



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 30th November 2017**

*All published Official Reports can be found on the  
official States of Guernsey website [www.gov.gg](http://www.gov.gg)*

**Volume 6, No. 30**

**ISSN 2049-8284**

**Present:**

**Richard J. McMahon, Esq., Deputy Bailiff and Deputy Presiding Officer**

**Law Officers**

R. M. Titterington, Q.C. (H.M. Comptroller)

**People's Deputies**

**St Peter Port South**

Deputies P. T. R. Ferbrache, J. Kuttelwascher, B. L. Brehaut, R. H. Tooley

**St Peter Port North**

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

**St Sampson**

Deputies L. S. Trott, J. S. Merrett, 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

**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**

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

**The Clerk to the States of Deliberation**

J. Torode, Esq. (H.M. Greffier)

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Procureur) ;  
; Deputy D. A. Tindall (*absent de l'île*);  
Deputy P. R. Le Pelley (*absent de l'île*); Deputy G. A. St Pier (*relevé à 11h 13*);  
Deputy J. P. Le Tocq (*absent de l'île*)

## Business transacted

Evocation .....	2157
<b>Billet d'État XXIII .....</b>	<b>2157</b>
Procedural – RGLI parade to mark centenary of the Battle of Cambrai – Suspension of proceedings .....	2157
VIII. Funding Arrangements & Future Developments – Debate continued .....	2158
Centenary of the Battle of Cambrai – Silent tribute .....	2163
VIII. Funding Arrangements & Future Developments – Debate continued – Propositions carried as amended .....	2163
IX. Amendments to statutory minimum wage arrangements to come into force on 1st January 2018 – Propositions carried .....	2182
X. Amendments to Population Management Law – Debate commenced .....	2190
<i>The Assembly adjourned at 12.40 p.m. and resumed at 2.30 p.m. ....</i>	<i>2202</i>
Amendments to Population Management Law – Debate continued – Propositions 1-4 and 7 carried .....	2202
<i>The Assembly adjourned at 5.45 p.m. ....</i>	<i>2244</i>

*PAGE LEFT DELIBERATELY BLANK*

# States of Deliberation

*The States met at 9.30 a.m.*

[THE DEPUTY BAILIFF *in the Chair*]

## PRAYERS

*The Greffier*

## EVOCATION

# Billet d'État XXIII

## **Procedural – RGLI parade to mark centenary of the Battle of Cambrai – Suspension of proceedings**

**The Greffier:** Continuation of Article VIII, the Overseas Aid & Development Commission, funding arrangements and future developments.

5

**The Deputy Bailiff:** Members of the States, before I call anyone to speak on the amendment that is currently being debated, events are already underway in Masnieres for the commemorative proceedings marking the centenary of the Battle of Cambrai. As I understand it, the RGLI parade will have arrived in Les Rues Vertes, just as we started proceedings today, and the Drumhead Service will be taking place at 11 a.m. their time, so 10 a.m. our time, which is when we have said we will suspend proceedings.

10

So we will keep an eye on the clock. It may well be that I do not call anyone near to 10 a.m. to speak. If somebody is in full flow, I am afraid they will have to be interrupted at that point and then, we will resume once we have had our time of silence and reflection, as mentioned by Deputy St Pier yesterday.

15

This is a significant event and you agreed, broadly speaking – not that you were given a choice – that this is an appropriate thing for us all to do today.

**OVERSEAS AID & DEVELOPMENT COMMISSION**

**VIII. Funding Arrangements & Future Developments –  
Debate continued**

**The Deputy Bailiff:** Who wishes to speak next?

Deputy Yerby, exercising her entitlement to speak at this point.

**Deputy Yerby:** Sir, in opening, I would add my condemnation, in the strongest possible terms, to the threats of violence made against Deputy Lester Queripel. (**Several Members:** Hear, hear.)

None of us here are strangers to the kind of vicious, personal attacks on us that are usually made from behind the safety of a computer or a phone. But Deputy Lowe is right; when these become threats, they must not be tolerated and must be reported.

Violence distorts and diminishes democratic debate and we cannot allow it to become normalised. I am deeply sorry that Deputy Lester Queripel has had such an unfair and unsettling experience.

Turning to the amendment, sir, I ask Members to reject it completely. Deputy Lester Queripel says there is no harm in a public consultation to find out what people think about overseas aid. He is wrong. There are two harms, both of them significant.

First, it is harmful on terms normally dear to the hearts of Deputy Queripel and Deputy Mooney. It is wastefulness. Waste of States' resources and public money. Second, it is harmful in what it implies: that the States is prepared to walk away from its international obligations.

Deputy Lester Queripel's costings are over-optimistic. They are premised on the idea that this could be a simple question. But imagine that question: do you think overseas aid should be funded by voluntary contributions, yes or no? How many people would answer 'yes', meaning instead of States' funding, and how many would answer 'yes', meaning as well as?

What if the question was: do you think overseas aid should be funded from taxes, yes or no? Do those who say 'no' think we should give nothing, or that we should find a different mechanism? Are those who say 'yes' happy with the level of funding from taxation, or not?

A single, simple question would not provide answers clear or reliable enough to form the basis of proposals for change and a more detailed consultation would be more costly, cumbersome and have more impact on staff time.

Deputy Lester Queripel has not factored in a cost for staff time, because, he says, they are already there. But they are there doing work on high priority business of the States. That would have to be displaced, in order for them to work on this, which in turn would create new inefficiencies.

A consultation would be a significant outlay of public funds. In order to justify that, there has to be a good reason why the consultation is needed now, or a good reason to believe that the results might lead to change.

I do understand why Deputy Lester Queripel might have reached a belief that overseas aid is out of favour with the public. I remember reading all the posts on social media, in the week or so after my election as President of the Commission, and thinking, 'I know what it is to be hated now.'

There are some people who dislike or resent overseas aid and they are very vocal. But what I discovered in the weeks and months that followed is that there is a far stronger groundswell of local support for overseas aid, but they only speak up when they need to. The discontented always shout loudest.

So I do not blame Deputy Queripel for having got the wrong message, but I think that is exactly what he has done.

I would suggest that, even in the few weeks since Deputies Queripel and Mooney published their amendment, they have learned more about the strength of public feeling in support of overseas aid. I would gently remind Deputy Queripel that, since our early conversations about an

amendment, he has already reflected and modified his views on what that amendment should contain. I would suggest that, even now, it is not too late to keep listening and learning.

70 If, based on what he has heard now and in the run-up to the debate, Deputy Queripel feels it would be wiser to abstain on his own amendment, I cannot give him any assurances that the media would not have fun with it, but I can assure him that, within this Assembly, we would know it as a responsible decision of a good man, wise enough to have listened and reflected on what he has heard.

75 If Deputy Queripel does wish to press ahead with the consultation, it will be one in which he hopes the answer will be no change and one in which the answer, based on what we know about public opinion, is likely to be no change. That cannot be portrayed as good governance and to proceed would be a serious waste of public money.

80 But, added to that, there is the question of whether the States is prepared to walk away from its international obligations, whatever the results of the consultation might be. The answer from the floor of this Assembly, so far, has been a resounding 'no'. I cannot stress enough that overseas aid is a legitimate core function of Government, as well as an investment to be proud of.

Deputy Lester Queripel said that we consult all the time on education, health, electricity, waste, taxation, air links and many more. But seldom, if ever, do we ask the public if we should step away from our core responsibilities in these areas. That is the fundamental difference here.

85 Overseas aid belongs at the table of any government. It is important and essential and incredible in what it can do.

Recently, the Commission received a message from Archbishop Moses Deng Bol, who works in the district of Wau, in South Sudan, where internal conflict has left many destitute and displaced. Earlier this year, Guernsey provided emergency relief in the face of famine and we followed that up with a routine grant towards the provision of basic health care. Archbishop Moses wrote:

We are overwhelmed with excitement and gratitude, here in Wau, after receiving the good news of another very generous donation from Guernsey Overseas Commission. We praise God for this wonderful gift and sincerely thank Guernsey Overseas Commission for its generosity to the people of Wau at the time of their need.

90 Indeed, this project will save lives of many needy, displaced people and vulnerable members of the host community in Wau.

Baroness Cox, of their UK partner charity, Hart UK, said:

I am currently travelling to meet partners in a remote area. However, just before leaving, I heard the wonderful news that you have agreed to provide the funds for the desperately needed clinic in Wau, requested as a life-saving priority by our partner there, Archbishop Moses Deng. We have seen for ourselves the situation in Wau and appreciate the great need for this clinic, to provide healthcare to the numerous civilians who have been forced to flee their homes, by the tragic civil war and, for whom, Archbishop Moses is trying to find resources to provide emergency food and healthcare. We are deeply grateful for the funds provided earlier this year, for food aid. Now, this funding will help provide sustainable development, as there are professional personnel who can give clinical care, but no building from which they can work. Once again, Guernsey has come to the rescue.

Sir, we are only a tiny community, but we can make a powerful difference to others like us around the world, if we put our minds to it.

95 Now is not the time to even consider walking away. There is no shame in listening and learning. It is the hallmark of a mature and statesmanlike politician and I warmly encourage Deputy Lester Queripel and Deputy Mooney to join us in putting aside the idea of a public consultation that questions the foundation of overseas aid and, instead, strongly reaffirm the States' support for international development and the life-changing work we can do around the world.  
100

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Deputy Yerby has made another heartening speech, but Policy & Resources  
105 members, in particular, may recall that, at the start of this particular term of the Assembly, we

were all vying, potentially, for Committee seats or Presidential seats and I wrote to them saying I would be willing to take on international overseas aid. But, then again, instead I got Planning, because I did not want to be hated! (*Laughter*)

110 I do accept what Deputy Yerby says and she has proved, as we all knew she would, an outstandingly able and capable Member of the Assembly, on many levels. I do support her work and will, of course, vote against this amendment.

That said, sometimes, you, sir, or other presiding officers, have asked at a certain point in the debate whether anybody is actually in favour of a minority interest amendment, in order to speed things up. I would say that I am in favour of their right to place the amendment. I would also say  
115 that I am in favour of some of the arguments that are underlying it.

I will explain why. We had, perhaps, a slightly unfortunate exchange yesterday afternoon when strong words were used, and it is, of course, true, that some people who are opposed to international development aid, you could call chauvinistic or xenophobic in their description. But I do not believe that applies to the vast majority of people on the Island who have questioned it.

120 Usually their attitudes are based upon, really, two diverse reasons. One is that the aid is wrongly directed to elites. We know, from the work the Overseas Aid Commission and its predecessors have done, that that is actually not the case. It is interesting, even in a very thought-provoking letter in yesterday's paper, from a retired public officer, he says there was a Rule in the States that you could not give to charities. I remember that Rule, because I sat on the States' Arts  
125 Committee. Maybe we should go back to that era, when we had seven powerful politicians, including the Director-General of the Financial Services Commission, sitting around, discussing every month how to distribute £100,000. Those were the days, but we have moved on from that kind of micro-management.

But one aspect of that was that we were allowed to underwrite projects, but we were not  
130 allowed to donate to them if, for example, they wanted to fund to [*Inaudible*] or whatever. Because, if you were doing that, you were effectively, indirectly, giving to charity and the letter makes the same point: money collected compulsorily from taxpayers should not be used to support charities, which happen to be favoured by the staff or the whims of the politicians.

Well, we all know politicians can be whimsical at times; *mea culpa*. But I think the point Deputy  
135 Yerby is making, and we know from our structure that actually the Overseas Aid Commission that she presides over is precisely not consisting of politicians. We have a non-political overseas aid structure. Indeed, the people who have been chosen are very distinguished members of our community with a very solid background in charitable work and, I think, that makes a significant difference.

140 We have heard from many Members, both this time and earlier in the month, that it is, in reality, an essential part of our international maturity, as a parliament, and democracy, to support those less able than ourselves. At a time when we are defending our reputation against unwanted and unjustifiable assaults, from time to time in the international media, we do not want more of an own-goal situation, where it could be pointed out that we were virtually the only place that was  
145 not giving overseas aid on some grounds.

Intriguingly, the Isle of Man is giving less than us, but I do not think that is a reason to reduce.

But, as I say, the two reasons that the public who question overseas aid usually give are either that it is being misdirected – I do not think it is in the Guernsey case, because we do not give directly to governments, we give to charities I think we would all support, such as Oxfam, Christian  
150 Aid and many others – or that we really cannot afford to do it as a jurisdiction.

Now, that actually raises questions that go far beyond this topic about our fiscal strategy and priorities, because it is quite true that the level of taxation paid by higher achievers on the Island is less than in many other jurisdictions, and so it follows that, proportionately, state aid falls greater on the moderately well-off, or the smaller range of contributors to our economy, and that, of  
155 course, is something that we have to be mindful of.

In reality, overseas aid is used as a political football for wider deficiencies in our economic and fiscal strategy and, indeed, the events of the last month, where we have seen arts and sports fans



questioning, perhaps, monies given to flawed endeavours and, more recently, a question mark over whether the schools' music service should get so much more than other areas of the arts and the Eisteddfod's possibly uncertain future. They have all, actually, brought home to us the difficulties of choice.

I am probably closer to Deputy Fallaize's arguments, yesterday, as to a decider against voting for this amendment, because it specifically draws out just one element for consultation.

As Deputy Yerby has pointed out, that in itself would imply that we, as a Government, could abandon our responsibility – something Deputy Roffey, amongst others, is not prepared to do. But it is not a precedent.

I reflected last night, we have done this before. You, sir, may remember that I was chairman and a member of about 9, 10 or 11 years, I cannot remember now, of little PERRC, the Parochial, Ecclesiastical Rates Review Committee, and we have at least four other members of that Committee still in the Chamber, including Deputy Lowe. She will remember, I am sure, we did a consultation to virtually every household, asking for their opinions as to whether they were prepared to support rectories and churches and the results that came back were informative, because we fashioned a compromise policy whereby the parish churches continued to be supported, but the rectories moved onto a more voluntary and a different basis.

That, for many people, was a question of conscience and it raised different issues. There were very different considerations with that. It was a kind of parallel, weird thing. I used to think, even at the time, that we were putting a lot of resource into something that, at one point, in the Vale, was only £4 *per capita*, effectively.

Now, the £10,000 that this review would cost is £10,000 less, assuming it was only £10,000, to overseas aid or any other endeavour and, for that reason, I cannot support it. It has been pointed out, we could, of course, include many other things in it, from college additions to bus services to whatever.

But Deputy Yerby, too, raised the spectre of a misunderstanding of the message on any consultation opinion poll. Indeed, when I first heard about the existence of this amendment, I was quite curious about it, because I imagined that it could have been quite subtle and suggested that instead of giving directly, through general revenue, an amount or quantum to Deputy Yerby's body, that it would have, instead, involved Gift Aid. Now, if you had Gift Aid, whereby every taxpayer or corporate taxpayer was allowed not to pay their Income Tax, but instead give a proportion of that directly to overseas aid in one form or another, or international development, that could potentially raise millions. But I do not think Policy & Resources would welcome that in terms of budgetary efficiency or protecting revenue.

Of course, there are, in other countries, national lotteries that could, and possibly should, give money to overseas aid and development. Indeed, we could have introduced, for the sake of argument, paid parking, in which a contribution from revenue went to overseas aid. I mention that in jest, to prove that there are many different ways of working through this kind of initiative.

If we want to persuade our community, every member, that overseas aid is essential to our civilisation, really, we need to stop saying that we are a very poor community and that we have no money. The reverse is true.

I went to an interesting lecture given by a senior figure not so long ago, and he repeated the fact that we are in the top 10, I believe, of healthiest communities in the world; in the top 20 of revenue *per capita*. I was shocked to read the Overseas Aid Development Report that implies that our contribution of national GDP is actually 0.07% less than the United States of America. So we could look across the water to a certain controversial political personality and argue that maybe they are quite soft, and they are not as America First as we are, perhaps, Guernsey First.

When you look across to Jersey and see a community, which is giving £10 million a year, that is £1 million for every 10,000 people, we, in contrast, are less than half that.

We should really follow our responsibilities and, if we want a broader discussion that Deputy Mooney and Deputy Lester Queripel have implied about how to raise money and how we should

spend it, fine, let us have a consultation programme on that, but not be specific on one micro area.

So my argument is we need to continue supporting international aid. We do not need this amendment, but I would like to see, perhaps, more public meetings in which we explore how to support international development and perhaps, too, a greater emphasis and an increase in budget. So people from Guernsey and Guernsey-based charities can perhaps gain a greater proportion of resource, so that there is a direct link between the Island as a happy and generous community and countries overseas.

**The Deputy Bailiff:** Deputy Inder.

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

Members, through you, sir, just over 100 years ago, there was a chap called Charlie Duncan, of Nassau, and he married a Suzanne Inder and he joined the RGLI and was wounded in the chest and arm by German fire at Neuve Bois in 1917. Actually, this week he would have been in a Canadian Field Hospital. He went on, after his survival, to join the remnants of the battalion of the RGLI that survived Cambrai. He then went on, after that, to fight at the Battle of Lys, but so few people were left of the RGLI it was no longer a viable force.

We have a black man in a foreign land, who married a local girl, who fought a foreign battle in a foreign war.

Albert and Frederick Inder joined the Wiltshires and the RGLI, respectively, basically the brothers-in-law of Charlie Duncan. So, that is three sons of Harriet and Stephen Inder that sent their children to fight in foreign fields.

I wonder, if I could travel back in time, if I could speak to my great, great-grandparents, what they would make of this debate. I wonder if the choices were given to donate regularly from a fairly well-off Island, whose aid contributes to education and health, the lifting of people and poorest out of poverty, that may help avoid some of those conflicts that we will be remembering today and some of the future, I would like to know what their answer would be.

Last night, I read a letter written to my grandfather, Clifford Inder, from his sister Amy, who married a Frenchman and lived in Lille. She was a member of the French Maquis and she described the Battle of D'Isere, where American troops had got behind German retreating forces. The battle for a bridge called Pont D'Isere, I think it was. In her stoic, matter-of-fact writing of the time, she describes the final hours of that battle and how her husband had been killed and that the German Gestapo were looking for her.

She writes in that letter:

No punishment is too great for what the Germans have done.

Now, if I could speak to her now, if she was watching this debate, I wonder what she would make of the contribution by her Island to the poorest, the voiceless and the weakest of the world.

If we could speak to the Charlie Duncans, the Albert Inders, the Frederick Inders and the Amy Inders and all of those Islanders from all of our Guernsey families – because we have all got stories – and asked them if foreign aid is better than conflict, I wonder what their responses would be.

At 10 a.m. sir, this Assembly will fall silent to remember those who fell at Cambrai. It is time for us to reset our moral compass and I ask you to reject this amendment.

Thank you.

**The Deputy Bailiff:** Deputy Tooley.

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

I was reminded, during yesterday's debate of this amendment, of a novel called *Sense and Sensibility*. It opens with the death of Mr Dashwood who, though outwardly wealthy, is able only

260 to leave his fortune to his already wealthy son. The knock-on effect would be to leave his second wife and daughters in penury. He begs his son John to look after them and John promises that he will. Forgive my paraphrase of what comes next:

I mean to give them £3,000, the interest will provide them with a little extra income. Such a gift will surely discharge my promise to my father? One had rather, on such occasions, do too much than too little.

Of course, he did not stipulate a particular sum.

Fifteen hundred, then? What say you to £1,500? What brother on Earth would do half so much for his real sisters, let alone half-blood? They can hardly expect more. One hundred pounds a year to their mother, while she lives. Would that be more advisable? It is better than parting with £1,500 all at once. But, if she should live longer than 15 years, we would be completely taken in. People always live forever when there is an annuity to be paid to them. Twenty pounds, now and then, will amply discharge my promise, you are quite right. They will have £500 a year, between them, as it is. What on earth can four women want for more than that? Their housekeeping will be nothing. They will have no carriage, no horses –

### **Centenary of the Battle of Cambrai – Silent tribute**

265 **The Deputy Bailiff:** Deputy Tooley, I am going to suspend your speech at this moment. You will be able to resume it afterwards.

In a moment I am going to invite you to rise in your places and, in doing so, in a moment, I am just going to read the words of General de Lisle, the commanding officer of the 29th Division to the Bailiff of Guernsey, just a century ago:

Guernsey has every reason to feel the greatest pride in her sons. Casualties were heavy; further proof, if any were needed, that they fought magnificently.

On that note, I invite you to rise in your places.

*Members stood in silence.*

270 **The Deputy Bailiff:** Thank you, Members of the States.

They shall not grow old, as we are left to grow old;  
Age shall not weary them, nor the years condemn;  
At the going down of the sun, and in the morning;  
We will remember them.

**Several Members:** We will remember them.

### **VIII. Funding Arrangements & Future Developments – Debate continued – Propositions carried as amended**

**The Deputy Bailiff:** Deputy Tooley, please do continue.

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

Twenty pounds now and then will amply discharge my promise, you are quite right. They will have £500 a year amongst them, as it is. What on earth can four women want for more than that? There housekeeping will be nothing at all. They will have no carriage, no horses and will keep no company. They will be much more able to give us something. So, we are agreed. No money, but the occasional gift of game and fish, in season.

275 You see, when giving is voluntary, it is inclined to slip. With the best intentions and all plans to be generous to those in need, to give from the bounty life has bestowed upon us, by virtue of little more than our birth, because even those who pulled ourselves by our bootstraps were lucky enough to have bootstraps to begin with.

280 The ability to give now is affected by all sorts of other considerations and, just as the Dashwoods needed to be able to plan to build their plans around their income, knowing from where the money was coming and when, so too do the people we support through our giving.

I cannot support this amendment and I would echo the words of Deputy Inder, as he sat.  
Thank you.

**The Deputy Bailiff:** Deputy de Sausmarez.

285 **Deputy de Sausmarez:** Thank you, sir.

I would like to start by saying how pleasantly surprised I was to hear the resounding endorsement by Deputy Lester Queripel for the concept of overseas aid and the hope that, actually, it will significantly increase in future. I am just left a little surprised that the wording of his amendment was not more along the lines of consulting to see whether we should significantly increase it, rather than make it voluntary.

290 I think the arguments have been very well made by everyone else who has spoken, but I would just like to pick up on one point. Deputy Lester Queripel says this need not be a costly exercise, we have a tendency to make things over-complicated and we need not do that, and this could be done for around £10,000.

I beg to differ. I think, if we did do it on anything like that budget, any consultation exercise would not be statistically reliable or, in any way have value or do what it was purporting to do.

300 One form per household; well, that is hardly representative. We know there is a huge variation in numbers in households. I think Deputy Tooley's household has considerably more than other Members of the Assembly's households, perhaps, and that raises another question: whose opinions would we count? Would it be just taxpayers, or would it be people of voting age, or children? If not, why not?

Allowing people to simply photocopy their forms is really inviting abuse and I am sure that some people feel strongly enough to photocopy quite a few.

305 Deputy Yerby has already alluded to the importance of the wording of the question and how the interpretation of that raises some serious questions but also, actually, the interpretation and result, if it were to come back, even if we settled on a particular wording, and the method of how a voluntary contribution might work, there is a huge range of interpretation with that too.

310 You know, assuming we still had a vehicle such as the Overseas Aid Commission, just the question of whether it is a default opt-in, or a default opt-out makes all the difference in the world.

315 I really do question whether this consultation exercise would give us any kind of certainty at all. But I think, really, that is a side issue, because the point remains that it is not something that we should be consulting on, because I do not believe there is any appetite in the States to walk away from our international obligations.

So I urge the Assembly – I am sure I do not need to – to reject this amendment.

**The Deputy Bailiff:** I invite the proposer of the amendment, Deputy Lester Queripel, to reply to the debate on it.

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

I do not think anything I say in response is going to change the mind of colleagues who always intended to vote against this amendment, anyway, regardless of what was said in debate. But I would like to pick up on a couple of points.

325 Some Members of the Assembly have displayed the same level of animosity towards Deputy Mooney and I, in their speeches, that has been displayed out in the community, by those members of the public who have threatened me with physical violence.

That concerns me, sir, because it displays an intent to shoot the messenger, rather than listen to the message. That is akin to some people referring to John Lennon as a long-haired, drug-taking, hippy layabout, ignoring the fact that he was one of the greatest ambassadors for peace  
330 that this world has ever known. You have only got to study his history, to realise that.

I have never seen the need to verbally crucify somebody, just because they have a different approach; or batter them with words in an attempt to get them to change their mind. I have been looking at some of the faces of some of the speakers, not all, very few in fact. Their faces  
335 displayed pure venom, which saddens and concerns me greatly. If I was a person who was easily intimidated, then I would give serious consideration to not laying an amendment ever again.

As I said in my speech yesterday, none of us should ever expect to stay in our personal comfort zone. There are issues that we are all going to be uncomfortable with, from time to time. But we have been elected to deal with all of the issues.

340 I am not comfortable being threatened with physical violence, but I pursued the amendment, along with Deputy Mooney's support, because of the very reason that we laid it in the first place.

That is the first point that I wanted to make in response. The second point is to pick on something Deputy Fallaize said when he spoke. He asked the question, why just overseas aid and not other areas? That was not exactly what he said, but I think that was the essence of what he  
345 said.

I thought I had explained that in my opening speech, but I am willing to explain it again. Deputy Mooney and I have laid this amendment, because we have been approached by so many Islanders over the years, who have said they are not at all happy that their money is spent on overseas aid, when we cannot afford to sort out our own problems, here on the Island.

350 Now, I realise some of my colleagues and some people out in the community do not want to hear that. But that is the reality of what many Islanders say. So Deputy Mooney and I felt it was time we established the majority view of the public, by going out to consultation.

Just to elaborate on that point, that Deputy Fallaize and others have made over the years, I have had a handful of people who have said to me, 'Why do I have to pay to educate other  
355 people's children, when I do not have any?' But those occasions have been extremely rare. Whereas the issue of funding overseas aid has been brought to my attention time and time and time again. That is why Deputy Mooney and I have laid the amendment, in response to those people.

I think it is important to repeat: Deputy Mooney and I see no shame or disgrace or anything  
360 morally wrong in having laid an amendment that seeks to establish the majority view of the people. I cannot think of anything morally wrong or shameful in wanting to do that. Especially when we consult on so many other issues. I have already said that, although we are accused of wanting to scrap the overseas aid budget, in a wholly inaccurate, completely misleading *Press* headline – nothing could be further from the truth.

365 In response to one or two Members who have inferred that we do not care about what happens to people in parts of the world where they have to live in appalling conditions: when I lived in London I went on several marches and rallies, Greenpeace, gay rights, civil rights, social injustice, anti-nuclear rallies, etc. I was actually beaten up on one of those rallies. I was beaten up so badly I was put in hospital for two or three days I cannot quite recall how long, I think it might  
370 have been three days – and I eventually recovered consciousness to find that a friend of mine was in the bed next to me, who had also been beaten up and he never recovered from those injuries.

Of course, I care. I have always cared and I always will. I have played in rock groups in Guernsey and London and Spain over 50 years and I have played dozens of fundraising events for overseas aid charities, so I hope that proves that I do care about people in all parts of the world.

375 I thank Deputy Mooney for his support these past few hectic and very stressful weeks. His support has been very much appreciated, indeed.

I do not think any colleagues have spoken in support of the amendment. I did anticipate one or two doing so, as I have written here, 'Thank colleagues who have spoken in support of the amendment.'

380 I ask colleagues, the one or two who have spoken with such venom, to be a little less venomous in future and a bit more open-minded and respectful.

In closing, I have said in the media and out in the community that I have every confidence, if we do go out to consultation, that the result would be a resounding, 'Yes, please. Carry on funding overseas aid from States' revenues.'

385 So then, we carry on as we are, which would be terrific, and keep our fingers tightly crossed that the impact fund is as successful as I think it is going to be and I only wish we could put more money into that, especially when we read a report, which tells us that trillions of dollars have already been given out in assets.

390 I will finish by repeating my admiration and utmost respect for Deputy Yerby and all the colleagues on her Commission. I have seen them at work, I know how meticulous they are when they scrutinise all the applications for funding and I can assure the public that, even when the funds are allocated to overseas aid projects, it does not end there, because the Commission always monitor developments.

So their levels of scrutiny are beyond question, in my experience.

395 I ask that we go to the vote and I ask for a recorded vote, please.

Thank you, sir.

400 **The Deputy Bailiff:** Members of the States, there is a recorded vote. This is the amendment numbered three, to insert a Proposition 7 into the set of original Propositions, proposed by Deputy Lester Queripel, seconded by Deputy Mooney.  
Greffier.

*There was a recorded vote.*

*Not carried – Pour 4, Contre 32, Ne vote pas 0, Absent 4*

**POUR**

Deputy Laurie Queripel  
Alderney Rep. Jean  
Deputy Lester Queripel  
Deputy Mooney

**CONTRE**

Deputy Trott  
Deputy Merrett  
Deputy Stephens  
Deputy Meerveld  
Deputy Fallaize  
Deputy Inder  
Deputy Lowe  
Deputy Smithies  
Deputy Hansmann  
Rouxel  
Deputy Graham  
Deputy Green  
Deputy Paint  
Deputy Dorey  
Deputy Brouard  
Deputy Dudley Owen  
Deputy Yerby  
Deputy de Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Roffey  
Deputy Prow  
Deputy Oliver  
Alderney Rep. McKinley  
Deputy Ferbrache  
Deputy Kuttelwascher

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Pelley  
Deputy St Pier  
Deputy Le Tocq  
Deputy Tindall

Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Parkinson  
Deputy Le Clerc  
Deputy Leadbeater

405       **The Deputy Bailiff:** Members of the States, the voting on amendment 3 to the set of original Propositions, proposed by Deputy Lester Queripel, seconded by Deputy Mooney was as follows: Pour, 4; Contre, 32, 4 absentees and, therefore, I declare that amendment lost.

410       **The Deputy Bailiff:** We now move into general debate on the set of original Propositions, but Proposition 3, I remind you, has been amended. Who wishes to speak in general debate?  
Deputy Graham.

415       **Deputy Graham:** I rise only because most of the emphasis up to now has been on the general question of whether any government really has a responsibility to get into this sort of business on behalf of the community. You either believe it has a duty, or you do not. We have debated that enough and fairly conclusively today and yesterday.

420       We also talked about allowance, how much we should give, and I think, again, we have probably exhausted that. I think we really ought to dwell a little bit on outcomes, which is really what it is all about. I am glad that, actually, in a way, Deputy Heidi Soulsby yesterday briefly alluded to it, and also Deputy John Gollop, again, just now. It really is all about outcomes.

425       Two points, really, I just wanted to make. One, is picking up on observations made by Deputy Rhian Tooley, yesterday, where, looking at the general principle of how we should give aid, we should not, as a matter of principle be taking from the pot for those who cannot help themselves to give more to those who can help themselves.

430       I am sure she did not mean to imply, and we certainly should not infer from it, that the work of the Overseas Aid Commissions, in any way, is characterised by handouts to those who cannot help themselves. I was reluctant to make this observation until I checked it out with one of the commissioners themselves. I spoke to Dr Tim Peet this morning and he was quite anxious that we really go away from this Assembly and this debate with a very clear notion that much of what the Overseas Aid & Development Commission does really is in the way of hand-ups rather than handouts and, certainly from my limited engagement with what this Commission does, that is very much the impression I have got.

435       I am sure Deputy Tooley did not mean to imply that, but there was a danger of inferring just that from it.

440       The second point. I give way –

445       **Deputy Tooley:** Thank you, sir. I rise, simply to thank Deputy Graham, through you, for sorting out the incoherence of my speech from yesterday!

Thank you.

450       **Deputy Graham:** I actually took a more charitable view of her speech than that. There we are.

455       The other point I wanted to make was to emphasise what Deputy John Gollop said this morning, about the efficacy of the way that Guernsey has chosen to make its donations and to make sure that it puts in the mechanism and the governance to make sure that aid that we give is well-targeted. From my limited engagement, it very clearly is.

460       When we drop a pound note, or whatever it is, into those collection boxes outside Forest Stores on a Saturday morning, outside Marks & Spencer, very much on a personal level it is an act of faith. We just have an act of faith that it is going to reach the right parts. When we are giving public money, I suppose, acts of faith are not enough and I think the mechanism that we have is just the right one. It is one we really ought to be rather proud of.

I have to say, I think its main virtue is its lack of political input, because I think the political bit is this bit, is it not? Are we going to do it and how much are we going to do?

Thereafter, I think it is really a wonderful demonstration of political oversight at the right level, in the form of a President who, from my impression, acts as *primo inter pares*, really, in this matter, with six really expert commissioners to make sure that the money gets to the right places and is used in the right way.

I think it is right we should try to finish on a very positive note from this debate and say that Guernsey should actually be more proud of the way it gives its money and more proud of the way it exercises control of it and, perhaps, a little more modest about the amount it actually gives.

**The Deputy Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, I would like to thank the President of the Overseas Aid & Development Commission, for both this policy letter and the annual report.

It appears to me that the Commission now has added impetus under her leadership. I am particularly pleased that the remit for Fair Trade is now going to fall under the Commission and trust that this means that there will be renewed vigour in promoting Fair Trade within the States of Guernsey. Guernsey has a status of Fair Trade Island, something that visitors are made aware of when they arrive and pass through the Airport, but we can and should do more.

Like a charity just doing good, the point about Fair Trade is that it recognises the fact we are a global community and what we do can impact on those many miles away. Fair Trade looks holistically at the supply chain, to address market failures and social impact at source. But, at the same time, it takes account of the need for profitability. It helps people help themselves, which, in turn, benefits us all.

Through agreed minimum prices, social premiums, direct purchasing, transparent and long-term trading partnerships, co-operative and competitive dealings, provision of credit and market information to producers, democratic producer organisations, sustainable production and absence of slave labour, Fair Trade aims for an equality of exchange within a partnership approach.

Fair Trade is proven to have a direct and indirect impact, increasing income, improving education, empowering women and preserving cultures; and that leads me to an important point here – something that I think may be worth the Commission considering; indeed, the President may have views, herself, on this – that is how and whether the Commission could and should measure impact of the work that it does, qualitatively and quantitatively.

Finally, on that note, Members will have read in paragraph 7.4.2 about the support being given to Ugandan artisanal gold miners, through a partnership between the Commission, two large local businesses and Fair Trade Guernsey. These funds help to equip the miners with the required pieces of mercury-free gold technology, so that they were able to achieve Fair Trade gold status.

As an update, I was pleased to hear that the first ever shipment of African Fair Trade gold from Uganda was recently delivered. This is just one example of the hugely positive work done by the Commission and something we should be proud of.

**The Deputy Bailiff:** Deputy Stephens.

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

I would like to thank the Commission for the work that they do. The Commission and the charities' successes achieved through the grants aid programme, although small in financial value, in comparison with some other sources, proves that a significant difference can be made, regardless of the total funds available and that is clearly evidenced by the outcome each grant achieves.

These successes have been achieved through taking a strategic approach, targeting evidenced and well-researched projects, that deliver the outcomes expected and that make a real difference



in people's lives and these differences, as we are aware, are not only in the short- but also in the medium- and the long-term – therefore, making the changes sustainable and really giving the recipients a helping hand up.

On the matter of the Development Impact Fund, I am broadly supportive of any innovative ideas that aim to deliver greater benefits for the recipients, whether it be at home or in helping us to meet our global responsibilities, especially where appropriate consideration has been given to ensure that it works in practice and that the idea is subject to sufficient testing to evidence that it will work as expected, which equally applies to any Government decisions on the use of taxpayers' money and it has always been the intention to review the arrangements within two years of the launch of this fund.

P&R's political colleagues and officers have been working with the Commission and interested community parties to explore the idea of an Impact Fund and the use of impact investing, as a model to drive better outcomes, including replenishing the fund by investing in projects that show a financial return.

As Members are aware, it is not the intention of the Commission, nor P&R, to support any such fund until a detailed and evidenced feasibility study has been made. Really, that is not what the Commission are asking today. Prudently, the Commission has sought the involvement of those with relevant experience in this area. Should, then, the studies show that, yes, the Impact Fund is feasible and will deliver on the intended benefits, then it is only appropriate that the areas of Government responsible – in this case the Commission and P&R – provide the necessary financial support to see it fund such ideas.

Without such commitment, it will be an uphill struggle to encourage others to follow and the expected benefits highly unlikely to be achieved. We should not underestimate the confidence Government support can give to other potential investors in such initiatives.

It is pleasing that colleagues and officers at the Commission have responded to the fiscal challenges we all face and have worked hard to seek alternative opportunities to continue and expand the work that they do.

The governance of the Commission funding arrangements has been strengthened and this support shows that our continued commitment to be a compliant jurisdiction in financial matters.

The Impact Fund, I think, is a good example of cross-sector working, with interest and commitment shown from across financial and private industries, local charities and different areas of Government, where each group have the opportunity to bring their particular skill set to the discussion.

Impact investing has been tested elsewhere and proven to have the ability to be a useful tool in achieving sustainable development objectives, which clearly fits with the mandate of the Commission and the governance vision.

In our current and future projected circumstances, it is prudent that potential options to do more with what we have are considered and trialled and, obviously, with the necessary controls in place.

I endorse the exploration of any opportunity that ultimately seeks to improve the lives of others, especially the most vulnerable wherever they may be and this proposal, with appropriate and robust testing and evidence-gathering to assess risk, will allow informed decisions to be made, going forward.

To finish, I would say, and this is my personal view, it gives this community added value when we give practical help to those who need it, through overseas aid and, actually, anything that we do which narrows the gap between communities with comparatively rich lifestyles and those with comparatively little. Because that sort of action has the potential to lessen future conflict and future misery. So, once again, I thank the Overseas Aid & Development Commission for all that they do.

Thank you, sir.

**The Deputy Bailiff:** Deputy Paint.

555

**Deputy Paint:** Sir, I feel I should declare an interest here, because I have been, for the last 14 years, the chairman of a locally registered charitable trust.

We actually assist a village and its people in the Far East. A very large proportion of Guernsey's income comes from overseas. It is, therefore, correct that we try to support other people throughout the world who may be much, much worse off than we are, even the poorest of us.

We have heard mention today of relative poverty and extreme poverty. It is true that some are a little bit better off than the others, but a large proportion of the people we try to assist are in extreme poverty.

Although I am very conscious of the need to stop spending money, unless we absolutely have to, we cannot just only look inwards. We have to look outwards and show that we do care, otherwise, it would be considered as being very selfish and this may do more harm to us than good.

I also think that it should be made clearer that the huge amount of money that leaves this Island from private trusts, the majority of it is for good people, either here and overseas, I think perhaps, and I certainly would be happy if the Income Tax sent out a small form to all charities just to say each year what they do donate. It will not be all that accurate, because a lot of people do act in kind, as Deputy Brouard had done recently. But I think it would be worth the effort.

Thank you very much.

575 **The Deputy Bailiff:** Deputy Green.

**Deputy Green:** Sir, thank you very much, I will be very brief.

I entirely support the policy letter and the Propositions within it. I just wanted to make a few remarks really. Obviously, as it stands at the moment, Guernsey gives somewhere in the region of 0.12% or 0.13% of our Gross National Income towards overseas aid. I just wanted to note a sound of caution really, in terms of the internationally recognised target, which is referred to in the Report, appendix two in particular, where it refers to overseas aid contributions in other jurisdictions. It says, specifically, the UK aims to achieve the international target of spending 0.7% of its Gross National Income on official development assistance.

Over the page there is a very useful league table, in appendix two, which shows various different countries and the amount they spend as a proportion of GDP on overseas aid, and Norway is top of the table, as it were. The UK features quite highly, at 0.72% and, at the very bottom of that table, there are references to Jersey spending more than what we do, Guernsey spending more than what the Isle of Man does, as Deputy Gollop referred to before.

I just wanted to make the point that I support the amount of money that we give to overseas aid, at the moment, in this Island. I think we should spend more. But I do not think that we should necessarily get too obsessed with this 0.7% target because it is, inevitably, a moving target. It will wax and wane with the strength of the economy. The moment that the economy shrinks, there is a risk of over-spending, in effect, and the moment you get economic growth, there is a chance of under-spending.

I think, although we should be trying to move towards spending more on that level, I do not think we should be making a kind of fetish of that 0.7% target of Gross National Income. I think it would be a mistake to do so.

But, like others, I am entirely supportive of the Commission, entirely supportive of these Propositions and I will be supporting them today.

**The Deputy Bailiff:** Deputy Dorey.

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

605 I also support the Propositions and I follow on from the last two speeches, but I wish to also refer to the 0.13% that we currently give and how low we are in the international table, which Deputy Green referred to, which is in appendix two.

It has often been said that, although we give so little in relation to the 0.7%, we give generously, privately, which Deputy Paint referred to. I would just like to remind Members of  
610 some of the words from the January 2012 report, which referred to a number of different United Nations conferences on the subject.

It says:

On 15th December 1960, the United Nations General Assembly called the level of overseas aid contributions being paid at that time 'inadequate' and stated that it expressed the hope that flow of international assistance and capital should be increased substantially, so as to reach, as soon as possible, approximately 1% of the combined national incomes of the economically advanced countries ...

– which I think would include us.

Then it refers to, under the title 8th April 1968 – I will read part of the commentary on it, which  
615 says:

The arrival of the 0.7% of the official development assistance was as the result of a compromise, which was agreed shortly after the conference in 1968. The compromise was on the proviso that the remaining 0.3% would come from private funding.

They key point I want to say, it is often said we give only 0.13%, but we give substantially, privately. But, they are two separate sources of income and the 0.7% was only set because they expected private contributions to be 0.3%.

I believe we must reverse the policy of giving so little and we must accept our responsibility as  
620 one of the, as they are called, economically advanced countries in this world, and increase our contribution from national trade.

I have tried before, in a Budget, to increase it, and was unsuccessful, but I am very encouraged in the debate today and I am encouraged to try again at the next Budget to make a substantial increase in our contribution; have a policy of increasing our contribution, because I think that is  
625 what we should do as an Island who relies on international trade, that we should play our part as contributing to international assistance.

Thank you.

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

630 **Deputy Dudley Owen:** Thank you, sir.

I wanted, in addressing the policy letter, to particularly focus on Proposition 2 and to state that I wholeheartedly support and will be pleased to note in our final vote the decision to progress a study into the feasibility of establishing a Guernsey Development Fund.

635 Looking at the budget of, and the background to, the Commission, and noting that, despite our prosperity, as other Members have alluded to, we, as an Island, fall short of the recommended international target rate of donation of 0.7% of GDP. I urge the President of the Commission to take this opportunity to establish the Development Fund and to push on apace with any feasibility studies.

640 Notwithstanding the extra revenue we approved yesterday, via the Roffey/Ferbrache amendment, in giving consideration to the real-terms reduction outlined in the policy letter, that the Commission has agreed to for 2018, in line with other States' Committees, I sincerely hope that this study will demonstrate the achievability of the fund; as, in my view, this is the most sustainable way of meaningfully funding, at least in part, and also safeguarding that funding, to  
645 the Commission, going forward.

There is no shortage of knowledge, regarding social impact investing in the Island. Increasingly, it is a common investment choice and it is no longer seen as being alternative or of the interest of wealthy Quakers or philanthropists.

650 I know that, amongst others, Deputies Yerby, St Pier and I have attended meetings at various times, with the Social Impact Investing Subcommittee for the Chamber of Commerce, which has gathered around its table many of the sharpest financial minds in the Island, and who are all very supportive about the prospect of Government supporting third sector impact funds.

I have previously made numerous references in this Chamber to the value of social impact investing and my wish for our States to embrace this as an additional and, in my view, often better  
655 way of resourcing public services and, therefore, this is a very positive step forward.

Not only is it good for our Overseas Aid Commission, but I see this as a real opportunity to test out a format, which we can start to use for other projects on-Island. We have been frustratingly close to an impact investing project before in the States; and, as I have mentioned, we have a deep font of knowledge about this market in Guernsey, which positions us well to tap into a  
660 growing sector. Already, it is estimated to be worth £150 billion in the UK. Therefore, an opportunity for further diversification within our finance sector, here in Guernsey.

So I end by congratulating Deputy Yerby and P&R, for taking this path, but sincerely hope that, before the end of this term of Government, there is more action around this matter and that we see something tangible in regard to the set-up of such a development fund and that we move on,  
665 positively, from just a feasibility study.

Thank you.

**The Deputy Bailiff:** Deputy Roffey.

670 **Deputy Roffey:** Thank you, sir. A few quick points.

I have to say, when I first saw Proposition 1, I had some trepidation, for exactly the reasons that Deputy Yerby set out in her speech. I was worried, to be honest, that we had made it all just one pot for both development grants and emergency aid, that there might be a tendency to slip into giving more and more for emergency aid, because that is what the public of Guernsey would be  
675 looking for us to do, because that is when they are shocked, that is when they see the trauma on their television sets every night and we have heard in the past, why has Guernsey given so little for this disaster or that disaster?

But, with a hard-headed hat on, I know there is never enough money for anything, but it is easier to get money out of the general public for these huge disaster appeals by the DEC than it is for the sort of capacity building grants that are made day for day. I will vote for Proposition 1, but  
680 I would really urge the Commission to hold a fairly firm line on this; no matter what they perceive public opinion to be, to make sure that the vast majority of their project goes in the way that it has always gone.

On the Impact Fund, I would urge those looking at this to set the minimum investment relatively low, so that a large number of a people in Guernsey will be able to engage with it,  
685

I said, when opening on my amendment, that I was an investor in an impact fund set up with the World Council for Churches, and that might make me sound like some huge philanthropist. I am not. I actually have less than £1,000 in that. I think the minimum investment is something like £250 and I think, if it was set at that sort of level, I know, administratively, it is more difficult than  
690 only accepting big investors, but I think there is a groundswell of opinion in Guernsey from people who would like to engage, and I think that that should be facilitated.

On the question of how big the budget should be, as I mentioned earlier, I think we need a different formula. I think perhaps we should be setting our donations through overseas aid at a percentage of our States' revenue income. Our GDP could go up or down by large amounts and it does not always have the same proportional effect on our GDP. So if it is a question of  
695 affordability – and I am with Deputy Dorey – I think we should be trying to do more, but I think we should perhaps be looking for a different formula for guidance on that.

700 Lastly, we have heard, in the run-up to this debate, a number of times that tired old, hackneyed expression about charity beginning at home. I stand to be corrected, but I think that came out of the Industrial Revolution and the Victorian era, when big industrialists made huge philanthropic gestures, in order to be seen, but actually treated their own households pretty badly. The expression was, 'It is all very well being seen to be doing the right thing, but actually charity begins at home.'

705 It never said charity ends at home.

**The Deputy Bailiff:** Deputy Langlois.

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

710 Deputy Dorey mentioned the 2012 policy letter. It was the Resolution to stem from that debate that led to our current policy for overseas aid, which is just increasing it by RPIX every year. That was five years ago.

715 Like Deputy Roffey, I think it is time we revisited that. If anybody has not read the 2012 policy letter, which I think stemmed from an amendment by Deputy Fallaize calling for it, it is a mine of information as regards the possibilities of different ways of structuring our overseas aid contribution – well worth reading.

720 Several people have said it is rather clumsy, the 0.7% of GNI or GNP, but in that policy letter, they did suggest something which Deputy Roffey alluded to, which was using a percentage of our general revenue income. In fact, the policy letter talked about 1.5% of our general revenue income. By coincidence, currently, according to my calculations, we are giving 0.75% of our general revenue income to get to the approximately £3 million per year. So if we did have a target of 1.5% of our general revenue income, that would involve doubling our current contribution.

It seemed sensible to me, when I read it, that we could set that as a target to move towards, rather than being stuck *ad infinitum* with RPIX increases to our rather ungenerous level of contribution to overseas aid.

725 Thank you.

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

**Deputy de Lisle:** Sir, it goes without saying that we should help those in need overseas.

730 We are a compassionate Island and, of course, we have received, we have been a beneficiary ourselves, during the war, of outside aid and I think we have to constantly remind ourselves of that.

735 We need to ensure, though, and I think I have got a few comments here, that I wanted the President, Deputy Yerby, to deal with, because they are issues that come up periodically with the public.

One, of course, is human rights violations and the concern there: how do we address this particular issue?

740 The other is the world's poorest nations and I think we have to look at the definitions there very carefully. There is also the issue of targeting, with respect to spending of national income on aid. Very much a concern in the UK at the moment.

745 To get, first of all, at the issue with regard to the world's poorest communities, I think we need to be very careful that we are targeting the poorest nations. India, Nigeria, Kenya have been helped, despite the fact that they are not counted as the least-developed. In fact, new definitions have come up in terms of that particular area, recently, and we should be looking, really, at the least-developed, in terms of most of our aid being directed in that direction.

In terms of how we should give money to countries with human rights –

Yes, I will give way.

**Deputy Oliver:** Sir, I was just wondering if David had actually every been to –

750 **The Deputy Bailiff:** Deputy de Lisle, please, Deputy Oliver.

**Deputy Oliver:** Sorry, sir, through the chair, if Deputy de Lisle had actually ever been to one of the foreign aid meetings and seen how they scrutinise the work that is being done?

755 **Deputy de Lisle:** I understand that this is scrutinised, I just wanted to bring out a few points for the President to assure the community in general. That is the point that I am making.

In terms of human rights violations, how do we deal with this? A number of these countries have very serious human rights violations and how do we target our resources, with respect to those countries?

760 If we refuse aid to all countries with questionable human rights records, our aid programme would be reduced, probably to a skeleton. Moreover, human rights violations perpetrated by those at the top of the political food chain, should be considered distinct from aid targeting the poor. I guess the question should not be should we give aid to countries with questionable human rights records, but how can we effectively reach the most vulnerable people in countries, especially those who face human rights violations, all while not inadvertently supporting the regime in power?

I think this is a very interesting area that we should be concerned with.

770 In terms of targeting, spending of national income on aid, I think some countries are in a far better position than we are, with respect to this. Because many countries use overseas aid as an economic development tool and they send their companies over to do the work in overseas territories and countries. In that way, it is an economic development tool for employment and consulting, as well as engineering company work.

775 So we are not quite in that position, because we use others in order to develop our aid in a lot of cases, whereas many major countries are able to do that through their own resources and look upon it as an economic development tool.

780 So I am firmly in support of, also, Proposition 1, and I have often wondered whether, in fact, when we just set aside £200,000 of the total budget for grant aid and disaster and emergency relief, I feel that sometimes our contribution in those disaster relief areas is somewhat limited and I would certainly support the budget being treated in total and perhaps larger amounts being reserved for emergency relief. Particularly as we are seeing more and more of these disasters and emergencies occurring worldwide.

Anything we can do to treat the whole budget in a single way, so that there is more money available across the board for emergency relief.

Thank you, sir.

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

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

790 I think governments do have a duty to help those who are forced to live in appalling conditions in other parts of the world and I have always held that view. So I intend voting in favour of every Proposition in this policy letter.

Now, Deputy Mooney and I tried our best to persuade the Assembly to go out to public consultation and also to replace Proposition 3 with what we felt was a far more proactive approach.

795 But we did not get the support we needed, and I have always believed, sir, that one should be gracious in defeat and not blame the referee, as so many grossly overpaid football managers and footballers do when they lose a game.

So, as I said in an earlier speech, I have witnessed the dedication and the commitment of the members of the Commission and I was extremely impressed with their comprehensive scrutiny of every single application for funding that they have received.

I wish the Commission well in their endeavours to help people who desperately need help in other parts of the world.

I can only hope that the Impact Fund does not progress at the snail's pace that I fear it might do, due to our putting nowhere near enough money into the fund. As I said in an earlier speech, I think we should be putting something like £2 million or even £3 million in to the fund, in an attempt to accelerate proceedings.

So I close by repeating my offer to help. If I can help P&R in any way to accelerate the establishing of this fund, then please do not hesitate to ask me.

Thank you, sir.

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, I thank Deputy Lester Queripel for his kind offer.

When he was speaking yesterday, talking about how one poses questions and, earlier, when we were talking about his amendment, how you pose questions to the community and whether a question along the lines of, 'Would you wish to pay Income Tax' would be appropriate, my mind cast back to a comment I heard years ago, when someone said, if you were to pose that question, you would get two answers, or you get one answer from two types of people: men and women. The outcome of that question would be almost inevitable.

The reason I rise, though, is not to make that point but rather to repeat what I said yesterday about the expenditure consequences and the difficult position that P&R will find themselves in when coming to exercise a delegated authority. Because amended Proposition 3, the Roffey amendment of yesterday, which was supported enthusiastically, 24-10, will have the net effect of increasing general revenue expenditure. Now, that general revenue expenditure will come from one source only, the Budget Reserve.

As I said yesterday, we are just a few weeks on from the Budget. The time to increase overseas aid funding was at that time, because the P&R now finds itself quite seriously in an invidious position. Because, if one is to agree with Proposition 3, or support Proposition 3, go with our delegated authority, there will be £250,000 less in the Budget Reserve for unforeseen events, which may or may not materialise quickly, or indeed throughout this Budget period. So it is a very difficult decision and that is the danger of making these sorts of expenditure commitments outside of the appropriate Budget process.

As a result, I intend to vote against Proposition 3. Not because I disagree with the sentiments that have been expressed, but because I cannot take the risk, prudently, in the position that I hold, of agreeing to that funding, only to have to turn down emergency contingency funding for something that we do not yet know –

I give way to Deputy Dorey, sir.

**Deputy Dorey:** I thank Deputy Trott for giving way.

It is interesting, if you look at the history of the Budget Reserve. The last was in the accounts for 2016 and there was a total of £8.9 million put into the Budget Reserve, but only £5.6 million was used.

In the Budget, we have transferred £11.683 million into it. Quite clearly, it was there as a contingency. Committees used to have contingencies in their budget and now it is all pooled into one.

**Deputy Trott:** I do not deny that is the case, but it is precisely that. I pick up on that important word, it is there as a contingency. It is not there to be used for seed funding of an impact fund.

That is not what it is there for and, yet, that is what the States has decided. The States is doing what it does well. It is considering this matter with compassion – and that is right and proper.

However, the vehicle that is used for this funding was not designed for this purpose and it puts the Policy & Resources Committee in a very difficult position, because fiscal prudence is not for one day in 365, it is for every day of the year.

Thank you, sir.

**The Deputy Bailiff:** Deputy Brehaut.

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

Just very briefly, yesterday, when I spoke of a particular situation in Myanmar, what was Burma, on the border with Bangladesh, there were two issues there; there was the very real humanitarian issue and the impact on the environment, which was very real too.

For very small sums of money, a charity that, actually, we sponsor – we do not sponsor this particular project – but another project they have is to give people small ovens or wood-burners and give them rice husks. What the money does is ensure that the rice husks are packaged and sent off with the stove or the burner, to stop people burning firewood from immediately around them.

I think it is about £8 or £10, which is really nothing, and it keeps people warm during the evening, they can cook during the day and they do not have to scavenge for wood.

A story I was told, which was misery upon misery, was young children in Bangladesh, scavenging for firewood, were trampled to death by elephants, because one million people had moved into what was once a forest.

Just to make a point, I would like to raise the awareness, because I think overseas aid is always cross-party. You can always get a consensus. If you start talking about arms trading, that seems to be an issue of the left, and I really do think that governments need to have a sharper focus, including ours, on investments – and this was raised yesterday, perhaps by Deputy de Sausmarez, obliquely, possibly – is this issue of arms trading and, if we look at Saudi Arabia's behaviour, the Yemen, if we look at other countries, and particularly developing nations that can be, as Deputy de Lisle has pointed out, extremely repressive, then they tend to buy the regalia, whether it is water cannon, from developed nations and we need to think long and hard about that.

I intend to leave this in the library for Members, on the Rohingya crisis in Bangladesh. I would advise Members, it is quite graphic, they may not want to look at it, but I encourage them to take the time just to have a read of it.

Thank you.

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Sir, thank you.

I would just like some clarification, if possible, on Proposition 3, the amendment that the majority of the States agreed to yesterday. I often want to put amendments in, but I get told it would not be possible because of over-arching policy, it would not allow this and, if I wanted to change, I would have to change the over-arching policy first, which is not currently being debated.

Is P&R saying that, even if we vote for this, it cannot actually happen, because of the over-arching policy?

I give way to Deputy Trott.

**Deputy Trott:** Thank you

What P&R is saying is, it would be extremely unlikely to use its delegated authority in this way, because what the States is wanting to do is to take £250,000 from the Budget Reserve that is there to fund emergency expenditure and place it into an investment fund, which may or may not show a return.



So, as I said in my opening remarks yesterday, there are two issues. The first one is around the fiduciary duty; would we expect these funds to provide maximum return? No, we would not, because of their nature.

905 Secondly, would that be considered, under existing Rules, to be an appropriate use of the Budget Reserve? To that question, I can give a very assertive answer. Almost certainly not. That is the dilemma that the Roffey amendment has placed P&R in.

**Deputy Oliver:** Thank you, for that.

910 I am still quite confused. Basically, even if we vote for it, I cannot see P&R actually agreeing to this. I give way to Deputy Roffey.

**Deputy Roffey:** I do not know if it would help, Deputy Oliver, if I told her that the exact source of this funding, specified in my amendment, came about as a result of advice from senior staff at the Treasury? *(Laughter)*

915

**Deputy Oliver:** Thank you, for that.

**The Deputy Bailiff:** I do not see anyone else rising, so I turn to the President of the Overseas Aid & Development Commission, Deputy Yerby, to reply to debate on this Article.

920 Deputy Yerby.

**Deputy Yerby:** Thank you, sir, and thank you to all of those today who have expressed their full support for overseas aid. I am deeply grateful for that; and it has been a very heartening debate in many ways.

925 There are, of course, just a few points to address and, starting with the Impact Fund, to give Deputy Dudley Owen and Deputy Queripel some comfort, the intention-able part is to progress it as expeditiously as possible. The Propositions before us provide for the Commission to be able to invest from 2018. That is almost next month, but it will not quite be next month, because there is the process of carrying out a feasibility study, working out how to structure this thing. But the ambition has always been to be ready within the year, to start investing, and I am hopeful, 930 notwithstanding what we have just heard from Deputy Trott, that we may be able to progress it that way.

If Deputy Roffey had not said what he had just said, I would have said it myself. I was, obviously, part of the conversations with Deputy Roffey in the early stages of developing this amendment. As he had drafted it, it directed P&R to find funding from any appropriate source and I understood, as he did, that the advice to take it from the Budget Reserve had come from P&R, either at political or officer level. If I were to find out that this had made it impossible, then, for P&R to comply with the Resolution, should it be passed, I would be more than disappointed, 935 sir.

940 The other points that were raised in debate that require some response. Deputy Richard Graham and Deputy Heidi Soulsby both talked about demonstrating outcomes and measuring impacts. Deputy Soulsby also spoke about the Commonwealth Charter and the sustainable development goals. I think there is merit in looking at whether Guernsey can commit to those directly. I will liaise with P&R, following the debate, to find out what has been done on that previously and whether we, at the Commission, can help to move that forward. 945

The Commission already does an incredible amount of work in terms of providing qualitative information on the impact of our projects. We received very detailed initial applications, those are followed up by interim reports and final reports, which are predominantly narrative reports, but the company provides it so that we can see exactly how the money Guernsey invested is being 950 spent. There may also be some merit in developing quantitative measures of impact again, which tie in with measures such as the sustainable development goal, so that we can get an overall

picture on the pages of the kind of work that the Commission does. That is something that I think is well worth looking at again in the new year.

955 Deputy de Lisle asked a couple of questions, particularly about how the Commission responds to countries in which human rights violations take place and how we define the world's poorest nations. Those two things really are very inter-linked. The first and fundamental point to make is that the States implements international sanctions against countries where there are serious human rights violations. That is a function of Policy & Resources and also the States as a whole, rather than a matter for the Commission.

960 Those are in place and, where those prohibit financial transfers to the country, then obviously the Overseas Aid Commission cannot and will not invest there.

We also have rigorous governance processes, to make sure that the charities that we are sending money to are using it well and that is key. We work directly with charities, rather than transferring money to other governments. So, again, it is making sure that the money reaches 965 those directly who need it and it is being used well at source.

Deputy de Lisle talked about countries such as India being targeted and, yes, India is now well above the bottom quarter of countries in the UN Human Development Index, which is the measurement that we usually use to establish degrees of development.

970 But there are groups of people in India and regions in India where there is serious poverty and deprivation. Members will know, for example, that India has a caste system, in which the lowest castes and tribal groups are all but excluded from society, are very often in very low-resourced and deprived environments that would be reminiscent of much less-developed countries. Obviously, everyone recognises that the primary onus is on the governments of countries, as they become wealthier, to intervene and to bring the whole population along. But there are still 975 pockets in countries like India where overseas aid is needed and where it can make a vital difference.

The other countries that Deputy de Lisle referred to, countries such as Nigeria and Kenya, they are still in the bottom quarter of the Human Development Index. They are well within our target zone. What Deputy de Lisle is seeing there is an interaction of the factors.

980 Countries that are at the very, very bottom of the Human Development Index are usually countries that are in the throes of civil war, or other kinds of conflict, or massive economic deprivation, drought or famine, that sort of thing, which make it a very unsafe environment, even for most charities to operate in.

985 So the number of applications that we receive from the very bottom of that quarter are few, compared to the ones slightly higher up the quarter. Because, even though those are not stable and safe environments in the way that we would characterise it, they are environments where a charity can begin to do productive work, where it has a bit more certainty that the work it does today will still be there tomorrow.

990 So it is a virtuous cycle. As a country becomes more developed it is able to become yet more developed. But some of the challenges facing the world's very least-developed countries make it difficult even to get a foothold on the ladder and that is why this work is so important. That is why, when we do get applications from those poorest countries, we work with the charities to be able to support them, wherever possible.

995 The final point that was raised in debate that merits a response, relates to the target. The target is 0.7% of GDP. As Deputy Green pointed out, that target – by definition – varies with the size of the economy. What I should also say is, of course, the impact of the amount of money that we give, in Sterling, varies with the foreign exchange rate. So if the foreign exchange rate is favourable in the country we are giving it to, then it would go further than otherwise.

1000 So all those elements make the formula imprecise. I think the suggestion from Deputy Langlois of looking at it in connection to a proportion of the Budget, was very sensible, and I am looking forward to the Dorey/Roffey amendment to the Budget in 2018, where we will discuss whether we are, indeed, giving the right amount to overseas aid and I hope to support them then.

Once again, sir, thanks very much to all Members for their support of overseas and aid and, of course, I would ask all Members to support all the Propositions as amended.

1005

**The Deputy Bailiff:** Thank you very much, Deputy Yerby.  
Welcome to the Chamber, Deputy St Pier. Do you wish to be relevéd, so you can vote?

1010

**Deputy St Pier:** Yes please, sir.

**The Deputy Bailiff:** You are duly relevéd. Thank you.  
We have got six Propositions. I have already got a request to take Proposition 3 separately. Are there any other requests to take any individual Propositions separately?  
Deputy Lester Queripel?

1015

**Deputy Lester Queripel:** Sir, I was going to ask for a recorded vote, please.

**The Deputy Bailiff:** On?

1020

**Deputy Lester Queripel:** Well, on all of them. However we take them.

**The Deputy Bailiff:** On everything?

1025

**Deputy Lester Queripel:** Please.

**The Deputy Bailiff:** There is a request for a recorded vote for each of the votes in respect of the six Propositions. Does anyone wish to take Propositions 1 and 2 distinctly, or shall we take the two together?

1030

Nobody is asking to take them separately, so we will have a recorded vote on Propositions 1 and 2, only, first.  
Greffier.

*There was a recorded vote.*

*Carried – Pour 35, Contre 0, Ne vote pas 0, Absent 5*

**POUR**

Deputy Trott  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens  
Deputy Meerveld  
Deputy Inder  
Deputy Lowe  
Deputy Smithies  
Deputy Hansmann  
Rouxel  
Deputy Graham  
Deputy Green  
Deputy Paint  
Deputy Dorey  
Deputy Brouard  
Deputy Dudley Owen  
Deputy Yerby  
Deputy de Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Roffey

**CONTRE**

None

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Pelley  
Deputy Fallaize  
Deputy Laurie Queripel  
Deputy Le Tocq  
Deputy Tindall

Deputy Prow  
Deputy Oliver  
Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Ferbrache  
Deputy Kuttelwascher  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Parkinson  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Leadbeater  
Deputy Mooney

1035 **The Deputy Bailiff:** In respect of Propositions 1 and 2, taken together, there voted Pour, 35; and there were five absentees at the time of the vote and, therefore, I declare Propositions 1 and 2 duly carried.

1040 Proposition 3, we will take as a distinct vote. That is Proposition 3, as amended, so you read the additional words from the amendment approved yesterday, proposed by Deputy Roffey and seconded by Deputy Ferbrache.  
Greffier.

*There was a recorded vote.*

*Carried – Pour 26, Contre 11, Ne vote pas 0, Absent 3*

**POUR**

Deputy Merrett  
Deputy Fallaize  
Deputy Inder  
Deputy Laurie Queripel  
Deputy Hansmann  
Rouxel  
Deputy Graham  
Deputy Green  
Deputy Dorey  
Deputy Dudley Owen  
Deputy Yerby  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Roffey  
Deputy Prow  
Alderney Rep. McKinley  
Deputy Ferbrache  
Deputy Kuttelwascher  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Parkinson  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Leadbeater  
Deputy Mooney

**CONTRE**

Deputy Trott  
Deputy St Pier  
Deputy Stephens  
Deputy Meerveld  
Deputy Lowe  
Deputy Smithies  
Deputy Paint  
Deputy Brouard  
Deputy de Lisle  
Deputy Oliver  
Alderney Rep. Jean

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Pelley  
Deputy Le Tocq  
Deputy Tindall

1045 **The Deputy Bailiff:** Members of the States, in respect of Proposition 3, as amended, there voted Pour, 26; Contre, 11; with three absentees at the vote. I declare Proposition 3, as amended, duly carried.

We now have a vote on the remaining three Propositions, that is numbers 4, 5 and 6, and again there has been a request for a recorded vote, please, Greffier.

*There was a recorded vote.*

*Carried – Pour 37, Contre 0, Ne vote pas 0, Absent 3*

1050

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Trott	None	None	Deputy Le Pelley
Deputy Merrett			Deputy Le Tocq
Deputy St Pier			Deputy Tindall
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann			
Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Brouard			
Deputy Dudley Owen			
Deputy Yerby			
Deputy de Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Jean			
Alderney Rep. McKinley			
Deputy Ferbrache			
Deputy Kuttelwascher			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			

**The Deputy Bailiff:** Members of the States, in respect of Propositions 4, 5 and 6, on Article VIII, there voted Pour, 37; three absentees. I declare all those Propositions, therefore, duly carried.

Thank you very much.

1055

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**IX. Amendments to statutory minimum wage arrangements  
to come into force on 1st January 2018 –  
Propositions carried**

*Article IX.*

*The States are asked:*

*Whether, after consideration of the Policy Letter entitled 'Amendments to statutory minimum wage arrangements to come into force on 1st January 2018', dated 14th September 2017, they are of the opinion:*

*To approve, pursuant to section 31(3) of the Minimum Wage (Guernsey) Law, 2009 ('the Law'), the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2017 (as set out in Appendix 2 to this Report), which pursuant to sections 1(3) and 3(1) of the Law prescribe the hourly minimum wage rates set out below with effect from 1 January 2018:*

- adult minimum wage rate: £7.75 per hour (for workers aged 18 and over), and*
- young person's minimum wage rate: £7.05 per hour (for workers aged 16 and 17).*

**The Greffier:** Article IX, Committee for Employment & Social Security – amendments to the statutory minimum wage arrangements to come into force on 1st January 2018.

1060 **The Deputy Bailiff:** Members of the States, you are being provided with a copy of the regulations that have been made that are the subject matter of this and that should have appeared as appendix II. I think it is appropriate to call the President of the Committee for Employment & Social Security to open debate on this matter as they are coming around. I imagine you have all looked at them, in any event.

1065 **Deputy Le Clerc:** Thank you, sir, and I apologise for the appendices being omitted from the original paper.

Sir, today, the Committee for Employment & Social Security is asking the States to approve the proposed increases to the minimum wage and to the food and accommodation offsets.

1070 The proposed rates are £7.75 per hour, for people 18 and over; and £7.05 per hour for 16- and 17-year-olds. The maximum offset for employers providing accommodation will be £75 per week. The maximum offset for providing accommodation and meals will be £105.

For clarity, it is within the States' power to vote out the minimum wage proposals, but the offsets are at the discretion of the Committee. We will not be increasing these offsets, if the minimum wage is not approved.

1075 This is a considerable increase to the current rates, but the Committee feels it is necessary. The recently released indicators of poverty report show that 22% of our population continue to live in relative poverty. There is still a significant divide between the richest and poorest in our society, at a time when costs are rising and wages are stagnating.

1080 A rise in the minimum wage helps to ensure that those who are the least able to afford rising costs are not the most impacted. In August, the number of jobseekers was at its lowest level since 2008. Despite this, a number of working people rely on Supplementary Benefit to top-up their wages. These are people who work hard, but do not have the means to meet the basic financial requirements of living in Guernsey.

1085 Based on present minimum wage rates, a young family, with two children, one full-time working parent and one part-time working parent, could still have a requirement that is almost double their earnings.

Last year, I said that the difference between our minimum wage and the UK's is not just measured in the pounds and pence of the rate, the cost of living has to be taken into account and we know that the cost of living is higher in Guernsey.

1090 I am pleased to say that, if these rates are approved, Guernsey's minimum wage will exceed the UK's present rate and it will be similar to the maximum £7.83 rate that the UK intends to introduce from April 2018. These rates are edging closer to recognising the increased cost of living.

Our proposed rate is also higher than Jersey's minimum wage, which will give us a competitive edge in attracting the guest and migrant workers that our economy relies on.

1095 These proposals were not made in isolation. This year we asked officers to improve our consultation process and increase engagement. We wrote to the vast majority of employers on the Island, as well as trade unions, third sector stakeholders and the Chamber of Commerce. The consultation was promoted online and in social media. We even included a suggested rate to stimulate discussion.

1100 We wanted to engage with as many people and organisations as we possibly could and, I am pleased to say, that the hard work paid off. This year's consultation was the most successful ever. We had 179 responses and the results were fascinating: 85% of respondents felt that the adult rate should increase; 71% of respondents said the minimum wage should increase to £8.

1105 You may think, therefore, that this is the result of an employee/employer divide. But when the statistics are broken down, it becomes apparent that a number of those who supported the £8 rate were employers. The consultation is just one of the criteria that we are legally bound to consider, but it is an important one. The responses here substantially changed our eventual proposal.

1110 As we build on the success of this year's consultation, I hope stakeholders will take note. We want your view. It matters, it has an impact. So I want to take this opportunity to encourage all stakeholders to take part in future consultations. Our proposals can only be based on the data and feedback we receive. We all know that you need good data to make good policy, and better consultation is just one part of the data sets we would like to improve.

1115 We continue to have the problem of not collecting data on hours worked or hourly pay rates. This was something picked up in the Scrutiny review of in-work poverty. I am not sure how, without investment by Government and employers, we will be able to change this, but it is something we need to resolve.

1120 We are aware of the economic risks of increasing the minimum wage so significantly, which is why we are not proposing an £8 rate, despite the consultation response. We are also aware there are some industries that will hit harder than others, by this increase, notably the hospitality sector, which has seen another challenging year.

In the course of preparing this proposal, we met with representatives of the hospitality and retail sectors, as well as representatives of the Committee for Economic Development.

1125 These meetings have all fed into our decision-making. We have concluded that it is appropriate to limit financial strain to the hospitality industry, which is why we are proposing significant increases in their accommodation and food offsets, which most often apply to this sector.

The increase in the offsets will not completely eliminate the effect of the wage increase, but it will make a difference. We believe that these proposals are sustainable to our economy.

1130 The Committee agrees that it would be very useful to have greater certainty on future minimum wage rises for employers and employees, to allow for greater planning. An amendment is due to be laid and we do not propose to object.

We will work to ensure that we continue to follow the statutory guidelines laid, but give a clearer indication of where we would like to see the minimum wage in the medium-term.

1135 In conclusion, the statistics show that the Island needs this increase and the consultation shows the Island wants this increase. So I ask all the States' Members to support these proposals.

Thank you, sir.

**The Deputy Bailiff:** Deputy Ferbrache, why have you risen?

**Deputy Ferbrache:** Only to declare an interest, sir.

Clearly, I have interests, in my family and myself, in the hospitality sector, so I am merely declaring an interest.

1145 **The Deputy Bailiff:** Thank you very much, Deputy Ferbrache.  
Deputy Roffey, you have submitted an amendment to the Greffier. Do you wish to lay it now?

**Deputy Roffey:** Yes, sir.

1150 **The Deputy Bailiff:** Deputy Roffey, then.

*Amendment:*

*To re-number the Proposition as '1' and to add an additional Proposition as follows:*

*'2. To direct the Committee for Employment & Social Security, when they bring proposals to the States for the adult and young persons' minimum wage levels for 2019, to provide clarity on their medium-term plan for increasing minimum wage levels.'*

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

It is seconded by Deputy Green. I hesitate to say this, but I do not require it to be read.

I know Deputy Trott always thinks there is some mischievous hiding away of the facts when you say that, but I just assume people have read amendments before the debate.

1155 As Deputy Le Clerc has said, her Committee does not intend to oppose it. I do not think I need to wax lyrical too much, over this, but just to explain, briefly, how this came about.

As part of the work of the Scrutiny Panel looking at in-work poverty, one of the first things we looked at was minimum wage. In fact, I think some of us, naively, thought that a big increase in the minimum wage was some kind of silver bullet to tackle in-work poverty. As it happens, we have had the scales fall from our eyes. It is clear that many people in in-work poverty, short of an absolutely massive increase in the minimum wage, they might be helped, but they would not really have the situation resolved.

The more typical family in in-work poverty, are actually earning £10, £11, £12 an hour, but have considerable outgoings on things like accommodation and dependents.

1165 That aside, we tried to look at the minimum wage and we found, as Deputy Le Clerc has said, that we actually have no idea in Guernsey how many people are on the minimum wage. We have stats on how much people are paid, but we do not have any stats on how many hours they work. So the only way we could overcome that was to go and talk to lots of employers in what were traditionally regarded as the lower-paid industries, to try and actually get a handle on it that way.

1170 One of the things that came out of those discussions was a realism that Guernsey's minimum wage is likely to rise significantly over the years ahead, because the editor of the *Evening Standard*, in his previous job, had decided that the UK's would go up considerably over the next few years and that it would be inconceivable that Guernsey, with its cost-base, would want to have a significantly lower minimum wage.

1175 Incidentally, people keep saying, well the UK are going to do £9, £9.20; actually, they target 60% of mean hourly pay and, if you translate that to Guernsey, we would have an absolutely massive minimum wage. One that I do not think, unfortunately, we could possibly do without causing economic damage to some of our sectors.

1180 Anyway, we were being told they were not necessarily welcoming it, but those employers in the lower paying industries were understanding that there was going to be an ongoing increase in the minimum wage.

1185 The message we got from them, though, was, 'Please can we see the path that you are likely to take, because rather than just annually finding out when the States debate it, we would like to be able to plan? We would like to have, ideally, a five-year horizon, certainly a three-year horizon, of roughly where you were going.'



Now, initially, Deputy Green and I thought, well, perhaps next year we would ask the Committee for Employment & Social Security to come with not just the rate for what would then be 2019, but also their rates for 2020 and 2021. However, we realised that that would undermine the existing Resolutions, which require meaningful consultation on an annual basis, with all the stakeholders.

Obviously, if the States had already decided what the levels would be for the next three years, those consultations, could still take place, but would be utterly meaningless.

So the compromise was to ask Employment & Social Security to give a clear guide of their direction of travel of, roughly, where they expect to be in three years' time. Obviously, inflation would have an impact. Obviously, the consultation responses would have an impact. But I think most employers would like to know, roughly, where they are heading, so that they can adjust their business models accordingly.

So that is all the amendment does and I am glad it is not being opposed and I ask the States to very rapidly pass it.

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

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

**The Deputy Bailiff:** Deputy Gollop, then.

**Deputy Gollop:** I do not oppose it, but as Deputy Le Clerc knows, sometimes it is like herding cats with people like me around. If she was a game show host, the game chosen might be *Play Your Cards Right* and I would be a bit like the late, great, Sir Bruce Forsyth, wanting to go 'higher, higher' all the time.

We did get a lot of information back from the community – albeit there are always flaws with surveys and who responds and why and so on – which indicated that, perhaps surprisingly, compared with the era when Commerce & Employment ran this particular work stream, that there was appetite in the community, generally, for an £8 wage, on this occasion.

Now, I genuinely want to go higher, but I start with the obvious reservation, that I think there are one or two specialist sectors in Guernsey, like hospitality and catering, where the competitive business model is such that they cannot necessarily afford rapid rises. There, I think, the catering offset there is a boon that can perhaps be managed in such a way as to minimise disaster.

I think, generally, Deputy Roffey has made the case for me that, although it is not a panacea for dealing with in-work poverty, if it is true, and it obviously is, that many Guernsey residents have higher accommodation costs, food costs and others, than many people would in the less prosperous parts of the UK – certainly, when I went up to Yorkshire a month ago, I was shocked at the supermarket prices, because they were quite low. Therefore, we do have to consider that, if we are to retain the morale of workers and their loyalty, in some cases, we do need to match the United Kingdom, realistically, or go ahead of them. Or, at least, provide a better working environment. So that is the direction of travel that I have seen. It is not necessarily a direction of travel that business organisations who consult with us might wish to see.

When somebody in the douzaine asked me, do I personally know what the social security long-term plan is, I said I did not and I did not have a plan. Of course, it is part of a wider framework.

I do not know how the rest of the Members are with that, but we, pragmatically, have responded to the consultation we received and, to be fair, I do not think, in the half a dozen years that the Commerce & Employment dealt with it, they had any plan. If anything, they would argue Deputy Le Clerc's argument the other way and say to be competitive, Guernsey needed to have lower wages than elsewhere, in order to give higher margins, which is not really a view, I think, that is sustainable in the long-term. Not because I do not wish business to thrive, but because the Island's resource base is such that we will end up sustaining workers through social mechanisms and revenue and other ways.

I think the plan, frankly, has to be along the lines of implementing elements of the Scrutiny report, when it is concluded; but, particularly a direction of travel, whereby we go towards the United Kingdom or even European norms of wages and take the consequence with that. I was looking only earlier today at an Income Tax model and it is an intriguing fact that, in the UK, if you are successful enough to £500,000 a year of income, you will pay £210,000 of Income Tax. Here, the figure would be a lot less.

But at the lower end of the scale, the costs are disproportionately high and, therefore, in order to maintain a balanced community and workforce, I think we need to think about motivational factors for everybody across the income scale.

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

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

I just wanted to stand to say, as Deputy Roffey has said, that we are not opposed to the amendment. I think Section 3 of our Report outlines some of the difficulties that we have and the requirements of the legislation on the consultation side and the UK have just issued their paper on the minimum wage and living wage – 249 pages. I am afraid I have not read all of them, but it was interesting on the Low Pay Commission and this gives some indication of how difficult it is to plan ahead, and they say this is, again, in respect of the national living wage in the UK:

Looking further forwards, using the available HM Treasury Panel and Bank of England forecasts, we estimate that 60% of median earnings in 2020 will equate, in cash terms, to a national living wage of £8.61 an hour.

But when they gave their original forecast in July 2015, they were estimating £9.35 an hour. So, actually, they are now saying that they estimate the national living wage in the UK will drop, as a result of the economy. I think that just indicates how difficult it is, sometimes, in predicting a path on that.

As I say, the Committee does not oppose the amendment.

Thank you.

**The Deputy Bailiff:** Deputy Langlois.

**Deputy Langlois:** Just very briefly, sir.

I was just thinking, when Deputy Roffey was speaking, that in some ways our Minimum Wage Law, as it is written at the moment, rather reflects the attitudes when it was introduced. When they introduced minimum wage legislation in the UK, there was a lot of opposition to it. A lot of predictions of mass unemployment.

Then it came in and none of that came to pass and now it is generally accepted as a good thing, whichever party happens to be in power.

I think our minimum wage legislation reflected that. I think it is rather unusual to have consultation being a statutory requirement written into the Law, but I sense that came out of the same trepidation of introducing a minimum wage in the Island. I think something such as Deputy Roffey's amendment, suggesting you map out a target in the medium-term, is a very useful addition and gives a degree of solidity to a rather nervous bit of legislation.

I think the Committee will be supporting it.

Thank you.

**The Deputy Bailiff:** Deputy Green.

**Deputy Green:** Yes, sir, very briefly.

We were very mindful, when we were putting this amendment together, of the statutory obligation that exists in the Minimum Wage Law, section 5, I think it is, which requires the Committee for Employment & Social Security to consult every year, annually, before setting

minimum wage rates. But, as others have said, there is nothing in this amendment which contradicts or is inconsistent with that.

1290 It is about providing that clear direction of travel and greater certainty and, I think, it is a good outcome from the work that has been done so far, by the Scrutiny Panel, on the in-work poverty issue, which is an ongoing stream of work. But the interim report did have some very important and significant things to say about minimum wage rates and this is a product of that,

1295 **The Deputy Bailiff:** Deputy Roffey, as the proposer of the amendment, to reply to the debate on it.  
Deputy Roffey.

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

1300 Not a lot to reply to. Deputy Gollop said he has no idea of his medium-term plan, but that is okay, because this amendment gives him a year to come up with one.

Deputy Le Clerc has mentioned that sometimes you cannot always stick to the plan because of circumstances changing in the UK. Actually, they will still be sticking to their plan, because the plan was the 60% or median. It is just that, because wage rates are being generally suppressed in the UK, the outcome of that plan is going to be slightly different. They are still following the plan.

1305 I do tend to agree with Deputy Shane Langlois and I would invite the Committee, when considering this for next year, to also maybe consider the legislation around the minimum wage, to see if it needs any tweaking in the modern circumstances, because we are a legislature. So if we are being hide-bound by the Law, we can always tweak it.

1310 It is a difficult and tricky thing to set a minimum wage, to help those that need the help most, without damaging our economy in any way, which would be obviously an own goal. But, as I say, when we spoke to employers they were almost unanimous in wanting the States to take a medium-term view and this amendment reflects that and I would invite Members to support it.

1315 **The Deputy Bailiff:** Members of the States, we go to the vote on the amendment, proposed by Deputy Roffey, seconded by Deputy Green, which will have the effect of inserting a new Proposition, to be numbered two, and to number the existing Proposition as one. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare the amendment duly carried. General debate.  
Deputy Green.

1320

**Deputy Green:** Sir, thank you.

Just one point. I just wanted to make reference to the States' Resolution from 2010, which is referred to at paragraph 2.4 of the policy letter, which says:

To direct the Commerce & Employment Department, whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing minimum wage rates that it is a policy objective of the States of Deliberation that the Young Persons' Minimum Wage Rate and the Adult Minimum Wage Rate should be equalised as soon as possible.

1325 I cannot help notice that the proposals, which I entirely support, are that the adult rate should rise to £7.75 an hour, the young persons' rate should rise to £7.05; whereas, previously, the young persons' rate was £6.50, and the adult rate was £7.20. I would like to ask the President of the Committee for Employment & Social Security, what the current thinking is and whether that Resolution is still the end objective.

I cannot help, also, remind the Assembly of the fact that in a recent policy letter that the same Committee has released, they talk about the possibility of introducing age discrimination legislation.

Now, we have not actually debated that particular policy letter – that is the policy letter on the Longer Working Lives Initiative. The reality is, in my view, the current distinction between the adult minimum wage rate and the young persons' minimum wage rate is, I think, age discrimination.

So how can the Committee reconcile those two things? I would be grateful if the President for the Committee could sum up the current thinking on that Resolution, from 2010, and perhaps give some clarity on how they are going to reconcile the fact that they are looking to introduce age discrimination legislation in the future and this practice, which clearly is discriminatory, in my view.

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

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

I might have an interest to declare here, in terms of my interest in retail, but I wanted to follow up with the President, Deputy Le Clerc, on the points she made with regard to Supplementary Benefit and I have, really, three questions here for her to look at.

First of all, what impact will this increase have on the cost of Supplementary Benefit to this Island, if any, that is?

Secondly, what level of minimum wage will be required to have a significant effect on the cost of Supplementary Benefit?

Thirdly, should we, as a Government, be considering differential rates, by economic sector, particularly with respect to the hospitality and the horticultural sectors?

**The Deputy Bailiff:** Deputy Dorey.

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

It is just a question, really, in relation to the consultation and the detail of the information. In appendix 1, she gives a table of the respondent category, which includes employee, trade union, employer, employers' association, third sector and other. I think it would be useful, in the subsequent tables, where they give the information about the various rates and the accommodation offset, if they were broken down, at least, not into those six categories, but perhaps employee, employer and other. I just think it would give a better analysis of the situation.

So I just ask that in future they do that analysis.

Thank you,

**The Deputy Bailiff:** Deputy Inder.

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

Part of the reason for having a minimum wage is to ensure that Government is not, in effect, subsidising businesses via Supplementary Benefit and top-ups and the like.

I will be supporting the policy letter, obviously, but I wondered if, when summing up, the President could give us an indication if there has been a movement away, fewer claimants, maybe, as a result of the minimum wage rises over the last few years?

**The Deputy Bailiff:** No one else is rising, so I will turn to the President of the Committee for Employment & Social Security, Deputy Le Clerc, to reply on the debate on the Article.

Deputy Le Clerc.

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

1380 I am not sure I can answer all of the questions that have been raised, but I will attempt to do so.

Deputy Green, in respect of the young persons' objective, I think, because of the disparity between the two rates, the adult rate and the young persons' rate, it would mean significant increases in the young persons' rate and I think that is something that the Committee needs to address, and I take the criticism and I think we need to do more work on that. It is something, 1385 hopefully, we will work on in the future.

Deputy de Lisle, with respect to Supplementary Benefit, has asked, firstly, whether there will be an increase on Supplementary Benefit. As we have said in the debate regarding the amendment, the statistics that we have got on how much people are paid on an hourly basis, we do not have 1390 the data.

But I would expect that any increase in minimum wage does have some impact on those that are above minimum wage, as well. So I think, if anything, it would potentially decrease the amount of Supplementary Benefit. But we have not got the data to prove whether that would be the case. All we have got is how many people require top-ups on Supplementary Benefit.

1395 I think that your question two was very similar to question one –

**The Deputy Bailiff:** Deputy Le Clerc, I did not ask any questions.

**Deputy Le Clerc:** Sorry, sir.

1400 Deputy de Lisle's question two was very similar to question one. We do not have the data available.

The differential rates by economic sector, I am not sure that that would benefit our economy and benefit our people, because I think it would make it even more difficult for certain sectors on the recruitment side and, I think, would be potentially a huge amount of work.

1405 I am not sure it is for Government to dictate what rates of pay should be for different sections of our economy. I think it is market forces that would tend to dictate that.

Deputy Dorey, on the consultation side, yes, I agree that we could be better on our analysis and categorising the data. It is something we discuss at Committee level, but I agree that it is not there in the appendices. Actually, one of the things that we have discussed for next year is having 1410 some focus groups, as well. So having the paper consultation, but also widening that out to some focus groups. Again, we may improve the quality of the data that we are able to work with.

Deputy Inder, again, I think his question was very similar to Deputy de Lisle's – would we have fewer claimants on Supplementary Benefit? One would hope we would have fewer claimants on Supplementary Benefit but, again, we do not have the specific data on that.

1415 Thank you, sir.

**The Deputy Bailiff:** Members of the States, we turn to vote on the two Propositions as they now are, as the result of the amendment carried just a short-time ago. Can I put them to you together? In which case, I will. Those in favour; those against.

*Members voted Pour.*

1420 **The Deputy Bailiff:** I declare those two Propositions duly carried.

**COMMITTEE FOR HOME AFFAIRS**

**X. Amendments to Population Management Law –  
Debate commenced**

*Article X.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter of the Committee for Home Affairs entitled 'Amendments to Population Management Law', dated 23rd October 2017, they are of the opinion:*

*1. To approve the removal of the requirement in the population management legislation that the Administrator of Population Management be satisfied, when granting an Open Market Employment Permit (Part B) or an Open Market Employment Permit (Part C) to a person who has previously been resident that –*

*(a) The applicant took a recognised break in residence following the cessation of validity of the last Permit previously granted to him (if any), or in any other case,*

*(b) The Permit will not permit the applicant to be resident for a continuous period (including residence before the grant of the Permit) exceeding five years.*

*2. To approve the giving of rights to holders of Short-Term Employment Permits (STEPS) under the population management legislation, who had an established nine month on/three month off residence pattern as at 3rd April 2017, to continue that pattern of residence as set out in paragraphs 1.6 and 4.17 of the Policy Letter.*

*3. To direct the preparation of such legislation as is necessary to give effect to their above decisions.*

**The Greffier:** Article X, the Committee for Home Affairs – amendments to the Population Management Law.

**The Deputy Bailiff:** I invite the President of the Committee, Deputy Lowe, to open the debate.  
Deputy Lowe.

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

Yes, I do intend to open the debate; but, as we all know, there is an amendment coming from P&R, presented by Deputy St Pier and seconded by Deputy Trott.

I believe it is a new amendment, sir, because there has been lots of toing and froing, as we know, from Economic Development. They would not withdraw, then they were going to withdraw. We are now back, at the last minute, last night, where they have changed their mind again. So a new amendment has had to be produced, because they now want it debated.

So apologies to Members, for all this toing and froing. It is out of our hands and so a new amendment is being circulated, sir.

Once that has been circulated, I look to Deputy St Pier to present it and when Members go to the vote on it, I can then talk on the main debate.

**The Deputy Bailiff:** No, you cannot, Deputy Lowe.

You opened the debate on the Propositions that the Committee has laid. You will have an opportunity to speak on the amendment, but you cannot open on the Propositions as amended.

So, if you want to open the debate, you open the debate now, Deputy Lowe.

**Deputy Lowe:** That is very difficult, sir, because our Report is no longer going to be our Report. So, I look to Deputy St Pier, that once it has been amended, one of them will actually give way to me, to then, actually, amend and speak on the whole thing in completion.

1450 **The Deputy Bailiff:** Deputy Lowe, if it assists, you are entitled to speak on the amendment and that might be the time at which you wish to speak in support of the amendment, and outlining why you support it by opening the debate.

**Deputy Lowe:** I am happy to do it that way, sir. It is just, the way we discussed it earlier, I understood that there was just going to be no debate on the amendment and we would go straight to it.

1455 But that is fine, sir. I thank you for that advice.

**The Deputy Bailiff:** Members of the States, there are now three amendments that have been submitted to H.M. Greffier in respect of this set of original Propositions, two of which come from Deputy St Pier.

1460 Am I right in thinking, Deputy St Pier, that you wish to progress amendment 3?

**Deputy St Pier:** Yes, sir.

1465 **The Deputy Bailiff:** In that case, would you like to lay that amendment and, because it has only recently been produced, I think it should be read by somebody.

*Amendment.*

*To delete Propositions 1, 2 and 3 and replace with the following:*

*'1. To approve the removal of the requirement in the population management legislation that the Administrator of Population Management be satisfied, when granting an Open Market Employment Permit (Part B) or an Open Market Employment Permit (Part C) to a person who has previously been resident that –*

*'a) The applicant took a recognised break in residence following the cessation of validity of the last Permit previously granted to him (if any), or in any other case, b) The Permit will not permit the applicant to be resident for a continuous period (including residence before the grant of the Permit) exceeding five years.*

*'2. To amend the requirement that it be a condition of an Open Market Employment Permit (Part B) and an Open Market Employment Permit (Part C) that the holder is accommodated at a particular property inscribed in Part B or Part C (as the case may be) specified on the face of the Permit, to a requirement that the holder is accommodated in any property inscribed in Part B or Part C (as the case may be).*

*'3. To approve the giving of rights to holders of Short-Term Employment Permits under the population management legislation, who had an established nine months on/three months off residence pattern as at 3rd April 2017, to continue that pattern of residence as set out in paragraphs 1.6 and 4.17 of the policy letter.*

*'4. To remove the prohibition on reissuing a Short-Term Employment Permit in circumstances which would result in the holder's aggregate residence (both before and after commencement of the Law) exceeding five years.*

*'5. To provide that a person resident under a Short-Term Employment Permit shall not be treated as ordinarily resident for the purposes of the Law, save for the purposes of –*

*a) section 78(6), b) section 78(8), and c) section 83(2)(a).*

*'6. To direct the preparation of such legislation as is necessary to give effect to their above decisions.'*

**Deputy St Pier:** Sir, I shall take your advice, and perhaps ask H.M. Greffier?

**The Deputy Bailiff:** Perfect, thank you.

*The Greffier read out the amendment.*

**The Deputy Bailiff:** Thank you, Greffier.

1470 Deputy St Pier to propose the amendment.

**Deputy St Pier:** Sir, I shall be very brief.

1475 As is explained in the explanatory note, the sole purpose of Deputy Trott and I proposing this amendment is in order that the debate for the Committee for Economic Development's policy letter and the Committee for Home Affairs should, effectively, be brought together into one debate. So P&R have not taken any position in relation to the contents of the amendment, *per se*. The only difference between this and the previous version circulated, sir, is the proposed new Proposition 5, which is to incorporate the Kuttelwascher/Merrett amendment, which had been circulated, which, if it had not been incorporated in this amendment, meant that we would have  
1480 still ended up having a second debate.

So the idea is to ensure that the whole debate is carried in one and then there will be no need for the second debate.

**The Deputy Bailiff:** Deputy Trott, do you formally second that amendment?

1485

**Deputy Trott:** Yes, I arise to formally second the amendment and forego my right to speak, in the expectation that Assembly will approve this amendment swiftly, sir.

**The Deputy Bailiff:** Deputy Roffey.

1490

**Deputy Roffey:** Sir, I will be brief.

Just to say that, if this amendment is passed, which puts together the Propositions contained in the two policy letters, there will need to be a technical amendment to my amendment, as far as the numbering of the proposals that I am seeking to insert. I think I know what the numbering  
1495 should be, but I will rely on the Comptroller to do that.

I will still plough ahead, it would just need to change slightly in order to reflect the different Propositions.

**The Deputy Bailiff:** Deputy Fallaize.

1500

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

I commend the Policy & Resources Committee for this, because I think it makes sense of what would otherwise have been a very messy debate.

The only point I have is I do not know whether it would be, at this point in this debate or in  
1505 general debate, once the amendment is approved, as it presumably will be ... I think it would be useful if Deputy St Pier or Deputy Trott and not Deputy Lowe or Deputy Ferbrache ... and I say that only because, although they may be more familiar than anybody with the various proposals, their Committees have differing views on the right solution.

I think it would be useful if somebody from the Policy & Resources Committee could provide  
1510 the States with some objective assessment of whether approving any of these Propositions in combination with any other Propositions might cause conflict.

Because I am not sure that all of these Propositions could be approved in isolation. I think there may be some conflict between one or other of the Propositions and I do not really think it would be very helpful for that to be explained by Deputy Lowe or Deputy Ferbrache, because they  
1515 are promoting different solutions to this problem.

It would be better if the Policy & Resources Committee could explain that, either at this point or in general debate.

Thank you, sir.



1520       **The Deputy Bailiff:** Deputy Lowe, do you wish to speak in respect of this amendment, or would you prefer that I give you permission to speak twice on the matter, by calling you first after the amendment is voted upon?

**Deputy Lowe:** I think that would be easier, sir.

1525

**The Deputy Bailiff:** Yes, I think I can do that.

**Deputy Lowe:** I thank you for that.

1530

**The Deputy Bailiff:** Deputy St Pier to reply to the debate on the amendment.

**Deputy St Pier:** Sir, I have very little to reply to, but I absolutely take Deputy Fallaize's point.

I am not in a position to do so here and now, but we will attempt to do so in the closure of the main debate.

1535

**The Deputy Bailiff:** Members of the States, we go to the vote on amendment 3, in respect of this Article, proposed by Deputy St Pier, seconded by Deputy Trott. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare that amendment duly carried.

1540

As I have just indicated, I am going to exercise my entitlement, effectively at Deputy Lowe's request, to enable her to speak a second time in this debate by now formally opening the debate on these amended Propositions; after which, I will turn to Deputy Roffey to move his amendment at that stage.

So, Deputy Lowe.

1545

**Deputy Lowe:** Thank you, very much, sir, and thank you very much for allowing me to speak again.

First, may I thank Deputies St Pier and Trott for laying the amendment, which allows us to have a debate around this important subject, rather than the fragmented debate that would have resulted from two sets of Propositions being considered separately.

1550

The Committee for Home Affairs is responsible for administering the Population Management Law in accordance with the strategic direction of the States.

That strategic direction is, in short, to ensure that long-term population growth is kept to as low a level as possible, consistent with achieving the strategic outcomes agreed by the States. All decisions taken under the Law need to be seen through that lens.

1555

The new Population Management Law commenced on 3rd April 2017, designed to replace the Housing Control Law, with a greater focus on the management of our population. The new Law is very much still in its infancy. This is particularly apparent when we remind ourselves that the Housing Control Law and the policies that sat beneath it, had been evolving since 1948. Whereas, the new Population Law has only been in place for a matter of months.

1560

Given the huge change that has taken place, with the introduction of a new Law and policies, combined with a new way of making applications, it is a credit to all involved that we have received some very positive feedback on the new regime,

Many employers have praised its simplicity and transparency, and, in some areas, new posts have been made eligible for medium- or long-term permits. These are all examples of the regime working, as originally intended, to support employers and also to support the economy.

1565

We acknowledge that it has not all been plain sailing, but what large-scale change ever is? We are already taking action, both short- and long-term. We have been running customer focus

groups to understand what works well and what needs some improvement, and we are acting on the feedback received.

1570 As well as this, there is a more fundamental ongoing review of the Law and supporting policies, which may lead to more far-reaching changes. This review is already underway, with the next panel meeting scheduled to take place in January. We are confident that this work will proceed at pace.

1575 Not all of the issues around the Law have been of our own making. The commencement of the new regime has coincided with Brexit, which could not have been foreseen when the population management proposals were debated, during the period 2012-15. Brexit has caused much uncertainty for EU nationals living in the UK and has also had an effect on the value of the pound against the euro; which makes the UK, and by extension Guernsey, less attractive to migrant workers from the EU.

1580 As we have said in our policy letter, all these factors, as well as others, such as the cost of travelling to and from Guernsey, have conspired to create a perfect storm.

While the population management regime is perhaps an easy target for employers to cite as the cause of staffing difficulties, it would be wrong to say it is the only cause. It is, however, the only factor we can exert any control over, which is why the Committee for Home Affairs have  
1585 decided to act sooner, rather than later, in recommending changes to the Law. Flexibility was one of the selling points of the new regime and, already, we have demonstrated that we are prepared to listen to feedback and respond quickly.

For example, we have already agreed to ignore the five-year cap on residence for people in certain specified posts, after receiving feedback from the Population and Employment Advisory  
1590 Panel that employers were still struggling to fill such posts, as existing employees vacated them.

Based on the cases put forward, the Committee has agreed two-year extensions in such cases, to provide continuity over the period of uncertainty caused by Brexit and also to allow sufficient time for the ongoing review of the Law and policies to be concluded.

We have also agreed that anyone with grandfather rights, living in houses of multiple  
1595 occupation – HMOs, as they are known – or in staff quarters in hotels and care homes, may move freely around properties inscribed in the relevant parts of the Open Market Housing Register, i.e. parts B, C and D, rather than being restricted to one type of accommodation.

So we are listening carefully to feedback from our customers and reacting swiftly, in recognition of the need to apply some quick fixes at this time.

1600 I would stress that we remain happy to re-examine any aspect of the regime that may not be working as well as we had hoped. We made a commitment that the new regime would be more flexible than the old and we intend to honour that commitment.

Having regard and agreed to some policy changes, we are now looking to make some changes to the Law and are recommending to the States that the five-year cap on residence for live-in staff  
1605 in hotels and care homes should be lifted; thereby reverting to the system that existed previously, under the Housing Control Law. We are doing this because employers in the hospitality industry have told us about the problems they are experiencing in recruiting and retaining staff. Again, we are listening and responding.

We are also recommending that those who have been coming to Guernsey, on the basis of  
1610 nine months here and three months away, should be able to continue this residence pattern for more than the five-year period allowed by the Law. Once more, this change has been put forward following feedback from employers.

The Committee recognise that some of these changes carry a measure of risk, because they allow people to stay here for longer than might have been the case otherwise and this can, and  
1615 does, lead to applications for long-term residency, based on connections built up in Guernsey over a number of years. However, we realise that these risks need to be weighed up against the potential risks to the Island and the economy if employers cannot recruit and retain the people they need to make sure their businesses remain viable.

1620 We need people with the right skills coming to the Island, but the process has to be managed and it needs to be centred on Guernsey's interests. We think we have the balance right. We want to support and facilitate a vibrant and buoyant economy. Hence the flexibility we have shown and will continue to show as suitable cases are made.

1625 But here I must say that employers need to help themselves too. We have listened. We have been responsible and flexible. We do not want to send out the message that Guernsey is closed for business, but those employers who complained loudly in the media, rather than engaging with the advisory panel, are doing just that. I would urge them to think carefully about the message they are sending out and ask them to work with us, rather than against us.

We recognise that the new regime is not perfect and we want to improve it. This requires the States of Guernsey and employers to work together as one, so please help us to do that.

1630 That deals with the Committee's original Propositions, but now I must turn to those not in our original policy letter – the proposals put forward by the Committee for Economic Development. The Committee has no strong views on whether persons living and working in hotels and care homes need to live and work in the same establishment, largely because it considers it unlikely that one employer would want to accommodate another's staff. In fact, this proposal is, in our  
1635 view, largely unnecessary, because we are already flexible when it comes to, say, a hotel chain or group and it is difficult to imagine other circumstances where this flexibility would be sought.

If approved, this change would mean some minor administrative and system changes, which would have a small cost attached, but no long-term adverse effects are anticipated as a result of this proposed change.

1640 I would say, however, that the Committee has not been approached by employers claiming that the current arrangements are problematic, and it does appear that this proposal may be something of a kneejerk reaction to a very specific issue.

1645 However, we should not spend our time debating such relatively trivial matters when we have before us a proposal, in the form of a Proposition 4, originally put forward by the Committee for Economic Development. That has the potential to undermine the entire regime. That is what we should be focussing our attention on.

1650 The proposal is that employees who come to Guernsey to work on the basis of a short-term employment permit – or a STEP, as they are known – should have no limit imposed on their length of residence while holding STEPs. Let us consider what that would mean for us. As I said earlier, the Committee for Home Affairs is effectively the custodian of the Population Management Regime for the States. As such, it cannot substitute its own thinking for the direction of the States.

It may be helpful if I take a minute or two to remind us all of what the States' thinking is in such matters, and this is what drives the regime.

1655 In 2013, when devising the new population management regime, the States agreed seven principles that had to apply. I will not repeat them all now, but I will mention one, which is particularly relevant to today's debate, which is that:

The new regime needs to be as effective as possible, in enabling the States to manage the size and make-up of the Island's population.

Therefore, the Committee has a responsibility to support the States in this respect.

1660 In December 2015, the States considered a report from the then Policy Council, about the need to maintain an appropriately sized working population, in order to mitigate the adverse effects of projected demographic changes, i.e. an ageing population and a shrinking working population.

1665 In agreeing the recommendations in that Report, the States' thinking has moved on from absolute numbers or targets and very broad terms. The focus is, instead, on ensuring that there are sufficient people to work to support those who are not working. I will repeat what I said earlier, because it is important: we need people with the right skills coming to the Island, but the process has to be managed and it needs to be centred on Guernsey's interests. This does not mean that all who come here for work purposes should be allowed to stay forever. As the

December 2015 report also stated, if long-term settlement is permitted for all those migrating to the Island, the long-term demographic issues facing the Island are worsened.

So, while our guest workers are very welcome and much-needed, it would be folly to allow them all to stay forever. We are often told that guest workers who come here on a short-term basis do not want to stay forever, that they have homes and families in their countries of origin, to whom they intend to return. Of course, many do just that. But some also seek to remain here. Sometimes successfully, sometimes not. This is inevitable, and the Committee deals with all these cases, as they arise, and will continue to do so.

However, this proposal is something of a game-changer and is considered extremely unwise for a number of reasons. First, if there is no limit on the number of short-term permits that can be granted to any one person, from the moment that person arrives in Guernsey, they will have an expectation that they can stay here for as long as they like; and, further, that they can live in local market accommodation for the entirety of their stay – not as a householder, so it would have to be on a shared or lodging basis, but nevertheless, in Local Market accommodation.

I stress this fact, because the Law confers certain rights on those who live here continuously and lawfully for eight consecutive years in Local Market accommodation. If they want to, they can stay forever.

The Committee for Economic Development, perhaps waking up rather late in the day to the implications of its amendment, has now, I see, laid an amendment at the eleventh hour, which is now incorporated in the P&R one; if successful, it would mean that time spent living in Guernsey under a STEP would not be an ordinary residence and, therefore, the rights that are conferred at the eight-year point would not be realised.

But how would this work in practice? These people are still here. They do not necessarily understand the distinctions we make under the Law about different types of residence. We have told them they can stay as long as they want to. The Population Management Office frequently deals with applications from people who have lived in Guernsey for varying periods of time, in circumstances that do not lead to any permanent residential rights under the Law, but who, nevertheless, want to stay.

One of the reasons why we introduced break points in the Population Management Law was to allow us to have a better ability to manage the population, as directed by the States. Here we are, and we are eight months in, already thinking of throwing away one of those principles.

Even if we make the amendment about ordinary residence, by simply adding another level of complexity to something we promised to keep simple, we would be introducing another category of residence. This is the last thing we need, if we are to ensure that we make everything as simple as possible for all those who interact with the regime.

As I said, we are told by its supporters, that this amendment will not lead to more people staying here permanently. Maybe it will not. Only time will tell. But what if it does? We rely heavily on our guest workers and I must stress that they are all very welcome here. This is a difficult debate, because we are talking about real people and their lives.

Please make no mistake about the fact that each and every guest worker who comes here is valued for the contribution they make. But, although it is difficult not to bring individuals into debate, we really need to focus on policy. We already have policies in place that determine which posts should attract permits that allow people to live here, long-term.

This is necessary, because it is simply not feasible to grant everyone long-term access to local market housing stock, or to enable them to stay in Guernsey forever, with all the costs to the community that that ensures.

As of 31st March 2016, there were 1,000 people on the basis of a short-term housing licence. This is slightly lower than previous years' figures, but we can assume that those numbers, at any given time, are generally about this level. These are posts for which it has been determined that long-term continuity is not essential. But, if we agree this amendment, we are saying to all those post-holders that, if they want to, they can stay here forever. They can stay here longer than a

geography teacher, or a history teacher, or a speech and language therapist. Does that sound right to you?

1720 We have done a considerable amount of work, in conjunction with officers of the Committee for Economic Development and, before that, the old Commerce & Employment Department, to develop the policies that should apply to employment related permits. But now we seem to want to throw all that thinking away, almost before the ink is dry on the new Law, and make sweeping changes that could have far-reaching effects.

1725 Would it not be wiser to accept the less radical changes that are being proposed by the Committee for Home Affairs, and give ourselves time to take stock of other issues? The review panel can consider this in the context of the bigger picture, rather than our looking at it in piecemeal fashion, which is not good Government.

1730 We have already bought some time, by extending the period that short-term permit holders can stay for. We have recommended that live-in staff will have no cap on their residence. As I said, these changes are not without risks, but we have to tread a careful line.

This proposal strays too far from the line. It would severely hamper the Committee's ability to support the States' strategic objectives. It appears to have been put together in haste and, I would suggest, that we will almost certainly be repenting at leisure, if we vote it through now.

1735 Far better, surely, to look at these things and these issues as part of the ongoing review, which has already commenced.

Almost certainly, more changes will follow, as we work to improve the regime. But, for now, the Committee believes that the proposals in its policy letter are pragmatic and will be of assistance to employers, whilst also respecting the States' strategic objectives.

1740 We all need to work together to deliver improvements and, therefore, I ask my fellow States' Members to support the numbers at this time. I know that Deputy Roffey will be, hopefully, still presenting his amendment and I want to make it clear the Committee will be supporting his amendment; so, as he said earlier, the numbers will change. But, currently, on the numbers that you have got before you, on the amendment, I ask States' Members to support Proposition 1. We are relaxed about Proposition 2 and Proposition 3. So, 1 and 3, the Committee support wholeheartedly; 3, we are relaxed about as the first steps on our journey towards those improvements. But I would urge you, please, most strongly, do not support Propositions 4 and 5 currently before you on the amendment.

Thank you very much, sir.

1750

**The Deputy Bailiff:** Deputy Roffey, you have submitted an amendment to H.M. Greffier. You have indicated that some internal numbering might need to be changed. Mr Comptroller, are you content that we just deal with it by manuscript?

1755 **The Comptroller:** Yes, sir, of course. It is quite clear, in this event.

**The Deputy Bailiff:** It is quite clear, is it? Good.

Well, Deputy Roffey will tell us how clear it needs to be.

Deputy Roffey.

*Amendment.*

*To delete Proposition 2, and to substitute the following therefor:*

*'2. To approve that the Administrator of Population Management may, in addition to the terms on which she may currently grant a Short-Term Employment Permit (STEP) under the Population Management Law, also grant a STEP for a period of up to nine months on the basis that -*

*'(a) the holder must take a break in residence of at least three months before re-applying for a STEP, and*

*'(b) subject to successful re-applications for a STEP, the holder may continue a nine months on/three month off residence pattern indefinitely.*

*'3. To approve that a current STEP-holder who was resident under a nine months short-term housing licence at any time in the period of six months before and including 3rd April 2017 may, on notifying the Administrator, move to a nine months on/three months off residence pattern and (subject to successful re- applications for a STEP) continue that pattern of residence indefinitely.', and to designate Proposition 3 as Proposition 4.'*

**Deputy Roffey:** I think, probably, where it says, 'delete Proposition 2', it will be 'delete Proposition 3' in future and what I proposed as 2 is 3 and, probably, what is 3 is 3a, but I will bow to the experience of the Comptroller over that, but I will put it forward as is, because the effect is going to be exactly the same.

Firstly, let me say that I do welcome the conversion, to some extent, on the road to Damascus by the Home Affairs Department, in suggesting the liberalisation that they are, in their own policy letter, but I do believe that it is too little and too late; hence my amendment.

I also note that the Committee has decided to support my amendment. I did consider whether that meant I could actually just throw away my speech. Sorry, Members of the States, through you, sir, but I have decided not to do that, because I think this is an issue upon which some things need to be said.

Firstly, for the sake of absolute clarity, I am a director of the Channel Islands Co-op, and the Co-op does employ some people who hold employment permits. So I declare that interest.

That said, my concern is far less about the retail sector, which has really only been very marginally impacted, than it is for the real victims of what I regard as this Assembly's very foolish decision, back in March, in respect of short-term employment permits. In particular, the hospitality sector, but also horticulture, agriculture, care, cleaning and so on and so on. We have inflicted real damage on some of these industries, and that damage will be hard to put right, no matter what course of action we adopt today.

Certainly, I think the States owe these industries a sincere apology for getting it wrong, and I hope we hear that loud and clear today. In particular, from those who pushed this regime through the States. But, you know, sometimes being sorry just is not good enough. The genie is out of the bottle. The damage has been done. Very good staff have left. Staff who knew their jobs and, more importantly, knew Guernsey, both as an Island and as a hospitality product. Staff who would have been willing to work here for several more seasons, but have been told they are no longer wanted.

We have wilfully squandered a precious resource. But it is worse than that. These staff have gone out into the world, telling others that Guernsey is a grudging and unwelcoming employer of guest workers. Some may think that is a big exaggeration. After all, the voices of those people, those seasonal workers who can no longer come back, is a pretty small one and the world is a pretty big place. So how much impact will it really have?

Well, when talking to hospitality employers about the minimum wage, as part of the in-work poverty review, I was really struck by the process which many of our best employers use to recruit from overseas. Word of mouth was absolutely vital. It was absolutely core to that. Waitresses or kitchen porters had cousins or friends or acquaintances in their village, or town, who they recommended to Guernsey employers, and vice versa.

Even without that networking, the idea of a strict time limit was obviously always going to be a negative factor in the mind of potential guest workers, when applying to work in Guernsey.

In reality, I suspect 95%, maybe 99%, of them would never come back for more than five seasons anyway. But the fact that they were told from the outset that it was strictly prohibited, when it is not in neighbouring jurisdictions, was obviously going to be a bar to them coming to Guernsey.

I have to say, last weekend, I was in Jersey for a series of meetings and I was being told that employers there, that wanted to attract guest workers, were gleefully telling potential recruits that the same sort of restrictions did not apply in Jersey as applied in Guernsey.

1805 Sir, I think to have done all that, at a supremely difficult time to recruit from Europe anyway, was a very foolish mistake. I do accept that a lot of the problems that the hospitality sector has had in recruiting have been down to the Brexit effect and the weak pound, making the drawing power of working in Guernsey weaker than it previously was.

But, surely, that is all the more reason not to add to those problems.

1810 Sadly, this Assembly cannot affect the pound-to-euro exchange rate. I wish they could – I am going on holiday in not many months' time – but we cannot. What we can do is avoid aggravating the situation by the very ill-judged introduction of new controls over short-term workers at just the wrong time. Our timing was supremely bad.

1815 Let me put on record, in my view the medium- and long-term permit sections of this Law are working well. I do think they are working well. But the short-term permit policy has proved to be an act of self-inflicted damage on Guernsey's economy, just when we needed it least. This should have been obvious back in March.

I go further. This was obvious back in March. And a number of Deputies, not just me, warned back then it would have just the devastating impact that it has since proved to have.

1820 I remember, I told the States that I thought this section of the regime would be disastrous for hospitality and other similar sectors and, in response, I got a note from Deputy Parkinson. He suggested that if I wanted to place an amendment keeping the old regime for short-term workers, he would happily second it.

1825 That was, indeed, precisely what I wanted. But, after thinking about it for a few minutes, I regretfully sent him back a note saying I really could not see how to do that by amending what was before us, which was a simple commencement ordinance, at that time. But, sir, we can do something meaningful about it today and I will come to that in just a minute.

1830 But, you know, back in March, it was not just Deputies, like myself, issuing these warnings; it was a large number of employers. Those at the coalface, explaining that the world had changed since the original regime had been researched and planned. It had been overtaken by events, not least the Brexit vote.

1835 The impact of going ahead regardless would be devastating. How were these warnings received by Home Affairs? Well, they were brusquely brushed aside. Hoteliers, restaurateurs and others, had apparently raised their concerns through the wrong channels, instead of talking purely to the panel charged with liaising with industry, they had made their fears public. Or, heaven forefend, they had raised their concerns with their Deputies. They had shortcut the bureaucracy and, as a result, their views should be disregarded.

There were all sorts of jobsworth reasons put forward for ignoring the legitimate fears of important employers and carried on paddling over cataract.

1840 **Deputy Lowe:** Sir, can I have a point of correction?

**The Deputy Bailiff:** Point of correction, Deputy Lowe.

1845 **Deputy Lowe:** Myself, as President, I have not been approached by any of the companies that have complained about it and I have sent them in another direction. I am sure I can speak on behalf of the other members as well.

Certainly, the right route has been to go through to the Population and Employment Panel or, indeed, to the staff at the Population Management Office.

1850 **The Bailiff:** Deputy Roffey to continue.

**Deputy Roffey:** I am not sure that is a point of correction, at all, sir.

1855 I do agree that, ideally, every employer would go through the panel and talk to them in the prescribed way, but back in March they were so scared –

I give way.

**Deputy Merrett:** I appreciate Deputy Roffey giving way, sir.

I just wondered if Deputy Roffey would agree with me that sometimes we, as Deputies, have to go out to industry and engage with them in that direction, as much as the expectation for them to come to particular channels that we wish to drive them through.

**Deputy Roffey:** Thank you, sir. I will press on, looking at the time.

I think it was a classic case of politicians who, frankly, knew little, telling those who really knew their onions that they, the politicians, really knew better. I hope you can follow that. Guernsey States at its worst.

To be honest, I have also been unimpressed with some of the more recent public utterances from Home Affairs and its President. I nearly fell off my chair listening to the radio and hearing the opinion there were just too many restaurants and cafes in Guernsey anyway; there was one opening every week, so what does it matter if they cannot all find staff to open all hours? High-handed nonsense and totally out of touch with modern lifestyles.

Mr Deputy Bailiff, what have we done? We are seeing, thank goodness, the first signs of a real recovery in tourism for years. We have seen an upturn, and we seem to be doing our best to choke it off.

I remember all those questions at the hustings last year, about how candidates would seek to broaden our economic base and nearly every candidate mentioned the need to support tourism. Well, we have done a pretty bad job of keeping those election promises, so far.

Of course, tourism is vital to the wider economy as well. We keep hearing from business representatives that their number one issue is connectivity. Well, it is not all about to do with the length of our runway, connectivity relies on numbers and it is tourism that provides the critical mass to support our tourism links.

Yet, we brushed aside those fears from those industries, as if they counted for nothing. We should be ashamed.

But, probably, that is enough about our past mistakes and apologies and putting on hair shirts and sackcloth and ashes. What can we do to put things right today?

Frankly, I think whatever we do today has to be a sticking plaster. Some sort of make-do arrangement, until the dust settles on Brexit and, more importantly, the resulting UK immigration policy. Only then will we be able to dovetail in a new, improved and lasting short-term permit regime to fit within that, because we are impacted by the UK immigration law.

Clearly, we cannot wait for that, so we have to make-do and mend today. Now, in offering the continuation of the old nine/three regime, I am not suggesting that it was perfect in any way. Neither am I saying it is the long-term solution, but it certainly worked better than the current set up and it is tried and tested.

So, until we can actually take a proper look, post-Brexit, I think we should allow it to continue.

What is more, my amendment offers a choice, of either indefinite nine-month licences, with a minimum of three-month breaks in between, as per the old regime, or 12-month licences, year-round licences, renewable up to four times, so that people could stay up to five years, round the calendar.

The decision of which one to apply for would probably be based on whether the employer puts greater store on year-round employment, without the hassle and bother of staff having to leave the Island periodically, or whether keeping that staff long-term, albeit on a seasonal basis, suits his or her business better.

I am afraid I do agree with Deputy Lowe, that I just cannot agree to offering year-round licences indefinitely, as per the Economic Development policy letter. I do think that would lead to too many irresistible claims for permanent resident status. I know there is a Proposition to say, 'Let us pretend that is not normal residency in Guernsey, at all'. We can insert that in Law. I am not sure, ethically or morally, we can say that somebody who has lived here continuously for 10 years, under a licence that we give, we regard them as never having been ordinary resident to Guernsey.



I cannot go that far. So my amendment is a halfway house. Within my amendment, there is also a halfway house for those unwilling to go as far as I would like to go, in offering the choice to new employees.

It offers the alternative of allowing grandfather rights to any worker who had already started doing a nine/three regime when the new Law came in. Now, that is much more generous than the Home Affairs suggestion in the policy letter. When you read the Propositions, it might look as if that is exactly what they are suggesting, but they cross-reference to a part of the policy letter itself, which suggests it is only those people who have been doing it for three years already will be given those grandfather rights. I am saying that anybody should be able to.

Okay, I know they have decided to support my amendment today, so perhaps I should be more charitable – even though I suspect that may be discretion being the better part of valour on their part. But, my goodness, they have been late to see the light.

Back in March, they were against the Ferbrache amendment to give grandfather rights to those who had already done five seasons under the nine/three regime. They said it would completely undermine the regime. Then, in their policy letter, as I said, they wanted to limit it to those who had already done three seasons. Why on earth do they want to do that? Well, when I initially contacted them, the response to my suggested amendment, Home Affairs said: 'Because anybody coming to work in the Island within the last three years would have been well aware of the proposed new regime.'

What planet are they living on? Most Guernsey people, who take the *Press* every day and watch *Channel Television* religiously, did not really know what the proposed new regime was.

In fact, it was clear, and one of them is indicating that it applies to her as well, that lots of candidates at the last election had only a very sketchy idea of what had been approved by the previous States on population.

So why on earth did Home Affairs ever think that every waitress or kitchen porter, who had been working all hours and socialising manically in between, had the least idea of what was going on?

Even if they did, so what? Are we trying to help these important economic sectors or are we not? If Home Affairs see no harm in giving grandfather rights to those who have held nine-month licences for three years, then why not two or one?

Actually, as I say, they understand that now. Hallelujah, a bit late in the day, but they are getting there.

In closing, let me say that Deputy Yerby and I come from very different places on the issue of population control. She would, I think, largely prefer that there were no controls at all. (**Several Members:** Hear, hear.) Whereas, I feel strongly, that we do need to limit Guernsey's population. (**Several Members:** Hear, hear.) That is a red-letter day, sir! (*Laughter*)

Where we do both agree is that, if there are to be controls, then they should only impact where there is an absolute need for them to do so. I definitely do not want to starve local businesses of staff for no good reason. But, in my view, in theory, controlling our population on this overcrowded rock may be such a good reason.

But, for such an imposition to be justified, it has to be demonstrated that it is necessary to achieve that end and I am just not yet convinced that seasonal workers, on a nine-month permit, unable to establish households in the Island under the terms of their licence, are or have ever been a real source of significant population growth.

In fact, I did ask Home Affairs for the stats on this. I wrote to them and said, 'During the period of time that we have had the nine-month/three-month regime, how many successful applications have there been for a long-term licence on the basis of that accumulated service?'

They wrote back and said it would be expensive and difficult to get all of those statistics. So I went back to them and said, 'Okay, what about a three-year snapshot? Or, if that is too difficult, what about just an anecdotal feel from your staff who administer this?' What really counts is not the exact numbers, but just an indicative scale. Are we talking about one or two a year, or are we talking about 10 or 20 a year?

1960 I am still waiting for the answer to that and, I think, you can draw your own conclusion about why I am waiting. I suspect it does not support the argument that it is a significant risk.

So, sir, in summary, I am sorry I have gone into lunch hour. I personally think we should be ashamed, because I think we foolishly have damaged an important industry, by behaving as if the world had not changed, when it clearly had. We have to put that right now.

1965 In the long-term, I think we need a completely new regime for seasonal guest workers, but we cannot wait for that. We cannot wait for the Brexit dust to settle. So we need a sensible work-around and I think that is what this amendment offers, and I recommend it to the States.  
(Applause)

1970 **The Deputy Bailiff:** Well, Members of the States, we will now adjourn until 2.30 this afternoon.

*The Assembly adjourned at 12.40 p.m.  
and resumed at 2.30 p.m.*

### COMMITTEE FOR HOME AFFAIRS

#### **Amendments to Population Management Law – Debate continued – Propositions 1-4 and 7 carried**

**The Deputy Bailiff:** Members of the States, we will resume debate on the amendment marked as Amendment 1 to this Article, proposed by Deputy Roffey.

1975 Deputy Yerby, will you formally second it?

**Deputy Yerby:** Yes, sir.  
May I speak now?

1980 **The Deputy Bailiff:** Deputy Tindall, I notice that you have arrived, do you wish to be relevé?

**Deputy Tindall:** Yes, please, sir. Thank you.

**The Deputy Bailiff:** Thank you very much.

1985 Before I call anyone to speak on it, with the assistance of H.M. Comptroller, if you take your amendment, Deputy Roffey will double check this as we are going through. Instead of deleting Proposition 2, we will delete Proposition 3. Within the two Propositions to be substituted for Proposition 3, we will number them 3 and 4. At the end rather than to designate Proposition 3 as Proposition 4 it will be to designate Propositions 4-6 as Propositions 5-7.

1990 So, as long as that is clear to everyone. That is the ... (Interjections)

Right. Has everybody got a copy of amendment No. 1, proposed by Deputy Roffey, seconded by Deputy Yerby, in front of them, and a pen, pencil or crayon (Laughter) with which to mark the changes?

1995 Amendment No. 3 has already been carried. You are debating amendment No. 1. It looks like that. (Laughter and interjections)

2000 If you have all got the right amendment, which is the amendment proposed by Deputy Roffey, seconded by Deputy Yerby, it starts in the printed version that has been circulated to delete Proposition 2. That will be to delete Proposition 3. That is Proposition 3 as it appears on amendment No. 3 which is the current set of Propositions, as amended, that are in play. When you get to the two inserted Propositions that are numbered 2 and 3 on the document, please make that 3 and 4, respectively. Then at the end, just for renumbering, it will not be just be Proposition

3 because that was from the original set of Propositions from the Committee for Home Affairs; it is now looking at amendment 3, which was proposed by Deputy St Pier, seconded by Deputy Trott, it will be Propositions 4-6 that are renumbered as 5-7. I will run through it again, assuming the amendment is carried; if it is not then you can ignore most of that anyway.

Deputy Fallaize?

**Deputy Fallaize:** Sir, can I just make a request? If it is carried, can the set of composite Propositions just be circulated? I know that can happen right at the end of the debate, but I think it would be more helpful for it to happen at this stage, so that we are debating what is abundantly clear.

**Deputy Roffey:** Sir, can I suggest that Members just pass my amendment now, it would give far more *(Laughter)* time to go and renumber the Propositions so everybody could understand.

**Deputy Inder:** Sir, if that –

**The Deputy Bailiff:** No, Deputy Inder...

Who wants to speak on this amendment? Deputy Yerby.

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

Very briefly, because Deputy Roffey has already made a bristling defence of the amendment, and the Committee for Home Affairs have already indicated that they are going to support it.

This is the second time I have brought an amendment which appears to – well, which does – protect the nine months on/three months off, regime for seasonal workers. With that in mind, people might reach the conclusion that I favour that regime. So I just want to place it on record that I do not. I think it is extremely demeaning the degree of transience that we require from people whose labour we need, to think that we can have them here for nine months of the year then require them to pack up their lives and go back home for three months.

I do not like the old Housing Control regime, any more than I like the current Population Management regime. However, to maintain the option of nine months on and three months off, which some people have been using for a long period of time, gives us another tool in the box. It makes the Population Management regime more liberal than it currently is, and it is, as Deputy Roffey has explained meeting a need within the hospitality sector, in particular, which is currently being unmet. So, that, rather than a desire to perpetuate the nine months on/three months off regime, is my motivation for seconding this amendment.

**The Deputy Bailiff:** Deputy Prow.

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

Sir, I will be very brief. I rise to formally fully support this amendment.

However, I do not support about 70% of Deputy Roffey's speech, which, in my view – my *humble* view – was simply a display of grandstanding.

Thank you, sir.

**The Deputy Bailiff:** I do not see anyone rising, so I turn to the President of the Committee for Home Affairs, Deputy Lowe, to reply on the amendment, if she wishes.

**Deputy Lowe:** Thank you, all the same, sir.

But as we support it, I just ask Members to go to the vote.

**The Deputy Bailiff:** Thank you very much.

Well, I do have to turn to Deputy Roffey as the proposer of the amendment to reply to the short debate there has been on it.

2055 Deputy Roffey.

2060 **Deputy Roffey:** I will not take too long, because I would not like to be accused of grandstanding, sir. *(Laughter)* Can I say, briefly, to Deputy Prow, through you, sir, that if Home Affairs had come to their senses a little bit earlier, maybe a week or so earlier, then perhaps I would not have started drafting such a critical speech. *(Interjection)* I apologise if I have ruffled any feathers, but I do think that we are all agreed, whether or not we agree with 90% of my speech or not, that the Propositions in the amendment are a sensible way to go, and therefore I invite people to vote for them.

2065 **The Deputy Bailiff:** Well, Members of the States we go to the vote on the amendment proposed by Deputy Roffey, seconded by Deputy Yerby, which will have the effect of substituting for Proposition 3 as it currently stands, Propositions 3 and 4 and renumbering those that follow it. Those in favour, those against.

*Members voted Pour.*

2070 **The Deputy Bailiff:** I declare that amendment duly carried.  
Members of the States, I am almost tempted to try and persuade you that there is no need for a composite set of amendments, because you have got two sheets of paper in front of you. If you cross out 3 on amendment 3, and simply say 'see amendment 1', where you have got 3 and 4, and renumber 4, 5 and 6 as 5, 6 and 7, do you really need another sheet of paper, and to lose another tree?

2075 Anyway, we will open general debate on those Propositions as amended.  
Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Thank you, sir.  
I think there needs to be some explanation of how we got here. A brief history of events. At no time did the Committee for Economic Development in any way want to castigate the way Home Affairs were handling their mandate. They had a Law, as it were, to put into effect, and that was not a problem.

2085 Early on we had been approached by numerous businesses that there was a problem; several attempts were made to try and get a discussion at political level – because people were busy, time was short, that did not materialise. At the time we decided to submit this policy letter ... and, believe me, there was always an understanding if there was movement towards what we want, hopefully exactly to where we wanted to be, we would have withdrawn the policy letter. So the purpose of the policy letter was nothing more than, shall we say, to apply pressure for some change. I think if we had not done that we would not be here discussing what we are discussing today.

2090 The other interesting thing is in the last couple of days there has been a bit of brouhaha over whether we actually lay a motion to withdraw our policy letter. Now, yesterday, we did not actually have this amended P&R amendment, and in fact, it now includes an amendment which we have laid. So it is all on the table. So we are content with that, and when we eventually vote on the substantive Propositions, I have the unanimous support of the Committee that we will then propose to withdraw our policy letter, because there would be absolutely no point carrying on, and that was not quite the same situation as yesterday.

2095 Having said all that, I do, very much, agree with what was regarded as grandstanding by Deputy Roffey. There was an urgency to this. People were suffering, and are suffering, today. We wanted something in place so that it could assist all of these businesses to recruit for the next season, and I think we are there.

Now, whether or not this unfortunate Proposition 4 – sorry 5, the amendment – is passed, is another thing. So I am not going to speak so much to that, except to say, the purpose of amendment 5 is trying to mitigate the fears that are out there as regards people being able to have eternal residence rights. Sorry, 6 now (**A Member:** It is 5.) It is 5. Maybe we do need to print these things out! (*Laughter*) But you know what I mean. I am talking about the amendment we have laid. Now, I am hoping that our legal expert will actually have a few words to say about that.

Again, as regards the issue of the one-year STEP holders being able to renew their permits indefinitely. I do not think there is any evidence that that is going to be a problem, because these are a particular group, they are not the same as people coming here for five years. A teacher coming here for five years would be on, I suggest, a comfortable salary, and would be able to either rent or buy a house. These people will be on salaries which are quite low, they historically have occupied rental accommodation, and I believe, historically, and indeed, because Deputy Roffey has not had a response to how many people have posed a problem in recent times, it would be rather bold to say, I do not think there is any evidence, but I am not aware of any evidence, historically, over decades whether this would be a problem. Because, in effect, they are not really going to be much different from the nine months on/ three months off. Because it is that group of people. They are generally economically in a position where they could not live here, even if they did – and do not forget the whole thing is based on they could only stay if they renew their permit.

Could you imagine if someone has done six years and they want to stay a seventh year, but their permit is not renewed, they are not wanted anymore; what will they do? They will go, and that is historically what has happened. Generally these are migrant workers, and if somebody can stay here 20 years, I do not have a problem with that, because all we ever do, is churn the population. One goes another one comes in, the population stays the same. So I do not have these inane fears about getting rid of the rule that requires them to go after five years. I would really put them in the same category as the nine months on/three months off. Historically, there are a lot of people I know that work on that basis. That is what they want. They tend to come on their own, they have families somewhere else, they go back for three months, enjoy a long holiday and they come back and do more. They can do it as long as they want. I do not have a problem with that. Historically, I do not think there is any evidence that there has been a problem.

So, all the same, I still think the Proposition we have got, which is not supported by Home Affairs, I do not think that is really a problem. Now, how far do you go? We have always said, as a Committee, in discussions, that we would always support Home Affairs' policy letter, because if that is all that is going to get past the States it is better than nothing. When Deputy Roffey laid his amendment on Monday night Home affairs contacted you all to say they would not be opposing the amendment. That was the point at which I thought, 'Right, can we withdraw our policy letter? Is that enough?' This morning it was decided there was not a majority support for that position, and the original plan, and I thank the Deputy Bailiff for counselling on this, because my master plan was: could we have the presenting of the Home Affairs policy letter followed by the Roffey amendment, because if we at that point thought that was as far as we were going to get, my idea was to then try and withdraw our policy letter, and at the time P&R would also have withdrawn their amendment.

But we are in a slightly different position today, because of the amended P&R. Everything, now, that we would like discussed, debated, is in here. So, at the end of the day, once we have voted on the substantive Propositions, as far as I am concerned, that is it. There is no point in, again, submitting a policy letter, because I am pretty sure we would just have to vote on everything again, which is pointless. So that is our intent. At the end of this vote on the substantive Propositions I will be putting forward a motion to withdraw our policy letter.

Thank you.

**The Deputy Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, before I speak, I want to make two preliminary comments.

2155 The first, of course, is a declaration of interest in relation to my various interests in – my family's interests in – well, I suppose lots of things really, but in connection with the hospitality sector. Whether that is an actual interest, it is probably also a perceived one, it is probably also a subliminal one, it is probably also a sub-subliminal one, but it is declared.

2160 Secondly, let me say, absolutely, it is a point that Deputy Kuttelwascher has already addressed, but I would like to just expand upon it a little bit. There is absolutely no criticism, and there never has been, of the politicians who comprise the Home Affairs Committee, in the way that they have discharged their duties under the Population Management Law. It is a very difficult task, they are mandated, the Law has only been passed several months ago. They have had a difficult task and, in my opinion, they have done it well.

2165 But it does not just stop with them. It does not just stop with them, the administrator, or the previous administrator – and I hope she is well, or as well as she can be – and her replacement, they are both people of extremely good quality and integrity, and they have worked extremely hard, as have all their staff, to do a very difficult job. So, I speak on behalf of the Committee, of which I am still a member for the next couple of weeks, when we say that there has been no criticism at all, and if anybody has said that we have criticised them, they are quoting us incorrectly, because they have done a great job. That is not to say we agree with everything that Deputy Lowe and her colleagues have done, but they have done so honestly.

2170 What we have got to face though, is that we have an industry in crisis, and I commend the words of Deputy Roffey to you, because we passed a Law. I was one of the 13 that did not vote for the Law, and I did not vote for it for two reasons, one was the stone the crows' provision about your great granny had to be here in 1423 before you become residentially qualified, and if you were then born in the Princess Elizabeth Hospital you immediately got residential qualifications. I do not accept that, and I never will accept that.

2175 But the other one was because the Law was out of date by the time it came through. I did have a bit of a quandary, because having been a lawyer in Guernsey for 36, 37 years – a long time, a long time – and dealt with various housing laws, the Housing Law itself was passed its sell-by date, and in my opinion, it would not have been very long before a sustained challenge could have been made to the whole Housing Law provisions before the European Court. I may be wrong in relation to that, I generally was not wrong when I was a lawyer dealing with those things, but, I may have been wrong in that particular instance. So we needed something to improve it, and there is no doubt at all that in relation to the medium and the long-term permits it is doing a good job, and the sectors of our business community, that have to operate within the five- and eight-year sectors, are satisfied with the way that the Law is being implemented, and it is an improvement.

2180 But it is a disaster, an absolute disaster for the hospitality sectors, not just the hospitality sectors, as Deputy Roffey has put, it is the care sector too, we have had people from the care sector telling us that it is a disaster. What we did, we were approached by a member of the Employment Advisory Panel who came to see us in committee, 6, 8, 10 weeks ago – I cannot remember exactly when, now; my colleagues are nodding – who said it is not working. I really have got a great concern and he is a person who speaks in the industry, he is the representative appointed to deal with that industry, is deeply concerned, it is a disaster. Somebody must do something about it.

2190 As Deputy Kuttelwascher has said, we moved on with it. And, again, no criticism, expressed or implied, of the Home Affairs Committee, but we do not think we would be here today, with the concessions they have made, if we had not put pressure upon them. I am pretty clear about that. So, we have done a job, and I am very grateful to Deputies Roffey and Yerby for the amendment they laid and that has been passed earlier. But we are still not there.

2200 When I say 'I liked', I do not mean I liked in the sense of I am glad that it has got to be said, but I like the succinct summary of Deputy Yerby, when she said, 'Look, I am supporting this, for the second time, this nine month, three month provision, but I do not really like it, I think it is

demeaning.' It is demeaning, and that is why I want the States to go that extra step with the one-year provision. Because why should we say to somebody – a gardener, a kitchen porter, a receptionist – 'Well, you have got to go between January and March, because you have been here for nine months,' You can come back next year, you can come back for ever, but every January to March or February to April' – those are three months aren't they? – 'all of those you have got to go.' How rude, how unwelcoming, how unGuernseylike. Because those people, the one year, the short-term permit holders, we are already treating them a bit like second class citizens, they cannot have their families here, they cannot be householders, they do not – we will come to the amendment in due course, the amendment which is now part of one of the Propositions, the Kuttelwascher/Merrett amendment about provisions – and you cannot live in a house on your own, you have got to live in, effectively, a work type of accommodation, and you can only stay here while you have got a job. Clearly, there are provisions in the Law if you commit criminal offences, if you do other things, if you become an unwelcome citizen, you can be, effectively, expelled from the Island, in a real sense, in a practical sense.

Now, what we did, we had all these people that wrote the letter, the 29th September report, the letter etc. but what I thought I would do, I thought, and my colleagues on the Committee agreed, we will get in – when I say sensible people, because we do not want somebody saying they are a rabble rouser, they are terrible, they are just a bellicose person, trumpeting their own views and they are unrepresentative. So what we arranged, and they met us ... we picked them, in the sense we thought these are sensible people, can they come and see us. We arranged to meet them at the Digital Greenhouse about three or four weeks ago. Four Committee members were present – and the only one that was not present, because she was away on political duties for the Island elsewhere, was Deputy Dudley Owen, otherwise she would have been there. So the other members of the committee were there.

These people were real, my goodness me, they were real leftie, right rabble rousers, trouble makers, there was ... tell you who they were, we got consent from all of them to mention their names. There were representatives from ... there was the Nussbaumer family, father and son, now the son is the fourth generation of people who have worked in the hotel and catering industry, because David Nussbaumer, who is the second generation, has been in it all his life, his father Toni was in it all his life, and David's maternal grandfather was in it all his life, so four generations, and the family are carrying on with that business.

Cobo Bay Hotel, first class establishment, farmhouse, first class establishment. The Doghouse, also another hospitality type establishment. (*Laughter*) The reason ... Before my friend David Nussbaumer tells me I have said something, what I mean by that is it not a hotel, it is not a hotel, it is a hospitality establishment, rather than the other two are hotels and hospitality, that is the distinction. We also met the manager of the Duke of Richmond Hotel, again a top quality hospitality offering. We also met the manager of the Collinette Hotel, again another top quality hotel establishment.

We met one of the managers of the Duke of Normandy Hotel, again a good quality, I had better say top quality, otherwise I will be distinguishing, but again, truly, a top quality hospitality sector. We met the owners and managers of the Barbarie and Friquet – again top quality. We met the owners of, I will just make sure I can see that, Sarnia Hotels, the Sendlhofer family, now Carol Harris with they have got, as you know, they have got Rocquettes, they have got Moores they have got Havelet – again top quality establishments. Deputy Merrett and I met, some weeks before, the proprietor of the Douvres and the Fleur de Jardin.

The messages were all the same, from these very reasonable people, who are Guernsey to the core, they have got traditions to the core, this is their Island, this is where they live, this is where they do business, but they were in meltdown. They cannot get good quality staff. Part of it is Brexit, we know that; part of it is external things. But Guernsey is seen – and Deputy Roffey made the point – as being, 'We do not really want you Jonny Foreigner. You stay over there, you are not welcome, you go to Jersey, you go ... we will manage ... we have got enough hotels and restaurants.' Well, we may do, but we are not going to be able to staff them. So, we can do all

these things. We can say, 'Oh my goodness, it is going to cause a real problem with our population.'

2260 Now, Deputy Mooney, some time ago, gave me a copy of the 2016 Guernsey facts and figures. I have now got the 1027 one, when I saw the picture at the front, I thought it was Deputy Gollop in an army uniform, but it is not. This has the statistics showing where our population has been over the recent years. Our population in 2009, according to the official statistics, was 62,274, 2016 because this is the 2017, so the latest figures are 2016, it was 62,542.

2265 So our population has grown. What is that – 268 people in seven or eight years. It actually peaked at 63,085 people in 2012. So we have a stagnant population. The people that work in these industries are, with very limited exceptions, wonderful people, they are here, they are committed, they want to work, they are decent, they are polite. Now, every one of those establishments that I have mentioned, every one of those establishments said they are worried  
2270 about the quality of staff. Because what Guernsey has always had is top quality staff, good people, good chefs, good kitchen porters, good receptionists, good front facing people, and also backroom people, because you need those just as much as you need the front facing people. They are having difficulty attracting staff of the same level.

You cannot just say well tourism is only 3% or 4% of GDP, because the finance sector is  
2275 probably 40% to 50% of GDP and those people, like the affluent people that live in Guernsey, they like going to restaurants, they like going to bars, the visitors like making sure they have got hotels and restaurants of top quality to go to. We, as humble States' Members, because some of you are humble. (*Laughter*) They like going – Deputy Trott and I are excluded – you like going to bars and restaurant, now you want top quality service, because if you do not get it here, 20 miles across the  
2280 sea, people will say why would you go to Guernsey, my goodness they have not got restaurants and bars as good as we have got, they have not got hotels as good as we have got. You can say what you like, Members of the States, sir. Members of the States can say what they like, they cannot tell people how to live their lives, they try to, we try to, but we should leave people to live their lives as much as they can.

2285 Now, whether we like it or not, and I am the outgoing President of the Economic Development Committee, but we have got to look at our economy as it really is, we have got all the basis, all the foundations, for making this economy move from where it is to move to somewhere else, pretty quickly, and pretty optimistically. We are seen – and Members of the States, might not like it, but we are seen – as an anti-business Assembly, we are seen as an Assembly that cannot make a  
2290 decision. We can talk about giving away money, but my very, very able colleague, a man of few words in the States, but a man of considerable wisdom in the Committee, Deputy Mooney, will tell you his little epithet, his little story is we are good at spending money, but we never talk about making it.

If we want to have subsidies for electric bikes, if we want to give more money to overseas aid,  
2295 if we want to do all these things we have got to encourage business. We are doing our best *not* to encourage business, and these kind of revisions are wholly objectionable. They are wholly objectionable to me on a variety of reasons. They are wholly objectionable because a human being is a human being, I do not really care whether a human being comes from St Peter Port, my lot have been here since Abraham was a boy, or whether they come from Latvia. A human being  
2300 deserves to be treated with respect wherever he or she comes from. (**Several Members:** Hear, hear.) They do not deserve to be told after nine months, it is now December you have been here nine months you have got to go away for three months. They do not deserve to be told that, although I voted with Deputy Roffey's amendment, because you have to be realistic, and I would rather have something rather than nothing, and I commend him and Deputy Yerby because it  
2305 does help the industry a bit. Not as much as it should but it helps a bit.

As I said, I would not criticise, and I do not criticise, Home Affairs, but just bear in mind what they were saying in their policy letter recently, only published recently, what they were saying is this. Just before we come to that, we have talked about we know we have got this review, and it has got to report back to the States by March 2019. Now, up until now I have been the



2310 Environment – Environment, I apologise to Deputy Brehaut – (*Interjection*) the Economic  
Development – well, I may be in Environment, you do not know, you might have a vacancy soon.  
(*Laughter*) I am sure I will be welcome. I have been the Economic Development representative on  
2315 that body. We met once – *once* – and we spent an hour and a half arguing about what the terms  
of reference should be. We have not moved forward an inch. The next meeting is January. I very  
much hope that it will be ready by March 2019, if it moves at the pace that it has moved at so far,  
I have my doubts. It is all right saying oh well March 2019 for the tourist sector, for the tourist  
sector, they have got 2018. They have got to gear up for that now, they have got to gear up for  
2019 in about nine or 10 months' time. They cannot leave it until March 2019 and see what the  
States of Guernsey are going to say, probably not make a decision, 'Oh, have to defer it, must  
2320 have an advisory meeting, my goodness me, we do not want to make decisions, we might get  
criticised.' So, we have got to be able to say to people, 'We are doing our best for you,' because  
we are doing our best for a very important part of our society.

Now, as regards the Law, as I say, I am a humble lawyer, but, there was a concern raised – I  
think it might have been by Deputy Roffey – saying look I am a bit worried that this will go too far  
2325 if you just bring in your original five-year Proposition. If it was not him I apologise, but if it is him I  
give him the praise for it. But what he said was sense, because, indeed, when you look at the  
definition under the Population Management Law, under how you define section 78.7 an ordinary  
resident, an ordinary resident at the moment says:

... subject to the provisions of this Law ...

– then it says –

... but not limited to, Section 82.(3), a person shall be treated as being ordinarily resident during any period only if he  
was (a) living lawfully in Guernsey and had his home in Guernsey or (b) a minor living in Guernsey in the household  
with his parents, or one of them.

2330 Colleagues on the Committee will tell you when that was raised I dictated there and then to  
one of the officers, wording I thought was appropriate to get round that, and the wording that  
you now see, of course, has been properly finessed, and it is much more succinct, we would  
expect that, much more succinct from the Law Officers than mine, but broadly, it is the same, and  
really, what it is trying to say is you are not a householder, you are not ordinarily resident, you  
2335 cannot get residential status under the Law.

Now, I understand that, and the proof of the pudding is almost in the historical eating,  
because, we have had the nine month, three month situation for donkeys years, and how many  
people have seeped from the Open Market, if I can call it that, to the Local Market. We have asked  
for those figures, they have not been forthcoming, because there are so few of them.

2340 Also, Deputy Roffey covered the point, when he was making his speech, about most of people  
that would get the one-year permits, they have to stick in their job, they would have to live where  
they are, and they would have to do all that. Most of them go after two or three years. So, then  
you would say why do you need then the permanency of one year, just continue forever, because  
there will be some people that want to stay longer if they do their job, and even those that are  
2345 only going to stay for two or three years, they will think, 'We are valued, we have got security, we  
know that we can stay here whether it is for two years, three years, as long as we do our job and  
behave ourselves.' For goodness sake, why do we have to make life complicated? Why do we have  
to all the time have half-baked compromises? Because what we will do, in due course, is talk  
ourselves into bankruptcy. We are talking these industries into bankruptcy, they are all struggling.

2350 We have increased – I voted for it, this morning – the minimum wage. Most of these industries  
actually pay above the minimum wage. There are some that do not, there are some that just pay  
£7.75 or whatever it is from 1st January. But most of them pay more than that. They value their  
employees, because if you do not value your employee you are not going to get good service  
from your employee, you are not going to be able to give good service to your customers. So  
2355 they value them, they treat them, and Deputy Roffey is absolutely right.

Now, I have already declared an interest, you know what that is anyway, and I am sure somebody will say I should have declared some other interest, well I will have to do that. I have had the same kind of abuse, recently, that Deputy Lester Queripel has had, in a different context. I just wish I can say that to the public at large, I just wish those people would actually come and speak to me, rather than, as I had this week, anonymous letters through the post. Have some courage. (**Several Members:** Hear, hear.) If you are going to criticise somebody ... and I do not need the Police to help me. My father's generation used to deal with those kind of problems in a much more summary way – (*Laughter*) my father in particular. (*Laughter*) I am now too old or too civilised to deal with it that way, but Deputy Lester Queripel should not be subject to that abuse, and I just wish people would have some courage.

But to go back to where we are, going back to where we are with people, treat these people with respect, treat them as human beings, trust the people who are running these businesses for the good of the Island, they are not making multi-millions, but if you do not help them, you are going to cause a crisis. Start making decisions that help business.

**The Deputy Bailiff:** Deputy Prow.

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

Sir, I rise to ask the Assembly to support all the Propositions as amended, except Propositions 5 and 6.

I also thank both Deputies Roffey and Yerby for their amendment which, in my view, understands the concept of short-term employment principles and the legal challenge implications requiring a need for breaks in residence, and the burden that their considerations place upon the Population Management Administration, which aspires to be fit for purpose, rather than in danger of becoming a bureaucratic exercise. This has allowed the Committee to support this amendment and place the Committee's Propositions which dealt with these issues which have been very well outlined in a different way.

Sir, it is perhaps worthwhile to briefly reflect politically at a strategic level as to where the States are in relation to population management. The strategic direction of population management comes from this Assembly. I quote:

That as far as practicable Guernsey's population should in the long term be kept to the lowest level possible to achieve the statement of aims in the States' Strategic Plan.

This has been reaffirmed in the recent Policy & Resources Committee policy plan. It might be easier to express it as it is now, it says:

That as far as practicable Guernsey population should in the long term be kept to the lowest level possible to achieve the strategic outcomes in the Policy & Resource Plan.

Guernsey is a small Island and has precious land, and our public services are under great pressure – health, education, social services, and we have an ageing demographic. However, we need to welcome those from overseas to fill our skills shortage, and I endorse all the comments that have been made by Deputy Lowe, Deputy Roffey –

I give way, sir.

**Deputy Ferbrache:** I am grateful to Deputy Prow, sir, for giving way.

If his Committee's view was that they were concerned about population, what has caused them to change from this view, which is set out in paragraph 4.17 of their policy letter, when talking about the nine month, three month provisions, where it says this, his Committee says this:

The Committee considers that it would not be desirable at this stage to reinstate the old system, particularly as the new Law is still in its infancy. Nevertheless, the Committee is sympathetic to employers who are experiencing difficulties and suggests a compromise... Therefore, it is recommended that those who... already [hold an] established a 9m/3m residence... prior to 3rd April 2017 should be allowed to continue... with no cut-off... although it may be that

there comes a time when the employer is no longer able to make a case for a Permit or decides that the 9m/3m residence pattern no longer suits the business. For the avoidance of doubt, the Committee considers that a "pattern" of such residence should be at least three repetitions of the 9m/3m sequence.

May I ask the very able Deputy Prow what has caused the almost religious conversion between that provision and the Roffey conversion in the last few weeks?

2400

**Deputy Prow:** Thank you, Deputy Ferbrache.

There seems to be a view that the Committee has not been listening, that the Committee has not engaged with the long list of hoteliers, and other representations that have been made. Our view was that the Roffey amendment does have some risk, but it was, in our deliberations, decided that this is an amendment that we could pursue and that we debated and we did support.

2405

I will actually outline further in my speech why we came to those conclusions. I think I was at the point –

I give way.

2410

**Deputy Fallaize:** I thank Deputy Prow for giving way, and just during that brief pause, if you like, in his speech, I thought it might be helpful to ask him to clarify something that he said when he got up to speak initially.

2415

He said he was asking the States to vote in favour of all the Propositions apart from 5 and 6. Now, it seems to me the effect of that would be to agree to the Ferbrache model, if I can call it that, as far as extending short-term employment permits is concerned, indefinitely, but without the qualification that Deputy Ferbrache and his Committee want to, (*Interjections*) right, okay. Oh okay, sir, I do think we need the – (*Laughter*) we need them circulated, and I went through that rather convoluted exercise just to prove that. (*Laughter*)

2420

**Deputy Prow:** I am very grateful for that intervention.

I think I was at the point where I was talking about where we need to welcome those from overseas to fill our skills shortages, and I completely support the comments already, very ably, made by Deputy Lowe, and by Deputy Roffey in relation to those comments, and indeed, to Deputy Ferbrache.

2425

What I would say is that the Committee for Home Affairs completely values the contribution that the tourism and hospitality industry, and indeed the horticultural industry, makes to this Island.

Sir, at the end of March this year the Population Management Law, which was debated and passed by the previous States, and was commenced by Ordinance in this Assembly ... in doing this the States discharged the oversight of the Population Law to the mandate of the Committee for Home Affairs, and the processes to a statutory administrator.

2430

Where the Law allows, the Committee has the flexibility to make and change policy within the strategic framework of the Law. Indeed, in the eight months since the provisions of the Law came into place, the Committee has, on policy, agreed that anybody with grandfather rights living in houses in multiple occupation, or in staff quarters in hotels and care homes, may move freely around those premises inscribed in the relevant parts of the Open Market Housing Register. Agreed that for a specific post the five-year limit will not be applied to employees, other than those holding the medium-term employment permits, and that they can have up to two additional years. Also waived the £150 application fee for minors. Legislation, they extended the period from three days to seven days before the penalty charges will be applied to encourage employers to make applications.

2435

2440

Sir, returning to the original legislation, back in March the States did two other very important things. First, it introduced the concept of the Population Management Advisory Panel PEAP. Unlike the outgoing Housing Law, there now exists a robust interface between the employers, who underpin our economy, as very ably outlined by Deputy Ferbrache, to provide upfront the

2445

evidence of skills shortages in the short, medium and longer term, in order that these needs can be catered for through the issuance of permits. This also provides feedback to Economic Development, and together with Skills Guernsey, effort can be put into place meeting those needs from the resident workforce, including the upskilling of employees subject to permits, to progress onto medium- or longer-term status.

Indeed, positive feedback has been received from employers who have engaged both with the PEAP and, indeed, with the Population Management Authority, who put on very many workshops, as Deputy Lowe outlined, before implementation. They report that in this regard the States' initiative is head and shoulder superior to its predecessor regime. The PEAP has gathered much evidence, has met on some nine occasions, and the Chair has met with the Committee on three occasions. As a Committee member, I therefore publicly thank the Population Administration staff, who have worked tirelessly, and the PEAP, through its Chairman, Peter Gillson, in reporting back the vital skills shortage information.

The second important decision of the States came about by successful amendment laid by Deputy St Pier and seconded by Deputy Lowe. As a result of this amendment, and this is very important, a review led by Policy & Resources, together with Home Affairs, of the Population Management Law the associated Law policies and overarching strategic direction, which will report back to the States by quarter one of 2019. I am happy to confirm that this review process has already been constituted, and held its first meeting. I am looking forward to progressing this along with my Home Affairs colleague, Deputy Mark Leadbeater, and other Deputies from Economic Development, where all the suggestions that Deputy Ferbrache has put forward can be properly discussed. Also the review involves Environment & Infrastructure.

This, sir, I believe, is exactly the right way forward. It is clear that population management, as Deputy Ferbrache has ably stated, requires work. It is by no means perfect, indeed, as already outlined, Home Affairs are undertaking change already and are putting forward the proposals in the policy letter which will alleviate some issues already identified, especially in the short term.

Sir, please rest assured that the Committee is listening and responding to feedback from PEAP, and understands and supports the value of industry in supporting our economy, including the hospitality and horticultural sectors.

Sir, as said, the review is up and running. I therefore believe it is far better for Economic Development to engage in review and consider all the evidence in the round rather than asking the States to make decisions on the hoof.

One overriding consideration with regard to population management is, of course, outside of our control. That is Brexit. Indeed, that effect has already started to bite, on some of our important industries. The falling value of sterling and the commercial uncertainties make it much harder to attract workers from the European Union, who are actually enabled by PEAP and the Population Law to fill such skill shortages.

Sir, I would therefore, repeat my comments made during the recent Brexit debate, as they are, in my view, extremely pertinent to the policy letter and the review. I said, what is abundantly clear is that the UK will introduce new immigration legislation as a result of Brexit. It is anticipated that the legislation will also be extended to Guernsey and the other Crown Dependencies within the Common Travel Area. The CTA ensures continuation of a long standing constitution arrangement relating to the free movement of people between the Crown Dependencies and the UK, who are by far our major business partners. Home Affairs, in close consultation with Policy & Resources and Economic Development, will therefore need to maintain a very similar immigration control to that of the UK. As the policy letter points out, significant work is therefore both in the negotiation and close working with regard to extending and modifying the Immigration Acts, which will need to apply in this Bailiwick.

Immigration is a complex area and needs to be addressed in a holistic way. The Brexit policy letter teases this out, and points out the differences between the Population Management Law and the provisions of the extended Immigration Acts. Consideration will need to be given to the relationship, particularly, with regard to skills and labour shortages between the Population

Management Law and any new Immigration Laws. The effects of Brexit also need to be considered in the round.

Sir, I, therefore, strongly oppose Propositions 5 and 6. These seek to ask the States to interfere with the mandate of another Committee. I am referring to the Economic Development's policy letter, which I understand may be withdrawn. Whilst our system of Government allows this, I issue strong caution to this Assembly about the appropriateness of this when dealing with the matter of this complexity and how it affects the ability of a statutory administration to function effectively. The States needs to be properly advised in a way that gives confidence that everything is properly thought out, including unintended consequences.

I am a huge supporter of the Economic Development Committee, we desperately need to grow the economy and support industry. However, I find this Committee is in some disarray. This does not serve this Assembly well if Economic Development are divided on their policy letter, which deals with the matter under the remit of another, which is highly technical in content, then I urge Members to reflect this on those grounds alone.

Sir, I will now outline more specifically why Propositions 5 and 6 should not be supported. These Propositions ignore the main thrust of the Population Management Law, which replaced the Housing Regime, this amendment, by introducing the concept of reissuing, will allow short-term permit holders, who are in the unskilled category, with no break in residence, to, depending on the individual circumstances, make a case for permanent residence, by claiming human rights arguments. Not only that, it has to cross the fundamental underpinning purpose for catering for the Island's skills shortages. Presently the only way to move along between these three tiers of short unskilled, medium skilled, and long-term highly skilled, is by developing those skills within that employment, so as to meet the criteria of those categories. That concept will fall away and the population management become in danger of simply becoming a bureaucratic exercise application, immediately leading to residence. Not only that, but it will add burden to the already overly complicated Law which hopefully the review process I have outlined will rectify.

I urge this Assembly to reject these Propositions. Let these complex matters be considered by the review, in which Economic Development already have engaged.

Thank you, sir.

**The Deputy Bailiff:** Well, Members of the States, I know the importance you attach to evidence based decision making. It was quite evident to me that the composite set of Propositions was desirable, perhaps even necessary, and I hope you now have a sheet of paper in front of you with the seven Propositions numbered in the order as they currently stand. *(Interjections)*

Deputy Leadbeater.

**Deputy Leadbeater:** Thank you.

Sir, at around 8.30 p.m. last night I received a message from Deputy Lowe. That message informed me that the Economic Development Committee has performed a U-turn, and were now not going to withdraw their report – so to be contrary to what the Vice-President had told us only a couple of days previously. I would appreciate it if the members of Economic Development who voted for this would rise today and articulate to this Assembly their reasons behind this indecision.

Sir, for politicians to charge at the Population Management Regime like a bull at a gate is one thing, but then to realise that their approach was somewhat cavalier, and wisely decide to withdraw in light of the knowledge that Home Affairs will be supporting the sensible Propositions and amendments to the regime, only to then at the 11th hour perform a complete U-turn and appear more now like a bull in a china shop, is pretty alarming.

Let's look at Proposition 5, to remove the prohibition on reissuing a short term employment permit in circumstances which would result in the holder's aggregate residence, both before and after commencement of the Law, exceeding five years. Now, let's look at Proposition 6, the

Kuttelwascher/Merrett amendment which seeks to mitigate this by not granting step holders as ordinarily resident under the regime. But this simply will not work; you cannot honestly believe that someone who has lived and worked in Guernsey for, say, 10 years, consecutively, would not have a fair claim for residency under human rights grounds. You cannot legislate away someone's human rights, which is what this Proposition is seeking to do.

If we agree to Proposition 5, then there is no point in having the Law in the first place because anyone coming over on a STEP permit will be able to stay here forever.

Sir, I would like to remind Members that there is a review of the regime already under way. I agree with Deputy Ferbrache, it is not going as fast as it could, and I would like to see that pace increased. What we are doing here today is basically short-term tweaks to mitigate, mainly, the obvious problems that some in the hospitality industry are experiencing. Everything within this Law could be subject to change depending on the outcome of the review.

Sir, I will sign off by asking Members to vote for the sensible Propositions, trust the review, and vote against Propositions 5 and 6.

Thank you.

**The Deputy Bailiff:** Deputy Merrett.

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

It is with dismay that we have witnessed certain aspects of the new Population Management Law – sorry, sir, my computer is failing me. Apologies, sir. It is with dismay that we have witnessed certain aspects of the new Population Management Law have such devastating effects on one part of our economy, our hospitality sector, enjoyed not only by visitors to our shores, but by people of Guernsey. Most of us have a favourite restaurant or café where we enjoy meeting friends, family and where, as a society, business is often conducted. The ability to retain and recruit suitable staff for industry whose very premise is the very service delivered lies in the ability to retain and recruit staff of the required calibre.

The Law has been in place for approximately six months, but those six months were over some of the hospitality trade's busiest months, some of their peak trading season. Six months may be a short time for the Population Management Law to be in place, but six months to a business that is struggling to retain or recruit staff can be devastating, not only to its reputation, but its very existence. Just one season's pass in the enactment of Population Management Law and the effects on the industry have been worrying, this is evidenced by some businesses having to close on several days of the week as a result of staff shortages, a direct result. This is not due to a lack of demand from customers, the lack of availability of labour for the hotel sector has directly affected their economic competitiveness.

We have seen the consultation results represented 88 firms within tourism and hospitality sector. It revealed unanimous opinion that the industry is currently facing significant and unprecedented challenges with regard to the retention and recruitment of staff. Fifty-two hospitality establishments, all of which are local, confirm that they have been unable to run their business at full capacity over the summer due to an absence of staff. Furthermore, consultation with the sector by the Population & Advisory Panel has also revealed that at the end of August 2017 the total number of staff vacancies, experienced by 60 establishments amounted to 248. This is a number that appears to be unprecedented within the sector.

Additionally, concern was raised that the potential long-term damage to the reputation of the sector as staff shortages inevitably lead to a drop in the level of service standards. That with Brexit and the weak pound, has compounded the situation, sir. Whereas we can influence and strive to be at the table for the Brexit negotiations, and whereas we can drive our economy to try to mitigate against the weak pound, the one thing we do have a 100% control over is our very own Population Management Law. It was a bit of an own goal. One that we can help mitigate – and swiftly, if we choose to do so today. One that we send out a very clear signal to our hospitality

and tourism sectors, who are listening, that we are truly open for business, 'Please come and work here. Please stay. You will be valued, you will be appreciated, you will be welcomed.'

2605 There is a genuine fear from some Deputies that we will be opening the floodgates. This implies there will be people piling up, or should I say queuing up, desperately trying to work within the hospitality in Guernsey, but this is simply not reflected in the evidence that we have received from industry.

2610 One Deputy, sir, was so concerned that if one waiter might leave they might be replaced by three waiters, but, sir, no business will employ three waiters if they only need one, there is no economic sense in doing so. If a business needs more waiters because they are busy and successful, good. That is part of Economic Development's mandate – promoting and developing businesses. Removing barriers to business, allowing businesses to recruit in permit positions, being competitive and fleet of foot, recognising, rectifying and revising policies and legislation that are, indeed, perceived as being barriers to business. That is why I welcome this debate today, 2615 sir. It gives the Assembly the opportunity to make some adjustments that may help this important sector of our economy. Certain aspects of the Population Management Law have been substantially responsible and are seen as a barrier by the hospitality sector. This problem can be alleviated and rectified by legislative or policy change. Amendments without seriously inhibiting the ability of the States to exercise proper long-term control over the size and makeup of 2620 population.

My hope, sir, is the ongoing review as referred to by Deputy Leadbeater, and others, is directed by the States to report back in March of 2019. I hope this will be brought earlier or indeed expediently before the Assembly.

2625 One of the Propositions laid before the States today seeks to permit people living in Open Market B or C the ability to retain their staff as long as they need them. Why is it important, sir? It is important because the hospitality sector is trying to retain their valuable, capable and committed staff, but, crucially, they are also trying to recruit staff next season. Many are recruiting from within the European market, many businesses are competing with comparative jurisdictions. We need to be as easy to access, as easy to recruit, as any other comparative jurisdictions, to give 2630 us a level playing field.

Additionally, we are aware of some businesses having a lack of availability of Open Market part B or C properties or rooms, and others having too much, giving employees the ability if they have an in-work permit and are resident in Open Market B or C to move between properties whilst maintaining the same restrictions. This could either be when they change positions, which 2635 encourages growth and progression, or if the business they work for does not have enough capacity.

The Propositions, originally 1(c) of my Committee's policy paper as amalgamated into Proposition 2 of the St Pier amendment. Growth, promotion and progression, a free movement of people, excellent. Good.

2640 Regarding Propositions 5 and 6, for clarity, my understanding is that the short-term employment permits currently can only be applied for if a specific position ... the position must be in permit, and it has to be renewed every year, every year. So, no guarantee, no guarantee a year-on-year application, they cannot be householders, they cannot have their families here, etc.

2645 Deputy Ferbrache disclosed in detail, and I am supportive of all of his comments and good council. Some litigation against human rights concerns have been addressed in Proposition 6, again, I thank Deputy Ferbrache for his comments and support of this Proposition.

2650 Finally, sir, I am concerned that if we continue to fail to recognise the importance of recruiting and retaining people who work within this industry – I understand why you want to try to attract high net worth individuals and people that have a low foot print, but have a heightened value, but, sir, we also need to show respect and appreciate all members of our society. The fabric of our society is indeed varied. It includes hospitality, it includes chefs, waiters who may not have the perceived sufficient incomes.

I am concerned if we continue to show favouritism, or unfair bias, or indeed, continue to judge someone's value to our society on their taxable income, our society and economy will be far poorer than it is today, after all, those high net worth individuals want to buy their cappuccino, their *fruit de la mere*, their fine wine and dining, without having to climb into their helicopter, or jump on their sun seeker and zoom off to another Island.

Please support all the Propositions that are laid before you today. I do not think we will be opening the floodgates. I think we will be closing the back door, opening the front door and we will be opening the doors of hospitality.

Thank you, sir.

**The Deputy Bailiff:** Deputy Yerby.

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

Deputy Leadbeater is, of course, absolutely right, you cannot legislate away a person's human rights. It is a good thing to hear people in Government say that. I think that should be at the forefront of our minds more often. So, for that reason, I will not be voting for new Proposition 6, which is to class residents as either ordinarily resident or not.

However, I am torn on the new Proposition 5. As I have already said, my bias is towards as much liberalisation as possible, and so I very much want to support it, but to pre-empt something that I have certainly heard Deputy Le Clerc say before, and might hear her say again in this debate: who does that leave behind? It puts guest workers in a much more favourable position than people who are currently here on short-term licences, but people who are in the middle, who have medium-term licences, and do not face the prospect of indefinite renewal are then comparatively in the most disadvantaged position.

Now, the question for me is, if I support Proposition 5, am I looking forward to a future in which the Population Management Regime collapses under the strength of its own illogic, because that, of course, (*Laughter*) is what I would like to see. Or are we just going to maintain an incoherent and unjust regime, in which we end up disadvantaging a group of people who are, in the main, core public service workers. I do not think that is where I would want to see Guernsey end up.

I think I have to come down on the side of maximum liberalisation. It has ended up being the position I have taken on population management from the start, and that for me means I have then got to take – well, depending on how this amendment is voted on – a consistent position when we come to consider the review of population management, and how that affects other groups of workers. But it is a difficult position, it does create a real incoherence at the heart of the Population Management Regime, and I think we have got to think about the disadvantages that this Proposition would create as well as those that it would assist.

**The Deputy Bailiff:** Deputy Fallaize.

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

I hope I have not invalidated my right to have a view on this matter by getting the Propositions mixed up earlier, but thank you for the circulation of the Propositions to which we were meant to be referring.

Deputy Prow, in arguing against Propositions 5 and 6, made three arguments, really, and two of them, I do not think are terribly valid, or not very persuasive, but the third one is quite persuasive.

The first one was that the States should not make substantial amendments, to the new Law. Now, this echoed a point made by the Committee, in response to Deputy Roffey, when he wrote to them, I think it was an open letter, the reply to which was copied to all States' Members, as recently as 10th November, only three weeks ago, in which the Committee, in response to Deputy Roffey's suggested change, which this morning the Committee supported, but was then opposing,



2705 the Committee said that it thought that a mere six months after the commencement of the new Law is far too soon to be considering reinstating old practices. But this morning the Committee has, in effect, agreed to the reinstatement of some old practices. Therefore, I think for the Committee to argue against Propositions 5 and 6, on the basis that there should not be substantial changes to the new Law so soon after its commencement, is somewhat contradictory. I think if it is now okay for the States to make the changes proposed by Deputy Roffey, which the Committee is supporting, then it must, in theory at least, be okay for the States also to make the changes at Propositions 5 and 6, which are preferred by Economic Development.

2715 Secondly, on the conduct – if that is the right word – of the Committee for Economic Development, I think it is a little bit unfair for Deputy Prow to criticise them, for this reason. We have made the Committee for Economic Development responsible for advising the States on matters relating to our economy and our prosperity, and the development of our economy. This is not a Committee for Home Affairs Law, this is a States' Law, the Population Management Law, and they have identified provisions in this Law which they believe are doing serious harm to a not insignificant sector of industry. I think it is right that they come to the States to advise the States of their considered opinion on those matters.

2720 What they are asking the States to do, in effect, because their Propositions have been incorporated into these new Propositions at 5 and 6, is based on their advice, to consider amending what is a States' Law, the Population Management Law. I think that is perfectly in order, and I am quite pleased that they have done it. I do not take a view on whether the way they have gone about it is necessarily right, wrong, or indifferent, but I do think it is right that they advise the States of their considered view in relation to the negative aspects, as they see them, of the new Law. So I think that issue should be disregarded.

2730 But the third point that Deputy Prow makes is really the key point in relation to Propositions 5 and 6, which was that, in his view – and I am paraphrasing a bit, but I think I have got it broadly right – he said that if Propositions 5 and 6 are successful it drives a coach and horses through the Population Management Law, and makes much of the underlying purpose of the Law redundant. Now, if that is true, it really must rule out Propositions 5 and 6, and should require the States to vote against them. But I think that that claim needs to be tested in two respects, and I am genuinely unsure how to vote on Propositions 5 and 6. There are two issues which I would like to have some further information on, or answers to, before deciding how to vote. One is an issue of numbers, and the second is an issue of Law.

2735 In terms of numbers, I do think it is important, and I accept that it is not easy for the Committee for Home Affairs to answer this question, but I think it is important to give the States some indication of how many people, over the years, have transferred from the nine months on/three months off regime to be Local Market residents, in effect, with permanent residency status. Are we talking about –?

I will give way to Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir, and Deputy Fallaize for giving way.

2745 I think the issue is, it is not the conversion of the nine month, three month pattern workers to permanent residence, it is the new proposed year-long recurring workers, it is the potential for them to convert to permanent residence status, and not the nine month, three month.

Thank you, sir.

2750 **Deputy Fallaize:** Yes, I accept that point in terms of the way the Law has been constructed, but in actual fact, they are going to be very many of the same people. So I think in terms of their employment and familial and social circumstances, we are talking about, if not identical, at least a similar group of people. So I think it would be useful to know how many people, who have had short-term employment permits, of one form or another, have ended up with Local Market residency rights, and have ended up, one way or another, staying in Guernsey for, well effectively,

permanently. Now, is it a few, is it hundreds, is it thousands? Deputy Lowe wants to answer my question, so I will give way to her.

2760 **Deputy Lowe:** Well, I am trying to be helpful here, in as it is much as the same answer to Deputy Roffey. If Members want that information, we can take the population management staff away from clearing the backlog and go by hand through the old system. If that is what States' Members want, it can be done. I do not think they do. They want us to make sure that we can actually process the applications that we have got there, hence the support of P&R putting in extra staff. That information can be available in the future, but I cannot answer that now, and I would not expect to answer it now, and I would defend that we do not answer that now, because our priority is to make sure we get the applications processed in the quickest possible way and clear the backlog.

2770 **Deputy Fallaize:** Yes, I do respect the Committee's need to prioritise its limited resources, the problem is that one of the arguments that is used, including on occasion by the Committee, against the sort of ideas that Deputy Ferbrache and his colleagues have, is, well if you liberalise the regime in this way you are going to allow significant numbers of people to build up permanent residency rights. Well, I think the States need to have some idea about whether that is a legitimate argument or not. Because, if in practice we are talking about very small numbers of people, that argument, or counter argument, to the arguments that are put by Deputy Ferbrache and his colleagues must fall away, because it does not really matter. If we are talking about very small numbers of people, why would we want to put them at a significant disadvantage, and a significant inconvenience, and to put owners of businesses at a significant disadvantage, and make it very inconvenient, simply to stop a few people having permanent residency rights. I mean, 2775 I am not in favour of letting our population rip, but if we are talking about relatively small numbers of people, it really does not matter, it certainly does not matter as significantly as the Committee for Home Affairs suggests.

I will give way to Deputy Oliver,

2785 **Deputy Oliver:** Sir, I would just like to reiterate, as my colleague said, that we could not actually put a number on it, but one thing that we have been told is that the more numbers that managed to get this, it was actually becoming more and more, because as people spoke they said 'Oh, you can do it.' So it is a snowball effect, really, and that is why you have got to be careful with it.

2790 **Deputy Fallaize:** Yes, I thank Deputy Oliver for that.

I do see the problem, theoretically. I can understand why it is possible that these, what may appear to be, relatively minor changes in short-term permit regimes *could* result in undermining the strategic population objectives of the States. But I just think that if that argument is going to be presented by the Committee, there needs to be some evidence to back it up. Because at the moment we have Economic Development saying, 'Look, it is so few, the numbers of people, or maybe so few, that we may be putting in place all sorts of restrictions unnecessarily.' The Committee for Home Affairs suggests that actually the number may be much larger and that it would be unsafe to remove those restrictions. Well, for those of us who are caught somewhere in the middle, I think we need to have some evidence to understand which way to fall on this argument.

2800 The second issue relates to the Law, because what we are now going to – presuming that the other Propositions are carried, as amended, we are now going to be back to, in effect, the old nine months on/three months off regime. That is, and I must say I am quite surprised, I was going to support Deputy Roffey's amendment anyway, but I am quite surprised the Committee for Home Affairs did not object to the amendment, because, I would have thought that –

2805 Okay, I will give way to Deputy Oliver again.

**Deputy Oliver:** Sorry, sir, thank you Deputy Fallaize,

2810 It is not just so people on short-term licences do not just have to go on the nine months on/three months off. They can choose to do the year, year, year. So it is actually giving them more choice now. It is not saying you have to just do the nine months, three, which is all that we had under the old licence.

**Deputy Fallaize:** Yes, I accept that too, and that is a useful clarification.

2815 But we are reinstating a part of the old regime which was more liberal than the new regime, which was agreed by the States with effect from, I think, April of this year. Which is why Deputy Dorey, no doubt, voted against it. So the Committee for Home Affairs has, sort of breached that line and the regime has now become more liberal.

2820 Now, what I think is important to bear in mind, whether we are talking about nine months on/three months off people, or other people on short-term permits, in those circumstances Deputy Oliver describes. There are already quite significant restrictions on those people in terms of their family being here, or not being here. Most of them are in – not all perhaps, but most are in – relatively low paid employment, and, of course, under the old nine months on/three months off regime, they were able to become locally qualified people by hooking up with other locally  
2825 qualified people.

So it is quite important for us to understand how many people were able to remain in Guernsey indefinitely by doing that. What I am struggling with is what effect does telling someone, or actually forcing someone to leave the Island for a quarter of the year, for a period which may be five, or more now, consecutive years, how much does that discourage them from  
2830 forming relationships with local people, which would enable them to stay anyway? It seems to me that if a person is going to be here for nine months on, whether they are required to leave for three months every year, if we are going to allow them to be here for nine months a year indefinitely, the chances of them hooking up with a local person, and therefore being able to stay, are almost as great as they would be in the circumstances of Deputy Ferbrache's Proposition 5, if I  
2835 can call it that. I cannot see what material difference requiring somebody to leave for three months per year is actually going to make in practice

The final point is, I am unsure about the legal ramifications here, because what I think is being suggested by the revised position of the Committee for Home Affairs, is that our Population Management Law can sort of hold the line, we can resist appeals, whether on Human Rights  
2840 grounds or any other grounds, for a person who has been here for any number of years so long as they have not been here for three months of each of those years. But we would not be able to do that if they had been here for 12 months.

Now, in terms of establishing a person's right to a family life, and establishing where they are properly and ordinarily resident, if a person can say, 'I have lived in that jurisdiction for nine  
2845 months of every year for the past 15 years,' it seems to me that their case to be able to establish that Guernsey is their home is almost as great as if they can say, 'I have lived in that jurisdiction for 12 months of a year in all years in the past 15 years.'

So the way I look at it is, that having now conceded to all the old provisions of the old nine months on/three months off regime, and quite possibly, in addition to that, liberalising the range  
2850 of properties in which these people are allowed to live. I think that we may be arguing over what is actually a very minor issue. I cannot be persuaded, and I would ask Deputy Lowe when she – or Deputy Lowe is not going to, oh yes she is going to speak again in summing up on the amended Propositions. When she does, I would ask her to try to explain to me and to persuade me how, having conceded on the reintroduction of the old nine months on/three months off regime, how  
2855 it is so utterly crucial that we reject Propositions 5 and 6. I would like to have some understanding of how. We are certainly going to be able to hold the line and stick to the strategic objectives of the Population Management Law if Propositions 1-4 are approved, but not if Propositions 5 and 6 are approved, because, for all the reasons I have just suggested, I cannot actually see that in practice it is going to make that much difference.

2860 Thank you, sir.

**The Deputy Bailiff:** Deputy Langlois.

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

2865 I was just going to say exactly the same thing as Deputy Fallaize has just done. But the way I was going to put it was that I do not see how anybody can vote against Proposition 5 and support Proposition 3 when, in terms of acquired Human Rights, they seem to be exactly the same to me. Just one you happen to be here for 12 months, the other you happen to be here for nine months and three months off. They are virtually identical. I will not be supporting Proposition 5, but I cannot then support Proposition 3, because they are exactly the same.

2870 I think that is what Deputy Fallaize was saying, at slightly greater length. (*Laughter*) But having thought through my speech I wanted to deliver it, even though I was just simply repeating what he had said (*Laughter*) with slightly more brevity.

2875 **The Deputy Bailiff:** Deputy Dudley Owen.

**Deputy Dudley Owen:** Thank you.

Sir, I am pleased at the reaction by the combined Committees, Home Affairs, Economic Development and P&R, in addition to the amendment from Deputy Roffey, to meet the concerns that have been raised by businesses, who have a strong reliance on guest workers. I think altogether reasoned arguments have been presented, and especially through the Home Affairs policy letter which outlines, clearly, the risk of potential legal challenges. The amended Propositions ultimately seek to manage population growth following a conservative strategic direction agreed by the States and is therefore understandable.

2885 In my view, until such a time as a review has been completed and the Population Employment Advisory Panel has been allowed to function for at least a year, it will be really difficult for us to properly quantify the impact of the new Law to different sectors and their workers.

I recognise the real value that the hospitality industry brings to our Island. We have a new café culture in St Peter Port, which is well supported by many Deputies, sir – pointing at Deputy Inder there. We have a great culinary offering here which is enjoyed for leisure and pleasure as well as helping to polish the sophisticated offering for businesses who are entertaining clients who visit. We need to substantiate our tourist offering for visitors, with a high quality of hotel and guest accommodation, in its various forms. We all acknowledge that we cannot do any justice to this if we do not have guest workers choosing to come and offer their skills here in Guernsey, and doing so in a way that is not made difficult or burdensome.

2895 Our now small but important horticultural industry, which provides us with a choice of local produce, and also promotes our Island beyond these shores with exports of fruit and veg. The care home sector on which we are increasingly reliant given the changing shape of our demographic. All very important sectors to our Island.

2900 But, echoing what the President of the Committee for Home Affairs has told us, in her opening remarks earlier, we have hit a perfect storm of events. It is not just about what we are doing here in Guernsey, it is also about what is happening over the water, on the continent, which affects us over here. Our members have already mentioned today, Brexit, the fall of the value of the pound, the growth. I do not think they mentioned the growth in Eastern European economies for the first time in decades, but I am now. Madeira has a new confidence, and, anecdotally, I know that many Madeiran individuals who have lived in Guernsey for years have returned back home, to resettle after years of sending money back, and having saved enough to secure their retirement and finish building their houses – their homes, sorry. Members are aware of this, but whether they attribute these factors into the mix with sufficient weight to appreciate how dependent we are on the wider European or even global economic situation, I am not always sure.

2910

So let us not forget that the skills shortage is not just a Guernsey problem, this is also a global problem, even a Channel Island problem. Speaking to a recently retired civil servant from Jersey, who ended his career this year promoting the Island to high net worth's, I was probably naïvely surprised to learn that they also have big issues in recruitment in hospitality, and having looked at the low unemployment rate in our sister Island, which seems to have dropped off a cliff in line coincidentally with Brexit, and knowing that Jersey currently conducts an open door policy for guest workers, essentially, what we are doing here in Guernsey is sending a message that Guernsey is open for business by flexing the policy.

I believe that we need to tread carefully and sensitively with this complex piece of legislation, and I heard from a senior finance representative, somewhat poetically last week, that there is a sea of love amongst the finance and professional services sector, due to the ease with which they can now fill specialist skills gaps within their organisation via the new Population Management Law.

As Chair of the Skills Guernsey Group our focus is on how we, effectively, train our local resident population, and how we are working with industry and actively encouraging them, and they are demonstrating a real desire to engage in training on Island. There is no liability under the new permits system, I believe, on companies to carry out such training, and it may often be easier to apply for STEPs for a short-term fix and this is where the role of PEAP, and Skills Guernsey, in partnership with the Training Service Providers, is very important, in continuing to engage with and actively promote the importance of locally resident training and skills provision.

My real concern in changing the legislation is around any legal and actual implications of allowing unfettered residency – not, as one of my colleagues on Economic Development said before, opening the floodgates.

Where a person has spent more than five years here, of which only a percentage has been spent, even elsewhere, we know that they can seek to challenge the new Law under Article 8, Human Rights, on various grounds. Just because we provide, under the Law that individuals are unable to provide for ordinary residents, does not discount at all the possibility of challenge under Article 8. We must be careful not to take a retrograde step, having just changed our legal framework to mitigate against the risk of challenge, to then open that newly amended framework again to the very challenge we have just moved away from.

The balance is fine, and with the knowledge that the Article 8 rights also extend to protect those already in Guernsey, put against the backdrop of our size, the makeup of our economy, also viewed in context of our current status in the economic cycle, we must tread carefully, and in a considered way, to ensure that we are not putting up barriers to business, but at the same time, that we are mindful of our domestic situation.

I recognise that within significant sectors on Island there are many businesses which are hurting, mostly, in part, I believe, because of the effects of the perfect storm that I alluded to earlier. I am really pleased that the overall reaction by the States to one of these elements of this storm that we can control has been, in States' terms, reasonably swift, and that policy is being amended accordingly.

So, having sought advice myself from the Law Officers recently regarding some of the changes being put forward, specifically the new Proposition 5, removing the prohibition on reissuing the STEPs, especially, in regard to the challenge that this opens up for our legislation, I have been given real cause for concern on many levels.

I do hope that we do get an objective assessment on this matter though, from Deputy St Pier, as earlier requested by Deputy Fallaize.

Thank you, sir.

**The Deputy Bailiff:** Deputy Roffey.

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

First of all, I want to take up the point raised by Deputy Langlois and Deputy Fallaize about where is the difference between somebody living here 12 months a year and living here nine

months a year. I do not think we really know until cases taken on the basis of Human Rights to challenge the situation, but having been in the States when the nine month, three month regime was first brought in, I accept fully that Human Rights is a moving piece and it changes and evolves all the time. Certainly the advice of the Law Officers back in those days, was that it made the situation an awful lot more defensible, for the States of Guernsey, if there was not a permanent residence, but there was a seasonal basis to the residence. That does not mean that there never reaches a point where somebody that has done nine months on/three months off cannot make a successful claim under Human Rights, but it makes it more onerous on that individual, and easier to defend for the States if it is not a permanent residence 12 months of the year. That was the advice then; whether it is still the advice now, I do not know, but anybody making that advice would probably have to be very cautious, because I do not think there is the case law to actually be certain. But that was the whole rationale of the approach in the first place.

Deputy Leadbeater said that if we went with Proposition 5 then it is as if the Law was not there at all, because people would be able to stay permanently. He is not quite right, of course, because people would still have to apply for a licence every year, and if there was any significant unemployment in the Island then we would very legitimately be able to say, 'Yes, in theory you can stay for the next 20 years, but, actually, no, after two years we have now got unemployment you have got to go because we do not need to issue another permit?' So, I think he was putting it a bit too strongly in saying that.

Two competing themes have come out of this debate. One is we want to be welcoming people coming and working in Guernsey, we want to appreciate them, but at the same time we do have a demographic challenge, and I think we have to remember that revolving an element of our work force and keeping them forever young, so that those people do not stay and grow old here, is a legitimate and sensible approach to take. It is very hard on the individuals concerned, and it is very hard on the employers, but we focus on short-term workers, but if the idea is why on earth are you trying to make people go after five years, then the medium-term permits, we should revisit that on the basis of some of the arguments being made here today. But I would not do that, I would not do that, because hard though it is in some ways, I do think we need to make sure we have certain churn in our workforce.

I think the only final point that I would make is that I do believe we need to put back the fundamental review. I mean people are saying it is too slow, it is too far away; it is in some ways, which is why I am trying to do something today. But I just can really see us with a report in March 2019, and if it is as clear as mud what the UK are going to do with their Immigration Law, then to be honest, we are not going to be able to come to any sensible decisions. I mean, hopefully, we will suddenly see a step change in the speed of Brexit negotiations, the deal will be sorted out for trade arrangements, and the UK will have decided where they going with their own Immigration Act, but I somehow suspect we may have to put that back.

So, sir, I agree with Deputy Yerby that I cannot vote for Proposition 6 because, whether it is legally possible, I think, in the real world, just to say to people that live here permanently for 10, 15, 20 years, you have never been an ordinary resident in Guernsey, I think, is unacceptable.

I think I am going in the opposite direction to Deputy Yerby, because I want to feel my way carefully, and I would prefer to offer what is actually still a more generous set of options than was exiting at any time in my time in politics, which is not only the nine/three indefinitely, but, on top of that, the new arrangement for up to five years on a one-year basis. That is actually, I know we have done some of the damage, and we are trying to get back from that, and perhaps over compensating and now want to throw out all of our regulations to help the hoteliers, but I actually think we need to have a balanced and nuanced position here.

So I, with reluctance – I am sorry for the Members of Economic Development, I understand why they are arguing what they are arguing, but I cannot vote for 5 and 6, on balance.

**The Deputy Bailiff:** Deputy Graham.

3015 **Deputy Graham:** Sir, thank you.

Deputy Roffey has actually stolen my thunder, I agree with every single word that he has just uttered. I am going to eschew repetition. Although I think we really ought to now remind ourselves that I think for the vast majority of the Assembly here, we are really talking about the balance of risk between one option as regards the nine months on/three months off, and that of the year on, year on, year on, up to five years and beyond. It is a fairly crude assessment of risk.

3020 Deputy Fallaize and others have asked for tangible evidence rather than anecdotal evidence on this and, frankly, I do not think such evidence is ever going to be persuasive, either one way or the other. I think Deputy Ferbrache and others will know better than any of us that none of these things will be resolved, probably, short of a court case, and it will be resolved in the courts. I think  
3025 if the first challenge in the courts is unsuccessful then that is really the job done, isn't it, unless people keep coming back. But, essentially, that gives us a certain robustness. The very first court case that –

Oh I will give way. I see a lawyer has challenged me so I had better give way.

3030 **Deputy Tindall:** Thank you, Deputy Graham, for giving way.

Yes, as far as I am concerned any court case will be taken on its merits and, therefore, if it is unsuccessful the next one may be successful.

**Deputy Graham:** Well, I do accept the point that the Deputy makes, but in fact, I think a  
3035 success or failure either way will actually either act as an invitation or a disincentive to those who might come here expecting long-term residence.

But I really feel that there is never going to be persuasive evidence either way to help the States understand fully where the balance of risk lies between those two options. In the meantime, we have got the advice of the senior administrators who are administering the Population  
3040 Management Regime, who have been in consultation recently with the Law Officers; and their advice is that the Proposition 5 would be a heavier risk than under the Roffey amendment, which Home Affairs was very pleased to accede to.

I noticed earlier on – and this is my final point – that certain eyes rolled when the sort of long-term review was mentioned. I do understand why, because we are talking about two years here,  
3045 aren't we, from when we debated this back in April. But it was a Resolution of the States at the time, and it was a joint amendment from Policy & Resources and Home Affairs, that there would be a strategic review of the whole Law. I think the timetable was that it would probably meet in quarter one of 2018, and report by quarter one of 2019. That seemed a fairly sensible time scale for a review of a strategic nature. I think they have actually got ahead of the game, just by a few  
3050 months, and have already had their sort of, 'what are we going to do' meeting, and the first really business meeting, I think, is going to be in the new year. I think it is important to remind ourselves that on that review panel P&R will be represented and, of course, Home Affairs, but also Economic Development, and I think in as far as it touches on the Open Market, Environment & Infrastructure will also have a representative, who I think is my friend Deputy Dorey. That will happen.

3055 Of course, eyes were rolling because of the long time scale, and in the meantime, we are told that there is pretty near panic out in some of the sectors of the economy. Even allowing for exaggeration there are problems out there, which the Home Affairs has been very sensitive about. But I did want, really, to add to the context of this strategic review that is going on, because there are reviews going on at different levels. The Home Affairs Committee itself has brought two,  
3060 effectively, amendments to the Law this time. Now, I know it seemed to be going in common currency in the debate up to now that we were dragged here reluctantly on that.

One of the advantages of being reasonably elderly is that the memory goes and I have forgotten the chronology, but I do remember sitting in committee back in September, and we were at that very moment discussing these two amendments that effectively we brought as  
3065 Propositions now. The whole business of, can we not bring the nine months on/three months off

back, can we not look at this whole business of part B and part C of the Open Market Register? You can believe that or you can disbelieve it, I will leave that to you.

3070 But the point is the Committee is not sitting on its hands, it is monitoring these things, week by week, and those elements that need change, and require the approval of the Assembly, we are bringing to you. We are okay, it is six or seven months since the Law came in, and here is our first two. Below that also, the sort of data at working level, there have been the staff reporting to the Committee, and coming up with recommendations – a tweak here and a tweak there – which have not required us coming to the Assembly for approval. I think the President mentioned those in her introductory speech. But those have been happening. So we have got a review on three different  
3075 levels, really, right at the tactical level, at the Committee level, via the Assembly, and also the strategic review. I would say, possibly by strongest caution against Proposition 5, and of course, 6 becomes (*Inaudible*) I think if 5 falls, and we certainly do not want to have any truck with it I do not think.

3080 But I really believe the main objection is really amending a Law, a complicated Law, not exactly on the hoof, but piecemeal. I really feel that there are pooh traps. Winnie the Pooh type pooh traps, just in case! (*Laughter*) Winnie the Pooh traps, sir, lying in wait if we take that approach to amending our legislation.

I would therefore urge the Members of the Assembly, really, to approve of all the Propositions except 5 and 6.

3085 Thank you.

**The Deputy Bailiff:** Deputy Dorey.

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

3090 There have been some passionate speeches today, and there is obviously what Members see as a lot of evidence out there to justify the change. But I do not think it is quite as black and white as has been said. I recall when this was being discussed at the beginning of September, that the Red Carnation Group top manager came on to TV and he said it was not affecting their business, and that is two of our largest hotels, those significant hotels. I also recall that on the *Phone-In* the owner of one of the largest west coast hotels, which has the golf course, said that he had lost a  
3095 significant percentage of his staff, but he had replaced them all. That is exactly what is meant to happen with short-term licences. These are not highly skilled people. I carry on about the restaurant sector, I think this sums it up better than anything else, and I read from a *Press* article which was on 30th August and it says:

Recruitment will always be an issue for the catering industry says 'Christie Group's director Rachel Chandler, who said that the new Law did not seem to have impacted on them. The group includes Christies Restaurant, Crabby Jacks, The Swan Inn and the Boat House. 'I do not think the Law has affected our efforts to recruit staff', said Mrs Chandler. 'If anything it has given us more certainty – so actually positive – new staff can stay for five year years after which they are either ready to go, or go into management, or they are ready to leave'. She said, 'in my view the issues with staff recruitment were industry wide and not linked to the population per se. a greater problem in recruitment for Christies has been the cost of travel to the Island. We lost a couple of members of staff this summer because of the cost of getting here and back', she said.

3100 Now, I think those three pieces of information actually show that this might not be quite as black and white as many Members have said.

3105 Now, I sat on the Population Management Group, which was the specific group which looked at our Housing Laws, and as Deputy Ferbrache has said, the – I was on the Housing Authority before that – that there was a serious problem with the Law. I sat there for six years, and we were having to give out licences, because people were challenging them, and we had no ability to stop it. Members talk about is there a risk. Yes, there is a very serious risk. According to the economic situation of those people, what is it like at home, is how many people apply. But we were definitely giving out licences to people who had been here for a period of time and said I want to stay in Guernsey, I do not want to have the restrictions of not having my family here, so they



3110 could actually move into Local Market accommodation, and bring their family. That was happening. I distinctly remember cases like that.

Now, the Population Management Group met, and we discussed it, and we were made up of the late Deputy Jones as the Housing Minister, Deputy Mahy as the Home Minister, Deputy McNulty Bauer as the Commerce & Employment Minister, Deputy Flouquet, who was the Deputy  
3115 Chief Minister, and myself. We spent nearly three years looking at this. We spent an awful lot of time with reports being given to us, we spoke to an awful lot of people, and we unanimously reached the conclusion that short-term licences, as they were, were not going to be able to manage the population. So, ultimately, if this Assembly wants to, as Deputy Lowe read out this morning, and I will read it again from the report:

The new regime needs to be as effective as possible in enabling the States to manage the size and makeup of the Island's population.

3120 Now, if you believe that, that we need a Law to do that, do not vote for what is in front of you today, because you will lose that. Because that is exactly where we were with the Housing Law, we lost the ability to manage the population. The only part of the population that we were actually managing was the skilled people, the people that we need, and we were trying to restrict them, and we give out 15 ... but 15 years was never ... because everybody knew that they could  
3125 challenge way before 15 years, and we had to give in.

The other key think which has been mentioned a couple of times is the demographic effect. One of the reasons was, I think Deputy Roffey said, we are having a number of younger people who move in and out which means that they do not stay here long term, we do not have their families to educate, we do not have the health needs of their family, we do not have to house  
3130 them, because often these people are not on high salaries, and in the long term we do not have to pay for their pensions, and also the cost of their health in their older age.

So I agree with Deputy Langlois and Deputy Fallaize, I cannot see the difference between, because the key acid test that was told to us was if a person is here for a longer period of the year than they are away then, effectively, Human Rights is engaged. So if as is currently, and that is why  
3135 the Rule is, if you want to come back you have to be away for the same period that you were here. Once you have broken that, and the nine month, three month breaks that, and that is why we did not propose it, because we knew it means that people can claim Human Rights.

So that is why I voted against Deputy Roffey's amendment. I was probably the only one. But I thought I knew where the Assembly was going so I thought I will wait to speak until this point. But  
3140 I do not understand why Home are now –  
I will give way.

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

Perhaps I can help you there. There are similarities, there is no doubt about that, but the  
3145 difference with the nine to three, which is what you expressed just now, is that that is seen as a break, and it is easier to resist an application for permanency, if it is a nine/three against somebody that is here continually, and they would apply to actually say they can stay here for ever, and that is the concern that we have got on this one here.

It is actually while the review is taking place. We are reacting to the information that we have  
3150 had back. 'Help us now on the nine/three,' and that is exactly what we are doing. But if it was to be right across the board with those that are here continually, as in number 5 and number 6, that just blows the whole lot out of the water, as was explained before. It would then mean that your history teacher, your geography teacher, your speech therapist, who are here on five-year, well forget all about that, because they can stay as well, because they will challenge that if they are  
3155 here on that, and yet we have got people, unskilled people, being able to stay for ever, but it is the natural break that makes the difference to that with the nine to three.

**Deputy Dorey:** Thank you for your comments, but I am sorry, I do not agree. All the information that I have, yes, I think it is easier to resist; if somebody has been here all the time against a nine/three it is slightly easier. But it is not a defence. Everything that I learnt when I was on Housing for six years, and I also sat on the Population Management Committee, was that that was not ... and we had people like Deputy McNulty Bauer who was Commerce & Employment who was responsible for tourism. She was well aware, like we all were, and each person had their ... we had the civil servants from their particular committee there, everybody was well aware that it was going to bite, and there would be opposition, but if you wanted a management law you had to say no to nine/three. We did not want to propose that, but if you want to manage the population you have to say that. If you do not want to manage the population then, yes, support it.

So, I come back to –

**Deputy Ferbrache:** I am grateful to Deputy Dorey for giving way.

Two points. Firstly, would he accept that in relation to the Housing Law there was a case some years ago called Gillow, which went to the European Court, which said, effectively, I am précising, that our Housing Laws were fine, but we also agree, and Deputy Roffey touched upon it, that in relation to Human Rights legislation, jurisprudence, I should say that that changes almost daily, because the judges that sit in the European Court are, by and large, not legally qualified, and they often have political inclinations, if I can call it that?

Would he also accept that the view given, quite correctly, on 31st August, or 30th August, by Ms Chandler was contradicted by the Christies Group, albeit not publicly, six weeks afterwards, when we could not find any staff. *(Laughter)*

Will he also say, or agree, or comment, it is up to him, he has not got to deal with any of these points, if he does not want to, but in connection with the Law that there is a difference, I am talking about the Population Management Law now, there is a clear difference, and I am talking about the way that it would probably be interpreted, between somebody who has their household and their family here and somebody who does not.

**Deputy Dorey:** I accept there is a difference, but the fact that they do not have their family here, means that they have a case to bring their family here, and I can only go on what I saw when I was on the Housing Authority, and it is interesting. I mean, a lot of the cases were challenging from Ozannes at that time, as they were the *(Laughter)* prominent legal practice.

**Deputy Ferbrache:** I think he is being polite, sir, they were from me.

**Deputy Dorey:** So, I come back – whether Christies is correct today or not, but that is what the director said and there is a number of very clear messages, it is not just one message, in fact she said it was beneficial for their business, or words to that effect.

But I come back to... what I really care about is the people of Guernsey, and I look upon what does this effect, what it means, and this has always been the problem with our Housing Laws as they were, was that the effect of letting people come in who are unskilled, it pushes down the opportunities for local unskilled. Now, it might not, and I have seen it so many times, it pushes down wage rates for them, that is why we had to bring the minimum wage, because there was a pool of people available, which people can bring in. So I urge you to reject 1, 3, 4, 5, 6, and 7; *(Laughter)* 2 is the only one that I will vote for.

What we will finish up with, if we do this, is that, effectively, the only people we are controlling are the medium-term licences, because this will, effectively, put the white flag up on short term.

We know that people long term, effectively, if they stay here, can get residential qualification. So the only people that we are actually controlling in the end are the medium-term licences. Is that what we want to do? Just compare a certain people with a certain skill and not the unskilled. I just ... I cannot understand. We live in a small Island which has one of the highest densities of

3210 population, and if we really care about our Island, and it is a tourist industry as well, because if we become over populated, then the Island does not become attractive.

We continually see the opposition to housing development, many of the Members of this Assembly have objected when proposals have come forward within their district to housing developments, but you cannot just keep doing one thing, saying that, 'Yes, I do not want more housing developments, but then I am quite happy to have more people here,' because in the end it is the local people – which is what happened in the 1980's, it was the local people who had the least amount of money, who were then pushed out.

I really urge Members to think very carefully. There is going to be a review. That is the time if you want to make any changes. This was designed, predominantly, to be able to enable this Assembly, through its Committees, to manage our population. If you vote for the 3, 4, 5, 6, you are going to let people come in. And the same thing happens with 1, because it is the Open Market, it makes no difference whether people are living in the Local Market or the Open Market, and it was very clear in the report that went to the Assembly in 2013, from the then Policy Council, and it says the primary concern for a population management perspective is the number of people who are able to reside in Guernsey, living and working in parts B and C of the Open Market, for long periods of time, potentially, building up substantial connections and links with the Island, who are very unlikely to be able to support themselves in independent Open Market accommodation should they need or desire to do so later in life. The States is at risk of having to allow such individuals to eventually occupy Local Market property because, as explained in section 4, of the influence of Human Rights. A refusal to do so might leave the individual concerned with no other option but to leave the Island, which could result in unjustifiable interference in their Article 8 right to respect their private and family life.

So it does not just apply to Local Market, it also applies to B and C. I think this is wrong, it is going to damage our ability to control our population. It is going to affect local people. I urge you to reject all but 2.

Thank you.

**The Deputy Bailiff:** Deputy Soulsby.

3240 **Deputy Soulsby:** Sir, now, Deputy Ferbrache when he stood up spoke a lot about the hospitality industry and I think, during that and his alternative pub crawl through various establishments on the Island, he did also mention the impact on the care sector, and it is true the care sector has been very much affected, and I have had representations myself from that sector, as I think other Deputies have had too.

I think it is fair to say the care sector is probably underrepresented on the Population Employment Advisory Panel. At present it falls under public sector and is represented by a public sector employee, but I think it is my view that some consideration needs to be given to there being a separate representative for health and care, and the demand for care support is going to increase over the coming years, as we know, and the importance of this sector is only going to grow.

I actually think it will become easier to arrange under the proposed partnership of purpose, with the coming together of the public, private and third sectors in health and care delivery. That can then provide one voice for the sector, and I would welcome discussions with Home Affairs on that very issue.

3255 In terms of the Propositions before us, I do support Propositions 3 and 4, which goes a bit further than my amendment in the last term, without which, I should add, the short-term permits would have been even more inflexible than they are now. But the position back then was very different from that of the Committee for Home Affairs now, which Deputy Mark Dorey has highlighted, and I welcome the change, as it considers the likelihood of risk which previously was one of zero tolerance.

However, I do not think Propositions 3 and 4 go far enough, and particularly for the care sector where continuity is crucial, and the nine months on/three months off scenario probably is not relevant.

I am therefore tempted to support Propositions 5 and 6. However, I hear Deputy Leadbeater really speak about the Human Rights issues, and I am scratching my head over how someone on a short-term permit can keep on coming back for as many years as they like, whereas someone on a medium-term permit has to leave after five years. That is one person who is less skilled being able to stay here in perpetuity, against somebody with the skills that we really require, having to go and then be replaced by somebody else.

I agree with Deputy Ferbrache that the new regime is past its sell-by date, but the question is should we change it without properly understanding the consequences?

I am genuinely in two minds on Propositions 5 and 6, but I think what will persuade me is to receive assurances that the review will be thorough, and take into account the state of the economy right now, as I really do not think the issue will be resolved whether we approve Propositions 5 and 6 or not.

**The Deputy Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir.

I am very grateful to Deputy Soulsby, in particular, for raising the issue of the care sector, because until now it has had a couple of mentions from Deputy Ferbrache and Deputy Dudley Owen, who I also thank, but it has gone largely, ignored is not the right word, but it has not had the prominence that it deserves.

As Deputy Ferbrache alluded to, the sector is in something of a crisis as well; it is not just hospitality. Whereas the hospitality sector has taken quite a direct, and perhaps vocal, approach to sorting the issues out, the care sector has done absolutely everything by the book. They followed Deputy Lowe's instructions to the letter, in fact, and I think Deputy Soulsby is quite right in calling for a bespoke representative on PEAP. I think that would really, really help.

It is certainly not a criticism at all; I would like to put on record, it is not a criticism of any individuals involved in the process. I do think it is a criticism of the process. We do need this process to be flexible, and to respond to the needs of the industry, or the industries, but this one in particular. So I would very much appreciate assurances on that front.

In the context of the Population Management Law the hospitality and care sectors are often lumped in together, and they do have one key factor in common, they are both heavily dependent on what we call, 'unskilled', and I put that in inverted commas, or low skilled workers. Other than that though, they are really very different. One of the key differences between them is, yes, how they have tried to achieve change.

Propositions 1 and 2, in front of us, do refer to Open Market employment permits part C, which does relate to residential and nursing homes. So Members might be forgiven for thinking that actually this will benefit the care sector. I do think it is important to explain that any relaxation of this aspect of the Population Management Law, as per the Propositions in front of us, would, in reality, make very little difference to those care homes or the people working in them. This is because, unlike the hospitality sector, there are relatively very few care staff who actually live in, in the part C. I know that it is a far more integral part of the hospitality offering, or package.

Certainly, the evidence that I have seen relating to the care sector is, to my mind, conclusive; it illustrates the problem and it demonstrates a very strong correlation between the problems that they are facing, and the introduction of the Population Management Law. They are currently struggling to retain and replace valued senior carers, in particular, and these problems are only going to get worse as the five-year glass ceiling effect of the MTEPs kick in.

In order to understand the difficulties facing the sector, I think it is important to understand a few things about the role of carers. Caring is not just a job, it is a vocation. Care home residents often have complex needs, from physical mobility issues related to strokes, advanced arthritis,

multiple sclerosis or Parkinson's disease, for example, to mental health issues most commonly related to advancing dementia, which often manifests in physical aggression. Carers need to tend to these individuals' personal hygiene, their toileting needs, their feeding – which for people with a reduced swallow reflex is no simple matter, I should add – and all this they must do in a sensitive and compassionate way, that respects the dignity of these people, and enables them to retain as much independence as possible.

The importance of interpersonal soft skills cannot be overestimated. Carers not only provide vital companionship and emotional support for the people in their care, but also for those people's families, who often experience feelings of loss and guilt because they can no longer care for their loved one at home.

Carers are categorised as unskilled in the framework of our employment policy, but they are anything but unskilled. They have an extraordinary set of skills that is sadly in short supply. These are people to whom we may entrust the care of our grandparents, or our parents, and perhaps even we ourselves one day may come to rely on the rather amazing skills of these very dedicated people.

When you compare the two sectors in the policy document of the employment permits, it does appear that there are some striking anomalies, and that they are not very equitably aligned. I have picked out a couple of examples just to illustrate the point. In hospitality, front of house manager/reception manager/head receptionist is an LTEP role, that person would need to have four-plus years of experience in a reception role, including two-plus years' experience in a similar role, or current employee, plus two years of experience in a reception role. Another LTEP role in the hospitality sector is guest services manager, and they can either have a relevant qualification and one or more years in a similar position, or no qualification and three or more years in a similar position within the hospitality sector. Compare this to the care sector, a senior carer needs to hold, or be working towards, NVQ level two, with full mandatory training and dementia training and that attracts an MTEP, so a five-year licence, and a carer is a short term, a STEP, and they need to be working towards their care certificate.

Now, I just need to make clear, I am not disputing for a moment that the hospitality sector does not need head receptionists and guest service managers, and I am not saying these roles are not important. I am sure they are, and I am sure they have demonstrated as much in order to attain that particular permit. But if our permit system is telling us that senior carers are not as important as those roles, then I think our permit system is incorrect on that matter, and I really think, as a matter of urgency, this needs to be addressed.

I did think about bringing an amendment to the policy letter, but having had some very encouraging conversations with members of the –

Oh sorry, I give way to Deputy Oliver.

**Deputy Oliver:** Thank you, Deputy de Sausmarez.

Just to say that some of the roles that you just recently read out, they can actually ... Home Affairs, it is in policy and we can change those. It was the sectors of that, the hospitality industry, that said they needed to change them from medium-term employment permits to long-term employment permits. There were also a few others that we changed. We never had anything from the care institute to say to change it, but if they came forward, it is something we could look at and change.

**Deputy de Sausmarez:** I thank Deputy Oliver, and that is a good example of how the system is supposed to work, and I think, as Deputy Soulsby alluded to earlier, the system has not been working for this sector, in particular. Through no individual's fault, I have to add.

But I am very grateful, and I will thank Deputy Oliver as she is one of the people I have had quite reassuring conversations with, plus another member of the Committee for Home Affairs, plus a representative on the PEAP, plus senior administrators. I have had lots of conversations

which have gone a long way to assuring me that this will be dealt with in policy at the soonest possible opportunity, and I do hope that can be before the end of the year.

I think my one criticism of the current system is that it does not seem to give the opportunity to make those adjustments in policy, when they are identified as being required, as quickly as the industry would like. I would also like to say that the care sector is not just a bunch of businesses; this is a core public service. This is a sector we cannot do without. So it is really important that we respond to their needs.

I sat on the fence throughout the entire Population Management Commencement Ordinance debate. I really did not know which way to go and I was so close to voting against it. In fact, Members may remember that I actually stood up and spoke against it and then voted with. The one thing that got me over the line, if I am honest, is the thought that the new system would finally reflect, much more accurately, the needs within our community, and not be as responsive to seniority and hierarchy as my impression of the old Housing Licence system was. So, actually, the idea that this would significantly help the care sector is what got me over the line in supporting the Commencement Ordinance, although I did have some very serious reservations.

So, as Deputy Soulsby also said, this is a need that is only going to get more acute. The demographic challenge is actually something that has been talked about. I was interested in Deputy Kuttelwascher's analysis of the risks attached to taking away any kind of ceiling of the short-term permits. There was no real acknowledgement of where people do get het up about it, which is not while these people are economically active and in full employment; it is, obviously, if they choose to stay beyond the time that they are most economically active, and that is where the demographic challenge bites, in effect.

So, speaking of Proposition 5, I do think that if we accept it, it does make something of a mockery of the Population Management Law. My concern is, very much like Deputy Soulsby – who has completely stolen my thunder on one of these points actually – it does give a perceived advantage to short-term employment permits over medium-term employment permits. I think we will be creating a legal loophole, is my fear, because as an employer I cannot see why I would opt to apply for a permit that had a built-in cut-off of five years when actually I could, on paper, downgrade that role and apply for a series of short-term employment permits, and know that I would not have to live with the worry of having to lose a member of staff that I have invested in in terms of training and development. So that is my concern on Proposition 5. I do think it does undermine the Law. I think these questions are things that do need to be seriously looked at.

Also, in terms of what Deputy Fallaize was discussing, personally, I am not so concerned about the evidence of what nine/three to permanent residency, if you like, and patterns have been in the past, because, to me, this is an altogether different proposition, as I have just outlined. To me, this creates an opportunity, whereby before there was a much more limited opportunity. So I do not think it would be comparing apples with apples to say, well, in the past a certain number of people moved from a nine/three to permanent residency and, therefore, we can assume that actually the numbers would be similar. My personal interpretation is that actually this would be a fundamentally different proposition.

I think I will leave it there. But I would ask Deputy Lowe, when she replies to debate, to please give – not for me but for the care sector, for everyone working in the care industry, doing an amazing job – us an assurance that this will be dealt with as soon as is humanly possible.

Thank you.

**The Deputy Bailiff:** Deputy Trott.

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

My question is to the Comptroller, and I would ask if at some stage, either now or prior to the end of this debate, whenever most convenient, that he answer, or provide rather, some legal guidance as to the relative robustness of a nine months on/three months off, short-term employment permit, as compared to the alternative, in terms of withstanding external legal

challenge in particular. Because I thought the points that Deputy Dorey made were significant ones, and we need to understand those ramifications. Because the way I read it is that, potentially, we need no Population Management Law at all if what we produce is not legally robust in the manner in which Deputy Dorey was suggesting.

3420

**The Deputy Bailiff:** Mr Comptroller, do you want time to reflect on that or would you like to speak now?

**The Comptroller:** Sir, I think I can speak now, with your permission.

3425

I think the point about the nine months on/three months off was made, I think it was Deputy Roffey referred to advice that the Law Officers had traditionally given, in relation to workers who were on a nine months on/three months off regime. I think there are arguments that you can make better, in relation to that category of seasonal worker, if I can put it that way. I think traditionally the Law Officers have taken the view that seasonal workers do not necessarily have the home in the place where they work. I think that is the argument. This is just my view; until it is tested in court, it is not shot fired, but there is the possibility that one can argue more strongly against somebody who is on a nine/three regime, has not established a home, if you like, in the territory in which they are working.

3430

I do not know if that helps, but that is the view, I think, traditionally that the Law Officers have taken. I think it is probably easier to defend a position where you have got a seasonal worker who is nine months/three months than it is somebody who is perhaps on, effectively, a permanent worker, here for 12 months throughout the year. If that helps.

3435

**A Member:** It does.

3440

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

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

I do not want to say too much.

3445

I found when I received all the papers for this debate, I just felt the information was overwhelming really and very difficult to understand. So I have really appreciated the debate today, because it has given me further clarity. So I thank the Assembly for that.

I must say that I agree with Deputy Soulsby and Deputy de Sausmarez on Proposition 5, and I would just like to say I agree with their thoughts and I will not be voting for Proposition 5, because I do see that as opening the door to extending the time that people on short-term licences can stay on Island, and those people on medium-term licences will be restricted. I think, for me, that is not the way that we should be doing that. So I just want to confirm I will not be voting for Proposition 5.

3450

**The Deputy Bailiff:** Deputy Gollop.

3455

**Deputy Gollop:** Yes, sir.

We always have complicated and stimulating debates on anything to do with what used to be called the old Housing Law, and is now the Population Management Law. I think long-serving Members will know that I am, to say the least, a sceptic of every aspect of it, from the time it was first created. My scepticism has grown over the past year or two, because we have to look at the economic realities of the situation. Sometimes I have been accused – as have probably most Members of this Chamber – of being seen as anti-business, and after all, earlier only today I was saying let's have a higher minimum wage. But I do appreciate that you do have to provide for economic stability as well.

3460

3465

Clearly, it was predicted in the spring, and has now actually resulted in a degree of employment shortages, and uncertainties, especially in the industries of hospitality and care.

I know to a certain extent Deputy Lowe has denied that, but I would question elements of the way in which the regime has been set up. For example, you turn to annexe 1, Population Employment Advisory Panel, now this was an innovation, because in the good old days of Housing – and I, indeed, like Deputy Dorey and Deputy Brehaut sat on the Committee – we used to see almost every application, at least those that were controversial. We would sometimes have 80 in a month; it was ridiculous. But now that role has been delegated to the Population Management Office, and a third part of the equation has come into being: the Population Employment Advisory Panel. Now, this was apparently designed as a sounding board, and as an intermediary between one and other, but when one looks at the always excellent well informed former Home Minister, Peter Gillson, he writes:

Dear Deputy Lowe, we are scheduled to meet on a six-monthly basis.

Now, that is amazing. Every six months. For something that is crucial to the economy. Then:

Your Committee kindly met with myself and a representative of the hospitality sector early in July.

And then – this was dated 29th September:

I will not repeat in this letter the contents of their letter, but the fact that 72% of the businesses are operating under capacity due to the staffing shortages is a very sobering statistic.

Well, 72% is a sobering statistic. I have heard a few Members today – especially, the last three or four speakers – query the skills gap, whereby you could, if parts of this pass today, have the anomaly whereby short-term permit holders have longer rights than medium term. But do we not already have a hierarchy? We already have a hierarchy, because people who get a long-term licence are virtually given local residence of Guernsey, and their dependents. So we are making a status judgement in relation to jobs. I think that is important.

I think it is unfortunate that some Members have come pretty close to saying that some people in these sectors are unskilled. Well, I would like them to take me on for a day at Christies and see if I think that their staff are skilled. They would certainly find somebody who was unskilled then. *(Laughter)* I remember Deputy Le Clerc, in another life she wanted to promote extra working lives which will be a work stream next year; and she volunteered, I think, to go round with the yellow carts for the morning. I am thinking I could help with breakfast, as a breakfast waiter or a KP, and wonder how I would cope. They are skills, and in my view, they are skills in short supply. **(Several Members: Hear, hear.)**

The reason we are pragmatically ... although I think it will be a temporary basis, because clearly, as has been said, we need a more thorough review – Deputy Prow and others have said – is that the shortages, the skill shortage which is linked to Brexit, which is linked to the market, and the economy, and to transport links, but is not exclusively linked to any of those, are in two or three particular sectors, which tend to attract short-term workers.

Nobody more than me, having spent six years on Social Security, wants to encourage local workers to take these job, especially people with disabilities. But they are just not simply out there, despite the plenitude of training programmes that we have in Employment and Social Security. Because the truth is, despite what you hear in the pub, Guernsey has more or less the lowest unemployment in the world. So, consequently, we are importing staff for certain jobs and roles.

We do therefore need to focus on employing the right people, and the problem is not – I hope it is not, anyway – attracting history and geography teachers, although I do not know, in a few months from now, if things get even more difficult on the educational front. But our problem really is attracting the short-term workers.

I think everyone has acknowledged that the medium- and longer-term situation has worked fairly well this year. Therefore, we are dovetailing the legislation to meet that requirement. I know it creates further anomalies, but I think perhaps over the years we have been a little bit careless with many of our friends who come to work here for long periods of time, and have spent 12



months, or nine out of 12 months, year in, year out and have not been able to find permanent residence. On the other hand, many, of course, through finding the right kind of relationship, will. So you have to do a bit of give and take with this.

3515 I think one of the downsides of the new legislation was for the first time it applied to the Open Market.

Deputy Dorey, of course, points out the many disadvantages and the threats to our population and the threats to, perhaps, pushing local people out, but we only need to look across the water to Alderney and see an Island that arguably is underpopulated. It is underpopulated because it is  
3520 losing people. We certainly have been running the risk of that, with very limited growth. We have seen, as Deputy Lowe correctly said, a small increase this year. But whether that is in terms of working population, whether that is sustainable, and whether that would have happened anyway, because of other factors, we do not know.

Deputy Prow made an interesting argument about Brexit, and the need for us to have a migration policy in terms of European Union and the wider world, which parallels the United Kingdom. I am sure he is right, and that is a bigger picture. But let's assume that, for reasons we do not quite know yet, the United Kingdom end up with a much more restrictive migration policy than they currently have, especially as regards the European Union, 27 countries; that will mean that Guernsey will only be playing for workers, apart from our own, from, effectively, the United  
3530 Kingdom and maybe the Republic of Ireland. That will mean we will have to be even more careful, in ensuring we retain workers who like the Island and not put them off. So the uncertainty of Brexit actually means that we should be, if anything, more cautious and support the wider break here.

Like Deputy Yerby, I have gradually come to the view, I think, for different reasons than herself, that Housing and Population Law may not be the right vehicle anymore. We might be better  
3535 looking at more of an open door policy combined with retaining, of course, the Open Market for the foreseeable future, and maybe a system of work permits, or something along those lines. That is a debate for another day.

But when one looks at this ... I am puzzled, I do not know whether H.M. Comptroller could help  
3540 here, or maybe I will just look it up, the right sections, but under, what is it now, section 5, well, it is the one in which, section 6, the former Merrett/Kuttelwascher amendment, which:

To provide that a person resident under a [STEP] short term employment permit, shall not be treated as ordinarily resident for the purposes of the Law save for the purposes of ... 78(6), ... 78(8) ... and 83(2)(a).

Now, looking up those, they seem to be all about babies being born here, and adoption rights, and all kinds of things, and armed forces. They all seem very remote possibilities. But I suppose I am not fantastically keen on that, but ironically, it comes more from Deputy Dorey's perspective,  
3545 that at least would give you a certain safeguard for voting for that, because I think it could be questioned under a judicial review one day, perhaps, that the States are excluding certain people unless they come within unlikely categories.

But then again at the moment we are in a pragmatic mode, and we are trying to find a solution to the hospitality and catering and care sectors. I think that is what we should not lose focus on.  
3550 That is why I am likely to support, really, virtually every part of this combined amendment and think that we should continue it.

The problem is, of course, I think we do need a wider debate on these demographic challenges, because, again, Deputy Roffey, in some excellent speeches, pointed out the fact that we benefit from a churn in the workforce. Well, yes, he is being very Statesmanlike there. Deputy  
3555 Roffey is being very prudent in suggesting that. But who benefits? We as a society might benefit, but it is some businesses that are having to manage the churn all the time, whereas other people employ somebody and they stay there for ever. That used to be true in some public sector departments, for example.

My other point would be that it could be argued that we are being a tiny bit selfish, as a  
3560 society, if we have a philosophy of bringing in, well, say guest workers when they are young and

fit, and them encouraging them to leave so some other country pays the price when they are older. Is that really an ethical policy that we should have? It is quite sensible, but I am not sure it ticks every other box.

So I have a lot of reservations about the whole structure of this debate, but I think, in order to ensure that we retain a buoyant economy, we compete with Jersey and that we give a future to the restaurant trade, we must support it.

One final point: one or two Members have mentioned difficulties they have had with the public who have, perhaps, given them a hard time in recent months. Well, I remember one restaurateur said, 'Don't you come in my establishment if you are not supporting us as an industry.' I said I voted the other way last time, but, you know, feelings are quite hard so we do need, I think, to move forward on this.

**The Deputy Bailiff:** Deputy Meerveld.

**Deputy Meerveld:** Sir, I would like to invoke Rule 26(1) in the hope that we can finish debate today.

**The Deputy Bailiff:** Can I therefore invite those Members who would intend to speak, should the debate continue, to rise in their places? Do you still request, Deputy Meerveld, that the motion be put?

**Deputy Meerveld:** Yes, please, sir. *(Interjections)*

**The Deputy Bailiff:** Well, Members of the States, Deputy Meerveld has invoked Rule 26(1) with a view to closing debate. Those in favour; those against;

*Some Members voted Pour, others voted Contre.*

**The Deputy Bailiff:** I think we might have to have a recorded vote on that, Greffier.

*There was a recorded vote.*

*Not carried – Pour 14, Contre 24, Ne vote pas 0, Absent 2*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott	Deputy Merrett	None	Deputy Le Pelley
Deputy Stephens	Deputy St Pier		Deputy Le Tocq
Deputy Meerveld	Deputy Fallaize		
Deputy Inder	Deputy Lowe		
Deputy Smithies	Deputy Laurie Queripel		
Deputy Paint	Deputy Hansmann Rouxel		
Deputy Langlois	Deputy Graham		
Alderney Rep. Jean	Deputy Green		
Alderney Rep. McKinley	Deputy Dorey		
Deputy Parkinson	Deputy Brouard		
Deputy Lester Queripel	Deputy Dudley-Owen		
Deputy Le Clerc	Deputy Yerby		
Deputy Leadbeater	Deputy De Lisle		
Deputy Mooney	Deputy Soulsby		
	Deputy de Sausmarez		
	Deputy Roffey		
	Deputy Prow		
	Deputy Oliver		
	Deputy Ferbrache		
	Deputy Kuttelwascher		
	Deputy Tindall		
	Deputy Brehaut		

Deputy Tooley  
Deputy Gollop

**The Deputy Bailiff:** Well, Members of the States, I will wait for the voting record please.

Members of the States, on the so-called guillotine motion, Rule 26(1) invoked by Deputy Meerveld, there voted *Pour* 14, *Contre* 24, 2 absentees. Therefore, the motion is lost and debate will continue.

Who wishes to speak next? Deputy Brehaut.

**Deputy Brehaut:** I will actually be very, very brief.

What struck me as the difference with this debate and population debates we have had in the past is before we have had a Housing Department and the Housing Department had, in fact, increasingly less to do, but what you had at the Housing Department, Committee, Authority or whatever it was at the time, were people that were immersed in the Housing Control of Occupation 1948 as amended, because it was their core business. It is what they did. If you went to a Housing Authority meeting, you were dealing with five-year housing applications, extension to seven years, 15-year licences, compassionate licences. That is what we have seen, I think, from Deputy Dorey today, we have seen that over learnt behaviour, that memory that he has got, reminding us of the intent of the Housing Control of Occupation Law and its impact on Guernsey, on the economy and the community.

I am going to be diplomatic now, especially after my outburst late yesterday, but I am learning some skills from Deputy Ferbrache, I have to say, and I am going to give this a go. I make no criticism of the Department, there you are. That means I can now go on and criticise the Department – (*Laughter*) you just have to say it!

So, in making no criticism of the Department, sir, I would just say that what has been lacking today, and perhaps before, bearing in mind my first observation on the old Housing Authority, is absolute ownership of policy. That people come to this Assembly with a spirited defence of their proposals rather than concede late – sorry, just ahead of the debate. If the population proposals were right, they had integrity and they held up to scrutiny, we would not have had this rather clumsy acknowledgement close to the debate, in my view.

So I think maybe that is just a difference to observe. I think what adds to that is the Population Panel, because I understand why it is one removed. I understand the rationale for that, but in being one removed, it is another barrier, perhaps, to politicians in absorbing every last bit of knowledge.

What we did not touch on in debate, and we should not be afraid to touch on it, in relation to employment in these sectors we are talking about, notwithstanding the minimum wage, is the low wage economy. Because some jobs are simply not attractive because the pay is so low, and I would say that is as true, both in aspects of hotel and catering as it is, particularly, in my view, in the care sector.

There is something we need to ... Deputy Lindsay de Sausmarez is absolutely right to raise this issue, because historically the Housing Department, in acknowledging the role of carers, ensured they had BTECs to take them on to a longer housing licence regime at the time. So we should not, as I have said in other places ... we are saying to the community, especially to young people, you need to understand coding, you need to understand the emerging digital economy. With our demographic we need to remind people of how important it is to do some of the very, very basics in care, because our community is going to need that.

I just want to raise one more concern before I sit down, and that is the status of the Population Office, the demands on people's time, because we know that people are backfilling to ensure that permits are being issued. We know that has taken, regrettably, the Home Department a little bit over budget and, of course, there must be some impact, I suppose, on permits and the time ... I hope that permits are still being issued in real time and that we can get ahead of the backlog.

Sir, thank you very much.

**The Deputy Bailiff:** Deputy Tindall.

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

3645 Whilst I share the concerns about the effect of the Population Management Law to the detriment of the various sectors that we have heard mentioned today, I do also feel we need a Population Management Regime, especially having heard of the problems faced in Jersey. But I am also not convinced that the way to deal with this is changing the Law. I feel the review is the occasion to consider changes in legislation properly, taking into account the Human Rights considerations.

3650 I also do not see how the Propositions are fair to others who will not, at this time, benefit from the affect, such as lodgers in part A of the Open Market. I hope this, again, will be addressed in the review.

3655 I would wish to seek a means of ensuring amazing people also, such as those in the care sector, mentioned by Deputy de Sausmarez, who can be catered for. But I am informed actually that giving permits for those who are here for the skills, learnt over time, such as compassion and patience for their customers, are not able to be catered for by policy roles, but would need to be dealt with through the award of discretionary permits, provided there are no suitable unemployed candidates on Island.

3660 I seek confirmation that the review would consider these things, so we can retain those who we value, who we wish to welcome to this Island, and so we can ensure they can stay.

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

**Deputy St Pier:** Sir, thank you.

3665 I rise first to deal with Deputy Fallaize's point that was raised on the debate of the amendment, which was to seek to offer some impartial advice as to the coherence of the components of the amendments, and whether any conflicted with each other. I think, sir, the advice that I could best offer is that what is now Proposition 4 and 5 – and I think probably Members have worked this out for themselves by now – Proposition 4 clearly deals with the nine months on/three months off resident pattern, whilst Proposition 5, clearly, goes further to, effectively, lift entirely that restriction. So, in a sense they do not conflict but, clearly, if the States were to vote for both 4 and 5, 5, to all intents and purposes, overrides 4 because it goes further. So it would be somewhat inconsistent, or incoherent, for the States to do that. In a sense, the choice probably should be between 4 and 5 rather than seeking to vote for both, if Members are inclined to do so. As for the rest, I do not feel the rest does actually conflict in any way.

3675 Having addressed that, sir, I will express my own views in relation to this amendment, and this debate. The question of the review panel, Deputies Leadbeater and Ferbrache felt it was moving too slowly. Deputy Roffey felt it was moving too quickly. Deputy Graham, I think, perfectly described the process and the background, and why it is where it is, and there is little I can add to his comments on that.

3680 Deputy Dorey questioned ... really made the point that supporting Proposition 4 or 5, in essence, undermined the rationale for a Population Management Regime, I think. So we have to acknowledge that in an attempt to create something simpler from the Housing Laws, we have emerged with something that is actually pretty complicated. That has, clearly, been the experience of those working with it. With the best of intentions we in this place, through various decisions, have created quite a difficult and complicated policy environment to be applied.

3685 I think this has arisen – some will have heard me say this outside of this Assembly, sir – from 50 or 60 years of conditioning that there is a big population threat. Maybe that was once the case, I do not now, but there is this spectre that there are thousands of people sitting on our shores just waiting to hop on a boat and come here if it only were not for either the Housing Laws or now the Population Management Law. I do not happen to share that view. I, personally, do believe that actually the interaction of the supply and demand for labour and the interaction of supply and

demand for housing is actually really what does control our population numbers; and it has, in fact, been the case for a number of years.

3695 Having said all that, then that leaves me in the same predicament as others as to where to go with this amendment. I think the analysis of Deputies Yerby, Graham and Soulsby in relation to 5, taking different sides of the argument, I think, absolutely, probably describes where I sit as well.

But I think I have come down with the fact that whilst it is tempting to, if you adopt the position that actually the Population Management Regime, as such, should be more liberal – and  
3700 that underpins my thinking behind this – then it is tempting to vote for Proposition 5.

However, I think it would create an incoherence, particularly with regard to medium-term employment permit holders. I do not think it is the right way to make a policy change. To make a significant policy change on the hoof by amendment, without having considered the consequences, and against the advice of the Committee that are responsible for this area, I think  
3705 is probably irresponsible, and is therefore an amendment which I cannot support.

I think also, sir, it has been moved by another Committee, in essence, when I do not think that Committee have, with respect, sir, coherently and consistently made a very good case as to why that amendment, what is now Proposition 5, should be accepted by this Assembly. The case has not been made sufficiently well.

3710 So I think that leads me, sir, to say that, in response to Deputy Soulsby, I can confirm that the review will be thorough; it must be thorough, and does need to consider the state of the economy, as she said, and does need to take into account the challenge that has been laid down. It needs to consider the challenge that has been laid down in Proposition 5. But I think, bearing in mind that that review is due to report to this Assembly by the first quarter of 2019, in a sense it  
3715 kind of should ensure that the problem is solved, largely for that population. In other words, there is no need to go so far as to liberalise in the way that Proposition 5 does, on the hoof here today, because we can allow the time for it to be considered, bearing in mind that it is only really 18 months or so away from us.

3720 So, sir, for those reasons, and I agree also with others that Proposition 6, I do not feel is going to achieve what is purported to be set out as its objectives; I do not see how it can protect us from Human Rights claims and therefore it does not merit support.

So, for that reason, sir, I will be supporting Propositions 1-4, and Proposition 7.

Thank you, sir.

3725 **The Deputy Bailiff:** Deputy Oliver.

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

I will be brief. I just want to point out one small other thing, which no one has actually mentioned, that people have talked about short-term employment permits will be longer than  
3730 medium term, but it will also be more attractive for people to just go on short term, because of the cost. It varies, whether you are in policy or out of policy, between £100 to £170, to get a short-term permit. Then the reconversion for a STEP approval is only £30. Whereas for a medium-term employment permit it costs between £500 to £600, again where you are in policy or out of policy, and £50 for the reconversion of the medium-term approval permits. Now, it just makes a little bit  
3735 of a mockery for me, that short term is going to be more attractive than the medium term, for – I do not mean this to sound derogative in any way, but for – unskilled people as against skilled people. I just think that is where this Proposition 5 falls.

Whereas with Proposition 6 we are basically trying to mitigate a problem to ... legislation Human Rights out. This is just not treating people fairly at all. I cannot vote for it.

3740 The other point that I would just like to make is that within Home Affairs we can, and it is within our policy to change those within the medium term, or even long term, or even add jobs that are needed. We can change that so long as there is evidence to change it. Just four or five months ago, as I said to Deputy de Sausmarez, we have changed quite a few that have come through PEAP, and that is what we will continue to do. If PEAP come back and, indeed, say that

3745 there are extra care homes needed, then we will consider that. It is not as inflexible as people think.

Thank you ever so much.

**The Deputy Bailiff:** Nobody else is rising. So I will turn to the President of the Committee for Home Affairs, Deputy Lowe, to reply to the debate.

Deputy Lowe.

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

3750 Right, I am not going to cover everybody's speeches, but there have been some speeches  
3755 where I feel I do have to make some response.

Deputy Kuttelwascher actually mentioned about the churn, and he stated that this is something that concerned him and felt we should get rid of it. That is the very reason why we have actually got this. This is in place to stop that churn, so that we have not got people who are continually ... especially on the unskilled who will be using our Health Service later on in life. That  
3760 is not the idea that we want that. We are trying to make sure that we have got a turnover of people here, that they are not gaining residential rights and that we are not picking these up further down the line. That is the reason why the Population Management Law was put in place – one of the reasons, shall I say.

Deputy Ferbrache. There is only one part of Deputy Ferbrache's speech which I would like to mention, because he read out a whole list of people that he had actually met. That was his choice to do so. I would have preferred if he actually sent them to the right route, which was the Population Employment Advisory Panel, because going to them was fine, they can get their own information. But if they are looking for permits, the right route was to send them to the Population Employment Advisory Panel. But, nevertheless, there was a list that he read out. I think  
3770 it is important that I actually mention this, because he mentioned the Nussbaums – and we all, I think, just about everybody in this Assembly know the Nussbauamers, and the hotels and facilities that they run. What I must add here, which was missing from Deputy Ferbrache's speech that he said, was that Deputy Victoria Oliver, Deputy Richard Graham and, indeed, the Statutory Official met with the Nussbaums, and they were very happy that our two amendments were the answers that they were looking for.  
3775

So, then I move on to Deputy Merrett. I mean she was talking about unfair favouritism. Well, of course in your speech you were talking about unfair favouritism, but, of course, if you turn it the other way round it is unfair favouritism, through the Chair, sir, that Deputy Merrett is looking for, for those that can continue to stay here. So that is where there is unfair favouritism, in the other way round.  
3780

Deputy Fallaize wanted the numbers. I think we have covered that, to be honest, because we have not got those figures, and I think Deputy de Sausmarez' speech was absolutely excellent. We are looking forward not backward, and I think that is part of it. But, added to that, you must remember as well, Deputy Fallaize, through the Chair, that we have given grandfather rights to  
3785 many people at Home Affairs, and therefore the numbers of licences, and for people to be able to come here that were on short-term licences, we could see quite an increase, because we have given them grandfather rights. That sort of covers about the health care at the end of that all as well.

Deputy Dorey was right; I mean he has been involved with Housing as long as I can remember, during all his time in the States, and he is absolutely right about the hospitality, and I was pleased he read out the *Press* coverage. I am not so sure that Deputy Ferbrache was too chuffed to be reminded about the Christies Group – I remind him often what was on the front of the paper. But nevertheless, and I have said it so many times before, I keep going into the Population Management Office, I check with the staff, the majority of the hospitality are happy with the  
3795 system, they like it, they have not got too much of a problem with it. Added to all of that, we are currently – and I mentioned it this morning in my speech – we have employed independent

facilitators, who are meeting groups both from employer and, indeed, those individuals who have received permits.

3800 I have attended a couple of those, and I have to say, I was pleasantly surprised; the overwhelming feedback from those that I sat in on was that they like it – it is quick, it works for them. If they need to phone up, the staff are extremely helpful and there are not the problems that are being portrayed through the media. That was refreshing for me.

3805 But I will follow that through as well – covering Deputy Soulsby while I am on that train of thought – because at one of those feedback groups was actually a carer, and we discussed afterwards about where she would like to be covered under the PEAP, and I gave assurances we are doing that, we have agreed, as you know, to work with you, Deputy Soulsby, at Health & Social Care, through the Chair, and we will continue to make sure that we listen to that. I do not think we actually need to wait for too long for that to happen, because again that is the sort of thing that can happen through PEAP and, indeed, Home Affairs, because that will be a policy, 3810 rather than having to come back to the States.

But the Population Employment Advisory Panel, I mean the States actually agreed to that. That was the route that they wanted to go – and I think Deputy Gollop covered that just now, or another layer, or somebody did, it might have been Deputy Brehaut, I am not sure who it was – the States wanted that, because they felt it was right and proper that we had an independent 3815 body, directly from the industry, telling us exactly what they wanted permits for. Now, all of those in the industry that have fed back through the industry reps – and I think it is nearly 260 that are listed on the site of the various jobs that would warrant a permit from the feedback – not one have we refused. So everybody that has come through the PEAP has actually gone on the site. So we are listening. We are doing it. That is what we want you to do too, to encourage others to 3820 actually be in touch and we can do what we can to help them

Deputy Gollop actually referred to the letter from Deputy Gillson, who is the Chairman of Population Management, and he said about the 72% of the businesses were operating under capacity. I actually would have preferred he put more numbers on to that, to be honest. First of all, there were 88 hospitality businesses represented, but the hospitality representative only saw 3825 between 30 and 40 people of that hospitality area that was represented. If you look at that in the realms of how many hospitality businesses we have got, we have loads, loads more. Now, I am not dismissing what he is saying in here, all I am saying is straight away people jump on. That is 72% of businesses that are operating under capacity, but you have to put it into perspective, which goes back to me checking regularly with the staff at Population Management Office, and that is 3830 not the message they are actually getting.

But we are listening, we have supported the amendment today for Deputy Roffey's amendment. I contacted the Chairman of PEAP after being in place, probably, about two months, and I asked for feedback of how it was going. He said it is remarkably quiet, we are not hearing anything. So again it is not necessarily what is being reported.

3835 Deputy Gollop also mentioned Jersey. I can say that Jersey is very interested in our Population Management Law. They had an open door, now they are trying to close it. That is not particularly clever to have to do it that way round. So they are interested in our Population Management Law, and they have copies of it and they have discussed it with me and, indeed, at staff level.

3840 So, sir, I really do not want to repeat, or go through, too many of the other areas here, all I do want is to reiterate there are currently, or there were, the figures that we had, 1,000 people on short-term housing licences. Even if half of those actually said that they wanted to stay, that would be a case of 500 looking for accommodation, and all the services that go with it, would have more ability to stay here than, as I explained before, the geography teacher, the history teacher, and any other teacher that want to, or the speech and language therapist.

3845 It is so important today, please Members, we have got a review panel taking place. They are working on it, they are meeting in January. That is the area for this States to actually then amend when it comes back with their recommendations, if they do not like it; but let's do it through the proper routes. I urge Members to reject 5 and 6; 5 and 6, in our view, are certainly dangerous to

the Population Management Regime, and I urge you to vote for 1-4, reject 5 and 6, and then support 7 for the legislation.

Could I have a recorded vote, please, sir, on 1-4 and then 5 and 6?

**The Deputy Bailiff:** Well, Members of the States, there are seven Propositions. We will work from the composite version with 1-7 for ease of reference. There is a request to take 1-4 distinctly from 5 and 6, also taken together. Are there any other requests for different voting?

Deputy Langlois.

**Deputy Langlois:** Can we take number 3 separately, sir?

**The Deputy Bailiff:** Okay.

**Deputy Dorey:** Can we take number 2 separately? *(Laughter)*

**The Deputy Bailiff:** So we would be taking 1, 2, 3 and 4 all separately on that basis. Is there still a request for a recorded vote on each, Deputy Lowe?

**Deputy Lowe:** Yes, please, sir.

**The Deputy Bailiff:** Right. So we will have recorded votes on Propositions 1, 2, 3, and 4 separately, Greffier, please.

This is Proposition 1 only.

*There was a recorded vote.*

*Carried – Pour 36, Contre 2, Ne vote pas 0, Absent 2*

**POUR**

Deputy Trott  
Deputy Merrett  
Deputy St Pier  
Deputy Stephens  
Deputy Meerveld  
Deputy Fallaize  
Deputy Inder  
Deputy Lowe  
Deputy Smithies  
Deputy Hansmann Rouxel  
Deputy Graham  
Deputy Green  
Deputy Paint  
Deputy Brouard  
Deputy Dudley-Owen  
Deputy Yerby  
Deputy De Lisle  
Deputy Langlois  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Roffey  
Deputy Prow  
Deputy Oliver  
Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Ferbrache  
Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut

**CONTRE**

Deputy Laurie Queripel  
Deputy Dorey

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Pelley  
Deputy Le Tocq



Deputy Tooley  
Deputy Gollop  
Deputy Parkinson  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Leadbeater  
Deputy Mooney

3875 **The Deputy Bailiff:** Well, Members of the States, there voted on Proposition 1, 36 in favour, 2 against, and I declare Proposition 1 duly carried.

We now turn to Proposition 2 only, and there is a request for a recorded vote, so, Greffier, please.

*There was a recorded vote.*

*Carried – Pour 38, Contre 0, Ne vote pas 0, Absent 2*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Trott	None	None	Deputy Le Pelley
Deputy Merrett			Deputy Le Tocq
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Brouard			
Deputy Dudley-Owen			
Deputy Yerby			
Deputy De Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Jean			
Alderney Rep. McKinley			
Deputy Ferbrache			
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			

3880 **The Deputy Bailiff:** On Proposition 2, there voted in favour 38, none against, no abstentions, 2 absentees. I declare Proposition 2 duly carried.

We turn to Proposition 3 only, once again recorded vote, please, Greffier.

*There was a recorded vote.*

*Carried – Pour 34, Contre 4 Ne vote pas 0, Absent 2*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Trott	Deputy Laurie Queripel	None	Deputy Le Pelley
Deputy Merrett	Deputy Smithies		Deputy Le Tocq
Deputy St Pier	Deputy Dorey		
Deputy Stephens	Deputy Langlois		
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Brouard			
Deputy Dudley-Owen			
Deputy Yerby			
Deputy De Lisle			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Jean			
Alderney Rep. McKinley			
Deputy Ferbrache			
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			

3885 **The Deputy Bailiff:** Members of the States, in respect of Proposition 3, there voted *Pour* 34, *Contre* 4, 2 absentees. I declare Proposition 3 duly carried.  
We now get to Proposition 4 only, recorded vote.

*There was a recorded vote.*

*Carried – Pour 36, Contre 2, Ne vote pas 0, Absent 2*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Trott	Deputy Laurie Queripel	None	Deputy Le Pelley
Deputy Merrett	Deputy Dorey		Deputy Le Tocq
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			

Deputy Brouard  
 Deputy Dudley-Owen  
 Deputy Yerby  
 Deputy De Lisle  
 Deputy Langlois  
 Deputy Soulsby  
 Deputy de Sausmarez  
 Deputy Roffey  
 Deputy Prow  
 Deputy Oliver  
 Alderney Rep. Jean  
 Alderney Rep. McKinley  
 Deputy Ferbrache  
 Deputy Kuttelwascher  
 Deputy Tindall  
 Deputy Brehaut  
 Deputy Tooley  
 Deputy Gollop  
 Deputy Parkinson  
 Deputy Lester Queripel  
 Deputy Le Clerc  
 Deputy Leadbeater  
 Deputy Mooney

3890      **The Deputy Bailiff:** Members of the States, in respect of Proposition 4, there voted *Pour* 36, *Contre* 2, 2 absentees. I declare Proposition 4 duly carried.

We are taking Propositions 5 and 6 together. No, we are not, (**Deputy Yerby:** Separately, sir.) we are taking Proposition 5 separately from Proposition 6, Deputy Yerby. So we have a recorded vote on Proposition 5. Greffier, Proposition 5 only, recorded vote.

*There was a recorded vote.*

*Not carried – Pour 7, Contre 31, Ne vote pas 0, Absent 2*

3895

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Merrett	Deputy Trott	None	Deputy Le Pelley
Deputy Yerby	Deputy St Pier		Deputy Le Tocq
Alderney Rep. Jean	Deputy Stephens		
Deputy Ferbrache	Deputy Meerveld		
Deputy Kuttelwascher	Deputy Fallaize		
Deputy Gollop	Deputy Inder		
Deputy Mooney	Deputy Lowe		
	Deputy Laurie Queripel		
	Deputy Smithies		
	Deputy Hansmann Rouxel		
	Deputy Graham		
	Deputy Green		
	Deputy Paint		
	Deputy Dorey		
	Deputy Brouard		
	Deputy Dudley-Owen		
	Deputy De Lisle		
	Deputy Langlois		
	Deputy Soulsby		
	Deputy de Sausmarez		
	Deputy Roffey		
	Deputy Prow		
	Deputy Oliver		
	Alderney Rep. McKinley		
	Deputy Tindall		
	Deputy Brehaut		
	Deputy Tooley		

Deputy Parkinson  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Leadbeater

**The Deputy Bailiff:** Members of the States, there voted on Proposition 5, *Pour* 7, *Contre* 31, 2 absentees. Therefore, I declare Proposition 5 lost.

3900 Proposition 6, can I put that to you *aux voix*, or is there still a request? Proposition 6 I will put to you *aux voix*. Those in favour ... *Pour Contre (Laughter)* Shall we try that again, Deputy Trott. This is Proposition 6, *aux voix*. Those in favour; those against.

*Members voted Contre.*

**The Deputy Bailiff:** I declare Proposition 6 lost.  
Proposition 7, I will also put to you *aux voix*. Those in favour; those against.

*Members voted Pour.*

3905 **The Deputy Bailiff:** Proposition 7 is therefore carried.  
It is gone half past five, Members of the States. We will now adjourn until 9.30 a.m. in the morning.

*The Assembly adjourned at 5.45 p.m.*