



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 8th March 2017

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 6, No. 1

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2017*

Present:

Sir Richard J. Collas, Kt, Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,
R. H. Tooley

St Peter Port North

Deputies C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. Yerby,
D. de G. De Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

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

Absent at the Evocation

R. M. Titterington, Esq., Q.C. (H.M. Comptroller)
Deputy B. L. Brehaut (*absent de l'île*); Deputy J. A. B. Gollop (*absent de l'île*)
Alderney Representatives L. E. Jean and S. D. G. McKinley, O.B.E. (*absents de l'île*)

Business transacted

Evocation	389
In Memoriam – Former Deputy Bailiff Andrew Christopher King Day C.B.E., Q.C.,.....	389
In Memoriam – Former Deputy Stanley James Bichard	391
In Memoriam – Former Douzaine Representative Alexander George Mather.....	391
Employment and Social Security general update – Statement by the President of the Committee for Employment & Social Security	392
Questions for Oral Answer.....	400
Flamanville Nuclear Power Plant – Preparation for and notification of incidents	400
Alderney and Sark children – Concessions under the new Population Management Regime	405
Billet d’État VI.....	406
The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017.....	406
The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2016; The Pilotage Dues (Guernsey) Regulations, 2016; The Mooring Charges (Guernsey) Regulations, 2016; The Airport Fees (Guernsey and Alderney) Regulations, 2017	407
II. The Open Market (Guernsey) Law, 2016, Proposals for the maintenance of the Open Market Housing Register – Propositions carried	407
III. Acknowledging the triggering of Article 50 of the Treaty on European Union in respect of Protocol 3 – Propositions carried	413
<i>The Assembly adjourned at 12.30 p.m. and resumed its sitting at 2.30 p.m.</i>	<i>434</i>
IV. Schedule for Future Business approved.....	443
<i>The Assembly adjourned at 3.17 p.m.</i>	<i>444</i>

PAGE LEFT DELIBERATELY BLANK

States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

The Senior Deputy Greffier: Billet d'État VI of 2017. 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 8th March 2017 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate.

5

The Bailiff: Members of the States, good morning to you.

You will be very sorry to learn of the death of three former colleagues, who have all passed away since we last met just three weeks ago. Former Deputy Bailiff, Chris Day, died peacefully on 2nd March, former Deputy, Stan Bichard, passed away on 24th February, and former Douzaine Representative, Alexander Mather, also died on that day.

10

In Memoriam –

Former Deputy Bailiff Andrew Christopher King Day C.B.E., Q.C.,

The Bailiff: Andrew Christopher King Day, to give him his full name, was a very private and modest man who did not like fuss or ceremony, and furthermore was not someone who ever wasted words. He would probably disapprove of me saying anything in tribute to him, but when anything had to be said he would want it kept short. Well, here goes.

15

He was a great character and all round good guy with a phenomenal intellect, a great sense of humour and a deep-seated sense of fairness, justice and belief in equality of opportunity for all. Plus, he was of course a loving husband, father and a true family man. Chris would probably now be saying that this tribute is already too long and it is time to move on, but those few words are not sufficient to do justice to the career of a long-serving and dedicated public servant.

20

Chris was not a native Islander, even though he could be as stubborn as any Guernsey donkey – sometimes more stubborn than any Guernsey donkey, I would say! He loved his Island home and also Sark where he spent much of his time, but he was born in Devon on 30th October 1941, the son of John King Day, a school teacher who subsequently served as principal of Elizabeth College from 1957 to 1971. Chris was educated at Gresham's College, Holt in Norfolk, where his father was teaching, and then at Magdalen College Oxford, where he read modern history and graduated in 1964. A year later he was awarded a Post-graduate Certificate in Education by London University.

25

30 In 1964 he married José, the daughter of Louis Guillemette, the States' Supervisor. They moved out to newly independent Kenya, where Chris taught in a school at Thika near Nairobi, where José used her skills as a nurse. Chris loved teaching but after the birth of their first child he resolved he would qualify as a barrister and move to practice in Guernsey.

35 After successfully completing the English Bar exam course, Chris was called to the English Bar at Grey's Inn in July 1970. During the following year he attained his Certificat d'Études Juridiques Français et Normandes from Caen University. He passed the Guernsey exams and he was called to the Guernsey Bar in 1971 as a pupil of Advocate P. R. Collas, my father. They were joined by another pupil to whom my father used to refer as young Rowland, in the firm that became known as Collas, Day & Rowland.

40 Chris quickly established himself as one of the most able advocates of the Guernsey Bar. After only 11 years in private practice he was appointed H.M. Comptroller in 1982 in the series of appointments that followed the retirement of Sir John Loveridge as Bailiff. In 1989 he was made a Queen's Counsel. In 1992 he was appointed to the offices of H.M. Procureur, and H.M. Receiver General. Seven years later he succeeded to the office of Deputy Bailiff, which he held until his retirement in 2002. It was, however, a short retirement, because he continued to sit as a part-time judge, having been appointed a Lieutenant Bailiff by Sir de Vic Carey. He finally retired from the judiciary in 2005.

45 When the States' Members Conduct Panel was established in 2007 he became its first Chairman, and held that post for 10 years – in fact until only two days before his death. Chris served on two States' Committees: the Committee to Examine Alternatives to Full Custodial Sentences and the Ecclesiastical Committee.

50 In 2003 his public service was rewarded by Her Majesty who appointed him a Commander of the Most Excellent Order of the British Empire.

55 As both a Law Officer and a judge, Chris displayed sharpness of mind and high personal integrity. Those qualities ensured his work as a judge earned wide respect and his decisions will, I am sure, continue to be cited and followed for many years to come. His deep seated commitment to matters of justice and equality ensured he was always fair and treated everyone the same, no matter their background and circumstances. However, those characteristics did not always endear him to clients, and others, seeking his professional opinion. Those who sought favours or special treatment by reason of their wealth or rank would receive short shrift from him.

60 On his retirement, Chris returned to teaching, helping out at Hautes Capelles Junior School on a part-time basis.

65 He was a keen and active sportsman, a very able rugby player, who played for Blackheath in his youth. At that time Blackheath was one of the premier rugby teams in England. Following his move to Guernsey in 1970 he devoted much time to coaching the Guernsey rugby team, and also played cricket and hockey. For many years he was a trustee of the Corbet Field, he served as President of the Guernsey Riding for the Disabled Association, and he was the first Chairman of the Guernsey Sports Commission, in that capacity from 2004 until 2015.

70 Chris was instrumental in forming the Guernsey Friends of Biberach Association, with the aim of strengthening the bonds of friendship between the two communities, and he was Chairman of the Association for many years. The friendship links with Biberach, which have gone from strength to strength, are due in large measure to his foresight, efforts and leadership skills.

His faith was important to him, and he was a regular worshipper at St Matthew's Church, Cobo, and was keenly involved in the building of Cobo Community Centre.

75 He was a true Islander and a fervent defender of the Island's customs and traditions, not only our legal customs. He liked nothing more than being able to take part in the West Show Pageant wearing his Guernsey.

He left behind a widow, José, and children, Sarah, Estelle and Oliver, to whom we extend our sincere condolences.

**In Memoriam –
Former Deputy Stanley James Bichard**

Another public servant – also a great character and another Guernsey donkey – who was well known and popular throughout the Island was Stanley James Bichard, known to everyone simply as Stan.

80

Having been brought up in a Guernésiais speaking family, Stan was a fluent speaker of our native tongue. He had a great sense of humour, sense of fun and was a good raconteur.

He had a number of diverse occupations during his working life, including insurance agent and bus driver.

85

Like many a true Guernseymen, Stan devoted a number of years of his life to serving his Island and his parish. His service to the Parish of St Saviour commenced in 1994 when he was elected Procureur of the Poor, and then Constable in 1986. Two years later he became a Douzenier and served in the capacity for 23 years. He served one term of office as a Deputy for St Saviour from 1991 to 1994. During that period Stan held seats on the Probation Service Committee, the Public Thoroughfares Committee, the States' Traffic Committee and the Gambling Control Committee. Whilst he was not a frequent speaker in the States' Assembly, when he did speak what he had to say was always well delivered and based on Guernsey common sense principles.

90

He was a regular worshiper at St Saviour's Parish Church where he had held the office of church warden.

95

He was a keen banjo player and will be remembered for Bish's Banjo Boys and also playing the Dizzy Diesels in the West Show Band. He was a keen member of the West Show and served as its Vice-President.

He was a trustee at St Saviour's Community Centre and a member of the St Saviour's Montebourg Association.

100

As you know, Stan was generous with his time and his talents in bringing enjoyment and a sense of fun to Island life for the benefit of us all.

He leaves behind a widow, Maureen, and their daughters, Sandra and Lyn, to whom we extend our sincere condolences.

**In Memoriam –
Former Douzaine Representative Alexander George Mather**

Last but not least in this trilogy of tributes, Alexander George Mather was a Member of the States of Deliberation for a period of two months in 1983.

105

He had moved to Guernsey from Spalding in Lincolnshire some 50 years ago and established a flower growing business at Green Sleeves Nurseries in the Forest. Alec held a number of offices in his home parish of the Forest, commencing in 1973 when he was elected Procureur of the Poor.

In 1975 he took office as Constable and three years later became a Douzenier and served as such for just under six years.

110

He was a Douzaine Representative for the Forest from 25th October 1983 until 31st December of that same year. In that short time in the States of Deliberation he did not serve on any Committees and, sadly, without a *Hansard* record I do not know whether Douzaine Representative Mather made his maiden speech, but the present Dean of the Forest Douzaine, who succeeded Alec as Douzaine Representative, has advised me that he was a well-liked and valued member of the Douzaine.

115

He left a widow, Sheila, who died just three days after Alec, and they are survived by their children, Richard and Jenny, to whom we extend our sincere condolences.

120 Thus we remember today three hard working public servants: Andrew Christopher King Day
C.B.E., Q.C., Stanley James Bichard and Alexander George Mather. Will you please rise to honour
the memory of them all.

Members stood in silence.

The Bailiff: Thank you very much.

STATEMENTS

Employment and Social Security general update – Statement by the President of the Committee for Employment & Social Security

125 **The Bailiff:** Members, we start the political business of this meeting with a statement by the
President of the Committee for Employment & Social Security, a general update statement, from
Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir,

130 I would like to use this speech as an opportunity to provide an update on a number of the
Committee for Employment & Social Security's many responsibilities. Time does not allow for an
update on everything we do, so I will focus on a few areas, including some which are perhaps less
well known and have not recently been reported on.

One such area is what I will group as back-to-work programmes, although that is a very broad
label for a range of programmes for people with different needs.

135 The Job Centre has continued its excellent work since this term began. Unemployment figures
have fallen over the last 12 months. The most recent figures show 386 people wholly unemployed
at the end of February. This is a reduction of 36 compared with February 2016.

140 Of course, nothing is more influential than the economy when it comes to unemployment
rates. But work experience programmes and training initiatives also have a key role in keeping
unemployment low and returning jobseekers to work as quickly as possible. I would like to take a
moment to highlight some of the Job Centre's recent and ongoing projects.

145 The Community and Environmental Projects Scheme (CEPS) and Work2Benefit scheme
continue to work very well indeed. The programmes provide vital skills and experience to job
seekers while benefiting the Island as a whole by completing works that otherwise would not get
done. The final quarter report for this year shows work of a notional value of almost £270,000 was
undertaken over the course of 2016 by the CEPS team. The performance of the Work2Benefit
scheme suggests a notional value of over £150,000 during 2016. The works in the two
programmes maintained public land and supported local community projects and charities.

150 I am pleased to say that the projects achieved their primary goal of getting people back to
work. This year we saw a similar number of placements to previous years. But because of an extra
focus on finding the right match between employee and employer, those placements are on
average lasting longer.

155 The Prepare to Care course was recently run by the Job Centre in partnership with the College
of Further Education. It allowed 10 job seekers the skills they needed to begin careers in the care
industry. This has to be a good thing. We already need far more care staff than can be recruited
locally. I am pleased that the outcome of this course has been positive and has allowed job
seekers to meet what we know will be a growing demand as demographics change.

I know that many people are keen to hear a progress update on the Disability and Inclusion
Strategy. The States approved a Disability and Inclusion Strategy in November 2013, and
responsibility for its implementation has now passed to ESS.

160 The Committee has two main priorities in this area for this term. The first is to introduce
effective legislation to ensure equality for disabled people in all aspects of life, including
employment, and access to goods and services. A member of staff has been allocated to work on
this legislation. We will report further on progress with the legislation, and the implementation of
other Disability and Inclusion Strategy work streams before November this year, as directed by the
165 November 2015 Wilkie/Bebb amendment.

The second priority is to establish an Island-wide equality and rights organisation, in
accordance with the Strategy. This will promote positive public awareness of the value of inclusion
and accessibility. It will provide general education and awareness-raising, as well as guidance and
assistance on good practice to employers and service providers, and advocacy on behalf of those
170 who face discrimination or exclusion. It is likely that this work will not commence until proposals
for the Disability Discrimination Legislation work stream has been brought forward. The
Committee will work with other States' Committees and organisations to ensure that the
recommendations of the Strategy are implemented.

Recent progress on the Disability and Inclusion Strategy includes the launch of the Signpost
175 website. This provides easily accessible information for disabled adults and carers, and parents
and carers of children with disabilities. It includes information on how to access services, social
activities, support groups and much more. The Committee for Health & Social Care has begun
work on the framework for people with dementia, and a paper on the long-term policy vision for
safeguarding is out for consultation with people directly involved in safeguarding. We are pleased
180 to be working jointly with HSC, who are leading on this work stream.

A staff survey was launched last week to gather information about what it is like to be
employed by the States of Guernsey as a person with a disability, long-term injury or health
condition. Focus groups will follow the survey to generate more detailed information on
experiences. The Business Disability Forum has interviewed key stakeholders, and workshops are
185 planned with Guernsey people with disabilities. This will help the States, as an employer, to
develop a Disability Action Plan. The framework for children and adults with autism has been
completed jointly with HSC, and the implementation phase is now commencing.

The project board is keen to support the launch of a pilot project for Demand Responsive
Transport and work on the Service Level Agreement for Wheelchair Services, both of which are
190 current priorities for key stakeholders in the Strategy.

The Committee also recognises the importance of equality and inclusion for other groups of
Island residents who have often been overlooked or left behind, and the string of important
international social and justice standards which the States has committed to adopting, but has not
yet been able to implement. This includes the United Nations Convention on the Elimination of all
195 forms of Discrimination Against Women, the UN Convention on the Rights of Persons with
Disabilities and the UN Convention on the Elimination of Racial Discrimination.

This all overlaps with the Committee's mandate and, as such, we will be seeking to ensure that
there is a modern and effective legal protection against all forms of unjust discrimination. I must
explain that there is an outstanding Resolution from the November 2015 debate on the Domestic
200 Abuse Strategy. This directs ESS to report back to the States by March 2017 on progress made
towards extending the Convention on the Elimination of all forms of Discrimination Against
Women to Guernsey. Progress has been made towards CEDAW compliance in some areas, such as
the introduction of the new package of parental benefits and statutory maternity leave.
Unfortunately, since this came under our mandate last April, we have not been able to devote the
205 required time to update the policy letter.

One step towards this is the introduction of same-sex marriage in Guernsey. We recently
issued a media release explaining that 2nd May would be the earliest possible implementation
date for the legislation that will enable same-sex marriages to take place. I can now report that
earlier this week, the draft legislation was approved by the Legislation Review Panel. We will now
210 ask that the States debate this at the earliest opportunity, which is the meeting of 26th April.

Another project for me to report on is Longer Working Lives, which came out of a Resolution from the March 2015 debate on the Personal Tax, Pensions and Benefits Review. With an ageing population and an increasing state pension age, we are expecting more people in their 60's in the workforce in future. We also expect that there will be fewer younger people on the Island to undertake work. In order to maintain our workforce, it is important that people in their 50's, 60's and beyond are able to work if they wish to. The Longer Working Lives project has been initiated to look at how to enable people to work for longer. We have spoken to a wide range of people in the community about the challenges they might face in continuing to work in later life. We have used what people have told us to inform our discussions around a range of important topics, including: how to support people who care for family members or grandchildren; how to address concerns about employment decisions being made on age alone; and what support is available when someone needs to change career. There are no easy answers, but there is scope for change. Work is now underway to identify the key policy principles and priorities for action. We will seek further feedback on these principles and priorities before returning to the States at the end of the year.

In February 2016 the States approved, in principle, the implementation of a second Pillar Pension Scheme for Guernsey and Alderney. The Resolution from that debate was to report back to the Assembly by December 2017 with further research and an economic impact assessment of the proposals. We are making good progress, but a December 2017 policy letter is only achievable if it is not a full report, which we think would be unsatisfactory. If the policy letter is to include a comprehensive set of recommendations, including a preferred pension provider for the States to approve, September 2018 would be more feasible.

A tender is currently in progress for the development of projections on the future size of the Secondary Pensions Scheme and its economic impact for Guernsey and Alderney. The successful service provider will deliver expert advice, information and assistance on matters within the context of the project, and deliver a report on this to the Committee and also the Policy & Resources Committee for consideration. The next step will then be to undertake the tender process for the administration of the pension scheme, which will first involve a soft market test for expressions of interest and a prior information notice which will be published in the Official Journal of the European Union.

The next update concerns the States' property rationalisation programme. Edward T. Wheadon House is an important part in the various moves across the estate which will result in the evacuation of the Income Tax Office and Education's Grange Road premises at the end of the year.

Housing staff will be moving from Frossard House to Wheadon House, and the plan is for this to have taken place by the middle of this year. All members of the Committee for ESS are really looking forward to having Housing and Social Security under the same roof, because there is so much work that involves the two sections but the same customer. We are sure that the teams coming together will improve customer service and efficiency. And when the rent rebate scheme and Supplementary Benefit systems come together it will also help with the implementation of the new Income Support arrangements, approved by the States on recommendation by the Social Welfare Benefits Investigation Committee, otherwise known as SWBIC. We have had some very helpful discussions with Policy & Resources on this over the financing of the new scheme. We will continue to make every effort to push the commencement date of SWBIC, and at present are anticipating a July 2018 start date.

Returning to the property rationalisation, before anyone else asks me a question on this point, I will say that everyone involved in the project recognises that additional customer parking is essential. I am not talking about large numbers, because that is obviously not possible in the close vicinity of Wheadon House. But we will need more than the four or five spaces that we currently have alongside the building.

I would also like to update Members on progress with the report on the Housing Needs Survey, which resulted from the September 2015 Soulsby/Le Clerc amendment. An independent

265 survey was conducted by KPMG. The report on this is in its final phases, and is due to be delivered to ESS and the Committee for the Environment & Infrastructure next month. This will provide direction for Local Market housing needs, potential first-time buyers' schemes and private rental costs, etc. over the next five years.

270 Another work stream that I am keen to update Members on is the project to implement an insurance scheme for Guernsey and Alderney residents who require medical or hospital treatment while travelling in the UK. We recently conducted a soft market test, as reported in the media. This helped us to refine the specification for the formal tender exercise, which is due to commence this month. The tender will identify an insurer that the States can contract with to provide the insurance scheme. We think that the earliest that the scheme could be up and running is the middle of next year. This is because of the time it will take to seek approval from the States, once the successful bidder has been selected, and draft the necessary legislation to implement the

275 scheme.

This insurance scheme is becoming more necessary, following the UK Government's decision to introduce charges for secondary healthcare for overseas visitors, including from Guernsey and Alderney. There are proposals to extend these charges to primary healthcare, but they are yet to be implemented. The lack of a reciprocal health agreement impacts this to some extent but would not provide a complete solution, in particular because a reciprocal healthcare agreement would not cover non-urgent treatment for pre-existing conditions. The proposed scheme is intended to help those patients that have pre-existing conditions and cannot otherwise get insurance.

280

Finally, I want to let Members know that this year, on a trial basis, we intend undertaking our consultation on minimum wage rates a little differently. When we go out to consultation we will float a minimum wage which we have in mind to propose to the States, subject to consultation feedback and subsequent consideration. This differs from the process to date which has invited comment and submissions, but not around a particular figure.

285

Sir, that concludes my update on a number of matters falling under the mandate of the Committee for Employment & Social Security, and I am happy to take questions.

290

The Bailiff: There is now an opportunity for Members to ask questions arising within the context of the Statement.

Yes, Deputy Tindall.

295 **Deputy Tindall:** Thank you, sir.

The President has mentioned many worthy projects, which I am pleased to hear, that the Committee are pushing forward, including SWBIC and the Disability Inclusion Strategy, but would the President agree with me that on this International Women's Day if other jurisdictions can treat, and be seen to treat, men and women equally, that this should be supported by the States, and that the legislation in the Disability & Inclusion Strategy is an opportunity to reassert the States' policy for gender neutral legislation, policy letters and other documents produced by or for the States.

300

305 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Thank you, Deputy Tindall.

Yes, I do agree with that and we will take that into consideration when we bring back the legislation.

310 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

Given that this Assembly have voted on numerous occasions over decades that they want to see CEDAW extended to the Bailiwick of Guernsey, and that the tripping point has always been

315 that the UK have said that they will not do that unless we have legislation on equal pay for work
of equal value, would the President agree that we should either press on with such legislation or
be honest and drop our pretensions to extend CEDAW to Guernsey?

The Bailiff: Deputy Le Clerc.

320 **Deputy Le Clerc:** Sir, I think that the best way that I can address Deputy Roffey's question is to
perhaps read an excerpt from our Policy & Resources Plan submission, and it is disappointing
news:

In relation to the Convention on the Elimination of all forms of Discrimination Against Women, the Rights of Persons
with Disabilities and the Elimination of Racial Discrimination we have limited resources and it may not be possible for
some years yet to ratify or implement them fully. It would be unwise for us to pretend otherwise.

So, disappointing news, sir, but I think it is best to be honest.

325 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Sir, as we all know, the President's department is mandated to
develop and implement legal aid here in the Island.

330 **The Bailiff:** There is nothing in the statement about Legal Aid, Deputy Queripel.

The questions can only be on matters ... Under the Rules, questions can be asked within the
context of the Statement. That is the Rules.

335 **Deputy Lester Queripel:** Okay, sir.

The Bailiff: Deputy Oliver.

340 **Deputy Oliver:** Sir, within the Housing Stock Needs Survey can I ask why we are only reporting
on the Local Market? Surely, it would have been better to include the Open Market, given that
both Local and Open are part of our housing stock?

The Bailiff: Deputy Le Clerc.

345 **Deputy Le Clerc:** Sir, during that debate we were only asked to ... well the recommendation
from myself and Deputy Soulsby was in particular to the Local Housing Market needs, so there has
been no work undertaken under the Open Market needs, so we are just fulfilling the
recommendation.

350 **The Bailiff:** Deputy Inder.

Deputy Inder: Deputy Le Clerc, encouraging to hear that your Committee are delaying the
report on the Secondary Pension Scheme until such time as the other facts and figures are in front
of us to consider fully. So more of that please, and thanks very much.

355 Just moving on to this 406 figure, it just strikes me in light of the soon-to-be implemented
Population Management Law does her Committee have a sort of notional figure where we
consider the Island has effective full employment, and please do not say 'zero'?

The Bailiff: Deputy Le Clerc.

360 **Deputy Le Clerc:** Well, sir, I think we have one of the lowest unemployment rates in Europe, so
we have not got a specific target, but we will endeavour to get as many people back in work as

possible – obviously, for the economy; and I think some of our work programmes that I outlined, such as CEPS and Work2Benefit, really are working because we are seeing the numbers reducing.

365

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

Deputy Le Clerc mentioned that they would be requiring extra parking at Edward T Wheadon House. Does Deputy Le Clerc know how many extra spaces might be required? And secondly, could these be provided by diverting some of the spaces that are available for staff at these premises?

370

Thank you.

375

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: We have not got a specific number in mind, but we do know from the footfall currently going in to Frossard House that people usually need to pop in for 10 or 15 minutes if they are delivering their returns or if they need to provide information to the department, so we will need some short-term spaces.

380

The staff spaces that are currently underneath the building are used for people going in and out of the offices to make home visits to our customers, and we understand from Housing that the maintenance staff also need to come in and out. It is something that we would look at.

I would say from a personal point of view that the parking spaces there are not ideal, they are very narrow, so actually we would end up reducing the number of parking spaces. But we will look at all the options and be working with Environment & Infrastructure on what is best suited to the needs of our customers.

385

The Bailiff: Deputy Green.

390

Deputy Green: Sir, thank you.

The President mentioned the Longer Working Lives initiative in her Statement this morning. In my view the idea of encouraging people to work for longer in our society is absolutely necessary, but the *quid pro quo* for that is that actually there should be some proper age discrimination legislation in place at the same time.

395

Can she confirm that her Committee has considered the issue of specifically age discrimination legislation, and is that something that is going to be on the agenda?

The Bailiff: Deputy Le Clerc.

400

Deputy Le Clerc: Sir, I cannot say that we have specifically discussed age-related discrimination legislation. I would have to have a word and come back with more information on that to Deputy Green.

405

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Sir, just going back to the parking arrangements at Wheadon House, Housing have a fleet of, I believe, eight vehicles, which are currently housed at Frossard House during the evening. Could I ask the President where these are going to be located once the move has taken place?

410

The Bailiff: Deputy Le Clerc.

415 **Deputy Le Clerc:** Sir, I am unable to comment on that. I was not aware of the fleet and I have not discussed that specifically.

The Bailiff: Yes, Deputy Hansmann Rouxel.

420 **Deputy Hansmann Rouxel:** Thank you, sir.
Deputy Le Clerc, I am happy to hear that there is progress towards the Disability Inclusion legislation. However, are there any training programmes or audits going on around how the processes within Social Security can be made ready for that legislation, and whether they would comply with the legislation once it is in place?

425 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Sir, there is actually a training programme currently online, and I think it has been rolled out to all Deputies, and I cannot recall the name, but there is a training programme available, and I will make sure that everybody gets an email link sent out; and I expect information will be posted on the Signpost website for any future training that would be available.

The Bailiff: Yes, Deputy Oliver has another question.

435 **Deputy Oliver:** Sir, minimum wage was mentioned. When we last debated minimum wage a lot of Deputies said, 'Could the figures be included of how many people that minimum wage would actually affect?' Would this be possible?

The Bailiff: Deputy Le Clerc.

440 **Deputy Le Clerc:** Sir, it is very difficult for us to establish how many people are actually on the minimum wage, because it is not information that is provided to either Income Tax or provided to Social Security. We just have the salary figures but not the hours worked. I know there is a piece of work being undertaken by Scrutiny on looking at in-work poverty and it may be that there will be some additional information that will come out of that. But at the present time it is very difficult
445 for us to establish that information.

The Bailiff: Deputy Hansmann Rouxel.

450 **Deputy Hansmann Rouxel:** Just to clarify, not only training in regard to disability and inclusion, but actually looking at the processes that currently take place within the Social Security, and whether those would comply with the Disability and Inclusion legislation once it is in place?

The Bailiff: Deputy Le Clerc.

455 **Deputy Le Clerc:** Sir, I think Deputy Hansmann Rouxel is saying about our own work practices. Am I right? Yes. Our own work practices. Yes, I think that will form part of the work streams, and the work that will be done, not just on Employment & Social Security's work practices and processes, but the States as a whole.

460 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, with a medical insurance scheme start date now predicted to be some 15 months away in June 2018 and a debate on secondary pensions not now scheduled, it would appear, until September 2018, would the President agree with me that there appears to be too

465 much emphasis on the introduction of the SWBIC proposals by July 2018 to the detriment of a
number of other very important work streams?

The Bailiff: Deputy Le Clerc.

470 **Deputy Le Clerc:** Sir, I am afraid I cannot agree with Deputy Trott. We have got a
comprehensive mandate, and I think you can see from some of the areas that I have touched on
today, that we are busy working on lots of work streams. We just feel, particularly on the
secondary pensions, that there is not much point in coming back to the Assembly without any
475 robust figures. We know from other Committees that have been caught out without having robust
information, and we feel it is more important to delay that and come back with the final figures
than come back with something that half the information is missing. So I am afraid I cannot agree
with him.

With regard to the reciprocal health we will endeavour to bring that back as soon as we
possibly can, but again, we have to rely on external tenders, and there is a process that we need to
480 go through for that, and again to make sure that those figures are robust, and we come back with
a report that has all of the information, not part of the information.

The Bailiff: Deputy de Lisle.

485 **Deputy de Lisle:** Sir, am I not right that SWBIC is going to cost in the region of £3 million a
year, and am I not right in considering that one of the roles of the Presidents is to cut costs
wherever possible, and this is going to lead to £3 million a year, so is that not something that
should be deferred for the moment?

490 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Sir, I have to disagree with Deputy de Lisle. I think if you look at the recent
Income Poverty Report and the numbers of people at risk of relative poverty, and in particular
those below the 40% median income, we as an Island and we as a society have to address those
495 most vulnerable in our community (**Several Members:** Hear, hear.) and therefore myself and my
Committee are adamant that this is an important piece of work that needs to be pursued.

The Bailiff: Deputy Dorey.

500 **Deputy Dorey:** Thank you, sir

Will the travel medical insurance scheme cover people who cannot get insurance just because
of age, as well as people because of medical conditions?

The Bailiff: Deputy Le Clerc.

505

Deputy Le Clerc: Yes, that is my understanding, Deputy Dorey, that there are to be no
exclusions.

The Bailiff: Deputy Green.

510

Deputy Green: Sir, thank you.

Just for the record really, is the President saying that the SWBIC proposals will be fully funded
from July 2018?

515 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: We are still in negotiations with Policy & Resources, but we are hopeful that they will be funded by, and we can implement in, June 2018.

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

Deputy St Pier: Sir, the President of the Committee for Employment & Social Security has very helpfully set out her Committee's set of priorities in relation to SWBIC, medical insurance, secondary pensions and CEDAW and so on. Does she agree with me that there will obviously be an opportunity for this Assembly to take a view on those priorities during the Policy & Resource Plan debate in June?

The Bailiff: Deputy Le Clerc.

530 **Deputy Le Clerc:** Yes, absolutely, Deputy St Pier.

The Bailiff: That was a quick answer. There is time for one more question if any one wishes to ask? No.

Questions for Oral Answer

COMMITTEE FOR HOME AFFAIRS

Flamanville Nuclear Power Plant – Preparation for and notification of incidents

The Bailiff: In that case we will move on to Question Time proper.

535 The first Question is to be asked by Deputy de Lisle of the President of the Committee for Home Affairs. Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

540 My Questions relate to the Flamanville Nuclear Power Plan. The first Question then: an explosion and fire occurred on Thursday, 9th February at the Flamanville Nuclear Site, about 30 miles from Guernsey; the explosion occurred at 8.45 a.m. and one of the two reactors was shut down after the blast, and I think it is still shut down; the Home Committee was notified just after 11 a.m. and issued a news statement at 12.30 p.m. – nearly four hours after the explosion took place; why did it take so long to notify the people of this Island of the Flamanville Reactor blast and fire?

The Bailiff: The President of the Committee for Home Affairs, Deputy Lowe, will reply.

Deputy Lowe: Thank you, sir.

550 Sir, firstly, may I explain the nature of the incident that occurred on Thursday 9th February at Flamanville?

555 There was a small explosion and fire in the machine room at the plant outside the reactor zone; it was *not* a nuclear incident and posed no risk to the Bailiwick. Notwithstanding the fact that this was a technical incident which did not create an obligation under the terms of our Memorandum of Understanding with the French Authorities for Flamanville to contact us immediately, contact was made at 11.01 a.m., with all the relevant officers being made aware

shortly afterwards. A statement was released at 12.30 p.m. once all the facts relating to this incident had been gathered.

560 As I noted in my email to all States' Members on 13th February, it has been identified by officers that, with the benefit of hindsight, it would have been helpful to use social media to offer some fast time initial reassurance that it was not a nuclear incident. The need to be quick with the release of information clearly has to be balanced with the absolute requirement for anything we issue to be accurate. However, we will ensure social media is utilised for such incidents going forward.

565

The Bailiff: Deputy de Lisle, do you have a supplementary?

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

570

The Bailiff: Yes.

575

Deputy de Lisle: I was informed of the explosion after 11 a.m. from Switzerland, and had to admit to authorities, sir, that I knew nothing about it. This is totally unacceptable. We appear to be totally unprepared for a serious accident. What is the Home Committee going to do to improve the time limits of information in future?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

580

As I explained, we have got our Memorandum of Understanding, and if there is a nuclear incident, that is dealt with with some urgency. This was *not* a nuclear incident.

The Bailiff: Your next Question, Deputy de Lisle.

585

Deputy de Lisle: It was reported as such when I received the information. *(Laughter)*

But the second Question: these Islands are very vulnerable to nuclear activities at Flamanville and nearby Cap de la Hague, one of the world's largest nuclear reprocessing sites; this recent emergency appears to suggest that we are totally unprepared for a major disaster; what is being done to provide early detection systems on-Island and quick release of information to the public?

590

The Bailiff: Deputy Lowe.

595

Deputy Lowe: Sir, I am surprised that any States' Member would suggest that the Bailiwick is totally unprepared for a major disaster, and I would dispute this assertion entirely. There is a comprehensive Bailiwick Risk Register, collectively owned by the political membership of the Civil Contingencies Authority and advised by the professional expertise of the most senior officers of our Committees. Falling out from this Risk Register, comprehensive plans are in place with the highest risks and are supported by routine emergency planning exercises.

600

In the most unlikely event of a nuclear incident early detection on Island is provided by RIMNET monitored 24 hours a day by the Guernsey Meteorological office, quick release of information to the public would be provided by a combination of local media, social media, the States of Guernsey website and a telecoms-based system for a mass public communication that we have the use of.

605

The Bailiff: Any supplementaries?

Deputy de Lisle: A supplementary on that, if I may.

610 There is too much at risk here with such a huge installation, or installations, just a few miles from here. We have obviously been found out, whether we like it or not, we have been found out to be totally unprepared.

Will the President please see to it that the Island is better prepared with warning systems ready for use in the event of further incidents, and not just on mobile phones, sir. Can I ask that question as to what is being done?

615 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Sir, I believe I covered that in the Answer to the original Question, and I have total faith that we are fully aware and prepared for any major incident at Flamanville.

620 **The Bailiff:** Your next Question, Deputy de Lisle.

625 **Deputy de Lisle:** Sir, other jurisdictions provide early warning system and potassium iodide tablets for use in areas close to nuclear facilities. In light of revised nuclear emergency plans unfolding internationally in the wake of the 2011 nuclear meltdown in Japan, will the President and her Committee take immediate action to improve warning systems and make available potassium iodide tablets throughout the Bailiwick for public protection in the event of a nuclear disaster on the French Coast?

630 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Sir, the Committee for Home Affairs is satisfied that the warning systems in place in the event of a nuclear disaster on the French Coast are fit for purpose.

635 The issue of potassium iodate tablets was considered twice during 2016 by the Radiation Advisory Group, and in consultation with Jersey, the UK and the Public Health England, and the decision was taken that this was neither the correct course of action to take, nor would it be cost effective.

640 France reviewed their distribution of iodine tablets following the 2011 Fukushima accident, and increased the area around nuclear power stations where they would be distributed as a result of this, from 10 km to 20 km. It should be noted that Flamanville is 30 km from Alderney, 42 km from Herm, and 49 km from Guernsey. The cost for stockpiling potassium iodate tablets for the population of the Bailiwick would be around £75,000 and these tables would have a limited lifespan.

645 **The Bailiff:** Supplementary question, Deputy de Lisle?

Deputy de Lisle: Yes, I have, sir, thank you.

650 The President appears – that is, Deputy Lowe appears – unaware that many countries have adopted new emergency plans and measures. Switzerland now, in the light of new evidence from Japan, supplies potassium iodide pills in advance of an accident across a 50 km radius from nuclear plants. Now Belgium, sir, is to issue iodide tablets to its entire population as part of a revised nuclear emergency plan in that country. The tablets will be made available to all 11 million people in that country.

655 **The Bailiff:** You are getting towards the end of your one minute allowed for this.

Deputy de Lisle: Oh, thank you, sir. *(Laughter)*

Can I just ask: will the Committee provide the people of Guernsey the same security given others in Europe –

660 **The Bailiff:** Your minute is up.

Deputy de Lisle: – by making available potassium iodide pills?

The Bailiff: Deputy Lowe.

665

Deputy Lowe: Again, sir, I believe I have answered that in the first Answer that I gave you just now. There is a cost, and I know a few years ago Jersey went opposite to Guernsey, and they did store these tablets at a huge cost, and they were not used because of the short time span that you can use them for.

670

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, does the President for Home Affairs agree with me that iodide tablets have a very limited use in terms of the time span from an incident, and do not deal with all forms of radiation?

675

The Bailiff: Deputy Lowe.

Deputy Lowe: The President of Health & Social Care is absolutely right, sir.

680

The Bailiff: Your next Question, Deputy de Lisle.

Deputy de Lisle: Thank you, sir.
I had a supplementary as well.

685

The Bailiff: Well, you are allowed one more supplementary, yes.

Deputy de Lisle: Yes, thank you.

690

Given that a new Japanese study shows that a 30-fold increase in thyroid cancer in children under 18 in Japan and the fact that the highest rates appear in non-evacuated children living between 50 and 60 km from the nuclear plant, it all adds weight to critics' calls for a wider distribution of potassium iodide pills. The public need to be able to protect themselves, sir.

Will the President and her Committee see what can be done to enable these tablets to be available to the public?

695

The Bailiff: Deputy Lowe.

Deputy Lowe: I have nothing further to add to the answers I have already given, sir.

700

The Bailiff: Your next question, Deputy de Lisle.

Deputy de Lisle: I am disappointed in that, sir.

In that there are fears about the safety of the third reactor being built at Flamanville in addition to the recent incident with the existing reactors, what action is the Home department taking in light of these safety threats to ease the current concerns of Islanders?

705

The Bailiff: Deputy Lowe.

710

Deputy Lowe: Sir, Home Affairs monitors the construction of the third reactor being built at Flamanville closely, and is kept apprised of all safety considerations relating to it raised by ASN, the French Nuclear Safety Authority. The construction of the third reactor and the operation of the

two existing reactors and the nuclear reprocessing plant are subject to a stringent safety regime, and there is a regular communication between Home Affairs and the French Authorities in relation to all safety matters relating to these nuclear facilities on the Cotentin Peninsula.

715

The Bailiff: Any supplementaries?

Deputy de Lisle: Sir, if I can ask a supplementary on that?

720

A high level of scrutiny and assessment needs to be brought to an evacuation plan, given the phenomenal build-up of nuclear facilities off-shore of these Islands on the French Coast. In the course of Japan's 2011 disaster there were calls to evacuate specific areas farther than 50 km from the accident site. What procedures for evacuation are in place for Guernsey, sir?

The Bailiff: Deputy Lowe.

725

Deputy Lowe: Thank you, sir.

Civil Contingencies Authority are mandated to protect the Island and we meet regularly – in fact we have got a meeting next week – and French nuclear is often on the agenda, because we do work very closely with France, and I am reassured and comfortable with the plans that are in place under the Civil Contingencies Authority.

730

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, as a supplementary, I feel that these Islands are totally open to nuclear accidents – as well as, of course, other incidents – and I think that falls with the Home department to see that we are safely considered as a population. Residents falling outside those evacuation zones may be ordered to shelter in place during a severe nuclear accident. Concrete and concrete block construction provides the best shelter against radiation. Unless mapped out in advance, safe structures will be hard or people to find in the event of an accident. Where are our safe structures in the event of a nuclear accident on the French Coast? Are they mapped out for us?

735

740

Thank you, sir.

The Bailiff: Deputy Lowe.

745

Deputy Lowe: Sir, there are plans in place, and these are published quite frequently, where you are recommended to stay inside your houses, and that will be covered all through the media at the time, *if* anything happened at nuclear but we are very hopeful and confident that actually the processes and the plans that are in place will be adequate.

750

The Bailiff: Deputy St Pier.

You have had two supplementaries already; you are not allowed any more, Deputy de Lisle.

Deputy St Pier: Sir, does the President of the Committee for Home Affairs agree with me that the Civil Contingencies Authority, which is under a statutory duty to meet at least twice a year, is the appropriate authority to plan for and respond to any threats to the Island, including any nuclear related threats from the French Coast?

755

The Bailiff: Deputy Lowe.

760

Deputy Lowe: Yes, Deputy St Pier, I do totally agree with you, and I thank you for that; and I hope as well that that does give reassurance to Members that it is not just the nuclear, it is much wider than that at times, where we have plans in place under Civil Contingencies.

**Alderney and Sark children –
Concessions under the new Population Management Regime**

765 **The Bailiff:** We move on to the next Question, which is to be asked also of the President of the Committee for Home Affairs, this time by Deputy Roffey.

Deputy Roffey: Thank you, sir.

770 During a recent debate on aspects of the introduction of Guernsey's new Population Regime, I brought up the position of Bailiwick residents who have been born in Alderney or Sark, or who have been brought there to those Islands as children, and I suggested there should be some concession for these people in respect of their rights to reside in Guernsey under the new regime, rather than treating them identically to those with no previous connection to the Bailiwick of Guernsey.

775 Subsequently, the Committee for Home Affairs stated publicly that they agreed that there should be some such concession, but without specifying exactly what that concession should be.

With just weeks to go before the new Regime is introduced, possibly, can the President please bring this Assembly up to date on her Committee's plans in respect of such a concession?

780 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir,

Sir, I am grateful to Deputy Roffey for the chance to provide an update, and for his concern for those residents in the other Bailiwick Islands.

785 Members will have seen Deputy Roffey's paper offering suggestions on this subject, which were very similar to those in place today under a long standing Housing Control policy. But the Committee for Home Affairs was keen not to simply replicate the old policy under the new system. Instead we have taken a fresh look, keeping in mind the population challenges across the Islands.

790 On advice, we have first focussed on Alderney, given the particular responsibilities in the form of education, health and social care provision to Alderney residents. This is not to say we have overlooked Sark; consultation will follow quickly once the policy with Alderney has been finalised, and Herm's residents will be able to access the policy too.

795 Sir, the Committee has recently proposed to Alderney's Policy & Finance Committee a policy that would enable young adults, meeting certain residence criteria, to relocate to Guernsey for the purposes of specific further education, training or employment. We can implement the policy as soon as we hear back from Alderney, and of course we are open to discussion if Alderney wishes to suggest changes. If discussions have not concluded before 3rd April this is unlikely to create issues, as the current policy is used infrequently but, I am told, tends to be used at the end of an academic year when the young people are planning their next steps, by which time this year the policy will be firmly in place.

800

The Bailiff: Deputy Roffey.

Deputy Roffey: May I ask a supplementary, sir.

805 Yes, given the President's well known commitment to openness and transparency, could she perhaps just give a very straightforward answer to what I thought was a straightforward parliamentary Question, and say exactly what her department have in mind in this respect? What does she mean by 'young adults', what does she mean by 'meeting certain residence criteria'? What does she mean 'for the purposes of specific further education, training or employment'? Can she just please tell this Assembly what amendments to *our* Population Regime *her* Committee is proposing?

810

The Bailiff: Deputy Lowe.

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

Thank you, Deputy Roffey. We are not actually proposing anything as such. We actually carry on by saying, if you want to follow that through, we were asking Alderney for their wishes of what they would like to see changed, and therefore we will take that on board and bring forward a policy, if appropriate.

820

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

825 May I just return to the fact that the original Answer said the Committee has proposed to Alderney's Policy & Finance Committee a policy. Can she just tell *this* Assembly what that policy is, please?

The Bailiff: Deputy Lowe.

830

Deputy Lowe: I have not actually got it in front of me, but I am more than happy to circulate it. We are open and transparent. You will see that with our new Population Regime: everything is on the internet for people to have a look at, on our Government website; and I will make sure that is forwarded to you. We are not hiding it, but we are very much wanting to hear from Alderney; we are not dictating, we want to hear what they want.

835

The Bailiff: I see no one else rising. That concludes Question Time. We will move on to legislation, Greffier.

Billet d'État VI

ORDINANCE

The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017

The Senior Deputy Greffier: Ordinance. The following Ordinance is laid before the States: the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017.

840

The Bailiff: This Ordinance has already been made by the Policy & Resources Committee and I have not received notice of any motion to annul it.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2016;
The Pilotage Dues (Guernsey) Regulations, 2016;
The Mooring Charges (Guernsey) Regulations, 2016;
The Airport Fees (Guernsey and Alderney) Regulations, 2017**

The Senior Deputy Greffier: The following Statutory Instruments are laid before the States:
845 the Harbour Dues and Facilities Charges (Guernsey) Regulations, 2016; the Pilotage Dues
(Guernsey) Regulations, 2016; the Mooring Charges (Guernsey) Regulations, 2016; and the Airport
Fees (Guernsey and Alderney) Regulations, 2017.

The Bailiff: Again, I have not received notice of any motion to annul any of those Statutory
850 Instruments, so we will move on to other business.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

**II. The Open Market (Guernsey) Law, 2016,
Proposals for the maintenance of the Open Market Housing Register –
Propositions carried**

Article II.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'The Open Market (Guernsey) Law, 2016, Proposals for the Maintenance of the Open Market Housing Register' dated 19 January 2017, they are of the opinion:

- 1. To agree that the Open Market Housing Register should be maintained in electronic form only, and should be available for inspection by the public by way of an on-line search facility accessed from the States of Guernsey website;*
- 2. To agree that the owner of a property inscribed in the Open Market Housing Register should be under a duty to notify the Committee in writing if he intends to effect any alteration to the property, whether structural or by way of change of use, at least seven days before it is proposed that the work commences, together with such information, plans and other documents as may be necessary to illustrate or clarify the alteration; and consequently*
- 3. To direct the preparation of one or more Ordinances in accordance with the provisions of sections 24 and 32 of the Open Market Housing Register (Guernsey) Law, 2016, to give effect to Recommendations 1 and 2 above, including any necessary consequential and incidental provision.*

The above Propositions have been submitted to Her 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.

The Senior Deputy Greffier: Article II, Committee for the Environment & Infrastructure – the Open Market (Guernsey) Law, 2016, Proposals for the maintenance of the Open Market Housing Register.

855 **The Bailiff:** In the absence of the President, who is attending a family funeral as we heard earlier, debate will be opened by the Vice-President, Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

860 The Committee for the Environment & Infrastructure will be responsible for the administration of Open Market Housing Register Law, which the States supported in March of last year.

865 The new Law for the most part replicates visions currently contained in the soon-to-be repealed Housing Control Law. By separating the mechanisms of the operation of the Housing Register from matters to do with the size and make-up of the population, the States sends a strong message that the Open Market Housing Register Law will not be subject to the regular reviews and amendments that were made to our current Housing Control Law.

870 The Open Market Housing Register, which contains details of each Open Market house, is used by property professionals and potential purchasers and tenants. The objective of the proposals is to make the administration of the Register more efficient, streamlining the obligations placed on the owners of Open Market dwellings, where the opportunity exists, without reducing the overall function of the Housing Register.

The significant changes in the Housing Laws give rise to a review of some long established processes; the review resulted in recommended changes to make administration more efficient and modern.

875 This policy letter proposes that there is only an electronic Housing Register instead of maintaining a paper copy, which is hardly ever used. The online version was introduced about eight years ago.

880 It is also proposed there is no longer a need for changes of ownership to be notified in writing, because there is already a legal requirement to tell Cadastre in a timely way when a property changes ownership, and there is already an internal mechanism that updates the Housing Register from Cadastre records.

Full structural changes to Open Market dwellings, there is still a need to maintain a separate notification process. There are some changes that are exempt from the need to obtain planning permission that could be material to the status of an Open Market property, but we will strive to ensure that the notification process is a simple one.

885 Sir, the proposals in this policy letter will make it a bit easier for those buying Open Market property by removing a layer of paperwork from that process, and will make best use of modern technology, so we can do away with an outdated manual process.

I ask the Assembly to support these Propositions.

Thank you.

890

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I am sure we all commend the use of technology.

895 Can I ask the Vice-President this question in relation to the Register? The information that is contained in the Register is set out at paragraph 4.1 of the policy letter. Under the new system in relation to that, will everybody who wants access to the Register be able to see all properties that are on the Open Market Register at any time by the click of a button, or the press of a button, providing the information that is set out in paragraph 4.1? In other words, simply by getting rid of the paper Register, are we in any way limiting the information that is available to members of the public? If we are not then I am sure everybody will have no real concern about it.

900 What I do have a concern about, and we have mentioned today ... if you look at paragraph 5.1 of the policy letter it refers – footnote 3 – to a Housing Ordinance of 1982 section 6. Now the Bailiff gave a very suitable and appropriate tribute to a great libertarian and a public servant, Deputy Bailiff Day, and coincidentally 1982 was the time that Deputy Bailiff Day started on his public service route when he moved from the private sector and became Solicitor General, or H.M. Comptroller, as we take it.

So 1982 is a long time ago, and in the 21st century when we are concerned properly with libertarian matters, why are we asking Open Market residents to notify a public States' body of structural changes? Because civil liberties are very important to people, and we had questions and

910 things about discrimination of age, colour, gender, of all types, and we are all against any kind of
discrimination of anybody in any category.

So, why should we be asking the 1,600 or 1,700 people who own – and perhaps 3,000 or 4,000
or however many live in them – Open Market properties to be subject to something that we –
915 Guernsey people who are not born in the Loveridge Ward, but born in the Maternity Hospital for
Mothers with Guernsey parents and grandparents, and a French grandparent ... why should Open
Market people be subject to what is iniquitous, unfair and just unnecessary in the 21st century?

There was reported recently that a passionate and emotive speech was made by Deputy Yerby
about civil liberties, not that far from here, in relation to matters – I did not hear it, I do not know
if I would have agreed with all of it, or any of it, but the fact is she had the right to make it, and it
920 was good that she made it.

If she can make it quite properly – because we do breathe the fresh air of freedom here, which
we are very fortunate to do because most other places in the world do not do that – why on earth
are we saying to somebody that if you want to: knock two rooms into one, and that is a structural
alteration; if you want to build an extra bedroom above your garage, which is a structural
925 alteration; if you want to build a garage, which is a structural alteration, that you have got to write
off and notify the appropriate body of the States?

Why do you have to do that in the second half of the second decade of the 21st century? We
have got a Human Rights piece of legislation which we should not ignore. Article 8 of the
Convention, which is an Appendix and part of that legislation, says that the States should never
930 interfere with the private rights of a citizen, particularly in relation to their home, unless there is
good public purpose, and I think that is set out, the 'good public purpose', the onus is upon the
States, is under Article 8.2, if I remember.

We have got an Ordinance that we are going to be asked to approve on 29th March, and it is
called the Land Planning and Development Use Class Ordinance of 2017. That really replaces the
935 2007 Ordinance. It is a briefer version of it, and a particular provision we are going to be asked to
approve is no material change – or that I have been referred to, is no material change – to that
which is already in force, and the Use Classes are set out in Schedule One and Use Class one is
Residential Use Class One, and it says that – I am précising it – the particular use under that Use
Class is a detached dwelling or one of a pair or a group of dwellings used as a permanent
940 residence for one household.

Now, it is a matter of law that if you subdivide a property that is a change of use. The provision
under Resolution 2, or proposed Resolution 2, says that you have to notify if there is a change of
use. You cannot change your use, whether it is a Local Market unit or an Open Market unit,
without planning permission. You cannot alter, if you have got a listed dwelling, dependent on the
945 nature of the listing, you cannot carry out certain alterations without notifying and getting
permission from the appropriate States' body. For obvious reasons, you do not want to knock
down a wall of a 17th century property and build a concrete block wall so you can protect yourself
from the nuclear blast that Deputy de Lisle was talking about earlier. The granite, I think, will
protect you. Having a granite house built in 1582, I am pretty confident that will give me as much
950 protection as a granite built block wall of the 1970's. So I probably will not be able to get my
internet through it, but that does not matter.

In connection with that, why on earth are we saying to somebody ... you have got a couple,
they decide they want to knock two rooms into one. They have got to give notification of; if you
have got to get planning permission that is separate. We have all got to get planning permission
955 in relation to certain matters, nobody is saying that that should be different, but here there is an
added element in relation to the Open Market. There is an 1865 Statute in Guernsey, La Loi
relative aux preuves; it relates to civil litigation, but it says 'La Loi présume la bonne foi' Now that
means, if my French is right ... not particularly good, that we presume good faith. We presume
good faith in life, so why should we be saying to the occupants of Open Market residences that
960 you have got to tell us in case you do something, in case we can send an inspector round to see if
you have done something which is going to infringe your Open Market status?

It is thoroughly despicable, it is thoroughly unacceptable, and we should reject it.

The Bailiff: Deputy Oliver.

965

Deputy Oliver: Sir, I just want to echo what Deputy Ferbrache said. I just think this is wrong; we have to go through planning permission if you want to structurally change your house. There are 22 parts of the planning that you are exempt from, and none of them subdividing a house. You have to get planning permission for this, and then you have to get building control, and I just think it is red tape for the sake of red tape, by having to then inform seven days before, when you start work, the Environment & Infrastructure Committee.

970

The other thing is that if Local Market do not have to do it, why should the Open Market have to do it? I question after 3rd April, if the Population Management Regime comes into place, I believe that any structure and layout considerations become a lot less important, or maybe actually redundant, as the thought that the whole premises of the new Law is that Open Market status is defined by who can actually live in the property, not what the structure or the layout is.

975

Thank you.

The Bailiff: Deputy Roffey.

980

Deputy Roffey: Thank you, sir.

I do not know if I can help at all in this debate, but I think I am probably the only Member of the Assembly that was around in this Assembly in 1982, when this Ordinance was passed, and the intent at the time was quite clear. It was not wanting to really know whether somebody had made alterations in their living space. It was because a few years earlier the States had decided to limit the number of Open Market properties to close the Register, and they wanted to make sure that if somebody subdivided a property, and therefore increased the number of individual residential units, that the Housing Authority were aware of it, so that they could de-register that property, usually with the presumption of re-registering one part of that property, if the owners so wished.

985

So I do have to agree with Deputy Ferbrache to a degree. I think we have a bit of a sledge hammer to crack a nut here. I do think there is still a need for the people maintaining the Open Market Register, and making sure that it is not abused, to make sure that they are aware if a property is subdivided into more than one unit.

990

Perhaps a way of doing that, given that subdivision is a material change of use, would be for an application for that to be drawn to the attention of the relevant officers actually working on the maintenance of the Open Market Register. But I do not think you can do away with this provision altogether, because I think it would be against the whole spirit of the Open Market if a property in single occupation was turned into three flats, and yes they have to apply for planning applications, and maybe we should get civil servants to be monitoring those every week and working out which ones are Open Market properties and doing it. But there was a point to this, but I think perhaps it is a bit clodhopping, a little bit sort of ham-fisted and we could actually shrink it down to make sure that the purpose is still maintained but without –

1000

I give way to Deputy Oliver.

1005

Deputy Oliver: Sir, maybe what would be best is on the planning application a simpler version would just do at the top of the paper, 'Is your house Open Market or Local?'

Deputy Roffey: I can see people objecting to that almost as strongly as objecting to this particular provision. I think there must be a neater way of actually ... I do not think I am going to vote against this, but I would urge the Committee concerned to say, 'Yes, is this really necessary?', 'Can we strip out red tape whenever possible and get it down to what we actually need to know?', rather than if you are just moving a pillar from one part of your lounge to another.

1010

The Bailiff: Deputy Tindall.

1015

Deputy Tindall: Thank you, sir.

1020

As a member of the Development & Planning Authority, and also an owner of an Open Market property, I had enquired of these sections because obviously it is not just a 1982 Ordinance, but it is also the sections referred to 31 and 36 of the Housing Control and Occupation (Guernsey) Law, 1994. What my concern was, indeed, was to try and see if there was an ability to improve the planning process in order to avoid the duplication. I have been advised that this is not a satisfactory solution because of various reasons, I have an extremely long email from Esther Ingrouille who has been extremely busy, and I have to send my thanks to her and her team for all the help involved in this.

1025

But, generally speaking, the idea is to assist the owner of the Open Market in order to ensure it does not affect, as Deputy Roffey said, the inscription on the Register. But also the fact that as we know planning applications occur and they have three years in order to start work, and this is a requirement for the seven days before, so matters change.

1030

It would be good to rationalise this, but from what I can see at the moment, this is not possible, although I would obviously urge to consider further if there are changes in this and it can be streamlined. Certainly, I can assure the Assembly that the Development & Planning Authority will be wise to this, and I hope others will be also.

Thank you, sir.

1035

The Bailiff: Before I call Deputy Kuttelwascher, those who wish may remove their jackets.
Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

1040

Firstly, I just wanted to declare I live in an Open Market residence – which is no secret.
Just a bit of clarification, if you look at Proposition 2, they are just looking for information to clarify a situation. When you look at Proposition 3, it says the Ordinance would include:

... any necessary consequential and incidental provision.

1045

Does that mean that the department of Environment & Infrastructure having received this notification could then stop any development which has otherwise been approved? Is that the intention? What does it mean by consequential and incidental provision as a result of providing this information in the first place?

Thank you, sir.

The Bailiff: Deputy Yerby.

1050

Deputy Yerby: Sir, for the benefit of the Committee for Environment & Infrastructure, I just wanted to record that I agree with everything that Deputy Roffey said except his conclusion.

1055

It feels like a sledge hammer to crack a nut, and with that in mind, and having heard what Deputy Ferbrache said, unless there are strong arguments coming back in the other direction, my inclination would be not to support Proposition 2, but to invite the Committee to come back with a Proposition that relates solely to change of use, because I can see the merit in that being recorded, but not the structural detail.

The Bailiff: I see no one else.
Deputy Dorey will reply.

1060

Deputy Dorey: Thank you, Mr Bailiff.

First, to Deputy Ferbrache's first question about 'Will we be able to see all the properties in the Register?' – yes, you will be able to see them. You cannot just do a general and have all the fields

1065 empty and just try and look at any property. You have to have some information about the name
of the property, Cadastre number, to look at a specific property. The only difference is that
currently it includes details of the previous owner and first owner, which is visible. That no longer
will be visible as we do not see the need to do that, so again some streamlining.

The main debate has been on the necessity to notify of structural changes. I have been assured
that a significant amount of work was done on this to see whether we needed to include this in
1070 the Propositions. Work was done with the advocates, and also the Development & Planning team.
The conclusion was that we do need to include this at this time.

I said in my opening speech that we would try and make the process as simple as possible. I
will read out that the purpose of the notification is so that the owner can be advised – and I think
that answers your question, Deputy Kuttelwascher – that they can be advised accordingly, if the
1075 proposed alteration has the potential to risk the inscription in the Housing Register, and can take
further advice if needed ahead of the work taking place. So it is there to help the owner of an
Open Market property because they could make an alteration which will affect the inscription.

Now, again a lot of work has been done on what changes you can make to a property which
are exempt from planning permission, and checking through those, and with changes that could
1080 potentially affect the inscription, it has been concluded that it is possible to make an alteration to
a property, which is exempt from planning permission, and it will affect the inscription on the
Housing Register, and that is what the conclusion of the advocates and Development & Planning
Authority, civil servants, have concluded. So this is needed, and it is not trying to be bureaucratic,
it is trying to protect the owners of Open Market properties and it is also trying to have a proper
1085 control system in so that they can at least be notified before they do something that their
inscription is at risk if they make this change.

As I understood, it is normal practice, and has been, because of the necessity of the previous
Law, that architects include a further plan which is sent to the now Housing Control to notify them
of any changes and they can be advised.

1090 I understand the concerns of Members of the Assembly, but I would urge you to support this,
because it has been carefully looked at and it is the right way forward. I can give you examples of
a garage conversion, or a dower wing which it is possible to do which is exempt from planning
control, which they believe can directly affect the inscription of an Open Market house. So this is
to protect the owners, so I would urge you to support them; and it is not to stop any
1095 development, it is to help them.

Thank you.

Deputy Ferbrache: Can I ask that item 2 is taken separately?

1100 **The Bailiff:** Yes, I was going to suggest we take all three separately.
We have got three Propositions; we will take them in –
Sorry, Deputy Mooney?

1105 **Deputy Mooney:** Yes, can we have a recorded vote?

The Bailiff: On? Just on number 2?

Deputy Mooney: On number 2.

1110 **The Bailiff:** You do not want a recorded vote on 1 and 3 as well, do you? No. Just on
Proposition 2.
So Proposition 1, those in favour; those against.

Members voted Pour.

The Bailiff: I declare Proposition 1 carried.
Then we will have a recorded vote on Proposition 2.

There was a recorded vote.

Carried – Pour 23, Contre 12, Ne vote pas 0, Absent 5

POUR

Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Le Tocq

CONTRE

Deputy Soulsby
Deputy Prow
Deputy Oliver
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tooley
Deputy Leadbeater
Deputy Mooney
Deputy Merrett
Deputy Meerveld
Deputy Lowe
Deputy Paint

NE VOTE PAS

None

ABSENT

Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Brehaut
Deputy Gollop
Deputy Trott

1115 **The Bailiff:** Well, Members, on Proposition 2, there were 23 votes in favour and 12 against. I declare Proposition 2 carried.

We go aux voix with Proposition 3. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

**III. Acknowledging the triggering of Article 50 of
the Treaty on European Union in Respect of Protocol 3 –
Propositions carried**

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter under the above title dated 14th February 2017, they are of the opinion:

i. To note that Her Majesty's Government intends to issue a notice under Article 50 of the Treaty on European Union;

ii. To note and recognise the subsequent impact this and the withdrawal of the United Kingdom from the European Union will have on the Bailiwick's domestic legislation and on the legislative and other measures that ought to be taken in consequence of the issue of the notice and withdrawal;

iii. To direct that a Policy Letter be prepared and submitted to the States together with suitable Propositions recommending:

a) the repeal and/or amendment of the European Communities (Bailiwick of Guernsey) Law 1973 and any other enactments identified in the Policy Letter;

b) the enactment of legislation necessary to preserve those EU measures which are applicable in the Bailiwick by virtue of Protocol 3 and which it is appropriate to preserve as part of the Bailiwick's domestic legislation following withdrawal of the United Kingdom from the European Union, and;

c) the enactment of any other legislation or the taking of any measures which it may be appropriate, necessary or prudent for the States to enact or take.

The above Proposition has been submitted to Her 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.

The Senior Deputy Greffier: Article III, Policy & Resources Committee

1120

The Bailiff: Debate will be opened by the President of Policy & Resources Committee, Deputy St Pier.

Deputy St Pier: Thank you, sir.

1125

Sir, I welcome this timely and important debate on this policy letter. The title, 'Acknowledging the triggering of Article 50 of the Treaty on European Union in respect of Protocol 3', has been chosen carefully.

1130

This debate is about something that is happening in the UK – a colossal undertaking, which in a much smaller way will impact Guernsey. Whilst this impact here is smaller, it is neither insignificant nor simple for us. It is only right and proper that, as a mature democracy, that is seeking to grow its autonomy and international identity, the States reflect on this impact. This is a proportionate parliamentary process for this Assembly to take.

Sir, if I may, I would first like to correct a minor error which was picked up in the policy letter because I want to ensure that there are no claims of misleading the Assembly.

1135

In paragraph 3.4(1) of the policy letter it states:

Any traded [goods] must meet the relevant standards and environmental requirements of the EU.

1140

The word 'environmental' slipped in and it should not be there, for which I apologise. However, for the sake of clarity, this sentence was included to explain that Protocol 3 requires us to adopt certain standards and processes, where they relate to the obligations which arise in return for being part of the EU customs union. We have adopted standards to provide for the trade in agricultural goods which requires certain legislation relating to: animal health, plant health and food, as well as standards relating to marketing.

Of course, we also adopt certain standards and requirements voluntarily – and these may include environmental standards to facilitate trade for our businesses.

1145

My thanks to Deputy Prow for drawing this error to our attention. It has provided a good example to illustrate that although Protocol 3 is short in length it is by no means simple. Unpicking over 40 years of integration in respect of this relationship will come with its own challenges. It is a complex area and needs careful analysis.

1150

It is by this same need for careful analysis that this debate has come about. We watched with interest when the Miller case judgment was handed down in the High Court in London in November last year, and the very high profile appeal process that subsequently followed. The

Miller case has had a profound impact and led, of course, to the UK Parliament debating the triggering of Article 50 – a process that is, of course, ongoing this week but will soon reach a conclusion.

1155 Whenever there is a constitutional judgment in the UK courts that may impact us, we obviously
pore over the detail. It was clear from very early on that the triggering of Article 50 would need
careful consideration in respect of the impact it will have on the Bailiwick, in the context of the
obligations which arise under Protocol 3. So, with advice from the Law Officers, we have been able
1160 to carefully construct a Proposition that does not risk overstating our case. By which I mean it is
not for us to either consent or not consent to the triggering of Article 50. For once, a Proposition
'to note' means just that – and it is entirely appropriate: in other words, we acknowledge,
understand and will respond to the UK's decision – in which, of course, we have played no part,
having not participated in the referendum.

1165 As the Report explains, this will lead to a change in our domestic law in Guernsey. It will affect
how our European Communities Law 1973 operates. We will need to manage this impact which
will be through a local version of the much touted 'Great Repeal Bill'. This is a Bill which will not so
much repeal, but *retain* the body of EU law in UK domestic legislation where the UK needs it to
function. This will help to smooth the transition as the UK leaves the EU.

It is only right that *this* Assembly recognises that this change will happen *before* Article 50 is
triggered. The States will need to keep pace with this change if we want to influence it.

1170 When the UK Prime Minister takes the action of triggering Article 50, she must do so with an
awareness of how that action will impact us as a Crown Dependency for which her government
and ministers are responsible in the international sphere on behalf of Her Majesty. Today's debate
and Proposition will demonstrate to the UK government, at the highest level, that this Assembly is
engaged with the process – and will seek to be engaged throughout the whole process.

1175 The Report provides a summary of the engagement of this Assembly when the UK joined the
European Free Trade Area, during the two failed attempts to join the EU, both thwarted by
President Charles de Gaulle of France, as well as during the successful third attempt. This
culminated in the States considering the thrust of Protocol 3 in December 1971 a month after the
UK chief negotiator, Geoffrey Rippon, had negotiated it in Brussels. This was by no means without
1180 its difficulties. It is clear that there was concern that the UK would force constitutional change on
the Island; there was a requête in September 1971 and over 14,000 people signed a petition to
Her Majesty, leading to an Order in Council in November 1971 that helped safeguard our
constitutional position. The States were concerned that being forced to join the European
Community would lead to a loss of autonomy, but being left out would cripple the horticultural
1185 and tourism industries.

We needed a middle way and those were the reasons for agreeing to Protocol 3.

1190 Most recently, the States were engaged closely with the UK government throughout its re-
negotiation with the EU over 12 months ago. We started planning for the possibility of a 'leave'
result. This is what enabled the new Policy & Resources Committee, so early in this States' term, to
publish a policy letter just days after the referendum, and for the States to agree their high level
objectives a few days later, giving a mandate to the Policy & Resources Committee to commence
this engagement.

These objectives have served us well. On 17th January, the UK Prime Minister announced the
UK's objectives in a speech in Lancaster House. Our objectives are remarkably well aligned.

1195 We both want to guarantee the rights of EU residents in our jurisdictions; and we want to see
that the EU rights that our residents have are respected. These rights are the subject of
negotiation, and we want the best possible outcome for the Bailiwick, which may not be the same
as what is the best for the UK.

1200 We want to benefit from the free movement with the UK and to maintain the Common Travel
Area. We want tariff free trade with the EU and, where possible, to form new trading relationships.

In respect of the relationship that we have with the UK, we have had messages of reassurance
from Robin Walker, the Minister at the Department for Exiting the EU – with whom I spoke again

1205 on Monday – and Sir Oliver Heald, Minister of State at the Ministry of Justice, who state the UK does *not* intend to change the long-standing constitutional and trading relationships with the Crown Dependencies. The UK's White Paper, whose publication followed the Prime Minister's Lancaster House speech, clearly states that the UK will: 'continue to involve us fully in its work; respect our interests and engage with us as the UK enters its negotiations; and strengthen the bonds between us as we look outward into the world'.

1210 Further to this, I have written to the Prime Minister to seek assurances that the UK will not impose change on the Islands or unilaterally abrogate the rights and privileges enjoyed by Islanders – many of those rights deriving from our Royal Charters and pre-dating the European Union by a number of centuries. (**A Member:** Hear, hear.) We also want to ensure the exit and notification process respects and represents our interests. I understand that a response should be with us shortly.

1215 Our engagement to date has been successful in helping us to secure these commitments – as acknowledged by Sir Oliver Heald in his recent evidence to the House of Lords EU Committee and Robin Walker in his evidence to the House of Commons Justice Committee. Our relationship is mature, productive and candid. We have carefully positioned ourselves so that these channels of communication are primed for the commencement of the UK's negotiations.

1220 Our engagement with Whitehall and Westminster has ensured that there is a far deeper understanding of the Crown Dependencies amongst many more people than there has been before.

1225 They now know that we are different constitutionally from the devolved administrations in Scotland, Wales and Northern Ireland. They now understand that our relationship with the EU is unique. They now know that our interests may not be exactly the same as the UK's on every issue but the UK has a clear responsibility – acting on behalf of the Crown – to represent those interests.

The engagement within this Assembly is equally important. This is the second Brexit policy letter and there have been two statements made to update Members. I anticipate there will be more debates, statements and questions as we all play a part in this process.

1230 We have established the political leadership we need within the Policy & Resources Committee. We are getting the resources we need to co-ordinate those activities. This will act as the hub that ensures that the Committees with the relevant mandate and expertise can be engaged in the process.

1235 We will need to keep these resources under review, but we will also benefit from public service reform which will help with the redistribution of effort into priority areas when it is really needed. But we will balance the need for resources with the need to exercise value for money and prudent fiscal management.

1240 This policy letter helps us to assert our international identity. The Island has evolved in how it engages in international affairs since 1971. In 2017 the Island is far from passive in its approach to its international identity, as demonstrated by the work of the Constitutional Investigation Committee, agreed in January 2016. This work continues and has taken on a new dimension in light of Brexit.

1245 We are working closely with the other Crown Dependencies. We attend meetings together, support each other, and we share our approach. Whilst our domestic handling differs because of our different systems of government, there is very little difference in our position when we engage with the UK. This will be important throughout the process. We need to ensure that we make the UK's task of engaging with us as simple and seamless as possible. We will achieve more if we settle and rely on the common ground between us. This will also enable us to better handle those limited areas where we know we are likely to have some points of difference.

1250 We are also working closely within the Bailiwick; with regular contact with the States of Alderney and Chief Pleas of Sark. At officer level this is on a weekly basis, as well as through the Bailiwick Council, the Alderney Liaison Group and the Sark Liaison Group. Whilst each Island has its own core interests and own Assemblies, there are many core matters, which the loss of Protocol 3 will engage, that are the direct competence and responsibility of the States of

1255 Guernsey. For Alderney this is by virtue of the 1948 Agreement; and for Sark this is because Guernsey is its port of entry. We have many similar needs and this close liaison will help ensure that *all* of the Bailiwick has a voice. That voice is inevitably stronger when we act together.

Sir, this will clearly not be the only chance the States have to debate Brexit issues as the process unfolds. The next milestone, the triggering of Article 50, will start the negotiating process.

1260 The UK is working on a Great Repeal Bill and we are working closely with the UK on this process. At the appropriate time, when the process becomes clearer, proposals will need to be brought before this Assembly to amend the 1973 European Communities (Bailiwick of Guernsey) Law and any other relevant legislation and also to put in place our own version of the Great Repeal Bill.

1265 This is, in some ways, a less daunting process for the Bailiwick of Guernsey than compared to the UK, because the provisions in Protocol 3 mean that not all of the EU body of law applies. However in many respects it will be no less complex, and in some areas it may be more so, particularly given our limited resources. The current Propositions help pave the way for that work. The need to work closely with the UK is driven by the need to ensure there are no holes in the Statute Book come Brexit day, or in the regulatory systems that we all rely on. We need to minimise the uncertainty before the UK unpicks over 40 years of integration – following which we can then manage in a more orderly manner what we wish to retain and how we wish to retain it.

1270 Sir, this is a well-timed policy letter and I welcome this chance to debate this important matter in the States of Deliberation. It is precisely what a mature democracy looking to assert its position and develop its international identity should do.

1275 I look forward to the debate.

The Bailiff: Members, there are two amendments. I propose that that we take the two of them separately, and I would just ask that people speaking on those amendments confine themselves to the amendments, rather than straying into matters of general debate.

Deputy Prow, the first amendment.

Amendment:

To amend paragraph iii of the Proposition as follows –

(a) by deleting ‘, and’ at the end of subparagraph b),

(b) by replacing the full-stop with ‘; and’, and

(c) immediately thereafter inserting the following additional subparagraph –

‘d) the provision of such additional, or re-allocation of such existing, resources as the Policy & Resources Committee, following consultation with the other committees of the States, believes may be necessary to enable all committees to react appropriately in the best interests of the Bailiwick to the challenges with which they may be faced, having regard in particular to the specific functions and operations for which they are responsible under their respective mandates, as a consequence of the proposed withdrawal of the United Kingdom from the European Union.’

Deputy Prow: Thank you, sir.

The Bailiff: Would you like it to be read?

1285

Deputy Prow: Yes, I would please, sir.

The Bailiff: Greffier.

The Senior Deputy Greffier read the amendment.

1290 **The Bailiff:** Just to be clear for the *Hansard* record, in (b) it is to replace the full stop with a semi-colon followed by the word ‘and’. I think you simply said the word ‘and’.

Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff.

1295 May I start by thanking the President of Policy & Resources on his very informative and clear update? That is actually important to this amendment.

I also acknowledge what the President has said about the very careful wording of the Proposition.

1300 Sir, the implications upon our Bailiwick of the United Kingdom leaving the European Union are, I believe, the biggest single challenge and legislative project to come before this Assembly in decades. I both applaud and support the Policy & Resources Committee in bringing this policy letter to the States, and at this stage before the UK triggers Article 50.

1305 The States, as a whole, must become fully committed and involved with this massive undertaking. It is absolutely right that P&R lead on this, but all of us in this Assembly, particularly the operational and delivery Committees, and indeed authorities, must become involved to a lesser or greater degree, depending on their mandates.

This is not so much about what we might want to do, but what we need to do. These events are unfolding because of a referendum of the British people held on 23rd June 2016. Deemed to be compelling for the UK government to comply with the decision to leave the EU.

1310 Brexit will dismantle in very short order a legally binding relationship with the European Union. This is happening, the UK Parliament is engaged, H.M. Government is engaged, including the Cabinet Office, the Department for Leaving the UK, the Home Office, the Justice Department, Trade & Industry, and many other departments. As the President has said, the devolved governments and other Crown Dependencies are also engaged, so must the Bailiwick of Guernsey engage with the same vigour and pace.

1315 So what does this mean? Sir, in my view there are two overarching thrusts to this huge piece of Government work: negotiation and implementation. These, although they must happen in tandem, are separate strands.

1320 The Policy & Resources Committee has rightly been very active in consulting with H.M. Government regarding their approach to negotiations with the EU, which will commence upon the triggering of Article 50, but we are just at the very start and more joined up governmental work is required. Once we have understood the wider political and technical Brexit landscape we need to deliver upon implementation.

1325 Sir, we, and I mean the States as a whole, including the machinery of Committee Government, need to plan for that implementation, consult and engage with all stake holders, including business, industry and Islanders. Therefore we need in short order to resource that plan.

So, in this Bailiwick what are we planning for? Our Protocol 3 relationship with the EU will disappear and this will impact upon how the Bailiwick can conduct trade in goods and services, our customs regimes, our immigration regimes, our legislation and our controls, including the Common Travel Area, fisheries and agriculture and financial services.

1330 As said, I believe that Policy & Resources are right in engaging the States in this process and to flag up at this early stage the subsequent impact of the withdrawal of the UK from the EU, and the need to repeal our European Communities legislation, and to enact a whole raft of fresh laws to meet the needs as outlined in section 6.9 on pages 12 and 13 of the policy letter.

1335 Once we start to gain an understanding of Brexit policy direction of travel through the consultation process, it is imperative that we effect our own policies essential to protect our special and unique interests. This must involve all the Committees of the States where they have the political responsibility, knowledge and expertise.

1340 Sir, how do we do this? Policy & Resources have highlighted these considerations in sections 7 and 8 on page 14 of the policy letter. Sir, I shall refer to section 8 first. It says that engagement across the States will be required. P&R point out that:

It will be for individual principal committees to work on the various policy areas with particular interests for the Committee for Home Affairs on immigration and customs matters and ... Economic Development on trade, including ... trade agreements, financial services and fishing.

Sir, I completely agree. However, this is in contrast to section 7 entitled 'Resource and implementation plan'. This says that Policy & Resources are stretched and that they:

[P&R] recently agreed to the funding of additional secondment posts ... to manage the additional workload co-ordinating response of the various States' Committees to Brexit. [Furthermore that] securing additional staffing ... will ensure there is the ability to engage at pace and level, that the UK will be sitting and engaging over the next two years, while managing to meet other priorities.

1345 Whilst I entirely agree with the need to have the ability to engage at pace, there is no mention whatsoever in this section of any other Committee who, in the words of the section below and I will repeat that part of section 8.1:

... work on the various policy areas with particular interest for the Committee for Home Affairs on immigration and customs matters, and ... Economic Development on trade, including ... trade agreements, financial services and fishing.

In this planning and resourcing the requirements of individual Committees working on their mandated areas at pace and level as the UK, those Committees are also stretched and have their regular services to deliver. Their needs are not addressed or catered for in the Propositions as they stand.

1350 This amendment therefore seeks to rectify this at paragraph 3 of the Proposition, by adding a new sub-section (d) intended to ensure that suitable consideration is given to the provision of additional or re-allocation of existing resources, following consultation with all Committees of the States as set out in section 8.1 of the policy letter, as a consequence of the proposed withdrawal of the United Kingdom from the European Union and which may be necessary to enable all
1355 Committees to react appropriately in the best interests of the Bailiwick to the challenges with regard to the specific functions and operations for which they are responsible.

Sir, importantly – and the President of P&R has covered this in his opening remarks – I need to address the question of cost of this vital resourcing. I should note that the P&R policy letter states in section 7.2 that:

No additional resources will be required as a direct consequence of this Proposition.

1360 I understand that this is because the funding for the additional resources described will come from Budget Reserves, funding will only be required for the shorter term and resourced from within the existing overall budget allocation; and the President of P&R, I believe, has made that quite clear.

1365 Sir, when I sought advice from the Law Officers on the amendment, the amendment was deliberately framed so as to not to interfere with the intentions of the Propositions before it. The wording of section 7.2 which I referred to therefore applies to the amendment to the Proposition, if it is successful.

1370 In any case, it is surely too early before Article 50 is triggered to fully scope what additional resources are actually necessary for both P&R and the other Committees. I assume that such detail will form part of the subsequent policy letter so directed by the Propositions of this policy letter, currently being debated on this important subject. This will therefore, obviously, be thoroughly dealt with by that policy letter, but it is very important that today's Propositions are honest and informative as to the full extent of resources needed to be applied.

1375 Sir, I mentioned briefly the other Crown Dependencies; interestingly, the States of Jersey have approached this differently. I quote from their equivalent States' Report:

The Government of Jersey also committed ...

And it refers to a former States' Report:

... to the structure and resource its activities so that Jersey's interests could be properly protected. It accordingly established in June 2016 a Brexit unit within the Ministry of External Relations, charged with a central coordination of the Government Brexit related activities. In September 2016 £1.75 million of cross-departmental funding was agreed to backfill staff who are working on Brexit, as well as to fund research and additional travel.

Sir, I ask this Assembly to ensure that the relevant Committees are also resourced to do the job this Bailiwick needs to protect our interests arising out of the UK's withdrawal from the EU, not just P&R.

1380 Please support this amendment.
Thank you, sir.

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

1385 **Deputy Lowe:** Yes, sir, I formally second it, and reserve my right to speak.

The Bailiff: Thank you.
Deputy St Pier, do you wish to speak at this stage?

1390 **Deputy St Pier:** I do, sir.

Sir, the need for adequate resources was clearly outlined in the June 2016 policy letter and, of course, again in this policy letter. This reflects the significant undertaking that managing the impact from the UK decision to leave the EU will have on the Bailiwick. This will need to be kept under constant review, and we are not resting on our laurels.

1395 Indeed, the Policy & Resources Committee is already doing this, of course, in light of the experiences to date, and the scope of the UK objectives in its White Paper, published on 2nd February, the Policy & Resources Committee agreed on 7th February to fund three secondments to supplement the existing External & Constitutional Relations team in the office of the Policy & Resources Committee, so the process is well under way.

1400 Resources will help the Committee to co-ordinate its response to Brexit, and to manage the liaison with the UK government, the devolved administrations, the Crown Dependencies, the other parts of the Bailiwick and States' Committees, whilst managing the raft of other external relations priorities. This is at a cost of under £400,000 over two years from the Budget Reserve, as Deputy Prow referred to in his speech. The funding is to be used, of course, only if absolutely necessary to fill the spaces from which the secondees will come.

1405 This pragmatic approach will continue regardless of this amendment put forward by Deputy Prow to ensure we prioritise to ensure that we are capable and efficient whilst seeking this value and managing our finances prudently.

1410 Deputy Prow's amendment is also linked specifically to the policy letter relating to our own version of the Great Repeal Bill. It is quite likely, even probable, that we will need additional resources at other times before or after that policy letter. In short, irrespective of this amendment, which Policy & Resources are happy to support, I can categorically assure Members that Policy & Resources is absolutely committed to keeping the resources needs of *all* Committees flowing from Brexit under constant review, and we will revert to this Assembly where and when necessary.

1415 **The Bailiff:** Is there any debate? No.
Deputy Prow, do you wish to reply.

Deputy Prow: Thank you, sir.

1420 I thank Deputy St Pier for his support for the amendment and I am certainly very much looking forward to working with Policy & Resources through the structures that they have set up. I am happy to report that that is already in process and that that engagement has taken place.

1425 I thank Deputy St Pier for his confirmation and I am also gratified with his comments that he has said that even without the amendment this would have happened regardless. So I think that gives a measure of commitment.

I commend this amendment to the whole of the States.

Thank you, sir.

1430 **The Bailiff:** Well, Members, we vote then on the amendment proposed by Deputy Prow, seconded by Deputy Lowe. Those in favour, those against.

Members voted Pour.

The Bailiff: I declare it carried.

Next we have an amendment to be laid by Deputy Roffey.

Deputy Roffey.

Amendment:

To amend the Proposition as follows:

(a) by replacing the full-stop with '; and', and

(b) immediately thereafter inserting the following additional paragraph –

'iv. To fully endorse the view expressed by the Policy & Resources Committee in paragraph 6.9(iii) of the Policy Letter, that guaranteeing the rights of EU nationals resident and economically active in Guernsey should be a priority area in any negotiations with Her Majesty's Government and to direct that committee to impress on all relevant representatives of the Government, the States' wish to see those rights assured as soon as possible and not delayed as part of any extended negotiation process over the terms of the British exit from the EU.'

Deputy Roffey: Thank you, sir.

1435 Firstly, may I just point out that the original version posted on the internet showed Deputy Barry Brehaut seconding this amendment, but he has had to leave the Island suddenly because of a family bereavement, so it will be seconded by Deputy Rhian Tooley instead?

The Bailiff: Thank you.

1440

Deputy Roffey: Sir, I had intended to make a relatively brief speech covering both my general comments and my amendment. Would you prefer I unpick them though and just ...?

The Bailiff: I think it would be easier if you could unpick them, but ...

1445

Deputy Roffey: Very well, I will unpick them then, and will speak again later on. I was trying to save the States from the prospect of two Roffey speeches this morning.

1450 **The Bailiff:** Well, I think the danger is that we may end up with people repeating themselves, not you Deputy Roffey, but there might be some danger of repetition otherwise.

Deputy Roffey: Sir, if I make a few general comments now I will accept that I have then spoken and I will not be able to speak again later on.

1455 **The Bailiff:** Well, I cannot stop you if that is what you wish to do.

Deputy Roffey: Okay, then that is the approach I will take. I am sure you could stop me if you really put your mind to it, but ... *(Laughter)*

1460 Sir, the policy letter before us today asks us to note the fact that the British government are going to be triggering Article 50. I am happy to note it. I think you would have to have been living in a disused cesspit really not to note the fact, or not had any contact with the media. So I am certainly happy to note it, but I do think we need to drill down below that and look at what else we should be doing during this crucial period in history.

1465 The people of Britain have voted to leave the European Union and I think it is quite likely that they will now proceed to do so. I do not think it is absolutely certain because I have been around long enough in politics to know that events sometimes happen, but it is very likely that they will. So what are the consequences for us? I have to say I think they have been sold a pup, I think they have been sold a false prospectus, shed loads of money are going to go to the NHS, and they are going to be able to crack right down on EU free movement of people and yet still have absolute access to the single market. I think it is the political equivalent of snake oil, (**A Member:** Hear, hear.) that persuaded the 51-point-something percent that this was the right thing to do, but they have bought it and that is a matter for them.

1475 The issue that is covered by my amendment really reflects, but is separate from, one that has been raging in the UK over the last week or so, and that is the position of EU citizens currently living, or living and working, inside the Common Travel Area.

Now, we have had a lot of focus on the three million of them that are living inside the UK. We know that the position of the Upper House of the British Parliament has been expressed through an amendment, and it is very different to the position taken by Prime Minister May's Government. It is none of my beeswax really what happens inside the UK, and what happens, how they ... I mean I have got my views on it, and I think I am with the Upper House, I do not think it is cricket and I think it is shooting themselves in the foot not to nail down pretty soon the rights of the EU citizens currently living in the UK, but it is none of my business.

1485 What is my business, as a Member of this Assembly, is the impact on those EU citizens living here in Guernsey, and very often being a vital part of our economy. Therefore, I will ask to add our voice – a parallel voice – to that of the House of Lords, not because we are not talking about the people that they are talking about, but we are talking about a very similar group here in Guernsey, and say that we want their position resolved asap.

1490 Why is that important? I think there are two separate reasons why it is important. Firstly, because I know many EU citizens living either in Britain or in Guernsey now feel almost here on sufferance, almost like second class citizens. They may be wrong but that is their feeling, and I want our Government to send out a message to EU nationals living in our Island, and really doing important roles inside our economy, that that is not the view of this Assembly, that this Assembly really appreciates what they are doing, and the fact that they are important to us, economically and as individuals.

1495 The second reason is that we know the Housing Law, don't we, you give a Five-Year Licence and after three years people start looking for other employment because they are coming towards the end. If the position of EU nationals living in the Island is kept in abeyance for the next year or two, as part of the general exit negotiations, even if those EU nationals are 95% certain that there will be an accommodation reached at the end of the day, if an employment opportunity opens up elsewhere where they are 100% certain they will continue to be able to be employed in that position, they will go. Why wouldn't they? Why live with uncertainty if you can go? So if we do not receive, certainly for them, fairly soon ... not use them as a bargaining position, it is a ludicrous bargaining position anyway, either you are suggesting that if the bargaining does not go well you are going to throw out all these people, or else you are bargaining basically with the Emperor's new clothes on because everybody knows that it is not a realistic position. But if we allow that to carry on for the next year or two, Guernsey will suffer through the loss of those people.

1505 Now, I know that the Policy & Resources Committee have said in their policy letter that it will be a priority for them in their negotiations with the UK authorities to try and resolve the position of EU nationals living and working in Guernsey. That will be an absolute priority. I applaud them

1510

for that. So why this amendment? Because I want them, when they go and actually say that, not to say a Committee of the States feels this – P&R are a very important Committee but they are just a Committee – I want us as a parliament, as a Government, to say that is our view as well, and P&R are passing on the view of this Assembly.

1515 It is a dangerous tactic, I know, because if you vote against it, they are going to be going and saying it is not the view of this whole ... but I am really hopeful that that will not happen. If it does then I will have shot myself in the foot big time.

1520 Sir, in order to avoid not speaking again, I have to say, I go on to just make a comment that this amendment deals specifically with those already here, but there is a parallel problem that I see, and that is the position of the ability of local employers to recruit in future new people from the EU. I do not think some people understand in Guernsey that, because we are autonomous in so many ways and can plough our own furrow, we are absolutely not autonomous when it comes to the UK immigration law and UK immigration policy. I think it is part of the *quid pro quo* of being in the Common Travel Area.

1525 I remember when I was in Deputy Soulsby's position recruiting a whole tranche of brilliant nurses from the Philippines, and they had to go; we did not want them to go. I had people phoning me up saying why can't you get them Housing Licences? It had nothing to do with anybody in Guernsey, the UK government's policy was that was how long they could say, they had to go; and that is going to be true in future.

1530 So although this amendment specifically talks about the people who are here now and their rights, I do actually hope that P&R will talk about future policy as far as EU nationals because it does actually have an impact.

1535 I do not want to broaden this out too far, I know, but it has a real impact on our new population regime, because quite sensibly that population regime is saying that short-term workers, typically from EU countries, Eastern Europe, Southern Europe, working in hospitality in the hotels trade, once they have reached five years they will have to go, and that applies to people who are here at the moment, there will be some grandfather rights. It is quite conceivable that the UK ... and that makes sense, revolve these people around, do not have permanent residence in Guernsey, so that they do not stay into their old age, but it is quite conceivable that the UK under Brexit will give grandfather rights to EU nationals who are currently in the Common Travel Area, but will crack down very strongly on the ability of new migrants coming from the EU.

1540 Indeed, if they do not, they really will catch a whirlwind because why did people vote for Brexit? Most of them voted for it because they wanted – I think wrongly advised, but they wanted – a crackdown on EU migration. It does not affect non-EU migration so it had to be a crackdown on EU migration.

1545 Now, look at our hotels, our restaurants, our places like that who rely on people from EU countries. If we do not secure the right deal then we will be, I think, in serious difficulty as an economy, and I think we will even have to look at the Population Law if grandfather rights are granted to those currently working here, but do not allow new ones.

1550 So they are my general comments: not a fan of Brexit, but none of my business whatsoever. It is my business to try and protect the rights of people living here. There are, I do not know how many; if it was *quid pro quo* it would be 3,000 as opposed to three million in the UK, it may be less, it may be more, but I know we have lots of EU people here, whose rights we ought to be fostering and protecting.

1555 I am glad P&R are intending to do that anyway. I want them to take the message of this whole Assembly that we care about these people, they are important to us as individuals and to our economy, and we want P&R to say that to the authorities the other side of the water.

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

1560

Deputy Tooley: I do, sir.

The Bailiff: Thank you.
Deputy St Pier.

1565

Deputy St Pier: Thank you, sir.

The States have, of course, already recognised the need to provide assurance and to address the issue of the rights of EU nationals in Guernsey, including, of course, British nationals. There are, of course, two sides of this right of free movement to be taken into account, and it is important at this time that we do not confuse population management with immigration.

1570

The immigration regime is all about a person's right to enter and stay in Guernsey and the Common Travel Area, that is, of course, the UK, the Channel Islands, the Isle of Man and the Republic of Ireland. Under these current immigration rules an EU national who has been resident for five years may apply for a permanent right to remain.

1575

The Population Management Regime, of course, effectively then overlays this and deals with whether a person can live in Open or Local Market housing, and defines how people gain residential qualifications specific to Guernsey, and no doubt there will be much more debate on that at the next sitting of this Assembly, sir.

1580

As the Assembly will recall, this issue was prominent in the policy letter debated in June last year, shortly after the referendum, and the States set out its negotiating objectives, including – and I think it is worth again spelling this out for those listening and for the record on *Hansard*, those objectives included – ensuring the interests of Guernsey residents are taken into account by the UK EU exit agreement.

1585

This includes ensuring that Guernsey residents, persons with EU rights, do not suffer any detriment compared to those in the UK, and to seek to ensure any commitments made by the UK as part of its withdrawal agreement with respect to the grandfathering of rights of EU non-UK citizens in the UK and in the Channel Islands, and that the legal status 'Channel Islander' for the purposes of Protocol 3 – of course, that is the term – are considered.

1590

Finally, the report acknowledges that since the Islands are subject to UK immigration and nationality laws, the States will not be able to negotiate anything directly with the EU relating to the movement of persons. We need to ensure the UK government is aware of these issues, and ensure that the insular authorities are regularly briefed on the progress of negotiations in these areas.

1595

These issues may include ensuring that we are consulted prior to any commitments made by the UK as part of the UK exit agreement with respect to the grandfathering of rights of EU non-UK citizens in the UK and the Channel Islands, ensuring that any grandfathering rights of British citizens in the rest of the EU, as part of the UK exit agreement, is broad and takes into account Channel Islanders as defined in Protocol 3, understanding whether the UK exit agreement will impact on the EU non-UK communities in Guernsey, taking account of any acquired rights under insular law, and understanding whether the UK exit agreement includes any commitment by the UK regarding non-discrimination between nationals of different EU member states in any amendments to the immigration regime and how these might apply in the Islands.

1600

So, sir, in line with these objectives we have already, and hopefully giving some reassurance to Deputy Roffey and others, we have already been ensuring the UK are aware of all of these issues, and that these are the priorities of the States at the quarterly meetings held with Robin Walker, the Minister at the Department for Exiting the EU, and that has expressly included the point which Deputy Roffey raised in his speech about the rights, or the needs, we have in respect of future residents, who are not currently here.

1605

We have made the point that 10% of our economically active workforce are EU non-UK nationals. That is a critical issue for us, which will need to be recognised and dealt with as part of this exit process. I have also raised these issues at the British-Irish Council summits held in both July and November of last year, and Policy & Resources and Home Affairs officials have attended two round table meetings with the UK Home Office to discuss these very issues. We have also sought to send out reassuring messages in the statements made in this Assembly by Deputy Le

1610

1615 Tocq last November, and by me in January. We have given material to those who have inquired directly, as well as through the Honorary Consuls, when requested. This work will, of course, continue and I welcome the opportunity, in light of this amendment, to reassert the message that, like the UK, we wish to be able to guarantee the rights of EU nationals.

I would also like to repeat our previous messages, as did Deputy Roffey in his speech, that those lawfully resident here, as part of our community, are most welcome.

1620 Further to this, we would also like to be able to provide assurance to the British and EU nationals resident in Guernsey that their EU rights will be respected due to the immigration and nationalising link with the UK this will be influenced by the negotiations by the UK with the rest of the EU 2007. We will continue to engage with the UK on this very important issue and will
1625 continue to keep this Assembly informed.

This amendment, sir, in Policy & Resources' view, simply reaffirms and restates our previously stated positions on this important topic, and accordingly the Policy & Resources Committee is very pleased to support it.

1630 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Sir, Deputy St Pier says not to confuse the matter with the population management but is this not a conflict in itself that we are saying on the one hand that, 'You potentially can stay,' but then on the other hand, 'You actually might not be able to stay,' with the
1635 population management?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, Deputy St Pier made a very valid point.

1640 I mean I suppose I should declare an interest first, I am involved with a business that employs over 100 people year in, year out that would be caught or covered by the Deputy Roffey amendment. But that is irrelevant, and I do not stand as President of Economic Development Committee, albeit there is an economic point that Deputy St Pier has made.

1645 Ten percent of our working population, he said, are captured by this principle, and that is over 3,000 people – that is a heck of a lot. Deputy Paint raised yesterday at a meeting of States' Members how many people are unemployed. I think he said 400 – it may be lower than that, but even if he is right it is 400, how are we going to fill ...? If those 3,000 people have to go – which we know they will not because we know we will pass this amendment overwhelmingly – what are we going to do? We are not going to be able to do anything.

1650 But the reason we should support it is not economic, because these people are decent people, doing a decent job (**A Member:** Hear, hear.) that we need them to do. We are a decent Assembly and we should do the decent thing and say to these decent people that publicly we support you and publicly we give approbation to the Roffey amendment.

1655 **A Member:** Hear, hear.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

1660 This is a very difficult situation, because we cannot actually ensure what is being asked, and the amendment actually says, 'Let the British government know we *wish* to ensure,' because it is not our decision, and that is a problem, because the UK government now have a problem because the House of Lords want to guarantee the three million or so EU residents in the UK to stay now, irrespective of what may happen on the other side.

1665 There are several million people from the UK and there are quite a number from Guernsey who actually live in and even work in countries like Holland or France. Now, do we play this game of

poker, say we will play the good boy, we are going to ensure three million people stay in the UK, and ensure their rights, and the next day the Spanish government say, 'Right, you half a million here off'? Which they could do.

1670 We have an additional problem with Ireland. That is part of the EU and that is in the Common Travel Area. How on earth are we going to deal with that? People could fly from the EU into Ireland, drive across to Northern Ireland and get a plane to here. There would be no control over their access. So we are trying to unravel what is, effectively, going to be a bit of a mess.

1675 Now, I would love for this to happen quickly, and the only real piece of good news could be if Theresa May, following a Brexit Article 50 initiation, could deal with this particular subject very quickly within weeks, if not months. In itself it is not difficult. Say, 'Look, all you EU citizens in the UK and the Channel Islands and all the rest of it can stay, so long as all our citizens over there can stay.' Now that may only apply to current, and it may not apply to future, migration, I do not know. But I am pleased we use the word '*wish*', '*wish to ensure*', because that is all we can do. We cannot guarantee it and I wish to ensure that, and I just hope the UK government deal with this particular issue very quickly because it is very significant.

1680

Thank you, sir.

The Bailiff: Deputy Inder.

1685

Deputy Inder: Sir, thank you.

The Bailiff: Can you put your microphone on?

1690 **Deputy Inder:** Sorry about that.

Sir, both of these amendments, including the previous one, are easy for me, and welcome. The triggering of Article 50 is quite clearly our great matter of our time.

1695

Now, specifically with this amendment, sending a message to our valuable foreign workers that their rights and futures are one of the central tenets and concerns of any future negotiation, I think to be perfectly frank, is entirely appropriate; and, that said, Deputy Kuttelwascher, there are no guarantees, but we are actually sending a message out to those workers – 2,500-3,000 foreign workers – serving in our hospitality industry and various other services is entirely right. So a little more intensity in that section of the Policy & Resources document works for me and I will be supporting it.

1700

Thank you.

The Bailiff: Deputy Tooley.

1705 **Deputy Tooley:** Sir, it is my belief that the Bailiwick of Guernsey values all those who lawfully have chosen to make these Islands their home. Who live and pay taxes here, who contribute to our society financially, culturally and through community and voluntary work. It is crucial that we give regard to their need for security and ensure that assurances are given to them as soon as is possible. We need them to be able to be permitted to continue to live and work here, as has been said.

1710

One of the things that we are constantly told, and that we are all aware of, is that Guernsey is different, Guernsey is special; and as we were reminded by Jeremy Hughes this week, the CEO of the Alzheimer's Society who came in to speak to us, one of the things that makes Guernsey special is its community. Our community is made up of people who were born here, people who were not born here, but people who have chosen this to be the place where they will give their best. We need those people. We cannot survive without our third sector. We cannot survive without those people who give over and above their 9 to 5 working lives. We need to give back to those people the assurance that we want them to stay. We want their contribution in our society.

1715

1720 I wish that we had the power to say to the British government, 'You can do what you want, we are not changing. We want these people to be able to live and work here.' All we can do is to say, 'Please sort this out as soon as possible. This is what we want. This is where our hearts lie.'

So I am absolutely supporting this amendment which makes it crystal clear that this is the will of the people of Guernsey.

1725 **The Bailiff:** No one else. Deputy Roffey will –
Oh sorry, Deputy Le Tocq, are you rising?

Deputy Le Tocq: Yes, I was, sir.

1730 Just to, in a sense, sort of just to speak, there are no questions to answer, but I welcome this amendment, and I am pleased that my colleagues in P&R support it as well. As others have said – indeed, Deputy Roffey has said – it does not, in a sense, give us any more powers, but it does help us – and particularly the Premier and Vice-Premier and myself, as we are involved in the negotiation over how we fit in with the Brexit scenario, both in terms of where we are now, and where we will be post-Brexit – it does give us the reassurance, if this Assembly gets behind us in terms of the rights of EU citizens currently working here.

1735 To pick up on Deputy Ferbrache's absolutely correct point, how we do business as Guernsey in the future and do the decent thing as we have always done in the past when Guernsey, even before the EU, was welcoming the likes of French Huguenots and Irish quarry workers for centuries and for decades in the past ... So it is helpful for us to have that backing.

1740 But also I think, on behalf of the whole of this Island community, because I have been approached by many employers and others who are obviously looking at this brave new world and thinking, 'What on earth does it mean for my existing staff, and what will it mean in terms of staff in the future?' We need to do our utmost, and sometimes to do that we need to jump up and down a little bit more and shout a bit more than others, because we are smaller than others, but I am grateful for this amendment because it enables us to do that, not only as a Committee or
1745 indeed as an Assembly, but perhaps as the whole of an Island community.

The Bailiff: Deputy Prow.

1750 **Deputy Prow:** Thank you, sir.
I shall be brief.

I support the Roffey amendment and I would endorse Deputy St Pier's very comprehensive reply.

1755 The only comment that I will make is that I think this part of the debate has shown and demonstrated the huge work load that we actually face. The whole of our immigration legislation and our ability to remain in the Common Travel Area is reliant upon our compatibility with the immigration laws and laws in the UK, all of them. It is, I think, very right and proper that we support the Roffey amendment, in that it lays out our intention, but it reinforces what I said earlier about the huge amount of work load.

1760 I also endorse what Deputy St Pier has said about the difference between the immigration acts, which are about concept of leave to remain and leave to enter, and the difference between the population management, which is not based on people's nationality, it is based on their right to work and their right to reside in property.

1765 Now, that also is an area that, with P&R and Home Affairs, we will have to do a lot of work; and in supporting the Roffey amendment, I am just adding the caveat that further States' reports will have to come back, a lot of work will need to be done, and further debate on this.

Thank you, sir.

The Bailiff: Deputy Roffey will reply.

1770 **Deputy Roffey:** Thank you, sir.

Starting with Deputy St Pier and Deputy Prow's appeal to regard the immigration issue and the population control issues entirely separately, of course they are 99% right, but there is some interaction.

1775 If, for instance, a new immigration law post-Brexit is to give strong grandfather rights for EU citizens already *in* the Common Travel Area but very strong restriction on any new ones coming *in*, then we would have to think very strongly about whether we require EU citizens here now after five years to go home, because the idea was to recruit new ones to take their place, but if we cannot do that then it does raise an issue. So although they are legally entirely separate, I think there are policy interactions that we do need to be aware of.

1780 Deputy St Pier also said, 'Like the UK, we want to guarantee the rights of non-UK EU residents here as soon as possible.' I think I am going a little bit further in my amendment than Theresa May is in her approach. If you read the words at the end of the –not the explanatory note but the end of the amendment:

... as soon as possible and not delayed as part of any extended negotiation process over the terms of the British exit from the EU.

1785 I do not want a two-year wait, because it may well be that the terms of the Brexit negotiations are going to be said to be, it is all or nothing, very often, it is quite common in negotiations, everything is in for a length, nothing is agreed until everything is agreed. I think we will lose a lot of good people if we have that uncertainty hanging over them for two years from March 2017 to March 2019.

1790 Now, I am not naive – well, I am naive quite often but I am not that naive – to think that Deputy St Pier and his chums were going over to the UK saying, 'This is what Guernsey has said,' will necessarily influence the decision or the approach of the UK government, but I am aware they are coming up ... because of their own problem of the three million in the UK, they are coming – it is not just the House of Lords, many MPs and many MPs on their own side of the House – are starting to say, 'Is there not a way that we can treat this discretely from the rest of the negotiations and nail it down quickly?'

1795 I mean Deputy Kuttelwascher is right, theoretically, in that, ideally there should be a reciprocity here and it should all be done making sure of the rights of British citizens in other EU countries. But it is a fairly weak negotiating stance, because the UK, as is Guernsey, are absolutely reliant on these people. How on earth do they think they are going to build their millions of new homes without the skills they are getting in from Poland and other Eastern European countries I have no idea? So we are basically saying to those 'nasty foreigners' in Europe, 'If you do not allow us to live in the Costas then we are going to shoot ourselves in the foot, by throwing out your skilled workers that we absolutely need.' It is not much of a negotiating stance, but may be that is the way the UK are going to go.

1800 I think we ought to be asking them to consider a different approach, and we can only ask in the context of the non-UK EU nationals living here, but it is a parallel situation. Our voice is the voice of a pygmy – I am sorry it was supposed to be proving the opposite today I know, but it is in reality – but straws do break camels backs sometimes, and I want to add our voice to everybody else that says, like Deputy Ferbrache says, let's do the decent thing. We, here in Guernsey, like in
1810 England, are British. I want us to do something that is cricket. I think we ought to be doing the decent thing by these people.

The Bailiff: Members, we vote then on the amendment proposed by Deputy Roffey, seconded by Deputy Tooley. Those in favour; those against.

Members voted Pour.

1815 **The Bailiff:** I declare it carried.

We move into general debate. Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1820 I do not think this is a particularly abstract or routine debate, and I feel very strongly about Brexit, and therefore I want to explain why in the context of this policy letter and how Brexit may impact Guernsey.

1825 We defend our rights to self-government – limited self-government, but considerable self-government – very strongly. But we also acknowledge that there are often decisions over which we have no influence, which are made by others which can have a considerable impact on us. The growth of the finance industry in the 1980's or the era of particular growth had a lot to do with the UK abolishing capital controls in, I think, 1979, and Zero-10 had a lot to do with decisions which were made by the EU Code of Conduct Group rather than anything which was generated locally.

1830 Now, on this occasion the UK Parliament has decided that a good way to make the country more prosperous and successful is to erect new trade barriers between itself and the largest single market in the world.

1835 It has also decided, apparently, that the cause of peace and security can best be advanced by withdrawing from the framework of co-operation and commonality which has bound the nations of Europe to peace and stability since World War II. Now, we in Guernsey, of course, are well aware of what happens when the nations of Europe fracture, even more aware perhaps than many people in the UK. So I for one do not celebrate as I know some people do the possible fracturing of Europe, and I think that is what the UK may start by the triggering of Article 50.

1840 Therefore it follows that I regret the need for this policy letter, and I regret the need for the work which the States now has to undertake, at our own expense, despite our having no influence on the decision that has caused the expense. But nonetheless I thank the Policy & Resources Committee for laying this policy letter before the States and, I think, for properly allowing us as a parliamentary Assembly the opportunity to debate our response to Brexit.

1845 Their openness and our openness on this matter is somewhat in contrast to the instincts of the UK government, because of course it is ironic that many of the chief Brexiteers during the referendum debate said that what it was all about was returning sovereignty to the UK Parliament, and as soon as the 'Yes' or the 'Leave' campaign won, the UK government tried to invoke the obscure Royal prerogative to trigger Article 50 and stop Parliament from even debating the issue.

1850 I think that some of the supporters of Brexit who may have voted on the grounds of sovereignty of the UK Parliament will soon find out that there is going to be an enormous absorption of power by the executive, at the cost of Parliament, quite possibly, and that in any event in a modern and interconnected world this concept of sovereignty as a sort of independent nation state acting in glorious isolation from the rest of the world is possibly a myth and certainly is counterproductive.

1855 In fact I was listening to a phone-in, I think it was on *BBC Radio 5*, the other day and a chap who sounded quite elderly, although you cannot always judge someone's age by their voice, but he phoned up and he said, 'The reason I voted for Brexit was because, unlike youngsters in Britain, I remember what it was like before Britain went in to Europe. It was great in the 1960's and 1970's. That is what we need to get back to.' But it occurred to me that many of the people who say that, of course, the great difference between then and now is that then they were perhaps in their 20's or 30's and had their whole lives to look forward, and now they may be coming more towards the end of their lives and there is a tendency for older people to look back through rose tinted spectacles and think the past was always better than the present or the future. I think that may have had some influence on the 'Leave' vote.

1865 But I do commend Policy & Resources for their approach. I think their establishing this troika or triumvirate, or whatever it is, to lead our response and our negotiations is commendable. But I do have two questions about our approach.

1870 The first is that it concerns this Great Repeal Bill because – now, maybe I have misunderstood this, but – it seems to me that the great repeal action in our context is necessarily very different from the UK's, because a lot of the legislation that the UK either will repeal or domesticate has been extended to the UK automatically because of its membership of the European Union. Whereas it must be that some of the legislation which applies to us has been, not so much extended, but we have chosen to adopt it voluntarily.

1875 So there is a sort of essentialness: if the UK is withdrawing then automatically some of the legislation which has been domesticated there will fall away, presumably, whereas in Guernsey that would not necessarily be the case. I assume that we do not need to approach this great repeal activity in quite the same way the UK do. But if the President of the Committee could give us a bit more information about that when he sums up, I would be grateful.

1880 The second thing I do not fully understand is that the States of Jersey have been able to identify and allocate a budget. Deputy Prow said, I think it was, £1.7 million or £1.75 million, something in that order. Well, we know that Jersey normally like to invest in government and in public services at a factor somewhat above ours, so we would not wish to allocate £1.75 million, no doubt, but why is it so difficult for us to identify, at least as a sort of initial estimate, how much it is going to cost, whether that is in Policy & Resources Committee's budget or the budget of the Committee for Home Affairs, or any other Committee's budget? It seems to be particularly difficult for us to put a number to it and I do not fully understand why.

1885 The policy letter sets out the impact in law for us of Brexit. Now, that is very interesting but it seems to me that that is not likely to be the greatest impact of Brexit on Guernsey. We have never been a member of the European Union, and I do not doubt that our relationship, certainly with the UK and with European generally because we have had third country status, can be maintained and protected as Britain leaves the European Union. But the single greatest risk of the impact of Brexit on Guernsey is not in the legal or constitutional arenas, but is the effect of Brexit on the UK economy, and the effects are highly uncertain. Our economy does not exist in isolation and is clearly influenced by the nature and health of the UK economy. This is where my greatest concern lies.

1895 Paragraph 2.2 of the policy letter says the UK will seek to replace – the current EU related arrangements, it means – with new trade and customs agreements. Now this implies, and the UK government is busily implying in its public comment, that these new trade and customs agreements will be in place at the point of Britain's withdrawal from the European Union. But that may not be the case.

1900 Some of the more realistic Brexiteers – and I heard the former Chancellor Nigel Lawson making a speech the other day in the House of Lords saying the same thing – are accepting that what the EU believes Britain is negotiating is its exit from the EU. And if Ministers in the UK simply pretend that what Britain is actually negotiating is a new trading relationship with the European Union, they may find themselves disappointed because it may be that Britain's new long-term trading relation with Europe has to be dealt with after Britain has withdrawn. Now, if that proves to be the case, we clearly have no influence over that, but if that proves to be the case potentially that is a significant risk to the UK economy, and consequently a risk to our economy.

1905 Financial services – there are many people, including many in this Assembly, who are much more expert in this area than I am, but I am told by them that the health of our financial services industry has a great deal to do with our access to and relationship with the City of London.

1910 Well, for the first time since the growth of our finance industry, the City of London is going to be outside the European Union. Now, that must come at some risk in terms of investment decisions that are being made by multinational companies, and if the City of London is impacted negatively by the UK's withdrawal then there must be some risk of negative impact on our financial services industry in Guernsey.

1915 Paragraph 3.4 makes it quite clear that since 1972 we have had a very fortunate relationship with the European Union and with the UK *vis à vis* its own relationship with the European Union, and I think we should be quite thankful to our predecessors who negotiated that arrangement.

1920 We have had no trade restrictions, no tariffs or quotas beyond VAT, as if VAT was in place. We have, in effect, enjoyed the free movement of people with the grandfather qualification, but not of EU citizens into Guernsey, or at least not on the same basis. So we have basically been in for trade purposes and out for all other purposes, which has been a bit like having your cake and eating it.

1925 Is it the objective of the Policy & Resources Committee, and is this objective realistic, to maintain post-Brexit all of the benefits which we have had in place since 1972? So in a sense, freedom of access in trade terms and no obligations in all other respects. That is where we have been. Does the Policy & Resources Committee believe it is realistic to maintain that position post-Brexit?

I will give way to Deputy Roffey.

1930 **Deputy Roffey:** Thank you.

Will Deputy Fallaize accept that actually there has been free movement of people into Guernsey by EU nationals? The Housing Control Law has affected where they could live but there has been, since the UK went into the EU or the EEC as it was back then, free movement of people. He said that there was not and I would not want to send out a wrong message.

1935 **The Bailiff:** Deputy Fallaize.

1940 **Deputy Fallaize:** Yes, I accept that. Of course, in effect, we have been able to overlay Housing Control legislation, which in practice has acted as something of a population management regime – imperfect though it has been. So in practice, yes, clearly there has been freedom of movement, but our Housing Control legislation has qualified that very considerably. I would be interested to know from Deputy St Pier whether he envisages that Guernsey will be able to maintain, in effect, all of the benefits that it has enjoyed since 1972 without having to comply with any of the obligations. If so, I think the challenge in doing that is laid out at paragraph 6.1, which is, perhaps, the most interesting paragraph of all in the policy letter, because it pertains to set out, sorry
1945 pretends to set out, the UK's 12-point negotiating strategy or their objectives, No. 1 is:

Providing certainty and clarity.

Well, of course, there is absolutely no certainty or clarity whatsoever, and there is unlikely to be any until sometime after the UK has withdrawn, which may be two years away. The Brexiteers in the government do not even agree amongst themselves about what Brexit should look like, and
1950 the Prime Minister has been reduced to uttering this somewhat pathetic phrase, 'Brexit means Brexit'.

Now, Brexit is meant to be all about regaining control and freeing the UK from the shackles of the standards and the regulations which are imposed by the EU. But if one reads through this list of objectives that the UK government has at paragraph 6.1 of the policy letter, for example, No. 6
1955 includes securing the rights for UK nationals in the EU. No.7 is:

Protecting workers' rights.

No.8 is:

Ensuring free trade with European markets.

No. 11 is:

Co-operating in the fight against crime and terrorism.

1960 These are the very areas out of which arise the common regulations and standards which the Brexiteers are so keen to free the UK from. Now quite how the UK government believes that it is going to be able to protect workers' rights, and ensure free trade with European Markets, and co-

operate in the fight against crime and terrorism as if it was in the European Union, without having to comply with any of the obligations which membership confers on member states is beyond me.

1965 I have listened to much of the debates in the Commons and the Lords about this issue and government ministers are unable to answer this. They are pretending it is possible to maintain all the benefits of trade, all the benefits of co-operation, all the benefits of security, all the benefits of rights of residents, without having to comply with any of the obligations. This plainly is nonsense.

So it somewhat concerns me that this policy letter says that the UK's negotiating objectives are closely aligned with our own objectives, as if, well that is okay then, because the UK inevitably is going to be able to achieve all of these objectives. Because doubtless it is not.

1970 No. 5 in their list is particularly ironic because they say that they:

... will have control over the number of EU nationals coming to the UK.

– when I am quite sure that those people who voted partly on the grounds of immigration in the referendum debate did not have in mind EU nationals.

1975 It was not German engineers and Italian bankers that they wanted to get rid of. The concern they had in the main was non-EU immigration, and there is nothing about EU membership which affects the UK government's ability to control non-EU migration now, so quite why anybody should believe that its ability to control the number of EU nationals coming to the UK is suddenly going to cause a great difference to immigration policy or is going to make the UK a better place, Heaven knows.

1980 But the point for us is – for Guernsey – what are the prospects of the UK being able to withdraw from the European Union, free itself of all of the common standards and regulations that membership implies, but retain all the benefits of free trade, and retain all the benefits of co-operation and retain all the benefits of rights of residents. I would say that the prospects are quite low. If the prospects are quite low for the UK, then it will inevitably affect the UK economy, and that could potentially have a negative effect on our economy.

1985 That, sir, is why I think Deputy Inder was right when he said that Brexit is the great issue of our time, both in the sense that it is, I think, a huge risk to future generations. In fact, I suspect, I hope if I live a reasonable number of years longer, then I expect that the UK will be applying to re-join the European Union, or whatever it is that has succeeded the European Union.

1990 The UK realised soon after the Second World War that it was slow to the party, it tried to get in twice before it made a successful application, and the UK economy was in a terrible state, it was recognised that the countries of Europe had found much better ways of managing their affairs than the UK, and the UK had to join on inferior terms, because it had been late to the party.

1995 I suspect that the UK will go back in to whatever the European Union, or its successor body, looks like some years or decades from now, only on much inferior terms than those that it enjoyed between 1972 and 2019.

But it is in any event a huge economic gamble. Some people have been prepared to take that risk. I think it is foolhardy in the extreme, but it is a very significant gamble with the economic health of the UK and if it impacts on the UK negatively, and we do not have any influence over that, obviously, then it could quite possibly impact very negatively on Guernsey.

2000 I want to make that point in this debate, because I think there is a danger of us believing that for us this is only about protecting our legal position, protecting our constitutional position; it is not. The big impact is the economic impact, and it is possible that Britain could seriously catch a cold, and if Britain sneezes then economically Guernsey will catch a cold too. This is an additional challenge, an additional risk, which is the very last thing that our economy in Guernsey needed at the present time.

2005 Whatever the UK thinks about the EU, our relationship with the EU has been almost ideal because of our third party status, we have had free access in trade terms and we have not had to comply with many of the obligations. So for Guernsey, I think invariably it would have been better if the UK had remained inside the European Union. Coming out puts their economy at some risk,

2010 and therefore must put our economy at risk. I hope it is not the case, but I would not be surprised if we find our economy materially weaker in the years ahead than it would have been otherwise.

The Bailiff: Deputy Tindall.

2015 **Deputy Tindall:** Thank you, sir.

Since the first Brexit debate much has been done, and as we know much more needs to be done. The policy letter sets this out particularly well, and assists each of us to play our own part in this process. This is so we can affect what we can actually affect, acknowledging the risks and adapting nimbly to how the UK, and in particular for the finance industry, the City of London, deal with the conundrums they face, including perhaps re-entering the successor body, as Deputy Fallaize mentions.

2020 We start, however, at least singing from the same hymn sheet, with having aligned objectives. It is clear that the resources requested are needed to ensure the channels of communication remain well and truly open.

2025 However, I am also pleased to note that those in the Bailiwick, and elsewhere, who have specific expertise in the areas covered under Brexit – and there are many – are involved and will continue to be involved where necessary, as they will surely be needed.

As I said in my maiden speech last year, I still see the positives for Guernsey, and indeed all of the Channel Islands, and I hope that the hard work continues to ensure we can fully benefit as a result.

2030 **The Bailiff:** Deputy Lester Queripel was standing earlier.

Is it a five-minute speech or less, Deputy Queripel? Or is it ...? *(Laughter)*

2035 **Deputy Lester Queripel:** I have not timed it, sir, but I imagine it will be finished by half past.

The Bailiff: Deputy Lester Queripel then. *(Laughter)*

Deputy Lester Queripel: Half past one, sir.

2040 In his opening speech, Deputy St Pier touched on the Common Travel Area, also referred to in the debate on the amendments. This, as we know, is the area in which sex offenders amongst others are permitted to travel, as long as they notify the authorities within the area. So, bearing in mind that it seems to me that perpetrators of crimes have more rights than the victims in this day and age, I ask the following question: if there are moves made by any of the other areas involved in the Common Travel Area to slacken the laws in any way, shape or form, on the grounds of the rights of sex offenders, can the President give the Assembly an assurance that P&R and the External Relations Group will oppose the slackening of the laws?

2045 Just to clarify, sir, I am not asking Deputy St Pier to predict or anticipate or gaze into a crystal ball to try to see whether or not any of the other areas will be proposing a slackening of the current laws. What I am asking for is an assurance that P&R and the External Relations Group will oppose the slackening of the current laws should the need arise to do so. I ask the question, sir, because this is a serious issue and I think the Assembly, and the people of Guernsey, need to hear such an assurance.

2050 I did challenge the freedoms of convicted sex offenders to travel within the Common Travel Area when I was a Member of the previous Assembly. Deputy Le Tocq was the Home Minister at the time. I accepted that one has to be pragmatic when the need arises. So, on the advice of the Home Department, I decided not to pursue the issue, but to continue to monitor future developments regarding the laws that govern the Common Travel Area in relation to sex offenders.

2060 In closing, sir, I think I need to stress this is no time for complacency or ridicule, this is a serious issue, and any slackening of the laws in relation to allowing convicted sex offenders to travel

would, in my view, put our fellow Islanders at tremendous risk and threaten their wellbeing, and surely we, as politicians, cannot allow that to happen. Surely we have to stand up for the rights of innocent people.

2065 So I look forward to the response when the President replies, sir, if he could.

The Bailiff: Deputy Kuttelwascher, is this a short speech?

Deputy Kuttelwascher: Yes, I will keep it to a couple of minutes, sir.

2070 I was just bemused by Deputy Fallaize, in a way, because he reminded me very much of Deputy Trott, where he started asking questions to which he actually knew the answers. *(Laughter)* He posed a number of questions at the beginning and then actually gave the reasons why you could not answer them, because uncertainty permeates. There is no certainty about anything in relation to Brexit at all. You can have all the objectives you like; we do not know how this is going to progress.

2075 He also used it as a platform to oppose the whole idea of Brexit in the first place, but it is democracy, isn't it? There was a referendum. It was not really the fault of Theresa May or anybody else that you could say that it happened that way, and as we all know, democracy is a system of government where everybody gets what nobody wants. *(Laughter)*

2080 So all I can hope for is that we can address issues as they arrive, quickly and we do not know what is going to happen. We do not know what the budget is going to be; it could be £10 million, I have no idea. In fact, everything may go very smoothly – it may not, but we have to be quick and nimble, which is something that as an Assembly, as a Government, we are not famous for. Things have to change. I have got a feeling that we are at least on the right track.

2085 I am happy to support all the Propositions in this policy letter.

The Bailiff: Let's have a brief indication of how many more people wish to speak. I sense there are quite a number. Yes. Well, we will resume this afternoon at 2.30 p.m.

Thank you.

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

2090 **The Bailiff:** Members, we continue with the debate on the Policy & Resources Committee's policy letter on acknowledging the triggering of Article 50 of the Treaty on European Union in respect of Protocol 3.

Who wishes to speak? Deputy Lowe.

2095 **Deputy Lowe:** I will go, sir.

Mr Bailiff, the Committee for Home Affairs have already embarked upon what will be a huge workload with regard to engaging with Her Majesty's Government on the implications of Brexit upon our Bailiwick. As the policy letter outlines, there are important matters involved which relate to the mandate of Home Affairs, not least with regard to the movement of people and goods.

2100 The Committee has asked Deputy Prow, because of his background, to liaise with the Policy Council at political level in order to co-ordinate our efforts and he will update regularly to the Home Affairs. It must not be underestimated, even at this stage before the UK triggers Article 50, the impact of this undertaking upon a very busy Committee which will also have to cope with business as usual.

2105 The UK exit will mean that Guernsey will see the end of Protocol 3. There will be more change in the work of the Committee for Home Affairs than there will be for some of the other Principal Committees, alongside the Committee for Economic Development and Policy & Resources Committee. This is because of the work that we will need to do on immigration and customs.

2110 So far, the Committee have been engaged in two of the four priority areas of work with the UK
government. Officers have attended two meetings on free movement of people, one in November
2016 and the second in February 2017. These are becoming important forums in which the UK can
understand our position and help develop a future policy that takes into account our interests
against the background of our existing Protocol 3 arrangements falling away. Home Affairs
officials also attended the first meeting on the future of the Customs Union in January 2017. The
2115 scope of this work will be influenced by the UK's negotiations, and these meetings play an
important part in that.

The importance of the rights of EU nationals in the UK and of British nationals in the EU is a
priority issue for the UK to negotiate when it has triggered Article 50. The importance is
highlighted by the amendments inserted by the House of Lords. We will be guided by the UK, due
2120 to the ties we have, on immigration or nationality. However, this is equally a priority issue for
Guernsey, which includes our Common Travel Area arrangements. We are ensuring the UK are
aware of our interests and that they may diverge from our own interests. Working to get this right
will be a central pivot of the work for the Committee for Home Affairs with the Policy & Resources
Committee.

2125 In June 2016 the States set its negotiating objectives. Like the UK, we will want to guarantee
the rights of EU nationals in Guernsey and will still want to bring in EU nationals as part of our
workforce as well as ensure Guernsey's British nationals enjoy the EU rights they currently have.
The UK are clear that they want to keep the Common Travel Area, of which we are part, intact.

In January 2017 we learned from the UK Prime Minister's Lancaster House speech that the UK
2130 are heading out of the single market, meaning there will be fundamental changes in the customs
arrangements that we have with the EU. When the States set its negotiating objectives they
included an aspiration to maintain free trade with the UK and seek tariff and barrier-free trade
with the EU as well as establish new trading relationships. These are completely aligned to the
UK's objectives. The UK government has made clear that it does not intend to change the
2135 constitutional and trading relationships the Crown Dependencies have with the UK. The
Committee will play a pivotal role in working with the Policy & Resources Committee and UK to
make this a success.

I should also report that at Home Affairs the Committee has met with our counterparts in
Jersey recently and we agreed that a close and productive working relationship will help us meet
2140 any challenges that Brexit might create during the next few years. I also met with three
Westminster MPs from the Justice Select Committee when they visited Guernsey regarding the
UK's withdrawal from the EU, and in my capacity as President of Home Affairs chaired the
movement of goods and people meeting, which was also attended by Deputies Prow and Merrett.
Furthermore, I recently met with the Secretary of State for Immigration, Robert Goodwill, at a
2145 Common Travel Area meeting in London two weeks ago.

Much work has begun, but this is only the start of a long and challenging journey in order to
protect the interests of our Bailiwick. I therefore support the report before you.

The Bailiff: Deputy Inder.

2150

Deputy Inder: Sir, just briefly, I am hoping that in Deputy St Pier's summing up he is going to
pay some homage to the staff at the Centre who are doing the majority of the research and the
writing and communication. This is mainly more for public record. Having been to one of the
presentations and one of the workshops, I have been incredibly impressed by the level of
2155 knowledge and understanding that that team exudes and properly imparts to us. I think we are in
as safe hands as we can be in what is a period of huge uncertainty. There are times, sir, when the
backroom work should be recognised and I think this might be one of those times.

The Bailiff: Deputy Ferbrache.

2160

Deputy Ferbrache: Sir, when I left home this morning the weather was not very nice, but my naturally sunny disposition was burning through and I felt I was lucky: I was healthy, happy and I was coming here to perhaps hear the odd good speech or two. Well, I have got to say the day has not finished yet, of course, *(Laughter)* but in connection with that the day turned a bit darker.

2165 Firstly there were Deputy de Lisle's questions of Deputy Lowe, and I thought, 'I'm lucky I've got an underground garage – on the way home I'll make sure it's boarded up, and I'll go to the supermarket that's next to my colleague Deputy Mooney's house and I'll make sure I get lots of beads and that horrible bread you get from Waitrose.' So I thought, 'We'll be all right, whatever happens with Flamanville or the other place, Cap de la Hague.'

2170 Then ... I am always interested in hearing the speeches on whatever topics made – they speak on most topics – by Deputy Roffey and Deputy Fallaize: always very interesting, very philosophical, very erudite. Perhaps I could commend to them the school of speeches from Deputy Lester Queripel and myself, i.e. a bit more brevity. *(Laughter)*

2175 **A Member:** Hear, hear.

A Member: Point of correction *(Laughter)*

Deputy Ferbrache: Jolly japes!

2180 Anyway, in connection with that, it is quite clear that Deputies Fallaize and Roffey did not really like the vote that the British people came to on 23rd June. I did not particularly either – I would not have voted, if I had had a right to vote in the UK, with the majority – but that is the vote that we have got to live with and that is the vote that we have got to deal with.

2185 Deputy Fallaize talked about the programme he listened to on *Radio 5* where the oldest chap – well, he was probably younger than me – spoke about the 1960's and the 1970's. What is absolutely certain is that the present is a heck of a lot better for most people than the past – a heck of a lot better. It is for me and I think it is for the overwhelming majority of the people of Guernsey and England. In England, in what I call Toffsville now – the Notting Hill place and all that, where people pay £42 million for a one-bedroom flat of 82 square feet, or whatever it might be ...
2190 In the Toffsville of Notting Hill, when you go back to the early 1960's it was awful. People were living in poverty. Read any of the Alan Johnson books, the former Cabinet Minister – he grew up in that kind of area. It was awful. People were living in squalor and ... I will sit down.

The Bailiff: Deputy Roffey.

2195 **Deputy Roffey:** Can I ask Deputy Ferbrache: did they have outside toilets in those days? *(Laughter)*

2200 **Deputy Ferbrache:** They were even unluckier, or more deprived, than I was, if I can say that to Deputy Roffey, because they had to share them with about eight or 10 families, so that was real poverty.

I give way to Deputy Inder.

Deputy Inder: Thank you, sir.

2205 Deputy Ferbrache, would you agree with me that if you remember the sixties you just weren't there? *(Laughter)*

Deputy Ferbrache: I don't think I'll comment on that.

2210 What do we do? The more I heard the very able speech from Deputy Fallaize the more I wanted to ... I saw this not physical transformation, this mental transformation through an intelligent, erudite youngish man into Private Frazer from *Dad's Army*. *(Laughter)* 'We're doomed!

We're doomed!' (*Laughter*) We are not doomed. The future, as Deputy Kuttelwascher said, is uncertain. None of us really know what it will hold.

2215 I think it is undoubtedly correct, as Deputy Fallaize says, that the British economy has actually done better than was thought post-Brexit, but I think it is undoubtedly the case that certainly for a number of years it will not do as well as it would have done if it had stayed in the European Union. So there will be growth but it might be 1.5% instead of 2.5%. So it is not going to be as good, but we are where we are, and whether you are my age, Deputy Graham's age, Deputy Fallaize's age or somebody else's age, wherever we are you have got to look forward to the future with optimism,
2220 because generally if you look at the world at the end of every decade, with very limited exceptions over the last 160-170 years it is richer, it is better. It is better for people, not everybody, and the world has still got a long way to go or will never get there in relation to all kinds of prosperity, but with Brexit – with Mark Antony, Octavius and Leopardus, or whoever they may be (*Laughter*) – I am confident that we could not be in better hands and I am confident, as I think we all should be
2225 from the response we have had from the British government, that they are listening to us and they realise that our interests have to be accommodated.

It just shows you can all read the same document in a different way. If we look at paragraph 6.1, which is Mrs May's 12 aims, I do not actually see any real harm in any of these. The first one, 'Providing certainty and clarity': what is wrong with that? You always want to do that.

2230 'Taking control of our own laws' – where I did not like the European Union: it had not signed off its accounts for years and years, there was corruption, it was run by non-elected people. I always find it ironic ... Do you remember there was a Leader of the Opposition – I will not name him, but from 1983 to 1992 – who before he became Leader of the Opposition hated Europe so much that when they were going to debate it at one time he would not go into the House of
2235 Lords? He eventually became a commissioner, he became very pro Europe and he now receives a very, very fat pension from the European Union – something he would not have earned either through capability or otherwise in connection ... if he had not been a European commissioner. No disrespect to him at all, of course! (*Laughter*) In connection with where we are, the future will not be easy, the road that we have to travel will have lots of problems, but I am confident – not
2240 because I am unduly optimistic; I have got to walk home with Deputy Mooney afterwards and we talk about the ways of the world on the way up – that Guernsey will come out of it okay, Britain will come out of it okay. I do not think they will be applying to join ... if we go back 30 or 40 years, to join the European Union, or whatever it was. It will be a different kind of trade organisation.

You carry on down this little list and see 'Controlling immigration' and 'Securing rights for EU
2245 nationals'. If the commencement ordinance is passed on 29th March we are bringing in population controls, so we are bringing in controls. I appreciate they are different from immigration and the two are not ... They might overlap, as somebody said, but they are not completely 'synergetic' – if there is such a word. We are doing that because we realise we have got 24 square miles and we have got to have a degree of control over the people who come and
2250 go. I think we have got to be a heck of a lot more realistic than we have been, and we are closing the door after the horse has bolted, all that kind of stuff, and preventing opportunity, and we have got to rethink some of these things, but if we look ... Deputy St Pier said he would welcome a debate.

My philosophy in relation to this is that if we move forward in a purposeful way – in the way
2255 that Guernsey did in the 1970's when it protected then horticulture and tourism by the provisions of the European Union and Protocol 3, or the EEC Accession Agreement, or whatever it was called – it will undoubtedly be a different type of agreement, a different type of situation, because history moves on. It has been a long time since Abraham Lincoln was President of the United States; it has been a long time since Queen Victoria died. We move on in history and we move on
2260 optimistically because we are in a wonderful place: a fantastic place to do business, with a democratic Assembly, a wonderful system of law peopled by able judges and able lawyers. We have got a lot to look forward to and if we move forward in the way that we should be looking

forward to, then I think we have got more pluses than minuses. We are not in a situation we want to be in, but we are in a situation we can deal with and we will deal with.

2265

The Bailiff: Anyone else? Deputy Green.

Deputy Green: Sir, thank you. I can be brief.

2270

I think the really good thing that has come out of all of this is the fact that ... Deputy St Pier mentioned this when he opened this morning, which is that now there is a much greater understanding of our constitutional position than there was hitherto – and it is quite remarkable to say that out loud, but that seems to be the case.

2275

I am certainly not a doom and gloom merchant like my colleague who sits to my right here, but as Deputy Ferbrache says, I do think we have to try to remain positive whilst also recognising that there are big risks out there, and Deputy Fallaize made the point that the greatest risk, in my opinion, is the risk to and the potential impact on our financial services sector and to our economy in the future. There is a lot of uncertainty and we do have to try to be nimble yet reactive to the challenges we have got.

2280

A very quick point about process. I think it is very good that we are having this parallel parliamentary process in Guernsey, in parallel to what is taking place in the UK, from the point of view of respecting the parliamentary system that we have and indeed respecting the system of government that we have, and on that topic there were a few comments in the policy letter, that I would like to refer to, which gave me some cause for concern. It was primarily section 8 of the policy letter – 8.2 and 8.3, in fact. Section 8.2, sir, refers to:

Matters will be laid before the States in order to keep the assembly informed as and when required, alongside regular statements. However, it should be acknowledged that there are likely to be certain stages in the process where matters will need to be dealt with sensitively to respect and maintain the open channels of communication with the UK Government.

2285

I absolutely take the point that we have to have trust in the triumvirate that we have set up. Actually, I refuse to use the word 'triumvirate' – I am personally going to call it the 'Brexit Sub-Committee'. *(Laughter)* But yes, I think we have the correct structure in place there and I respect and trust the three Members of that Brexit Sub-Committee to do what is necessary, but I do have some concerns about 8.2 because it does rather sound like 'we won't tell the States certain things if or when we choose to do that', and I would be grateful if Deputy St Pier could allay my fears on that in terms of the inclusion of the Assembly in key matters concerning Brexit in the future. I accept it is a complex issue; it is probably an issue where there are going to be a lot of rapid developments and we will have to be nimble, as Deputy Kuttelwascher has said, and that does not always sit very easily with the system of government that we have got. Nonetheless, it is the system of government that we have got and we have to respect it.

2290

2295

Section 8.3 refers to this, and I quote:

Since the UK's EU referendum, the Policy & Resources Committee and the Committee for Economic Development have been engaging with businesses, industry bodies and other stakeholders ...

I am pleased about that engagement. I wondered whether there could be a little more detail about which industries we have actually engaged with, which other stakeholders we are talking about, and about what precisely would be helpful. So there is that.

2300

The other main point I wanted to make was about the resourcing, because I think section 7.2 refers to the extra resources that Policy & Resources have put into place and I think that is necessary – and indeed we have had the amendment from Deputy Prow as well, which was fine – but I do think going forward we are going to have to be much more realistic about what this potentially could cost us and how do we actually ensure that we get the best possible deal for ourselves. That is the central question: how do we ensure that we put ourselves in the best possible situation, given all of the uncertainties and difficulties. I think at some point we are going

2305

2310 to have to be realistic and say we are probably going to have to invest in some people with very high-level contacts at Westminster, with politicians and with civil servants. We are also going to have to be realistic about what we will need in any specific negotiations, and I think that will require some pretty high-powered lawyers, possibly over and above what we have already got. And we also have to be realistic about what burden this is actually going to put on the Law Officers, because with the Great Repeal Law, the 'Great Retention Law' or whatever it is, there is no doubt that the pressure, the burden, the amount of workload we are going to be putting on to the Law Officers will be enormous, I think.

2315 At the end of the day, the key issue I think is the issue of how we seek to replicate the great advantages that we have had from Protocol 3. As Deputy Fallaize said, we have been able to have our cake and eat it with Protocol 3 for many years. It has done us very well and it has done us proud, and we have to try to replicate those advantages as best we can in this brave new world. It is not going to be easy but we have to make sure that the resources are going to be available to do that. At the moment I think it is probably too soon to ... I think it was Deputy Prow who said we are probably at a too-early stage to be able to scope fully the resourcing implications for getting the right deal and the best deal for Guernsey, but at some point we will gradually begin to see a clearer picture, and I think at that point we have to be honest, we have to be realistic and we have to say that if we are going to need to spend more money then that money is going to have to be found to get the right expertise and to get the right result.

2325 I think that is probably all I have got to say, but obviously I will be supporting the Propositions.

The Bailiff: Deputy de Lisle.

2330 **Deputy de Lisle:** Sir, several pundits have pointed up opportunities for Guernsey to be providing advice to the UK rather than taking it, and I hope we will look at that because it seems to me that we are in a very good position to provide that and to capitalise on that particular angle and use it to our advantage.

2335 It is unfortunate, in a way, that this comes – Brexit – at a time of uncertainty with regard to changes that we have got going on internally here with employment and housing laws changing, for example, the transformation of the Health Service and new education proposals coming forward, but with all our external transport links being in good hands for change with Deputy Ferbrache I do not think we have anything to worry about.

2340 One thing that I would like to just receive some clarification on is the resourcing – a point that was mentioned a few months ago also. P&R are requesting three civil servants, at a cost of £400,000 over two years, to be seconded to External Affairs Unit. It would be nice to know a little more about that as to who these people are who are being parachuted into the system, where they are coming from and so on and so forth and what skills they are going to bring in. Having been fortunate enough to sit in the St Saviour's Douzaine recently, one or two of them were quite concerned that we were not just seconding local staff – if you like, our current staff – into these positions, but that we were bringing experts in the field that could help provide a successful result for Guernsey. So this is very important, I think, that we get some sort of indication as to how these funds are going to be used and the skill sets that are going to be brought in and where they have been brought from – Brussels, mainland Europe, the UK or where.

2350 There is also another point and that is that the uncertainties for the finance industry have hit the press recently in terms of warnings with regard to the Brexit impact, particularly in securing the EU's Alternative Investment Managers Directive passport and the impact on the funds industry and the fact that the Island is already beginning to find it harder to attract new funds business and that many funds are being domiciled in Luxemburg rather than Guernsey at the request of investors who want ease of marketing into the EU.

2355 There is also the point of the loss of EU nationals, and we know that it is going on in nursing and doctors, but also in the retail and the tourist trade in Guernsey we know there is a movement already out of the Island.

2360 So I think these are other points that need to be considered as to how we are going to take
advantage of the current situation and move forward with our economy rather than finding
ourselves downsizing the economy as a result of the uncertainty that prevails, not only internally
in the Island now with some of these new changes that are going on but also with the overall
Brexit situation.

Thank you, sir.

2365

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I think the position that we find ourselves in is probably halfway between
the rosy picture that Deputy Ferbrache paints and the cautious one that Deputy Fallaize describes.

2370 For me, throughout this process, understanding and mitigating the risks associated with Brexit
is key – but maybe not for the reasons you might automatically assume.

I think arguably the biggest risk of all is that we spend so much time focusing on the risks that
we fail to identify and exploit the opportunities, and there will be many. One such opportunity is
that if ever there was a time to work more closely with Jersey – and we are – it is now, because
2375 Jersey's interests and ours are mutually aligned: they have exactly the same concerns as we do. Of
course we matter individually, but we certainly matter in aggregate because the Channel Islands
has collectively in aggregate about £250 billion-worth of bank assets and about £500 billion in
funds – funds under administration in particular – and a staggering £1 trillion is administered
through our trust and fiduciary sector in both Islands. We are Europe's sixth-largest fund domicile,
2380 the sixth largest, and we are Europe's largest captive insurance domicile. We matter, and the UK
knows that.

What is key for us is not seeing a UK trade agreement post-Brexit but a British trade
agreement, one that recognises as part of that process our importance to the City. Why is that
important? Well, we need to keep in perspective who our trading partners are. Yes, we have global
2385 interests but the majority of our trade is carried out with the United Kingdom, particularly in
financial services. A 10% increase in the amount of business that we do with the UK would be
more than enough – assuming, of course, that we did not see the loss of too much business – to
keep us very busy for a considerable period of time. So there are all sorts of opportunities and we
need to be cognisant of that.

2390 A question was asked, I think by Deputy Green, with regard to some of the other things that
we are doing that may not be in the public eye. Well, we are actively engaging with anyone who
wishes to speak to us within our community, whether that is the Institute of Directors, the
Chamber of Commerce or, importantly, the finance sector forum, which is a place where issues of
this type are discussed, often with a technical bias. That is important, because it is often the
2395 technical difficulties, particularly with regard to market access, which I think is the point that
Deputy de Lisle was making, that make understanding those issues so important.

But there are other things as well. We, as Members know, part fund ... we are the primary
funder, in fact, of Guernsey Finance, the financial services promotional agency, and through that
vehicle we have access to something called the City UK. I am fortunate, because I am chairman of
2400 that organisation, to take a seat around the big table – and I use that word advisedly: it is a big
table, there are 40 people around it – and I am the only D, E or, dare I say, Z-lister there.
Everybody else around that table is either the chairman or the chief executive of the UK's largest
City institutions: Aviva, Prudential, Lloyds, Barclays – I could go on, but you get the picture. We
have a seat at that table. They understand how important we are to the City. They understand, or
2405 are increasingly understanding, our concerns. That is an example of the sort of engagement that
we are undertaking that may not yet be fully in the public domain.

So it is reassuring to hear Deputy Green and others compliment the trio that are driving this
forward on your behalf. I too do not like the word 'triumvirate' – I cannot even say it (*Laughter*) –
much preferring what it effectively is: it is a sub-committee of P&R and a sub-committee of this

2410 place, and you can be assured that we will keep you as fully advised as we are able throughout the weeks and months ahead.

Thank you, sir.

The Bailiff: Anyone else? No?

2415 Deputy St Pier will reply.

Deputy St Pier: Thank you, sir, and thank you to those who have spoken in this debate, starting with Deputy Trott's speech setting out some of the facts, which I think was quite helpful context reflecting the debate up to that point.

2420 I think Deputy Fallaize, in effectively opening the debate after the amendments, expressed a number of personal views and concerns and had a number of questions, and of course had his own personal prophecy, with which Deputy Ferbrache did not agree, and I do not think there is very much for me to respond to in respect of those personal views.

2425 However, he did ask a couple of questions. One was: what does the Great Repeal Bill mean for us? I think again as was said much in relation to this, it is a little difficult to be precise, and I am sure the Procureur will correct me if she feels that I in any way mislead the Assembly in my attempt to respond to that question. Clearly, as Deputy Fallaize said, to the extent that we have voluntarily adopted some of the regulations and turned those into domestic law, there may be no necessity to apply any legislative whitewash through the Great Repeal process to that. However, 2430 there are also tracts of European Acquis, the European body of law, which will apply to us directly because of those bits of Protocol 3, as I said in my opening speech, which do apply to us – and the problem is there is 43 years of this stuff to wade through. So I think at this stage it is very difficult to say exactly what needs to be unwound and domesticated from the European legislation and what is already there, and that is precisely the dilemma which we and every other 2435 jurisdiction in the British Isles that is affected by this process need to consider. That is the purpose of the Great Repeal Bill so far as I understand it. I am grateful to the Procureur for nodding – I am taking that as her agreement with that analysis.

In relation to seeking an initial estimate of the cost of all of this, and by comparison a near neighbour who appears to have had a stab at this, again I think in all honesty it is extraordinarily 2440 difficult to do that in an open and honest way with anything other than would be a finger in the air, because it entirely depends on what is going to change and when it is going to change. I was having this discussion during the lunch break with the present Committee for Home Affairs. For example, in relation to the borders, immigration and trade, we do not know how much is going to change, we do not know the extent of the transition period, we therefore do not know when the 2445 resources are going to be needed to be deployed – is it sooner rather than later? – and so on, so I think that reflects the comments from Deputy Kuttelwascher that we really do not know how much of this is going to play out.

Then, finally, Deputy Fallaize asked is it realistic to maintain all the benefits we currently have of being a third country, particularly for the purposes of financial services and without the 2450 obligations of being in the EU is that realistic to maintain, and expressed a natural scepticism he then went on to elucidate in a little more detail with his own prophesy for the future. Again, it is very difficult to honestly answer that. I think the starting point is we are a third country, we have been a third country for the last 43 or so years and we will be a third country after Brexit.

2455 So the starting point is, in that sense, no change for our major industry. But as Deputy Trott touched on in his speech, what we do not know is how the UK's position is going to change and how our position in relation to the UK will therefore change accordingly, particularly for those parts of the UK's industry that currently provide us with opportunities. The opportunities may be greater or they may be less, so I cannot give a ... I cannot say more than that, really, in relation to that question, other than I think it is entirely reasonable for us to maintain the objective, which of 2460 course is how this was expressed ... It remains an objective to seek to maintain the position if at all possible.

2465 Deputy Lester Queripel asked a very specific question in relation to sex offenders and whether there was any move to slacken the laws around the free movement of sex offenders. He was looking for an assurance that P&R would oppose that. I cannot imagine for one moment why any members of the Common Travel Area would want to take this opportunity around Brexit to suggest such a move. I think all I can say is clearly the Committee for Home Affairs remain the lead in relation to criminal justice and therefore how to deal with sex offenders, and also remain the lead on immigration matters, so I would expect them to be very closely involved in this whole matter.

2470 The Committee for Home Affairs, the President of the Committee for Home Affairs, and indeed this Assembly through the Policy & Resources plan process, have determined that the Island's security is one of our priorities, particularly during this term through the P&R plan process, and clearly that question of who therefore is able to come to our Island is central to that question of securing that priority of the security of our borders.

2475 All I can say is that if there were – and this really is crystal ball gazing – any move to slacken the laws around the freedom of movement of sex offenders I have no doubt whatsoever that the Committee for Home Affairs, as the lead Committee, on that matter ... It would be an alarm bell for them and I am pleased that the President again is acknowledging that as the likely position for the Committee.

2480 Deputy Inder really, I think, made the very good point that it was important to recognise the back room. Clearly, to get to this point we have been extremely reliant upon and grateful for the excellent support that we have from our officers, and we are going to be very dependent on them, increasingly reliant on them over the coming months, so I am grateful to Deputy Inder for making that point.

2485 Deputy Ferbrache was, I think, characteristically optimistic and, I think, rightly so because I think in absence of reason to be otherwise that is precisely the right approach that we should take to this. We have to acknowledge that this whole process is one which has been begun without our involvement – it is happening, and therefore we have to embrace it as an opportunity. And so I thank him for that intervention.

2490 With respect, I think Deputy Green is probably reading a little bit too much into paragraph 8.2 of the policy letter. I think it was really intended just simply to make the point, as I think he acknowledged in his speech, that there may be some matters that need to be handled a little bit more sensitively, but there is absolutely no intention ... That is not expressing any kind of intent on the part of Policy & Resources to conceal things either from other committees or from this Assembly. We are absolutely committed and I hope the engagement which we have displayed in the last few months through the policy letters, through the statements, has demonstrated that intent to keep Members fully involved. This is the largest single thing that will happen to the jurisdiction in many years. It is a joint enterprise and we need everybody to be fully informed. I hope that gives Deputy Green some reassurance that there was no ill intent behind the words in paragraph 8.2.

2500 In relation to 8.3 and the engagement with industry, clearly there are established structures for engaging the industry forum that deals with the finance sector and so on, and again this will be an evolving picture. I would expect the Committee for Economic Development to become involved with other sectors – the fishing industry, of course, and no doubt hospitality and tourism as well – as the picture develops.

2505 I think Deputy Green also made the very valid point in relation to the need to acknowledge the increased demands on the Law Officers, and again I am sure that is something which the Law Officers are very well aware of and, no doubt, on the back of the amendment from Deputies Prow and Lowe we will obviously be engaging with the Law Officers in relation to their resource requirements as well. And again to the extent, of course, that it is possible for us to share resources with other Crown Dependencies in dealing with some of the common issues around the Great Repeal Bill and so on, we will seek to do that as well.

2515 Then, finally, Deputy de Lisle, in relation to resources also questioned who these resources
were. This initial phase of secondments ... and I think I can give Deputy de Lisle the assurance that
we are again determined to ensure we do have the right skills. This is not necessarily about
parachuting the right solutions, to parachute consultants or others in from outside. What the
Constitutional & External Relations team believe is that there are suitable skills around the States
of Guernsey who can come into the team, allowing in particular those who are currently involved
... free them up from some of their other responsibilities to give them more capacity. That is the
2520 initial phase, so it is more about supporting the team, allowing them to devote more time to this
rather than anything else. But it is a valid point and again it is one that the Policy & Resources
Committee considered when the resource request came to us – exactly what are the resources
and where are they most appropriately sourced from.

2525 I hope, sir, that I have responded to all the key points in the debate and I do hope that all
Members will support the amended Propositions.

The Bailiff: Members, we come now to the amended Propositions. I remind you that there is
now an additional Proposition 3(d) inserted by the successful amendment from Deputy Prow and
Deputy Lowe, and a Proposition 4 inserted by the Deputy Roffey/Tooley amendment.

2530 Unless anybody requests that any of them be taken separately, I propose to put them all to
you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I note nobody voted against. I declare them carried.

IV. Schedule for Future Business approved

The States are asked to decide:

*Whether, after consideration of the attached Schedule for future States' business, which sets out
items for consideration at the Meeting of the 29th March 2017 and subsequent States' Meetings,
they are of opinion to approve the Schedule.*

The Deputy Greffier: Article IV: Schedule for Future States' Business.

2535 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I wish to lay the schedule. Again, I do believe it is self-explanatory – merely
to note that there are a number of Items on the Schedule for the next meeting relating to
Population Management, which I think Members will recognise is an issue of considerable interest
2540 at this time. Just to draw attention to that, sir.

The Bailiff: Any debate? Yes, Deputy Kuttelwascher.

2545 **Deputy Kuttelwascher:** I ask something about the Population Management issue. It has been
stated publicly that if the enablement provision is not passed this will have some **severe**
consequences. As far as I see it, the existing housing control law would just remain in effect ...
What exactly would be the issue if this enablement proposition was not passed? I just wondered if
it would be possible if we could go away and think about that, because I know there is some
amendment to try and delay this and it would be nice to know what would be the problem if that
2550 happened.

The Bailiff: Strictly speaking, we are only debating the order of business. That is not a matter that can strictly be raised. I suggest that if you wish to take it up with the relevant Committees that you do so outside the meeting.

2555 Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2560 On a related matter – I think this is in order under this item, but the commencement ordinance: am I right in assuming that if an amendment were laid to it seeking to substitute a different date, for example, or suggesting some other work be carried out instead of the date ... Is it right that that amendment would be legitimate, except it would go beyond the Propositions, and so all of those Rules would apply? It is a conventional Proposition to which amendments can be laid, is it not?

2565 **The Bailiff:** At the moment we are only dealing with whether to amend the Schedule for Future Business, (*Laughter*) not whether to amend the business to be debated at a future meeting, so I am not sure that is something that can strictly be answered at this stage. Again, it is something that would have to be taken up with the relevant Committee or with the Law Officers if you wish to have a legal opinion from them on it.

2570 Deputy Lowe.

Deputy Lowe: Sir, if I can add to the question that was asked by Deputy Kuttelwascher, if they are not passed it does go back to the original current Housing Control Law.

2575 **The Bailiff:** I have not heard anybody wanting to amend the Schedule for Future Business (*Laughter*), so I put that Schedule to you. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it approved and that concludes the business for this meeting.

The Assembly adjourned at 3.17 p.m.