



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 17th October 2019

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Present:

Richard McMahon, Esq., Deputy Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,
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, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

S. M. D. Ross (H.M. Senior Deputy Greffier) (*morning*)
C. Foster (H.M. Deputy Greffier) (*afternoon*)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller); Deputy J. P. Le Tocq (*relevé à 10h 01*);
Alderney Representatives S. Roberts and A. Snowden (*Indisposé*)

Business transacted

Evocation	2331
Billet d'État XX.....	2331
VIII. Proxy Voting for Parental Absence – Debate continued – Proposition carried	2331
<i>The Assembly adjourned at 12.35 p.m. and resumed at 2.30 p.m.</i>	<i>2371</i>
IX. Requête – Prohibition on Importation, Sale and Use of Glyphosate – Propositions lost.....	2371
X. Policy & Resources Committee – Schedule for Future States' Business – Approved	2418
<i>The Assembly adjourned at 6.09 p.m.</i>	<i>2419</i>

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

Billet d'État XX

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

VIII. Proxy Voting for Parental Absence – Debate continued – Proposition carried

Article XIII.

The States are asked to decide whether, after consideration of the policy letter entitled "Proxy Voting for Parental Absence" dated 9th September, 2019, they are of the opinion:-

1. To agree that the Rules of Procedure of the States of Deliberation and their Committees should be amended with immediate effect as follows:

a) for Rule 26.(2), substitute:

"(2) A Member may vote only from his or her seat in the States' Chamber (except where the Member has been issued with a certificate by the Presiding Officer to vote by proxy). In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber. Immediately before announcing his or her vote in a division (appel nominal), a Member must switch on his or her microphone and switch it off again immediately after he or she has voted."

b) in Rule 26.(6), delete the words 'present and',

c) insert the following paragraphs immediately after paragraph (2) of Rule 26. and renumber the existing, subsequent paragraphs accordingly:

"(3) A Member may, by reason only of absence from a Meeting of the States of Deliberation for the purpose of childbirth or care for an infant or newly-adopted child, by written notice in the form set out in Schedule 4 to these Rules arrange for their vote to be cast in accordance with this Rule by another Member acting as a proxy (a proxy vote) for a maximum duration of six continuous months.

(4) A proxy vote may be cast on the following propositions:

a) original propositions (excluding any propositions from the Presiding Officer);

b) secondary propositions; and

c) amended propositions.

(5) A proxy vote may be cast only if the Presiding Officer has first certified that the Member for whom the vote is to be cast is eligible under the terms of this Rule and if that certificate, including the name of the Member nominated as a proxy, has been submitted to HM Greffier before the commencement of the States Meeting in question.

(6) A vote cast by a proxy shall be clearly indicated as such in the Official Report and voting records published."

d) at the end of Rule. 26, immediately after paragraph (12) (as renumbered in accordance with paragraph c) of this Proposition), insert the following paragraph:

"(13) The provisions of this Rule that enable a Member to vote by proxy do not apply to the Alderney Representatives;

Provided that:

an Alderney Representative may act as a proxy for another Member, other than a Member who is an Alderney Representative."

e) in Rule 30. (1) at the end of the definition of "Member", insert "(and note qualification in Rule 26 (13) for purposes of proxy voting)", and

f) insert the 'Application for Proxy Voting for Parental Absence' form at Appendix I as Schedule 4 to the Rules of Procedure of the States of Deliberation and their Committees.

The Deputy Greffier: Billet d'État XX, Article VIII, the continuation of the debate.

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you, sir.

I was inclined to vote in favour of the Propositions that have been brought by the States' Assembly & Constitution Committee; Deputy Stephens and Deputy Roffey, however, brought up very compelling points yesterday afternoon. Guernsey does not run on the Westminster-style of government and therefore I do query why we are picking up practice from them and trying to implement them over here, trying to shoehorn them into our unique parliamentary system. Also I do feel that we might be favouring one group of individuals over another and I do not think that is entirely equitable in what we are trying to achieve in these days.

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Just quickly going through some of the other points that I have felt. The six-month period of grace that we seem to be offering new parents seems to be quite long and I do wonder if it could be construed that we are going to be allowing future Deputies a period of up to six consecutive States' meetings where they do not have to attend. That seems to be an awful long time and I think that the Guernsey public who vote Deputies in would be scratching their heads as to why we would be allowing six months' so-called parental leave, where that may not be appropriate in other cases and maybe the President of the States' Assembly & Constitution Committee might be able to address that point in his summing up.

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Alternatively, if it was less I would be very concerned that we would be piling on undue and unreasonable pressure for new parents in a time which is extraordinarily sensitive in introducing a new member of the family to the household; especially where a mother had given birth and that birth may not have gone as smoothly as possible. Certainly it is easy as someone who might have given birth and you bounce back very quickly from that birth to be able to say, 'No, that is absolutely fine.' But that is not always the case and births do not always go according to plan. Nor does the introduction of a new member of the family.

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So, on balance, I do understand why SACC have brought these proposals and that seemingly they could be seen to be progressive. However, for the reasons that I have gone through today, unless I hear something compelling between now and the end of debate, I am afraid I will not be supporting the Propositions.

Thank you.

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The Deputy Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

This is not the first time this has come to the States. Okay, it is the first time it is a definite one describing it is for those who have had a child, either by adoption or birth. This has been before the States at least twice during my time and it was for all States' Members to be able to have proxy voting and it was heavily thrown out for various reasons.

But this one is quite interesting and why do I say that? Because this one is referring to the UK, because they have done it in the UK. But there are a few things with the UK. The UK have party politics, so that is completely different. We are all independents. Equally, the UK Members live hundreds of miles away from the House of Commons, unlike Guernsey – 10 minutes and a States' Member could come in for that particular vote if they choose to do so.

So I do not think it can be looked at as like for like because of what they are doing in the UK. I think it is completely different. And it goes back to the life choice again, does it not, and what we want to do as States' Members? I have said it enough times before, we choose when we want to come in, we choose when we go on holiday and that is just the way it is with a States' Member.

But this is a debating Chamber and how many times do we hear, even during this term, when Members have stood up and said, 'I came in here and I was going to vote such and such a way, but actually listening to the debate, I have changed my mind.' Absolutely right. It is a debating Chamber. You need to be here. There are last minute amendments that come up as well, within this Chamber. That is good, that is democracy. So you hear the debate and you can change your mind, you can support it, you can go in a different way.

I do see this as the start of a slippery slope because, as I say, I have seen it before, and I just think this is so discriminatory. I am just shocked, actually, that we are out there sort of saying about discrimination and yet we have got here a Report by SACC, which is very discriminatory. Because we are talking about an infant. An infant, if you look up the medical, it says an infant can be up to two years old. So you can choose when that would actually be.

Why not proxy vote for if children are off sick, at any age, as a parent? Why not proxy vote for an adult child who has disabilities and as a carer that you can actually have a proxy vote? Why not proxy vote for Members that are on States' business? Why not proxy vote for the Alderney Reps? The list goes on.

If you look at, and I think it was probably about two months ago, it was in the Billet, it was attached and it has been reported on since, it has the voting records for States' Members. There are 40 of us here. There are only 16 in this Chamber that voted for all 107 recorded votes. That means there could be 24 Members in this Chamber who could say, 'I have got a good reason why it should be for all of us.' Because it ranges from just one or two missed votes and it goes to the other end of the scale where Deputy Le Tocq missed 42 out of the 107. He would be absolutely in his own right to bring the next report to say, 'I have missed a lot of those ...' many because he was away on States' business, but equally justified.

That is discriminatory if we are looking at saying it has got to be for a certain sector in the States to actually have proxy voting. So it has either got to be all or nothing. For me it is nothing because, as I say, we are not far away from this as a Chamber if we want to come in and use our vote. It really, for me, is the start of a slippery slope.

We know that just in this term alone, it is great, we have got our population increase in, because we do need more people, children, adults in our population. That is good. Carry on having children please, we need you! But equally those Members have been in here or have chosen to come in either for a vote or have been here all the time and that really is their choice.

Also we are only talking here about maybe two days every month, or three days every month, or three weeks, depending when the States' meetings are. So we are not saying to anybody in this Chamber that we want you to work for that whole solid time, because we know that Members do not actually attend meetings and that is fine. I have not got a problem with that at all and I have not got a problem if it is their choice not to come in because they want to be home, because they have just had a child. I have no problem with that at all. But I do have a problem with proxy voting. For me it is the start of a slippery slope.

The Deputy Bailiff: Deputy McSwiggan.

90 **Deputy McSwiggan:** Sir, I am more than happy to take a leaf out of Deputy Fallaize's book and start my speech with a give way, if Deputy Lowe wishes to remind us how many times simultaneous electronic voting came to this States before it had to be approved. (*Laughter*) Just because something has been thrown out historically does not mean it is an idea without merit. (**Several Members:** Hear, hear.)

95 Similarly, the point that Deputy Roffey raised about Westminster and which has since been echoed by Deputy Dudley-Owen and Deputy Lowe, of course it is absolutely right that we should not just import models from the UK to what is a very different system of government. But Deputy Roffey brought up pairing yesterday, as a method that the Houses of Parliament used to manage absences. Guernsey has never introduced pairing here in similar circumstances, because we know
100 it would not work for us.

We look at these things on a case-by-case basis. We look at what might work, what could be adapted for us, and we bring forward proposals based on those. So things from the UK that do not work, like pairing, have never got through the front door. Models that might work and that we could learn from, like proxy voting, definitely deserve a fair hearing. So just saying that because it
105 originates in the UK it could never work for us is not, I think, grounds enough, to say we should not consider it.

Sir, Deputy Roffey yesterday left us with a clear challenge last night and Deputy Dudley-Owen added to it this morning: give me a logical reason to support proxy voting, change my mind. Well I do not know if I can, but I will do my best. Since Deputy Inder's argument did not win Deputy
110 Roffey over yesterday I am going to have to start from somewhere different.

If Members would just imagine for me a moment, this time we are not standing at the top of a nice grassy hill in the spring sunshine, deciding which of its lovely, slippery slopes we are about to barrel-roll down, this time we are standing at the foot of the slope. The sun is probably not shining any more, a bit like it was earlier this morning. The incline looks a bit steep, the terrain is a
115 bit uncertain. It is not a winter walk on the cliffs, but it is like that. It is a metaphorical hill and it is called gender equality.

Now Deputy Roffey has been climbing this hill for longer than most of us, as it happens, and collectively, I think, I hope, we are further up from when he first started. He occasionally tells us that if we are not going to fulfil CEDAW 30 years after we first committed to it, then we should
120 walk away from it. But I do not believe that is because he does not believe in gender equality and the core premise of the CEDAW, I think it is because he does not believe in empty promises – and he is quite right, too. Well here today, sir, we have a chance to fulfil that promise.

But I want to put that on hold a second and skip back to something even more fundamental. Sir, as an Assembly, we are committed to the Children & Young People's Plan. Deputy Inder and I
125 were talking about props a moment ago: I hoped to have a prop, because it is a lovely bright, shiny booklet, but because I work electronically I cannot just wave my laptop around and go, 'Here it is.' But we are committed to the Children & Young People's Plan and, as a society, we recognise that the welfare of children is paramount and needs to be our first priority.

We know that the early years of life are critical to child development and that is why we support things like the First 1001 Days initiative. We know that strong, loving bonds with the
130 child's primary care-givers, usually their parents, are absolutely vital to giving children the best possible start in life. That has got to be where we start from, here and everywhere else.

Members can see where I am going with this, I am sure. We want children to have the best possible start in life. It is part of the P&R Plan, which I hope will win over Deputy Stephens, even if
135 it does not count for much with everyone else! (*Laughter*) We know that to have the best possible start in life, children need to have love and care-givers there with them. They need to have their parents there, especially when they are very new.

We know that here, in Guernsey, when most households need at least two incomes just to stay afloat, that is only going to happen if we have got decent workplace policies around parental

140 leave, decent parental benefits and decent policies about staying in touch and flexible working.
That takes us back to where I have to drag gender equality into it again.

Because in the early stages of climbing that hill the struggle was all about getting women into
the workplace and into Government, as it happens, at all. Further on, as we go along, it is about
making sure that women do not have to drop out when they become mothers, because all the
145 child-raising responsibilities fall squarely on them. (*Interjection*)

We know we have moved on some way from that but think about the make-up of your own
households or of households you know and the assumption about who is going to take on what
duties. In more households than we care to look in the eye, the bulk of the family related and
domestic duties, as well very often as workplace duties, now fall on the woman. So it is still a
150 challenge that we, as a society, are working to overcome.

In addressing that challenge, it is a coin with two sides. One side is about workplaces
welcoming new mums, but the other side is about making parenting an equal task, one in which
fathers share the responsibility wholly and evenly with mothers and again we know that having
the presence and care of both parents is good for the baby. It is good for dad and it is good for
155 mum.

This proposal that we have here today helps to achieve both of these things. For those of us
here, the States is our workplace and proxy voting is a flexible working policy. It makes it easier for
a parent who is their child's primary care-giver, and let us be honest, as I said, that is still often the
mum, to stay in touch with work and to work flexibly. But it is gender neutral. It recognises that
160 that role could be held by either parent or both. It does not put limits on the possibility that men
might be hands-on parents or require an extra burden of proof from men to show that they are.

The thing is, if we do not approve this, we leave new parents here with a binary choice. Either
you participate fully in the States, in which case you must have an extended support network
and/or a partner who is able to care for the child – because their workplace is more flexible than
yours is willing to be – or you do not participate.
165

What I cannot get over is the audacity of us taking that stance when we are telling the business
community that they need to be more inclusive and more family friendly. (**Several Members:**
Hear, hear.) What I cannot get over is us saying to the rest of the world, 'You do that, but it is not
for us.' That is States exception and it should have no place here.

170 We have an opportunity to set the tone for our community. Thank you, Deputy Inder – Deputy
Inder is waving our consultation document on the Discrimination Law and I have to say, I know
that we are going to get a hard time on that from Deputy Inder and from my fellow SACC
Member, Deputy Ferbrache, when the debate comes, but the circle that I cannot square is why we
should have that and yet have them willing to make positive, practical workplace changes that
175 mitigate the need for law, except in worst case scenarios, and I am struggling to get that message
across to the rest of you. It sits so badly with me. I hope that we can move the debate on today.

I know that I am bound to have alienated some people by dragging gender equality into it and
I apologise for that, but I took that risk because I think, to a greater or lesser extent, the fate of
this paper rests with Deputy Stephens and particularly with a small group of men in the States,
180 who usually understand the value of solidarity. (**A Member:** Charter.)

Who are usually willing to listen to the experiences of colleagues who might be facing
stereotypes or particular disadvantages that might not be part of their lived reality. Who do
recognise that the burden of juggling work and family still falls proportionately on those of us
here who are women and who, I think, value the work that many of us do in this States and
185 recognise that this would help us to do the work we value.

I am happy to give way to Deputy Inder.

Deputy Inder: Thank you for giving way.

190 I do not think Deputy Yerby should apologise for bringing equality into it because actually two
of the recent speakers are Members of the Commonwealth Women Parliamentarians Association
of the CPA and I will just read something from them:

Despite constituting half of the world's population, women continue to be disproportionately represented in governance at all levels of decision-making.

It also goes on to say, this is from the Commonwealth Women Parliamentarians, of which Deputy Lowe and I believe Deputy Dudley-Owen are members and have probably been away on a couple of conferences:

To affirm its commitment to strengthen –

195 I will read it again. This is from the Commonwealth Women's Parliamentarian, of which I assume most of the women (**Several Members:** All.) – all the women, I beg your pardon, are naturally members. I beg your pardon:

To affirm its commitment to strengthen the participation of women in government and society, the Commonwealth heads of government committed themselves to gender equality in the Harare Commonwealth Declaration 91. Recognising the need of increasing women's representation in political institutions ...

200 So this is about representation. This is about everyone, every female in this Assembly – and I am hoping the men as well, have come to the agreement that they ascribe to the idea that the gender balance certainly needs moving in a slightly different direction. In that regard and thank you for giving way to me, Deputy McSwiggan, I do not think you have raised the spectre of gender equality because every woman in this Assembly has actually signed up to it.

205 **Deputy McSwiggan:** Hopefully every person in this Assembly has signed up to it too. Although I am banging the drum of equality, we are in a sense already a workplace of equals, in that there is no employer. There are a group of 40 of us, each with a vote, who can as a group find ways of working and working conditions to allow us to get the best out of the group by mutual understanding and negotiating and working out collectively what would work.

210 I have to say that because this is a debating Chamber, it does not necessarily play out that way in here as well as it does in committee. But at committee level, at SACC, I had such a positive experience of this. Although I have focussed on the dominant kind of household, which is a household in which there is one man and one woman, my household is not like that. If we are going to have children, we are hoping to be able to adopt, from the start I am saying let us think about how these provisions would work for households like mine as well as households like yours.

215 Let us not treat adoption differently to giving birth, let us treat same-sex parenting equally to opposite-sex parenting.

220 All I had to do was raise my experiences and the different challenges that I would face, compared to some other people, and the committee listened to me and accommodated that in the take of the overall process. It was such a constructive development. I have to give credit for that and I would love at the end of the day to be able to give equal credit to this Assembly for hearing some of the different challenges that some of us face in terms of participating in a workplace that we all very much want to participate in, that we have all committed to the community to participate in.

225 But then we need to balance with the very important duty of taking care of our family and making sure that our children have a good start in life and that we will reach a conclusion that works well for all of us. I believe that we can do that and I look forward to us doing so. So I will try and spell out a logical argument that I hope Deputy Roffey might be able to fall back on.

230 When you boil it down, this proposal is about flexible working for new parents who are States' Members. It achieves the States' policy objectives around family friendly policies, around the paramount importance of child welfare and around gender equality. It means that when we are talking to the business community and the wider Island community about the need for inclusion, about the importance of flexible working and making it possible for new parents to be a critical part of a vibrant workforce, we are not hypocrites.

235 I think as the debate unfolds today we will see that women who historically, and still today to an extent, have shouldered that greater burden of family and workplace responsibilities are saying, 'Actually for me, this would make a significant difference.' Because the disadvantage falls on us, I would ask the Assembly as a whole to listen to us.

240 But if I could do the other side for a moment and explain why it is not a slippery slope and why new parenthood is unique and merits unique treatment. First of all, it is unique. It is a time in one's life unlike anything else. Both for the parent but, importantly and centrally, for the child. That is a phase in the child's life that is never going to come again. It sets the stage for the whole of the child's future development. It is absolutely critical and we recognise that criticality in our policies already.

245 We know that we can define new parenthood as a unique time in life. I will give way in a moment. We know that we can define new parenthood as a unique time in life because we already do that for certain benefits and certain services that we provide to new parents alone. So if we can do it then why forget that we should be able to do it now?

Does Deputy Stephens still want me to give way?

250 **Deputy Stephens:** Thank you.

I wonder if Deputy McSwiggan could share with the Assembly her view on when the uniqueness of the relationship between parent and child actually ceases.

Thank you.

255 **A Member:** That is a different issue.

Deputy McSwiggan: There is no end to the unique relationship between parent and child, but a child grows and develops and, as I have emphasised throughout this speech, we know that there is a particular importance attached to the early years. Those first few months of life are critical, as those first few months of settling into a new family for a child who has been adopted are equally critical in terms of attachment and bonding, feeling safe and secure.

260 We already build policies around that. Does Deputy Stephens want to turn it around and say, because of the unique relationship between parent and child Maternity Allowance should continue for a lifetime? We know that argument does not stack up in other cases, but the argument is still strong enough to allow full Maternity Allowance in the first place. That argument can hold here.

270 Secondly, the argument which we heard a couple of times in opening this debate was: 'I do not want any of this because I have not got enough of it.' That is in no way a logical argument. I have heard one good argument against proxy voting in the lead-up to this debate. That is that when people take time away from the States, it is because they need it and therefore we should protect that time.

275 Now I can see that argument stacking up in the case of sickness. That argument does stack up in the case of sickness. It properly stacks up in the case of bereavement and other reasons for being away from work. But it is not the same argument in the case of parenthood. Here the critical issue we are trying to address is being able to balance work and family, through the flexibility of your workplace and the shared responsibility of child raising. I will emphasise 'shared' because again it is a way in which parenthood is usually unique. Your grief and your health are your own. Your child is very often a shared enterprise.

280 There may well be an argument for proxy voting for carers, which is one of the cases that we have heard mooted so far. But if so, let us not pretend that, again, we could not define the caring role and the kind of caring role that merits access to a proxy vote in a way that would stop people taking the mick.

285 Again, an example from other services and benefits we provide, is Carers' Allowance. I would not recommend a direct copy of Carers' Allowance, but we have managed to define a set of circumstances in which carers can access a benefit and other carers cannot. Likewise, if we were

mind to, we could do the same here. But let us go easy on the stereotype of carers swinging the lead anyway. That stereotype has done so much damage and it is so often the opposite. Carers carry a disproportionate burden of work and home responsibilities.

290 So, sir, why not let us get this in, build a firm foundation, develop some clear guidance around it, review it in two years, as we promised, and take stock then? Because perhaps, as Deputy Stephens and Deputy Roffey mooted, in some respects it does not go far enough. But that is certainly not a logical argument for not taking the first step.

In closing, I would appeal to the usual advocates of family friendly policies: do not make common cause with critics who think that if you cannot juggle work and family you should not be here. Take this opportunity to live your values. Walk the walk and set the tone for the flexibility and inclusivity we are asking the rest of the Island to show.

Members have said that these debates change minds – although I think in practice that is rarer than we allow – so I dare those Members, let me change your mind today. Take a chance on proxy voting and see that the worst that can happen is that a few more politicians get to spend a bit more precious time with their babies who, in case we forget, whose futures we are all here to secure.

The Deputy Bailiff: Deputy Le Tocq, is it your wish to be relevéd?

305 **Deputy Le Tocq:** Yes please, sir. Thank you. Can I speak now, sir?

The Deputy Bailiff: No, because I am going to call Deputy Meerveld!

Deputy Meerveld: Thank you, sir.

310 My speech has now changed somewhat. I made a few bullet notes yesterday, after Deputy McSwiggan's speech. I could make an equally passionate speech about the obligations of the child to look after a parent at the end of their lives. My mother-in-law is currently terminally ill and my wife left to care for her at the beginning of September and is not due to be back on the Island full-time until 18th April next year.

315 Consequently, I am currently effectively a single parent. At the last meeting, which ran over to about 7 p.m., I had to leave at 5.30 p.m. Why? Because I had obligations to look after two young people and I had not made arrangements to work late. That was a choice I had to make. Under this legislation, this change, would you discriminate against me and say that my need to care for my two pre-teen sons is not equivalent to a mother looking after a young child? Would you say that the obligation of a child to look after their parents in their final years, or a child with disability or anything else, would not be an equally good reason to have a proxy?

320 The problem is here, when we are talking about proxy voting, especially when bringing into the equation the equality and disability legislation we are considering, we are not talking about a slippery slope that might lead to other things, this is a decision on whether this Assembly wants to adopt proxy voting, in principle, across a broad range of criteria.

325 Because under the equality and disability legislation, anybody can come to this Assembly and say, 'I should not be discriminated against because I am a single parent.' 'I should not be discriminated against because I have got a child with disabilities.' 'I should not be discriminated against because I have had an operation or I have got a medical condition that prevents me being in the Assembly or would require me to take an extended leave of absence.'

330 This is the slippery slope. This is a decision on whether this Assembly wants to adopt proxy voting or not –

Deputy McSwiggan: Point of correction, sir.

335 **The Deputy Bailiff:** Point of correction, Deputy McSwiggan.

340 **Deputy McSwiggan:** Because there have been numerous references to the discrimination proposals and what they might mean in terms of how these proposals are put in place, it is clear in those proposals that positive action to correct a particular disadvantage, in this case the disadvantage faced by new parents, would not be considered discriminatory. The analysis based on the proposals is partial and the slippery slope argument does not hold.

345 **The Deputy Bailiff:** Deputy Meerveld to continue.

Deputy Meerveld: I will move onto the technical issues here. When we look at proxy voting. We have a proposal here and I commend SACC for their initiative to try to broaden the appeal of the Assembly and bring more people into the Assembly and remove obstacles. But this has not been considered properly. How is it going to work? We have proxy voting; that will be allocated, presumably, to another Member to vote on that individual's behalf. How do we deal with abuse of the proxy? Actually, before we go onto this –

Deputy Merrett: Point of correction, sir.

355 **The Deputy Bailiff:** Point of correction, Deputy Merrett.

Deputy Merrett: It is in the papers, sir. It does say that all votes will be made open and transparent. Any Member would know how the proxy vote has been cast, sir.

360 **The Deputy Bailiff:** Deputy Meerveld to continue.

Deputy Meerveld: Okay. Let us take a step back. Where are decisions made? How does this Assembly determine a decision? How is the structure of this Assembly designed to come to a conclusion on the important issues we have to consider? Is it that decisions are made remotely, at home, reading a Billet or chatting to your friends and family or business associates? Or is it after listening to a debate in this Assembly, which may change your vote.

365 It has in my case. I have had situations when I have come in here, my vote has been marginal and I am thinking of voting one way and I have changed my vote based on the debate that has happened in this Assembly. Or there have been late amendments submitted that have then changed my vote. How does that work with a proxy vote? If a proxy vote had been given by an individual to a member of this Assembly, openly and transparently, for them to vote on their behalf, what happens if there is a late amendment that comes in that has not been considered by the person for which they may want to change their vote?

370 What happens if the person with the proxy votes against the wishes of the person who gave the proxy? What ability is there to audit that process or do we face the issue in the future of people who have given a proxy saying, 'Actually I did not really want them to vote that way,' when all of a sudden the decision becomes controversial?

375 Notification of proxies. One of the points that Deputy Inder made in his opening speech is that the great leveller in this Assembly, it does not matter if you are top or bottom of the polls in your constituency or what your position is on a committee, when you come to this Assembly, one person, one vote. Under this proposal, it would not be any more. Because one person could have one or two proxies. All of a sudden their vote is worth two or three, because they hold a proxy. They are voting one or two votes with their vote. So it is not the great leveller any more.

385 **Deputy Inder:** Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Inder.

Deputy Inder: I am sorry, I am going to ask for a give way.

390 **Deputy Meerveld:** I will give way to Deputy Inder.

Deputy Inder: It is a bit of both. With the greatest of respect, Deputy Meerveld, I think you are over-analysing it. You are effectively saying that potentially any Member of this Assembly cannot be trusted with the vote of a second person; they might abuse that position. I suppose influence
395 can come from many ways, but you have asked technically how could it happen, given a scenario: Deputy Queripel next to me, he has had a child, he might have texted me to ask, he can do it by text, he can do it by email, he could be listening to the radio. This is not done in a vacuum of him running around looking after a child and then thinking or being asked by the proxy how he is going to vote. It is up to Deputy Queripel whether he gives this proxy the vote. Deputy Queripel, if
400 he has not listened to this minor amendment, I would trust Deputy Queripel not to provide the vote to the proxy.

Deputy Meerveld: Okay. I gave a scenario where a late amendment comes in. There is nothing under this legislation that says the individual who has given the proxy has to be listening to the
405 radio, has to be monitoring the debate, has to be engaged in some way, remotely, electronically. We are talking about not just electronic voting but electronic voting at a distance. Sorry I will not be giving way.

You are now talking about remote electronic voting. I will SMS my vote in, having listened to the debate from home, potentially. (*Interjection*) Well this is it. Are we, as an Assembly, adopting
410 proxy voting in principle? Do we expect individuals to be in a specific seat and turn on their microphone, have their vote recognised, or are we going down a route where we are going to allow, effectively, people to sit at home and listen to the radio and SMS their vote into the Assembly?

This is a fundamental change in the way that this Assembly works and, personally, I cannot
415 support it without it being presented in a much broader sense. If you want to bring in proxy voting, you have to look at restructuring the entire way this Assembly works and, to some extent, you start to question whether this Assembly is needed in the form it is in. Do we need to arrive in a room altogether and talk about these things?

Also, do proxies count towards the States being quorate? If you end up with a broad range of
420 criteria on which proxies can be used, which I think is where you would end up, you could end up with a large number of the Assembly not being present. Does a proxy count as somebody as being here for being quorate purposes? Under our existing Rules, it would not. But, effectively, in voting terms, you could end up with one person holding 37 proxies and being in the Assembly. Probably the States could not reach a conclusive decision!

I cannot support this. I think it is on a slippery slope. I think you are looking at establishing a
425 new principle, which is a fundamental change in the way this Assembly works and I am sorry I cannot support it in its current form, but I do encourage SACC to carry on looking at ways to broaden the appeal of the Assembly, but this is not the way to do it. (*Laughter*)

The Deputy Bailiff: Can I just remind all Members of the final words of Rule 17, paragraph
430 one is that, when speaking in the States, a Member must not address another Member? (**Several Members:** Hear, hear.) Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

435 When a previous SACC committee were in place, I had a discussion with them about my ideas about introducing proxy voting into this Assembly. They convinced me that my ideas were built on sand, so I did not pursue the issue. But I had considered laying an amendment to these Propositions to include States' Members who, through no fault of their own, were unable to attend a debate because they were ill. But after giving the matter serious consideration and after
440 discussion with SACC's principal officer, who was very helpful indeed, I realised that the whole thing was fraught with problems. So I decided not to pursue it.

Now, I am sure Deputy Inder will focus on all those problems when he responds, but I just want to focus on a couple. The first being, what about if a Member wakes up one morning, of a States' debate, with such a bad cold that their nose is running, their eyes are streaming, they are coughing and spluttering all over the place, will they be permitted a proxy vote? (**A Member:** No.) So why not? I hear colleagues saying no, so why not? Isn't that discrimination?

Do they then inform the Presiding Officer that they will not be attending that day and state which colleague will be voting on their behalf? If so, that is all done on trust. So the system could be abused. Now if somebody has a virus, say, that puts them out of action for a couple of weeks; they know they are going to miss a States' debate. Will they need to provide a note from their doctor, prior to applying for a proxy vote? If they have to do that, why wouldn't the person who has had a cold? The answer to that is they probably would not be able to do it, because they would not be able to get an appointment with the doctor that morning.

To take that a little bit further, what about when someone has a long-term illness and is on the strongest medication available, which gives them nasty side-effects like memory loss, for example. I forgot where I was, sir, sorry! (*Laughter*) And they lose the ability to think straight. (*Laughter*) Will they not need an assessment from a medical professional of some kind to determine whether they have the capacity to think clearly enough to vote on issues.

I know that could be considered to be a humorous issue, but I have experience of that, because when a fragment of the disc at the base of my spine lodged itself into my sciatic nerve, three-and-a-quarter years ago, I was in such excruciating pain that the doctor put me on three different tablets to kill the pain. Not just one, but three different tablets. I will give way in a minute, sir. I was in such a state, I was bedridden for three weeks. I could not sleep, I was in so much pain. Painkillers did not work and, in the end, I was on eight different types of tablets, three times a day. I could not eat because one of the many side-effects from the medication, as well as complete disorientation was a lack of appetite.

In those three weeks I missed a States' debate. To be honest, the last thing on my mind was a States' debate, and the only thing on my mind was wondering if I would ever walk again. It was that bad.

I will give way to whoever wants me to give way. I saw Deputy Merrett stand earlier, so I will give way to Deputy Merrett.

Deputy Merrett: I thank Deputy Lester Queripel. I wonder if he would agree with me that pregnancy is not an illness, sir?

Several Members: Hear, hear.

Deputy Lester Queripel: Sorry?

Deputy Merrett: I wonder if the Deputy would agree with me, sir, that pregnancy is not an illness?

Deputy Lester Queripel: Sir, I did not say that. I give way to, I think it was, Deputy Oliver that stood earlier.

Deputy Oliver: Thank you, Deputy Queripel.

I just think, if you would agree with me that what Deputy Merrett was saying was that pregnancy is not an illness and within this policy letter it is not saying that illness should be included within a proxy vote. I was seriously ill last year for three months and there was no way that I could have made a sane decision for any proxy vote, which is why I actually commend SACC for not bringing in illness.

Deputy Lester Queripel: Sir, I agree with both Deputies that pregnancy is not an illness, I am actually speaking in favour of these Propositions! (*Laughter*) If they would just wait until I finish the speech, sir, they would have realised that! I am not on any medication, by the way! (*Laughter*)

I just want to repeat the last sentence. To be honest the last thing on my mind at that time was a States' debate. The only thing on my mind was worrying if I would ever walk again. It was that bad. To say that I was in no condition to vote would be an understatement. I was beside myself with pain and with the side effects of the medication. Those are the sorts of problems we face when we open up proxy voting to everyone.

I urge my colleagues to support the Propositions in front of us. I have not changed my mind; it is in my speech. I was always going to support the Propositions. We need to encourage young Islanders to stand as candidates in the next General Election, as we are told in paragraph 3.9 the Committee believes introducing a mechanism of proxy voting for new parents might reduce the barriers to people standing and modernise the way the States of Deliberation operate. I am totally behind that. In closing, I ask for a recorded vote when we go to the vote, sir, please.

Thank you.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

I just wanted to, as males do, have a brief word on a male in support of the role of males. With my wife's chosen profession being a nurse, I have done 99% of the school runs and obviously I am not alone in that and I think we overlook that. It does not make me a modern male, it is just a fact. There are a number of men that have responsibility for their children, the school run and all the rest of it in the morning.

What it does mean is that you will be the one dragging your child to school dressed as a giant peach a day before the Roald Dahl session is on and you will get half way home realising that in fact you have two children, not one, and have to double back!

My concern with proxy voting, initially, was that we would have a type of *Countdown* voting session where you take one *pour* from the top, two *contre* from the middle and perhaps a *je ne vote pas* or something. I was worried about that, this sort of casual, incidental voting, when you are not in the Assembly, bearing in mind the number we are in this Assembly now, 38 people, and that is split down the middle on occasions and how that could exacerbate and add to that problem, potentially.

My concern would be, we are not the UK, we are a parliament of a type, that amends policy letters, sometimes almost beyond recognition so that you could say to your proxy vote, bearing in mind you may not be available for the rest of the day, 'I want you to solidly support Proposition A.' Proposition A gets amended, you say, 'If it is amended, I will support it providing the funding does not come from general revenue, because I could not support that.'

I do not want to over-complicate things but I can see that, not as an abuse of proxy voting, but as something that would need a great deal of thought and need to be managed. That someone's actual intent is not misrepresented. Because on a split vote, you were not in this Assembly, and your vote carried real weight and took in a direction you did not want to go, is something we just have to bear in mind when we consider these things.

There is a case, I think, in future, to look at the role of carers and people with care needs. I do not see it as a slippery slope, necessarily. I think what is wrapped up in that slippery slope argument is we always feel that we would be more responsible than other people that have the choice. 'I would not abuse people proxy voting, but there is always someone out there who will abuse proxy voting.' There is the person who would, given the opportunity, work from home, perpetually, constantly. I think there is a bit of that in it. It is not how we think we behave, it is the fear of how we think some other people may behave.

I do not know, if I was a Member of SACC, whether this is the first thing I would have settled on. I understand the reason to address the need to reach out to the people who are not

545 represented in this Assembly, but the group that is massively under-represented in this Assembly, it is true and I will use an old-fashioned term is working class people. Young, working class people are not represented in this Assembly.

I know a lot of people speak on their behalf but we do not have people from, if I can say, the Beaucamps children, potentially the La Mare children, who never went on, who went straight into
550 employment. They do not resurface later in this Assembly and that is unfortunate. I hope some will.

I listened to Deputy Lowe's speech and maybe Deputy Lowe is not aware of this but, more recently, when she speaks, she talks about, 'We have done this before. We tried this. This is not the first time that we have looked at this.' But that is speaking to yesterday and we need to speak
555 to tomorrow now. I hope the cliché makes some use, but I think we do need to try and understand what type of person is not represented in this Assembly.

It has taken me time to come around to this and I thank Deputy McSwiggan for her speech in that regard, it has taken me a little while to come around to this, but I am supportive. Please, if we are not going to assist these people by supporting this today, please do not claim ownership of
560 the speeches you may make in the future.

Thank you.

The Deputy Bailiff: Deputy Le Tocq.

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

I am a father of daughters; three in fact. I spent the best part of my life – the eldest is now 30, the youngest will be 25 soon – surrounded by women. That has taught me quite a lot. One thing it has taught me is that I have got a lot to learn yet. I did not used to be able to go out of the door without somebody commenting on my attire and whether I was wearing the right things and it
570 introduced me to a totally different way of working.

One of the things that it has also given me is a desire that my daughters should have, as far as possible, the same opportunities as I have been given as well. It has enabled me – perhaps a little bit, I am not saying I know everything at all – to see things from a different perspective than perhaps I would have done if I had not been surrounded by women and been the father of
575 daughters.

I am happy to support these proposals, as a Member of SACC, because I think they are a compromise and I think governments work best when they seek a moderate position. I do not believe what is before us today, if it is accepted by the Assembly, or rejected by the Assembly, will be the final product. I think it will require quite a lot more work and the arguments Deputies Roffey and Stephens and others have made are absolutely valid arguments. Where do you draw the line?
580

It seems to me, with regard to enabling better engagement from 50% of our population, who historically, traditionally, have had very little opportunity to be in this Assembly, is one place that we should be seeking to work to improve. I know, sir, because members of the public have said to me, in terms of an argument against this, 'There are just some professions that women will never be able to do,' I do not disagree with that.
585

I do think there is a limitation to how far we can seek, even in terms of parenting. I did, I would argue, more than my fair share of parenting in terms of the norms around, but it was nowhere near as much as my wife did and I think that certainly is the case globally and will be the case for some time to come, for all sorts of biological reasons.
590

Nevertheless, sir, I think when we are talking about enabling the best representation in this Assembly – and to pick up some of what Deputy ... sorry, to pick up what Deputy Brehaut has just said before – (*Laughter*) (**Deputy Brehaut:** None taken!)

I was trying to remember who had said it and I think it was Deputy Brehaut who said it before.
595 To pick up what he said, I think if we are going to help those who currently are not a major representation in this Assembly, from the lower ... working classes as it were – not the lower

classes, the working classes – then I think if we are going to do that this is one step in that direction.

600 I do believe that we have a duty to our population to enable them to take part in this Assembly in the best possible way and we have got an election coming up next year, which is a new form of election. We do not know what that will throw up. Some say it will be an improvement in terms of representation, others say it will not.

605 But I know that for some women the prospect of being a mother, being pregnant, would put them off if they think they cannot actively take part in this Assembly. I speak as one, knowing that there are other genuine reasons as well, which we might seek to include, but I do not seek to include that because I see this as a compromise position and I think it is the best we can come to.

610 During my second term in this Assembly, my mother was dying and I missed, I think, five or six days of States' meetings, either partly or fully, because we were caring for her at home. I did not want that broadcast everywhere but I got severely criticised for that. I think those sorts of things you just have to take on the chin, to be honest, and I did so to the best of my ability.

615 At the same time, during the last Assembly, when I was Chief Minister, I remember one particular meeting in London. I had to be there, it was a time-constrained meeting with a deadline, meeting with a government Minister, and it just so happened in the end that the way that our business was taking place, there was a very tight vote, I think, on the Integrated Transport Strategy. I was booked in to return on an early afternoon flight. The meeting that I had in London took longer than expected and even though I dashed down to Gatwick, I arrived at the gate just to see the plane leaving. So I had to catch the next flight.

620 That meant I think that Deputy Bebb, at the time, had to filibuster for an hour whilst they waited for me to arrive. Which was, okay, perhaps not that unusual for those days. Nevertheless, those sorts of things are rare and I want to recognise that they do happen from time to time. Members who have spoken are absolutely right that this Assembly does not work in the same way as Westminster or indeed other places that have trialled this sort of proxy voting system.

625 But I do think we are in a place of change. I do expect that there is going to be more change. I think it is absolutely right that we at least move in this direction for all the reasons I have given. But overall because I do believe that it is a compromise, and I think it is a compromise that particularly speaks positively towards female members of our society, so I encourage the Assembly to support the Propositions.

630 **The Deputy Bailiff:** Deputy Tooley.

Deputy Tooley: Thank you, sir.

635 There have been a number of speeches, which have said, in effect, if we are doing this then why not do a whole lot more? Why not extend proxy voting to many other groups? And, actually, why not? Perhaps we should be discussing proxy votes for States' business elsewhere for other carer situations. Again, far more likely, statistically, to fall upon women although there are men doing excellent caring roles in the Island and elsewhere. Perhaps we should be discussing all those things? But that is not what we are here for today.

640 We are not here today, either, to create a discrimination between some Members and others. But what we decide today might begin to correct one. Four States' Members have this term had babies. None has taken a period of extended leave. None has actually taken more than about two weeks before they were reading papers, responding to emails, engaging with parishioners in person, via social media, etc., dealing with the press where governance reviews had come in and so on.

645 Two of those Members, however, were treated differently by our statutory guidance. Under the Maternity Leave and Adoption Leave (Guernsey) Ordinance of 2016, it states under 3.1:

An employer may not permit an employee to work during the period of two weeks, commencing with the day on which her childbirth occurs.

Compulsory maternity leave. And also:

An employer who permits an employee to work during a compulsory maternity leave, in contravention of subsection 1, is guilty of an offence and liable, on summary conviction, to a fine not exceeding level five on the uniform scale.

Now there is clearly a muddying of the water around whether Deputies are employed or self-employed and many would hold that Deputies are self-employed and therefore this Ordinance does not apply to them. I accept that is something that is going to be said in various quarters. But
650 actually the public think we are employed. The public think they are our employer and that we are here to do the job that they have set out for us to do. And, in the case of the two female Deputies who have had babies this term, they have been told by Social Security that that rule does apply in their case and that they are not permitted to work during the two weeks following childbirth.

Yes. It is known as confinement. We still, in 2019, refer to this period as 'confinement' and a
655 woman is not allowed – once upon a time was not allowed into society at all until she had been churched – to mix in society and is still not allowed to work for that two-week period. So those two female Deputies were told that restriction would apply to them, though they are technically self-employed in this unusual situation that we have.

This time last year, two Deputies in this Chamber had babies on the same day. So Deputy Chris
660 Green and Deputy Lindsay de Sausmarez had babies on the same day. (**A Member:** Different babies.) Different babies in different rooms, let us be quite clear. (*Laughter*) Neither missed a States' meeting and, in fact, Deputy de Sausmarez has in fact never missed a single vote in the entire time she had been elected. But it is only by virtue of when the States' meetings fall that that is the case.

Had there been a meeting during the two-weeks following the day on which those two babies
665 had been born, Deputy Green would have been permitted to attend and to vote and Deputy de Sausmarez would not. This proposal does not introduce inequality, it begins to correct one. But this obviously speaks of more than just those first two weeks. It speaks of the six months of that period. It also speaks about adoptive leave and obviously that is slightly different in terms of the way the statute deals with it.
670

But the nature of the way in which we meet for States' meetings makes this a uniquely difficult part of the job to do while juggling other responsibilities. I know and many others will know, for all sorts of different reasons, that I often read committee papers and States' meeting papers very late at night, after my other responsibilities have been discharged. I will often be up until 2 a.m.,
675 because I can choose to manage my time to make sure that my job gets done and all the work gets done that needs to be done regardless of what else I have got going on around that.

Committee meetings, obviously, also have to follow a pattern and you have to be there at certain times and you juggle that and you juggle States' meetings as well. But these are the bits that are uniquely difficult and this, incidentally, is not the way I would have chosen, given a magic
680 wand and all the money in the world, to resolve this issue.

Other parliaments are looking to create crèche facilities. They are looking to create space where Members can listen to debate while caring for their children, whether those children be tiny tots or whether they be arriving after school with GCSE work clutched under their arms. But we are not going there. That is not what this proposal is.

Lovely though that would be, I can see why we are not going there right now. We are looking
685 to create a situation where in those six months, where it might be difficult for a person – not difficult to be doing their job but difficult to be here physically – and I know the Members who this has affected during this term have been incredibly grateful for the adjustments that have been made, which have allowed things like a fridge for breast milk to be placed in the building so
690 that they can continue to feed their babies. I accept that these are not things that we normally talk about in a parliament, but these are the things that affect women particularly, but parents generally, in our society.

695 If we are not doing something, as Government, to show that we can lead the way in making
this possible then I do not know what we are doing, because it is absolutely critical that we are
doing that; that we are showing that we can make adjustments to make this process easier. This is
not the adjustment I would have chosen. I would have chosen to be far more radical and make it
possible for people to be here, bring their babies into the Chamber while they cast their votes,
have their babies in a side room, in a soft play zone, or sitting at a table doing their homework if
they are older.

700 That is absolutely where I would choose to go if I had all the money in the world and a magic
wand. But I do not, so I am not asking that. I am asking you to support this proposal, which will
make it possible for those Members who have very young children, to continue to do this
inflexible bit of their job around the bit that they mould and fit around their family for the sake of
our community.

705 Thank you.

The Deputy Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

710 A vote against this Proposition could be seen to be a vote against motherhood or fatherhood.
It is perhaps as well we are not being asked to consider apple pie. But this is actually a vote about
proxy voting. (**Several Members:** Hear, hear.) My decision to vote against this Proposition is not
founded on such an argument. Apart from some of the points made yesterday and this morning, I
have difficulty in accepting that there should be a special category of Deputy – be they men or
715 women; that has nothing to do with gender equality. I repeat, this has nothing to do with gender
equality.

Those Deputies who are at times to be exempt from the Rules, which are applied to most for
the majority of the time. Either proxy voting should be available to all or none. To hear some
speakers, one might imagine we are depriving babies of their parents for a 40-hour week. In truth,
720 we are here for about six-eight hours a week, on average. Actually, about two days, every three
weeks. From my experience of fatherhood, at a time when I did not need to or did not choose to
work, my young children were asleep most of the time.

My main difficulty is the need for Members to listen to the debate. It is possible to listen to the
debate on the wireless but remember why the Deputy is not present. It is to care for a baby or
725 child. Babies are lovely but they are also very demanding. Suppose mother or father is sitting
comfortably, listening to the debate, making up their mind on their vote, and the offspring needs
a nappy to be changed, or has some other emergency. Is daddy or mummy going to say, 'Hush,
dear, I am listening to Deputy Trott!' I think not, they will deal with the emergency, or the
requirement, as it arises and may miss a vital part of the debate.

730 **The Deputy Bailiff:** Deputy Trott, then.

Deputy Trott: Thank you, sir.

735 I sometimes sit here, listening to other Members talk about modern behaviours with a
bemused grin on my face. When I entered this Assembly I was working class, I was the father of
two pre-school children and we were not paid. In fact, during the last term, I became a father for a
third time, of an infant child, and Deputy Tooley says sometimes we do not like to talk about
certain things, well she has, so I will. My wife and I made a decision to feed our child not in the
conventional way but in a modern way, to make it easier for her, for me to do the midnight feed,
740 or to play my part. Families adjust.

The reason I give that background is because I will not take any lectures from anyone about
what it is like to be the parent of a young child. But what I will say is this: reference to the
Commonwealth Women's Parliamentarians in this Assembly was completely out of order and let
me explain why. In paragraph 2.5 of the States' Report, we are told that there are only a few

745 parliaments that make provisions for proxy voting. That is what this is about. Those parliaments
are the Australian House of Representatives and the New Zealand House of Representatives and
we are told that the Commons are trialling something.

Well, progressive communities such as Canada do not have it but of course it is not just
Canada, parliaments representing 2.4 billion people do not have proxy voting. The very first
750 speech that was really all I needed to hear, and it was a speech from Deputy Roffey, who made
the point that proxy voting is often seen as a bad idea in parliaments where there is pairing, where
there is the whip system and where there are all those other ways, if you like, of counter-balancing
the effects of a proxy.

755 Despite that, 2.4 billion people's parliaments do not have proxy voting. Why? Because it is a
very bad idea. It has got nothing to do with gender equality and everything to do with the
principle. It is not a good idea and that is why I shall be rejecting these proposals.

The Deputy Bailiff: Deputy Dorey.

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

I agree with those speakers who have spoken against and I will try not to repeat the points that
others have made. Deputy Inder in his opening speech, and Deputy Queripel also referred to
paragraph 3.9 about a barrier to people standing. I really do not see why a mechanism of proxy
voting for new parents might reduce a barrier to people standing. I cannot understand, if people
765 want to stand for this Assembly, being a States' Member gives you maximum flexibility to choose,
as Deputy Tooley has outlined, when to work and when not to work. Just as some jobs, there are
certain times that you have to commit and we have looked at, in terms of committees, people not
being present, and that has been rejected by this Assembly.

770 I personally think that Members have to be present and I will read out from the Report a quote
from a previous report, which they included:

The whole point of holding a debate is to try and influence other Members to vote the same way as the speaker. The
Proposition in the Billet may well have been and often is amended before a vote is taken, perhaps by an amendment
laid during a sitting.

That, to me, sums up the whole point of having a debate in this Assembly and that is why I
cannot support these proposals. I do not believe a proxy vote will reduce a barrier to standing
because I do not believe it is a barrier to standing. It might be a barrier to people voting at a
particular debate but you cannot say it is a barrier to standing. I do not believe that is correct.

775 But I can only reflect on my own experience. A new-born child is a very precious moment for
parents. That is why they take maternity leave, so they are not at work. I do not want a situation
where a parent feels they have to consider, think about a Billet, to be able to inform another
Member of how they want to proxy vote and be listening to the debate, because an amendment
might be laid on the day, at this important time for a new family. I believe that a family needs to
780 treasure these very precious moments and concentrate on them and I think if Members, because
of that, are not here for some other part of the debate, I think that is acceptable and I think
society accepts that that is an acceptable situation.

I will give way.

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

Would Deputy Dorey agree with me, though, that yes, it is a treasured time but also I have had
a number of emails from parishioners saying that they have paid me to be in the States, why
aren't I in the States, 'just because you have had a baby'. So there are different pressures put on
women and a proxy vote would, actually, have relieved a lot of these pressures.

790

Deputy Dorey: I do not agree because I think the pressure would be for the person to be
present in the debate and I outlined the reasons why I believe that somebody should be present

in a debate and I think society perfectly well accepts that people who have children, that there is maternity leave. That is why we have the rules for maternity leave, that they will not be present. Just as they are not present at work in an employed situation, they are not present in the Assembly.

So I urge Members to be consistent with what they have voted before, in relation to people not being present in meetings and committees, because this could equally apply to committee meetings as well, to reject this Proposition. It is not a barrier to Members standing.

Thank you.

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

I would just like to return briefly to the policy letter itself. I think it is one of the most unusual ones that I have seen this term. Not so much because embedded in it is a very convincing argument against the Propositions in section 2.2, which quotes the 2015 report – we have seen that sort of thing before – but there is nothing in the policy letter, which attempts a counter argument or to refute the case against proxy voting, as explained in 2015. I think that is extremely unusual. It makes the policy letter look very weak. Listening to the debate, I thought Members of SACC might actually explain or attempt a counter argument to the impracticalities of proxy voting, which have been expanded on by Deputy Roffey and others.

We have not heard anything, any form of counter argument. Instead because people have taken as their theme that the line in the policy letter which says only in the exceptional circumstance of child care and they have riffed on that, one might say, and we have been discussing measures regarding the quality of the sexes, rather than the practicalities of proxy voting itself.

For me, Deputy Tooley got nearest what I would call reality when she said that there are measures that this Assembly could take to encourage, to make the Assembly, politics in Guernsey, more parent-friendly, such as crèche facilities, more formal parental leave arrangements. But one cannot make the argument that proxy voting, with all its practical flaws, should be part and parcel of that package. There are lots of more effective measures this Assembly could take if we did want to make politics in Guernsey more parent-friendly.

One cannot simply ignore the practical problems of proxy voting. As others have explained, one's vote in the morning might be completely different from the way one might vote in the afternoon, because there tends to be a lot of ebb and flow in this Chamber, last-minute amendments coming in and the nuances are sometimes quite subtle. So the way an absent Deputy could instruct their proxy would easily vary in the course of a day's debate.

There are so many practical problems involved in proxy voting, I simply cannot support the Propositions at all and I would recommend SACC goes away and actually tries to think it through again and come up with some proposals which would genuinely make this Assembly more parent-friendly.

Thank you.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I am not just speaking to support the party line, I am speaking because I am surprised with the level of opposition to what should be really something that should have been nodded through. (**Several Members:** Hear, hear.) Just because you cannot cure all the ills, that is no excuse for not trying to cure some of them.

Deputy Meerveld made an excellent speech and he highlighted his personal circumstances and I fully understand that. He has got two young boys to look after, his wife is away in foreign parts, looking after her mother, who is sadly very ill. I fully understand that and it means therefore that, although he is a conscientious Deputy, sometimes he will have to miss votes, etc.

845 But on the other side of the coin you have heard from Deputy Le Tocq, who told us some years ago about his mother's illness, he had to miss States' debates, either in whole or in part. So there is no cure to that and there is no way that you can resolve those particular issues. I know my good friend Deputy Lester Queripel likes pop songs and there is a line from a pop song, *The Times They Are a-changin'*.

850 If I perhaps turn that back, times have changed. His brother Deputy Laurie Queripel reminded me, in fact I had forgotten about it, of a previous States' meeting where he had been discussing with his eldest brother, Deputy Lyndon Queripel and very many years ago, in an incident I had forgotten, his brother, me, a friend of ours, Rob Ellison and some other lads, went down the Cellar Club and we were prohibited from going into the Cellar Club because we all had hair that was too
855 long. Now times have changed – that is never going to happen to me again! (*Laughter*) But also times have changed.

Deputy Trott, again, made a very good speech and he talked about the 2.4 billion people who are represented in democracies where those democracies do not allow proxy voting. That does not mean because they do not do it that we cannot and should not do it. We are a unique, almost
860 unique society in some ways. We are only 63,000 people on this Island. You can get to and backwards and forwards pretty quickly but there are circumstances whereby the child needs his or her parent and that is particularly when the child is a new-born baby.

Others have referred to their own experience, I will refer to mine. By the age of 25, I was a father responsible for three children. I was an elderly parent when my last son was born, I was 31.
865 So, by the age of 31 I was responsible for four children. I wish I had had more children, certainly the mother of my children – who has been an excellent mother, who has borne all the burden of bringing the children up – would have wanted more and it was me that said no. I now regret that.

What I do regret is the fact that, because I was trying to make my way in the world, because Deputy Trott referred to the fact that he was working class, I still regard myself as working class.
870 As I was trying to make my way in the world from being a working class boy to being a more affluent working class boy, I was always looking for the next court case. Never say no to a court case. Never say no to an appointment. Never say no to another business deal. So the overwhelming burden of bringing my children up, particularly in those younger years was with my wife, their mother.

875 I regret that considerably. I do regret that because, although I have got a good bonding with my children, I still cannot have those moments again. They have gone forever. If male or female, a young parent, needs to spend time with their child or children, they should be given, by this Assembly, that right so to do. The early period, whether you are dealing with a human being or you are dealing with something else, that bonding period is so important. That is when bonds are
880 made in instant weeks, days, months of a child's life, and those hopefully carry on.

So to say that it is difficult – yes it is. To say that debates come up late, amendments come up, Deputy Meerveld referred to that, Deputy Dorey I think also alluded to that, and you and I can be persuaded, is of course true. I mentioned in a previous debate something that happened when I was in my first time around in the States, when I made a really impassioned speech saying I could
885 never vote for this, 'This is rubbish, I could really never vote for this.' Deputy Berry then got up and made one of his speeches and by the end of it I voted for it.

So I appreciate that but all you can do is your best. Because you cannot get perfection does not mean you should do nothing. These proposals are a step in the right direction. I liked Deputy McSwiggan's remarks, gentle opening challenging to Deputy Lowe, to say what about electronic
890 voting, how many times did that come back? The fact is we should not have to bring this back. We should be able to make a clear decision now on the basis of a simple policy letter, which just expresses basic decency really. I end where I almost began. Because we cannot cure all the ills, we should cure this one.

895 **The Deputy Bailiff:** Deputy Paint.

Deputy Paint: Sir, I have been listening very closely to what has been said and I believe this Assembly should be showing much more reasonable understanding towards its Members with other commitments, rather than trying to make rules to sort everything out, which it will not. For myself, I have nearly been 12 years in this Assembly, from my first election, and so far I have only missed two meetings. One when I joined the party going to St Helena and once when my daughter died.

Why are we being asked to make more rules where, really, understanding of other Members' situation is much more important? Rules can change; they will, they may be abused. But I have not seen any major people staying out of this Assembly in the 12 years I have been here. Yes, I understand that people become sick, I understand that babies are born. Show a bit of tolerance to that. That is all that is needed. To start making yet more rules, and I do not know if rules are very good. I just do not know.

Since I have joined the Assembly, I have managed to attend every single meeting and had to postpone or cut out or delay other meetings because of what I actually committed to. Everybody understands, as a States' Member, you have to do other things. I have always prioritised these States' meetings. I have never not attended these meetings because of illness. Perhaps I have been fortunate.

For others that have, I have never ever criticised them because they have been ill, having babies, or had other commitments. And we have seen a few that actually have to go because of business, or because of having babies and, of course, being ill. You have never heard me once criticise them. This is what life is.

I must say that I do feel a little bit ill sometimes when listening to long, unnecessary speeches by some Members that are of no use at all. (*Laughter*) They are just absolutely no use at all. All it is lip-flapping. Perhaps SACC could focus a little bit more on that and perhaps limit the time of speeches in the future?

Thank you, sir.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: That was a sort of perfect lead-in to my speech. I do not know whether my speeches are useless, or I am useless, but Deputy Paint will be able to clarify later. I am viscerally hostile to these proposals for two reasons. One, because I really do not like the concept of proxy voting and, secondly, because I do not think it is a very good policy letter.

However, I may just vote in favour of the proposals. Partly having listened, or probably mainly having listened to the speech from Deputy McSwiggan. The problem I think I have in my instincts, having been confronted with reality in this matter is this: I am being told by those people who suffer most from the current Rules that it is a problem. I do not really think it is much of a defence for me to say, 'I do not agree with you.'

The burden of parenthood does fall on mothers, in most cases. That is just the reality. It may be unpleasant. It may be unhealthy. It may be time that it changed. But the reality is that, in most families, the burden of parenthood falls disproportionately on mothers rather than fathers. They are saying, the mothers who have had children in this Assembly, that they consider the current arrangements to have been problematic for them and they have explained why and I do not think it is an adequate defence for me, who has not suffered in the same way, to say, 'I know better than you.' Clearly I do not know better than them.

After Deputy McSwiggan had spoken, I thought maybe I ought to think again about the reasons for my original objection to proxy voting and they have been well rehearsed in this debate. They include the importance of listening to debate, which Deputy Dorey talked about, and the slippery slope that Deputy Roffey and others have talked about, and the other parliaments do not do it, that Deputy Trott has talked about.

I think, in the face of Deputy McSwiggan's speech, all of those objections that I came into the States with are probably weaker than I thought they were originally. In a way, I am making a bad

950 case for proxy voting, because if I had been able to cast a proxy vote at the beginning of this debate, and I may have sent my proxy into the States with a vote, it would undoubtedly have been to vote against these proposals.

955 But I want to refer to two or three of the arguments against. The listening to debate argument, Deputy Dorey is right. The correct way in which to cast a vote in the States is to sit through all or the large portion of the debate, listen to all of the arguments and weigh them up and reach a judgement. But is that really how most States' Members decide how to vote?

960 I think that to say that we are going to have a set of rules around voting, which assume that we know the process through which every Member will go to reach a judgement, is probably false. I think there are lots of Members – we have all done it – we have decided how we are going to vote before we have come in, we have listened to debate but we know we are not really ever going to be persuaded and actually, in those cases, the vote at the end would be the same as it would have been in the beginning.

965 There will be some Members who will be persuaded by other Members more forcefully than they will by some others. I just think that, to say we cannot allow this change of Rules, because of the philosophy that every Member should sit through all or most of the debate and then, having weighed up all the arguments, reach their judgement, it is good in theory, but it probably denies the practice.

970 The second issue, around slippery slope, I never much like arguments about slippery slopes, because I think it is very easy to say that. I did have that fear, when I read this policy letter, but I think it is probably overdone. I think in the end this is probably going to be relatively self-policing. The idea that if this is permitted, then what is next? Members might be able to cast proxy votes if they are looking after ill relatives or if they are sick themselves. Yes, it is true, I think it is more likely than not, if this gets through, that a future States' Assembly and Constitution Committee will come back with proposals to relax the Rules.

975 But does that really mean that, at some future point, we will end up with substantial numbers of States' Members sending proxies into the States with votes? I very much doubt it. I suspect that most Deputies would think that their electors would take quite a dim view of it if, for a large proportion of votes, they sent proxies in to vote on their behalf. But, if they did, and most Members of the House of Commons do not vote on most issues, would that inevitably be the end of the world?

980 I do not like the idea of that but is it right that I say, because I personally do not like the idea of that, I am not going to allow this Rule change, when I am told that the people who would benefit most from this Rule change require the Rules to be changed? That is the difficulty I think that I have.

985 The other parliaments do not do it argument. Well most other parliaments do not sit and consider executive questions because they are legislatures only and not executives. I should think, I do not know how many people there are in the world, 2.4 billion people, I think Deputy Trott said, do not have rules which allow this.

I will give way to Deputy Trott.

990 **Deputy Trott:** It is an opportune moment because there are 2.4 billion people represented within the Commonwealth who do not have proxy voting. But of course, if one extends it to the globe, it is nearer 6.9 billion who are represented by parliaments of one sort or another, that do not have proxy voting, so the issue is far more extensive than simply retaining or restricting to the Commonwealth would suggest.

995

Deputy Fallaize: Of the 6.9 –
I will give way to Deputy Tindall.

1000 **Deputy Tindall:** I am very grateful to Deputy Fallaize. I would be interested to know how many
of those Commonwealth countries, or indeed across the world, use the pairing system and
therefore perhaps do not need proxy voting?

1005 **Deputy Fallaize:** What is certainly true is that of the 6.9 billion, almost all of them, apart from
the populations of the three Crown Dependencies, do not have parliaments where Members are
sat routinely making executive decisions, because they have a separation between their executive
and their parliament.

So I am not sure the argument that other parliaments do not do it is an open and shut case,
therefore we should not be doing it. I agree fully with the Members who have said that it would
be far better to do things other than what are proposed here. Deputy Langlois is right, Deputy
1010 Tooley is right. In my view, it would be much better to look at making the necessary practical
changes, which would allow mums to carry out their obligations in relation to parenthood at the
same time as they are able to play a full role in the proceedings of the States. But I know that,
normally, if somebody was to make that argument, I would say in debate, well lay an amendment
then and there is not one.

1015 Deputy Paint does not really want to play around with the Rules in this matter, but I think what
the supporters of this proposal would say is that the problem exists in the current Rules, so how
can you overcome the problem other than by playing around with the Rules? I still do not like the
concept of proxy voting, I still would feel quite uncomfortable asking another Member to cast a
proxy vote on my behalf but I think the practical effect of voting against these proposals is to
1020 discriminate unreasonably against new mums.

We do say that we encourage as diverse a range of people to stand for the States as possible
and we do say that we want to do practical things to redress the gender imbalance that exists in
too many workplaces still, including this one, and I think, therefore, if we are faced with a way of
doing that, which I suspect in practice would be relatively innocuous and used relatively
1025 infrequently, I think I ought, on balance, to listen to the strength of argument put by those who
suffer from the current Rules and allow the Rules to be changed, even though personally I am not
terribly enthusiastic about it.

1030 **Deputy Leadbeater:** Can I invoke Rule 26(1) please, sir?

The Deputy Bailiff: Yes, Deputy Leadbeater.

Deputy Leadbeater is suggesting that we first see those Members who are still entitled to
speak and intend to speak in the debate. Will they please stand in their places? Deputy
Leadbeater, seeing those who are standing, do you still wish there to be a vote on Rule 26(1), to
1035 guillotine the debate?

Deputy Leadbeater: Yes please, sir. I have got parental duties later.

The Deputy Bailiff: In that case –

1040 **Deputy Lester Queripel:** Could we have a recorded vote, please sir?

The Deputy Bailiff: And there is a request for a recorded vote.

1045 *There was a recorded vote.*

Not carried – Pour 10, Contre 28, Ne vote pas 0, Absent 2

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Soulsby	Deputy de Sausmarez	None	Alderney Rep. Snowdon
Deputy Prow	Deputy Roffey		Alderney Rep. Roberts
Deputy Kuttelwascher	Deputy Oliver		
Deputy Le Clerc	Deputy Ferbrache		
Deputy Leadbeater	Deputy Tindall		
Deputy Mooney	Deputy Brehaut		
Deputy Trott	Deputy Tooley		
Deputy Meerveld	Deputy Gollop		
Deputy Le Tocq	Deputy Parkinson		
Deputy Dudley-Owen	Deputy Lester		
	Queripel		
	Deputy Le Pelley		
	Deputy Merrett		
	Deputy St Pier		
	Deputy Stephens		
	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 McSwiggan		
	Deputy de Lisle		
	Deputy Langlois		

The Deputy Bailiff: Members of the States, the result of the vote on the motion proposed by Deputy Leadbeater, pursuant to Rule 26(1), was there voted Pour, 10; Contre, 28; two absentees. That is why the motion was lost. Therefore we will continue debate and I will call Deputy Oliver.

1050

Deputy Oliver: Thank you, sir.

I suppose to a certain extent I have to declare that I have actually got a special interest in this matter because this will actually directly affect me. I have twin girls, who are 16 weeks old today. Compared to some jurisdictions, we have awful maternity laws in Guernsey. We have the statutory two weeks and that is it. It is absolutely appalling in my view.

1055

Now, as the States, we are here to make policy and at least this constitutional matter is a way to actually start to move things forward to protect women a little bit, in my view. Now this policy goes some way in helping breastfeeding mothers, especially. As Deputy Lowe said, why not extend this policy to proxy voting to help sick partners, parents, a disabled child/adult? Well to a certain extent you can get somebody to look after your disabled child or adult. You can –

1060

Deputy Leadbeater: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Leadbeater.

1065

Deputy Leadbeater: Sir, in situations such as mine, when a crisis comes there is nobody else that can take my place. I have to be there. So that is simply not true, in everybody's circumstances, sir.

1070 **The Deputy Bailiff:** Deputy Oliver to continue.

Deputy Oliver: Okay. I have a lady, Katie, who looks after my two babies and there is one thing that she cannot do for my babies. Unsurprisingly, no-one else can. Now you might have guessed it, but it is to breastfeed. No one else can take the position of the mother, apart from the mother that can breastfeed. I am the only one that can do this.

1075 Now, during the education debate, I had sat through the whole debate, listening carefully in the Chamber and occasionally having to nip out to feed my babies. There is a radio, so I listened to that. However, at 7.20 p.m., I asked the Bailiff if I could do a proxy vote. However, this was not allowed. Now, if people have breastfed, they will understand how painful your breasts get when

1080 they are full. I had to leave and, unfortunately, missed a very important vote, in my view.

I would say that I am quite a strong person and I would say this is the only time that I have actually got upset because I had to miss a vote. There was this pill of stay in the States to do the right thing, to vote, is what the parishioners have paid me for, and yet my husband phoned me to say that I had two very unhappy babies and no one could console them apart from myself.

1085 This is a constitutional matter and it is not saying that you have to take six months off. It is not saying you have to vote on every Proposition. It is just a proxy vote that is giving the option that you can do it if you want to, for the period of up to six months.

A lot of people are saying why six months? I am just going to talk about it from my point of view. Six months, I am intending to breastfeed for, if I am lucky enough to be able to continue that. With work, it is interrupting the flow, etc., I will not go into too many details.

1090 At six months, a child is started to wean and they start to eat solids. Now it gets a lot easier from that point on to do it. There is the special bond, which has been spoken about, and everything like that, so I will not go into further detail with that. But there is one thing that I will say extra and it is in regard to what Deputy Trott said, about the 2.4, six-point-something billion that do not have it.

1095 Years ago, I would like to say I am sure I saw an advert to say, 'Children smoking, it is actually a good thing.' One jurisdiction had to take that first step to say, you know what, we need to put an age limit on smoking. It has to be somebody to make the first step. Now, okay, all these other people do not have proxy voting, but maybe actually, just this time, Guernsey can say, you know what –?

I will just give way.

Deputy Merrett: Thank you.

1105 I just wondered if Deputy Oliver would agree with me that we should be leaders, not followers, sir?

Deputy Oliver: That is what I was just getting at. Let Guernsey be a leader and not a follower in this matter. Thank you.

1110 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

1115 Colleagues, I do not like Members making me feel guilty for a crime I am not going to commit. I am not stopping mothers bonding with their children, or fathers bonding with their children. That is not the debate in front of us today. Please do not make me feel guilty for that.

It is what Deputy Fallaize says, we are going to be discriminating against new mums. No, we are having, hopefully, an adult conversation about proxy voting in a parliamentary Chamber. Not about parents and bonding. You have got all the days of the year to do the bonding with your child. We are talking about votes in this Assembly and the proxy part of it.

1120 Please, I am not the Child Catcher here. I am going to touch on one point from Deputy Meerveld. The proxy is a real gift to the person you are giving it to and you may have some very

easy Proposition, where it is a straight black and white answer: I want you to vote this way. But the proxy may be given in terms of: 'I normally vote the same way as you, I will leave it up to you to make your judgement after listening to the vote. You have got my vote, use it wisely.' Is that acceptable?

1125

What we really need to have here is a proper debate about proxy voting and does it stand on its own right? It should not be brought in on the coat-tails of a sea of emotion about a narrow band of mothers and fathers bonding with their new-born children. It should stand on the premise that proxy voting is a good thing for us, in our particular parliament, for us to have. Please, make that argument to me today. Tell me why proxy voting is so good. Please do not go into the emotions of motherhood or fatherhood. That is not what we are debating. It is for what is right for this Chamber and how we pass on our vote for a particular item.

1130

So please, for the remaining Members who are going to be speaking, please try and convince me on that. But at the moment I do not see how proxy voting would be a good thing to have for us. So please do not make me feel guilty for a crime I have not yet committed.

1135

Thank you.

The Deputy Bailiff: Deputy Prow.

1140

Deputy Prow: Thank you, Mr Deputy Bailiff.

I can be brief at this stage in the debate. Can I just pick out the words that have been made in this debate a couple of times by a couple of speakers who have mentioned this is not the final product? I tend to agree with that view. The first thing I should say is I have every sympathy indeed with the description that we have had around the problems of breastfeeding and I think the excellent speech we have just heard demonstrates that entirely.

1145

I would go back to the speech made by Deputy Tooley, which is that if we are going to really move forward the situation for young mothers who have just had children, it is around the facilities that we provide in this courthouse. Quite recently, five Members of this Assembly visited the Isle of Man.

1150

There are two points I would make that come out of that visit. The first being that the facilities for States' Members in their building were superb, far superior to the facilities, and if we are going to be good employers then we need to be providing the same sorts of facilities: crèche facilities and proper facilities for breastfeeding. That, to me, is what we should be pushing for.

1155

Going back to the policy letter, the policy that has been forwarded in the letter is not the final product. However I commend SACC for bringing the policy letter and having this debate, because I think that is an important debate to be had, but this debate is about proxy voting.

One other point going back to the Isle of Man. They do have a rule about attendance and leave of absence and their Rule 3.1 of Tynwald says:

Every Member, unless that Member has leave of absence, shall attend the service of the House. The Speaker may either grant a Member a leave of absence, which shall be communicated to the House, or the Member shall be required to seek leave of absence from the House, sitting in private.

1160

Now that, when we discussed this with the Speaker, does mean that there is a real culture of attendance and I think that this debate has teased out the need for Members to come and debate, fully participate in that debate, and vote. I think the point was already made that that is the one thing where we are all equal and we all have a vote and it is a very important part of the parliamentary procedure.

1165

So I have every sympathy, but I think the answer, for me, is about providing proper facilities for young mothers, or for fathers, for that matter, to be able to look after children in the precincts of this Court.

Thank you, sir.

The Deputy Bailiff: Deputy Tindall.

1170 **Deputy Tindall:** Thank you, sir.

I had raised various queries on this, because I had hoped, as Deputy Ferbrache said, that it would go through on the nod. Because there is debate I felt I would like to make a few points. For example, someone said about approval may be the slippery slope, despite the opening comments of the President of SACC. Deputy McSwiggan explained we were at the bottom, looking up at that slope and I agree. But even for those who consider it is a slippery slope, why use that as a reason not to approve this small but valuable step?

1175 I would just like to read a very brief comment made by a lady who some of us have met, entitled *Necessary Baby Steps Towards the Good Parliament – Proxy Voting in the Commons*. It is by Sarah Childs, professor of politics and gender at Birkbeck, University of London. One paragraph says:

To many women it would seem absurd that there was no formal system of MPs' baby leave in parliament until 2019.

Which, of course, was when the UK approved it.

Parliament legislative on maternity, paternity and parental leave for other institutions and organisations but, too often, parliament does not think of itself as a workplace, nor one that houses women who will become mothers. The UK Parliament is not alone in having failed to make provisions. My brother in Canada was confident that his parliament (read modern, liberal, 'hey they have Justin Trudeau'), has such a system. It does not.

But, as I interject, it does have pairing.

According to the Inter-parliamentary Union, some 25% of parliaments failed to make specific of match statutory provision. At Westminster, Holyrood and the National Assembly, all rely on the informal. Women MPs take maternity leave by requesting it from their whips, whose good will they rely upon; when 'necessary', new mothers would find themselves having to travel to London to vote.

1185 I think that reminds us of what Deputy Tooley said, because we are not all equal here, because those who can vote, except for those who are, for example, on statutory maternity leave. Okay, two weeks, but it is still there.

Also, I am not a mother, not having been blessed. But I do not need to understand the steps that we need to do for others who have been or will be. My concern, as I mentioned originally, was how it will all work. A bit like Deputy Brouard mentioned. But on this occasion, I am happy to run with my minor concerns, to ignore them, and just say, 'Go for it.' Because it is such an important statement, that Members here understand and I accept someone else's needs. They have empathy, not just sympathy, and not actually having to have experienced it themselves.

Thank you, sir.

The Deputy Bailiff: Deputy Merrett.

1195 **Deputy Merrett:** Thank you, sir.

I will try to be quick, because as a woman Member of the Assembly, I have to run down two flights of stairs to use the bathroom! Then I will have to run back up two flights of stairs, so I am going to be relatively quick. I am a bit confused because some of us have said we have to listen to debates, we have to hear the debates to make our decision, we must come in, or we should come in, or potentially might come in with an open mind.

1200 Of course, many Members are not in their seats now and many Members can, if they choose to do so, go to the Members' room and listen to debate. Also they can choose to go out and have a cigarette or they can go and chat by the coffee machine. That is their choice and that is up to them. I always try to remain in my seat throughout debate, unless of course, nature starts to call, and I have to make a big, mad dash.

1205 So if these Members that are saying, you have to listen to debate, or we should listen to it, why do we have the guillotine Rule, sir? Why do we ever stifle debate? Why do we then say, 'Actually I

1210 do not want to listen to debate, I want to cut it now. I have made my decision.' So I am sorry, I am a bit confused by those Members' stances.

1215 Of course, if we did not have something called instantaneous communication, I would actually be rather more hesitant than I am in approving this before us today. A Member can listen to debate in the Members' room today, if they wish to, on the radio, various live streams, and they could make an instantaneous communication to the Member – and I will come back to how you choose that Member because I was a bit concerned about some of Deputy Meerveld's comments as to who you would choose and how that would happen – but it could happen instantaneously, so that if there is something that is said, a Member could make that decision and of course the person they have asked to proxy vote for them, it might be, if I ever need to do it, one expectation is that they would be able to accept an instantaneous communication up to the vote being called.

1220 That would be something that I personally would need to ensure the person I asked to was able to do. These things, they are just excuses, they are not reasons.

Deputy Meerveld: Point of correction, sir.

1225 **The Deputy Bailiff:** Point of correction, Deputy Meerveld.

1230 **Deputy Meerveld:** Sorry, in Deputy Merrett's speech there is an assumption that the proceedings of this Assembly are broadcast, but there is no guarantee that that service will be available permanently. It is a commercial service. There may be no way for somebody to remotely listen to this debate.

The Deputy Bailiff: Deputy Merrett to continue.

Deputy Merrett: Thank you.

1235 I wonder how many hundreds of years we have had radio for, but again I think that would be an excuse and not a reason. The reason I interjected with Deputy Lester Queripel is that it really is not about pregnancy; having a young child is not an illness. It is a point of time where the formative years of nurturing are really important.

1240 We can look at this both ways, so I will look at it the other way. If you are able to have this opportunity, this choice, this option, then actually arguably, and I would argue, sir, that gives less pressure to the person who has adopted or had a baby, because they can choose. They can say, 'Actually, I feel very strongly and passionately about this' – as Deputy Oliver alluded to earlier – 'I need to leave but I can actually still have ...'

1245 It is taking that stress and pressure away; actually I think it is a positive step and certainly not a negative one. A Member, I cannot remember who, said, 'Oh, six months. So after that would you retain your seat?' Clearly, this is currently already in the Reform Law, section two. I will read it to Members because maybe Members have not led the Reform Law as recently as I have. Section two says:

If it shall appear to the Royal Court, on petition brought by the Law Officers of the Crown or either of them, for the People's Deputy ...

I refer to (c) now, sir ...

... has not, whether by reason of illness, absence or otherwise, for 12 consecutive months, fulfilled the duties of ...

1250 – it says, 'his office', but I am assuming his or her office, because in the eye of the Law, his is her. So that is 12 months, sir.

I will now go back to what Deputy Meerveld said, because I think he was alluding to, and I am quite willing to give way, if it is actually a point of correction, about using the vote. This worried

1255 me immensely, sir, because as a Deputy, I do believe we have a trust and we have an integrity. The vote, it says in the paper, will be recorded.

I would not ever, sir, give somebody else my proxy vote if I believed for one moment that Member did not have integrity.

I give way to Deputy Meerveld.

1260 **Deputy Meerveld:** I thank Deputy Merrett for giving way.

The issue is, and I think alluded to this in my speech, this Assembly is where the final decision is supposed to be made. You may give your proxy vote to somebody and a direction on which way you want them to vote. There is no guarantee that a mother, I think as one of the other speakers alluded to, may be called away to look after a child, may not be on the other end of that
1265 radio, assuming it is available, listening to the debate, to make a decision when an amendment comes through that might throw out all the previous Propositions and replace them.

Amendments come to this floor and can fundamentally change the Propositions that are on offer. There is no way that a person remotely can necessarily control that vote and they may end up with that vote being used in a way that subsequently they regret.

1270 **Deputy Merrett:** Sir, I will try to add intelligence to that interjection. If I give a proxy vote, I could say to a Member, 'If an amendment comes in, I do not wish to vote.' That is not actually difficult, is it? I think that is another excuse that I have blown out of the water in a few seconds. What we will now talk about is questions of a quorum. Somebody else mentioned, I cannot
1275 remember, sir, it might have been Deputy Meerveld, but it was a question of a quorum and in the Oxford Dictionary it simply says, again a little bit of research:

The minimum number of members of an assembly or a society that must be present at a meeting to make the proceedings valid.

To form a quorum you need to be physically present at a meeting, therefore voting by proxy would not and cannot – and the policy letter even states the committee does not think it would be appropriate for the absent Member to be referred to as a Member actually in the Assembly. If
1280 Members just read the policy paper, it is actually in there. There we go, so not only are we here, we are actually also meant to read the papers.

So the barriers to standing, sir, which Deputy Dorey referred to, I will speak personally now, sir – personally, and this is very personal to me, I would not have stood for election if I believed I may potentially want to expand my family, or in fact I was able to. Because I feel so passionately about
1285 having a vote, having a seat, and I want to be here for every vote and I want to do it with as much integrity, intelligence and independence as possible.

But that is me, personally, sir. Yes, it would have been a barrier to standing. That is why I did not stand until my child was old enough and independent enough to negotiate the Guernsey streets independently while I am in debate. That is very personal to me. That was my decision.

1290 I give way to Deputy Oliver.

Deputy Oliver: Thank you.

Would Deputy Merrett agree with me that sometimes, actually, babies do come along! I was practically told that I could not have any more children, so when I stood for election, I was not
1295 going to have any more and that was that. Whereas I was actually blessed with twins, which was a miracle.

Two Members: Hear, hear.

1300 **Deputy Merrett:** I absolutely agree with Deputy Oliver and, if I was able to, and it happened, then I would be absolutely delighted. I can assure you. However, my personal choice was that

because I felt, in an Assembly of 40 Members, and one vote, as we have seen, the very first vote we took in this political term, can be swayed by one vote.

1305 I feel the pressure of the 1,664 people that voted for me to make sure that I am here to represent them and to vote. So I feel very passionately, and so yes, it would have been a barrier to standing.

Oh, I will give way to Deputy McSwiggan.

1310 **Deputy McSwiggan:** Would Deputy Merrett agree with me that when we talk about things being barriers to standing, they are not just barriers about our own judgement about whether we should stand or not, but about the judgement that others make of us?

Deputy Merrett: I thank Deputy McSwiggan for her interjection.

1315 I think Deputy Oliver alluded to that. It is the perception of our community if Members are not present. We voted yesterday, in the States of Election, for a Jurat and other Members said to me, 'I cannot vote for them, because they could serve for 30 years. I cannot vote for that woman because she is of child-bearing age.' We all know Charlie Chaplin, who was obviously a man, was of child-bearing age, as many men are, for a lot longer than women are. So let us not vote for anybody, then, unless you are a woman over a certain age, because that is the only person, 1320 potentially, who cannot have a child.

I am going to counter what Deputy Brouard said. This is clearly about, it is in the paper, proxy vote in the circumstances as in the paper. It is not about opening the floodgates, it is about is it reasonable? Is it practical? Can we, as Members, decide, or determine, or a Member, in national conversation, besides an officer, when this six months should begin or end, and are we actually 1325 able to trust another Member to have integrity that another Member will cast a vote as we would wish.

The first time I saw this paper at the committee, I did not say you eureka, we must do this immediately. I was warm, as I think many Members potentially are today, sir, or were on the first flush of reading it. I was warm to it. I had many questions, which have been thrashed out in the beauty of what is our deliberations of a diverse States' Constitutional Committee. We bashed 1330 those things out and I was determined that we had something and that it should be paternal, not maternity or paternity, but we should at least try to have something.

I am pretty sure, although Members may test it, because I have got a note from a Member, they may test it. A requête for a crèche, after-school provision in the Assembly, then. That would 1335 have a cost implication. I cannot believe Members will be as warm to that as potentially to a proxy vote. This is about treating Members as adults, as being able to make an informed decision on whether or not, and it is whether or not they wish to use this and it is an opportunity.

Somebody mentioned Alderney. Actually they can send an alternative. Members that have mentioned Alderney, sorry, do you believe we should send an alternative to sit in my seat today? 1340 If you do, let us see that policy paper. I cannot think for a moment that would fly.

We have talked wider than just this policy paper, so I will end my note on this. As a child-friendly Assembly, my child could not even get into the building yesterday when it was raining. My child was left outside in the street waiting for me, because the Court doors were closed at a certain time and we sit until 5.30 p.m. So there are many things that we can do as an Assembly to 1345 make it more Member-friendly. We actually loan this from the Royal Court, for a start, so we are privileged to have this actual building in the first place, probably why they have not got a female toilet, at least not a female toilet on this level – I am not sure but there we go – at the moment. Yes, it is out of order.

1350 **Deputy Lester Queripel:** Sir, point of correction.

The Deputy Bailiff: Point of correction, Deputy Lester Queripel.

1355 **Deputy Lester Queripel:** Under normal circumstances, the toilet on this floor can be used by male and female.

1360 **Deputy Merrett:** It can, sir, but it is currently out of order so I need to go and dash and make a run! So, filibuster Deputy Inder, if you do not mind, until I get back! But there are many things we can do, very simple practical things we can do. Deputy Inder in his opening speech said 'modern', I would say 'progressive'. I would say it is progression. If Members do not want this to go any further than what is in the paper before them today, then stand for re-election, get re-elected and make sure you are here for the vote, not in the Members' room, listening to the radio, not having a cigarette, not by the coffee machine and not making a mad dash down to the bathroom.

1365 Thank you, sir.

The Deputy Bailiff: Deputy de Sausmarez.

1370 **Deputy de Sausmarez:** Thank you, sir.

I will pick up, I think, from where Deputy Merrett left off, not least to filibuster to give her time to get back into the Chamber now she has made a dash for it! I would actually say, rewinding four-plus years, when I was first considering whether or not to stand, actually the motivating factors, the really crunch issues that tipped me over the quite reluctant cusp into throwing my hat into the ring, were very much because I was a mother of young children and not in spite of.

1375 Many of the issues that were deliberated in the previous Assembly were directly related to me and my situation at that time of my life. We had issues around primary school closures, obviously secondary education was being remodelled, but also maternity services and whether or not to subsidise pre-school, these were all issues that I felt were very pertinent to me and my situation and many others like me at that particular time in my life.

1380 Yet when I looked at the Assembly at that time, there were very few, I think there were probably only ... there were very few female Deputies with young children. Young, I am categorising as primary school. There were none that were very young, certainly none that were at pre-school and not that many men with very young children either.

1385 So really that was one of the big motivating factors that made me, in some respects, otherwise reluctantly, throw my hat into the ring. I felt that the Assembly, the States was not very representative in that respect and I thought that was something that needed to be addressed. Touching on what Deputy McSwiggan and Deputy Merrett have said, I would not like anyone to under-estimate how steep that slope looks from the bottom.

1390 The States, from the outside, from somebody who had not served in the States before and from someone who wanted to do something about these and many other issues, the States did not, and I suspect still does not, come across as a very accommodating place for people who want to have children.

1395 I have to say I gave very careful consideration to that particular issue and I decided to take the plunge, in terms of putting my hat into the ring for election, but I know many would not. It really did feel, I think hostile is probably going a bit far, but very inflexible and very unaccommodating. That behaviour was not being modelled. I could not see any Deputies ... I know there have been, I think Deputy Steer had a baby while she was in. Actually I think I was a teenager at that time, it was not really on my radar. In my living memory of the States, I just did not see female Deputies having babies. I was not sure if it was even possible. I know, technically possible!

1400 The point is that none of the strictures of the States were accommodating of that. It was not considered to be a normal thing. I was the first female Deputy in this term to be publicly pregnant and (*interjection*) I have chosen those words quite specifically, actually. It did cause a little bit of a stir. I have to say I was actually very pleasantly surprised, in many respects, of how accommodating, certainly, my colleagues were and I would take this opportunity to thank SACC for bringing in several family-friendly measures.

1405

I have to say it was only when there was someone else who was likely to be in a similar situation that I thought it was worth stamping my feet over. I, for one, did not have any particular problem with breastfeeding in a public space because we did not have a private room available to us and all the rest of it. But I knew that I was not representative and the same goes, Deputy Tooley mentioned that I did not miss any meetings or any votes, and part of that was down to luck of where the meeting schedule fell.

But I have to say I do recognise that I am not necessarily representative of other people who would be in my situation in future. I have got, among many other things, a very strong support network. I have got a large, extended family on-Island. I have got the ability to access other forms of childcare and I know that is not necessarily typical of other people. So the way that I am able to arrange my life is perhaps different from how other people would be able to. So I think it is really important that we do make measures that make it universally easier for people in that situation.

Deputy McSwiggan did interject with something quite pertinent, I think. She was talking about the judgements that others make of us and I have to say you really are damned if you do and damned if you do not in this situation. Deputy Oliver was criticised for not being in the Assembly to cast her vote and make her voice heard and I was criticised for being here. You cannot win.

Touching on what Deputy Brouard said, I do not think you can disaggregate the emotion from it. I think it is something that needs to be considered and, again, I think Deputy Fallaize addressed the point that Deputy Paint made, in terms of can we not just be a bit more tolerant? This proposal is a way of being more tolerant. It is a way of being more flexible and more accommodating and sending out a very useful message.

I think we do need to keep things in perspective, as well. There has been a little bit of panic that has flown around the Chamber, thinking that everyone is going to suddenly be having babies and we will have half the Assembly off for six months, sending in proxy vote by carrier pigeon or something, but no, I think we do need to keep it in perspective.

In reality this is not going to affect large numbers of people simultaneously and the other thing that I would say is that I would imagine that people are not going to be irresponsible with their use of a proxy vote. I think they would use it very cautiously and very wisely and to counter-balance some of the discussion that has taken place about you need to be in the debate to make an informed decision, absolutely. We have already heard arguments about people going off for a cigarette and chatting in the Members' room and all the rest of it, but actually the counter-side to that is someone who might have been prevented from being in the Chamber could be someone with a much better informed view than average.

I imagine it is on those occasions, on a particular issue that is being debated, I think we all have areas where we know we have a very detailed knowledge and understanding, particularly, for example, if it is within the mandate of a committee that you serve on, then you already have a very informed view and you have probably rehearsed many arguments and you understand the debate, probably better than the people who are dipping in and out of the Chamber itself.

I think it is especially in those situations, where people who are unable to get to the Chamber for these reasons, would feel wronged, would feel very frustrated – I know I certainly would have – if they were not able to cast an informed vote on a subject they know very well. But I do think people are likely to use this very responsibly.

In summary, I do think that this is, as many people have said, not the perfect set of proposals, I think it is unlikely that the States would support what I consider to be the perfect set of proposals, but it is very definitely a step in the right direction. I just do not think we should be cutting off our collective nose to spite our face on this issue.

One of the most important things it will do, other than the day-to-day practicalities of what it would do, is send out a very helpful message, and it would send out that message, not just to people thinking about standing for the States, and I have stood up so many times talking about the importance of a representative Assembly, it would not just send out a strong message to potential candidates to say, 'Actually we do move with the times, we do understand the pressures of life, especially life as a parent of very young children,' it would also send out an important

message, and this is something that Deputy McSwiggan talked about, to businesses in the Island. Deputy Oliver was quite right to say we do not have anything particularly on our statute books that puts us in a particularly good place, when it comes to the rights of parents in the workplace.

I have stood up so many times talking about the importance of flexible working practices and the impact that has on productivity in our economy and this would send a really strong message to the community that, in a small way, we are prepared to lead by example, and therefore I think it is something that the Assembly should support and I very much hope that we will.

The Deputy Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

Like Deputy Ferbrache, I rather naively imagined that this was going to be a short debate and that this item would be nodded through as a fairly minor progressive development and, in the pantheon of nations, if Australia and New Zealand are the two parliaments that do permit this then I think that is not a bad example to be following.

I say it is minor. I think in the context of this States, four Members, two male, two female, would have benefited from this change during this term. There are 40 Members here, 12 months a year for four years. That is 1,920 person months available to us as an Assembly, with four Members benefiting of six months. That is 1.25% of the entire number of months available to us that would have been available, using this scheme.

If we imagine that perhaps the next States may have a slightly more representative composition, perhaps as a result of this change, who knows, that number may increase somewhat. But I do not imagine it is going to become particularly material. So I do see this as being, as I said, a minor progressive development, not the big threat which a number of Members have spoken to.

In terms of other categories, whether it is caring for other relatives or personal sickness, that is not for debate today. I am very content to allow this Proposition to move forward. That would inform any future debate on whether it would or would not be appropriate and relevant, and on that basis I am happy to support it.

With regard to Deputy Dorey's challenge to be consistent with regard to absence from committees, I am happy to be entirely consistent because I have supported that and regret the decision of the States not to permit that either. But on this occasion I will support the Proposition.

The Deputy Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

I have listened quite intently to everything that has been said. I am still sort of somewhere in the middle and I appreciate there are probably not going to be too many more speeches to help me go one way or the other. I am something of a nit-picker, I think people will appreciate that, which is probably why I was put on Scrutiny the first time.

There are two issues here that have actually come to my mind, listening to the debate, hopefully I will give way to Deputy Le Clerc if she can actually help me out, and to H.M. Procureur if she can help me out in another issue. The first one is are we actually self-employed or not? If we are, are we always or are there sort of odd times when we are actually not? Do certain authorities consider that Members of the States are in some instances but not in others? How does that all work out? That is the first thing.

I will give way.

Deputy Le Clerc: Thank you, Deputy Le Pelley. I would say, for insurance purposes, we are regarded as self-employed, so that is all I can say.

Deputy Le Pelley: I give way to H.M. Procureur, as well.

1510 **The Procureur:** Just to advise Members that the definition of employment, under the Employment Protection Law 1998 confirms that one is employed if one works under a contract of employment. Of course, States' Members do not work under a contract of employment.

Deputy Le Pelley: I will give way to Deputy de Sausmarez.

1515

Deputy de Sausmarez: Thank you, Deputy Le Pelley.

I defer to the greater legal knowledge of H.M. Procureur, but all I can say is that when I had some very lengthy and complicated phone calls with Social Security, who I have to say they tried their absolute best to find a way through, but it all boiled down to the fact that we are in a very
1520 unique situation and there really is not enough clarity around it at the moment. But I know it was incredibly complicated. I filled out so many different forms, giving so much information. Deputy Oliver is in the same boat. It is just very complicated and unusual.

Deputy Le Pelley: Thank you.

1525 I also wish to stand and give my apologies to Deputy Oliver because I believe that I was the person who spoke until 7.20 p.m., which caused her all her pain and anguish. I had not realised just what you were going through, so my heartfelt apologies, via the chair, of course, to her.

My second point, though, is to do with exactly how the Law will be interpreted. So I am still looking to H.M. Procureur for advice here. I am looking also at the Law as it stands. If a woman is required to not work for two weeks immediately after giving birth, if that is the Law, then how
1530 does that actually fit with the idea that this lady Member, or even the gentleman – I do not think it would appear to engage a male ... If the female, the mother, is actually within two weeks of having given birth and she is therefore technically, not technically, legally not allowed to work, is not listening to the radio in the interest and because she is listening to what is going on in here
1535 (*Interjection*) – I have not finished the question – what would the situation be if that person was actually listening to the radio with the intention of casting her vote and/or communicating with another Member to cast a vote on her behalf, not be considered working? I have asked the question of H.M. Procureur first but I will certainly give way to you immediately after she sits down.

1540

The Deputy Bailiff: Is that a question that you can answer, Madam Procureur, at this stage or do you need to have a think about it?

The Procureur: Thank you, sir. I believe I can answer it but thank you for inquiring.

1545 Under the Maternity Leave and Adoption Leave (Guernsey) Ordinance 2016, that Deputy Tooley referred to earlier, the provisions that require an employer not to permit an employee to work apply to that employer and employee relationship, so that requires the employment relationship, which I referred to earlier, which does not apply in this case for Members.

1550 **Deputy Le Pelley:** Thank you. That is confirmation that it would not engage in this instance. I will give way to Deputy Tooley.

Deputy Tooley: I am very grateful to Deputy Le Pelley for giving way.

1555 If those ordinances were to apply in this situation, we have placed an assumption that, in all cases, Deputies would be listening to debate and making a decision on the hoof, as it were. But I think the provisions that are made through the policy letter would not necessarily require that to be the case.

We all know that there are times when people have made the decision not based on debate but based on their reading of the policy letter and their research. The publication dates of policy
1560 letters mean that in many cases, if that is the way somebody works either habitually or on

occasion, they would be in a position potentially to have made their decision in advance of debate.

Deputy Le Pelley: Thank you.

1565 I am very grateful for those people who have stood up to help me out with the legal position. I am still hoping there will be further debate, which will enable me to make my decision.

Thank you.

The Deputy Bailiff: Deputy Green.

1570

Deputy Green: Sir, thank you.

1575 I can be very brief. Having listened to most of the arguments being made, I am not going to be able to assist Deputy Le Pelley, because I think they have been made absolutely adequately. Every instinct in my fibre, in my body, in my thinking tells me I should support this policy letter and I will. I will support all of the Propositions.

1580 I must say I do not think the States' Assembly and Constitution Committee really helped themselves with the policy letter that was issued in support of these Propositions, because I think it is a bit thin. But, having listened to the debate and having, in my judgement, picked up on the fact that most of the arguments against this proposal, I think, have been very thoroughly negated, I will absolutely support this.

I think it is a desirable step to take. It is a feasible step to take. And you have to start somewhere with regard to proxy votes. I, like others, would have probably taken a much more radical approach to this but, nonetheless, you have to put a toe in the water, you have to start somewhere and I think, in respect of new parents, that is exactly the right starting point to take.

1585 The other point, which I think has been comprehensively defeated in this debate, is this point about the obligation on the Member to listen to the debate before you cast your vote. I think a few people have touched on this. I think that may be the utopian ideal of what we aspire to do here, in theory, and I think Deputy Fallaize touched upon this. That is the theory but that is not really the typical practice of what actually happens.

1590 It is actually quite rare for people to come into a debate with one view and then change their view during the course of the debate. They may say that is what they are doing but that is not necessarily fully the reality. So it is not about adhering unquestioningly to some utopian ideal of the fact that we only ever deliberate and then come to our views and sometimes change our views because of debate. It is much more complicated than that.

1595 So I think this is desirable. It is feasible. I will support. I was not necessarily helped that much by the policy letter but the quality of the debate today I think has been pretty good and I think the arguments against this proposal have been pretty comprehensively defeated in my view.

The Deputy Bailiff: Deputy Gollop.

1600

Deputy Gollop: Thank you, sir.

1605 I know there are probably those who want to curtail the debate already but the thing is there have been quite a lot of long speeches today. I remember we started with Deputy Lester Queripel and I sometimes feel a bit disorientated but let us actually look at what we have got here and I do not think we have talked enough, actually, as Deputy Green has reminded us, about the policy letter itself.

1610 People have talked about Members of Parliament across the Commonwealth, in the United Kingdom – different system, we are not a 'house' in that sense and in any case there are currently a growing number of independents within the United Kingdom parliament, which will probably grow even faster from now on. Whilst we have been debating, for two hours, this debate, the UK has apparently signed up to a Brexit deal. Other places have been kicking on with things.

1615 On the Report, I actually found the policy letter quite useful in that it taught me some things I did not know. They used the expression on page four, of *séance tenante*. Now our Deputy Greffier always correctly pronounces *séance*, I always thought it was something to do with mediums predicting the future. In fact it means during the sitting, *séance tenante*.

1620 Also within the policy letter, we hear about secondary propositions. When I tried to look that up, all I got was another reference from the magic of Google, to another missive from the Greffe, about what the difference between a secondary and a primary proposition was, which did not really help me because neither of them were amendments, or votes that you, sir, might ask for us to take, for example.

1625 Nevertheless, I think that a lot of the arguments we have heard from people about the impossibility of implementing this are pretty weak. Because here I am surrounded by a couple of iPads and a thing that sometimes buzzes when I am trying to give a speech and the reality is that, if I was here and another Member was absent and they were following the debate, they would be in the context, not of being ill or caring for an adult child or all the other good reasons why Members might be absent, but in the specifics of having a young infant under six months or being a new parent, and it is gender neutral because I think it applies to fathers who might want to witness the birth as well, the way it is written.

1630 They would communicate for that period of six months to, let us say, me – I think it would be a miracle if I was having a baby, but that is another matter – which way they want to vote and, if they were in a situation where they could follow the debate through the radio, they could communicate that to me and, if they were not, then I would not vote on their behalf, because I would have the integrity to say, ‘I am not sure which way Deputy Merrett –’ or any other Deputy in that situation – ‘might wish to go.’

1635 But in normal circumstances, if there had been a ground-breaking, game-changing amendment, as there often is from Deputy St Pier, putting a Policy & Resources’ new package on the table for a measure, then clearly I would expect to gain communication in one way or another, not by carrier pigeon probably, but through electronic or letter means, and I would then communicate that appropriately to the Presiding Officer and the Greffe when the time came.

1640 Although it is not exactly clear in the SACC letter, clearly you, sir, as the Presiding Officer, or Deputy Presiding Officer, would have to agree, under specific circumstances that could be verified, and I do not think that would mean a minute before the debate began or a minute before the session.

1645 In fact we had an interesting diversion in Alderney yesterday, when the new President there, perhaps rightly, according to their rules, I know not, tried to prevent two Members from speaking or voting on a debate who had just arrived in the chamber. In their instance they do not just have to be relevéd, they have to be effectively signed in from the beginning of the debate, apparently. So every Assembly has different rules and we have seen situations here where somebody has disappeared the whole day and turned up just for the vote.

1650 I have missed the odd vote, usually because I have been having a cigarette break, but that is not covered within these Rules. (*Laughter*) As for Members’ facilities, that we have mentioned, in Jersey and the Isle of Man and places, they do have more facilities than we do and they have more pay. There is a good reason for that, they are bigger economies, bigger populations and they have separated, if I can be slightly radical, their Royal Court functions from their political assembly functions.

1655 That is a different conversation and I would also suggest, as Members will know I have stood in the past, been a Member of the House Committee, as it was, and SACC. I stood for the Presidency, Deputy Inder kindly nominated me and I missed by two votes to Deputy Roffey. I think one of the reasons why I am really keen to be involved in that committee is I do not think successive SACC committees, if I am honest, have really got to grips with what being a Member in the 21st Century is.

1660 I think the mini-debate we have just had about whether we are employed under employment contract or whether we are self-employed and what our maternity status is, is very relevant,

1665 because I would argue and have argued to Deputy Inder that we are neither self-employed nor employed. We are holding an office, which is a very old-fashioned concept and it is one of the reasons why certain elements of protections and police protections do not apply, weirdly enough, because it is a very odd scenario.

1670 I would also argue that, if Members have received good advice from Social Security, although I think, humanistically, they should probably take it, I suspect it was technically wrong because I think Members are more akin to running their own businesses, unfortunately, and we have no sense of being an employee. The public, perhaps, need to get into that conversation as well.

1675 So where I am at with all of this is I think we should get on with the vote, support SACC. It is nothing to do with Members being at Commonwealth Parliamentary conferences, or Raving Loony conferences, or being long-term sick, or having a partner who is very ill, or coping with adult children or grandchildren or, what Deputy Stephens implied, you can still be a mother at 98 and have to cope with difficult children.

1680 It is nothing to do with that. It is very straight forward. It is a particular form of improving our diversity for an under-represented part of the electorate, whatever social status they come from. I will just mention here that strangely enough today, the WEA are going to start with Deputy St Pier as a star speaker, I think, a course on who wants to be a Deputy for a few weeks.

1685 We are trying to make the experiment work of an Island-wide election. We are trying to give greater democracy and representation to the public. We should be doing everything possible to maximise the appeal to younger parents, single parents, people in their 20's, 30's and 40's, and across the board. If we say no to this today, what message will that send out about our commitment to 2020?

The Deputy Bailiff: Deputy Soulsby.

1690 **Deputy Soulsby:** Sir, I will be very brief. I think the key speeches were made yesterday, from Deputies Roffey and Stephens, and earlier this morning by Deputy McSwiggan. Just to follow on from what Deputy Chris Green said earlier, I think the debate has probably gone longer than it has taken for the policy letter to have been written.

1695 I guess, when I first read the policy letter, I was a bit ambivalent towards it. I probably thought I could support it. My concerns probably related less to whether it was right or wrong to have proxy voting, but more to the practical aspects, such as how this would work with simultaneous electronic voting. But that is purely technical and I think I have worked it out in my head. I am sure Deputy Inder has as well. I am glad to see him nodding.

1700 I have to say, though, I think the daftest point was made by Deputy Trott, when he said how many people in the world were represented by a parliament who did not have proxy voting. I think many of the population have considerably more human rights that need to be addressed before they even get around to proxy voting, and that includes some Commonwealth countries.

1705 So I would hope that approving this policy letter will demonstrate what a mature democracy we are. For me, it was Deputy McSwiggan's speech that did it. No one who has spoken since has managed to persuade me otherwise and so I will be supporting the policy letter.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1710 When I first read this policy letter I was thinking, yes I am going to support it, and how can I amend it to capture people in situations such as I find myself, when I have an adult with complex needs to support? Then, looking at the way it has been designed, it has been clearly designed, through its purpose, with nursing parents in mind, and it would be too complicated for me to try and conflate these two issues.

1715 So I started in favour of this, but listening to debate, now I am going to vote against it. Personally my situation would not be resolved by proxy voting. My situation would be resolved by

adequate mental health and adult disability provision. That is not a slant on the Committee *for* HSC, because they have got a hard job to do and they are making progress.

1720 But I think the States should be an investor in people, should make facilities for young parents, etc., as many people have mentioned today. The States should do creative things like that. Proxy voting is not the answer, I do not think. It might be demonstrating to be a step in the right direction, but I do not feel it is a positive step. I really do not.

Deputy Meerveld has come up with a few reasons why it could be abused. Other Members have too and I honestly think that we would be going down the wrong direction. I understand the spirit of it and I understand why SACC have brought it, but I will not be supporting it.

1725 Thank you, sir.

The Deputy Bailiff: Well on the basis that none of the few Members who have not spoken wish to speak, I will turn to the President of the States' Assembly and Constitution Committee, Deputy Inder, to reply to the debate.

1730 Deputy Inder.

Deputy Inder: Sir, thank you.

1735 I have got quite a few notes. I am going to try and first of all thank those people who have been supportive and those who are wavering, trying to persuade them to come in what would be, in our view, a sensible direction.

Deputy Prow and, to a degree, Deputy Leadbeater, on balance, wanted more facilities in the building. That is do-able but there is no direct connection between the two issues of having facilities within the building and proxy voting. There will be occasion, through illness, care and circumstance, that proxy voting will still be required. So we could have that separately, if we are allowed to touch this building at all, but I genuinely do not see the connection between the two.

1740 Deputy Green spoke about a debating utopia, or dystopia, maybe. He suggested and I think it is fair, I think sometimes I am probably just as guilty as anyone, it is overstated that the idea of this as a debating Chamber is that we all come in absolutely neutral on absolutely everything, we sit here and we are influenced by a debate. We have either got to stop kidding ourselves or stop kidding the public. That simply does not happen in the majority of cases.

If I can help both Deputy Meerveld and Deputy Lowe, who both sort of touched on that, and they spoke about the importance of the debate; over a month ago, Deputy Lowe told me she had no intention of voting for proxy voting; yesterday, Deputy Meerveld came up to me and said he was not really for this and I think Deputy Smithies nodded in the same way.

1750 So, please, do not tell us that this is a debating chamber, this is the place where we make the decisions and the reason you are not voting for proxy voting is because of the importance of debate in the Chamber when, over a month ago, people were telling me they had no intention of voting for this. Stop kidding yourselves and stop kidding the public.

I will give way to Deputy Lowe. I referenced her first.

1755

Deputy Lowe: Thank you, Deputy Inder.

1760 You are absolutely right. I said right at the very beginning that I did not support proxy voting, for the reasons that I expressed earlier. But just this morning we have heard at least three Members, being Deputy Soulsby, Deputy Leadbeater and Deputy Fallaize, who have said, following listening to the debate, they have changed how they were going to vote from when they came in.

Deputy Inder: And I will give way to Deputy Dudley-Owen.

1765 **Deputy Dudley-Owen:** Thank you to Deputy Inder for giving way.

I was just going to make the point that Deputy Lowe did, so that makes a fourth Member who had changed their mind from actually having come into the Chamber to having heard the debate. So clearly the one size will fit all argument does not work particularly well.

1770 **Deputy Inder:** Well neither does the argument that this is the purest place, where we are all levitating here, completely in neutral and, suddenly, this is the only place where decisions are made, where quite clearly they are made outside of this Assembly. We need to stop kidding ourselves and kidding the people of this Island.

1775 Deputy Oliver spoke about her personal details and the management of her new-born in one of the previous debates. To be perfectly frank with you, she really did describe, after three days of debate, she simply had to leave the Chamber and proxy voting would have allowed her to lay her vote. That to me was absolutely writ large and where a very sensible Deputy, she is in the Chamber, things at a physical level are just difficult at the time and she had to leave the Chamber because of the debate.

1780 On that, as well, I think Deputy Oliver picked that up as well, Deputy Dudley-Owen again sort of gave the impression that the message we are sending is that people are going to get six months off. The period of being able to proxy vote is just a period. You could possibly, depending on your circumstances, literally spend the whole six months effectively listening to a debate. The likelihood of the women that I have seen in the Chamber, certainly we have got Deputy Lindsay de Sausmarez, who did a marathon at lunch time and Deputy Victoria Oliver, who is managing twins. Look, I have got seven spaniels at home that have been born, I could not handle ... This is not weakness, these women are warriors.

1790 To be perfectly frank with you and I cannot even believe this is coming out of my month, because I do not even know if I have got to say this, I feel quite uncomfortable when men within the Chamber are kind of telling people how – and I know this is about parental leave – kind of telling women how they might feel and they understand how they might feel. No man can understand how a woman might feel. I know that. I would not even dare to tell my wife. (*Interjection*) It has got a lot to do with it, Deputy Smithies, and I will get to your point later.

1795 Deputy Al Brouard seems to think it is emotional and as Deputy Lindsay de Sausmarez said, you cannot extract the two. There is an emotional process of having children. I am just going to stop at that point because I am not going to pretend that I understand the process. I have seen it happen. I did not enjoy it, I still have got marks on my arm, from being held for five hours!

1800 I have got to say I could not leave a debate without any sense of irony. There is no irony at all that a guillotine motion was laid today, which if successful, five of the women in this Assembly would not have actually spoken. Not only did you not want them to speak, you might not want them to proxy vote either. You could not write this stuff. You do not have to because it is actually happening!

Deputy Yerby, as ever, I was going to say wingman, you know what I mean –

1805 **The Deputy Bailiff:** Deputy Inder, it is Deputy McSwiggan.

Deputy Inder: I knew that – I just wrote it down incorrectly.

1810 Deputy McSwiggan, another one of those perfect speeches, adequately described again the challenges that women have entering the democratic process. Deputy Trott, as much as we get on, he told me I was out of order to mention the Commonwealth Women's Parliamentary Association 'threat' as well. Well, I am about to disappoint you because I am going to do it again.

Despite constituting half of the world's population, women continue to be disproportionately represented in governance and at all levels of decision-making.

I will mention another piece. The Commonwealth Women's Parliamentarians:

To affirm its commitment to strengthen the participation of women in government ...

And also:

Recognising the need of increasing women's representation in political institutions ...

1815 This is what this policy letter is about. It is giving women access to a democracy, or at least dropping some of the barriers and precluding them from doing that. Now Deputy Queripel, and I believe it was Deputy Laurie Queripel, I am grateful to him for not laying the amendment. He spoke with our Principal Officer and I have got a rough idea of ... I beg your pardon, I take that all back. I am discriminating against my Lauries and my Lesters, I meant Deputy Lester Queripel. I beg your pardon, Deputy Queripel, through you sir.

1820 He was intending to lay an amendment to expand the process. I think that would have just confused the issue, and sensibly he withdrew from that. Bringing in sickness and care, one of the very sensible pieces of advice from our officers ran as follows: there might be pressure on sick Members to vote when they are too unwell to do so. As we mentioned before, parental leave is not a sickness.

1825 Also, Deputies away on States' business, there was another possible situation of not being able to listen to debate, have the time to keep abreast of debate and vote accordingly, etc. I do not think it would be reasonable for people away on States' business, effectively out of the Island, being able to vote within. It would follow along, basically that my view is that, effectively, you would be looking at a Billet saying, 'Vote here, vote there, vote everywhere.' You have to at least try and listen to the debate sometimes.

1830 A potential increase in scrutiny and pressure on Members to vote in all circumstances and justify why they did not vote when there may be sensitive personal issues at play, they do not wish public domain – bereavement or personal issues, or business – to be discussed. Within the Chamber today, we have heard from Deputy Le Tocq and a couple of other Members who have described and have been quite happy to describe their current circumstances. But there are simply people who do not want to do it. They do not want to describe it and that kind of pressure, by extending it to sickness, or even potentially care, they do not want to do it.

1835 What everyone understands is birth and parenthood. Everyone understands that. It either goes very well or it goes not so well and can go south fairly quickly. This is just purely about a six-month defined period where people who are in that circumstance, we are acknowledging that we have got a slightly more modern society. Deputy Le Tocq has noted that things are moving on. Deputy Ferbrache noted that society was moving on. (*Interjection*) I know I had to pause for that one!

1840 Deputy Brehaut, in his comments, he was concerned about management of intent. Okay, I think that came through elsewhere more strongly but again, Deputy Brehaut, through you sir, it is less to Deputy Brehaut than this general idea that we are all a bunch of rascals that are going to try and grab someone else's vote and say we wanted A but I am going to grab yours and throw it at B.

1850 It is a nonsense. If you have got those kinds of characters in the States, to be perfectly frank with you, the people of the Island should not have voted for them. And you have got to judge things, also, sometimes by your own benchmark. It did not even cross my mind. Had my worst enemy in this Assembly, and I cannot think of him at the moment, Deputy Paint, given me his vote by proxy, it would not even cross my mind to do something else with it –

1855 **The Deputy Bailiff:** Deputy Inder, I think that is probably an inappropriate comment, is it not, to identify a fellow Member, having just said the 'worst enemy'?

Deputy Inder: I was being –

1860 **The Deputy Bailiff:** I understand it might be humour but it is not the sort of humour that is acceptable in this Assembly.

Deputy Inder: Okay, sir, I apologise for that. Deputy Paint is not my worst enemy at all. (Laughter) Anyway, the point remains that to think that a proxy vote would be given to someone else and then be used in a way to vote against the wishes of that person who had given the proxy vote is just rather perverse.

1865

Where I do agree with Deputy Brehaut, and it was kind of expanded on by Deputy Lindsay de Sausmarez, people who have got different parental networks, Deputy de Sausmarez mentioned she has got a certain amount of luck in her life, she mentioned she has an expanded network and that is great for her. She has accepted that and Deputy Brehaut mentioned again basically blue collar parents that just do not have that; they just do not have that at all.

1870

If we are intending to open up this democracy, if we truly believe it, if Island-wide voting is going to do that and if, as I set out in my speech for the presidency, I genuinely want a more representative democracy and I genuinely do want that, this is a very small thing to move on to move towards that process.

1875

Deputy Tooley – that was new information to me, Deputy Tooley, and I thank her for that. I had never heard about this period of confinement. It looks almost medieval. I think English queens actually were put into the dark about two months before they had birth, so we have improved on that. We have given them two weeks after, as well. Hopefully that will be rectified at some point.

1880

Deputy Smithies says that it has nothing to do with gender equality and he repeated again it has nothing to do with gender. I respect that, that his reasons for not voting for that is because it has got nothing to do with gender equality but actually I think it does. I think it is about equalising, allowing women greater access, potential parents into the workplace.

1885

I will save the, I suppose, best for last, really. Deputy McSwiggan mentioned the discrimination legislation. I went back to it last night and this is really for Deputy Roffey. He set the tone, as sometimes happens. It is often the case that the first person who gets up sets the tone for the rest of the debate. I know, I do it enough. There were 39 –

Deputy Roffey: I just want to save some of Deputy Inder's time by saying that I have been persuaded by the debate to support the proposals!

1890

Several Members: Hear, hear! (Laughter)

Deputy Inder: That has not really helped me – I had reams against him! In general the discrimination legislation, which Deputy McSwiggan suggested and Deputy Ferbrache and I were going to sometimes give her a hiding over, effectively, it talks about reasonable adjustments. That is what it does, it talks about, reasonable adjustments.

1895

Truly, seriously, before this document is laid in April of next year, 39 references to pregnancy. Are we really going to vote out a reasonable adjustment today? Because those of you that do, I will be giving you a hard time when this comes back in April or May. Do not tell the working population, the merchant class to do something that we are not prepared to do in this Assembly today. Do not do it.

1900

I thank you, sir, and I thank everyone who supported it and obviously support from my Committee and would ask to move to the vote and if we could have a recorded vote please.

The Deputy Bailiff: Yes. It has just gone 12.30 p.m., Members, but we will have the vote before breaking for lunch. There have been two requests now for a recorded vote, so Deputy Greffier please.

1905

There was a recorded vote.

Carried – Pour 22, Contre 16, Ne vote pas 0, Absent 2

POUR

Deputy Soulsby
Deputy der Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Inder
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Green
Deputy Le Tocq
Deputy McSwiggan

CONTRE

Deputy Prow
Deputy Kuttelwascher
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Meerveld
Deputy Lowe
Deputy Laurie
Deputy Queripel
Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle
Deputy Langlois

NE VOTE PAS

None

ABSENT

Alderney Rep. Snowdon
Alderney Rep. Roberts

1910

The Deputy Bailiff: Members of the States, the voting on the single Proposition was Pour, 22; Contre, 16; the same two absentees. Therefore I declare the Proposition carried. It is now time to adjourn until 2.30pm.

*The Assembly adjourned at 12.35 p.m.
and resumed at 2.30 p.m.*

**IX. Requête –
Prohibition on Importation, Sale and Use of Glyphosate –
Propositions lost**

Article IX.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

- 1. To direct the Committee for Employment & Social Security, in exercising their powers under Regulation 11(8) of the Control of Poisonous Substances (Guernsey) Regulations, 2014, as amended, to revoke all existing approvals of plant protection products (pesticides) containing the active substance Glyphosate (CAS No. 1071-83-6, EU No. 213-997-4), including importation and sale to professional users and the public by 31 March 2020, and final use by professional users by 31 December 2020.*
- 2. To recommend that the Committee for Employment & Social Security should consider granting licensed approval for Glyphosate for the use by professional users for the control of noxious weeds in Guernsey.*
- 3. To direct the Committee for Employment & Social Security to review any licensed approvals for the use of Glyphosate for noxious weeds control by the end of 2022.*

1915

The Deputy Greffier: Article IX, Requête – Prohibition on Importation, Sale and Use of Glyphosate.

The Deputy Bailiff: I invite the lead requérant, Deputy de Lisle, to open debate.
Deputy de Lisle.

1920 **Deputy de Lisle:** Thank you, sir.

The chemical Glyphosate, commonly known as Roundup, is being used extensively on roads, on farmland, and in general household use as a weed killer in Guernsey. Glyphosate has been identified as a group 2A carcinogen, probably carcinogenic to humans, by the World Health Organization's International Agency for Research on Cancer (IARC); and they also understand that it has been found to be bio-cumulative in women's bodies over time and found in breastmilk of American women.

1925
1930 Sir, the chemical has been linked to pollution of water sources, with residues also found in food supplies, and remains in the soil for long after it was sprayed. Officially linked to cancer also in court decisions in the USA. A recent case ended with a \$2 billion award in damages to individuals who claimed they were diagnosed with cancer after years of using Roundup.

1935 Sir, the Biodiversity Strategy of the States of Guernsey is working to reduce the use of pesticides and herbicides to a very minimum and States' Works have reassessed the situation from their point of view as an agency and have taken the decision to withdraw the use of Glyphosate by the end of 2020 due to the effect that this is having on the environment and biodiversity and the increase of the chemical in raw water supplies.

Sir, in the field of poisonous substances the Committee *for* Employment & Social Security exercises its powers under Regulation 11.8 of the Control of Poisonous Substances (Guernsey) Regulations, 2014, as amended.

1940 Now, sir given the purpose and the rationale behind the Control of Poisonous Substances (Guernsey) Regulations, which is:

- to protect the health and the safety of human beings, animals and plants and
- to safeguard the environment, and in particular to avoid pollution of water

– why on earth are we as a Government allowing this pesticide, Glyphosate, Roundup, to be sprayed everywhere across our small densely populated Island dependent on water collected from surface streams? (**A Member:** Hear, hear.)

1945 Sir, I think it is important to note that there are alternatives, there are less toxic herbicides, including glufosinate-ammonium which actually deals with the surface greenery rather than Glyphosate which gets down into the roots and of course into the actual vegetables as well that are being grown.

1950 But there are also other ways, other herbicides, but there are also physical controls, manual weeding for example, foam treatments are still in their infancy but they are something that can be used and also electric; actually electric techniques are being experimented and tried in Jersey and may offer some future options to Glyphosate.

1955 Sir, there is a compelling case and world-wide evidence for banning and phasing out Glyphosate herbicides from this Island. Clean water and food clear of harmful chemicals are fundamental needs and basic human rights for our people. But these are being compromised by an ever increasing use of synthetic chemicals on farms and gardens, and public places, parkland, public buildings including hospitals, school grounds and recreational facilities. In fact the whole Island, the whole of Guernsey is being saturated with Glyphosate.

1960 Now the use of the toxic herbicide Glyphosate has increased dramatically resulting in the contamination of our land and our environment and our water supplies that run through our streams and into our reservoirs. In fact Longue Hougue is full of it and it has to be extracted from the raw water in Longue Hougue in order to provide drinking water for the population.

The States' of Guernsey's primary concern, sir, should be to protect the health of the public and not the pockets of multinationals.

1965 Angela Merkel, the German Chancellor, together with her Cabinet has taken into account the devastating long-term impact of Roundup and is to ban Glyphosate in Germany from the end of 2023 after a phased effort from now to reduce its application. Germany is the headquarters of Bayer who of course bought Monsanto just recently for \$63 billion. Bayer proudly recognises Germany as its home market and Bayer has more than 30,000 employees at 19 different sites in Germany. The company represents one of the biggest employers in the country and Chancellor
1970 Merkel has taken the brave step towards the health and welfare of her citizens. Why is our Policy & Resources Committee not doing the same? Why also is the department, if you like, that is responsible for poisonous substances not taking action too?

Germany's move comes after law makers in Austria passed a Bill banning all use of Glyphosate at the end of 2020 – actually the same date as we have in our requête. While France withdrew the sale of Glyphosate or Roundup from the retailer shelves on 1st January this year, last month some
1975 20 French Mayors banned this toxin from their municipalities in defiance of their national government.

There is ample independent evidence on the health hazards of Glyphosate. We cannot ignore the World Health Organization's International Agency for Research on Cancer, that classified
1980 Glyphosate as probably carcinogenic to humans. After reviewing hundreds of published and peer reviewed scientific studies, the team found there was a particular association between Glyphosate and Non-Hodgkin Lymphoma and blood leukaemias. Other research scientists have linked Glyphosate with heart, kidney and liver disease, Alzheimer's, autism, birth defects, and Parkinson's. The IARC defended their findings again last year with respect to their link with the fact that the
1985 chemical is probably carcinogenic to humans.

So a global ban or phase-out of Glyphosate use is a matter of urgency, sir, and with that, widespread adoption of sustainable agricultural methods.

We cannot ignore the impact of Glyphosate on biodiversity. In fact our most recent biodiversity report is indicating a drastic drop in the number of species on the Island, but has not
1990 associated this with the dramatic increase in the use of Glyphosate. The German Environment Minister, in contrast, has done so and has been concerned by the fact that this pesticide kills off plants and ecology in an indiscriminate manner, including plants that are essential for the survival of many animals.

Now the farmers here in Guernsey have at this point in time a million pound subsidy for
1995 improving and protecting the rural environment. If they are intensively using this chemical compound they are in fact negating any possible good to the biodiversity of Guernsey. The subsidy should be tied to encouraging organic farming and sustainable farming methods and weaning the farmers off the use of this toxic chemical – *(phone ringing) (Laughter and interjections)* **(Two Members: It's Angela Merkel!)** Somebody is cheering out there, sir.

2000 This is the third time that I have called for a ban on Glyphosate. The first time was in 2016 in questions to the Minister of Public works. The second was in 2018 when a couple of big cases came up in the United States and were given awards to individuals. But my questions pursuant to Rule 5 in the States' meeting held on 26th January 2016 revealed that the level of Glyphosate detected in streams across this Island ranged from 0.024 mcg/l to 0.477 mcg/l. That is four times
2005 the maximum allowable concentrations of any herbicide or pesticide in drinking water, which is 0.1 mcg/l. Now the public was advised at that time not to drink stream water and that actually answers to the questions I was raising to the Minister at that time. This advisory should apply of course to all animals now, although this has not been communicated to the public in general, which it should be.

2010 Sir, the increase in pollution in our streams since that time, for which I received the statistics yesterday from Guernsey Water, was quite hair-raising with, for example, Petit Bot West over 1 mcg/l. As I say, for drinking water it is 0.1 mcg/l but this is 1 mcg within that stream, Petit Bot West, per litre; and Petit Bot East was 0.3 mcg/l.

2015 The STSB Committee make the point actually in their comments that overall the levels of Glyphosate in raw water have increased in recent years, so they make the point in their letter

which you have, and are more prevalent, they say, after heavy rainfall. With the current trend if unchecked, they say, Guernsey Water would be unable to comply with drinking water standards without investment in more complex treatment solutions.

2020 In their comments, the Policy & Resources Committee believe Guernsey should do nothing at the current time, even though other countries in Europe are making a stand and saying enough is enough. Early on in the beginning of this term the President came out with his sing-song of 'We have got to be happy!' (*Laughter*) Where is this happiness trail? Because happiness and health are at the core of Deputy St Pier's vision for the future of this Island, it is in his manifesto. Where is this legacy? This negativity to do nothing has come from the top, sir, and permeated through the
2025 Committee down to all Committees? Are we not an independent Commonwealth country proud of our heritage (**Several Members:** Yes.) and willing to carve out our own future?

2030 P&R's comments appear to have more concern with the risk to the Island's reputation of a ban on weed killers containing Glyphosate and international obligations when so many pesticides are banned here but allowed in the UK and elsewhere because they are seen to have an unacceptable high risk to the people of Guernsey. But that risk and that concern for the Island's reputation of a ban on weed killers containing this chemical is more than on protecting the health of our people and our environment.

2035 Furthermore, the Environment & Infrastructure Committee supports the widely held view that the unnecessary addition of potentially toxic chemicals to the environment should be avoided as much as is reasonably practical to reduce and ideally eliminate damage to eco-systems and avoidable risks to human health. Now why have those recommendations taken so long to come forward and to be pressed to ESS and to have the chemical on the list of substances that have to be licensed? The Committee admits to the problem we have with this chemical.

2040 With regard to the comments from the Committee for Health & Social Care that Glyphosate is a 2A carcinogen, probably carcinogenic to humans, with sufficient evidence in scientific findings noting cancer in animal research, how can the Committee for Health & Social Care be noncommittal and not demand regulation and licensing for the chemical Glyphosate? In this day and age we have to be responsible, a responsible community and government.

2045 The facts, sir, are before us. There is no point in building large health care facilities if we are not getting down to eliminating the sources of the chemicals that contribute to health problems in this Island and have a detrimental impact on the health and wellbeing of Islanders in the first place. The Department and the Committee of Health are always stating that prevention is key.

2050 The substance should be heavily taxed perhaps, as cigarettes, to discourage its use Island-wide, but, sir, I implore Members to support the requête because we have to be seen to be proactive and taking cognisance of international concern and the reaction by international states and other jurisdictions.

2055 The fact is that cancer is rife in Guernsey – cancer in Guernsey is rife and everybody knows that because we have all got contacts that have been affected by it. Now the levels have been shown to be higher here in Guernsey than in Jersey and South West England, our immediate neighbours. Cancer deaths per 100,000 Guernsey 216, South West England 166, Jersey 171. Guernsey, a lot higher than those other jurisdictions.

Deputy Soulsby: Sir, point of correction.

2060 **The Deputy Bailiff:** Point of correction, Deputy Soulsby.

Deputy Soulsby: I think Deputy de Lisle is being very, shall we say, economical with the truth in that respect. In some areas cancers are higher over a certain period but other areas we are much lower than in Jersey and the South West of England.

2065 **The Deputy Bailiff:** Deputy de Lisle to continue please.

Deputy de Lisle: Thank you, sir.

2070 The fact is that I was giving a general number there in terms of all cancers and it is true that in terms of breast cancer, for example, Jersey has a higher factor than Guernsey, but in terms of all cancers we have done a full investigation with people, with scientists in England, and ourselves to come up with those particular figures.

2075 So we have a duty as a Government, sir, to do our own investigation of what is the cause of the higher rates here in Guernsey, and it has to be in terms of one hypothesis anyway, the water we drink, the food we eat, and the air we breathe. At least we can investigate these parameters.

2080 It is in the water, we know, that we drink, it is in the food that we eat, so we have to target that particular chemical. To not do so, sir, as a government, would not be doing right to the people of Guernsey, and as I say as a government we have to be responsible and when we know that there is a chemical out there that is being distributed over the Island as widely as this one, we have a responsibility to take action.

As I say, it is more important now that we do so because, as I have pointed out in the figures, our cancer death rates per 100,000 are higher than those of Jersey and South West England, so this is quite critical.

2085 Thank you for that, sir.

The Deputy Bailiff: Well, Members of the States, we now move into Rule 28(3) process and there are lots of people to turn to. The first one is the President of the Policy & Resources Committee, Deputy St Pier, for any comment he wishes to make on behalf of his Committee.

2090 **Deputy St Pier:** Sir, I shall be relatively brief at this stage.

I did not want to interrupt Deputy de Lisle when he was speaking because I did know that I had this opportunity to respond, but I think he was making a number of statements that were worthy of challenge and I just wish to do so now.

2095 First of all, he seemed to imply that the position of the Committees on this matter permeated from the top and actually in some way was seeking to personalise – in fact almost personalising it to me, not just to P&R, suggesting that the vision that we should be a healthy and happy community was my vision, but of course it is the Policy & Resource Plan which this States has approved, and of course one of the priorities in the Policy & Resource Plan of course is the maintenance of our international reputation. So it is a key priority which this States has very much recognised.

2100 In relation to the issue of the scientific evidence, and in particular the IARC, the language around this is very emotive when we talk about carcinogens, and of course there are lots of different types of carcinogen that are ranked by the International Agency for Research on Cancer. They describe things that are possibly carcinogenic in Group 2B and there are a large number of those.

2105 To put it in some kind of context, diesel, chloramphenicol which is an antibiotic and very hot drinks are all classified as being probably carcinogenic in Group 2A. In Group 1 those things which are definitely confirmed as carcinogenic include, if I can say it right, acetaldehyde – (*Interjection*) which was not right I do not think – but that occurs naturally in coffee, bread and ripe fruit, and of course ethanol which is in alcohol, air pollution, nicotine and the consumption of processed meats. These are all things which are confirmed as being carcinogenic. So I think it just puts some context around the language which is used and that is highly emotional, understandably so, in this area.

2115 So I am going to just briefly draw out some of the comments in the letter of comment which of course has been circulated. The point about scientific evidence, I think I have already made, but this question of our international reputation and where it sits is, I would suggest relevant. Glyphosate is a licenced pesticide and it is not subject to any international restrictions on trade at the moment. It is approved by the EU at the moment, although that is due to expire on 15th December 2022 and, as the letter of comment makes clear, that is being reviewed by the EU very

2120 much as we speak. So we do have to consider the risks of us imposing a ban and what challenge
that could produce from the manufacturers and that would require, I suggest, some serious
consideration as to our potential exposure and how we would defend that from any claim and
some consideration and advice would be, I suggest, required.

2125 We also note in the letter of comment that this would not apply in Alderney and Sark, which is
really for information.

Of course as we sit here today, there are continuing developments around the UK's position in
relation to its membership of the EU, and we do not know whether and when Protocol 3 will fall
away, but so long as Protocol 3 remains in place we must continue to comply with its terms in
regard to our obligations to allow the free movement of goods; and the World Trade
2130 Organization rules as well, as Members know, we are in the process of seeking the extension of
the UK's membership of the WTO to us, and indeed I expect news on that imminently, and that
too requires, I would suggest, some consideration of the legal analysis and a risk assessment to be
carried out before we would impose such a ban.

2135 I think to be clear, a decision today would not accord with our obligations, we believe, and
could result in some threat to the jurisdiction that does require worthy consideration and the
scientific evidence is not wholly consistent.

The Policy & Resources Committee understands the objectives of the requérants and indeed
what has driven them to produce this requête. I think we are merely saying that actually at this
stage to act on the back of a requête does have some significant issues and risks that do need to
2140 be considered and for that reason, sir, the Policy & Resources Committee is unable to support the
requête.

2145 We do thank the other committees for their consideration and their letters of comment, which
of course have been appended to our own, and really just to emphasise the first point I started
with, that the comments which other committees have produced have come from them, they have
not come from the direction of the Policy & Resources Committee, and I am sure the Presidents
will be happy to confirm that themselves when they speak, sir.

The Deputy Bailiff: Thank you very much.

2150 So the Principal Committees are being taken in alphabetical order just to forewarn you, so the
first is going to be the President for the Committee *for* Economic Development, Deputy Parkinson.

Deputy Parkinson: Yes, sir, thank you.

2155 No, I am not going to support this requête largely for the reasons that have been set out by
Deputy St Pier.

I think this is a step that we do not need to take at this time.

The Deputy Bailiff: The next one is the President for the Committee *for* Education, Sport &
Culture, Deputy Fallaize.

2160 **Deputy Fallaize:** Thank you, sir.

I have nothing to add to the letter of comment which I signed on behalf of the Committee
when Deputy St Pier sent me a template, (*Laughter*) other than to say I agree fully with what he
said in relation to the need, or the desirability perhaps, for the use of temperate language in this
debate.

2165 I think when Deputy de Lisle spoke probably some people could have been forgiven if they
were still with us on the wireless for believing that there are vast quantities of undoubtedly
carcinogenic material from this weed killer in the food chain and that it is proven a substantially
greater risk than is actually the case.

2170 Now I agree with Deputy de Lisle's ... the thinking behind his requête. I think it would be good
to move to a position where this product is no longer being used, but I do not think the cause is
done any favours by exaggerating the proven risk.

On the other hand, nicotine is not, as I understand it, by general medical consensus, a carcinogen. I think that tobacco smoke is but I do not think that nicotine is.

Other than that, sir, I do not have anything to add to the letter of comment.

2175

The Deputy Bailiff: Thank you very much.

The next one is the President for the Committee *for the Environment & Infrastructure* Deputy Brehaut.

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Deputy Brehaut: I do not have anything to say at the moment, sir, but I would like to participate in the debate later on.

The Deputy Bailiff: Yes, all right, you get a chance to reply to the debate as well.

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Deputy Brehaut: Thank you.

The Deputy Bailiff: President for the Committee *for Employment & Social Security*, Deputy Le Clerc.

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Deputy Le Clerc: Thank you, sir.

I have got nothing to add other than our original response to this. But when Deputy de Lisle lays his amendment I would like to speak at that time.

2195

The Deputy Bailiff: The next one is the President of the Committee *for Health & Social Care*, Deputy Soulsby.

Deputy Soulsby: Sir, I do not wish to say too much more. I mean everything we have said is in our letter which is backed up by what my fellow Presidents have said.

2200

I would like to pick up on comments made by Deputy de Lisle though regarding the Island being rife with cancer. Nothing could be further from the truth. He makes out that we are worse than anywhere else in the world. That is the impression he is giving which is not – I will not give way to Deputy de Lisle, he will have plenty of time to respond later.

2205

But in terms that we are worse than anywhere else, well actually I, quite coincidentally, looked at the 2017 Cancer Report for the Channel Islands only yesterday for another reason. Going through the top incidence of cancer, going down that list Guernsey is lower than Jersey and England, from prostate cancer, breast cancer, lung cancer, uterus and lymphoma; in fact it is very similar to Jersey and England. The one area where we have an outlier is in relation to skin and melanoma. We know that is an issue here, and one of our non-States' members, Mr Roger Allsopp, has done a lot over the years to improve the research from Guernsey in that respect and that is why we have a campaign every year to tell people to keep out when it is very sunny and to wear sun cream.

2210

So it is not the fact that we are rife and that Guernsey is somehow not listening to all the dangers outside. Our biggest risks are tobacco and obesity; they are the two probably biggest things that are impacting on cancers on this Island. So I think that clarity is very much needed at this moment in time.

2215

So I stand by our letter and what we say here. Yes, we could do everything, for every single risk we need to legislate against it but we have got to look at it in terms of priorities, and as we say in our letter, we have got to think about the fact that this is not in our Policy & Resource Plan, the States have not said that it is a priority. We already debated the Policy & Resource Plan in June or July, so there was opportunity there for Deputy de Lisle to bring an amendment to add this to the list, but he did not do so. It is not on that list and we have got limited amount of time available between now and the end of term where particularly I know under the responsibility of

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Employment & Social Security they have some major pieces of legislation which the States has said is a priority that need to come here.

2225 So I am standing by our letter and will reject the requête.

The Deputy Bailiff: The next one is the President of the Committee for Home Affairs, Deputy Lowe.

2230 **Deputy Lowe:** Thank you, sir.

I have nothing further to add to what is in our letter, but I would draw Members' attention to the last page and the last three paragraphs because I think they are very relevant.

Thank you, sir.

2235 **The Deputy Bailiff:** The final Committee that was consulted was the States' Trading Supervisory Board. The President is not in the Assembly at the moment so I turn to the Vice-President, Deputy Smithies, if he has any comments that he wishes to make. *(Laughter and interjections)*

2240 **Deputy Smithies:** Thank you, sir.

I would commend the Assembly to read the letter and I fully support it.

The Deputy Bailiff: Now, Deputy de Lisle, do you wish to move the amendment that you are proposing at this stage?

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Deputy de Lisle: Yes, sir, I would like to do that.

The Deputy Bailiff: Do you wish to read it out or do you wish the Deputy Greffier to read it?

2250 **Deputy de Lisle:** Would the Deputy Greffier read it?

Thank you, sir.

The Deputy Bailiff: Thank you very much.

The Deputy Greffier read the amendment.

The Deputy Bailiff: Thank you very much.

2255 Deputy de Lisle.

Amendment:

To insert the following at the end of the Propositions in the Prayer:

"Or, in the event that Propositions 1, 2 and 3 are not agreed:

"4. To direct the Committee for Employment & Social Security:

(a) to consult all relevant stakeholders in Guernsey, and the authorities in Alderney and Sark, in connection with the use within the Bailiwick of products containing the active substance Glyphosate (CAS No. 1071-836, EU No. 213-997-4),

(b) to review any available research results, including from research undertaken by reputable international bodies such as the IARC and WHO, about the effects on health and the environment of the use of such products, and

(c) taking into account the results of such consultation and review, to return to the States with a Policy Letter and Propositions as soon as practically possible, but in any case before the end of the current term of the States, addressing and recommending appropriate legislative and other measures, which may be necessary or prudent to prevent harm to health and the environment

from such products and which are compatible with Guernsey's international obligations with respect to trade."

Deputy de Lisle: Thank you, sir.

2260 Following publication of the requête, sir, the requérants have noted the letters of comment from the Policy & Resources Committee and the other committees of the States, and the consultation responses that the Principal Committees and the States' Trading Supervisory Board have given. In particular, they noted the views of the President of the Committee *for* Employment & Social Security, which of course has political responsibility for the control of poisonous substances legislation; and her conclusion that her Committee, while they cannot support the
2265 requête in its current form, they also note that they would support a delay to enable an appropriate review of the scientific evidence on the risks of Glyphosate and consultation and assessment to take place before any decisions on future use of Glyphosate are taken.

2270 Now the States' Trading Board and the President there also made the point that in their opinion a more comprehensive consultation and review process should be entered into and carried out on the use of herbicides and pesticides, their impact and alternative options as well as considering the environment, legal and financial impacts of a ban before any policy decision is taken.

I note also the Policy & Resources Committee who made the point that the Committee *for the* Environment & Infrastructure may wish to consider this matter further also.

2275 Sir, given Guernsey's size, population density and water collection infrastructure, the requérants believe that there is reasonable and rational justification for Guernsey and the Bailiwick as a whole to treat the importation and use of Glyphosate differently from other countries and territories.

2280 The amendment recognises the need to consult and consider further the use of Glyphosate in the light of the letters of comment and consultation responses from the committees of the States and all other stakeholders.

In light of the above, they propose this amendment set out and seek to have it inserted into the Propositions in the Prayer to the Requête as an alternative that they would hope would find support from all or a majority of committees and Members. Basically:

To direct the Committee *for* Employment & Social Security to consult all relevant stakeholders in Guernsey, and the authorities in Alderney and Sark, in connection with the use within the Bailiwick of products containing the active substance Glyphosate.

2285 That of course is what the Committee does with a number of different substances, and they actually list them, de-list and so on, it is going on all the time.

(b) to review any available research results, including from research undertaken by reputable international bodies such as the IARC and WHO, about the effects on health and the environment of the use of ... [Glyphosate] and taking into account the results of ... [all that] consultation and review, to return to the States with a Policy Letter and Propositions as soon as practically possible, but in any case before the end of the current term of the States, addressing and recommending appropriate legislative and other measures, which may be necessary or prudent to prevent harm to health and the environment from ... [these] products and which are compatible with Guernsey's international obligations with respect to trade.

2290 Now this we deem to be of significant importance that as a result of this debate we at least find a direction of taking this whole issue forward and doing something about it, consulting, reviewing and bringing the results back to this Assembly this term. It is important that it is done quickly in order to counter the impact on both the health of the public here and also the environment.

So I ask that committees and the States actually support this amendment and that in fact the debate, sir, today is continued basically in considering the amendment together with the requête and the original Propositions.

2295 Thank you, sir.

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

Deputy Prow: I do, sir, and I reserve the right to speak later.

2300 Thank you, sir.

The Deputy Bailiff: Well, Members of the States, as you have heard, the proposer of the amendment is content for general debate to be run alongside the amendment, and it seems sensible in those circumstances that we have a single debate and then move to winding up at the end. So it is both the amendment and the original Propositions that are in play at the moment.
2305 Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

2310 The amendment notes imply that this amendment would not have significant financial implications and ESS can undertake the necessary work without the need for additional resources and bring back a policy paper within this political term, and I think that is what Deputy de Lisle failed to really mention when he talked about this amendment.

Yes, I did say in my letter that we would want to undertake further work but I think the undertaking of further work was not within the time pressure of this political term and I think that is what we have the issue with.
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We have got other workstreams, I mentioned the other workstreams yesterday. We have got outstanding work. Deputy Fallaize is already putting the Committee under pressure on those other workstreams together with the Supported Living and Ageing Well, the Disability & Inclusion Strategy, Secondary Pensions, and these are all areas have been agreed within the Policy & Resource Plan and this piece of work has not been approved within the Policy & Resource Plan and we have not got the budget to do it.
2320

I have been advised by the Senior Officer for Health & Safety that the resources for the work outlined in this amendment would be significant and there would be significant cross-committee work required. Officers quickly did a tally up for me yesterday and they estimate it could be as much as £100,000 for this work. I think it is because some of the wording in the requête is very specific and very detailed.
2325

So if we look through, and this is from our Health & Safety Officer, he said, 'Previous work on this has involved reviewing over 50 research articles published in reputable peer review journals. There will be more recent research to consider, because this subject is under significant scrutiny, and there will probably be in excess of 500 articles to look into.' I think that is referring to (b) in the amendment when it is asking us to look at all of these articles and this research.
2330

'Review of existing literature is not a cursory read but an evaluation of the research conclusions. If each expert sets aside 30 minutes per article this could be something like 250 hours of work. The group experts then need to meet to repeat what the EU group of experts on pesticides have done with this new research and then of course a report would need to be prepared. That would involve at least five other officers and from five different committees.' So I do not think it is something that can be done easily in this political term.
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The reality is that our Health and Safety Team is a very small team and actually it would be the Health & Safety Officer himself that would actually be required to undertake this work, because I am sure people will appreciate it is a very expertise piece of work.
2340

I do have some sympathy for the requérants because I do share some of their concerns regarding the toxicity of Glyphosate and the damage it can do to the environment. But I also think that any research should be properly funded and resourced rather than taking away resources from the Committee that is already stretched to capacity this term.

2345 What I would be saying, not only to requérants and this requête, and I have said this in the past, is that when people bring a requête they put a lot of pressure on committees and do not

2350 provide the resources to carry out that requête. So I would ask Deputy de Lisle that if he is really serious about this requête, that we have got a Budget debate coming up in November and I would ask that in that Budget debate he puts an amendment so that we have the resources and the money to fund to do this properly, but I would point out that we cannot do it within the timescales laid out in this amendment.

Thank you, sir.

2355 **Deputy Dorey:** Point of order.

The Deputy Bailiff: Point of order, Deputy Dorey.

Deputy Dorey: Rule 4(3) says that:

Every proposition laid before the States which has financial implications to the States shall include or have appended to it in a policy letter or requête or otherwise an estimate of the financial implications to the States of carrying the proposal into effect;

This amendment talks about that the resources will not exceed a few thousand pounds.

... it is not believed that the cost of those resources would exceed a few thousand pounds.

2360 The President of Employment & Social Security has said it is about £100,000; this is not a valid amendment because it has got erroneous information in it.

2365 **The Deputy Bailiff:** It is potentially a valid amendment in my view, Deputy Dorey, because it does contain an estimate. The fact that the estimate might be woefully wrong (*Laughter*) has now been clarified by the President. So it is not going to be ruled out of order for that reason at this stage.

If I wait long enough you might all sit down. (*Laughter and interjections*)

Deputy Lester Queripel.

2370 **Deputy Lester Queripel:** Sir, thank you.

Occasionally when I am making speeches I will say something that is not quite correct and I will wait to be corrected. Or I will say something perhaps a little controversial, or I will even mispronounce a word on purpose, and I do all of these because that is an attempt to get the attention of my colleagues. Sometimes it works and sometimes it does not.

2375 I am not going to do any of that in this speech because my colleagues do not really need to listen to anything I have to say – (*Interjections*) in fact they do not need to listen to anything anyone has to say on this issue, and I say that is because all they really have to do is look at the evidence for themselves to see how lethal this stuff is.

2380 The fact that it was considered to be safe enough to use in the first place is quite extraordinary. The same could be said of course about lead paint, and asbestos, and tobacco, and alcohol; and look how damaging and destructive they have all turned out to be and how they have destroyed so many lives. Every single one of them has proven to be absolutely lethal.

2385 It is because the case against Glyphosate has already been made I do not need to say anything in this speech that is factually incorrect, I do not need to say anything that is sensationalist, I do not need to exaggerate or overemphasise anything because the evidence is already there and surely the truth is more than enough.

As Deputy de Lisle has already mentioned, it is not only human life we need to be concerned about here because animals are drinking water from our streams on a daily basis so we also have to be concerned about animal life as well as human life.

2390 Sir, this is our Island home and this is our daily environment we are talking about here. We are being told it will damage the Island's reputation if we go ahead with this. How can it possibly

2395 damage the Island's reputation if the majority of the Assembly are so concerned about an issue that they want to bring safeguards in to ensure the wellbeing of the community? So saying it will damage the Island's reputation does not make any sense whatsoever. Especially when what is already being allowed to happen is damaging the health of members of our community and our animal life.

2400 Surely as Members of this Government we have every right to address concerns we have about the wellbeing of our community. In fact the reality is we have a duty and a responsibility to do just that, which is why the requérants have brought this requête and this amendment to the Assembly today.

2405 The people rely on us to ensure their future wellbeing and there are many out in our community who wonder why we continually bow down to the will of others. When are we going to stop living under the dictatorship of others? When are we going to stop bowing down to them all? (**A Member:** Hear, hear.) When are we going to be pro-active instead of re-active? When are we going to stand up and say we have a right to our independence? When are we actually going to lead the way on something instead of merely following like sheep? (**A Member:** Hear, hear.) I guess the answer to all of those questions, sir, is *never* and that really concerns me.

2410 We need to stop burying our head in the sand, we need to stop bowing down. Neither this requête nor this amendment go far enough as far as I am concerned. (**A Member:** Hear, hear.) The damage that is being done by Glyphosate needs to be stopped; other countries have already put a stop to it.

2415 Billion dollar lawsuits have been fought and won by people whose lives have been absolutely devastated by Glyphosate and if there is one thing that many members of our community are really getting sick off is this, 'The sky will fall in, the world as we know it will come to an end, we cannot do, and we must not do,' approach that some Members of this Assembly seem to prefer to adopt.

2420 What the people out in our community need now more than ever is a pro-active Government with a can-do, must do approach that is prepared to display leadership in abundance and not bow down continually to everyone that asks us to bow down to them. Why do we have to even wait until the jurisdiction tells us whether something is dangerous or not? We have a responsibility, a duty to ensure the wellbeing of our community.

2425 Sir, like many of my colleagues in this Assembly, I am really concerned about our environment and I am especially concerned that we are now going down the same corporate path as many other jurisdictions in the world in the name of progress and to support and promote commerce. The truth is the price we are being asked to pay is too high. It is too high a price to pay the health of the community.

I am reminded of a quote from the Bible; that quote being, 'What does it profit a man to gain the whole world but lose his soul?'

2430 Sir, health is more important than anything and the Assembly has a duty to ensure the future health and wellbeing of the people. Glyphosate has already been identified as a carcinogen directly related to cancer by the World Health Organisation's International Agency for Research on Cancer, as explained by Deputy de Lisle in his opening speech.

2435 Deputy de Lisle also reminded us that it has already been found to be bio-accumulative in women's bodies and been found in the breast milk of American women. So the evidence is there, it cannot be denied.

Even though the requête or the amendment just simply does not go far enough in my opinion I urge colleagues to at least support the amendment if they cannot bring themselves to support the Propositions in the actual requête itself.

In closing, sir, I ask for a recorded vote when we go to the vote.

2440 Thank you.

The Deputy Bailiff: Deputy Inder.

2445 **Deputy Inder:** Sir, I am not going to be able to follow Deputy Queripel's speech very well. I think he has said many things that I wanted to say.

I have written a few notes down and one thing that always irritates me is a threat of not being able to do anything as a small Island because of some other trade agreement. (**A Member:** Hear, hear.) If anything is going to get my back up, amongst everything else in my life, (*Laughter*) it is actually in response to the requête there is almost, 'The answer is no,' and Deputy Queripel, through you, sir, said the same thing. Effectively, when we try and do something the answer is always no.

2455 I suspect, to a degree, Deputy St Pier mentioned a couple of things that are probably more carcinogenic. He mentioned diesel; I think it was number two or maybe number three in the likely carcinogens. Well 15 years ago I seem to remember we were told to move all our cars to diesel because that was much better than petrol.

If I remember – well I do not remember that far back – but back in the early 19th century if you remember watches all had green spots on them because radon was the way to go. There were radon pills and there were all sorts of ... radon was everywhere.

2460 Of course in my own lifetime, blimey, if I think back to the greenhouse trade, if I thought what we put on our land. Our land was covered in paraquat, DDT, formaldehyde, sodium chloride and sodium chlorate, actually strangely enough we were probably in a worse position when we had a greenhouse site pouring God knows what into the land and because the greenhouse trade has gone, to a degree, we are probably better than we were 30 years ago, but that is not an excuse not to recognise that Glyphosate may still be a problem. We were probably in a lot worse place, we just did not know it. Our streams were probably full of herbicides and pesticides and all sorts of horrible stuff and we just did not realise it.

2470 When we think not so long ago we had 1,500 kids outside the Royal Court steps and there were a number of Deputies there saying, 'Look, we are listening to you, we are listening to you.' Those children were looking at bigger things, they were looking at glaciers, ice shelves, cars, all that kind of stuff. They probably would not understand things like weed killer and Glyphosate, all the real stuff that affects the environment. In a debate of only two or three months ago the Island has actually changed and it is moving in a direction. We heard from Deputy Dudley-Owen that pre Dutch Elm we had 4% tree cover, I think we have now got to 8% tree cover. So we are moving in a direction.

2475 On top of that, Government is often behind the curve and I can mention some things. There is the Pollinator Project; that was not necessarily Government inspired. There are people out there in the community doing more than Government already has. It was not Government policy that gave us ... that doubled our – well maybe partially it was Government policy that added our tree cover going from 4% to 8%. Probably it was the wealthy Island.

2480 The fact that we got rid of the greenhouse sites. I had a 600, no I had a 1,200, an 800-foot behind my property. At one point that was covered in glass, throwing chemicals in; it has now got a planted 110 trees or something like that on a vergee and a half of land. So just naturally because we have got rid of the greenhouse industry we are actually probably naturally in a better place because the Island has got wealthier and we have moved to a more gardenified Island.

2485 Now of course along with that came something called Glyphosate and it is that trade on reputational risk that was mentioned from the template letter that we all got, and it was a template letter because I remember seeing it and I actually agreed with the Committee of Economic Development's letter initially, but I am not so sure anymore.

2490 I do not like being forced into a corner by someone telling me that the whole world is going to fall in just because we might want to ban Glyphosate. Well there are ways around it. We ban all Glyphosate tomorrow but you are allowed to bring in one bottle a year and you have got to split it up between the whole of the Island; anyone who wants a bit of it they can have a piece of it. There we are, there is your free trade, it is free but you are only allowed one bottle in a year. There are always ways around something.

2495 But please do not use trade and reputation, which says that is more important than the life and the wellbeing of the citizens of the Island. (**A Member:** Hear, hear.) Do not do it because ... if I am going to do anything I will vote for a requête and its subsequent amendments based on that alone. I do not like having a gun to my head by anyone in this Assembly or external to this Government.

2500 Then of course what other things happened in terms of environmental changes. The plastic beach claim, there are people out there regularly understanding that plastic is a problem in our seas, so again there is something else not from Government policy; this is the common person reading things, your Blue Planet, your David Attenborough's, your polar bears, and your whales, and your ice shelves. I think the community is moving faster than Government, and it is now time for us to actually take, I believe, a certain amount of action.

2505 The requête itself mentions as part of the biodiversity strategy the States of Guernsey are working to reduce the use of pesticides and herbicides to a minimum. Well the biodiversity Strategy as I understand it was back in 2015, it is 2019 and with some compliments to the States, I note that the States' Works have reassessed the situation and have taken the decision to withdraw the use of Glyphosate by the end of 2020. Great, fantastic! Not by policy just by – well I do not actually know whether it is by policy or not, but culturally they seem to be moving away from – I do not know if it was pressure or commercial pressure or just sense within the department, and STSB themselves have basically said that they are not using much in the way of Glyphosate on their land anymore. So why can't we take that extra jump? What is actually going to happen?

2515 Now the requête itself then moves on to a licensing regime. That seems sensible. I cannot say that I have spoken to all of the farmers on the Island but the general impression that I get from people that I have spoken to is it is less about what Glyphosate does, it is how it is used. Now if it was me running around the Island, all my land, spraying all the hedges, that is not a clever use of Glyphosate but there are occasions when the commercial bodies, and it is mainly the land managers, probably the bigger park lands and probably the farmers themselves have to suppress the dock weeds, they can get rid of certain types of weeds before they change their crops. Now that is not taking away Glyphosate completely, all it is saying in the requête is create a licensing regime. I think we can be braver, I genuinely think we can be braver.

2525 I do not think people understand where we have come from the reduction from formaldehyde, sodium chlorate, paraquat – what else was there? I cannot remember – three or four other DDT, DDT that is all gone now, but we are moving into, accidentally, a more bio-diverse society and if this means that Glyphosate is one of the last things to get rid of I am fairly comfortable with that, I think.

2530 I do not like being told no to absolutely everything, because the first reaction to anything that does not come from the system itself it is always no. If it had come from one of the committees the answer would have been yes because they would have been working on it and it would be a fantastic thing to do, but because it comes from backbench towards a committee often the case is, 'The answer has to be no because we did not come up with it first.' Well someone has come up with it first and there are seven signatories who honestly and genuinely believe that this is something that can be done.

2535 In that case, having previously supported my own Committee and asking them actually to remove the threat of WTO, but it appears in one of the other six letters anyway, I am more than likely to support the requête and if that fails, move on to the amendments and support those as well.

2540 Thank you, sir.

The Deputy Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

2545 On the amendment, for me, there are seven important words for this if we want this amendment to succeed and if the seven words were taken out with a new amendment I think the States would probably support it and it says:

... before the end of the current term.

2550 Because everything else in there I do not think anybody can actually disagree with. I have not heard anybody sort of opposing what the requérants are trying to do, all they are saying is be realistic, because the States has a very good record of supporting things in the full knowledge that we have not got the resources to do so.

2555 So bearing in mind that this would have to be in the next four months for all the research to take place and then for consultation to take place after that, and remember you have got Christmas in between all this as well, and to get this back to the States in time before the end of this term is just not realistic.

So rather than sort of lose it I would have liked to have seen those words taken out and the thrust of it all is, yes, the committees are listening. Deputy Le Clerc there, she is not saying we cannot do it, or we will not do it, she is saying we cannot do it without the resources, and we cannot do it before the term.

2560 So if you want this to succeed, which I think most of us do, we have got to be realistic. So for me we see too often with reports and amendments directing committees to come back in the full knowledge that you have been told beforehand it is not doable, and then you will be climbing all over the committee in three or four months' time saying, 'Where is that report?' Well you were told here in this Assembly they did not have the resources and they cannot do it. But they could do it with a bit more time.

2565 So I think for me actually to try and get an amendment that does not have a time limit on it before the end of the term is unfortunate because obviously the people here would like to see that through, but I just do not see it happening when we hear from the very own committee that they have not got the resources to do it.

2570

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

2575 First of all, I would like to thank the requérants for bringing this requête to the States. I could have almost basically signed it myself.

P&R as such, as you have heard from our President, is not supporting the requête but luckily I feel I can creep underneath that net because he did not mention any whip on the amendment, so I will be supporting the amendment.

2580 From my days on Commerce & Employment we did quite a bit of work with the team that has now moved across to Social Security and that was on nicotinoids and formaldehyde which also are not very good for the environment and can be particularly harmful.

2585 As some States' Members may know, I am also in discussions with our Statutory Official Medical Officer of Health on cancers and where they are occurring on the Island, and hopefully that work will come forward and inform us all as to what the actual state of play is exactly, the point that Deputy de Lisle made.

I am very reluctant to do nothing on this. That is the problem I have, and I do take Deputy Lowe's words but I am sure that with that change if that could be changed and bring in more people into the fold I think Proposition 4 has got quite a few legs.

2590 I know they had the opportunity but I am just going to read a couple of paragraphs from some of the letters that were put forward by our committees, just to give the context of what they were thinking about this particular requête.

Health & Social Care, what they have said in their letter was:

As such, in any event where there was concern about the safety of a particular substance, the Committee's officers would work closely with colleagues within Employment & Social Security to explore the clinical evidence available in order to support the making of evidence based recommendations. On this occasion officers have advised that glyphosate has been classified as a class 2A carcinogen (probably carcinogenic to humans) by the International Agency ... on Cancer ...

2595 So they are saying, this is our health department are saying, that they will do some work if there is some concern. So that is almost playing into the hands of what the amendment to the requête is actually saying.

They also go into, and this is what I do not think has been mentioned quite enough is, there are unintended consequences for taking up alternatives. We do not know what the other products are going to do, whether they would be more dangerous or less dangerous, whether they will cause damage to buildings, whether they will cause erosion or whether they will cause other damages. So there is a trade-off and some difficult decisions to be made there.

2600 Just to pick on Education, Sport & Culture, what they say is:

... the general understanding amongst staff responsible for its acquisition and use is that currently there are no other weed killers that are anywhere near as effective as glyphosate. In addition to this, staff overseeing work on the historic sites have also [been] cautioned about the use of 'emerging products' on or near some buildings given the potential for irreversible damage should some form of chemical reaction and/or staining result.

If necessary we believe we would be able to continue operations without the use of glyphosate. However there would almost certainly be additional costs which, at this point in time, are impossible to quantify. We would, therefore, respectfully suggest that further detailed research on the availability and effectiveness of alternative products is undertaken before a final decision is made.

Again, I think that plays back into the hands of the requérants and the amendment that has been put forward.

Finally, I just want to touch upon Environment & Infrastructure and one of their paragraphs:

While the Committee is sympathetic to public concerns over the safety of glyphosate, it considers that the risks associated with a complete ban at this stage outweigh the risks of its current use. Its categorisation by the International Agency for Research on Cancer as a group 2A carcinogen ranks it alongside hot drinks, red meat and shift work. Glyphosate received a five-year approval in Europe in 2017: France, Hungary, the Netherlands, and Sweden will conduct the risk assessment to consider whether approval should be granted after 2022. The Committee will of course continue to keep a close eye on international regulatory developments regarding the use of glyphosate and additions to the body of scientific evidence regarding its health impacts.

2605 Again, that plays to the requérants' new amendment.

In fairness to the requérants, they have tried to pick up on what the committees have been saying in their letters of comment. So I hope that the committees who have put those letters of comment in will possibly be happy enough to support the evidence seeking that the requérants are thinking with regard to their amendment. (**A Member:** Hear, hear.)

2610 I have also had some evidence that Glyphosate has been quite a useful weed killer. I have used it successfully on knotweed, not in this country but in another country, but it is a good product to use.

I am reluctant to do nothing; that is probably where I started. I like the amendment that has come forward from the requérants. I would urge Members to support it.

2615 Thank you, sir.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2620 I just want to pick up on one thing that Deputy Lowe said, because she was concerned about the words in the amendment requiring the Committee to report back to the States before the end of this term. Now I have got mixed views about that argument because on the one hand I mean it is an odd situation really. We are a government; if the Government decides that some work should be done then it should be done. (**A Member:** Hear, hear.) I mean we are told that the modern way

2625 is the Civil Service sets itself up to ensure that it is able to achieve the objectives of the
Government. Well if the Government says by the end of this term there must be a report that
comes back to the States on this matter, then it is up to the Civil Service to arrange itself so that a
report can come back to the States on this matter. (**Several Members:** Hear, hear.)

2630 Now if it is practically impossible because it would obviously take many months to carry out
some research and the States are on the brink of asking a committee to do something inside
three or four weeks then it is reasonable to say that is just not physically possible. But clearly it
would be possible if adequate resources were applied to the task to come back to the States with
a report by the end of this term.

2635 On the other hand, Deputy Lowe is right to say that there are a whole raft of States'
Resolutions which have been approved requiring work to be done which is not done in anything
like the timeframe envisaged because committees are unable to access the resources to carry out
the work.

2640 But what Deputy Le Clerc has told us and I do not think anybody in the States is arguing that
this product should continue to be used in the long term, or that there should not be any further
research done or investigations into the practicality of using alternatives. But there is obviously
concern about how quickly that work can be done.

2645 Now I take at face value Deputy Le Clerc's appeal to the States that within the resources
currently available to her Committee they are not able to carry out this work in this term,
notwithstanding my view that actually if the Government decides it should be done then her
Committee should be provided with the resources –

I will give way to Deputy Merrett.

Deputy Merrett: Thank you, Deputy Fallaize.

2650 Deputy Fallaize may know, which he does, there are lots of States' Resolutions that have not
been resolved within the timeframe as directed by this Assembly. I can think of many – I will not
go there now but there are quite a few.

2655 Would he agree with me that some such Resolutions, although resolved by this Assembly
when they go to the Committee that lacks the political will, it will not be progressed further, will
he not agree with me that there is actually no penalty for if this is decided today and it does not
come back? There is no penalty against Employment & Social Security Committee. We have heard
from the President she is quite clear that she will not be able to achieve this but there will be no
penalty *per se*.

2660 I am sure Deputy Fallaize will be able to respond to my interjection in a much more articulate
way, but basically we have many such Resolutions outstanding that are not fulfilled in the time
instructed by the States, there is no penalty.

I find it very disappointing and I struggle with that concept. However, if I was to vote for this
today I would be doing so in the full knowledge that potentially it might not be delivered in that
timeframe but the workstream has been given assent by the States and should at some juncture
return to the Assembly.

2665 Thank you.

Deputy Fallaize: Yes, I agree with what Deputy Merrett has said. The appetite of the States to
do things exceeds the resources the States are prepared to vote to do them. There are more
Resolutions than there are resources available to carry them out.

2670 The point I was coming to was I think if a committee says we do not have the resources to
carry out the work in the timeframe that is set out in the motion, I think that is a reasonable
argument, but I think there is some obligation on the committee to say, 'However we could carry
it out by x or y date'.

2675 Now I do not know when Deputy Le Clerc's Committee could carry it out; it might be if they
were required by a Resolution to come back by the end of the next calendar year, or one year
after the date in the amendment, then it seems to me it would not be unreasonable for those who

want some action in this area and the Committee to reach a compromise so that the States direct the work to be done, set the work in motion, create the necessary States' Resolution, but do it in such a way that there is some practical possibility of it actually being done.

2680 I think it would be very unfortunate if the States are left with a binary choice between – because I think the original requête is probably going to lose – voting for an amendment with a timeline which the responsible committee has said is completely impossible to adhere or rejecting a body of work which quite clearly needs to be done.

2685 I would ask that the players in this game could reach some kind of understanding over a reasonable timeline and I think a Resolution could then be –

I will give way to Deputy Lowe.

Deputy Lowe: Thank you, Deputy Fallaize.

It is actually already in here, because the wording actually states:

... Propositions as soon as practically possible ...

2690 And then after that it says about before the end of the term. So if 'end of term' was taken out it does actually direct to come back 'as soon as practically possible', which would mean as it says on the tin.

2695 **Deputy Fallaize:** Yes, if the amendment was stopped there or the clause, the third clause of the sentence was removed, but obviously as the amendment is standing, the words have to be read conjunctively and it does say:

... in any case before the end of the current term of the States.

I do not think there is any way of getting around that other than by amending the amendment. Is Deputy Dudley-Owen asking me to give way? I will give way to Deputy Dudley-Owen.

2700 **Deputy Dudley-Owen:** Thank you, sir. Very grateful to Deputy Fallaize giving way.

2705 If there is an appetite amongst States' Members in order for us to get this through for us to lay and to plead for Members' patience to lay yet another amendment removing those words, we may be able to ask for a few minutes' recess in order to convene amongst the requérants, I am sure, given that Deputy de Lisle is the lead requérant in this instance. But I would hate to think that this amendment could lose on the basis of those four words (*Interjection*) and if there is sufficient patience and support from the Chamber then I would suggest that maybe we could ask for a five-minute recess in order to discuss this matter, sir.

2710 **Deputy Fallaize:** Yes, well I fear that the amendment is going to lose if those words are not taken out. If there is going to be another amendment I would encourage those laying it to include some kind of date by which the policy letter has to come back to the States because – I will just finish this sentence, if I may – if it is left completely open-ended the chances of it sitting on a shelf somewhere and not coming back to the States are materially greater.

2715 But I will give way to Deputy Brehaut who may be able to tell me when it would be reasonable for the work to be completed.

Deputy Brehaut: It was a more contextual thing around the debate; the premise of the requête and this debate is that nothing is happening with regard to Glyphosate.

2720 E&I have met with representatives of the Pollinator Project. The idea is to phase out Glyphosate; in fact Angela Merkel has said the same thing, to phase out Glyphosate. Respectfully, if the requérants had come to E&I and said, 'We are thinking of playing a requête. What do you think?' this, what we are doing now, the consultation bit, would have been taken into consideration. What the requête is asking the States to do is to consult which is a process that

2725 really could have been done ahead of this requête and consult with the committees other than an absolute ban to say, 'We are thinking about doing this. What are your thoughts?'

Deputy Fallaize: Yes, I accept all of that but we all do this, States' Members have things which matter to them and they want to bring things to the States and get Resolutions and that is sometimes how progress is made.

2730 I think if the committees are saying, 'Well, look, this work has started anyway, it is difficult to fit within the timeline in the amendment or the requête, but we are not unhappy carrying out the work,' what is the harm of putting a Resolution in place?

2735 Deputy de Lisle has an election to fight (*Laughter*) and sometimes I think it is reasonable to allow Members to put in place Resolutions which capture the policy objectives which matter, and if it is not terribly objectionable to the committees involved I cannot see the harm of it.

My view is there should be an amended amendment or a revised amendment or whatever with some kind of data in it which goes beyond the end of this term but is not completely open ended. But I am not going to produce it.

Thank you, sir.

2740

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, sir.

2745 I am in a slightly awkward position as President of the Committee *for* Economic Development, as Members will appreciate. Two Members of my Committee have signed this requête and Deputy Inder has just spoken vehemently and forcefully in favour of it.

So my Committee's letter of comment may now be sort of a historical document of reduced significance, but I still think it is probably worth drawing Members' attention to some practical aspects that we, that some of us at least, thought were worth mentioning. We wrote:

The Committee is concerned that there appears to be no evidence of consultation with Bailiwick businesses and consumers who would be directly affected by an outright ban, including farmers, gardening and landscape companies, agrichemical suppliers, garden centres, and the public. Such an exercise would provide valuable information on the potential impact both in financial and environmental terms on island businesses and consumers. It would appear to be a matter of good governance to conduct a consultation with businesses and consumers in the Bailiwick before any decision on restrictions to the use of Glyphosate is made.

2750 Now I may be in a minority on my own Committee, but I still think that that is actually a sensible comment, and the reason I raise it, really partly in response to Deputy Fallaize, is that we talk about the resources within the States to undertake necessary research and of course that is a limiting factor, but the reality is if we are going to consult with outside businesses, consumers and so on that will take time. I am not saying it cannot possibly be done before next June. I do not
2755 know, but it would require obviously a process to go out to consultation with a body of interested people and to give them time to respond and then us time to analyse their responses before reaching any kind of policy decision.

2760 The amendment is better, I think, than the original requête. It asks the Committee *for* Employment & Social Security at least to consult all relevant stakeholders in Guernsey. That is not of course the Committee *for* Economic Development but somehow or other I am sure we could work in a wider consultation with other users.

It is really rather extraordinary because in other circumstances Deputies de Lisle and Dudley-Owen and Inder would no doubt be insisting that business be consulted (*Interjection*) and the views of industry taken before any decision was imposed on them without their participation.

2765 I think we do need to consider this issue in the round and conscious of the fact that other people are doing the work for us. We have heard about what is going on in Germany; the EU, Deputy St Pier told us, is making progress on reviewing the use of Glyphosate, and it may well be

that by the time this matter gets reported back to the States, which I think would be likely to be after next July, the decision would have been taken for us and all that work might be otiose.

2770 So while I am sympathetic to the general cause that this is a fairly nasty chemical that we do not want to be splashing around liberally in our environment, I am concerned about the way this has come to the States, and the process that has been described here, and like Deputy Le Clerc, I think the timetable is unreasonable.

2775 Whether I would be able to support an amendment that took out those four words and said just go away and do the research, Deputy Fallaize thinks there should nevertheless be some kind of end date. I do not know, if the end date was far enough away that I think the sort of consultation which should take place could take place, then maybe I would support it, but I get the sense that actually it would all end up being a waste of time that before we got there the stuff would probably have been banned anyway.

2780 So I am sympathetic to the spirit of the requête but I actually have grave doubts about what we are saying.

The Deputy Bailiff: Members of the States, before I call anyone else to speak bearing in mind what is being suggested, I think it is important to recognise that at the moment there are only 2785 three Propositions and an amendment in play. So there can either be a fresh amendment, an amendment No. 2, or one can have a vote on amendment No. 1 and see if it carries. If it does then there can be an amendment to amend what would be Proposition 4(c) by either replacing those words with something else or alternatively removing them completely.

2790 But at the moment the only debate you are having is on the original Propositions and on the amendment run together. But if the amendment is something that people want to have the ability to amend there needs to be a vote on the amendment sooner rather than later, otherwise it will only be taken at the winding up stage which is immediately before the winding up stage on the Propositions of the requête.

2795 So I simply mention that now for anyone who is thinking about moving a second amendment and how that would be structured.

Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

2800 I just wanted to pick up on the point I made, and I thank Deputy Fallaize for giving way, the issue is we have E&I – I know that our colleagues at the ESS have been tasked with doing this but E&I are in the process of looking at Glyphosate, working with the Pollinator Project to see what we can do.

2805 Now what I fear is that States' Members will approve the requête and amendments that sets another course, so then what do we do? Do we stop what we are doing and put any progress being made –?

I will give way to Deputy de Sausmarez.

Deputy de Sausmarez: I thank Deputy Brehaut for giving way.

2810 I think he is quite right to say that E&I is looking at Glyphosate, but I think it is important to explain to the Assembly that we are looking at Glyphosate as one of many, as part of the much bigger picture in terms of agrichemicals in terms of all those potentially toxic chemicals that are used in land management.

Deputy Brehaut: Yes, that is the case.

2815 What I do not want to happen is that anything we are doing, and I have to observe within the resource that we have is, excuse the pun, set aside waiting for another piece of work. That has happened actually because there has been no consultation directly with committees other than feedback on the requête.

2820 Deputy de Lisle said that Longue Hougue quarry is full of – I just want to clarify from – I have run that quote past the General Manager of Guernsey Water who says:

This statement only serves to further the potential for misinterpretation. There are rising levels of Glyphosate in the water supply. We must be very clear that the presence of Glyphosate in raw water such as streams and quarries such as Longue Hougue reservoir does not mean that levels are rising in our drinking water supply. Water treatment in Guernsey removes Glyphosate to levels that are well within industry drinking water standards.16:06:31

2825 Now I know there is a balance and it is something I remember Stephen Bridgman saying to me, the then Medical Officer of Health, is when you draw the public's attention to health risk you can unsettle the community when you exaggerate the risk to them, and I think Deputy de Lisle respectfully, sir, was at risk of doing that.

Deputy de Lisle: On a point of clarification, sir.

The Deputy Bailiff: You cannot have a point of clarification.

2830 **Deputy de Lisle:** Point of Correction, sir.

The Deputy Bailiff: Point of correction, Deputy de Lisle.

2835 **Deputy de Lisle:** I have not said anything about drinking water, I was talking about the raw water in Longue Hougue which is very contaminated with Glyphosate. The figures are here: I know that it is correct, the Water Board just sent them to me yesterday.

2840 The fact is they take out that, they use substances to actually take out the pesticide from the water, but the herbicide, the problem is with very violent rainfalls overnight and that type of thing you do get problems of extraction, and with the build-up that is going on with this substance in the raw water there are questions as to how the Water Board are going to, in the future, be able to manage extraction of that chemical from the drinking water system without quite a lot of investment. They have made that very clear in the STSB comment. But while I am up I would like –
(Several Members: Speech.)

2845 Thank you. *(Laughter)*

Deputy Brehaut: I did not know whether to give way or whether you were to give up. It was not too clear to me.

I think Deputy de Lisle's comments, sir, through you, were open to interpretation so I thought it was important to observe the water quality from the General Manager.

2850 I just want to refer or read from our letter of comment, because it is important because what there is there is 'Glyphosate bad, evil, damaging, harmful, remove it and everything overnight is fantastic,' so removing Glyphosate is the *panacea* which is probably the chemical name for something else:

The Committee notes that there is a lack of approved non-selective (broad-spectrum) systemic (translocated) herbicide alternatives to glyphosate. This means that in agricultural and professional settings (for example farms and gardening services), if the use of glyphosate were restricted in the way suggested by the requête then it would, in all likelihood, be substituted by glufosinate-ammonium, the only other approved product of this type. This herbicide has a different risk profile, including, for example, skin sensitisation. Because it does not translocate as well as glyphosate (in other words, it doesn't act on the whole plant as comprehensively) it is less effective on perennial weeds, meaning greater quantities of this chemical would be used compared [to] glyphosate. This would result in an overall increase in the use of herbicides in Guernsey.

2855 That is the most important point, or an important point, because I am not unsympathetic where Deputy de Lisle and the other requérants are going with this, but I think they are respectfully exaggerating the risk, not realising that closing the door on Glyphosate means you

open another door that some years down the line the community will realise that it was much more harmful.

2860 I will say, just in passing, my father died when I was very young. My father's job was spraying the hedgerows of Guernsey on a little A30 tractor with DDT. Those chemicals are no longer with us and there are many more safeguards than there were now.

I will also just remind Deputy de Lisle, through you, sir, that Angela Merkel is developing a programme to phase out the use of Glyphosate, which is where this community is and the direction that this community is going in.

2865 But I felt that one of the areas that is so tricky because what the requête says is do the research, do the peer review presumably of whatever scientific papers are out there, do that piece of work, bring the conclusions to this Assembly, as if those conclusions will be accepted and not be challenged. So you would end up with a piece of work, E&S would be tasked with bringing a report that could be inconclusive that can give no clear steer because of the evidence that is out there or the evidence can be contested.

2870 In the most high-profile Glyphosate compensation case, from recollection, I think the person was a groundsman, a grounds person. This person spent their working life handling the product, it is all they did and that level of saturation has proved to be harmful but it is not generally obviously the level that the community are exposed to.

2875 The STSB or rather an employee of STSB, if you like, in the absence of policy has taken the decision to stop using Glyphosate – as to what they now do, we do not know. So there is a system I think called hot foam where weeds can be treated with hot foam and for those of a certain generation we can even remember gangs of – they were called road gangs, weren't they – going round clearing the gullies and the bottom of hedges and that was probably the most environmental solution to the problem.

2880 But with removing Glyphosate and some people, this individual has chosen to do that, it is not in the knowledge that there is a more workable alternative out there, and if there is not a more environmentally friendly chemical out there then what will happen and I think we should not ignore that risk.

2885 Yes, I would hope that without putting too much burden on the shoulders of E&I in taking on yet another workstream, I would very much like the work E&I were doing to have run its course rather than to have two States' committees, departments, doing something in parallel in the hope that one arrives there before the other. I do not think that is particularly helpful.

2890 I would actually say to Members that this requête is superfluous and I would not be supporting an amended requête.

Deputy de Lisle: Sir, can I just suggest that we do have a recess so that we can prepare an amendment on that on the timing?

2895 **The Deputy Bailiff:** Well, I will put the motion to Members of the States, Deputy de Lisle. It is only the basis that there appears to be some confusion as to what can be done at the moment. I am not convinced that there ought to be any confusion from where I sit because it seems to me to be a choice between waiting to vote on amendment 1, seeing if it carries and then placing another amendment to remove or substitute the words, or alternatively having a complete equivalent to amendment 1 which will change the timescale which goes into play and gets voted on as the alternative to amendment 1.

2900 So I am not sure that there really does need to be a recess, but I will still put it to Members if Members want a recess. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Deputy Bailiff: I declare that lost. *(Interjection)*

2905

Deputy Brouard: Can I call for a recorded vote?

The Deputy Bailiff: You can indeed. So we will have a recorded vote on that please. Maybe the time could be used to prepare the relevant amendment! (*Laughter*)

2910

Deputy Brouard: Can I have two recorded votes then?

The Deputy Bailiff: No.

2915

Deputy Lester Queripel: Sir, can I have a clarification, please.

The Deputy Bailiff: We are having a recorded vote, Deputy Queripel.

2920

Deputy Lester Queripel: I was wanting clarification on whether we get to vote on this amendment in front of us, sir, or we do not?

The Deputy Bailiff: You will get to vote on that amendment unless there is a motion to withdraw it.

2925

Deputy Lester Queripel: Thank you, sir.

The Deputy Bailiff: We are having – can you be quiet please, Members, so that we can vote on the motion to have a recess?

There was a recorded vote.

Not carried – Pour 17, Contre 17, Ne vote pas 0, Absent 6

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

2930

The Deputy Bailiff: Well, Members of the States, on the motion as to whether or not to have a recess at this point there voted Pour 17, Contre 17, 6 absent. As a result of there being an equal number of votes cast, the motion to recess is lost. Therefore debate continues.

Deputy Dorey.

2935

Deputy Dorey: Thank you, Mr Deputy Bailiff.

I would just like to pick up one of the points that Deputy Inder made on the actual requête and Proposition 2 of the requête:

To recommend that the Committee for Employment & Social Security should consider granting licensed approval for Glyphosate for the use by professional users for the control of noxious weeds in Guernsey.

2940 There are only three noxious weeds by Law in Guernsey which is common ragwort, hemlock
water dropwort and spear thistle – and creeping thistle, four. So one of the major weeds that
Glyphosate is used for is Japanese Knotweed and in fact it is the only weed killer that is effective,
and that does such damage. So under the current Law that is not classified as a noxious weed so
you would not be able to use Glyphosate for that most damaging noxious weed. It is very
questionable whether you would want to use a non-selective weed killer on those particular
weeds, because if you wanted to use it you would use a selective weed killer and anybody knows
2945 hemlock water dropwort grows only in places which are extremely wet and it is those places that
you would not want to use Glyphosate on because those are the ones which then drain into the
streams.

2950 So actually the Propositions are very poorly thought out and actually I would go on to say that
the complete lack of consultation ... and I take Deputy Parkinson's point, before this requête was
proposed, in my view, it is one of the most irresponsible requêtes I have seen. To bring something
to this Assembly without doing any consultation is just lazy and irresponsible. (*Interjections*) I think
it is very poor work to do that.

I go on to say that and I would refer to the letter from E&I which is included in the pack of
papers as Deputy Brehaut referred to and I will read directly from it:

In July this year, the Committee initiated a review to explore glyphosate's use, its impacts on the natural environment,
and the options for an evidence-based plan for a broad, balanced, and staged reduction in its use.

2955 So what I am saying is that if Deputy de Lisle and the signatories had come to us they would
have known that we had actually started work on this and I think the most responsible way is for
the Environment & Infrastructure Committee to carry on doing the work that it has initiated.

2960 We cannot just continually add to committees' work without deleting something else and it
will have to progress as within our priorities of the committee, but you cannot just suddenly keep
bringing Propositions to this Assembly without saying, 'If we are going to do this we are not
going to do something else.' We have approved the P&R Plan which is a very comprehensive
work and I am sure many committees, including committees that I sit on, are struggling to achieve
the workload which is in that document before the end of term. I just think it is irresponsible to try
and suggest doing something else.

2965 I also go on, I read further from the letter from E&I and it goes on to say:

Studies by DEFRA suggest that stopping the use of glyphosate and switching to non-chemical methods to achieve the
same outcome ...

This is in relation to roads, weed clearance on roads:

... could raise the annual cost of road treatment by up to eight times.

There is a very significant outcome to stopping Glyphosate. I am not saying it is the ideal
product to use but we need to fully understand the implications of not using it. It goes on to talk
about in terms of the farming community, it says:

... which is ... used for the pre-cultivation clearance of weeds/vegetation, is very valuable in dealing with perennial
grasses ...

2970 It goes on to say:

Using glyphosate in this way allows a low tillage land management regime to be used, which has several
environmental advantages: reduced CO² release from the soil, retention of soil humus and structure, and fewer tractor
hours, meaning less fossil fuel use.

So it is easy to say Glyphosate is damaging but what is the damage of not using Glyphosate or alternatives, because it is not all gain from not using Glyphosate, there is a cost and a cost not just to the taxpayer in terms of the cost of road clearance but a cost to the environment as well. It goes on to say:

The requête quotes incorrectly that the half-life of glyphosate in soil of 47 days. This is an average figure; figures vary based on soil and climate conditions which affect its persistence in soil.

2975 If you look on Wikipedia it talks about the half-life varies from two to 197 days and it is typically 47. So again it is misleading what is included in this requête.

I think the scare stories about cancer, and I can only quote again from our letter that:

... Cancer as a group 2A carcinogen ranks it alongside hot drinks, red meat and shift work.

2980 I think that has got to be taken into consideration. It is very easy to say, 'Oh, it is 2A, it can possibly cause cancer,' but there are many other things which we use every day which can possibly cause cancer and people are happy to live with. It is a matter of looking at the risks.

2985 So I cannot support this requête but I will support the amendment because it is better than the actual requête, but when the amended Propositions come back I will vote against all of them and I would urge Members to do that. I urge Members to have confidence in its Environment & Infrastructure Committee and the work it is doing, because I believe that is the best way forward, that will be done in a timely manner and done by a committee which is responsible for the environment and responsible for agriculture as well.

So I urge Members to support Environment & Infrastructure and reject this requête.

Thank you.

2990 **The Deputy Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

I just want to follow up on something Deputy Brehaut was saying and I think he was quite right but he used a different quotation so I will just refer to the requête, it says:

The Requête could be misinterpreted when considering the following statement that there are:

'... rising levels of Glyphosate in Guernsey's water supply ...'

The presence of this chemical in raw water is not reflected in the drinking water ...

2995 – and I think the public need to know that. We are not talking about the safety of Guernsey's drinking water at this time –

... as treatment processes decrease the levels to well within those determined as acceptable by industry drinking water standards.

3000 If you look further in the letter of comment it then shows that there is a potential problem in the future, and we are aware of that, and you will do one of two things: either remove Glyphosate or amend the way you treat the water, and it is all part of a joint effort with Environment & Infrastructure and everybody else.

One other point I want to make about what I find irritating, as originally a trained scientist from my educational background, is the total muddling of two issues: correlation and causation. I have seen them muddled so often, not only today, or yesterday, but in other debates, so think carefully about it.

3005 The other thing is the legal status of Resolutions. Now I go back to I remember – I do not remember when it was, 10 years ago, Deputy Trott will remember this – the firefighters dispute. I went and listened to quite a number of the sessions and one of the questions that was asked of the then Procureur – not Madam Procureur it was a different one – (*Interjection*) the question was what is the status of the States' Resolution, the legal status, and the answer was simply well there

3010 is not any. If you do not comply with the Resolution you are not going to get taken to court, or banged up in jail, or get a statutory fine, or anything. It is a purely internal process and the sort of options available are possibly a vote of censure or no confidence or you just ignore it.

3015 So as far as the time limit in this, I just cannot get excited about this, whether it is the end of June, whether you can make it or not. In this States we have on very many occasions not complied with time limitations and what has happened? Nothing. So I am quite happy to leave it as it is and I will be like Deputy Dorey, I will vote for the amendment and then vote against the whole lot if it passes.

I am happy to give way to Deputy Le Pelley.

3020 **Deputy le Pelley:** I thank Deputy Kuttelwascher for giving way to me.

Would he not agree though that whilst we are not talking about drinking water for human consumption, water that may have accumulated in streams which is heading down towards the various catchment areas may very well be drunk by animals that are then slaughtered and eaten by humans? Is it not possible for some of that Glyphosate to have been transferred that way?

3025 **Deputy Kuttelwascher:** I am sure there is, but he must realise also that the States' vet does test animal meat, if you like, slaughtered animals for pollutants. So I cannot go any more than that but I know it is tested. I know our fish are tested regularly for radioactivity because we are not far from a rather large nuclear plant. So I agree it is an issue.

3030 Again, going back to Guernsey Water, and it is mentioned in the report or our letter of comment, that when there is heavy rain the problem becomes more acute. But Guernsey Water have got the ability to divert certain streams at that time. They can choose which streams they process and treat. So it is manageable at the moment and it could become a problem but it is all being looked at anyhow.

3035 So as I said before, I am happy to support the amendment because it is an improvement on the basic requête but then I am quite happy to vote against the whole lot at the end of the debate if that is where we are.

Well, you look at the least worst option and the best option is just not to support it and that is my position.

3040 Thank you, sir.

The Deputy Bailiff: Deputy Paint.

3045 **Deputy Paint:** Sir, I agreed to sign this requête because I think that water of all kinds, fresh as well as salt, is one of the most important things that is needed on this planet; without water there is no life.

We debate many things as an Assembly but little is so important as the life on this Island and in the whole of the world on this planet. I therefore believe that this requête is done in plenty of time.

3050 If these plastics and whatever we are using nowadays had been looked at 40 or 50 years ago we might not be in the position and the paranoia we see about them altering the world at this time.

3055 I think the requête is sensible because it has brought to light that this substance might affect our water in the future. So, as any doctor will tell you, if you have an early diagnosis of something you have got a better chance of survival. This is exactly the way I see this requête.

Finally, sir, you cannot call me a greenie, I do not believe what is being said, I think a silverback would be much more appropriate!

Thank you.

3060 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

I do not like herbicides, I do not like herbicides at all. I do not use them in my garden. I do not use them in my orchard, I do not use them on my land. I try to avoid them and be as organic as I possibly can. However, I think I am probably atypical in Guernsey in that, and I worry about ... I really do not like Roundup or Glyphosates at all, but I worry that if we just obsessively tunnel vision about that particular type of herbicide it might disappear from the garden shops, from Gaudion's shelves, but people are not going to stop throwing herbicides at weeds. They are just going to go onto something else, something that may be less efficacious and be used in larger quantities.

So that is not an argument for not getting rid of Glyphosate, it is an argument for saying you have to be careful how you do it and how you bring that in, otherwise you have the law of unintended consequences.

Now Deputy Dorey is quite right about – well, he is right mainly about Japanese Knotweed, it is not a noxious weed. Noxious means poisonous, so water dropwort is; if cattle eat it they will die, or they will certainly get very poorly. The same with ragwort. Do not ask me about spear thistle and whatever else, but Japanese knotweed is a huge problem because it is so invasive, not because it is noxious.

So the requête as it is worded, if we went with the original, which would basically get rid of all amateur use of the only thing that was useful against it, and would only allow professional licensed use for noxious weeds, would mean that we were totally exposed as far as Japanese knotweed and the last thing you want to do is try to do mechanical control because if you ever actually try and pull it out by hand, if you try and dig it out all you do is break the rhizomes up and you actually spread it far more widely than it is at the beginning. So I do think we have to be logical as well as emotive about this.

I do not like herbicides, I do not like Roundup, I would never touch the stuff, but I think we have to be careful.

I also am not totally convinced about the amendment – certainly the end date in it. I did not vote for the recess because I do not see why you need a recess to go and take away two or three words out of an amendment and put in an alternative but I think that those end words are a problem.

But I think they are only one of the problems. Actually I know that the health and safety man is under Employment & Social Security but the people who are doing the work on herbicides at the moment is Environment & Infrastructure. This hands it all across to Employment & Social Security. I suppose we could just put it back again in co-working but it seems like a very ... I should use the right expression – ‘elbow before something’ way of going about it! I think the work is being done now by the right people.

The other thing I do not like about it is it is basically saying well if you do not believe that Glyphosates are dangerous then you go away with a wet towel over your head and spend several months reading all this international evidence. I do not think there is a single Member of any of the committees that doubt that. We do not need to do that work; we accept that it is. Exactly as Mrs Myrtle, that wise woman, accepts that it is, but also realises that it takes a period of time to come across.

I am not anybody's vassal Deputy ... I would say if he was here, through you, sir, of course I would say it, to Deputy Queripel, but I would also say – sorry Deputy Lester Queripel. I would also say that sometimes when some of the finest scientists in Europe are working on the best way to get rid of the use of something that is damaging and to move to alternatives instead in a way that avoids unintended consequences to get a few local blokes who may know a little bit about weed killers to try and duplicate that work when you can actually piggyback on real expertise is not always that sensible. That is not saying we are not independent, it is just having common sense and drawing on other peoples' expertise.

If the States are determined to put down a marker today, and I am not sure it is necessary because I think E&I are across it, they understand it, they are doing it, but if that is not believed

3115 and you want to put down a marker and make sure that Deputy de Lisle is re-elected because he managed to get this through the States then fine but I am not going to play that game.

3120 But if you are then at least put a sensible end date on to it. To be honest, to give it to ESS, and to say it has to be done by the end of this term which basically means by the end of February the work has to be completed, and put it in competition with things that are firmly within their mandate and which you have already voted in the P&R Plan, like secondary pensions, like discrimination legislation, like SLAWS, and the other things you want like Asbestosis compensations schemes, like looking again at the qualifying periods for payments for new-borns and looking at the possibility – although I am not promising that anything is possible – of some type of travel insurance scheme. Then for goodness' sake do not put this on ESS, tell them to go and do a bit of work which is actually not needed, because nobody is doubting the fact that we would be better off without Glyphosates.

3125 Really this is grandstanding, I think, this really is grandstanding. It is not getting down to the basics of how we actually do it, because I do not think there is one person in this Assembly that disagrees with the premise that we would be better off if we can avoid it, if we can find ways of controlling dangerous weeds, noxious weeds, invasive weeds, without having this substance, that we would like to do that. But I just think that this is a ham-fisted requête and it does not work.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

3135 This requête seeks quick and necessary action as a consequence of the growing and substantiated evidence that the chemical Glyphosate is harmful to human and animal health.

I have supported this requête for various reasons, but one key reason is because I think we are well placed in terms of size and autonomy to be both re-active and pro-active in responding to proven risks to our community.

3140 I hope that this marks the start of a cultural intolerance to harmful herbicides and pesticides and concerted efforts to find safer and sustainable alternatives.

Official guidance has been contradictory and this has not helped the public or policy makers, indeed, to understand clearly the risks to human health of this now wide-spread commonly used domestic chemical.

3145 Earlier this year a peer reviewed article answered the question of how and why the US Environmental Protection Agency (EPA) and the European Food Safety Agency (EFSA) reached diametrically opposed conclusions about Glyphosates genotoxicity to those of the International Agency of Research on Cancer, which is, as we know, the specialised cancer research agency for the WHO.

3150 In summary, the reason for the opposing conclusions, and therefore the confusing messaging around the safety of the herbicide, is that the US EPA relied on unpublished industry studies, 99% of which found that Glyphosate was non-genotoxic, whereas the IARC relied on published studies, 74% of which found that Glyphosate was genotoxic. The EPA's no genotoxicity risk judgement on Glyphosate was essential to provide it with a no carcinogenic risk classification of the chemical and importantly, sir, this judgement was based on industry studies, which were not available for public let alone peer review. Industry backed studies not available to the public cannot be relied upon as open transparent or verifiable.

3155 Just to be clear, using words like genotoxicity is not in my everyday vocabulary and not a word that I hear often, so I expect, sir, that Members and listeners may appreciate a brief definition. It is a word in genetics defined as a destructive effect on a cell's genetic material, the DNA or the RNA infecting its integrity.

3160 Statistically, a link between Glyphosate and various health conditions has been shown. The compound and cumulative effect of increased pollution exposure on our community should be a real concern for us all. We have PFOS in our water, we have Glyphosate in our water, we have microplastics in our water. Just how much are we happy to expose our community to and what is

the total effect of these pollutants and toxic substances that have proven health risks to both humans and our environment?

Mention has been made today regarding the classification of Glyphosate as merely a grade 2A in the IARC's classification, but it is worth noting that DDT is in the same classification.

3170 I support the requête because I think that it is our duty to reduce community exposure to no health risks wherever they arise.

3175 Back in May this year we were lucky enough to welcome Professor Dave Goulson, Professor of Biology at the University of Sussex, as a guest at the excellent Guernsey based Pollinator Project. Professor Goulson is something of a guru on bees, being one of the many scientists who have been measuring the decline in bee populations worldwide and he himself having set up a UK charity called the Bumblebee Conservation Trust in 2006.

3180 He spoke to the invited audience at length about the importance of bees specifically to the health of our environment and the key role they play. He also presented to a wider public audience at Beaucamps School over the weekend and the attendance at that event was very good. That demonstrates the acknowledgement from many here in Guernsey that we need to start taking a different approach to our flora and fauna. Evidence that a different approach is needed comes from various research projects such as one published last year. This particular study shows that Glyphosate is harmful to bees and increases the susceptibility of bees to certain pathogens when ingested.

3185 Now let's consider that an estimated one third of the food that we consume each day relies on pollination mainly by bees, but also by other insects as well as birds and bats. This statistic should serve to highlight the importance of bees and pollinators not only in our environment but also in our capability to feed ourselves.

3190 Therefore, sir, we do need to join the dots and take action to do things differently in the face of growing evidence and not just talk about taking action because we have students protesting on our doorstep but actually really taking action.

Dave Goulson commented on the research study which came from the University of Texas and the findings of the impact on glyphosate on bees, and he said:

This is a well conducted study which finds that ingestion of low concentrations of glyphosate alters the natural bacterial gut community of honeybees and makes them more susceptible to harmful pathogens. In recent years it has become increasingly apparent that gut bacteria play a vital role in maintaining good health, in organisms as diverse as bees and humans. The finding that these bacteria are sensitive to the most widely used pesticide in the world is thus concerning.

He goes on to say:

Those of us that study bees have long ago come to the conclusion that colony health is adversely affected by a number of interacting stressors, including exposure to cocktails of insecticides and fungicides, impacts of pathogens, and effects of poor nutrition. It now seems that we have to add glyphosate to the list of problems that they face. This study is also further evidence that the landscape-scale application of large quantities of pesticides has negative consequences that are often hard to predict.

3195 I think this is a necessary quote to read out because he is not the only scientist attesting to the findings and what we can traduce from Professor Goulson's comments is that it is not only bees that are harmed by ingesting the herbicide Glyphosate. The link has been made by the IARC and now this latest study which has two examples, humans, animals and our environment are at risk.

3200 So in conclusion, sir, we have no Island bee, not even Alderney, we cannot isolate Guernsey and its people from the harmful effects of proven toxic substances and move elsewhere taking our natural environment with us. We undermine, weaken and risk losing key component parts of our ecosystem at our peril. Reintroduction of species is not an option that should even be entertained, let's not lose them in the first place. Furthermore, it is more than irresponsible to continue to put public health at risk by allowing this poison to be universally available.

3205 I urge Members to support the requête.

Thank you.

The Deputy Bailiff: Deputy de Sausmarez.

3210 **Deputy de Sausmarez:** Thank you, sir.

I am really glad that I have just heard what Deputy Dudley-Owen has said because I was going to make pretty much all of the same arguments but come to a very different conclusion.

3215 I have got several fundamental problems with the requête. First of all the premise, Deputy Brehaut touched on this earlier. There is a sort of premise that runs through the requête which is that nothing is happening and Deputy Brouard expressed his frustration. He said I am really reticent to feel that we are not doing anything about this. Well we are and I will come back to that later because actually all of us in this Assembly and actually everyone out in the community has got the perfect opportunity to be working on this very pro-actively right in the here and now. So I will come back to that shortly.

3220 But it is just not true to say that nothing is happening and this is the only way, supporting this requête is the only way that we will do something, it will make us all feel better.

A real problem with it is its scope. It takes, as another part of its premise, this idea that Glyphosate is the only problem and as we have just heard very eloquently from Deputy Dudley-Owen and as Professor Dave Goulson, who is an amazing speaker and came over a few months ago, explained it is all about this cocktail of chemical that is actually affecting ecosystems everywhere.

3230 Ecosystems are complex things, they are complex in the true sense of complex in that they are made up of lots of interconnected parts, every little thing affects another little thing, which affects the whole; they are complex. So it is very important that we approach this subject in the round, holistically, and my concern with this requête is by focussing narrowly on one particular chemical we will have or we will accidentally cause unintended consequences.

3235 Deputy de Lisle in his opening speech mentioned glufosinate – what is it, glufosinate-ammonium? – and actually that is one of the chemicals that we, E&I, put in the letter of comment, in that that is one of the most likely substitutes and I am mindful of Deputy Kuttelwascher's words about not just sort of conflating correlation with causation or anything like that, and I am also mindful of the need to use temperate language and not to raise alarms.

3240 But it is worth just googling that chemical if you are concerned about health risks or damage to the environment because there are plenty of concerns around that particular chemical; and as Deputy Roffey said, if it is less efficacious, if it is less effective at killing the weeds, which is what people are trying to do when their usual Glyphosate has disappeared off the shelves, then we run the very real risk of people pouring more chemicals on to the land and glufosinate-ammonium is actually much harder to get rid of out of water.

3245 So these concerns that people have spoken about are absolutely right. I am absolutely delighted to hear that those concerns are shared in this Assembly, that is such welcome news. It really is, it is fantastic.

But the premise that nothing is happening at the moment is wrong and therefore the premise that the only way to deal with it is supporting the requête is wrong. The scope is, I think, really unhelpful; that is what really worries me, and the emphasis of the approach that the requête seeks to take – even that the amendment seeks to take is also I think misguided.

3250 As Deputy Roffey said, I do not think anyone in here or probably many people in the community really doubt that Glyphosate is not nice. It is not something we really should be pouring on to our land with gay abandon. I do not think anyone would argue with the premise that we should be phasing this out, that we should be using less of it in Guernsey. I really do not think that anyone is arguing that.

3255 So why devote our resources which we know are not particularly plentiful into establishing that Glyphosate is not very nice. We know that already, surely it would be better to focus our resources on how we are going to deal with it holistically. How we are actually going to work with the

community, deal with these issues that people like Deputy Parkinson and Deputy Brehaut alluded to, work as a community and with the community to phasing not just Glyphosate but all these agrichemicals out.

3260

I give way to Deputy Merrett.

Deputy Merrett: I thank Deputy de Sausmarez.

I just wish to ask Deputy de Sausmarez, through you, sir, if this research is already done and we already know this and then surely it would not be too resource heavy to actually bring that research back to the Assembly if it is already done. I think that is what Deputy de Sausmarez is saying. I would like clarity on that please.

3265

Deputy de Sausmarez: It was actually Deputy Parkinson who referred to this. There is research out there; obviously the research at the moment has led the IARC to a certain conclusion. That is being reviewed. There is a big bit of work at the moment so Glyphosate has been approved for use in Europe for five years from 2017, I think it was, so basically that is the five year window. It is due for review before the end of that period.

3270

So much greater minds than ours, with the greatest of respect to those who work in Environmental Health in Guernsey, who have got much greater resources, more pertinently, because that really is the factor and have got the means to do this, are putting that research together. So the point that Deputy Parkinson was making was that we could actually pour all these resources into doing our own review of literature, which as I think Deputy Soulsby pointed out is no small thing. It takes a lot of work, a lot of man hours, and then actually we could find that all that time has been totally wasted because actually the decisions have been made for us and the decision on that high level has been made for us, the problem effectively disappears.

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So really I think where we need to be focussing our resources and I am really hoping that I can take this debate as support for the work that E&I is already doing on this and I have to at this point give full credit to –

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Is Deputy de Lisle asking me to give way? (**Deputy de Lisle:** Yes.) Okay, I will give way.

Deputy de Lisle: I would like to just say that you are misleading the Assembly in a way because in fact we have been waiting, and waiting, and waiting, and I have been waiting since 2016 for something to be done on the questions that I was asking the then Minister of Public Works to deal with. At last perhaps we might have an attempt here to actually do something and prevent this substance from affecting health and environment in Guernsey.

3290

Deputy de Sausmarez: Well perhaps if Deputy de Lisle had consulted us before laying a requête we could have given him an update.

3295

But actually this has been something that, as the E&I's letter of comment makes clear, the Committee has been concerned about for some time and I am very grateful to the Pollinator Project who actually did come and sit down with us and discuss it so as to look into how we could move it forward in partnership, and actually that was something that we got up and running in July before any announcements by STSB or anything else, certainly before the requête.

3300

But I was actually disappointed that none of the requérants actually even picked up the phone to ask the question. We would have been only too delighted to work with the requérants to give them the news I hope they welcome.

But really, full credit to the Pollinator Project on this. I am sure Members of the Assembly know who they are, they are a bunch of incredibly knowledgeable and committed people with Guernsey's biodiversity at its heart, at the absolute core of what they do and the health of our pollinators, which is so central, as Deputy Dudley-Owen pointed out, to our biodiversity, which in turn supports everything else about Island life.

3305

At the beginning when I first got up I talked about how everyone in this room had an opportunity to be pro-active about this. The Pollinator Project, I think, very sensibly have

3310 suggested – I mean they have struck up a partnership with E&I with the Biodiversity Partnership
Group, with schools, with businesses, with so many different parts of the community. They have
done an absolutely amazing job at getting out there and bringing people together, and their
latest initiative is really to be applauded. I know every single Member of this Assembly has actually
3315 been invited to a workshop next Wednesday, a stakeholder workshop which will look – it brings
over some very notable speakers from the UK and it is the Pesticide Action Network.

So basically this is about looking at it in the round, it is not just about one specific herbicide.
Frankly, from what I heard from Dave Goulson, I am more worried about pesticides as a sort of
group than herbicides as well. Some of that was very much news to me, but it does look at how
we can work together, how we can work with those different stakeholders, how we can work with
3320 people in agriculture, how we can work with people in retail, and how most importantly, we can
work on alternatives and making the alternatives work so we can reduce our use and dependency
on herbicides and pesticides as a group.

So the Pollinator Project are bringing over some very eminent speakers and there is a
workshop and I am just going to make sure I get the details right, all Deputies have been – yes, it
3325 is three o'clock at Les Cotils – sorry just in case there is anyone listening on the radio, I am never
quite sure, but this is for invited stakeholders, but all Deputies are invited stakeholders, and
everyone should have already received an invitation to this event and I hope that many people
have responded positively. So this is great, so there is the stakeholder workshop next Wednesday
at three o'clock at Les Cotils and there is also a public presentation at 7.30 p.m. for Deputy
3330 Merrett especially to come along – she has a Committee meeting she is mouthing at me across
the Chamber.

So that is really about facilitating those meaningful conversations about how we get positive
change on the ground. I think that is exactly the kind of thing. I very much hope that this
Assembly will roundly endorse that and will get involved. Take that opportunity, get involved, and
3335 give it your practical support.

Personally, I cannot see the point in supporting a requête which puts our scant resources into
proving something that no one is trying to argue against. I think it would be much better if we
just do the really pragmatic thing: work as a community, give us your backing, but please get
involved. I would really love to see everyone, as many Members as possible and certainly as many
3340 members of the public as I am sure there will be, turn up next Wednesday and actually if people
like Deputy Brouard are feeling frustrated that nothing is happening now is their opportunity to
make it happen. Please give this holistic approach your support.

Thank you.

3345 **Deputy de Lisle:** Sir, I have the second amendment here to be distributed.

The Bailiff: All right.

Deputy Prow, I will call you after the next amendment. Can we circulate hard copies of it
please?

3350

Deputy Prow: Thank you, sir. Are you calling me to speak?

The Deputy Bailiff: No, I am not. (**Deputy Prow:** Sorry, sir.) (*Laughter*) I was indicating that I
will call you once we have got the second amendment into play.

3355

Deputy Prow: I apologise, sir.

The Deputy Bailiff: All right, no there is no need for an apology, Deputy Prow.

Members of the States, what you will be provided with is a copy that strikes out the words that
3360 have been identified as causing some concern to some Members.

I thought it would make sense to get that in play in the round. There will then, by way of explanation, be a vote on amendment No. 1. this is amendment No. 2 which will only need to be put if amendment No. 1 is not carried, potentially, because if amendment No. 1 carries I doubt that we need to vote on this one, but this is the lesser alternative.

3365 When everyone has got a copy I will invite Deputy de Lisle to place it and Deputy Prow to second it formally. Does everyone have a hard copy in front of them?

I invite Deputy de Lisle if he so wishes to move amendment ... you can write amendment 2 at the top of it if you want to just to make it clear.

Deputy de Lisle.

3370

Amendment 2:

To insert the following at the end of the Propositions in the Prayer:

"Or, in the event that Propositions 1, 2 and 3 are not agreed:

"4. To direct the Committee for Employment & Social Security:

(a) to consult all relevant stakeholders in Guernsey, and the authorities in Alderney and Sark, in connection with the use within the Bailiwick of products containing the active substance Glyphosate (CAS No. 1071-836, EU No. 213-997-4),

(b) to review any available research results, including from research undertaken by reputable international bodies such as the IARC and WHO, about the effects on health and the environment of the use of such products, and

(c) taking into account the results of such consultation and review, to return to the States with a Policy Letter and Propositions as soon as practically possible, addressing and recommending appropriate legislative and other measures, which may be necessary or prudent to prevent harm to health and the environment from such products and which are compatible with Guernsey's international obligations with respect to trade."

Deputy de Lisle: I would like to propose this amendment 2 which strikes out the words:

... but in any case before the end of the current term of the States

– so it will be –

... as soon as practically possible ...

– rather than –

... but in any case before the end of the current term ...

The Deputy Bailiff: Thank you, Deputy de Lisle.

3375 Do you formally second that, Deputy Prow?

Deputy Prow: Yes I do, sir.

Thank you.

3380 **The Deputy Bailiff:** Deputy Prow.

Deputy Prow: Thank you very much, sir.

I now rise to support amendment No. 2, sir. (*Laughter*) (**A Member:** Hear, hear.)

3385 In doing so, sir, I must say that I applaud and I thank Deputy de Lisle for raising this and I have got quite a lengthy speech but I can cut this down considerably because it appears to me that when we talk about the dangers of Glyphosate it is agreed by those who appear to be not supporting the requête and certainly by those who are supporting, that it is a dangerous substance.

3390 I just will do a very brief summary, sir, of where I think we are. Sir, I think there is no doubt that Glyphosate is a harmful substance which is hardly surprising as it is designed to kill plants and pests. There is of course a debate about exactly the extent of the harm it causes. However, at the very least the harms are summarised in the requête actually in sections 2 and 3.

3395 Sir, we are pouring Glyphosate into our very limited land mass in considerable quantities. It absorbs strongly to soil and residues are expected to generally be immobile to soil and remain there long after application. Glyphosate reaches our raw water sources in ever increasing quantities and is linked to pollution and enters into our food sources. As has already been said, it is identified as a group 2A carcinogen, probably carcinogenic to humans, by the World Health Organisation.

3400 Now, sir, in some of the previous speeches which have been critical of the requérants the point is being made: why this particular chemical? Well actually, sir, perhaps to give some background to why the requérants have picked out this particular chemical. The authorities say there has been 100% increase in the frequency and volume of the application of Glyphosate based products worldwide over the last four decades. Sir, this global emergency of the widespread use has led to a much higher level of scrutiny regarding its effects upon human health and the environment as reflected in previous speeches. It also now requires greater application to maintain effectiveness.

3405 Sir, the requérants have been criticised by some but I think it is completely right for us to be having this debate about sustainability and the use of the chemical on our precious land and wake up to its effect as an environmental pollutant which has reached our raw water and some food stuffs. Sir, let us at the very least start a process on this day to explore how we reduce the harm caused.

3410 Sir, please can I refer to the letters of comment, I will not go into them in as much detail as I was going to, but there is such a volume of rebuttal. Deputy Inder raised this, it is kind of, 'Do not look here, do nothing, it is too risky to big business, they will sue us and Europe will hit us with a big stick if we stop spraying this stuff on our land.'

3415 Sir, I shall misquote Shakespeare's Hamlet, the committees 'doth protest too much methinks'. I agree that we need to do more research; I agree that we need more time to find alternatives; I agree with everything Deputy de Sausmarez said around the value of the Pollinator Project, and I add my praise to hers.

3420 But it seems to me that the committees want it both ways. They criticise the requérants for bringing this, saying do more research, do more consultation, so the requérants think, 'Well that is the view of the committees, so we go away and we do an amendment which basically listens very loud and clear to all the letters of comment.' Now we are told, 'I am sorry we have not got the resources to do this.' Contradictory statements are being made, 'Oh, it is all in process, it is all in train, you do not need a requête because we are doing it all.'

3425 The fact that Deputy de Lisle has already mentioned nothing has emerged since the questions he posed in 2016 is glossed over. Well which is it, sir? Which is it? Are the committees with the requérants; do they want more time to research it or don't they? So I very much on that ground alone would ask this Assembly to give a clear direction through the amendment for some actual action.

3430 This has been a good debate. I think it shows listeners on the radio, those that take an interest, that we are very concerned about the environment, we are very concerned about what chemicals are being used, particularly if there is risk to human health, but it goes much wider than that.

3435 I actually would like to thank the President of ESS particularly for her supportive comments and I got the impression from her letter that the Committee would support a delay to enable an appropriate review of the scientific evidence on the risk of Glyphosate and consultation, and now the requérants have agreed to water down the amendment even further. Please, I ask that Committee and the Committee for Environment & Infrastructure what is the harm in supporting this requête? Let's all work as a team. Nobody is saying it is anybody's idea. It is about us all working together to actually do something that we already do.

3440 ESS already run a poisonous substance regime; that regime prohibits under licence the use of chemicals that are used in the UK, this happens now. This debate has raised another chemical which is of worldwide concern; all we are doing is say use the same processes.

3445 The arguments around trade and Protocol 3, I could wax lyrical about that for a long time but I am not going to. All I would say is there is some misunderstanding about what Protocol 3 is about. It is primarily about tariffs, about applying duties on third country goods. We already prohibit the use of chemicals on our land that are used in the UK and elsewhere. That is what has happened.

3450 There is a department who work very hard at making sure that they keep up to date and what they actually do is look at the scale of harm in relation to a small community, a very densely populated one, and so therefore they can justify putting substances under licence that are not elsewhere.

3455 Sir, this debate has gone on long enough and I think we are getting towards the end of our allotted time. Please, please, I ask every Member of this Assembly to support amendment No. 2. It sends a message without, 'All point at each other. Who is doing what?' Let's all get together, get behind those committees and let's do something about this substance.

I commend amendment No. 2 to you, sir.

Thank you.

The Deputy Bailiff: Deputy Le Pelley.

3460

Deputy Le Pelley: Thank you, sir.

Though it is not stated in the Home Affairs letter of comment on the requête, I should just like to state before I get going that I was not at all at the meeting, not even part of the meeting, when the actual letter was debated. I was not on Island, so I have not been involved in that at all.

3465 I think I perhaps should start by explaining why I agreed to sign the requête. My initial thing was basically herbicides and pesticides are designed to kill and to control, and I was very concerned about just what things they did kill and control and what other things might get caught up in all that.

3470 A lot of why I actually signed this was because I wanted to raise awareness and I do not really want to sort of say that someone is stealing somebody else's territory, or someone is treading on somebody else's toes, or that this is another committee's area of responsibility. I am not trying to sort of point fingers or try and score points or even try to get re-elected next time because I do not think I am going to be doing that.

3475 So why did I get involved? Well I was very curious, very curious because as a young student various things had come way to study and to study how they impacted on human society. Perhaps the first one was smoking, but then we had coal dust and what happened to coal miners, and then we had asbestos, and right towards the end of my time at university and college was the use of agent orange in Vietnam, which was meant to be to remove the foliage from plants so that the Vietcong and others who were hiding underneath the foliage could actually be exposed, not realising just exactly what they were going to do to the long-term health effects of those people.

3480 So I have fears for various reasons about some of these chemicals that we actually put on to our land. I am very concerned about people with vested interests, with profits to make, and law suits for damages to avoid. I have done what probably everybody else has done, I have googled this, I have gone to Wikipedia I have gone to various other bits and pieces to see what information I can glean from the internet.

3485 Well, weeds, we all love to hate them, they are nuisance, they prevent good crop products, they damage the yields, and a lot of farmers are tempted to actually use this stuff rather more readily than perhaps they should in order to get the better yields that they can or the best yields they can.

3490 Now in looking through all this I note that Glyphosate is a synthetic herbicide which was patented in 1974 by Monsanto Company. It is now manufactured and sold by many companies in

3495 hundreds of products. It has been associated, whether we like it or not, with cancer and other health concerns. It is best known as the active ingredient in Roundup branded herbicides and the herbicide used with Roundup Ready which is genetically modified organisms (GMOs). Now the herbicide tolerance is the most prevalent GMO trade engineered into food crops with some 90% of corn and 94% of soya beans in the United States engineered to tolerate herbicides, that is according to the US DA data.

A 2017 study found that Americans' exposure to Glyphosate increased approximately 500% since Roundup Ready GMO crops were introduced in the US in 1996.

3500 Here are a few facts about Glyphosate as used in the States. According to a 2016 study in February of that year, Glyphosate is the most widely used pesticide, and in the US no pesticide had come remotely close to such intensive and widespread use. Findings included that Americans had applied 1.8 million tonnes of Glyphosate since its introduction in 1974, that worldwide 9.4 million tonnes of the chemical had been sprayed on fields – enough to spray nearly half a pound of Roundup on every cultivated acre of land in the world. Globally Glyphosate use has risen almost 15-fold since Roundup Ready GMO crops were introduced.

3505 I beg your pardon I had not seen you ... got my glasses on. I give way to Deputy de Sausmarez.

Deputy de Sausmarez: I am very grateful to Deputy le Pelley for giving way.

3510 I wonder whether he would agree with me, I too am similarly appalled by the statistics that he is quoting, but would he agree with me that a lot of this comes back to the fundamental principles of land management in the first place, and that actually whether or not it is Glyphosate or any other herbicide or indeed pesticide on food, foliage, that actually going back to these fundamental principles of how we manage the land and whether we should be using any kind of chemical on them or what kind of alternatives we could put in place is where to start, and most pertinently about redefining what is a weed to begin with. I know there are differences of opinion but I think actually one of the most striking things that Dave Goulson said when he presented to the community was there is a really easy way to deal with weeds and that is to redefine them wild flowers.

3520 **Deputy Le Pelley:** Or indeed eat them, sir, if they were not noxious we could eat them.

I wanted to move on a little bit further though to some of the concerns that I have got and also to talk about law suits. I mentioned earlier that the aim often for some of these big pharmaceutical companies, or the companies that are producing these chemicals is actually to make a profit, and/or to reduce as much as possible the chances of having a law suit against them for damages. I am very concerned about that.

3530 There have been some 11,000 people who have filed suits against the Monsanto Company which is now called Bayer since its take-over, who have alleged that exposure to Roundup herbicide has caused them or their loved ones to develop Non-Hodgkin Lymphoma and that Monsanto has covered up the risks.

3535 Now the problem here is that if we are going to be looking at various research projects and various research documents that have been done, there are very strong allegations going on that certain of these big chemical companies have actually had sponsored people working on the research teams and they have been able to change the data or turn people's heads away from certain facts and figures and actually negate as much as possible some of the more outrageous or more dangerous statements or findings that have come to light.

3540 As I understand it, there have been a number of cases that were due to be considered in the American Courts that have now actually been deferred until January 2020 as a result of a whole series of emails that have come to light showing the extent to which some of these people have actually infiltrated the research programmes where the reports have therefore been tainted. So you need to be very careful in doing our own research as we move forward into exactly how accurate and how untampered, if you like, those actual reports are.

My biggest concern, because I am an apiarist lover, a bee lover – I studied it when I was at school and I took part in my local bee club when I was at university as well, and I am actually
3545 amazed by them. There is a book that I have been reading and I would recommend it to
everybody it is called 'A World Without Bees' and it is written by Alison Benjamin and Brian
McCallum. What we have to bear in mind is that these Glyphosate based things do kill bees, they
are severely dangerous to them, and the quote that I would like to read to you, just a little bit of
3550 background, I am not sure how many people are aware but the bee is the biggest and the best
pollinator you can probably get.

In America the actual bee or the bee colony is actually transported by road many hundreds of
miles from place to place in order to pollinate various crops, the almond crop is probably the best
one that is known, and these bees are then moved from one site to another site as the actual
harvest moves according to the climate of the country. So having bees suffering as a result of
3555 having these chemicals is very serious and of course in 2007 and 2008 the actual bee also suffered
from a thing called CCD which was a catastrophic colony collapse, which killed off many millions
of bees. Now the quote I would like to give you is this:

Albert Einstein is reputed to have said if the bee disappeared off the surface of the globe then man would only have
four years of life left. No more pollination, no more plants, no more animals, no more man. In truth it is more likely to
have been French bee keepers who put these words posthumously into Einstein's mouth a few years ago during a
battle to get the pesticide banned from their country. Whoever said it, however, the apocalyptic sentiment chimes with
the view that bees are the canary in the coal mine, a guide to the health of the planet, and that their predicament is a
warning to us all.17:20:21

I think we would be very silly not to actually take that very much to heart. I do not think that is
an overstatement, our population on this planet is getting bigger and bigger incredibly quickly.
3560 We are necessarily keeping up with the amount of food that is going to be required in order to
keep them all healthy and fed, and I think really the sooner we can get this Glyphosate or
whatever else is out there which is poisonous and damaging to the environment and to us and
our human health and to the plants and the insects that we need in order to make sure that we
have enough food, the sooner that is done the better.

3565 Now I am not particularly mindful as to whether this inspection or this report or this action
takes place tomorrow, next week or the week after. I appreciate from what has been said that
there is lots of work already underway, and I am very grateful for that. But I cannot see any
problem with this getting started as soon as possible to be resolved as soon as possible.

I think there is a message that needs to go out to people that we take this very seriously. We
3570 do not need to have to wait for foreign government to do all the work for us. I appreciate that
may save some money, but I do think we need to be doing our own research and making sure
that what fits Guernsey is sensible.

Now we have 13 controlled streams in this Island; 13 streams and their tributaries now because
the Law has been changed recently, that actually feed into the water network that is actually used.
3575 It is treated by the Water Board and it gets around to the various houses. We need to make
absolutely certain that there is as little of this stuff in that water as possible.

I mentioned before when I asked Deputy Kuttelwascher to give way to me if he would agree
about the possible risks of raw water being drunk by animals that are later slaughtered and eaten
by us. That is a concern to me. I think the sooner this work is done the better and I do implore
3580 everybody in here to agree to amendment 2, please vote in favour of it.

Thank you.

The Deputy Bailiff: Deputy Smithies.

3585 **Deputy Smithies:** Thank you, sir. I will be brief given the hour.

I owe an apology I think to Deputy de Lisle because he did ask me to sign this requête and I
told him at the time I would not oppose it but I could not sign it. The reason I could not sign it

3590 was because I completely disagreed with Proposition 2 because if I am not to be allowed to put Glyphosate on the weeds in my bottom yard I do not see any reason why the farmer across the fence should be allowed to swash the stuff about willy-nilly, so I did not like that. If you are going to ban it ban it and do not allow anybody to use it. I would have gone along with that.

3595 However, I am going to renege on that undertaking which I gave him in light of what I have said. I support the letter from STSB, we are in danger of contravening international trading obligations. Now it is all very well to be very macho and say, 'Oh, we can do what we like. I do not care about that we are not in thrall to anybody else,' but we do have obligations and for that reason I am going to actually vote against 1, 2 and 3.

Sadly, also I am going to vote against 4 because I am now convinced from what I have heard that this work is already being done, and this whole requête and the amendment are superfluous, they are just not needed.

3600 So with regret and apologies to Deputy de Lisle I will vote against all Propositions and amendments.

The Bailiff: Deputy Merrett.

3605 **Deputy Merrett:** Thank you, sir. I will be very brief.

I have got a bit frustrated in this debate because there has been a bit of, 'Well, you did not consult with us, so therefore ...' I just find this amazing in the 21st century where ideally I would like to see the Government actually being pro-active and actually putting out the information of what we are doing and when we are doing it, so it is a 'we will disclose' rather than 'if you want to know come and talk to us'. (**A Member:** Hear, hear.) Thank you. It could go either way.

3610 I understand because I have done requêtes and I understand how frustratingly difficult it is to try to put them altogether and then try with your utmost intent and integrity to consult with everybody that you can consult with. But at one point in time you have to say, well, I have done what I can do and now I just need to lay that requête. So I think we should get off that little bandwagon of 'consult with us' and maybe re-active – not be so re-active, maybe it will be pro-active. I mean all Members together –

3615 Oh, I will give way to Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, Deputy Merrett.

3620 Would Deputy Merrett agree with me that perhaps the consultation that she has done in laying some of her requêtes is quite substantive, but doing no consultation with any of the stakeholders or committees is possibly a different situation to that which she describes that she has been through.

3625 **Deputy Merrett:** I thank Deputy Hansmann Rouxel for the interjection.

I think what I am saying is that a requête is a parliamentary mechanism that we can all use and we should not be saying, 'Oh, well, you did not come and ask me first, therefore I am not going to support it' – that is not the only reason, I clearly can understand that. I would advocate consultation where you possibly can, but I also understand the frustration of trying to put something together and I think Deputy de Lisle has explained this quite adequately already, that he has had the frustration for years on this.

3630 So I think it is a case of are we –

Oh, Deputy Prow. I give way to Deputy Prow, sir.

3635 **Deputy Prow:** I thank Deputy Merrett for giving way.

Would Deputy Merrett agree with me that the Rules around a requête actually give the duty to Policy & Resources to consult with the committees?

Deputy Merrett: Yes, I would agree with Deputy Prow.

3640 So I am going to move on now and I will try and keep up but it is difficult with my glasses on to see who is standing so you will have to clear your throats.

3645 So I am going to be brief because I listened very carefully to Deputy de Sausmarez, sir, very carefully indeed, and for one moment she almost had me and then she said I am not going to do it verbatim so there does not need to be a point of correction on it. But I think what she was saying was there is this five-year window of opportunity and that, in my world, is by 2022 from the date that she first alluded to. The amendment 2 says as soon as practically possible, so that could be a practical factor which I would show would be pragmatic and I would certainly consider to be: wait for this other research in 2022 and then bring it before the States if that is what you think is practically the right way to do that.

3650 So that is why I have a lot of sympathy for amendment 2, and I know a lot of speakers have already spoken – I think that was correct English – but at this juncture I will vote to support amendment 2, because I do think it can come back as soon as practically possible. I understand that is a definition that could be taken advantage of and I am going to support it, if I do, on the basis that Members in this room have listened to Deputy de Sausmarez and the research that has been undertaken in other jurisdictions and will show due regard to looking after the public purse and to what they believe is the best action, as in should we wait for this international or should we do this, I will leave that at the discretion – because I trust the Committee concerned.

3660 Lastly, I was just going to say and I was a bit concerned about what Deputy Smithies said. Yes, we have obligations under World Trading Organisation – haven't even signed to it yet – but I am getting a bit concerned this is being used as quite a red herring and it has already been used on some of the Budget questions that I have had and I have managed to bash that back by saying, 'Well actually this country does it and they have signed to WTO so let's not do that.'

But my obligation, sir, is this community, that is the overarching obligation I have, is to this community and so I cannot stand by the statement that Deputy Smithies said.

3665 I will leave it there, sir. I do not think any of us has been unable to speak. I think again we have tried to all get in on this. I am thankful to requérants for bringing this to our attention and I am certainly very thankful that they have listened to the debate and they have tried to move an amendment, being amendment 2, which in theory, listening to debate, most Members should be able to support. So I hope we can move to the vote soon, sir.

3670 Thank you.

The Deputy Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

3675 I was not going to speak and I will try and be as brief as possible but we have conflated this entire requête with what is a holistic approach to the reduction of pesticides and herbicides and moving towards sustainable management of our Island, whether that be in agriculture or how we even do our gardens. All of that with the knee jerk need to ban something outright.

3680 Now yes, we could ban something outright and what is coming out about the WTO and the reason why the amendment then asks for this research and looking at all this in a very specific way in order to avoid any potential law suits from these big Monsanto's or whatever if we suddenly turn round and say well it is banned is to have our back.

3685 Now that is a very big piece of work that is happening in a jurisdiction which has the resources to do it. It is not a case of us saying well let's not find the solution until somebody else tells us it is okay, because they are doing all the work and the research in the EU at the moment to that 2022 deadline. It is about us saying we agree that something should be done, but going down the road of banning it and spending all this resource doing the extra research and analysis of the data that is out there in order to ban it right now is superfluous, because if something else is doing that work then we wait for them to do the work, but that does not mean that we cannot do something in the meantime. That is exactly what we are doing.

3690

3695 I am sorry, I listened to the debate in January 2016 and I listened to Deputy de Lisle's questions and I am very frustrated because Deputy de Lisle has not come to the E&I Committee and if he had I would have explained to him that you can go back in our papers and see that I have raised this, Deputy de Sausmarez has raised this, and that we have worked on this and started working with the Pollinator Project to get to a point where we are looking at it holistically.

Yes, the ban will come out once the work has come, but the interim steps that we can take now are the interim steps that we can take now and I think that conflation of where the resources go and can be used is just frustrating.

3700 One is about legal documents and ticking boxes in international trade. Yes, we should not use that as an excuse not to do something, but we should not use that as an excuse to do extra work and take resources away from something like the Committee *for* ESS regardless of whether there is a date on it or not, it still is going to require resources and work will have to be done that is potentially superfluous.

3705 I know that I probably have not made any difference because there is still a conflation in peoples' heads but they are two separate issues and unfortunately they are being conflated.

The Deputy Bailiff: Members of the States, it has just gone half past five, normally we would adjourn at this point to 9.30 a.m. tomorrow morning, but I will test your appetites to stay *(Laughter)* by putting the motion to you that we continue debate to the conclusion of this States' meeting this evening. In other words, conclude the two amendments, the Propositions once we know what they are, and then the Schedule for Future States' Business. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I will declare that carried.
Deputy Gollop.

3715 **Deputy Gollop:** Sir, I think I am going to make a different speech than I might have done an hour ago.

3720 I have been listening to all of these speeches for a long time and I signed it and I am Member of ESS and we know the workload we have got. But I was at another meeting of the ESS when we left and Deputy de Lisle suggested this and hopefully we can attend the Pollinator Project workshop but we have another ESS committee meeting that same afternoon.

3725 But moving on from that, I knew that we did not necessarily have the resources for it and I did not care, and I know that many other committees are working on it and I did not care. I do not care if there are not the resources financially or whatever, we have to make a gesture, we have to make an impact, we talked about climate change, we have watched the protests, we are not actually working hard enough, we had to galvanise the Civil Service to work together more.

3730 We have had eight committee letters from across the upper bench here all coming in to us with 24 pages of complicated argument. I did not know these weed killers Roundup were used on Castle Cornet and Footes Lane and all these places. There has not been the commitment we have asked at ESS for more resources for various things to do with health and safety, we have not always been successful with Policy & Resources. Clearly there is a conversation here because Economic Development controls the retailers, Environment & Infrastructure are talking to the ecologists and ESS have ... I want to find a way through this, so signing this, having this debate today is exactly what I want and I want to come out of here with a win for at least one of the amendments, if not the main Propositions.

3735

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

3740 I just want to reply to Deputy Gollop. I do care and I repeat what Deputy Le Clerc said, if Deputy de Lisle or any of the other requérants wants to lodge an amendment to the Budget to be able to get the money to do this then I am sure that will be a different kettle of fish.

But I think there are plenty of arguments to say why this requête should not succeed, including the two amendments. Because I do care, not only about the health of the individuals of this Island
3745 but also about the amount of money we are asking from them.

Thank you, sir.

The Deputy Bailiff: You have already spoken in the debate, Deputy Lester Queripel.

3750 **Deputy Lester Queripel:** Not on amendment 2, sir.

The Deputy Bailiff: Well, I will give you the opportunity to speak to amendment 2 and amendment 2 only.

3755 **Deputy Lester Queripel:** Sir, some Members have said in speeches they would have supported the first amendment if only the words:

... but in case before the end of the current term of the States ...

– were not in there. So I can only presume that now those words have been removed in amendment 2 they will be voting in favour of amendment 2. I certainly hope that is the case, sir, because this is the second time the requérants have listened to the concerns that have been
3760 expressed by colleagues. So we have been more than prepared on both occasions to compromise and meet objectors half way.

For the benefit of people listening on the radio, I say we because I am a signatory on the requête. So I urge colleagues to not just talk the talk but actually act upon what they have said.

3765 Please vote in favour of amendment 2 if you want to accelerate proceedings. Now that is the issue here, if we really want to accelerate proceedings you will vote in favour of at least one of these amendments. If you really want to accelerate proceedings to the ultimate you will vote in favour of the requête Propositions but –

3770 **The Deputy Bailiff:** Deputy Queripel, you are entitled to speak on amendment 2 only. You are straying away from amendment 2, can you keep it to that particular amendment, please?

3775 **Deputy Lester Queripel:** Sir, amendment 2 seeks to accelerate proceedings. Now we have been more than willing to compromise as requérants and as much as I appreciate that it has been said on more than one occasion that some of this work is already being done, we know that, but it is not being done fast enough. Deputy de Lisle has already said he has been waiting years for this work to be done and a report to be laid in front of the States, years. So we really do need to accelerate proceedings and the only way we can do that is to not play the games that colleagues, some Members of the Assembly, sometimes play. They are going to vote for the amendment but when it becomes a substantive Proposition they are going to vote against it. What a silly game to play, what a waste of time. If you do not want the amendment vote it out.
3780

3785 **The Deputy Bailiff:** Deputy Queripel, I am going to stop you again because that is not on amendment 2 only, that is straying into general debate on all the amendments and you have had your opportunity to speak. The only difference between amendment 2 and the others Propositions to which you have already spoken is the timing and you have already made your point on that, haven't you?

Deputy Lester Queripel: Are you stopping me from speaking, sir?

3790 **The Deputy Bailiff:** I am letting you speak on amendment 2 and amendment 2 only, because that, as you rightly pointed out, is a proposition that you have not had an opportunity to speak to, but you are moving away from it the whole time. So do you have anything further to say on amendment 2?

3795 **Deputy Lester Queripel:** Nothing further, sir, but to stray into tedious repetition voting on amendment 2 will accelerate proceedings and I urge my colleagues to vote for it.
Thank you, sir.

3800 **The Deputy Bailiff:** Thank you very much.
Deputy Tooley.

Deputy Tooley: Thank you, sir.

I appreciate the lateness of the hour but, for all that, I am not going to remove a single word from my speech. That said, you will be very pleased to hear it does not have very many words in it to start with.

3805 We had a long debate this morning which in many ways centred around whether it was worth doing something small now knowing that there was a much bigger piece of work to do but actually that big piece of work is not being done, so let's get the something small done now. That was largely in many ways what the proxy vote was about for lots of people, I think.

3810 This afternoon we are having a very long debate about whether we should do something small now in a bit of a hurry despite the fact that the big piece of work is already ongoing, and I absolutely understand the frustration that somebody must feel when they have been banging the drum to try and get this done for a long time; because, as has been said by many Deputies, there is not anyone in this room who really wants to see this stuff being spread about our Island, there is not anybody in this room that wants to see that happening.

3815 I completely get the frustration that Deputy de Lisle must feel that he has been asking for progress on this for a very long time, but that is no reason to rush into acting on this and remove the resource, the limited resource, away from looking at the much bigger, more holistic project which will allow us to ensure that we deal not just with this but with the other issues that will affect us as a result of this, the knock on, roll on effects, the other weed killers, herbicides, pesticides, and so on that are affecting our pollinators and so on across the Island.

3820 There is a real risk that taking the accelerator foot on to this pulls the more controlled route map that has been chosen, pulls us off that more controlled route map that has been chosen and sends us off into a flying skid that, yes, removes this from our Island but takes the wheels off us to a point where we cannot actually get to where we need to be going.

3825 So I do not believe it is playing games at all to vote for an amendment that you think is less bad than something else, so that you have it as a safety net in case the Proposition that you do not want to succeed succeeds, it falls away. I think it is wrong to describe that as game playing. It is not game playing, there are always compromises to be made –

3830 **Deputy Lester Queripel:** Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Lester Queripel.

3835 **Deputy Lester Queripel:** Sir, Deputy Tooley is inferring that I said voting in favour of this amendment is game playing (*Interjection*) but she did not actually elaborate on the rest of what I said. What I said was it is game playing in my opinion for a Member to vote in favour of an amendment and if it succeeds and becomes a substantive Proposition to then vote against it. What is the point of that, I do not see the point of that?

3840 Thank you, sir.

The Deputy Bailiff: Deputy Tooley to continue.

3845 **Deputy Tooley:** Well I think that is exactly the point I was making. It is not game playing to vote for what you consider to be the better of the options on the table and then say even though that was the better of the options on the table I would rather have neither. It is not game playing it is compromise and it is securing the future that you want to see and if you cannot get that future it is securing the future that you believe would be better than an alternative. That is not game playing, that is how the voting system around amendments works.

3850 Thank you.

Then Deputy Bailiff: Deputy de Lisle, do you wish to reply to the debate first on amendment No. 1? But if you prefer you can do amendment No 1 and amendment No. 2 at the same time.

Deputy de Lisle: Thank you, sir.

3855 Yes, in terms of amendment No. 2, and I want to be quite brief, we have as requérants heard the fact from Deputy Le Clerc that she shares the concerns that we have with regard to the health and environmental concern that this particular chemical Glyphosate is providing this particular community; and she, as I see it, would like to see something done along the lines of the requête and its amendment, although she made the point that the timeline was relatively short and the
3860 resources were somewhat short with regard to the Health & Safety Officer himself and a small team.

What we have heard in here today of course is that there are a lot of other people that are desperate to get on to the mat and help out with Deputy Le Clerc and her team. So there are other resources about that can be tapped and the work as I see it can go on quite quickly actually.

3865 So the revised amendment 2 takes out the words:

... but in any case before the end of the current term of the States ...

– and states –

... as soon as practically possible ...

– and in that way I think we have done what we can to facilitate the very short window of time and perhaps the resource problem.

3870 But we can also call perhaps for more resources to complete it more quickly, as has been suggested in the Budget later on in November.

3875 So with that, I would like Members to support the amendment which is to consult all relevant stakeholders in Guernsey and Alderney and Sark in connection with the use of the active substance Glyphosate, to review any available research results, and people have made the point that they have to be real substantive independent research and scientific papers and taking into account the results of such consultation then return to the States as soon as practically possible, addressing and recommending appropriate legislative and other measures which may be necessary or prudent to prevent harm to the health and the environment of this community.

Thank you, sir.

3880 **The Deputy Bailiff:** Thank you very much.

Well, Members of the States, we will come first to a vote on amendment No. 1, proposed by Deputy de Lisle and seconded by Deputy Prow, which includes all the wording to be inserted in Proposition 4(c) rather than the strike-out in the second one. Those in favour –

3885 **Deputy Lester Queripel:** Sir, I did ask for a recorded vote when I spoke.

The Deputy Bailiff: Do you want a recorded vote on amendment No. 1?

Deputy Lester Queripel: I did ask for – to clarify, sir, when I asked for a recorded vote when we go to the vote I did mean when we go to the vote on everything please, yes.

3890

The Deputy Bailiff: All right, well we will have a recorded vote on amendment No. 1 then.

There was a recorded vote.

Not carried – Pour 16, Contre 17, Ne vote pas 0, Absent 7

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

The Deputy Bailiff: Members of the States, in relation to amendment 1 proposed by Deputy de Lisle, seconded by Deputy Prow, there voted *Pour* 16, *Contre* 17, 7 absentees. Therefore I declare amendment 1 lost.

3895

We now move to amendment No. 2. There has also been a request for a recorded vote.

There was a recorded vote.

The Deputy Bailiff: Well, Members of the States, I will declare the result of the vote on amendment 2 when it is available but it is clearly carried, so let's crack on, shall we, and we go into the wind-up phase on the requête Propositions as now amended.

3900

I turn in reverse order to the Vice-President of the States' Trading Supervisory Board, Deputy Smithies for any further comments he wishes to make on behalf of that board.

Deputy Smithies: Sir, it has been a very long debate and I think everything has been covered and I have made a speech and I am going to vote against the three Propositions. That is it.

3905

The Deputy Bailiff: Deputy Lowe, President of the Home Affairs.

Deputy Lowe: Nothing further to add, sir.

The Deputy Bailiff: Deputy Soulsby.

3910

Deputy Soulsby: Nothing further to add.

The Deputy Bailiff: Thank you very much.
Deputy Le Clerc.

3915

Deputy Le Clerc: Sir, I would just like to say that as it has come to light that E&I are actually doing some work on this, I do not think I can vote for this Proposition and I would hope that E&I would continue this work.

Thank you.

3920

The Deputy Bailiff: Thank you very much.

President of the Committee *for the Environment & Infrastructure*, Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

3925

I will be very brief, but I just want to touch on this thing, this idea that consultation, or the absence of, means that you are possessive or you do not want to share information, implying that the consultation process has taken place and we have not engaged or one party has not.

This is what should have happened, the requérants or the lead requérant should have come to E&I to say, 'I am thinking of placing a requête to ban Glyphosate,' and we would have said, 'Actually there is no need to do that because this is what we are doing with that at the moment, that is where we are going with it. So there is no need for you to do that.'

3930

As Deputy Merrett in particular has sort of majored on this absence of consultation element, it would be like me going to SACC to say, 'Look, I want to get proxy voting in and I am going to place a requête. In fact that conversation would not have taken place, would it? Members of SACC would have been tabled with a requête saying introduce proxy voting and SACC would have been on their feet today saying, 'Stop, we are doing that, we are doing proxy voting, you do not need ...' So that is where we are. So this requête is not needed because it represents duplication.

3935

I understand why this debate has been narrow around one product, but E&I's view cannot be that narrow when you talk in terms of biodiversity.

3940

We know Glyphosate is dangerous because the produce can get into a bee gut which compromises the bacteria and the insect dies because of that. But it is only one product, there are many products that are harmful to ... that are used as a herbicide but have a side effect as a pesticide, and the dangerous alchemy you get involved in now if you approve this requête is the potential for something to enter the market, and I am assuming that farmers, growers, individuals will go back to old methods that worked but are far more harmful and that is far more damaging to biodiversity.

3945

So the frustration I think I feel, I am sure Deputy de Lisle feels it to a degree, well I know he does, is that we are actually going in the same direction, we are travelling on parallel tracks; all I am asking you to do is to put this requête please in the sidings and allow E&I to get on with the work they are doing, bearing in mind of course all the focus has been on ESS, hasn't it?

3950

Thank you, sir.

The Deputy Bailiff: The President of the Committee *for Education, Sport & Culture*, Deputy Fallaize.

3955

Deputy Fallaize: No, I have nothing to add.

Thank you, sir.

The Deputy Bailiff: Economic Development, Deputy Parkinson.

3960

Deputy Parkinson: Nothing to add, sir.

The Deputy Bailiff: Thank you very much.

Finally, President of the Policy & Resources Committee, Deputy St Pier.

3965

Deputy St Pier: Sir, I think the positions of the Presidents of the Committees *for Employment & Social Security* and *Environment & Infrastructure* are particularly important, given that the

3970 amended Propositions are a direction to one committee which has said that it does not particularly wish to do this work, it is not a priority for it and another committee which is saying we are already doing the work and see no benefit of the Proposition.

On that basis, sir, I will be unable to support the amended Propositions.

Carried – Pour 29, Contre 4, Ne vote pas 0, Absent 7

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

3975 **The Deputy Bailiff:** Members of the States, before I call Deputy de Lisle to reply to the entire debate, let me announce the voting on amendment 2, as proposed by Deputy de Lisle and seconded by Deputy Prow. There voted Pour 29, Contre 4, the same 7 absentees. That is why amendment 2 was carried.

Deputy de Lisle to reply to the debate as the lead requérant.

3980 **Deputy de Lisle:** Thank you, sir.

I must say that it is very easy to say work is going on and to play that particular orchestration but people's children and themselves are being harmed and sick in the interim by this chemical. I think it is very important why we have to, as a States' body and the Government of this Island, take a very pro-active response and say let's get on with it and put it also in the place where it belongs.

3985 There is one department that is responsible for poisonous substances and one department that is responsible to deal with this particular chemical and that is ESS and it is within that department that the work is going to be done, and that department surely can have the assistance of other departments that also obviously as a result of the comments have a stake in this.

3990 So my plea to all is that we see as a result of this debate that the work goes ahead and that we give it to the committee that has responsibility for this particular substance. They are continually

actually working with different products bringing those on to the banning file and also taking others off. So that is a process that goes on all the time through that particular committee.

3995 Sir, I would like to say is that, given the increasing number of legal claims worldwide concerning Glyphosate; the number of jurisdictions taking action to reduce or ban altogether the use and sale of Glyphosate and the concerns and actions being taken by States' bodies to stop the use of Glyphosate; the serious health implications and the damaging environmental and biodiversity effects of the chemical Glyphosate, the need for public responsibility, sir, and safe practice. The fact that there are alternatives to its use, and the rising levels of contamination of Glyphosate in Guernsey's water supply, your petitioners, sir, are of the view that action should be
4000 taken in Guernsey to minimise or eradicate the threat to its inhabitants and to its eco-structure posed by the continued use of Glyphosate in this Island, and I call on all Members to support that direction. Thank you, sir.

The Deputy Bailiff: Members of the States, there are four Propositions. We will take a vote on the first three Propositions.
4005

Deputy Smithies: Sir, could I just ask for some guidance? I am not clear in the wording of Proposition 4: in the event that 1, 2 and 3 are not agreed, what happens if one of them is agreed do all three have to be not agreed? What happens if let's say Proposition 1 passes and the other two do not.
4010

The Deputy Bailiff: Well the position, Deputy Smithies, is ... I was going to suggest putting Propositions 1-3 to you collectively, but if there is any request to take any Proposition separately then naturally we will. If all three Propositions 1, 2 and 3 are rejected then Proposition 4 is voted upon. If any of Propositions 1, 2 and 3 are carried Proposition 4 is not put.
4015

So is there a request to take any of Propositions 1, 2 and 3 separately? I put Propositions 1, 2 and 3 to you collectively. There has been a request for a recorded vote each time from Deputy Lester Queripel.

4020 *There was a recorded vote.*

Not carried – Pour 11, Contre 22, Ne vote pas 0, Absent 7

POUR

Deputy Prow
Deputy Gollop
Deputy Lester Queripel
Deputy Le Pelley
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Green
Deputy Paint
Deputy Dudley-Owen
Deputy de Lisle

CONTRE

Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Le Clerc
Deputy Mooney
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Fallaize
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy McSwiggan
Deputy Langlois

NE VOTE PAS

None

ABSENT

Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Leadbeater
Deputy Stephens
Deputy Meerveld

The Deputy Bailiff: Well, Members of the States, in relation to Propositions 1 to 3, there voted *Pour* 11, *Contre* 22, 7 absentees and therefore Propositions 1 to 3 are lost.

We now move to a vote on Proposition 4 which you will find in amendment 2.

There was a recorded vote.

4025 **The Deputy Bailiff:** Members of the States, whilst those votes are just being counted. In light of the proxy voting arrangements that were approved earlier today, I wish to point out that Deputy Oliver has submitted an application for a proxy vote. It was only when I looked at the new Rules that have been substituted properly that I recognised that I was not in a position which I would otherwise have done to afford her a proxy vote on these recorded votes. But new Rule 26(5) requires the certificate that would have been provided to be submitted to H.M. Greffier before the commencement of the States' meeting in question and therefore, sadly, she was not in time, but her certificate will be available should she want to use it for the remainder of the time once it has been processed. I just wanted to clarify that for Deputy Oliver's benefit.

4030

Not carried – Pour 13, Contre 20, Ne vote pas 0, Absent 7

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

The Deputy Bailiff: Members of the States, in relation to the vote on Proposition 4 there voted *Pour* 13, *Contre* 20, 7 absentees. Proposition 4 is therefore also lost.

POLICY & RESOURCES COMMITTEE

X. Policy & Resources Committee – Schedule for Future States' Business – Approved

Article X.

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 6th November 2019 and subsequent States' meetings, they are of the opinion to approve the Schedule.

4035

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

The Deputy Bailiff: Is there anything to say on this, Deputy St Pier?

Deputy St Pier: No, sir.

4040

The Deputy Bailiff: Members of the States, I put to you the Schedule for Future States' Business. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.
There being no further business, we can close the meeting please.

The Assembly adjourned at 6.09 p.m.