



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 9th September 2020

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

Volume 8, No. 6

Present:

Mr William Tate, President

Members

Ms Annie Burgess
Mr Mike Dean
Mr James Dent
Mr Kevin Gentle
Mr Christian Harris
Mr Louis Jean
Mr Graham McKinley OBE
Mr Steve Roberts
Mr Alexander Snowdon

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.

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

The President: Good evening, everybody.
Mr Greffier, can we commence please with the roll call?

ROLL CALL

The Greffier

The Greffier: Sir, that is all nine Members present.

5

The President: Thank you very much indeed.

Procedural

The President: I would just like to say before we start the meeting that his Excellency the Lieutenant-Governor had intended to come to the September meeting but, for reasons I think which will become apparent, we have had to bring the States meeting forward by a week and unfortunately he was already engaged. So it would have been a great privilege for me to welcome him for the first time but I am sure that as and when he will come and sit in on our meeting.

10

Convenor's Report of the People's Meeting held on 2nd September 2020

The President: So let us start, Mr Dent, if we may with the Convenor's Report.

Mr Dent: Thank you.

15

I confirm that I was the Convenor, I was assisted by the Temporary CEO, the Acting Head of Finance and Executive Assistant. There were seven States Members present, excluding myself. Your good self was present, there was the Minute Secretary, there were 20 members of the public and four members of the press and we received apologies from Mr Dean.

20

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

Billet d'État for Wednesday, 9th September 2020

I. Chief Pleas – Plea of Mrs Hanbury re governance of Alderney; Plea of Mr Wedd re Alderney swimming pool

Item 1.

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, can we move on please to Item 1 on this evening's Agenda.

The Greffier: Thank you, sir. Item 1 this evening is Chief Pleas and I confirm two members of the public have registered an interest to speak to the States this afternoon.

25

The President: Thank you very much indeed and, Mr Dent, there were no comments at the People's Meeting?

Mr Dent: There were no comments.

30

The President: Thank you very much indeed.

For the people who have not been before or who are listening on the radio that are not aware of how this works, the law provides that on two occasions each year members of our community are entitled to attend this meeting and to address directly their elected Members on matters which they regard to be of public interest. So this is a very important aspect of our democratic process because it is the direct engagement of our community within the structure of this meeting.

35

We have two people this evening who are going to come and talk about a matter of public interest, and the first one is Mrs Rosemary Hanbury.

40

Mrs Hanbury: Mr President, Members of the States of Alderney, good evening.

I am concerned about the lack of action by the States on changes to the way that Alderney is governed. In October 2019 you voted to separate the executive from the legislature within the States. A Special Committee was set up to supervise this. A year later and with an election pending, there have been no suggestions and no consultations to amend what we all know is a failing system.

45

Matthew Birmingham tried but he was not followed and the unwieldy and indecisive P&F Committee remains intact. This has caused delay and procrastination. It would have been critically irresponsible in the present pandemic crisis had the residents of Alderney not wholly accepted the leadership and directions of Guernsey. This has been our salvation. It has demonstrated our need for top level, rapid, decision-making. Guernsey has proved its ability and we have experienced that expertise first hand.

50

It has also made us realise our dependence upon Guernsey. We benefited greatly from the transferred services which they undertook since the end of the war, 70 years. There could not be a better time for this community to recognise Guernsey's help and ask for fair co-operation. In exchange, perhaps we can offer our ideas, such as the successful gaming industry in the past and present and the development of our tidal energy in the future.

55

Our system of government must change and this can only be achieved by the States itself. Members must agree on this single purpose. For example, an executive composed of two or four

60 Members with a President as chair could make decisions by consulting with appropriate Alderney organisations and experts. We should surely also use our elected President's experience and his access to leaders of other jurisdictions. All other States Members for the present could act as a council dealing with local matters but liaising with respective Guernsey Departments, each Member having their own responsibility.

65 I do think it is up to the States to select their most appropriate Members for States positions. The plebiscite must go. Can you imagine the electorate in the UK voting for who should be Foreign Secretary?

This year the electorate's choice of Alderney Representatives should not be binding, in my opinion. It is your responsibility to implement change by the end of this year, with seven Members voting in favour. If you fail to deliver we, the electorate, must find those who will.

70 At the By-Election in October and the General Election in November I sincerely hope the electorate will only support those candidates who are committed to replacing our broken system of government. I am even considering putting myself up for the election to help to get this done, and that would probably make me the oldest elected politician in the world! It is time for radical thinking and action and the people of Alderney are ready.

75 Thank you, sir.

The President: Thank you very much indeed.

Mr Wedd, please.

80 **Mr Wedd:** Mr President, States Members, thank you for allowing me a few minutes to speak in favour of completing the community swimming pool.

I have listed just four key questions, and I will not take more than 10 minutes: question one for us all, has the time arrived when Alderney should have its own community pool? Bailiwick law now decrees that all schools should have access to swimming facilities and that includes our own 85 St Anne's School. From our children's viewpoint a quality swimming pool on the very edge of the school grounds would be a highly valuable facility. The argument that children can learn to swim in the sea should not be discounted. Angela Etheredge's sea swimming programme is widely recognised as something rather special. However, anyone who has worked with less confident swimmers will know how much more can be achieved with an indoor pool, especially during the 90 winter months. There are a growing number of parents, and indeed grandparents, with children of school age who feel very strongly that it is high time that we should have our own pool. From the viewpoint of the medical experts, a well-managed swimming pool is also highly desirable and will save many medical trips over to Guernsey. Our proposed new facility will be fully equipped to care for the elderly and for the infirm.

95 Numerous visitors and their families too would see a quality swimming pool as yet another attraction to this Island of ours. Visitors over from Guernsey recently have been astonished that we still have no pool here. During inclement weather, and especially during the long winter months, there is a very strong case to get this facility up and running as soon as possible.

100 Next point; why the delay and are there insurmountable problems? Those who oppose the pool completion point out that for such a small Island population to manage such a facility will be a challenge and, of course, they are right. Like so many activities on Alderney, we pride ourselves on a unique system of volunteers who cover most of the labour and supervision requirements. For this pool to succeed we will need a strong management team and a determined band of followers and helpers, and I am pleased to be able to say that there are several high-powered 105 volunteers ready to step in when we need them.

Undoubtedly, as with any business, there will be a funding zone which will need to be carefully managed and there will need to be regular fund raising events, like swim marathons, to keep ahead of the costs. It will need to be a community facility run by the community and for the community, and where we can we would like to keep the entry charges as low as is possible.

110 So what is the current situation? The States of Alderney and the Alderney Community Sports
Centre Trust (ACSCT) recently issued joint communique to say that once the remedial issues have
been settled, both parties look forward to being able to make further progress as soon as possible.
Rumours of widespread concrete weakness and unstable structures have been greatly
115 exaggerated. A preliminary report noted several areas of weakness but this was leaked even
before it had been properly examined by trustees and contractors. After mature consideration a
second totally independent report was commissioned for our States by Guernsey based structural
engineers, Babbé McCathie, this official report concluded that the proposed works, if completed
correctly, can bring the pool and the enclosure into line with current building regulations and can
remain serviceable for at least 50 years. The report answered many of the problems but it took
120 over six months to produce it.

So what next? If we mean to have an Alderney pool we need to understand that to build a
comparable facility will cost well over the £1 million mark. To complete the existing pool at St
Anne's will cost approximately a further £250,000, including consultants fees, £300,000 if we
include an additional very useful car park space and a wheelchair friendly walkway from the car
125 park to the main entrance. Whichever way one looks at it, it will be far less expensive to complete
the existing building than to build a new one.

Contractors and trustees have now reached agreement about the necessary remedial work.
Once this is completed we will move towards introducing a strong community management team
to help to take the project forwards. Most importantly, back in 2017 a previous P&F Committee
130 approved an additional £25,000 to appoint their own project manager. For one reason or another
this did not happen but until this important appointment is made we cannot really move forwards.
It is quite obvious that we will need to sign off the repair works when they are completed and a
project manager will be able to do this for us. At the same time, the manager will be able to keep
States Members fully informed and keep the project moving. We should have had this key person
135 in place ages ago and saved ourselves a great deal of extra work.

Going forward, we know that we will need to work with Guernsey for this project to reach
completion. The most recent press release from Guernsey's 'Plan for Sport' dated 21st August
2020, indicates very strong support from their States Members for attempts to improve sporting
facilities right across the Bailiwick, in Guernsey but also in Alderney, including mention of the
140 swimming pool completion here at St Anne's. Support from Guernsey would seem to be strong
and encouraging but first we need to clarify our own immediate need, starting with the
introduction of a quality project manager.

Essentially what I want to say today is that whatever the rights and wrongs over the years, and
there have obviously been quite a few, we are where we are. The Trustees have done their level
145 best for many years but have reached the stage where we can go no further without a strong lead
from States Members.

The essential question, which still demands a clear answer, remains. Have we now reached the
stage where Alderney really does need to have its own community swimming pool? If the answer
is yes can we here present combine with Guernsey to do something really worthwhile for this little
150 Island over the coming months and provide a first-class facility.

If States Members agree that this should be a key target then may I suggest that a top priority
must be to introduce a project manager without further delay?

Thank you for listening.

155 **The President:** Thank you very much indeed, Mr Wedd.
Much food for thought.

**II. Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020 –
Item approved**

Item II.

The States of Alderney are asked:

To give their approval to the Projet de Loi entitled the Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020.

The President: Can we now move on please, Mr Greffier, to Item II on the Billet.

The Greffier: Thank you, sir.

160 Item II this evening is the Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020, a letter has been received by yourself, sir, from the Bailiff of Guernsey, Mr McMahon and the States of Alderney are asked to give their approval to the Projet de Loi entitled the Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020.

165 **The President:** Thank you very much indeed.
Mr Dent, were there any observations from members of the community?

Mr Dent: Mr President, a query was raised as to whether these types of items might just go through automatically without filling up the Billet. It was noted that for them to become Alderney law, they had to be approved by the full States.
170 Thank you.

The President: Thank you very much indeed.
So I think you are on your feet again, Mr Dent, because you are going to propose this one.
175

Mr Dent: Thank you, Mr President.

If I can just take you through a few points. In November 2018 the States of Deliberation in Guernsey agreed to introduce a new Law premised on deemed consent for organ donation. The intention was that the default legal position would shift from one where organ donation requires specific consent to one where adults who have not registered their preference are deemed to have given consent.
180

As some Members may remember, Alderney debated this matter without resolution in April 2018. We had been invited by Guernsey to give our views. After the debate we invited comments from the public. The majority of respondents were in favour of a deemed consent model, as had been a majority of Members in our own States debate.
185

The Law before you tonight derives from those initiatives two years ago. It was passed by Guernsey in June of this year.

The new Law describes which activities can be undertaken and those which cannot in relation to organ donation. It states which persons are permitted to undertake regulated activities relating to organisation and it sets out the criteria which must be met in order to proceed with organ donation on a deemed consent basis.
190

The Law also sets out the offences and penalties in relation to any organ donation activity that occurs outside the remit of the Law. It establishes circumstances where organ donation may not proceed and it allows any provision by Ordinance considered appropriate for the purpose of successful implementation of the Law to be made.
195

While it is expected the majority of suitable donors will be patients on life-support in the intensive care unit at the Princess Elizabeth Hospital this may not always be the case. Some organs, such as eye corneas, bone, skin and heart valves can, I understand, be harvested remotely. Also, technology is changing rapidly and what is not tractable today may soon become tractable.

200 In February of this year P&F Members were consulted by HSC as to whether they wanted Alderney to be included in the Law and by a majority it was agreed that we did.
Thank you.

The President: Thank you, Mr Dent.
205 Mr McKinley, I understand you are seconding this Proposition?

Mr McKinley: I am, sir. I have very little to say, I agree absolutely with what Mr Dent has said. It makes sense to bring in this Law as soon as possible. They have agreed it in Guernsey and I believe the majority of people here in Alderney agree also.

210 **The President:** Thank you very much indeed.
Does any Member wish to speak on this particular topic? That being the case, Mr Greffier – sorry, Mr Jean, I did not see you, I apologise.

215 **Mr Jean:** Thank you.
I am concerned about this, and I always have been concerned about it, from the point of view of our location, where we actually are, sir, here. It is much easier for this Law to be dealt with and facilitated in Guernsey and I am concerned it is not a Law that fits in very well here because if you have to try and move people over it is distressing for the relatives because of the transplantation aspect, and I do not think it is a good idea for here at all.

220 I may be wrong, but those are my feelings. We are not located with our transport problems and erring on the side of caution, I would say that this Law does not fit well here, it is not suitable for here, and the only way that you could take part in it is for the patients that are actually in Guernsey and for the rest I would actually try to find some way of ruling it out, and because of it I am not willing to vote for it, sir.

The President: Thank you very much indeed, Mr Jean.
Does anybody else wish to speak?

230 **Mr Roberts:** Yes, please, sir.

The President: Mr Roberts, please.

Mr Roberts: As opposed to Louis, I am fully in favour of this actually. I would ask all to support this Human Tissue and Transplantation Law 2020.

235 I spoke loudly in the States of Guernsey on this and supported its implementation on the grounds that a vote for this will undoubtedly save lives. Some desperately ill children and patients will gain from this. And one member of my own family would still be here today had organs been available, so you can appreciate that I feel strongly that someone's life needs every chance that we can give.

240 What is an automatic organ opt-out? Under the Scheme, patients aged 18 or over will have to opt out if they do not want to be an organ donor. People who choose to opt out will need to register to do so, just as patients are currently required to opt in. Families of those donating their organs will still be able to withdraw the consent on behalf of their loved ones.

245 Before the change, organs and tissue could only be taken from patients if the deceased had joined an organ donor register or informed their relatives before their death that they wished to donate.

250 More than 6,000 people are on the organ waiting list in England, with an average of three people in need of an organ transplant die every day. In 2018 more than 400 people died in the UK waiting for a transplant. The overall donor consent in the UK has risen from 60% in 2015 to 67% in 2018, with Wales reporting consent rates as high as 75%, but numbers are still unacceptably

low relating to demand. This change will undoubtedly save lives. So any law that eases suffering and gives sick people a second chance will get my vote and I would urge my good colleagues to give theirs to something really worthwhile.

255 Thank you, sir.

The President: Thank you, Mr Roberts.

Does anybody else wish to speak? Mr Dent, do you wish to exercise your right to reply?

260 **Mr Dent:** I have nothing to add.

The President: Thank you very much indeed.

Then shall we move to a vote, Mr Greffier, please.

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

The States of Alderney are asked to give their approval to the Projet de Loi entitled the Human Tissue and Transplantation (Bailiwick of Guernsey) Law, 2020.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Roberts	Mr Jean	None
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Sir, 8 votes in favour, 1 against.

270 **The President:** Thank you, Mr Greffier.

**III. The Financial Services Business (Enforcement Powers)
(Bailiwick of Guernsey) Law, 2020 –
Item approved**

Item III.

The States of Alderney are asked:

To give their approval to the Projet de Loi entitled the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020.

The President: Item III then, please.

The Greffier: Thank you, sir.

275 Item III this evening is the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020. Again, a letter dated 20th August has been received by yourself, sir, Mr President, from the Bailiff of Guernsey, Mr McMahon and the States of Alderney are asked to give their approval to the Projet de Loi entitled the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020.

280 **The President:** Thank you.
Was there anything said at the People's Meeting about this issue?

Mr Dent: Indeed. It was queried why this and the next three Items of legislation had not been scrutinised by the current P&F Committee. It was deemed this was inappropriate, especially with elections this year.

285 The question was asked do the States have the competence to deal with this level of legislation, time is needed to consider these legislations. In response it was noted that this legislation has been scrutinised by the GFSC, who do have competence, and that if Alderney wish to continue to have on-Island financial services businesses the international community expected our legislation to meet international standards for the prevention of money-laundering and the funding of terrorism.

The President: I think you can remain on your feet, Mr Dent.

295 **Mr Dent:** I won't get to sit down, sir, or leave at this rate.

The President: Well, it is a matter for you, but I was just trying to save your legs.

Mr Dent: Thank you very much.

300 Mr President, this and the following three Items, all sponsored by the Guernsey Financial Services Commission, are very much aimed at ensuring that financial services are regulated to international standards.

Much of the emphasis is on the prevention of money-laundering and the prevention of terrorist-funding activities. In particular, they will meet the standards being set by the EU markets in financial directives which, despite the UK leaving the EU, are directives which we understand the Bailiwick will still have to comply with if it wishes to continue providing services to businesses in the EU.

310 Mr President, as I have just noted, and despite being forewarned by the GFSC of this legislation, I was surprised to see these Items on the Billet because I did not recollect them going to P&F. I have, however, subsequently found out that P&F were consulted in 2015, some five years ago, and I have been assured by the GFSC of their very rigorous scrutiny which frankly – and I do agree – we in Alderney do not have the experience to undertake.

315 Colleagues, all four Laws were nonetheless passed by the States of Guernsey in July of this year. This, the first Law in the series of four, provides for the enforcement by the Guernsey Financial Services Commission of a number of Laws, this first Law and a number of others. These other Laws include the Financial Services Commission (Bailiwick of Guernsey) Law 1987 and a number of supervisory Laws, including the three Laws that appear next on our Billet which, as I hope you have already noted, are: the Regulation of Fiduciaries, Administration Business and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020; the Protection of Investors (Bailiwick of Guernsey) Law 2020; and the Banking Supervision (Bailiwick of Guernsey) Law, 2020.

320 The other supervisory Laws that the GFSC will obtain enforcement powers over via this legislation are the Insurance Business –

The President: Can I just ... forgive me for stopping you, I can see what you are trying to do here, Mr Dent, but I think we have got to deal with each of these entries separately. Just guide me.

Mr Dent: What I am referring to are not the next entries.

330 **The President:** Okay, so we are still on entry number III?

Mr Dent: We are still on entry one, yes. This Law is giving the power to supervise all these other Laws, which include the three following Laws, but also a number of additional Laws, which I am just making reference to at this moment.

335

The President: Very helpful, thank you.

Mr Dent: The other supervisory Laws that the GFSC will obtain enforcement powers over this legislation, which are not on the Billet, are: the Insurance Business (Bailiwick of Guernsey) Law 2002; and the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law 2002. This Law additionally subsumes the provisions of the Financial Services Commission Law relating to enforcement of the protection of investors, administration and the intervention Bailiwick of Guernsey Ordinance 2008. The Law also provides for the detection, investigation, prosecution and sanctioning of civil criminal and administrative contraventions of the provisions of this Law, the Financial Services Commission Law and the aforementioned supervisory Laws.

340

345

A number of other provisions ensure, as far as it is possible, consistency and standardisation of the Commission's enforcement and investigative powers, obligations, liabilities, remedies, offences, penalties and other consequences.

In short, the Law when operating in conjunction with the next three Billet Items that is, of course, presuming they all pass tonight, should ensure the continued smooth running of the Bailiwick's financial services industry.

350

The President: Thank you, Mr Dent, for that very comprehensive explanation. Anything to add as the seconder, Mr Harris?

355

Mr Harris: Thank you, sir.

I think Mr Dent has covered absolutely everything so I have no further comment.

The President: Would anybody else like to have a say? I am only leaning forward, Mr Jean, because sometimes I cannot see you and I just did not want to miss you again. That being the case, I think this time, Mr Greffier, we can take this one as passed.

360

The Greffier: Thank you, sir.

IV. The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020 – Item approved

Item IV.

The States of Alderney are asked:

To give their approval to the Projet de Loi entitled the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020.

The President: Item IV.

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The Greffier: Item IV this evening is the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law 2020. Again, sir, a letter has been received by yourself from Mr McMahan, the Bailiff of Guernsey, and the States of Alderney are asked to give their approval to the Projet de Loi entitled the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law 2020.

370

The President: Thank you.

Were there any comments on this at the People's Meeting, Mr Dent?

375 **Mr Dent:** Mr President, there was. The Convenor was asked to clarify the purpose of the legislation. I summarised the GFSC explanatory notes, which I will do again when I come to present the Law itself.

The President: Thank you.

380 It is up to you again, you are proposing this Item, Mr Dent.

Mr Dent: Mr President, this is the second in a suite of legislation. This Law repeals and replaces the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000, though with the enforcement provisions transferred to the legislation we
385 have just been discussing and passed.

The provision has additionally allowed the updating of the 2000 Law, bringing it into line with more recent regulatory Laws and in particular the Insurance Business (Bailiwick of Guernsey) Law 2002. The GFSC assure us that the Law, as well as consolidating previously heavily amended enactments will: (1) ensure compliance with international and EU standards; (2) ensure effective
390 supervision and create efficiencies; (3) eliminate unjustified legal inconsistencies; and (4) will seek to support industry and futureproof the legislative framework for this section of the financial services industries. And so if we approve this and the other two Laws tonight the GFSC should no longer have to operate different enforcement regimes across different Laws.

Thank you.

395

The President: Thank you.

Mr Harris, you are seconding this one.

Mr Harris: Thank you, sir.

400 Mr Dent is a hard act to follow, but no further comment, thank you.

The President: Would anybody else ...? No, so we can take that one as read, I think, Mr Greffier.

The Greffier: Sir.

V. The Banking Supervision (Bailiwick of Guernsey) Law, 2020 – Item approved

Item V.

The States of Alderney are asked:

To give their approval to the Projet de Loi entitled the Banking Supervision (Bailiwick of Guernsey) Law, 2020.

405 **The President:** And now we are on to Item V.

The Greffier: Item V, sir, the Banking Supervision (Bailiwick of Guernsey) Law, 2020, again, sir, a letter of 20th August 2020 received by yourself from the Bailiff of Guernsey, Mr McMahon, and the States of Alderney are asked to give their approval to the Projet de Loi entitled the Banking
410 Supervision (Bailiwick of Guernsey) Law, 2020.

The President: Thank you.

Mr Dent, anything from the People's Meeting?

415 **Mr Dent:** Indeed. The Convenor was again asked to clarify the purpose of the legislation and we again summarised the GFSC explanatory notes which we shall hear in one second again, if that is okay with yourself.

The President: Yes, please.

420

Mr Dent: I am glad you are enjoying it!

The President: Yes, well, you are proposing this Item, so off you go.

425 **Mr Dent:** Mr President, this is the third in this suite of legislation. The Law repeals and replaces the Banking Supervision (Bailiwick of Guernsey) Law, 1994, so as with the Law we have just discussed under Item IV, the enforcement provisions are again transferred to the legislation we discussed under Item III.

430 The provision has again allowed the updating of old legislation, bringing it into line with more recent regulatory Laws. The new Law has similar purposes as the Regulations of Fiduciaries, Administration Businesses and Company Directors Law, 2020, in that as well as consolidating previously heavily amended enactments it ensures compliance with international and EU standards, it ensures effective supervision and creates efficiencies, eliminates unjustified legal inconsistencies and seeks to support industry and future proof the legislative framework for this section of the financial services industry.

435

Once again, the GFSC should no longer have to operate different enforcement regimes under different laws.

Thank you.

440

The President: And I suspect you are happy with that?

Mr Harris: Very much so, thank you, sir.

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

445

Would anybody like to comment upon this Item? So again, Mr Greffier, we will tick that box.

VI. The Protection of Investors (Bailiwick of Guernsey) Law, 2020 – Item approved

Item VI.

The States of Alderney are asked:

To give their approval to the Projet de Loi entitled the Protection of Investors (Bailiwick of Guernsey) Law, 2020.

The President: We will move on then please to Item VI.

The Greffier: Thank you, sir.

450

Item VI this evening is the Protection of Investors (Bailiwick of Guernsey) Law, 2020, again, a further letter of 20th August was received by yourself from Mr McMahon, the Bailiff of Guernsey and the States of Alderney are asked to give their approval to the Projet de Loi entitled the Protection of Investors (Bailiwick of Guernsey) Law, 2020.

The President: At the People's Meeting, Mr Dent, any comments?

455

Mr Dent: Yes, three this time. The Convenor was asked to clarify the purpose of the legislation. I summarised again the GFSC explanatory notes.

It was also asked if these items of legislation could be deferred allowing for the moment only Guernsey to implement them. It was noted that this might be possible, but if this happened Alderney's financial services industry would likely suffer.

460

Thank you.

The President: Mr Harris, is that alright with you?

465

Mr Harris: Yes, thank you, sir, no further comment.

The Greffier: I think Mr Dent might want to propose the matter, sir. *(Laughter)*

The President: Oh! So close.

470

Mr Dent, please, unless Mr Harris would like to...?

Mr Dent: Mr President, this is the fourth and final in this suite of legislation. The new Law repeals and replaces the Protection of Investors Law, 1987, though, as with the other Laws we have just discussed under Items IV and V, the important provisions are transferred to the legislation we discussed under Item III. The provision has once again allowed the updating of the old legislation, bringing it into line with the more recent regulatory Laws. The new Law has similar purposes as the Regulation of Fiduciaries, Administration Businesses and Company Directors Law and the Banking Supervision Law, 2020, in that as well as consolidating previously heavily amended enactments it ensures compliance with international and EU standards, ensures the effective supervision and corrects deficiencies, eliminates unjustified legal inconsistencies and will seek to support industry and futureproof the legislative framework for the inspection of the financial services industries. Once again, the GFSC should no longer have to operate different enforcement regimes across different Laws.

475

480

Thank you.

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The President: Thank you, Mr Dent.

Mr Harris as seconder.

Mr Harris: Thank you, no further comment.

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The President: Now I think we can take it as read, unless any other Member wishes to speak? Thank you.

VII. The Alderney eGambling (Amendment) Ordinance, 2020 – Item approved

Item VII.

The States is asked:

To approve the Alderney eGambling (Amendment) Ordinance, 2020.

The Greffier: Thank you, sir, in which case Item VII. this evening, sir, is, the Alderney eGambling (Amendment) Ordinance 2020. A letter has been received from Mr Dent in his capacity as

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Chairman of the Policy & Finance Committee and the States of Alderney are asked to approve the Alderney eGambling (Amendment) Ordinance 2020.

The President: Thank you.

500 Anything from the People's Meeting, Mr Dent?

Mr Dent: There were no comments on this Item.

The President: And now you are going to propose it?

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Mr Dent: Mr President, we continue with the same theme of financial regulation. These regulations codify into Ordinances a number of current procedures within the AGCC by codifying them in this legislative format they give added weight to the procedures. As you will see, there are two main targets: customers, particularly in regard to money laundering and terrorist financing and customer due diligence.

510

On Tuesday 11th August I had a meeting with the Guernsey Financial Services Corporation. It was clear the AGCC ordinance was addressing concerns in the wider financial world and the Financial Action Taskforce (FATF), set up on an initiative of the G7, which is an international organisation founded to develop policies to combat money-laundering, terrorist-financing and other related threats to the integrity of the international financial system, is clearly concerned that the Bailiwick should have an as robust regime as possible for combatting these issues. The GFSC itself is, of course, rightly concerned about anything that might cause reputational damage to the Bailiwick. The enactment of these Ordinances will go a long way to assuring both the FATF and GFSC and for this reason I urge the Chamber to support this.

515

520

Thank you.

The President: Mr Harris, again, you are seconding this one.

Mr Harris: Thank you, sir, and fellow Members.

525

Having attended the GFSC meeting that James mentioned I can only support this, I think the Item speaks for itself and Mr Dent's explanation was more than satisfactory.

Thank you.

The President: Thank you very much indeed. Would anybody like to speak on this topic?

530

In that event we will take that one as read please, Mr Greffier.

**VIII. The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No.4) Regulations, 2020 –
Item withdrawn**

Item VIII.

The States of Alderney is asked:

Not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) Regulations, 2020.

The President: We will move on to Item VIII.

The Greffier: Thank you, sir.

535

Item VIII this evening is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) Regulations, 2020', a letter has been received from Mr Dent as Chairman of the

Policy & Finance Committee and the States of Alderney are asked not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) Regulations,2020.

The President: Were there any comments from the People's Meeting, Mr Dent?

540

Mr Dent: Mr President, there were no comments on this but I am asking you tonight if this Item could be withdrawn until our October meeting. The accompanying documents as published on the States website were for CCA regulations (4A). As these regulations came into force on 10th July and have actually already expired, deferring the motion not to annul until October should have no material impact.

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The President: Mr Harris, you would have been seconding this. Do you support that?

Mr Dent: I do, sir, yes.

550

The President: Thank you.

Does any other Member wish to oppose this matter being withdrawn? So I think that can be marked then, Mr Greffier, please, withdrawn.

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The Greffier: Thank you, sir.

**IX. The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No.5) Regulations, 2020 –
Item approved**

Item IX.

The States of Alderney is asked:

Not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2020.

The Greffier: In which case, moving on to Item IX this evening is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2020, and again a letter has been received from Mr Dent as Chairman of the Policy & Finance Committee and the States of Alderney are asked not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2020.

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The President: Mr Dent, the People's Meeting?

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Mr Dent: There were no comments on this Item.

The President: Thank you. And I think you are going to propose this one.

570

Mr Dent: Thank you.

Mr President, colleagues, these are all regulations made by the Civil Contingencies Authority. They are required to be placed before the States of Alderney in order that they be not annulled. There will continue to be a similar requirement each month until the crisis is over. This is because the regulations can only last for 30 days.

575

As occurred in previous meetings, you will note the extensive list of headings and the subject matters covered. Again, not something I intend to go into this evening.

580 These Regulations came into force on 7th August, and as you will have noted, and as I noted in regard to the (No.4) Regulations which we have just deferred, they also have already expired. Nonetheless, it is incumbent that we should continue with the not annulling process, if only to give the force of law the period for which they were applicable.

The two main areas covered in both these Regulations and the Regulations No. 4 were screening, assessment and powers to detain and mental health and safety. There were 43 pages in July there were 83 pages, in May there were 124 pages. As lockdown eases the need for many of these regulations is clearly falling away.

585 Let me finish by restating that this not annulling process is an important safeguard for regulations that are passed outside this Chamber must eventually come here for approval or in legalese not to be annulled. Most other regulations that come before us do not, of course, have a sell by or expiration date but come with regulations from the CCA that causes them not to be annulling does seem perhaps a little strange.

590 Thank you.

The President: Thank you.

Mr Snowden, I think you are going to second this one.

595 **Mr Snowden:** I am, thank you, sir, nothing to add.

The President: Thank you very much.

Would anybody like to speak on this? No, in that event then will take that one as read please, Mr Greffier.

**X. The Emergency Powers (Coronavirus) (General Provision)
(Bailiwick of Guernsey) (No.5A) Regulations, 2020 –
Item approved**

Item X.

The States of Alderney is asked:

Not to annul the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5A) Regulations, 2020.

600 **The Greffier:** Let's move on, sir, to Item X this evening, which is the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5A) Regulations, 2020. Again, a further letter has been received from Mr Dent as Chairman of the Policy & Finance Committee and he states that Alderney are asked not to annul 'The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5A) Regulations, 2020'.

605

The President: Thank you.

Mr Dent, were there any comments from members of the community?

Mr Dent: There were.

610 It was asked for how long these types of regulations will continue to come before the States and it was noted that they would be likely to continue until the COVID crisis was over.

The President: Thank you.

Again, you are proposing this one.

615 **Mr Dent:** Mr President, these Regulations came into effect on 17th August. It was deemed appropriate by the CCA to strengthen the legal authority to obtain the information from persons entering the Bailiwick and indeed to strengthen Regulations in regard to giving false or misleading information. There were just eight pages of this.

620 **The President:** Thank you very much indeed.
And again, Mr Snowdon I think you are going to second this one.

Mr Snowdon: I am, sir, thank you. Nothing to add.

625 **The President:** Thank you very much indeed. Any comments? Would anybody like to speak? In that event we will take that one as read, Mr Greffier.

**XI. The Government of Alderney (Amendment) Law, 2020 –
Item approved as amended**

Item XI.

The States of Alderney is asked:

To approve the Government of Alderney (Amendment) Law, 2020 and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

The President: We will move on to Item XI.

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The Greffier: Thank you, sir.

Item XI this evening is the Government of Alderney (Amendment) Law, 2020. A letter has been received from Mr Dent as Chairman of the Policy and Finance Committee and the States of Alderney are asked to approved the Government of Alderney (Amendment) Law 2020 and to authorise the Bailiwick to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

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The President: Were there any comments on this Item, Mr Dent, at the People's Meeting?

640 **Mr Dent:** Indeed. It was commented that this is rushing through constitutional changes that should have consultation. It was noted that absolute privilege is being misused and abused by the House of Commons. It was also suggested the CCA could re-enact legislation that was needed in an emergency. It was commented that postal votes were open to abuse.

Thank you.

645

The President: Thank you.
Once again, Mr Dent, you are proposing this Item.

Mr Dent: Mr President, colleagues.

650 This amendment has two parts. The first part will allow Alderney States Members to speak freely in this Chamber without fear of proceedings against them. This full privilege will bring Alderney into line with other global legislatures.

The second part will permit in times of emergency, such as a second COVID-19 wave, the reintroduction of virtual meetings and those other measures put in place during the height of the coronavirus crisis would allow the continuing function of the Island's Government. These second part amendments would also allow the postponement or the bringing forward of an election or the flexibility of calling a full postal ballot. Presently we have a very narrow window during which

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our elections are required to take place and although postal voting is now available to all it cannot be made compulsory even in a pandemic where the assembly and gathering together of large groups of people might be inappropriate.

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These second part measures would however only be implemented if the Civil Contingencies Authority declared an emergency and the President, as is your good self, supported the action. They could not be implemented on a whim.

The amendment usefully also provides P&F in these emergencies with the authority to prescribe further changes to the Rules of Procedure in relation to remote meetings of the States and remote meetings of Committees. We would not therefore have to rely to the same extent on the Civil Contingencies Authority.

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As with all amendments to the Government of Alderney Law at least nine of the 10 Members must be present to form a quorum and there must be seven votes in favour for it to pass.

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Given the importance of these changes and sadly, the continuing threat from coronavirus, the draft text has already been passed to the Ministry of Justice for pre-vetting. This vetting is required prior to any presentation to the Privy Council. If all goes well tonight it is hoped that the amendment will be on the statue book in time for the November elections. I hope, as I believe all islanders will, the provisions in the second part will not be required, neither this year nor for many years to come.

675

Thank you.

The President: Thank you, Mr Dent.

Mr Gentle, I think you are seconding this one?

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Mr Gentle: I am, sir, thank you.

Mr Dent has covered everything, I have nothing further to add.

The President: Thank you very much indeed.

685

Would any Member like to speak on this topic? Mr Jean.

Mr Jean: I am interested in the qualified privilege. I am grateful to see it coming in but what I want to say to the Members and to yourself, sir, is that I would not like to see this used as an opportunity for personal comments from Members and I think that is something that we should consider and we should consider putting along with the legislation some form of safeguard against Members using qualified privilege to make remarks about other Members, personal or otherwise.

690

Thank you.

The President: Thank you, Mr Jean.

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I think you can rest assured that I will, in my role, ensure that the appropriate standards are kept in the meeting. But I think that is a very fair point. Thank you.

Mr Snowden.

Mr Snowden: Thank you, sir.

700

Following on from Mr Jean's comments, for us it is actually quite good to have absolute privilege but for the community I am just a little bit concerned if, let's say a company was named or a person was named, what action could they take against a States Member in this Chamber naming that individual or that company, maybe the comments were correct or maybe they are not correct. In one way, it is a bit hard, maybe Mr Dent could sum it up. But would you still have the Code of Conduct that would come in for something that is mentioned here or exists to override anything that we want to say in this Chamber. That is what I would like some clarification about, because I know there are concerns from the public that – hopefully we have a good States and no one would say anything – but for the slip of a tongue or if something was said that could get some third party into trouble or something along those lines. Personally I do not think we have got a

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710 problem at the moment, I might be wrong, maybe other Members would like to talk about that,
but I am just a little bit concerned that this is actually giving quite a lot of powers to this Chamber
and debates could get quite heated on highly charged matters and things could be said. So I would
like some reassurances that there is still some – I think as Mr Jean has probably said – some
safeguards that are there.

715 I do not want to put in a situation but maybe Mr Dent might be able to explain what those
safeguards would be. So at the moment I just want some clarification before I actually vote on this
one, sir, because I think this is actually quite a big thing and we are accountable to the public and
to be honest I do not mind if someone wants to tell me off for my comments but I think if Members
went too far on a certain item and there might be some legal proceedings I think Members should
720 be careful what they do actually say in this Chamber with regard to personal things or companies,
so I do not know if you could maybe help me with this, or Mr Dent would, but I would just like to
know what those safeguards would be before I vote on this.

Thank you.

725 **The President:** Well, I think Mr Dent might deal with that in his right of reply. I think all I can
say is that the Code of Conduct is there to, I hesitate to use the word, but ‘police’ if you like good
behaviour and so the absolute privilege, as I understand it, is more to do with civil liability whereas
you may not be able to be sued for what you say but you still could be held to account under the
Code of Conduct if it was felt that that behaviour fell below the appropriate standard. I have not
730 reflected at length on that but that is just my sense, Mr Snowdon, if that is any consolation, but I
am sure Mr Dent will deal with that later if he can.

Does anybody else...? Ms Burgess.

Ms Burgess: Thank you, Mr President.

735 I just want to make a very small comment on this, it is continuing on from what Mr Snowdon
has just said. I think the thing is we do want to be transparent, we want clarity, but I do think deep
down we have a common sense and a respect for the surroundings we are in. So although there
might be a concern that we could go further than is acceptable I do not think that would happen.
I think we have enough respect for the community, for ourselves and for the situation we are in
740 where there this does not actually effect that common sense that we have.

Thank you.

The President: Thank you, Ms Burgess.

745 Does anybody else have any observations? Now, Mr Dent, it is your opportunity to reply to
what you have heard.

Mr Dent: I think I would just like really to reiterate what you have said. It is certainly my
understanding that the Code of Conduct will stand and that Code of Conduct hearings can be
instigated and indeed rulings can be made but they would not be able to take you to a civil court
750 and seek damages if you had made an error or whatever. But it is a useful safeguard and it does
bring us in line with other legislatures throughout the world. I think we were very much in favour
of it in P&F meetings.

Thank you.

755 **The President:** I think we will take a vote on this one, please.

The Greffier: Thank you, sir.

760 Just before moving to the vote I confirm that nine Members are present this evening so we
meet the quoracy requirements. And I should also note, sir, in the Resolution that the States were
authorising the Bailiff to present a most humble petition to Her Majesty. As I say, States of
Alderney Law and the Government of Alderney Law, that petition may well come from yourself,

sir, it is up to you if you are happy to continue with the Resolution as it is or just slightly tweak that to incorporate authority to yourself as well.

765 **The President:** I was thinking just that very point, so I think it would be very helpful to tweak it.
Thank you.

770 **The Greffier:** I do not think there are any objections, sir, from the Members present, so in that case the States of Alderney are asked to approved the Government of Alderney (Amendment) Law 2020 and authorise either yourself, sir, or the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Sir, that is all 9 Members in favour.

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

XII. By Election Dates – Item carried as amended

Item XII.

The States of Alderney is asked:

To approve of the arrangements for the By-Election 2020 to be held on Saturday, 10th October 2020.

The President: And if we now move please to Item XII.

The Greffier: Thank you, sir.

780 Item XII this evening is the By-Election dates. 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 arrangements for the By-Election 2020 to be held on Saturday, 10th October 2020.

The President: Thank you very much indeed.

785 Now, Mr Dent, I understand you have an amendment that you would –

Mr Dent: Mr President, would you like to hear the comments from the People’s Meeting?

The President: Yes, I would, thank you.

790 **Mr Dent:** Mr President, there were no comments on this Item. *(Laughter)*

The President: Ahh! I hesitate to say you set me up but there we are.
I understand, Mr Dent, you have an amendment to this proposition?

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Mr Dent: Mr President, you are correct and I thank you for allowing this late amendment.

The President: Well, I think you are going to ask me if I am going to allow a late amendment.

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Mr Dent: Oh okay, well, I would like to ask your permission to delete the existing proposition and to substitute the following:

Amendment:

The States of Alderney is asked to approve the arrangements for the By-Election 2020 to be held on Saturday, 10th October 2020; and to approve the appointment of Elizabeth Maurice as Deputy Chief Executive Officer effective from 25th June 2020.

And if I can give a slight explanation –

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The President: No, I think if you just hold on there you can take a seat because I have to make a decision on this because the Rules of Procedure, Rule 7 says:

Any Member may solicit an amendment to any proposition contained in a Billet d'État by delivering, in writing, signed copies thereof to the President and the Greffier four clear working days before the matter is due to be debated in the States;

Now, that notice was only in fact served today but there is a proviso to Rule 7, which says:

... the President may, in his discretion, dispense with this requirement by permitting it to be moved either with lesser notice or without notice.

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So I have considered the proposed amendment and I am satisfied that I should allow that amendment to go ahead this evening, notwithstanding that the four days set out in Rule 7 have not been complied with.

That being the case, the floor now is yours.

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The Greffier: Just before you do, Mr Dent, in the normal procedure, sir, we would have opened the original Item proposed and seconded and then moved on to the amendment. It is a matter for you if you wish to proceed on that basis seeing as we are quite a way in to the amendment matter now already. It is very difficult to amend an Item which is yet to be proposed, sir.

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The President: Yes, so we had better wind back a stage, Mr Dent.

Mr Dent: I would formally like to propose this Item.

The President: Thank you. Mr Gentle, I think you are going to second this Item?

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Mr Gentle: I am seconding the amendment, sir.

The Greffier: Sir, it is Mr Dean, I believe.

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The President: Mr Dean, sorry.

Mr Dean: Yes, I will second the Item and I am also happy for it to be amended, sir.

The Greffier: I suspect, sir, both of them would like to reserve their right to speak to a later time.

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The President: Would you like to reserve your right?

Mr Dean: Yes, I will, sir.

840

The President: Thank you.

The Greffier: Sir, you may wish to proceed with the amendment now.

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The President: So I have considered this and I am going to allow this amendment.
Mr Dent.

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Mr Dent: If I just by way of explanation say a few words. The Government of Alderney Law requires the Chief Executive or another person who is duly authorised by the States to act instead as the Returning Officer at all elections. On 25th June 2020 the Policy and Finance Committee agreed to the appointment of Elizabeth Maurice as Deputy Chief Executive but to ensure that there was no uncertainty over having a duly authorised Returning Officer for the By-Election I believe we need to confirm this appointment tonight.

Thank you.

855

The President: Thank you.
Mr Gentle, you are seconding the amendment?

Mr Gentle: Yes, sir, I am, thank you, and nothing further to add.

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The President: Thank you.
Does anybody wish to speak on the amendment? So we can take that amendment then as read, Mr Greffier, and that will then replace the original proposition.

The Greffier: Thank you.

865

The President: Now, Mr Dent.

The Greffier: Mr Dent, if you propose it, sir, you may wish to open it to the floor if anyone has any comments or observations on the Item as amended.

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The President: Does anybody have...? Yes, Mr Snowdon.

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Mr Snowdon: I just wanted to basically say, I am not sure if I can say it or not, but is there any support for guidance of new candidates coming forward. Just if you look at what is happening in Guernsey there is quite a lot of support for people that may want to put themselves forward. I just wondered if there is any support for new candidates that want to put themselves forward.
Thank you.

880

The President: Does anybody else wish to speak?
Mr Dent.

Mr Dent: Thank you.

I cannot really answer Mr Snowdon's question because I think that is a matter for the Civil Service but I am very happy to speak to anybody that wishes to stand in the By-Election and give

885 them the benefit of my experience, or lack of experience. They might get a very coloured view, I don't know. I would also like to say, Mr President, and colleagues that the dates on your Billet for the By-Election were selected in order that the new Member will be able to take his or her seat in time for the October States Meeting.

890 If you recall, the date for tonight's meeting was brought forward a week to accommodate that timetable.

Thank you.

The President: Mr Greffier.

895 **The Greffier:** Did you want to put that to the vote, sir?

The President: Yes please.

900 **The Greffier:** Sir, the States of Alderney are therefore asked to firstly approve the arrangements for the By-Election 2020 to be held on Saturday 10th October 2020 and secondly to approve the appointment of Elizabeth Maurice as Deputy Chief Executive effective from 25th June 2020.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

905 **The Greffier:** Sir, all 9 in favour.

The President: Thank you.

XIII. Elections 2020 – Item approved

Item XIII.

The States of Alderney is asked:

To approve that the elections for the year 2020 are as follows:

- a. The Presidential Election to be held on Saturday 14th November 2020;*
- b. The Ordinary Election to be held on Saturday 28th November 2020; and*
- c. The Plebiscite Election to be held on Saturday 12th December 2020.*

The President: Item XIII, please.

910 **The Greffier:** Sir, Item XIII this evening is Elections 2020. 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 that the elections for the year 2020 are as follows: a. The Presidential Election to be

held on Saturday 14th November 2020; b. The Ordinary Election to be held on Saturday 28th November 2020; and c. The Plebiscite Election to be held on Saturday 12th December 2020.

915 **The President:** Thank you.
Any comments from the People's Meeting, Mr Dent?

Mr Dent: Indeed. A query was raised, it was noted that nomination forms would be available in the General Office and accessible online.

920 Thank you.

The President: Thank you, and you are going to propose this Item?

925 **Mr Dent:** Mr President, this is a piece of housekeeping and I hope we can all agree these dates without a vote. Thank you.

The President: Thank you.
Mr Dean, you are seconding this one?

930 **Mr Dean:** Yes, sir.
I am happy to second it and I have nothing further to add.

The President: Thank you.
Would anybody like to speak on this one? Mr McKinley.

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Mr McKinley: Could I just ask a question, please, Mr President.
Is there a time or a date for a hustings when Members can address the public at a public meeting such as happened before? There does not seem to be a date here but that would happen I assume.

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The President: I think I can probably deal with that at the close of the meeting.
Any other Member? I think we had better take a vote on it, Mr Greffier.

945 **The Greffier:** Thank you, sir.
In which case, the States of Alderney are asked to approve that the elections for the year 2020 are as follows: the Presidential Election to be held on Saturday 14th November 2020; the Ordinary Election to be held on Saturday 28th November 2020; and the Plebiscite Election to be held on Saturday 12th December 2020.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

950 **The Greffier:** Sir, all 9 in favour.

The President: Thank you.

**XIV. Code of Conduct Review Panel –
Ms Barbara Benfield and Mr Roy Burke appointed as additional members**

Item XIV.

The States of Alderney is asked:

To approve the appointment of Ms Barbara Benfield and Mr Roy Burke as additional permanent members to the Code of Conduct Review Panel.

The President: Item XIV, please.

The Greffier: Thank you, sir.

955 Item XIV is the Code of Conduct Review Panel. 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 appointment of Ms Barbara Benfield and Mr Roy Burke as additional permanent members to the Code of Conduct Review Panel.

960 **The President:** Anything from the People's Meeting, Mr Dent?

Mr Dent: Mr President, it was asked whether temporary membership of the panel was allowed and it was noted that it was. It was also asked how many Code of Conduct hearings had been necessary recently. I responded that I did not have a figure.

965

The President: Thank you.

And you are going to propose this Item?

Mr Dent: Mr President, this Item speaks for itself. There has recently been shown need for a wider panel from which to select persons to hear cases and if I may give one example of the difficulty I believe was recently encountered a Code of Conduct Panel member has not had any real or perceived conflicts of interest with either a complainant or the person about whom the claim may have been made.

970

Thank you.

975

The President: McKinley, you are going to second this one?

Mr McKinley: Oh, am I? *(Laughter)*

980

The President: I hope so.

Mr McKinley: I have nothing to add, sir.

The President: Thank you, very neatly done!

985

Anybody like to speak on this one? Mr Jean, please.

Mr Jean: Mr President, as you know, I have previously made it known that I have been the subject of a Code of Conduct complaint. The adjudication has not been published so I have been told that no sanctions are contemplated as the procedure has yet to be completed. I feel I should not vote on this proposal. As you said, there are a number of complaints against Members to be dealt with. I feel that all those anticipating proceedings being taken against them should also recuse themselves if they could also be considered conflicted. Complaints not yet proceeded with so unless those Members themselves make their positions known I do not see how this Item can proceed.

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995 I also find it awkward that we should extend this Panel and make it bigger and bigger. I am not
in favour of it but I would like to know where we are at and how many of these complaints there
are and why we are having to do this. It is obvious it is because of pressure on the panel itself and
the amount of complaints but what are we up to with this amount of complaints? What are we
doing? There we are.

1000

The President: I am the Chair of the Code of Conduct Panel. If there are proceedings against a
Member and they are found to be upheld then the result of that is published on the States website
and that is the first occasion upon which that information about any inquiry should be referred to
in public. It would be quite wrong for Members to have their identity disclosed before there had
been a hearing and a finding of the Panel. So I think to that extent it would be inappropriate.

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And the assumption that there are more cases because the panel has been extended, it is a
small Island and lots of people are connected in different ways so lots of people rightly indicate
that it would be inappropriate for them to be involved in any proceedings because they know or
have a relationship with the person concerned.

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This evening is simply to appoint two new members to the Code so that when that situation
arises we have sufficient people from whom I can choose. So I hope that is of some assistance,
Mr Jean.

Mr Snowdon.

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Mr Snowdon: Thank you, Mr President.

I just wanted to say, touch wood, I have not got a Code of Conduct, there may be one on the
way. But regarding the Code of Conduct obviously we have moved to a new Code of Conduct, was
it last year or this year? Which is quite a lot more intense than the old one so I presume that is
putting quite a lot more pressure on to those people that kindly put themselves forward to do the
Code of Conduct Panel rather than more of the basic Code of Conduct that we did have. So it is
probably the time involved dealing with the Code of Conduct which means it is quite a drawn out
period to when it was a bit more streamlined before.

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I would just like to say thank you to two people and everyone that has put themselves forward
and is on the Panel already because it must be a bit of a tricky job but thank you to those members
of the community who have put themselves forward and for giving something back to checks and
balances of the States of Alderney.

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Thank you.

The President: I am sure they will be very grateful for that observation. It is not an easy role to
carry out on behalf of the community but it is a very important role in the way in which we see
Government operate and those people who put us in public office are entitled to challenge us if
they feel that our behaviour has fallen below the standards set out in the Code. So it is not
something which people do lightly and I am particularly grateful to all the people who put
themselves in that position, it is not an easy role.

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Mr Dean.

Mr Dean: Thank you, sir.

Mr President, fellow States Members, let me be crystal clear, I am in no way against those two
Members names being on the Panel, I just want to put that out there. The issue I have is yourself
and if I could read from the Members handbook, 12.2:

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The Members Conduct Review Panel shall comprise the President, as Chairman, and at least five members of the
population on the electoral roll appointed by the States on the recommendation of the President. Members of the
States and their spouses shall not be eligible to serve on this Panel. A person so appointed may at any time resign
his/her appointment by notice in writing delivered to the President.

So my first point is do we have anybody from that Panel that has resigned? If not, why are here tonight discussing whether we want to increase the Panel membership to seven before we discuss the Members that are going on that Panel:

The term of office of those appointed to a Conduct Review Panel shall end on the third anniversary of the date of their appointment.

At 12.4:

A person asked to serve on a Conduct Review Panel, who has any direct or indirect personal or pecuniary interest in the matter referred to the Panel shall immediately declare that interest to the Chairman of the Panel and may not serve. The President may, in the event that there are insufficient members of a Panel to conduct a review or an appeal, in consultation with the Chairman of the Policy & Finance Committee or the Vice Chairman of the Policy & Finance Committee, make temporary additional appointments to the Panel in order to discharge its business.

1045 So the Code already has that set out. So you yourself, sir, and Mr Dent or Mr Gentle can be consulted for additional members so we already have that in place, so I feel the need to add, to up the Panel membership to seven there is no need so I really do not know why this is before this Chamber.

1050 **The President:** Well, it is before this Chamber and you can either vote in favour of it or against it. Does anybody else wish to speak?
Mr Roberts.

1055 **Mr Roberts:** I have got no problem with the new members at all and welcome them both to sit on an upgraded Code of Conduct Panel. But since it was upgraded it has become a tool to attack certain States Members for speaking out, that is what I feel, sir.

1060 Some cause happiness wherever they go, others whenever they go. I would like to see people that have not really served in government or worked in government really, but they are both good people and it is just my view of the Code of Conduct. I find it both divisive and time consuming and it smacks of Westminster. We are a hamlet and not Westminster. It costs money, time and I have yet to see a valid case. We need to sort out our real problems in Alderney, not create division and waste resources within the States. But I welcome the two new members anyway. I suppose I will get the cane, if I have to appear, sir.
Thank you.

1065 **The President:** I do not think that particular way of dealing with it is mentioned (*Interjection by Mr Roberts*) but, of course, it is a matter for you because it is *your* Code of Conduct.

1070 **Mr Roberts:** Alright, so we could?

The President: Yes you could.

Mr Roberts: Without prejudice, sir?

1075 **The President:** Noted. (*Interjection by Mr McKinley*)
That was the chair, Mr McKinley, I think, as a point of information. (*Laughter*) Does anybody else wish...? Ms Burgess.

1080 **Ms Burgess:** Thank you, Mr President, fellow colleagues.
Just very quickly, I really understand what Mike was saying but the point is I think there are so many relationships intertwined because we are quite a small island, I think a bigger pot is actually a good thing to have because there is always going to be areas where you cannot actually take part. It does concern me this whole conversation though because I have seen the effect it has had

1085 on fellow Members, the whole process, I do worry about the level of support for the people on the Panel and for the people actually having to appear in front of them, but I really actually welcome a bigger number because I do think it gets difficult with all the relationships that we have with each other.

Thank you.

1090 **The President:** Thank you.
Mr Gentle.

Mr Gentle: Sir, fellow colleagues.

1095 When this came to P&F there were three names on the list and I voted for all three so it is a shame this is people saying we need more people and we voted one of them out.
Thank you.

The President: Thank you. Does anybody...?

1100 **The Greffier:** There is only Mr Harris remaining.

The President: Only Mr Harris remaining.

1105 **Mr Harris:** Thank you, sir, fellow Members.
I just offer support to what Ms Burgess had to say, sir.
Thank you.

The President: Okay, thank you very much indeed.
So can we move to the vote now please, Mr Greffier.

1110 **The Greffier:** Sir, does the proposer wish to stand up at all?

Mr Dent: Thank you but no, I do not think I need to.

1115 **The Greffier:** In which case, sir, the States of Alderney are asked to approve the appointment of Ms Barbara Benfield and Mr Roy Burke as additional permanent members to the Code of Conduct Review Panel.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Roberts	Mr Dean	Mr Jean
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Sir, that is 7 in favour, 1 against and 1 abstention.

1120 **The President:** Thank you very much indeed.

**XV. Homecoming Day –
Option 2 approved**

Item XV.

The States of Alderney is asked:

(1) to abolish the Monday holiday if it occurs on a weekend, and confine celebrations and remembrance to the 15th December irrespective of the day of the week this falls on; and if this fails;

(2) to confine celebrations to the 15th December irrespective of the day of the week this falls, but continue with the Monday holiday (in this case the Monday will remain a holiday but will not be a day of celebration or remembrance); and if this fails

(3) to celebrate and remember always and only on the Monday preceding 15th December; and if this fails

(4) to celebrate and remember always and only on the Monday following 15th December.

The President: Item XV, then please.

The Greffier: Item XV this evening is Homecoming Day. A letter has been received from Mr Dent as Chairman of the Policy & Finance Committee and the States of Alderney are asked (1) to abolish the Monday holiday if it occurs on a weekend, and confine celebrations and remembrance to the 15th December irrespective of the day of the week this falls on; and if this fails, (2) to confine celebrations to the 15th December irrespective of the day of the week this falls, but continue with the Monday holiday (in this case the Monday will remain a holiday but will not be a day of celebration or remembrance); and if this fails, (3) to celebrate and remember always and only on the Monday preceding 15th December; and if this fails, (4) to celebrate and remember always and only on the Monday following 15th December.

The President: Thank you.

Were there any comments at the People's Meeting, Mr Dent?

Mr Dent: It was commented that public resources have been wasted on this issue.

The President: So now you are going to explain this one to us, Mr Dent, because you are proposing it.

Mr Dent: Thank you.

I hope it is fairly obvious, sir, that people should vote for whichever option they so wish but if a majority is not obtained for any of the options then it will revert to current practice.

I would just like to say that I am bringing this back tonight and on behalf of P&F with the same series of options that I attempted to bring before the Chamber in July but this time with an additional option which is that to confine celebrations to 15th December irrespective of the day of the week this falls but continue with the preceding Monday holiday when 15th December falls on a Saturday or Sunday. In this case, the Monday will remain a holiday but will not be a day of celebration or remembrance, this is now option 2.

In July I read out the results of the consultation. I do not intend to repeat that exercise tonight, it was very lengthy. The consensus amongst those who responded appeared to be that the date itself was important but there was a substantial lobby who did not want to forgo a holiday in the event that the 15th fell on Saturday or Sunday.

I shall personally therefore be supporting option 2 and if that fails I will be supporting the retention of current practice.

The President: Thank you.

Ms Burgess.

1160 **Ms Burgess:** Thank you, Mr President, fellow colleagues.

I do not think I am going to say very much because we have actually already debated this. We have spoken about it and I am sympathetic to the point that it has taken us a long time to get here. Personally I just think it is about marking the actual day in the calendar of the returnees coming to home to their home and seeing the devastation. I just think sometimes it is easy for us to make it ... I think the word ... I am not putting this well across, I do not mean that it is easy to create a holiday, I mean sometimes it is more than that. It is about actually marking the occasion in the calendar about these brave people that came back and actually have set up where we are today, if it was not for them we would not be where we are now. I just sometimes think it is a mark of respect from us to actually just have the day in the calendar and to accept that as all there is to this conversation really. I am supportive of the idea of a Monday bank holiday but personally I think it is about the date, sir.

Thank you.

The President: Thank you.

1175 Would anybody else like to speak on this topic? Mr Jean.

Mr Jean: I too would like to vote on option 2 but I am afraid that we have been told it is about the date. For me that is the important thing, that is the significant thing, that date. That is the date they want the celebration on. If they do not have the bank holiday it is the day that counts so therefore for me it has to be option 1.

Thank you.

The President: Mr Gentle.

1185 **Mr Gentle:** Sir, colleagues. Like some of you have mentioned, this is the second time we have been through this and I am not going to repeat what was said a month ago.

I am in favour of the first proposition and will be voting that way, and just remember the date means something.

1190 **The President:** Thank you.

Would anybody else like to speak? In that event, would you like to exercise your right of reply?

Mr Dent: No.

1195 Maybe I should just say that in option 2 the celebration will always be on 15th December it is just the celebration and remembrance would be on 15th December but if it did happen to be on a Saturday or Sunday you would still get a holiday, although it would not be anything special, on the Monday. But that is the only clarification I would like to make.

The President: So let's move to option 1 then if we may, Mr Greffier.

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The Greffier: Thank you, sir.

The States of Alderney are asked to abolish the Monday holiday if it occurs on a weekend, and confine celebrations and remembrance to the 15th December irrespective of the day of the week this falls on.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	Mr Roberts	None
Mr Gentle	Mr McKinley	
Ms Burgess	Mr Dent	
	Mr Snowdon	
	Mr Dean	
	Mr Harris	

1205 **The Greffier:** Three in favour and 6 against, sir.

The President: So then we move on to option 2.

The Greffier: Thank you, sir.

1210 In this case the States of Alderney are asked to confine celebrations to the 15th December irrespective of the day of the week this falls, but continue with the Monday holiday (in this case the Monday will remain a holiday but will not be a day of celebration or remembrance).

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	Mr Gentle	None
Mr Roberts	Ms Burgess	
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Harris		

The Greffier: Sir, with 7 votes in favour and 2 against, that passes.

XVI. Excise Duty on Motor Fuel and Document Duty 2020 – Item approved

Item XVI.

The States of Alderney is asked to:

(1) Approve the proposals set out in this letter to enable the States of Alderney to set the rates of excise duty on Motor Fuel imports into Alderney and the rates of document duty on conveyances and other relevant documents in respect of Alderney real property, which was included in the Review of the Financial Relationship agreed in 2016, with effect from the 1st January, 2021.

(2) Approve the Customs and Excise (General Provisions) (Amendment) Ordinance, 2020.

(3) Approve the Alderney (Application of Legislation) (Document Duty) (Amendment) Ordinance, 2020.

(4) Agree to instruct the Law Officers to make the necessary amendments to The Duty on Long Leases (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 and The Duty on Share Transfers (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 so that 100% of the revenues are paid into the States of Alderney revenue account from 2021.

1215 **The President:** Can we now move on please to Item XVI.

The Greffier: Thank you, sir.

1220 Item XVI this evening is Excise Duty on Motor Fuel and Document Duty 2020. A letter has been received from Mr Dent as Chairman of the Policy and Finance Committee. Again, a long proposition, sir. The States of Alderney are asked to firstly approve the proposals set out in the letter attached to the Billet and to enable the States of Alderney to set the rates of excise duty on motor fuel imports into Alderney and the rates of document duty on conveyances and other relevant documents in respect of Alderney real property, which was included in the Review of the Financial Relationship agreed in 2016, with effect from the 1st January, 2021. Secondly, to approve 1225 the Customs and Excise (General Provisions) (Amendment) Ordinance, 2020 and thirdly to approve the Alderney (Application of Legislation) (Document Duty) (Amendment) Ordinance, 2020 and to agree to instruct the Law Officers to make the necessary amendments to The Duty on Long Leases (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 and The Duty on Share Transfers (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 so that 100% of the revenues 1230 are paid into the States of Alderney revenue account from 2021.

The President: Any comments from the People's Meeting, Mr Dent?

1235 **Mr Dent:** Mr President, it was queried whether a portion of the duties collected would go into the maintenance of our roads. It was advised that road maintenance is funded through the capital expenditure, and this money would be going into the revenue accounts.
Thank you.

The President: And again you are proposing this Item.

1240 **Mr Dent:** Mr President, colleagues, this will enable the States of Alderney to set the rates of excise duty on motor fuel imports into Alderney and the rates of document duty on conveyances and other relevant documents in respect of Alderney real property. This proposal will provide the States of Alderney with greater freedom and flexibility to raise revenue while we will need to set 1245 both these rates and our property tax rates sufficient to enable the funding of our public services we will also be able to take into account the differing impact these rates might have on our local economy.
Thank you.

1250 **The President:** Thank you.
Mr Harris, I think you are going to second this one?

Mr Harris: Yes, thank you, sir, fellow Members.
Not a lot to add to Mr Dent's summary there, but this just allows Alderney to take back a little 1255 control so that can only be a good thing and I am happy to second it, sir.

The President: Thank you.
Would anybody like to ... ? Mr Snowdon.

1260 **Mr Snowdon:** Yes, I will try and find the right words for this. This was passed by the States of Guernsey because they wanted it passed and during debate, Deputy Gollop and Deputy Merrett highlighted that they did not want us, the States of Alderney, thinking that we were being *made* about this. I am passing that back to Members now and Mr Roberts might want to pick it up as well. As we take back more control it is very likely early next year that that conversation about the 1265 1948 Agreement will take place, which it seems is going to hold up, I understand, for quite some time, and it is just important that our fiscal union with these sorts of things coming forward is slightly changing.

1270 One of the Deputies did say in debate, and they wanted to actually have reassurance from myself and Mr Roberts that the States of Alderney was happy with this, and we are happy with this, it is here tonight. But just to be aware that relationships are changing and they actually said, I think the comment was just be aware that you do not play into Policy & Resources hands with regard to this sort of stuff. So I think it was just a kind word of warning from those Deputies that are supportive of us down there during the debate that as we take back control, things will start to change.

1275 Thank you.

The President: Thank you.

Would anybody else like to speak on this? Mr Jean.

1280 **Mr Jean:** I would like to talk about a situation which is developing here which is quite interesting. Mr Snowden mentioned the 1948 Agreement, we talked of the fact that talks there have stalled for the time being over the COVID crisis. I would like to say that I disagree with that. Things are advancing rapidly and these are not minor changes, they are quite massive changes and actually to a degree if you look at it, Guernsey is handing back control to Alderney and saying, 'Get on with it'.

1285 Now, the point about that for me is if we are prepared to do some things with this, with the opportunities that this represents such as if you look here, and I am going to talk to you about double taxing and excise duty on motor fuel and document duty, on both of which we pay two sets of fuel tax. There are opportunities here that we could bring our fuel in ourselves and avoid one set of motor fuel duty and also we should give consideration to not accepting the congé and document duty at the same rate as is being paid now and reduce it to the rate that is paid in Alderney alone. Those fundamental changes will do some good for the Island, they will do a lot of good.

1295 But the point about it is this for me: it is that people say there is nothing happening with the 1948 Agreement; my goodness, there is! It is changing fundamentally and it is changing before our very eyes. There is no need for negotiation, it is happening, *hand it over*, here we go, *en masse*. It concerns me and the reason it concerns me is because what we receive from Guernsey is reducing also as we come away from paying into the communal pot we lose access in time to any reserves and any budgetary requirements here are made up with little or no reserves so you have to be fairly reactionary about how you react to a budget shortfall in any sector to put it on the rates or to put it elsewhere. Already we are seeing that in terms of suggestions that have been made regarding the ambulance subscription and things like that.

1300 Now, I spoke to you all about that and about my concerns before all this happened and it is actually happening before our very eyes. But do not tell me that the 1948 Agreement negotiations have stalled; they are happening, they are happening now and this is part of it.

1305 Thank you.

The President: Thank you, Mr Jean.

Would anybody else...? Mr Roberts.

1310 **Mr Roberts:** Yes, sir, just a short one, please.

Just to echo Mr Snowden's comments on what our friends the Deputies had said to us. It means a lot to struggling people here that something is not hived off through the back door by the tax man who has all the virtues I dislike and none of the vices I admire.

1315 Guernsey, and some here, seem reluctant to repatriate the tobacco and alcohol duties and I can only suspect the reasons for that, giving reasons of bond stores, customs and other matters. We already hold bond stores anyway, so why can we not look at doing this within the next government, because the excuses are weak? And if there are barriers turn them into opportunities, it is high time for Alderney to start helping itself and utilise its strengths. Concerns

1320 will be raised by our friends in the States of Guernsey, several Deputies came to us and said just be careful and watch what you are doing and make sure you do it the right way and look into it very deeply. So opportunity will be there but walk with care.

The President: Thank you.

1325 Would anybody else like to make a contribution? That being the case, Mr Dent, would you like to exercise your right of reply?

Mr Dent: The only thing I would like to say is I think I would support what Mr Snowdon and Mr Roberts have said on this matter. We need to be careful but we will be careful.

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The President: Thank you.

So can we take a vote please on that, Mr Greffier?

The Greffier: Shall we take them all as one, sir?

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The President: Pardon?

The Greffier: Do you want them as one vote, sir, or four?

1340 **The President:** Actually, given what Mr Jean has had to say, maybe we should for safety's sake take them one at a time.

The Greffier: In which case, sir, the States of Alderney are asked to approve the proposals set out in this letter to enable the States of Alderney to set the rates of excise duty on Motor Fuel imports into Alderney and the rates of document duty on conveyances and other relevant documents in respect of Alderney real property, which was included in the Review of the Financial Relationship agreed in 2016, with effect from the 1st January, 2021.

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A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: That is all 9, sir.

1350 Secondly the States of Alderney are asked to approve the Customs and Excise (General Provisions) (Amendment) Ordinance, 2020.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Again, all 9 in favour.

1355 Thirdly to approve the Alderney (Application of Legislation) (Document Duty) (Amendment) Ordinance, 2020.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Sir, again all 9 in favour.

1360 Finally to agree to instruct the Law Officers to make the necessary amendments to the Duty on Long Leases (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 and the Duty on Share Transfers (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 so that 100% of the revenues are paid into the States of Alderney revenue account from 2021.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Jean	None	None
Mr Roberts		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Sir, that is 9 votes in favour in relation to all four Items.

1365 **The President:** Thank you.

**XVII. The Alderney Property Tax Ordinance, 2020 –
Item approved**

Item XVII.

The States of Alderney is asked:

To approve the text of the Alderney Property Tax Ordinance, 2020 to be enacted once the Alderney Property Tax (Enabling Provisions) Law, 2020 receives Royal Assent.

The President: Item XVII now, please.

The Greffier: Thank you, sir.

1370 Item XVII is the Alderney Property Tax Ordinance, 2020. Again a letter has been received from Mr Dent as Chairman of the Policy & Finance Committee and the States of Alderney are asked to approve the text of the Alderney Property Tax Ordinance, 2020 to be enacted once the Alderney Property Tax (Enabling Provisions) Law, 2020 receives Royal Assent.

The President: Thank you.

1375 Were there any comments on this Item, Mr Dent?

Mr Dent: It was noted that this will be in the form of one bill to the owner and no element will be an allowable tax expense. The Convenor, that was myself, also advised that there will be no charge for charity registered properties.

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The President: Thank you.

Now you are going to propose this one.

Mr Dent: Thank you, Mr President, yes.

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The Alderney Property Tax will be introduced from 1st January 2021 under legislation agreed at the last States meeting here. The detailed provisions supporting the new Property Tax are now before us. This Ordinance which places the incidence of a tax on owners closely resembles the existing TRP Ordinance as applies to Guernsey and Alderney. I would ask you to note P&F will be responsible for administration of the Ordinance although in practice this will be delegated to States Treasury. The States of Alderney will set Alderney Property Tax tariffs and can introduce new categories in future. The Alderney Property Tax will still be based on property measurement. P&F must maintain and take responsibility for the accuracy of the property register although in practice this will be delegated to Cadastre. P&F must ensure that a digital map is maintained although in practice this will be delegated to Digimap. Powers are included to add penalties where tax is unpaid and an appeals panel and tribunal will be established to allow challenge of property classification and measurement.

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Thank you.

The President: Mr Harris, you are seconding this?

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Mr Harris: Yes, indeed. Thank you, Mr President, fellow Members.

This is just really the next step in an ongoing process and I believe we have covered this as much as possible up to this point so I have nothing further to add.

1405

The President: Thank you.

Would anybody like to speak?

Mr McKinley: I would like to ask one question, sir.

1410 **The President:** Please.

Mr McKinley: Is this tax to be paid in one lump sum a year or is it paid monthly or is it paid every six months?

1415 **The President:** Well, Mr Dent will no doubt address that in his reply.

Mr McKinley: Thank you, sir.

The President: Does anybody else wish to speak? Yes, Mr Jean, please.

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Mr Jean: I am still against this, partly for the reasons that I declared my interest, but I am still against this because the way I look at this not only are those involved in investment income, will be having to collect the taxes from everyone and are now becoming on top of the other responsibilities that those people have and I am speaking for all of them and trying to ignore my own involvement in it, which is impossible, because it is a large one. But what I am trying to say is that on top of everything else that we have to do and see to we are now being turned into tax collectors for the Government. To my mind not only is that wrong but some of the points that are coming out this tax is fraught with its own problems and also, as I have said in the past and I continue to say it, I believe that it will be used as a lever to control the short-term budgets without reserves that we have and we have plans in the pipeline which really concern me to employ a lot more civil servants and we are going ahead with it and the money has got to come from somewhere and I can see where it is going to go. And already I have been proved correct on that point.

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Thank you.

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The President: Thank you, Mr Jean.

Would anybody else wish to contribute? Mr Snowdon.

Mr Snowdon: Thank you, Mr President.

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Just to declare an interest, I do have properties. But I think this actually is a bit of a bigger conversation and I did highlight it last time when I went through a breakdown of living costs and what prices people pay for all the different sorts of things. The problem that I feel we have got is that we have got this here tonight, and it follows a bit on from the last debate we had a minute ago, it does raise questions about where the 1948 Agreement is heading. I am not going to go into that now, but just to flag that up again.

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It also raises questions potentially for the new States about how they are going to use this taxation and what I fear is that if the States of Alderney does not start creating revenues it will be forced to use this taxation which may increase 10, 20, 30%, who knows what that new States will have to do under financial pressures.

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So I think in one way it would be quite good if we can actually be clear with the public what the States is looking at doing with this taxation. I know we are trying to say it is frozen I think for one year and then it will be reviewed about how much it increases. But as I did say before, we have already increased occupiers rates by 5%, Guernsey has increased TRP by 10% and for larger properties quite a bit more considerably. So I think we really do need to understand where we are headed with this and there has also been indications that, for instance, the ambulance service will be bolted on to this and that might be fine but how many other things are going to bolted on to this taxation? So until we are clear with the public about what we are actually going to do with this I am a little bit worried about this because it is an easy way for those taxes to increase if we do not make that revenue. And I am sorry to say I am not seeing us creating that revenue. I know everyone is trying very hard and I know we have got limited help at the moment but I think we

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really do need to look at ways of making new revenue income for the States of Alderney so that we do not have to target this.

1465 I am concerned about it and I think we need a bit more clarification about what tax structure we are going to have. I think it was highlighted at the People's Meeting how it was tax deductible with the current set up with an occupiers rates and I think we got an email saying there was a hundred pound saving for someone or other each year. So we are actually making a disadvantage for the public now by forcing this upon them so I am concerned about it.

1470 Just touching on the charity shops which is good to highlight, but could you just clarify the situation with the charity shops. So let's say there is a charity shop that has got a shop; however it is owned privately by a landlord. Are we saying that the landlord gets zero TRP or would they pass it on to that charity? I would just like some clarification about that side of it as well.

1475 All the charities work very hard on the Island. I just wanted some clarification that we do not end up with ... If you look at the UK and you look at the town centres now you have just got quite a lot of charity shops up and down the street and actually if we come back to this originally, the idea was to help those businesses in Victoria Street because they are paying the same amount of TRP as St Peter Port in Guernsey. I still do not see how that help is meant to be happening. I think actually this is now drifting away and we are getting into this is just a new taxation. Where is that help that the old States or this current States were saying that we were going to help those businesses that had a high rate of TRP that do not have the footfall of visitors like they do in Guernsey. I do not see that. All I can see is this taxation coming in and just going straight up, it is not going to go down is it? It is going to go straight up and everyone is going to be paying more and more for it.

1485 So in summary, I would like some sort of breakdown of where we are headed with all these different things that are bolted on all these different Committees saying we can raise revenue from this, for example, the ambulance. What the actual bigger picture is for this and then it goes back into what is happening with Guernsey so the subsidy level would be I think be zero rated. So if there are deficits that increase how do we deal with this? Do we get forced to increase this if the cost of running the Island goes up? I am not talking about transferred services but if the cost of our internal running goes up where do we find the revenue from? Because the problem we have is that we are not in control of everything, it is one way or the other. We are only in control of some stuff so therefore these sort of taxations that are coming back to us, as Mr Jean highlighted, will be an easy target because they only way that we can make those revenues unless we start creating revenues so I would like some further clarification, but this was meant to be good thing, and I am actually getting quite cautious whether this is actually going into something else that we know is coming but we just do not want to talk about it.

1495 Thank you.

The President: Thank you, Mr Snowdon.

1500 Any other contributions? Mr Dent, do you wish to respond?

Mr Dent: Just briefly to say to Mr Jean that I believe the same arrangements for payment will apply to TRP as will be applied to the new Alderney Property Tax so I believe that that will allow you to pay monthly, which is a good thing. I also believe that you will be able to set up a direct debit should you so wish, which will help your administration.

1505 In regard to Mr Snowdon's points I think he is making a budget speech and these things that he has raised now were discussed at our last meeting so the answers that we discussed were the same answers.

Thank you.

1510 **The President:** Mr McKinley, did you hear the answer to...?

Mr McKinley: No, I did not hear the answer.

The President: I think you said that it was Mr Jean that had made the inquiry, Mr Dent, but I think it was in fact Mr McKinley.

1515

Mr Dent: Oh, my apologies! And indeed I have missed out the item of the charity shops as well. I think again that is a budgetary thing for ourselves to lay out precisely. We have given this assurance and from my part we will be honouring this assurance.

1520

The President: Did you hear what ... ?

Mr McKinley: No, I did not hear his answer.

The President: No, could you just repeat please the answer to Mr McKinley's question.

1525

Mr Dent: This was in regard to the same arrangement?

The President: Whether it would all be paid for at the same time.

1530

Mr Dent: Instalments are payable on the TRP, they will have the same arrangements for TRP because basically we are taking over the same system that TRP was applied and you will also be able to pay by direct debit should you so wish.

Mr McKinley: So it is twice a year?

1535

The President: Mr McKinley, I think you have had your response from Mr Dent.

Mr Dent: I pay my TRP once ... I don't know actually if I pay mine once a month.

1540

The President: I think these are discussions which can perhaps take place at a later date. I think we can now move to a vote on this Item, please.

The Greffier: Thank you, sir.

1545

The States of Alderney are asked to approve the text of the Alderney Property Tax Ordinance, 2020 to be enacted once the Alderney Property Tax (Enabling Provisions) Law, 2020 receives Royal Assent.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Roberts	Mr Jean	None
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Gentle		
Ms Burgess		
Mr Harris		

The Greffier: Sir, 8 votes in favour and 1 against.

1550

The President: Thank you very much indeed.

**XVIII. Questions and Reports –
Six questions for verbal reply**

Item XVIII.

The following questions had been received:

Questions received from Mr Alex Snowdon for the Chairman of the Policy & Finance Committee:

(1) Can the Chairman explain the costs to the States of Alderney for the Newsletter, including civil service time, consultants employed, printing and delivery (including hand-delivering), total costs incurred so far? Also which committee approved the ongoing public funding?

(2) Could Mr Dent explain the situation with testing for 5B and 5C and if the tests will be free or charged for visitors? Will 5C come into Alderney via Guernsey or directly from Southampton?

(3) Can the Chairman give updates about transport links including any proposals backed by the Air Transport Advisory Group accountable to the Policy and Finance Committee and why these 'proposals' haven't been released to other States Members or public by the group? Is the Air Transport Advisory Group neutral or bias to a certain 'proposal', if so why?

(4) At the last Policy & Finance committee, the decision was taken to look at repealing the Aliens Law due to Brexit. Can the Chairman explain what safeguards will be included with potentially repealing the law and how restrictions would come into play to protect Guernsey's social security system with people accessing, without paying in to the system?

(5) Can Mr Dent outline the steps being taken to recruit and review the structure of the Alderney civil service after a number of roles remain unappointed, is this a money-saving exercise?

Question from Mr James Dent for the Alderney Representatives in the States of Deliberation:

(1) Would our two Alderney Representatives briefly summarise their activities in the States of Guernsey since the last meeting of the States of Alderney?

The President: And now Item XVIII.

The Greffier: Sir, Item XVIII this evening is Questions and Reports and I believe you have a total of six questions for consideration this evening.

1555

The President: I think Mr Snowdon you have four questions.

Mr Snowdon: Five.

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The President: Five questions to Mr Dent as Chair of Policy & Finance.

Newsletter costs

The President: Would you like to ask your first question?

Mr Snowdon: I will let you, sir, if that is alright, thank you.

1565 **The President:** So your first question is can the Chairman explain the costs to the States of Alderney for the Newsletter including civil service time, consultants employed, printing and delivery (including hand-delivering), total costs incurred so far? Also which Committee approved the ongoing public funding?

Mr Dent.

1570

Mr Dent: Mr Snowdon, to date six Newsletters have been published and distributed. Known costs currently stand at just under £10,000. The Newsletters were compiled and designed in house by the Civil Service team often working out of hours. The majority of the distribution to households was carried out either by staff volunteering their free time or during slack normal work hours. There were therefore little extra costs for this. In fact, only two issues, issues one and six, were distributed by outsiders, in this case, Guernsey Post undertook the distribution at £185 for each issue. I am pleased therefore to report that no established staff time costs have had to be allocated specifically to this project and because of the nature and low level of expenditure the Chief Executive was able to authorise the project.

1575

1580 I for one fully support the Newsletter, just as I have supported all other initiatives that have assisted in keeping our community safe during these difficult times. My thanks are specifically offered to these individuals who delivered and provided services *gratis* or who provided services at reduced prices.

1585 Feedback has been extremely positive and praise for all the States communications has been widely received, including from Jersey and Guernsey. The Newsletter's positive outlook on the issues has been particularly welcome.

I need now to add some important perspective in regard to the role played by the Newsletter. Throughout the COVID-19 pandemic a regular communication with the public has been considered of paramount importance in assisting with educating and reassuring all sectors of the community. It was deemed particularly important to have a comprehensive source of information about living with coronavirus, everything from safety measures to shielding and isolation, together with where to find assistance and provisions and latterly, of course, the implications of the various phases of lockdown release. It was too much information to convey that could be achieved on a single sheet of A4, as you have suggested in the *Journal*.

1590

1595 As you are aware, various communication methods have been used within the Bailiwick, including regular local radio updates, press releases, local publications, social media and the internet. Not everyone is online, only about two thirds of Islanders read the *Journal* and *Press*, and nor was everyone able to tune in to the President's addresses on Key FM. The Newsletter uniquely was circulated to all homes, it was available online and was able to reach second home owners. The Newsletter supported in full as it was by the Alderney Operational Group was therefore a fundamental tool for reaching out, and regardless of access to other media outlets. It formed moreover a base reference that Islanders could keep and refer back to as necessary.

1600

Thank you, Mr President.

1605

The President: Thank you, Mr Dent.

Would you like to ask a question arising out of that answer, Mr Snowdon?

Mr Snowdon: Just one, just to say thank you to Mr Dent for answering that. Would it be possible to get a breakdown of the costs when you can get that?

1610

Thank you.

Mr Dent: I am sure the Treasury Department will spend a couple of hours doing that in due course.

Thank you.

1615

The President: Does anybody else wish to ask a supplementary question of Mr Dent?

Mr Roberts: Yes, please, sir.

The President: Mr Roberts.

1620

Mr Roberts: Mr Dent, thank you for answering those questions.

Would the Chairman agree the document could to some seem like it was being used for manifesto-type electioneering with public money?

1625

Mr Dent: Mr Roberts, some will possibly interpret it in this way, that is up to them. However, Mr Snowden in April called for greater contributions from elected representatives. Personally I have only contributed twice.

In fact, a lot of people perhaps consider Mr Snowden's questions as electioneering. Answering them all is subject to time, cost and public money. *(Laughter and interjection)*

1630

Thank you.

The President: Does anybody else want to ask Mr Dent a question?

Very well.

COVID-19 testing for Levels 5B and 5C

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The President: The second question; could Mr Dent explain the situation with testing for 5B and 5C and if the tests will be free or charged for visitors? Will 5C come into Alderney via Guernsey or directly from Southampton? Mr Dent.

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Mr Dent: Alderney joined the rest of the Bailiwick in phase 5B of release from the lockdown on Thursday 3rd September. This sees the reinstatement of Group A and B country categorisations and the introduction of a Group C country category.

1645

Any persons arriving in the Bailiwick from anywhere in the world, including Jersey and the United Kingdom, but not the Isle of Man, are now required to provide specified information and satisfactory proof of their identity to any customs officer, police officer or other authorised person who requests the information. This information is required in order to enable the Medical Officer of Health to contact that person without a delay during the 14-day period of self-isolation.

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To be eligible to take part in the seven-day test option under 5B, a person must not have spent any time in the seven days immediately before their arrival in the Bailiwick in a place that is included in the Group A category at the time of arrival. The countries included within each category can be found on the gov.gg website. If a person has spent any of the previous seven days or any part of the day in a place that is at the time of their arrival in the Bailiwick specified as a category A country or region, they will not be eligible to take a test on day seven.

1655

Everyone arriving in Guernsey with a commercial airline or ferry operator for onward travel to Alderney will be provided with a form to complete when they land. In that form they will be asked to list the countries they have visited in the seven days before travel to the Bailiwick. This form, along with a form of ID, must be presented to a Guernsey Border Agency representative. After providing the relevant information to the Guernsey Border Agency passengers will be able to commence their onward travel directly to the location where they will be self-isolating in Alderney.

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On arrival in Alderney, passengers are required to travel directly from the Airport or harbour to their designated self-isolating address and remain there for seven days. On day seven they will be eligible for a test which if negative will release them into a further seven-day period of passive follow up. The restrictions on travel and the rules regarding self-isolation during the period of passive follow up will be the same as in Guernsey and can also be found on the gov.gg website.

1665 The COVID-19 tests will be conducted by health and social care staff who will contact the travellers
direct to arrange the tests. All tests conducted by HSC staff will be free. All passengers arriving are
reminded of the limited qualified staff available on Alderney and in the unlikely event that there
were no HSC staff available on the day of testing an alternative time and date would be set. In
1670 these circumstances recent arrivals will have the option of a private test undertaken by staff at
the Island Medical Centre, which will charge £130 for this service. Please contact the Island
Medical Centre for further details.

It is expected that all test results will be available 24 to 48 hours after testing, weather
depending. All have the option of forgoing the test and completing 14 days of self-isolation as at
present. As you know, the format and timing of 5C and other matters, including any charging
1675 regime, remains undecided. I would like to think that we will have direct services to Southampton
and I understand that Aurigny are keen to restart the service but I cannot give any further
information on that.

The President: Thank you, Mr Dent.
1680 Do you have a question arising, Mr Snowdon?

Mr Snowdon: Yes, thank you, sir.
Can Mr Dent just clarify that regarding the movement from 5B to 5C Guernsey will be looking
at the views from the elected Members before any decisions are taken? What I am trying to say
1685 is that the States of Alderney has a big input, also through yourselves on the CCA before that
happens so it will be part of that process feeding in.

Thank you.

The President: Thank you.
1690 Mr Dent.

Mr Dent: It is for the CCA to decide on these matters in regard to 5C. I will confirm that I will
be consulting with the States of Alderney Members in regard to my place on the CCA but that is
about all I can say.

1695 Thank you.

The President: Does any other Member have a question? Mr Roberts.

Mr Roberts: Just a short one, please.
1700 Thank you for answering that, Mr Dent. Would the Chairman assure the general public they
will be consulted before 5C is put in place? Thank you.

The President: Mr Dent.

1705 **Mr Dent:** Mr Roberts, the public are welcome to express their views at any time. So the public
please give your views now, email me, email Mr Snowdon or email any States Member, but please
do note there is a lot about 5C which is yet to be decided on and put in the public domain.

I do not, however, believe that decisions should be made on the basis of those who can shout
the loudest and I do believe that the advice of our medical professionals and probably those in
1710 business may need to be given extra weight. The 10 Members in this Assembly were elected to
make decisions and to examine the evidence and I believe that is how the public expect it to be.

Thank you.

The President: Thank you, Mr Dent.
1715 Mr Dean.

1720 **Mr Dean:** Mr President, fellow States Members, just to follow up on a point from Mr Dent regarding the testing costs, specifically speaking about locals rather than visitors. Obviously Health is a transferred service so if somebody comes back after and they want to elect to the seven days and they are wanting a test and there is not anybody available here from HSC and they have to pay for a private test, perfect if you are paying for two tests because they are already paying into the same pot and that money has been spent for testing residents in Guernsey who are getting it free of charge and I feel that smacks of double standards really and I think that is something that needs to be addressed and I wonder if Mr Dent could follow that up please.

1725 Obviously the cost of testing is expensive. I was quite shocked to see since Jersey borders have opened in July costs of their testing and transportation and the staff to do it have equated to £4.83 million since July, so the costs of tests are very high but I feel as we pay into the same pot if there is not anybody available here for a local to be tested and they are having to pay out of their pocket for a private test, I do not think that is very acceptable.

1730

Ms Burgess: Hear, hear.

The President: Mr Dent.

1735 **Mr Dent:** I can answer your question, I think, because I have been assured by HSC that they intend to make sufficient staff available. I think it would be rather unusual circumstances where they were not available but this is a small Island and there are only a small number of people trained to do this job so circumstances can change but I think the intention is that everyone will get a free test, but keep things crossed.

1740

The President: Thank you.
Mr Gentle.

1745 **Mr Gentle:** Sir, colleagues, does the Chairman agree that unless someone is coming for a compassionate medical reason, anybody with a GY Social Security Number should be free and if you have not got one you pay.
Thank you.

1750 **Mr Dent:** Mr Gentle, I understand your point and it has been made by others. I think there is a problem in separating out categories of one category versus another but all those who do not have a GY health card number they do contribute to the economy and I think there is a case on both sides for the argument, but HSC have made a decision and there you go.

1755 **The President:** Ms Burgess.

Ms Burgess: Thank you.

I would also like to ask a question about essential workers, how does that work with costings? And I understand that quite often they are now taking a test before travel, is that confirmed that essential workers are meeting the standards that we are asking?

1760

Mr Dent: I think the best thing I can do is refer you to the gov.gg website where all this information is actually provided. I would not like to mislead you, there is a lot of detail there and it is all on the website.

1765 **Ms Burgess:** But can you clarify about the costings: is that transfer service costing us – ?

Mr Dent: I do not think they are charging.

Transport link update

The President: Anybody else? Next question, Mr Snowdon.

1770 Can the Chairman give updates about transport links including any proposals backed by the Air Transport Advisory Group accountable to the Policy and Finance Committee and why these 'proposals' haven't been released to other States Members or public by the group? Is the Air Transport Advisory Group neutral or bias to a certain 'proposal', if so why?

Mr Dent.

1775

Mr Dent: Mr Snowdon, there are no proposals backed by the Air Transport Action Group. We keep a completely open mind and our policy, if anything, is not to close off options unnecessarily. If I may ask you to recall the PSO and the briefing you were given prior to our meeting with the Committee for Economic Development, a number of proposals were put forward by potential concessionaires, some of whom have remained in touch with ATAG. Their approaches are, of course, confidential. That is at their request and must remain so until the PSC process is brought to conclusion. That we might legitimately be able to talk with these potential concessionaires is one reason why I think the PSO process must be brought to a conclusion.

1780

While we have respected the call for confidentiality you and other Members of P&F have been briefed on the continued nature of the discussions. Your question did however prompt me to revisit some P&F decisions so I would like to remind you of the December 2019 decision of P&F, which saw Mr Roberts, Mr Jean and Mr Dean along with our President, agreed to be members of the Air Transport Licensing Board and in return to cease lobbying in P&F for one operator over any others.

1785

Prior to the lockdown caused by COVID-19, I believe two or three potential operators had submitted preliminary applications for licenses whether or not they may wish to continue with their applications will, of course, now have to be re-established.

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I do, of course, welcome Mr Robert's return to ATAG. He has previously made valuable contributions but I would suggest, given my research, that in order to resolve conflicts of interest he reconsiders his membership of the Transport Licensing Boards both here and in Guernsey.

1795

I need finally to remind you that P&F have agreed positions in regard to a number of matters concerning the runway and my concern is that you appear to be perhaps unilaterally seeking to reopen some of these matters. I fear that –

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Mr Snowdon: Point of order.

The President: Yes?

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Mr Snowdon: Could I have a point of correction or point of order I think it is, could you give reference to what you are saying, please?

Mr Dent: I will, I was about to say. My concern is that you appear to be ... the call for the runway to be extended is what I am referring to.

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Mr Snowdon: Point of order, please can you clarify where you have seen that?

Mr Dent: You have said that in meetings.

1815

Mr Snowdon: You say a lot of things in meetings as well, Mr Dent. I think you are going on dodgy ground there, Mr Dent.

The President: I think, Mr Dent, if there is an issue as to whether or not that is accurate that is perhaps a matter which should be addressed outside this Chamber between yourself and Mr Snowdon.

1820

Mr Dent: Okay, I would only like to say that there are those in Guernsey only too eager to exploit divisions in Alderney and I do not want that situation to arise. (**The President:** Thank you.)

Finally, I am hoping that a first draft of an integrated transport strategy will be available for discussion by P&F by the end of the month.

1825

The President: Thank you.

Mr Snowdon, do you have a question?

Mr Snowdon: I do, thank you, sir.

1830

Seeing the game in aviation has changed so much now, would Mr Dent agree that it is time that the PSO is put in the bin and the Bailiwick recovery plan is concentrated on with air and sea link strategies?

Thank you.

1835

The President: Mr Dent.

Mr Dent: I have made my position quite clear, I think, with regard to the PSO and what I have just said and I think that the integrated transport strategy will be addressing both air links and sea transport. (*Interjection*)

1840

Sorry? The PSO, I have said that I think it needs to be brought to a proper conclusion like Guernsey. You are not going to put words in my mouth.

The President: Mr Dent, please, let us maintain decorum and let us deal with these matters in a professional way. Do you have anything further you would like to add?

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Mr Dent: No, I have said what I need to say.

The President: Thank you very much indeed.

Does anybody else have a question for Mr Dent?

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Mr Roberts: Yes, please.

The President: Mr Roberts.

1855

Mr Roberts: Would the Chairman not agree with me that the air and sea transport problems need a more robust approach in the coming new parliament with a more radical and day-to-day commitment to achieve affordable and reliable air links and a bigger ferry?

The President: Mr Dent.

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Mr Dent: Mr Roberts, I am not quite sure what you mean by robust, but we do need to be working with Guernsey, yes, and confronting Guernsey possibly a little less. And yes, a bigger ferry capable of carrying about 40 passengers would be good but when we had the previously much larger ferries – and I believe we have looked at these three times in the last five years – the cost has been rather high. We estimated we would probably have to double the Occupier's Rate to pay for it.

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So in my mind it depends on what you mean by a bigger ferry. The problem with ferries is getting the derogations needed for our waters and/or finding a ferry that does not need

1870 derogations. But I do believe that the operators of the *Little Ferry* have been trying to find such a ferry.

Thank you.

The President: Thank you.

Does anybody else have a question for Mr Dent arising out of that? Thank you.

Repeal of the Aliens Law

1875 **The President:** Next question, Mr Snowdon, at the last Policy & Finance Committee, the decision was taken to look at repealing the Aliens Law due to Brexit. Can the Chairman explain what safeguards will be included with potentially repealing the Law and how restrictions would come into play to protect Guernsey's social security system with people accessing, without paying in to the system? Mr Dent.

1880

Mr Dent: Mr Snowdon, Mr President, I believe that there is a fundamental misunderstanding here in regard to this legislation. The Law has nothing to do with allowing or not allowing people to reside in Alderney. It relates only to the national origin of people who may own realties, that is to say residential or commercial property here. The matter of safeguards to Guernsey's social security system are something that has to be linked to lawful residents of employment, not for the ownership of immovable property. Such safeguards are a matter are mostly for Guernsey, not us, to implement.

1885

In truth this archaic Law is protecting us from no one. If the Law achieves anything it is to frustrate the ambitions of high net worth individuals who might lawfully want to settle here and it also causes inheritance problems for those of us who might want to pass our properties on to persons who are not subjects of Her Majesty's or at least for the time being not citizens of the EU.

1890

As I hope Mr Snowdon recalls, the course of repeal of this Law came from the UK via our own Law Officers. They have pointed out that the Law replaces a barrier to inward investment which is inconsistent with the binding obligations associated with the UK's membership of the Organisation for Economic Co-operation and Development (OECD).

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I refer here to the obligations regarding open and transparent and free market economies. They have also pointed out that if Alderney wishes to be party to any free trade agreement or services or investment chapters that may be the outcome of any EU/UK negotiations then these barriers, should they continue to exist, may preclude our ability to take part to Alderney's very significant economic disadvantage. It was this realisation on the UK's part that has been the reason for the urgent consultation.

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I might add here that the leaking of the confidential paper that the UK civil service communicated to us and to the *Alderney Press* is a matter of some embarrassment. Communications from the UK and Brexit papers are highly confidential and our participation in these discussions centres on our being able to maintain confidentiality. That these papers should be leaked and then misinterpreted in the manner that they have been is highly regrettable. They may also compromise our international reputation.

1905

While I would never suggest that Mr Snowdon was the leak, I invite him to join me in condemning whomsoever it was. It has put our ability to be trusted by Guernsey and the UK in jeopardy.

1910

Finally, some history: the offending legislation, *Loi Relative à l'Acquisition de Propriété Immobilière en cette Île par des Étrangers ou par des Sociétés Étrangères* – it is known I know as the Aliens Law but I think that is probably a slightly pejorative term and it is not exactly what it is all about – was enacted in 1906 and mainly it seemed to protect us from our traditional European arrivals. In 1906 Germany was seen as a particular threat, mainly on the high seas. The Law was

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1920 amended only in 1973 after it was decided our European neighbours were after all okay and we should instead be protected from anyone who was not an EEC citizen. Notwithstanding this the idea that a Swiss national should somehow more dodgy than say a Jamaican or someone from Canada or as an Irish citizen who wanted to buy a house here or God forbid set up a business here, should be investigated, but someone from Australia or Papua New Guinea should escape that scrutiny, is silly.

1925 I hope Mr Snowdon would agree with me that all persons should be treated equally, irrespective of their national origins. If background checks are appropriate for people who want to live here by all means let's do it, but let's treat everyone the same, and never forget that such measures need to be proportional in order to be lawful.

1930 If we want to protect our common social security system let's talk with Guernsey. Scrutiny within the financial sector is the right focus for anti-money laundering legislation, the proper guardian of this is the Guernsey Financial Services Commission (FGSC). By some strange coincidence I hope you noted that there were five pieces of this type of legislation discussed earlier tonight.

I will not be supporting the discrimination of people on the grounds of their citizenship or ethnicity and I will not be supporting moves that continue to restrict the buying and ownership rights of a totally arbitrary set of people.

Thank you.

1935

The President: Thank you.

Mr Snowdon, do you have a question?

Mr Snowdon: I do, thank you, sir.

1940 Just regarding leaks, I think you have got the Data Protection Law that is in place along with the Code of Conduct as well so I think you have got powers or the States has got powers.

I think you started your speech and said about for social security it is down to Guernsey to put the safeguards in place. Could you just confirm that if that was the case, would your personal view be to support those safeguards if they did come from Guernsey?

1945

Thank you.

Mr Dent: If Guernsey put in place a reasoned argument and one that had support and which would not throw us into any disrepute in the wider world, I very much probably would but I would like to see them before I offer any type of support whatsoever.

1950

The President: Thank you.

Mr Jean.

1955 **Mr Jean:** Yes, I would like to centre what I have got to say on one question and observation. The observation is that when we received the paper it was at the end of a long P&F meeting and, despite the protests of the Chairman, the fact is observations were raised at the People's Meeting which have not been answered tonight. And the question I would ask is would he care to tell us who was the author of the unsigned document that was given to us at the P&F meeting, without the four days required notice at the end of a very long meeting, and we were very tired?

1960

Thank you.

The President: Mr Dent.

1965 **Mr Dent:** Mr Jean, you did not object when the matter was raised at P&F and it was explained that it had come from what I said was Treasury in fact as it proved to be. We do not want to get ourselves into bad repute, I think we had better... Sorry, your other question?

The President: I think that was the question.

1970 **Mr Jean:** My question was, if I may, sir, as the question was asked at the People's Meeting who was the author of the document, will you tell us who wrote that document?

Mr Dent: I do not have an individual name but it came from the Treasury via External Affairs and then via the Law Officers to ourselves.

1975 **The President:** That was Her Majesty's Treasury?

Mr Dent: Yes.

1980 **Mr Jean:** Well it is very odd and it is not an answer. There is no answer regarding who is the author. Who is the author?

Mr Dent: We don't know.

1985 **The President:** Does anybody else have a question arising out of...?

Recruitment to vacancies in Alderney Civil Service

The President: And finally, Mr Snowdon's last question, can Mr Dent outline the steps being taken to recruit and review the structure of the Alderney Civil Service after a number of roles remain unappointed, is this a money-saving exercise?

1990 Mr Dent.

Mr Dent: Mr Snowdon, the recruitment of a number of officers to fill vacancies were approved by P&F towards the end of last year. The process of recruitment was, I understand, delayed for a number of reasons. Initially it was an outcome of the announcement earlier this year of our CEO's intended resignation and thereafter the delays were stated to be because of the difficulties imposed by COVID-19.

The recruitment process was to have restarted in June. The departure from the Island of our CEO caused another delay. I am particularly unhappy that these vacancies remain and I understand that our temporary CEO will be recommencing the recruitment process as soon as possible.

2000 This is not a money-saving exercise. A number of unfilled, particularly unfilled senior positions, is regrettable and is having a serious impact on the ability of our Civil Service to perform as it should. Progressing a number of issues and for persons like myself obtaining the advice needed when trying to defend Alderney's position has sometimes been difficult, which has also placed unnecessary burdens on those officers who must undertake the duties of persons whose position is vacant.

2005 Thank you.

The President: Mr Snowdon, do you have a question arising from that answer?

2010 **Mr Snowdon:** I think there is just one that I would like to ask Mr Dent, I think he will have to come back to me, but what are the savings so far because you are going to have quite a bit of a saving with those positions not filled but I think you probably do not have the answer at the moment.

2015

Mr Dent: Sorry, could you...?

2020 **Mr Snowdon:** I was just going to say because there are quite a lot of Civil Service positions that have not been filled and they are budgeted for going out of those funds, at the moment there might be quite a big saving. I do not think you have got the answer but could I get the answer of what that saving is at the moment?

Mr Dent: I am sure the Treasury will be pleased to give you that saving at the appropriate time but I have not got the figure now.

2025 Thank you.

The President: Does anybody else wish to ask Mr Dent a question?
Okay, that completes Mr Snowdon's questions.

Updates from Alderney Representatives to Guernsey States of Deliberation

2030 **The President:** And finally, Mr Dent, you have a question for our Alderney Representatives in the States of Guernsey.

Mr Dent: Thank you.

2035 Would our two Alderney Representatives briefly summarise their activities in the States of Guernsey since the last meeting of the States of Alderney?

Thank you.

The President: Who is going to?

2040 **Mr Roberts:** I do not mind, sir. Thank you, evens isn't it!?

The States meeting was held over two weeks in August relating to the coming elections and there was just so much on it; it was unbelievable what they were trying to cram into it. Already in June this year Guernsey States had met more than in the whole of last year, so Mr Snowdon and myself have spent much extra time sitting in Guernsey over the last nine months.

2045 We achieved some very good results this time, including a proposal to hold an equity of £35,000 in every property valued over £350,000 to pay for your care. This was an inheritance tax in a mask and it failed by only two votes, two Alderney votes against, and we received many thanks for that.

2050 We supported the view from Alderney Sports Foundation and voted for funds to support Alderney. I myself spoke and mentioned that Guernsey were frightened of our Alderney Nomads. I also mentioned in my speech about BJ Le Poullain and said that Alderney punched far higher than its weight.

Motor and fuel tax repatriation to Alderney was passed, which we voted for and we said this was at Alderney's request.

2055 Green finance was a subject I also spoke on at length and received some good comments in the media. Global warming is real and we need to recognise the fact that the world is now in a real time of change, we have only got to look at the news every night, and it is our children and our children's children that will look upon us should we fail. We need to be carbon negative and support green travel.

2060 I have had a bit of success, I have now secured Guernsey to finance disabled toilets and access at Alderney Airport. This followed a statement I made earlier in Guernsey this year stating the lack of facilities here after Guernsey joined European standards we said they would need to comply. P&R agreed this was wrong and this is being upgraded in the first quarter of 2021. It is disgraceful

in this age and time that no access for the disabled and toilets are available; however they will be after Christmas.

2065 The roof was also repaired after I sent photos of buckets catching water in the terminal and that has been repaired now.

It was a good meeting for both of us and the next one will be interesting with Committee elections and we continue to try to build good relationships with the other Deputies.

2070 **The President:** Thank you.

Mr Dent, do you have a question for Mr Roberts?

Mr Dent: No, thank you.

2075 **The President:** Does anybody else have a question for Mr Roberts?

In that event, Mr Snowdon, do you have anything to add?

Mr Snowdon: Thank you, sir.

2080 Yes, just to go back to duty on motor fuel we got back. I think Mr Roberts highlighted the potential claim on property of £35,000 over £350,000 for long-term care insurance care. To be honest, I think the issue that came in the debate were people that have paid into the system who may have a property under that value and people that had paid into the system and had a property over that value would be sort of paying twice a little bit, so there was a bit of concern really from the Deputies but that was put out because we supported the rest of the paper.

2085 The Climate Change Action Plan, I think that was quite an interesting one. I think although we are a very small island we have got quite a lot of green initiatives, whether it be the Wildlife Trust and plastic or big things like a tidal project or green air potentially, there is quite a lot happening, so I think we need to work out what is going on with all those different areas. So I think we need to feed in with Guernsey with that side of it.

2090 This one is actually quite important, Mr Roberts did touch on it, the Education Active 8: A Plan for Sport 2021-2030. I was not quite aware until a week or so before the debate about the involvement of the Alderney Sports Foundation, it has been heavily involved with education in Guernsey and some of the items that are in there do support Alderney trying to establish the facilities that the Island needs, and that could be quite questionable, but I think the door is open with that new Education Committee to see what happens with how we progress with that. And it is worth pointing out that the Alderney Sports Foundation has given over £150,000 over the last 26 months to youth sports in Alderney so they are very keen that that plan went through. They are actually working on a plan which connects to that plan a little bit for the States of Alderney to endorse so I think that is quite an important thing and hopefully that will come to us with some sort of presentation in the near future.

2100 We have also got the Guernsey language; that was one of the items and it would actually say, what is happening with the Alderney language? I know there was quite a push for it a couple of years ago, so that might be something that we want to look at.

2105 Proposals for a new discrimination Ordinance, I think, as you know, I seconded an amendment which looked at unmarried couples to have their rights on birth certificates. I am quite happy that that has been passed by the Assembly, I think that was quite an issue for Alderney and Guernsey for quite a considerable amount of years so I am really glad that did pass after the debate.

There was also Exit from Lockdown – A framework for lifting COVID-19 restrictions, and that was just to be noted.

2110 I think Mr Roberts has highlighted the other issues. It was quite a lengthy debate and I think from all of us here we would probably wish the candidates that are standing for the Guernsey elections all the very best and look forward to working with them when they are elected.

Thank you.

2115 **The President:** Mr Dent, do you have a question?

Mr Dent: If I may.

The President: Yes, please do.

2120

Mr Dent: Just continuing on the theme of money. Mr Snowdon, the States of Guernsey analysis of incomes and expenditures attributable to Alderney in 2019 show that £57,000 were attributable to Alderney States Members. Are you able to justify for us the proportion of this very large sum of money that is attributable to yourself? And please, you do not have to answer it now.

2125

The President: Well I think, with respect, if he does not have to answer it now, it begs the question why you asked it, but nevertheless (*Laughter*) it is a matter for ...

Mr Dent: You will not have the information.

2130

Mr Snowdon: If you would like to put the question to me in an email, I am more than happy to find the information out of what you are talking about.
Thank you.

2135 **The President:** Does anybody else have a question?
Mr McKinley.

Mr McKinley: If I may just ask as the only two Members of the States of Guernsey who are guaranteed to be in the next quorum, if you like, or the next States, have you been asked by any of the leaders, perhaps Gavin St Pier or Carl Meerveld or others, leaders of these so-called political parties to join either party?

The President: That is one for Mr Snowdon, I think.

2145 **Mr Snowdon:** I do not know if I should be insulted that I haven't or not, Mr McKinley.

But what I would like to say is that all those new people that do get voted into the States of Deliberation will have an induction course and part of that will be a visit to Alderney, so I think it is absolutely essential when those new Members come over to the Island that we show them what Alderney has to offer.

2150

A month ago, sir, I spent quite some considerable time with a Deputy who has already been elected and their initial visit to the Island I think was just a lot of suits meetings with the States. I spent seven hours actually showing them what the Island had to offer and they were absolutely amazed. So if we can follow that through with all those new people that are elected I think that is going to be absolutely essential.

2155

But going back to your point, I have not been invited to any organisations, groups or whatever it is, and I do not think it is appropriate that we join because it is very important that we have as many people listening to all the issues down there as much as possible.

Thank you, I hope that answers.

2160 **The President:** Anybody else?

I think then that deals with the matters on the Billet and just a couple of matters for me to raise before I ask the Greffier to close the meeting.

**Procedural –
Hustings for the forthcoming By-Election**

2165 **The President:** The first one is in relation to a question asked by Mr McKinley earlier in relation to the forthcoming By-Election, will there be any hustings? The answer to that question is yes, arrangements are in hand at the moment to give the candidates the opportunity and members of our community to ask questions and as and when those plans have come to fruition then, of course, we will get that information out as quickly as possible so that we can get the best level of interaction between the people who are standing and the people who will have the benefit of voting for them.

2170

Mr Snowden: Can I just ask a question, sir, will there be questions in that hustings or will it be presentations?

2175 **The President:** Oh, well, that would be giving it away at this stage. There is a plan but we have got to make sure that it will work but rest assured it will be an opportunity to have a proper meaningful interaction between the candidates and the community and I think that it should work, fingers crossed, extremely well.

2180 **Mr McKinley:** Yes, and the same will apply to the elections in December presumably or November, whenever it is. You are talking about this being for the By-Election.

2185 **The President:** Yes it will be. I was dealing with the By-Election first but if the process works of course it will be used for each of the elections, but it is a question of logistics at the moments and how it is going to be delivered. But rest assured, Mr McKinley, I think you will be very happy with it.

Mr McKinley: Thank you very much, sir.

**Thanks and good wishes
to the outgoing Greffier**

2190 **The President:** The second thing I would just like to very briefly say, is that this is a bitter sweet moment because our Greffier will be leaving his post at the end of the month and therefore this will be his last States meeting.

2195 I know he is a very modest and a very humble man and he was anxious that I did not say too much about him but I do not think that we, as a States of Alderney and as a community, can let this moment pass without extending our thanks and our support for the way in which he has made us look better than at times we are, I include myself in that category. He has guided me and continued to do so. I promised him tonight I would get through this without him having to pick me up but I thought no, he will probably enjoy it which was why I made a bit of a – what's the right word? I won't use it – around the amendment, but I just felt I should bring him in just so he did not feel left out for the last time!

2200 The role itself is a very difficult one because it covers a huge amount of ground. It covers the States of Alderney meetings, it covers the Court structure, the Land Registry and so the job description is a really extensive one and it requires somebody with very particular skills to be able to balance all those issues and still remain impartial and give impartial advice. My first meeting with him was a long time ago now and when I went to see him I came away thinking I had hoped it would have been a bit easier than that, but it was not, because he acted thoroughly

2205 professionally and he has maintained that level of professionalism throughout the five years that he has spent with us and I think that we owe him huge debt of thanks.

I for one am very sorry, and I am sure the rest of the community will join me that he is leaving, but for very understandable reasons, and I will just have to try and get somebody else who can look after me in my role as well as the Greffier has done since my election. I think I speak on behalf
2210 of my predecessor, Mr Trout, who would I am sure wish to share in those remarks.

So at the risk of further embarrassing him, I would like to ask you to join me in a round of applause.

(Applause)

2215

The President: And if you are not overcome with emotion, and I am sure much to your delight, would you close the meeting please with the prayer, in French.

The Greffier: With pleasure, sir. *(Laughter)*

2220

The President: Unless you have anything to say first by way of response.

The Greffier: It is very kind of you, but I will pass on that generous offer.

PRAYERS

The Greffier

The Assembly adjourned at 8.06 p.m.