies, colleagues were talking and I am losing my train of thought.

So the discrimination legislation which bites towards the end of the year on education will put an additional requirement on education for possibly the school life resources to be enhanced for some of our students. What we do not have is a universal contract between our community and the education services, which is something that Deputy Murray has spoken about, which is something where we were trying to get to with the Education Law. What actually is it you can expect to receive from the state education in return for taxes that are paid, etc., for your child in the state sector.

The Deputy Bailiff: Deputy Dudley-Owen, even with your interruption, I am afraid that is your time. Deputy de Sausmarez, supplementary question.

Deputy de Sausmarez: Thank you, madam.

I was encouraged to hear Deputy Dudley-Owen's support for wraparound care. I sit on a school committee with her and we both know that actually in certain school environments there is no additional resource required in order to provide that care, so this does come down to scale and economy. I just wonder whether she can commit to recommending to the next Committee this is the kind of thing that is incorporated into the next primary review, because this is one of the constraints of having a lot of many smaller schools because the bigger ones find it much easier to be able to provide that kind of wraparound care. It does appear that that scale issue extends to secondary as well.

I do not know if it is verified, I do not know if she is able to confirm, but I have been sent a message this morning, which is quite alarming, to say that it looks as though there will be no provision of IB for next year in the sixth form. I appreciate that is not wraparound care, but it does relate to the issue of scale.

The Deputy Bailiff: Deputy Dudley-Owen, there is no need to answer in relation to the International Baccalaureate, that is not relevant to the answers.

Deputy Dudley-Owen: Thank you, ma'am.

Yes, certainly the primary review, I know that Members all term, especially Deputy de Sausmarez, have been keen to draft the terms of reference for the primary review and predetermine the outcomes. But, of course, we know that the wraparound care provision is very successful and in certain schools actually returns on the investment made by those schools and that there is an

economies of scale issue in regards to the delivery of that particular provision in some of our smaller schools.

1405 For education, if the States wanted to pump-prime that, then it would be possible. It is obviously very beneficial to the community, especially with working parents and our more vulnerable children.

The Deputy Bailiff: Any more supplementary questions? Deputy St Pier, your fourth question.

Deputy St Pier: Thank you, madam.

1410 What are the causes, in the Committee's view, of attendance levels being below the UK's average?

The Deputy Bailiff: Deputy Dudley-Owen.

1415 **Deputy Dudley-Owen:** Again ma'am, another question that I cannot do justice to in 90 seconds, but I will try.

The short answer is that we do not know whether this is the case, because until this year there was no compulsion for English schools to report absence levels to support national statistics. In 2022, only about 65% of schools in England did. It is therefore likely that data from settings with lower attendance was under-reported in the national picture. Additionally, England reports on absence, in other words, who is not in school, whereas we report on attendance, that is to say, who is in school. So the dataset is subtly but meaningfully different. For these reasons, making meaningful comparisons has not been possible.

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1425 **The Deputy Bailiff:** Supplementary question, Deputy St Pier?

Deputy St Pier: Yes, madam.

I am grateful to the President for that response, but I am a little confused as a result, because given that the Committee states in that response that the figures do not bear comparison, why does their own annual report say that they are aiming for attendance rates, 'That are at least in line with or better than the UK national averages'?

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The Deputy Bailiff: Deputy Dudley-Owen.

1435 **Deputy Dudley-Owen:** Because we recognise that there is a metric that is used, while if we are digging down into the weeds of it, has been built from different considerations, that it is a benchmark and obviously we want to improve on that benchmark, but if we are looking for direct comparisons it is very challenging.

It is a dataset, as I say, that is published and so while we are not entirely sure whether we are better than or below because of the reasons that I have stated, it is something that is recognised that we need to far exceed, really, where we have been.

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The Deputy Bailiff: Deputy St Pier, your second supplementary question.

1445 **Deputy St Pier:** Yes, I am conscious that the President said that she could not do justice in the time available but, with a bit more time, can the President offer any reasons why our attendance is lower than rates in England?

The Deputy Bailiff: Deputy Dudley-Owen.

1450 **Deputy Dudley-Owen:** As I have said, the reasons for non-attendance are significantly complex and what we do know in the UK, which is always something that I have to think about when answering a question about our comparison to the UK, is that there have been widely-reported

significant absences missing from school, and it is like large amounts of the population, school-aged population, missing from school. There have been reports in the national newspapers last year, I think. We know it has been widely covered. So I am not entirely convinced that the published figures for the UK are going to be capturing all of those absences, given how serious they are.

All I can speak to is the complex reasons which we experience over here, many of which are likely to be happening in the UK, but I would suspect that because previously there had not been a requirement to report, those schools with bad attendance or poorer levels of attendance would not have been reporting into the national statistics, therefore a meaning comparison is not achievable in this context.

The Deputy Bailiff: Deputy Gollop, your first supplementary question.

Deputy Gollop: I have got possibly two. Assuming there is a less successful performance than the UK average, which I do not know, there might be two reasons. One would be young people are sometimes absent because of transportation delays to and from the Island when going for health appointments or holidays. The second reason goes back to Deputy Inder's point about frequent turnover of teachers. Would the President agree that recruitment and retention issues may contribute to a fluctuating situation?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

I have answered that question in response to Deputy Inder already, but what I would add is, and repeat again, something that I added that is different to the UK, is actually our school age leaving rate historically was very much lower than the UK. Therefore, the fact that it has been easier to get a job in Guernsey because of very low unemployment rates over here compared to the mainland has had a cultural effect on school attendance, especially going to get level 2 qualifications.

The Deputy Bailiff: Deputy Gollop, your second supplementary question.

Deputy Gollop: While welcoming the answers and the question, Deputy St Pier's question implies you can easily compare the UK – well there is England, Scotland, Wales and Northern Ireland – with Guernsey. Would the President agree that the smorgasbord of schools in the UK, which may include academies, free schools, semi-selective schools, selective schools, may mean that children are more motivated to go to school because they have a wider variety of choice?

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: I do not really see the correlation there. What I do think might compel children to go to school more in the UK is the fact that they cannot walk out of their education and into a job. I think that that makes them hungrier to get that academic qualification than some areas within our community who simply can walk out of school without any GCSEs, without any even level 1 qualifications, and walk into a job. That is primarily the reason that some pockets in our community are not as aspirational for academic qualifications as others.

The Deputy Bailiff: Any more supplementary questions? No. Thank you very much, Deputy Dudley-Owen.

STATES' TRADING SUPERVISORY BOARD

**Contaminated PFOS Soil Bunds –
Removal**

The Deputy Bailiff: I will now turn to the question posed by Deputy de Lisle to the President of the STSB.

Deputy de Lisle: Thank you, ma'am.

1505 In the interests of brevity, I have one question and also one supplementary. When will the contaminated PFOS soil bunds outside the entrance to the airport be removed? There continue to be ongoing environmental and health concerns from residents over the contaminated PFOS soils stored so near to their homes for over a decade. I understand the preferred solution involves off-Island soil washing and subsequent containment in an off-Island hazardous waste landfill site.

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, madam.

1515 The contract for the removal of the soil within the bund is currently out to tender. Guernsey Ports anticipates appointing a preferred tender this year, preferred contractor this year, and the soil being removed in 2026. In the meantime, the bund site continues to be licensed by the Office of Environmental Health and Pollution Regulation.

The Deputy Bailiff: Deputy de Lisle, your supplementary question.

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Deputy de Lisle: Thank you, ma'am.

I thank Deputy Roffey for an informative and concise answer. Can I ask whether the preferred solution remains current, that is, off-Island soil washing and subsequent containment in an off-Island hazardous waste landfill site.

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The Deputy Bailiff: Thank you. Deputy Roffey.

Deputy Roffey: Yes, that is correct, that is still the preferred solution. Indeed, the reason I gave for thinking the soil probably will not be removed until next year, we will have to appoint the contractor first and liaise with them, but because it involves moving the soil, we believe they would probably prefer to do it during the drier months rather than the wetter winter months. If that proves not to be the case, we will accelerate the programme.

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The Deputy Bailiff: Deputy Gollop.

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Deputy Gollop: [*Inaudible 11:33:09*] contamination, because we have recently been told in presentations about water that one reason Guernsey needs potentially more water storage facilities, despite its abundance, is the danger of chemical contamination including variations of PFAS and PFOS. So my question is, yes, can you ensure that does not happen?

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The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I do not believe Deputy Gollop would really believe that I might stand up and cavalierly say, 'No, we are not interested in preventing that.' Yes, of course, we are going to try to appoint an expert contractor who will try to absolutely guard against any pollution of the watercourses due to the removal of the soil.

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However, in his wider point, I think we are, or Guernsey Water, going to need to invest in quite expensive treatment systems for PFAS because as international standards become, rightly, forever stricter, we will probably absolutely need to do that.

1550

The Deputy Bailiff: Deputy Gabriel, supplementary question.

Deputy Gabriel: Thank you, ma'am.

1555

Deputy Roffey mentioned a procurement process, a tenderer and a preferred supplier. Will the terms of reference for the preferred supplier include local road haulage arrangements rather than imported, because we know that the current 2.31 width restriction on vehicles will have an impact on UK suppliers? Will that also take into account the extensive roads resurfacing programme and any acceleration of that programme needed because of the proposed advancement of damage to the road surface.

1560

Thank you.

The Deputy Bailiff: Deputy Roffey.

1565

Deputy Roffey: My understanding is, and Deputy Gabriel can look on the States' procurement portal to find the exact terms of the tender, it is in two parts. The bit for the eventual storage in a secure contaminated waste site in the UK is not really going to be open for a local contractor. But the other part is the transportation from here to there in a safe way, and my understanding is that it will be open to both local and non-local contractors to put in bids.

1570

This would have all been done a couple of years ago but, quite rightly, P&R wanted a reappraisal of the whole of the capital programme and this got caught up in that so that is why it is only – it was going to be issued in 2022 this tender, it ended up being finalised last year. As I say, we are currently out to tender.

The Deputy Bailiff: Deputy Matthews, supplementary question.

1575

Deputy Matthews: Thank you, ma'am.

1580

Does the President agree with me that the issue of PFOS and PFAS contamination levels and the potential to contaminate drinking water is one that has had increasing prominence in recent years, and that it will be a concern that the levels that Guernsey Water, for example, currently adheres to on a voluntary basis are tightening around the world and that different countries have different levels? Will this be a concern for Guernsey Water currently and for commercialised Guernsey Water going forwards?

1585

The Deputy Bailiff: Deputy Roffey, I think that goes beyond the answer to the question but you are welcome to answer it if you feel that you can.

1590

Deputy Roffey: Yes, it definitely does not arise out of the answer to the question about when will the bunds be removed. But, yes, I think this is an area globally, it is led by the United States and other countries now, and other regulators are tightening up and we will ensure that we meet all the best UK and European standards in prevention of drinking water. I would have to say that there needs to be a distinction between groundwater and drinking water because groundwater, one of the possibilities is to just simply not collect it and therefore it does not get into the drinking water, but given the drought management issues that I was referring to during my statement earlier, that is probably not the best way to go about things.

1595

I think Guernsey Water will be investing – I know they have planned investment – in very expensive treatment processes in order to address exactly this issue.

COMMITTEE FOR HOME AFFAIRS

**Voter Registration –
Leaflet wording**

The Deputy Bailiff: If there are no more supplementary questions, we will next move on to the question from Deputy Le Tissier to the Committee for Home Affairs.

1600 **Deputy Le Tissier:** Thank you, ma'am.

Would the President of Home Affairs accept the wording on the leaflet sent to every household at the beginning of December last year was badly worded, 'Have you registered to vote?' as it sent out the wrong message as many believed they were already on the roll hence they may have binned the letter and contributed to the low number registered so far.

1605 Thank you.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, madam.

1610 During the initial phase of registration, the 2025 numbers were higher than that of the 2020 elections, which would seem to indicate that the wording was understood. For the month of December 2019, when registration opened, there were 11,743 registrations. For the month of December 2024, there were 14,312 registrations. The Committee considers that the following text which appeared on the leaflet was clear. It says:

1615 If you would like to vote in the 2025 Guernsey General Election, you must register to do so now, even if you have registered in a previous electoral roll.

Madam, I will repeat that.

If you would like to vote in the 2025 Guernsey General Election, you must register to do so now, even if you have registered on a previous electoral roll.

1620 Thank you, madam.

The Deputy Bailiff: Any supplementary questions? No? In that case I will ask you to pose your second question, Deputy Le Tissier.

1625 **Deputy Le Tissier:** Thank you, ma'am.

Would the President agree that clearer wording is, 'All those wishing to vote in June have to register on the new', capital N-E-W, 'Electoral Roll' and if that is the case will new letters be going out to households ensuring they have the opportunity to register in time for the June elections?

Thank you.

1630

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, madam.

1635 As in previous years, reminder cards were delivered to all households with no one registered on 3rd March 2025, which was 16,556 households. This has caused an increase in registrations with 1,105 new registrations received the week commencing 3rd March 2025. A second reminder will be sent out on 14th April to all households where no one is registered. The reminder card clearly states:

To vote in the Guernsey General Election on 18th June 2025 you must be registered on the electoral roll by midnight on 30th April 2025. The new electoral roll was opened on 1st December 2024, in preparation for the 2025 election, and our records show that no one at this address has yet registered. You must sign up to the new role if you want to vote in the June election.

1640 **(A Member:** Hear, hear.) The Committee therefore believes that the wording on registration has been consistently clear and, as such, does not consider it necessary to send out new letters to all households.

Thank you, ma'am.

1645 **The Deputy Bailiff:** Any supplementary questions?

Deputy Le Tissier: Yes, ma'am, I have two.

The Deputy Bailiff: Deputy Le Tissier.

1650

Deputy Le Tissier: I would like to thank Deputy Prow for his comprehensive answers, but my supplementary is: would the President agree that half of those eligible to vote, approximately, have not registered yet and that is a concern? Even more so because only a percentage of those persons on the roll actually turn out to vote on the day.

1655 Thank you.

The Deputy Bailiff: Deputy Le Tissier, what is the question?

Deputy Le Tissier: I think I started off with, 'Would the President agree that it is a concern?'

1660

The Deputy Bailiff: Right, thank you.
Deputy Prow, would you agree?

Deputy Prow: No, madam, I do not agree.

1665 In my responses, I have made it abundantly clear that all the information that has gone out has reinforced the fact that if you would like to vote in the general election, you must register to do so now, even if you have registered on a previous electoral roll.

What I would say, it is incumbent upon everybody in this Assembly to try and encourage people to vote. **(A Member:** Hear, hear.) If that is the point of the questions, I applaud Deputy Le Tissier for doing it. Whether it needed Rule 11 questions or not, I would question. But if that is the message he is trying to put out, I think I have emphasised that quite clearly today. What I would say is the numbers are more encouraging with regard to March where in 2020 24,663 were registered and we are now up to the equivalent of 22,796. There is another reminder to go out – and Deputy Le Tissier is nodding – so he, like me, would encourage anybody who is eligible to vote, get on the register.
1670
1675 If that is a message that we have managed to get over this morning, so be it.

Thank you, ma'am.

A Member: Hear, hear.

1680 **The Deputy Bailiff:** Supplementary question number 2, Deputy Le Tissier?

Deputy Le Tissier: Thank you, ma'am.

Following on from that, have the Home Affairs Committee ever discussed, and if so, when, that voting should be made mandatory, as in some other countries, such as Australia, for example?

1685

The Deputy Bailiff: Deputy Prow, that question goes beyond the answer to the Rule 11 question, but I will allow you to answer it if you wish to.

Deputy Prow: Thank you, madam.

1690 I can answer that very simply. Yes, we have discussed it and it has been debated in Committee. I also believe that SAC has considered this. This is not what was agreed for this election but I think it is something that we should consider or the next States should consider. Registration is not compulsory and, yes, suggestions that it should be have been debated, and that will be a matter for this Assembly.

1695 Thank you, madam.

The Deputy Bailiff: Deputy Blin.

Deputy Blin: Madam, thank you.

1700 Mine is almost a supplementary to Deputy Le Tissier's first one because it is really an observation and a question that –

The Deputy Bailiff: Deputy Blin, you can really only ask a supplementary question to his second question, not to his first question. That moment has passed.

1705

Deputy Blin: I will not be able to then.

The Deputy Bailiff: Deputy Inder.

1710 **Deputy Inder:** I will try. With the very good subscription figures comparable to 2020, would the President agree with me that the predicted failing of IWV was premature and the population is still engaged with democracy as agreed by the referendum?

A Member: Hear, hear.

1715

The Deputy Bailiff: Deputy Prow, I do not consider that actually comes out of the answer to the question but, again, I will give you the option to reply if you wish to. What I would say is we are already on an hour of these questions, we still have one question to go, so I will give you that as a pointer. You are not going to answer the question? Yes.

1720 Deputy Gollop.

Deputy Gollop: I had better go quickly or I will lose my questions. My question is, I know Jersey are looking at a permanent electoral roll for the future and there are still people here who are confused, as Deputy Le Tissier has said. Would the President wish, in his final reminder, to particularly have an educative marketing campaign that encourages younger people to vote, because they appear to be more tardy in coming on the roll, and that might be because they do not understand that each election they have to re-admit themselves because they have done it less often?

1725

Does Home Affairs have a role in encouraging the sectors of the community that evidence suggests are not registering to vote?

1730

The Deputy Bailiff: Deputy Prow, to the extent it relates to reminder cards, would you like to answer that question?

1735 **Deputy Prow:** Thank you, madam.

I think Home Affairs has consistently actually questioned whether the responsibility for the electoral role should actually move to another Committee and the SAC Committee, basically so that the whole thing is completely joined up politically. What I will say is that it is joined up at officer level and the responsibility is with the Registrar General.

1740 As far as a rolling electoral roll, that has been discussed. It would need to be funded and I think that that, as Deputy Gollop is suggesting, along with some of the other points in his question, is a matter for the next Assembly.

The Committee for Home Affairs has discharged its responsibility around the electoral roll and I believe it has been properly advertised. (**A Member:** Hear, hear.) But again I encourage young people, all people who are eligible to vote, get on the register.

1745 Thank you, madam.

The Deputy Bailiff: Deputy Dudley-Owen.

1750 **Deputy Dudley-Owen:** Would the President be interested to know that there is engagement with our young people and the electoral team is going into our sixth form and also other educational post-16 organisations to spread the word about the importance of voting to the extent that also Deputies are invited into our Sixth Form Centre to speak to young people and witness the number of young people who at that time had signed up to the electoral roll. There was some way to go but actually the electoral registration team were visiting that school a couple of days later and there is considerable work going on from the Youth Commission into our schools to ensure that eligible young people can vote, however it is up to them.

1755 **The Deputy Bailiff:** Deputy Prow, again that does not really go to the answer to the question about reminder cards, but if you wish to answer you are very welcome to.

Deputy Prow: Thank you, madam.

Yes, I was aware and I applaud that initiative.

Thank you, madam.

1765

The Deputy Bailiff: Deputy Blin, attempt number 1 or number 2.

Deputy Blin: Thank you ma'am.

1770 Expanding on that for the young people but also for the people who are non-locals or foreign nationals, who still are not fully aware, many times being asked, if you could expand on how we are going to reach them as well.

1775 **The Deputy Bailiff:** Again I do not think this goes to the response, I am very conscious that we have got a half pint pot and a pint of business to get through. So, Deputy Prow, do you wish to answer this question?

Deputy Prow: No, ma'am.

The Deputy Bailiff: Thank you.

1780 Any more supplementary questions that actually relate to the answer to the question? No?
Thank you very much.

STATES' ASSEMBLY AND CONSTITUTION COMMITTEE

Manifesto Booklet – Budget and logistics

The Deputy Bailiff: In that case, we will move on to the final set of questions, which are by Deputy Gollop to the President of SAC.

1785

Deputy Gollop: I know perhaps people wanted me to remove the questions, but I think they are important too. I thank the SAC for inviting it.

1790

My first question is: the planned manifesto booklet of all the candidates for the 2025 election, now made public, will allow all candidates to provide two or four full pages. Has consideration been given to budget and logistics if perhaps 119 possible candidates all submit four pages, ensuring a booklet of nearly 500 pages, and whether this process favours knowledgeable incumbents?

The Deputy Bailiff: Deputy Meerveld.

1795

Deputy Meerveld: Thank you, ma'am.

The Committee carefully considered both the budget and logistical implications of offering candidates either two or four pages in the manifesto booklet. The Security Management Committee review of Island-wide voting established across all age groups a majority of respondents wanted more information in the manifesto booklet, with over two thirds supporting this view.

1800

The Committee is confident it does not favour incumbents. It should be remembered that prior to 2020, all candidates, new, returning and incumbent, freely chose the number of pages, generally ranging from two to eight, to present to the electorate. The Committee has sought at every point to give candidates as much freedom as possible in their campaign.

Thank you, ma'am.

1805

The Deputy Bailiff: Any supplementary questions?

1810

Deputy Gollop: My first supplementary is, I wonder though if incumbents or experienced candidates will potentially have the ability to write longer manifestos because they have had more experience of committee work or policies, so would there not be an inequality whereby candidates who have been around a long time will write longer manifestos for the four-page option?

The Deputy Bailiff: Deputy Meerveld.

1815

Deputy Meerveld: Thank you, ma'am.

That situation has not changed whatever the electoral system. Back in 2020 incumbents would have the ability potentially to write more. At the end of the day, I think the induction courses or introduction courses that SAC have been running for potential candidates will actually give them the ability to utilise the pages, additional pages, if they wish. Also, candidates, if they want to, could use it for photographs of them, their family and their pets. It is up to the candidate's choice and that is what we are trying to provide.

1820

Thank you, ma'am.

1825

The Deputy Bailiff: First supplementary question, Deputy Inder. I have called Deputy Inder, he will be giving his supplementary question.

1830

Deputy Inder: I thought so too, and I have got cloth ears sometimes. The submission of the manifesto starts well before the nomination period. Does the Committee agree with me that this advantages organised parties such as the Future Guernsey Party to get themselves into shape well before the election? As Deputy St Pier is a member of SAC, was that given any consideration when they came up with these dates?

The Deputy Bailiff: Deputy Meerveld, there is an argument that this also goes beyond the answer you gave to question 1, but I will allow you to answer this if you wish to.

1835

Deputy Meerveld: No, thank you, ma'am.

The Deputy Bailiff: Deputy Gollop, your second supplementary question.

1840 **Deputy Gollop:** I think, although Deputy Meerveld knows I go on a long time sometimes and could be briefer, my point is if there are over 120 candidates and they all choose to do four pages, whether nice photographs of pets or long policies, it is potentially a 500-page book. This is 500 pages we are doing for our Billet this month. Does SAC consider logistically this will be an easy document to circulate and read if it is that long, 500 pages?

1845 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: Deputy Gollop makes assumptions on the number of people standing and how many pages they will choose. At the end of the day, the electorate will have this for a number of weeks just as we have Billets, and it will act as a reference guide. Each person will use it as they see fit. I do not see a problem in providing the electorate with more information to make informed choices upon.

Thank you, ma'am.

1855 **The Deputy Bailiff:** Second supplementary question, Deputy Inder.

Deputy Inder: Last time I did this very successfully, we had a 10-day turnaround for the print and it was not done in Guernsey for all the right reasons. We just did not have the time and the turnaround. Given that there could be 119 and the assumptions have actually been made by SAC, they think it will be lower, they do not actually know; it could be higher. We could have 500 pages. Are they convinced that they can turn around the substantially bigger booklet based at the figure that we know, 119, which could be up to 500 pages in that 10-day period? What guarantees can they give the electorate and the candidates that there will be no failure on that 10-day turnaround because that is what we did last time when a book half the size.

1865 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: I am confident that all the necessary plans are in place to turn around the booklet within the stated time frames.

1870 Thank you, ma'am.

The Deputy Bailiff: Supplementary question 1 from Deputy Le Tissier.

Deputy Le Tissier: Thank you, ma'am.

1875 I am not really sure whether this should be question 1 or question 2 so I will try it. Would the President tell me, tell the Assembly, what is going to happen if there are no political parties, there are only charters, because at the last election we were allowed a logo for the party in the manifesto. But now it looks like there may be no party so will these people who support the charters of vote, Vote for Guernsey and Future Guernsey be allowed a logo?

1880 **The Deputy Bailiff:** Deputy Meerveld, this goes beyond the answer to question 1. Do you wish to answer it?

Deputy Meerveld: No, thank you, ma'am.

1885 **The Deputy Bailiff:** Any more supplementary questions? In that case, Deputy Gollop, please would you pose your second question to the President of SAC?

Deputy Gollop: Thank you very much, madam.

1890 While I commend the SAC Committee in giving candidates opportunities for developing their offer and policies, has research based on evidence been considered about whether much of the electorate will engage with a very large booklet and work through the alphabetical list of candidates?

1895 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, ma'am.

The SMC have actually gone out and conducted a very thorough review of the last election, which I participated in, and it was very clearly indicated by the respondents to that review and survey that they desired more information in the booklet. That was part of the considerations in SAC providing that information. As I said earlier, I think it is beholden on us as a States' Assembly to facilitate the provision of as much information as possible to enable the electorate to make informed decisions and I believe the larger booklet will do that.

Thank you, ma'am.

1905

The Deputy Bailiff: Thank you, Deputy Meerveld. That is not the answer that you originally gave in the written response but it is still an answer. Deputy Gollop.

1910 **Deputy Gollop:** While accepting the answers that have been given, my question is, bearing in mind the answers to Deputy Prow's questions, is there not a danger that younger people and people less experienced in elections will not engage with a very large booklet, despite the views of the Scrutiny Management Committee review?

The Deputy Bailiff: Deputy Meerveld.

1915

Deputy Meerveld: I was not listening to that supplementary question, I was actually reading the answer I should have given previously because I was taking that as a supplementary question, not a principal question. I will read out the answer to the previous one that I should have read previously.

In deciding to offer the candidates the opportunity to submit two or four-page manifestos, the Committee was responding to the results of the survey in the SMC's comprehensive review into Island-wide voting. It would be perverse for respondents to provide such feedback if they were not prepared to engage with a larger booklet.

1925 **The Deputy Bailiff:** Deputy Gollop, as Deputy Meerveld has now read out the written answer, you may now pose your supplementary question again if you wish. He has now answered the question.

1930 **Deputy Gollop:** My second question though is, if the booklet is a large one, does that make it less fair to have an alphabetical list of candidates and therefore perhaps the book should be more randomised because it is possible in a large booklet that people will look at As and Bs and Cs before Vs and Ws?

The Deputy Bailiff: Deputy Meerveld.

1935 **Deputy Meerveld:** Thank you, ma'am.

We reviewed the ideas of different ways of organising the booklet, but at the end of the day, I think members of the public may not read the booklet end-to-end as a single document. They will want to go to look at specific candidates and reference them, therefore alphabetical is one of the few logical orders which can be used to enable them to do that.

1940 Thank you, ma'am.

The Deputy Bailiff: Deputy Inder.

1945 **Deputy Inder:** Just to try and help Deputy Meerveld, would he agree with me that – the answer is, yes, by the way. Would he agree with me that the alphabetical layout of the candidates was discussed with some of the disability groups last term and they wanted something that they understood A through to Z.

Thank you.

1950 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: The answer is yes.

1955 **The Deputy Bailiff:** Supplementary question, Deputy Le Tissier.

Deputy Le Tissier: Could I just ask you if my question supplementary for question 1 would be appropriate to ask for question 2 or is it still out of order?

1960 **The Deputy Bailiff:** I cannot remember what it was, I am terribly sorry, Deputy Le Tissier, ask again, I will give you an answer yes or not.

1965 **Deputy Le Tissier:** All right, I will ask again. My question was: at the last election, the manifesto booklet allowed logos of political parties to be inserted. At the moment there are no political parties, only these charters, Vote for Guernsey and Future Guernsey, will the President be able to tell us if logos of those organisations will be allowed in the booklet and online?

Thank you.

1970 **The Deputy Bailiff:** Deputy Meerveld, I still do not think that is a question that relates to the answer, but if you want to answer that question, you are very welcome.

1975 **Deputy Meerveld:** As Deputy Le Tissier seems to really want an answer, I will give one. The provision of party logos in manifestos is dictated by Law, so what has to be displayed, etc. As far as free association with any organisation, at the end of the day, the format in the booklet this time will not be prescribed and formatted by the States. It will be free format and people will be free to put whatever they want within their manifesto within reason.

The Deputy Bailiff: Thank you.

That brings us to the end of the Rule 11 questions. States' Greffier.

Billet d'État VIII

ELECTIONS & APPOINTMENTS

PRESIDING OFFICER

1. Ladies' College Board of Governors

1980

Article 1.

The States are asked:

(1) To re-elect Advocate Caroline Chan who has been nominated by the Board of Governors as the Chairman of The Ladies' College Board of Governors on the expiry of her current term of office on 31st May 2025. N.B. Nominations cannot be made from the floor of the Assembly.

(2) To elect a member of The Ladies' College Board of Governors, who need not be a member of the States, to replace Mrs Catharine Walter whose term of office will expire on 31st May 2025, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees. N.B. Nominations may be made from the floor of the Assembly.

(3) To elect Mrs Eve Jardine-Young as a member of The Ladies' College Board of Governors with effect from 1st June 2025, who has been nominated in that behalf by the Committee for Education, Sport & Culture. N.B. Nominations cannot be made from the floor of the Assembly.

The States' Greffier: Yes, madam. Article 1, the election of members of the Ladies' College Board of Governors.

1985

The Deputy Bailiff: I will shortly ask Deputy Soulsby to propose the various candidates. You will note that in relation to the first and third election, those will be by SEV, but in relation to the appointment of Catherine Walter, that is something that comes from the floor of the Assembly, and therefore that will be by secret ballot. Deputy Soulsby.

1990

Deputy Soulsby: Yes, madam.

I am proposing Caroline Chan and Catherine Walter, but do you want me to do both at the same time or one first?

The Deputy Bailiff: No, do them one individually.

1995

Deputy Soulsby: Caroline Chan.

The Deputy Bailiff: Deputy Trott, do you second that?

2000

Deputy Trott: I do, madam, with pleasure, thank you.

The Deputy Bailiff: Well, Members, this is the first vote in relation to Ladies' College. It is to re-elect Advocate Caroline Chan. It should be on your SEV now. States' Greffier, would you open the voting? Would you close the voting, please.

2005

2010

There was a recorded vote.

Proposition 1

Carried – Pour 35, Contre 0, Ne vote pas 0, Did not vote 4, Absent 1

2015

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

The Deputy Bailiff: I declare that the election was unanimous, though four Members were not in the Chamber at the time of voting.

Deputy Soulsby, in relation to the election of Catherine Walter.

2020

Deputy Soulsby: Yes, madam, I would like to propose her re-election.

The Deputy Bailiff: And is that seconded, Deputy Trott?

2025

Deputy Trott: It is a similar pleasure to do so, madam.
Thank you.

The Deputy Bailiff: Are there any nominations from the floor in relation to this position on the Ladies' College Board of Governors? No? Then taking into account Rule 16, this will need to be by a secret ballot, because there are nominations which can be made from the floor of Assembly. So I will ask His Majesty's Sheriff to come around with the ceremonial envelope.

2030

That is in relation to Catherine Walter being reappointed to the Ladies' College Board of Governors.

2035 While we wait with bated breath to the outcome of that election, can we move on to the third election, Advocate Soulsby, in relation to Eve Jardine-Young.

Deputy Dudley-Owen: Yes, ma'am.

2040 **The Deputy Bailiff:** Sorry, Deputy Dudley-Owen, are you proposing?

Deputy Dudley-Owen: Yes, am I allowed to speak?

The Deputy Bailiff: If you would like to, yes.

2045 **Deputy Dudley-Owen:** Yes, I would not like to miss this opportunity to enter into some good governance for the Assembly, given that I have taken time to meet Mrs Jardine-Young on a couple of occasions now, and I am impressed by her knowledge, her skills and her experience. I have learned a lot from her within the half-hour session that we had around the challenges that Ladies' College face and the opportunities.

2050 I think that she provides some very strong mentoring and support for the headteacher and I am really very pleased to nominate her. I realise that some Members and Deputy Blin had asked about her being off Island but actually I think that the regular contact in which she keeps with the Board is that of a non-voting member would provide, her knowledge is extremely strong and she provides an awful lot of support in that instance. So I do not think that her being remote from the school is
2055 an issue at all. But I commend her nomination to the Assembly.

The Deputy Bailiff: Thank you. Who seconds that?
Deputy Haskins, are you seconding it?

2060 **A Member:** Madam, there appears to be a technical error on the SEV.

The Deputy Bailiff: What is it? Tell me what it is.

2065 **A Member:** I do not know, it just says error.

The Deputy Bailiff: Well if you would just like hold on one moment while I ask one of our technical assistants. I think it is now probably – mine has certainly come into play now, so try opening up again. Yes, I can see on the States' Greffier's screen that his vote is up there; has everybody now got it?

2070 Does anybody who is voting on this not have the voting slip, if you can call it that, in front of them on their screen now. No, the voting has not opened yet. I just want to check that everybody's got the Proposition in front of them, because that was a problem. Yes, right. I think we have solved the technical problem then. States' Greffier, would you kindly open the voting in relation to the election on Mrs Eve Jardine-Young as a member of the Ladies' College Board of Governors. A little
2075 bit slow, there we go. Deputy Le Tissier, suggestions of refreshing, I am terribly sorry I cannot come down to them. Right. I will give you a moment, Deputy Le Tissier, to see if you can do it on your screen. Thank you.

2080 Would you kindly close the voting, please, States' Greffier? Pardon? It would appear the technical problem is not quite over yet. The States' Greffier's record and mine are different. Well, while we are waiting for that to resolve itself, can I declare that unanimously Catherine Walter was voted in as the candidate for the Ladies' College. There were, however, two spoilt papers and three blank papers.

2085 Right. States' Greffier, have you managed to resolve that technical issue now? Hold on one moment, please. There still appears to be difficulties because it has not registered all the votes. So what we are going to need to do then is have an old-fashioned vote. I know it seems a bit of a

performance as it is probably a matter that is not highly controversial but nevertheless we need to do this properly. So until this is technically resolved I am going to ask States' Greffier to read the votes out.

2090 *There was a recorded vote.*

Proposition 3

Carried – Pour 28, Contre 0, Ne vote pas 0, Did not vote 11, Absent 1

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

2095

The Deputy Bailiff: I think sometimes it does us good to remember how we used to do it and realise what progress we have made. In relation to that vote, those people who were not using their fingers and thumbs, it was pour 36 and there were 4 Members not in the Chamber at the time of the vote, I therefore declare the appointment of that final member of the Ladies' College Board.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

2100

2. Housing Appeals Panel: Appointment of Member

Article 2

1. To reappoint Ms Julia Anne Springett White, Mr Keith Bell, Ms Hayley Cooper and Ms Natasha Newell to the Housing Appeals Panel for a term of office beginning on 1st May 2025 and ending on 30th April 2028.

2. To appoint Mrs Audrey Branch to the Housing Appeals Panel for a term of office beginning on 1st May 2025 and ending on 30th April 2028.

3. To reappoint Ms Julia Anne Springett White as Chair of the Housing Appeals Panel for a term of office beginning on 1st May 2025 and ending on 30th April 2028. 4. To re-appoint Mr Keith Bell as Deputy Chair of the Housing Appeals Panel for a term of office beginning on 1st May 2025 and ending on 30th April 2028.

The States' Greffier: Article 2, the Committee for Employment & Social Security – Appointment of Housing Appeals Panel member.

2105 **Deputy Roffey:** Thank you, madam. I have very little to add to this policy letter. It is part of a routine appointment process for members of the Housing Appeals Panel, and from that panel, members of any Housing Appeals Tribunal are appointed to hear any appeals that come forward.

2110 The current term of office for panel members expires at the end of this month. The four Propositions are number 1 to reappoint the four existing panel members, number 2 to appoint a new panel member to a vacancy, and the thumbnail sketches of all five candidates are in the policy letter, and the Propositions 3 and 4 are simply to reappoint the current Chair and Deputy Chair to their respective roles.

2115 **The Deputy Bailiff:** Thank you. Does anybody wish to speak in general debate on this? No. States' Greffier, do you think the system has resolved itself?

The States' Greffier: I very much hope so, madam. I am sure it has.

2120 **The Deputy Bailiff:** In that case, I will ask you to open the voting in relation to the appointment of the Housing Appeals Panel member.

Proposition 1

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

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Ferbrache, Peter	Gollop, John
Blin, Chris			Oliver, Victoria	
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
de Lisle, David				
de Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Gabriel, Adrian				
Haskins, Sam				
Helyar, Mark				
Hill, Edward				
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				
Parkinson, Charles				
Prow, Robert				

Queripel, Lester
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

2125

The Deputy Bailiff: In relation to the Propositions, they voted: pour, 37, 2 Members were not in the Chamber at the time of voting. I therefore declare the vote as passed.

LEGISLATION FOR APPROVAL

COMMITTEE FOR HOME AFFAIRS

4. Further Legal Reform in Respect of Domestic Abuse and Sexual Offences – Propositions Carried

Article 4.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Further Legal Reform in Respect of Domestic Abuse and Sexual Offences' dated 3rd March 2025, they are of the opinion:-

- 1. To agree to introduce the offence of stalking, as set out in section 3 of this report and section 1 of the Appendix.*
- 2. To agree to introduce stalking protection orders, as set out in section 4 of this report and section 2 to of the Appendix.*
- 3. To agree to introduce the offence of strangulation or suffocation, as set out in section 5 of this report and section 3 of the Appendix.*
- 4. To agree to enact a provision stipulating that consent is not a defence to specified offences against the person where significant harm is inflicted for sexual gratification, as set out in section 6 of this report and section 4 of the Appendix.*
- 5. To agree to introduce the offence of female genital mutilation, as set out in section 7 of this report and section 5 of the Appendix.*
- 6. To agree to expand the circumstances in which evidence of recent complaint is admissible in a criminal trial, as set out in section 8 of this report and section 6 of the Appendix.*
- 7. To agree to empower the courts to prohibit remanded defendants from contacting witnesses and alleged victims, as set out in section 9 of this report and section 7 of the Appendix.*
- 8. To agree to empower the courts to receive pre-recorded cross-examination and re-examination in criminal trials, as set out in section 10 of this report and section 8 of the Appendix.*
- 9. To agree to empower criminal and civil (including family) courts to prohibit a party from personally cross-examining a witness, where the court considers it in the interests of justice to impose such a prohibition, as set out in section 11 of this report and section 9 of the Appendix.*
- 10. To agree to introduce statutory reviews of domestic abuse related deaths, as set out in section 12 of this report and section 10 of the Appendix.*
- 11. To agree to abolish the customary law defence of reasonable chastisement, as set out in section 13 of this report and section 11 of the Appendix.*
- 12. To agree to enact an enabling provision for the future introduction of a register of domestic abuse offenders, as set out in section 14 of this report and sections 12 of the Appendix.*
- 13. To agree to introduce an offence of spiking, as set out in section 15 of this report and section 13 of the Appendix.*

14. To agree to introduce an offence of sexual harassment in a public place, as set out in sections 16 of this report and section 14 of the Appendix.

15. To agree to empower the police to enter and search properties to arrest persons for breaches of post-charge bail, as set out in section 17 of this report.

16. To direct the preparation of such legislation as may be necessary to give effect to the above decisions throughout the Bailiwick of Guernsey.

2130 **The States' Greffier:** Article 4, the Committee for Home Affairs – Further Legal Reform in Respect of Domestic Abuse and Sexual Offences.

The Deputy Bailiff: Yes, thank you.

2135 Further to the motion this morning to rearrange the order of business, I will now invite Deputy Prow to open this matter.

Deputy Prow: Thank you, madam.

2140 I am very pleased to present the second phase of the Committee's work on legal reform in respect of domestic abuse and sexual offences. Progressing the violence against women and girls agenda has been a priority for the Committee this term. Broadening the scope of the domestic abuse strategy, establishing the Sexual Assault Referral Centre and introducing new legislation criminalising domestic abuse have been major milestones. While there is still work to be done, I am pleased to be able to present the next phase of this work to the Assembly.

2145 Work on this hugely important area of the Committee's mandate has been a priority for the Committee this term. It is the culmination of a significant piece of work informed by subject matter experts both in the public sector and our third sector partners, as well as the Law Officers of the Crown, who have practical experience of dealing with the aftermath of abuse. The Committee has worked at pace to deliver this policy letter to the States.

2150 The contribution of stakeholders in developing these proposals was invaluable to this process, not just in progressing the Propositions before you today, but also in identifying what still needs to be done. As the Assembly is aware, the first phase of reform in this area was approved in 2023 and focused on the most critical gaps in the legislation that needed to be addressed locally. This resulted in a new Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, which is awaiting Royal Assent.

2155 Multi-agency training is in the process of being delivered to ensure that these provisions can be put to use as soon as the legislation is enacted. The Committee has always stated its intention to bring a second phase of work to the Assembly. The Committee is today asking the Assembly to support a further 15 measures which offer greater protection to victims of domestic abuse and sexual offending, and to provide an effective response to perpetrators of these offences. These proposals recognise that for some members of our community, the Bailiwick is, unfortunately, not a safe place to live and will introduce measures to ensure our criminal justice system has the tools to combat all types of domestic abuse.

2160 Madam, I am grateful to those States' Members who attended the presentation a few weeks ago on the Committee's proposals. As such, I do not intend to go through the 15 Propositions before you now individually, but I will address questions when I close. Some good questions were raised during the presentation and since, and I hope the discussion helped to provide reassurance to any potential concerns. Madam, importantly, the Committee appreciates that legislation is not the panacea for bringing about societal changes. However, we believe that it sends a strong message to perpetrators that such behaviours will not be tolerated in the Bailiwick and importantly there is greater protection and early intervention for victims.

2170 The legislation, should the policy letter be agreed by the States, has not yet been finalised and the Committee is still very much in listening mode around those questions and comments that have already been made and I assume will be made in debate. Those considerations will be looked at further before the legislation is finally drafted. The Committee considers that Government has a

2175 responsibility to ensure that victims feel supported and perpetrators are punished and supported to change their behaviour.

Madam, I ask the Assembly to support these Propositions.

The Deputy Bailiff: Deputy Falla.

2180

Deputy Falla: Thank you, ma'am.

I thank Home Affairs for this very comprehensive piece of work. Unfortunately, I was unable to attend the presentation but I do have a question and that is: does this now bring Guernsey fully in line with best practice in other jurisdictions?

2185

The Deputy Bailiff: Who else wishes to speak in the debate? Deputy Bury.

Deputy Bury: Thank you, madam.

2190 Unfortunately, as no one else stood, I will be keeping people past lunchtime. I would like to firstly put on record my wholehearted support for the policy letter and commend Home Affairs for their work in this area this term. I do have quite a lot of questions, though, and by no means is that a criticism of the Committee or the work in front of us, it is just because of the matter's high importance.

2195 I will start with Proposition 4, which is the rough sex gone wrong defence. Even though section 6 of the policy letter starts with the explanation that these provisions were introduced in England and Wales in response to high profile cases where women were injured or killed, it turns out that this provision does not actually apply in the case of death. It only applies to the specific offences that are listed, which are GBH, wounding and ABH.

2200 I asked Deputy Aldwell, as the lead on this, if this was correct and she kindly referred me to the appropriate Law Officer. A summarised version of his answer is as follows:

For murder there must be an intention to either (a) inflict GBH or (b) kill. It follows that someone might raise consensual sexual intercourse as a defence to murder, to explain that they had no intention to do either. If successful, that might reduce the verdict to manslaughter. There is nothing we can do to prevent this narrative being raised in a murder case without altering the elements of murder, which would be dangerous and not something I advise. If the person did intend to kill or inflict GBH then they would be guilty of murder, but this is under existing principles rather than the new Proposition. In summary, the new Proposition does not cover murder because murder is more complex and has different elements to prove, so it would not be appropriate to expand it to murder. The Law would be saying that it is wrong to hurt people while having sexual intercourse even if they consent to it, so do not do it. I can confirm that this rough sex, gone-wrong narrative could still be raised in a murder case because it is relevant to intent.

2205 Clearly, this is a very complex area of law. However, to me, as a lay person, I feel like this is missing the point. If the victim has suffered ABH, GBH or wounding, I think the hope would be that the extent of those injuries would not prevent the victim from offering their evidence. However, in the situation where the victim has no voice because they are dead, we are saying that this sort of defence would be allowed, and that misses the mark somewhat in my opinion.

2210 Moving on to training, the President did say in his opening that multi-agency training is underway, however it is only briefly mentioned in the policy letter and I would like to know more about what this looks like, primarily for our police officers as they are at the front line of detecting domestic abuse happening and hopefully being able to prevent it escalating further, but they have to be able to spot it in the first place.

2215 An example of a well-publicised case in the US in 2021, the victim was a young woman called Gabby Petito and she was murdered by her fiancé while they were traveling across the country in a camper van. Gabby was a YouTuber and so lots of their life together was able to be shown in a documentary made by Netflix. This documentary also features bodycam footage of police officers being called to reports of a domestic disturbance between the two made by a member of the public and essentially getting it really wrong and missing all the signs that Gabby was the victim, not the perpetrator. A matter of weeks later, she was dead.

2220 The question remains, if they had handled things differently would Gabby still be alive? Training matters. Another area of training that I believe to be exceptionally important, but perhaps only just emerging in its importance, is the ability to detect when a suicide might be due to domestic abuse. In March, the fourth report by the Domestic Homicide Project was released, and this is a Home Office-funded research project led by the National Police Chiefs' Council. For the second year in a row, suspected suicides following domestic abuse have now overtaken the number of homicides involving current or previous partners.

2225 Thankfully, here in Guernsey, domestic homicides are rare. However, what are our force doing, if anything, to ensure that they understand the possibility of suicide due to domestic abuse, and how would they spot the signs of this and investigate? In fact, what Laws would we have to prosecute in these circumstances? Again, it is complicated.

2230 In a case in 2022 in Lancashire, a victim of prolonged and severe domestic abuse, Kiena Dawes killed herself, leaving behind her nine-month-old daughter. In her suicide note, she stated that she was trapped, confused and that her partner, who was a monster and a bully, had murdered her. At the heart of the case was the question: can an abuser be held criminally responsible for the death of a victim who has taken their own life. In this case, for various reasons, the jury was not able to say beyond reasonable doubt that he was responsible, despite the note. He was, however, charged with assault as well as a prolonged conduct of domestic abuse and sentenced to six years in prison.

2235 The Police were fully aware of the domestic abuse in this case as they had been called several times to the couple's home. At the time Kiena killed herself, her partner had been let out on bail post-arrest, the conditions of which he broke by contacting her. However, when Kiena reported this, she was dismissed by officers and then killed herself two weeks later. Counts of gross misconduct and misconduct were brought against four officers, three of whom had a case to answer. Again, this tragic case showing us that training in how to deal with these cases is absolutely imperative.

2240 That brings me on to the Proposition 10, which is the introduction of statutory reviews of domestic abuse-related deaths. I really welcome this introduction and certainly the more up-to-date terminology that is being used, which allows the remit of these reviews to apply to those cases of suspected suicides due to domestic abuse, as well as murder or manslaughter.

2245 As a last point on training, locally, as Deputies, many of us have received at least two formal complaints this term from victims of such serious sexual offences, one of which was featured in the media earlier this week. These complaints deal with what the victims feel was mishandling of their cases and them as victims, lack of information sharing, lack of understanding of process, and most importantly at some points, a lack of compassion, as well as various other behaviours that have clearly resulted in a complete erosion of trust in our police force for these victims.

2250 Moving on, ma'am, some other questions I have around the policy letter. At 2.3, we are given the objectives of the creation and the reformation of the Law. This section cites things such as greater protection and earlier intervention, improved performance in response to domestic abuse and sexual offences, improved redress in the justice system, etc. However, there is no indication of how this will be measured or where we are starting from.

2255 I would like to ask the President if any local specific data has been gathered to give us that starting point. Jersey have undertaken a project like this and have a successful model that they have offered us full support to utilise. Does the Committee intend to take some action in this area so that the effectiveness of the new Laws can be benchmarked and so the data can be used to direct future policies?

2260 Proposition 12 is the enabling provision for the future introduction of a register for domestic abuse defenders. Again, a very welcome idea and one I wholeheartedly support. However, I do have concerns about the length of time this is going to take. While I accept there are good reasons for sharing resources and information with the UK on this, at 14.3 we are told that this will mean waiting for the UK to establish their systems, then waiting for them to evaluate it, and then we will also need our police systems to integrate with the UK's. To me, that all sounds like it is a very long way away.

2265 There is no indication in the policy letter of how long this might take, and I wondered if the President would be able to give us that indication of how long we are looking at this to become a reality.

2270

I would also like to ask, ma'am, if the register will be available to the public, and would the Police have the powers to proactively use this information to warn new partners of offenders who may not be aware of their partner's history or will there be GDPR issues?

2275 On Proposition 5, concerning female genital mutilation, at 5.6 of the appendix, when the English, Wales and Northern Irish legislation is referred to, the majority of the sections refer to girls, not women. Can the President confirm, ma'am, that our legislation will cover both girls and women, regardless of their age?

2280 Finally, on the questions front, ma'am, I would ask the President if it has been considered by the Committee that with regards to the street harassment crime, whether the bar is set too high. We are advised in the policy letter that the offence is committed where there is intent to cause alarm or distress. Proving intent can be a very difficult thing and if we are trying to change behaviour, is intent really the only thing that matters? Or is the impact of the behaviour, whatever the intent may be, just as important? What might be seen as a coarse but complementary comment by one person, 2285 quite easily may be felt as an unwelcome sexualisation by another. Cat-calling is an offence in Jersey, the UK, the US, Canada, France, Australia and many other countries. Can the President advise why this was left out of the Committee's proposals and the street harassment crime is still at quite a high bar?

I realise, as I said at the start, that are a lot of questions and I know I am running out of time.

2290

The Deputy Bailiff: You still have 4 minutes and 12 seconds.

Deputy Bury: Thanks.

2295 Many of the other Propositions I really do support. Bringing in the crime of stalking is so important. It is often a precursor to far worse as a course of conduct, as well as spiking without having to prove the intent. The introduction of strangulation and suffocation; again, there are lots of statistics that show that when a death eventually occurs due to domestic abuse, strangulation and suffocation has been a precursor to that. If these things can be caught earlier by them being specific crimes, we are literally looking at them saving lives. So I know that my speech may have 2300 come across as picking holes. As I said at the start, it is only because it is such an important matter. But many of the other Propositions that are being brought in, I am absolutely right behind, and I am so grateful to Home Affairs for bringing them.

Thank you, ma'am.

2305 **The Deputy Bailiff:** Thank you.

The time is now 12.38 almost so we will now adjourn for lunch.

*The Assembly adjourned at 12.38 p.m.
and resumed its sitting at 2.30 p.m.*

The Deputy Bailiff: Deputy Aldwell.

2310 **Deputy Aldwell:** Thank you, madam.

Madam, I would thank Deputy Bury, if she was here, for her questions and take all her comments on board. Deputy Prow has stated that we are just at the start of the process and there will need to be a clarification for any legislation before it is finally laid before the Assembly.

2315 As this Committee for Home Affairs presents its last Domestic Abuse and Sexual Offences Policy letter this term, I wanted in my final speech on our Social Policy to pay a special tribute to all those who have contributed throughout this term. The landscape we found ourselves back in 2020 is very different from today, with a suite of new legislation, a new Sexual Assault Referral Centre, and a new refuge at the planning stage on the way.

2320 Operation Encompass, which was set up in 2021, working between the Police and our schools
for children who sadly all too often witness domestic abuse in their homes. These wonderful people
who work in our community dealing with these heinous crimes every day have truly made such a
difference to victims of domestic abuse and sexual violence. With their experience and knowledge
in the community supporting survivors, they have contributed to the policy letters and understood
the legislation required to keep survivors of domestic abuse and their families safe and have
2325 changed the landscape.

2330 The Domestic Abuse Legislation Steering Group, including representatives from the Police,
Probation Service, St James' Chambers, Safer and Victim and Witness Support have advised along
with the SARC, the Sexual Assault Referral Centre, SafetyNet, and Citizens Advice. All are
instrumental in the changes being implemented in this second policy letter, along with the officers
who have worked tirelessly to bring it forward before the end of this term.

2335 It was acknowledged by Rachel Reeves in her book, Women of Westminster, that back in 2010,
Theresa May, as Home Secretary, took the lead on domestic violence and sexual exploitation and
prioritised domestic abuse, bringing in domestic violence protection orders in 2014 and a Law
against coercive control in 2015. We are 10 years behind.

2340 These issues are very much with us today. Domestic abuse is the last taboo subject but it most
certainly must be talked about and brought into the open, not left behind closed doors. Back in
2016, Jess Phillips read out the names of women in Westminster on International Women's Day,
who had died from domestic abuse in the UK. This has become an annual event. This year, at the
Despatch Box in the House of Commons on International Women's Day, she made an emotional
speech explaining a woman is killed at the hands of a man every three days in the UK, and one in
five homicides are from domestic abuse in England and Wales. Ninety-five women and girls of age
of 14 and above names were read out, along with several children who had died in the past 12
months due to domestic abuse.

2345 She also spoke on talking of the need for stalking Laws. Dr Jane Monckton Smith is a Professor
of Public Protection. Reviewing cases for the Home Office and advising police, she has written about
the eight stages of homicide timeline. Of homicide and suicide due to domestic abuse, including
control, isolation, stalking, triggers, planning and escalation.

2350 Stalking is an important addition to this policy letter, with stalking protection orders to protect
from constant unwanted attention and privacy. Anyone can get caught in the snare of coercive
control, Dr Monckton Smith explained. She had personally witnessed a transformation of a cheerful,
motivated young woman to a clinically depressed, severely traumatised young person who had lost
her friends and left university, lost her job and accommodation. She recalled the number of times
she had to collect her daughter from the streets, injured and distraught, in her nightclothes. This
went on for two years.

2355 The only person who could guarantee her daughter's safety was the abuser. He could decide if
or when he hurt her. He could decide to stop or not. To watch a loved one go through such a terrible
relationship was traumatising but as a mother she knew she had to be trustworthy, consistent and
reliable. Everything the abuser was not. She had to be kind, strong and non-judgmental and learn
to manage her daughter's safety and arrange her escape route when the time came. She has a new
2360 life now, a new growing confidence and friends.

2365 The issues described by Dr Monckton Smith dealing with her daughter's situation are dealt with
here in Guernsey by families and agencies every day. It is a devastating situation to be in a
relationship of coercive control. Thankfully, the first suite of Laws will be enacted shortly, including
domestic abuse protection orders and notices, allowing the removal of the perpetrator from the
home rather than the victim and, finally, coercive control being recognised in Law as domestic
abuse.

2370 The Police and those involved in the day-to-day domestic abuse and sexual violence have gone
through training over the past few months in anticipation of the legislation being enacted this
spring.

2370 The second policy letter, with 15 recommendations before you today, came out of a consultation with those who are dealing with domestic abuse and violence against women and girls and will add to the tools in the box of the Police, strengthening their powers as well as being strong deterrents. Highlighting one of the new offences included is strangulation. Unfortunately, the world has changed significantly. With easy-access to online pornography sites, where sexual violence is
2375 normalised, a non-fatal strangulation is reported far too often by young people. We know it is needed to be made a standalone offence, and we see this in 5.6 of the policy letter.

In Guernsey, Safer reported in 2023, out of 177 victims, 83 reported physical abuse and 27 reported strangulation. Survivors of domestic abuse said it was often used by the abuser to instil fear, power and control over a victim. Speaking to a counsellor last year, he reiterated the
2380 importance of education being key. Not only do we now have an online safety officer attending our schools, we also have Safer and Share in our PSHE lessons, making it very clear to our young people that non-fatal strangulation is not normal behaviour in a loving relationship. Thankfully, it will now be explained that, in fact, it will be a standalone offence.

On a visit to Safer last month, I was asked to share a message to remind Members one in four women in this Island will experience domestic abuse. Guernsey has listened and is sending a clear message out to perpetrators, 'Your behaviour will not be tolerated'. I thank Members for attending the presentation on this policy letter and for the questions received which will shape the final legislation. Home Affairs have been ambitious this term, led by those working diligently in our community. Of course, further training will be required right across the board before the legislation
2390 can be gradually put in place.

I hope the Assembly can support this final policy letter of this term because this legislation brought this term could potentially be protecting your family members for generations to come. I want to end by thanking once again all those who have contributed to this policy letter and those who work tirelessly in our community to protect victims of domestic abuse and sexual violence. We
2395 have such caring people both in our third sector and our frontline services making a real co-ordinated difference. They are the safe harbour for many who need shelter on a stormy night.

Thank you, madam.

The Deputy Bailiff: Thank you.
2400 Deputy Inder.

Deputy Inder: Thank you, ma'am.

It is Deputy Bury's speech, which was excellent as usual, that reminded me of something and I just wanted to answer a question I had not asked of Deputy Prow. It did remind me that over the
2405 years from constituents, we have had letters, emails of quite awful instances of where a victim has come under some form of abuse. One of them was actually, I think it was back in 2017-2018 – and I will not repeat the lady's name – but in short, she had made a complaint over the weekend, the foreign national had been arrested but he was then subsequently let out before charged and he left the Island. I think Deputy Soulsby will remember, we brought an amendment some time in 2018,
2410 2019 to direct Home Affairs to give consideration to pre-charge bail conditions.

I think she will remember. So it is just to add an extra insight into how this work has evolved. This was addressed in the first domestic abuse policy letter and is captured and will be in place once the Domestic Abuse and Related Provision (Bailiwick of Guernsey) Law 2024 is approved or gone through this Assembly. Sorry, it has been approved by the States, it is just waiting for Royal Assent.

2415 What that is likely to mean is in the instant where a resident of Guernsey has made a complaint against someone, and he happens to be a – it is usually a him, it is safe to say – foreign national, they can apply pre-conditioned bails – sorry, what is the word again? Sorry, pre-charge bail conditions to ensure that person does not leave the Island until it has gone through a process and charges are commenced. So I hope that helps in some way.

2420 In short, sir, what I am trying to say is that this has been a long road for many people and unfortunately in our system of Government we can only attempt to make changes when particular

Laws turn up and allow us to amend things. That is one of the things that happened in 2018, 2019. It is now in place and it may assist some Members, and send a quite strong message that if you are a foreign national and you have got involved with a resident and done something, certainly at the point of being accused or charged of something, you will not be leaving the Island. But in the main, like Deputy Bury and most Members of the Assembly, Deputy Prow and his team, I think they have done a great job on this and taken this incredibly seriously over the past four years. I will be supporting this in its entirety, so thank you.

The Deputy Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, ma'am.

I, too, like it seems many Members of the Assembly, are very grateful to the Committee for presenting this policy letter. It is very clear the amount of work being done to protect our community and to make us all feel safe. So, again, I do thank the Committee and I support the overwhelming majority of the revisions.

I have had multiple conversations and emails with Deputy Prow, and I see two main points to highlight to Members. The first is Proposition 11 where the Assembly will be voting to remove the defence of reasonable chastisement to customary law. The hesitation is that the word 'reasonable' seems to be quite reasonable. The question to ask is: does this Assembly believe that parents should be allowed to reasonably chastise their child?

Now, once upon a time that would have been a harder question, but now I think that is an easier answer. One of the problems is with the definition of 'reasonable'. So in UK case law, from many decades ago, reasonable would not fit with what some Members would call reasonable now, not in these days. There is somewhat of a grey area, as stated in the policy letter. I do understand the issues raised by the stakeholders and they are quoted in the policy letter, especially the comments from the UN Convention on the Rights of the Child (UNCRC), and I have also read the arguments from organisations in the UK, and that includes the Children's Commissioner, who calls for abolishment as well in England.

I am raising this as a pre-emptive. One of the problems with the reasonable chastisement is that it can lead to an increase, an escalating level of chastisement. On balance, Members, I shall be supporting this Proposition, I just raise it as something to consider.

Now, the Proposition which I do have concern with is Proposition 14. Why? Well, I worry about our freedom of speech and I worry about the overreach. I have made my position clear to the President of Home Affairs, so he fully understands them. I am seeking his assurance that this Proposition will be thoroughly reconsidered and fears allayed to future Members before it comes back to the Assembly.

This Proposition involves including 4A and 4B, a 4B which is currently not enforced in the UK, of the Public Order Act 1986. It wants to include them into the Public Order Act (Bailiwick of Guernsey) 2006. In the UK they also have an additional section, which is section 5. It is not in this policy letter but I think it is worthwhile me highlighting this, and I will read it out.

A person is found guilty of an offence if he uses threatening or abusive words or behaviour, or disorderly behaviour, or displays any writing, sign or other visible representation which is threatening or abusive, within the hearing or sight of a person, likely to be caused harassment, alarm or distress thereby.

Members might be asking why is section 5 relevant? It is not included in the policy letter. Members, there is a word in there that is missing and that is 'insulting'. It is not included in section 5. It was originally in section 5 but after many cases it caused public outcry and it was later removed. It was removed on suggestion by the House of Lords and subsequently accepted by the House of Commons. The amended Law, with the removal of the word 'insulting', came into force in February 2014.

Now, section 4A states:

A person is guilty of an offence with intent to cause a person harassment, alarm or distress. He uses threatening, abusive or insulting words or behaviour or disorderly behaviour or displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that of another person harassment, alarm or distress.

So, very similar to section 5. Now, Members, the crux of the issue for the UK, and because the policy letter here is suggesting that we include the full sections and plant them into Guernsey Law, the issue is the same for us. Do we really need the Police and the court to deal with insults?

What is the difference between the 4A and 5? In section 5, it refers to the offence within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby. Section 4 states the same offence but stating 'thereby' causing that or another person harassment, alarm or distress. The bar is indeed higher in 4A. There needs to be an intent and actual distress, not just likely to cause.

When removing the word 'insulting' from section 5 in the UK, it was highlighted that the Crown Prosecution Service was, and I quote:

... unable to identify a case in which the alleged behaviour leading to a conviction could not properly be characterised as abusive as well as insulting.

In essence, the word 'insulting' is superfluous. It is not needed, certainly when it comes to cases for which there are actual convictions. So it might be 'useful' for arrests but not in convictions. There is a worry in the UK that the Police can and do use this as a way of dealing with public order but that is not what it should be used for. For an example, I recommend looking up the arrest of a student, Sam Brown, who was arrested essentially for identifying the sexual orientation of a police horse. *(Interjection)* Yes, surprising, but these are difficult topics and I do think that we should speak up about them. He was arrested *(Interjection)* but he was not charged, thankfully.

I think what it does highlight, it highlights the worry that the Police in the UK appear to be readily using the Law, as it seems to have a low bar to arrest, even though the threshold for conviction is higher. There are similar cases where members of the public are being arrested for something that might be insulting, seemingly in the interests of public order. The question is: is that at the cost of freedom of speech?

On a slight technical note, I do think it is worth noting that a person does not actually have to see an online post or directly hear the insult for that matter. What needs to be proved is that there has been intent; intention for the insult. Someone else can make the person aware and then that person needs to be genuinely emotionally upset. That is the quote for 'distress' over in the UK. That would then also meet the criteria of the section 4A. I only raise that as a matter for the Committee to address when it does come back to the Assembly.

Ma'am, I am not going to go on. There are genuine fears about the inclusion of the word 'insulting'. There are MPs, organisations and many members of the public calling for the word 'insulting' to be removed from section 4A, as it was from section 5. There is a formal parliamentary petition that is running at this very moment. This particular petition also seeks to change the Act to require the person who was caused harassment, alarm or distress to make a formal complaint to the Police perhaps because some believe that it is not right for those who get offended on other people's behalf to bring about the arrest. Again, I raise this as something for the Committee to consider.

I would very much appreciate the President's acknowledgment on *Hansard* of the conversations and issues raised prior to this meeting. I appreciate his general assurances in his opening speech and I seek specific assurances that this Proposition will be thoroughly revisited and the Committee remains in listening mode. In the meantime I will, of course, use my vote to signal my sincere worry for this Proposition. Ma'am, again, I sincerely thank the Committee for their work done and I congratulate them on another well-written policy letter.

Thank you, ma'am.

The Deputy Bailiff: Thank you.

2520 Deputy St Pier.

Deputy St Pier: Thank you, madam.

I rise to deal with two matters: one just a following on from Deputy Haskins in relation to section 13 of the policy letter, the abolition of reasonable chastisement, really just to draw attention to paragraph 13.2 and seek clarification either from the President or perhaps from His Majesty's Comptroller. Section 13.2 says:

Wales, Scotland and Jersey have all legislated to make all forms of physical punishment against children, such as smacking, hitting, slapping and shaking illegal, with no defence of 'reasonable punishment'.

My understanding, madam, is that is probably not quite correct in the sense that actually what the rest of the policy letter and the Proposition does is abolish the defence of reasonable chastisement, as Deputy Haskins referred to. Therefore, what it means is that the general Law that applies to assault if it were an adult would now apply to children such that any physical contact, however minor, that results in harm does not benefit from this general defence of reasonable chastisement.

It was really just to seek clarification that implicitly in 13.2 it suggests that Wales, Scotland and Jersey have provided for specific offences against children, including smacking, and so on. That is not actually the case, it is merely to remove the reasonable chastisement defence and therefore treat children in exactly the same way as adults. I would be grateful if my understanding is correct.

The second point which I wish to raise – and I have advised the President of this and I would be grateful if he would deal with it in responding – is in relation to spiking. As with many sexual offences, spiking is one of those where the challenge is finding the evidence to prove the offence, and the nature of the offence makes that quite difficult. However, one of the tools available to law enforcement is, of course, the presence of CCTV in licensed premises where many spiking offences are likely to take place.

It is really to ask the question whether the Committee either has or will give consideration to requiring all licensed premises, as part of their licence obligations, to have CCTV provision which is not currently the case. My understanding, madam, is that would not require any kind of primary Law change, it would simply be a matter of altering the licence conditions. It would help provide better protection for the victims of sexual assault as a result of spiking where they had been unable to receive justice because of the absence of CCTV evidence.

Hopefully, therefore, this is a fairly simple change which the Committee would be able to achieve. I certainly would be grateful to receive the President's comments on their consideration of that matter so far.

Thank you very much, madam.

The Deputy Bailiff: Thank you.
Deputy Gollop.

Deputy Gollop: Thank you.

I actually am going to give this package total support at this stage, although I think there will be issues, as other Members have said, about following through with exact definitions and the details of the legislation. We have heard a lot of great speeches today. A nuanced approach from Deputy St Pier and in some ways polar-opposite speeches from Deputy Haskins and Deputy Bury because I think they have come at perhaps the same issues from different perspectives. Deputy Bury, as always, made an excellent speech.

Of course, in stressing that maybe we should go a bit further and look at the impact on people rather than the intention, that, of course, takes us, not only into the important areas of changing behaviour, but I presume the main purpose of this legislation is for Guernsey to be up there with

the most modern and progressive societies and, of course, to educate potential perpetrators in the community from inappropriate activity.

Of course, that does by its very nature criminalise more kinds of behaviour that perhaps were acceptable half a century ago. Unfortunately, somebody like me was brought up watching the *Carry On* films and those kind of things, *Benny Hill* and all that era, and you would not get away with that now. One looks back sometimes at behaviour of friends and oneself and think that was not the way it should go, and this is leading it forward.

You can get involved in emotional situations. People can perhaps be behaving in ways they do not realise; I agree with a lot of what Deputy Aldwell said about the need to stamp out coercive behaviour. There are some areas of this legislation that I think are challenging. One is the philosophical issue, with Deputy Haskins in one team perhaps and Deputy Bury in another, about how far legislation should deal with subjective pain and subjective issues. Because clearly if you take the role of the impact on the victim, this legislation is not only overdue it possibly does not go far enough.

If you take another perspective that a lot of it is about free speech and what President Donald Trump says might offend some people but not others, or whatever, that becomes questionable. Deputy Haskins has given a learned point of view of 'insult'. Well we want to cut out insults, and I suppose I think we need to be clearer on what we want in public harassment and what we do not and how it will be dealt with, whether it will go through the courts or want for warnings and how we rehabilitate offenders and re-educate perpetrators.

Also an awareness perhaps about sometimes accusations can be weaponised. Although traditionally we have the view of the predatory male getting a deserved accusation, sometimes there may well be issues in non-binary relationships, gay relationships, relations of all kinds. Somebody's career could be undermined by an ex-partner who feels revengeful; I do not know. So these issues have to be handled delicately and carefully. That is one level of argument I would use.

I am rather confused. I do not feel I have done enough work on it; I think most of us have not. The presentation Deputy Prow held was not particularly well attended because we have just been so busy. I think, for example, there is a very complicated element in this package. Fifteen Laws – goodness me, one of them would have been enough – about the impact of hearsay and how we actually need to improve evidence to catch perpetrators and culprits and allow more witness statements. I agree with that but I do not fully understand what its practical implication will be.

Although most of this, from spiking to stalking and everything else, is very necessary and overdue, I think that I too am not entirely clear, like Deputy Haskins and Deputy St Pier, about the impact of removing the defence for chastisement because there are two issues here. The first is I asked a question of the able officers who presented the talk, Deputy Prow, and they said effectively it will ban parental or grandparent or whatever smacking, physical, you could call it 'assault', I suppose.

We are going to have a debate on rectories where we are getting so many emails. We had a debate on colleges where we got a lot of emails. We have not really had much public interest in this issue because we are going to make a fundamental change in the Law, perhaps not as clearly as Deputy St Pier would see in other places. Although I can see the arguments because we do not want to escalate violence, we want a new society, I think we are a little bit at sea on that. The public may come back at us at a later point because they have not engaged with that one. I think it took States' Members by surprise when they realised the potential impact.

There are issues about how far some of this legislation will go and its effect, and also the speed at which it will be introduced. Also the register of domestic violence offenders; again, it is overdue but who will have access to it? If it is of any use surely it should be not necessarily for vigilantes in the community but social agencies would need to have access to it. Also potential boyfriends and girlfriends and partners and friends of perpetrators so that they are forewarned. That, of course, also involves everything from data protection to human rights.

Going back to the smacking, another question I know Deputy Prow is aware of, because I raised it at the meeting and I was satisfied that the team understood the point is, although smacking might

be outlawed, reasonable chastisement would be allowed, particularly where a professional carer or nurse needs to restrain somebody with special needs. That opens another set of issues as to whether this legislation fully understands that some people can be in different categories as well.

For example, some people on the neurodiverse spectrum or other spectrums may behave in a way that seems normal to them but abnormal to others. Again, you have to sometimes have a balance between protecting victims and potential victims and understanding issues of that nature. Of course, too, we are rightly outlawing female genital mutilation. At the same time – it does not include male; I am aware of that – one has to be aware sometimes of the sensitivities of the international community and of ethnic or religious minorities.

I do not think this is an easy path; I think it is a direction the Island generally wants to go in. We want a safer society and we want to outlaw domestic violence, coercion and unacceptable behaviour. At the same time I think it needs a gentle touch as well and consideration that perhaps not every problem between two or more people needs to end up in court. I think there are other ways of mediation that can resolve issues.

The Deputy Bailiff: Thank you.
Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, ma'am.

I will cover essentially two points but I would like to pick on a couple of points that Deputy Gollop has just raised; I will do that at the end of my remarks. Firstly, I will speak in some generalised comments about social issues in the context in which we are debating, then I will cover more specifically a detail that I queried around the proposals.

It is clear, ma'am, that we have undergone a significant social change over the last 20 years. (A Member: Hear, hear.) This is not unique in human terms where technological advancements have taken place and big societal shifts then follow. What we have at our fingertips now is far more information than we have ever had, more than we will as individuals ever likely need. This has provided us with evidence for some of the advantages, less beneficial and damaging effects of the social change that has happened.

It must be said that the introduction of the Laws recognising domestic abuse in all its forms as a behaviour that we will not accept and will have consequences to, is a great benefit. I thank the Committee for their hard work this term in bringing this suite of proposals to the Assembly, giving Guernsey a strengthened position in victim protection and an effective response to perpetrators.

Victim support services are essential to providing counselling and therapy to help them process their experiences and begin that long road to recovery, offering safe housing and emergency shelters, ensuring victims have a secure place to stay away from their abusers. Legal assistance to navigate the legal system helps victims understand their rights and pursue legal action against their abusers, medical care, empowerment and advocacy, and community and peer support. All of these various services together support victims to recover and rebuild their lives.

Ma'am, Laws and support services are not enough. Abuse of this kind is rooted often well before it manifests. While I am realistic to understand that there is no panacea, societal expectations, behavioural norms and community cohesion and harmony create one of the strongest frameworks for prevention rather than dealing with the problem after it has happened. Both Deputies Bury and Aldwell have recounted the reasons why and the most harrowing stories. No matter how many times you hear them, are chilling. We must apply ourselves as policymakers to deal with the root causes, not just the awful effects after the crime has happened.

In a recent article, I came across some of the work of the American psychiatrist James Gilligan who has extensively studied the causes of violence and its psychological underpinnings. He argues that shame and humiliation are central to understanding violent behaviour. Within his research he has determined that extreme negative voices are at the core of all forms of criminal and domestic violence and explosive behaviour.

According to the latest crime survey for England and Wales, more than 2.3 million people, mostly women – 1.6 million women to 712,000 men – over the age of 16 were affected by domestic abuse. In the recent times there have been too many horrible and even horrific crimes committed against women and young girls that have been reported. There are countless crimes that miss the front page to the media for both sexes and they are being let down, both men and women. Socially we seem to be losing the fight against this tide.

Primarily victims are those mainly women and young girls who so awfully suffer directly from an episode or repeated episodes of abuse. The secondary victims are those perpetrators, mainly men and young boys, whose violent, aggressive or unreasonable behaviour has a root cause, often itself based in childhood trauma.

Furthermore (*Interjection*) the social narrative emanating in large part from popular culture has become confusing. The acceptability of sex boundaries and etiquette have moved. The expectations are really unclear and this feels very different from when I was a young person. It is clear from the regular contact that I have with young people that attitude and expectations have changed and are confused.

We are lucky in Guernsey to have a robust, considered and responsive PSHE curriculum in schools, which is supported by a dedicated share team and, as part of the Domestic Abuse Strategy, Safer's education programme, spoken about many times in this Assembly by Deputy Aldwell. We also have some strong youth support services via the Youth Commission: Action for Children and youth workers. There is also specifically a new kid on the block, Apollo, which sits outside of the States. They work mentoring one to one and they have raised noticeable content, screen-based childhood, positive role models, absent fathers and, importantly, access to safe levels of risks as being issues that they want to tackle.

In one of the BBC's recent Richard Dimbleby lectures where influential and distinguished speakers are invited to deliver a lecture, Sir Gareth Southgate delivered a powerful message about the challenges facing boys and young men in the UK. Ma'am, he was critical of the damaging influence of so-called toxic online influencers who promote harmful ideals and behaviours, emphasising the need for positive role models.

He also highlighted the negative impact of social media where young men are often bombarded with unrealistic images and less healthy endeavours such as gaming, gambling and pornography. He also stressed the importance of teaching belief and resilience and providing young men with opportunities to experience and overcome failure.

Part of the motivation for his lecture was the recent publication *Lost Boys* which is a report published by the Centre for Social Justice which has highlighted that there is a crisis for boys in the UK. The report covered six key areas: employment, education, families, father, crime, health technology and pornography. As far as I know, ma'am, this work has not been undertaken in Guernsey. However, as a near neighbour, some of these various data points should not be ignored.

I will not go through them in detail but just some of the highlights here. It was interesting that since the pandemic there has been a significant rise in young men who are not in education, employment or training. Young men also face – and this was very interesting – a higher unemployment rate compared to young women. Some recent research is starting to point to the fact that the gender pay gap has reversed for young people, with young women now out-earning young men.

Education from early years, boys are lagging behind girls showing lower school-readiness and poorer performance in early assessments. A significant number of children grow up without a father figure which impacts boys' mental health and behaviour. Boys are more likely to be involved in crime, both as perpetrators and victims, disproportionately affected in the UK by gang involvement and knife crime. They are more likely to suffer from mental health issues, including higher rates of suicide.

In regard to technology and pornography, an area which I do not think people like to talk about very often but we really must have these open conversations, boys are more likely to be exposed to online risks, including pornography and cyberbullying. We simply do not know what our young

men are looking at online when they are in their bedrooms. Exposure to pornography affects their understanding of relationships and consent and we must be worried about this.

In conclusion, the report underlined the urgent need for targeted interventions to support boys and young men in the UK. It seems that March, ma'am, was the month for highlighting this particular area because I could not make a speech about this without mentioning the Netflix series *Adolescence* which has provided a wake-up call to many people in the community. The power of the internet and popular culture will travel, and we are not here in Guernsey, and it is not a trope to say that it takes an Island to raise a child. It is incumbent on all of us to take a responsible and caring role towards all of our youth.

There must be a multifaceted approach to the scourge of domestic abuse and, in fact, wider abusive behaviour. That is one of setting a robust legislative framework that we are doing here, ensuring that we have the support services in place and a compassionate approach for those victims of crime, and dealing with the perpetrators of those crimes in a just way, but to reduce the instances of abuse in the future. To do that, to ensure we are speaking at all levels of our community, to children, young people and older members to ensure that we have open and constructive conversations that encourage positive role-modelling from both sexes, empowerment, confidence and reducing the instances of adverse childhood experiences.

Ma'am, I point to some of the technicalities now of the policy letter. I raised some questions following the presentation by Home Affairs for which I thank them; it was very informative. Specifically, this was around the offence of sexual harassment in a public place. I queried the terms 'alarm' and 'distress'. I know that other Members have also picked up on this. I know that Deputy Bury has spoken in her speech and that the President will respond, I am sure, to this. I was reassured because my concern is the mischief that can be found in the Law and what it looks like in practice. I was reassured to understand that the terms 'alarm' and 'distress' are given their ordinary meanings. What I was concerned about was that there is no definition in Law for this as there is for the term 'harassment' where there is a criteria to meet.

It was pointed out to me that there is a defence that your conduct is reasonable. In other words, if someone, for example, intentionally used insulting words to cause distress and did in fact cause distress, they might be able to argue that their conduct was reasonable because, for example, they were simply exercising their freedom of speech.

Another practical point that was pointed out to me to provide further reassurance was that a criminal prosecution would not get off the ground without the agreement of a legally-qualified prosecutor who brings criminal cases in the name of His Majesty's Procureur and that prosecutors must apply the public interest test.

For example, in the case of a political protestor successfully raising their right to exercise freedom of speech, the public prosecutor could dismiss this if they considered it not to be in the public interest to proceed, and that there is in fact a long list of factors to consider in accordance with the public interest test. It might arise where, for example, there are mitigating factors or the offence is at a low level.

In addition, I was told that there is a further safeguard, namely, where the prosecutor considers that they are too serious to simply dismiss the whole thing but that a police caution would be an adequate disposal of the matter. This would prevent any court appearance or court punishment but would be a formal reminder to the offender that this is not the way to behave in public. For me, that provided some reassurance, though, of course, we would be yet to – I will give way to Deputy Haskins.

The Deputy Bailiff: Yes, Deputy Haskins.

Deputy Haskins: Thank you.

The only point that I would raise there is, while the bar for the conviction can be a lot higher, the concern over in the UK is that the bar for arrests is quite low. That is the issue, 'I will arrest you, take you out' under the Public Order Act and now, 'Do not worry, there are no charges.'

Thank you.

The Deputy Bailiff: Deputy Dudley-Owen.

2780 **Deputy Dudley-Owen:** I thank Deputy Haskins for that intervention.

Because I think that previously there are many people in Guernsey who would say that the bar for arrests has been low, and possibly in the UK as well. I would determine that that would be a matter for the Police to deal with. Obviously in the open sessions that we are now starting to see with the new Police Chief, I would hope that those matters could be discussed in those open forums.

2785 In the specific instance of this Law, I have been provided with some reassurance to the extent that I am able to support the proposals entirely about the practical application of the Proposition being proportionate. That must be accompanied by evidence that there was intent to cause the distress or alarm.

2790 I would like to conclude by just picking up on a couple of things that Deputy Gollop said about reasonable chastisement.

The Deputy Bailiff: I will give you your two-minute warning, Deputy.

Several Members: Oh!

2795 **Deputy Dudley-Owen:** Deputy Gollop brought in the prospect here about those who have spectrum disorders. I thought that that was really not a great conflation of those two because reasonable chastisement is not something that any professional caregivers would be entertaining there.

2800 The other thing is on female genital mutilation. It is an interesting point there to take into consideration the reasons why that is done, despite us through our western lenses finding this practice absolutely abhorrent. There are reasons why some people from, for example, tribes in Africa continue with this practice. I have spoken to people when I have been abroad about this. It is about being ostracised from their own communities and losing their social status within those communities.

2805 Obviously we need to send a clear message that this is not acceptable in our community. I think Members need to realise that there are deep-rooted reasons behind this and it is not a practice that is about to end any time soon. Suffice to say, I will support the proposals, and thank the Committee for bringing them forward.

2810 Thank you.

The Deputy Bailiff: Deputy Blin.

Deputy Blin: Thank you, ma'am.

2815 I am noting very carefully all the various points everyone is making. I am also aware from conversations I had with the President of Home Affairs' letter, they are very much in listening mode and looking at all the aspects there. The ones that I am referring to I have actually spoken to Deputy Prow about.

2820 The first one is regarding 15, the spiking. The policy letter confirms that it is the view of the Committee for Home Affairs that substances should not be administered to people without their consent, whatever the reasons. However, the proposals in the policy letter seek to outlaw the administration of substances to people without their knowledge. This has the potential for creating a loophole whereby it would not be an offence to administer a substance to an unwilling person where that person knew the nature of the substance and the intent was not one of the prohibited purposes.

2825 Arguably, this would in many cases be considerably worse than where the person does not know the substances being administered. The conversation was around the possible changing of the word

to introduce an additional offence of intentionally administering a substance to or causing a substance to be taken by another person who does not consent regardless of purpose.

2830 This was the conversation during the presentation, as Deputy Gollop mentioned maybe was not fully attended, but it was very useful and we had the point across. Then I was reassured in conversation with Deputy Prow that there will be time to look at them. I think everyone here is trying to raise points which concern.

2835 The second one is in the section of post-charge bail and pre-charge, so section 17. In this one in 2020 the States resolved to introduce pre-charge bail conditions as part of the upcoming domestic abuse legislation. The new measures were intended to enhance protections in domestic abuse cases by allowing conditions to be imposed before charges are formally brought in line with many other jurisdictions.

2840 These were ultimately introduced in the Domestic Abuse and Related Provisions Law which provided for bail to be imposed with conditions for any alleged offence where the charging test had not yet been met; for example, where the Police do not have evidence to support the bringing of a prosecution. The policy letter brought by the Committee has highlighted that these provisions introduce powers of search and entry to any home for the arrest of a person on pre-charge bail which do not exist in Guernsey Law for suspected breaches or post-charge bail.

2845 Where a person has been arrested a custody officer may grant a person bail, that is to say, to release the person, but require that they attend the police station or court at a specified time. Then where a person has been charged of an offence, the custody officer present has the power to impose conditions on a grant of bail where he considers it is necessary. There is no requirement that these conditions be proportionate, unlike with England and Wales. If the person objects to conditions imposed, their only recourse is to apply to the court for the conditions to be varied. Obviously with 2850 jeopardy the court can choose to remand the applicant in prison while it considers the application.

The new pre-charge bail regime to be introduced with the domestic abuse provisions permits a police officer to enter and search a house for the purpose of arresting a person who the police officer suspects has broken any condition of bail. Once arrested, a person will be transported to the 2855 police station and may be detained for up to the three hours after which time they may be released or the bail clock will begin to run.

That is, in effect, the preamble part explained. That is all perfectly suited for the domestic abuse Laws. The concern I have is that it is stated in the policy letter that there is an anomaly to be applied in a balanced way as in preserving the power in cases where it is most likely to have a protective effect. This covers all of domestic abuse and I think it is absolutely well suited and placed. The 2860 concerns which I have shared with Deputy Prow, and I would like to get some sort of understanding, is that this has been extended now across all the Law, not just within domestic abuse.

I did raise the question during the presentation. The answer was very much it is to be applied across and I would like to get some sort of understanding. We did ask some questions prior to get 2865 some understanding of how this could be resolved and looked at.

Thank you.

The Deputy Bailiff: Members, if anybody wants to take their jackets off because it is a little bit warm, please do.

2870 Deputy Dyke.

Deputy Dyke: Thank you, ma'am.

Getting to all this, this is a very major document. It is quite a short document but it has got effectively, to all intents and purposes, about 15 Laws covered in it. I do feel it has actually been 2875 difficult to get to grips with it in the time we have had with all the other things we have been trying to do. (**A Member:** Yes.) I am slightly concerned about that. I was one of the Deputies that could not make the explanatory section.

I will try not to repeat what other people have said but I have got a couple of points that are worrying me. The first is number 11. This is abolishing the customary law 'defence' to 'reasonable

2880 chastisement'. I am not sure whether I am old-fashioned or what but it seems to me that mild discipline, a mild slap on the leg of a toddler who is misbehaving and likely to fall into the swimming pool and drown (**A Member:** Hear, hear.) if he does not behave, is not an unreasonable thing to do.

2885 I do worry that we keep interfering in the relationships between people generally. We seem to be taking the view more and more that the state is responsible for looking after one's children (**A Member:** Yes.) as opposed to the parents having a final say in it all. I am a little bit concerned about this one and I do not think I am going to vote for it.

2890 It does say 'reasonable chastisement' and reasonable must mean reasonable under the circumstances in accordance with current standards. Beating them with a stick is almost certainly not reasonable but I think a light slap for a toddler is probably quite necessary in some circumstances for their own best interests. I am not going to be in favour of that one.

2895 Deputy Haskins has made a lot of good points on number 14 that have come out of the legislation as applied in the United Kingdom. He has mentioned the various areas where it probably goes too far. Possibly ours is potentially going the same way and should not. I agree with him on that. Again, because some of this is in a bit of a rush, if I am nervous about something I tend to prefer to dig my heels in and say, 'No' rather than go along with it. I think Deputy Haskins and others have made a good point about number 14. I think on that basis, subject to what Deputy Prow has to say, I am unlikely to vote for that.

2900 Finally, Deputy Blin has made a good point which I think needs discussing. We have discussed it between ourselves previously and it seems to me quite a serious, valid point. I will be interested to see what Deputy Prow has to say on number 15. Those were my main points on this. I would also say that the whole thing is presented as a paper concerning domestic abuse and sexual offences. It does actually go a lot beyond that and I have highlighted the points that do go beyond that. I am not going to object to any of the ones that actually fall under that heading of the paper relating to domestic abuse and sexual offences.

2910 I will, subject to those three items, vote for it all. I guess we can also be somewhat comforted by the fact that the actual Laws, when they are drafted, will be going to the Legislation Scrutiny Panel and they will be coming back to the States. If specific amendments are necessary then they can be done, so this is not really the end of the matter. I doubt if I will be chairing the Legislation Scrutiny Panel at the time but anyway (*Interjection*) someone else will be.

Thank you, ma'am.

The Deputy Bailiff: Deputy de Sausmarez.

2915 **Deputy de Sausmarez:** Thank you, madam.

I will add my vote of thanks to the Committee for this policy letter and for prioritising this area of their mandate throughout this political term (**A Member:** Hear, hear.) as others have rightly recognised.

2920 I was very glad to see many of the Propositions that were included in this policy letter, particularly Propositions 3 and 4 which relate to some amendments that I was involved in, I brought forward in 2020, along with former Deputy Tooley. In fact, as Deputy Inder says, this evolution is not really set out in this so we do not know what arose from what.

2925 However, some of the issues that were raised during that debate are addressed to an extent by the Propositions in this policy letter specifically around the introduction of the offence of strangulation or suffocation, and a proposed provision stipulating that consent is not a defence to specified offences against a person where significant harm is inflicted for sexual gratification. Those were really what one of those amendments back in 2020 was, in particular, trying to address.

2930 My question is really that this is a word that has been raised a couple of times so far in this debate and it is about what is considered reasonable. It follows on from a point that Deputy Bury was making in relation to the consent to serious harm is restricted only to specified crimes, being grievous bodily harm, wounding and inflicting actual bodily harm.

Really what the original amendment was trying to achieve was a slightly broader scenario where consent could never be used as a defence for people perpetrating such crimes. My question for Deputy Prow is around that ambiguity of reasonableness. The original concern was, because there was a degree of ambiguity about what constituted consent, for example, non-resistance could be interpreted as consent, whether that would be construed as a reasonable defence for a perpetrator; if a victim was not resisting, whether that could be construed as a reasonable interpretation wrongly of consent.

I very much welcome these. It does boil down to the fact that sex should always be voluntary, it should be by mutual consent. I am just a little bit uncomfortable if our legislation is still sanctioning an unhelpful degree of ambiguity around it. The original amendment did go a lot further but I do not think that was necessarily where these Propositions came out of. I would just like to really ask whether that issue around consent, which I think does touch on a number of the points that have been raised today, is something that this Committee may recommend to the successor Committee to continue looking at.

Because I think that actually there are some things, as brought out by Deputy Bury's speech, where perhaps there are still some gaps that are not fully addressed by these proposals, although I would say that I think these proposals are a really positive step forward and I am sure will make a really big difference.

I do thank the Committee again for that work.

The Deputy Bailiff: Does anybody else wish to speak in general debate? Deputy Matthews.

Deputy Matthews: Thank you, ma'am.

I congratulate the Committee for bringing what I think has been quite a comprehensive policy letter. I think much has been said already on the subject of domestic abuse and sexual assault so I think I am not going to cover any of that ground again. I was going to address though the issue that people have raised in terms of Proposition 11, which is the smacking ban for children.

I think this came to Health & Social Care, and Health & Social Care had written to the Committee for Home Affairs asking for this to be included as consideration for this policy letter, partly because it had not been included under the child cruelty prevention in phase 1, so it was an opportunity to include it.

However, I do think that it does seem to me that the Health & Social Care position was that it was incongruous not to have it in here, which I am not sure if I entirely agree with that position. It does seem to me the reverse actually, it is a little incongruous having this Proposition in this policy paper; it does not really seem to belong.

I do agree with those who say that there has not been an awful lot of consultation or public awareness of this as part of this policy, it seems to have been pushed in. I think for that reason they probably ought to proceed with a bit of caution on that element. The other Propositions I think are all useful ones and will certainly add to the safety of our Island and particularly protections for women and girls, and I support those.

Thank you, ma'am.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Madam, there are 15 substantive Propositions here in relation to this matter, so it will be helpful if, when Deputy Prow responds, he is able to say that they are all going to be brought in together or they are going to be brought in over a period of time. We are at the starting line, when does he expect us to get to the finishing line with these proposals which will be – I am going to vote for them – approved?

Now good points were made by Deputy Haskins in relation to that but I understand that those will be looked at in the round in relation to where we are. What I am a bit concerned about – and I was a bit concerned in a previous debate in relation to where this Assembly decided to shift the

evidential burden – is we have got to remember as well that defendants have got to have rights. (A Member: Yes.)

The only one that gives me a bit of heebie-jeebies is there is something called 'recent complaint'. If we adopt this – and I am not saying we do not – forget the words 'recent complaint' because a recent complaint can be a complaint made three years ago. It is going to be a difficult job for a judge to decide whether that evidence should be admitted or not, what the safeguards are. Anyway, that is for the judges. I have never been and never will be a judge (A Member: Oh!) and that is why they get paid so much money for doing the job that they do because it is a difficult job.

In relation to all of that, being serious, we have got to realise that courts, with the best will in the world, sometimes get things wrong; that is with all the good intentions there are. Now I can remember a distinguished judge – a former judge now – of our Court of Appeal, Dame Heather Steel. Now Dame Heather Steel had sat in the High Court as a criminal judge and had previously sat in the Crown Court as a criminal judge. I remember her giving a lecture to the Guernsey Bar effectively saying in eloquent terms, 'I wish the UK would stop enacting criminal justice legislation because it just makes it more and more and more complicated.' They took no notice of her but I thought she spoke very well.

In relation to where we are, can I just say there is a paragraph which I agree with, and it is paragraph 8.9 on page 11 which is talking about recent complaint. As a general principle I approve this paragraph:

It is proposed that local legislation reflects the position in England and Wales. An added benefit of making this change locally is that, by having very similar rules of admissibility as England and Wales in this area, local judges may benefit from a large volume of (non-binding, but often persuasive) case law from that much larger jurisdiction.

Hear, hear, I say in relation to that. What we generally do in Guernsey in relation to criminal legislation is let the English bring it in first, see how that is adopted, because sometimes it is adapted and changed, there is case law built up, and we can say to the learned judge, 'What about the case of XYY?' and that can be considered. Where we fail – and we have got an abominable system of justice in relation to that – is appeals. I have said this many times on occasions over a period of time, and it has always fallen on deaf ears.

Of course, now here is an attitude, not just by the judges, I hasten to say, and not by the Jurats, 'They would not be before the court if they have not done something.' (*Interjection*) I have heard that across the whole of our social spectrum. People say that. All of a sudden then their brother gets charged with an offence or their son gets charged with an offence. The Police, from having been saints beyond redemption, become sinners and, 'It is terrible, the justice system is awful.'

I have had that sitting at the other side of my desk for the last 40 years-plus, whether they are rich, poor or somewhere in the middle. I have heard that said by so many because their members of the family are then caught up in the system and the system suddenly is unjust. It is not unjust in Guernsey but what is unjust – and it is not the fault of the judges, it is not the fault of the Jurats – is our appeal system. It is practically impossible to successfully appeal a conviction from a finding in the Magistrate's Court or a finding in the Royal Court unless the judge has made a real howler. And they do not because they have got pro forma directions which they can look at and consider and give due care to.

They changed the Law in England 60 years ago. We have not done that because we are happy for what I feel is an abomination, it is a real injustice. Everybody is happy with that system until it is their brother, their son, their daughter who is convicted of something where effectively they have got no real right of appeal. In theory they have, in practice they have not.

If we are going to follow English practice, let us get off our Assembly backsides (*Laughter*) and actually do something about this because it has been outstanding and it is a disgrace to our judicial system through no fault again of the judiciary. I am not saying that because I still appear before them, through no fault of them at all. They can only interpret the Law and apply the Law, they cannot change the Law.

I say to the Law Officers, I say to Deputy Prow, I say to Deputy Trott – well he will not be around much longer, so he says – (**Several Members:** Oh!) but we will see. But to whoever is sitting in that position (*Laughter*) in July, August, September, let us do something about it. Let us get this Law changed because it has been outstanding for too long.

The Deputy Bailiff: Does anybody else wish to speak in general debate? (*Interjection*) No? In that case I will turn to Deputy Prow to reply.

Deputy Prow: Thank you, madam.

I thank everybody who has spoken in debate. I think in this term, the States have received much criticism in many areas. I think one very rewarding aspect of this term is the determination of this Assembly to improve our legislation and indeed our situation with regard to where we are with domestic abuse and sexual violence. I think that that is very much reflected in all the speeches I have heard today and indeed in the previous debates we have had in this matter.

Madam, earlier in our deliberations today you urged us to make progress as we have got a lot of work to do. What I intend to do, and the way I intend to sum up, is to really go through general points first and then perhaps just very quickly go through the Propositions. In going through the Propositions I hope I would take up some of the technical points.

I think the first thing I should say, could I just draw attention to three speeches which I thought were outstanding: they were from Deputy Bury, Deputy Dudley-Owen and Deputy Sue Aldwell, who is our lead on domestic abuse and sexual violence on the Committee. I think those three speeches, if you put them together, really outlined what this is all about. They went through examples of where this Bailiwick and indeed society across the world really needs to sit up and pay attention to the evils of domestic abuse and sexual violence. I think that those speeches for me were extremely worthwhile and put everything in context.

The other main point I would make is one picked up actually by Deputy Blin and Deputy Haskins. Where we are at this moment in time is we are considering a policy letter which is really trying to address 15 aspects of our legislation to improve upon where we are with domestic violence and sexual offences. Although a lot of work has been done, a lot of consultation has been done, we did a presentation to States' Members, this is phase 2 of a process already started.

That legislation will have to, first and foremost, come back to the Home Affairs Committee for consideration and then come back to this Assembly. Perhaps to address some of Deputy Dyke's concerns, I have made a commitment – and I have made that commitment to Deputy Blin, I have made that commitment to Deputy Haskins and I will add that commitment to Deputy Bury – that we are still listening. What I am very grateful for is all the detailed comments are recorded, they will be on *Hansard*.

During this debate I have had emails from the Law Officer who has been involved. He is, in my view, an outstanding Law Officer and legal draftsman. (**A Member:** Hear, hear.) We had the benefit of his legal advice during the presentations. We will consider further all the detailed aspects that have been brought up in debate.

I hope that does save me some time in summing-up. I do not think it is entirely helpful for me to go into massive detail. If there are issues that we can still consider and still address, the commitment I have made in this Assembly, and personally to Deputies in the very helpful conversations I have had with them, we will do that. Of course, the legislation is still to come back and that is another opportunity to consider these matters.

With that commitment, and perhaps highlighting those speeches that have really concentrated on why we are here, the first speech was from Deputy Falla. His points were really around the question of training and indeed around what more needs to be done. Well I think listening to this debate and in my opening speech, I made it absolutely clear that we are on a journey. This is phase 2 but there will be, along this journey, more considerations than the 15 Propositions actually cover.

We will be learning from other jurisdictions. We are looking at what is happening in the Crown Dependencies, United Kingdom. We are particularly in a process of catching up with the legislation

3085 in other places. The first phase of work resulted in the Domestic Abuse and Related Provisions Law which we hope will be in force in a matter of weeks. This is the second phase but we absolutely must not be complacent because we know the Law does not stand still and it is constantly evolving. I have already pointed out that we are always open to listening and learning about what is happening elsewhere. I feel confident that it puts us in a position that we can be proud of the safeguards put in place for victims for such dreadful crimes and that we will be in a better place.

3090 I have already referred to Deputy Bury's speech and thanked her for it. When I go through the Propositions, I will speak in more detail about some of the issues that she raised. Again, I give her the commitment that that process of listening is not over when we come to drafting the actual legislation.

3095 Deputy Aldwell, again I thank her for her commitment and the hard work. One of the things that she brought out in her speech and one of the values she has brought to the Committee is the work that she does in education, and the synergies around the work of these two Committees. It is about bringing all these issues out in the open and sending the message that these offences will not be tolerated. That is one of the powerful aspects of the legislation.

3100 Deputy Inder mentioned pre-charge bail. I thank him for raising that and actually answering the question. This has been dealt with in the first tranche of legislation which, as I have said, will hopefully come back as legislation in the coming weeks. There is now a regime of pre-charge bail (**A Member:** Hear, hear.) and that goes across all offences in actual effect. I did listen very carefully, and I have listened very carefully, to Deputy Blin's points on this. Further consideration can be made in that direction.

3105 Deputy Haskins, he has made the points around reasonable chastisement. Well that is, of course, about removing a defence and he has raised the points he wished to raise on that. That is a subject that has been raised by others. He has done an analysis of Proposition 14 and drawn attention to 14A and 14B, the Public Order Act, and has particularly picked up on the use of the word 'insulting'. He has made reference to challenges in the UK.

I have already made it clear throughout this process that it is a very valuable point that Deputy Ferbrache has brought up. We are basing what we are doing around legislation that applies in England, Wales and Scotland. It has been tested by the courts and that the local judges can, although it is not binding on them, listen to judgments that happened in other jurisdictions.

3115 I do understand his point about 'insulting' and the use of that word and his points around section 5 of the Public Order Act in the UK. I have made a commitment to him that we will consider that further, particularly as perhaps case law in England and Wales progresses. One point I think that he does raise, and other people have raised, is the question around pragmatic policing, and making sure the training that is in place is done thoroughly. We, of course, have time to do that training insofar as the legislation will not be in place for some time.

3120 I mentioned the Crown Advocate, who has also got experience of prosecution, has already undertaken training to professional stakeholders and the Police around the legislation that is due to come into force. That will continue. I completely agree with the comments that Deputy Bury made around absolutely crucial that the training is provided.

3125 Indeed it is not only training around legislation and enforcement, this is training about the support. Safer already have a very impressive programme around their training to those who provide support around domestic abuse and sexual violence. Of course, we have Willow House and indeed there is a large amount of training that goes into their staff and into their procedures, which ties into evidence-collecting as well with the Police. I think that follows on from that.

3130 Deputy St Pier, very briefly, he talked about section 13, reasonable chastisement, and section 13.2. He is absolutely right, the Proposition talks about abolishing the defence. His analysis was very helpful and I certainly agree; that has been confirmed by the Law Officers. It is an offence to assault a child and an adult at the moment, so this just relates to getting rid of the defence.

3135 I also thank him for his comments around spiking and collecting evidence. Obviously it is one thing to improve our legislation and have clearer legislation that picks out specific offences around

domestic abuse and sexual violence. One of the issues that has again been touched upon in this debate is bringing the offenders to court and having the quality of evidence.

3140 I can confirm that we have indeed spoken about a liquor licensing regime and the need to increase the CCTV coverage and perhaps make stipulations around the quality and the scope of that CCTV and introduce that into the liquor licensing regime around those premises.

3145 Indeed I think that leads into supporting the Police around policing the night-time economy which is a big area for them. I think where both the Police and the Committee are grateful is for the charity SafetyNet who have done a lot of work with landlords and licensees, particularly in St Peter Port, around trying to make the night-time economy safer, particularly for women. I thank him for his comments. This is something that is on the Committee's radar and we will pursue that further.

3150 Deputy Gollop, I thank him for his support. I think he pointed out a lot of the issues where prosecution is envisaged is around the subjective nature of these issues. He pointed out the contrasts between that balance and getting that balance right. I think that is not just about the legislation, that is about how we train our officers and what guidance we issue them.

3155 I have already mentioned Deputy Dudley-Owen's excellent speech. I agree this is about focusing on the victims. Of course, she pointed out that this is not exclusively women and girls, although the majority of these offences, women and girls are the victims, but also there are men that are victims. Of course, the legislation applies to the offences, not to the sex of the victim, so these should make things better for the whole of the community. She also touches on something that Deputy Ferbrache mentioned around the public interest test, which is also another safeguard. The Law Officers and the Crown can apply that when considering offences.

3160 Deputy Blin, I thank you again for your comments. You mentioned Proposition 15 and section 17. We are still in this listening mode and we continue those conversations further. Deputy Dyke was concerned about complexity (**A Member:** Hear, hear.) and he has a view around reasonable chastisement. When I go through the Propositions I hopefully will deal with the comments he made on Propositions 14 and 15.

3165 Deputy de Sausmarez spoke about consent; both she and I received an email around that. I think it is suffice to say that where the research has gone, we are content that the court does have the power to make a decent judgment around those issues. Again, we are in listening mode and we can consider those factors.

3170 Deputy Matthews slightly confused me as he basically sits on Health & Social Care. One of the things we have made clear, and I made clear in my opening, is that we have consulted very widely. It was HSC that believed – and Committee for Home Affairs agreed – the defence of reasonable chastisement should be abolished, was a suggestion from them, and that is the reason why it was included. Hopefully that explains that.

3175 Madam, just in drawing a close, I will just very quickly, as quick as I possibly can, go through what the Propositions are. Proposition 1 is the offence of stalking. New offences would be created. Stalking is pursuing a course of conduct which amounts to harassment and which also amounts to stalking. Stalking involves fear, violence and serious alarm or distress. The sentences will be higher than harassment. So that is Proposition 1.

3180 Proposition 2 brings in stalking protection orders to enable early police intervention. Proposition 3, and this has been subject to some comments in debate, which is the offence of strangulation. Strangulation is sadly now a common factor reported by survivors of domestic abuse and is also a measure often used to instil fear, power and control over their victim. Also the point has quite powerfully been made already in debate, this has been normalised by violent pornography. Making these acts an offence will raise public awareness of the dangers of this act and the gravity of criminal behaviour. Data collected by Safer in 2023 showed that out of the 177 adult victims they were supporting, 83 reported physical abuse and of those 27 reported acts of strangulation. So that is Proposition 3.

3185 Proposition 4, consent is not a defence. This relates to what used to be known as rough sex gone wrong defence. It provides a statutory provision making it abundantly clear that consent is not a

defence to specific crimes where serious harm is inflicted for the purpose of sexual gratification. Similar provisions made in England and Wales following high profile cases where women were murdered and the defence stated at trial was part of a consensual sadomasochistic act. Although there are measures in Law already in place such acts that cause serious harm, that Law is introduced to ensure that perpetrators and the public know that these sorts of actions and defences are never justifiable.

Proposition 5, female genital mutilation. This is a procedure where female genital organs are injured or changed and there is no medical reason for it. This is not covering a specific crime in the Bailiwick, but it is illegal in the UK and most countries worldwide. This is a very necessary legislative procedure. There was also a question that was asked regarding the reference to girls and, as I am advised, girls also means women, so that would be the definition and the reason that girls are specified in the legislation is because they are most common victims of the crime. Where there is a question of age, that is around provisions which apply to those adults over 16 who have the care of children and duty to protect children from FGM.

Proposition 6, expanding the use of recent complaint evidence in criminal trials. This is part of the power of the court to allow recent complaint evidence in very strict circumstances. Prohibiting contact between remanded defendants and victims. This is absolutely essential where remanded prisoners may try to contact victims and witnesses and we need to improve the legal position there.

Proposition 8 is pre-recorded cross-examination and re-examination. Again, this is an availability to pre-record cross-examination and re-examination. This means that while the current measures can reduce the amount of time a witness will spend in the courtroom, the witness will still have to go through the ordeal of live cross-examination in the classroom setting. So this is an ability to pre-record.

Proposition 9, court power to prohibit cross-examination. Sometimes perpetrators of crime or violent or abusive behaviours choose to represent themselves and this is sometimes a tactic to further intimidate and control the victim. These are provisions where it is proposed that both civil and criminal courts have this broad power to prevent a cross-examination of a person in appropriate cases.

Proposition 10, a statutory review of domestic abuse-related death. These would be carried out after a homicide or suicide when domestic abuse is known or suspected, or learnt lessons from death in order to prevent similar occurrences. Having a statutory obligation to carry out these reviews will ensure co-operation and involvement with all relevant agencies.

Proposition 11, something that we have discussed in the debate, is abolishing the defence of reasonable chastisement.

Proposition 12, a register of domestic abuse offenders, Deputy Bury made reference to this, and it is about laying the groundwork for the future introduction of a register of serial and serious domestic abuse offenders. It would work in a similar way to the register of sexual offenders. It would be possible for the Bailiwick to forge its own way in establishing a register of serial domestic abuse offenders. However, the Committee considers there would be benefit in aligning these provisions established in England and Wales. It is proposed that an enabling Law is put into place to allow the States to introduce a disclosure scheme by ordinance at a later date, once a UK scheme has been introduced and successfully evaluated.

General offence of spiking, Proposition 13. Spiking is the action of administering a substance to somebody, whether by contaminating food or drink or using some other means such as a needle or skin product, without the person's consent or knowledge and irrespective of the intentions of the spiker, something Deputy Blin has elaborated upon. A substance should not be administered to people without their consent unless there is a valid and exceptional reason, such as lawful medical intervention. Spiking should be a criminal offence regardless of whether a specific intent can be proven.

Proposition 14. Again, very helpful comments made in debate around this. Sexual harassment in a public place can involve a range of behaviours. Two new offences are proposed. Harassment in a public place where a person with intent to cause a person harassment, alarm or distress uses

3240 threatening, abusive or insulting words or behaviours. We have listened very carefully to the issues raised around 'insulting' and we would consider that further. Secondly, sexual harassment in public and a more serious version of the last offence where the perpetrator behaves in a way because of the victim's sex or presumed sex.

3245 Proposition 15, breaches of post-charge bail conditions. Powers already exist to allow police to enter and search properties in relation to a breach of pre-charge bail conditions. This Proposition will provide the same power in relation to post-charge bail conditions. This will ensure that the Police are able to enforce breaches of bail following a charge.

I have left the helpful comments of Deputy Ferbrache until last. I thank him for drawing attention to paragraph 8.9, which reinforced the point I have already made around the fact that a lot of this legislation is modelled on the legislation that is already in place. So we can benefit from case law.

3250 The point he made around appeals has not fallen on deaf ears, as far as I am concerned. He has made this point before in this Assembly, and I completely agree with him, that as part of the Criminal Justice Policy Framework, and part of the outstanding work left and not completed by the Home Affairs system, this I believe is a very important aspect and I agree with him entirely that we absolutely need to be reforming and looking at our appeals provisions. He very powerfully outlined that and I certainly agree with him.

3255 Sadly, I think the criminal justice policy work that we hope to do this term, we have just not been able to do what we wanted to do but he is right to raise it, and I thank him for it. He teases out the point, we do have a very fair and just system of justice in this Bailiwick. There is a presumption of innocence, but we also need to be convicting the guilty. I commend the phase 2 Domestic Abuse and Sexual Offences Policy letter to this Assembly.

Thank you, madam.

The Deputy Bailiff: Thank you, Deputy Prow.

3265 From the comments made during the course of the debate, I have identified that Propositions 11, 14 and 15 should be voted on separately. Are there any other Propositions which any Members wish to vote for separately? Then, Greffier, would you kindly put up the first section of the Propositions which I calculate as being 1 through 10. Members, you should now have on your screen Propositions 1 through to 10, which we will be voting on in one lot. Greffier, would you open the voting, please? One through to 10, please. You should now have it. I understand you did not when I said that before, so you should now have it and, Greffier would you open the vote, please?

There was a recorded vote.

3275 *Proposition 1 - 10.*

Carried – Pour 40, Contre 0, Ne vote pas 0, Did not vote 0, Absent 0

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	None	None
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
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				

Hill, Edward
 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
 Parkinson, Charles
 Prow, Robert
 Queripel, Lester
 Roffey, Peter
 Snowdon, Alexander
 Soulsby, Heidi
 St Pier, Gavin
 Taylor, Andrew
 Trott, Lyndon
 Vermeulen, Simon

3280 **The Deputy Bailiff:** In relation to Propositions 1 through to 10, they voted: pour, 40. I therefore declare that those Propositions have been unanimously passed.

Would you kindly put up Proposition 11. Members, you should now have on your screens Proposition 11. Greffier, would you open the voting, please?

There was a recorded vote.

3285

Proposition 11.

Carried – Pour 31, Contre 7, Ne vote pas 2, Did not vote 0, Absent 0

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

Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Vermeulen, Simon

3290 **The Deputy Bailiff:** There voted in relation to Proposition 11: pour 31, contre 7, there were 2 abstentions and therefore I declare the Proposition has been passed.

States' Greffier, Propositions 12 and 13 please. Members you should now have those on your screen. Would you kindly open the voting? States' Greffier, it does not appear to have opened the voting. The voting does not appear to be open on my screen. Technical issue on this vote, so we are going to have to go old school again.

3295 Members, I would be grateful if you could keep your voices down because we do need to listen to the answers now rather than just indicate on our screens. This is in relation to Propositions 12 and 13. When you are ready, States' Greffier.

3300 *There was a recorded vote.*

Propositions 12 and 13.

Carried – Pour 40, Contre 0, Ne vote pas 0, Did not vote 0, Absent 0

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	None	None
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
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				
Hill, Edward				
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				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

3305

The Deputy Bailiff: Thank you. The results are that was unanimously passed with 40 voting pour.

3310

Is the system up and working again, do you think, Greffier? Members, if you refresh your screens, you may find you have now got Proposition 14. Does anybody not have Proposition 14 on their screens? In that case we will open the voting. Thank you very much.

There was a recorded vote.

Proposition 14.

3315

Carried – Pour 34, Contre 6, Ne vote pas 0, Did not vote 0, Absent 0

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

The Deputy Bailiff: In relation to Proposition 14, there voted: pour 34, contre 6. I therefore declare the Proposition has been passed.

3320

Proposition 15. You should now have Proposition 15 on your screens. I will now ask the Greffier to open the voting, please.

3325

There was a recorded vote.

3330

Proposition 15.

Carried – Pour 37, Contre 0, Ne vote pas 3, Did not vote 0, Absent 0

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	Blin, Chris	None	None
Brouard, Al		Dyke, John		
Burford, Yvonne		Oliver, Victoria		
Bury, Tina				
Cameron, Andy				
de Lisle, David				
de Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				
Hill, Edward				
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				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				
Vermeulen, Simon				

3335

The Deputy Bailiff: In relation to Proposition 15, they voted: pour 37 and there were 3 abstentions. I therefore declare the Proposition has been passed.

Finally, Proposition 16. Proposition 16 should now be on your screens. Would you kindly open the voting, please? Would you close the voting, please?

3340

There was a recorded vote.

Proposition 16.

Carried – Pour 39, Contre 0, Ne vote pas 0, Did not vote 1, Absent 0

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Cameron, Andy	None
Blin, Chris				
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
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
Hill, Edward
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
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

3345

The Deputy Bailiff: In relation to Proposition 16, they voted: pour 39 and 1 Member was not in the Chamber at the time of the vote. I therefore declare the Proposition has been passed.

POLICY & RESOURCES COMMITTEE

5. Double Taxation Arrangement with Bahrain – Proposition Carried

Article 5.

1. To declare that:

(a) the "Agreement Between the States of Guernsey and the Government of the Kingdom of Bahrain for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance", signed by Guernsey and Bahrain, and dated 29 September 2024, has been made with the government of another territory with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of that territory;
(b) it is expedient that the "Agreement Between the States of Guernsey and the Government of the Kingdom of Bahrain for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance", should have effect, with the consequence that that Agreement shall have effect in relation to income tax in accordance with section 172(1) of the Income Tax (Guernsey) Law, 1975, as amended ("the Income Tax Law"), notwithstanding anything contained in the Income Tax Law, or any other enactment; and
(c) the "Agreement Between the States of Guernsey and the Government of the Kingdom of Bahrain for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax

Evasion and Avoidance”, should be specified by Ordinance of the States as an approved international agreement for the purposes of section 75C of the Income Tax Law.

The States’ Greffier: Article 3, Development and Planning Authority –

3350 **The Deputy Bailiff:** No, sorry, we are dealing with the Double Taxation Arrangement.

The States’ Greffier: Article 5, Policy & Resources Committee - Double Taxation Arrangements with Bahrain.

3355 **The Deputy Bailiff:** Deputy Trott.

Deputy Trott: Madam, thank you.

3360 This is an opportunity to get a bit of a march on. We have signed a Double Taxation Agreement with Bahrain, which eliminates double taxation on income between our two jurisdictions. It was signed on 29th September last year. This States’ report seeks to obtain Assembly approval for the ordinance that enacts such an international agreement.

It is as simple as that. But we shall see.

3365 **The Deputy Bailiff:** Does anybody wish to speak in general debate? No. In that case we will go straight to the vote, please. You should have on your screens the vote in relation to the double taxation arrangement with Bahrain. Would you kindly open the voting please?

There was a recorded vote.

3370 *Carried – Pour 36, Contre 0, Ne vote pas 0, Did not vote 4, Absent 0*

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	None	None	Bury, Tina	None
Blin, Chris			Cameron, Andy	
Brouard, Al			Matthews, Aidan	
Burford, Yvonne			Prow, Robert	
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				
Hill, Edward				
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Le Tocq, Jonathan				
Leadbeater, Marc				
Mahoney, David				
McKenna, Liam				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Queripel, Lester				
Roffey, Peter				

Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon
Vermeulen, Simon

The Deputy Bailiff: In relation to the Proposition they voted: pour 36, 4 Members were absent from the Chamber at the time of the vote. I therefore declare the Proposition has been passed.

DEVELOPMENT & PLANNING AUTHORITY

3. Development Plans Amendment Process – Debate continued

3375

Article 3.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Development Plans – Amendment Process' dated 3rd March, 2025 they are of the opinion:-

1. *To agree that the current procedures, under planning legislation, for making certain categories of amendments to Development Plans are disproportionate and do not allow amendments which reflect changes in States of Guernsey policy to be made sufficiently expeditiously.*
2. *To agree that there is merit in amending existing planning legislation to enable amendments to be made more expeditiously to Development Plans during the lifetime of those plans.*
3. *To agree that minor or inconsequential amendments made during the lifetime of Development Plans shall follow the simple procedure described in paragraphs 4.6 – 4.8 of the Policy Letter, providing in particular for –*
 - *publication of amendments in La Gazette Officielle or by alternative means as allowed under the Publication of Official Notices (Guernsey) Law, 2024;*
 - *approval of amendments by the Development & Planning Authority, and*
 - *laying of amendments before the States subject to annulment by the States, and that the Development & Planning Authority shall have regard to criteria in published guidance in deciding whether amendments fall into this category.*
4. *To agree that significant policy amendments made during the lifetime of Development Plans shall follow a streamlined version of the current plan amendment procedures as described in paragraphs 4.9 – 4.14 of the Policy Letter, providing in particular for –*
 - *public consultation by the Development & Planning Authority (the Authority),*
 - *a power for the Authority to request a public inquiry into amendments instead of a duty to do so, and*
 - *a new power for the Authority to require independent examination in writing of amendments by an independent inspector where written representations are made in response to public consultation**and that the Development & Planning Authority shall have regard to criteria in published guidance in deciding whether amendments fall into this category.*
5. *To agree that exceptional or strategically essential amendments made during the lifetime of Development Plans shall follow the procedure described in paragraphs 4.15 – 4.18 of the Policy Letter providing in particular for –*
 - *public consultation by the Development & Planning Authority (the Authority), and*
 - *a power for the Authority to request a public inquiry into amendments instead of a duty to do so*

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- 3400 *and that the Development & Planning Authority shall have regard to criteria in published guidance in deciding whether amendments fall into this category.*
6. *To agree that amendments are made to the Land Planning and Development (Plans) Ordinance, 2007 and other planning legislation in relation to amendments to Development Plans to: a. b. provide for more streamlined processes to be followed for amendments to a Development Plan; and remove the restriction which prevents a person being appointed as a*
- 3405 *planning inspector if that person has held a certain position at any time within the period of two years before the date of the proposed appointment, subject to appropriate safeguards in relation to potential conflicts of interest, in order to streamline the Plan amendment process for significant policy changes and allow for more flexibility in the appointment of a plan inspector as detailed in paragraphs 4.12 and 4.13 of the Policy Letter.*
- 3410 7. *To direct the preparation of such legislation as is necessary to give effect to the above decisions.*
8. *To direct the Development & Planning Authority to review the policy and legislation relevant to the creation of new Development Plans once the focused review of the Island Development Plan has been completed, and to bring recommendations for the improvement of this process back to the States once the amendments to the Plan are adopted.*
- 3415 *The above Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.*

3420 **The States' Greffier:** Article 6, Policy & Resources Committee - Rectories in Plurality.

The Deputy Bailiff: I am terribly sorry, it is because you missed this morning. We are now back to the Development Plan.

3425 **The States' Greffier:** Article 3, Development & Planning Authority - Development Plans amendment process.

3430 **The Deputy Bailiff:** You may recall that in the last meeting Deputy Oliver opened so we will go straight to the amendments. In order to ensure that there is consistency between Presiding Officers I will be following the Bailiff's ruling in relation to the length of speeches and whether or not the 15-minute rule applies, and therefore in relation to the following amendment, the Amendment 1, it will be the P&R Committee who will have the 15-minute reply disappplied because that is what the amendment is about.

Deputy Burford, in relation to Amendment 1, would you like the Greffier to read the amendment?

3435 **Deputy Burford:** No, thank you, madam. Amendment 1 is not to be laid.

The Deputy Bailiff: So are you going to lay Amendment 2 instead?

3440 **Deputy Burford:** I am indeed.

The Deputy Bailiff: So in relation to this it is a power for the P&R Committee to direct the DPA so, again, it will be the P&R Committee who will have the 15-minute disapplication in relation because it is directing them. So, Deputy Burford, do you wish the Greffier to read your amendment 2?

3445 [Amendment 2.](#)

1. To make amendments to Propositions 4 and 5 as follows:

(a) In Proposition 4 to insert an additional bullet point after the second bullet point to read: 'a new power for the Policy & Resources Committee to direct the DPA to request a public inquiry into amendments, and'

(b) In Proposition 5 to insert an additional bullet point after the first bullet point to read: a new power for the Policy & Resources Committee to direct the DPA to request a public inquiry into amendments, and'.

Deputy Burford: No, thank you. I think everyone has had quite a long time to read this as it was for the last meeting, so I am happy to carry on.

I do not have a great deal to say on this amendment simply because all of the arguments were made in my sursis speech and I do not wish to try the patience of the Assembly by repeating them.

Suffice to say that when P&R were consulted on this policy letter, they requested a power for the Policy & Resources Committee to direct the DPA to request a public inquiry into plan amendments. The DPA refused that request by Policy & Resources, saying that P&R would have a say as and when the policy letter was submitted. But of course this is too far down the line, and of course it still would not give them the ability to request a public inquiry except by means of an amendment, which would mean that by that point a great deal of time will have been lost during the policy letter preparation of submission time.

I think if we are unwisely, in my view, going down the route of removing the statutory requirement for an independent and wide-ranging public consultation on significant strategic and exceptional changes to planning policy, then at the very least we should have a safety valve of the oversight of the senior committee to changes that the DPA desires.

So I ask Members to just support this minor amendment on this point.

Thank you.

The Deputy Bailiff: Do you second that amendment, Deputy Soulsby?

Deputy Soulsby: I do, ma'am.

The Deputy Bailiff: Who wishes to speak in relation to this amendment?

Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Madam, absolutely, P&R during the consultation process requested for that power to be added. The Committee have considered that request and we did not think it was appropriate because the core of what we are trying to do is to streamline the process and to allow the DPA to have the judgement to get on with making the plan amendments and follow the designated routes that we will draw out in legislation, and choose the routes that we think will be appropriate.

So the P&R Committee currently have no powers whatsoever in legislation to effectively interfere with the planning process. I cannot think of any other situation where a Committee of P&R could effectively interject in what is effectively operational delivery of the Committee's mandate to say, 'Well, no, you should be doing something differently.' Like they do not have a power to, I do not know, tell the Committee for Employment & Social Security to undertake a consultation or the determination of a minimum wage in a certain way.

I think it is almost like *ultra vires* because it is not in their mandate to undertake development plan processes. I think what is really important is that this follows our current system of Government where we vest the powers in the Committees to go and undertake operational delivery of their mandates. The Committee then go away and undertake the delivery of those mandates. So I think the Committees are best positioned to understand what would be the best appropriate process to follow when, for example, they need to undertake amendments to the plan development process.

Just to remind Members that DPA cannot go and unilaterally amend the IDP. We are absolutely enshrining the need for consultation throughout any amendment process. All amendments, except very minor ones, will be coming back to the Committees. So, again, I think at the core of this amendment lays the dissatisfaction with the policy letter.

3495 As Deputy Burford advises us in other areas, if you do not disagree with the policy letter, just vote it down. I think the only situation I can see would arise if P&R or other Members of the Assembly were not happy with how DPA members were executing their powers under the DPA.

3500 But then I think the real avenue, in case there were real political disagreements and dissatisfaction with how DPA was performing, was to bring a motion of no confidence, remove the Members, and actually bring in other Members who would be delivering their mandate in a different matter.

3505 So I think we think it is absolutely unnecessary because that actually goes to the core of we are trying to streamline this process, if the Assembly has the trust in the Committees they have selected to be able to choose the right route to amend the IDP, they need to get on with that. So I do advise Members not to support this amendment. I think the policy letter in play has the checks and balances in play and this amendment, if successful, would put in powers that P&R does not have in relation to any other matters under the mandates of other Committees. I think it actually would be ultra vires.

Thank you.

3510 **The Deputy Bailiff:** Deputy Gollop.

3515 **Deputy Gollop:** I only partially agree with Deputy Kazantseva-Miller. I think I am really for the Deputy Burford amendment because I have got some misgivings about the whole policy letter, we will come on to that in general debate maybe, and it is very complicated, even more than the last bit of legislation we discussed, and it only goes to show how convoluted we have made the system. For example, somewhere there is this curious section 77 whereby only in rare strategic occasions are the Planning Authority able to disregard the rules even if there has been a strategic decision by the States.

3520 I think at the heart of this is a tension between what Government wants and what the Planning Authority and its structure allow. There is an element in our Law where the Planning Authority, which consists of five good politicians – well, I was one of them at one stage – are able to override the other 35 of us – whether that is right or wrong, I do not know – and they are suggesting a degree of reforms. Well, I might say I will support this thing currently on Policy & Resources but I like them having extra powers. I mean, maybe Policy & Resources should have additional powers, because 3525 Policy & Resources are there from a financial, treasury, strategic, corporate, buildings perspective. We are not actually deciding a planning decision. We are not acting as a tribunal. We are not even acting as a planning committee. The fact we do not have Ministers here makes everything very complicated too.

3530 But all these amendments give power to direct the DPA to request a public inquiry into amendments. The situation I suppose would be that the DPA had suggested an amendment, could be in favour of the environment, it could be against the environment, could be in favour of housing or industry or against in some way at a particular site and they choose not to have a public inquiry, there is a bit of an outcry or there is political dissatisfaction or there are mixed views from stakeholders in the business community, and those people would then put weight, put pressure, 3535 put ideas into Policy & Resources if they did not have them themselves. We would then request a public inquiry. We would not be dictating it, we might be making representations. I did not know it was something we wanted and did not quite get the first time round.

3540 It would make me more likely to vote for the whole package if this amendment won as well, because I think it would give an additional bonus point, but also a safeguard. Because there is perhaps a culture within this that I do not fully understand and this I think would enable, dare I say it, greater flexibility as well.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: I am very torn over this amendment because I do tend to agree with Deputy Kazantseva-Miller that this obsession that P&R should always have the power does not sit very well with me. But also, a bit like Deputy Gollop, because I am concerned about some of the direction of this policy letter, any check or balance you can put in, it has a certain attraction to me. Because the IDP, the strategic policies in the IDP are – at the beginning of the plan, they are put there after a process that involves a massive amount of public consultation including a planning inquiry.

It just feels wrong if we are one year down the road. Of course this Assembly eventually has to have the power. We are sovereign and we have to do that. But I do believe that if it is a major change to what has been approved, then the community should pretty much always have a chance to have their say, not just by writing a letter but by the same process which those policies were established in the first place, which is a public inquiry where an expert inspector is able to comment and his or her comments are taken into regard in this Assembly.

I will listen to the debate. I am not one that believes that all the power should be vested in P&R and I do take the point that if that became a habit with lots of other Committees' mandates it would be problematic. It would be heading into a direction I really do not want to go in. But I am worried that this policy letter takes out too many checks and balances for major changes and therefore I will listen to the discussion.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you.

Unfortunately I was not in the States for the part of the original debate, I think Deputy Burford mentioned she made most of her arguments elsewhere, but if I can help Deputy Kazantseva-Miller, I think she said she could not think of another time when a Committee looks to interfere with another mandate or give a power to another Committee. Well, I can. We are going to do it this week. It is an amendment to the Alderney Airport runway rehabilitation proposed by Deputy Burford, seconded by Deputy Kazantseva-Miller, where to add a new Proposition as follows:

To direct Policy & Resources in consultation with other Committees as appropriate to investigate the feasibility of re-establishing an inter-Island route.

and then goes on to designating the Guernsey and Jersey route as a lifeline route. Well, that is entirely in the –

Deputy Kazantseva-Miller: A point of correction.

Deputy Inder: I have not finished, madam.

The Deputy Bailiff: What is your point of correction, Deputy Kazantseva-Miller?

Deputy Kazantseva-Miller: Madam, I think I was clearly referring to the powers vested in legislation of another Committee to be interfering with the mandate of other Committees, not simple directions of Propositions of the States of Guernsey for amendments.

The Deputy Bailiff: Thank you.

Deputy Inder: Thank you.

What is good for the goose is good for the gander. She also went on to say its acting *ultra vires*. This is acting *ultra vires*. Her amendment, which is coming up in debate, is talking about giving direction to Policy & Resources. That is the mandate in the Committee which she sits on. The

3595 designation of Guernsey and Jersey as a lifeline route is in the mandate of the Committee which she sits on.

Our Committee have always been advised that we are not to support it and I would expect, as a member of that Committee, not to support it, which would be a bit strange as she seconded it. But anyway, the point I am making there is that unlike Deputy Kazantseva-for Miller, I will be supporting the views of the President of the DPA. We fall out, we do not always agree, particularly the one
3600 Member, but in the main I think the DPA have done a reasonable job over the last four and a half years; have not been perfect, none of us have. I do not like the idea of giving a power particularly to Policy & Resources which is, as Deputy Kazantseva-Miller said, *ultra vires* and tramples over the mandate. Much like I do not like to add a new Proposition as follows to direct P&R in consultation with other Committees which designate Guernsey and Jersey as a lifeline route and to effectively
3605 look at the feasibility of establishing an inter-island route.

What is good for the goose is good for the gander.

The Deputy Bailiff: Deputy Ferbrache.

3610 **Deputy Ferbrache:** Probably in less authoritative terms than my good friend Deputy Inder. Because although we are good friends, he does fall out with people, as he says, and so do I. But in relation to where we are today, the whole idea of this policy letter is to make the process slicker. This makes it less slick. The idea is for us to be able to unencumber our very cumbersome development land process. It is as simple as that. Whether it is *ultra vires* or not, I do not know, but
3615 it is plainly wrong. The amendment, I mean.

The Deputy Bailiff: Deputy Queripel.

Deputy Queripel: Thank you, ma'am.

3620 I am with the DPA on this. At the moment, I do not see the need for this amendment. The way I see it, should the amendment succeed, it will undermine the integrity of the DPA. I am not saying for a single second that is what Deputy Burford and Deputy Soulsby are trying to do, but that is how it is coming across to me. It will undermine the integrity of the DPA.

3625 Why would we want to give more work to P&R when the DPA are quite capable of doing this work anyway? So at the moment I am thinking of voting against this amendment unless somebody can convince me there is a real need to support it, because it will put P&R in a position where they are micromanaging the DPA in instances like this in the future. If we are going to put P&R in that position, then the question that springs to my mind is, why do we not simply dispense with every other Committee and let P&R take over?

3630 **A Member:** Hear, hear. (*Laughter*)

The Deputy Bailiff: Deputy Taylor.

3635 **Deputy Taylor:** In a sense I have already voted on this because P&R put the suggestion in their letter of comment to the DPA and us DPA members, we then decided not to listen, or we listened but we decided not to act in accordance with their direction. I supported that, we discussed that in the Committee meeting and I am probably minded to stick with that position today and vote against this amendment. But I just feel it is worth adding a little bit of balance to my comments and my
3640 decision because I do not think it is too extreme to allow Policy & Resources to have this as an additional power, a string in their bow, because you have only got to look at their existing mandate, where it is reasonable to argue that this does come in. They have a responsibility to co-ordinate policy, including leading the policy planning process, the allocation and management of resources, including the States' budget and facilitating cross-committee policy development.

They clearly have skin in the game when it comes to major policy work. Then in their duties and powers, particularly 4 and 7, whereby they are advising on the implications of other Committees' proposals, policies and activities, and whether they accord with States' objectives and policy plans. I think that is probably more relevant to the paragraph (b) in this one, for strategic issues.

Then also, bullet point 7, they have the power that they could require any Committee to examine an issue, whether within or extraneous to its mandate. So P&R already have some reasonable powers to direct Committees to do something that they might not otherwise have wanted to. Whether it might convince Deputy Queripel – it probably will not – I am sort of talking against the way I am going to vote. There is an element that maybe just P&R having this as a little something hanging above the DPA to make sure you do it properly. That could be a reason that this might be worthwhile having. *(Interjection)*

Well, it does not necessarily have to be micromanaging. If you look at some of the previous instances where P&R got involved, GP11, there had been talk all around about how we can change GP11. Actually, there was a bit of commonsense talk from the current P&R that put forward the solution. In that instance, they saved a whole lot of legislative changes and bits and pieces.

So it could be a case that just having this provision might require the DPA to have that conversation with P&R, get them on board at an earlier date, because they are controlling the resources. So, again, I am probably going to – I will vote against this.

Apologies to Deputy Burford. I understand why she is doing it but I will explain my reasoning on the policy letter itself later, but I have already voted against this, I will vote against it, but I just wanted to give a couple of points that Deputy Queripel might want to consider.

Thank you.

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Yes, I'd like to invoke Rule 26(1).

The Deputy Bailiff: Yes, Deputy Meerveld wishes to invoke the guillotine rule. Who wishes to continue debate in relation to this amendment? Deputy Meerveld, do you wish to put it to the vote? Those who support Deputy Meerveld's motion that this debate should be guillotined, please say pour; those against? SEV vote, please.

There was a recorded vote.

Carried – Pour 16, Contre 15, Ne vote pas 7, Did not vote 2, Absent 0

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

The Deputy Bailiff: *[Inaudible 4.56.30]*

Deputy Oliver: Thank you, ma'am.

3685 First of all, I would like to thank all the people that spoke in favour of voting down this amendment. As has been said, the Committee really did consider this and we gave it a lot of thought and we actually deliberately excluded it from the final proposals for a few reasons. Now, let us be honest, Policy & Resources have very little to do with planning. That is not a criticism, it is by the design of our structure of Government. They are much more a physical financial oversight from the
3690 operations and less with the technical sort of development control and the planning. Really, rightly so.

Now, Deputy Gollop said, well, we can override the States. No, we cannot, we are an enabling Committee. We do what the States say and we will enable what the States say into planning. On the surface, this may look like a pragmatic step, an attempt to strengthen decision-making, but if we
3695 look beyond the surface and consider what this actually means for the Government's transparency and the public confidence in planning, I think it actually just gives another layer of bureaucracy and potential delay.

With the consultation, whenever you go out to change something, you will go to consultation, to P&R, to E&I, and we get their views on it. My goal really with this policy letter, is to ensure that
3700 the appropriate oversight and the wider consideration is actually there. One thing that I did think was rather than P&R, why not E&I? Like, E&I actually hold the consistency for Strategic Land Use Plan (SLUP) and they have a lot more to do with it than P&R does. In many respects, I think that would have made more sense, but it was quite a short debate, really.

Thank you ever so much for the people that think the DPA is doing a good job. It does mean a
3705 lot to me, so please vote this down.

Deputy Burford: Thank you.

Right, Deputy Kazantseva-Miller said that it does not need this oversight, but I believe this is a massive change that we are making, and more to the point, it is a change that is being made on the
3710 basis of next to no consultation. Although we had people from the Committee jumping up and down during the sursis debate saying one of them had spoken to a particular developer, etc., the actual formal consultation on this policy letter was with P&R, who asked for this power, with E&I, who gave a formal response, no doubt snowed under by their other 700 policy letters, and the planning panel who said, 'It is nothing to do with us.' That was the extent of the consultation.

Deputy Kazantseva-Miller says that this leads to P&R undertaking the planning process. Well, no. This is for P&R to get the DPA to request an inquiry. So the point is made that it will come to the States, I accept that but by then all the work is done, everything is set in train and we get back to the trouble with this Assembly where we do not get things right before they come here and then they get thrown out and then we have to do it again, as cumbersome as the inquiry process is, and
3720 I agree it should be streamlined, this could end up making it more cumbersome by just not having that level of oversight.

I think Deputy Kazantseva-Miller is being a little dramatic in her suggestion that I should have instead brought a motion of no confidence apart from the fact that in April 2025, with an election in two months, that would be rather a waste of time, I think. (*Interjection*) The point is that it is not
3725 about that and she said well we should – I am sorry I am not going to give way because we –

Deputy Kazantseva-Miller: A point of correction. I did not mean for her to bring a motion of confidence today, I meant in the future DPA if the Assembly was not confident of how future DPA was performing their duties, that would be an avenue for them to replace the Members.

3730

Deputy Burford: Okay, I thank her for her correction, but I think it comes back to my last point, that again that is letting everything go way too far. I am trying to stop us getting to those points. Interestingly, though, I will have a little detour on one of the things that she said, because she said it is about trust, if you do not trust the Committee. But I have to take issue with this, because we

3735 had this, particularly from some of the newer Members, at the very start of this term. When people would stand up literally in the first six months of the term and say, 'I am going to vote for this because I trust that Committee'. That is not your job. The job is to scrutinise what comes before us. No matter how lovely the people on the Committee are, how trustworthy they are, the whole thing is about scrutiny. So I do not buy the 'Oh well, you have just got to trust the Committee'.

3740 Deputy Gollop, I thank him for his support. I think that is where he was going. One is never too sure with Deputy Gollop. I would agree, I am not in a rush to give P&R extra powers. In fact, being someone who is dead against any form of Executive Government, I would be the least likely to be piling powers into the Central Committee. But I think a bit like Deputy Roffey said, that is kind of where we have been left on this because as much as I want to streamline this process, we have gone from right up here to right down here and never bothered to get off halfway along the process.

3745 This to me is a check and a balance. It is not just about minor changes. This is the other thing to note, that the two Propositions that this amendment relates to, are they Propositions which relate to significant changes or exceptional or strategic changes. This does not relate to minor changes. P&R would have no ability to request anything on anything below significant, so it is just worth keeping that in mind.

3750 Deputy Inder was debating a different amendment, but on that point, as it has been raised, what I will say, and that is an amendment that is going to be seconded by Deputy Kazantseva-Miller and in consultation with her, I changed the wording around the lifeline thing to make sure that it was about due consideration given because it needs to go through those formal channels and those channels which sit with Economic Development. I was not cutting out and you, in fact, have Deputy Kazantseva-Miller to thank for that because I think my wording was a little bit less appropriate before it was changed. I think there has been a slight misunderstanding there. It is not a direction as it had been in 2022.

3760 Deputy Ferbrache, yes, again, third time. I agree it should be slicker, but this is just a check. It is not something that I believe that P&R would use lightly. In fact, it may never be used, because at the end of the day, we are not going to have slews of amendments to the plan coming every month. I think there is just something there in reserve. I think perhaps four and a half years on scrutiny has done this to me, but I just think there should be that oversight.

3765 Deputy Queripel says he remains to be convinced if he is going to support it. I am hoping my responses to some of the other Members will convince him. As I say, Deputy Taylor, yes, this is not my ideal solution, but what I consider was the very reasonable sursis motiv  , which was supported by a third of this Assembly, which was purely to ask the public if they are happy to essentially give up their right to be consulted through a planning inquiry on significant strategic changes to the IDP. So that was what I was looking for. That has not come in place, so I think that this is something that at least puts that level of scrutiny and oversight in.

3770 I do not think it is about micromanaging. Again, P&R would not be able to actually get stuck into any kind of inquiry themselves. It is just a right to request that one is done. Deputy Oliver, she says it is about bureaucracy and delay. I think it is about strengthening scrutiny and transparency, as this policy letter has had next to no consultation. She also finally, and just to finish up, says she thinks this would be much better with E&I. I will draft the amendment if she will second it.

Thank you.

The Deputy Bailiff: Members, you should now have on your screens this amendment, which is Amendment 2. Would you kindly open the voting, please?

3780

3785

There was a recorded vote.

Amendment 2.

3790 *Not carried — Pour 16, Contre 21, Ne vote pas 3, Absent 0*

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

The Deputy Bailiff: In relation to the amendment, there voted pour 16; contre 21; there were 3 abstentions. I therefore declare that this amendment has not passed.

3795 We now move on to Amendment 3. Deputy Burford, do you wish the Greffier to read out the amendment?

Amendment 3.

To delete Proposition 6 and insert two additional propositions immediately after Proposition 5, as follows:

"6A. To agree that amendments are made to the Land Planning Development (Plans) Ordinance, 2007 and other planning legislation in relation to amendments to Development Plans to provide for more streamlined processes to be followed for amendments to a Development Plan.

6B. To agree that amendments are made to the Land Planning and Development (Plans) Ordinance, 2007 and other planning legislation in relation to amendments to Development Plans to remove the restriction which prevents a person being appointed as a planning inspector if that person has held a certain position at any time within the period of two years before the date of the proposed appointment, subject to appropriate safeguards in relation to potential conflicts of interest ,as outlined in paragraphs 4.12 and 4.13 of the policy letter."

3800 **Deputy Burford:** No, thanks. I do not think that is necessary, madam. Amendment 3 is just purely to separate out Proposition 6. It is 6A and 6B but as it is drafted it cannot be voted on separately. The two things in Proposition 6 are not really entirely related to each other, so I would just ask Members to support separating out Proposition 6 so that the two parts of it can be voted on separately at substantive stage.

Thank you.

3805

The Deputy Bailiff: Deputy Soulsby, do you second that amendment?

Deputy Soulsby: I do, madam.

3810 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: Simply to point out that in the Amendment 6A it refers to the Land Planning Development (Plans) Ordinance '20027' and I do not think it is made in that year. *(Laughter)*

3815 **Deputy Burford:** I accept that is probably a typo. Thank you.

The Deputy Bailiff: Any other people wishing to make the amendment? I presume then you do not wish to reply to the – so, Members, you will see on the screen there is the amendment. Please when you see '20027' read '2027'. It is a typo that has been acknowledged by Deputy Burford. I will now ask the Greffier to *(Interjection)* – sorry, what did I say? *(Interjection)* 2027. Oh, I see, sorry. It is 2007. So I am going to do that all over again. So it should read '2007', not '20027'. So let us just open the voting, shall we? *(Laughter)*

There was a recorded vote.

3825

Amendment 3.

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

Pour	Contre	Ne vote pas	Did not vote	Absent
Aldwell, Sue	Brouard, Al	Hill, Edward	Dudley-Owen, Andrea	None
Blin, Chris	Dyke, John	Snowdon, Alexander		
Burford, Yvonne	McKenna, Liam			
Bury, Tina	Vermeulen, Simon			
Cameron, Andy				
de Lisle, David				
de Sausmarez, Lindsay				
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				
Meerveld, Carl				
Moakes, Nick				
Murray, Bob				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Queripel, Lester				
Roffey, Peter				
Soulsby, Heidi				
St Pier, Gavin				
Taylor, Andrew				
Trott, Lyndon				

3830 **The Deputy Bailiff:** In relation to this amendment, there voted pour 33; contre 4; there were 2 abstentions; and 1 Member was not in the Chamber at the time of the vote. I therefore declare that the amendment has been passed.

So we will now move to general debate. Who wishes to speak first? Deputy Queripel.

3835 **Deputy Queripel:** Ma'am, just to clarify, did you say that speeches are limited to three minutes?

The Deputy Bailiff: No, I did not.

Deputy Queripel: Oh, good.

3840

The Deputy Bailiff: I will if you want me to, though. *(Laughter)* No.

Deputy Queripel: Oh, good.

3845 **The Deputy Bailiff:** Just subject to the 15 minutes that you agreed that you would impose on yourselves a couple of weeks ago.

Deputy Queripel: I will just bring another –I will just bring the four pages back into my speech that I was going to dispense with, ma'am. *(Laughter)*

3850 I applaud the DPA for adopting this proactive approach. I just want to remind colleagues of some of the things Deputy Oliver said in her opening speech in a previous debate. She began her speech by saying:

The current framework for amending development plans is cumbersome, time consuming and expensive. Planning needs to be more responsive to the priorities of Government, of our economy and our community. To address this, the DPA is proposing a more agile and cost-effective system. These reforms will allow Guernsey to respond to pressing issues such as housing shortages, economic shifts and environmental considerations in a much more timely manner. Critically, these changes uphold the core principles of fairness, human rights compliance and robust consultation. The DPA remains committed to ensuring public input, evidence-based decision making and transparent policy formulation. Ultimately, voting in favour of these Propositions means endorsing a system that allows Guernsey to react more efficiently to changing conditions. It means removing road blocks and red tape and it means enhancing efficiency and empowering our community to grow and adapt.

3855 These were just a few of the excellent points that Deputy Oliver made in her speech, ma'am, and what is not to like about that? **(A Member:** Hear, hear.)

Ma'am, 14 Members of this Assembly voted in favour of the sursis motivé laid by Deputies Burford and Bury in the previous debate, which was laid primarily to address concerns about lack of consultation. But as I said in my speech on that sursis motivé, in my view we do not
3860 need to consult with the public. The public have been telling us for four years the planning processes we have in place are not working and need to be changed. So why go out and ask them to tell us something we already know?

But anyway, despite all of that, Deputy Oliver focused on consultation several times in her opening speech in an attempt to assure everyone that consultation will take place. In fact, she
3865 referred to consultation no less than five times in her speech, saying things like:

The DPA is proposing a more agile and cost-effective system for amendments whilst at the same time adhering to the core principles of consultation. Public consultation will occur through advertisements in the Gazette Officielle, ensuring transparency whilst allowing for swift action. The DPA remains committed to ensuring public input and, therefore, maintaining consultation.

If that is not enough for colleagues who are concerned about the issue of consultation, the DPA actually championed consultation in Propositions 4 and 6. They also championed consultation nine
3870 times in their policy letter in paragraphs 1.6, 1.8, 4.8, 4.10, 4.16, 4.18, 4.19, 4.20 and 6.2. So surely that is enough to allay anyone's concerns about the DPA's approach to consultation.

We must not forget the primary intention is to streamline procedures which will in turn attain savings in relation to staff time and the amount of money the public spend on all the procedures involved. On that, in their policy letter the DPA championed streamlining and making savings nine
3875 times: Proposition 6 and in paragraphs 1.6, 1.9, 1.10, 3.5, 4.1, 4.5, 4.10 and 4.21. If that is not a clear

indication that the majority of the DPA are trying to be as proactive as possible, then I do not know what is.

I am not taking a pop at Deputy Taylor, my good friend Deputy Taylor, ma'am. I have not only been there and got the t-shirt, I wrote the script. *(Laughter)* When I was on the DPA I was outvoted four to one so many times it was futile staying on there, so I resigned *(Laughter)* because I did not think they were being proactive enough. But I was re-elected back on to the DPA a few months later because by then they had produced an Action Plan, which I had asked them to do several times prior to that. Things have just been getting better ever since then in my view.

So I really do think we need to take this opportunity to support the DPA and I only hope that some of the 14 Members of the Assembly who voted in favour of the sursis motiv  can now see the value in supporting the DPA. As we all know, this States has become known as the States of inaction, which is totally unjustified, of course, because we have done so much. But here is a chance for us to prove to the community we are not the States of inaction and we have the opportunity to be proactive here in front of us, so surely we need to take it.

Thank you, ma'am.

The Deputy Bailiff: Thank you, Deputy Queripel.
Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Madam, I just wanted to elaborate on one absolutely crucial point that Deputy Queripel has really brought out in his speech regarding the fact that the consultation, the need for consultation, absolutely continues to be enshrined in this policy letter and through all parts of the proposed development groups, except the very minor route.

I think in summing up Deputy Burford to a previous amendment continued to say that effectively the policy letter is – what it is offering is that the public is losing their right to be consulted through a public inquiry process. Again, I really want to reiterate that absolutely they are not losing the right to be consulted, that the right to be consulted continues to be enshrined in the process. What we are removing as a mandatory step is the requirement for an independent investigation or examination, sorry, independent examination of the public consultation through an external inspector. So this is the part that we are proposing not to make a mandatory part of the plan amendment process but it will be a decision that the DPA will take whether an independent examination is required.

Just to reiterate what I also said in my opening speeches, mandatory examination, independent examination, is rare. It is not mandatory in Scotland, it is not mandatory in Jersey, just looking at some of the most comparable jurisdictions, so we believe that by not making it mandatory will make the process more proportionate to the needs of Guernsey and to how more or less sensitive the issues that we will be discussing are.

Just to reiterate again, the majority of the work around public consultation is actually undertaken by the DPA. It is not undertaken by the independent – that single person inspector, but by having to create this process around this single person is what makes this process so cumbersome. So the Government, and it is not just DPA, it is other Committees, it is the inquiry team that sits under E&I, it is the Government who already undertakes the majority of the work. Right now it is structured so that there is this one single person that comes into Guernsey and around whom everything is being structured.

So this is what we are proposing. We will continue with the consultative process that we are undertaking. We are just making it a little bit easier in circumstances where we do not feel it is proportionate to have an independent inspector. So I just really wanted to iterate the concerns that have been raised that we are removing consultation is absolutely not the case and that it continues to be enshrined in this streamlining process.

Thank you.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Deputy Kazantseva-Miller as always makes good points, and Deputy Queripel, too. But the thing is I quite like the inactivity. Everybody is saying we have to be acting, action this day, as Deputy Ferbrache said, but the inactivity is part of our way of life. Who might suffer from too much activity? The little rabbits, the birds, the scaly crickets, the flora and fauna.

The thing is Deputy Queripel almost oversold his point of view because he said many, many times in Deputy Oliver's policy letter the word 'consultation' is mentioned, and Deputy Kazantseva-Miller follows it up. She is absolutely right. It is very clear. There are numerous processes that would be followed by any changes, whether significant or otherwise, in terms of publication and *Gazette* and so on. Of course, the *Gazette* is a little – I know it is now electronic as well, but the *Gazette* belongs to the 19th century, really, and perhaps not everybody is as aware of it as they might be.

But before we get carried away, I remember during the Eisteddfod Theatre week when I was performing every night – not very successfully perhaps but there you go – I was distracted by a letter I received late at night from two of the learned environmental long-serving societies of Guernsey. It was a joint letter. The gist of it was that they were aggrieved. They said, 'Block this policy letter at all costs because we have not been consulted.'

Now, I was genuinely puzzled at that because this revelation of a fast tracking only four and a half years into the term kind of hit them for six. Now, when I spoke to somebody who was a member of one of those associations, I got the impression – maybe I was tired – that they were thinking more about that they were talking about the abolition of open planning meetings, which had nothing to do with this at all. But nevertheless, the fact that we got that letter, and they also I think made a media appearance, suggested there is something not quite working on the communication front. Deputy Taylor provided some other examples.

When you look in the policy letter about who they consult, it does tend to be people like the Planning Tribunal, like Environment & Infrastructure, and it is quite limited in terms of its statutory basis. We have seen this on Policy & Resources and, of course, we supported the general thrust of simplifying the planning system. The point is well made that we do seem to have a more convoluted system than Jersey or other communities and we could be losing opportunities. But the policy letter likes to have it both ways a bit because it mentions that these changes, these significant changes or others, departures from the plan, could be made on housing reasons or economic reasons. They could be made on environmental reasons as well, which I accept, but the environmentalists are the ones who are apparently worried.

I am a bit worried as well because are we losing the opportunities to build housing sites, especially for the private sector, because the developers are not able to get departures from planning? The answer is possibly yes. But is that necessarily in the best interests when I think most people would wish to see significant sites developed or brownfield sites developed? Of course, we were told a year or so ago that GP11 would be a panacea and we would see a lot more development coming on board and so far we have not. We have not yet seen the revolution – I will give way to Deputy Dyke.

Deputy Dyke: Yes, thank you.

On the point of we have not seen things coming forward, we have. We have the Briarwood site in St Martin's being built. We have a site near the hospital. Spades are in the ground and it is going up. We have had progress at the St Martin's Hotel. We have a new planning application coming in at Pointues Rocques and we have Leale's Yard, which is proceeding, which it might well not have done, with a GP11 requirement, but that is hung up on building at the moment. So things are coming through. It has been a major success getting –

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, Deputy Dyke, for that. Some of those sites I knew about. Some of them I did not and some of them perhaps I have heard different things.

Nevertheless, one penalty for that is we may have lost some social housing in that but at least we will get housing of some kind. I very much believe – oh, I will give way again.

Deputy Dyke: I do not want to – but we actually have got some social housing. The site at Oberlands is a joint venture between the private sector and the housing association, with agreements freely made, and that is probably the future of a lot of sites. We are getting there. It is a really good thing. I just thought I would make that point.

The Deputy Bailiff: Deputy Dyke, can I remind you that as you have not spoken you do have the opportunity to speak rather than seeking give ways?

Deputy Dyke: Yes.

The Deputy Bailiff: But I recognise Deputy Gollop gave way to you, but anyway, do carry on, Deputy Gollop.

Deputy Dyke: Yes, ma'am.

Deputy Gollop: I will look forward to Deputy Dyke's speech.

Whether all of those developments would have taken place without the changes it is perhaps useless to speculate, but I think my overall point is that we not only want development, we want development that works. I am afraid to say if you ask me what my solutions for housing are, it would take me a long time to think about the answer for that. But I would say it is something to do with the cost of capital. I think it is something to do with the capacity of the building sector and I would say it is something to do with how much we are prepared to subsidise the construction and price. So I actually think planning is unfairly blamed for a lot of the problems in housing. The fact that we need radical change to free up housing is perhaps a nice idea, but I think it is only part of the jigsaw puzzle.

So whether I vote for this, I will probably give it the benefit of the doubt and vote for it because Policy & Resources will vote for most of the Propositions because Policy & Resources are very keen. But I would like to hear more that they will be continuing dialogue with natural and environmental organisations and that their right to protest and contribute will be maximised.

I also think it is a question of timing because we are deciding all this with legislation being prepared, and I am afraid the new Committee will have to work with it and the new States, but we are making quite potentially radical changes right in the middle of review of the Island Development Plan. It would seem to me that these ideas should have been part of that rather than separate to it. So I think that is a confusing and perhaps undesirable element of this and I would like to hear more about how we are going to integrate this with not only the development review but also the harbour review.

The Deputy Bailiff: Thank you.

Members, I am mindful that it is half past 5, but on the other hand we are still on the last meeting's business. Is there any appetite to continue until the end of this debate and vote? Those who support the motion to continue until the end of the DPA Proposition is voted on, please say pour; those against?

Members voted Contre.

The Deputy Bailiff: Well, looks like we are finishing at half past 5. So, Members –

Male Speaker: Ma'am, could we have a recorded vote on that, please?

The Deputy Bailiff: Yes, we can.

4035 **Deputy Taylor:** Madam, before we do a vote, could we get an indication of how many people would intend to speak so we know quite how long we might be staying for?

4040 **The Deputy Bailiff:** No, I am going to just put it straight to the recorded vote. I do not think – because people are notoriously bad at estimating how long they speak or indeed whether they are going to speak, is my experience, Deputy Taylor. Sorry, Greffier.

Members, a rather pithily stated motion on your screens, a motion to stay late, but what I have the motion in full is to stay late until we finish this Proposition and vote on it. So would you mind opening the voting on that basis, please, States' Greffier?

4045 *There was a recorded vote.*

Carried – Pour 15, Contre 22, Ne vote pas 2, Did not vote 1, Absent 0

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

4050

The Deputy Bailiff: Thank you.

In relation to the motion to stay late, there voted pour 15; contre 22; there were 2 abstentions; 1 Member was not in the Chamber. So therefore I declare the outcome is contre and we will now close today's session.

4055

The Assembly adjourned at 5.34 p.m.