



OFFICIAL REPORT
OF THE
STATES OF THE
ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 12th September 2018

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

Volume 6, No. 7

Present:

Mr Stuart Trought, President

Members

Mr Matthew Birmingham

Mr Mike Dean

Mr James Dent

Mr Graham McKinley

Mrs Norma Paris

Mr Steve Roberts

Mr Alex Snowdon

Mr Ian Tugby

The Greffier of the Court

Mr Jonathan Anderson

Business transacted

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States of Alderney

*The States met at 5.30 p.m.
in the presence of Lieutenant G T Workman RN (Rtd),
a representative of His Excellency Vice Admiral Sir Ian Corder KBE, CB,
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

Apologies for absence

The Greffier: Good evening, Mr President, if you are ready I will proceed with the roll call.

The President: Before you commence with the roll, we have apologies from two Members,
5 Messrs Barnes and Jean.

The Greffier: Thank you, sir.

The President: Will you please proceed with the roll now.

ROLL CALL

The Greffier

10 **The Greffier:** Sir, that is eight Members present this evening.

The President: Thank you very much indeed.

Convener's Report of the People's Meeting held on 5th September 2018

15 **The President:** If we could we start with the Convener's Report, please, Mr Dean, from the
People's Meeting.

Mr Dean: The People's Meeting took place on 5th September 2018, at 7 o'clock. I was the
Convener and I was assisted by the Chief Executive and the Treasurer. The number of States'
Members was five, excluding the Convener, the Minute Secretary, 15 members of the public and
four press.

20 Apologies were given for Mr Birmingham, Mr Jean, Mr Barnes and yourself, sir.

The President: Thank you very much indeed, Mr Dean.

Billet d'État for Wednesday, 12th September 2018

I. Chief Pleas – Chief Pleas of Mrs Rosemary Hanbury and Mr David Nash

Item I.

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

The President: Mr Greffier, could we move to Item I, please.

25 **The Greffier:** Thank you, sir.

Item I, this evening is Chief Pleas and I confirm receipt of two Pleas this evening, sir.

The President: Thank you very much.

30 Before we move on to Chief Pleas I would just like to address those people giving Pleas and remind them that this is an opportunity for an individual to bring personally before the States a matter of public interest which they request shall be considered, and may address the States in support of this request. It is an opportunity to address the States as a whole, it is not a platform from which to opine on the merits or otherwise of individual States' Members.

35 I also go on to say that under Section 43(7) of the Government of Alderney Law: 'Nothing in this section confers on a person who addresses the States ... any other right, privilege or immunity'. In effect that means that anyone who states anything as a fact which is untrue, or makes false allegations, may be subject to whatever remedy is available under the Law.

Now, after that very stern warning we would like to call the first of the Pleas, please, which will be Mrs Rosemary Hanbury.

40

Mrs Hanbury: Mr President and the States Members, my subject is the representation of the States of Alderney in the Guernsey States of Deliberation.

45 Here is the stark reality, which has arisen over the last few years: our two Alderney Reps do not currently represent the States of Alderney, they act as independent members of the Guernsey States. In 2006 under the then President Sir Norman Browse, the States approved a procedure as a pilot experiment whereby the electorate was asked to vote the two Alderney Representatives to sit in the States of Deliberation in Guernsey. It was, however, specifically mentioned in the introduction to that Billet that the two Alderney Reps should represent the States of Alderney. It is here. The electorate has to be given the opportunity to select which of
50 the States Members they felt should represent the States of Alderney, and in effect only those Members who put themselves forward were considered, and at the last election there were only the two present incumbents.

55 Since 2006, the new system has had an unintended consequence: the Alderney Reps have acted independently of the States of Alderney causing division within the States, and they have even felt they had no obligation either to represent or to report back to the States of Alderney on any matters debated in Guernsey. This is happening at a time when the States of Alderney has needed to show a united front in crucial matters which affect our Island.

60 In the June States' Meeting this year, the States had to introduce a change to the Rules of Procedure to require the Alderney Reps to be questioned on Alderney's involvement in Guernsey debates. One of our Reps objected to this on the basis that he should be allowed to

make up his own mind without any reference to the States of Alderney. Thankfully, the change was voted in and the Reps are now required to report on their involvement, just as it should be.

65 The first Alderney States' meeting of the year in January 2017 coincided with an Assembly of the States of Deliberation. Our two Representatives chose to go to Guernsey, missing the election of our Committees and that was a clear demonstration of how they saw their priorities. Our Alderney Reps are, of course, full Members of the States of Deliberation and are able to vote on most matters there. Over the years, these debates have lengthened often lasting four days, but they are also full Members of the States of Alderney with a workload recently estimated at 48 hours a week. So there needs to be a better system for setting priorities. Our
70 Reps attend the Guernsey debates even when some items are of no significance or relevance to Alderney, such as permission for bonfires, the choice of buses – I was there for that one – the consideration of town and country planners, and other purely local issues. And this is clearly not a good use of their time.

75 Meanwhile, the result here in Alderney is the absence of one-fifth of our States Members at many important meetings, presentations, inquiries and duties. I do not denigrate the good work of our two Alderney Reps, often these people have passion and relevance on subjects of importance to us all.

80 What I am suggesting today is that the system of Alderney representation should be changed. The Alderney Reps should acknowledge and accept that they are representing the States of Alderney. The States should review the Guernsey Billet every month and assign Alderney Reps only to those debates that are relevant to Alderney. The Alderney Reps should keep the rest of the States informed on the content and result of those debates when they return from Guernsey. States Members who have specific experience or expertise in a particular subject should be nominated to attend debates on those issues. There are also other ways of increasing
85 Alderney's influence on decision making in Guernsey: I believe the Liaison Committee still meets, but individual States Members should be encouraged and financed to attend meetings, discuss mutual problems and visit appropriate Departments in Guernsey relevant to their responsibilities here. Video conferencing should be increased to keep costs down.

90 The public questionnaire last year suggested reform of the Government of Alderney Law, but I am asking the States to take back control before the next election. Time is running out.

Thank you, sir.

The President: Thank you, Mrs Hanbury.

We move on to the next Plea, please, from Mr David Nash

95

Mr Nash: Members of the States and colleagues, exactly two years ago our President, Stuart Trought, issued this letter to all Island residents when he described Alderney as being 'at a fork in the road'. He was challenging the candidates in the run-up to the last election to draw up a reform charter. He described the route map to a fundamental change in the way we govern
100 ourselves and was actually referring to the report prepared by the University College of London. He explained that we needed to clarify our relationship with the nearest neighbours and more fundamentally than that we would need to address the way we govern and administer ourselves.

105 Stuart stated: 'Report after report has urged us to tackle a democratic system and a civil service which has long needed thorough-going reform'. Those were *his* words, and yet only this week we have seen the announcement of the Good Governance Group whose brief is to open a conversation between the States and the populace. It is a welcome move in the right direction, but it has taken two full years to materialise.

110 This past week, we heard a plea from the floor at the open forum session at the People's Meeting that our Civil Service had not acknowledged or answered some letters, and I regret to say in the last two years since our President talked about Civil Service reform I have had several similar requests for information denied, ignored, or just never acknowledged. Therefore, I stand

115 before you with a simple request which I hope will help kick start the President's reform plans
and I hope it will give the people of this wonderful Island a little more help in finding out what
has been going on in the last two years behind closed doors at the Island Hall.

120 What I am asking for is two good States Members to stand up and be counted and propose
and second a resolution to the P&F Committee that simply says: 'The States of Alderney resolves
to ask the Law Officers in the States of Guernsey to bring forward to this House the necessary
legislation to establish a Freedom of Information Act for Alderney similar in style, content and
context to the other Crown Dependencies'.

125 Now, Jersey, the Isle of Man and Gibraltar have all introduced actual freedom of information
legislation in recent years but, in Guernsey, States Members complained that as a small
jurisdiction it has limited resources and appears to have produced a diluted form called a Code
of Practice on Access to Public Information in February 2017. But nevertheless they still have a
target of 20 days to respond to simple requests. Alderney definitely needs a process for
information to be made available to the public as part of open government and this new Act
would be a perfect vehicle to start that change. So why can't we just follow the simple Jersey
and Isle of Man guidelines and have a proper Freedom of Information Act here too, and follow
Guernsey's example and institute a 20-day time limit for the delivery of answers? All the
130 dependency explanations are freely available on the internet.

135 Surely, Stuart Trought was right in 2016, we are at a crossroads with the scrutiny of both the
Brexit legislation and the 1948 Agreement, this is the perfect time for Alderney States to fall in
line with a new Act, and if Alderney Members vote to adopt the same wording as the other
dependencies there need not be another two-year delay. With elections only 12 weeks away, I
am sure the people of Alderney would like to hear every Member's views on the need for a
Freedom of Information Act in an open debate in this Chamber, at some time at a full meeting of
the States. My plea is simple: can you propose that this important subject is placed on the P&F
agenda now?

140 Thank you.

The President: Thank you, Mr Nash.

Mr Greffier, is there any way of turning off these speakers?

The Greffier: No, is the true answer.

II. Change to the States of Alderney Rules of Procedure – Item approved

Item II.

The States is asked:

*To approve, in exercise of their powers to prescribe rules of procedure applicable to meetings
of the States under section 45(1) of the Government of Alderney Law, 2004, that the following
amendment is made to the States of Alderney Rules of Procedure, as amended:*

Immediately before Rule 5 (Billet to Bailiff) insert the following new rule 4B:

'Legislation made in Guernsey

*Regulations and Ordinances that apply in Alderney may be made by a Committee of the
States of Guernsey or enacted by the States of Deliberation (as the case may be), typically
under a Bailiwick-wide Law. Where the relevant Law provides that such legislation is subject
to disapplication in Alderney by resolution of the States, it shall be included in a Billet d'Etat*

for a meeting of the States (within any time-limit for disapplication specified in the Law), together with a motion not to annul the legislation.'

145 **The President:** Right, could we move to Item II, please.

The Greffier: Item II this evening, sir, is the Change to the States of Alderney Rules of Procedure. A letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee and the States of Alderney is asked to approve, in exercise of their powers to
150 prescribe rules of procedure applicable to meetings of the States under section 45(1) of the Government of Alderney Law, 2004, the amendment to the Alderney Rules of Procedure, as outlined in the Billet, sir.

The President: Thank you.
155 Mr Dean, as Convener, were there any comments on this Item, please?

Mr Dean: Sir, also on Item 1 on Chief Pleas, there were no comments
Item II, Change to the States of Alderney Rules of Procedure, the following query was made:
If we do not like what the States of Guernsey pass, do we have to pass it?

160 It was noted that the States of Alderney are making sure they protect Alderney's ability to decide whether or not to annul new legislation coming into effect, such as GDPR.

The President: Thank you very much.
Mr Dent, I believe you wish to propose this?

165 **Mr Dent:** Mr President, colleagues, thank you.

If you remember, at our last meeting I asked this Chamber to defer consideration of the EU Withdrawal (Brexit) (Bailiwick of Guernsey) Bill until our September Meeting. I did this because there was one matter about which I was particularly unhappy and there was a possibility that it
170 could be rectified. I am pleased to report tonight that with the assistance of the Law Officers we now have such a remedy. This is in addition to our own Rules of Procedure that will ensure that all States of Guernsey P&R, and indeed all other States of Guernsey Committee-originating regulations and ordinances, are submitted to this Chamber and that none – albeit unintentionally, or even intentionally – are forgotten or passed over unnoticed.

175 Given the powers that the States of Guernsey P&R Committee will be obtaining under the EU Withdrawal (Brexit) Bill, and indeed that they have already obtained under the GDPR legislation and are probably going to seek incoming other Bailiwick-wide legislation, I believe this is an additional rule and this is going to be an incredibly important safeguard for Alderney.

180 While I would like to thank the Law Officers for their assistance in advising on what was needed and then drafting tonight's Proposition, there are two lessons that need to be learned: first, we should always stand up to Guernsey when we believe that our rights and independence are threatened; and secondly, we should better scrutinise the legislation that we are asked to enact by Guernsey and not simply rely on their goodwill.

185 Scrutiny is not something this Chamber is well set up to do; I have said this many times. I have no doubt that in our southern neighbour there is much goodwill, but it does not always behold the powers that be in Guernsey to be as protective of our independence as they, and indeed we ourselves, should be. Not to worry, we have on this occasion obtained a remedy that we were perhaps fortunate that the EU Withdrawal Bill was deemed so very important by Guernsey, and indeed by the UK, and so the all-round desire to find that remedy. The error that
190 Guernsey made in not completing the original consultation process and failing to come back to us before passing the EU Withdrawal Bill in their own States of Deliberation was strangely also useful. We now have the base for the scrutiny process, not just for the EU Withdrawal legislation, but for all Guernsey-enacted Bailiwick-wide regulations and ordinances. Guernsey's

195 error earlier this year has clearly highlighted the issues at stake. Next time, we may not be so
lucky, but if tonight we pass this addition to our Rules we lessen the chances of there being a
next time.

Thank you very much.

200 **The President:** Thank you, Mr Dent.

Before we go any further could I ask everybody to check and make sure they have got any
personal communication devices turned off – they might be interfering with the VR system.

Mr McKinley, I believe you wish to second?

205 **Mr McKinley:** I do, sir, and there is very little I can say about this other than to support what
Mr Dent has said. I strongly support this proposed amendment, it will be a visible Rule which will
be important and a safeguard for Alderney.

Thank you, sir.

210 **The President:** Thank you, Mr McKinley.

Does any Member wish to speak on Item II? Nobody wishes to speak on Item II in which case,
Item II is approved.

III. The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018– Item approved

Item III.

The States of Alderney is asked:

*To approve the Projet de Loi entitled ‘The European Union (Brexit) (Bailiwick of Guernsey)
Law, 2018’ and to authorise the Bailiff to present a most humble petition to Her Majesty in
Council praying for Her Royal Sanction thereto.*

The President: We move to Item III, please, Mr Greffier.

215 **The Greffier:** Thank you, sir.

Item III this evening is the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 and
again a letter has been received from Mr Dent as Chairman of the Policy and Finance Committee
and the States of Alderney are asked to approve the Projet de Loi entitled ‘The European Union
(Brexit) (Bailiwick of Guernsey) Law, 2018’ and to authorise the Bailiff to present a most humble
petition to Her Majesty in Council praying for Her Royal Sanction thereto.

220

The President: Thank you very much, Mr Greffier.

Mr Dean, as Convener, were there any comments on this Item at the People’s Meeting,
please?

225 **Mr Dean:** The following comments were made: Are we piggy-backing on Guernsey or will we
have separate legislation? I advised that the States of Alderney had sought separate advice on
Brexit concerns which are specific to Alderney and we will be progressing separate
legislation/policies as well as Bailiwick legislation.

230 Another query was: We have never been part of the EU, why are we getting involved,
spending money, not knowing the outcome of Brexit? It was noted that all Channel Islands are
covered by Protocol 3 and are in the same boat. The Bailiwick is required to comply with many
rules and procedures even though we are not part of the EU for the protection of our own
jurisdictions.

235 Another comment was: What will the impact of these rulings be to Alderney? Mr Dent advised that in line with Protocol 3 the Bailiwick needs to enact the legislation for protection if the current regulations fall away from Brexit.

240 If there is no Brexit deal where will Alderney sit? What is our plan to survive? The Chief Executive stated there is some No-Deal Brexit planning being worked on. The UK plans are available to the Bailiwick and we are working together with the States of Guernsey

The President: Thank you very much, Mr Dean.

Mr Dent, I believe you wish to propose this Item?

245 **Mr Dent:** Mr President, colleagues, in July I made a number of comments about this legislation so tonight I will be brief. I will simply remind everyone that we have here tonight a text broadly equivalent in scope and purpose to the UK's European Union (Withdrawal) Bill, and because so much about the process of Brexit is still unsure and undecided a law has been drafted to provide as much legislative flexibility as possible for the Bailiwick.

250 I will remind you of the four primary purposes of the legislation: firstly, to repeal the European Community's (Bailiwick of Guernsey) Law 1973 and thus turn off the flow of European legislation which is directly applicable in the Bailiwick pursuant of Protocol 3; secondly, to preserve in domestic law that directly applicable EU legislation which had effect in the Bailiwick immediately before exit day to preserve EU Law, and this will avoid a legal black hole on exit day; thirdly to provide a suitable mechanism to amend and repeal both preserved EU Law and
255 other enactments at short notice where this is necessary and expedient in consequence of the repeal of the 1973 Law or otherwise in consequence of Brexit; and fourthly, to make appropriate provision in relation to the interpretation and status of EU Law after exit.

260 As I noted in July, the powers that it confers on the Policy & Resources Committee in Guernsey, and indeed in some cases on our own Policy and Finance Committee, are possibly frightening. But as we have just changed our own Rules of Procedure I now have the confidence that we can minimise any untoward damage.

Thank you.

The President: Thank you, Mr Dent.

265 Mr Birmingham, I believe you wish to second.

Mr Birmingham: Thank you, Mr President, fellow States Members.

270 Well, Brexit careers towards us, as an old friend of mine used to say 'like a jail on wheels'. This is a decision that most of us in the Channel Islands have had no say upon but we will still have to deal with the consequences of.

275 The whole concept of Brexit somehow reminds me of the story of the Crimson Permanent Assurance – the short feature at the start of the Monty Python film *The Meaning of Life*. For those that have not seen it, this is where a city of London office building containing a small branch of the insurance business sees a mutiny by its workers. They throw off the shackles of faceless, bureaucratic corporate control and then, breaking free from its foundations, the building sails off into the wider world in one of Terry Gilliam's fantastic animations. Off raiding other more modern corporations as the crew sings an amusing little ditty that starts off with the line: 'Oh it's manly insurance as we sail across the wide accountancy'.

280 Unfortunately it does not end well for the good ship Crimson Permanent Assurance as, if I remember correctly, it is crushed by the weight of a larger more modern conglomerate in a hostile takeover. One can only hope the same fate does not await the UK on Brexit.

285 Like many, I look at this shambolic exercise in national self-harm with despair and I am reminded that whenever political decisions are driven by dogmatic ideological doctrine of either the left or the right rather than by sensible considered pragmatic politics, then it will usually end badly for somebody or potentially in this case everybody. If nothing else I hope the western

world had learned one thing over the last two years and that is to be cautious of listening to populist politicians with bad hair and no aims or principles except for their own ego and personal ambitions.

290 Frankly, no-one has any idea if we will see a hard Brexit, a soft Brexit, a soft-boiled Brexit with soldiers, or no Brexit at all – your guess is as good as mine. And frankly we might as well ask Paul the Psychic Octopus for his views as any UK politician. In those circumstances all we in the States of Alderney can do along with our Guernsey partners, is prepare for the worst, hope for the best and stand by with gaffer tape and the superglue if it all goes badly.

295 This legislation is part of that preparation. It will enable us some level of stability on exit day, and flexibility to react to whatever the sunlit uplands of Brexit brings. It brings me no joy whatsoever to second this Item.

The President: Thank you very much, Mr Birmingham.

300 Mr Greffier, is there nothing we can do to turn this system off?

The Greffier: Not without turning the recording off as well, no.

The President: Right, in that case, does anybody wish to speak on Item III? Please, go ahead.

305 **Mr Snowden:** President, fellow colleagues, we had quite a long P&F yesterday and the Law Officers came over and explained the risks if we did not pass this, so I am more than happy to pass this. It was quite a detailed conversation we had with them and if we do not pass this there could be some really bad repercussions for the Island. I am not really a fan of Brexit either. I think Mr Birmingham has done quite well summing it up. But yes, it is very important that we do pass this.

310 Thank you.

The President: Thank you, Mr Snowden.

315 Does any other Member wish to speak on this Item?

Mr Dent, do you wish to exercise your right of reply?

Mr Dent: I would just like to say, Mr President, that I agree with everything everyone has said. Thank you.

320 **The President:** Good, thank you very much, Mr Dent.

Mr Greffier, will you please put this to the vote?

The Greffier: Thank you.

325 The States of Alderney are asked to approve the Projet de Loi entitled 'The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018' and to authorise the Bailiff to present a most humble petition to her Majesty in Council praying for Her Royal Sanction thereto.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Tugby	None	None
Mr Birmingham		
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowden		
Mr Dean		

The Greffier: That is 8 votes in favour, none against; that matter passes.

IV. The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 – Amended Item approved

Item IV.

The States of Alderney is asked to approve the Projet de Loi entitled ‘The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018’ and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

The President: Thank you very much indeed, could we move to Item IV, please?

330

The Greffier: Thank you, sir.

Item IV this evening is the European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018. Again, a letter has been received from Mr Dent as Chairman of the Policy and Finance Committee and the States of Alderney is asked to approve the Projet de Loi entitled ‘The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018’ and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

335

The President: Thank you very much indeed.

340

Mr Dean, as Convener, were there any comments on this at the People’s Meeting?

Mr Dean: It was noted that this Item does not change the legislative framework that we have now.

345

The President: Thank you very much indeed.

For those of you who do not know, there has been an amendment to this Item which will be brought in in the normal manner. This amendment was accepted at short notice today due to it being a technical amendment, not changing the import, and therefore allowed in at short notice.

Mr Dent, I believe you wish to propose this Item.

350

Mr Dean: Mr President, I would like to propose it indeed and I would like to reserve my right to speak on the Item after the amendments has been introduced.

The President: Okay, thank you.

355

Mr Birmingham, I believe you wish to second this.

Mr Birmingham: Yes, thank you, Mr President, I am happy to second this Item.

The President: Thank you very much indeed.

360

Mr Greffier, would you please read the amendment.

The Greffier: Thank you, sir.

The States of Alderney is asked to adopt the revised legislation entitled ‘The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018’, a copy of which I believe is going to be provided to the States Members.

365

The President: Thank you very much indeed.

Mr Dent, would you like to propose your amendment, please.

Amendment

In accordance with the Rules of Procedure, I request that the following copy of 'The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018' be placed before the States at its meeting on 12th September 2018 in replacement of the law attached to Billet Item IV. There has been a minor amendment to the Law which was not reflected in the copy that was attached to the Billet.

The effect of this very minor amendment is to give Alderney greater flexibility under the Law, by giving the States of Alderney the power to provide by Ordinance in the future for a Committee of the States of Alderney other than Policy and Finance to be the Committee that is consulted before a Bailiwick-wide Ordinance is made. In doing this, it makes the drafting of the Law consistent with the drafting of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018. It makes a similar change in respect of Sark.

In drafting terms, it makes the change by replacing the reference to 'the Policy and Finance Committee' at section 3(6) with a reference to 'the Alderney Committee', which is now defined in section 4 as meaning 'the Policy and Finance Committee of the States of Alderney or such other Committee as the States of Alderney may appoint by Ordinance for the purposes of this Law'.

Mr Dent: Mr President, thank you.

370 It is a minor amendment to the law which was not reflected in the copy that was attached to
the Billet. The effect of this very minor amendment is to give Alderney greater flexibility under
the Law, by giving the States of Alderney the power to provide by Ordinance in the future for a
Committee of the States of Alderney other than Policy and Finance to be the Committee that is
consulted before a Bailiwick-wide Ordinance is made. In doing this, it makes the drafting of the
375 Law consistent with the drafting of the European Union (Brexit) (Bailiwick of Guernsey) Law –
which we have just passed. It makes a similar change in respect of Sark.

In drafting terms, it makes the change by replacing the reference to 'the Policy and Finance
Committee' at section 3(6) with a reference to 'the Alderney Committee', which is now defined
in section 4 as meaning 'the Policy and Finance Committee of the States of Alderney, or such
380 other Committees as the States of Alderney may appoint by Ordinance for the purposes of this
Law'. Thank you.

The President: Thank you, Mr Dent.

Mr Birmingham, I believe you wish to second this amendment?

385

Mr Birmingham: Yes, thank you, Mr President.

I am happy to second this amendment as you stated in your preamble. It is effectively a
technical amendment that actually improves the ability to scrutinise. So I support the
amendment.

390

The President: Thank you, Mr Birmingham.

Does any Member wish to speak on the amendment? Therefore the amendment is passed
and we will now move to debate Item IV, as amended.

Does any Member wish to speak on this Item? Do you wish to reintroduce this, or do you
395 exercise your right of reply which you have at the end, Mr Dent?

Mr Dent: I would like just to reintroduce it, I guess. Yes.

The President: Please go ahead and reintroduce it.

400

Mr Dent: Thank you, Mr President.

405 We have just passed a Brexit Law and are now being asked to pass a sister piece of legislation to extend the powers that we have just granted P&R in Guernsey. You need to note that the powers we have just now granted under the Brexit Law are only intended to ensure the continued operability of 'preserved EU Law'. If other law permits the repeal or amendment of preserved EU law by ordinance of the States of Deliberation in Guernsey it does, however, require consultation with the States of Alderney. Also, the States of Alderney has the right to annul such legislation, and most importantly the process for amending that legislation will now be as set out in our just revised Rules of Procedure. Nothing should be inadvertently missed.

410 Thank you.

The President: Thank you, Mr Dent. It has already been seconded and I will not ask you to second that again.

Does any Member wish to speak on this Item, as amended?

415 Mr Greffier, you can take Item IV as approved, there is nobody who wanted to speak against it and of course you will not be exercising your right of reply.

V. The Republic of Maldives (Restrictive Measures) (Alderney) Ordinance, 2018 – Amended Item approved

The States of Alderney is asked to approve the 'Republic of Maldives (Restrictive Measures) (Alderney) Ordinance, 2018'

The President: We move to Item V, please.

420 **The Greffier:** Thank you, sir.

Item V, this evening is the Republic of Maldives (Restrictive Measures) (Alderney) Ordinance. Again, a letter has been received from Mr Dent, as Chairman of the Policy and Finance Committee and the States of Alderney is asked to approve the 'Republic of Maldives (Restrictive Measures) (Alderney) Ordinance, 2018'.

425

The President: Thank you very much.

Mr Dean, as Convener, were there any comments on this at the People's Meeting, please?

430 **Mr Dean:** A query was raised about whether it was necessary to ratify these measures. It was noted that this is required under Protocol 3 to enact the legislation to retain business economy.

The President: Thank you very much, Mr Dean.

Mr Dent, do you wish to propose this Item?

435 **Mr Dent:** Mr President, colleagues, this is indeed an EU-wide measure to give effect to any sanctions including the freezing of assets that the EU may come to impose on a listed persons in the Maldives. As I understand it, such a list has not yet been compiled but it is intended to be targeted at certain individuals deemed to be 'responsible for undermining the rule of law or obstructing an inclusive political process'.

440 As a supporter of democracy I must commend the measure. I have, however, my own list of people from more powerful countries who I believe are undermining the rule of law and obstructing inclusive political processes. It would be nice if I could influence the EU to impose sanctions on them!

445 **The President:** Thank you, Mr Dent.

Mr McKinley, I believe you wish to second this?

Mr McKinley: I do, sir, and I have nothing to say other than I think we should pass the Law.

450 **The President:** Thank you very much, Mr McKinley.
Does any Member of the States wish to speak on Item V? Mr Roberts.

Mr Roberts: I have read this through, Mr President:

This sets out restrictive measures, including an asset freeze applicable to listed persons responsible for undermining the rule of law or obstructing an inclusive political process in the Maldives, as well as those responsible for serious human rights violations or abuses there.

And then it says:

To date nobody has been listed.

455 So I cannot support this Item.

The President: Thank you very much, Mr Roberts.

Does any other member of the States wish to comment on Item V?

460 In that case, seeing we have had somebody speak against this, Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Mr President, no, not really.

465 I will just say that I have some sympathy with Mr Roberts' position but under Protocol 3 if we are to continue our co-operation with the EU and while we are still associated with the EU, we have got to pass it.

Thank you.

The President: Thank you, Mr Dent.

470 Mr Greffier, will you please put Item V to the vote.

The Greffier: Thank you, sir.

The States of Alderney is asked to approve the 'Republic of Maldives (Restrictive Measures) (Alderney) Ordinance, 2018'.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Tugby	Mr Roberts	None
Mr Birmingham		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		

The Greffier: Sir, 7 votes to 1, that matter passes.

**VI. The Alderney eGambling (Amendment) (No.2) Ordinance, 2018 –
Item approved**

Item VI.

The States is asked to approve:

i. the date of the Ordinary Election be Saturday 1st December 2018; and

ii. the Plebiscite be held on Saturday 8th December, 2018

475 **The President:** Thank you very much indeed, could we move to Item VI, please.

The Greffier: Item VI this evening is the Alderney eGambling (Amendment) (No.2) Ordinance, 2018. Again, a letter has been received from Mr Dent in his capacity as Chairman of the Policy and Finance Committee and the States of Alderney is asked to approve ‘The Alderney eGambling
480 (Amendment) (No.2) Ordinance, 2018’.

The President: Thank you very much indeed.

Mr Dean, as Convener, were there any comments on this at the People’s Meeting, please?

485 **Mr Dean:** There were no comments on this Item, sir.

The President: Thank you, Mr Dean.

Mr Dent, I believe you wish to propose this.

490 **Mr Dent:** Thank you, Mr President.

In short, the Ordinance will close a loophole by ensuring full oversight of associate operators. The Ordinance is deemed necessary to protect players and ensure that Alderney’s reputation of the highest of industry standards can be maintained.

495 Mr President, delaying the legislation might lead to exploitation of the loophole and the AGCC have therefore advised that this Ordinance is brought in without delay. I want you to note also that the Law Officers drafted the Ordinance and it is probably fair to say that they are therefore more than happy with it. For those of you that might want a little bit more detail, I think it best to use the words of the AGCC themselves and they say that:

On the 1st April 2015, Section 30 of the Alderney eGambling Ordinance 2009 was amended to extend the term business associate to creating gambling business associate.

Gambling business associates are entities outside the Bailiwick who contract with our licensees and Category 1 or 2 associate certificate holders. The contracts enable the movement of players into or out of our jurisdiction to enable our licensees or associate certificate holders to organise and promote a gambling transaction ...

The AGCC have noted that:

To enable an associate to become a gambling business associate, due diligence must be conducted ... Such due diligence is considered by the Alderney Gambling Control Commission and, if satisfied, that association is approved. This due diligence affords the players leaving this jurisdiction protection as the AGCC would have knowledge of the business associate, for example, where they are licensed and information regarding their organisation.

500 The AGCC has then gone on to say that the AGCC has become aware that some of its Category 2 operators are adopting a proposed new gambling business associate model. Therefore it would be advisable to amend the current Ordinance as soon as practical to fill the lacuna and bring in the full regulatory oversight of this process thus strengthening player protections and furthering the protection on Alderney’s reputation.

505 The AGCC finally offer some reassurances, they note that this change will not impact on the corporate service providers as it does not change any product, nor how these products are

administered by the corporate service providers, adding that because of this ‘we therefore felt it was unnecessary to consult with them on this basis’; and that a number of operators who will be affected by this change have been made aware of this potential change and did not have any adverse comments.

Thank you.

The President: Thank you very much, Mr Dent.
Mr Tugby, I believe you wish to second this.

Mr Tugby: Yes, sir, I will second it and have nothing further to add.

The President: Thank you very much, Mr Tugby.
Does anybody wish to speak on Item VI – any Member of the States?
Yes, please go ahead, Mr Birmingham.

Mr Birmingham: Thank you, Mr President, fellow Members.

I would just like to reiterate Mr Dent’s points that this is a fairly minor change but its sole purpose is to ensure that players are adequately protected, and of course it will help maintain the jurisdictions reputation as a gold standard in gaming regulation. I fully support the amendment.

However, as I always do, I am a Director of AEG Ltd and I feel it is always best for me to abstain on votes relating to gaming legislation no matter how minor or how beneficial they may be.

The President: Thank you very much.
Does any other Member wish to speak on Item VI? Please go ahead.

Mr Dean: I echo the sentiments of my fellow States Members. This Ordinance will close a loophole by ensuring full oversight of associate operators and the Ordinance is deemed necessary to protect players and ensure that Alderney’s reputation for the highest of industry standards is maintained. Delaying the legislation may lead to an exploitation of the loophole. Although I am not quite happy about passing ordinances without consultation having taken place, I think in this case it is important that it is passed.

Thank you.

The President: Thank you, Mr Dean
Does any other Member wish to speak on Item VI?
Mr Dent, do you wish to exercise your right of reply?

Mr Dent: Mr President, no, I think everything has been said.

The President: Thank you very much indeed.
Mr Greffier seems to have somebody abstaining. Would you please put this to the vote.

The Greffier: Thank you, sir. The States of Alderney is asked to approve ‘The Alderney eGambling (Amendment) (No.2) Ordinance, 2018’.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Tugby	None	Mr Birmingham
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		

The Greffier: Sir, that is 7 votes for, 1 abstention; that matter passes.

555 **The President:** Thank you very much indeed.

**VII. The Airport in Alderney –
Issues currently impacting the current and future use of Alderney’s airport –
Item debated without resolution**

Item VI.

The States is asked to approve:

i. the date of the Ordinary Election be Saturday 1st December 2018; and

ii. the Plebiscite be held on Saturday 8th December, 2018

The President: We now move to Item VII, please.

The Greffier: Thank you, sir.

560 Item VII this evening is the Airport in Alderney – issues currently impacting the current and future use of Alderney’s airport

A letter has been received from Mr Dent, as Chairman of the Policy and Finance Committee and the States of Alderney is asked to debate this matter without resolution.

565 **The President:** Thank you very much, Mr Greffier.
Mr Dean, were there any comments on this at the People’s Meeting, please?

Mr Dean: Surprisingly, sir, there were no comments on this Item.

570 **The President:** Thank you, Mr Dean.
Mr Dent, do you wish to introduce this Item?

575 **Mr Dent:** Mr President, colleagues, I am not really sure where to begin: do I start with despair? Why has everything taken so long? And despite firstly, the adoption in October 2013 by the States of Guernsey of a Requête entitled the Airfield at Alderney requiring the States of Guernsey to rehabilitate and future proof the Alderney runway; secondly the unanimous adoption in December 2014 by the States of Guernsey for the Policy Council Report on the same subject; and thirdly, a number of consultancy reports that set out the path for achieving the outcome originally envisaged – rehabilitation and widening works at our airport have yet to begin.

580 Or, should I be giving us hope? Are we really going to have a rehabilitated, widened runway soon? Will these delays and uncertainties have no negative impact on the PSO that will soon be tendered?

I truly want to begin with hope; I am naturally an optimist. I would not have stood for election nearly two years ago if I believed we were going nowhere. In the five years since the States of Guernsey Requête and the two years since my election, yes I do believe we are moving. In another two years we may finally achieve what should never have taken so long. But is it good enough? No way.

Tonight, I want to put down a marker to prevent this whole sorry mess from ever happening again. I will leave others to express their views on the terminal, the runway, and the rest of the sad infrastructure that sits in the corner of our beautiful Isle. My views are well known and have not changed. Two years ago in an attempt to ensure we had a serviceable runway and in order that things could, I was told, move rapidly, I dropped my calls for a slightly longer runway. Was I gullible? Maybe.

Very clearly, if Alderney wishes to move forwards and as air transport is so important, one day soon we are going to have to take charge of our airport. If Guernsey is so unhappy about the money this commitment was now costing them – and yes, the 1948 Agreement does commit them to operating it – then I suggest some kind of dowry. Many figures have been suggested – £20 million to £30 million. I do not know if that is enough, but that is one of the things. And actually quite a small sum in fact – given what they tell us it costs; and they should never have to spend a penny on it again.

Have I been reckless? I do not think so. If we took back control we could charge landing fees that suit our economy. The Isle of Man has a beautiful model: there, start-up airlines are encouraged with low or no fees. Has this caused the Isle of Man a problem? No, the traffic has grown and so have revenues.

Now, I hear people say we could not run an airport, but I think we could. We would not run it directly because there are companies out there that run airports on behalf of people like ourselves. Let's face it, few Guernsey States-owned and operated businesses have been successful and an Alderney States-owned and operated airport would probably be just as unsuccessful. So let's move on, let's bite the bullet and involve the private sector. Let's do what the rest of the successful world is doing and let's move away from all unnecessary Government involvement.

Finally, I need you to note one thing: you will all very soon see some overnight resurfacing works going on. This is not the permanent solution we have just talked about, it is a temporary measure costing over £100,000 forced on Guernsey airport because of the procrastination over the last few years and because of the surface deteriorations and so visibly disrupted operations earlier this year. This is a sticking plaster designed to tide us over until the proper rehabilitation work can be tendered and discussed – discussed, yet again, in the States of Guernsey. Please, no-one be fooled into thinking the real work has started.

Thank you.

The President: Thank you, Mr Dent.

Mr Roberts, I believe you wish to second this?

Mr Roberts: Yes I do, sir. Could I reserve my right to speak, please?

The President: Well, you speak now, and you can either stand up and say 'I second it' and sit down and then speak later, or you can – (**Mr Roberts:** Yes, please.) You can do that by all means, yes. (**Mr Roberts:** Thank you.)

So, just say you are going to second it.

Mr Roberts: Yes, sir, I do second this Item.

The President: Right, thank you very much.

Does any other Member wish to speak on Item VII, please? Mrs Paris.

635 **Mrs Paris:** Thank you, sir.

Mr President, fellow colleagues, a few months ago a Guernsey Deputy said to me, in a different context, that sometimes you have to spend to save. This is shorthand for an economic approach to problems that, put simply, says in times of economic downturn governments should invest in major infrastructure projects – however they want to do it, with private money as well if they wish – in order to provide employment and be ready to take advantage of better economic times in the future by having the facilities in place to do so. We should not leave investment so long that unnecessary costs are incurred and opportunities are lost.

To say this is true for the need for our runway rehabilitation, hardly needs to be voiced. We have a runway which is not fit for purpose, although we are constantly assured by Guernsey that it is safe. Now we learn that it will not last until the likely date for major rehabilitation, put back to 2020, but it needs serious interim maintenance, which Mr Dent has described as happening over this weekend. It cannot be regarded as good housekeeping to sweat your assets to the point of disintegration such that you have to do the work twice. Meantime, we hope that anyone who is willing to tender for the proposed PSO is not deterred by having to abide by the limitations imposed by the runway's inadequacies. Meantime, the price to our economy is paid in lost visitors and lost business opportunities.

We should be working together as a Bailiwick. Our prosperity impinges directly on that of Guernsey and without proper transport links our economy is well-nigh impossible to lift out of the doldrums. To my knowledge, the subject of the runway has been a serious issue since at least 2013. We have asked nicely; we have asked nicely while providing the economic case for action; and we have asked less nicely. It seems as though now we are making some progress albeit at glacial speed and whilst the business case is made we still have to go through a debate in the States of Guernsey – possibly two debates – before the major rehabilitation of the runway goes ahead.

This project needs political will as well as hard economic arguments and I can only say please, Guernsey, even if you are not fond of us, or even if you do not feel any moral obligation for our safety and our welfare, please consider the economic arguments of spending to save and help us to increase our contribution to the Bailiwick by investing in our infrastructure.

Thank you, sir.

665

The President: Thank you, Mrs Paris.

Does any other Member wish to speak on Item VII? Mr Tugby.

Mr Tugby: Sir, over the years they have allowed the airport to deteriorate to such a condition that is unbelievable. At the present time it is really having an impact on the economy of Alderney. The amount of people who have been put off coming to Alderney because of the air service, and the airport not being able to take planes if the wind is above a certain speed, it is just unbelievable that then Guernsey is going to spend well in excess of £100,000 doing a botch-up job basically to last a couple of years, and that is all it is being guaranteed for – I think it is guaranteed for three years.

Then we are told that there has got to be another debate in the States of Guernsey, but then then there will be another debate about it in the States of Guernsey we are told before it will get finally passed. I just hope, they are saying 2020, that it is all passed and sorted out before they have another election down there, because would the new Government have to go through all the same procedure all over again, getting more reports and more reports?

How on earth would any business survive running an airport like Alderney Airport has been run? I am sorry, but when you are losing business and money for Alderney's economy because of the condition of the airport and the planes cannot land on a regular basis it is just unbelievable. Guernsey keeps saying that we are costing them money, but I do not think we really hammer home quite hard enough how much our Gambling money is benefiting Guernsey.

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We must really hammer that home, because when in their own words if they are benefiting by £20 million, basically we definitely are not costing them anything. It is time Guernsey just got on and did the job because at the end of the day, and another couple of years, what is inflation going to be? God knows what it could be after Brexit and the cost of the airport could go sky high. I believe it is going to cost around £11 million at the moment, but maybe it could even double, you never know.

Thank you, sir.

The President: Thank you, Mr Tugby.
Does any other Member wish to speak on Item VII? Mr Roberts.

Mr Roberts: Yes, please, sir.

Ever since the 2014 Requête in Guernsey States succeeded, Alderney has waited for its runway upgrade. It has endured a whole series of investigations, reports and projected analysis over the last four years since the money was allocated to upgrade the runway that breaks up on a regular basis. A runway that is too narrow to operate in a slight crosswind direction and it disrupts operation; a runway with poor lighting at night that inhibits landing in poor conditions; a runway that this week is being sprayed with glue as a temporary fix; and a runway that would be illegal on mainland Britain – and just a mere £100,000 spend to patch it up for a few more years. A small sticking plaster for a large wound that really needs stitches and a transplant. Well, I am not in stitches over this.

The runway needs another five metres in width to comply, and Guernsey knows it. The runway needs a new surface and Guernsey agreed it all those four years ago. So why do they have to go through it all again? Alderney Airport was the first airport in the Channel Islands and its runway was probably in better nick and fit for purpose in its day than it is now to latter day standards. Leading and respected Guernsey Deputies had agreed to undertake this work years ago, yet we still wait. Given the time and the wait maybe we should request that Option 5 should be brought in: that is to gain an extra 150 m at each end and that is more favourable now due to the time factor which has now been lost.

Look at the costs: four years later it is much more expensive to do, and that is money lost by those politicians in Guernsey – they have lost it by delaying something the States of Deliberation had originally agreed to do. Yet Aurigny are getting £66 million for three new ATR aircraft after the States of Guernsey made an open skies decision for Guernsey. Why spend that amount when our own runway has been waiting for standard refurbishment?

The terminal: the terminal in Alderney, I spent 21 years in. It is quaint, it is orderly and it is different – but it is not fit for purpose. The roof leaks are a regular occurrence and we are told now that no room is available for an extra airline which wants desk space. No disabled access into the terminal toilets – you cannot get a wheelchair in. That is disgraceful! No disabled access to the aircraft: wheelchairs are wheeled in, in all weathers, right around the outside to board the aircraft. *Disgraceful*. A Portakabin for people to wait outside in – again, in all weathers. Sick, elderly, they all have to endure this.

Is Guernsey planning to do something about this sometime soon? Well, do not hold your breath. A private terminal in conjunction with the States has been proposed: do not miss this opportunity, grab it with both hands. I believe we can run our own airport; I believe we can run it better, so the 1948 Agreement may present that option to us.

You may say what we really need, Steve, is not a new terminal it is a better airline. Well, this may be the very way to bring the real Aurigny back to life for Alderney and run by people with an emotional connection with Alderney, for Alderney. The airport is coming up for debate in Guernsey soon, so I would like each and every States Member here to go to Guernsey and sit in the Gallery and watch the proceedings, with our own Representatives making stirring speeches on our Alderney and its constant suffering of being lowered by the States of Guernsey on our air links and our airport.

Let us all go and to be seen to shout from the Gallery, a silent protest to the few who govern and the majority who really do care.

740 Thank you.

The President: Thank you, Mr Roberts.

Does any other Member wish to speak on Item VII?

745 There being no other Member wishing to speak on this and there being no resolution to be passed, that concludes the debate.

**VIII. The 1948 Agreement between the States of Alderney and the States of Guernsey –
Item debated without resolution**

Item VI.

The States is asked to approve:

i. the date of the Ordinary Election be Saturday 1st December 2018; and

ii. the Plebiscite be held on Saturday 8th December, 2018

The President: We will go to Item VIII, please.

The Greffier: Thank you, sir.

750 Item VIII this evening is the 1948 Agreement between the States of Alderney and the States of Guernsey. A letter has been received from Mr Dent, as Chairman of the Policy and Finance Committee and the States of Alderney is asked to debate this matter without resolution.

The President: Thank you very much.

Mr Dean, as Convener.

755

Mr Dean: The following query was made: will this give the States of Guernsey an idea on how the States of Alderney feel on the subject? I advised that it may well do.

The President: Thank you very much.

760 Before we start this debate, I would remind the Members that this is about how the process is to be carried out and is not about what you wish to get out of the 1948 Agreement.

In that case, Mr Dent, would you like to introduce your debate?

765 **Mr Dent:** Mr President, colleagues: it has recently been suggested by some politicians in Guernsey that there should be a review of the 1948 Agreement. The catalyst appeared to be the publication of the Guernsey Committee for Economic Development's new Air Traffic Report Licensing Policy and a parallel commentary letter from the Guernsey Policy & Resources Committee. The commentary letter, because it focused on the cost of providing Alderney's air links under the present arrangements, because it appeared to ignore any efficiency savings from
770 a different way of doing things, clearly caused some anxiety. This anxiety was most acutely expressed in the *Guernsey Press*.

On 17th July that newspaper ran a full page article headlined, 'Strategy for Alderney's future desperately needed'. The key focus was a call for a review of the 1948 Agreement. Almost simultaneous to the article were identical calls from a number of Guernsey politicians.

775 Since then, a number of us in Alderney – perhaps to the surprise of *some* in Guernsey – have indicated that we would *welcome* such a review. We have in fact called for a full re-examination, of not just our financial relationship but also our economic, social and environmental ties. We have stressed the need for a holistic approach to all these issues.

At its meeting on 24th July, Policy and Finance Committee formalised this position with a request that, as Chairman, I conveyed our position officially with the President of the States of Guernsey Policy & Resources Committee, and I have since done this. I wrote that the Policy & Finance Committee noted that the review should be chaired by a respected, independent person requested from the UK; that the review should begin with a review of previous work; that the review should be charged with making recommendations that are in both our Islands' economic, financial, social and environment interests and it should be balanced with regard to the needs and aspirations of both of our communities in these matters. Finally, I have noted the review should, wherever practical, be evidence-based.

I additionally wrote an article for the *Guernsey Press*, also a full page, which was kindly published on 31st July. In this article I set out a number of pertinent issues – I called not least for an extension of the debate beyond simple balance sheet financial accounting and into the realm of economics. I argued that an economic appraisal should be the real tool for determining the value of any government's capital and other expenditures and took particular issue with the Guernsey approach of looking only at the impact on direct taxation. I stressed that other economies look at the wider impact on general economic wellbeing, for example on gross national income and GDP, which are the measures of how much better off you and I will become after an investment has taken place. I thought that such an approach was important and although I do not like to interfere in Guernsey's own affairs I noted that Guernsey, and in the interests of the wider Bailiwick, might well be advised to re-examine their own policies in this regard.

Finally, I need to stress that at this stage we are not debating the detail of what we want to get out of the review, but in calling for a third party – most likely UK – chairmanship, we are laying down a marker about the review process and the importance of both impartiality and objectivity. Those of us suggesting that it should be led and driven by just one of the partners are at best not being helpful. I like to think well of my counterparts in Guernsey but as I have noted in an earlier debate this evening, sometimes it is difficult.

Everyone should note that Lord Keen, who is the UK Ministry of Justice spokesperson in the House of Lords, who advises the UK Secretary of State and Justice on policy with regard to the Channel Islands, is planning to visit Alderney towards the end of September. Given the role that the UK claimed in brokering the original 1948 Agreement, I believe it is important he knows our views on the way forward. I look forward to conveying the results of this debate to him.

Thank you.

The President: Thank you, Mr Dent.

Mrs Paris, I believe you wish to second this?

815

Mrs Paris: Yes, sir, thank you.

Mr President, fellow colleagues, our relationship within the Bailiwick of Guernsey is quite like that of a family and we will always owe them a huge debt of gratitude for coming to our financial rescue at the end of the Second World War. However, as we all know, you can choose your friends but you cannot choose your family and, all too often, Alderney has been cast in the light of the rather tricky younger sibling who whinges and nags and always wants more.

As any woman will tell you, nagging is the repetition of unpalatable facts and there are quite a lot of these unpalatable facts in our relationship with Guernsey, not least being the state of our runway. But an agreement which has stood the test of time for about 70 years is not to be challenged or changed lightly. However, with the speed that the world has changed in that same period there must be areas which could be usefully revisited to the benefit of both Guernsey and ourselves. I am sure there are few people who advocate either of the two extreme positions, either to become a parish of Guernsey and have even less say in what feels like a policy of managed decline, or indeed for us to try to be independent.

830 In any event, it is a worrying position that we do not even seem to be able to agree on fundamentals such as the size of the financial contribution Alderney makes to the Guernsey exchequer. Our contribution from the gambling industry seems to go largely unacknowledged; on the other side of the balance sheet our share of the Aurigny losses is almost impossible to quantify, but it is still used as a stick to beat us with.

835 This is no way for two mature democracies – bound together by physical proximity, long historical allegiance, and complex financial ties – to go about things. A mature, a wide-ranging and objective review of the 1948 Agreement would benefit both Islands. It is a worrying development that recent letters from Guernsey have shown a distinct tendency to set the parameters for any review before it even begins and therefore to have effectively pre-decided what can and cannot be up for discussion.

840 Further correspondence now indicates a desire in Guernsey to conduct the review themselves. This is *not* acceptable. I am sure Guernsey would have no truck with a review conducted only by Alderney. This is an immensely important crossroads in our relationship with Guernsey at a time when we are all surrounded by large and serious issues which affect both us and Guernsey. We need to work together under the umbrella of an independent and respected third party on this review, because otherwise it has all the ingredients to become an unedifying family squabble conducted in public.

The President: Thank you, Mrs Paris.

850 Does any other Member wish to speak on Item VIII? Mr McKinley.

Mr McKinley: Very briefly, sir, because I think that Mr Dent and Mrs Paris have really summed up everything that needs to be said about this most important subject.

855 I believe that the 70-year-old agreement needs to be reviewed. It has been reviewed I think twice already and I do believe it should be reviewed by an independent chairperson. It was originally put together by the UK government and therefore perhaps that chairperson should come from the UK government. It is very relevant that Lord Keen is coming over here in the next couple of weeks and this will obviously be on the agenda for discussion.

860 Any such agreement or amendments could be for the mutual benefit of both Islands and could keep both Islands talking to each other. But I do believe it must be done by an independent chairperson and not by Guernsey; nor of course – though we would love it to be done – by Alderney.

Thank you, sir.

865 **The President:** Thank you, Mr McKinley.

Mr Birmingham, do you wish to speak on this matter?

Does any other Member wish to speak on this? Mr Roberts?

Mr Roberts: Yes, please, sir.

870 In 1945, Alderney was the casualty of war from the occupation by the Nazis – that as a barren outpost with many buildings destroyed. There was no infrastructure, no economy, just a remote, small and isolated Island that generated and relied upon its close community, held together since the great Victorian invasion of British development when the population had then reached 8,000. The Island was evacuated for the duration of the war. After the war, boats returned with mine and many others' families.

875 So how does one live? A communal farm that fed everyone was set up. Small barter shops were created, but it was too hard a task to create an economy out of nothing in 1946 and only some 600 had returned from the previous 1,450. The Home Office stepped in and brokered a deal with two Islands to form a fiscal union in return for a receipt of Alderney tax and duty taxes. 880 So the British Government oversaw Guernsey and Alderney and came to an agreement, as Guernsey had an economy that was still intact. The agreement was brokered by Guernsey and

Alderney with the British Government overseeing the rights of the smaller Island, which it recognised as being badly in trouble.

885 This agreement was never intended to be permanent but merely to enable Alderney to recover economically after World War II. Sir Ambrose Sherwill and Alderney judge Sir Frank Wiltshire from Alderney were two of the leading figures involved. The transferred services arrangement today has several flaws in modern time including the inclusion of Guernsey old-age pension as a transferred service, and the lack of recognition to the contribution of the Alderney Gambling Control Commission that it makes to the Bailiwick. The current resistance to economic
890 and commercial law change permitted from Guernsey still puzzles me, because if we benefited they would benefit.

A review of the 1948 Agreement is called for by Guernsey, and I welcome that with open arms as it is long overdue, and our financial relationship needs to be investigated, assessed and changes made to assist a more independent and vibrant Alderney. A vision of prosperity, a vision
895 of connectivity, a vision of the right to travel at reasonable tariff, and a just return for our taxes.

For this 1948 Agreement, however, we must have an ombudsman. You would not expect a bantamweight to go into the ring with a heavyweight and expect a fair result. The British were involved in the last agreement and we must absolutely insist that they are involved again as overseers to ensure a fair agreement in the mutual interest of *both* of our Islands. If Guernsey
900 refuses our reasonable request then we must go to the British to intervene, for a small Crown Dependency with little defences. Guernsey has already intimated that it would refuse British inclusion. Guernsey should not object to this but, if they did, then you would have to question why.

Our air service is a shadow of its former self – disgraceful, depleted and unaffordable,
905 unreliable and badly managed. Our air service is not a transferred service; however, it was bought with our taxpayers' money and it was bought knowingly that it was Alderney's lifeline with links to both Guernsey and Southampton. It was bought by the leading Guernsey States' Members with our money, knowing full well the commitment they now owe to the whole of the Bailiwick and its tax-paying population – and that includes Alderney. So they knowingly took on that very responsibility which they now seem to want to renege on. And notice I say 'some'.

This is a point of crossroads and in fairness displayed by the Bailiwick to the Bailiwick from the Bailiwick. We hold great gratitude to Guernsey for the partnership for the many years since the war and I do hope Guernsey are listening tonight. But this financial relationship needs to be reviewed: honestly reviewed, fairly reviewed and reviewed independently. It needs to be
915 reviewed for the good of both Islands for the long term; and thank you, Guernsey, for the years of co-operation and support, and I really do hope you are listening tonight. We have many, many friends within the States of Guernsey who are good people; they care about Alderney, I can assure you. I know because I met and talked to them as individuals when I represented Alderney in Guernsey States along with Mr McKinley in July, and I was heartened when I sat in the Guernsey States with the feedback that I then received. They care, but please remember, a minority seem to be against Alderney – but that is a minority, and the rest want to help. Decisions are made by the few, unfortunately, so the 1948 Agreement needs a British review and oversight, or I am afraid we will get things imposed unfairly, that may ruin us further. Alderney could be run over by a bus.

925 The 1948 Agreement, as I said before, was never intended to be permanent; and now, 70 years later, Guernsey are calling for something new. Our airport could be returned and tailored to Alderney's liking, paid from our taxes in a more Alderney fashion. We will always need Guernsey's Health Service; however, other things can be transferred back to us that are run and tailored to Alderney's needs. The hat does not always fit the same person. Cheaper and
930 more related to Alderney.

Alderney still has a limp. Alderney since the War has struggled and it is now time to lose that limp for the sake of those families who came back here to nothing. We need to be strong and we need to dig our heels in. We need to fight our corner. We need Guernsey as our friends but we

935 need a fair review. That review would require the adjudication of the British to see fair play to an Island that is still suffering since the War, economically. We can and will achieve this goal; it just needs good management and fair play.

Please remember, an agreement is between one or two or more parties, and to create a fresh agreement those parties really do need to agree. One cannot impose something on the other. We must be fair, flexible and display honesty with each other.

940 All of us here who stand tonight, we care for this Island, so stand your ground, do not waiver, stand tall and insist our right for the British inclusion in these discussions. Stand tall and fight for Alderney and any new financial agreement, because we have suffered from many attacks from a few Guernsey quarters even when our taxes are paid direct to Guernsey.

945 The Breakwater is a separate commitment between the States of Guernsey and the British and it is not included in the 1948 Agreement. In my view this has been neglected.

950 Welcome the new agreement; demand proper benefits for Alderney; demand a better and fairer and more ambitious vision for our Island. I do hope Guernsey is listening tonight; they are our friends, our partners, our cousins, our family; but all families need to agree in order to benefit and move forward. But the British are also our friends. If Alderney prospers, Guernsey prospers, as it is in all our interests. Why not even invite Jersey to sit in and observe? Invite the Home Office to oversee a small Crown Dependency gets due justice.

I really welcome it, actually, and it has been far too long. Thank you.

The President: Thank you, Mr Roberts.

955 Does any other Member wish to speak on this Item? Mr Tugby.

960 **Mr Tugby:** I would just like to give my support to what Mr Dent, Mrs Paris and Mr Roberts have said, sir, because it is unfortunate that some of the ones who do not like seeing Guernsey just sitting on the top table down there ... and that is where the problem is. And when we go into negotiations and have them representing us, that we go as a united front; and we do not copy England's way of negotiating with their tail between their legs when they go to Europe, because that causes more problems.

We have got to stand firm and really fight our corner, because I can guarantee you there are some Members in Guernsey who will be trying to take more control over us.

965

The President: Thank you, Mr Tugby.

Does any other Member wish to speak on Item VIII? No other Member wishes to speak on Item VIII?

As there is no resolution to be taken, that ends the debate on Item VIII.

**IX. Questions and Reports –
Updates on representations made regarding transferred or other services;
Progress on PSO contracts for Alderney air links;
Discussions and suggestions on revision of 1948 Agreement.**

970 **The President:** Mr Greffier, we will move to Item IX, please.

The Greffier: Thank you, sir.

Item IX this evening is Questions and Reports and I believe you have received three questions this evening.

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The President: I have indeed.

Mr Dean, as Convener, were there any comments on this at the People's Meeting, please?

Mr Dean: There were no comments on this Item, sir.

980 **The President:** Thank you very much indeed.

So we will move directly to the questions. The first one is a question from Mr Dent to the Alderney Representatives in the States of Deliberation. Mr Dent, would you care to rise and put your question, please.

985 **Mr Dent:** Mr President, although there have been no States of Guernsey meetings since the July 25th meeting of the States of Alderney, have you made any recent representations to Guernsey politicians or officers in regard to our transferred or other services, and if so could you briefly summarise them?

Thank you.

990

The President: Who are you addressing your question to first?

Mr Dent: Mr McKinley and to Mr Roberts.

995 **The President:** Thank you very much.

Mr McKinley, would you care to respond? (*Interjection*)

Mr McKinley: Thank you, Mr President.

1000 True, we have not had a meeting since 25th July but we have had interaction on two very important issues. The first was the medical issue which is ongoing, and there are a number of issues associated with that. We had a conference call from the video conferencing centre down in the Hospital with the Committee, and Mr Dent was there, I was there and also Miss Tindall from Guernsey was there. The main topic of that discussion was the Medevac; and we are still at an impasse, frankly, on the Medevac. Mrs Heidi Soulsby fully understands it but says it is not technically within her remit, and therefore I would suggest that it is perhaps within the remit generally with the Government of Guernsey, but we do need to have an improved Medevac service. I think that the recent petition, which was launched a week or so ago, has got more than 1005 500 signatures – so one quarter of our population at least is in support of that. So I think we must continue to try and improve our Medevac.

1010 The other discussion has been on the second edition of the Professor Wilson report, which I have in my hand here, and which is available incidentally on the Guernsey Government website. But interestingly, the first recommendation deals with the Rory Lyons affair and suggests that Rory Lyons should receive a full apology from HSC and should be encouraged to return to practice. Now, I have spoken to Dr Lyons, who is currently in Ireland attending to his sister who 1015 is very sick, and he is considering coming back but the Guernsey States, or Heidi Soulsby, did actually issue a public apology within the States of Guernsey but it was not a direct apology to him and I believe that such an apology is still due. It is interesting that this report makes that comment. It also recommends that the States of Guernsey should as a matter of urgency engage in a mediation process with Dr Lyons. So we will continue discussions with that no doubt, 1020 particularly when Dr Lyons returns.

The second issue they are looking at is the structure of the general practice in Alderney and saying that it does need to change. Well, we know that we did have two practices and we now have only one, so it is recommending four possible options. The first option, of course, is two practices; the second option is one practice; the third option is a practice based on the National Health Service in England, which is supported by, but not run by, the Government. I am not sure 1025 whether they are talking about the Government of Alderney or the Government of Guernsey, but all the same rather than a private practice it would be a state-supported practice. The fourth option is one that is run by – not just funded – but also run by the States. So those are two major issues.

1030 They are also looking for more care to be available at the Mignot Memorial Hospital, but I think we would all agree in this Chamber that the service we get from the Mignot Memorial Hospital is quite excellent, and they actually recommend they say that and state that. But there is talk, and there has been talk, although no decision has been made yet, that perhaps a medical practice of some sort should be set up at the Mignot Memorial Hospital also, so a second
1035 practice. But that is for debate and for discussion.

They are talking about an increased use of video conferencing from the Hospital, and they have not done an awful lot of that. They do bring specialists up here and they do bring others – community psychiatric nurses – up here to deal with those who have mental issues. But with those sorts of issues it is rather difficult to do so in a conference room as such – you really need face to face. I think we are recommending that there should be some sort of Skype link rather than a video screen link.
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So we are looking at an improved data system; an Alderney-based midwifery system to be improved; and improvements to the Mental Health Service. And the problem which has arisen recently is due perhaps to the change of data protection rules in Guernsey, in that it is now a lot harder for people to book flights for their medical appointments in Guernsey. They have to have confirmation they have got the appointment first; that confirmation has to come officially from Guernsey and quite often by the time that comes there are no more seats available on the flight. So trying to get people down there for medical appointments is a serious, serious issue and the issue is compounded by the fact that there are now fewer flights leaving Alderney in the morning than there were some months ago, and indeed fewer returning in the afternoon.
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So it is important anyway for us to note that there are a number of other issues, which I will not go through in detail. But as I say this Report is available on the Government website for all to see and I think we can get copies also in the States Office. So that deals basically with the medical issues.

The other issue which Mr Snowdon has also been helping on, and doing an awful lot on, is the provision of a maths teacher at the school. We now have a temporary maths teacher of the quality and level that we require, and apparently he has gone down extremely well, but unfortunately he is only going to be there for a few months. So we are still looking for someone more permanent, but at least we have filled the gap temporarily.
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1060 That is all I have to say, sir.

The President: Thank you very much, Mr McKinley.
Mr Roberts, do you have anything you wish to add?

1065 **Mr Roberts:** I have nothing I wish to add, sir. I would just concur with everything that Mr McKinley has said.

The President: Thank you, Mr Roberts.

Does any Member have a secondary question to pose as a result of the answers which have been given?
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In which case we will move to question number 2, which is from Mr Roberts for the Chairman of P&F. Mr Roberts would you care to rise and put your question, please?

Mr Roberts: Yes, sir.

1075 Can the Chairman of Policy and Finance please brief the Chamber tonight on the progress that is being made with regard to the proposed public service obligation contracts for the Alderney-Guernsey and to the Alderney-Southampton route, both vital lifeline links to Alderney?

The President: Mr Dent, would you care to rise and respond?

1080

Mr Dent: Thank you, Mr Roberts.

1085 I can confirm that the draft documents are in an advanced stage of production and that we
have been working closely with the Committee for Economic Development on these. Perhaps
inevitably there are one or two matters that we still do need to agree and the three most
important are: firstly, the information that tenderers will be provided with in regard to the
rehabilitation of our runway. I would like to make clear that the long-overdue rehabilitation of
that runway *appears* now to be progressing and there is a schedule for completing the work. We
have obviously been talking about this earlier this evening but it needs to be made clear that in
the medium- to long-term candidate operators should have no fear that they will be required to
1090 land on a runway that is only operating under specialist derogation.

Secondly, the start date: we favour a start date at the end of September 2019 – that is, ‘we in
Alderney’ favour the start date at the end of September 2019. Guernsey has favoured a much
earlier date. You need to know that tender documents will not be going out immediately as they
will require the approval of both ourselves and Guernsey; and Guernsey’s procedures, as we all
1095 know, are cumbersome and sometimes time consuming. After the tender process has been
completed, operators will of course require some time to mobilise. We consequently believe
that the early start date and the rushed processing will give too much advantage to the
incumbent. The solution to this, we believed, was to accept a base end of September start date
but to agree that candidates could suggest other start dates should they be able to start earlier.
1100 Hopefully, we are now close to resolving this second hiccup which we in Alderney thought, as I
said, gave too much advantage to the incumbent.

The third matter concerns the provisions that will be available to us should the concession be
awarded to an operator that gets into financial difficulties, or unilaterally withdraws – and this is
really the most important issue. As you all probably know I, and indeed many of the others on
1105 the Aurigny Review Panel, favour the Scottish model where Government actually owns the
aircraft and it then tenders for an operator prepared to maintain and then use the fleet
Government already possesses. For various reasons, the States of Guernsey did not favour this
model, not least because there were very few operators in Europe using Dorniers and it was felt
that foisting these aircraft on an operator might not be deemed acceptable.

1110 As a consequence, I and the others on the Air Transport Action Group thought that it would
be appropriate to have concessionaires provide some form of Government or bank guarantee,
perhaps even a lien on the aircraft. But while this model would clearly not be a problem for the
incumbent operator, it could of course clearly disadvantage any newcomer who would have an
additional cost to contend with.

1115 For the moment, let me just say that discussions are continuing on these and a number of
other more minor matters, but I am hopeful that solutions are not too far off and that we will
soon be able to report a basic agreement by ourselves and Guernsey, and we will of course then
be bringing it to P&F whenever it is necessary. We do not, however, want to be pressurised into
any rash agreements.

1120 Thank you.

The President: Thank you, Mr Dent.

Does any other Member have a secondary question for Mr Dent as a result of the reply he
has just given? Very well, we will move on to question 3. Mr McKinley you have a question for
1125 the Chairman of P&F, would you please rise and ask your question?

Mr McKinley: Yes, my question is for Mr Dent, of course: following our discussions on the
revision of the 1948 Agreement, could you please brief this Chamber on any recent discussions
that you have had with Guernsey on this subject, and any specific suggestions?

1130 Thank you.

The President: Please rise.

Mr Dent: Thank you, Mr President.

1135 Earlier this evening, each of us has had the opportunity to set out our own thoughts on the process and aims that a renegotiation might encompass. The Billet Item was of course submitted some three weeks ago, a few days before the 24th August deadline. The Billet submission did in fact follow the initial 2nd August letter from myself to the President of P&R in Guernsey setting out the basic principles that we consider important and which I described earlier this evening.

1140 The President of P&R responded to my letter on 23rd August while I was on holiday. His letter concentrated on the services provided by Guernsey to Alderney, that is to say concentrated on financial transactional matters and, as I stated earlier, made no reference to the wider economic, social and other matters I have stressed in my own letter. The President of P&R's letter definitely made it clear, and I would like to quote, and get the exact words: 'The review will initially be an evidence-based research of the 1948 Agreement and services provided under
1145 it and this will be undertaken by officers. The finding of the work will then be subject to a discussion between a joint group of Representatives from the States of Alderney and the States of Guernsey'. It went on to say: 'We welcome the States of Alderney's input but we do not envisage the need for an independent chair at this stage in the process'. In other words, the review will be a unilateral Guernsey-driven exercise. The next day, I responded and if I may I will quote two sentences. The first: 'I think there are some common principles that need to be very
1150 clearly understood if this work is to lead to any positive change'. The second: 'There will be no decision about us, without us'.

If I might remind Members it is almost exactly a year since the President of P&R chastised us in public – and quite unnecessarily – for perceived overspending on our revenue account. I want
1155 to work closely with the President of P&R and I want us to be partners. We must move away from this perceived parent-child approach to politics. And I apologise if some of this is a repetition of what happened in the earlier debate but I thought it was pertinent that we got the most recent words.

Thank you.

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The President: Thank you, Mr Dent.

Does any Member have a secondary question for Mr Dent as a result of the reply he has just given? Yes, please do.

1165 **Mr McKinley:** With respect to the visit of Lord Keen, obviously this is going to be a very important subject for discussion with him. Is he then going on to Guernsey, or is he coming from Guernsey and would he be able to pass our views down the Guernsey, and can we hear possibly what they have to say about that? Are we looking to him as an intermediary, if you like?

1170 **The President:** You may answer that or I can tell you that he is going there before, and I understand the position of the States of Alderney as a result of this debate will be made very clear to the Ministry of Justice prior to his coming over to the Channel Islands.

Mr McKinley: Thank you, sir.

1175

The President: Do you wish to add anything to that?

Mr Dent: Mr President, I thank you for answering the question.

1180 **The President:** That will conclude tonight's States' meeting. Mr Greffier, if you would you would be kind enough to close the meeting.

PRAYERS

The Greffier

The Assembly adjourned at 7.01 p.m.