



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 24th November 2022**

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**Present:**

**Ms J E Roland, Deputy Bailiff and Deputy Presiding Officer**

**Law Officers**

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

**People's Deputies**

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

**Representatives of the Island of Alderney**

Alderney Representatives S. Roberts and E. A. J. Snowdon

**The Clerk to the States of Deliberation**

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

**Absent at the Evocation**

Deputies T. L. Bury, S. P. Fairclough, M. A. J. Helyar, D. J. Mahoney (*indisposée*);  
Deputy H. L. de Sausmarez (*relevée à 9h 34*); M. P. Leadbeater (*relevé à 9h 44*)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The States' Greffier*

## EVOCATION

# Billet d'État XX

## COMMITTEE FOR HEALTH & SOCIAL CARE

### 3. Review of the Children Law and Outcomes – Debate continued

**The States' Greffier:** Billet d'État XX, Article 3, the continuation of the debate.

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

5

Deputy de Sausmarez: Yes, please, madam.

**The Deputy Bailiff:** This is the continuation of the debate on Amendment 7.  
Deputy Ferbrache.

10

**Deputy Ferbrache:** Madam, my comments might sound a bit like a Deputy Gollop speech, in that they might just by a toenail have some relevance to the actual Amendment that we are talking about. (*Laughter*) But in relation to that, of course I very much second this amendment and vote in favour in favour of it ... [*Inaudible*]

15

In relation to the matter that we are talking about, we need to have an effective Law and the point that was made, very ably ... There were three very able ... There were many able speeches, three in particular yesterday, by Deputies Roffey, Burford and Aldwell in relation to Amendment 1, which was the contentious amendment, which just failed. I would like to say in relation to that, I voted against that amendment by 50.01 to 49.99. It was that balanced, in my view. Because the last thing I want to do is take away from the effectiveness of the way that this Law has operated since it has been in force.

20

It is a much, *much* – and I could emphasise that word 'much' many more times – better way of working than any other jurisdiction. It is a bespoke law, as Deputy Roffey said, and the input from people like now *former* Judge Miller, I think, and the Professor, has been considerable. And what I did not know – as I said, I have never appeared in a tribunal, never had any personal experience of it – I have heard a lot about it, but I still did not know as much about it as I should have done until

25

the last six or seven or eight weeks where obviously, with this policy letter coming forward, like everybody, I have read the policy letter on more than one occasion, I have spoken to people. And the public out there I do not think realise just how many people give their time, how many people sit on the Tribunal from different perspectives, different aspects of our society. Just how fortunate we are to have such able people as Convenors, Deputy Convenors and all the other people who are involved and their advisers. How we are so lucky to have somebody like Karen Brady, who has been around since the scheme started, to be the general organiser of the facility.

It must be better, as Judge Miller said at one of the presentations, to have, rather than, if you have ... When I say family disputes or family concerns, whatever phrase we use, before they were dealt with in perhaps three or four different fora. Now they can be dealt with together and they can be dealt with in a way that is not confrontational. That is not to say that the Tribunal do not have to make some difficult decisions, because they clearly do and each case is different. Some are more serious than others and some are very complicated and proactive.

Deputy St Pier asked very politely yesterday about my legal experience in relation to such matters and I said I am old. Well, I am. I was called to the English Bar 20th July 1972, I was called to the Guernsey Bar on 17th March 1981. So I have been around as a lawyer a long time and in that time, I have enjoyed ... I really enjoy cross-examination. That is the bit of being a lawyer that I enjoy the most, when you can challenge people who make statements. And I have *really* enjoyed examining police officers in various jurisdictions. It has given me such pleasure over many years.

But I have also enjoyed cross-examining rich, foreign people from jurisdictions who plundered their countries' assets and now are very rich and they have hidden them in corporate vehicles and it is always ... Mr So-and-so. I remember asking the former President of one jurisdiction down at some merchant bank, when he had lots of money deposited in that bank, how he could accumulate that when he was earning a salary –

**Deputy Taylor:** Point of order, madam.

The Deputy Bailiff: Deputy Taylor.

**Deputy Taylor:** Rule 17(6). I am not entirely sure what this has got to do with training members of staff.

**The Deputy Bailiff:** Well, what I am sure, Deputy Taylor, is that Deputy Ferbrache will link the two aspects of what his experience of cross-examination is and the particular amendment. I have every confidence that we are going to hear the link very shortly. (*Laughter*)

**Deputy Ferbrache:** Thank you for that confidence, madam. But crossing people who have plundered their country's assets and I would say the example was somebody had \$20,000 income a year but had hundreds of millions of dollars in a merchant bank. I am not quite sure how he accumulated that, but nevertheless he did.

But coming back to this particular point, and that is just where I was before – before the helpful interjection by Deputy Taylor – is that one thing I never enjoyed doing, but I did a lot, a fair bit of it, was cross-examining or being involved in finding of fact hearings in relation to children-related matters. There was no pleasure in that, whichever side you were doing. What we are doing here, or what we, the people of Guernsey, the Bailiwick of Guernsey are doing, has a much better system.

So therefore, although I voted narrowly against the Roffey/Burford amendment, if I thought it was a power grab by the court – because again, it was replaced by Amendment 8 – and either Deputy Roffey, Deputy Burford or anybody else then in a year's time said this is not working, we have got to change it, I would be very much on their side.

But coming back to this, this talks about making the law effective, making it operable and making it in a way that is more effective, because the last thing I want to do is make it less effective. So I conclude, before Deputy Taylor jumps up and says I am not really to a firmer point, which may be

80 fair, I conclude by saying we must make sure that we do not devalue, diminish, dilute the effectiveness of what we have got and this amendment, which I was very glad to second when asked by Deputy Soulsby, in my view enhances it.

**The Deputy Bailiff:** Does anybody else wish to speak?

In that case, I will turn to Deputy Brouard, on behalf of the Committee.

85

**Deputy Brouard:** Thank you, madam.

Just picking up on a couple of points, in terms of the challenges with regard to social workers and recruitment and retention, this service area has already, very fortunately, secured full ... there are eight teams and five of them are now full. We have just got three teams that we are still looking for social workers for. So we are in a much better place than we have been. This will greatly bolster the capacity in this area and we also have a dedicated resource which will be leading on the implementation of the changes to the system, including drafting operational guidance and policy, establishing the reporting and monitoring approach and the data and KPIs needed to monitor the impact of these changes.

95 The Children & Young People's Board will continue to provide oversight, with Deputy Le Tocq, of the implementation of the changes, together with the other political Members, alongside its role as the Corporate Parenting Board. This amendment is absolutely in line with the intentions set out in the policy letter, which makes it actually more implicit and we are very pleased to be able to support it.

100 Thank you very much.

The Deputy Bailiff: Deputy Soulsby.

**Deputy Soulsby:** Thank you, madam.

105 I do not think there is really much to comment on. I think the only two questions, virtually the same yesterday, about the nature of the amendment. It is cobbled together from wording used actually in the policy letter, which is probably why it is a bit of a hybrid in itself. But in terms of not being sure what it means, there is quite a big explanatory note on the back and I did tell Members what it was about in my opening speech.

110 I thank Deputy Ferbrache for seconding the amendment, although I am not quite sure it was really *about* the amendment. But him saying that means I have the opportunity to say yes, it was very close for me as well and particularly hard having been HSC President and knowing the service very well. But it is a very difficult, complex area and another reason why we need to make sure training and guidance is in place for everybody before the changes are put in. So I do ask Members to support the amendment.

115

**The Deputy Bailiff:** States' Greffier, would you open the voting on Amendment 7, please.

*There was a recorded vote.*

*Amendment 7*

Carried – Pour 34, Contre 0, Ne vote pas 1, Absent 5, Did not vote 0

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	Deputy Dyke	Deputy Bury	None
Deputy Blin			Deputy Fairclough	
Deputy Brouard			Deputy Helyar	
Deputy Burford			Deputy Leadbeater	
Deputy Cameron			Deputy Mahoney	
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				

Deputy Falla  
Deputy Ferbrache  
Deputy Gabriel  
Deputy Gollop  
Deputy Haskins  
Deputy Inder  
Deputy Kazantseva-Miller  
Deputy Le Tissier  
Deputy Le Tocq  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Oliver  
Deputy Parkinson  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Deputy Roffey  
Alderney Rep. Snowdon  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen

**The Deputy Bailiff:** There voted Pour, 34; Contre, 0; there was 1 abstention and 5 absences from the Chamber at the time of the voting. I therefore declare the amendment passed.

[Amendment 9.](#)

*1. To delete Proposition 12d and substitute therefor:*

*"To change the threshold test for a Community Parenting Order so that it;*

*- is suitably adapted to our context;*

*- is distinct and separate from the criteria for referral to the Convenor or the making of a care requirement;*

*- it removes the requirement for at least one of the conditions in the current Section 35 to be made out;*

*- is in line with the 2004 Policy Letter that there is no foreseeable prospect of the child being cared for safely within the family; and*

*- is consistent with the principles that there is no reasonable prospect of the child's parents or any other member of the child's family being able to care for the child within a timescale suitable to the needs and interests of the child. [This will in practice mean that the family assessments will have to be completed prior to the final order being met]"*

120 **The Deputy Bailiff:** Deputy Leadbeater do you wish to be *relevé*?

Deputy Leadbeater: Yes please, madam.

125 **The Deputy Bailiff:** Deputy Brouard do you wish to lay your Amendment?

**Deputy Brouard:** Thank you very much, Madam Deputy Bailiff.

130 This is an amendment that has been born out of discussions helpfully with Deputy Roffey and with Deputy Burford. It basically seeks to clarify the changes in the threshold of the new Community Parenting Order. Most of the information that discovers or upholds the threshold test is in the body of the policy, but this draws it out more and puts it front and centre.



135 The new threshold for a Community Parenting Order, as set out in this amendment, will ensure that it aligns with the original 2004 policy intentions that cases where permanent removal of the child is in question are in front of the Court much sooner, as opposed to being heard in the Tribunal, as is currently the case, while ensuring that the required evidence and facts are provided to inform the Court's decision before a final Order is in place. This will provide a greater level of protection for the child and ensures the case is heard in the right forum.

I have got quite a lot extra I could say, but I think that is basically the essence and as we are fairly much in agreement on this, I have nothing extra to say at this time.

Thank you.

140 **The Deputy Bailiff:** Deputy Roffey, do you second the amendment?

145 **Deputy Roffey:** I do and I am going to speak now, both for the sake of Members and for the sake, I am afraid, of the Law Officers and the States' Greffier, because they may be confused by notes I have just been sending them.

150 I very much do support this amendment, but if it is successful, of course it will change the wording in Proposition 12(d) and therefore we are going to need, if it is successful, a new Amendment 12 to replace Amendment 11, because otherwise Amendment 11 would perversely regress the wording of Proposition 12(d) back to what it was before this amendment was passed. So I think that is a fairly technical amendment, but I am just asking now if that could be prepared. Of course it will not be needed if Amendment 9 fails, but I hope Amendment 9 does not fail.

155 I think this amendment is absolutely crucial. I know Deputy Brouard has just said it is just making clear what is in the policy letter. I think it is a significant change to the policy letter, which makes reference as a starting point for the criteria for referring to the Court. This is about 12(d) and if Members look at that, introducing:

new threshold criteria for making a Community Parenting Order ...

A Community Parenting Order involves the permanent removal of the child from their family.

It is about new criteria and it is about actually reducing the criteria. And at the moment, if you cross-reference to the policy letter, it makes reference to the starting point being criteria used in England and Wales and I think that that is entirely inappropriate, given our different system here.

160 So I am glad we have been able to come to an agreement on a compromise here, because many Members will have seen the commentary on the proposals before us today from Prof. Kathleen Marshall, who, as has been said yesterday, carried out a review of children's proceedings and safeguarding in Guernsey back in 2015. And it is helpfully placed on the Scrutiny Management Committee webpage.

165 I hope no Member is voting today without reading that crucial commentary, because what Prof. Marshall confirms in this regard, regard of this criteria, is that she has indeed always felt that the threshold for the Court Order ought to be changed. But she also expresses alarm that the criteria for reference to the Court in this area, as set out in the policy letter, was being downgraded to a point where there was a real prospect of many cases being referred to the Court which definitely should *not* be considered for a permanent order. That is incredibly important because such an Order has such a profound impact on the life of every member of a family.

175 I absolutely accept that against that must be balanced the need for speed, recognising, as has been said several times in this debate, that six months is an awfully long time in the life of a child. So I fully accept – and so does Prof. Marshall – that if a case is almost certainly going to end up with an application to the Court for permanent removal of a child from the family, then you have to balance those two things. We need to ensure that the threshold for doing so is high enough that cases are not going to the Court which should not be, but also the desire to get those cases that ought to be before the Court there in the most timely manner that you possibly can.

180 This amendment is the result of compromise and I think it strikes that balance very well. So I am  
happy to second it, but I will be looking very closely at the resulting legislation to see exactly how  
it has been interpreted.

The Deputy Bailiff: Thank you.

Anybody else wish to speak on this amendment?

185 Deputy Gollop.

**Deputy Gollop:** One area that we were addressed by professionals during the lead-up to this  
debate – albeit postponed lead-up to debate – is the vexed question of children, young people,  
being put into care when they are perceived to be living in dysfunctional families. Sometimes the  
190 option may arise of another relative being in a position at some point, not necessarily immediately,  
to look after the children. And I think we were informed that the Children’s Convenor are well able  
to look into that kind of situation, as indeed in other circumstances would the Court or social  
workers. I would like reassurance that, where feasible, suitable relatives or close kin of the child can  
also be brought in as a result of passing this amendment.

195 The Deputy Bailiff: Deputy Le Tocq.

**Deputy Le Tocq:** I will just respond to Deputy Gollop’s comments. That is fully the intention and  
that is why we have the system that we have here, which facilitates that wherever possible. In fact  
200 one of the criticisms of the recent report into the English and Wales system has been that there is  
not enough of that consideration taking place.

But while I am on my feet, madam, I will also just make some comment and underline  
Deputy Roffey’s comments because I think he very ably illustrated that the devil is going to be in  
the detail of the legislation of this. It is very difficult put into terms the sorts of issues we are dealing  
205 with here, but as he alluded to, in certain, very few cases, but where there is certainty that it is going  
to end up with some sort of permanency order being put in place, then delay, in terms of the best  
interests of the child, is not a good way of moving forward.

So that was the intention there and I think this amendment does, hopefully, allay any fears there.  
But, like him, certainly as far as the Children & Young People’s Board are concerned, we want to  
210 ensure that the legislation reflects those wishes.

The Deputy Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

215 I have always wanted to say this: it is exactly what Deputy Le Tocq said in reply to Deputy Gollop.  
So thank you very much for those who have commented and please support the amendment.

Thank you.

**The Deputy Bailiff:** States’ Greffier, would you open the voting on Amendment 9, please.

*There was a recorded vote.*

Amendment 9

Carried – Pour 34, Contre 1, Ne vote pas 1, Absent 4, Did not vote 1

**POUR**

Deputy Aldwell  
Deputy Brouard  
Deputy Burford  
Deputy Cameron  
Deputy de Lisle  
Deputy de Sausmarez

**CONTRE**

Deputy Meerveld

**NE VOTE PAS**

None

**ABSENT**

Deputy Bury  
Deputy Fairclough  
Deputy Helyar  
Deputy Mahoney

**DID NOT VOTE**

Deputy Blin

Deputy Dudley-Owen  
Deputy Dyke  
Deputy Falla  
Deputy Ferbrache  
Deputy Gabriel  
Deputy Gollop  
Deputy Haskins  
Deputy Inder  
Deputy Kazantseva-Miller  
Deputy Leadbeater  
Deputy Le Tissier  
Deputy Le Tocq  
Deputy Matthews  
Deputy McKenna  
Deputy Moakes  
Deputy Murray  
Deputy Oliver  
Deputy Parkinson  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Deputy Roffey  
Alderney Rep. Snowdon  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen

220 **The Deputy Bailiff:** There voted Pour, 34; Contre, 1; there was 1 absence from the Chamber at the time of the voting. I therefore declare the amendment passed.  
Amendment 10; Deputy Brouard.

[Amendment 10.](#)

*1. To delete Proposition 10c and substitute therefor:*

*"c. Restrict the Children's Convenor, on being notified, from undertaking any investigation or action in relation to a case subject to a court application, with the exception of matters unrelated to the substantive application.*

**Deputy Brouard:** Thank you, madam.

225 Again, this amendment was born out of the discussions between our Committee and the Children's Board, and also Deputy Burford and Deputy Roffey. The amendment seeks to clarify the intentions and the purpose of point 10c. Proposition 10c seeks to remove a case from being processed or acted on by two forums by prohibiting the Convenor from carrying out investigations or actions unless the Convenor has evidence or information to share with the Court that is relevant to the application being considered by the Court. This is with a view to removing duplication and clarifying jurisdiction in these instances. So it is just making the point absolutely clear and, thank  
230 you, please support it.

**The Deputy Bailiff:** Deputy Leadbeater, do you second this amendment?

235 **Deputy Leadbeater:** I do, madam.

**The Deputy Bailiff:** Thank you.

Does anybody wish to speak on the amendment? It appears not. In that case, we will move to the vote, please. The vote is on Amendment 10. States' Greffier, would you open the voting, please.

*There was a recorded vote.*

Amendment 10

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

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	None	Deputy Bury	Deputy Blin
Deputy Brouard			Deputy Fairclough	
Deputy Burford			Deputy Helyar	
Deputy Cameron			Deputy Mahoney	
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Gabriel				
Deputy Gollop				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				
Deputy Leadbeater				
Deputy Le Tissier				
Deputy Le Tocq				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Murray				
Deputy Oliver				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Alderney Rep. Roberts				
Deputy Roffey				
Alderney Rep. Snowdon				
Deputy Soulsby				
Deputy St Pier				
Deputy Taylor				
Deputy Trott				
Deputy Vermeulen				

240 **The Deputy Bailiff:** There voted Pour, 35, there is now 1 absence for the vote, and therefore I declare the amendment has been passed.

Amendment 11. Deputy Roffey.

245 **Deputy Roffey:** While I still want to move an amendment that absolutely reflects the intent of Amendment 11, it does need a technical change now. I do not know if I need a brief recess in order to do that. Can I explain why? Because what Amendment 11 seeks to do is to delete from Proposition 12 subsection 12(b) and while the original wording just said 'to delete section 12(b)' we were advised by St James' Chambers that it might be a neater one to actually restate the whole of Proposition 12 with a renumbered version with that absent. Albeit revised by somebody; I am not

250 sure who it was. Which is fine, but it now means that it would be reinstating what would now become 12(c) which was 12(d) in the wording that was there before the successful Amendment 9 that has just been passed. So we do need to, in order to avoid that farcical situation of just undoing the decision that we have just made, reword it so that the new 12(c) in the amendment reflects the wording that has been established by Amendment 9.

255 I do not know if we need to wait and draw that up or whether it is so clear that I can just state that that is ... If Members want it circulated, that is fine, but that is really the only difference.

260 **The Deputy Bailiff:** I think, States' Greffier, you would appreciate a short adjournment in order to ensure (*Interjection by the Greffier*) that the amendment is correct. How long do you think you will need, States' Greffier?

**The States' Greffier:** I think five minutes, madam.

**The Deputy Bailiff:** Five minutes. Well, let's adjourn briefly until two minutes past 10.

*The Assembly adjourned at 9.56 a.m.  
and resumed at 10.18 a.m.*

**Review of the Children Law and Outcomes –  
Debate continued –  
Propositions carried as amended**

265 **The Deputy Bailiff:** Members of the Assembly, we will now recommence after that slightly longer than hoped for adjournment. As I understand it, Deputy Roffey, you no longer wish to lay Amendment 11, but will now be laying Amendment 12. I hope that all Members now have a copy of the new version and this is to take into account the amendment that has already been passed by the Assembly, Amendment 9.

270 Deputy Roffey.

[Amendment 12.](#)

1. To delete Proposition 12 and substitute therefor:

"12. To approve the changes set out in paragraphs 6.48 - 6.84 of the Policy Letter, in relation to the legal orders and order thresholds, and, for the purpose of giving effect to those changes, to direct that the Law should be amended to:

a. Provide for separate legal thresholds for referrals to the Children's Convenor and legal orders made by the Child, Youth and Community Tribunal, and the court;

b. Confer power on the court to make a 'Child Assessment Order', including providing for the court having the power to treat the application as one for an Emergency Child Protection Order if the application for the order is not complied with by those with parental responsibility for the child concerned;

c. "To change the threshold test for a Community Parenting Order so that it; - is suitably adapted to our context; - is distinct and separate from the criteria for referral to the Convenor or the making of a care requirement; - it removes the requirement for at least one of the conditions in the current Section 35 to be made out; - is in line with the 2004 Policy Letter that there is no foreseeable prospect of the child being cared for safely within the family; and - is consistent with the principles that there is no reasonable prospect of the child's parents or any other member of the child's family being able to care for the child within a timescale suitable to the needs and interests of the child. [This will in practice mean that the family assessments will have to be completed prior to the final order being met.)

d. Make such further amendments to the provisions in respect of CPOs to ensure they are consistent with the revised threshold criteria and the purpose of the order as envisaged in the 2004 States Report;

e. Introduce statutory criteria for the making of an interim Community Parenting Order in line with the amended test for the CPO;

f. Remove the provision that a Parental Responsibility Order is automatically discharged by the making of a CPO; and

*g. Remove the provision that an Emergency Child Protection Order is automatically discharged when the Child, Youth and Community Tribunal first sits to consider the child's case."*

**Deputy Roffey:** Yes, apologies to Members. In the parallel universe that is the States of Guernsey, that was a five-minute recess. *(Laughter)*

275 Actually, the difference between Amendment 12 and Amendment 11 is incredibly simple. They are identical except that Amendment 12 respects the change of wording that we have already introduced by passing Amendment 9.

280 So what is Amendment 12 all about? Basically, it is to delete Proposition 12(b). In the old days, perhaps I would have just asked to be able to vote against Proposition 12(b). I do not know what your style of Presiding Officer's procedure is, but I know that the Bailiff recently has taken against allowing votes on subsections on Propositions, saying that a Proposition has to be voted on as a whole. So I needed to bring an amendment to try and remove 12(b).

285 Proposition 12b gives the courts a new power to make a new type of temporary order called a Supervision Order. Actually, it does not; it gives the court the power to make an old type of temporary order which was removed under the 2008 Law. It was removed because it no longer had any sort of sense under the new regime that was being introduced at that time and in my view it still does not.

290 As I have said in introducing Amendment 1, the distinction between permanent interventions and temporary interventions is an absolutely crucial one. That distinction was central to the whole approach of the 2008 Law and to the decision-making powers it allocated, on the one hand to the Tribunal and the other hand to the court. Permanent orders were to be the province of the courts, all other orders were to come under the Tribunal.

295 Supervision Orders are temporary in nature. A legal order that places a child under the supervisory care of the States already exists. It is called a Care Requirement and it is made by the Tribunal. The purpose of a Care Requirement is to protect the child from harm, to promote their health, their welfare and their development, and to assist the parent to provide the child with adequate care, protection, guidance and control.

300 The reintroduction of Supervision Orders, which were abolished under the 2008 Law, as they were no longer considered to be necessary, runs the risk of creating two different silo-ed approaches for short-term interventions, with the potential consequences of a child possibly being subject to two legal orders that have the same effect. So my preference would be for the matter to be referred to the tribunal for interventions that fall short of permanence. After all, that was *exactly* what the tribunal was introduced to deal with and Proposition 6 in this policy letter gives the court the ability to actually make that referral, which is incredibly helpful.

305 So all this proposed amendment does is to stop the reintroduction of court-imposed Supervision Orders, which are now completely foreign to our legislation. Not only that, it would actually be reintroducing an element of English Law over which there is really very considerable concern in England at the moment. A report led by the University of Sheffield – I have the summary here if anybody wants to see it – raised significant concerns about the steady and worrying increase of court-imposed Supervision Orders over recent years. I quote from that report:

In the study, 34% of ... disposals resulted in Supervision Orders. Some social workers said that it often takes the symbolism of the Court to strike a strong enough chord with parents and the extended family to accept the seriousness of the situation. However, ... the public purse pays a heavy price for taking this group of ... [children to] court only for children to remain at home anyway; but families and their children pay the heaviest price of all.

310 So why on earth would we want to go down the route of reintroducing court-imposed Supervision Orders and thereby creating a confusing double route to making non-permanent orders, the one we have now, which is the Care Requirement, which is imposed by the experts in non-permanent interventions, and the proposed-in-the-policy-letter newly reintroduced Supervision Order, imposed by the court, whose real expertise lies elsewhere?

315 Madam, I spoke earlier when I introduced Amendment 1 about the risk of regressing to the English-style system which existed in Guernsey before the 2008 Law. Well, Proposition 12(b) represents regression personified and I urge Members to resist it by passing this amendment.

**The Deputy Bailiff:** Deputy Burford, do you second this amendment?

320 **Deputy Burford:** I do, madam.

**The Deputy Bailiff:** Deputy Haskins.

**Deputy Haskins:** Thank you, madam.

325 I just start by reminding Members that the Children & Young People's Board is not supportive of this amendment. This is about giving the court the power, tool in the box, as we have heard before, should it deem necessary, again, in a very small amount of cases.

Thank you.

330 **The Deputy Bailiff:** Deputy Le Tocq.

**Deputy Le Tocq:** Again, this is an instance where I generally agree with a lot of what Deputy Roffey has said. We do not want a change in culture. For the vast majority of cases, the Children's Tribunal system is much better. However, the Children & Young People's Board found  
335 that over the last decade or so there were one or two cases where the situation which is described in Proposition 12(b) would have been in the child's best interests.

A Supervision Order, generally speaking, is not the sort of way we want to go, the case should go back to the Tribunal, but in one or two cases it would have been a simple matter for the court to issue a Supervision Order and it would have been in the child's best interest in terms of not  
340 delaying the sort of provisions that should have been put in place.

So Deputy Roffey's argument, I think, where I disagree with him, is he was creating a strawman scare scenario where we certainly do not want a return to that sort of system but – again, I will be careful with my words – to have this extra provision in the box that the court is able to use on certain limited occasions, we believe, would be in the interests of a few children in certain cases. That is  
345 why Proposition 12(b) is there and that we do not support this amendment.

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

**Deputy Dudley-Owen:** Thank you, madam.

350 One thing that I would like to know from the proposer of the amendment ... Apologies, I did not have my microphone on. Apologies for the delay – I was not quite sure what I was motioned at for, but now I get it.

Thank you, madam. I would like to ask Deputy Roffey, when he makes his closing remarks, about compulsion. Because as far as I understand it, the Children's Convenor does not have, so to speak,  
355 *teeth* in regard to the orders that they make and I would like to know what the child's Convenor route would be if they continue along the prescribed route that Deputy Roffey is proposing, in the absence of a Supervision Order, where a court may be able to compel with powers that they have and what the difference would be there.

Also, taking into consideration that ... What are the numbers of these cases that we see in a decade, so that Members have a clearer view. Because, again, this is a really complex area and notwithstanding the distress and the trauma of individual families, I think that a lot of Members in the Chamber, despite having read the policy letter and many Members have attended the sessions, this is still outwith of our experience. So I think we do need a lot of handholding in terms of the responses that we are given from Deputy Roffey.

365 Thank you.

**The Deputy Bailiff:** If nobody else wishes to speak, I invite Deputy Brouard ... Oh, sorry; Deputy St Pier.

370 **Deputy St Pier:** Thank you, madam.

I start with the section of the policy letter that begins on page 37, paragraph 6.48 to 6.53, which really seeks to set out the case for the reintroduction of Supervision Orders to the Law. I have read that and re-read it, and I do not feel that a clear case has been made as to why it is actually necessary to reintroduce them for what is supposed to be the one or two cases a year.

375 They really only become necessary if you think that the Court will be dealing with cases that fall short of permanence and that, of course, is not the rationale behind the whole construction of the whole Children's Law in the first place. Of course, as Deputy Roffey said, Proposition 6 already provides an appropriate solution, once that is accepted and enacted for those small number of cases where professionals have identified that gap in the current legislation.

380 I would suggest that in seeking to solve this issue with the reintroduction of Supervision Orders it does run the risk, once again, of drawing more cases into court unnecessarily. Again it is worth referring to Prof. Norrie's comments on this, that:

Given the choice between taking the matter to the court with permanent and short-term decision options, rather than to the tribunal with limited options, busy professionals are more likely to take a case to the forum with greater options than with fewer.

Also, of course, because so many of our social workers come from the *English* system, if the orders are available to protect children that sound and look like English orders, then there is the danger that some of our locum social workers may well simply assume that our system is the same, without appreciating the full complexity of the different legal context in Guernsey.

385 So I think this again feeds back into Sir de Vic Carey's comments in relation to Amendment 1 that we were discussing yesterday, that whilst the policy intent may be to only give a tool which is used on one or two occasions a year, that does not constrain and cannot constrain the Court, who may choose to interpret it more widely. And therefore we get back into the same issue of more cases being dragged into the court system with all the downside risks of that that we discussed yesterday and the associated cost as well.

390 So I think we have to consider why we created the Tribunal for short-term intervention and then we are then giving this power back to the court for what is expressed to be limited circumstances. I think it is introducing *more* complexity into the system. Deputy Dudley-Owen said it is a complex system. Well, this undoubtedly makes it more so.

400 So for that reason, I do share Deputy Roffey's concerns and do regard this as a retrograde step in taking us back, rather than taking us forward. And again I would urge the States, they chose not to do it with Amendment 1, but in this area, perhaps to consider doing it in this area, which is to accept this amendment, and if there is the evidence produced as a result of the proportionate monitoring that we discussed yesterday, that this remains an issue and a problem, then it be revisited in phase 2, as I suggested yesterday. I think that would be the appropriate response: to accept the amendment and deal with issue in phase 2, if it remains a problem. But I would suggest there is a substantial risk of dragging more cases into the Court.

405 On that side, I think it is worth noting the last sentence in paragraph 6.48 of the policy letter, which is:

This order would provide the court with the power to make an order placing a child under the supervision of the Committee –

– which of course means, in practical terms, the Children Services team. And we have got to consider once again the very real resource constraints within that team. We know we are under-resourced, we do not have full complement, we know we have significant turnover, all the



410 operational challenges which exist, and yet we want to put more cases back into the supervision of  
the Committee, supervision of that already very stretched team.

Once again, I think this is an area where the focus needs to be on, as Prof. Marshall said, making  
the system operationally effective first, the system that was introduced in 2010, rather than this  
tinkering response, which is going to put more strain on the limited resources we have within that  
415 team. So for all these reasons, I do think this is a good amendment and encourage Members, and  
indeed encourage the Health & Social Care team, to look at this in phase 2, if indeed they can  
evidence at that stage, in a way that they have not managed to do on page 37, that this is a real  
issue.

420 **The Deputy Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Madam, it is a short debate, but I have changed my mind about two or three  
times during the course of it. But at the moment, I am with Deputy St Pier because of the reasons  
that he has outlined. But a good point, because Deputy Brouard has yet to speak and Deputy Roffey  
425 will speak finally.

If I can ask Deputy Roffey a question: does he regard, if this amendment is unsuccessful and the  
proposed Proposition stands firm that this could be a stalking horse for orders that he has talked  
about that were got rid of 12, 14 years ago, whenever it was, for coming back and the Court making  
it ...? I do accept the point that Deputy St Pier has made that all social workers are very conscientious,  
430 but they generally come from, because that is where they come from, England, and they are used  
to the English system. It is perfectly natural; that is the system they are used to. Rather than sending  
a bus up to Aberdeen and bringing a back a load of Scottish social workers. It is easier said than  
done.

But equally, and Deputy Brouard I think can deal with this point as well – but I ask it of  
435 Deputy Roffey as well – if this power is not given, i.e. if it is removed by this amendment, does he  
countenance, do *they* countenance, any situation whereby it could be usefully used by the Court if  
it existed? That is all I need to say, but at the moment, I am influenced by, my mind – which may  
change again when I hear what Deputy Brouard and what Deputy Roffey say – is to support the  
amendment.

440 **The Deputy Bailiff:** Deputy Matthews.

**Deputy Matthews:** Thank you, madam.

Like Deputy Ferbrache, I agree that this amendment has an awful lot of merit and I was actually  
445 very persuaded by something that Deputy St Pier said about moving the provisions from this, from  
phase 1, to phase 2, rather than losing them. Because actually, one of the primary objections I think  
that Health & Social Care would have would be losing work that had already been done by  
accepting an amendment that would remove it, whereas of course we may well not be removing it;  
might be moving it to another phase.

I think that there is a genuine concern around ... we may in this Assembly think, 'Well, this is only  
going to be used on very rare occasions' but we know that social work is one of the areas in Health  
& Social Care where we have had some of the most acute difficulties in recruitment and much of  
the recruitment there is agencies. There is very little in the way of local social workers because it is  
a very difficult area for us to recruit into. So while we may think that in an ideal world this is the way  
455 that we would like it to work, it may well work differently when it actually happens in practice, simply  
because people will tend to follow systems that they are used to. So I think there is a great deal of  
sense in the amendment.

Thank you, madam.

460 **The Deputy Bailiff:** If nobody else wishes to speak, I will turn to Deputy Brouard to reply on  
behalf of the Committee.

**Deputy Brouard:** Thank you, madam.

465 I am going to quickly deal with two issues, I think, one raised by my Committee member and  
one raised by Deputy St Pier. He talked about the strain on social workers that would have this extra  
burden should the Supervision Order be made by a court, but it is the same pond, it is the same  
social workers, who would also be looking at a Care Requirement if it came from the Tribunal. So it  
makes no difference. It is the same people. That calls to Deputy Matthews' position. It is the same  
social workers that would be working with the families, whether it is a Supervision Order from the  
470 court or if it is from a Care Requirement from the tribunal.

We do not support – by a majority, I find, today – this amendment as it removes an appropriate  
form of disposal for a very small number of cases heard by the Court and I will try and give an  
example in a minute. The amendment suggests that a Supervision Order is not required as the Care  
Requirement is the Order for a temporary intervention in a child's life. However, Supervision Orders  
475 are different in many ways to a Care Requirement. A Care Requirement may well put the child into  
care. We as the States will take States' responsibility for that child, we will take parental  
responsibility, however, a Supervision Order from a court will leave parental responsibility with the  
parents and we will have, as social workers, a supervisory role over that family. So it is a less intrusive,  
or it can be a less intrusive part of that child's and that family's life.

480 So Supervision Orders, which are envisaged to be done from the Court, and I am going to try  
and ... Again, it gets extremely complicated. I want to take your mind back a while. When we were  
going to have this debate a few months ago, there was an original amendment called  
Amendment 4, which was placed by Deputy Roffey and Deputy Burford, and it was on exactly this  
same point, Proposition 12(b). And in that amendment, which was not laid, the wording, the original  
485 Amendment 4, wanted to allow for a Supervision Order to be made *only* when the court had heard  
and refused a Community Parenting Order. So when we looked at it, we said that is fine, because  
that is exactly what it is in the policy letter, although it is not explicit. But it does mean that a  
Supervision Order can only be made after you got to the threshold of going to the Court to get a  
Community Parenting Order.

490 So last five years, 35 families have gone to the court, of those, some of those have been taken  
into care, it is a very small number that may actually, instead of having to go into care, we may wish  
to leave parental responsibility with the family and then we monitor them through.

I have got a little bit more information on that. A Supervision Order is intended as a disposal  
when the legal test for a Community Parenting Order is made out. When the circumstances of the  
495 case suggest that it is not appropriate for the court sitting and it decides it is not appropriate for a  
Community Order to be issued, i.e. having regard to sections 3 and 4 of the Law and Article 8 of the  
European Court of Human Rights.

A Supervision Order will not provide parental responsibility for the Committee – our social  
workers – where a Care Requirement does, even on a temporary basis. This is an important  
500 difference to note and in essence means that a Supervision Order is less interference in family life.

I will give way, thank you. *(Laughter)*

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

505 **Deputy St Pier:** I am grateful to Deputy Brouard for giving way – clearly hesitating there!

The point I wish to make is really responding to, or challenging his comment earlier that it is the  
same group of social workers. Whilst of course it is the same group of social workers who are  
involved in dealing with children who are part of the tribunal or subject to court orders when there  
is a Community Parenting Order, the fact is – and I think this probably speaks to Deputy Dudley-  
510 Owen's concern – that the Tribunal has greater flexibility. You have got 100 tribunal members who  
are able to be flexible or more adaptable or have the ability to review the Order every 28 days. There  
is more flexibility in that system than there is in the Court Orders system.

515 So I think that has not been reflected in Deputy Brouard's response so far in dealing with  
Supervision Orders, that the reality is that the tribunal can respond more quickly than the court can  
and so whilst, if it is the court that is needing to respond, it is going to have to place a strain on that  
limited pool of social workers in a different way and put more pressure on them than the tribunal  
would.

**The Deputy Bailiff:** Deputy Brouard.

520

**Deputy Brouard:** Thank you.

Again, we would have to go back to the first principle. We have a tribunal system for helping  
families through very difficult times. That is the default, that is the main way we dispose. However,  
there will be, unfortunately, times where in the child's best interest it needs to go to court to have  
525 a Community Parenting Order, which removes the child from the family and takes the child into the  
care of ourselves.

So we fully appreciate that the Tribunal will have more flexibility and they can do more things,  
but this is for when it is not going well and the court is having to make that really awkward decision  
as to whether or not the family needs to be split and the child taken into care. I have got a few more  
530 words with which I will come into my speech and I hope I will pick up Deputy St Pier's issue.

If the court hears an application for a Community Parenting Order – this is where we are  
considering taking the child away from the family – but believes a Supervision would better meet  
the child's needs, then it is able to dispose of that case *immediately*. So it is not returning back to  
the tribunal, it can dispose of it *immediately*. On occasions, the process of going through the court  
535 proceedings results in parents taking significant enough actions to address the concerns that the  
courts view that they are now able to continue to safely care for the child *but* with continuing  
involvement of the Committee's social workers in a supervisory capacity.

There are so many thresholds. You have to have an issue; it may well be with a Tribunal, it may  
well be the social workers themselves. It is one of those rare cases that is going to Court and then  
540 most of the time the Court will, because we are dealing with very serious cases, will take the child  
away. However, they have got no other tools in the box at the moment and they would like to have  
the idea that they can put a Supervision Order when circumstances may have changed, especially  
in the proceedings or the shock of going to Court, that parents suddenly realise, 'Actually, this is  
really serious, we really need to change our behaviours.'

545 If that position changes in the court then the case and ... So a Supervision Order is issued by the  
court, but if those circumstances change, that actually it has not worked, it can go straight back to  
the court and a Community Parenting Order can be made. This is not possible through a Care  
Requirement through the tribunal. If the court does not make a Community Parenting Order and  
the case returns to the tribunal, it will need to be reheard and disposed, will take longer and could  
550 result in a greater intervention in that child and his family's life. This will be entirely appropriate in  
some cases, but not all.

This is quite simplistic, but I am going to give you a fictitious case study so you can see the sort  
of positions that we are in. Evidence exists which suggests that Billy's mother can no longer safely  
care for him, for several reasons, including her relationship with an adult male of concern, who has  
555 been violent to Billy's mother on several occasions, where Billy unfortunately was present. An  
application to court was made for a Community Parenting Order, which is the threshold to get to.  
This is only after efforts to work with Billy's mother have not resulted in a positive outcome for Billy.

At this time, the court could either make a Community Parenting Order or not. If it does not  
make an Order then there is no care or protection in place for that child Billy. If the court could  
560 make a supervisory Order, it could mean that Billy and Billy's mother, under a Supervision Order,  
would have the back-up of the social workers who would regularly check in and monitor the family.  
It would also provide a route, if necessary, to return the matter to Court, should the conditions of  
the Supervision Order not be met. So a Community Parenting Order could be made without having  
to start the whole process again.

565 It is a small tool, but it is an important tool for some very rare occasions, and we have some families who unfortunately have extremely troubled and complex lives. I will not be making that decision in the court, but I think it is very important that the court has that tool available and to use it appropriately when they want to. The addition of a Supervision Order as an option for disposal for the court, when an application for a Community Parenting Order is made, is in the best interest of a small number of cases, estimated to be, because we are a very small ... one case a year, based on the review of 2019 to 2022.

570 For clarity, and this picks up Deputy Roffey's point that he made earlier, this is a very different proposal to the use of Supervision Orders in England and Wales, which can be made as a standing alone order. So for us, you have to go through the hurdle or the threshold of going to court for a Community Parenting Order.

575 This proposal for a Supervision Order is to be made only as a response to the making of a Community Parenting Order application. A Supervision Order is similar but not exactly the same as a Care Requirement through the tribunal. This amendment does not increase the system's flexibility to respond to the child's needs in specific circumstances. It will *not* reduce delays in disposing of these specific cases. The Committee, by a majority, does not support this amendment and I would urge Members to vote against it.

580 Thank you very much.

**The Deputy Bailiff:** Thank you.  
585 Deputy Roffey.

**Deputy Roffey:** Madam, there has been an awful lot of talk about tools and I absolutely accept that the policy letter gives an extra tool to the courts. But my contention is that it is the wrong tool in the wrong hands.

590 Either we believe in the basis of the whole system that we have set up, that so many people have lauded, that actually the court is the right place for determining permanent removal and that the tribunal has actually a better skillset in determining temporary interventions, or we do not. Certainly Prof. Marshall was very supportive of that and I still believe that it is the right approach to take.

595 Deputy Dudley-Owen talked about compulsion. There is nothing voluntary about the tribunal's interventions. It is a very different and more informal approach in deciding what route to do but the requirements are absolutely obligatory and, indeed, not only that, but if the excellent proposal in this policy letter goes through, they will actually have greater powers to ensure attendance from the various –

600 I give way to Deputy Dudley-Owen.

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

**Deputy Dudley-Owen:** I am very grateful to Deputy Roffey for giving way to me.

605 May I just point out that compulsion is quite different from requirement or obligation, and compulsion is about how do we make people responsible and accountable and the point I was trying to make is that the Court can do that, that the Child's Convenor cannot.

**Deputy Roffey:** They absolutely can. It is a legal requirement in both cases. It is a different to a legal requirement, but it is a legal requirement in both cases. *(Interjection by Deputy Dudley-Owen)*  
610 The consequences are exactly the same as if a court Supervision Order is given; you have actually breached a legal requirement. So there is no difference in that respect.

615 She asked also about numbers. In the Billet, I think it suggests maybe one per year, that this is the case. Well, if it is one per year, I would refer Members to Proposition 6, which gives the Court the direction to remit, in appropriate cases, back to the tribunal. I know resources are tight, but if we cannot, within our existing system, make sure that that one case per year is able to be prioritised

and referred in a speedy manner, to be dealt with by the experts in non-permanent orders, then there really is something wrong. We should be able to do that.

I do accept that the situation is not exactly the same as the UK, that what is being proposed is being able to make Supervision Orders in cases that have already been referred to court for permanent removal when it does not meet that threshold, as opposed to it being referred to court really for a Supervision Order in the first place. Nevertheless, we are removing a fundamental building block of our legislation, we are reintroducing an order that was expunged from our legislation in 2008 for very good reasons and we are reintroducing a form of order which is now causing considerable concern in the UK.

So Members, I urge you to vote in favour of Amendment 12.

**Deputy St Pier:** Madam, before we got to the vote, could I ask Her Majesty's Comptroller to a question?

**The Deputy Bailiff:** Yes, you may.

**Deputy St Pier:** Forgive me, I have just passed *His* Majesty's Comptroller a note, so he will not have had an opportunity to consider it, but it is really building on Deputy Dudley-Owen's question and Deputy Roffey's response. It is to seek to understand the consequences of the breach of the conditions of a Care Requirement, and what Deputy Dudley-Owen has referred to as the 'compulsion', the enforceability of how the tribunal goes about that. I think it might be of assistance to Deputy Dudley-Owen to hear the legal advice on how those matters are dealt with.

**The Deputy Bailiff:** Mr Comptroller.

**The Comptroller:** Madam, I must say I am not quite sure of the procedure, but I see that Deputy Brouard is rising to his feet. He may have a better idea of what happens when the conditions in a Care Requirement are not complied with. There are sanctions, there are consequences, but I am not familiar with the detail. He may be able to assist.

**The Deputy Bailiff:** Thank you.  
We will turn then to you, Deputy Brouard.

**Deputy Brouard:** I am advised by my professionals that there is *no* enforcement in tribunal.

**The Deputy Bailiff:** Thank you.  
So I therefore ask the States' Greffier to open the voting on Amendment 12.

*There was a recorded vote.*

Not carried – Pour 15, Contre 20, Ne vote pas 0, Absent 4, Did not vote 1

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Burford	Deputy Aldwell	None	Deputy Bury	Deputy Blin
Deputy Cameron	Deputy Brouard		Deputy Fairclough	
Deputy de Sausmarez	Deputy de Lisle		Deputy Helyar	
Deputy Falla	Deputy Dudley-Owen		Deputy Mahoney	
Deputy Gabriel	Deputy Dyke			
Deputy Gollop	Deputy Ferbrache			
Deputy Kazantseva-Miller	Deputy Haskins			
Deputy Matthews	Deputy Inder			
Deputy Oliver	Deputy Le Tissier			
Deputy Queripel	Deputy Le Tocq			
Deputy Roffey	Deputy Leadbeater			
Deputy Soulsby	Deputy McKenna			

Deputy St Pier  
Deputy Taylor  
Deputy Trott

Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Parkinson  
Deputy Prow  
Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Vermeulen

**The Deputy Bailiff:** There voted Pour, 15; Contre, 20; there was 1 absence from the Chamber. Therefore the amendment has not passed.

655 That was the last of the amendments, so we now turn to general debate on the Propositions.  
Deputy Prow.

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

660 It would be remiss of me not to make a brief comment on behalf of the Committee *for* Home Affairs. The content of the policy letter supports and underpins important parts of the Justice Framework agreed by this Assembly. This is reflected in the formal response sent to HSC. In particular, the Committee is pleased to support the very thorough review of the Children's Law and the outcomes produced by the Children & Young People's Board, and to endorse the phased approach to the implementation of the recommendations.

665 The Committee believes that the recommendations and the approach that is proposed aligns with this Committee's own Justice Framework. That Framework identifies family justice as one of the four principal pillars of justice for the community in the following terms. Family justice is the support for families, parents and relationships that helps them to resolve disputes quickly, should they arise, with minimum conflict and pain caused for all those involved, particularly children. This is a point that was made earlier by Deputy Queripel.

670 As part three of outcome 3 in the Justice Framework, the Committee recognises that the review of the Children's Law would help inform any wider system changes needed to better support families. The Committee welcomes in particular those recommendations that seek to remove causes for delay in the justice system. The Committee would be particularly interested in exploring further with the Children & Young People's Board, as part of phase 2 of the review, the development of alternative dispute resolutions and possible approaches that might be adopted to reduce elements of conflict caused by adversarial approach involved in Court processes.

675 Madam, with the Propositions now in play, they have been benefited and been informed by the many professional stakeholders and on behalf of the Committee I thank them all for their excellent work. I also thank all those Deputies involved in Health & Social Care, Deputy Le Tocq, Deputy Haskins and Deputy Aldwell from my Committee, who has immersed herself in this workstream.

680 I shall be supporting all the Propositions which have been endorsed by the Committee *for* Health & Social Care.

685 Thank you, madam.

**The Deputy Bailiff:** Thank you, Deputy Prow.  
Deputy Queripel.

690 **Deputy Queripel:** Thank you, madam.

695 I will start by putting on record my thanks to Deputy St Pier and others for recognising in their speeches on the amendments that it was my brother, former Vale Deputy Laurie Queripel, and I who instigated the Marshall Review of the Children's Law because that means a lot. Especially to my brother Laurie, who is doing his very best to recover from a breakdown the last two years, which in my experience as a qualified complementary therapist was caused by the stress and trauma he had to deal with whilst trying to resolve issues of parental dispute in the dozens of one-to-one cases he took on.

700 There is no way any Deputy can appreciate the magnitude of taking on those sorts of cases until they actually take them on. My advice to colleagues, madam, who have never taken on a one-to-one case involving parental dispute, is make the Family Proceedings Advisory Service (FPAS) your first port of call if you are asked to take a case on. Because they are the professionals in place to guide you through what can turn out to be extremely complicated cases. Having made contact with those professionals at FPAS on more than one occasion, I can assure my colleagues that FPAS will not let them down.

705 I cannot think of anything more important than looking after our children and ensuring they have a future. With that in mind, I want to recite some lyrics from a song that I have recited on several occasions over the years (Interjection) when the Assembly debates issues relating to children and the lyrics are from a song that was a worldwide hit for George Benson back in 1977. The song is entitled *The Greatest Love of All* and the lyrics go like this:

I believe the children are our future  
Teach them well and let them lead the way  
Show them all the beauty they possess inside  
Give them a sense of pride ...

710 Who would not resonate with those sentiments? But seeing as I am reciting words from songs, I just want to recite four lines from a song I wrote in 1994. The song is called *The Message is Clear*, because they relate to the issue in front of us and those four lines go like this:

The voices of the children praising the Earth.  
The hopes of every nation with every new birth.  
The spirit of the people shines like the sun.  
And there is a little piece of heaven in everyone. ???

715 But after giving the matter a considerable amount of thought, I realise I am going to have to amend the last line because obviously there is not a little piece of heaven in everyone. If there was a little piece of heaven in everyone, then surely we would not be debating strengthening laws to protect our children.

720 But there is no doubt whatsoever this an extremely complex and sensitive area, but there is not a single Member of this Assembly who can say justifiably it is not *their* area. Every single issue that is laid in front of us *is* our area. We were not elected by the public to cherry pick. We were elected to deal with every issue that is laid in front of us.

725 My advice to colleagues, madam, who do not have the experience of trying to resolve issues of parental dispute is go out and get that experience. Take on one-to-one cases that stretch you and take you way out of your comfort zone. That is the only way you will learn how the system works and what processes and procedures need to be changed.

730 The reality is we all took an oath and we all have a duty to protect our children. This issue in front of us is not just the responsibility of Health & Social Care. I had no experience whatsoever of dealing with parental disputes and children at risk until I took on my very first case back in 2012. That is when I learnt how things are done and what needed to be changed to ensure the best possible outcome for our children when their parents are in dispute.

735 Paragraph 6.122 tells us that the need to enable greater access to mediation across the whole system has been recognised in several reviews. Which is why Deputy Prow and I laid the amendment we laid, I referred to in my speech yesterday, which sought to bring more focus on the value of mediation in cases of parental dispute. So it was absolutely vital that amendment succeeded and I thank the Assembly for supporting it, because that was a huge step in the right direction.

I do have a couple of questions that relate to this whole issue in front of us and I have given HSC prior notice of them. Hopefully they can answer now and those questions are as follows. Does the Committee think our community would benefit from our having a children's commissioner in place here in the Bailiwick; and have the Committee ever considered recommending that a children's commissioner be put in place here in the Bailiwick?

740 I *suspect*, in response to those questions, Deputy Brouard will focus on additional cost and I get that. I get that completely, seeing as he is the President of the Committee that are custodians of the largest budget of all States' Committees. But surely we would not need to employ yet another civil servant? Surely there is someone working in Children's Services already who would be more than capable of carrying out the duties of a Children's Commissioner? Someone who is capable of  
745 monitoring policies and proceedings and overseeing operations without getting involved in operational issues. Someone who can bring all of the agencies involved together and make sure that none of them are working in silos. A co-ordinator, whose job it is to ensure everything is working as it should be.

In asking those questions, madam, I am aware we have a children's proceedings case manager in place, as we are told in paragraph 9.13, but I am assuming that case manager monitors individual cases and gets involved in individual cases. What I am talking about is someone who does not get involved in individual cases, but oversees the whole operation. So I very much look forward to Deputy Brouard's response to my question and I apologise to him in advance if I have missed a fundamental point somewhere along the line.

755 Moving towards a close, madam, I just want to finish on a piece of history that is relevant to this debate. Some of my colleagues may not be aware of this little bit of history. When I was first elected back in 2012, I stood as a candidate in no fewer than seven elections in this Chamber, for seven different positions on numerous Committees. The result of my standing in the seven elections was that I was not given a seat on a *single* Committee, because the majority of the States did not want me. But every cloud has a silver lining, because former Deputy, the late Jan Kuttelwascher  
760 approached me after those elections and said, seeing as the States had not given me a role, would I be interested in taking over from him as Chairman of Age Concern. I said I would be honoured to do that and had a terrific time as Chairman of Age Concern for the following three years.

As well as that, I had plenty of time to take on one-to-one cases and it was not long before I became involved in the 33 cases I referred to in a speech yesterday, involving Islanders who said they had experienced unprofessional conduct by some members of staff working in Children's Services. Which is why, as soon as I became a member of the Scrutiny Committee, along with my brother Laurie, we suggested Scrutiny undertake a review of the Children's Services. And here we are today, seven years later, and I apologise to children and their families out in our community for taking so long to get here. But the good news is we are here and, in the words of the song, Things Can Only Get Better. (**A Member:** Hear, hear.)

Thank you, madam.

**The Deputy Bailiff:** Thank you.

775 Deputy Le Tocq.

**Deputy Le Tocq:** Thank you, Madam Deputy Bailiff.

I will be brief but I just want to put on record my thanks to Deputy Haskins, as he leaves the Chamber (*Laughter*) – so he hears that – Deputy Aldwell and Deputy Bury in terms of their  
780 contribution and work on the Children & Young People's Board and Corporate Parenting Board and welcome Deputy McKenna to replace Deputy Aldwell in due course.

It has been a privilege for me to be involved in the Children's Law Review and involved in the Board, particularly as an adopted child myself, and to meet some of the children in care and to take seriously some of the concerns of families involved in the care system and the children's justice system.

785 I said right at the start of this debate, I think in the debate on the first Amendment, that we strongly support – and I strongly support – the system we have in Guernsey. And I just wanted to put on record, madam, that this will not be the final review or indeed the last set of changes. We need to continually and consistently look at the way in which we do things to improve things for Guernsey.  
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There is not an off-the-shelf system that will work perfectly in Guernsey. We have got a much better system than we used to have and I am very grateful for that. Pastorally, I was involved in the 1990s particularly, and before this Law came in, with a lot of families and children who went through a system that was just *not* fair, not good for their mental health and well-being. We have improved upon that, *but* there are certainly further improvements to be made.

And it may well be that some of the things that I hope we will pass unanimously, the amended Propositions before us, but there may well be some of those things that will need further tweaking in due course. We are going to have to monitor this and maybe our successors will look into further changes that need to be made, as well as those that we know still need to be worked on.

But I think it has been a good debate. I know it is a complicated piece of legislation, understanding the system. I encourage Members, even when this is voted, to still take an interest, to still look to get involved where they can and find out more about how the system works.

Thank you, madam.

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** I do not pretend to be an expert or even have a working knowledge of these complicated areas. Being one of the older Members of the States, in a way, I recall the passion of the introduction of this scheme back in 2006 and the work that went into it by Deputy Pritchard and many others at the time. It was a pioneering leap in the dark in a sense and it has been very successful. What we do not want to see is too much change or dilution of the work that has been done.

I support – possibly with a degree of reluctance here and there – the package of Propositions before us. It might be tedious if we had 27 separate votes on them, but hopefully we can overcome that. One area, though, that has been a theme, I think, of the debate in the last two days and the run-up to it, has been the need to consider the children, as Deputy Queripel said – I think Whitney Houston has big hit with that song as well – and what is best for them.

There is no doubt that two aspects have come through. One is the aspect Deputy Soulsby and others introduced, which is looking towards an ombudsman for broad cases and strengthening the training because there has been definitely a degree of political evidence that the good thinking of the 2015 Scrutiny review did not really go as far as it should and that we have been not working perhaps as holistically as we might in ensuring that the training is on the right lines.

That brings me to the second point, which is perhaps difficult to nail or even to speak about. There has been a hint in some of the speeches and correspondence, from well-informed sources of course, that not everybody in the last 15 years has been an enthusiastic professional participant in all of this. That might not be true, but there is a sense that, what is the expression; not everybody bought into it, and I am not sure whether that refers to professionals at HSC or lawyers or whatever.

But I can understand why there may have been a degree of reluctance, because not only is this a complicated hybrid system – it was good to hear the testimonies of Mr Miller and other people who assisted with the work – but clearly this is a structure that has similarity to Scotland, but is obviously different from England. And if we are recruiting our social workers, and in some cases legal expertise predominantly from England, or from people who have trained in England, then that means that we need I think to work much harder at persuading the professionals that this system works and works very well. And to ensure that there is quite robust training behind the scenes.

So really this is a workstream that Health & Social Care need to strengthen to ensure that the experiences and professional practices of the team are in congruence, really, with the system we have. And as has been said already, we run the risk of making – Deputy St Pier made this point; Deputy Roffey – a complicated system even more complicated.

So my plea is that the training of professionals, especially those who worked in a different system, be very much emphasised and improved.

**The Deputy Bailiff:** Deputy Roffey.

845 **Deputy Roffey:** Like Deputy Le Tocq, I want to put something on record, because debating chambers are great, but we tend to focus on the areas of disagreement. So listening to me yesterday and today arguing for both Amendments 1 and 12, it could have come across that I was antagonistic towards this package of proposals when nothing could be further from the truth. I absolutely enthusiastically support the vast majority of it and I congratulate again those who have done the work in drawing it up.

850 I also really want to thank Deputy Brouard, Deputy Le Tocq and their advisers for the way they engaged with Deputy Burford and I to try and find common ground where we could. It was not possible in all areas, but I think that is the way politics ought to work and I was delighted that it happened.

855 Nevertheless, I still find myself unable to support a couple of aspects of the policy letter and therefore I would like to ask for a separate vote on Proposition 7 and, if you will permit it – I do not know if you will or not – also on sub-Proposition 12(b).

**The Deputy Bailiff:** Just to make that clear, no, it will be Proposition 12; we will not be taking out 12(b).

860 Thank you. Deputy Dudley-Owen. Sorry.

**Deputy Dudley-Owen:** Thank you, madam.

865 I wanted to make a few comments related to the Committee's proposals as amended and I just wanted to thank all participants for their work on this particular cross-Committee workstream. And also to the Members of my Committee for giving up their time in addition to the great pull on their time already from the work that with have on at Education, Sport & Culture. It is no mean feat to be able to juggle all these balls. A lot of people think that States' Members do not do much, but actually they are wrong. There is a huge amount of work to get across, pretty much every single day, week, month and year of our term.

870 From an Education perspective, it is very important to note that the success of a child depends on many factors, but most important of all is their family life. And anything that we can do to support that family life, to support stability, to support the care, to support the nurture of that child within the family, those children within their families, we must do.

875 A child must be in the right place in the morning in order to be able access its learning, to be a success at school, to feel that it belongs at school. Some of our most vulnerable children do not feel like that and they do not feel like that because they cannot get the support from their families. There is no judgement from me on that; it is just a fact. Some parents, some families, are not in the right place to give the support that their children deserve. So it is for us, therefore, to step in at that stage, no matter whether that is through the Child Convenor, through the court system, but everything that we do must be compassionate and must be child-centred.

880 So I am really pleased to see the efforts that have been made by those Members of the Committee, their supporting staff and all the stakeholders to try and, wherever possible, reduce delays and put the child at the centre of all of their thoughts. Because aside from the personal stories of distress and trauma that those individuals face at a very early age, will live with through their teenage years and early adulthood, we have got to think about some of the more harder-edged things about the cost to society and the cost to the public purse as well in helping those people to live their lives as best they can without the tools in the box. Thanks to Deputy Le Tocq for giving me that phrase to use: without the tools in the box that they actually deserve to have as functioning, competent adults.

890 So I will be supporting this now amended policy letter and I thank the Committee *for* Health & Social Care and especially the President for leading the debate.

Thank you.

**The Deputy Bailiff:** Deputy Soulsby

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**Deputy Soulsby:** Thank you, madam.

I am really pleased that the policy letter has got here and I know that a lot of work has gone into it by a whole raft of people and organisations and I do thank the officers involved over the, effectively six years that have got us where we are today. It has not been easy. We have people who all believe they have the best interests of the child at heart. But their perspectives, naturally, on what that means depending on what part of the process they have been involved in.

I know early last term relations were strained, which I think is summed up in the word 'suspicion' used by Prof. Marshall. I can recall a time when we could not get two of the organisations together in the same room. But I am pleased that things have much improved now, although clearly evidenced by the debate over the last day and a half, things are not perfect.

Ultimately the aim of the work is to reduce delay. Justice delayed is justice denied and that I know has been the primary focus. But it will require, as has been made clear in all the reviews and explicitly stated in this policy letter:

A collaborative and collegiate approach ... to be taken by all agencies so the system functions more effectively to the benefit of the children it serves

One area that I hope makes progress is in relation to mediation. More could be done to take such a route as increasing the accessibility and availability of trained mediators for family law matters, which could remove delays and reduce the number of cases proceeding to court. However, there are precious few mediators and they all tend to be advocates. I really do think more needs to be done to try and improve the situation. I have seen cases where family relations have broken down irretrievably as the lawyers have got involved, when a different approach may well have made things run more smoothly and lives, particularly of the children, less tormented.

Just referencing Deputy Queripel – and unfortunately he is not in the room at the moment, but – he asked about whether a Children's Convenor had been considered by HSC. I can say yes. It was indeed. Much consideration was given to whether we could have a joint commissioner with Jersey last term.

Discussions were had, and whilst there was willingness, the Commissioner's Office was fully occupied, probably quite understandably in Jersey, given what happened there over the last few years, and it would need more resources, really, were we to be able to induce a commissioner and have a joint commissioner's office across the two islands. The cost was not really the only reason, because unlike Jersey we do have many organisations advocating for children and it was felt that there would be quite a good deal of overlap. That is where things were left at that time.

It does not mean that at some stage we might think a commissioner is needed, but that was the reasoning at the time. I am sure, whether ... I am not sure, but I suspect that current HSC may have already had discussions about a possible Commissioner as well.

So I support the policy letter as amended and I hope other Members do too, but page 22 makes it clear that this only represents a first of three phases, which as I said started seven years ago. Phase 2 requires legislation approving, changes implementing, justice-related action scoping and then approval sought before HSC can then get to phase 3, where phase 2 changes will require implementing, all of which is supposed to take another seven years. This is important work and I sincerely hope the next seven years will run smoothly with all parties working together in the best interest of our children.

Thank you.

**The Deputy Bailiff:** Thank you.

Deputy Matthews.

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**Deputy Matthews:** Thank you, madam.

I too would like to start off by thanking the Members who were involved on the working group looking at this; Deputies Le Tocq, Bury, Haskins and Aldwell. I know it has been an awful lot of work

945 and meetings involved in going through the various options and trying to decide between the best approach to take and very competing views on what the best approach might be.

For those of us on Health & Social Care, we have been having to try and catch up and understand the output of that and it is very difficult. It is a very complicated system. There are an awful lot of inputs and outputs and it is very difficult to try and understand how it works in the abstract.

950 So looking at it as a system as a whole, without looking at a concrete case, without looking at how this affects an individual travelling through the system. In fact, in some ways, it is only when you start getting involved, looking at cases on behalf of people, that you start to understand how those pieces fit together, what the different components in the system do and how they work and where the weaknesses are and where the difficulties are.

955 There will be, of course, different views on how it should work. My feeling is that the amendments that were brought were on aspects of that system, which in a lot of ways people felt could have gone either way. There were different approaches that could have been taken. I think that during the course of the debate, some of the concerns that have been raised are very valid and highlight some aspects where we all really need to get involved in this and find out how the system is working and where the issues are.

960 Deputy Queripel, who I know will be listening, although he is not in the Chamber, picked up and highlighted really the importance of monitoring and how important it is to monitor how this is working and not just assume that it is a system in a box that is doing the right thing. I think Deputy Soulsby had, in her amendment, emphasised the need for training in how this system is going to work across because it is different. It is not the same as picking something up from the UK and making it work, or from Scotland and making it work here, and we certainly do not have the same system as in England and Wales.

965 I think that an ombudsperson, what I would call an ombudsman, would be a good thing to do. As Deputy Gollop said, persuading individuals to make use of the system that is there and especially to look at the options we have got for the Convenor is going to be key to getting the system to work because what we want to do is to create a system where really the child is at the centre, it is the child's interests at the centre and we are able to provide the service that we should be providing in some very difficult circumstances sometimes.

970 So, I commend this policy letter to the Assembly.  
Thank you.

975 **The Deputy Bailiff:** Alderney Representative Roberts.

**Alderney Representative Roberts:** Thank you, madam.

980 I welcome this policy letter. I am no expert on the whys and wheres of tribunals because I never encountered it but I want to talk to you today from the other side and there may be other people within this Chamber who were fostered. I do not know. I myself was fostered as a young child from the age of four until the age of 14. These things were not in place at that time. So this is absolutely welcome to me.

985 It was in Alderney, I was fostered by very good people but my parents lived within two miles of my house and they were divorced but never visited me as a child. I only saw them passing in the street and I was not allowed to visit them. Not going into any detail but I know how a child feels at this age. I carry no malice or regret in later life, I carry no chip on my shoulder. I was very lucky. And I got to know my father later in life. He was a great man, a good man, and I loved him dearly. But I know how it feels to feel at that time, through a child's life.

990 My wife, I was married to her for 38 years. She was also in a children's home and suffered abuse as a child, some by family members. In the end, that was dealt by the courts and she, like myself, survived. So I have no problems with courts being involved in decisions. But with experiences as a young child of acute unhappiness, this is a review very close to my heart. The more we get this right, the better our society will be for it.

995 As a young teenager I ended up homeless as part of my background went on. I was extremely vulnerable and homeless on the streets. But then, if you look at it, I went on to represent my Island for four years in this very States of Deliberation and I am extremely proud of that. I hope it inspires some young children out there.

1000 Some children are unlucky and they get to need help. Mostly because of human failings. We must get this right. We must protect our children. But to get it always right is often very difficult as many cases differ. They all differ. So it does need close monitoring. So I support and applaud these changes, the intention to upgrade the Laws to protect our vulnerable children and young people out there as we speak.

Thank you.

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**The Deputy Bailiff:** Thank you.

If nobody else wishes to speak, I will turn to Deputy Brouard on behalf of the Committee.

1010 **Deputy Brouard:** Thank you, madam, and thank you for all the contributions to the debate, both with the amendments and in the substantive discussion just now.

1015 I am just going to pick up from what people have mentioned. Deputy Prow, very pleased to have his support. Deputy Queripel, he has had a hand in the Children's Law right from the start and I appreciate his ongoing interest, raising issues and his scrutiny. I think he put a question to us with regard to the idea of a children's commissioner. Previous consideration was given to introducing such a role in Guernsey, as I think was highlighted by Deputy Soulsby, in discussions with the States of Jersey, and it was concluded that there would be more benefit to children and young people if the funds that would be used for a children's commissioner were instead used to enhance the services already in place, including early intervention services.

1020 In the UK, the role of the children's commissioner promotes the rights, views and interests of children across the UK and policies or decisions affecting their lives. Due to the uniqueness of the Guernsey and Alderney family care and justice system, a number of arm's length bodies hold some level of responsibility for these matters, including the Children's Convenor, the Island's Safeguarding Children Partnership and of course the Children & Young People's Board, who we have referenced today.

1025 Currently there are no plans in place to introduce a children's commissioner in the near future. However this matter will continue to be kept under review and as we have learned during this week there is a three-year review for the Children's Law anyway. Of course, there is the amendment in the substantive Propositions now, from Deputy Soulsby and Deputy Burford, number 27, to investigate the idea of a Channel Islands ombudsperson.

1030 Deputy Le Tocq, thank you for his support; Deputy Gollop, thank you for your reflections and highlights, especially of the training for those people who have come in from other jurisdictions to work here in social care. A point very well made and I think that has been stressed as well, from many other people, during the debate.

1035 Deputy Roffey, thank you for the support for the overall proposals. I have been pleased to work with him and Deputy Burford in honing some of the amendments. Deputy Dudley-Owen, again, has reminded us and it is a very important reminder that the success of a child is reflected by their family life. I thank her for her comments for the team, but I think that was a very new point that we just have to keep in front of us.

1040 Deputy Soulsby highlighted the different views and we certainly had those. But all trying their best for the child. And of course highlighted the idea of all the benefits of mediation when that can work with families that are getting into difficulties. Deputy Matthews mentioned the balance being struck and of course monitoring will be very important, as well as the training highlighted by Deputy Gollop.

1045 Alderney Representative Roberts, thank you for your story, and the thing I take away from his ... the more we get it right the absolute better it will be for us as a society and more importantly for the child and their families.

1050 I have got quite a bit more of a speech but I do not think it is going to add anything to the overall position that we are in. I would just like to thank, on my behalf and HSC, and for the Children’s Board, the support of our professionals in producing this report and we have been very ably supported today in Court by one of those professionals so my thanks to that person.

1055 Thanks for the amendments. I do not usually like challenge, but anyway the challenge has been helpful. I think it has drawn out areas that people are concerned with and I think it reflects the Chamber working well that we have come to compromises where necessary and we have dismissed other ones where we do not think it is appropriate, but thanks for the challenge and I think we have got to a better position because of it.

Finally, once again, thanks to Deputy Aldwell, Haskins and Bury and Le Tocq, as Chair of the Children’s Board and I would ask everybody to pass all the Propositions. Thank you very much indeed.

1060 **The Deputy Bailiff:** Thank you, Deputy Brouard.

1065 There are 28 Propositions. Deputy Roffey requested that number 7 be dealt with separately and Deputy Taylor, although he is not actually here right now, requested yesterday that 25, 26 and 27 be dealt with separately, which will mean that 28 needs to be dealt with separately as well. As I indicated to Deputy Roffey in relation to Proposition 12, I am not going to allow 12(b) to be taken out on its own and Deputy Roffey has indicated that in that case he does not need 12 to be taken separately. But I must look to the Chamber as to whether anybody wants any other Propositions voted on separately of the 28 that we have before us. I am not seeing any suggestions on that front.

In that case, the first set of Propositions 1 through to 6. States’ Greffier, will you open the voting on Propositions 1-6, please.

*There was a recorded vote.*

Carried – Pour 34, Contre 0, Ne vote pas 0, Absent 4, Did not vote 2

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	None	Deputy Bury	Deputy St Pier
Deputy Blin			Deputy Fairclough	Deputy Trott
Deputy Brouard			Deputy Helyar	
Deputy Burford			Deputy Mahoney	
Deputy Cameron				
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Gabriel				
Deputy Gollop				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				
Deputy Le Tissier				
Deputy Le Tocq				
Deputy Leadbeater				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Murray				
Deputy Oliver				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Alderney Rep. Roberts				

Deputy Roffey  
 Alderney Rep. Snowdon  
 Deputy Soulsby  
 Deputy Taylor  
 Deputy Vermeulen

1070 **The Deputy Bailiff:** The votes in relation to Propositions 1-6, there voted 34 Pour and there were 2 absences from the Chamber. I therefore declare that those Propositions are passed. States' Greffier, would you open the voting on Proposition 7.

*There was a recorded vote.*

Carried – Pour 28, Contre 4, Ne vote pas 2, Absent 4, Did not vote 2

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	Deputy Burford	Deputy Gollop	Deputy Bury	Deputy St Pier
Deputy Blin	Deputy de Sausmarez	Deputy Oliver	Deputy Fairclough	Deputy Trott
Deputy Brouard	Deputy Gabriel		Deputy Helyar	
Deputy Cameron	Deputy Roffey		Deputy Mahoney	
Deputy de Lisle				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				
Deputy Le Tissier				
Deputy Le Tocq				
Deputy Leadbeater				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Murray				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Alderney Rep. Roberts				
Alderney Rep. Snowdon				
Deputy Soulsby				
Deputy Taylor				
Deputy Vermeulen				

**The Deputy Bailiff:** In relation to Proposition 7, there voted Pour, 28; 4 against; there were 2 abstentions and there were 2 absences from the Chamber. I therefore declare Proposition 7 passed.

1075 We will now deal with Propositions 8 through to 24. We need a little patience, everybody. The States' Greffier just has to tick the right boxes to make sure the right ones come up. There we are. Would you kindly open the voting on Propositions 8 through 24.

*There was a recorded vote.*

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

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	None	Deputy Bury	None
Deputy Blin			Deputy Fairclough	
Deputy Brouard			Deputy Helyar	
Deputy Burford			Deputy Mahoney	
Deputy Cameron				
Deputy de Lisle				

Deputy de Sausmarez  
 Deputy Dudley-Owen  
 Deputy Dyke  
 Deputy Falla  
 Deputy Ferbrache  
 Deputy Gabriel  
 Deputy Gollop  
 Deputy Haskins  
 Deputy Inder  
 Deputy Kazantseva-Miller  
 Deputy Le Tissier  
 Deputy Le Tocq  
 Deputy Leadbeater  
 Deputy Matthews  
 Deputy McKenna  
 Deputy Meerveld  
 Deputy Moakes  
 Deputy Murray  
 Deputy Oliver  
 Deputy Parkinson  
 Deputy Prow  
 Deputy Queripel  
 Alderney Rep. Roberts  
 Deputy Roffey  
 Alderney Rep. Snowdon  
 Deputy Soulsby  
 Deputy St Pier  
 Deputy Taylor  
 Deputy Trott  
 Deputy Vermeulen

**The Deputy Bailiff:** There voted Pour, 36. I therefore declare all those Propositions passed. Proposition 25 please. Would you kindly open the voting, please, on Proposition 25.

*There was a recorded vote.*

Carried – Pour 34, Contre 0, Ne vote pas 2, Absent 4, Did not vote 0

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	Deputy Roffey	Deputy Bury	None
Deputy Blin		Deputy Taylor	Deputy Fairclough	
Deputy Brouard			Deputy Helyar	
Deputy Burford			Deputy Mahoney	
Deputy Cameron				
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Gabriel				
Deputy Gollop				
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Deputy Kazantseva-Miller				
Deputy Le Tissier				
Deputy Le Tocq				
Deputy Leadbeater				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Murray				



Deputy Oliver  
 Deputy Parkinson  
 Deputy Prow  
 Deputy Queripel  
 Alderney Rep. Roberts  
 Alderney Rep. Snowdon  
 Deputy Soulsby  
 Deputy St Pier  
 Deputy Trott  
 Deputy Vermeulen

1080 **The Deputy Bailiff:** There voted for, 34; there were 2 abstentions. I therefore declare the Proposition passed.

Proposition 26. Would you kindly open the voting on Proposition 26.

*There was a recorded vote.*

Carried – Pour 33, Contre 0, Ne vote pas 3, Absent 4, Did not vote 0

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	Deputy Brouard	Deputy Bury	None
Deputy Blin		Deputy Roffey	Deputy Fairclough	
Deputy Burford		Deputy Taylor	Deputy Helyar	
Deputy Cameron			Deputy Mahoney	
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Gabriel				
Deputy Gollop				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				
Deputy Le Tissier				
Deputy Le Tocq				
Deputy Leadbeater				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Murray				
Deputy Oliver				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Alderney Rep. Roberts				
Alderney Rep. Snowdon				
Deputy Soulsby				
Deputy St Pier				
Deputy Trott				
Deputy Vermeulen				

**The Deputy Bailiff:** On Proposition 26, there voted Pour, 33; there were 3 abstentions. I therefore declare the Proposition passed.

1085 Proposition 27. Could you open the voting, please, States' Greffier.

*There was a recorded vote.*

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

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	Deputy Roffey	None	Deputy Bury	None
Deputy Blin			Deputy Fairclough	
Deputy Brouard			Deputy Helyar	
Deputy Burford			Deputy Mahoney	
Deputy Cameron				
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Gabriel				
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Deputy Murray				
Deputy Oliver				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Alderney Rep. Roberts				
Alderney Rep. Snowdon				
Deputy Soulsby				
Deputy St Pier				
Deputy Taylor				
Deputy Trott				
Deputy Vermeulen				

**The Deputy Bailiff:** Proposition 27, there voted Pour, 35; 1 Contre. Therefore I declare the Proposition passed.

Finally, Proposition 28. Would you open the voting, please, States' Greffier.

*There was a recorded vote.*

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

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	None	Deputy Bury	None
Deputy Blin			Deputy Fairclough	
Deputy Brouard			Deputy Helyar	
Deputy Burford			Deputy Mahoney	
Deputy Cameron				
Deputy de Lisle				
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Falla				
Deputy Ferbrache				
Deputy Gabriel				
Deputy Gollop				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				

Deputy Le Tissier  
Deputy Le Tocq  
Deputy Leadbeater  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Oliver  
Deputy Parkinson  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Deputy Roffey  
Alderney Rep. Snowdon  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen

**The Deputy Bailiff:** There voted Pour, 36. I therefore declare the Proposition has been passed.

## LEGISLATION FOR APPROVAL

### COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

#### **4. Environmental Pollution (Guernsey) Law, 2004 Part VI – Water Pollution Supplementary Policy Letter – Debate commenced**

##### *Article 4.*

*The States are asked to decide whether, after consideration of the Policy Letter entitled "Environmental Pollution (Guernsey) Law, 2004, Part VI - Water Pollution - Supplementary Policy Letter", dated 18th August 2022, they are of the opinion:*

*1. To approve the amended maximum limits for the concentration of pollutants in surface water and groundwater as set out in Part I of Table 1 in Appendix 1, Part A to the policy letter.*

*2. To approve:*

*a. the changes to the categories of polluting works or other activities having to comply with listed requirements, breach of which will be an offence, from the broad works and other activities currently requiring a permit under the States Water Supply (Prevention of Pollution) Ordinance, 1966 to more specific works or other activities considered to give rise to a particular risk of water pollution as further detailed in paragraph 5 of, and Appendix 1, Part B to, the policy letter; and*

*b. that the Director of Environmental Health and Pollution Regulation has a power by Regulations to amend the list of polluting works and other activities and the related technical requirements.*

*3. To approve giving the Director of Environmental Health and Pollution Regulation a power in the new water pollution legislation, to take action to deal with water pollution, or a risk of the same, where works need to be carried out without delay or no person can be found on whom to serve an enforcement notice, so as to replace the current equivalent power held by the States' Trading Supervisory Board which will be repealed when the new water pollution legislation comes into force, as further detailed in paragraph 6 of the policy letter.*

*4. To rescind resolution 1(e) of the 1st November 2012 following Article VI of Billet d'État No XX1 of 2012, relating to providing an exemption from the licensing requirement under the Food and Environmental Protection Act 1985.*

5. Only if propositions 1 to 4 have been approved, to approve the draft Ordinance entitled "The Environmental Pollution (Guernsey) Law, 2004 (Commencement) Ordinance, 2022", as set out in Appendix 2 to the policy letter and to direct that the same shall have effect as an Ordinance of the States.

6. Only if propositions 1 to 5 have been approved, to approve the draft Ordinance entitled "The Environmental Pollution (Water Pollution) Ordinance, 2022", as set out in Appendix 3 to the policy letter and to direct that the same shall have effect as an Ordinance of the States.

1090 **The States' Greffier:** Article 4, Environmental Pollution (Guernsey) Law, 2004, Part VI – Water Pollution – supplementary policy letter.

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

1095 **Deputy de Sausmarez:** Thank you.

Right, ironically, given it is all about water, this policy letter is, I am afraid, really quite dry. We did our best to make it as accessible as possible but ultimately it relates to quite a technical piece of legislation. So I will do my best to explain it in plain English.

1100 In a nutshell, we have been on a long journey under the Environmental Pollution (Guernsey) Law, 2004, to bring our standards and practices up into the 21st Century and, having achieved that with waste and air pollution, our latest focus has been water pollution, current legislation around which is inadequate and out of date. This has been the case for some time and in 2012 the States approved a policy letter directing the drafting of new legislation.

1105 Because a full decade has passed since then, during which time the evidence underpinning water quality standards internationally has evolved, we are bringing a supplementary policy letter alongside this Ordinance. It first seeks the States' approval to update the Ordinance to bring it in line with current, globally agreed standards, and assuming the States agrees, the final two Propositions seek the States' approval of the Ordinance itself, that has been drafted to reflect those standards and the corresponding Commencement Ordinance.

1110 I would like to stress, though, that the adjustments proposed in the supplementary policy letter relate to technical matters. None represents a change in policy direction as agreed through the initial policy letter or indeed the Environmental Pollution (Guernsey) Law, 2004. The main changes relate to amendments to the proposed surface and ground water standards, which is something that I will return before I sit down; changes to activities listed within Schedule 2, which must meet set criteria; providing consistent powers of entry with other provisions under the Environmental Pollution Law; and how we can ensure that double licensing of activities under FEPA and the Water Pollution Ordinance is avoided.

1120 The substantive elements of the Ordinance relate to defining locally proportionate water quality standards for surface and ground water, making discharges of trade or sewage effluent into the water environment prescribed operations, which will be controlled by licence, setting out lists of requirements that must be met for potentially polluting operations such as oil installations and farming activities in Schedule 2 and associated enforcement provisions, which are consistent with other jurisdictions and other provisions under the Environmental Pollution Law.

1125 The surface and groundwater standards have been set having regard to UK and worldwide standards, as well as taking consideration of local circumstances and sensitivities. Guernsey Water has been extensively consulted in relation to protection of the drinking water catchment area and also on the substantive volume of water quality data held by Guernsey Water and the Office of Environmental Health and Pollution Regulation.

1130 I should highlight that these provisions can be amended through powers of the director, which gives flexibility to react to new data, changes to worldwide standards and emerging pollutants of concern. The majority of licensed or prescribed operations are under the responsibility of Guernsey Water and they are well aware of the proposals. Other businesses potentially impacted by this proposed legislation have also been contacted.

1135 Industry engagement, for example, with farmers and oil and providers, has taken place in relation to the requirements for activities which fall within Schedule 2. This process has been productive and it has helped to shape the guidance, which has been drafted, and will be published upon commencement of the Ordinance.

1140 Whilst most of the affected parties have already been consulted and should be aware of the proposals, it should also be noted that there is a six-month transitional phase to ensure the compliance can be met. Further industry engagement is also planned over this period.

1145 Before I sit down, I would like to spend a little bit of time explaining more about the proposed technical amendments to the surface and ground water standards, as it may save us some time debating some amendments that may be laid shortly. The standards and levels set out in this draft Ordinance have been set in accordance with the current evidence base and globally accepted standards. We have also built in the ability to respond quickly, as and when that evidence base and globally accepted standards change.

1150 There is one particular technical level that I would like to explain and that is PFOA, as I am assured that it is pronounced, and PFOS, the level for each that was proposed in the 2012 policy letter was at that time the UK's drinking water standard, which has subsequently been amended. However, this Ordinance sets levels not for drinking water but for surface and ground water and there is a very important distinction between the two.

1155 Surface and ground water is a source of drinking water but they are not the same thing. So the same standards do not and should not apply. First of all, drinking water is drawn from a number of different sources. It is first selected, then blended and then treated. So any high, localised levels of a contaminant found in an individual stream do not translate into high levels of that contaminant, whatever it might be, in the water that comes out of our taps.

1160 Our drinking water standards are not covered by this Ordinance but they do comply with the standards set by the UK's Drinking Water Inspectorate, and Members of the States and the public can be assured that levels of PFOA and PFOS locally are consistently and comfortably well within those limits.

1165 Members can therefore have the confidence that the levels set out in this Ordinance are easily adequate and appropriate in order to ensure that our drinking water continues to be healthy and wholesome. Members can take further assurance that if, in future, the scientific evidence changes to the extent that suggests our ground water levels should also change then this Ordinance also enables us to respond accordingly in a timely manner.

So I hope I have done enough to explain here why the maximum limits in this Ordinance do not need to be amended and if or when that need might arise, we would be able to do so quickly.

1170 So in its totality this long-awaited draft Ordinance is the next important step in upgrading and implementing more effective protection from environmental pollution, updating and modernising our water standards, and I commend it to the Assembly.

Thank you.

1175 **The Deputy Bailiff:** Deputy de Sausmarez, I think you no longer wish to lay Amendment 1 because time has passed but you do wish to lay Amendment 4 to update the timings to reflect that this has come slightly later than you had originally hoped. Let us deal with Amendment 4 first, then to deal with that. Do you still wish for that then to be put before the States?

[Amendment 4.](#)

1. At the end of proposition 5, insert –

", subject to the following amendment – in section 1, for "3rd October, 2022" substitute "28th November, 2022".

2. At the end of proposition 6, insert –

", subject to the following amendments –

(a) in section 16(1), for "3rd October, 2022" substitute "28th November, 2022"; and

(b) in section 16(2) and in Schedule 5, paragraph 2, for "3rd April, 2023" substitute "28 th May, 2023".

**Deputy de Sausmarez:** Yes please. It is a very straightforward technical amendment, which as the Presiding Officer has just explained, literally just changes the dates.

1180 This is obviously an item that has rolled on over a couple of Meetings and so the current dates cited in the Ordinance would make no sense because they are in the past.

Thank you.

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

1185 **Deputy Haskins:** Yes, I guess so.

**The Deputy Bailiff:** Does anybody wish to debate that amendment? No. Then States' Greffier, let us go straight to Amendment 4. Would you open the voting please.

*There was a recorded vote.*

Carried – Pour 30, Contre 0, Ne vote pas 1, Absent 4, Did not vote 5

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	None	Alderney Rep. Snowdon	Deputy Bury	Deputy Brouard
Deputy Blin			Deputy Fairclough	Deputy Falla
Deputy Burford			Deputy Helyar	Deputy Le Tocq
Deputy Cameron			Deputy Mahoney	Deputy Murray
Deputy de Lisle				Alderney Rep. Roberts
Deputy de Sausmarez				
Deputy Dudley-Owen				
Deputy Dyke				
Deputy Ferbrache				
Deputy Gabriel				
Deputy Gollop				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				
Deputy Le Tissier				
Deputy Leadbeater				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Oliver				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Deputy Roffey				
Deputy Soulsby				
Deputy St Pier				
Deputy Taylor				
Deputy Trott				
Deputy Vermeulen				

1190 **The Deputy Bailiff:** There voted Pour, 30; there was 1 abstention and there were 5 absences from the Chamber at the time of the vote. I therefore declare the amendment has passed. We then go to Amendment 2, which is Deputy de Lisle. Deputy de Lisle, do you wish me to put forward a motion to suspend the Rules in relation to this amendment?

**Deputy de Lisle:** Yes, I do.

1195

**The Deputy Bailiff:** Members, this is Amendment 2. Before commencing any debate on that amendment, it is necessary to suspend the Rules of Procedure to the extent necessary to permit the Propositions set out below to be considered. Those who support the motion to suspend the Rules please say *Pour*; those against?

*Some Members voted Pour, others voted Contre*

1200

**Deputy de Sausmarez:** Are we allowed to debate that motion?

**The Deputy Bailiff:** I do not believe we are.  
I think we are going to call for an SEV vote. I am sorry.

1205

**Deputy de Lisle:** I thought I was able to speak on the amendment first, before? (**The Deputy Bailiff:** No.) Can I not?

**The Deputy Bailiff:** No.

1210

The motion to suspend the Rules has to come before the amendment is considered, Deputy de Lisle. So the motion that you are being asked to consider is the one I have previously put to you *aux voix* but I now wish to have an SEV vote, which is the motion to suspend the Rules to enable Amendment 2 to be debated. Please start the voting, Deputy Greffier.

*There was a recorded vote.*

Carried – *Pour* 18, *Contre* 13, *Ne vote pas* 0, *Absent* 4, *Did not vote* 5

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Blin	Deputy Aldwell	None	Deputy Bury	Deputy Brouard
Deputy de Lisle	Deputy Burford		Deputy Fairclough	Deputy Falla
Deputy Dudley-Owen	Deputy Cameron		Deputy Helyar	Deputy Le Tocq
Deputy Dyke	Deputy de Sausmarez		Deputy Mahoney	Deputy Murray
Deputy Ferbrache	Deputy Gabriel			Alderney Rep. Roberts
Deputy Gollop	Deputy Haskins			
Deputy Inder	Deputy Kazantseva-Miller			
Deputy Le Tissier	Deputy Parkinson			
Deputy Leadbeater	Deputy Roffey			
Deputy Matthews	Deputy Soulsby			
Deputy McKenna	Deputy St Pier			
Deputy Meerveld	Deputy Taylor			
Deputy Moakes	Deputy Trott			
Deputy Oliver				
Deputy Prow				
Deputy Queripel				
Alderney Rep. Snowdon				
Deputy Vermeulen				

1215

**The Deputy Bailiff:** The motion to suspend the Rules, there voted *Pour*, 18; *Contre*, 13; and there were 5 absences from the Chamber. Therefore the Rules are suspended in relation to the admission of this amendment and I therefore turn to Deputy de Lisle, who is the proposer of Amendment 2.

[Amendment 2.](#)

*At the end of proposition 6, insert ", subject to the amendment indicated below:- In the table set out in Part I of Schedule 1 to the draft Ordinance, for the figures "1" in the third column (Standard relating to concentration of pollutant in surface or ground water) relating to the Pollutants*

*Perfluorooctanoic acid (PFOA) and Perfluorooctane sulphonate (PFOS), in the first column, substitute in each case "0.3".*

**Deputy de Lisle:** I thank Members for allowing this to be debated.

1220 The amendment would reduce the standard relating to concentration of pollutant in surface or groundwater for PFOS and PFOA to 0.3 parts per billion, from one. The level inscribed in the August 2012 report and confirmed by the Assembly in debate at that time. The levels of those pollutants continue to be high at times in St Saviour's Reservoir and the feeding streams and also the Petit Bot stream and there is need to be conducive to the preservation and enhancement of the environment through the limitation of pollutants therein.

1225 All I am suggesting here essentially is going back to 2012 and the standards that were actually placed at that time. Now in the table set out on Part 1 of Schedule 1 to the draft Ordinance, on page 42 if you look at it, page 42 in the document, you have there the levels that are being placed, which are one for PFOA and one for PFOS, which I am suggesting should be rolled back to what they were formerly in 2012, of 0.3.

1230 Madam, I was quite shocked to note that the standards for PFOS and PFOA had been lowered at a time when the UK has tightened their prescribed concentration levels for PFOS due to toxicity at a time actually when the levels are very high in our streams currently and Guernsey Water remains challenged in catchment and storage management, due to PFOS concentration in our raw water supplies.

1235 I was pleased with the adoption of the standards in the last report in 2012, for PFOS and PFOA of 0.3 parts per billion but to increase them at this time is negligent, to say the least, and to one part per billion in the document before us must be changed back. I am only asking here to return to what we had agreed in this Assembly in 2012 at 0.3 parts per billion or micrograms per litre for PFOS and PFOA.

1240 Madam, these PFOS and PFOA compounds contain numerous fluorine carbon bonds and this chemical bond is extremely stable and not subject to environmental degradation. As such, the chemicals persist in the environment and become known as forever chemicals and, formerly, as part of the persistent organic pollutants, POPs as they are called. They are bio-accumulative toxic compounds and they were used as firefighting foams for hydrocarbon fires. They are chemical contaminants of a worldwide concern.

1245 We have to protect the health of our people and the environment. No matter what the cost, PFOS is a carcinogen, preventive care is central to our health policy, also. The precautionary approach has reduced PFOS and PFOA concentrations in St Saviour's Reservoir, which has reduced from a recent maximum of 0.23 in 2013 to lower levels. This has been done by diverting the stream waters away from the reservoir to discharge into the North Perelle Bay stream and this stream diversion remains essential in reducing concentrations of PFOS within the reservoir to an acceptable concentration.

1250 But the concentrations in streams are very high, at 1.94 micrograms per litre in 2019. Ongoing risk assessment obligations in the main focus on three sub-catchment areas in particular, Petit Bot, Bot Valley and Les Padins. These are the catchments with most contamination from the use of the firefighting foams. For example, water now pumping from the Petit Bot stream has been closed due to high PFOS levels.

1260 The regulatory framework in the UK has been tightened just recently, which was until recently in drinking water 0.3 micrograms per litre and it has been lowered by the UK Drinking Water Inspectorate to now 0.1 micrograms per litre as a result of the latest evidence of PFOS toxicity. The revised standards do severely limit Guernsey Water's ability to collect water from the south of the Island and this remains a significant constraint to water supply for the foreseeable future and Guernsey Water testifies to the fact that PFOS will remain a significant challenge in catchment and storage management, particularly when drought conditions prevail, when PFOS concentrations increase in the streams and reservoirs.



1265 Selectivity can only be taken so far and further remediation against PFOS by Guernsey Water  
would require investment in costly carbon-intensive water treatment. This is the next level of water  
treatment, which would cost in terms of millions of pounds and increased water rates to the public.  
Now the EPA, which is the Environmental Protection Agency in the United States, issued a new  
1270 advisory on PFOS, that is PFOS and the PFOA, contamination of drinking water on June 15th, 2022.  
That was this summer. Saying that it is important to get PFOS contamination as close to zero as  
possible. Now this is the latest advisory from the Environmental Protection Agency in the United  
States and it has caused all the states to start revising their standards.

1275 What it is saying is that PFOS and PFOA are harmful to humans. The danger is because they do  
not break down in the environment over time, nor do they break down in our bodies. PFOS exposure  
has been linked with health issues such as kidney and testicular cancer, weakened immunity and  
fertility problems. The EPA noted that PFOS is transmitted through human milk and unfortunately  
the baby can end up with up to 10 times more PFOS in their blood than the mother had. So it is  
particularly serious. This is not a chemical substance to be taken lightly and these new standards in  
the United States have only come out this summer. What they have done is to alter what they had  
1280 formerly.

But what we have found now in the Channel Islands is the official results, which confirm high  
levels of PFOS in the blood of Jersey Islanders. One lady actually in Jersey was sick and she actually  
had blood tests made and, as a result, came out with very high levels of PFOS in the blood. So then  
she succeeded in having the States take on this particular issue and half of the 72 tested Islanders  
1285 had high levels of PFOS in their bodies and Islanders demanded a £100,000 testing programme  
after some had become sick.

People who regularly drank and used water from the catchment areas close to the airport, on  
the western side – the carbon-based chemicals have been linked in that area to cancer, thyroid,  
kidney and bladder problems, infertility and birth defects in humans. Jersey, as you can remember,  
1290 was awarded £2.6 million by the manufacturer of PFOS some years ago and Guernsey could have  
received £3.6 million plus £1 million in costs but lost its case in court, basically through not accepting  
that particular appropriation by the manufacturer of £3.6 million and £1 million but asking for far  
much more and then delaying the case to the extent that it was then thrown out.

Now, the States of Jersey has said the results confirm what was already suspected and it will now  
1295 establish a panel of experts to recommend the next steps, including treatment of people affected.  
So they, Jersey, are taking the issue of PFOS seriously for Islanders affected. I think, madam, we have  
to do the same and may have to test people in this Island, particularly neighbourhoods below the  
reservoir that were seriously affected by this particular spill and subsequent spills. People probably  
that are supplied with water from St Saviour's Reservoir because they will presumably have very  
1300 high levels of PFOS in their blood, which is linked then to some of these diseases.

Now this also brings up the importance that we still have to deal with the contaminated soil that  
was taken out of three areas on the Airport only but not the surrounding areas of the Airport and  
not many other areas of the Airport that were damaged as well. That is why there is still leakage  
into the Padins stream and so on that I was talking about earlier.

1305 Now Environmental Health had a five-year licence, which ran out in 2017, and has been renewed.  
About 14,000 tonnes of contaminated soil was removed from the airfield in 2012 and it has been  
sealed in especially created bunds alongside the main entrance of the Airport. That is that mound  
all along the front there. And a smaller bund, of 2,500 tonnes of soil, was deposited at the western  
end, in a similar bund, in January 2015.

1310 So options for disposal are still being considered but it is taking a long time coming and I fear  
for the people that are resident in that area that could be affected by not removing those bunds  
and getting rid and dispersing, dealing with that particular contaminated soil.

As you know, there is a States' housing development right opposite the bund and also there are  
other residences, private residences, in the neighbourhood. So, what I am saying here is that at the  
1315 very time when we have the urgency being expressed from the United States that we have got to

get this PFOS problem down to as close to zero as we can, we have in this Report, changes from the 2012 levels in the wrong direction.

1320 What I am asking for is the States' support in this amendment to simply have this rolled back to what we had in the 2012 report. No big deal, you would say, to roll it back. In fact, why aren't I asking to do far more than that because of the new situation that has been brought out in the USA, the new advisory on PFOS contamination to be as close to zero as possible?

So I ask for a States' debate on this and also I ask, of course, Members to support the amendment to roll this back to where it was in 2012.

1325 **The Deputy Bailiff:** Thank you, Deputy de Lisle.  
Deputy Matthews, do you formally second this?

**Deputy Matthews:** Yes, madam, and I would like to reserve my rights.

1330 **The Deputy Bailiff:** Deputy Queripel.

**Deputy Queripel:** Thank you, madam.

1335 I applaud Deputy de Lisle and Deputy Matthews for laying this amendment because we need to be vigilant, we need to be all over this and to expand on what Deputy de Lisle said when he spoke, they have got major problems with PFOA and PFOS in Jersey right now. Almost 40 Islanders who live close to the airport have tested positive, with dangerously high levels in their bloodstreams. One of them is Miss Sarah Simon, who campaigned for almost five years for the government to undertake a programme of blood tests, which it did in February. With that in mind, I join Deputy de Lisle on calling on our own Health department to undertake the same programme of blood tests  
1340 for Islanders here in Guernsey, especially those living close to the Airport.

Because that is the only way we are going to establish if Islanders have high levels in their blood streams. We often talk about working with Jersey. Well, here is a prime example of where we really do need to be working closely with them, if we are not doing that already, of course. Because, as Deputy de Lisle said, these pesticides have been linked to all sorts of health problems such as cancer and kidney disease and immune deficiency, which is why I say we need to be all over this.  
1345

I resonate wholeheartedly with the concerns of Deputy de Lisle and Deputy Matthews. For the benefit of people listening on the radio who might not know what it says, I want to read out what we are told in Rule 4(1)(a), because we are told that the amendment seeks to enhance water quality standards thus supporting a number of work streams in the Government Work Plan, 'including investment in nature and the natural economy, keeping the Island safe and secure and supporting healthy living.'  
1350

In the second part of the explanatory note, it tells us that 'levels of pollutants continue to be high,' as Deputy de Lisle said, in our reservoir 'and there is need to be conducive to the preservation and enhancement of the environment through the limitation of pollutants therein.'  
1355

So I ask colleagues, madam, to bear all of that in mind when they come to vote. This is an extremely serious issue and we really do need to get it under control and be a lot more proactive.  
Thank you, madam.

1360 **The Deputy Bailiff:** Thank you.  
Deputy Matthews.

**Deputy Matthews:** Thank you, madam.

1365 I sit with Deputy de Lisle on the Legislation Review Panel and this was how this amendment came about, as the policy piece came to us, or legislation came to us for review and it was noted that the level was going to be raised as part of this and I think it was with some alarm that Deputy de Lisle saw that it was going to be raised and thought we should not be raising it.

1370 Now, Deputy de Lisle, I am sure has a certain set of interests and researched them. With some of those I would disagree and with some of those I would agree on. On this occasion I think that is something where we should all be very concerned and Deputy de Lisle has got it exactly right in this case. We should absolutely not be raising the acceptable safe limit for ground water for these forever chemicals at a time when the rest of the world is realising how dangerous they are. It is emerging science about how the potential effects that contamination with this can have and the potential for it to remain within the system for an extended period of time. Because it does not break down. It is why they are known as forever chemicals.

1375 Now, regions which have experienced issues with this are quite often places like the United States, where it has resulted from industrial processes and there has been contamination and in many areas there the drinking water is unusable. The level is so high that it is dangerous to drink the water and that is why there has been this very intensive focus on what exactly the effects of those chemicals are and people are uncovering things that they do not quite like. Hence the study, or various studies that have happened and the resulting EPA ruling or directive, which has not come into force, but is being brought into force in states in the USA, to lower that level down as far as they can go, as close to zero, because this is a really dangerous chemical.

1380 Unfortunately, we do not have that type of industry in Guernsey – or fortunately we do not have that type of industry in Guernsey – that has pumped out polluted chemicals into streams but what we have had is a very serious issue with contamination from firefighting foam that was used at the Airport and that has built up levels of chemicals in our environment.

1385 I am not a scientist and I am not an expert on how that has affected it but Deputy de Lisle has some very serious concerns about it and I think that they are valid concerns and that we do need to pay attention on this occasion to those concerns very carefully and we should not be raising our limits to allow a higher limit.

1390 It would be very easy to pass something through and say, well, we are just equalising these things with the UK and that is the way these things should be. No, we should not be raising the limits on these things. We need to be very careful about it and you do not need to look as far away as the USA to look at what the effects of these things can be. You can look at our neighbouring Island in Jersey, where people who have been drinking ground water from wells in a contaminated area, for years they have had to go and get private tests to discover what their levels are. They have been and campaigned, then have now got these tests and they are discovering that it has some more serious effects.

1395 For people who are affected by it, it must be a really big concern to know you have been drinking water from the ground and you have now permanently contaminated your bloodstream and that has very serious effects. People have mentioned it causes cancer, kidney failure and, rather alarmingly, it can be passed on through human milk. So it can be passed on from mothers to children and it can then affect the immune system of those children and decrease the effectiveness of things like vaccination.

1400 This is not junk science, this is regular studies that have come in and have guided the Environmental Protection Agency in the United States. So I would urge Members on this occasion please do not dismiss this as just an eccentric concern that really you do not need to worry about but actually think about this very seriously. This is a big issue. This is something that we ought to be concerned about and there is no cause at the moment to be raising our limits. We should be keeping them low. So I would ask people to support this amendment.

1410 Thank you.

**The Deputy Bailiff:** Deputy Roffey.

1415 **Deputy Roffey:** Thank you, madam.

Obviously, we discussed this policy letter and these amendments at the States' Trading Supervisory Board. When we get onto general debate, I will be making it very clear that the STSB very much supports the moving of the regulatory process away from really being its own policeman,

1420 across from Guernsey Water to Environmental Health because it is absolutely right there should be an independent regulator.

However, we cannot support this amendment. I was not in the States of 2012. Actually let me start with something more basic. It has been said several times this morning that this policy letter involves raising the limits for PFOS in our streams. It does not. It would be setting a limit that is higher than that was proposed in 2012. It is not raising an existing limit.

1425 Now I was not in the States in 2012 so I do not quite understand what the motivation was but I think the proposal then was an error. Because what it did was to take a safety limit from the UK for drinking water and proposed it for surface water. That is neither logical nor sensible. What is logical and sensible is what Deputy de Lisle said was coming out of America. Yes, of course you want the lowest possible levels of PFOS that you can obtain, although that does involve very difficult decisions for this Assembly about what they think they can afford to update.

1430 I am stunned to see in the Rule 4 information the suggestion that passing this has no financial consequences because it has mega financial consequences.

Just to be sure that people – I am not trying to over assure people because PFOS is a problem in many parts of the world and it is a problem in Guernsey and the fact that it is a forever chemical and it does not break down is the most pernicious aspect of it; I fully accept all of that – but in 2012, when the 0.3 part was proposed, it was in line with the drinking water standard in the UK.

1435 That has now fallen to 0.1 and I can assure Islanders that consistently Guernsey's drinking water is always well below that level. I think that is very important. I do take the point, I do not think it is quite the same as Jersey, fewer people use wells and boreholes for their drinking water around the Airport. I do not know if there is anybody that does, but if they do then I quite accept that the same sort of research should be done.

1440 I presume that what is being put forward now is being put forward – I do not know, we were not involved in this in the STSB – I presume it was done on the most recent advice from Environmental Health about what was the appropriate level in streams.

1445 Now it was mentioned and slightly outwith this amendment but Deputy de Lisle mentioned the bunds at the Airport, which do contain contaminated soil with significant amounts of PFOS, but sealed in so it cannot get out to the environment. He said, well, when is something going to be done about it. I can tell him that now the Ports Board and then the STSB has identified a preferred method of dealing with that and it is going to be fiercely expensive. But it is something we have to do. I fully accept that. That is absolutely a given.

1450 If this amendment goes through, there are certainly several streams that are above this level on a fairly regular basis. It does not impact on getting drinking water of a quality that is well below those standards in the UK. Now how much it is going to cost to tackle that I do not know. It will depend on the approach of the new regulator who will be basically Environmental Health, saying what has to be done.

1455 But it is likely to run into many millions of pounds. maybe that is the right thing to do. If we do this with our eyes open, if we say that no level of PFOS, or certainly not more than 0.3 parts, whatever is acceptable, then that is a cost we have to take on. But do not think that you are doing it in order to get drinking water down to a safe quality because it is already at a safe quality. Yes that does mean sometimes not using the water from some streams at some times of the year but that is true with other contaminants as well. That is an active part of Guernsey's water management of water quality: selecting and discarding some water and blending water as well.

1460 So really it is a matter for the States to decide but do it with your eyes wide open. You will not be doing it in order to make drinking water safe, because it is already, and you will not be doing it at zero cost because if we are going to have the remedial action that will be needed to make sure that all the streams in Guernsey are within what Deputy de Lisle is proposing as a safe limit for groundwater, which as I say was originally a drinking water standard from the UK, I cannot give you the exact price tag but it is going to be very large indeed.

1465 So it is a judgement call for the States to make but I think it was important that they know what both sides of that judgement are.

1470

**The Deputy Bailiff:** Thank you, Deputy Roffey.  
We are going to adjourn for lunch now and return at 2.30.

*The Assembly adjourned at 12.33 p.m.  
and resumed at 2.30 p.m.*

**Environmental Pollution (Guernsey) Law, 2004 Part VI –  
Water Pollution Supplementary Policy Letter –  
Debate continued**

1475 **The Deputy Bailiff:** Yes, good afternoon everybody. We were debating Amendment 2. Who else wishes to speak on this amendment?  
Deputy Le Tissier.

**Deputy Le Tissier:** Thank you, madam.  
Now, at our last Meeting Deputy St Pier noted that I only give short speeches so I am not going  
1480 to disappoint him. This one will be similarly short.  
I note that the Committee are proposing to change the acceptable concentrations of PFOS and PFOA from an existing 0.3 micrograms per litre to one microgram –

1485 **Deputy de Sausmarez:** Point of correction.

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

**Deputy de Sausmarez:** That is not correct at all.

1490 **The Deputy Bailiff:** Deputy de Sausmarez, I think it would be helpful if you actually said what the right answer is there, please! (*Laughter*)

1495 **Deputy de Sausmarez:** There is no level. I think where the confusion has arisen is that in the 2012 policy letter a level was suggested in that. However, as I tried to explain in my opening speech and as Deputy Roffey has very recently explained, that was an error, because that conflated two very different things. It conflated what was at that time the drinking water standard in the UK – which has actually subsequently been amended, for what we are talking about now, which is the surface and ground water standard.

1500 So they are very different things. They should not be treated or considered as anything like the same thing. We do apply the UK's Drinking Water Inspectorate standards to our drinking water. There is absolutely no doubt that our drinking water falls well within that limit. We are not, I really cannot stress this enough, nobody is suggesting raising any levels with relation to our drinking water standards. That is absolutely not the case.

1505 **The Deputy Bailiff:** Thank you, Deputy de Sausmarez.  
Deputy Le Tissier.

**Deputy Le Tissier:** Thank you.  
It is in the Law, 2012.

1510 **The Deputy Bailiff:** Deputy de Sausmarez, what do you wish to make a point on. Is it a point of correction?

1515 **Deputy de Sausmarez:** It is actually a point of correction but I am grateful to Deputy Le Tissier for also giving way.

Just to explain how this works. What we tend to do, before we bring legislation to the States, is the drafts people need to be directed to draft that legislation. What was brought before the States in 2012 was not legislation, it was a policy letter that directed the drafting of legislation. That legislation is what we are bringing to the States today, with this supplementary policy letter alongside. There was no Law approved in 2012. What was approved was the drafting of the legislation.

1525 **The Deputy Bailiff:** Thank you.  
Deputy Le Tissier.

**Deputy Le Tissier:** Thank you.

Well, if you had let me carry on, I was going to go on to say that Deputy de Sausmarez said multiple times it was an error. Well, why has it taken so long for this error to be found and why weren't we told? Why isn't it in the policy letter? To be told just at the beginning of a debate does not seem to me to be very acceptable. How long have you known about it? I do not know.

1530 Anyway, I will get on to other matters. Around the world, PFOS, or perfluorooctane sulfonic acid, and PFOA, perfluorooctanoic acid – I am not going to refer to their full name again! – they are the most common chemicals of the PFAS family. Now I accept they are being phased out because of their adverse health and environmental effects. However, that seems to have escaped the Committee, where they are not reducing, or they are not proposing any reduction in these levels. I know, and I do not need a point of correction, that this is a reference to surface water –  
1535 No I am not going to give way again.

**Deputy de Sausmarez:** Point of correction.

1540 **The Deputy Bailiff:** Give way, Deputy Le Tissier.  
What is your point of correction, Deputy de Sausmarez?

**Deputy de Sausmarez:** We are not proposing an increase in the level. As I thought the policy letter makes perfectly clear, it is not currently stipulated in Law. There is no level in Law.

1545 **The Deputy Bailiff:** Thank you, Deputy de Sausmarez.  
Deputy Le Tissier.

1550 **Deputy Le Tissier:** Thank you.

So whilst this is a reference to surface water then, surely as night follows day, within a catchment area, surface water inevitably feeds into drinking water via the reservoir. Now that is not in dispute, I do not think. Therefore, it is inevitable that the increased level of PFOS in surface water will lead to an increase in PFAS in drinking water. Now this amendment seeks to reinstate the previous PFOS and PFOA limits, as I am told it is not in the Law but it was in the recommendation that was agreed by the States. Again, I say, I know this is surface water.

1555 Moving on to when surface water becomes drinking water, there is no filtering of PFOS and PFOA and the Guernsey Water website, under the FAQs, mentions that water is treated with state-of-the-art membrane tubes and the traditional method of a large sieve. There is no reference to any further treatment. Now I know, and it has been said, that they can blend water from different sources, but I just wonder is blending water to get the level of chemicals down below the limit acceptable in 2022?

1560 In Jersey, as has been mentioned, they have got a particular PFOS problem and they are trialling submerged aerated fixed films, which is completely different to the mega expensive carbon filters.

1565 Now I understand these do not cost millions. So what are we doing about looking at that technology? Even if it did cost millions, what price should we pay to keep our population safe?

1570 So we need to keep the levels of PFOS and PFOA down to as low as reasonably possible. There has been debate over this issue as to what is a safe level. Recent research has shown that even low levels can have a devastating effect on the population. There is no safe limit of forever chemicals in drinking water.

1575 In 2008, I notice, that there was a study called the 'Studies on the toxicological effects of PFOA and PFOS on rats using histological observation and chemical analysis'. More recently, I think it was in 2019, Prof. Zhang and others published a paper assessing the human health risks of perfluorooctane sulfinate by *in vivo* and *in vitro* studies. That was published by the Environmental International Organisation. Now that raised concerns over these chemicals. In this case it was drinking water. But these studies show that higher levels of PFOS in a person's body were associated with elevated cholesterol, changes to liver function, changes in thyroid hormone levels and reduced immune response, particularly with COVID, we all want a very good immune response.

1580 In laboratory animal studies, the most sensitive effects of PFOS exposure included reduced immune response, as I mentioned, and decreased hormone levels in the thyroid, as well as developmental changes such as decreased bodyweight and changes in energy metabolism in young, developing animals. Changes in liver function and liver weight, as well as adrenal gland weight –

1585 **Deputy Taylor:** Point of order, madam.

**The Deputy Bailiff:** Yes, Deputy Taylor.

1590 **Deputy Taylor:** Rule 17(6) again. If I can give my justification. Deputy Le Tissier is talking about the effects of drinking water that has PFOS in it and all the information might go with that, which may be relevant, but I do not think it is because the amendment is seeking to put the streams' water quality the same as the drinking water quality. So none of these issues will apply because people drink drinking water, they do not drink from a stream.

1595 **The Deputy Bailiff:** I think, if I may speak on Deputy Le Tissier's behalf in this regard, the point he is making is that one leads to the other and I think it is perfectly appropriate. That is his opinion and he is allowed to put that forward in this debating Chamber.

So Deputy Le Tissier, please continue.

1600 **Deputy Le Tissier:** Thank you, madam.

One other point is that studies have shown that children have a poor response to vaccinations, which is interesting in this particular time, as I mentioned, with COVID. There has also been a study in Finnish children that they could affect breastfeeding and, as Deputy Matthews, I think, mentioned, it can be transferred in milk.

1605 I think Deputy de Lisle obviously looks at the same information as I do, because I was going to have a section on the EPA, the American Environmental Protection Agency, but I will not cover that ground again because he has mentioned that in an accurate manner. But what I would say is, because of these lower levels, which are coming in, the limit actually is one drop of PFOS per swimming pool. So it is that low.

1610 Guernsey seems to be going against the trend of reducing PFOS and PFOA levels in surface water, whilst the rest of the world seems to be reducing them. Excluding the UK, because I think the UK is a bit of a dirty man of Europe. The UK does not know if it is going to be adopting EU levels, so we are following blindly. So I would like to know how often these levels in Guernsey are going to be monitored and will they be coming back to the States.

1615 I would say in closing, perhaps, as I just said, the Committee could issue responses to why Guernsey is at odds with the trend worldwide to lower PFOS and PFOA levels in surface water, which

will inevitably lead to higher concentrations in water storage and therefore the water we drink and what reasons Guernsey Water has for wanting increased surface levels of PFOS. Why don't they want it as low as is reasonably possible?

1620 The first duty of Government is to protect the population from threats, both inside and outside the jurisdiction. High levels of dangerous, cancer-producing chemicals in the water is one threat that we just cannot ignore. So for the wellbeing of the population I would urge Deputies to support this and other amendments.

Thank you, madam.

1625

**The Deputy Bailiff:** Thank you, Deputy Le Tissier.  
Deputy Taylor.

**Deputy Taylor:** Thank you, madam.

1630 I have sat here wondering is someone currently dumping PFOS into our local streams? Or PFOA, whatever you want to call it? Or are we looking at an historic issue here where it is a chemical that is now unfortunately present in an environment in the Island and it is finding its way from one environment into another environment, that being over the water courses?

1635 I am hopeful that Deputy de Lisle would be able to answer that. I am fairly sure that answer is that, no, it is not currently being used in the Island and finding its way in, it is an historic issue. So on that premise that it is an historic issue, I am minded to question Deputy de Lisle, what exactly will change if this is approved?

1640 My thinking is if this is approved, that we do reduce the levels that are allowed in our water courses, not drinking water in our water courses, then we will no doubt potentially have a whole load of streams that are illegal. I think that is a fair conclusion to reach. And if we have a whole load of illegal streams then we have an enforcement issue and who is going to enforce the illegality, if that is a word, of these polluted streams?

1645 Because, as it has been pointed out, 4(d) says there are no financial implications to the States of carrying the proposal into effect. So if there is a problem and we do have levels exceeding the standard set in this amendment and we are going to have enforcement issues, who is going to be taking up those enforcement issues, who will they be enforcing to make the change and who will be footing the bill? If Deputy de Lisle cannot give a satisfactory answer to those, which I am fairly certain he will not be able to, then I would suggest that all Members vote against this amendment and we can move onto the real substance of this policy letter.

1650 Thank you.

**The Deputy Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Thank you, madam.

1655 Well, I am afraid inevitably I am going to be repeating some of the statements already made by Deputy de Sausmarez, Deputy Roffey and others because the message just does not seem to be getting through to some Members of the States. The essential points that need to be made are that Guernsey Water applies the Drinking Water Inspectorate standards from January 2021 for drinking water in Guernsey and the drinking water in Guernsey complies fully with those standards.

1660 This amendment seeks to apply the drinking water standards to raw water in our streams. Raw water has not been filtered or treated in any other way. A moment's thought will show that it is absurd to expect the water in our streams to be of the same quality from drinking standards' perspective as the water coming out of our taps.

1665 I am afraid Deputy Le Tissier makes another mistake. He says the water in our streams inevitably flows into our reservoirs and therefore becomes the water that comes out of our taps. That is not true. The water quality of the water in the streams is regularly tested and if a particular stream is found to be polluted in some way then the water from that stream is diverted. It is not allowed to flow into our reservoirs and into the water that is coming out of our taps.



1670 An example of that would be the stream that runs down the eastern side of the Petit Bot Valley, which unfortunately draws water extensively from the area around the Airport, which has had pollution problems for a long time and where we do not take that water. It just runs out to sea.

If any other stream is found to be of an unacceptable quality, we just simply divert the water. It does not flow into our reservoirs and therefore through our water treatment works and onwards to our taps.

1675 So basically the message is of course we could enforce a rule that says the water in our streams has to be the same quality as the water that comes out of our taps, but it would be extraordinarily difficult and massively expensive to do that and it is quite unnecessary because not many people drink straight from a stream. The whole point of having extensive water treatment works at St Saviour's and up at Juas and elsewhere on the Island is we treat the water and we blend water from different sources, having excluded water which is of an unacceptable standard. The result is that the water that comes out of our taps is completely safe for human consumption and it meets all the higher standards set in the UK and elsewhere.

I give way to Deputy Matthews.

1685 **The Deputy Bailiff:** Deputy Matthews.

**Deputy Matthews:** I do thank Deputy Parkinson for giving way and I do take on board entirely the point that there is a difference between drinking water standards and between standards that you might expect to find in ground water. To some extent, Guernsey is in an unusual position, where we do not seem to have a legally enforced drinking water standard, although I am assured that it is monitored by Guernsey Water.

1690 But I do think though that, having said that, saying that we are applying a drinking water standard to ground water, there is another point to be borne in mind, which I think is important, which is the incredibly dramatic reduction in what is viewed as an acceptable standard for drinking water that has been seen by the various agencies, including the EPA in the US. That means that the standard has come down really very dramatically.

1700 It was quite difficult for me to understand because I am not a scientist but one thing I do remember from when I was taught science was my science teacher was very careful to make sure you always got your units right and your answer, it was incorrect, to say that the size of Jupiter is three. You had to very precisely quantify what you meant by three. Now in the policy letter, the table refers to, which is, I am advised, the level that the UK, which as Deputy Le Tissier says, is perhaps making not the best example of very strict enforcement of these standards, the level the UK have set, one microgram per litre. In comparing that with the standards that the EPA set, my difficulty was that they measured their standards in parts per trillion.

1705 So I typed in one microgram per litre into my online converter tool and it said that one microgram per litre is the equivalent of one million parts per litre. The previous EPA standard was 70 parts per trillion, which is a really dramatic difference and actually that was the previous standard. The new proposed standard is 0.02 parts per trillion, for which they would have to invent a new measurement of parts per quadrillion. That is because the view of the EPA is that there is no safe limit for these forever chemicals because they are so dangerous because of the way that they accumulate in the human body and elsewhere. So that is why I think that it is important to have as low a limit as is possible.

1710 I do accept the point from Deputy Parkinson that there is a difference between a drinking water standard and a ground water standard.

1715

**The Deputy Bailiff:** Just before you continue, Deputy Parkinson, can I remind Members that a give way is supposed to be a short point, not an excuse for another speech.

Thank you, Deputy Parkinson.

1720 **Deputy Parkinson:** Thank you for that comment.

1725 I was going to make some similar remark as I did not know whether Deputy Matthews was making a speech or an intervention. But, anyway, the point is in Guernsey we are not standard setters, we apply the standards which are set basically in the UK, but we take note of developments around the world and ultimately, of course, what we are saying at STSB is it should not really be for Guernsey Water to be setting and monitoring standards at all. This should be dealt with by the Environmental Protection Agency in Guernsey. Guernsey Water operates to the UK standards, which some people may feel are less than adequate or whatever. Those are the standards which we have historically applied and if the Environment Committee and their agencies choose to adopt some other standards, then those are the standards Guernsey Water will operate to.

1730 But in the absence of any better authority, as it were, we have been applying the UK standards and Guernsey drinking water does comply in full with the standards, for example, for PFOS and, in fact, generally is well below the maximum standards set in the UK. So I come back to my main point. The standards in this area may change. It may be that we follow the North American agencies and adopt a far more stringent standard and, essentially, what that will mean in terms of PFOS in Guernsey water is that we will have to divert more streams.

1735 There generally is not a problem with PFOS anywhere in the northern part of the Island. Obviously, we have a large number of water storage facilities in Guernsey, many of them quarries in the north. So the problem, unfortunately, historically – and it is an historic problem to respond to Deputy Taylor – has been associated with firefighting equipment around the Airport. It is not an ongoing problem, it is an historic problem, but unfortunately the contaminations got into the land and effectively the only way it can be got out is to dig up all the contaminated soil and send it off to the UK for very expensive treatment, which we will have to do at some point, certainly in relation to the material in the bunds around the Airport.

1745 But the reality is this is quite a widespread problem around the Airport and it will be extremely difficult to completely eliminate that source of pollution entirely. So where we are is that the drinking water in Guernsey is perfectly safe. It falls well within the limits prescribed by the UK. The standards will no doubt evolve over time and it may be that they become more stringent and when the Environment Agency in Guernsey is independently setting standards and monitoring them, Guernsey Water will of course comply with whatever new standards are put into force.

1750 But we are not in that position now. We are operating to the UK standards and the water that we are producing and which Guernsey people consume, even if they live 50 metres from the Airport, the water that comes out of their taps is just as safe as the water that everyone else on the Island drinks because it all comes from the same places.

1755 We think there may be one house around the Airport that relies on a borehole for its drinking water. So I am not saying that there is no possibility of a problem occurring in water that is drunk in Guernsey and clearly the States back in the day, back in the 1970s, there were quite a lot of houses that relied on boreholes but, for this very reason, the States at its own expense connected nearly all of those houses to the mains. It does not matter, therefore, whether you are five miles from the Airport or 50 metres from the Airport, the water you are drinking is perfectly safe.

1760 Now, as I say, we could insist that the water in the streams is of drinking water standards. Technically it is possible, very hard to imagine how you would achieve it, but in theory it is possible to ensure that all the water in the streams is of drinking water standard. But it is massively expensive and it is completely unnecessary. The States' Water does a great job of monitoring what goes into the water and what comes out of our taps and ensures that what we supply to the public is safe to drink.

1765 All I can say is, some of the mood music in this Assembly suggests to me that Members are likely to support this amendment, but it is absolutely stark, raving mad. There is no sense whatsoever in making us clean up all the streams to the level or the quality of water that comes out of our taps. Goodness knows what the cost would be.

1770 All I can do – I may be talking to a brick wall – is to say to Members, honestly, do not support this amendment, it is trying to achieve something, which is impossibly unachievable, but only

achievable, if it can be achieved, at enormous expense, and it is entirely unnecessary from a point of view of public health. Please do not support the amendment.

1775 **The Deputy Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Thank you, madam.

I thank Deputies Parkinson and Taylor for the intervention because I think the Assembly was at the point of potentially being misled or confused about what was happening and the situation so I think we have established that we have an historic problem due to the firefighting chemicals used over the decades but I believe stopped about 10 years. So it is an historic problem that we have had.

The worst of the pollution was removed and is now contained in those bunds that we have talked about, around the Airport. That was done at a big cost and over the years, and I know that from having been involved with Guernsey Ports, but even most recently when we had the presentation about the Airport Masterplan, we went a bit on a rabbit hole with the DPA, we probably talked about 20 minutes exactly about this specific issue.

So it is an historic problem. We have had pollution, some of which has been removed, but some of which remains contained in the land and groundwater around the Airport and the geographical location of the Airport, it sits in kind of like a granite basin, so it is a bit of a contained catchment area. So there is some pollution remaining in that area. If it rains, some of it gets discharged into the streams but by changing a number in this table to 0.3 or whatever number, by voting for an amendment to change this number, you are not going to be changing those levels.

If you would like a change in the pollution that may sometimes arise from that leakage, you need to undertake works. It is a completely unknown quantity what these works will have to entail. So this work to completely remove the Island of PFOS, while Deputy Parkinson says it is technically possible, yes it is technically possible, but no one has actually conducted the work to estimate what it would take to strip the Island completely of PFOS and whether actually it would be possible because technically it is a substance that will remain. You cannot actually fully get rid of it.

There has not been any work conducted from an officer perspective of actually underestimating what is really the size of the problem, nor the options offered to us, to say actually what would the solution be like. Having been involved with the port, I know that the technology to deal with PFOS is still evolving and what was considered good options five years ago is not necessarily what is being considered now for the removal of those bunds. So that technology is evolving but the key is that it is extremely costly.

Deputy Parkinson really, I think, explained very well to say that we have to decouple what is drinking water, which is completely safe by any standard, and what is ground surface water. So I think it is misleading to talk about the EPA standards that they have introduced because it is just for drinking water and this table is all about the surface and ground water. So I think it is important to make that distinction because we are not talking about the same thing.

I think if the Deputies who brought this amendment continue to believe that there is a real issue, health issue, other issues, they have to bring this piece of work through the Government Work Plan so that officer time is properly allocated to actually researching what the volume of this problem may be and then introducing options to the Assembly to say this is what it will cost to do X, so that we could bring the ground surface water to 0.3.

But in absence of that I think it is quite irresponsible to just say, 'Well let us just amend a table because that is going to solve our problems.' Because it is not going to do anything and I think, as Deputy Taylor illustrated, if you approve this amendment today and we approve the policy, what is going to happen tomorrow?

Maybe some of our streams become illegal, as Deputy Taylor said, and then what happens? The issue is that this does not translate into safety in terms of drinking water so I think if Deputies really think there is an issue it has to be properly scoped and researched as part of the Government Work Plan and then we can decide whether this is a problem we have to investigate and what timings.

1825 But in absence of that I think we are drinking safe water and the only thing that maybe perhaps I think could be taken from this, whether there is some communication that may be required for maybe especially people living in the catchment area of the Airport, just to say that perhaps it is not a good idea to drink water from your borehole. So perhaps it is a matter of communication but I am sure that would have actually already taken place.

1830 I give way to Deputy de Sausmarez.

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

1835 **Deputy de Sausmarez:** I thank Deputy Kazantseva-Miller for giving way. I actually lived very close to the Airport on borehole water. So I can confirm from first-hand experience that there is actually a report: the Office for Environmental Health and Pollution Regulation notified us as residents of our water quality levels at least annually. If there were to be any cases where that standard is of concern, the Office for Environmental Health and Pollution Regulation do indeed provide very clear guidance about that. That was not the case for me. But I was in receipt of those reports and would have been in receipt of that advice had it been relevant.

1840 **The Deputy Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** I thank Deputy de Sausmarez.

1845 I think that is very helpful to actually know that this actual level of communication already exists and people living within the catchment area are regularly updated and assured that whether there is or there is typically not a problem. As Deputy Roffey said, the Airport monitors the discharge in the nearest stream on a regular basis and communicates with Guernsey Water also on a regular basis.

1850 So if, for whatever reason, perhaps if there is a heavy downpour and there is perhaps an accelerated discharge of water, so there may be a temporary increase in pollution, we are still talking within acceptable limits, they liaise with Guernsey Water to decide what to do, whether perhaps to divert, for Guernsey Water the need to divert the streams.

1855 I think those actions are being proactively taken. If the Assembly wants to do this properly so that there is a real outcome in terms of reducing ground water pollution to under 0.3 levels, there has to be a proper Government Work Plan workstream undertaken and the options how to eliminate PFOS completely out of the Island presented to the Assembly to vote so that we have all the facts in front of us. In that absence, as Deputy Parkinson said, we really have to throw this amendment out.

1860 Thank you.

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

**Deputy Dudley-Owen:** Thank you, madam.

1865 I am finding this a very interesting debate and that is why I am pleased that I voted to allow the amendment to come through because I think it is a necessary debate to have. It is an extremely challenging area, very scientifically based and I am no scientist. But I am worried about our environment. I am worried about pollutants in our environment, we are a very small Island. I am afraid that water falling in one area of the Island does flow downhill to another area of the Island. It goes through the soil, it can contaminate our food, it gets into our animals and eventually it does land in humans by way of ingestion of the same.

1870 Therefore, I am having a bit of difficulty separating the drinking water quality from the quality of water in our *douits*, or do-wits if you are from the north of the Island, I would rather not call them streams, and that there therefore is no correlation to human health, because I think that there is and I think we should all be a little bit worried about that.

1875 However, I am not convinced of either argument at the moment. I do not know enough about it, which is why I am listening very keenly to both sides of the debate, though I would suggest that calling us stark, raving mad, or anybody stark, raving mad, if they support the view of the amendment is probably not the best way to persuade people that they might be focusing on the wrong things.

1880 Indeed, talking about the topography of the Airport, which used to be a valley, not a granite basin, and there are water courses that run through that, the area to the south of the runway is actually called Les Nouettes because it is a mare, it is a marsh area, and the water does flow off the Airport, which is the highest point of the Island, down the topography of the land, which flows downwards from it.

1885 So it will be contaminated and there have been three areas of contamination, actually, one by a crash on the Airport runway by a vehicle, one related to an aircraft crash, further down towards St Martin's and also one which has not been mentioned, which was a very quiet pollution incident, actually, which happened when Lagan were working on our runway, which happened to contaminate the entire field opposite the Airport, which has not been spoken about so far, but I know that Deputy de Lisle knows about this and has probably got a lot more information than I do. But certainly it was a real concern for the residents of the Forest and certainly those going down towards St Martin's, because of the level of contamination going down through that water course, down through Petit Bot.

1890 We should be an Island that is aspirational. I do not see why we always have to be benchmarked against what the UK standards are and I am yet, obviously, to be convinced about whether I am going to be supporting the amendment or not and I really would like to hear from Deputy de Sausmarez in closing and others who know more about this area than I do, especially in scientific terms, why we cannot be aspirational.

1895 Yes, I understand the financial constraints and that will be a serious consideration in me voting for this. But I do think that we should be aiming higher, knowing that we have within the Island had a huge amount of pollution put through our soil, historically. I do not think it matters whether it is historic or whether it is current because, quite frankly, it is there and it is in our water course. We know the Vale pond has been taken out of our catchment area, and that is through higher level of contaminates in the water course in recent times because, whilst it was historic pollution down in the Vale, it has been disturbed in the soil and it comes through the water courses again and the *douits* do become contaminated.

1900 I do not think that we should accept any level of contamination or be blasé or complacent about it. We should be seeking to remove that wherever and whenever possible and to be seeking to become a pollution-free Island. Maybe that is an unrealistic aspiration but we need to aim high. So, as I say, I am undecided about this amendment but I am really pleased that Deputy de Lisle and Deputy Matthews have brought it forward so at least we can have the debate.

Thank you.

**The Deputy Bailiff:** Deputy Oliver.

1915

**Deputy Oliver:** Thank you.

I have to say I am in a similar position to Deputy Dudley-Owen. However, I just did want clarification from the President of Environment & Infrastructure in something that Deputy Parkinson said because it did worry me slightly. We also had a presentation on it. When the PFOS levels are okay it goes into the stream and then Deputy Parkinson said when it is not it goes into the sea. I just wanted to confirm (a) if that is true and (b) that could have actually more of a detrimental impact on our environment.

**The Deputy Bailiff:** Deputy Gollop.

1925

**Deputy Gollop:** We all enjoyed Deputy de Sausmarez's witty jest about this being a dry topic but actually it has become quite animated. I am more of a wet person; literally, I got soaked earlier. But politically a bit wet as well. I am sitting on the fence on this a little bit because I have been on legislation and we have discussed this, we have the benefit of Deputy de Lisle being a senior Member of that Committee and rehearsing some of these arguments and, yes, we have had strong speeches from Deputy Roffey and Deputy Parkinson and Deputy Kazantseva-Miller. But I am impressed with the point Deputy Dudley-Owen makes, she is actually very green in many ways, about the need to aspire to the highest environmental standards.

Deputy Ferbrache accused me of going off the point a bit and I will go off on a little wander here. There was a very interesting series of mini documentaries on Jersey's problem with La Collette and their waste recycling and how they are – I will not say they are the dirty man of the Channel Islands but they are not – they are down to 27% recycling and we are up to 72%. What a difference.

But I remember those Friday afternoons long ago when Deputy de Lisle would say we can get to at least 40%-50% of waste recycling and most people did not believe him, especially the experts from the Environmental Department, for example. Now we actually pushed the door, all added to the cost, but we have got there and beyond. Because the point there, it is not irrelevant, is Deputy de Lisle was ahead of the game there. He was a visionary and I think his desire to remove pollutants from us and his best guess, to a degree, that they can cause serious illness, has to be taken seriously.

I agreed with a lot of what Deputy Le Tissier said as well because although I appreciate that it was never in the Law, it was decided upon as a policy programme. The fact that it has taken 10 years to get here says something about how we are extremely able at prioritising legislation in certain constitutional and financial, Moneyval matters but not necessarily in ecological matters. That is a point in itself.

But I think I want to address the issue. This amendment would produce the standard relating to concentration of pollution in surface or brown water for PFOS and PFOA to 0.3 from 1ug, the level inscribed in the August 2012 report I am referred to and confirmed by the Assembly in debate at that time. It was a new States actually. The level of those pollutants continues to be high at times in the St Saviour's reservoir and there is a need to be conducive to the preservation and enhancement of the environment through the limitation of pollutants therein.

Now, yes, I do appreciate that nobody is suggesting that we are trying to reduce or minimise the standards of drinking water but the general water on the Island could easily go into the food chain. I mean, somebody said their dog drinks from the stream. Maybe I might if I was cold, tired and walking along. Children might. You do not know. The very nature of small farms, there are little piglet farms, there are little cow farms, could mean that people unwittingly are eating food that has had exposure to these water levels and the water levels of Guernsey are very complicated.

Although I agree that this pollution has been predominantly in the Forest and south of the Island, we know Vale Church has had issues as well, with pollution of a different kind. So I think we should look at this.

A constituent has asked me to raise a question, which is ironic in a way. They say, what do people prefer to do, to drink tap water or buy bottled water in a nice plastic bottle? Now I know Deputy de Sausmarez, amongst others and campaigners, know that buying bottled water is a silly thing to do for the environment on so many levels, but nevertheless people do. Why do they do it when it clearly is illogical? Because there is a still a fear that our water is not 100% and they want maximum safety.

So my argument is not only do we want to maintain and we will maintain the highest possible drinking water without any contamination but we also want an Island where all water for our ecosystem and biodiversity is as pure as possible and actually see just how much it costs.

So I support the amendment.

**The Deputy Bailiff:** Deputy Inder.

**Deputy Inder:** Only briefly, madam.

1980 Guernsey has had quite a difficult history of pollution and as green as this pleasant land has been, we have not really acted particularly well and we have been opportunistic. We have poured lots of things down drains that we should not have done. We have sprayed our land, the greenhouses in Guernsey have been covered in DDT. I can remember the sight of powders and chemicals that we used to use, we spread all over the freesias, the gypsophila, the tomatoes and all of that drained into our land.

1985 So we are suffering from a history of, to be honest with you, probably ignorance and entirely neglect in the Island. So to Deputy Taylor, who started off a string of speeches, he is entirely right. It is historical. Fire engines doing donuts at the top of the Airport was never particularly clever. I am not entirely sure when I saw that bund being built up at Lagan, I saw holes in it. I am not entirely sure the polythene that was under that was built particularly well and of course I think it was around £13 million was spent, and I might get that slightly wrong, digging out the top soil from Petit Bot  
1990 when the Channel Express aircraft, when the cargo shifted and they crashed at Forest Road so they are entirely historical.

Now, when I first read this amendment, of course my natural inclination is to try and improve things. But in the main I understand the arguments made by Deputy Roffey and Deputy de Sausmarez, the water will ultimately be blended. What comes out of your tap will be of an international standard.  
1995

But I just want to give a little bit of a fair warning for you. What I am noticing in the past two days of debates is that just because people say something emphatically or confidently, we seem to believe that they are absolutely the truth. That was disproved only this morning when Deputy St Pier, he made a point of order, he asked for a direction from the Law Officer and his attempt was  
2000 to effectively knock an argument by Deputy Dudley-Owen into a cocked hat. Actually, it was like a cycle kick back into his own goal. Because someone speaks well it does not mean they know well.

Today we heard a masterclass from one Deputy on their knowledge of geomorphology. We were told that the Airport was built on a granite basin. Well I had never heard of a granite basin so I looked it up on Google and you can get one from Victoria Plumbing for £161 (*Laughter*) and it is  
2005 made from yellow river stone and I have just gone and bought one but unfortunately they do not deliver to the Channel Islands.

Then of course that kicked off a load of, stream of being told off and how rubbish we are. Also it does not help from one Member of the Assembly saying to everyone that they are mad. It just does not help. I have told everyone in this Assembly before and I will tell them again. I will tell them  
2010 until I am blue in the face. Be you rich man, poor man, beggar man, thief, everyone's vote in this Assembly is equal and I would be very careful just because people say they are emphatic on something it means it is true. There is no granite basin in the Airport and the reason I know that is because my great, great-grandfather, Eddie Mahy, owned half of it and he shot all across it and it was a valley. But there you go.

2015 So where I am right now, I entirely understand the complications this would mean. I think it was Deputy Parkinson who spoke about all streams could be diverted. I do not think that is entirely true because not all of our water actually comes. I believe some of them at the heads of St Saviour's cannot entirely be diverted. They seem to run forever and ever and ever. In fact, I know that again, because I used to catch trout in them. On the right side of the fence, I just want to make that clear,  
2020 not on the other side. Not in the daylight, anyway!

So we have all got to be a bit careful. I think I entirely understand, I think it was Deputy Haskins over lunch, who spoke about carbon filters and what the risk of that might mean. We have also heard that Petit Bot Valley stream is out of commission and somewhere between Deputy Parkinson and Deputy Taylor. I think that might mean if something is made, there is no ability to bring that  
2025 water into our raw water system because we have applied a rule to something.

If you knock Petit Bot Valley out, what happens if the King's Mills gets knocked out? What happens if one gets knocked out, Les Padins gets knocked out, heading down to Perelle? Suddenly we might have made one really – I would not say mad, because that is the wrong thing to say – we

2030 might have made a very bad decision and find that by today we voted on something, find we might have knocked out two thirds of our water streams.

But it is just worth mentioning one thing, because do not think for a minute all water comes from streams. It does not. It comes from ingress and egress. Again, our quarries are not always filled by streams. In fact, I know they are not. I have got about 15 of them around my house and not one of them has got a stream in it. Recently, two of them have been used over this summer to support, I assume, being pumped up towards the reservoir because we ran somewhat shorter of water than we normally did. They are not being filled up by streams. They are being filled up from the sky and ground water and ingress.

2040 So, in the main, sir – madam, I did say that; sorry, I beg your pardon. Modern Guernsey, we can be what we want when we want. I entirely respect Deputy de Lisle and Deputy Matthews for bringing it. I know Deputy de Lisle is going to bang on this forever and I know he is right and I know we should get to a better position but again, like I said before, I do not think today is the day and the hour is not the hour.

2045 **The Deputy Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** I will follow Deputy Inder's brief speech.

In relation to that, the point that is being made is that life is not without a risk. Deputy Dudley-Owen made a point about we should have higher standards than England, etc. I am sure we could but it would come at a cost. I am a bit surprised, and I mean it respectfully, we have got the environmentalists on this side, with Deputy de Sausmarez and that, and we have got the more cost-conscious people on this side.

2050 Now I very much respect Deputy de Lisle for bringing his amendment. I am not going to vote for it because I do think that we would be, I would not go as far as saying we would be mad to follow the proposals, but they would just be out of all proportion to what is involved. We could not afford it. I would like, if she can when she comes up, because Deputy Roffey has said, I think, the extra cost would be millions. Whether it is £1 million – £1 million is a lot of money to just a humble Guernseyman from Charroterie – or £5 million or £10 million, it is a lot of money.

2055 And our tap water is of the highest quality. We clean our teeth with it, we drink it. We can do all the things with it that a lot of other jurisdictions cannot. That is the important thing to me. Deputy de Lisle referred to the PFOS case, which was a complete shambles, where I think the witness for the States collapsed after about four questions, so it just shows you can never be sure in litigation, no matter how well prepared you are. Thankfully, I say as a litigation lawyer.

2065 But in relation to that we have got to have balance and reason. It has been well-researched, this policy letter. Balance and reason says that what is being proposed by Deputy de Sausmarez through the policy letter, is sensible. Deputy de Lisle is seeking something that is an affection. We cannot afford affection.

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

2070 **Deputy St Pier:** Thank you, madam.

I am not afraid to say I think it would be madness to pass this amendment; to pass this amendment without fully understanding the consequences. That would be the mad part of this amendment. We spent a considerable amount of time, I cannot remember at the last Meeting, Meeting before last, Meeting before that, with Deputy Prow telling us in relation to amendments that we needed to listen to the subject matter experts. The subject matter experts in that case in relation to the borders and immigration. Now we have not had subject matter experts referenced today but they are represented through Deputies de Sausmarez and also Roffey and on behalf of the States' Trading Supervisory Board and indeed Deputy Parkinson, who has spoken.

2080 The subject matter experts are saying that if you want to do this it is going to cost a lot but we do not know how much. So I do not think it is a matter of the environmentalists versus the cost-



conscious. I think if the majority of the Assembly wants to pass this amendment, they are doing it entirely absent of any cost consciousness because we do not know what the costs will be.

2085 Indeed I think the sensible thing to do if this amendment is passed actually would be for the Committee *for the Environment & Infrastructure* to pull the policy letter and go away and work out what the consequences are. I think it would be irresponsible to proceed without.

2090 Deputy Ferbrache referenced this in relation to Deputy Dudley-Owen, a desire that we should have high standards. Absolutely. We all aspire to that. We have microplastics in our environment everywhere. We are breathing them in all the time. We have particular matter, air pollution PM10, PM2.5 all of these things that we would like to have much lower than is currently present in our environment.

2095 So, these are wonderful aspirations but in terms of the delivery of those, we need to understand what the consequences are and that is not present in this amendment. So on this occasion, I do not see it as listening to the environmentalists, I see it, as we did a few months ago with Deputy Prow and the Committee *for Home Affairs*, listening to the subject matter experts and absent of that, I think the debate needs to be cut short and we move onto the next item so I will be opposing this amendment on that basis.

**The Deputy Bailiff:** Deputy Moakes.

2100 **Deputy Moakes:** Thank you, madam.

2105 I will keep this relatively quick. I think Deputy St Pier just summed up pretty much what I wanted to say. I will use another water analogy. You are on holiday, you find a beautiful piece of sea, there is a lovely cliff above it, you walk to the top of the cliff and you think how inviting the water looks. But you would not just dive in, would you? You would go first and check to see what the depth of the water was you were diving into.

2110 I think this is a bit of the same. I completely get why this amendment was put in. I think it has generated a really interesting debate but if you just change a 1 to a 0.3 without checking what the unintended consequences are you could be in some very tricky water indeed. I will be voting against this amendment but I think it would be interesting to see what the costs of clearing this up would be and what the process would be and then perhaps have another discussion about it at a later date.

Thank you.

**The Deputy Bailiff:** Deputy Trott.

2115 **Deputy Trott:** Madam, thank you.

2120 Briefly, I will not be voting for it either but I have enjoyed the debate because it seems to me that the crux of this debate has been about the difference between surface water and the stuff we drink, which goes very much to the heart of the amendment.

2125 Deputy de Lisle, though, notwithstanding I do not intend to support it, I would be grateful if he could explain something to me he said, which I do not understand. That is, he said a breastfeeding baby can have ten times more PFOS in their body than the mother from which they are breastfeeding from. I just cannot follow that logic through and if he is able to explain it to me, I would be very grateful.

2130 Madam, many Members have talked about Les Padins and in fact two people who talked about yesterday living that close proximity, as of course does our friend Deputy Burford, former Bailiff de Vic Carey as did the much lamented former Deputy Roger Perrot and I noticed yesterday that Deputy St Pier quoted him as having once referred to our friend Deputy Ferbrache as a psychopath.

2130 Now what has struck me is that no Member of the States since that period has jumped to their feet to defend Deputy Ferbrache and put a case as to why he is not a psychopath. *(Laughter)* I will just take the next 30 seconds, madam, if I may, to give my view. I do not think he is a psychopath and let me tell you why.

2135 The definition apparently is that you have to have superficial charm, high intelligence, poor judgement; you need to demonstrate a failure to learn from experience, a pathological egocentricity, a lack of remorse or shame and a grandiose sense of self-worth together with a manipulative set of behaviours. Now I want to make absolutely clear that I do not consider Deputy Ferbrache to be a psychopath, madam, because I do not believe he has a superficial charm! (Laughter)

2140 **The Deputy Bailiff:** Thank you, Deputy Trott.  
Deputy Dyke.

**Deputy Dyke:** Could I make a couple of short comments on this?

2145 I think Deputy de Lisle was right to bring this amendment and it is good that we have discussed it all. There is clearly a distinction between drinking water and ground water, which we all understand, although Deputy Dudley-Owen has made a point that there is a sort of linkage between the two in places, where your groundwater gets into your animals and your plants and that sort of thing. So the distinction is not that crystal clear but there obviously is one.

2150 I come at this as a sort of cost-conscious environmentalist. I see a point here, in terms of we do not want an increase or an excess of risk to our population of cancer, or whatever it is, from PFOS, if there is a risk. To have no risk is impossible because where we are now you can never get PFOS down to zero. You cannot get anything down to zero. Deputy St Pier mentioned all the other chemicals we are ingesting, microplastics when we eat oysters and all that sort of thing, and you can never get them down to zero.

2155 But we have raised an issue here and there is another issue that Deputy Roffey touched on that we had a presentation on at Planning, which is what is coming up at the Airport in terms of development and one part of that is the possible removal of that bund at a vast cost. So we have got environmental concerns, we have got concerns that our people might be taking in too much PFOS and other things.

2160 Is the answer not to vote for this amendment, because I am not sure that substituting 0.3 for 1 without full information is the answer, but maybe they have done it already but perhaps Guernsey Water could look very carefully again at the PFOS that is around, how it is getting rid of it, can it get rid of more of it, what streams is it in and to what extent, and what international levels and international science is showing on it and how far we should try to reduce it and then balance that against the cost, which is all very difficult.

2165 But I do not know – Deputy Roffey could probably speak to this – whether Guernsey Water could do that sort of project to give us better information both on the point that Deputy de Lisle's amendment seeks to address and the point coming up dealing with the bund, which itself is a multi-million pound project. So perhaps that might be what we take out of this discussion.

2170 Thank you.

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

2175 **Deputy Murray:** Thank you, madam.

I have got to be careful here because your colleague, the Bailiff, has caught me on this once before, in 4(d) when we talk about financial implications, I fully understand that changing a couple of figures on a policy letter or on a piece of Law is not really going to cost any money but I think it was Deputy Parkinson who was indicating obviously the impact of doing that might actually instruct the States to go ahead and fulfil that obligation. So I probably would be very pleased to hear from H. M. Comptroller whether or not that change will actually then effectively put a burden upon the States of Guernsey to comply with it.

2180 But the major point really for me is we see it several times, no financial implication, but actually in theory there is no financial implication because we are changing a bit of writing on a paper but

2185 usually the ramification sometimes can be massive. I do wonder, and I know this has been passed  
by the legal officers beforehand, but it does occur to me the legal officers do not really care how  
much anything might cost. Ultimately, they just want to know that actually –

**The Deputy Bailiff:** I think you could probably find a better way of phrasing that, Deputy Murray,  
2190 thank you.

**Deputy Murray:** I am so sorry! They are less concerned about how much it might cost as to  
whether phraseology is absolutely correct. So I would appreciate some guidance on that because I  
think it is important for us to know, as has been mentioned by several speakers now, that actually  
2195 were we to make this particular change, regardless of the sort of water torture we have gone  
through to get to this point, whether that actually could lead to a great deal of expense for the  
States.

Thank you, madam.

2200 **The Deputy Bailiff:** Mr Comptroller, do you want to deal with Deputy Murray's query now?

**The Comptroller:** Madam, I think I can. This is in relation to the Rule 4 information? (**The Deputy  
Bailiff:** Yes.) The financial information? (**The Deputy Bailiff:** Yes.) Well, I suppose that it is a matter  
really for, in many ways, the Committee to advise upon the financial implications of the amendment  
2205 and also the proposer of the amendment to explain why, in their opinion, the financial indicators  
are what they have stated. It is not necessarily a legal issue, it is more a question of fact and pounds,  
shillings and pence for others to explain.

**The Deputy Bailiff:** Thank you.  
2210 Deputy Haskins.

**Deputy Haskins:** Thank you.

I may in my speech, actually, be responding to Deputy Murray, which is essentially why I have  
stood up. That and to try and do my bit to prevent this amendment going through. So I will start  
2215 by re-emphasising that this policy letter refers to ground water and surface water, not drinking  
water. Drinking water standards are at 0.1 micrograms per litre or parts per billion. That remains the  
same, any which way. The level of PFOS in drinking water remains the same: less than 0.1.

So to give some context for the groundwater element, the maximum result detected in the  
treatment water analysis from St Saviour Reservoir in 2019 was 0.0667. Currently, any stream that  
2220 has a level over one part per billion is redirected, as Deputy Parkinson said. It is not used for our  
drinking water, it just goes into the sea.

If the Assembly would like to remove all traces from any source, even though we do not use it  
for drinking, it could. In response to Deputy Taylor and Deputy Murray, if this amendment goes  
through then where there is a breach of 0.3 parts per billion, which is very likely, because there are  
2225 some streams, such as the one mentioned at Petit Bot, then we have the enforcement issue. We  
would, according to this Law, have to find out where it has come from and then force whoever is  
responsible, directly or indirectly, to resolve this issue.

So, regardless of who is responsible, i.e. the States could be responsible in the case of the Airport,  
or it could be a private owner, but it would cost a huge amount by digging all of that soil out and  
2230 then sending it off-Island for treatment. And it would have absolutely no impact on drinking water,  
as we already direct these streams to the sea.

Now, Deputy Inder is not here in the Assembly but I was going to ask him what if it was his  
house. Environmental Health come knocking, 'Right, you need to resolve this because we think it is  
coming from your land. We know you did not do anything *per se* but unfortunately your granite  
2235 basin is leaking. Do not worry, we will do it for you and you owe us X, Y, Z.'

Now the Assembly could set the level of PFOS in drinking water down to zero. There might be some health benefits. These are not explained by Deputy de Lisle, the difference between 0.3 and 0.1 or maybe then zero and I would suggest that you might be better stopping smoking rather than the level in the water, which out of interest, there have been studies that PFOS is found in the air.

2240 But if we wanted to put it down to absolutely zero in Guernsey, well that would come at a staggering cost, including a new carbon filter plant, with a huge operating expenditure. So, as Deputy Ferbrache has mentioned and others, this is more of a cost benefit analysis but with no numbers put in front of it. So on the face of it, those numbers do not add up.

Please, Members, do not support this amendment.

2245

**The Deputy Bailiff:** If nobody else wishes to speak on the amendment, I will turn to Deputy de Sausmarez on behalf of the Committee.

**Deputy de Sausmarez:** Thank you.

2250 Deputy Haskins has reduced the length of my speech. I do thank him for reiterating that very important point and actually one of the main areas of concern, understandably, has been around the levels of PFOA or PFOS in our drinking water and hopefully there is now clarity about the difference between drinking water standards and raw water standards, so I really hope there is no longer any confusion on that point.

2255 But just to add a little bit more colour there are four tiers of standards in the Drinking Water Inspectorate guidance and the important one is the tier three, as it is known, which is 0.1 micrograms per litre. Anything that comes in below this level, in terms of drinking water – I stress drinking water – is considered wholesome by that Drinking Water Inspectorate.

2260 Above that level they require action to be taken to reduce levels as soon as practicable but tier three is where it is all at. That is the wholesomeness level and the average treated drinking water level in the years between 2017 and now, to date, is 0.03. So we are very comfortably below that standard of wholesomeness, which is set by the Drinking Water Inspectorate. So I hope that that can give comfort and assurance to people that our drinking water levels are safe in this respect, as guided by the current evidence and standards.

2265 To address a point raised by Deputy Le Tissier who suggested that the UK is the dirty man of Europe, certainly in terms of drinking water standards, the UK and the EU standards are aligned in this respect. So the UK standard is certainly not the dirty man of Europe in that respect, to provide further assurance on that.

2270 Again, as I mentioned in my opening speech, when these levels were checked in the process that led to this supplementary policy letter and us bringing this draft Ordinance to the States, the reason it was a very comprehensive process was because we looked – or we did not personally, not the whole thing anyway – but our officers in the Office of Environmental Health and Pollution Regulation cross-checked what the standards were globally and, as I say, this level arose basically because of a confusion between drinking water standards and raw water standards in that 2012 policy letter.

2275 It is regrettable that that was the case but that was the case. It was something that was picked up in this checking process, along with a few other things that were also amended, and the point is that as far as I am aware, anyway, the standard that is suggested in this amendment, from raw water, is not a standard that exists anywhere else in the world. We would be an outlier in that respect and it would be an arbitrary level that is not guided by science, that is not evidence-based.

2280 I am sorry, I am coming at this from a slightly random order but it sparked a memory, a phrase we got very used to through the height of the pandemic, was being guided by the science and putting trust in the evidence and the importance of that, and I am sure those words will evoke the officer that I am referring to here, so our Director of Public Health, I hope I can assure Members that that officer and indeed that office are also very much cited and involved in this and they agree that being guided by the evidence is the right approach.

2285

2290 They agree with the standards as set out in the draft Ordinance and they are also involved with reviewing those standards. This is very much on their radar and as I gave the assurance in my opening speech, if or when the evidence suggests those standards need to change, our Ordinance does provide the ability to do that in a timely manner.

2295 So those are really the main points. The other major point is the issue of cost and enforcement, and again, I hope colleagues will forgive me for not working my way logically and chronologically through every speaker, but there have been many, for which I am grateful, but really Deputy de Lisle, when he opened, described actually quite accurately how we currently manage to keep our levels of PFOA and PFOS low in our drinking water by diverting that raw water away from our reservoirs and water treatment works.

2300 So it is that selecting of the water in the first place, which is really critical here. If we are concerned about any localised contaminants, we do not use that water. That water is diverted away from our drinking water supplies. So that is the number one way of addressing this problem. As Deputy Taylor rightly suggests, this is an historic issue, it is already in the environment and the problem is it transferring from one environment to another environment.

2305 So that is currently managed in quite an effective and cost-effective way by diverting that water away from our drinking water supplies in the first instance and then obviously the issue of blending is really about the dilution so even if there are any contaminants present then by the time the different water sources are blended they are very much more diluted. And on that point I can hopefully provide Deputy Oliver with a little bit of reassurance that any contaminants that reach the sea, the sea is obviously such a massive body of water that they would be very much more diluted by the time they get there as well, so I do not think that is considered to be of particular concern but I will double check for her, if that would provide some assurance on that point as well.

2310 Deputy St Pier talked about subject matter experts. Now the problem is, as several people have explained, we do not know the exact extent of the problem. We know that we have got sources of contamination but we do not know exactly how much and therefore we do not know exactly what action and how much of that action we would need to take in order to address the problem to the extent that would be required to enforce this legislation if this amendment is carried. But, I can advise Members that the advice that we have received from those who have been involved in dealing with this issue on the ground is that that action is very expensive and the best estimate that they can provide, based on their current knowledge, is it would run into multi-millions of pounds.

2320 So I completely agree with Deputy Dudley-Owen, we often agree on environmental issues, that it would be wonderful to be aspirational but I think this does come down to a question of, first of all, cost-benefit analysis, understanding exactly what we are dealing with, but also prioritisation and really, if we agree that this is an issue that we should be tackling, I think it does need to be looked at in that broader context. And, as Deputy Kazantseva-Miller mentioned, we should be fitting it into the Government Work Plan, in order to properly prioritise that piece of work accordingly.

2325 I would like to reiterate the assurance on well water and, as I mentioned when Deputy Kazantseva-Miller kindly gave way to me, I was actually one of those people who lived within the Airport catchment area, effectively, and was on a borehole. So I was actually living in a property that was in receipt of a report from Environmental Health and Pollution regulation on a regular basis.

2330 So I can say that this system is very much up and running. I think, as Deputy Parkinson mentioned, when this issue, the first major incident happened, Guernsey Water was actually very quick to plug a lot of properties into mains water in order to deal with that problem. So many more of those connections to mains water were provided, so that people did not need to rely on their private water supplies. The ones that still do run on a borehole, typically that water supply is used for irrigation rather than drinking and they continue to monitor. All those supplies are continually monitored and residents advised accordingly.

2335 So the EPA standards have again been brought up, that was something mentioned by Deputy de Lisle and Deputy Matthews. Again this is in relation to drinking water standards. So we know that we are comfortably below the wholesomeness and level for wholesomeness, as directed in the drinking water inspectorate standard. We know that that is in line with other drinking water

standards globally. We are certainly not behind the curve in that respect at all, in fact comfortably well within those limits.

2340 The cost implications, again, I do scratch my head at this Rule 4. It does make my mind boggle slightly that this amendment can be said to have no cost implications. It has very significant cost implications and as long as Members vote in the knowledge of that, even though we cannot put an exact figure on it, I think it is important that we specify that that is the case.

2345 Deputy Le Tissier asked why it has taken so long to pick up this error. This is, I am afraid, not wildly atypical of how long it takes to get some pieces of legislative drafting through the system. It does take an incredibly long time. The prioritisation is something that I know P&R oversee, it is something that I have complained about on occasions before. I know there are not any easy fixes because it is not even an issue – I can give way if anyone from P&R wants to contradict me – but I understand it is not even an issue you can really throw money at to solve because it is literally about finding the people with the relevant expertise, so it is not something that even just diverting a bit of budget to get us through a bit of a bottleneck can address.

2350 It is immensely frustrating that there is such a lag, sometimes, between approving a policy and for that policy taking effect in terms of the legislation but that is I am afraid the situation that we are in. The Environmental Pollution Law is being approached in different sections. I am just glad we have got the water bit, frankly, so at least we are making some progress. I think there are other bits of legislative drafting that have been sitting on the books for even longer but I am afraid that is why it has taken as long to get where we are.

2355 I give way to Deputy St Pier.

2360 **The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Thank you, Deputy de Sausmarez, for giving way.

2365 I may be able to provide some prior experience as to why there are significant delays in some areas. It isn't always just a bottleneck within St James' Chambers, within the legislative draftsmen and women but actually of course they need instructions from Committees and particularly in an area like this, highly technical instructions. Of course, in relation to pollution, the technical experts the States have available to them to advise on this are of course very few in number, so in other words the resource constraint often sits at the Committee and the expert level, not just with those who are drafting the Law. That is a barrier not, of course, just for Deputy de Sausmarez's Committee but for a range of other Committees too.

2370 **The Deputy Bailiff:** Deputy de Sausmarez.

2375 **Deputy de Sausmarez:** Thank you.

Yes, that is absolutely our experience and also Deputy St Pier is right that we have a limited amount of in-house expertise and that is the same expertise, incidentally, that we require to progress not just other aspects of environmental health and pollution-related legislation but also things like our general Housing Law. It is the same very small group of people in that particular respect. So the two resource pressures interfacing is what results in this very regrettable lag.

2380 Deputy Dudley-Owen talked about aspiration. I have already said that I agree with that aspiration but I do think we need to take a pragmatic and fiscally responsible approach to make sure that it is achievable, as well as aspirational, and I am not sure that the facts as we understand them would suggest that this would be a pragmatic approach.

2385 But she used the term scientifically based and that again speaks to the process that I tried to describe, which is this is very much based on evidence. Not just UK standards, it is not just a drag and drop, it was a comprehensive process, where standards globally, the best available evidence, from all around the world, internationally, was assessed, in order to arrive at the levels that we have in the draft Ordinance.

2390 So this is evidence-based. The figure put before us, in the amendment is, in effect, because it  
was based on this conflation of drinking water standards and raw water standards back in 2012, the  
result of that is that this level is an arbitrary standard. It is not a standard that anywhere else, as far  
as I am aware, actually has. So it would be an arbitrary level to set, standard to set, and as many  
people have explained, it would not improve the quality of our drinking water, which is already  
2395 comfortably under that level.

I cannot really remember if Deputy Trott said anything that is actually relevant to the matter in  
hand, such is his wont. I think we have addressed the Rule 4 issue and yes, I thank Deputy Haskins  
for adding clarity to that. So for those reasons the Committee –

I give way to Deputy Kazantseva-Miller.

2400

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

**Deputy Kazantseva-Miller:** I thank Deputy de Sausmarez for giving way because she did not  
address the interjection of Deputy Inder, which I thought was worth, addressing, because what it  
amounted to was just a personal attack, which was absolutely of no substance to actually the  
2405 discussion in place. And so did Deputy Dudley-Owen, as well.

I think they attacked me, personally, on using the words ‘granite basin’ of describing the  
topography of the Airport. I used those words not because I have come up with them but through  
my work sitting on Guernsey Ports, which obviously neither Deputy Inder nor Deputy Dudley-Owen  
2410 have any experience of, as having conversations on the matter. This was from the conversation  
raised at Guernsey Ports in describing that topography.

I took the effort to write to the Director of Guernsey Ports to actually explain –

**The Deputy Bailiff:** Deputy Kazantseva-Miller, I realise you feel strongly about this but the idea  
2415 of a give way is that you are giving way to a point made by Deputy de Sausmarez and it is not an  
opportunity to give another speech and you are erring into that realm and I have already reminded  
one of your colleagues that this is a short, pithy point. It is not an opportunity to have another  
speech when you have already contributed towards the debate.

2420 **Deputy Kazantseva-Miller:** Thank you.

I will sum up because I think it is related to the summing up.

**The Deputy Bailiff:** Thank you.

2425 **Deputy Kazantseva-Miller:** I will forward that email. Basically the Director of Guernsey Ports  
said I was absolutely correct and that is exactly the topography that is described. I will forward this  
email.

Thank you.

2430 **The Deputy Bailiff:** Thank you.

Deputy de Sausmarez.

**Deputy de Sausmarez:** Actually, I did find another page of notes!

I think the only one I have not addressed is a comment by Deputy Gollop on bottled water. I  
2435 agree with him. I think there is a perception that bottled water is safer but actually, and I have not  
looked into this for a few years so things might have changed and it probably depends on the  
regulations where that water is bottled and sold, but my understanding is actually the levels on all  
these things, in terms of the contents of bottled water, is exactly the same as the levels set for tap  
and quite often bottled water is literally from a municipal source, so it is literally from a tap  
2440 somewhere and that can be somewhere with actually less good levels than what is coming out of  
our own tap, which we know is pretty safe.

2445 Deputy Ferbrache made a point that I was going to make, which is that absolutely we can be aspirational but it does come at a cost. I have covered Deputy St Pier. Deputy Moakes I thought put it very well, as well, and that if we are going to make a decision with significant financial impacts then we should have sight of those costs and make an informed decision. I think it is particularly relevant because we obviously have looming very large on the horizon probably the most important decision that we will make this political term on our future tax system and I know that there has been an awful lot of talk in this Assembly about the importance of saving money and spending wisely and I would ask Members to bear that in mind when voting on this amendment.

2450 For all of these reasons, the Committee does not support this amendment and I therefore ask Members to reject it. Thank you.

**The Deputy Bailiff:** Thank you.

Deputy de Lisle in response.

2455 **Deputy de Lisle:** Thank you, madam.

Obviously, I thank people for their deliberations. On the last speaker, Deputy de Sausmarez, she is right in the fact that one way that Guernsey Water deals with this problem of PFOS in the water is by diverting the streams, basically flushing them into the sea, flushing the water into the sea, or blending, putting that water with other waters to try and reduce the effect.

2460 In terms of borehole water, of course, we use filters, and I advise people, actually, the fact that Guernsey Water are not using carbon filters, so I would advise people to make sure that their drinking water in the house goes through a carbon filter. You will find quite a fantastic difference in the water quality.

2465 We do this, of course, with borehole waters. It is not right that all borehole waters are used for gardens or flushed around the place. They are used for drinking water and there we put in, as I do on my properties, proper carbon filters to make sure that the water is high quality in those homes.

The problem that has come up time and time again is the finance. The finance for the situation. We keep building up the cost in health, because we are trying to get at this very problem of making sure that we provide for improvements in health and of course with tobacco we put in special measures to see that the number of people smoking declines. Here we need to put in those filters to make sure that our water is properly contained with regard to the problem of PFOS. But that is expensive.

2475 So, in other words, what we are essentially saying in here is that there is a risk, there is a very large risk but because of the implication of cost, we have to run that risk and of course it comes back, then, to the problems in the hospital that we find, with people with all sorts of allergies and other problems that have to be then rectified and that cost us that much more money.

2480 I want to thank Deputy Matthews for the points that he made, urging Members to take this very seriously, to keep the levels low. In terms of Deputy Roffey and his statement, in some ways, of course, he represents the Water Board, STSB, and Guernsey Water, despite the fact that they know that there is this problem and they have to try and manage it through blending and diversion, the costs are great, to do any more, and therefore we have to live with it. But do we have to live with it? We are a small Island with a dangerous situation in front of us. I think we should do far more to deal with it. One of the ways, of course, is to put up these levels. We do it elsewhere. There is no reason why we cannot do it here.

2485 What we are doing is running a protectionist policy, actually. Protectionist to the Water Board, protectionist to STSB. That is not good enough. As for him stating that there have been no breaches, there have been breaches and the Water Board says it alone. The Water Board says, in a paragraph in their report, that we regularly analyse for a wide range of pesticides and these are only 32 detected and only one breach, it says, of the 0.1 microgram per litre limit has been observed so there were –

**Deputy Taylor:** Point of order, madam.



**The Deputy Bailiff:** Yes, Deputy Taylor.

2495

**Deputy de Lisle:** Now, by the time –

**The Deputy Bailiff:** Deputy de Lisle, he has just asked for a point of order, I am just going to find out what it is.

2500

**Deputy Taylor:** Rule 17(4). Introducing new arguments that have not previously been raised in debate.

**The Deputy Bailiff:** I believe he is responding to something directly that was said by Deputy Roffey. So, Deputy de Lisle, do continue.

2505

**Deputy de Lisle:** No, I am just quoting here from the Water Board's report.

**The Deputy Bailiff:** Yes, but in response to something you heard one of the other Deputies saying, so do carry on.

2510

**Deputy de Lisle:** Exactly, yes. What I was going to say, though, by the time you establish that there was a breach, that water has to go to the UK and I am told it takes three weeks to four weeks to come back. In that interim, you have people that have been drinking that water for a whole month, in breach. Let us not minimise the problem.

2515

I thank Deputy Le Tissier for making the points that he did in terms of the Jersey situation, particularly, and looking at fixed filters, filtration, as well as carbon filters and, as he says, what price to keep our population safe? There is no safe limit for water. We have to move as close to zero as possible, as the EPA has stated to the American population and that means that a lot of the States in the United States, it is going to affect Canada as well, will have to be making changes to the standards. I thank Deputy Le Tissier for his concerns and his comments that he has made and his support.

2520

I think Deputy Taylor's points were answered basically by Deputy Parkinson. The reservoir, St Saviour's Reservoir, is still flushing out water soaked with PFOS. Some of this is being diverted. It is being diverted, as I told you earlier, down one of the streams, out into Perelle Bay.

2525

**Deputy de Sausmarez:** Point of correction.

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

2530

**Deputy de Sausmarez:** I was not quite clear but it did sound, from what Deputy de Lisle was saying, that the water levels in St Saviour's Reservoir were in breach and that is not the case.

**Deputy de Lisle:** They are not currently in breach or, at least, the last time I looked at the numbers. But they have been in breach in the past and presumably people did not know anything about it.

2535

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

**Deputy de Sausmarez:** Certainly, since 2017, as I explained, the levels have been comfortably within the Drinking Water Inspectorate standard.

2540

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

2545

**Deputy de Lisle:** Yes, in 2013, it was 0.230 parts per litre.

2550 In terms of Deputy Parkinson's point, the UK have changed their drinking water standard down to 0.1 from 0.3. I am asking that we should have the surface and groundwater quality standard at 0.3. But the US protection agency are talking about putting it even further down, from 0.1 now, across the board. So 0.3 is about right for the surface and groundwater quality standard, in my estimation. And one is far too high.

2555 I thank Deputy Dudley-Owen for her concerns: the need to aim higher in terms of standards and the overall aim to become a pollution-free Island. I think that is very sensible. Deputy Oliver asked in terms of when do we divert from the Airport? We are continually diverting from the Airport, currently, in order to bring down the levels in St Saviour's Reservoir. That is the whole purpose.

If the water was still going into the reservoir we would have breaches in terms of the level but the fact is for years we have been actually drinking, in the west, that water, and it has not been diverted down that particular stream into Perelle Bay. Okay?

2560 I thank Deputy Gollop for his support. He believes that we should be reducing standards and the fact that many people are using bottled water because of their concerns with regard to the current situation in Guernsey. Then a whole number of people are concerned with the cost. Deputy Ferbrache – cannot afford it, which is really protection of the Water Board. Health, the concerns of the Health are first of all health prevention. That is what this is all about, health prevention. We should be tackling that first. Control the substances that are hazardous to health.

2565 Deputy Murray makes the point that we should instruct the States to get on with the study, re the financial implications of going full out for testing and looking in detail at bringing in more filtration at a higher level, particularly bringing in carbon filtration across the system. Deputy Trott asked me about the breastfeeding baby 10 times the mother's level. That comes from, actually, the EPA. The EPA said:

The EPA decided that since children are being born with PFAS in their bodies and they are getting it from human milk they needed to figure out how to limit exposure in the general population to protect pregnant women. This was really inventive because it is the first time that the US regulatory agency decided to protect the child by setting an exposure limit that takes into account the mother's exposure. Their research showed that children with higher levels of PFAS when they were born and they measured them in the cord blood had lower antibody levels in response to later vaccinations. In addition, PFAS is transmitted through human milk unfortunately the baby ...

2570 ... as I said earlier ...

... can end up with about 10 times more PFAS in their blood than their mother.

2575 This is directly taken from the EPA as they justified, actually turning around and stating that in fact it is important to get PFAS contamination as close to zero as possible and one way of doing that was of course to get at the surface and groundwater quality through better standards. That is what I am calling for. I am calling for no more than what was in the study earlier and the study I have here and it is very clear, the table is very clear, because it is headed Concentration of Pollutants in Surface Water and Ground Water Maximum Limits. And there you have the maximum limits of that, which was 0.3 for both of these substances.

2580 I ask everybody in the States here to be responsible, to not get drawn away with the points that have been made in terms of finance but to commit yourselves to the health of the population in Guernsey and to do what is asked on the Order Paper here, the amendment, to reduce the standard relating to concentration of pollutant in surface or groundwater for PFOS and PFOA to 0.3 micrograms per litre, from 1 microgram per litre, the level inscribed in the August 2012 report, which during that report I commended at that time the department for putting those levels in because they were the levels that I knew that Minnesota had already put in those years ago.

2585 I maintain that the levels of those pollutants continue to be high at times, even now in St Saviour's Reservoir and there is need to be conducive to the preservation and enhancement of the environment through the limitation of pollutants therein and also, of course, to be cognisant of Guernsey's public health.

Thank you, madam.

2590

**The Deputy Bailiff:** Thank you, Deputy de Lisle. States' Greffier, would you open the voting on Amendment 2, please.

*There was a recorded vote.*

Amendment 2

Not carried – Pour 7, Contre 24, Ne vote pas 5, Absent 4, Did not vote 0

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy de Lisle	Deputy Aldwell	Deputy Dyke	Deputy Bury	None
Deputy Gollop	Deputy Blin	Deputy Oliver	Deputy Fairclough	
Deputy Le Tissier	Deputy Brouard	Deputy Prow	Deputy Helyar	
Deputy Matthews	Deputy Burford	Alderney Rep. Roberts	Deputy Mahoney	
Deputy McKenna	Deputy Cameron	Alderney Rep. Snowdon		
Deputy Queripel	Deputy de Sausmarez			
Deputy Taylor	Deputy Dudley-Owen			
	Deputy Falla			
	Deputy Ferbrache			
	Deputy Gabriel			
	Deputy Haskins			
	Deputy Inder			
	Deputy Kazantseva-Miller			
	Deputy Le Tocq			
	Deputy Leadbeater			
	Deputy Meerveld			
	Deputy Moakes			
	Deputy Murray			
	Deputy Parkinson			
	Deputy Roffey			
	Deputy Soulsby			
	Deputy St Pier			
	Deputy Trott			
	Deputy Vermeulen			

**The Deputy Bailiff:** There voted Pour, 7; Contre, 24; there were 5 abstentions. I therefore declare that the amendment has not been passed.

2595

Deputy de Lisle, in the light of Amendment 2 not being passed, do you wish to proceed with Amendment 3, which seems to, for my reading, presume that Amendment 2 has happened?

[Amendment 3.](#)

*At the end of proposition 1, insert "other than in relation to the Pollutants Perfluorooctanoic acid (PFOA) and Perfluorooctane sulphonate (PFOS), for which the approved maximum limit shall in each case be "0.3""*

**Deputy de Lisle:** It is similar, madam. Amendment 3.

*Deputy de Lisle read out the amendment.*

**The Deputy Bailiff:** Do you still wish to lay that amendment, Deputy de Lisle?

2600

**Deputy de Lisle:** I can lay it, because some people might indeed, on reflection, change their mind.

**The Deputy Bailiff:** Deputy de Lisle wishes to lay Amendment 3, so therefore Deputy de Lisle, will you open debate on Amendment 3.

2605

**Deputy de Lisle:** Yes, thank you.

2610 I would like to remind Members of the situation, which we have noticed from 15th June 2022, this summer, whereby the EPA in the United States have issued a new advisory on PFAS contamination of drinking water, saying that it is important to get PFAS contamination as close to zero as possible.

2615 The danger is because they do not break down in the environment over time and PFAS exposure has been linked with health issues such as kidney and testicular cancer, weakening immunity and fertility problems. The EPA research also noted that PFAS is transmitted through human milk and unfortunately, as I said earlier, the baby can end up with 10 times more PFAS in their blood than the mother had.

2620 I would like to express the fact that we should follow the neighbouring jurisdiction in terms of testing people, particularly those people around the Airport, to find out to what extent they have this condition in their blood, particularly people that are sick at the current time because it could well be as a result of PFOS in the blood, which is responsible for a lot of these diseases.

2625 I would also like to make the request that we get rid of those bunds around the Airport quickly and that any remaining PFOS, because they only took out from the Airport three particular locations and I have been told, by one Member in this Assembly, that in a related crash, they did not take out the area of PFOS spraying that was submitted to that particular crash on the Airport. So there are areas, not only on the Airport but surrounding the Airport, particularly on the west side, in other words on the Forest side that need to be considered.

**Deputy St Pier:** Point of order, madam.

2630 **The Deputy Bailiff:** Yes, Deputy St Pier.

**Deputy St Pier:** Rule 17(6), it is not relevant to the amendment.

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

2635 **Deputy de Lisle:** We could have said, madam, that a lot of things that were said here were not relevant to the –

**The Deputy Bailiff:** I agree with that. That is why –

2640 **Deputy de Lisle:** That is right.

**The Deputy Bailiff:** Yes, Deputy de Lisle, I just want to speak first before you interrupt me. Deputy de Lisle, are you getting to the point of relevance to this particular amendment?

2645 **Deputy de Lisle:** I am, I think I have said what I want to say, madam, and I think it is up to the States, then, to make a decision.  
Thank you.

**The Deputy Bailiff:** Thank you very much, Deputy de Lisle.

2650 **Deputy Parkinson:** Rule 26(1), please madam.

**The Deputy Bailiff:** Yes, I thought there might be.  
Can we just do a formal seconding by Deputy Matthews?

2655 **Deputy Matthews:** I am not sure but I guess I will, given that Rule 26(1) is going ahead! Thank you. *(Laughter)*

**The Deputy Bailiff:** Sorry, Deputy Parkinson, could you just repeat under which Rule you are asking for?

2660 **Deputy Parkinson:** Rule 26(1) please, madam.

**The Deputy Bailiff:** So Deputy Parkinson has gone under the guillotine Rule, so those who wish to speak in this debate, please stand in your places. Do you still wish that motion to be put?

2665 **Deputy Parkinson:** Yes I do, please, madam.

**The Deputy Bailiff:** So the motion is that the debate on Amendment 3 should be guillotined. Those who support the motion please say Pour; those against.

*Members voted Pour.*

2670 **The Deputy Bailiff:** I declare the motion has passed. Therefore the debate –

**Deputy Queripel:** A recorded vote, please, madam.

2675 **The Deputy Bailiff:** Yes, Deputy Queripel, you are entitled to call for an SEV vote. States' Greffier would you prepare the necessary motion? Thank you, would you commence the voting on the motion to guillotine Amendment 3, please.

*There was a recorded vote.*

Rule 26(1)

Carried – Pour 15, Contre 8, Ne vote pas 5, Absent 4, Did not vote 8

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Burford	Deputy Brouard	Deputy de Sausmarez	Deputy Bury	Deputy Aldwell
Deputy Cameron	Deputy de Lisle	Deputy Ferbrache	Deputy Fairclough	Deputy Blin
Deputy Dyke	Deputy Gabriel	Deputy Oliver	Deputy Helyar	Deputy Dudley-Owen
Deputy Falla	Deputy Gollop	Deputy Prow	Deputy Mahoney	Deputy Haskins
Deputy Kazantseva-Miller	Deputy Le Tissier	Deputy Soulsby		Deputy Inder
Deputy Le Tissier	Deputy McKenna			Deputy Leadbeater
Deputy Matthews	Deputy Queripel			Deputy Meerveld
Deputy Moakes	Alderney Rep, Roberts			Alderney Rep. Snowdon
Deputy Murray				
Deputy Parkinson				
Deputy Roffey				
Deputy St Pier				
Deputy Taylor				
Deputy Trott				
Deputy Vermeulen				

**The Deputy Bailiff:** There voted for the motion to guillotine the debate, 15; against, 8; there were 5 abstentions and there were 8 absences from the Chamber when the vote was taken. Therefore, I declare the motion has passed and the debate has been guillotined.

2680 Deputy de Lisle, there has not been anything to really reply to, but do you wish to say anything further before we put this amendment to the vote, with the hordes of people that have just arrived in the Chamber?

**Deputy de Lisle:** I think Members know –

2685 **The Deputy Bailiff:** Deputy de Lisle, I am terribly sorry, I should have asked Deputy de Sausmarez to see if she had to anything to reply to the non-debate, thank you.

2690 **Deputy de Sausmarez:** No and obviously it would just be a repeat of all the arguments that we have just been through in some detail. But I would just ask the advice of H. M. Comptroller, I think, even if we were to approve this amendment, I think it creates a pretty odd inconsistency between the amendments and it would naturally affect the actual Ordinance. But I would appreciate, perhaps, H. M. Comptroller's advice on that.

**The Deputy Bailiff:** Mr Comptroller.

2695 **The Comptroller:** Madam, yes, I think there is an issue because I think if the amendment were to carry and the amended Proposition were to be approved, you would have to change the Ordinance, I think. If that helps? Because the policy authority for the Ordinance is in part contained in Proposition 1, isn't it? Because that prescribes the figures for the concentration of the particular substances in the water.

2700 **The Deputy Bailiff:** Thank you very much, Mr Comptroller. You can see the difficulty that passing this amendment may pass but nevertheless it is to be put to the vote and before we go to that, I will ask Deputy de Lisle to see if he has anything to say as a final part of this debate before we go to the vote.

**Deputy de Lisle:** Thank you, madam.

2710 I would like Members to obviously approve and support this amendment, which would reduce the standard relating to concentration of pollutants in PFAS to 0.3 micrograms per litre from 1 microgram per litre and that of course is the level that was originally prescribed in 2012. We were supposed to get this supplementary Billet within five months of that and it has taken 10 years and in the interim, all sorts of things have gone on and many people have been affected, unfortunately, by what I estimate is the water quality, amongst other things.

So, please Members, support the amendment.

2715 **The Deputy Bailiff:** Thank you, Deputy de Lisle. States' Greffier, would you open the voting on Amendment 3?

*There was a recorded vote.*

Amendment 3

Not carried – Pour 6, Contre 26, Ne vote pas 5, Absent 4, Did not vote 0

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy de Lisle	Deputy Aldwell	Deputy Oliver	Deputy Bury	None
Deputy Gollop	Deputy Blin	Deputy Prow	Deputy Fairclough	
Deputy Le Tissier	Deputy Brouard	Alderney Rep. Roberts	Deputy Helyar	
Deputy Matthews	Deputy Burford	Alderney Rep. Snowdon	Deputy Mahoney	
Deputy McKenna	Deputy Cameron			
Deputy Queripel	Deputy de Sausmarez			
	Deputy Dudley-Owen			
	Deputy Dyke			
	Deputy Falla			
	Deputy Ferbrache			
	Deputy Gabriel			
	Deputy Haskins			
	Deputy Inder			
	Deputy Kazantseva-Miller			
	Deputy Le Tocq			

Deputy Leadbeater  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Parkinson  
Deputy Roffey  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen

**The Deputy Bailiff:** There voted Pour, 6; Contre, 26; there were 4 abstentions. I therefore declare that the amendment was not passed. We will now turn to general debate.

2720 Deputy Queripel.

**Deputy Queripel:** Thank you, madam.

2725 I am really concerned about what we are told in paragraph 9.5 through to paragraph 9.9. We are told in those paragraphs that a new member of staff will be needed if this Ordinance succeeds. Sir, this is another of those gun to the head type of situations a Deputy sometimes gets put in. We have to vote in favour of a Proposition to enable a piece of work to be carried out. If it does not succeed then that piece of work will not be done.

2730 So those of us who intend on voting in favour of this have to accept that we are voting in favour of increasing the size of Government and the cost of Government. Having said that, I am only too aware, we are told in paragraph 9.8, that the money from licence fees is proposed to be used to offset the cost of that new member of staff and we are told in paragraph 9.9 that in the event of additional resources being required, then increases could be applied to the fees or new fees could be introduced.

2735 Then the paragraph goes on to say that P&R has a duty, under the Law, to provide sufficient resources to ensure the Office of Environmental Health are able to carry out their duties and exercise their powers. So, to reiterate, what we are being told there is that fees could be increased, new fees could be introduced and if neither of those solve the problem then a new member of staff will certainly add to the cost of Government.

2740 Surely those of us in the Assembly who consistently say we have to stop adding to the cost of Government and consequently the cost to the taxpayer, we need to be concerned about that and vote against it. Or do we succumb to the gun to the head and adopt a 'when it suits' approach. My question, why can't existing staff do this work anyway? We are told in paragraph 9.5 it is recognised that implementing the proposed Ordinance:

... will result in new legal requirements for the Director of Environmental Health and Pollution ... to administer and it will generate considerable extra workload, requiring additional staff time. The [Director] must be able to administer and enforce the Water Pollution Ordinance once it comes into [force]

– and does not currently have the staff to do so.

2745 Then paragraph 9.6 is the real gun to the head. This is what it says:

Failing to have qualified and competent staff in place ready to discharge the duties required by ... Law could lead to detrimental impacts on the environment and failure to discharge statutory duties with associated reputational damage both to the [Director] and the States of Guernsey and also to increased risk of challenge by way of judicial review.

And the paragraph concludes by saying the Director is currently in the process of submitting a request for a new full-time equivalent to discharge environmental pollution functions, with a focus relating to the water environment. So it has already been decided that a new member of staff will be needed.

2750 Madam, after I had read this policy letter, I did not feel fully informed. I felt a lot more information could have been provided in the policy letter. So I emailed several questions to Deputy de Sausmarez, 24 days before this debate was originally supposed to take place. She responded by

telling me that I needed to direct my questions to the Health and Safety Executive since they are the body who made the decision to ban amateur use of products containing glyphosate, as we are told on page 19 of this policy letter. But Deputy de Sausmarez saying that, madam, came as a surprise to me –

I give way to Deputy de Sausmarez.

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

**Deputy de Sausmarez:** I thank Deputy Queripel for giving way because it gives me a chance to explain in person, rather than over email, where this confusion has arisen. Deputy Queripel did indeed ask me a series of questions but they were not in relation to anything contained in this supplementary policy letter or the associated draft Ordinance.

The questions, which I think he is perfectly entitled to put, related to a decision made by the Health and Safety Executive. I understand why Deputy Queripel is confusing these two issues, because they do relate to a chemical which is listed, but the specific decision that he had questions arising out of has nothing to do with this policy letter and therefore I would suggest are not relevant to raise in this particular debate.

I did try to explain that as comprehensively as I could over email but I really do want to correct the impression that Deputy Queripel might have inadvertently given that I was somehow trying to not answer the questions. I was merely trying to direct the right questions to the right people and address them within the correct context. Now the questions that he is talking about do not relate to the matter in hand.

**The Deputy Bailiff:** Deputy Queripel.

**Deputy Queripel:** Madam, with great respect, I disagree. It is in the policy letter on page 19.

So, as I was saying, madam, it came as a surprise to me. I have always thought it was the responsibility of the President of the Committee laying the policy letter in front of the States to answer questions relating to that policy letter. However, I did what Deputy de Sausmarez told me to do. I emailed all my questions to the Director of the Health and Safety Executive.

I received an email in response from him the very next day, telling me that some of the questions did not relate to the Executive at all because they focused on water pollution rather than the control of pesticides. He went on to tell me that he would forward those questions on to the Office for Environmental Health and Pollution and he would also forward my question, asking which areas of the Island have high readings of pollution, onto Guernsey Water because they would be the ones who would be able to provide me with that information.

I received a response from Guernsey Water the next day, telling me that the Vale Pond catchment area had shown high levels of glyphosate in samples taken in 2020 and 2021 and that water has not been collected from the area since 2019, which has helped to protect our drinking water from contamination. That information is not in this policy letter, madam, and I think it should be in order for us to say we are fully informed. How many times do we say in this Chamber and debate we need to be fully informed?

Now, as I say, the majority of my questions relate to what we are told on page 19 of the policy letter. What we are told in paragraph 9.5 through to paragraph 9.9, my questions were as follows. Question one: will professional use of pesticides containing glyphosate be monitored and if so how will it be monitored? The answer to that question was that professional use is already monitored due to the fact the professional user has to obtain a certificate of competence and also maintain a use of pesticides register and that register is checked on an annual basis by the Health and Safety Executive.

In addition to that, Guernsey Water undertakes regular sampling of streams to ascertain the presence of pollutants including glyphosate. I want to say at this point, madam, I take great comfort from that reply and I am wondering why that information, again, is not in the policy letter.



2805 Question two: why aren't we being asked to place a complete ban on glyphosate? The answer to that question was that the Health and Safety Executive are mandated to keep professional use under review, should this Ordinance succeed and a complete ban may be introduced if considered to be necessary.

2810 **Deputy Roffey:** Point of order.

**The Deputy Bailiff:** Yes, Deputy Roffey.

2815 **Deputy Roffey:** I think, with the greatest respect, Deputy Queripel is talking about a decision by a statutory official under the control of ESS, which is utterly separate to this policy letter being brought forward by E&I concerning the regulation of pollution in Guernsey water.

**The Deputy Bailiff:** You are saying he is not talking about something that is relevant to the –

2820 **Deputy Roffey:** Yes, that is my point of order, indeed. Sorry.

2825 **The Deputy Bailiff:** Deputy Queripel, you have heard what Deputy Roffey has said. In fact you are talking about something that belongs to the mandate of a different Department, rather than the Department under which this policy letter is brought. It is an essential part of the Rules that it is necessary to talk to the Proposition that is before the States and it does appear that you are going beyond that in relation to the Proposition that is before us, which is brought by Environment & Infrastructure, and it is not one of those policy letters which is a joint one, for example. So would you reconsider what you are saying in debate to ensure that it does come within what we are supposed to be debating about now, please?

2830 **Deputy Queripel:** If it is not relevant, madam, then why is it in the policy letter? I am quoting from paragraphs in the policy letter, I am asking questions relating to paragraphs in the policy letter.

2835 **The Deputy Bailiff:** Deputy Queripel, it is important, although there may be some references to issues that come from another Committee, what we are dealing with is what the Committee *for the* Environment & Infrastructure are asking to do under this Proposition. So there may be references to issues that other Committees have a mandate for but what we can only debate today is what the mandate of the Environment & Infrastructure are concerned with.

2840 So I would ask you again to look again at what you are saying in terms of debate and ensure that it is within the confines of the provision of the Committee *for the* Environment & Infrastructure and in particular the Propositions – plural – that are before the States this afternoon.

2845 **Deputy Queripel:** Madam, I hear what you are saying and with the greatest respect for your view but everything I am referring to is in the policy letter and my understanding has been for 10 years – obviously, I have been labouring under a misapprehension – that the President of a Committee is the person responsible to answer questions relating to the policy letter.

I give way to Deputy de Sausmarez.

2850 **Deputy de Sausmarez:** I thank you.

We have of course extensively discussed this, in great detail, all of us on the emails, email all Deputies distribution list, and I have done my best to explain it there. I will do my best to explain it again but Deputy Queripel is, I think, confusing two very separate issues. Deputy Roffey was right. The use, the regulation and licensing of glyphosate is something that happens under the mandate of ESS. That is because it is managed by the Health and Safety Executive.

2855 The questions that Deputy Queripel is referring to, and I think we are on about two of a longer list, referring to the same issue and the same decision, are relating to that function of the States,

which sit with ESS because it relates to, I cannot remember the exact name but it is something about poisonous substances ordinance.

2860 That is not the same thing as this, which is an Environmental Pollution Ordinance. That is why, although he is right that glyphosate does appear as one of the substances that will fall under this Ordinance, the specific ways in which he is asking questions relate to another mandate entirely. They are not things on which I have the jurisdiction, in my capacity as President of the Committee for the Environment & Infrastructure, to answer. That is why I redirected those questions to the Health and Safety Executive because they did relate specifically to a decision that was taken out in  
2865 his statutory function.

**The Deputy Bailiff:** Thank you, Deputy de Sausmarez.  
Deputy Queripel.

2870 **Deputy Queripel:** Madam, I am flabbergasted. Totally flabbergasted. I am trying to inform my colleagues. We always say we need to be fully informed. I am trying my best to inform my colleagues. The answers I get were given to questions. I did have, Deputy de Sausmarez referred to a list of questions, I did have eight questions. I have only been allowed to cover two. If you are saying, madam, I am not allowed to relay the answers to the next six –

2875 **The Deputy Bailiff:** Deputy Queripel, you have the advantage on me. I do not know what those questions are but all I am reminding you of – and it is important that you hear what I say because what I say goes – (*Laughter*) is it is only those that deal with this President and her mandate in relation to the Committee for the Environment & Infrastructure, in relation to the Propositions that  
2880 are before us today and where they stray into another department or rather Committee's mandate, those are not the matters that we need to be dealing with today and I would be grateful, Deputy Queripel, if you would observe that when considering what you are going to say next in this debate.

2885 **Deputy Queripel:** Madam, I repeat, I am flabbergasted. In my 10 years as a Deputy, I have never known a situation where a President has not responded to questions about the policy letter they are laying in front of the States.

2890 **The Deputy Bailiff:** Deputy Queripel, I will just say it once again, it is in relation to the mandate of Environment & Infrastructure that Deputy de Sausmarez is tasked with dealing with.  
Thank you.

2895 **Deputy Queripel:** In that case, madam, I cannot relay the information to the rest of my questions to my colleagues so they cannot say they are fully informed. There is no one in this Assembly who can say they are fully informed because they will not hear the answers to these questions.

So, by the time –  
I give way to Deputy Haskins, madam.

**The Deputy Bailiff:** Deputy Haskins.

2900 **Deputy Queripel:** I feel like a yo-yo.

2905 **Deputy Haskins:** I am grateful for Deputy Queripel for giving way. I think it might be useful to highlight, I do not know the questions which Deputy Queripel is going to answer, but if the question relates to the level of glyphosate in groundwater or surface water, that of course is this Committee's mandate, because we are setting them.

Now, whether or not a person gets a licence because they are a professional in what qualification they need, that is HSE. But in relation to this policy letter, we can set and you can argue, or one

could argue, that that level could be reduced to, say, zero, and that might have a knock-on effect for those who are using glyphosate in their professional capacity.

2910

**The Deputy Bailiff:** Thank you, Deputy Haskins.  
Deputy Queripel.

**Deputy Queripel:** I continue to be flabbergasted, madam.

2915

So, putting aside the answers to the rest of the questions, by the time I receive an answer to the question that I am directly going to pose to Deputy de Sausmarez, I would have received answers from four different sources. But every cloud has a silver lining, once again, because what I have learned from this is I need to submit a lot more Rule 14 questions in future, and I will be doing that.

2920

I have eased up on doing that recently because some Presidents say they do not like it, it takes up officers' time. That does not make any sense at all. It takes the same amount of time to answer a question behind the scenes as it does to answer a formally submitted question. So you will be getting a lot more Rule 14 questions from me from now on.

2925

Because the answers to questions posed behind the scenes can always be disputed at a later date and that has happened to me in the past. The answers to formal questions cannot be disputed because they are in the public domain.

So, madam, having dispensed with four pages of my speech, moving towards a close, I hope you will permit me to put my thanks on record to the staff at Guernsey Water and the staff in the offices of the Health and Safety Executive and Environmental Health and Pollution for their input. It was very much appreciated indeed.

2930

The next part of my speech goes on to say I hope my colleagues have found the information I have relayed in this speech useful. They have not heard it, so there is no way they can say they were fully informed. No way can they say they are fully informed. They have not heard my six other questions and they have not heard the answers to those six questions.

2935

Madam, I very much appreciate these Propositions in front of us are well intended and a lot of work has gone on behind the scenes so, in closing, I am going to ask Deputy de Sausmarez a question I have every faith she is going to be able to answer because this may have been the whole crux of the issue. especially when one bears in mind that we are told in paragraph 3.3 this policy letter is being brought to the Assembly by the Committee. Although the Director of Environmental Health and Pollution is the official appointed to carry out the functions under the Law and that the Department has the 'policy mandate for the protection of the natural environment' and as well as all of that, the first bullet point under Annex 2 tells us the Committee and the Department are also mandated to oversee operational matters.

2940

So my question is this: can the President please tell me if her Committee have applied political oversight to this whole issue of pesticides containing glyphosate being withdrawn from sale to amateur users, or are they not permitted to do that due to the fact the Health and Safety Executive has delegated authority, is immune from political oversight and can do whatever they want to?

2945

Thank you, madam.

**The Deputy Bailiff:** Thank you, Deputy Queripel.  
Deputy Leadbeater.

2950

**Deputy Leadbeater:** Rule 26(1), please, madam.

**The Deputy Bailiff:** Deputy Leadbeater has asked for a motion on guillotining the debate. Those who still wish to speak in debate, please stand in your place.

2955

I think Deputy McKenna is just passing through. Deputy Leadbeater, do you want us to put the motion to the vote?

**Deputy Leadbeater:** I do, please.

2960

**The Deputy Bailiff:** Thank you.

So, the motion is to guillotine the debate on the general debate in relation to the Propositions. Those who support the motion to guillotine please say *Pour*; those against?

*Some Members voted Pour, others voted Contre.*

2965

**The Deputy Bailiff:** I am sorry, States' Greffier, I am going to ask you to record it on SEV, please. Greffier, would you start the vote on the motion to guillotine the debate, please?

*There was a recorded vote.*

Rule 26(1)

Not carried – *Pour* 11, *Contre* 21, *Ne vote pas* 3, Absent 4, Did not vote 1

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>	<b>DID NOT VOTE</b>
Deputy Aldwell	Deputy Blin	Deputy Ferbrache	Deputy Bury	Deputy Kazantseva-Miller
Deputy Burford	Deputy Brouard	Deputy Prow	Deputy Fairclough	
Deputy Cameron	Deputy de Lisle	Deputy Queripel	Deputy Helyar	
Deputy Falla	Deputy de Sausmarez		Deputy Mahoney	
Deputy Inder	Deputy Dudley-Owen			
Deputy Le Tocq	Deputy Dyke			
Deputy Leadbeater	Deputy Gabriel			
Deputy Murray	Deputy Gollop			
Deputy Parkinson	Deputy Haskins			
Deputy Trott	Deputy Le Tissier			
Deputy Vermeulen	Deputy Matthews			
	Deputy Meerveld			
	Deputy Moakes			
	Deputy Murray			
	Deputy Oliver			
	Alderney Rep. Roberts			
	Deputy Roffey			
	Alderney Rep. Snowdon			
	Deputy Soulsby			
	Deputy St Pier			
	Deputy Taylor			

**The Deputy Bailiff:** So, the motion was to guillotine the debate. There voted *Pour*, 11; *Contre*, 21; there were 3 abstentions as well. So the motion to guillotine did not pass. Therefore I turn to you, Deputy Taylor.

2970

**Deputy Taylor:** Thank you, madam.

Apologies, I hope you will give me a degree of latitude because I am going to be straying into other Committees' mandates but it is absolutely relevant to the matter before us.

**The Deputy Bailiff:** Well, Deputy Taylor, I shall be listening keenly! (*Laughter*)

2975

**Deputy Taylor:** I would expect nothing else, madam. Thank you.

I want to talk about sewage and specifically sewage waste or waste water treatment systems. I have told Members previously that I was building a house and one of the considerations in building a house, or it is a requirement under the Building Regulations Statutory Instrument that you have to have a system in place to take your waste water and for it to be dealt with properly. It cannot just obviously go out onto the road.

2980

So the Statutory Instrument under Part 8.1, which then goes onto inform the Building Regulations, which go into a bit more detail, which I will not bore everyone with, set out that it is a

2985 legal requirement that a property must have an adequate system of drainage must be provided to carry foul water from appliances within the building to one of the following. This is in order of priority and the options are you have a public sewer or where that is not reasonably practicable, a private sewer, and where that is not applicable, a cess pool, or we normally call it a cesspit over here, or where that is not reasonably practical either a septic tank, which has an appropriate form of secondary treatment, or another waste water treatment system.

2990 Now the technical standards are dated 2012, I cannot remember the exact date that they came into play but they came into play after the 1989 Prevention of Pollution Ordinance. So when these Building Regulations were drafted, they had in mind what the definition of pollution was previously. So you can see where I am going here. It is relevant.

2995 I should declare an interest. I made my own application to install a waste water treatment system and the correspondence that then flowed from different areas of Government afterwards was slightly concerning because I was told by Building Control that it was not allowed, there is no requirement in the Building Regulations to not allow for them, when it was clearly specified there and the justification was that it was not suitable and Guernsey Water and Environmental Health and Pollution would not accept it. They deemed it unacceptable because they referred to it as pollution.

3000 Clearly at the time, before this Ordinance actually comes into play, the definition of pollution is as it is described in the 1989 Prevention of Pollution Ordinance and it is clearly an inadequate definition. So it is impossible to prove whether something is pollution or not in any objective sense.

3005 So correspondence went back and forth and the really concerning part for me is that I was having regards to, I think it was the 2012 policy letter, which set out the original standards that we would be looking to work to, and there are sewage waste water treatment systems that can massively exceed the requirements of what we are voting on today.

3010 So it is a really sensible thing that our Island should be looking to do. We have highlighted, or I have seen it highlighted in the news recently, about water shortages. Guernsey Water themselves promote that we should be efficient with our water and the really great thing about a waste water treatment system is that you are not wasting water because it is treated just with air bubbles and you have the sludge, the solids that get taken out, and they can be disposed of through the main sewer network or the main outfall pipes, but the majority of the water, having been treated, is then discharged well within the levels that are specified.

3015 Obviously, there are different products available and some of them do not treat to the same levels, some of them treat much better. But they can adhere to these levels that are set. Now I have given up the argument on that because I needed to get on, having installed a cesspit, but it was really concerning for me that officers within Environmental Health and Pollution first of all were wanting to enforce an Ordinance that had not yet even come before the States but, more worryingly, they were not willing to work within the framework that was being proposed.

3020 So my view is, if you can install a product that would not fall foul, excuse the pun, of these standards that are being set, there should be no ground under which the Environmental Health and Pollution Officers, or whoever is approved to enforce this, could take any action. But they seem to be still wanting to block it.

3025 I will give way to Deputy Inder.

**The Deputy Bailiff:** Deputy Inder.

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

3030 I went through something similar to what he did and I am not entirely sure. I was half expecting him to get up and do one of his 17-something points about relevance to debate but anyway, to assist, it is rather nuanced inasmuch as when I wanted to do something 20-odd years ago, with a slightly different system, accepting things have moved on somewhat, one of the concerns from the Water Board and what was, I believe, the Environmental Health at the time, it was not whether they trusted me as an owner to do something correctly, it was whether that process would be maintained

3035 in the future. That was their greatest concern. It was not the machinery, it was the maintenance of it.

I wonder, through you, madam, whether Deputy Taylor had had the same sort of conversation because I doubt that would have changed in 20 years.

3040 **The Deputy Bailiff:** Deputy Taylor.

**Deputy Taylor:** That is a very valid point for Deputy Inder to raise, maintenance of any product within any area of the house, or building, any building, is relevant. You know, we have regulations that stipulate what you have to do in terms of fire safety. That is what you have to do at the point of installation but if you do not then maintain it it does not necessarily perform its functions. It is a relevant point.

3045 But at the point of making an application if BSEN numbers stipulate and have been tested to show that it would meet the requirements being set out, I would be very concerned if officers were then going to be trying to enforce something they did not have the power to. So I really want to just raise that and have it on the record, and pose the question to Deputy de Sausmarez that if applications were coming forward and they were in accordance with all the approved documentation, matching BSEN numbers that are relevant and EU standards, if they were deemed to be in accordance with these proposals that we are going to vote on, can she give a categoric assurance that these will be upheld?

3050 Because otherwise if we are putting our line in the sand that we have to adhere to but we are not going to adhere to it, it is a slightly worrying position, for me.

3055 Thank you.

**The Deputy Bailiff:** Thank you.  
3060 Deputy de Lisle.

**Deputy de Lisle:** Thank you, madam.

This Ordinance provides for the first time, for the licensing of discharges of trade effluent, or sewage effluent, into Island waters or the sea and the establishment of water quality standards and surface water and groundwater. Something that we took up earlier. In the interim, there have been numerous notable water pollution incidences, spills, risks and controversial project developments.

3065 I think it is important to note that this legislation includes discharges of trade effluent and sewage effluent into Island waters or the sea. It is important to note that we cannot turn a blind eye to the European Marine Strategy Directive, which aims to restore European marine waters to their natural biological condition and this will have to be applied to our waters and there will be international pressure for Guernsey to implement this directive and in fact there already are.

3070 In August this year the French were appealing to the EU over the UK threatening health and marine life on the French coast by allowing raw sewage to be dumped in the Channel. Since its departure from the EU, the MEPs in France accused the UK of neglecting its environmental commitments. The MEPs said in a letter calling for legal or political action from the European Commission and, despite no longer being bound by EU laws, the UK was still a signatory to relevant UN conventions on the protection for shared waters.

3075 The UK could not be allowed to neglect commitments made under Brexit and jeopardise 20 years of European progress on water quality standards. The MEPs warned that in the short-term, the sewage leaks risk bathing waters on the French coast and could harm marine biodiversity, fishing and shellfish farming. 'The Channel is not a dumping ground,' said Stéphanie Yon-Courtin, a Normandy politician, who is also on the EU Parliament's Fisheries Committee.

3080 The Marine Strategy Directive could generate international pressure, then, for implementation of the Urban Waste Water Treatment and the Water Framework Directives throughout the Channel Islands. It seems improbable that marine waters around the Channel Islands would be excluded from a strategy for the waters of the Continental Shelf between mainland Europe and the UK.

3090 Environmental Health appears to have agreed to this disposal of raw sewage into the sea off the White Rock, for example, in 2017. There have been numerous incidences off Cobo, as you will realise, over the past few years. All this between that year of 2012 and 2022, right now. Those 10 years, lots of things have been going on.

The discharge of raw sewage is the most environmentally friendly option, according to Environmental Health. Can you believe it? It is the most environmentally friendly option and here we are actually wanting to move everything from the Water Board, from Health, to Environmental Health.

3095 Environmental Health are a watchdog. Now untreated sewage contains a wide variety of pathogens and chemicals, many of which pose a serious threat to human health. The most common pathogens in sewage are bacteria, parasites and viruses. They cause a wide variety of acute illnesses, including diarrhoea and infections. Children, the elderly and people with weak immune systems are particularly vulnerable.

3100 The dangers of swimming in polluted water range from ear, throat, skin and eye infections to gastroenteritis, e-coli and acute respiratory illnesses. There is a growing concern, also, about illnesses caused by pharmaceuticals, synthetic hormones, personal care products, which enter into the environment through the sewage system.

3105 Now, today, in addition to this spill, Environmental Health continue to allow the pumping of 16 million litres of raw sewage every day into Belle Grève Bay. There appears to be little concern that it constitutes a pollution risk to our beaches. A health hazard to bathers and those partaking in water sports and continues to be a stain on our Island's reputation and international image in light of modern, global ecological thinking and environmental responsibility.

3110 We have got to get at the source of some of these issues. Guernsey has been dubbed the dirty little Island that continues to discharge all its raw sewage into the sea and I am not the only one that says it. Look at this: 'Oyster farmers say Guernsey sewage system is Europe's dirty secret.' It is all there in the press in the past.

3115 And Guernsey, the Island, continues to resist full sewage treatment. In fact, in 2015, Guernsey spent £20 million to push the Island's sewage effluent closer to Herm in the Little Russel rather than take up the offer of a fully fabricated sewage treatment plant recycling system offered by Environmental Water Services for £13 million. What a saving, £7 million right there.

3120 It is interesting that the Environment Agency in the UK makes increasing use of civil sanctions, which can be a proportionate and cost effective way for businesses to make amends for serious environmental offences, such as the White Rock, such as this Belle Grève Bay fiasco and all this sewage disposal that is going on around our Island.

3125 It is time that Guernsey does the same and I note, actually, that there are penalties within this particular legislation for offences under the Environmental Pollution Law, fines up to £20,000 and a maximum of two years in prison and I hope that that is something that, if this is moved to Environmental Health, they are going to be on top of. Because they have not been on top of things in the past.

3130 I talk about the drag time, this 10-year period that was supposed to be dealt with in five months of 2012. We have been waiting for 10 years for it. That is one example. Another example is the continual pumping of this sewage effluent into the Channel and the objections that are coming from France at the current time that we are polluting their beaches. And they have got every right to have that concern.

Raw sewage being pumped out at Cobo, affecting the beach there in Cobo and also at the White Rock. That has got to surely stop, or it has got to be fined through this legislation, hopefully. And the fact that we have got to speed up legislation and our reaction to it all.

3135 I would like to go back, then, to the document that we are looking at, the legislation and look at what we are supposedly wanting to approve. First of all the amended maximum limits and I have said that I do not believe that this is correct in certain instances. Then to approve giving the Director of Environmental Health and Pollution regulatory power in the new water pollution legislation, to take action to deal with water pollution. Yes. But has he been or have they been taking action in the

3140 past. We do not have a very good history, there, which I am pointing to, because they could have taken action in 2015 and they could have gone for full sewage treatment at a lower cost than the £20 million. But they did not. Why not?

All these charges of sewage out to the White Rock in Cobo, have they been charged? Has the Water Board been charged for all that? I would like an answer for that.

3145 Then to Proposition 4, to rescind the Resolution relating to providing an exemption from the licensing requirement under the Food and Environmental Protection Act, 1985. What is wanted there is for Environmental Health to take the responsibility. So, in fact, we will not have the Environmental Protection Act, 1985, looking over their shoulders and we will not have the Water Board either looking over their shoulders. So why consolidate? Why not have three pairs of eyes rather than one?

3150 So I wonder about this document very profusely as to whether, in fact, we should be supporting this. I do not support 1, I do not support 3, I do not support 4. And yet I am one that wants to see all this regulated properly but I do not see that this is going to mean very much.

Thank you, madam.

3155 **The Deputy Bailiff:** Thank you, Deputy de Lisle.  
Deputy Inder.

**Deputy Inder:** Only briefly, madam.

3160 Over the past two or three months we have heard lots of things regarding the problems that we have got under public finance and as we know within the next week or so we are going to find out what the proposals are from Policy & Resources. Almost immediately there will be a reaction. What I do not quite understand, and I genuinely do not want to be unkind here, is that we all want something but we do not want to pay for anything and that really is getting shot by both sides, there. I had to get that in.

3165 I have heard debates within the States about we need more services, we need more resources, we need more facilities. But sometimes the same people have said we do not need any tax, either. Life just does not work like that. It just does not work like that. Now I do not disagree with anything Deputy de Lisle has just said. I do not think we are in a particularly good place, shoving raw sewage into our sea. I never have done. But we are told, because it suits me to hear what I want to hear, that it has no massive environmental impact.

3170 I find that particularly unlikely inasmuch as you do not chuck those kinds of products in the sea without having no environmental impact. It will be diluted to a power of billions and billions in what is a very wide ocean in our sea but if you put that in a cup that looks pretty polluted to me.

3175 So the decision for us, if we are to do things like that, we are going to need more money. It is as simple as that. We are going to need more money. So it is going to be a very interesting debate in January because the same people will be demanding more infrastructure, more projects, will possibly be rejecting everything that is not going to be produced by Policy & Resources and I have told everyone before, the easiest thing that we did two or three years ago was stand, the most difficult things we will do are the decisions we have to make the day after.

3180 Thank you.

**The Deputy Bailiff:** Deputy Gollop.

3185 **Deputy Gollop:** Well I would say, through you, madam, that I do not have to be consistent. Deputy Inder wants consistency from us politicals.

Two points that I will just comment on first. The first point involves when I was, hard to believe now but I was President of the Legislation Select Committee for a while, and one of my non-States members and in possibly his first States' role, was Deputy St Pier, before he went on to the great heights, and we probably looked at this legislation, or it was just before. Or at least, reviewed it.



3190 Although I would agree with his analysis that delays in legislation can be due to a combination  
of factors, one of which is the ability and resources of the sponsoring Committee to give detailed  
and concise instructions, I do think that, Deputy Inder's point really, we are under-employed in  
3195 terms of we have got some excellent environmental drafts people who specialise in planning and  
environmental matters at St James' Chambers but because of other pressures, criminal law, financial  
regulation and so on, I think perhaps there is a shortage of resources all round. So probably, if there  
was more resource at St James' there would be a little bit more pressure put on Committees to  
respond.

In fact, I think we had a very good relationship, primarily, at the ESS when we did the Disability  
(Anti-Discrimination) Law, where we had a great partnership between St James' and the Committee  
3200 in looking at that, so hopefully we can speed that up.

Another point relates to Deputy de Lisle's lost opportunity, when the States turned down what  
probably was a cheaper option. But, again, sometimes those issues can be resolved by private sector  
partnerships and I would like to see more of those. I think we have missed the opportunity there  
and I know the Deputy Bailiff was absolutely correct, as you always are, in weighing in, perhaps,  
3205 against discussions related to other Committees' mandates, because the glyphosate issue is very  
much under Health and Safety.

There is a paradox with this legislation, I do not know if Deputy de Sausmarez would wish to  
comment, that Environment & Infrastructure, because of their concern for the environment, are  
putting all this forward, but the actual Committee with oversight, over the Environmental Health  
3210 team, are Health, well they were. Not on those issues but historically the Director of Environmental  
Health answered to Health & Social Care but perhaps Deputy de Sausmarez, in summing up, will  
clarify that point.

Like Deputy de Lisle, I certainly would like to see a sewage clean up but I think that perhaps goes  
a bit further than the legislation and the legislation I think is the best thing we have got for the  
3215 foreseeable future. I think it is important to point out, under Proposition 3, we are approving giving  
the Director of Environmental Health and Pollution Regulation a power in the new Water Pollution  
legislation to take action to deal with water pollution or a risk of the same, where works need to be  
carried out, 'so as to replace the current equivalent power' held by what some people call the Water  
Board, the STSB.

3220 Now that is a significant change. The legislation was initially due to come in in early October. We  
have amended that because the debate has been a couple of months late. But that in turn means  
that we will have to do what is set out in the policy letter, an educational communication,  
engagement exercise with people across the Island and I hope Deputy de Sausmarez and her team  
have plans advanced to do that communication and it will be interesting to hear what comes out  
3225 of that.

Although I understand, I think, what Deputy de Lisle is saying, that you need, ideally many  
different voices, different eyes looking at things, actually it does make sense to consolidate the  
powers into a statutory official but that does not mean to say all of us go 'phew' and leave it just to  
that team. I think it is important that everybody from environmentalists, the learned societies, the  
3230 water company and all of us ensure that pollution does not go widespread.

Just referring back to, for example, glyphosate, we know that actually you need, academics can  
give useful examples that sometimes if you try to rectify something without the right control you  
can make matters worse in other areas. So I do hope that we have enough resources at the  
Environmental Pollution team because actually I did gain the impression that the Environmental  
3235 Health and Pollution team do everything from managing food and catering establishments to this  
kind of work and that, contrary to popular belief, they are not over-staffed. I think again we have to  
ensure that the resources are there to make certain that this legislation is carried out.

**The Deputy Bailiff:** Thank you, Deputy Gollop.  
Deputy Haskins.

3240

**Deputy Haskins:** Thank you, madam.

I stand only to make a couple of points. One is the cost. There is a cost. This is in relation to the staff needed to follow out the enforcement measures. That can grow because if we change something in the Ordinance in a future time then the amount of time that would take for a certain role could be in the Ordinance and then you would have to extend it.

3245

Now this cost is offset through the licence so it is directly linked and it is meant to keep that cost down. So only the work that is done by the officer is then extrapolated out and then that is the cost of all of the licences. I raise those two just for Members to bear in mind there is a decision there for Members to make.

3250

The one part of this policy letter that I had concerns on myself was the bureaucracy, because I do not like it. But, that said, for this whole debate, there have been many reasons mentioned by Members that we need this legislation. It is quite simply that. If you do think of the future and you are seeing countries all over the world that are struggling with their water, if there was an event that caused some problem with our water then that would cost a lot more to be fixed.

3255

So I raise these just to highlight them to Members and there is a decision to make. I have made mine and I support this policy letter.

Thank you.

**The Deputy Bailiff:** Thank you.

3260

Deputy Dyke.

**Deputy Dyke:** Thank you, madam.

I am having some difficulty with this one. I can see the benefits of the proposals but I am concerned about the additional costs. I would like to know how many more staff we are actually going to need. It is not really good enough to say, 'Oh, it is going to be covered by fees,' because that ends up coming back on the community in much the same way as the tax does, but just distributed slightly differently.

3265

So I am concerned about that. Deputy Inder has made the point. Deputy Queripel has made the point. But I would just like to emphasise it.

3270

I am also concerned about the inter-relationship now between the Environmental Health Department and the Health and Safety Department. There does seem to be a curious division of labour now. Like Deputy Queripel, I was interested in the glyphosate decision, mostly in the context of this is quite a major decision for the Island and it seemed to me there had been no consultation with anybody and this was sprung on us and speaking to one of the garden centres they confirmed to me that there had been no consultation.

3275

So we have got the Director of Health and Safety coming out with directives, which apparently have no political input at all, they are just his and everyone has no responsibility. Now we have got the Director of Environmental Health, who is going to be doing similar things, and in addition, in Proposition 2b, have the opportunity by regulations made by himself, not the department, to change the list of polluting works that need to be dealt with by him. So quite a major power there with no reference, certainly not to the States, not even to the Committee.

3280

So, I just wonder if we have got this whole thing set up correctly in terms of the Health and Safety people, the Environmental Health people and Guernsey Water. Is there duplication going on and disorganisation and do we really need these extra staff? So I am concerned by that, so I would like to hear something on that.

3285

At the moment, as things stand, given that we are in a fiscal, I will not say a crisis, serious fiscal issues ... whether we should be spending more money at this point on more staff or whether there should be rationalisation and improvements on how we use our staff.

Thank you.

3290 **The Deputy Bailiff:** Thank you, Deputy Dyke.  
Given the time, we will now adjourn until tomorrow. (*Interjection*) One person to speak only, please.  
Sorry, Deputy de Sausmarez.

3295 **Deputy de Sausmarez:** I suspect we were going to suggest the same. Could we propose testing the appetite for sitting late to complete this item?

**The Deputy Bailiff:** As a motion?  
The motion is that we sit until, I am going to say, the conclusion of this item because from the people who stood in their places there should not be many more people who wish to debate this and continue until this issue has been finished. Those who support the motion say *Pour*; those against?

*Members voted Contre.*

**The Deputy Bailiff:** The Chamber has spoken! We will adjourn until tomorrow.

*The Assembly adjourned at 5.33 p.m.*