



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 25th November 2022

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

Volume 11, No. 33

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2022*

Present:

R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

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

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

Deputy C. P. A. Blin (*absent de l'île*); Deputies T. L. Bury, S. P. Fairclough M. A. J. Helyar (*indisposé*);
Deputies A. H. Brouard, A. C. Dudley-Owen, H. J. Soulsby (*relevé à 9h 51*);
Deputy J. P. Le Tocq (*relevé à 10h 11*); Deputy D. J. Mahoney (*relevé à 10h 18*)

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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

LEGISLATION FOR APPROVAL

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

4. Environmental Pollution (Guernsey) Law, 2004 Part VI – Water Pollution Supplementary Policy Letter – Propositions carried (as amended)

The States' Greffier: Billet d'État XX, Article 4 – the continuation of the debate.

The Bailiff: Was there any Member who has not yet spoken in general debate who wishes to speak? Because otherwise I will turn back to the President to reply to the debate? No.
5 In that case, Deputy de Sausmarez, please.

Deputy de Sausmarez: Thank you, sir.

Deputy Queripel asked why cannot existing staff do this anyway. He was talking about the need
10 for additional staff resource. I can assure him that it is only the equivalent of one full-time member
of staff and it will be cost-neutral. So it will pay for itself. So it will not be an additional burden on
the States' budget.

He asked why cannot the existing staff do this anyway and I think this is actually quite a good
15 opportunity to explain some of the things that this team does. It is a team of 11 people and their
duties far exceed the environmental pollution side of things, which of course is currently waste and
air pollution and hopefully soon will also be water pollution. But aside from that they are also
responsible for food safety, housing standards, statutory nuisances, infectious disease investigations
FIPA and cannabis licensing. Sorry, licensing, I cannot speak today!

This actually also touches on something that Deputy Gollop mentioned, which is actually
20 because there are some functions, which report into HSC, there are other functions that also report
into E&I so it does sort of sit between the two. So they are a very hard-working team with a very
big remit and this is a really pragmatic way of giving them the resource they need to carry out their
duties and it will not be an additional burden on the States' budgets.

25 He also asked some questions that were not pertinent to this policy letter but I can, in any case,
assure him that the relevant Committee, which was ESS, did provide the relevant political oversight
of that and I can further assure him that E&I was also proactive in that regard and made sure that
they too had a conversation about it but, more importantly, made sure that different people and
bodies, for example Guernsey Water, Guernsey Waste, Agriculture Countryside Land Management
Services, the Pollinator Project, who are all part of a working group, were sitting around the same
30 table and talking to each other.

So a good example of joined up Government and actually joined up community partnerships as
well. All of the relevant people are indeed singing off the same song sheet and talking with each
other, so I hope you can take assurance from that.

35 Deputy Taylor: I do thank Deputy Taylor for getting in touch well in advance of the debate about
this and it has been a fascinating journey of discovery for me, as well. I have to say this was not
something I knew much about before. I am not going to read the full gamut of information that I
have in front of me. I am afraid, as I think Deputy Taylor suspects, I cannot give him the exact
assurance that he is looking for and I will go on to read something that may explain why. But I can
certainly give him the assurance that he is very welcome to come in and talk with the Committee
40 on any relevant bodies or officers about it.

But anyway, Deputy Inder actually gave us a part of the answer when he interjected, I think, as
will become clear, but I am going to read a little bit from a position statement from Guernsey Water
about why they do not currently support small sewage treatment works. Guernsey Water does not
support small treatment works, sewage treatment works, in the drinking water catchment or bathing
45 water catchments due to water quality risk. Bacteriological contamination, ammonia nitrate
phosphorous, BOD and COD, all pose a risk to the Island's bathing waters, surface waters and
ground waters. The risk increases with the number of small sewage treatments.

So in a small, relatively densely populated Island, if there is a proliferation of these plants, the
cumulative risk would be considerable. It would also increase over time as these plants age,
50 particularly where maintenance and end of life replacements is not carried out by the plant owners.
Neglected maintenance will mean that deterioration in performance from that claimed by
manufacturers. So they would be prescribed operations, under the proposed Water Pollution
Ordinance, and Guernsey Water believes that additional regulatory effort would be needed to
ensure these plants are being inspected, maintained, records kept and compliance tested and this
55 could have additional resource implications.

They go on to explain that we do not recycle our waste water and this is where sewage treatment
works discharge into surface waters or ground waters and although diluted this water is abstracted
for drinking water and treatment downstream. To protect the Island's drinking water supply, the
Island's Waste Water Strategy does not include waste water recycling and this is one of the reasons
60 that Guernsey does not require intensive water treatment, which would, again, put an additional
cost burden on water customers and increase Guernsey Water's carbon impact.

In jurisdictions where there is waste water recycling, the water industry is researching the impact
of and ways of treating emerging substances of concern, some of which are constituents of
domestic sewage. Examples include microplastics, endocrine disruptors, flame retardants and
65 viruses. The risk posed by these emerging substances or pathogens concerning Guernsey is
currently low. The development of small sewage treatment works within the water catchment would
introduce waste water recycling and increase this risk.

So apologies for the lengthy and technical explanation but I thought –

70 Deputy Taylor is going to ask me to give way and I am not going to be able to answer his
question but let us give it a go!

Deputy Taylor: Sir, I am grateful that Deputy de Sausmarez has given way and I think she will
be able to answer my question. It really is a simple one. Is the action that is taken under this
Ordinance going to be based on the facts at that point in time or will an application for a prescribed

75 operation be refused because in the future it may pose a risk? Or, as it has been alluded to, will it be refused because of a potential cumulative impact?

To use a phrase that was referenced in a recent planning application, each application should paddle its own canoe. So if one person is applying to install a sewage waste treatment that does not, as I said, fall foul of the numbers set out in the Ordinance and perhaps Mr Comptroller would be able to confirm this, can action be taken before the pollution has occurred? It feels like we are entering a bit of a farcical situation. If something was refused on a future event, i.e. if the maintenance of a prescribed operation is not taking place and it later, further down the line, starts to cause pollution, can you take any action of enforcement against someone before that event actually happens?

85 I apologise. It is a bit of a technical question, but hopefully it can be picked up.

Deputy de Sausmarez: I think as the bit of blurb that I read out explains, even the facts of the matter are not actually that easy to ascertain because there could be a discrepancy, for example between the actual results and the manufacturer's claimed results, etc. I think it is fascinating. I do agree with Deputy Taylor, this is something that would benefit from further conversation and that is why I can give an assurance that our door is open for him to come and talk with us and the relevant authorities about it.

90 Deputy de Lisle talked about sewage. In 2012, I do remember this, I was not in the States but I was paying very close attention, there was a very detailed report done. It was a marine impact assessment, I think, and it looked at the whole impact of our current sewage disposal methods, treatments, effectively, and looked at other options. And its strong recommendation was that the current way we deal with this is actually the most appropriate in terms of environmental impact and cost, etc.

100 So the States had a debate on that. They came to a decision about that and subsequent decisions have been in line with that States' direction. Of course, it is worth bearing in mind that when it comes to sewage treatment systems, there is an element of swings and roundabouts, as well, of course. They are energy and chemical intensive. They require space. It is a matter of weighing up the different pros and cons. But anyway that decision was given, or taken, by the States, a direction given, and so subsequent actions have followed that.

105 It also assessed the capacity of the receiving waters and also another important point is that since then water quality monitoring has not shown any evidence of environmental harm. Now when it comes to Cobo, I think one of the –

Deputy de Lisle: Point of correction, sir.

110

The Bailiff: Point of correction, Deputy de Lisle.

115 **Deputy de Lisle:** There have been continuous spills, for example, at Fort George sewage outfall there, directly onto the sea. There have been complaints about that continuously. It is just not right that, townspeople living in our capital should have a clean environment in the front and it is not to be over-risen by sewage. Particularly at a time when all this money has been spent on the bathing pool area, millions of pounds, to try and clean it up. And then we have got Fort George depositing its raw sewage straight onto the front.

120 **The Bailiff:** Deputy de Lisle, you were entering into a further speech, there, in my view; not just simply correcting what you say that the President got wrong.

Deputy de Sausmarez to continue, please.

Deputy de Sausmarez: Thank you.

125 I was obviously just repeating what I have been informed by the people responsible. I think also he referenced an issue or possibly two with Cobo. I think the first one that he mentioned was a

really good example of the fact that you cannot enforce legislation that you do not have in place. That is precisely the reason we need legislation around this but I think also there was some misconception. I think he used the term raw sewage. As far as I am aware, it was absolutely not raw
130 sewage, it was a drainage and land run-off issue, not relating to human raw sewage at all.

Also, I think it is worth bearing in mind that a good regulatory system is not so heavy handed that it automatically dishes out –

Deputy de Lisle: Point of correction, sir.

The Bailiff: Point of correction, Deputy de Lisle.

Deputy de Lisle: The Cobo spills were as a result of sewage flow into the beach and that is why in fact signs went up restricting people from bathing in those waters.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Again, that is completely contradicted by the people who investigated that particular case. So I do not think that is a valid point of correction. I think it was a great example
145 of how information that is not always very accurate does tend to proliferate around this.

But as I was saying, I think a good regulatory system is actually not so heavy handed that the automatic response is to dish out a fine. So, in instances, for example, where there have been circumstances of which the landowner has quite understandably had no knowledge, it was not a deliberate error, it was just something that was not as they thought it was and had no reason to
150 suspect otherwise, I think the appropriate course of action by a responsible and sensitive regulatory body is to take steps to remedy that rather than just instantly hand out an enormous fine. So I think actually that is quite a good example of good regulation.

Deputy Inder talked about resources, I think, and I have already covered this but it is a small team with a very large remit and this is a really pragmatic and cost-neutral way of making sure that
155 they have adequate resource to carry out their duties. Deputy Gollop, I think I have already covered that. He also talked about coms and engagement and, as I mentioned in my opening speech, that is absolutely what we plan to do

I thank Deputy Haskins for his contribution and I think I have already covered Deputy Dyke's questions as well. Just one final thing. This is obviously to enable the avoidance of duplication when
160 it comes to different regulatory bodies. It is a streamlining process to make sure that we do not unnecessarily duplicate the administrative burden for the businesses involved.

So I thank Members very much for the debate and I hope this is strongly supported. I give way to Deputy Queripel.

Deputy Queripel: Sir, I am really grateful for Deputy de Sausmarez giving way but when I spoke yesterday I was not allowed to relay answers to questions I had posed via email to the Health and Safety Executive and the Environmental Health and Pollution, due to the fact they are statutory
165 bodies. With that in mind, can Deputy de Sausmarez tell me please who they are accountable to?

Deputy de Sausmarez: I have explained this multiple times, over email and in person. The Health and Safety Executive is accountable to the Committee for Employment & Social Security. It is therefore Deputy Roffey's remit. (**Deputy Roffey:** Most things are!) Most things are! (*Laughter*)
170 Deputy Queripel has obviously, we have had a long email thread with the Director of the Health and Safety Executive, which Members were copied into. I am sure Members would welcome, if Deputy Queripel wants to circulate the answers to all Deputies, I am sure some people might be interested.

So, yes, it does not have anything to do with this particular Ordinance but I really do not want anyone to get the impression that I am trying to dodge the questions. They are just not in my remit

180 when I am standing here with my Environment & Infrastructure hat on. I am sure Deputy Roffey would welcome those questions wholeheartedly and I hope anyway, on the separate issue of the Ordinance and supplementary policy letter before us, I hope the States supports it wholeheartedly.
Thank you.

185 **The Bailiff:** Deputy Soulsby, you have arrived since the roll call. Is it your wish to relevéed?

Deputy Soulsby: Yes please, sir.

The Bailiff: Similarly, Deputy Brouard and Dudley-Owen?

190 **Deputy Brouard:** Please, sir.
Thank you.

Deputy Dudley-Owen: Yes please, sir.

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

Well, Members of the States, we come to the vote on the six Propositions, where Propositions 5 and 6 have both been amended. Normally I would be saying at this point, 'Greffier, please open the voting on Propositions 1-4,' however the system is unavailable, I am told at the moment, and therefore we will use Rule 26(d) and there will be the recorded vote division and *appel nominal*. As you will not have forgotten, it is not that long ago that we were doing this on a regular basis.

200 But you will note from the six Propositions that Proposition 5 says only if Propositions 1-4 have been approved and Proposition 6 says only if Propositions 1-5 have been approved and therefore we will have three votes unless any Member wishes to take any of Propositions 1, 2, 3 or 4 separately.

I will put Propositions 1-4 to you together to start with, and we will have a recorded vote in respect of that please, Greffier.

There was a recorded vote.

Propositions 1-4

Carried – Pour 27, Contre 4, Ne vote pas 3, Absent 6, Did not vote 0

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

Deputy Vermeulen
Deputy Aldwell
Deputy Brouard
Deputy Burford

The Bailiff: Members of the States, the voting in respect of Propositions 1-4 is as follows. There voted in favour, 27 Members; against, 4 Members; 3 Members abstained and therefore I declare Propositions 1-4 duly carried.

210 We will now have a discreet vote on Proposition 5, which is the Commencement Ordinance. Greffier, please.

There was a recorded vote.

Proposition 5

Carried – Pour 27, Contre 4, Ne vote pas 3, Absent 6, Did not vote 0

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

215 **The Bailiff:** Members of the States, in respect of Proposition 5, the voting was exactly the same as for Propositions 1-4, namely 27 Members in favour; 4 against; 3 abstentions and therefore I declare Proposition 5 duly carried. But for the Rules, we would move into some other way of dealing with Proposition 6 but we will have a recorded vote, please, Greffier.

There was a recorded vote.

Proposition 6

Carried – Pour 27, Contre 4, Ne vote pas 3, Absent 6, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	Deputy de Lisle	Deputy Queripel	Deputy Fairclough	None
Deputy de Sausmarez	Deputy Dyke	Alderney Rep. Roberts	Deputy Helyar	
Deputy Dudley-Owen	Deputy Le Tissier	Alderney Rep. Snowdon	Deputy Le Tocq	
Deputy Falla	Deputy McKenna		Deputy Mahoney	

Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Matthews
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Brouard
Deputy Burford

Deputy Blin
Deputy Bury

220 **The Bailiff:** Well, Members of the States, I hope you have been contacting your bookie to see whether the vote will be exactly the same! And surprise, surprise, in respect of Proposition 6, there voted in favour 27 Members; against, 4 Members; 3 Members abstained and therefore I declare Proposition 6 duly carried. All six Propositions, the last two as amended to change the dates, have been carried.

Greffier, we will lay the legislation next, as we are onto the business of this Meeting.

LEGISLATION LAID BEFORE THE STATES

**The Income Support (Implementation) (Amendment) Ordinance, 2022;
The Public Holidays (Funeral of Her Majesty Queen Elizabeth II) Regulations, 2022;
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit)
(Amendment) (No. 4) Regulations, 2022;
The Land Planning and Development (Visitor Accommodation)
(Exemptions) Regulations, 2022**

225 **The States' Greffier:** The following legislation is laid before the States: The Income Support (Implementation) (Amendment) Ordinance, 2022; The Public Holidays (Funeral of Her Majesty Queen Elizabeth II) Regulations, 2022; The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) (No. 4) Regulations, 2022; The Land Planning and Development (Visitor Accommodation) (Exemptions) Regulations, 2022.

230 **The Bailiff:** Well, Members of the States, we simply note that those measures have been laid before this Meeting. There has been no motion to annul any of them.
Next item, please, Greffier.

LEGISLATION FOR APPROVAL

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

5. The Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2022 – Proposition carried

Article 5.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Yes, sir.

235 Article 5, Committee for Employment & Social Security – the Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2022.

The Bailiff: And Deputy Roffey, as President, is there anything to say on this?

240 **Deputy Roffey:** No, sir.

It simply brings into Law the decisions this Assembly took in October.

The Bailiff: Thank you very much.

245 Is there any debate on the terms of this draft Ordinance? In that case, much as I would like to put it to you *aux voix*, there will now be a recorded vote under Rule 26(d), so Greffier, over to you, please.

There was a recorded vote.

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

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	None	None	Deputy Fairclough	None
Deputy de Lisle			Deputy Helyar	
Deputy de Sausmarez			Deputy Le Tocq	
Deputy Dudley-Owen			Deputy Mahoney	
Deputy Dyke			Deputy Blin	
Deputy Falla			Deputy Bury	
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 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
 Deputy Aldwell
 Deputy Brouard
 Deputy Burford

250 **The Bailiff:** Members of the States, on this single Proposition, there voted in favour, 34 Members; no Members voted against; there were no abstentions. There are only the 34 Members present and therefore I will declare that the Proposition has been carried unanimously.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

6. The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2022 – Proposition carried

Article 6.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 6, the Committee for Employment & Social Security – the Long-term Care Insurance (Guernsey) Rates Ordinance, 2022.

255 **The Bailiff:** And, similarly, Deputy Roffey, as President, is there anything to say on this one?

Deputy Roffey: As with the last item, sir, it is simply reflecting the decisions from a number of weeks ago.

260 **The Bailiff:** Does any Member wish to debate this draft Ordinance? No. In that case, Greffier, over to you for another recorded vote, please.

There was a recorded vote.

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

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	None	None	Deputy Fairclough	None
Deputy de Lisle			Deputy Helyar	
Deputy de Sausmarez			Deputy Le Tocq	
Deputy Dudley-Owen			Deputy Mahoney	
Deputy Dyke			Deputy Blin	
Deputy Falla			Deputy Bury	
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 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
Deputy Aldwell
Deputy Brouard
Deputy Burford

265 **The Bailiff:** Well, Members of the States, in respect of this single Proposition to approve the draft Ordinance, there voted in favour, 34 Members; no Member voted against. There were no abstentions and therefore, similarly, I will declare the Proposition carried unanimously.

COMMITTEE FOR HOME AFFAIRS

8. The Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022 – Proposition carried

Article 8.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 8, Committee for Home Affairs – the Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022.

270 **The Bailiff:** So, Deputy Prow, as the President of the Committee, is there anything you wish to say in respect of this matter?

Deputy Prow: Thank you, sir.

275 Only to remind the States that in November 2021, this Assembly approved a number of technical amendments to the legislation in relation to money laundering, terrorist financing, cyber-crime and associated matters and these amendments will improve the effectiveness of our criminal justice framework and our compliance with international standards, strengthen the Bailiwick's operational response to tackle economic and financial crime.

I ask Members to approve the Ordinance. Thank you, sir.

280 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, I rise simply to ask a fairly regular question of Deputy Prow and that is can he advise the Assembly whether he and his Committee are satisfied that they have sufficient resources in order to prepare adequately for next year's Moneyval data collection exercise?

285

The Bailiff: Deputy Oliver.

Deputy Oliver: I might have missed it but there is an amendment to this Ordinance.

290

The Bailiff: Deputy Oliver, the voices to my left are saying there is not an amendment to this draft Ordinance but there is to the next one.

Deputy Oliver: I do beg your pardon, sir.

295

The Bailiff: That is alright. You can say exactly the same when I forget next time!
I do not see anyone else rising to raise any matters in respect of this particular draft Ordinance, so I will turn back to the President to reply to what has been raised by Deputy Trott, please.

Deputy Prow: Thank you, sir.

300

I thank Deputy Trott for his question and his support around our preparedness for Moneyval and I can assure him and I can assure this Assembly, working with Policy & Resources everything is being done to make sure that we continue to be an excellent jurisdiction and comply with the FATF recommendations.

Thank you, sir.

305

The Bailiff: Deputy Le Tocq, would you like to be relevéd so you can join in the fun that we are having as the electronic voting system is unavailable?

Deputy Le Tocq: Thank you, sir.

310

The Bailiff: Well, Members of the States, there is a single Proposition as to whether you are minded to approve the draft Ordinance. There will be a further recorded vote in respect of this, please, Greffier.

There was a recorded vote.

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

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

315 **The Bailiff:** The voting, Members, in respect of the Proposition to approve the draft Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022, is as follows. There voted in favour, 34 Members; and nobody voted against; nobody abstained. On this occasion there are slightly different Members who were absent but therefore I will declare that Proposition duly carried.

320 Deputy Taylor, you wanted to raise something?

Deputy Taylor: Yes, sir. I tried to send an email but I am not sure whether it would have gone through and I was unable to open the Rules, with the lack of internet access. I am just aware on time saving, previously, I think it was on a COVID topic, you allowed a recorded vote whereby dissenting Members could simply stand in their seats to be recorded. I wondered whether that might be available under the new Rules, to speed things up.

The Bailiff: I think we will continue cracking on, the whole idea being that normally the voting record would appear quite quickly under the electronic voting system so that if there are people wanting to see who voted which way they could do that. The only real way we can replicate that at the moment is to go through this process. So, for the time being, we will at least continue as we are going.

POLICY & RESOURCES COMMITTEE

9. The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2022 – Proposition carried (as amended)

Article 9.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 9, the Policy & Resources Committee – the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2022.

335 **The Bailiff:** And I invite the President of the Policy & Resources Committee, Deputy Ferbrache, to open debate.

Deputy Ferbrache: Sir, I am not going to. I am just going to ask for the approval. But H.M. Comptroller will be bringing an amendment, which I will second.

340

The Comptroller: Sir, there is an amendment.

The Bailiff: Yes, Mr Comptroller.

[Amendment 1.](#)

At the end of the proposition, insert ", subject to the amendment indicated below. In Schedule 6 as inserted by clause 1(3) and the Schedule – (a) in paragraph 11(1) for "it", substitute "the Administrator", (b) in paragraph 16(2) after "offence", insert "under", (c) in paragraph 19(1) - (i) for "Registrar", substitute "Administrator", (ii) after "published by him", insert "or her", and (iii) after "in accordance", insert "with", and (d) in paragraph 20(2) for "Subsection", substitute "Subparagraph"."

345

The Comptroller: Thank you.

There are some amendments to the Ordinance, which I have proposed, and Deputy Ferbrache is seconding, and they pick up some minor typographical errors that are set out in the amendment and I would ask for Members to support the amendment, prior to voting on the Ordinance, thank you.

350

The Bailiff: And Deputy Ferbrache, do you formally second that amendment?

Does anyone wish to comment on the Amendment 1, proposed by the Comptroller and seconded by Deputy Ferbrache.

Deputy Taylor?

355

Deputy Taylor: Thank you, sir.

At the risk of being accused of being woke, I just wonder if there is any need, when doing these new bits of legislation, to have any reference to him or her and could it just be 'they'? That is all I really want to add.

360

The Bailiff: Deputy Oliver.

Deputy Oliver: It is under a Resolution that it would be him or her. I believe the former Deputy Tindall, it was passed as an amendment.

365

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Also, just grammatically, 'they' is not correct.

370

The Bailiff: Well Mr Comptroller, this is a rarity indeed, as the proposer of the amendment, would you wish to reply to that debate?

The Comptroller: Sir, it is not something I was not expecting in terms of debate but I am grateful that Deputy Taylor has raised the issue. Deputy Oliver referred to Deputy Tindall, who I think Members will recall was a great supporter of gender neutral drafting. Now, in fact, when it comes to gender neutral drafting, there are several ways in which that can be achieved.

375

I think the drafters in St James' Chambers have chosen to use the technique which basically utilises references to him/her he/she. You can also use 'they'. But once you start to go to 'they' and 'it' sometimes it is difficult to actually decipher the meaning to lawyers and lay persons. So the choice has been to go for a technique which uses him/her, he/she when referring to people, to keep it gender neutral, if that helps matters.

380

The Bailiff: Well, Members of the States, we now come to the vote on Amendment 1 to this draft ordinance, proposed by H.M. Comptroller and seconded by Deputy Ferbrache.

We will have a recorded vote, please, Greffier.

Deputy Mahoney: Sir, could I be relevéd, please?

The Bailiff: Yes, Deputy Mahoney. We will mark Deputy Mahoney as also present now.

Thank you.

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 0, Absent 5, Did not vote 0

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

385 **The Bailiff:** Members of the States, the voting on Amendment 1, proposed by H.M. Comptroller and seconded by Deputy Ferbrache is that there voted in favour, 35 Members; there was no vote against, nobody abstained and therefore I declare Amendment 1 duly carried.

Does anyone wish to –

Deputy Trott.

390

Deputy Trott: Sir, for good order and with reference to the importance of the subject matter, is the President of the Policy & Resources Committee also satisfied that all of the resources necessary to best ensure a favourable Moneyval outcome, have been properly and appropriately resourced?

Thank you, sir.

395 **The Bailiff:** I do not see anyone else rising, so I will turn back to Deputy Ferbrache as the President, to reply to that question, please.

Deputy Ferbrache: I am a little more cautious than Deputy Prow. As best we can. We are doing absolutely the best we can.

400 **The Bailiff:** And, similarly, pursuant to Rule 26(d) we will have a recorded vote on the Proposition to approve the draft Ordinance, but as amended by the changes that have been made by Amendment 1.

Greffier.

405

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 0, Absent 5, Did not vote 0

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

The Bailiff: Members of the States, in respect of the Proposition to approve this draft Ordinance, as amended, there voted in favour, 35 Members; nobody voted against; there were no abstentions and therefore I declare the Proposition duly carried.

**POLICY & RESOURCES COMMITTEE AND
COMMITTEE FOR ECONOMIC DEVELOPMENT**

**10. The Lending, Credit and Finance (Bailiwick of Guernsey)
(Commencement) Ordinance, 2022 –
Proposition carried**

Article 10.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Lending, Credit and Finance (Bailiwick of Guernsey) (Commencement) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

410 **The States' Greffier:** Article 10, Policy & Resources Committee and the Committee for Economic Development – the Lending, Credit and Finance (Bailiwick of Guernsey) (Commencement) Ordinance, 2022.

The Bailiff: And Deputy Ferbrache, as the President of the Policy & Resources.

415

Deputy Ferbrache: Sir, I have nothing to add.

The Bailiff: Does anyone wish to debate this draft commencement Ordinance?
In that case, we will have a recorded vote please, Greffier.

420

There was a recorded vote.

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

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

Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Brouard
Deputy Burford

The Bailiff: Members of the States, the voting in respect of this draft commencement Ordinance is as follows: there voted in favour, 34 Members; nobody voted against; nobody abstained. Therefore I declare the Proposition duly carried.

COMMITTEE FOR HEALTH & SOCIAL CARE

11. The Human Tissue and Transplantation (Excluded Material) (Bailiwick of Guernsey) Ordinance, 2022

Article 11.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Human Tissue and Transplantation (Excluded Material) (Bailiwick of Guernsey) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

425 **The States' Greffier:** Article 11, the Committee for Health & Social Care – the Human Tissue and Transplantation (Excluded Material) (Bailiwick of Guernsey) Ordinance, 2022.

The Bailiff: And Deputy Brouard, as the President of the Committee, is there anything you wish to say in debate?

430

Deputy Brouard: Not very much, sir. It is just this Ordinance sets out those organs and tissues, which cannot be donated, based on deemed consent and I would ask everyone to approve it.
Thank you, sir.

435 **The Bailiff:** Deputy Inder.

Deputy Inder: Only briefly, sir.

Without wanting to go back into debate, everyone knows my views on this. I have never been a fan of deemed consent. I understand what the Health & Social Care but I will be consistent in not supporting this.

440

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

445 Without repeating verbatim what Deputy Inder said, I am in the same position as he.

The Bailiff: Deputy de Lisle.

450 **Deputy de Lisle:** Sir, I can remember that there was some controversy over this particular Ordinance and I would just like to ask the President if he would briefly outline the nature of the Ordinance because I think it brought in an opt-in/opt-out situation that some people were not agreeable to.

Thank you, sir.

455 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Sir, I was on the other side of the argument on this but I would ask that those that were not in favour of deemed consent to realise what they would be doing if they voted against this. Because they would be voting to allow every single part of the human body to be donated on
460 the basis of deemed consent and I do not think that is logically consistent with the position that they took before.

The Bailiff: As I see no other Member rising to contribute –
Deputy Haskins.

465 **Deputy Haskins:** Sir, thank you. Sorry for the hesitation there.

What I would like the President to clarify is the robustness of the certification needed in relation to deemed consent and to clarify whether or not a person can be charged for that because I believe that is in the Law. Then also some clarification on the liability if someone has made a mistake.
470 Currently, I cannot get my papers and this is from memory, I believe if an authorised person has relied on a separate person who has made a mistake then that is a defence under the Law and I would like some clarification on that.

Thank you.

475 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, yes.

I get the impression some people have not actually read the Ordinance that is being put in front of us. This is not about deemed consent, it is about excluding organs. So it is not about what
480 liabilities are or anything. I do not understand why people have got any objection. Those people that are against, as Deputy Roffey said, who do not particularly like this, if they vote against the whole concept of deemed consent then they are actually going against what they believe because this excludes certain organs –

I will give way.

485 **Deputy Dudley-Owen:** Thank you to Deputy Soulsby for giving way. My objection is around the principle of deemed consent, which was enshrined in the initial Law. I understand these exclusions and my intention is not to vote Contre against this, it is actually to abstain from this.

490 **Deputy Soulsby:** I still do not understand that logic but I think we had better get on with the vote.

The Bailiff: Deputy Le Tocq.

495 **Deputy Le Tocq:** Sir, I will just give my opinion on this. I am going to vote for this. I was in favour of the original. But I do support people's right to abstain and not be associated with something that they feel is against their conscience.

The Bailiff: I will turn back to the President of the Committee. Deputy Brouard to reply to that
500 short debate, please.

Deputy Brouard: Thank you, sir. I think Deputy Le Tocq echoes my view that we all have a vote of conscience and I fully appreciate Deputy Inder and Deputy Dudley-Owen's position.

I think this is not about whether or not we have a new system of deemed consent. This particular
505 Ordinance is about those organs and tissues, which cannot be donated based on the deemed consent. It is things like faces, legs, etc. It is to take out what are called in medical terms rare or

novel items and therefore this is to give more protection in so that those items cannot be used with deemed consent.

510 Picking up on Deputy Haskins' point, his contribution is outwith this particular Ordinance. This is not that particular point, so I would encourage all Members to support the proposals.

Thank you, sir.

The Bailiff: Well, Members of the States, we come to the vote on the Proposition to approve the draft Ordinance and once again we will have a recorded vote, please, Greffier.

515

There was a recorded vote.

Carried – Pour 30, Contre 0, Ne vote pas 6, Absent 4, Did not vote 0

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

The Bailiff: Members of the States, the voting on the Proposition to approve this draft Ordinance was that 30 Members voted in favour, no Member voted against. There were six Members abstaining and therefore I declare the Proposition duly carried.

520

COMMITTEE FOR ECONOMIC DEVELOPMENT

**12. The Fishing (Amendment) Ordinance, 2022 –
Proposition carried**

Article 12.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Fishing (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article 12, the Committee for Economic Development – the Fishing (Amendment) Ordinance, 2022.

The Bailiff: Deputy Inder, is there anything you wish to say in opening?

525

Deputy Inder: Yes, I do, sir, actually.

This fixes a drafting error. Something was left out in an Ordinance back in 1997. Now recent years have seen consistently improving catches of ormers. This combined with increasing awareness of it is legal to gather ormers at night, as well as by day, has led to an increase in night-time ormering, possibly to supply commercial demand at the start of the ormer season and this practice raises issues, not only on safety grounds but on the ability for our fisheries officers to inspect catches. They simply cannot be down the beaches at night, checking sizes and the like.

530

I will not go into the background because it is too detailed and we probably will not even understand it, but in short this comes from the introduction of a Fishing Ordinance, back in 1997, which repealed the Fishing Ordinance of 1988. Now there appears to have been a drafting error at the time because before that came into place, night-time ormering was banned, but that fell out at the drafting and we would like to rectify it.

535

In effect, in consultation with the fishing industry ... sorry, I beg your pardon. The removal of the ban on night-time gathering has effectively doubled the number of ormer tides during the season. The policy letter of 1996 clearly states there was no intention to change the restrictions on ormer gathering, which included not doubling it, and it would therefore suggest that the removal of the night-time ban was not intentional, rather than an omission from 1997.

540

The dangers of ormering at night and the ability to evade inspection, under the cover of darkness, were probably considerations when the ban was first introduced in 1933 and are still relevant today. Whether we like it or not, the fish has been commoditised. It is high value and we have a responsibility to ensure, certainly, that our sea fishery officers can check the catches and quite obviously there are some amateurs at night, down at the low tide, under the hours of darkness, and there are quite clearly safety issues involving that. I would ask Members to support this.

545

Thank you.

550

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

In introducing this Ordinance, I think, with respect, Deputy Inder has been a little disingenuous as to the reason behind the Ordinance. The main driver for it was that the Resolution of the States of March 2021, to ban the sale of hedge fish, which is section two, it is quite clear that section three has only been inserted because of the drafting error that he has referred to, has been picked up at the time this Ordinance has been drafted.

555

I have got no objection to section three of this Ordinance, that deals with the problem that Deputy Inder has described in opening debate. I opposed what is now section two, which gives the Committee the power to make regulations to regulate the import/export, taking/buying and of course importantly the selling of any fish, so that if we ban the selling on hedges of fish, I opposed

560

that at the policy stage and it is not a matter that conscience that Deputy Le Tocq described in the previous legislation but it is a matter that I cannot support. So I will be opposing, voting against this Ordinance.

565

The problem that has been described by Deputy Inder, dealt with by section three, namely night-time ormering, it clearly has not been much of a problem since 1996, because otherwise somebody would have identified the lacuna in the Law and dealt with it at some point before 2022. If this legislation were to be rejected by the Assembly, clearly, it would be open to the Committee to bring back another amendment Ordinance dealing simply with that problem.

570

So I have got no problems whatsoever opposing and voting against the entire Ordinance, which I will do.

The Bailiff: Deputy Gabriel.

575

Deputy Gabriel: Thank you, sir.

I would just like to put on record my thanks to the Economic Development Department for raising this and spotting this and closing the loophole, effectively, around section three and the collection of ormers and enforcing the intent of the Law. Because effectively the collection of ormers is a pastime and not a commercial operation at all, my understanding of it and most Guernsye men I would imagine, is that the collecting of ormers is to feed your family and friends and those not able to collect, because of age or infirmity, who enjoy the delicacy and I would like that to continue and come away from the commercial aspect of collecting ormers.

580

Thank you, Economic Development, for raising this.

585

The Bailiff: Deputy Gollop.

Deputy Gollop: I am bound to support this.

Yesterday, Deputy Queripel, in an interesting speech, said that he would be tempted to ask more Rule 14 questions and other types of questions to elicit information. But of course one thing that obviously the Presiding Officer, or Deputy Presiding Officer does, is to ensure that those questions are directed to the right Committee.

590

I have gone the wrong side of the line in the past, when I have asked fishing questions to perhaps Economic Development when they should have gone to Environment ... No, it was the other way around, actually. But there is a crossover between the conservation of the marine environment and the management of the fish economy.

595

Much as I support the fishermen, and I do, and eating the fish, I have for some time been worried about, the fish swim here and there, the conservation elements of it and therefore I have to support the whole package here, including the I do not want it onerously applied, but the business of amateurs selling fish to restaurants. That has to be controlled.

600

That said, it is a long, long time, many years since I have had any ormers, let alone in a restaurant, so I have done without my feed of ormers and the Deputies that go ormering tend to keep them for themselves and their families, understandably so, and they do not go out at midnight – I hope. But clearly, although this could be seen as a restriction on rights, I do not think it is particularly wise for people in the winter and spring tides, to be going around at night and I suppose the thinking behind it, as Deputy Inder says, is not just the availability of security and monitoring, because that could be done by Special Constables, I suppose, but it is actually about ensuring that the Ormers and their families are not damaged. To make aware that people who do it are not people like me but people who know what they are doing and actually care for the future of the mollusc.

605

So, I think we have to be big about this and support the package and amend it later if circumstances change and there is a massive rise in the fish population but for the moment I think this is the right thing to do.

610

The Bailiff: Deputy Leadbeater.

615 **Deputy Leadbeater:** Thank you, sir. I think Deputy St Pier mentioned that night-time ormering has not been an issue, previously, but it is only in recent years that it has become very prevalent. People have gone from shore-gathering ormers, like Deputy Gabriel said, just to feed family and friends, to commercialising it because there is decent money in it. You can go out and get yourself 60 ormers and easily get five quid for them each. And that is 80 mil. Tiny little ormers.

620 If it was up to me, there would be a minimum of 100 mil, because I would not be keeping an 80 mil ormer. But it has become commercialised and people will go at midnight, with head torches on. All around the west coast you can see them. Friends of mine have been doing it. Filling their pockets with everything they can and then going again the next day. But the people that go down, the general shore gatherers who go down the next day, and everything has turned because people have

625 gone in, taken it all, and sold them to the fishmongers or whatever.

So, I am going to support this Ordinance and I am not quite sure whose mandate it is when it comes to setting the size of ormers but I would like to put it on record that I would like the ormer size to be set at 100 mil.

Thank you.

630

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I am actually pleased that we are having this short debate on this Ordinance for two particular reasons. The first is, whilst it may not be a matter of material significant economic

635 importance, this is a matter that is culturally significant to our community and those that have said that hunting for ormers at night has become more prevalent recent years are quite right. I myself have done it, being a fairly keen ormerer. I broke no laws but I did find it, on the one occasion I tried it, to be really quite dangerous. It is very easy to get disorientated at night. I am not sure everyone had two light sources with them that particular evening because one of mine packed up

640 and I did need to rely on the second.

But the main reason for rising is I hope the media will publicise this matter widely and that is the first ormering tide is 6th January 2023 next year. Not a particularly good tide but it will not in any way dampen the enthusiasm of all of the enthusiasts that go, myself included. But I think, if the media could make clear that there can be no sort of foraging around on the beach at midnight on

645 6th, one has to wait for later on that day, in daylight, I think that would be helpful.

The second point, reason for rising is, I have no problem with the banning of the sale of ormers, save in one regard. I usually harvest more than my fair share during a season but I eat very few. What I do is I supply a number of people who are unable to go, for nothing. However, the ormers that are sold do at least give those who wish to have a feed of ormers, the opportunity to procure

650 some if they are able to. That, of course, is the downside of places like Forest Stores, who would no longer be able to have them on their shelves.

But the main reason for rising is to make sure that we do not find ourselves in a situation where a lot of hard-working, traditional Guernsey folk find themselves criminalised because they have not heard the message. You cannot take them at night, any more, guys. It is as simple as that.

655 Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: Sir, I do not think there is a single Member of this Assembly that is against

660 reverting to the previous longstanding ban of ormering at night, so that is fine. I do have some sympathy with what Deputy St Pier said, because I did not at the time and still do not support the sort of regulation whereby hobby anglers cannot sell a few fish to their neighbours.

However, I do note that that section, and we are not just talking about selling ormers, of course, we are talking about any of the described species that they choose to regulate, I do note that in

665 order to do that, it would be by order and I just want to seek clarification. I presume those orders will have to be laid before this Assembly and we will have a chance to annul and I know Deputy St

Pier is well adept and experienced in trying to annul orders, because I tend to be at the receiving end of them! So, I think maybe the way to go here is to vote for this in order to get the very sensible ban on ormering –

670 I give way to Deputy Trott.

Deputy Trott: I do not ask Deputy Roffey to give way very often and he always does so reluctantly, I have noticed sir!

675 But he referred to the hitherto longstanding ban on the ormering at night. There was not. This corrects an anomaly. There was a weakness in the Law that did allow people to ormer at night legitimately and without breaking the Law. The key thing is that if they do it on 6th January they could be arrested and so it is quite a quantum shift from something that may not have been appropriate, but was legal, to something that absolutely will not be from 6th January onwards.

680 **Deputy Roffey:** I said previous longstanding ban. My understanding is that prior to the 1997 regulation, for many decades, that ban had been in place. So I was absolutely right, previous longstanding ban, which has unfortunately, because of the anomaly that was mentioned, or mistake, or whatever, since 1997, has not been present. So I support the legislation to do that – so long as I have the assurance that the other part of the legislation has regulation to control any of those
685 controls, because I do fear them being over the top – will be laid before the States with the ability to annul. And my legal expertise is not sufficient for me to be sure whether that is the case or not.

If not, I am in the same position as Deputy St Pier. Not because I am not going in favour of the other part of the legislation.

690 **The Bailiff:** Mr Comptroller, the joys of the inability to access the internet at the moment, you probably need to go and find a paper copy of the 1997 Ordinance to see what it says about secondary legislation needing to be laid. If you want to do that, please do.

695 **The Comptroller:** I am happy to do that, sir. I have been trying on the internet. It does not work. But I can go into my chambers, I think we have got the hard copy somewhere.

The Bailiff: It does not work. The internet has never worked!

700 **The Comptroller:** Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

705 In the dying days of the previous Committee for Economic Development, this was something that Deputy Inder and I spoke to the Sea Fisheries Officer about, raising our concerns. So I am really pleased to see this coming through today. It is disappointing that Deputy St Pier feels like this because the issue has been driven precisely because people can sell ormers and see the opportunity to make a profit here.

710 There is no real cost to going out and gathering the ormers, other than time and getting a little bit wet, but actually some people find that really enjoyable. But I do think that selling these wonderful sea food at the profit and gathering the ormers in a way that is environmentally really irresponsible, really the time has come to stop this because it has driven a greed, quite frankly.

715 This is beyond, 'oh, actually my neighbour fancies a couple of ormers with a little bit of gravy and mash for their tea', in the old Guernsey way. This is much more. 'Actually I am going to sell them at a real profit in the shop and make a pretty penny.' So I would suggest that if anyone has a bit of a taste for ormers and they know that a neighbour of theirs likes to go down on an ormering tide, give them a couple of bottles of beer, make them a cake, do something in barter, you know. Or actually why don't we give things away?

I will give way to Deputy St Pier.

720

Deputy St Pier: I am grateful to Deputy Dudley-Owen for giving way. It was really just to pose the question, or make the point, really, that this legislation is much broader than just ormers. I think the comments in relation to ormers are well-made but the comments, particularly that I was making, was in relation to section two, rather than section three.

725

Deputy Dudley-Owen: I do realise that because actually, with the prescribed species, and it would probably be helpful having a copy of the Law coming forward, to find out what the prescribed species are, which presumably are on the list in order to protect them and therefore we have to do without our taste of those prescribed species for the purposes of making a profit.

730

I am quite happy to do without prescribed species. There are on the list for a reason and I think that we do have to curb our appetite of over-consumption in these areas sometimes. It has done inordinate damage to our seabed. Whilst I understand that our marine environment is generally quite healthy, hearing stories about catching crayfish between the Pleinmont Point and the Les Hanois and the damage that that does to the generational group of crustaceans at that area, I am no fisherperson, no fisherman, no fisherwoman, but some of the stories that I have heard are really saddening about the level of catch that goes on and the type of behaviour that goes on.

735

There are small fishermen out there who do their job really well. There are larger fishermen out there who do their job really well. But there is a number of fishermen out there who really are not taking care of our marine environment and I really hope that this type of Ordinance catches those types of people, excuse the pun, and ensures that we have more protection for our shore, which leads to a greater stock in the future and maybe those stocks will come off the prescribed species list.

740

Thank you, sir.

745

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, sir.

750

Just very shortly, because I think most people have covered off the key points here, I am a Member of Economic Development, so it will not come as a great surprise to learn that I will be supporting this amendment or this Ordinance and I agree with everybody else that said it is all about conservation and protecting the previous resources that we have on our oceans locally. I get the impression that most people will be voting for this and I encourage everyone to vote for it, for those reasons.

Thank you.

755

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

760

It is really fascinating because on the agenda of today, we have just nodded through item 10, which is the Lending, Credit and Finance Law, without any scrutiny, which is actually probably the most important piece of legislation that Economic Development has been involved with and we are now talking about the fish. There is perhaps a wider question about whether Economic Development is spending enough time on those bigger fish to fry in actually ensuring we have economic development. But that is probably a comment aside from the discussion in front of us.

765

It is an area Deputy Inder is passionate about. It will make him very happy, I think. It is something we should be doing and I will support it but yes, the comment about bigger fish to fry remains.

The Bailiff: Well, Mr Comptroller, is now an opportune time to pose some questions about the 1997 Ordinance and secondary legislation?

770

The Comptroller: Sir, I think it is.

I have gone back to my room, I have my trusty tome or Ordinances made in the years 1996 and 1997 and Section 26 of the Fishing Ordinance requires any order made by the Committee to be laid before the States, in the normal fashion.

775

The Bailiff: Whilst you were sourcing your tome, Mr Comptroller, Deputy Dudley-Owen was asking what prescribed species are for the purposes of the insertion in Section 1.4, which would be made by section two of this draft Ordinance. Is there a definition of prescribed species, at all?

780

The Comptroller: Sir, prescribed means prescribed by order of the Committee, sir.

The Bailiff: There you are. So it is a bit circular.

Anyone else wish to speak on this draft Ordinance? No, in that case, I will turn back to Deputy Inder to reply to the debate, please.

785

Deputy Inder: Thank you, Members, and those who support and those who actually understand Deputy Leadbeater and my Committee.

Of course, with these Ordinances, it is entirely possible that we are going to rehearse the policy letter that we laid before the States previously. Deputy St Pier did not support it last time and I doubt he will support it today. Deputy Roffey said he was not going to support it last time, voted against it. He then went out to *The Guernsey Press*, did another of his 800 words and said he could not wait until it came back and then vote it out again. So there are no surprises there.

790

I am not going to rehearse what those of us who do hang around the beach – Deputy Trott, Deputy Leadbeater far more than I – but we see it. We see scaffolding bars down the beach. Deputy St Pier will not do because he will probably go up to Forest Stores. They will turn up on the first day of the tide. But he has not got a clue ... sorry, maybe it's not Forest Stores, it might be Marks & Spencer, beg your pardon.

795

Deputy St Pier: Sir, point of order.

800

The Bailiff: Point of order, Deputy St Pier.

Deputy St Pier: Sir, it is a completely unnecessary personal comment, which is irrelevant to the debate.

805

The Bailiff: Yes, I think avoiding personalising the debate in the way that you appear to be, Deputy Inder, is a valid comment from me to urge you not to do that. It does not really matter who has said what has been said, it is the content of what they have said in the debate. Therefore can we try and take the speaker out of it and concentrate on what has actually been said in relation to this?

810

Deputy Inder: Fair enough, sir.

I thought we tend to respond to people's, Deputies' comments when we are summing up. But the point I am making, there are some people that know a little bit more about issues than other people and we had that conversation yesterday. It is entirely cultural and Deputy Kazantseva-Miller is actually spot on. It is not one of the biggest issues, when you put Moneyval versus ormers, but to the people who actually trade out of harbours and out of port, it is important to them. They are the keepers of the sea.

815

It is not important to people who live in the rarefied world of business and chamber and directorships but it is important to the culture of this Island. That is what it is important to. I do not know how to finish that sentence but I am clearly relating to some people who speak in a certain way about their great knowledge of things. There you go. It is what it is. It is the right thing to do.

820

825 It is a conservation issue. It is entirely a conservation issue. It is a safety issue. It is also allowing our office to act as regulators to control the sale of fish and the gathering of ormers and I ask the Members of this Assembly to vote for it.

Thank you very much.

830 **The Bailiff:** Members of the States, we come to a recorded vote, please, in respect of whether you are minded to approve the draft Fishing (Amendment) Ordinance, 2022.

Greffier.

There was a recorded vote.

Carried – Pour 32, Contre 1, Ne vote pas 3, Absent 4, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	Deputy St Pier	Alderney Rep. Roberts	Deputy Fairclough	None
Deputy de Lisle		Alderney Rep. Snowdon	Deputy Helyar	
Deputy de Sausmarez		Deputy Burford	Deputy Blin	
Deputy Dudley-Owen			Deputy Bury	
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 Mahoney				
Deputy Matthews				
Deputy McKenna				
Deputy Meerveld				
Deputy Moakes				
Deputy Murray				
Deputy Oliver				
Deputy Parkinson				
Deputy Prow				
Deputy Queripel				
Deputy Roffey				
Deputy Soulsby				
Deputy Taylor				
Deputy Trott				
Deputy Vermeulen				
Deputy Aldwell				
Deputy Brouard				

The Bailiff: Members of the States, in respect of this draft Ordinance Proposition, there voted in favour, 32 Members; 1 Member voted against; 3 Members abstained, and therefore I declare the Proposition duly carried.

**Procedural –
Motion to defer consideration of Article 13 –
Carried**

835 **The Bailiff:** Now, Members of the States, before we move onto the next item of business, one of the consequences of us having some difficulties with technology at the moment is that I am

aware that something has been submitted by one of the Members and seconded by another Member but it has not yet been processed in the way that it needs to be, which will have an impact on what is going to happen in relation to this.

840 So, I am going to simply put a motion to you that we defer, until later in this Meeting, considering item 13, the Alderney Airport Runway Rehabilitation, so that that document can be processed in the right way, you can have sight of it and then we can call the item at that point. I do not want any further comments in relation to that proposal. I am simply going to put it to you. As you realise, we are struggling a little bit with the technology in the Assembly today and, rather than start the debate or see where we are going in relation to it, that is my proposal.

845 Those in favour; those against?

Members voted Pour.

850 **The Bailiff:** I will declare that carried and we will simply come back to P2022/90 the Alderney Airport Runway Rehabilitation when we are ready to do so.
Greffier, if you can call the next item, please.

COMMITTEE FOR HOME AFFAIRS

14. A New Guernsey Anti Money Laundering/ Combating the Financing of Terrorism Forum – Propositions carried

Article 14.

Whether, after consideration of the policy letter entitled 'A New Guernsey Anti Money Laundering/Combating the Financing of Terrorism Forum' dated 3rd October 2022, they are of the opinion -

- 1. To endorse the policy approaches set out in the Policy Letter;*
- 2. To agree to amend the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and the Disclosure (Bailiwick of Guernsey) Law, 2007 (and to make such consequential and incidental legislative provision as may be necessary) to:*
 - (a) enable information to be shared between the Financial Intelligence Unit and third parties in line with the information-sharing provisions in the Crime and Courts Act, 2013, the Proceeds of Crime Act 2002 and the Terrorism Act 2000,*
 - (b) introduce confidentiality provisions applicable to any information shared under the provisions referred to above, and*
 - (c) introduce a power for the Committee for Home Affairs to make regulations to introduce a process whereby information provided by the private sector to their head offices or other linked organisations in another jurisdiction are shared with the Guernsey Financial Intelligence Unit;*
- 3. To agree to amend the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006 (and to make such consequential and incidental legislative provision as may be necessary) to extend the exemptions from the provisions in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 to questions asked in relation to assessing the suitability of any person for the purposes of participation in the proposed Guernsey Integrated Money Laundering and Terrorist Financing Intelligence Task Force, and;*
- 4. To direct the preparation of such legislation as may be necessary to give effect to the above decision.*

The States' Greffier: Yes, sir.

Article 14, Committee *for* Home Affairs – a New Guernsey Anti-Money Laundering/Combating the Financing of Terrorism Forum.

855

The Bailiff: And I invite the President of the Committee, Deputy Prow, to open debate, please.

Deputy Prow: Thank you, Mr Bailiff.

860 Sir, the Committee *for* Home Affairs, through this policy letter, proposes that a new public/private partnership, in relation to anti-money laundering and the combating of the financing of terrorism is established in Guernsey. This forum will be known as the Guernsey Integrated Money Laundering and Terrorist Financing Intelligence Task Force, or more commonly will be referred to as GIMLIT.

865 It is becoming increasingly accepted internationally that jurisdictions which have close co-operation between the AML/CFT authorities and the private sector, in partnership arrangements, are more effective in the efforts to counteract the adverse effects of money laundering and terrorist financing, than those which do not have such arrangements in place. Such partnerships do not replace traditional mechanisms for obtaining confidential information but add to them.

870 GIMLIT will not be a separate, standalone authority. It will be a meeting forum and participation from the private sector is voluntary. In considering the best model for Guernsey, the Financial Intelligence Unit has liaised with the UK, Hong Kong and Singapore. The FIU needs no new legal powers to establish GIMLIT, however legislative arrangements are required in respect of information sharing, in order to allow members of GIMLIT to provide information voluntarily to the FIU, and to enable voluntary disclosures to be made within the regulated sector under certain conditions and to ensure that all members of GIMLIT can be properly security vetted.

875 Consultation on these proposals has been undertaken on a large scale, with industry, and included the Guernsey International Business Association, GIBA; Association of Compliance Officers, GACO; and the Association of Guernsey Banks, AGB. Twenty-two responses were received from a number of key areas of the private sector, including banks, law firms, consultancy firms, pension providers and a number of associations. There were no responses from the trust and company service providers.

885 Out of those 22 responses, there were a total of 16 positive responses, with one negative response, and five responses did not provide either a negative or positive indication to the introduction of GIMLIT. Despite this extensive consultation, the Committee made the decision to pause progression of this policy letter earlier this year, to acknowledge concerns raised by the chair of the Association of Guernsey Banks, when it became apparent there was clearly some misunderstanding of what the public and private partnership was seeking to achieve and the benefits that it would bring for all involved.

890 These concerns involved issuing operational practice, rather than Government policy and I am pleased to advise the Assembly that, after further engagement, there is greater understanding of the proposed protections offered by the legal framework in establishing GIMLIT and that procedures will be put in place to emphasise protection and trust in voluntary information sharing. This understanding is reflected in the policy letter as a result.

895 The engagement to which I have referred was predominantly conducted at an operational level but the Committee was very grateful for the AGB president's attendance at our Committee meeting on 5th September and the positive and constructive dialogue that took place.

900 Combating anti-money laundering and finance terrorism is one of the Government Work Plan priorities and should be considered by the Assembly as critical to ensure Guernsey is a safe and a secure place for the finance industry and goes beyond the forthcoming Moneyval inspection. Without strong links with the industry and collaboration, the Bailiwick will not be able to thrive and conserve its status within the financial sector. Sir, I ask all Members to approve this policy letter and the proposed legislative arrangements.

Thank you, sir.

905 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes, technology is hampering us a little bit today but I will presume that the forum that Deputy Prow has ably outlined will not only be a high-powered think-tank and really protect our integrity and readiness for Moneyval, and issue guidelines along with the perspective, and probably train people as well. But I suppose from time to time it may have industry seminars and even public conferences or relevant conferences for stakeholders, like the GFSC, for example, currently does.

910 So, hopefully, everybody in the industry and maybe States' Members and people on legislation too will be acquainted with this and invited to appropriate events, and I fully support this useful development.

915 **The Bailiff:** Deputy Moakes.

Deputy Moakes: Thank you, sir.

920 I have been nowhere near as involved with this legislation as I was with the Lending, Credit and Finance Ordinance that we have just approved. However, all I want to say is this is also incredibly important and I urge everybody to vote for it unanimously.

Thank you very much.

925 **The Bailiff:** I do not see any other Member rising to speak in debate on this matter, so I will turn back to the President, Deputy Prow, to reply to the short comments that have been made, if he wishes.

Deputy Prow: Thank you very much, sir.

930 I thank both Deputies Gollop and Moakes for their support. In relation to the comments made by Deputy Gollop, I am pleased to be able to report that the Financial Intelligence Unit is indeed very active in providing both feedback and input into seminars and training events and this is precisely part of the partnership.

935 It is about providing feedback around suspicious transactions that are made and working with the business sector to improve our capabilities and I urge this Assembly to support this policy letter.

Thank you, sir.

The Bailiff: Well, Members of the States, there are four Propositions. They all seem to me to be related to one another so unless there is any request to take any of them separately, I will put all four Propositions to you at the same time. In that case we will have a recorded vote on all four Propositions, please, Greffier.

940 *There was a recorded vote.*

Carried – Pour 28, Contre 0, Ne vote pas 0, Absent 12, Did not vote 0

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

945 **The Bailiff:** Members of the States, in respect of the four Propositions, the voting was as follows: there voted in favour, 28 Members; no Member voted against; no Member abstained; the number of absentees has grown considerably but I will declare those four Propositions duly carried.

POLICY & RESOURCES COMMITTEE

15. Reform to the System for Publication of Official Notices and Establishment of the *Guernsey Gazette*

Article 15.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Reform to the System for Publication of Official Notices and Establishment of the Guernsey Gazette" dated 27th September 2022, of the Policy & Resources Committee, they are of the opinion:-

- 1. To agree that there should be liberalisation of the market for publication of official notices to enable such notices to be published anywhere that is appropriate to suit the aim of the publication and reach the public affected.*
- 2. To agree that the States of Guernsey should establish and operate an online Gazette in which official notices may be published.*
- 3. To agree that any notice, document or information currently required by law to be published in La Gazette Officielle may be published anywhere that is appropriate to suit the aim of the publication and reach the public affected, including within the online Gazette.*
- 4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

5. To rescind Resolutions 2, 3 and 4 of 30th November 2011 relating to the Policy Letter entitled "States Official Gazette" dated 5th October 2011.

The States' Greffier: Article 15, Policy & Resources Committee – Reform to the system for publication of official notices and establishment of The *Guernsey Gazette*.

950

The Bailiff: Before we move onto open debate in relation to this matter, there has been an amendment that has been submitted and I understand, Greffier, we have paper copies, so perhaps we will take the time now to distribute the paper copies so that everyone can see what is going to happen and then I am going to call Deputy Mahoney, I understand, to open debate.

955

The Committee opens the debate first, so as a representative of the Committee, you will open the debate. Then I will call the proposer of the amendment. Does every Member now have a copy of the amendment to this set of Propositions? If so, I will invite Deputy Mahoney to open debate, please.

960

Deputy Mahoney: Thank you, sir.

I do not intend, at this stage, go into these matters too deeply. I will save a lot of that for general debate rather than on this amendment, which is actually a very tightly defined amendment. I am still not sure if I have worked out whether it is good to follow a debate, which involves fish in any way whatsoever, but we are where we are.

965

This amendment here, I know the phrase is used quite a lot, is a total wrecking amendment on Proposition 2 in the original policy letter and it does not really amend much of it –

970

The Bailiff: Deputy Mahoney, before everyone leaps to their feet, this is the opportunity on behalf of the Committee to set the scene for the entire debate. You will have an opportunity, if you so wish, to comment on the amendment in due course.

Deputy Mahoney: Thank you, sir.

I think all I ask, then, is Members to look at it and say, 'This is a wrecking amendment.' It is not supported by P&R. *(Interjection and laughter)* That is not a debate.

975

The Bailiff: Is there anything you want to say about why the Committee thinks it is a good idea, aside from what is on the face of the policy letter?

980

Deputy Mahoney: Sir, the Committee does not support this. Officers have suggested that this undoes everything in the first amendment. So we do not support that.

A Member: You need to speak on the policy letter. Not on the amendment.

985

Deputy Mahoney: We will do it at the end.

The Bailiff: Alright, Deputy Falla.

You have submitted an amendment, seconded by Deputy Inder. Is it your wish to move that amendment now?

[Amendment](#)

To add at the end of proposition 2:

"and when considering options for the establishment and operation of such an online Gazette, to direct the Policy & Resources Committee first to invite and consider expressions of interest from third parties who may wish to publish parish and States notices and provide such an online Gazette free of charge on behalf of the States, which may include a web version of the Gazette and/or a URL forwarding service."

990 **Deputy Falla:** Yes please, sir.

The Bailiff: Do you wish to have it read or to read it yourself?

Deputy Falla: I am happy to read it myself, thank you, sir.

995

The Bailiff: Right, I invite you to lay the amendment.

Deputy Falla read out the amendment.

1000

Deputy Falla: Sir, I did question whether or not it was appropriate for me to name a commercial organisation in presenting this amendment but on balance, I have decided, after a brief conversation with my friend Deputy Ferbrache, that it would be difficult to present the *raison d'être* for the amendment without mentioning *The Guernsey Press*, which is of course mentioned a number of times in the policy letter.

1005

So in that regard I should start by declaring an interest. It is well-known that I worked for *The Guernsey Press* for much of the 1980's as a journalist. More recently I contributed a rather whimsical occasional column – well, I thought it was whimsical – three or four years ago and I still write occasional obituaries. The last time I was paid by the company was when I left in 1988.

1010

This amendment is an attempt to save the States money through what is essentially a kind of public/private partnership approach. Under the existing arrangement, there has been a longstanding monopoly for the publication of *La Gazette Officielle* through the legislative arrangement with *The Guernsey Press*. Of course, a lot has changed since 1965 in media and communications circles and in the way in which Guernsey people can now access information and it is only right that public notices should be easily accessible without having to buy the newspaper.

1015

Proposition 1 of the policy letter proposes liberalisation of the market and the breaking of the monopoly with *The Guernsey Press*. I do not disagree with that and I support this liberalisation. The amendment does not interfere with that intent. I do question, 'to enable such notices to be published anywhere that is appropriate, to suit the aim of the publication and reach the public affected', which is the second part of Proposition 1.

1020

Publishing information online and expecting it to be seen by the intended audience is not an exact science and for those who need to access such information, referring to *La Gazette Officielle* is something on an entrenched habit. The liberalisation of the market will not stop *The Guernsey Press* from publishing *La Gazette Officielle* but will allow others, including the States, to also publish official notices, including via an online web page. But it could cause confusion or worse if some notices continue to appear in *La Gazette Officielle* but all the States and parish notices do not.

1025

My reason for seeking to amend the policy letter is that it makes no reference to an offer that I have been made aware is on the table from *The Guernsey Press* to in future publish official notices from the States and the 10 parishes free of charge. Currently the combined spend by the States and the parishes on notices published in *La Gazette Officielle* is £73,000 *per annum*; £60,000 from the parishes regarding matters including elections and rates etc. and £13,000 from the States. So that is an immediate saving of £73,000 compared to the position today.

1030

Further, *The Guernsey Press* offer includes the development of a sophisticated and highly functional web version of *La Gazette Officielle*, which will be linked to the States' website, again, free of charge. So that fulfils two of the objectives, saving costs and providing a web presences. Two of the objectives in the policy letter.

1035

We also know that there is no such thing as a free lunch, however, and *The Guernsey Press* will still be able to charge law firms and other agencies who wish to publish official notices in the newspaper. But there will be no legal obligation on those parties to do so.

1040

In 2019, the Guernsey Bar, during a consultation on this matter, expressed an ongoing preference for continuing to use the paper format of *La Gazette Officielle*. In section five of the policy letter, Impact on Resources, 5.3 states that a quote of £15,000 has been provided for developing the web

page for establishment of the *Guernsey Gazette* to be incorporated into the new States of Guernsey website in due course. But we will know the nature of IT projects and budgets and even if it does cost only £15,000, *The Guernsey Press* is offering to do this free of charge. So why would we pay?

1045 P&R say that its new *Guernsey Gazette* will only publish notices for which there is a statutory requirement to do so, thereby limiting staff time involved. They also say that the ability to charge for statutory notices will reduce impact on States' resources, in the sense that the revenue from that would offset some of the typeset. The Committee also refers to some need to provide editorial monitoring but *The Guernsey Press* offer would remove the necessity for this.

1050 There is no mention of the cost of ongoing maintenance of the new States' *Guernsey Gazette* web function and I noted a comment from you, sir, earlier today, and I quote:

The internet never works.

1055 The States is many things but we are not professional publishers. Is this a new venture that we really need to be getting into? Rather than compete with the private sector, should we not be biting their arm off for the offer of a sensible partnership that still achieves the objective of liberalisation? Why not let *The Guernsey Press* do the donkey work?

1060 Section 3.6 questions the appropriateness of legislating publication with one company. I agree. We do not need to legislate specifically for that. We just need to say thank you very much and let them get on with it while we stick to the knitting. There is more than enough to do and we are constantly being told that we are severely under-resourced to complete essential work.

The question of a free and independent media, raised in 3.6, is in my view a red herring. This is essentially advertising, a million miles away from editorial reporting, comment or conjecture. They are completely different things.

1065 In 2.4, P&R say that the proposed route will provide a cost-effective digital alternative. Will it really be cost-effective, given the alternative proposal on offer? The *Guernsey Press* offer represents a win-win situation. It allows liberalisation of the market for publishing official notices; it saves around £70,000 annually for the parishes and the States; it saves £15,000 development costs; it saves the costs of ongoing maintenance; it saves officer time on the management and the maintenance of the proposed *Guernsey Gazette*.

1070 *The Guernsey Press* offer does not appear to have been considered when preparing this policy letter and this amendment seeks to address that point and I read it at the beginning so I will not read it again, but essentially I am asking that P&R would consider an expression of interest to provide what they need free of charge. This would give P&R the opportunity to talk to *The Guernsey Press* again and possibly avoid reinventing the wheel.

1075

The Bailiff: Deputy Inder, do you formally second this amendment?

Deputy Inder: I do, sir.

1080 **The Bailiff:** Thank you very much.
Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

1085 I think that, hearing Deputy Falla, what a wonderful idea that was for the *Press* to give free advertisement in the *Gazette Officielle* to parishes and to the States. Because I know I had a meeting with the States back in 2019 on behalf of all the parishes and there was no way that they were ever going to give any reduced fees on any of the *Gazette Officielle* so I think this is a wonderful thing to have but I would like a guarantee from the *Press* that that will not be just for a year, or five years, that will be a guarantee that we will have free advertisements for the Douzaines and for the States.

1090 Thank you.

The Bailiff: I am going to call Deputy Inder next, on the basis that he is seconding the amendment.

1095 **Deputy Inder:** Thank you and I might be able to help Deputy Aldwell.

Because if we read these Propositions, I will go through number one first but I will get to Deputy Aldwell's response about her fears of any way of application being taken advantage of. Deputy Falla has made the argument, as far as I am concerned. We talk about commissioning out every day. We hear that our job is to try and make things cheaper for anyone and certainly, to my core, there are lots of things I do not think Government should be doing and this is certainly one of them.

1100 Proposition 1 says 'to agree that there should be liberalisation'. Well, tick. That ticks my box straight away. The more liberalisation the better. But if we read Proposition 2, and this may help Deputy Aldwell, it says:

To agree that the States of Guernsey should establish and operate an online *Gazette* in which official notices may be published.

1105 'Should' is not 'will' and even if you defeat this, you are not actually directing the States to actually do it. They are saying they should. All Deputy Falla's brilliantly crafted amendment says – which I have not got in front of me, yes I have – it just wants to add something at the end:

"and when considering options for the establishment and operation of such an online *Gazette*, to direct the Policy & Resources Committee first to invite and consider expressions of interest from third parties who may wish to publish parish and States notices ..."

Now that does not give us any control in the States. Actually, oh, sir. I would not call Deputy Ferbrache sir, but I will give way to Deputy Ferbrache.

1110 **Deputy Ferbrache:** I am grateful to Deputy Inder for giving way and I will be speaking later when called by the Presiding Officer. But my question is he said it was brilliantly constructed by Deputy Falla. In relation to it, all I heard Deputy Falla speak about was *Guernsey Press* so how is the liberalisation if it is limited to *The Guernsey Press*, which was all he spoke about?

1115 **Deputy Inder:** Well, that may be the case but whether we like it or not, a bit like Aurigny, there is only one dominant player in the market and if there is an offer on the table just to carry on it is liberalisation, it is liberalising it onto the internet and away from the clutches of the printed broadsheet. That is liberalisation. That is far more access to anyone.

1120 I do not think I have read a *Gazette* personally in 25 years, even if I was ever interested. Probably longer, actually. I have probably misled the Assembly again. It has probably been longer than that. Let's face it, in the main, broadsheet and tabloid sheet publications are a thing of the past. The internet is where everything is likely to be going. Except when it has got anything to do with Agilisys, quite clearly, as we have seen today.

1125 But in the main, the best access that the public will have and the greatest distribution will be online. So, to get back to Deputy Aldwell's point, there is actually a backstop in this. Proposition 2 asks us to agree that the States of Guernsey should establish and operate an online *Gazette*. So that is established but the addition by Deputy Falla just effectively asks P&R to invite and consider expressions of interest from third parties who may wish to publish parish and States' notices.

1130 So, with what Deputy Aldwell has said and her fears over the potential abuse of that, there is a backstop. It is not guaranteeing that it will actually happen. It is just asking P&R to go and give consideration and I am absolutely sure that consideration would be fair and it would do nothing to try and stop that –

I will give way.

1135 **Deputy Taylor:** Sir, I am very grateful to Deputy Inder for giving way and it is the only real question I have got and hopefully as a seconder he will be able to cover this off. It is around

1140 procurement. Although it is a free service, in approving this amendment we may hold everything up because I think we all know what something happens when something goes to procurement, it seems to stay there forever even when we all agree it is a good idea. If he could cover that off.

1145 **Deputy Inder:** My understanding of the procurement rules, and I am happy to be corrected, there is a lower limit of which P&R, most of the Committees, there is somewhere in the rules under a certain amount, I think it is under 20, which would include the 15. I am not entirely sure under our procurement rules there is any reason for P&R and to go out and ...

1150 Through you, sir, to Deputy Taylor, what is it? It is effectively a phone call. We can do this. Can you get another supplier in and say what really is under the table and you work it out in two-and-a-half minutes seeing who is going to blink first? But I must talk about the £15,000 as well. I find that rather strange. The reason I find that strange is because I was involved, some many years back, with the implementation of the States' website. That was part of my job. We went in, as my previous company, with a Microsoft-based system. The States chose something called GOSS Interactive.

1155 Now what I do not quite understand about this is because we were disappointed on our product solution. The States chose GOSS but we were asked to do all of the work regarding the deployment and the building of the templates. I do not quite understand this because my understanding of the GOSS Interactive system is that it is all template-based. It is not entirely clear to me, there is a very substantial content management system under this, why there is even a cost to it because my understanding – and I know it is my understanding because I did it for five years – is that there were no charges to the States for the creation of web pages. They came on the templates and a very substantial content management system.

1160 So it is not entirely clear to me why there is even a £15,000 note attached to it, accepting that I suppose it is not quite your standard page. But again it has moved on seven or eight years. Deputy Dudley-Owen is saying it is dynamic but I know there has been an update since then so almost certainly there would be dynamic content pages being created. Again, that would sit in the content management system.

1165 I understood that the whole point of rolling out that system is there would not be any charges to the States. So I am a little bit sketchy on this £15,000 note. But, in the main, sir, we are here to liberalise. There is only one dominant player in the Island and to Deputy Taylor's point, just get them in the room and find out if it works. So it is not unreasonable for us to find out if something could work without going through the whole five-year procurement system where actually nothing ever happens and the prices go through the roof.

1170 Basically, in our world, we get two people in the room. We would get Guernsey IT, this is what we think we can do, we would get the third party in the room, can you do something better? And if someone does something better, thank you very much, we have still got the responsibility, gov.gg/gazette out to the other web application and that is the point of the URL.

1175 If Deputy David Mahoney does respond, and we have not heard from him yet about his thoughts on the amendment, but if he does think it is a wrecking amendment I genuinely do not think it is a wrecking amendment. It is a genuine attempt by Deputy Falla, supported by myself, to find a commissioned-out solution and take money away and resource because I can tell you now, having run content management systems, one word out, there will be phone calls going.

1180 Even if it is just £15,000, there will be people publishing, there will be resource on top of that, someone will have to publish it. Really, it is not for the States of Guernsey to do. If it possible, get the private sector to do it and do not think, even if it is true it is £15,000, it will not be £15,000. There will be resource and the States of Guernsey should not be doing it and that is where I am. I do not know if that helped at all. Probably did not.

1185 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Interesting speech from Deputy Inder. I was not sure which way he was going to go with that. First it was going to cost nothing. Then it was going to we would have the

1190 dynamics and now it would cost a lot more. Deputy Taylor is right. This will delay matters. Whatever
the history of it, it will delay matters.

But what concerns me – and I would never, and I never attack the integrity of any States' Member,
and I do not attack the integrity of the person with the integrity of Deputy Falla – but this was first
alluded to a week or two ago by Deputy Falla that this amendment might be presaged. I first saw a
1195 copy of it yesterday and it is in the form that Members are seeing it today.

Initially, I thought this was alright. I thought, 'This is okay.' But then I have reflected upon it and
I have also spoken to colleagues in P&R who know far more about this than me. Switching an
electric light is just about what I can do in relation to technology, compared with anything else. But
when we look at the concept of this, as Deputy Aldwell said, she spoke to them a few years ago, if
1200 they were going to do things benevolently, why didn't they do them a few years ago? Why are they
doing it now? They are doing it now because they are going to lose their trade.

We are talking about £73,000 and that is the figure that appears; £60,000 for the Douzaines,
£13,000 for the States. But what about – and I have just heard this figure and Deputy Falla no doubt
has been speaking to the editor or the chairman or somebody from *Guernsey Press* in relation to
1205 this – I have heard that they make about £300,000 overall from these kinds of publications. So take
£73,000 from £300,000 – and mental arithmetic is still something I can do without the internet –
and that is £227,000. So a significant part of their income. Now, if that figure is wrong, then Deputy
Falla can say that when he addresses it.

The position in relation to this is we should be liberalising things and I am very surprised that
1210 the Vice-President and the President of Economic Development should try and steer us in the way
of a monopoly, because that is what they are trying to do and that is contrary to their mandate in
opening up and liberalising things.

Now one of the things –

1215 **Deputy Inder:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Inder.

1220 **Deputy Inder:** That is entirely unreasonable, sir. I am sorry. It actually says 'first to invite and
consider expressions of interest from third parties who may wish to publish parish and States'
measures'. I have not directed anyone to *The Guernsey Press* with the exception of saying that I have
been made aware. This does not preclude anyone else from pitching for this piece of work, if indeed
there is an offer on the table.

1225 **The Bailiff:** Deputy Ferbrache to continue, please.

1230 **Deputy Ferbrache:** Two points in relation to that. Firstly, Deputy Inder and his comments talk
about the monopoly provider. There is only one monopoly provider. And Deputy Falla, as I already
said when I interrupted Deputy Inder earlier, all he spoke about was *The Guernsey Press*. So, if there
is something else, let him tell us, because he has not told us. Let Deputy Falla tell us unless Deputy
Inder wants to make another speech.

But, in relation to these particular matters, let us look at what we are talking about. We are
talking about, when we look at the first sentence, Deputy Inder talks about – and I genuinely know
he has got lots of knowledge about computers and when we were Members of SACC together he
1235 saved the states a lot of money because we were being told all kinds of costs to various things, he
literally saved the States hundreds of thousands of pounds – but anybody in this room would know
more about computers than me. But figures I do know a little bit about.

In relation to what we look at, the first sentence, why didn't Deputy Inder, if he thought this was
such a wonderful idea and the £15,000 etc. costs in the thing, why didn't he come and speak to us?
1240 Why didn't he write a letter to us? Why didn't he pick up the phone to me? Why didn't he come
and see somebody like Deputy Mahoney, who knows a heck of a lot more about these things than

I do? Why didn't he talk about it instead of just raising it in debate, as a throwaway, as an aside. I cannot take asides in that context when this matter has been well-researched over a long period of time.

1245 This, to me, and I mean no disrespect at all and I emphasise back to Deputy Falla, because at one time I was attracted to it when I saw the amendment yesterday and I think I even sent him a note saying I think I would vote for it. I am certainly not now, because I have thought it through. But in relation to what we are, this is to protect *The Guernsey Press*, this is to save them money. They are only doing it for their own self-interest and they are using the very able abilities of Deputy Falla to put it forward.

1250 Because we look at it the *Gazette Officielle* formerly operated as a private business. So it was a private business and it was subsumed into *The Guernsey Press* nearly 60 years ago and in 1965 and it has talked about the efforts, paragraph 2.1, the mechanism was designed to meet the needs of the 19th Century and it is no longer appropriate to meet Guernsey's community and commercial needs today.

1255 Goodness me, we do make decisions in this States.

The States of Deliberation previously considered the subject of the publication of official notices in 2008 and 2011. In 2008, the States approved the Policy Council's proposals to establish and maintain an online States' Official Gazette ...

Nothing ever happened. Mind you, that's only a mere 14 years ago. Let us have a procurement thing. Let us delate it a bit more. Let us do what Deputy Falla and Deputy Inder say. The position in relation to this is this is a very simple policy letter. It has been a long time in the making. Now it should be unreservedly, Deputy Falla should withdraw his amendment. Deputy Inder should cast himself down and say he has made a mistake as President of Economic Development.

1260 Again, my very good friend Deputy Trott gave a definition of psychopath yesterday, which he and I both read from the internet. He got it from the internet. So did I. The only comment that I would make, the only failing that Deputy Trott would have and therefore I would not call him a psychopath would be you have got to have high intelligence. So I would ask Members to ...
(Laughter)

The Bailiff: Deputy Le Tissier.

1270 **Deputy Le Tissier:** Thank you, sir.

When I saw this amendment, I initially thought, 'What a good plan.' But when I thought about it more I have got some serious reservations. I am all in favour of the Government doing less. Things should be outsourced. Fine. I have got no issue with that. But as Deputy Ferbrache mentioned, this seems to be purely *The Guernsey Press* whereas it does actually say other third parties.

1275 Fine, if you outsource it, free of charge, then this comes to the two issues I have. One, we are going to be subject to the bane of our lives, pop-up adverts. Now you do not get that in the printed version. It is in the paper but it is not the *Gazette Officielle* and I happen to think that having advertisements popping up, as they surely will because no one does something for nothing on the internet, they should not be popping up over the statutory information.

1280 My second point is that the third parties are not here forever. If we let someone outsource, take over and do it for nothing, what back-up are we going to have if, overnight, they disappear? Now I do not know if this is a wrecking amendment but I have to say that with these reservations, unless Deputy Falla can answer those then I think I am going to vote against this.

1285 Thank you.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

1290 Within the policy letter it has got in 2019 there was a consultation and they actually went to *The Guernsey Press* to talk about it and no signs of any internet was mentioned there. In the other part

it has also got that they have since been to *The Guernsey Press* and there has been basically no change in their opinion from the policy letter.

1295 So what I worry about is that we are going to, if we do agree to this – and I know there is also another publication out there as well, which are completely online – but what I worry about is that this will slow things down. I think actually Deputy Le Tissier did take away what I was going to say because – and there are two sides to it though – if we do go to an outsource then we are completely reliant on them continuing to do it and not changing the goalposts. But if we do keep it in-house – and I think this is for Deputy Mahoney and it does stray into general debate a bit – it has got £15,000
1300 but that is just for the building of the actual website. How much will it cost to actually maintain that website and also do we need an additional person to actually make sure it is kept up to date and done?

So will there be additional staffing costs to that website to actually keep it up? You cannot just say, 'Here is the website for free. It is going to pre-load itself.'

1305 The other thing is that with the procurement, there is not just going to be, 'you will do this for free', 'it is going to be £15,000'. Procurement is just going to take time and that is going to cost additional money and I just worry that we are actually going down what might seem like a good idea and then you realise that there are all these pit stops and then we are going to have to come back to the States and say, 'Actually, we have looked at it and done all the exploring and we have
1310 considered this but this is just not feasible.' So will we have to come back to the States to see that it is not feasible?

The Bailiff: Deputy Meerveld.

1315 **Deputy Meerveld:** Thank you, sir.

Interesting amendment but I think both the proposer and the seconder pointed out *The Guernsey Press* as being the only potential beneficiary. But breaking away from that, this is a Government function. I am sorry I will not give way. It is a legal a requirement of companies to file these statements. As Deputy Ferbrache pointed out, it used to be a private company that did it and charged for the privilege. Then it moved to *The Guernsey Press* and they charged for the privilege.
1320

So, free to whom in this proposal, this idea? The fact is *The Guernsey Press* might maintain a website for free and not charge the States and the Douzaines but they have still got to pay for that function. They are still going to be charging the lineage charge that they would normally charge for a listing in the paper or they are going to have pop-up ads. They have got to find some way to finance that function.
1325

If we take it in-house at the States, yes we have several advantages. We have control. We have, obviously, the ability to maintain that listing ourselves. It is already a function of the Greffe that these statements are required by Law and are recorded, therefore we are already doing the work of filing that information ourselves before it is published. So the same people would do that.

1330 But also, wearing my business person's hat, are we missing an opportunity here? Rather than putting this out to somebody else to commercialise ... because that is what will be done. They might do it free to the States, they are not going to do it free to other people. Should the States of Guernsey be looking at a lineage charge for these listings on the Greffe, as is currently done to everybody who publishes them, and the States can actually have revenue ourselves and that would far outweigh £15,000. That would certainly cover, I think, any labour costs, considering we are
1335 already recording that information within the States, in the Greffe, as business filings.

I am definitely not going to support this amendment. I am not looking to effectively give a monopoly away again. I would rather see it come back in house and if there was an amendment, I would like to suggest that P&R look at a way of commercialising this on our behalf, not somebody else's.
1340

Thank you, sir.

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir.

1345 I do know a little bit about publishing. I know a little bit about the internet as well. So I am not really fazed by Deputy Inder's concerns about this being too clunky and causing us all a cost because, to be honest, we are actually typing in information that actually then goes out to somebody else who then puts it into a system. So that can all be obviated.

1350 But my biggest concern with this: who owns it? *The Guernsey Press* produces this for us. This bit of software. And they manage it. But what if we do not like what they are doing? What if somebody else wants to do it? Who owns the software licence when they have created it? Do we, so that we can change it and give it somebody else? Who maintains it? And for how long? If their business model changes, if their ownership changes, what sort of contract relationship would we have that that would continue? And the worst scenario, if they went bust, what do we do? Have we actually
1355 lost the whole opportunity to publish information on the internet? I do not know.

These would be the sort of questions that contractually we would have to actually work through were we to go down this route. My biggest concern, though, I think probably the preferential treatment that that suggests as a consequence. Were we to have a software company come to us and say, 'We will do it for free because we love Guernsey and we actually think this is a better way of doing things,' probably we would entertain that but there is a vested interest here. Clearly there
1360 is a vested interest.

So I would have to look at this with some caution if I was to progress this at all. But I am concerned about the ownership because I would be very happy to take *Guernsey Press* producing this information, producing this software for us so that we can actually publish, as long as obviously
1365 all of the opportunities for other media players today and those that might appear in the future can also have access.

But the reality is you would produce something like this, which would naturally pick up a feed, so the *Press* or *Bailiwick Express* or whoever, even the local parish magazines could reproduce it if they wanted to. The technical side is not a problem. That is easily accommodated. There is only one
1370 pair of hands that is going to input information into this so it does it not have to touch anybody else at the end of the day.

But I do not think, unless we can be absolutely sure that we would own whatever it is that *The Guernsey Press* produced for us and that it would then also enable any other publication to be able to draw down from that same software, I do not think I could entertain it.

1375 I think the safest thing is obviously for us to make absolutely sure that it is produced to a specification that we want and that the Government does own it in perpetuity, ultimately, at the end of the day. So I think there is a risk here in actually following this amendment. It does sound very attractive and I am the first to try and save money for the Government, absolutely. But ... I do see that there are some commercial risks attached to this and I do wonder about, as was mentioned
1380 by Deputy Ferbrache, why this was not actually introduced or suggested to us before by *The Guernsey Press* if it was such an issue? Why would they not have done that? Why did they oppose it however long ago it was and subsequently that they have been asked to do this?

I do stand on one of the Douzaines and I did raise this and there was actually a cheer went around, not the amendment, but the fact that this would now be online because they can see they
1385 are going to save a lot of money that they do not have, really, at this point in time. The concept of doing this, obviously, I think everybody agrees with. The vehicle by which we do it, maybe, is where we actually have some disagreement.

I think this comes with risks and we cannot ignore those risks. Unless, of course, at this point in time, Deputy Falla or Deputy Inder, who seem to have the ear of *The Guernsey Press*, can tell us
1390 actually, 'It will be yours, you will own it in perpetuity and maintenance will go with that until something changes.' In which case then, obviously, we would then pick up a fee for it.

If we produce this ourselves, this will come under the auspices, whether you like it or you do not like it, of our own internal IT and it would be maintained accordingly.

There are security issues with this as well. Access into the system, which could be very expensive
1395 to look after. A third party bit of software that we have access to, we might even own, but then who

has responsibility for the security that goes around that, for the abuse that it might actually incur? I think it is a lot more complicated, perhaps, than it sounds, if you just take somebody's free offer and think, 'Well, we will save a bit of money with that.' It could cost us a lot of money in the long run, so I would not actually support this.

1400

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1405

I would just like to draw the debate back to the amendment before us because I do not think we are being asked to make a binary decision at this point on whether it should sit with the States or *The Guernsey Press* or any other third party publisher or any other third party who is interested. Basically, all this does unless I have completely misinterpreted this amendment, is to direct P&R to first of all invite and consider expressions of interest. It does not say enter into a lengthy procurement process or anything like that.

1410

The way I read this amendment is that it simply enables P&R to understand the options before it, properly, to do that high-level options analysis; and it is at that point that all these considerations that are being raised in debate about the cost of doing it in-house compared with outsourcing and the ownership issues, security issues, potential revenue streams or whatever, those can all be fed into this high-level options analysis and a decision refined at that point.

1415

We are not here to make a binary decision on something we do not have the full gamut of information about. We are simply being asked to broaden P&R's options. I cannot see why that is not a good idea. I am perfectly prepared to support it on that basis.

The Bailiff: Deputy Queripel.

1420

Deputy Queripel: Thank you.

1425

Sir, Deputy McKenna once said in this Chamber he agrees with everything the Chief Minister says. Sir, I do not agree with everything the Chief Minister says. In fact, I disagree with him as often as I agree with him. I listened very closely to what he said on this amendment and I agree with every word he said.

My question to Deputy Falla is, if he and Deputy Inder consider this to be so important, why didn't they submit this amendment a lot earlier, bearing in mind they have had several weeks to do so?

Thank you.

1430

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

1435

I shall be brief. I do think that Deputy Ferbrache might want to sharpen up a little bit when it comes to ripostes. I notice it took him nearly 24 hours to come up with a reply to the comments I made about his psychopathy.

1440

But I do not rise for that reason exclusively. Deputy Ferbrache said, why didn't they do this earlier? He was not referring to the amendment coming earlier, he was referring of course to *The Guernsey Press*. Well, for a man who purports to have extensive commercial knowledge, why would they do it any earlier? It would be a little bit like – and in quoting that particular firm may I say sir that other firms are available – Ferbrache and Farrell charging £1,000 an hour if the market could sustain it. Then, of course, why wouldn't they? It would only be when the commercial realities change that they may consider reducing their fee down to a far more realistic figure.

1445

So I do not think it is in the least bit fair to criticise *The Guernsey Press* and I have to say this is how it has felt a little bit today; bash the *Press*. I think we ought to be careful when we do that. Because it is relied upon to this day by large numbers of our community. My elderly parents, for

instance, get most of their news from that particular source. People of pensionable age should be respected, sir, I am sure you would agree.

1450 So it does provide a valuable service. Let us take today, sir. I would like to read the *Gazette Officielle* online. I really would. However, the internet is down. But I guarantee we could wander down the road and buy a copy of *The Guernsey Press* and all the information would be in. So I think reliance on the internet has been shown to be foolhardy on a number of occasions.

1455 In fact, I have noticed, I am sat here with all my printed copies of the various reports whereas others, of course, are struggling for information if they have not taken a printed form. So I think bear in mind *The Guernsey Press* has made a very generous offer, or at least as described in the amendment from Deputies Falla and Inder. I intend to support it because I think it would be foolish to look a gift horse in the mouth –

1460 I am going to give way to Deputy Ferbrache, who jumped to his feet rather athletically on this occasion, sir.

Deputy Ferbrache: Well it just shows that, even though I may be older, I may be more athletic. But in relation to that, maybe perhaps be more acute of mind. But that is not the purpose of me jumping to my feet. He has mentioned two or three times during the course of his able speech, *The Guernsey Press*. We cannot be unaware that *The Guernsey Press* has been sold in recent times and is for sale again. To take up Deputy Murray's point, can Deputy Trott say with any confidence that this could be in perpetuity? This offer from *The Guernsey Press* would be in perpetuity when *The Guernsey Press* may well change hands tomorrow, next week or next year?

1470 **Deputy Trott:** Deputy Ferbrache is right that *The Guernsey Press* is now locally owned and locally managed and its shareholders are predominantly local as well. But of course any of these conditions that one wants, one simply writes into a contract. It is a fairly simple thing to do and such covenants are in perpetuity. In other words, a condition of a sale to another –

I give way to Deputy St Pier.

1475 **Deputy St Pier:** I was wondering, from Deputy Trott's experience, whether he knows of any well-qualified advocates who might be able to come up with such provisions? (*Laughter*)

1480 **Deputy Trott:** I know of a few, but none of them I can afford personally, Deputy St Pier! Although, maybe market conditions are moderating in a way that may see those services become more favourable.

1485 There is nothing prescriptive in this amendment anyway that says it must be the *GP*. What this amendment says is open the door and look at what seems to me to be a very favourable set of conditions with the right protections for this community. So I have no hesitation whatsoever in supporting it. It makes absolute commercial sense to me.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

1490 Deputy Falla's amendment, I am not sure. It is not a world I know particularly well. One question and a couple of points. How will, say, *The Guernsey Press* or XYZ publication or any other provider get revenue for doing it? Where do the revenue streams come from and who is charged? So, if we are not paying, who actually will be?

1495 Now, I am a bit of a dinosaur on computers. I am probably, with the pterodactyl next to me – sorry, I do not mean that! – we are in that area. If we publish it on the Government website and then we have the information, streams need to be cut or whatever it is, or drained, so you put it on the Government website, if anybody wants to then republish that, why would we stop them?

So, if the *Press* or any other media wanted that information to have it as part of the package that they provide to their readers, they can just cut and paste it across from the Government site.

1500 I would just like to, finally really, add my support for what Deputy Murray said. Our St Peter's
Douzaine were particularly pleased with the idea of having reduced costs and having other facilities
and other ways of publishing their particular notices. So, thank you. But anyway, I will be interested
in the questions.

Thank you.

1505 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes.

1510 There are quite a few things, here. The bit I most agree with is maybe some of us do want a free
lunch from time to time. No, but I actually do support the amendment. In fact, it makes the policy
letter more palatable to me because we have not really had a general speech on the policy letter
but never mind.

1515 Because this amendment by Deputies Falla and Inder basically gives an opportunity for
outsourcing and a potential cost-saving to the states. Because, I appreciate the cost is relatively low,
as identified in the policy letter but in reality it would be a Civil Service way of doing it and the idea
Deputy Meerveld has had of effectively the public, Policy & Resources running a mini business,
gaining revenue that a private company would gain, again it kind of goes against the grain really
because it would be the States acting as a commercial entrepreneur which does not always work
very hard.

1520 I am like a little brontosaurus too, I am the dinosaur, like on the top bench. I was in this debate
in 2008 and 2011 and I always voted against them and I always will because I am against them. The
amendment I will support but the policy of the States getting rid of the *Gazette Officielle* I have
never really liked.

1525 I have never liked it for three reasons. I know parish Douzaines will say it is costing them too
much money and if this initiative by Policy & Resources has led to the *Press* being more
commercially minded and sharpening their pencil, so much the better. I should say, I have never
been employed by *The Guernsey Press* but I did a free-of-charge *Globe* column for a decade so I
am kind of in the Steve Falla/Deputy Falla area in that respect. But I would make the point that the
problems with ending the *Gazette Officielle* really come to me in four ways.

1530 The first is, like the ormers, it is a loss of tradition because the *Gazette* predates not only this
States but it predates even *The Guernsey Press*. It is a function of society. It is like a form of public
notary, in a sense, a proclamation, even. The second issue is that it is a definite record. Sometimes
with internet things, I am always wanting to look up what the schedule was a year or two ago or
who were on a Committee or board two years ago. It is very hard on the internet to find that
information, sometimes. Whereas something on the printed page is preserved in libraries, museums
and other spaces so it has a definite end to it.

1540 The third reason is the reason Deputy Trott and others have laboured, that there is a demand
for it from the older generation. I am not like Deputy Inder, I am one of those sad characters who
do read the *Gazette*. I look for the bus schedules, I look for who is standing for Douzaines, I want to
see who is proposing and seconding them, who is related to them. I look for the inheritance things,
all kinds of things, and people do look at the *Gazette* and it is very useful as a forum for information.

1545 The fourth reason, which I think is the most significant is that we have seen technological
hiccoughs. Today is actually a good example of why we do need a back-up and the back-up is the
traditional press. It is very important, the inclusivity, as well. Because if you take the view that a
proportion of our population, because of age or inclination or disability or whatever the reason,
prefer the paper copy, we should continue to provide for that. Yes, the cost needs to be negotiated
downwards.

1550 But there is another reason that I think trumps all of those even and it is the most significant. I
am not that sure I want liberalisation of the media. It would be great if *Bailiwick Express* that I use
too had been as successful as a paper paper but it did 10 issues and then it stopped printing the
newspaper. Newspapers still have a role. I think one Member said –

Deputy Mahoney: Point of order, sir.

The Bailiff: Point of order, Deputy Mahoney.

1555 **Deputy Mahoney:** Deputy Gollop is talking about the liberalisation of the media here. We are not actually debating the liberalisation of the media here. This is about the publication of *The Gazette*. I am not sure that anyone would argue that we should have a free and liberal media but this is not what we are debating here. This is specifically about *The Gazette*.

1560 **The Bailiff:** Deputy Gollop, I was rather regarding what you were saying as your contribution to general debate as well as a speech on this amendment, but do try and keep it to the content of the Propositions in any event.

Deputy Gollop: Yes, it is very much on both.

1565 I think what will be the effect of this if Policy & Resources go through unamended? It will save money to the taxpayer and to the ratepayer perhaps, which will be a public good. But we have another aspect of our public interest. One is to protect the rights of the minority, the other is I think it is in the public interest that we have a free and independent media. And my other reason, which I think is relevant to Deputy Mahoney's point, is if we deny the *Press* of income, there is a significant possibility of a reduction of that newspaper.

1570 The newspaper might not be as viable as it currently is and I am sure it is not as commercially successful as it was 30 years ago. Do we wish to see a weekly paper instead of a daily paper? Do we wish to see reductions in media careers? I would argue no. That is why I have broadened the debate because Deputy Ferbrache says I am not always relevant but I see how one issue leads into another consequence. I will come onto that in the Alderney debate, too.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

1580 This is a very interesting debate and I think that Deputy Gollop has opened up a whole new area of the debate with his generalised comments. I will probably be slipping into general debate as well. Just to reassure people that actually the policy letter does talk about printing, a requirement that will be included that paper copy of notices published within the *Guernsey Gazette* would be made available.

1585 So there is that printed matter still available should this policy letter be approved. But if we are talking about the States funding a private organisation in order to ensure that it continues as a service, my suggestion: this is not state-owned. State-owned media does not work in democracy and quite frankly if any organisation needs to survive without state funding, they need to sharpen their pencil. They need to get better at doing the job that they are meant to be doing and I am not going to give my opinion on some of the quality of the media that comes out in providing proper challenge to what happens in this Chamber based on facts. I suggest we should not be propping up any organisation just on the basis that they are not possibly doing their job as well as they could be.

1590 So that is not really an argument, I think, for this particular debate. But I think that Deputy Brouard has raised some interesting questions and I am really pleased that he has because the nature of this type of page, it is about how many people are going to visit it. How would an organisation that is a privately owned organisation seek to make money out of it? It is bound to be out of advertising, isn't it? I think someone else has mentioned about seeing pop-ups and I think Deputy le Tissier, was it? How annoying is it when you go on a site and you are trying to read something and you have got a pop-up in your face? I think a couple of our media organisations do this not very well.

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There are some wonderfully templated towers and pop-ups and rotating banners that you can have and they put them right in the middle of the page –

I will give way to Deputy India. Inder.

1605

Deputy Inder: I think I wish I was in India, as does everyone else! (*Laughter*) (**Several Members:** Pour!) That is allowed! If you give it, you can take it. With the greatest of respect to Deputy Dudley-Owen, the actual application has practically been designed on the floor of the Assembly. We are talking about pop-ups and adverts, guessing our way through something where the amendment just simply says go out and speak to a few people beyond the States.

1610

Deputy Dudley-Owen: I will continue, thank you very much to Deputy India for his contribution.

I am not trying to design on the floor of the Assembly, what I am merely trying to do is to illustrate that an official page could fast become something that is actually unusable and not very accessible on the basis of it being a free application because of course that is how people would want to make their money out of it. No private business does anything for free.

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So I think it is a real shame that Deputy Falla homed in, right at the outset of his speech, on *The Guernsey Press* because the point of this policy letter is to get away from using one publication and actually this amendment brings it right back in. I have real sympathy with the amendment and I thought that was a great idea and then, as soon as Deputy Falla mentioned *The Guernsey Press*, I think he has talked it back into the position that we are already in, and that it seeks to continue the monopoly rather than create the liberalised environment that this looks for. So I will need convincing to support the amendment.

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The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you.

I completely agree with the last speaker, that voting for this amendment with the intention of propping up a private media organ would be completely wrong. But so would voting up against looking at outsourcing on the basis that the outcome might be that a particular private media organ may be successful in that pitch.

1630

Frankly, I have been quite surprised by the tone of this debate because I am not one of those that has an obsession about outsourcing. I quite like the States doing stuff, actually, although I do accept that there are cases where the private sector do it much better and we should consider outsourcing.

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But in this Assembly, from what I have seen over the last two years is that there are many people who are far more passionate and leaning towards the outsourcing approach and philosophy than I am and yet it is exactly those people today that I have been hearing, saying, 'How very dare you even consider outsourcing in respect of this project.'

1640

And I wonder why. I really do wonder why. If I vote for this – I am going to vote for this – I am not presuming that the service will be outsourced. All I want is a proper appraisal of the pros and cons of doing this in-house and outsourcing it to A. N. Other organisation. I think it is quite natural that the *Press* has been mentioned a number of times because they have run this for donkeys' years. They are bound to be an interested party. But there may be other interested parties. There are ones that are faster and fleeter, and newer and faster on their feet perhaps that are coming up on the wings and I think they should have the opportunity too.

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I really am going to be puzzled by what the ethos of this Assembly is if they vote overwhelmingly against this, having lectured me and others about the virtue of engaging with the private sector, and outsourcing and public/private partnerships for the last two years. Just for the avoidance of doubt, no, I do not receive a single penny from *The Guernsey Press*, just in case anybody wants to know.

1650

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

1655 Another absolutely fascinating debate today from the opening non-speech to the offers to monopolise *La Gazette Officielle* to increase States' revenue. I think Margaret Thatcher would be turning in her grave right now. I would like to offer a consensus solution if one was even possible in our Assembly because I think this amendment has actually brought some very important points to the discussion.

1660 The first Proposition of the policy paper is all about liberalisation and we seem to all agree that that is required and necessary. However, Proposition 2 tries then tries to say no, we monopolise. Liberalisation is all about so the States of Guernsey can monopolise then the *Gazette Officielle* and publish the *Gazette Officielle* on its own.

1665 I think actually there is another way and Deputy Murray actually alluded to it. The way internet and content works is that content is shareable and you can create platforms and feeds, as he said, that share the content; and actually what is most important for us, really, is that those notices are read and spread as widely as possible, so as many people as possible actually are aware about what is published in this Gazette. That is the principle why this should be liberalised and that is the core principle and outcome we should be trying to reach – for these notices to reach as many people as possible.

1670 This will have to be done gradually, ideally having as many content platforms, whether it is *Guernsey Press*, *Bailiwick Express* or other websites, actually being able to republish some of that original content through their channels. So I actually think what this amendment is trying to say, is trying to bring to the equation that I think there is a hybrid approach. There could be a central publication platform, which could be owned by the States on the States' website or a third party, but I think a key part of it is there should be feeds, connections to other platforms that allow for this content to be reshared.

1675 I think what this amendment is actually trying to say is, 'Who are those parties?' If there are a couple of those parties, I think there is more than one, who could be interested to make sure they get this feed. So if there is this eco-system of content providers that actually want to publish and re-publish this information, I think this amendment will be able to show that.

1680 Then the decision of how that platform is built is almost a secondary matter. I think what is key and I think that is what is missing right now from the policy letter, to me, and perhaps the amendment as well, is that ability to then re-share this content. Then the question comes about what is the commerciality of it? Because technically, you could ask for this feed to be paid so, for example, Guernsey Government could establish this platform and then share this with *Guernsey Press* or others who might have their own version, basically a copy-and-paste version of the *Gazette* but they may pay for the feed.

1685 So I think there is a real value in why this amendment has been brought, that if we want to liberalise we actually need to make sure there are these opportunities for sharing feeds. I very much share Deputy Inder's concerns about that figure, £15,000, quoted, because if it is built on the States' website, it is a CMS, a content management system, where you can build pages. So why are there such figures quoted?

1690 I think there is a hybrid solution and I think by actually supporting this amendment, what we are saying is there are other players in the market, we should make sure that the way we liberalise the *Gazette* actually enables those players in the market to participate and I think it is a positive thing. But I would like to perhaps question Deputy Mahoney, probably in general debate or now – because I do not think he will be responding at the end of this debate – whether that consideration of the technology being able to have feeds and APIs to others should be considered as part of it.

1700 So, I think this amendment has offered something that absolutely is worth for discussion and we should not lose sight of the goal of the outcome, that liberalisation should be all about enabling this *Gazette* to be read as widely as possible through as many sources as possible.

Thank you.

1705 **The Bailiff:** Deputy Dyke.

Deputy Dyke: Thank you, sir.

1710 Just reading this amendment, to me it is fairly harmless. It is asking to invite and consider expressions of interest from outside so I do not see any problem with doing that. That seems quite a sensible thing to do. However, the States do not want to lose an income-earning opportunity. For example, the way the *Gazette* works in the Cayman Islands is that if you have to publish something, liquidation notice or something, you have to pay. There is a hard copy that is sent out fortnightly and at the same time the same thing is reproduced on the Government website. If you want the hard copies you have to pay a subscription, the website is free.

1715 I cannot remember if the local paper recreates things. Maybe it does, maybe it does not, but we could allow that here. So my point is that keeping it in-house may allow one or two income streams to the States, which would more than set off the expense of running the site. That was my thought as to how it might well be done. So that probably goes against supporting this amendment, but I think I will support this amendment because it is just asking for P&R to think things through and look at the other options, so I do not see any problem with that.

1720 Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

1725 I, in the last couple of years, have been very little use to this Assembly but one thing I can do is bring some of the history from my previous eight years up until 2020 to bear and in particular in relation to the prior consultation in 2019, which is referred to in the policy letter and which went into abeyance because of Brexit and COVID, as is explained in the policy letter.

1730 Deputies Murray and Oliver have referenced that and queried why – and indeed Deputy Gollop as well – why there was no open offer from the current publisher of the *Gazette* that has appeared to have come forward as articulated by Deputy Falla. I think there were two reasons why things have changed. One, there has been a change in ownership, as Deputy Ferbrache referred to; but also, of course the monopoly is embedded in the Law and until that monopoly is going to be removed, as is proposed in Proposition 1, then there was no real incentive for them to make the open offer that they have now done. So I think that helps explain, perhaps, the history.

1735 Deputies Aldwell and Le Tissier have raised very good points about the question of the extent. Deputy Aldwell's question was how long was this offer going to last. Would it be withdrawn the week after tomorrow or next year? And indeed, Deputy Le Tissier's challenge around pop-up ads.

1740 I think, as Deputy Trott said, these are very much issues that would be embedded in any contract provision with an outsourced provider, that they would need to commit to certain periods and to present the information in a way that was acceptable to the States as the commissioner of the service. So I think that could very much be addressed and indeed, as Deputy Trott said in response to Deputy Ferbrache, any change in control ... there could be a change of control provision as well that would enable matters to be revisited if that was necessary.

1745 I think Deputy Oliver also has very much hit the nail on the head that this policy letter is completely silent on the revenue costs for the States in maintaining this service. The only address that provides a best estimate, a rough order of magnitude, for the capital costs for putting the provision in. I think that revenue issue is a very real one.

1750 Deputy Brouard asked why would they do it, what is in it for them? Where is the revenue stream? I would suggest, it would seem to me that it is a challenge for any newspaper publisher, whether online or hard copy, to be relevant in the 21st Century, in an era when people can get their information free of charge through social media and other sources. How does –?

I will give way.

1755 **Deputy Brouard:** Thank you very much to Deputy St Pier for giving way.

The point I was trying to make is if the States is free commercial enterprises, when they have to also put in something to the *Gazette*, will be paying maybe three times as much as they are now to

cover the fact that the States of Guernsey is getting it for free. So it was trying to find out who would be the providers of the revenue. If that helps.

1760

Deputy St Pier: Thank you, I am grateful for Deputy Brouard for clarifying his concern. I think his presumption that any commercial commissioning of the use of the *Gazette* would be at three times the price currently, he has made that assumption but actually there is no particular reason why that should be the case because the provider of this is looking, as I said, to ensure that whatever publication they have is relevant. They are looking to draw people in to consume that information.

1765

One can make assumptions about what they may or may not charge. The other qualification to that – I see Deputy Brouard is unconvinced – of course is the caveat in Proposition 1 that the requirement to publish shall be anywhere that is appropriate to suit the aim of the publication and to reach the public affected.

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So, actually the persons choosing to publish the information may actually decide that a particular publication is not the right one for them and they will seek to do it in another way. He is not looking convinced and time is moving on so I will move on too, sir.

I think Deputy Dyke has very much has got the amendment because it is of course to merely add words to the existing Proposition. The Proposition will read 'To agree that the States of Guernsey should establish and operate an online *Gazette* in which official notices may be published' and when considering options for P&R to first invite and consider expressions of interest.

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It is not in any way wrecking, as Deputy Mahoney sought to suggest, when opening this debate. It is about ensuring that the States have looked at all the options and I will perhaps return to that at the close of my comments.

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Deputy Dudley-Owen was also worried about *The Guernsey Press* having been referenced by Deputy Falla maintaining a monopoly. But I think again the key means by addressing this is the liberalisation of the entire market, which is dealt with in Proposition 1, that I referenced earlier, that it will enable notices to be published anywhere that is appropriate and that will not necessarily be in the *Press*.

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Deputy Dudley-Owen also referenced the concern about any individual business being reliant upon the States for an income stream. Of course, the States is in the business of doing that in a number of other areas. We do it, perhaps the largest single public service contract we have is with the Medical Specialist Group. Our support for the grant-aided colleges, of course, is a means of providing a very important income stream, without which those businesses would be in a very different position. So I think I would not wish to overplay that comment.

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But I do agree with Deputy Dudley-Owen that Deputy Gollop's argument that preserving an income stream for any publisher is an appropriate reason for backing this amendment. I would agree, I do not think that is the right rationale. But I think we absolutely should be looking at this.

Deputy Roffey's comments, much of what he said chimed with me. Of course, the software developer for the Simultaneous Electronic Voting system that Deputy Meerveld's Committee introduced, they developed that at risk for themselves. They invested a considerable amount of time and money without the certainty that the States were going to proceed, so there are examples where we could have that kind of relationship with private providers.

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I think Deputy Meerveld had also missed this point about the maintenance of a monopoly because he kept referring to the legal requirement but of course that is one of the key provisions, the liberalisation of the entire sector or the entire matter of publication. I think my comments are really, in working towards a close, in relation to Deputy Ferbrache's really quite virulent opposition, having been in favour overnight and moved his position. Deputy Ferbrache is undoubtedly chairing the Policy & Resources Committee that is leading to the fastest and largest growth in Government in the last couple of decades. This provision, this insistence on the state providing this, is very consistent with a big government, high tax community.

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I know that Deputy Ferbrache has spoken before about having voted Labour. I do wonder whether this nationalisation of his services is a similar closet socialism. I have to say, Deputy Perrott did not ever mention that in my conversations with him but maybe he missed that point.

1810 In all seriousness, as Deputy Roffey said, it is another of those *Alice in Wonderland* moments where we disappear down the rabbit hole and all of those who profess to be in favour of free markets and liberalisation cannot wait to impose this burden upon the state, with an unknown future cost. But it would of course be entirely consistent with the direction of travel for a big government, high tax government.

1815 I think the other thing that really surprises me and in my closing comments – and Deputy Mahoney will have the opportunity to respond to this – is the accusation that this is a wrecking amendment. Because during the debate I have been passed the response to the correspondence with *The Guernsey Press* and this is correspondence from the Policy & Resources Committee to them, having received the so-called offer, and they say:

1820 The Committee will continue to consider your views as set out in your letter together with other stakeholder views in the period leading up to the debate ...

That is today, but importantly:

... and as the project is then implemented following any decision by the States.

The Committee have said in writing they are going to do this anyway. So why are they opposing an amendment which says that they are going to look at this? I find it bizarre. I find it very odd and I think Deputy Dyke has absolutely grasped it. This is not a mandatory direction, it is not a wrecking amendment. It adds to what has been proposed and it is very sensible that before the States close on this that they have looked at the options – and I will be supporting it for that reason, if only to ensure that we can put some kind of brake on our move to being ever larger and ever higher cost Government.

1830 **The Bailiff:** Members of the States, we will now adjourn until 2.30.

*The Assembly adjourned at 12.36 p.m.
and resumed at 2.30 p.m.*

**Reform to the System for Publication of Official Notices
and Establishment of the *Guernsey Gazette* –
Debate concluded –
Propositions (as amended) carried**

The Bailiff: So, Members of the States, debate continues on the amendment proposed by Deputy Falla, seconded by Deputy Inder, if there is anyone else who wishes to speak.
Deputy Haskins.

1835 **Deputy Haskins:** Thank you, sir.

I do understand that this amendment really is just saying 'to consider'. In which case, P&R can go ahead and consider after any expression of interest. So I do not really see this as a wrecking amendment but I do see it as a waste of time. Why would you go and do something where you already know what the output is going to be? Because that is what I am hearing from the Assembly, 'Alright you can consider it, but there is no point to.' So that is pretty much the basis of why I am not going to support this.

1840 But one thing that I did want to raise, I am looking at the *Gazette* on the *Guernsey Press* and there is an entry there of the 9th of the 6th, 2022, the Annual General Meeting of *Les Habitants du Clos du Valle* will be held at the Vale Douzaine Room on Friday, 22nd April. The reason I mention is because the date of entry in there is the 9th of the 6th but actually that is referring to the 22nd

1845

April. So what it is highlighting is that there are mistakes that can be made, differences online or I am sure it was actually posted in the paper of that time. I am just highlighting that you can have mistakes.

1850 Now it is my personal opinion that this should be a function that would be in-house to maintain that accountability but regardless, I do consider it a waste of time and I shall not be voting for it.

The Bailiff: Deputy Trott, you have spoken on the amendment,

1855 **Deputy Trott:** No, I have. It is a point of correction, Mr Bailiff.

The Bailiff: You have missed the chance to make a point of correction because Deputy Haskins has finished speaking, I am afraid.

1860 **Deputy Trott:** Okay, but it was not Deputy Haskins that I wished to correct, but another Member. I understand, sir.

The Bailiff: The ability to raise a point of correction comes when somebody is on their feet and relates to them.

1865 Deputy de Lisle.

Deputy de Lisle: I am just noticing that this refers to the online *Gazette* but certainly I am a reading of the *Press' Gazette* at the moment and I know a lot of other people are dependent on getting information from that particular source. Now. It may be that a lot of those people would switch to an online system. Others would not. But there is a fear, here, of competition with the hard copy *Press*, through an online *Gazette*, which presumably would weaken its publication.

1870 So I think that we have to consider that this is online and the one advantage of this of course is that it provides competition and would allow, let us say, the *Press* or others to bring down the cost to the parishes and perhaps to the States through the *Gazette* in the hard copy as well as perhaps online. So that would be the one advantage there.

1875 But for the States to get into that I just feel it is more bureaucracy, more people employed, at a time when we are still looking for those 200 positions being taken out of the system. And if it means 10% reduction of the States' positions and rationalisation of the system, in order to meet the demands of the new fiscal position that is being contemplated, then I think we need to go all out in that direction because other systems, other jurisdictions are rationalising, just as the private sector has done in recent time. So it is rationalising in the same way.

1880 **Deputy St Pier:** Sir, point of correction, Deputy St Pier.

1885 **The Bailiff:** Point of correction, Deputy St Pier.

Deputy St Pier: Thank you.

1890 Deputy de Lisle said, if I quote him correctly, we are still looking for 200 positions. That is incorrect. Nobody is looking for 200 positions any more. That programme has been abandoned. The Chief Minister confirmed that the last time he addressed the Assembly, I think during the Budget debate.

Deputy de Lisle: Well I realised that that was not continuing because every year I notice another 50 or 80 employees being employed here.

1895 **Deputy Ferbrache:** I am very grateful to Deputy de Lisle for giving way. I only rise, I think, because of the introduction by Deputy St Pier. It was not us that said there was 200. When we

opened a cupboard in October 2020, we found that there were no proposals at all for reduction and we have looked every conceivable way.

That is the second time Deputy St Pier has made a point about this but we did not create the wave. He created the wave, we are trying to turn it around.

Deputy de Lisle: Thank you for that interjection.

My point here then is, yes, we are going to have competition, in terms of the online *Gazette* but it will also compete against the hard copy *Press Gazette* currently in existence, so I think we have to weigh the two up and I hope that consideration will be given to those points. And, of course, the fact that we could be adding to the bureaucracy through something of this nature.

Thank you.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

I was surprised to hear and also read, in the explanatory notes, how a perceived free replacement service was perceived to have been offered by a commercial supplier and I am curious as to why P&R dismissed this and not included that option in the policy letter. Because I can see the benefits to the community of a free service, of publishing this. We have already heard from Deputy Falla about the large financial commitments that our Douzaines have already for publishing in *La Gazette Officielle*. There is my recollection from when I was, at the time, at St Peter Port Douzaine that a huge amount was allocated into the *remède* for the publications, and do Government really need to be in competition with the private sector? Should we be setting up against them, or with them?

There has been lots of talk by Members of varying degrees but the amendment is only to invite and consider expressions of interest about the online *Gazette*, which I am going to wholeheartedly support. Other Members mentioned about the fears of what would happen if the current provider, *The Guernsey Press*, was offered for sale –

I will give way to Deputy Trott.

Deputy Trott: Sir, I am very grateful to Deputy Gabriel for giving way, because I have received confirmation over the lunchtime that the President of the Policy & Resources Committee had misled the Assembly when he suggested the *Press* is for sale. The owners have stated to me unequivocally it is not for sale.

It would be interesting to know where Deputy Ferbrache plucked that nugget of wisdom from at some stage, but I thank you for giving way.

Deputy Gabriel: Sir, yes, perhaps our fears could be allayed. They could be current fears because what is going to happen under the current arrangement and the paper is sold now, from under us, we would have no service anyway, potentially.

Really, I do not think why Government should be committing to spending an extra £15,000 or whatever amount –

I will give way to Deputy Ferbrache.

Deputy Ferbrache: I am grateful to Deputy Gabriel. It is nothing he said, it is what Deputy Trott said.

The previous owner told me not all that long ago it was for sale. I have now been assured by the current owner, over the lunchtime, it is not for sale. But that is a different position to the one I was told by the previous owner that said it was for sale. So I heard it from that horse's mouth. I have now been told by the current owner, over the lunch period, it is not for sale.

So that is where I got my information. I did not mislead anybody. No misleading, as if you were intending to do it. I was not intending to tell anything that is untrue and I will reject any assertion

that was the case. Because Deputy Trott has raised the challenge, raised the point, I am answering his point.

1950

Deputy Gabriel: Perhaps I should give way to Deputy Trott again!

Deputy Trott: Thank you.

1955 This will be the last time. I do not accept that at all. Clearly the comment this morning was misleading. I once sold a house about 25 years ago. That was then. This is now. The current owners, who have been the current owners for some time, do not intend to sell the property. Deputy Ferbrache was misleading, and whilst I accept the correction there is no denying it was a misleading statement.

1960

Deputy Gabriel: Where was I? I will give way to Deputy Ferbrache!

Deputy Ferbrache: Just to finish on the point. The property has actually been sold –

Deputy Taylor: Point of order, sir.

1965

Deputy Ferbrache: If Deputy Trott looks at the records, the property has actually been sold. What is not for sale at the moment, though, is the business. I am not talking about 25 years ago when Deputy Trott sold his house, I am talking just a few months ago. So not 25 years ago, just a few months ago.

1970

The Bailiff: Deputy Taylor you cannot raise a point of order during the course of a Member speaking when the Member who is supposed to be speaking gives way. So you cannot have any interjections on a give way, in other words.

So, Deputy Gabriel to continue, please.

1975

Deputy Gabriel: I will try and continue and I will make it relatively rapid. In my view, the spending of the £15,000 and the allocation of staff time, when this amendment is on the table to invite and consider expressions from third parties in the plural is *bona fide*, and a benefit, and if we can save £15,000 and staff time by having a free service available and let us not forget that the Douzaines will not be spending a charge to publish, so that will follow down in the *remède* to the ratepayers, and parishioners are voters as well.

Thank you.

1985

Deputy Leadbeater: Rule 26(1) please, sir.

The Bailiff: Very well.

1990 Deputy Leadbeater wishes me to ascertain, first, those Members who wish to speak on the amendment that is currently being debated. There are none standing, so I am going to turn to Deputy Mahoney on behalf of the Committee to contribute to the debate and then I will turn back to Deputy Falla, as the proposer of the amendment.

So, Deputy Mahoney, please.

Deputy Mahoney: Thank you, sir.

1995 Let me start by saying that now my pants are somewhat in less of a twist, excuse me ... I should have known it had been a bad start to the day when I sat down this morning and instantly received two messages from a colleague in the Assembly and a certain parliamentary officer that I will not name, that my fly was open as I stood there. So I guess I should have known it was going to be something of a bad day! *(Laughter)*

2000 It is hard to focus the comments specifically on the amendment when various Members have strayed fairly significantly off-road on occasions, but I will try. Although at one point I did feel that Deputy St Pier was actually summing it up for me anyway.

Perhaps, firstly, to say that who knew the *Gazette* was so widely loved and read? A few people seem to have referenced it, that people wake up in the morning to flick to the inside back page to see what is in the *Gazette*, apparently. I suspect that may be true for some but not for very many. I suspect the actual truth is closer to no one cares what is in the *Gazette*, or about the *Gazette*, even, until they actually have need to place a notice in that *Gazette*.

2010 I have been on-Island for approaching 37 years and I have never needed to place a notice in the *Gazette*, in my personal capacity, and that will be the case for a huge section of the community out there. However, I have needed to in my professional capacity, in terms of company notices, liquidations and all those other things. But not in my personal capacity.

2015 I will go to a few of the points that have been made first. Deputy Inder made the point re the *Gazette* costing £15,000, a one-off cost, he was unsure if that would be correct if that was accurate. They are the numbers we have been provided with. For me to second guess those just would not be right. Various people made various points. I will go to Deputy Gabriel, just last there, last but definitely not least. Do we need to be in competition with these private companies of any description?

2020 But that is not what we are talking about here. This is bringing in house one of our responsibilities. The *Gazette* is there because of legislation passed by previous Assemblies that this is what you have to do, these are the notices you have to file and this is how you have to file them. It is us that have put that in place. This is not competing with someone else when there is an argument to say that we should be doing this in the first place.

The *Gazette* is a States' responsibility in the same way, surely, that driving licences are a States' responsibility. Or are we going to have Members suggesting that we should hive that off to private companies?

2025 Who owns the *Gazette*? Various people gain, lots of people raised the same points so forgive me if I do not name anyone in particular. I know Deputy Murray did, I know others did as well. And it is a very relevant point and I know Deputy Falla will cover that when he sums up but who owns this information that they have now gathered over this X years, decades? If they just decide 'we are not providing that' what recourse do we have on that? Of course, if we control it and if we own it then we are not in the hold to anybody, re that.

2030 Deputy Trott says that his parents get most of the info from *The Guernsey Press*, I am sure that must be true, but I am sure they are not paying seven-odd quid to run and look at the *Gazette*. I am sure it is for the normal things that all of us want to know about what is happening on-Island. I accept, he made a point about, look at us today, we are here with no internet, we cannot access our records. That is absolutely correct, of course. But that was, I am going to imagine, human error by someone somewhere along the line at some point yesterday and we all make them. We are living with the consequences of it. If this took it down for months and months then I would understand that but it is not. It is a cock-up by a human, we all make them and we should just get on with it. So that argument, I thought, was just entirely irrelevant to be honest.

2040 Deputy Gollop, lots of people look for the *Gazette*. As I said earlier, I am pretty sure that is stretching a point somewhat. I do not know that lots of people look for the *Gazette*. Some do if we are looking for something specific. Certainly, parish officials will be looking for those things. I understand that and accept that completely. But the man in the high street, now, if you walked down there today and asked 100 people, I wonder how many people would even know what the *Gazette* was and what number would actually say, 'Yes and I actively look through it every day.' Not very many.

2050 He also, and it was a point picked up by Deputy Dudley-Owen immediately, there was a bit of a cat let out off the bag there by Deputy Gollop when he talked about effectively this being a subsidy to *The Guernsey Press* for a free press. Nodding away, thank you Deputy Gollop, and the States should be paying this as a subsidy effectively to keep *The Guernsey Press* going to make sure it

could still publish daily rather than having to go every other day or three days a week or whatever it would have to be. But I disagree that we should be sponsoring the media in any way whatsoever.

Obviously, we spoke to the office about this. As soon as the amendment came in, we pinged the officers that had originally drafted the policy letter and they obviously came back with a bunch of comments. I will keep most of those to general debate because as I say I was going to try and focus mostly on the bits that are relevant to this amendment, which is a very narrowly driven amendment, so I would rather do those in general debate when we have heard all the arguments again.

This is from the officers:

'The Resolutions as drafted create flexibility, they create an open tender process for the supply of services. If as a result a business offers to do it for free and if P&R decided this is preferable over the States doing it, it could be so. But after proper understanding of what free looks like and with what guarantees ...

That word has been brought up a number of times and I fully accept that it could be through, 'Here is a piece of paper, sign it, you have got to do this free for five years, 10 years, in perpetuity,' whatever that turns out to be. But it is interesting Deputy St Pier gave a brief history but I want to just add to it slightly because in 2020, I think it was the officers had told me, I appreciate I think Deputy St Pier said 2019, but the number I have been given by officers is 2020 when this probably, about the fourth or fifth time it came up, Deputy Trott, I believe, in January of 2020 made a statement in the Assembly that this was going to go ahead, we were going to be online, everything was whizzbang and it would be in place by Q1.

Of course, we accept that Brexit and other bits, global pandemics, got in the way and put the kibosh on that and I accept that fully. But during that process *The Guernsey Press* had also made the offer back in 2020 to do this entirely for free. Now, when it came to actually drafting the policy letter, that then got withdrawn and suddenly they did not want to play ball and do it for free any more and now we suddenly find ourselves, skip forward to 2022, where 'We are going to do it for free' and suddenly we see amendments coming in; and now you will forgive the natural suspicion that we might just be repeating history that, as soon as the policy letter, depending on what goes through today, we will suddenly see people trying to back track on those things. I just raise these as areas of genuine concern.

It is known, as I say, originally that letter I believe should not have been read out but *The Guernsey Press* did give permission for it to be read out and indeed I think forwarded it to all Members I believe. So, again, I am going to read direct from the officer, so I do not get anything wrong because I know people are looking for it:

It is known that *The Guernsey Press* have offered to supply the service for free, however that was late in the day. *The Guernsey Press* also offered a similar package in 2020 when this matter was being proposed but withdrew the offer during the work on the policy letter.

This is a matter of some concern – this is me, not them – and the free sweeties argument is always compelling, of course, but what guarantees do we have that they will not be withdrawn, as previously they have done? I accept, I go back to the point that of course we can make sure we can get things in writing and then that is worth as much as the paper it is written on but let us hope that actually means something.

Moving in the direction as suggested by the policy letter gives it certainty for Government notices whether or not there are any future changes of approach from any commercial provider. I really do not want to go into it too much. I hope Deputy Falla will sum up and stick mostly to the amendment as well so that we can actually go onto the debate.

Sorry, there is one I missed. Deputy Kazantseva-Miller, would we be able to accept feeds from elsewhere? No one has any issue with that, whatsoever, but a policy letter really is not the place to get down into the weeds with those kinds of details. The officers responsible for this stuff, who know much more about it than anyone in this room, do not support this amendment and note it is not needed and I urge Members to reject it.

I give way to Deputy Oliver.

Deputy Oliver: Thank you, sir.

If you could just answer my question, the £15,000. Is that including in the maintenance and the person needed to input or is it £15,000 just for the platform?

2100

Deputy Mahoney: Thanks to Deputy Oliver.

That is for the initial capital cost and I am planning, in general debate, to go into the other bits. Thank you.

2105

The Bailiff: I turn to the proposer of this amendment, Deputy Falla, to reply to debate on it.

Deputy Falla: Thank you, sir.

I shall try not to keep too long on this. As has been said we have strayed a long way away from the nugget of what is here and I think some of the Members have kindly done my job along the way to a degree. So, addressing some of the issues.

2110

Deputy Aldwell started off and asked whether there could be any kind of guarantee that the free service would continue. Well, I think that question and actually many of the other issues that have been raised would be a matter for the fine detail of the agreement that would be thrashed out between the organisation offering that service, whoever that might be, and between the States. In negotiations, one puts conditions. One puts in the important areas that need attention and I think that would be potentially one of them.

2115

Deputy Inder, absolutely, commissioning out. It is something we just are not grasping enough. We are not doing it enough in the third sector, we are not doing it enough in the private sector. We are not partnering. We are almost arrogantly thinking we can do everything ourselves. It is utterly ridiculous with the limited resources we have got to start a publishing outfit.

2120

Deputy Ferbrache and his intervention said how is it liberalisation and that I only spoke about *The Guernsey Press*. In a way, I regret I happened to only speak about *The Guernsey Press* but I do not regret it; nobody else in this room would have known that that was on the table and what we were giving up.

2125

We were giving up the offer to come to the table and out of commercial interest, yes, but also a long history, a long association with the *Gazette*, expertise in publishing it. We would not have known that was even on the table and we might have let that policy letter go through on the nod without the possibility of questioning. That is why I spoke about *The Guernsey Press*.

And we are not exclusively in this amendment saying that they are the only horse in town. There could be others so in a sense all we are saying is that we would invite and consider expressions of interest from third parties and it is a very appealing offer to give us something for free.

2130

I completely support liberalisation. So how is it liberalisation – not easy to say! It is because in Proposition 1, I would vote *Pour*, to agree there should be a liberalisation. So I am not speaking against it.

2135

Deputy Taylor asked about procurement. Now, I think I am right in saying – and I would not want to mislead anybody – that the price band discussed – £15,000 – is probably below the threshold when you go through the formal procurement process. But I would be corrected on that.

Deputy Ferbrache again talked about delay. Well, *The Guernsey Press* has been publishing the *Gazette* since 1965 and I absolutely think that if there is anyone who knows how to do it, they are the people. I understand that the proposed solution they have is well under way of being beta-tested and could be rolled out as early as the first quarter of next year.

2140

The Guernsey Press is categorically not for sale. I was also informed of that over lunch. We were also challenged over – or I was challenged over how much the *Press* make from selling notices in the *Gazette*. Well, I will tell you because they told me and they do not mind me telling you. They made £120,000, not £300,000, £120,000 from commercial postings, so from businesses, lawyers etc. That, of course, is not profit, that is income.

2145

Why are the President and Vice-President of Economic Development supporting this? That is the last thing you would expect us to do. Is it? We are all about enterprise, innovation, solutions, partnerships, the best way forward. It is exactly the sort of thing we should be talking about.

2150 Deputy Le Tissier, third parties not here forever. That did not stop us from doing a deal with Agilisys. You could say that about everything. Any deal that we do with a third party supplier. That has never stopped us in the past. I think it is just ridiculous. Maybe some of us do have a death wish for the newspaper but I do not think it is a valid argument.

2155 Deputy Oliver, yes there are other publications. There is one other publication, particularly, and yes I am sure that if one was to invite the kind of expression of interest in the amendment, we may well hear from others. That would be good. I am all for competition.

2160 Deputy Meerveld said *The Guernsey Press* would be the only beneficiary if you vote for this amendment. That is not true. I have just said others can come forward and actually the parishes would be a beneficiary, the States would be a beneficiary and the other arguments that I gave earlier in terms of saving money, maximising the use of our very scarce and precious resources.

As Deputy de Sausmarez helpfully pointed out, it is not a binary decision, the way which the amendment is phrased. Why didn't I bring the amendment earlier? Because this information only came to my attention in the last days so unfortunately I was unable to but I am very glad it did come to my attention.

2165 Deputy Brouard asked how would they get revenue from doing it? Well, I think I have probably hinted at that in the sense that the *Press* would still be able to charge other organisations for notices so that, in a sense, justifies continuing with *La Gazette Officielle*.

So Deputy Gollop said that *The Guernsey Press* were sharpening their pencil. Interesting phrase. And then Deputy Dudley-Owen said we do not want to prop them up –

2170 I give way.

Deputy Brouard: Sir, can I just understand that a bit better? *The Guernsey Press* or whoever has got it, will be able to still charge commercial organisations for their notices and those commercial organisations will have no choice but to put them in the *Gazette* and pay the fee. So whatever that

2175 fee is, they will have to pay it because they have to put it in the official *Gazette*.

So they will have a monopoly and they can then charge whatever fee they like, there will be no upper limit or anything like that. So commercial organisations around the Island will have to pay whatever *The Guernsey Press* or other organisation dictates? I am just trying to make it clear. Sorry to interrupt you.

2180

Deputy Falla: The Bar have expressed a preference for continuing to use *La Gazette Officielle* in the newspaper and the *Guernsey Gazette* proposes to publish only those notices which are required under legal obligation. So some of those will fall within and between but that is not to stop anybody else from offering to publish, who might wish to compete with *The Guernsey Press* on price and offer the professional firms an alternative.

2185

So sharpened pencil and we will not be propping them up. *The Guernsey Press* is bending over backwards to try and keep this, not to get £120,000 a year, for lots of reasons. There is a legacy. It is part of the newspaper, it is part of the character of the newspaper. They have come forward. Yes, there have been various discussions over the years and they have taken a different form on occasions but right now they are coming to the party and saying, 'We will do it for free.'

2190

If I go and test drive an expensive car and when I get back to the garage I am thinking about it, scratching my chin, and the salesman said to me, 'Actually well you can have it for £15,000.' That is pretty good, it is a lot less than I thought. Then actually they said, 'You can have it for free.' 'Oh no, I will pay the £15,000, that is okay.'

2195 Deputy Dyke, thank you. It is a harmless amendment. Deputy Haskins says that mistakes can be made –

I give way to Deputy St Pier.

2200 **Deputy St Pier:** I am grateful to Deputy Falla for giving way. I just wanted to draw Deputy Brouard's attention to the second half of paragraph 3.7 on page 6 of the policy letter, which I think deals with his question:

As such, the current proposals have been developed to modernise this policy area and liberalise the market, by providing alternatives for the publisher to publish in the most appropriate manner ...

2205 So they will choose where they want to publish, including by permitting, not directing, the publication of official notices both in *La Gazette Official* and also the *Guernsey Gazette* and that is embodied in Proposition 1, which is not affected by this amendment.

Deputy Falla: Mistakes might be made. Yes, they might. We all make mistakes occasionally and they are as likely to be made in-house as they are anywhere else with a DIY *Guernsey Gazette* solution.

2210 I do not believe this is a waste of time, Deputy Haskins, because really this offer – I give way to Deputy Haskins.

Deputy Haskins: I am grateful for giving way.
2215 I just wanted to clarify, I did not say mistakes could be made, although they can, I was saying that they have been made.

Deputy Falla: Thank you.

2220 Deputy Gabriel, I share your surprise that the option was not included in the policy letter. Deputy Mahoney said no one cares about the *Gazette Officielle*, he never looks at it –

Deputy Mahoney: Point of correction, please.

The Bailiff: Point of correction, Deputy Mahoney.

2225 **Deputy Mahoney:** I said very few people cared. I think Deputy Gollop cares, as he said, so there is no way I would have said that no one cares. If I did, I then corrected it myself in my next line.
Thank you.

2230 **The Bailiff:** Deputy Falla that is a fair point for Deputy Mahoney to make. It is important that when replying to a debate you do so accurately for what people have said rather than imputing to something else, but please continue.

Deputy Falla: Thank you, sir.

2235 Some people do not care, until they do. Because those notices are there for a reason and it might be that Great Aunt Hilda has left me £2 million and I would not know unless I looked in the *Gazette* and they were calling for distant relatives.

2240 I was pleased to hear there was an open tender process but there was a slight lock on one end of the openness and that is why this has not been included in the deliberations. Also, Deputy Mahoney talked about certainty. Well, 43 years of certainty is pretty good going. We have got certainty that the *Press* can do it because we have been reading it in the *Press* 43 years. Officers do not have a vote so I do not really see the relevance of what they think at this late stage.

2245 In concluding, there are other models for this kind of arrangement, for example when we outsourced the election campaign website and the manifesto book. We were not trying to publish that ourselves and failing to want to provide a commercial operation for the opportunity to do so professionally for us. We have to trust the expertise of private providers.

People have said what if it goes bust? Well I have already said there are other very big organisations that we entrust important work to and at very great cost, not for free. I have covered the timeframe.

I think, sir, I will just conclude by reminding everyone of exactly what this says, that we should:

... consider expressions of interest from third parties who may wish to publish parish and States notices and provide such an online *Gazette* free of charge on behalf of the States ...

2250 – and that would also populate the States' website, would take a lot of work out of the equation and provide a smart and seamless solution for continuity of these important notices.

Thank you, sir.

2255 **The Bailiff:** Members of the States, we come to the vote on this amendment, proposed by Deputy Falla and seconded by Deputy Inder. I gather that nobody has managed to find a magic solution to the electronic voting and therefore we will have a recorded vote, please, Greffier.

There was a recorded vote.

Carried – Pour 17, Contre 16, Ne vote pas 0, Absent 7, Did not vote 0

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

2260 **The Bailiff:** Members of the States, the voting on this amendment, proposed by Deputy Falla, seconded by Deputy Inder, was that there voted in favour 17 Members; against, 16 Members; no abstentions and therefore I declare the amendment carried.

So we note that Proposition 2 has been added to and we now go back into general debate.
Deputy Aldwell.

2265 **Deputy Aldwell:** Thank you, sir.

I just wanted to say to Deputy Falla, I do not know what we do without our officers and I take everything they tell us and learn by it because they have a great deal of knowledge.

2270 I was pleased at last to see a reform of the publication of official notices, Proposition 1, to agree there should be a liberalisation of market for publications of official notices to enable such notices to be published anywhere that is appropriate to suit the aims of the publication and reach the public affected and proportions; and, 3, to agree that any notice, document or information currently required by the Law to be published in the *Gazette Officielle* may be published anywhere that is appropriate to suit the aims of the publication and reach the public affected, included within the online *Gazette*.

2275 Interestingly, most people do not actually read the *Gazette* and I know that because we hear time and time again people say they did not know that parish elections were taking place and yet the Law requires the parishes to advertise in *La Gazette*. For a parish, it is over £1,000. But nobody seems to see it.

2280 For a parish meeting in the spring, which is the time that Douzaines present to the ratepayers their budgets or *remèdes* for the parish, the Law requires that two adverts are placed in the notifications of that meeting, two weeks before that meeting, and a week before the meeting. Online, that would only need to be one, which would stay in place till the day of the actual parish meeting.

2285 There is also a requirement for the church management boards to put a notification of the budgets and accounts of the year, which are presented at the parish meeting and, of course, it is the ratepayers who pay for this. After the budget has been agreed by the ratepayers, another notice is required by the Law before the Royal Court, where the *remède* is presented for approval by the Bailiff.

2290 For parish elections, on the first Wednesday of each November, one advert is required to ask for nominations and three adverts within the same week, clarifying who has been nominated. It has been known, I believe, that when a notification has been missed, and only two notifications to clarify who has been nominated have been placed, then a Douzenier has not been allowed to be sworn in and it was required for them to go through the notification process again. Having the online option, it would only require for one notification, which could be left in place until the swearing in of the parish official at the Royal Court.

2295 The notifications required by Law, printed in a local newspaper, cost a small parish like Torteval £4,000 to £5,000 a year, which could be better spent on maintenance for the benefit of the ratepayers. A bye-election bumps up the cost for ratepayers and with St Peter Port having several over the last year that would have been an added significant sum.

2300 We also hear parishes having to place notifications of abandoned cars on parish land and this can be extremely costly, £400-£500 to ratepayers. So I am delighted that there will be alternatives. The majority of the Douzaines have websites, Facebook pages, notice boards, parish magazines and printed copies on request, so always will be available from the Constables' offices.

2305 With costs constantly rising, this will be one area where not only time will be saved from having to place multiple notifications at specific times but also cost and I wholeheartedly support this reform to the system for publication of official notices and establishing of a *Guernsey Gazette*.

Thank you, sir.

The Bailiff: Deputy Haskins.

2310 **Deputy Haskins:** Thank you, sir.

I would just like to ask Deputy Mahoney when he sums up to this short debate if he has any comments or background on the history and why we are where we are. If he had any more comment on the case for change? Because I too, like Deputy Aldwell do wholeheartedly support this. Then the final one that I would seek for Deputy Mahoney is clarification on the financial situation, as Deputy Oliver has already asked.

2315 Thank you.

The Bailiff: Deputy Le Tocq.

2320 **Deputy Le Tocq:** Thank you, Mr Bailiff.

I remember my father introducing me to *La Gazette Officielle*, as he called it, and explaining what obscure things like *remèdes* were and the like. He was a long serving Douzenier and was very proud of Guernsey and of our peculiarities. At the same time, I think if he were alive today, he would recognise that time has moved on and the way in which we communicate is no longer like the time he told me about how they would make announcements of elections, and he was constable and returning officer, by nailing something to a door somewhere.

2325 Things have changed and we need to bear that in mind. I think during the COVID period we realised, particularly, how important communication was and how best to do that. So we need to

2330 be flexible. I think we have got enough here before us, including the amendment, that will allow us to be flexible and find the most efficient way forward.

2335 What I do not want to see is us become more entangled in administration, making it more expensive for us to communicate and not getting the message to the people that are out there. Certainly, the younger generation are less likely to read printed information, be that through the *Press* or nailed onto church doors or whatever it was, but we do need to certainly find ways of communicating the right sort of information.

2340 I think there also needs to be a review of what information gets sent out because, in my humble opinion, some information is of no use whatsoever and probably that is a legislative thing in terms of what is produced and where. But we are living in a world, sir, where we are bombarded with lots of information and whilst I often say you cannot over-communicate, I think the danger is if there is too much information out there some of it can get missed in terms of the right people.

So there is quite a lot here that needs to be reviewed and we need to come up with workable solutions to. I believe we can do that and I look forward to having more appropriate and better communication with our community in the future.

2345 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

2350 I just wanted to focus again on the point I was trying to make in the previous speech again, so whatever solution we develop, we develop it with a view that information feed will be available to others, if they want to potentially, through API technology whatever is suitable, just so that there is an easy way to potentially spread this information into other content providers, if that will help extend the message. So, just perhaps some reassurance from Deputy Mahoney that this can be considered in the design process because it will be much more difficult to change that later. That technology function could be switched on and off but so that it is built with at least that in mind.
2355 Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

2360 I think we may have lost somewhere in the debate the real purpose of the *Gazette Officielle*. It was established under Law to be a central place, one location where companies and other entities were required to publish official notifications. The problem is, I think, with some of these Propositions and the idea that people have posed about different organisations running, effectively, their own *Gazette Officielle*, is you have missed the basic purpose of one person being able to go
2365 to one location. For instance, if *The Guernsey Press* were running *La Gazette Officielle* but somebody else, another two organisations, were running ones as well, somebody could meet their official obligation by publishing in any one of them.

2370 But the people who are there to actually watch *La Gazette Officielle* for notifications to inform them of actions happening would have to watch all three and consolidate them to be able to know that they have covered all the potential organisations that could be making an announcement. I can see a scenario here where we open up other organisations to print official statements, companies are obliged by Law and sometimes organisations are obliged by Law to publish them, so therefore they can charge for that service. But by having a spread, several different editions of *La Gazette Officielle*, we are missing the basic requirement of a consolidated place where all official
2375 notifications are published and therefore the States of Guernsey and the Greffe are going to be the only people who publish *La Gazette Officielle* any money.

2380 Anybody who wants that consolidated report will have to go to the Greffe to get it because they will be the only organisation out of the three theoretical organisations publishing it that will have the complete list. So I would like Deputy Mahoney to address this when he speaks because I can see a scenario whereby we farm this out to everybody and then the States has to do it anyway.

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir.

2385 I think we have tangled ourselves a bit in knots here, to be honest. I think people have
misunderstood what is actually on offer. Start off with the word 'free'. If the States publish this
online, it is going to be free. Whether they actually do produce the software or at our expense, they
will publish it for free. So that data, as Deputy Kazantseva-Miller said, obviously has to be in a format
that could be ported to anybody who actually wants to use the data ultimately.

2390 The concept really is one pair of hands producing the data once and then it gets spread wherever
it needs to be spread. It is comforting to know that the *Press* are offering to publish that once they
have got hold of it for free, because they are not doing it for free at the moment. So that will be a
bonus.

2395 But basically you need to make a distinction between creating a platform to produce it for free,
which is what I understand was being proposed by Deputy Falla, whomever that might be at this
point in time, although it sounded like it was *The Guernsey Press*, and then publishing for free, which
is actually what we are attempting to achieve and we would do it if we do it in house. It would be
entirely free and anybody who takes the data can either charge for it wherever they produce or they
can do it for free as well.

2400 The previous debate was really more about paying for the production of the platform and the
facility for the platform. That is a different argument to what we are talking about here, which is
producing for free data, however we actually manage to capture it, rather than actually having to
use the current system, which is that you actually have to be charged to use *The Guernsey Press*.

2405 There are two different arguments in that regard. I would not confuse them in your own mind.
If you do not want to have the data that is in the *Gazette Officielle* at the moment under *La Gazette*
or whatever we are going to call it, for free, then do not support this. But if you do want to have it
for free, regardless of who actually does the software, please support the policy letter.

Thank you, sir.

2410 **The Bailiff:** As I do not see any other Member wishing to contribute to debate on these
Propositions, these matters, I will turn to Deputy Mahoney to reply to the debate, please.

Deputy Mahoney: Thank you, sir.

2415 Deputy Haskins asked for a brief history, so I will run through that but very quickly. I sense
everyone is rather bored of this debate and just wants to get on and vote and go on to other things.
This policy letter really is all about dragging the *Gazette* into the 21st Century. It just seemed to this
P&R and the previous P&R, somewhat odd that a private company was still the recipient of a
monopoly situation.

2420 I am sure everyone has read the policy letter, well I know everyone has, and is aware of the
background so I am not going to revisit all of those things other than just to briefly say that in 2008,
I think someone referenced that in the amendment debate, to do this was approved and then had
Policy Council's approval to establish and maintain an online version of a gazette, alongside a hard
copy in place of *La Gazette Officielle*. Now those plans were later shelved.

2425 They were looked at again three years later, ultimately coming to the position, from which I
quote from the policy letter:

If and when electronic means of communication because the preferred mechanism for receiving information amongst
the general public.

2430 Those Resolutions went the same way as the 2008 Resolutions, with nothing being progressed.
In 2018 and 2019, the previous P&R Committee concluded that its preferred approach was to
remove the legal requirement for official notices to be published in the *Gazette* and instead to move
to an online States' *Gazette* and in January of 2020, as I previously noted, Deputy Trott set out the

intention to bring a policy letter and of course then we had COVID and all those things so that did not progress.

2435 But we are where we are and the current Policy & Resources Committee believes it is time for a change. We have debated all of these things but I am just giving the history of why we got to where we are. It is clear that we have long since passed the hurdle of if and when the electronic means of communication becomes the preferred mechanism. The stats I have been given, Deputy Falla can choose to accept them or not, are that 86% of people in Guernsey have access to the internet, a higher still percentage I suspect when you just look at the group that actually want to have access to the internet or need to have access to the internet.

2440 As a society, we are far more tech savvy and tech reliant with each passing year. Whether that reliance is a good thing is another matter for another day and probably another debate. Driven in part by COVID, more and more people now access the services online. This is not new. And of course the States is pushing this through in areas such as driving licences and tax returns. Online and again subject to the issues that new systems have, those things are getting up and running. Both of those things and others tie in with the States' agreed policy of digitising as we go forward.

2445 As noted in the policy letter there is an immediate saving of £73,000, something we can all agree on, to the States and Douzaines for doing this and Members will have seen the letter from *The Guernsey Press*. I am not going to revisit all those things. Sorry, cleaning the screen.

2450 So those things are good and whilst it is good for us it does not address the level of fees that others are having to pay for their notices. But should we be worrying about that? Again, other people have said, if someone is doing it for free; I beg your pardon, Deputy Falla, I have forgotten the number, £100-and-something-000 the profit was made – income from *The Guernsey Press* is perhaps less than the £300,000 that the rumour mill would have it.

2455 But if £73,000 of that is taken off, then we are left with however many, £30,000, £40,000, £50,000, whatever the number was that they are getting from outside the Douzaines and the States. Now they will want to try and maintain a profit margin of some degree and therefore, just economics suggests that those numbers will have to go up, perhaps fairly substantially for others, for the lawyers, etc., although I suspect there is not a lot of sympathy –

2460 **The Bailiff:** Point of correction, Deputy Falla.

Deputy Falla: I am sorry to interrupt. Just to clarify, what I said was that the £120,000 was from the law firms and businesses that excludes, so you cannot make that subtraction, I am afraid. Thank you.

2465 **The Bailiff:** Deputy Mahoney.

Deputy Mahoney: Thank you for that clarification, I accept it entirely.

2470 In that case, of course, their income is nearly £200,000, so we are starting to get closer to the £300,000 but that was my mistake and I accept that. I was perhaps writing at the time so I apologise to Deputy Falla for that.

2475 This is about choice. This policy letter does not restrict the ability of *The Guernsey Press* or anyone to provide their version of a gazette at whatever price they choose but that price will have to be at a commercial rate and not a 'you have got no other choice' rate. This is a long overdue policy letter containing, by and large, what has been agreed by two previous Assemblies and I am pleased that most of the debate happened in the amendment debate rather than now. This was much quicker and really not much said in it, to be honest, other than Deputy Falla noting that *The Guernsey Press* are experts in doing what they do. I do not think anyone denies that, but then somewhat strangely held out Agilisys as another example of experts used by the States and I am not sure that was a wise comparison.

2480 He also went on to note, and I wrote it down because I wanted to make sure I got this right, that since officers do not have a vote, he did not care what they thought; but I am pretty sure he will

care when they come to look at the new Proposition 2 and note to P&R to consider the options for the establishment and operation of such an online *Gazette*, so I am sure he did not mean that in the way –

2485

I can see you standing.

Deputy Falla: Thank you.

You have just done it for me but I wish to withdraw that comment. It did not come out as I would have intended.

2490

Thank you.

Deputy Mahoney: I am sure that is very helpful and very useful, so happy to have given way there.

2495

Anyway, just to wrap up, it has been far too long a debate on this matter. It is important but these things really should be done much quicker and I recommend the amended policy letter to the Assembly.

Thank you.

The Bailiff: Members of the States, there are five Propositions. Is there any Member who wishes to vote differently on any of the Propositions that are there or can I simply put all five of them to you together, noting that Proposition 2 has been amended?

2500

Let us start with Proposition 1 on its own, then, please, and we will have a recorded vote, please, Greffier, just on Proposition 1, Members.

2505

There was a recorded vote.

Carried – Pour 32, Contre 1, Ne vote pas 0, Absent 7, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	Deputy Gollop	None	Deputy Fairclough	None
Deputy de Lisle			Deputy Helyar	
Deputy de Sausmarez			Deputy Le Tissier	
Deputy Dudley-Owen			Deputy Matthews	
Deputy Dyke			Deputy Blin	
Deputy Falla			Deputy Brouard	
Deputy Ferbrache			Deputy Bury	
Deputy Gabriel				
Deputy Haskins				
Deputy Inder				
Deputy Kazantseva-Miller				
Deputy Le Tocq				
Deputy Leadbeater				
Deputy Mahoney				
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				
Deputy Aldwell				

Deputy Burford

The Bailiff: Well, Members of the States, in respect of Proposition 1 only, there voted in favour, 32 Members; against, 1 Member; nobody abstained and there were the other Members who were absent and therefore I declare Proposition 1 duly carried.

2510 I did not get the impression that anyone wanted to vote differently on Propositions 2, 3, 4 or 5 so I am going to put those four Propositions to you together and we will have another recorded vote on Propositions 2, as amended, 3, 4 and 5, please Greffier.

There was a recorded vote.

Carried – Pour 33, Contre 0, Ne vote pas 0, Absent 7, Did not vote 0

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

2515 **The Bailiff:** Members of the States, in respect of Propositions 2-5 inclusive, there voted in favour, 33 Members; no Member voted against; no Member abstained and therefore I declare those four Propositions duly carried.

Now, Members of the States, what I am going to suggest we do next is to call Article 13.

**POLICY & RESOURCES COMMITTEE AND
STATES' TRADING SUPERVISORY BOARD**

**13. Alderney Airport Runway Rehabilitation –
Item deferred until December Meeting**

Article 13.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Alderney Airport Runway Rehabilitation' of the Policy & Resources Committee and the States' Trading Supervisory Board, they are of the opinion:-

1. To agree Option C+ optimises public value in Alderney Airport by way of restoration of the existing pavement surfaces of the runway, including its re-widening and extension, and the redevelopment of the terminal building and other building alterations to secure improvements to enhance service provision; and therefore to replace the previously agreed proposal with this Option C+ scheme in the Government Work Plan.

2. To direct the Policy & Resources Committee on behalf of the States of Guernsey to negotiate with the Policy & Finance Committee of the States of Alderney in order to update the operational relationship and secure capital funding for the Option C+ scheme to redevelop Alderney Airport and runway; and if a reasonable and robust agreement cannot be reached, to direct that the Policy & Resources Committee reverts to the States of Guernsey for further consideration of options to secure funding for Option C+.

2520 **The States' Greffier:** Policy & Resources Committee and States' Trading Supervisory Board – Alderney Airport Runway Rehabilitation.

The Bailiff: Now Deputy Meerveld do you wish, before we take any speech in respect of this, to put a motion? Do you?

2525 **Deputy Meerveld:** Yes, please, sir.

A number of Members have approached me saying this is a very important policy letter and will be quite controversial and they have prompted me to put a motion to the floor that we defer this item to 14th December when it will be the first substantive item we will debate.

Thank you, sir.

2530 **The Bailiff:** Is there any comment from the Presidents of the two Committees who are bringing this matter, Deputy Ferbrache, Deputy Roffey?

2535 **Deputy Ferbrache:** Sir, it makes sense to me, we are now, what, twenty to four, quarter to four, we have got no chance of making any substantive progress with this. Therefore I would personally support the motion.

2540 **Deputy Roffey:** I have not had a chance to consult with my Committee but until really quite recently I have been keen to make some headway and make a start with it, at least perhaps deal with one of the amendments or the *sursis* but I think we have now reached the stage where even that is impossible, particularly knowing that Deputy Ferbrache will have to make one of his opening speeches, and he tells me he has written one, so it could be a very long time!

2545 **The Bailiff:** I am not going to invite a wide-ranging debate here but Members will have seen that a *sursis motivé* has been submitted and that is to be proposed by Deputy Burford. Now, what would happen if the motion to defer debate to next month were not to be approved by you would be that I would invite, and I think it is going to be Deputy Ferbrache, to open the debate generally,

2550 because that is how we always start, and we would then move to the *sursis motivé* which would be moved by Deputy Burford and debate on the *sursis motivé* would be confined to the *sursis*. It would be a matter for your judgement as to whether you think that can be completed in time for us to deal with the Schedule for Future States' Business at half past five, because I have been told that there is some football game on this evening that some people might want to watch!

2555 My understanding is it is kick-off seven o'clock so there is a little bit of leeway but not a lot for those who want the pre-match build up! So those are really the considerations for you, to simply defer everything, which would include the *sursis motivé*, which would be taken in the same order as I have explained followed, if it were not successful, with the amendments, and then general debate at the next Meeting. So that is the motion, to simply push this matter in totality off to the next Meeting of the States, which commences on 14th December.

2560 Deputy Burford do you wish to comment as well?

Deputy Burford: Yes, please. Thank you.

Clearly it is a matter for the States. I am keen to press on simply because if the *sursis* were to be successful the next three weeks can be very usefully used to start carrying out some of the directions in it. That is all I wanted to say.

2565 Thank you.

The Bailiff: Alderney Representative Snowdon.

Alderney Representative Snowdon: Thank you, sir.

2570 I think it is important the States of Alderney considers the *sursis* and has time to look at it. We have had very late notice and we have not really had time to look at it at all so I would think it is appropriate for a bit more time for at least the States of Alderney on such an important matter.

Thank you.

2575 **The Bailiff:** I do not really want a general free for all. Your interest in this, Deputy Inder?

Deputy Inder: I think it is important, sir. Because we are mentioned in the *sursis* and Deputy Burford has mentioned it, so if that is okay by you, sir, what Deputy Burford has just said, she thinks we can crack on with it. I only got a copy of this at a quarter to 12 this morning so Deputy Burford, with the greatest respect, I have had no communication with my Committee on this at all, so it is incorrect if that is going to influence the decision that our Committee has had no ability to review this at all. There are three areas, okay, I might actually be able to help Deputy Burford if there is a delay to put it into better shape than it is at the moment.

2585 So to answer your question sir, I would much prefer this would be delayed.

The Bailiff: Members of the States, I am going to put to you the motion that this item of business be deferred to the next States' Meeting, commencing on 14th December. As you know, if it is deferred, it will be taken after the usual starting points and before any other form of business that will be dealt with there in accordance with Rule 9. Those in favour; those against?

2590 *Members voted Pour.*

The Bailiff: I am going to declare that motion carried, so keep hold of your papers, including the *sursis motivé* and it will be tackled, hopefully starting on the Wednesday.

2595 So, Greffier.

COMMITTEE FOR ECONOMIC DEVELOPMENT

**16. Guernsey Competition and Regulatory Authority Accounts
and Auditor's Report for the Year ending 31st December 2021 –
Proposition carried**

16, The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "The Guernsey Competition and Regulatory Authority: Accounts and Auditors' Report for the year ending 31st December 2021" dated 10th August 2022, they are of the opinion:-

1. To note the accounts of the Guernsey Competition and Regulatory Authority and auditors' report for the year ended 31st December 2021.

The States' Greffier: Article 16, Committee for Economic Development, Guernsey Competition and Regulatory Authority – Accounts and Auditor's Report for the year ending 31st December 2021.

2600

The Bailiff: And I will invite the President of the Committee, Deputy Inder, to open debate, please.

Deputy Inder: Sir, there is not much to say on the matter, the fact that is clearly for noting. Any technical details, if there is much of a debate, I am afraid I am going have to defer to the Committee as my notes on the matter are locked somewhere on the internet.

2605

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

2610

I am only too happy to agree with the Proposition, which is to note, but I do have some questions and I apologise to Deputy Inder for not giving him advance notice of these. It was not until yesterday actually that I read this report in front of us. On page 13 we are told:

While we will continue to seek further efficiencies, in the near term, when faced with continued grant freezes, there will be a direct impact on our effectiveness and the impact we can have as the Island's competition body. We will continue engagement with government officials in this regard.

So is he able please, to bring us up to date with developments on that continued engagement? We are also told on the same page:

2615

Any surplus licence fees above costs are either returned to operators after the year end or held to fund future work.

Can he tell us how that decision is made, please? I am assuming he will know the answer to that because again we are told on the same page that grant income in excess of costs is with the agreement of the States' Department, either voluntarily returned to that Department after the year or held to fund future work.

2620

And with those points taken into consideration, we are also told on page 13, at the top of page 13:

Grant funding is received from the Committee for Economic Development in Guernsey to cover the costs of administering and enforcing the Competition Laws. Basic funding for this area has remained at £140k per annum in Guernsey since 2013.

2625

Now I am wondering, first of all why hasn't that been increased? Does Deputy Inder think that there is a case for that sum to be increased? And would the GCRA struggle to survive if that grant was removed?

2630

Thank you, sir.

The Bailiff: Deputy Gollop.

2635 **Deputy Gollop:** I discuss sometimes, even with my fellow States' colleagues, maybe SACC should look into it yet again, why we have all these reports to note. Is it a workshop, is it a debate, is it an opportunity to grandstand or raise questions? I do not know. But we have got this Report and it is interesting, although again probably Members cannot give the attention to it this time of year that they might.

2640 But I thank Deputy Queripel for the points he made because I do not understand the grant stuff either. CICRA do a useful job, they have been part of the office, we have had regulators for 20-odd years but there are some intriguing little points. In 2021, they certainly have a lot of cash in their bank and it is interesting that they gained £633,000 a year income from telecommunications licences and £182,000 from electricity licences, and their income has gone up by £200,000; but their
2645 salaries and staff costs in 2020 were, I do not know, it is strange, when you compare the two, I do not know if this is actual, predicted or what, but there is a variance from £423,000 to £640,000 and a surplus or loss of £125,000 surplus this year. It is very strangely laid out because you have actually got the two 2021s just to confound us further.

2650 So they are not easy to follow these accounts and it is not clear, maybe, why costs appear to be growing. I often think some of the best speeches we have in the Chamber come from Deputy Trott and he was so wise the other day when he pointed out that our decision, which I shared, to support Deputy Soulsby's ombudsperson will one day result in a greater cost; and the classic administrative tribunals and I think the history of regulation has shown that when we had political titans like the late Deputy Burbridges and Deputy Bells running the utilities, it was a lot cheaper than today's
2655 environment of professional directors and senior officers and regulators.

But we are where we are. The way these accounts are presented do suggest an increase in costs over what was originally budgeted, significantly with legal fees, funnily enough, and start costs.

Thanking you.

2660 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Personally, I think there is a lot in what Deputy Gollop has just said but that is not what I rise to my feet for. I rise to my feet to highlight one of the real oddities about how CICRA arrive at the level of licence fee they need to levy against the regulated entities and to illustrate that
2665 I will just tell a very brief story. CICRA took a very ill-advised decision to take Guernsey Electricity to court. Not only did they lose that case, they lost it so significantly that the court awarded all of the costs against CICRA and said that they should pay Guernsey Electricity's legal fees.

2670 So, how are they going to do that? They have told STSB they need to levy a licence fee against Guernsey Electricity in order to get the money in to pay the costs that the court have ordered against them to pay for Guernsey Electricity. So it is just making a nonsense of a court order because it actually means that Guernsey Electricity are effectively paying their own costs when the court order said absolutely the opposite. It is Alice in Wonderland. I do not know what the solution is but I just wanted to highlight this absolute nonsense.

2675 **The Bailiff:** As no other Member is rising to speak, I will turn back to the President Deputy Inder to reply to that short debate, please.

Deputy Inder: I do not disagree with Deputy Roffey but there are lots of nonsenses which very few of us had anything to do with. I see a lot of guffawing from areas to my left but they were wholly
2680 responsible for putting this together. But there you go. Again we will deal with what we have got to deal with and it is a fact we have areas of regulation.

To answer Deputy Queripel's decision, I did not need my notes because I remember this. He did speak about some of the stresses mentioned in the financial review but that is primarily under something called mergers and acquisitions. You would not have guessed it but they are struggling

2685 with the area of staff and regulation and I have had – there is only so much I can say – some sort of notification in my role of that matter and that has been of late and something we have to deal with as a Committee.

2690 Having said all that, I have sent a clear message back to the regulator that in effect I do not think the Committee in the main is a fan of expanding the costs base of the Regulatory Authority; and those who might remember is that only last States’ debate, I cannot actually remember now, things get lost in time, we put an amendment in to try and get the various areas of our Government to work closer with Jersey and that was mentioned in the same conversation. So that conversation has been opened up. It has been tentatively agreed by the Committee who has got a responsibility to start looking towards it so that is where we are looking.

2695 So, through you sir, to Deputy Queripel, we are entirely mindful of the cost of regulation in the Island and where we can find efficiencies, working with our Jersey partners, we will try to. But as I have said before, they have to parley with us.

2700 On the matter of returned fees, the last time I had that I think was the first time I took the position, it was at the end of the year around the same time. There was a smaller amount of money. I have not had this discussion this year but last time we wanted it returned back to them. They made the argument that they want to keep it effectively as a war chest because being a Regulatory Authority they never know what is coming around the corner. So I think, and again this is only from memory, that we have generally allowed them to keep a certain amount of money in surplus.

2705 I think, within reason, with the exception of the questions of Deputy Gollop, I have answered those questions as best I can to my ability. But it is true, regulation is expensive. I do not entirely disagree with Deputy Roffey that a lot of this is just wooden dollars but we do have, effectively, monopolistic utilities, regulated by independent regulators, which are effectively owned by Committees.

2710 It is very East German sometimes. It really does look like that. Truly, they do not always feel as independent as they are and if there is a cheaper way of doing it and protecting the consumer, Deputy Roffey, quite rightly so, he is going to think about the responsibility of the commercial entities. But the big part of it is protecting the consumer, but that debate can be had another day. But there is every intention by us as a Committee to try and find efficiencies and hopefully those efficiencies will be with working with Jersey in the future and that is our hope.

2715 Thank you, sir.

The Bailiff: Well, Members of the States, there is a single Proposition, to note the accounts of the GCRA for the year ended 31st December 2021. We still have to have a recorded vote, so over to you, please, Greffier.

2720 *There was a recorded vote.*

Carried – Pour 30, Contre 0, Ne vote pas 1, Absent 9, Did not vote 0

POUR	CONTRE	NE VOTE PAS	ABSENT	DID NOT VOTE
Deputy Cameron	None	Deputy Brouard	Deputy Fairclough	None
Deputy de Lisle			Deputy Helyar	
Deputy de Sausmarez			Deputy Kazantseva-Miller	
Deputy Dudley-Owen			Deputy Le Tissier	
Deputy Dyke			Deputy Matthews	
Deputy Falla			Alderney Rep. Roberts	
Deputy Ferbrache			Alderney Rep. Snowdon	
Deputy Gabriel			Deputy Blin	
Deputy Gollop			Deputy Bury	
Deputy Haskins				
Deputy Inder				
Deputy Le Tocq				
Deputy Leadbeater				
Deputy Mahoney				

Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Taylor
Deputy Trott
Deputy Vermeulen
Deputy Aldwell
Deputy Burford

The Bailiff: Well, Members of the States, the voting on this single Proposition was that 30 Members voted in favour; no Member voted against; 1 Member abstained; the others were absent and therefore I declare the Proposition duly carried.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

Appendix Report – Guernsey Legal Aid Service 2021 Annual Report – Noted

2725

The Bailiff: Now the next item of business is to go back to the Guernsey Legal Aid Service 2021 Annual Report following the successful motion to debate that. The Proposition is simply to take note of the Report. You will find that in Rule 20(5)(c) and I invite the President of the Committee, Deputy Roffey, to open the debate.

2730

Deputy Roffey: Thank you, sir.

I do not think there is a great deal to say, really. Members will have noted that for the second successive year in 2021 the Guernsey Legal Aid budget was fairly significantly underspent but I hope they do not get too carried away with that, that we have somehow turned a corner. It is almost certainly pandemic-related in reducing the amount of Court activity and of course we are now launching, as we speak, a major review across Committees of the whole Legal Aid Service.

2735

So if people have comments to make today that is fine but I hope they will submit them also to the review because we are taking a fresh look at the whole service and how it is provided.

2740

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

A little bit unprepared because the Order of Business originally had this kicked into December, but there we go. I was going to speak briefly about the Report in general and maybe refer to some of the stats and figures contained within but I just want to put on record my thoughts about legal aid. I know from my time on Home Affairs and discussions with Advocate Harwood, for example, that it is administered completely differently in the UK and the private Family Law cases, when you are talking about child access disputes etc., do not warrant and cannot get legal aid, for example, in the UK.

2745

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From anecdotal evidence, it appears to me that legal aid's involvement in these case does not actually assist in a speedy conclusion. Whether that was true or whether it was just stories, it remains

to be seen. But it is something that I would like the review to examine. I would like to thank Deputy Roffey and his Committee for this root and branch review because I think it is overdue and I would just like Members to contribute, to give their thoughts and hopefully to inform the review and there we go.

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Thank you, sir.

The Bailiff: Deputy Gollop.

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Deputy Gollop: I am on the ESS and of course have met in the Committee context, the legal aid administrators and their predecessors, and I think really they do a first-class job; and remember they look after the Bailiwick's interests, not just Guernsey, as some cases emanate from Sark or Alderney.

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There is a degree of debt that they collect but I think when legal aid was first introduced into Guernsey – because we were well ahead of Jersey, who continue to have a rotational system of bar firms giving *pro bono* work, there were naysayers who said it would be a very expensive thing. Well, it is not the cheapest thing but I could think of a lot of things that cost a lot more. I think we have contained the costs pretty well. I think especially in the last few years there has been a strong culture of efficiency.

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The legal fees that were initially negotiated 20 years ago have not significantly risen. In fact, I think they are the same and so I think, in a way, it is a very good service. I think my position on this is not just about reflecting the ills of the taxpayer, it is very much about ensuring that Guernsey has a first-class judicial system and access to justice and that nobody who needs it is left out due to cost. In fact, one could argue that if you are declared ineligible for legal aid, the cost of legal services is still quite hard for people who are less than high earners. But that is a different debate.

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Deputy Leadbeater has raised a thing that possibly does need to be looked at, but we already have done the Children's Law debate as to whether on occasions there may well be too many documents passing between family members and their law firms, which are not as helpful as they could be in terms of mediating or reflecting issues and maybe the way in which break-ups occur could be looked at.

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But I think we very much need to focus that one of our areas of importance, from a human rights perspective and a community perspective, is maintaining rights to justice where appropriate, both criminal and civil.

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The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

The comments of Deputy Leadbeater bring me to my feet. Obviously, this debate is simply to note the Report and on page four, where it describes civil matters, it does say:

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... private law family matters such as the future arrangements for the children where parents have separated – primarily applications made under Section 17 of The Children (Guernsey and Alderney) Law 2008 - divorce and ancillary relief proceedings ...

– is mentioned in the Report. I am not sure this is the appropriate time to be debating the proposed review but, as Deputy Leadbeater has raised it, I agree with the point that he is making. I would note that under the Government Work Plan and under the justice propositions that have been agreed the matter that he refers to and is contained in the Government Work Plan ... and I, like Deputy Leadbeater, hope that Family Law matters are very much considered as part of the review.

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Thank you, sir.

The Bailiff: Deputy Soulsby.

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Deputy Soulsby: Thank you, sir.

I will just be very brief. It was just a comment that Deputy Leadbeater made in regard to availability of legal aid in children's proceedings. He mentioned the UK but I think he probably meant England and Wales because I think legal aid is available for that in Scotland.

2805 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, briefly.

2810 I moved a motion to debate this Report last year and during that debate raised the issues around some of the Public Law issues arising from the Children's Law, and obviously the debate during this session of the States has focused on the review of that, so I guess clearly we will not see the impact of that for several years until that legislation has been enacted and is in place. But I think the observation then that obviously the tribunal system was intended to be largely an advocate-free zone – certainly without legal aid – obviously was one of the objectives of that scheme of arrangement to the extent that there are legal aid costs incurred in the operation of the Children's Law. It should be on the horizon as to understanding the reasons for that, the scope for that and whether that can be contained in any way by the operation of that Law. So I guess that will fall into phase two of the review of the Children's Law.

2815 In relation to Private Law matters, particularly family disputes, page seven of the Report refers to the cost of experts and my understanding is that this arises largely from FPAS, which I think sits within the responsibility of the Committee for Home Affairs and their engagement of a specialist psychologist when dealing with the impact of family breakdowns on children, often.

2820 Whilst the Report here notes that the ability for experts to travel in 2021 obviously has been limited by COVID, one would expect that to pick up in this year and beyond. I think there is a wider concern about the increased use of experts, the struggle in getting their availability – there are very few of them – and therefore the impact on the duration of cases in terms of dealing with them expeditiously, but also of course ultimately the impact on the families who are in the middle of a breakdown and the impact on the children.

2825 So, I think there are some very real issues there which I am pretty sure are ancillary, really, to legal aid, but clearly ultimately have an impact on legal aid in terms of the budget for picking up the costs of those experts.

2830 Then the final observation that I would make, two other observations. Deputy Gollop has made the point about the advocates' rates for legal aid have been contained for many years, and on the face of it, obviously, that is a good thing. However, of course, it does ultimately feed through to a limit in the supply of those that are willing to do the work. So there is a balance that needs to be struck and I imagine that is one of the challenges of the review, and it will be getting that right so there is enough of a reward that there are advocates willing to do this work, but at the same time it is good value for the taxpayer funding it.

2835 My final point is an observation on page 15, which is the level of debt which sits within for legal aid debtors, which stretch back to the oldest criminal debts date from 2011 and our oldest civil debts date from 2007. The civil debts are about £180,000-£190,000 and a similar amount, about £180,000, for criminal debts. So much of this debt, although it is not broken down over that period as to what sits where, clearly some of it is very old.

2840 I suspect there may be, whilst clearly the circumstances of those that are needing to pay off debt is such that weekly or monthly payments are likely to be quite limited and therefore be over an extended period. I suspect there is probably little incentive for those debts to be paid off more quickly if a debtor, perhaps those circumstances improve. So again I would encourage, perhaps through this debate as it feeds in through the Committee into review, that some consideration is given as to whether it is appropriate to consider the application of some kind of statutory interest rate on aged debt, to encourage earlier repayment where the debtor is in a position to do so.

2850 Thank you, sir.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, England and Wales have had legal aid since the Legal Aid and Advice Act of 1949 but Scotland and Northern Ireland also have a legal aid system as well. Guernsey's came in, as Deputy Gollop said, some years ago, in relation to it and really because of external pressure. That was the only reason, because when I first came back you used to line up – roughly where Deputy St Pier is sitting – and we would have people sitting where Deputy Gollop is sitting, and in Royal Court they were going to pick you and you would have to act for them in the Royal Court criminal trials free of charge. I was somebody who was picked 60% or 70% of the time so spent a lot of my time, many hours and days, practising free.

But in relation to that we did not really have a system for the Magistrates' Court. Police used to have to phone around to try and get somebody to go in at 10 o'clock in the morning because they wanted to interview somebody for something or other. So our legal aid system, when the rate was set up, as Deputy St Pier has said, you have really got three rates. You have got your indemnity rate, which is what you pay, you are a client, that is what you pay your lawyer. You have then got recoverable costs, rates which apply in civil cases, and that is a set rate, it goes up every year, frequently by the cost of living, I do not know what it is now, somewhere between £250 and £260 an hour. Then you have got the legal aid rate, which is much lower and has been set now for 20-odd years.

Remember, the Bar representative when it was set up was Advocate Perrot and he went in – he has got an imperious style and said, 'I am going to get you a recoverable cost rate.' He came out with his tail between his legs and we ended up getting the legal aid rate and it has never improved from that.

So in any event, the point in relation to that is that the rate is low but there are lawyers that do it and there are some small legal firms, I think that is all they do or most of what they do. When you look at it, I appreciate Deputy Roffey's point, the last couple of years you cannot really look at the figures because they have been in COVID, there have not been as many trials, hearings, etc. So it probably is an unrealistic figure.

Deputy St Pier raises a point about aged debt, going back to 2007, 2011. Why don't people write it off after a time? It costs more in time to try and chase somebody paying £5 a week than you are ever going to get. It just seems pointless. Perhaps we should be more proactive in relation to that. The States is not good generally, albeit that is a legal aid system, which is different in chasing up debt.

But it does need to have a review. A lot of the costs are spent in family-type cases. I appreciate the point we have now got the tribunal, which does not have advocates, by and large, but it does need a review. I look forward to contemplating what that review will be and making some suggestions.

The Bailiff: As I do not see anyone else rising, I will turn back to the President Deputy Roffey – Deputy Oliver.

Deputy Oliver: Sorry, sir.

I just need to make a declaration. I do not even know if I need to do it, but I am just in case, that my husband has just started doing *pro bono* work for Guernsey Legal Aid in that if they need his specialisation they will go to him.

Thank you.

The Bailiff: Thank you.

I will still turn back to the President, Deputy Roffey, to reply to the debate, please.

Deputy Roffey: I do not think this is the appropriate setting to get into my views about what the appropriate rates are for advocates being paid, particularly when we are about to start a review, not of that but of the whole system. I am sure that there will be parties that will raise that as part of the review.

2905 I think that is probably true of everything that has been said. There have been some really interesting comments and I will try to pass them on, faithfully. But actually, rather than relying on my memory, I would encourage people with any views about how legal aid works to actually feed it into the multi-committee review which – although ESS and Home Affairs are involved with – I think is being led by P&R is my understanding and it is going to be ... we are bringing somebody

2910 to actually lead that and the work will be starting really quite soon.

So I thank people for a short and interesting debate and hope that people feel able to note the Report.

2915 **The Bailiff:** Well, Members of the States, the Proposition, as I said, is simply to note the Report and therefore we will turn to the recorded vote that we need in respect of that, please, Greffier.

There was a recorded vote.

Carried – Pour 27, Contre 0, Ne vote pas 2, Absent 11, Did not vote 0

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

2920 **The Bailiff:** Members of the States, the voting on the Proposition to note that Report was that there voted in favour, 27 Members; against, no Members; 2 Members abstained; and there was an even greater number of absentees at that vote. But I will declare the Proposition duly carried. Greffier.

POLICY & RESOURCES COMMITTEE

**17. Schedule for future States' Business –
Proposition carried**

Article 17.

The States are asked to decide:-

Whether, after consideration of the attached Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 14th December 2022, they are of the opinion to approve the Schedule.

STATES OF DELIBERATION SCHEDULE for FUTURE STATES' BUSINESS (For consideration at the Ordinary Meeting of the States commencing on the 23rd November 2022)

Items for Ordinary Meeting of the States commencing on the 14th December 2022

(a) communications by the Presiding Officer including in memoriam tributes;

(b) statements;

(c) questions;

(d) elections and appointments; Committee for Economic Development – Appointment of Ordinary Members of the Office of the Financial Services Ombudsman

(e) motions to debate an appendix report (1st stage);

(f) articles adjourned or deferred from previous Meetings of the States;

(g) all other types of business not otherwise named;

Long-term Care Insurance (Guernsey) (Entitlement to Benefit) Ordinance, 2022;

No. 68 of 2022 – The Wastewater Charges (Guernsey) Regulations, 2022;

No. 69 of 2022 – The Water Charges (Amendment) Regulations, 2022;

No. 70 of 2022 – Waste Disposal and Recovery Charges Regulations, 2022;

No. 71 of 2022 – The Waste Management Services (Charging) Regulations 2022 (No. 2) Regulations, 2022;

No. 72 of 2022 – The Airport Fees (Guernsey and Alderney) Regulations, 2022;

No. 73 of 2022 – The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2022;

No. 74 of 2022 – The Mooring Charges (Guernsey) Regulations, 2022;

No. 75 of 2022 – The Pilotage Dues (Guernsey) Regulations, 2022;

No. 76 of 2022 – The Economic and Financial Crime Bureau and Financial Intelligence Unit (Amendment) Regulations, 2022;

No. 77 of 2022 – The Forfeiture of Money etc in Civil Proceedings (Designation of Countries) (Bailiwick of Guernsey) Regulations, 2022;

P.2022/102 – The Income Tax (Guernsey) (Amendment) (No. 3) Ordinance, 2022;*

P.2022/103 – The Family Allowances Ordinance, 2022;*

P.2022/104 – The Severe Disability Benefit and Carer's Allowance (Amendment) Ordinance, 2022;*

P.2022/105 – The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2022;*

P.2022/100 – Development & Planning Authority – Proposals for Provisions to Address Land Which is Affecting the Amenity of an Area;*

P.2022/106 – Committee for Home Affairs – Independent Monitoring Panel – Resignation of Member;*

*P.2022/107 – Guernsey Post Limited – Annual Report and Accounts**

*Amendments to the proposed meeting dates and order are permitted only for those items marked with an *.*

The States' Greffier: Article 17, Policy & Resources Committee – the Schedule for Future States' Business.

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The Bailiff: I have not received any amendments. Deputy Ferbrache, is there anything to add?

Deputy Ferbrache: No, sir.

2930 **The Bailiff:** Well, Members of the States, I have checked this because I thought I might get away with it but the Schedule for Future States' Business is an original Proposition, so in the absence of the electronic voting system, we will have another recorded vote, please, Greffier.

There was a recorded vote.

Carried – Pour 29, Contre 0, Ne vote pas 0, Absent 11, Did not vote 0

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

2935 **The Bailiff:** Members of the States, the voting in respect of the Schedule for Future States' Business for the next Meeting of the States was there voted in favour, 29 Members; nobody voted against; nobody abstained; the other Members were absent and I declare the Schedule duly approved and that Proposition carried.

Can I just thank you all for your patience today when it comes to the voting. It just proves how reliant we are on technology, doesn't it? But hasn't it been nice that nobody has had any emails for the entire day? (*Laughter*) We will now close the Meeting, please, Greffier.

The Assembly adjourned at 4.24 p.m.