



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 22nd June 2017

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Present:

Sir Richard J. Collas, Kt, Bailiff and Presiding Officer

Law Officers

M. M. E. Pullum, QC, (H.M. Procureur)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher,
D. A. Tindall, B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies, J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel,
M. K. Le Clerc, M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett,
G. A. St Pier, T. J. Stephens, C. P. Meerveld

The Vale

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

The Castel

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

The West

Deputies A. H. Brouard, E. A. Yerby, S. L. Langlois

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller); Deputy A. C. Dudley-Owen, (*absent de l'île*);
Deputy D. de G. De Lisle (*absent de l'île*).

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Billet d'État XIV

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

IX. Referendum on Guernsey's voting system – Debate continued

Amendment 1 (continued)

The States are asked:

*In Proposition 2, for 'Option C' and associated bullet points, substitute –
'Option C*

- One Island-wide electoral district (represented by 10 Deputies) plus the seven existing electoral districts (represented by 28 Deputies, with precise allocation per district to be determined in accordance with respective populations)*
- Each voter would have 10 votes at each election in respect of the one Island-wide electoral district and 3, 4 or 5 votes (or such other number of votes), depending on appropriate allocation of Deputies, in their own electoral district*
- Each Deputy would serve for four years*
- An election would be held every four years for all Deputies (i.e. for both the 10 Island-wide and 28 existing districts' Deputies).'*

The Senior Deputy Greffier: Billet d'État XIV – the continuation of the debate.

The Bailiff: We continue with the debate on Amendment 1 and the seconder, Deputy Graham,
5 wishes to speak.
Deputy Graham.

Deputy Green: Thank you, Mr Bailiff.

10 Members of the States, I am glad that we have had a night to reflect because, I think, by the close of play yesterday, I, for one, was in danger of conflating this particular amendment with the general question of whether there should be a multiple-choice referendum and, also, whether one was seeking the support of the Members of the States for a choice that they themselves will vote for on the day of a referendum.

15 I want to be clear. As far as I am concerned, this amendment is all about enabling the Members of the Assembly to decide whether, in the event of a multi-choice referendum – and it looks as if we are heading that way – is the option being proposed by this amendment a better or worse one than the one that we are seeking to substitute it with. In other words, Option C, as proposed by the Committee.

20 In other words, it is really a shoot-out between a hybrid and a compromise. In my view, it is not seeking you to endorse, in any way, a multi-choice referendum and I am trying to persuade you to avoid the temptation to decide whether this particular option, were it in front of you on referendum day, would be the one that you would vote for. That is not really how you should be voting, in my view.

25 I do realise that there is probably a temptation on the part of some, particularly those who favour the two extremes, either a *status quo* or unfettered Island-wide voting, to identify this option as a potentially greater threat to the survival, eventually, of your preferred outcome, as compared with the competition offered by Option C as it stands.

30 I understand the temptation. I think, if the boot was on the other foot, I might succumb to it myself, but I really think that it is our duty here to make sure that, in the event of a multi-choice referendum, we really put in front of the electorate a reflection of what we think their preferred opinions are.

35 There is, of course, a further temptation, in the form of the Gollop amendment; which I have to say I have not seen yet, but I am told it is around. As I understand it, it essentially invites us to take the easy way out and merely add the hybrid version as a sixth option for the referendum. I will speak to that later on.

40 I ought to confess at this early stage that, when I had my first concept for the hybrid version, it was not quite the one that Deputy Green and I have now signed up to. Mine was actually going to be more far-reaching. I envisaged that the outcome would be much more a half and half split of those elected Island-wide and those elected within their electoral district. I had envisaged seven electoral districts, each having three votes available to elect district Deputies and the remainder being probably about 17 Island-wide candidates who would be elected by an electorate who would go into the polling booth with, perhaps, 10 or a dozen votes at their disposal.

45 I was persuaded away from both of those versions, really, by Deputy Green; particularly looking at the experience in Jersey, where they have successively gone from 12 Island-wide candidates down to 10 and now, the latest, down to eight. My original concept also differed in the sense that I really rather favoured this option, replacing C, D and E options that were being proposed by SACC. My thinking, really, was that I thought five was rather *de trop* and the electorate would be grateful if we merely allowed them to choose between *status quo*, unfettered Island-wide voting and a hybrid.

50 Deputy Green convinced me that that was perhaps a step too far and I, quite willingly, settled for the amendment as it now is.

55 So, what about this shoot-out between compromises and hybrids? I have to say that I have, generally, always been a bit suspicious of compromises. To me, compromises so often abandon the very best of both extremes and preserve the worst and it is rather like if you are trying to choose between an electric car and a car driven by petrol or diesel, you finish up buying a bicycle or a horse and cart. I know that would please some Members of the States, but it is pretty useless for getting a family around the place.

60 The hybrid, on the other hand, does have the prospect of taking the best of two extreme options. That has really been the intent behind this amendment. What are the virtues of it? Well, in my view, it, first of all, responds to quite a significant body of opinion out there that still

65 hankers for an element of intimacy in the way they elect their representatives. In other words, some of them prefer a touch-flesh election, rather than a touch-screen. That is a fairly strong view out there. It enables them to meet their potential Deputies on the doorstep, in the back garden and in the sitting room. It gives them the opportunity of manageable hustings, and, God knows, even with 12 candidates, they can be pretty tedious. I think, most important from my point of view, they do give a means of access to the political system for the first-time candidates.

Looking around this Assembly now, there are some very able first-timers here and I just wonder to myself how they would have got themselves known and, at the start of a political career, had it lacked the intimacy of a district election.

70 There is also the other, additional, prospect that, on the rare occasions that a Deputy here ceases to be Island-wide and is able to think parochially; there is, for the electorate, somebody with whom they can be in immediate touch on purely parish matters. I think that is still a significant factor.

75 Of course, the hybrid also, as proposed in this amendment, does satisfy many of those who want to introduce an element of Island-wide voting. The most common voice I have found, in speaking to the electorate, certainly in the Castel, is, really, 'All I want is the ability to look across the Island and select a certain number of Deputies who I know will do me well and, for who, at the moment, I cannot vote for because I am tied to my own district.' When you drill down, the number of those candidates that they would like to engage with personally varies between about 10 and a dozen.

80 Very few people hanker after casting 38 votes for 38 candidates. I think there is general agreement on that within the Assembly.

85 So, on the day, it would look pretty simple. You would go into the polling booth and there, in front of you, would be about 10 or 12 names, for Castel or district candidates, and you would be able to cast, let us say, four votes for those. In another list, there would be probably a list of about 20 to 25 who have elected to stand Island-wide for the 10 seats that are available Island-wide. I think that is a pretty simple ask, or a straightforward ask, of the electorate as they go into the booth.

90 There have been some criticisms levied against this proposed option and, certainly, Deputy Peter Roffey has highlighted that one of them, there is an undeniable element of risk that we might lose some talent, who might go for Island-wide candidacy on the day of the election, lose out and be lost because they did not have any opportunity to stand in the district. I cannot deny that that is a risk; although I have to say that, in Jersey, the experience has not proved to be that way. I think Deputy Green, yesterday, in the late heat of the day, did make this point, which may have been lost on some. Certainly, in Jersey, the last time they had an election, there were 18 candidates for eight seats, Island-wide, and there were 55 candidates for the 39 Deputy vacancies.

95 So, there does seem to be a healthy degree of competition, if we certainly look to the Jersey experience.

100 I now turn to Option C and, with the greatest respect to the work that has been done by the Committee, I do need to be a little bit critical, here. The main criticism, really, is that it meets neither the aspiration of the public to have a degree of intimacy in the election, the touch the flesh bit, and nor really does it answer the Island-wide wish of many people to be able to vote for a candidate wherever that candidate may be standing.

105 In my view, the districts proposed are too large for door knocks. Those of us who have done it, and we all have, know that there are about 2,400 households on the electoral roll in an average electoral district. In five weeks of electioneering, you really have to go some to cover those and I know many people did. But, if you enlarge those districts by any significant factor, I really feel you are then into the business of 'whose door do I knock on?' and you are inevitably going to miss some people out.

110 I think, also, it makes the hustings that degree more unmanageable. I do not know whether my experience, both as a voter in the past and, last time, as a candidate for the first time, whether you echo my feelings but, certainly, the one hustings event in a parish where you have got about 12

115 candidates for five or six vacancies is pretty tedious going. It is hedged around with all sorts of limitations. I would not say they are useless, but the bigger you make them, the less value they actually provide to the democratic system.

So, if the proposed districts are accepted, I think, inevitably there would be split hustings. There would be more than one hustings. That introduces the danger of unfairness. If you are going to be split into two groups, are you in a group that enables you to do full justice to yourself, or is too much of an easy ride, and are the two dates on offer equally fair to both groups? Most importantly, I think it would be that much harder for first-timers, and there are many of us here, to get known in these big, large districts, for the first time.

120 One of the major drawbacks of the proposed system is a pretty obvious one – is it not? – and that is that we will be going to the vote every two years. There is a very real risk here of election fatigue. At the moment, we manage to get about 60% of those who are eligible by age to vote to actually get on the roll. Of that 60%, only 70% – I say only, 70% is a pretty good target – of that 60% actually turn out and vote. In other words, 45% of the age group that are entitled to be on the electoral roll actually vote on the day.

If that is our level of achievement when elections are every four years, I have serious doubts whether we can sustain that sort of effort every two years.

130 Importantly, both for the domestic audience here and also for the audience outside these Islands, stability is really one of our major virtues. I do not think we should under-estimate the value of our current system. Every four years, we have a certain hiatus, do we not? We have all been through it, particular those who are first-timers in this Assembly. To imagine that happening every two years is, in my view, unacceptable.

135 Of course, the argument is that if you have an election every two years, only a small proportion would actually lose their seats and go out and attract newcomers. That seems to me to be predicated on a basically undemocratic approach. That, really, is saying this system would work best if the same tired old faces get in every time. I do not think that is a healthy way to go about it.

140 I now turn, towards the end, to Deputy John Gollop's amendment, as I understand it. I really do think that is going to be the easy way out. In other words, merely to add this option, as a sixth to five –

The Bailiff: It has not been circulated yet, Deputy Graham.

145 **Deputy Graham:** I see. Perhaps it may not be. All I would say is, if it does arise, and I suppose it is not too late, is that is the easy way out and I really think the fundamental question should be which of the two options, Option C as in the SACC proposals, or the option proposed by this amendment, which is the most appropriate one to put before the electorate when they go to the polls for the referendum?

150 In my view, there is very little traction for Option C, as proposed by the Committee, out in the public, and I think I would be amazed if there were not more traction for the option proposed by this amendment. In that sense, I think it is really our duty to make sure that that which has the most traction should be there on the paper.

155 **The Bailiff:** Deputy Fallaize.

160 **Deputy Fallaize:** The Committee's objective, throughout, as I have said, has been and is genuinely to empower the people of Guernsey to determine their future electoral system and that requires not unnecessarily constraining the range of options and the range of choices put before them, but making the range of options as broad as possible.

It cannot be argued, I cannot argue against Deputy Green's and Deputy Graham's point that this amendment, or the kind of option that they are proposing, the hybrid option, some Deputies

165 elected Island-wide and some Deputies elected in districts, would broaden the range of options on the ballot paper.

If this sort of option were to be inserted among the list of options, we would end up with going to the public, to ask them to choose between two variants of full-blooded, Island-wide voting – the current electoral system; a district system, but with fewer larger districts – and with the hybrid option, some Deputies elected Island-wide and some Deputies elected in districts.

170 So, the Committee accepts that inserting this type of hybrid option does broaden the range of options and therefore does fit with the Committee's objective of trying to offer the voters the maximum possible range of choice.

175 Also, it is not insignificant that the hybrid option – not exactly the kind of model that Deputy Green and Deputy Graham are proposing, but conceptually the same – some elected Island-wide, some elected in districts, was, by a whisker, the most popular option when public opinion was tested in a consultation exercise a few years ago.

Thirdly, the hybrid option has worked or, at least, has operated in Guernsey, whether it has worked is a matter of judgement, but it has operated in Guernsey previously. So, we know it is manageable.

180 For these reasons and because the Committee senses that there is some enthusiasm for a hybrid option to be among the list, the Committee is prepared not to oppose the insertion of a hybrid instead of Option C. The Committee thinks that Option C, as Deputy Roffey said yesterday, its virtues have not yet had enough time to be fully understood and, in response to what Deputy Graham said about Option C, I would say, yes, the districts would be too large to walk in the way that districts are walked by many candidates at the moment, but, of course, the main objective of Option C was to give every voter a say over a much greater proportion of seats in the States – and every voter would have a say in over half the seats – but, while having a reasonable list of candidates to choose from.

190 Option C would achieve that. But, the Committee has never been precious about the exact options that appear in the list, which is why we produced in our Policy Letter an appendix setting out all the options which we had analysed, but that we were not recommending for inclusion in the list.

195 The Committee's main objective, as I say, is to ensure that the public have a reasonable range of options when they go to vote in this referendum and the Committee is much less concerned about exactly what those options are, as long as they are workable and reasonable options.

So, the Committee is happy to accept the Green/Graham concept, as opposed to Option C, if that is what the States wants.

200 However, this particular amendment, the first Green/Graham amendment, has a serious weakness, which I think means that it is less attractive than the second Green/Graham amendment, which proposes the same concept, but has one difference. The issue is whether the elections for Island-wide Deputies and district Deputies should happen on the same day or whether they should happen on different days.

205 There are arguments both ways, but I think the most convincing argument that they should not happen on the same day is that, under the kind of model that Deputies Green and Graham are putting forward, the Island-wide Deputies and the district Deputies would serve the same term in the States. Now, previously, under the old Conseiller system, Island-wide Conseillers served six-year terms, or some of them did. They were meant to, but not all of them managed to get through their six years, as Deputy Ferbrache told us yesterday, but, conceptually, that was the system. And they were held on a different day.

210 If the district and Island-wide elections are held on the same day and the length of term is the same, the problem is what is the incentive to stand Island-wide? Particularly if a Deputy is perceived to have strong support, so he is probably already a serving Deputy and is perceived to have strong support in their district, and they may well be some of the more senior, more prominent Members of the States. So, the Committee thinks it would be unwise, if the States want
215 to insert this option, to require the district and Island-wide elections to be held on the same day

and that it would be better for the Island-wide elections to be held first and for the district elections to be held after that.

220 Now, the period of time is a matter of debate, it is not set out in the amendment, so the Committee would have to include the detail of that, possibly in the legislation underpinning the referendum or, more likely, in the policy letters that will have to follow the referendum. But it does not need to be weeks and weeks later. It does not need to be six weeks or months later. Even if it was two or three weeks later, then I think that would be beneficial – even four weeks.

225 We do not need the election period to go for months and months, in order to achieve having some Deputies elected Island-wide, initially, and then some Deputies elected in districts a few weeks later.

In any event, the States may prefer that – although the election period would last slightly longer than it does at the moment – to the possibility of having elections every two years, which is set out in Option C.

230 In summary, the Committee is happy to accept the concept put forward by Deputies Green and Graham, but thinks that their second amendment is better than their first amendment.

Thank you, sir.

The Bailiff: Deputy Lester Queripel.

235 **Deputy Lester Queripel:** Thank you, sir.

I think I am going to support this amendment, because I am all in favour of giving the electorate as much choice as we possibly can.

240 Even though I had every intention of voting in favour of the Proposition proposed by SACC at Option C, I now find myself rather attracted to this amendment, because it provides another variation.

At the recent SACC presentation at Les Cotils, there were a couple of people there who said that they were disappointed because the option that they favoured was not on the table. They went on to say that, because it was not on the table, then they would not be voting, come the referendum.

245 At the end of that presentation, I spoke to one of those people, who told me that Deputy Green's option was exactly the option he was looking for. It was because Deputy Green talked us through his amendment during the presentation that the gentleman then explained to me that he really hoped Deputy Green's amendment would make it onto the list of options, because he really wanted to vote for it.

250 He said that that was the only option that he was going to vote for. Of course, he will not be the only person out in the community to think like that.

So, on the basis that I think we need to encourage as many people as possible to vote, then I really feel as though I should vote in favour of this amendment in an attempt to get it on the list of options.

255 Now, I am sure, sir, that Deputy Roffey made some extremely valid points in his speech last night, when he spoke at 5.25 p.m. but, to be perfectly honest, I cannot remember a single word that he said. (**A Member:** Hear, hear.) I tried my best to focus, but by then I had heard enough talking and my head had gone. I apologise to Deputy Roffey for that, because I really did want to hear what he had to say. I am presuming he spoke in opposition to it, but, of course, I have no way of knowing.

260 So, I am really pleased that Deputy Fallaize has spoken so early this morning to relay the views of his Committee, because that does provide clarity. Speaking in support of this amendment and the issue of providing the electorate with as much choice as possible, it concerns me greatly that some of my colleagues seem to be afraid of providing the electorate the choice.

265 The way I see it, we either vote in favour of this amendment or we go with SACC's Option C. Why would any Member of this Assembly vote against both and deny the electorate the choice?

Surely, sir, unless those Members come up with a credible reason to do that, then that must mean they do not actually have a reason?

270 Perhaps they do not want to give the electorate too much choice, because they want to be in control and they do not want to relinquish that control? Well, if that is the case then, surely, they could justifiably be accused of discriminating against the electorate? If they are guilty of such discrimination, then are they not rallying against the inclusive society we all profess to aspire to?

Perhaps, they feel the electorate are not intelligent enough to be able to deal with more than one or two options? If that is the case, then why do they not just come out and say that?

275 There could, of course, be a number of reasons why they do not want to give the electorate choice and, therefore, will continue to vote against amendments such as this. But, whatever the reasons are, we need to hear them and the electorate need to hear them.

In fact, I would go as far as to say the electorate have a right to hear the reason why they are being denied choice. I am sure colleagues will recall Deputy Fallaize has said, several times during this debate, he cannot understand why some Members of the Assembly seem to be so afraid of providing the electorate with more than one option. The reason he cannot understand it and the reason I cannot understand it is because none of our colleagues has actually explained why they are so afraid – and they really do need to do that.

285 If they do not have a credible reason for voting against the multi-option Proposition, then I suggest they abstain when they go to the vote. Surely, to vote against a Proposition without having a reason for doing so would be an extremely irresponsible thing to do?

In closing, surely the story I relayed to colleagues about the gentleman at the Cotils, regarding this amendment, proves that having choice is key to this whole issue and we really do need to remove any barriers and restrictions and give the electorate as much choice as possible, in an attempt to encourage them to come out and vote?

290 So, I am going to listen to the rest of the debate on this amendment with an open mind and not adopt a tunnel vision type of approach. I urge my colleagues to do the same.

Thank you, sir.

295 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes, sir.

I actually was going to ask Deputy Lester Queripel to consider seconding my much talked about and not-yet-placed amendment. I am not so sure, after his speech, as I am not too sure we are thinking along the same lines. He said no credible Member could possibly not want to put Option C and also –

Deputy Lester Queripel: Point of correction, sir.

305 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: I did not say 'no credible Member'.

I said surely no Member, unless they can provide a credible reason.

Thank you, sir.

310

Deputy Gollop: But, my problem is, I am not particularly enamoured with Option C, although I do not see any objection to it being on the ballot. It is a new development this morning, when Deputy Fallaize announced that maybe a hybrid model would be an alternative substitution.

315 But Deputy Lester Queripel said, very much, that he was in favour of giving people choice and he was also grateful for what he considered to be the position of SACC this morning in looking at, we will call it, the Graham/Green amendment.

But, actually, of course, Deputy Lester Queripel must not allow himself to become confused – as I fear the electorate would become, if this option succeeded in getting onto the ballot paper – in conflating the first one with the second one.

320 We know, from the way the amendments have been structured, that the second Green/Graham amendment will not be placed if the first one wins. So, this is the moment of decision.

If Deputy Lester Queripel, or any other Member here, wants the second variation to be put to the electorate, either after this one is passed we would consider a recess and put in another option, which I think would be a potential amendment, or we say goodbye to the possibility of the
325 second option, which I know some people at the well-streamed meeting that SACC held, would prefer.

Deputy Roffey's strong letter –

330 **Deputy Fallaize:** Point of correction, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Actually, that would not be necessary.

I am not saying they would lay the second amendment, but the second amendment does say,
335 in Proposition 2, 'for Option C substitute what follows'.

Well, whether Option C is the SACC original Option C or the Option C in the Green/Graham first amendment, the second amendment, the wording still works.

So, Deputy Gollop is not correct to say that it would have to be changed if they wanted to lay it, or anybody else, perhaps wanted to lay it. They could.

340 **Deputy Gollop:** Ah –

The Bailiff: You have switched your microphone off, rather than on. And again!

345 **Deputy Gollop:** Deputy Fallaize has perhaps picked up an inference I did not wish to make, although I could place an amendment which would include the original Option C, along with a hybrid model.

The point I am making is that Deputy Fallaize and Deputy Roffey, amongst others, have spoken and, indeed, written in the SACC Report, about the potential disadvantages of a one-day election where you split the candidature of Members into either Island-wide Deputies or district Deputies. My point is, although I appreciate that would replace Option C, we then would not, presumably, have a Deputy Green-placed amendment giving us the deferred election model; the two-election model. Because, it says specifically that, if the first one wins, the second one does not get placed.

355 Therefore, the people of the wider electorate who would like a return of what is the closest model, or an approximation of the 1990's, would not get the option.

I would beg to differ a little bit with some points Deputy Graham made. He referred to the Jersey electoral model currently. Since they had a change from the alternating cycle of six members, they have had only two Island-wide contests. One was in 2011, the second was in 2014. They may have a final one, perhaps, next year. The 2011 one saw the retiring Bailiff topping the poll by a considerable margin, but there were only four seats on offer on that occasion, because they still had a four and six alternating model. They then reduced, again, to eight members; eight elected *en bloc*. It is quite true there was a wide variety of candidates, but what was intriguing about the result was that an existing senator lost their seat, only to be returned in a by-election two years later.

365 One of the newcomers did not stay the course and two, up until that point, relatively popular parish district Deputies, did not succeed, which in one case, was Alderney's gain, in a manner of speaking.

370 It was strongly suggested that if one or two or three of those less successful candidates had stood in a district, they could easily have been successful and there were equally many Deputies who chose not to stand. Therefore, the advantages of an Island-wide poll, which gives an opportunity for new candidates to put their message across in a measured way, and for issues of public importance to be discussed, whereby the candidates, perhaps, will raise policies and, perhaps, environmental agenda, or a new approach to drugs, or strengthening women's representation, or a reform agenda – all kinds of things – is considerably weakened by an Island-wide campaign that is run at the same time as a district campaign.

375 The media cannot concentrate on both –

The Bailiff: Deputy Green.

380 **Deputy Green:** Just to help Deputy Gollop, let me make this absolutely crystal clear, it is in the explanatory note to Amendment 4, which I am sure that Members have already read, the position has not changed.

If Amendment 1 is not carried, then we will lay Amendment 4. If Amendment 1 is carried, we will not. That is still the position.

385 If Deputy Gollop does not like Amendment 1, I suggest he votes against it.

A Member: Hear, hear.

390 **Deputy Gollop:** In a nutshell, I am urging Members who have misgivings about the first option but, like Deputy Lester Queripel and Deputy Fallaize, want to include a hybrid choice amongst the options to strongly reject the first amendment and support the second amendment.

What I do not want to see is people who actually support the second idea, but are not entirely clear of the difference, to support the first; because the two are very different in their outcome.

395 The first amendment, basically, has 28 and 10 elected at the same time, with a Russian Roulette situation where every Member of this Assembly and every other potential candidate would have to choose between one kind of election and another with, of course, a reduced number of representatives in their district, which may even be as low as three out West in the present time.

400 The second option allows every Member of this Assembly and every candidate outside possibly two chances and the opportunity to maintain, perhaps, the best of both worlds and a longer period on which to convey their viewpoints to the wider electorate; which, of course, would advantage new candidates as well as old.

405 I would also make a point, it may come up again, I would entirely agree with much of what SACC have said in their Report, that the 1990's Conseiller elections were not fantastically successful in every respect. Much as I respect Deputy Lowe, who got in after one term, and Deputy Ferbrache, who topped the poll, convincingly, with first in nine out of 10 parishes; but as is pointed out in the Report there were perhaps only 14,000 people turned out, compared with the 21,000 we have seen more recently for district elections.

410 But there was one fatal flaw in the Guernsey model of the Conseillers, which even Jersey did not have, and it is this: in those days, the only people who were eligible to stand Island-wide were existing States' Members or former States' Members with one term's experience – 30 months.

415 As a consequence, when we had a by-election, we had virtually no candidates and somebody who had almost come bottom at the previous election topped the poll. We had a situation where all 10 candidates got in, in one. There was no possibility of environmentalists or disability rights campaigners or senior business people or lawyers, all kinds of people, standing from the community in 1997 or the by-election in 1998, or the 1994 election.

That sabotaged the interest. It sabotaged the number of candidates and it sabotaged the public voting.

Neither of these systems would have that but, I would suggest, infinitely the more preferable and the more workable and the one that would enable more interesting elections of diversity

420 across the Island would be the second and, therefore, I say we must strongly resist, however superficially attractive, the first amendment that we are currently discussing.

The Bailiff: Deputy Prow.

425 **Deputy Prow:** Thank you, sir.

I would like to thank Deputy Green and Deputy Graham for this amendment. I think it has actually enriched the debate and has actually teased out some very interesting issues that we need to be talking about. As you would expect, they were both quality speeches.

430 I will try and be brief. I think, from where I stand at the moment, sir, I am convinced that the amendment is better than Option 3. The problem I have with some of the options is that they not actually deal with Island-wide voting at all and that is an issue. On that note, just to reply to Deputy Lester Queripel, I did, in my speech, earlier yesterday, if he was listening, set out quite clearly why I have issues and worries about the multiple option ideas that are in the SACC Report.

435 I would just, very briefly, perhaps like to consider the amendment – and we can really only deal with the amendments as they come up – from the perspective of a candidate. Perhaps, when Deputy Green sums up, he could give me some steer about what he thinks the drivers would be for a candidate to put themselves forward for the Island-wide part of his amendment.

440 Apart from the fact that the candidate might think that they have a better chance of being successful in an Island-wide than they would in a district election, I am struggling to understand what the incentive is and, surely, what we should be doing is trying to encourage quality people to stand as Deputies and men and women to come into the States and add value.

445 Looking at it from, perhaps, that perspective, this is where I am struggling. I think we should remember that this is an Island Assembly. In the majority, we are talking about issues and debating issues and making decisions on an Island basis. It is not very often that parochial matters are debated in this Chamber. We, at the moment, elect people by districts, not necessarily by parish. One parish is split into two, South-East district is more than one parish. This is a method that we use to populate our national Assembly.

450 I think a comment was made that, perhaps, if 20 candidates of this States stood as an Island-wide candidate, there would be 10 candidates not sat here today. Some might say that is a good thing. I go back to the point about attracting quality candidates and I think that that is something in this debate that we would not consider.

455 I would perhaps ask Deputy Green, in summing up, to consider those points. I know the Vice-President of SACC offered me some one-to-one training on the Report, but I would say to Deputy Roffey that I have got my head around this Report, perhaps more than he gives me credit for.

Thank you, sir.

The Bailiff: Deputy Tindall.

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

I have to say, by replacing SACC's Option C with this amendment has been well argued and thought-provoking and I note that familiarity may be its appeal. I have to say the reason I voted against the Deputies Brouard and Lowe amendment was to hear this debate.

465 I am, however, not convinced, I will vote at the referendum for the system proposed, if this is the amendment on the ballot paper, but I see that this new Option C is better than the current Option C, although the other Option C seems to be a bit better than that, having listened to those in Jersey and their experience.

470 I have to say, sir, that whilst I will listen to general debate, I do prefer at this time Proposition 3A. I spent some time yesterday explaining my reasons for which I would choose such a Proposition and, for those who were not listening, my speech will be online shortly.

Also, I would thoroughly recommend that anyone considering standing, in any election, whether for Island-wide voting or not, that they use such a method to communicate with the public.

Thank you.

475

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes.

Can I invoke Rule 24 something for the guillotine, please? (*Laughter*)

480

The Bailiff: Rule 26(1).

It usually happens just as Deputy Dorey is wanting to speak that somebody invokes the guillotine!

Those who wish to speak and have not yet done so, please stand in your places.

485

Do you still wish to go ahead?

I put to you that debate be closed. Those in favour; those against.

Some Members voted Pour; others voted Contre.

The Bailiff: That, in my view, is carried.

So, debate will be closed. Deputy Green will reply to the debate.

490

Deputy Green: Sir, thank you.

I thank all the Members who have participated in this debate. I will just try and find my place. I am not quite sure where I am now.

Just to make it absolutely clear, if Amendment 1 is not carried, we will proceed and we will propose Amendment 4, in light of the comments that have been made.

495

Deputy Graham and I would still seek to persuade the majority of Members to back Amendment 1. I think we have taken a fair view and a certain flavour of the speeches that have been made this morning and, also, late last night.

500

I think, sir, I can be relatively brief in responding to the debate. There have been only a few key things that have emerged and, I think, probably the most significant key thing is the idea that somehow the Amendment 1 we are proposing is perhaps not the most practical model. That was certainly the flavour of what Deputy Roffey was saying and what Deputy Gollop was saying this morning, that to have the 10 Island-wide Deputies and the 28 district Deputies elected all on the same day is seen to be not ideal, from the perspective of the candidate.

505

But, the reality is that, as States' Members, we have to see this beyond just the narrow view of the perspective of the candidate. We have to see this, also, from the perspective of the electorate and, indeed, those we represent. But that does not entirely sweep away the concerns that have been raised, because they are not entirely without merit.

510

Deputy Roffey, late last night, spoke about the risk that talented people would not get elected Island-wide and he also said the big beasts, well-established in their parishes, would not go Island-wide either, for different reasons.

515

But, let us face it, talented candidates do not get elected under the present system that we have. One can only think of some of our former colleagues in the last States, who failed to get returned, former Deputies Duquemin, Sillars, Stewart, Burford and others; talented Deputies, who failed to get elected in the present system. The reality that if you have an election for 10 Island-wide Deputies, there will always be some talented people who fail to get over the hurdle.

In terms of the big beasts point, well-established in their parishes, what incentive would there be ... I give way to Deputy Roffey.

520 **Deputy Roffey:** Will Deputy Green accept that the casualties under our present system is because the electorate have chosen to ditch certain Members of the States, but if the 20 most talented Members stood for 10 positions, Island-wide, the electorate would have no choice but to ditch 10 of those candidates?

525 **Deputy Green:** The point, sir, is that it would be the personal preference of the candidate. It would be for them to choose.

But we have to look at it beyond the possibility of just the personal perspective of the candidate. I would suggest, and we made this point right at the start, the experience of Jersey does vary with some of those genuine concerns. So, I think I can probably leave that there.

530 I thank Deputy Graham for the points he made and I think he certainly brought out one of the key themes in this, which is, in this amendment ...

I give way to Deputy Inder.

The Bailiff: Deputy Inder.

535 **Deputy Inder:** I thank Deputy Green for giving way.

I did want to ask one question, before the debate was closed, and it might help Deputy Green. In his summing up, could Deputy Green explain whether candidates can stand as Island-wide or district, or could a candidate, potentially, put themselves forward in both in 2020?

It is not actually clear from the amendments.

540

The Bailiff: Deputy Green.

Deputy Green: Deputy Inder raises a good question.

545 On the one hand, there is no wording in the amendment which expressly prohibits a candidate from doing that. But, I think, on the other hand, the reality is and probably the better view is that one would have to make their mind up. A candidate would have to opt one way or the other, because otherwise you would get into an awful lot of practical difficulties. What happens if a candidate for the Island-wide election also gets elected in a district? That is a nonsense.

550 I would say, the better view is that in this option, Amendment 1, we are saying that the candidates have to put their eggs in one basket. If you do not like that, Deputy Inder, then there is another amendment coming along in a moment.

555 Before I was interrupted, I was making the point that Deputy Graham identified one of the key themes in this debate, which is really that this Amendment 1 is a straight choice. It is a straight shoot-out between Option C, which seems to be an option that very few people actually support. I know Deputy Roffey made a very good stab at that, trying to invoke some support and some sympathy for the original Option C, but I think he is probably the only person, so far in this debate, who has actually spoken in favour of Option C.

560 I have certainly not had any commentary from any constituent of mine in favour of Option C, either. So, it is a straight shoot-out and the focus should be, and Deputy Graham made this point well, on what should be in the referendum itself.

Which brings me onto Deputy Fallaize, because I am very grateful that the President of SACC has now indicated that they are not opposing the inclusion or insertion of a hybrid option into the list of options, but they just have an issue with Amendment 1. That is some progress, is it not?

565 Possibly the best point that Deputy Fallaize made was to remind us about the public consultation from 2010, where the hybrid option was the most popular option. That is a point worth making and Deputy Fallaize has, in fact, confirmed the point that I made in my opening speech, that this amendment is all about trying to increase the amount of choice available to the voter, if the referendum is held. It is not about restricting choice, it is about broadening those options and that is what we have always sought to achieve.

570 But Deputy Fallaize talked about the serious weakness with the first amendment, which is the
point about having the election on the same day. Deputy Graham and I have always said and we
have always put Amendment 1 on the basis that we want there to be a general election in
Guernsey and a general election in Guernsey should be held on the same day for all Members of
575 the States, howsoever elected. That is the logic of Amendment 1. We wanted to have a general
election. We did not want to depart from that general principle. We wanted to be consistent with
the Jersey position, which has moved. The Jersey position is, or was, a situation where, originally,
the Senators would be elected first and the Deputies subsequently. The concern in Jersey was that
they did not have a genuine general election. So they moved away from that and ended up with
580 the system that we are, in fact, proposing. So we are trying to be consistent with that model; but I
accept that some people do not like that and that is a matter of personal choice.

Deputy Lester Queripel made quite an interesting speech, I thought, and I thank him for the
support for the hybrid model, in principle.

He made the point about the public meeting that SACC put on and I certainly picked up from
that meeting a certain degree of support for a hybrid option, which had been disregarded by
585 SACC, initially. That is what, in many ways, emboldened Deputy Graham and I to continue with this
amendment.

Deputy Lester Queripel also made the point about why deny proper choice and I agree with
that. He also asked the question why have not Members wanting to reduce the number of choices
on the referendum been giving their reasons for that. I do not know why that is. I can hazard a
590 guess or a few guesses, but I do not really know. It might be because they have a particular
preferred model in mind, which might be threatened by the kind of model that Deputy Graham
and I are perhaps ... who knows? I am only speculating and I should not speculate.

So, that brings us to Deputy Gollop and I always enjoy a Deputy Gollop speech. Again, he
made many of the same points that Deputy Fallaize made about the apparent difficulties of the
595 Conseiller system.

It is worth reminding Deputy Gollop, sir, that what we are proposing is not a replica of the
Conseiller system. We are not calling it that. In substance, it is not that. There might be some
parallels but, really, it is a different system. But I am grateful for Deputy Gollop, because he has
been consistent on wanting a hybrid option and I understand that he wants an extra option; he
600 wants six options on the ballot sheet, including the hybrid option. I would suggest that is probably
going a little too far and it is much easier to simply remove Option C, that has little or no traction
in this debate with a hybrid option and we would say that should be Amendment 1, at this stage.

Deputy Prow, I thank him for his comments. He also said that Amendment 1 was better than
Option C and he made the point about the perspective of the candidate. I have already made the
605 point, I do not think that is the only way that we should look at this. It is an entirely valid factor,
but it is not the only factor. You have to look at it from the perspective of others from the actual
electorate, as well, and what the electorate wants, as I see, is a greater degree of choice in their
candidates and an ability to elect some of their Members on an Island-wide basis. Deputy Prow
asked the question how do we encourage quality people to stand for the States? I think we
610 already do encourage quality to stand for the States. I think we could go possibly go further and
there are some people who want to stand for the States and have an Island-wide mandate. We do
not offer that at the moment. This amendment would do that.

He asks about the drivers for standing Island-wide, *vis-à-vis* standing in the district. I think,
probably, one of the factors would be the prospects of success but I think, also, whether you
615 actually want the authority of being able to say that the whole Island has elected you would be a
factor and that is what is missing from our current constitutional arrangement.

Then, Deputy Tindall, right at the end, said she would not vote for this model in the
referendum; but, as I understand it, that is not the test that we should be applying at this stage.
The test that we should be applying at this stage is should this model, or something like it, be in
620 the referendum list of options? That is the key point.

So, I am not going to take up any further time. It is very straight forward. If Members support this amendment, they will.

Two Members: A recorded vote, please.

625

The Bailiff: We go to Amendment 1, proposed by Deputy Green, seconded by Deputy Graham and there will be a recorded vote.

There was a recorded vote.

Not carried – Pour 14, Contre 24, Ne vote pas 0, Absent 2

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

630

The Bailiff: The result of the voting on Amendment 1, proposed by Deputy Green, seconded by Deputy Graham, is 14 in favour and 24 against. I declare it lost.

I assume, therefore, Deputy Green would wish to lay Amendment 4?

Amendment 4

In Proposition 2, for Option C and associated bullet points, substitute – ‘Option C

- *One Island-wide electoral district (represented by 10 Deputies) plus the seven existing electoral districts (represented by 28 Deputies, with precise allocation per district to be determined in accordance with respective populations)*
- *Each voter would have 10 votes at each election in respect of the one Island-wide electoral district and three, four or five votes (or such other number of votes), depending on appropriate allocation of Deputies, in their own electoral district*
- *Each Deputy would serve for four years*
- *Elections would be held every four years for all Deputies but the election for the 10 Island-wide Deputies would take place first and then the election for the 28 district Deputies would take place on a different day.’*

Deputy Green: Yes, sir.

635 Can I ask the learned Deputy Greffier to read Amendment 4, please?

The Senior Deputy Greffier read out the amendment.

The Bailiff: Deputy Green.

Deputy Green: Sir, I move the amendment.

640 **The Bailiff:** Deputy Graham, do you formally second it? (**Deputy Graham:** Yes.)
Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

645 Thank you for the opportunity to speak on this particular amendment, as I did not get the chance to speak on the last amendment, which I supported.

650 Obviously, it seems, largely, that the arguments have already been made for this amendment and it seems very similar. I was in favour of the last one over this one, primarily because, I think, the danger with this one is it will, possibly, create a two-tier, second-best type of approach, with the elections being split, even if they are only a couple of weeks away from each of other and someone who is unsuccessful in the Island-wide election then stands in a district election and is considered somehow second best.

655 I think that can be overcome, but I am concerned about that and that is why I liked the purity of the previous amendment, because I certainly think it is important that, if we give this option, and it becomes the public's choice, we make it absolutely clear that everyone in this Assembly is a Deputy under the same mandate.

For example, at the moment, I have been elected by the Castel several times since I first stood in 2000; but, right from the very start, I considered myself to be a Guernsey Deputy. Yes, I would get involved in matters that my electors in the Castel were concerned with, but I had other colleagues who would also get involved in that as well.

660 When we are in this Assembly and what we are called to do, the priority certainly needs, from my point of view, to be to think of Guernsey as a whole, generally speaking. I think that needs to be at the top of our list and that is why I am keen to see this option fully understood, if it is to be on the list of options in front of the public at a referendum.

665 I think Deputy Green highlighted this in his summary of the previous amendment, but I would underline it here, again. What we are discussing is whether this option should be on the list of options for people to decide upon. In my experience, going right back to 2004, when I stood for the second time in this Assembly, a little like Deputy Graham, I found that many of the people in the Castel wished to have an element of Island-wide voting. They were angry that that had been taken away from them.

670 They did not, however, want to completely be removed from having local representation and being able to vote locally. That was, perhaps, because this Assembly had removed Douzaine representatives, slightly accidentally, from being Members of this Assembly.

675 Now, I was in favour of Douzaine representatives being removed, as were, in fact, the Castel Douzaine at the time, if I remember correctly. But, nevertheless, there was that feeling that we need both in this Island, in terms of opportunity to vote and opportunity for representation.

Of course, anyone, under current Rules, can stand in a different district to the one they live in. But they represent that district, to a certain degree, as I said to begin with.

680 I am absolutely convinced that this option needs to be on the list of options and the way it is particularly set out now, with a separate election for the Island-wide mandate, in my mind, gives that opportunity for those who want to support that and, if we are going to have an option-based referendum, then, in my mind, this certainly needs to be on it – above those which, again, even Option B, of course, which is the *status quo*, I read that and thought I understand that is the *status quo* and I know this is not going to be the final wording on it, but I think many of my electorate,

685 not because they are ignorant or anything, they do not recognise it, because they are only thinking about who they are voting for at an election.

I think we have got to bear that in mind. Complicating matters makes it actually harder for people to understand, so we need to be very careful how we express these things and I thank Deputies Green and Graham, as well, because, in both amendments, they have explained exactly why people get a different amount of votes and it is different on each option.

690 I have explained this to the President of SACC. I think, come the time, if there is an option-based referendum, we need to be absolutely clear as to why some get more votes than others because, in certain cases, here under options, it is to do with districts. In the case of Option E, each voter having 12 or 13 votes, it is to do with the size or the number of seats available. We need to be absolutely clear on that, because we are trying to improve our system and, I think, if we are going to give a number of different options, we need to be absolutely clear, when it comes to the vote on the slip, exactly what it means.

695 Going back to this particular amendment, I think it may be slightly second-best, but it is still the sort of style of hybrid that I think people want and, whilst it might not be a majority that want it, if we do not put it on one of the options for the referendum, then I think a number of people will feel disenfranchised and, as a result, will probably not turn out to vote and that would be a great shame and it would undermine the credibility of the referendum if we go in that direction.

700 So, I certainly support this.

The Bailiff: Deputy Roffey.

705

Deputy Roffey: Sir, late yesterday afternoon, as some Members will remember – not all of them – I made a speech saying why I believed, looking at it from first principles, that the compromise that is the current Option C, in many ways, was better than the hybrid put forward in the two Green/Graham amendments.

710 I actually still believe that. I believe that it does square a lot of circles through Option C. I think there are dangers in a hybrid that, with the best will in the world, those elected Island-wide will be perceived outside as the senior Members and the people that should get the top seats, etc. So, if it was just down to me, choosing today in a referendum, between the existing Option c and the proposed new Option C, in my preferential voting, the new Option C under Deputies Green and Graham, would come below the existing Option C.

715 You know, I have slept on this and that is not the point, is it? The point, I hope, that most of us want to do is to give the broadest range of options possible. I know some people want to narrow it right down and we will get onto that in general debate. But the point should be for a multi-choice one, as Deputy Lester Queripel has said – I remember his speech, although he does not remember mine! – to give the maximum amount of choice.

720 At the moment, we already have, to use the jargon, a super-constituency option, Option D I think it is, actually on the agenda. I think the glaring absence, that does have support in the Island, even though it is not my preferred option, is the hybrid option.

725 Therefore, with great reluctance, in many ways, because it is not the option that I prefer, but I totally take the point made by the proposer and seconder, that is not what we are deciding today. We are deciding what to put before the electorate to allow them to make them a broad choice and, with that in mind, I intend to bring myself to vote for this particular amendment.

Several Members: Hear, hear.

730

The Bailiff: Deputy Gollop.

Deputy Gollop: I will not repeat what I have said before, but I will reiterate that a two-election model does give the opportunity for more exposure and more discussion of strategic issues.

735 One or two Members, I am sure, did not vote for the last one because they are concerned with
the additional cost of a two-election model. Of course, there is a marginal additional cost,
although it is strengthened by, say, printing the manifestos in a newspaper, or something along
those lines, as was done before. Cost will come up in general debate, but it is fair to say that some
of SACC's options that will go on the multi-option referendum, if it makes it, are more costly than
740 others.

A classic example might be the 38 all elected on the same date. If we are to be fair to
candidates of moderate means, it is common sense that it will cost them more to run an Island-
wide campaign than a campaign in a district, so it could be more expensive.

745 Another example is, if you went to a two-yearly electoral cycle, which is Option E, that would
be more expensive, as well. So, I do not think cost should come into this. I agree entirely with the
wise words of Deputy Le Tocq and Deputy Roffey, who said we should maximise choice. This
referendum is not about us saying which is best. Actually, although I have been a supporter of this
in the past, I am moving, definitely, to thinking of 38, all at one time, as being fairer, or even a
staggered election because, I think, when the Conseiller system was first a live issue, in the 1990's,
750 the issue then was democracy, was accountability of senior figures. That was the rationale behind
it.

Now, I think, we actually need perhaps strengthening of our parliamentary consistency and
continuity and, also, speeding up the way in which we make decisions and policy plans. Therefore,
a two-year election cycle might be preferable. It is not my job here, maybe I will lead one of the
755 groups, maybe I will not, but we need to get a multi-option analysis that has the right mixture.

As SACC have given way on this, I will not need to put my amendment, if this one succeeds,
but I would also point out that Deputy Fallaize and other members of SACC have acknowledged
that, in a previous consultative exercise that has been carried out, a hybrid model, perhaps loosely
along these lines, was the winner. If we believe in democracy and the process, we have to put this
760 on.

Finally, I will end with a little joke, if it is a joke. Back in the days of the 1990's, we abolished in
1998 the Conseillers and kept an all-Deputy States, whereas our good friends and colleagues in
Sark had Deputies and have abolished Deputies and gone for Conseillers. So, what is in a name?

765 **The Bailiff:** Deputy Dorey. I give you the rare opportunity to speak before somebody
guillotines you!

Deputy Dorey: Thank you, I should not always try and hold back.

770 This is not a perfect system. We have tried it, or something very similar. I appreciate it does not
have the Rule that you have to be an existing Member and it does not have the prolonged period.
The best test of whether it was liked or not was the public participation in it where we had, in the
second Conseiller election in 1997, only 11,500 actually participating in that election. But the
Deputies' election, one month later, if you add in the seat that was not contested, it comes out
about 15,500 took part.

775 But, I agree to support this amendment, because it will broaden the options and hopefully it
will result in more participating in the referendum. For that reason, I will support it.

I can see the situation, as in Jersey, where, for example, candidates who wanted to stand for
P&R Presidency would have their chance enhanced if they stood on an Island-wide basis and got
support from that, to somebody who had not. So, I can see it actually fulfilling something in
780 relation to at least one position in the Assembly, when we come to vote for the P&R President
after an election.

So, for those reasons, I will support it.

Thank you.

785 **The Bailiff:** Deputy Trott.

Deputy Trott: Thank you, sir.

I hope I have got this wrong, but I see a fundamental flaw in this amendment and it is all to do with bullet point four. Bullet point four says elections will be held every four years for all Deputies, but the election for the 10 Island-wide Deputies would take place first and then the election for the 28 district Deputies would take place on a different day.

Now, that day has yet to be determined, and it may well be that the States decide that that day is one week hence. It may just be that the States decide that day is one month hence.

If it was one week hence, it would be entirely impractical for a Member to stand in both elections. So, you could have a situation where people were going to the ballot box on this and considering this item, some voting because they wanted a process whereby two bites of the cherry were possible and another person voting because they wanted a process where two bites of the cherry were not possible.

As I understand it, if this amendment was included, as it states now, not being prescriptive as to what the different day for the second election should be, people would be going to the ballot box in that vague space. That, sir, is precisely the sort of position we are determined to avoid and, it seems to me that unless the proposer and/or the seconder, or for that matter the President of SACC, is able to allay my fears, I will have no choice but to vote against this amendment for the reasons I have given.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Sir, can I invoke Rule 26(1)?

The Bailiff: Guillotine?

Those who have not spoken and wish to do so, please stand in your places. The President will be entitled to speak anyway.

We have five Members. Do you still wish to proceed with it?

Deputy Leadbeater: Please, sir.

The Bailiff: I put to you, then, that debate be terminated. Those in favour; those against.

Some Members voted Pour; other Members voted Contre.

The Bailiff: That is close. I think continue –

A Member: Can we have a recorded vote on that, please, sir?

The Bailiff: We will have a recorded vote, then.

There was a recorded vote.

Not carried – Pour 14, Contre 24, Ne vote pas 0, Absent 2

POUR

Deputy Inder
Deputy Lowe
Deputy Graham
Deputy Le Tocq
Deputy Yerby
Deputy Soulsby
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Parkinson

CONTRE

Deputy Fallaize
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Langlois

NE VOTE PAS

None

ABSENT

Deputy Dudley Owen
Deputy De Lisle

Deputy Lester Queripel Deputy de Sausmarez
Deputy Le Clerc Deputy Roffey
Deputy Leadbeater Deputy Prow
Deputy Stephens Deputy Oliver
Deputy Meerveld Alderney Rep, Jean
 Deputy Ferbrache
 Deputy Tindall
 Deputy Brehaut
 Deputy Tooley
 Deputy Gollop
 Deputy Mooney
 Deputy Trott
 Deputy Le Pelley
 Deputy Merrett
 Deputy St Pier

825 **The Bailiff:** The voting on the guillotine motion is 14 in favour and 24 against. Debate will continue.

Deputy Paint.

Deputy Paint: Thank you, sir.

830 Can I first explain that I would like a few options to be given in this referendum? My very good friend, Deputy Lester Queripel, made a good comment on the way voting should have a certain amount – he said as many as you can, I think – of options to take care of. That worries me, greatly, simply because, if you have six or seven or eight options, you might find the voting population have voted by that amount and that, most probably, will wreck the whole process we are talking
835 about.

Unless there is a clear winner, you might you have 15% of the people vote for one option, another 15% vote for another one, just using simple figures and, then, all that we are going through today will be wrecked.

This is why I felt I had to vote against Deputy Green's first amendment.

840 Deputy Roffey made a very good point yesterday, which I agree with. I would not like to seek very able people of this Assembly lose because they have just taken a chance and been voted out, just because they have taken a chance, that they think the populace want them there. That is very dangerous for this Assembly.

845 If a way could be found where they could re-stand again, on the second tier, then I would be happy with that.

But, I would like a couple of points of clarification, perhaps, from Deputy Fallaize. Just things I feel that have not been discussed yet and we should be looking at.

850 Some people, only feel that they would like to vote for people in their own constituency or parish. I understand that. But, there is nothing to stop them doing that. So, if they only want to vote for candidates that live in their parish, what is to stop them?

I would just like, perhaps, Deputy Fallaize, afterwards, to clarify that. Others only vote for one or two Members of this Assembly. There is nothing to stop them doing that. So that covers two aspects of it that I am concerned about.

855 Others will choose to take up their 38 votes. That is not because they particularly like somebody, that is because they want to keep certain people out. There is nothing to stop them doing that.

But, if we have too many options in this, you know what is going to happen? We will be accused of wrecking it, so, just bear that in mind.

Thank you, sir.

860

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

865 Although I am supporting this amendment, I think we need to be aware that we are introducing potentially perceived hierarchy into this Assembly. Even the fact that we meet in the Court building, rather than an assembly, the fact we have a raised bench, even that choreography of politics implies a hierarchy and difference and, I think, in supporting this amendment and having people with an Island wide mandate, there is a risk that people come to this Assembly with much more of a sense of entitlement than people who are elected in smaller constituencies.

870 Percentage-wise – in small electoral district in St Peter Port South – my vote share fell quite considerably and that should not be any surprise. If you are heading up the Integrated Transport Strategy, if you are refusing planning applications, if you try to make those courageous arguments and are prepared to lose frequently enough, your vote share will go down.

875 If we look back at the last system we had of Conseillers, you could say that the Conseiller bench became an opposition, because the people that went out on the Island-wide vote were probably more populist to secure the vote. You had long-term Members of this Assembly as opposition to an establishment they had opted into. That is probably, I would have thought, why change happened and why we lost the Conseiller system.

880 If you look at post-war, the rationale for, if you like, differential in leadership, following an Occupation, that made sense. Once you went out to the popular vote, then the Conseillers' bench looked very different.

So, there is always a risk when you broaden it out to an Island-wide vote.

885 I am just going to illustrate the point and no offence to Deputy Trott, through you, sir, but if you look, when Deputy Trott was heading up the zero-10, the real difficult decisions, when he was Chief Minister, making some very unpopular choices, selling hard decisions, his vote share went down, because that was the community mood. When Deputy Trott, if he does not mind me saying, took what was essentially a four-year sabbatical and became the term that we use in this Assembly now, a backbencher, Deputy Trott topped the poll.

890 So, if you are high profile, if you are making those –

Deputy Trott: Meteoric rise!

Deputy Brehaut: Yes, meteoric, within a very small Island community! (*Laughter*)

895 We have had a situation, particularly with regard to St Peter Port South, where people have said, Deputy Brehaut scraped in, he gets 800 votes and there have been people in St Peter Port South who have got less votes than Deputy Brehaut, they are in this Assembly and, you know, there are people down the north of the Island who get 1,200 votes or 1,000 votes and they do not get in. That is the constituencies that we have. This is why I will be voting for the four-constituency model when I go into the booth, because I think the strength of the constituency is that you give an account of yourself and it can actually aid your re-election when you are on the doorstep, making the arguments to the people, rather than being so removed in an Island-wide vote that you never get the opportunity to meet the community and the electorate.

900 Just in closing, sir, I will support this amendment, because I understand the intention, but I just wanted, because this point was made this morning by Deputy Green, he said that those politicians who, he did not say turfed out, but were not re-elected, at some point SACC, possibly, needs to look at manifestos and some type of facts check on what people put in manifestos.

905 You had people actively campaigning against sitting Members; not with opinions, but with very misleading information, with statistics that were wrong, that were cutting and pasting documents on the internet that were critical of States' Members and that should not happen and I hope that SACC – I do not envy them in an Island-wide context – try in some way to get a type of fact-check on manifestos, when so much misinformation was out there.

910 I understand politicians are entitled to opinions and they have strong views on sitting Members and incumbents, but some manifestos, I think, simply said a little too much and effectively presented misinformation, rather than opinion.

915 Thank you, sir.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

920 Just to state, right from the start, that when I was doing my campaigning last time, whilst I may not have had some nice words to say about certain candidates, I did not say anything nasty about anybody. I just kept my mouth shut about people that I did not agree with. Just to get that clear.

925 When I was doing my canvassing, there were three main options that the electorate were telling me that they wanted. The first one was that they wanted some form of Island-wide voting. The second one was that they wanted a continuation of what was already happening; that is, seven districts.

Many others said that they wanted some kind of hybrid or some kind of middle path, where you would actually have as this particular amendment suggests.

930 There was a fourth, actually, which I will just mention now, because it was suggested by several people, which I do not think is really workable, and that was that certain people said to me that they wanted to have the power to have a negative vote. That is, they could actually take a vote away from certain Deputies that they did not like. But, I do not think we are going to get very far with that one.

935 I think, what we are looking at here is not what the repercussions might be or how this, that or the other might work out further down the line. That will be for us to negotiate when we get the results of this referendum. What we need to make sure is that we have the three main options on the actual ballot paper for people to actually give a view about and, that is: there should be an Island-wide vote of 38 positions all on the same day – and Island-wide means Island-wide, so two districts is not Island-wide, three districts is not Island-wide and neither is four – it is one district across the whole lot; the second one is the *status quo*, which is the seven districts; the other one is something akin to what this amendment is actually saying now.

940 So, I will be voting in favour of it, sir.

The Bailiff: Deputy Graham.

945 **Deputy Graham:** Thank you Mr Bailiff.

I merely wanted to respond and my Castel colleague, Deputy Barry Paint. I have not given up on him entirely, yet!

950 The amendment in front of the Assembly at the moment has nothing to do with the relative merits of a binary choice referendum or a multi-choice referendum. That is not the issue of this amendment.

It is not even about the number of options in a referendum, if there is to be a multi-option. It is about the relative merits, really, of having, on the one hand, Option C of the SACC proposal or the option proposed in this amendment.

955 Nothing to do with number of choices and it certainly in no way adds to the complexity of the referendum that eventually will take place.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

960 Like Deputy Graham, I have not given up on Deputy Paint, in the sense of hoping, still, to persuade him to vote for a referendum in which the public have a reasonable range of options and, on that point, Deputy Paint said, and I think another Member made this point yesterday, it may have been Deputy Brouard, I cannot remember, that, if we had options, let us say more than two options, there would be the possibility that the votes would be very evenly distributed between the options.

965 So, if you had five options, theoretically, you could have 20% of the vote cast at each option. Perfectly fair point.

970 But, of course, what the Committee is proposing, is the use of preferential voting or ranking, so that every voter would be invited to rank their preferences from one to five and that voting system will mean that you do not end up with the votes evenly distributed amongst all of the options. It means you will end up with a clear winner. You will end up with an option that has obtained the preferences of more than 50% of the electorate, so the risk that Deputy Paint highlights, is perfectly, correctly highlighted, if the voting system we were proposing was first past the post, so that every voter just votes for one option, exactly what he said could happen. But, in
975 what we are proposing, where the voters rank their preferences using numbers from one up to five, if they want to use all five, that will not happen. We will end up with a clear outcome and a clear winner.

980 Deputy Paint also said he was very concerned about the idea, the public feeling that the referendum had been wrecked, somehow. My view is, the more choice people are given, up to a certain limit, so whatever is a reasonable choice, the more likely it is that people will not feel disenfranchised. That they will feel they are presented with a reasonable range of options.

I think, if we present the public with only one option or only two options, it is more likely that people will say, 'You are trying to drag us to the polls at this referendum, but you are only giving us two options. My option is not on the ballot paper.'

985 I think, much more likely, the States will stand accused of having tried to manipulate the outcome of the referendum. Even if that was not the intention, I think that is more likely to be the accusation.

Deputy Brehaut, SACC is up for any challenge, but I think the challenge to ensure that all rubbish is eliminated from manifestos is probably a step too far! I understand what he is saying, but I do not think there is anything that can be done to prevent candidates from saying things which other candidates may think are misleading. All the candidate needs to say is, 'That is my version of the truth.' I do not think there is any way of regulating that, regrettable though it may be if misinformation is promulgated.

995 Deputy Trott was concerned about whether the election period for the second stage, under Deputy Green's amendment – that is to say the district elections – would allow sufficient time for candidates to put their message across. I think that is what he was saying –

Deputy Trott: No, sir, what I said was –

1000 **Deputy Fallaize:** I will give way to Deputy Trott.

Deputy Trott: Thank you.

1005 I do think this is quite important. The question is, what is the Assembly being asked to vote for? Two elections, where people may stand twice, or two elections, where people can stand only once? The way this amendment is drafted, we do not know and, consequentially, neither will the electorate.

1010 **Deputy Fallaize:** I do not think that is right, sir, because bearing in mind that the debate that we have had, it is quite clear that every Member of the States understands that the first amendment from Deputy Green and Deputy Graham required candidates to decide whether they were standing Island-wide or whether they were standing in districts and, incidentally, it was all going to happen on the same day. Whereas, the alternative, this amendment that we are now debating from Deputy Green and Deputy Graham, allows candidates who have not been elected Island-wide to stand in districts.

1015 Now, Deputy Trott says that is not absolutely abundantly set out in the amendment. Fair point, but that is why the Proposition – not this amendment, but the Proposition into which this amendment is being inserted – says 'the question shall be along the following lines'. So, clearly, the Committee has a job of education and a job of information to ensure the public understand exactly what each option is when they go to vote.

1020 I will give way to Deputy Trott.

Deputy Trott: I am genuinely grateful.

1025 The problem is that election dates are set by this Assembly at a different time and a different time, probably, after the referendum. So, it is entirely conceivable that the States may choose an election period that is so condensed that a candidate standing twice is prohibited. That is the fundamental problem. The States must be absolutely clear, and this amendment does not give that clarity, which way it will be.

1030 It will either be two bites of the cherry or one bite of the cherry and we need to decide that now, so that we are unequivocally clear. We cannot go to a referendum with that uncertainty in place.

1035 **Deputy Fallaize:** I agree with Deputy Trott. The Committee's interpretation will be, if this amendment is successful, that the States want an arrangement whereby candidates who have not been successfully elected in an Island-wide poll can stand in districts and all of the proposals that the Committee has to come back with, whether by way of legislation or policy, will be consistent with that.

I think that is the very clear message from the States.

1040 This also picks up on a point Deputy Trott made and a point Deputy Le Tocq made. They are right that it is essential that there is absolute clarity about what each of the options is all about in advance of the referendum. But let us not forget, we are here debating this, off the back only of a policy letter.

1045 There is a year to go until the referendum. There is a Proposition to allocate some resources to the task of informing and educating, if that is the right word. We will ensure that voters are very clear about the question they are being asked and the options they are being asked to vote on, well in advance of the referendum.

I make that assurance. We will do everything necessary, put all of the time and effort into this task to ensure that there is absolute clarity. I thank Deputy Trott and Deputy Le Tocq for the points they have made.

1050 Deputy Gollop noted that there would be a difference in costs between some of the options and the Green/Graham option that we are now debating clearly would carry more expense than the current electoral system, but that is covered quite extensively in the Policy Letter and the differential in costs is not terribly significant, particularly in this option, where the two phases of the election would happen just weeks apart. So, you would not be using a new electoral roll, or there would not be any of that kind of expense associated with it.

1055 I think that the only other point which was raised for me, was also raised by Deputy Paint. He said, even in an Island-wide ballot, if a voter wanted to vote only for candidates who lived in his or her parish or district, he or she could. Well, clearly, that is right.

So, there cannot be any dispute about that.

1060 Obviously, I hope that we are on a journey towards giving the public the maximum possible choice and a journey towards a multi-option referendum, as outlined in Proposition 2, but to help us get there, the Committee is happy to support this amendment and asks the States to do the same.

The Bailiff: Alderney Representative Jean.

1065

Alderney Representative Jean: Thank you, sir.

I am intrigued by this amendment, from Deputy Green and Deputy Graham, and I would like to start by just reading the bottom part on the amendment, that:

Elections would be held every four years for all Deputies, with the election for 10 Island-wide Deputies would take place first and then the elections for the 28 Deputies would take place on a different day.

1070 For me, in the Report from SACC, there is just only one omission and it is the omission that is interesting me. Let me see if I can take you all on a little journey.

I start on page two, para 2.2. Here it talks about the inception of the office of Conseiller, when it was created in 1948:

to ensure that the States should not at any moment, so far as we could avoid it, be overloaded with inexperienced men... in the hope that this would prevent decisions which would later be regretted being taken as a result of some passing mood ...

'The 12 Conseillers were elected, not by the people, but by the States of Election.' That is the first bit that interested me, and that went on for some considerable time.

1075 In the 1970's, 1980's and 1990's, this was the feature of numerous debates about the office of Conseiller and their particular method of election.

In 1976 an investigation committee of the States found "...no justifiable reason why Conseillers should not be elected by universal suffrage...", but the States voted to maintain an electoral college. In 1983 and 1986 and 1991, similar debates ended in the same outcome. On each occasion one practical effect of the States' decision was to reject the notion that some members (around 20% of the States) should be elected on an Island-wide basis.

In 1992, having only a few months earlier approved a proposal to abolish the office of Conseiller, the States resolved that Conseillers should be retained, but elected by universal suffrage and with an Island-wide mandate.

That first election was held in 1994. This is the omission: In Alderney, in 1992, an offer was made to extend the franchise to Alderney. I was a member of the committee at the time that accepted, immediately, that extension of the franchise.

1080 So, we, then, in 1994, Alderney took part in the first election by extended franchise in that election for Conseillers. We also took part in 1994 and 1997 and, I believe, there was another one before the end of the Conseiller elections. I think we actually took part in three elections.

In 2000 the office of Conseiller was abolished ...

1085 We have heard from Deputy Le Tocq how he opposed the office of Conseiller and I was here, in this Assembly, and I was on the other side. I supported the office of Conseiller, I supported the concept of Island-wide election and I am not confusing this with the fact that we are not – there is definitely no doubt about it – going to be renaming them Conseillers. We would, if it comes that we elect 10 Deputies, if this amendment is successful, then it would be Deputies and I understand that fully.

1090 But, I fought at the time for two reasons. One, I believed in the Island-wide concept for Guernsey; that was the first platform that I fought on. The second platform that I fought on was that I believed that the franchise had been extended to Alderney and I also felt that that was a terrific and wonderful thing that our Guernsey Deputies, or Conseillers in those days, were coming to Alderney to run a hustings and compete for election. I thought that was a wonderful thing. I always welcomed it, I always enjoyed it. They were terrific events and they were well-supported in Alderney.

1095 Now, the point I am making is that, in 2000, when the franchise was withdrawn, when the office of Conseiller was abolished, Alderney did lose the franchise.

1100 There is an interesting opportunity of, as this amendment goes through, you could again consider – this is something for thought – extending the franchise, again, to Alderney; which I believe would receive terrific support.

1105 We do a lot of work together, all of us together, and I think that would be a good thing. So, what I am doing is, I am coming in between and I am placing the information in the whole form for you to see and that there might be another opportunity here for something and, as there is a year before the referendum, there is time to consider this and, perhaps, extend again the franchise to Alderney.

I leave that to you to consider, and I thank you for letting me talk to you about the office of Conseiller and how we have moved on and we have come to a stage where, interestingly enough, there is an opportunity. I do not know if any of you agree, but think about it, please.

Thank you.

1110

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I agree entirely with Deputy Le Tocq.

1115

I much preferred the previous Green/Graham amendment, but I will be voting for this Green/Graham amendment. The reason is, I think people – to use a phrase by Deputy Green – ought when they decide to stand either for the parish, the electoral district, or the Island, they ought to put their eggs in one basket. I do not see anything wrong with that, at all.

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But there is no real problem about the gap between Island-wide election and district election. That is one thing they did manage in 1997, because there was a sufficient period of time between Conseillers' election and Deputies' election, for people who were not successful in the Conseillers' election to put their name forward and properly canvass for the Deputies' election. It is a difficulty that does not exist.

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Alderney Representative Jean is absolutely correct in what he said about there being three elections because, if you remember, there was a bye-election. Conseiller Plant resigned from the States to go into other things with her life and, therefore, there was a Conseillers election, which was a bit of a damp squib, because it was a by-election and there were only two candidates, etc.

I remember attending the Alderney hustings for part of the time in 1997 and it was packed, the room was packed and there were lots of difficult questions and they were very perceptive, because that is the only district that I came fourth in. Never mind!

1130

I had to leave, part-way through, because I had a much bigger crisis, because my wife was on the mainland and it was our wedding anniversary, so I apologise to the people of Alderney, 20 years in arrears.

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I think he is also right, his point, which I appreciate is not for today, why cannot we extend the Island-wide franchise to Alderney? They should have a right to vote for Island-wide Deputies, whatever the terminology is.

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Where Deputy Graham has absolutely hit the nail on the head, was that using the term Conseillers was wrong. They should have just been Deputies. But where he is wrong is that there was no aggrandisement. A point that Deputy Green made yesterday, about Jersey Senators and how many are elected, Conseiller Plant only stayed on for a short time after 1997, because she went off to do other things with her life. So, there were then seven members of the senior committee, which was Advisory & Finance. There were only two Conseillers, which were Conseiller Morgan and myself and the other five were Deputies. Now, if anybody wanted to tell Deputy Langlois, if they wanted to tell Deputy Brehaut, if they wanted to tell Deputy Kitts, Deputy Bell or Deputy Roper that they were second-class, they were very, very brave people – because, nobody regarded them as second class.

1145

Where I do have a concern with this amendment – albeit I am going to support it – just as an example, I am very fortunate, on Economic Development, to have four very able colleagues. They are all equal. Nobody is more equal than the others. But before he came into this Assembly, Deputy Mooney was not well-known. He only came – I mean 'only' in inverted commas, I do not mean it in any other way – came sixth in St Peter Port South. I can tell you, publicly, and I am not putting him above the others because they are all equally as good, he has been an absolutely brilliant member of Economic Development. A man of true quality, a person that this Assembly, because he does not make great, long speeches like I do or my friend Deputy Lester Queripel – who I was a bit worried wanted me to go to Traitors' Gate, again, for the second time this morning; that was not the reason I voted for the previous amendment – he is a man of great wisdom and judgement.

1155

It takes all sorts, in an Assembly. So, whether you come sixth, or you come top, whether you have got 2,500 votes or you have got 800 votes, it is completely irrelevant. You all make your contribution to the Assembly. So, we are all equal.

1160 But where I do have a difficulty, albeit I am going to vote for this amendment, if somebody stands for the Island-wide election and is not elected and then they are elected in their district, we may not, in this Assembly, consider that man or woman to be a second-class Deputy, but other people outside the Assembly will. They undoubtedly will.

1165 Let us say you get somebody who stands in the Island-wide election; not elected, then is elected a Deputy for the Castel. The Castel representatives will not regard that person as a second-class person, but people in St Peter Port might, people in the Vale might, because he or she has had two bites at the cherry.

1170 So, that is the reluctance. In order of priority, I would have preferred having the current system that we have got and I think Deputy Graham would, too. But, I accept the honourable pledge that was made to the people of Guernsey in February 2016, that we should have Island-wide voting. So, therefore, that is why I favour the full-blooded approach that I have mentioned and the phrase used by Deputy Fallaize yesterday.

1175 But, this hybrid is better than some of the alternatives. It gives the people of Guernsey and, hopefully, as Mr Jean has raised the point, the people of Alderney the opportunity to say, 'I actually like Freda Smith or Bill Bloggs. I like them, I would like them to represent me on an Island-wide basis.'

1180 Deputy Le Tocq's point about, it was not my experience as a parish Deputy, in 1994-97, that we were parochial in the Castel; we were not. But I do remember, an issue raised by Douzaine representative Hirzel Dorey, in the second term, 1998-2000, about Freshfields, because the Board of Administration fought tooth and nail, they did not want to move Freshfields. The Douzaine brought a Policy Letter, a proposal to the States, that it would be much better if Freshfields was looked after by the parish and it has been splendidly looked after by the parish for the last 16 to 18 years. That was something that engendered from the parish and, therefore, the district was still very important, even to us who were elected on an Island-wide mandate as Conseillers.

1185 In reality, this is another option which should be on the ballot paper, in some form or another. It clearly does not meet the actual wording of the Resolution, which is every Deputy elected etc, but so many of the others do not. This is an alternative that we should consider and I will vote for.

The Bailiff: Deputy Oliver.

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Deputy Oliver: Sir, I just want to remind people, and I know it has briefly been kind of said, but with Amendment 4, we are really just discussing is it better than Option C?

People just need to look at Amendment 4, then look at Option C, and decide is it better, or is it worse?

1195 Thank you.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

1200 Well, SACC might have abandoned their Option C, but I have not. It is not that I am particularly enamoured by it, but it is an awful lot better than the sugar-coated, back to the future alternative that Deputy Green has presented to us.

1205 He denied that this is a return to the Conseillers, but the word keeps cropping up in the debate and, in his original opening speech, twice Deputy Green said this is a model which has been tried and tested when, certainly in the Guernsey context, it would be more accurate to say tried and tested and then rejected.

A group of people elected in a different way from another one, inevitably, creates a two-tier system. Having 10 special ones walking amongst us might be reassuring in the 1950's, but in this

1210 day and age, it is simply embarrassing and I cannot believe some of the speeches I have heard, where people are actually advocating this two-tier system. It just seems a complete anachronism to me. I certainly will not be supporting this amendment.

This Assembly lacks many things: an adequate income, a revenue stream for a start. What it does not lack is division. So, why we should introduce a two-tier system which, inevitably, will create yet more division, is really beyond me.

1215 I realise this debate has dragged on for quite some time, so I am going to cut this short. But, I certainly will not be supporting this amendment. I know that people have been saying – it is almost a cliché – we should maximise the amount of choice for the people, but Deputy Ferbrache said yesterday that we should not abrogate our responsibilities to make decisions. I would be abrogating my responsibility if I just used the ‘we should give people the maximum choice’
1220 argument to support an amendment like this.

I do not think a choice like this should be anywhere near a referendum paper.

Thank you, sir.

The Bailiff: Deputy Lowe.

1225

Deputy Lowe: Thank you, sir. I will be brief.

1230 It is really a case of if this goes on the list. It is a simple as that, really. It is not on the pluses and minuses of whether it is a good idea. Certainly, when there was the leaflet that went to everybody’s household, it came at the top, with 31.2%, with all Island-wide at 30.7%. So, there is only half a per cent in it, for all Island-wide, or having a system towards the Conseiller system.

1235 Did it cause divide? Absolutely, it did. From somebody who was in it at the time, it did cause a lot of friction in the Assembly, and that is when there were 57 of us at that time, there were Douzaine reps as well. You had the Douzaine reps, who should have been representing the Douzaine – and there was criticism at the time that they did not – you then had the Deputies from the parishes and then you had the Island-wide. Often, you would hear some Island-wide, not all, who would say, ‘We have got an Island-wide mandate.’ Then, a Deputy would stand up and say, ‘Well, I have got an Island-wide mandate; I have been elected by my parish, but I am representing all of the Island because I am making decisions on the Island.’ That is why I have always been a huge supporter of everybody Island-wide and you got rid of that tension and that friction.

1240 That is the route that I still maintain. But it is not about the rights and wrongs of this particular amendment; it is to allow it to go on the list. It is what the public want. It is not what we want around here and too much of the speeches I have heard over the last two days is what we would actually like.

1245 Yes, I would like Island-wide, absolutely. But we serve the people. We are here to serve the people. We are not here to dictate to people of how they should be voting and what voting system they have. That is why we are having a referendum.

The Bailiff: I see no one else.

Deputy Green will reply.

1250

Deputy Green: Sir, thank you.

I have just been debating with myself, really, about how long I would sum up for. I could, obviously, go in great detail through every speech. But I do not think I am going to do that.

1255 I think, probably, there are one or two points I want to respond to. I thank Members for engaging in debate, particularly those who have offered support and, clearly, the fact that SACC have indicated, technically, that they are not opposing this amendment is helpful.

Deputy Trott thought that there was a fundamental flaw in the fourth bullet point of the amendment. Deputy Fallaize did deal with that, I think. Let me just quote bullet point four:

‘Elections would be held every four years for all Deputies but the election for the 10 Island-wide Deputies would take place first and then the election for the 28 district Deputies would take place on a different day.’

1260 That does not expressly hammer out the model that would end up being in place, if this made it to the referendum and if it was carried, but the key point is the point that Deputy Fallaize made. Proposition 2 says to agree that the 'question to be put to the electorate in the referendum shall be along the following lines' and it lists the five options. What it does not do is actually set out in the Propositions exactly the wording that will be used in the referendum.

1265 In other words, it is SACC's responsibility to interpret what each of the five options will be, from this debate, from the Propositions, from the drift of what is being said, as well as what has been put in the Propositions.

1270 I accept the point that Deputy Trott is making, entirely. The referendum questions need to be 100% clear. Absolutely, I agree with that. There is a need for absolute clarity on that. We still do have, probably, 12 months or so to hammer this out. But the flavour of this amendment, if carried, I think, is very clear.

As a counsel of perfection, possibly, bullet point four, could have said, or perhaps should have said: 'The Island-wide election would take place first and then the election for the balance of 28 district Deputies would take place three or four weeks later.'

1275 Because that is probably what we envisaged. But I think the technical wording of Option C, bullet point four, is sufficiently clear to get the order of the chronology right. The key point is that SACC will come back to this Assembly and will make that absolutely clear.

I think I can probably meet Deputy Trott's opposition to that, to some extent. I do not think voting for this amendment would, in any way, jeopardise the possibility of absolute clarity in the referendum, because of the points that Deputy Fallaize made.

1280 The point that Alderney Representative Jean made was a good one. Clearly, the wording of Amendment 4 does not expressly include or preclude the involvement of Alderney and, again, it would be a matter for SACC, I think, to decide what the policy should be; or, consider what the policy should be and then bring it to this Assembly to determine.

1285 But I think the point that Alderney Representative Jean makes is a good one, which is that the people of Alderney feel that perhaps they have lost out in terms of some of their rights. I actually think, sir, that is one of the key points behind the whole of this discussion on the electoral reform and on Island-wide voting, generally, which is that there is a residual feeling, among older members of our community, that there were rights that existed in the past to elect Island-wide, at least some Island-wide Deputies, Island-wide Conseillers, rather; which were then removed. That legacy has never, really, been sufficiently dealt with and I think that is why we are still here.

1290 There are many other points, but I probably will not go through them in detail, sir. I think the key point that many speakers have made now is that this amendment is all about maximising the choices on the ballot paper and I would ask Members to support this amendment.

1295 **A Member:** Recorded vote, please, sir.

The Bailiff: A recorded vote on Amendment 4, proposed by Deputy Green, seconded by Deputy Graham.

There was a recorded vote.

Carried – Pour 31, Contre 7, Ne vote pas 0, Absent 2

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Green

CONTRE

Deputy Smithies
Deputy Yerby
Deputy Langlois
Deputy Prow
Deputy Merrett
Deputy St Pier
Deputy Meerveld

NE VOTE PAS

None

ABSENT

Deputy Dudley Owen
Deputy De Lisle

Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Stephens

1300 **The Bailiff:** Members, the voting on Amendment 4 was 31 in favour, 7 against. I declare it carried.

We move to Amendment 5, to be proposed by Deputy Tooley and seconded by Deputy Yerby. Deputy Tooley.

Amendment 5

In Propositions 5 and 6 for '40%', wherever it appears, to substitute '50%'.

1305 **The Bailiff:** Do you wish it to be read?

Deputy Tooley: Yes, please, sir.

The Senior Deputy Greffier read out the amendment.

The Bailiff: Deputy Tooley.

1310 **Deputy Tooley:** Thank you, sir.

I do not intend to make a lengthy speech in support of this amendment. The Policy Letter, as it stands, more than adequately describes the benefit of a requirement that any such significant change to the way in which our Island is governed should be voted upon by a significant proportion of the electorate.

1315 This amendment seeks only to raise the percentage requirement from 40% to 50%. There are around 36,000 people resident in Guernsey, of whom, approximately, my speech says xxx, but I know it is 30,300, are on the electoral roll. This amendment would require that a minimum of just over 15,000, on the basis of today's figures, were involved in the decision-making process and had their say in any changes which are made to our method of election.

1320 There is plenty of time for interested, eligible members of the public to enrol and I hope many more do so. I am reliably informed that there are over 10,500 households in Guernsey where no one is registered to vote. We need to be certain that we are listening not to the few with the loudest voice, but to the thoughts and concerns of the many.

1325 I do not want to face a situation similar to that which is occurring over the water, where, following the referendum, whatever the outcome, it is possible to argue that the result is not a

true result; that only – and at the risk of tedious repetition of earlier in the week, I must point out that I am not an accountant – 12,121 people voted and therefore it is not relevant.

1330 Now, I realise that this argument could be levelled wherever we draw a turnout threshold and, indeed, when this amendment was reported on Twitter, one response was: '50-50? Any advance on 50? Do I hear 60 anywhere?' Well, I thought about 60 and I am not going to hide the fact that I would much prefer to know that 100% of the electorate had voted, but I am willing to accept that this would only be possible in a country high in the sky, occupied by birds with questionable parenting skills!

1335 If we set the threshold at 50%, we shall be able to say that more than half of the electorate, a majority of the electorate, voted and that this was their majority position and, I believe, this will offer great comfort to any who are dissatisfied with the outcome. Let us be under no misimpression, there will be many who are dissatisfied with the outcome of this referendum.

So, we ask Members for their support, to pass this amendment and set the required turnout threshold at 50%,

1340 Thank you.

The Bailiff: Deputy Yerby, you are formally seconding?

Deputy Yerby: I do.

1345

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1350 On behalf of the Committee, I defend the threshold, the 40% that is proposed but, clearly, this kind of amendment does not cut across or undermine our central proposals.

There is a sense, around the debate on turnouts and thresholds, that some people want to ensure that we end up with a situation where we can say that most of the Island, most of the adult population, has voted for a particular outcome and, therefore, we are happy to implement it.

1355 Now, this amendment is not going to get us there, because, what we are talking about here is the percentage of people who turn out. So, if we had, and we should not have a binary option referendum, but if the States were unwise enough to force that upon the community and the turnout threshold was 50%, which is around 15,000, Deputy Tooley says; actually, the winning option might be supported by fewer than 8,000 people, but the States would still be bound, or have chosen to have bound themselves to accept the outcome.

1360 You would have to put the threshold much higher than 50% to achieve any kind of sense that the States are bound to accept the outcome, only if most people have indicated that they want a particular electoral system.

1365 The much bigger issue for the Committee is that we have got to encourage high turn-out. We have got to encourage people to come to the polls. Now, one of the main ways we think we can do that, as is now very clear in the second day of this debate, is by offering people the maximum possible range of choice.

Another way of doing it is by encouraging people to believe that the States will accept the outcome of the referendum. Anything that we do to make that less likely, I think, is more likely to discourage people from turning out.

1370 The 40% proposal exists only because we think zero, or one voter, is not adequate. We think there has to be a threshold set somewhere, so that a very, very small number of people cannot determine the future shape of the electoral system. So, in a sense, you have got to take that balance into account.

1375 Now, we think 40% is quite reasonable. Actually, I argued, and this is in the Policy Letter, for a bit less than 40%. I think if a third of the electorate turn out, then we will have established a reasonable range of opinion. One has to consider what the turnout is in general elections; to consider what the turnout is in some by-elections. If we get to 50%, what we are saying is we

expect the turnout to be greater than two thirds of what it is in a general election, before we are prepared to accept the outcome of this referendum.

1380 I do not think that is sensible. If somebody laid an amendment to put it at 25% or 30% or 35%, personally that would have given me a challenge because, as I say, I argued in Committee for a slightly lower threshold. Some Members wanted a bit more than 40%, but 40% was a reasonable compromise.

1385 But, if we insert 50%, we are going to make it harder for the voices of the voters to be respected in terms of the outcome of this referendum and that would be unwise. So, the Committee advises the States to vote against this amendment and the Committee is unanimously opposed to it.

The Bailiff: Deputy Lester Queripel.

1390

Deputy Lester Queripel: Thank you, sir.

1395 I cannot possibly support this amendment. This amendment is seeking to do exactly the opposite to what I think we should be doing. In my view, we should be dispensing with the turnout threshold altogether, not seeking to increase it by 10%. (**Several Members:** Hear, hear.) I truly believe it would be a big mistake to commit to any threshold and the reason I say that is because of what we are told in Proposition 6, in relation to thresholds. Proposition 6 reads as follows:

'To agree that, in the event that the turnout of the referendum is less than 40%, the States' Assembly and Constitution Committee should, within three months of the date of the referendum, submit a Policy Letter to the States setting out any recommendations for reform to the electoral system which it considers necessary, having first taken into account how far short of 40% the turnout was, the number of votes cast at each outcome and, if the referendum was a multi-choice one, the share of the vote obtained by each of the five options and in particular the margin between the option which placed first and the other options.'

1400 Sir, I almost lost the will to live, just reading that, let alone thinking about the volume of work that will heap upon SACC! I apologise to my colleagues for stating the obvious, but if the turnout is less than the threshold, SACC will then have to go away, do a lot more work collating and compiling a Policy Letter which sets out even more recommendations for reform to the electoral system. The States will then have to debate that Policy Letter and the recommendations within it.

1405 So, even more staff resource and time will be taken up. The whole Assembly will have to spend more time considering and debating that Policy Letter and its recommendations. There would probably be amendments laid and, so, it goes on and on and on and on and on and, all that time, the clock is ticking and counting down to 2020.

Of course, it may even get to the point where it is too late to even introduce Island-wide voting by 2020.

1410 I first started out on the campaign trail in 2006, I have stood in three general elections; I have spoken to hundreds of Islanders on their doorstep whilst knocking on doors and I must have spoken to thousands of Islanders about Island-wide voting in those 11 years.

1415 Now, what concerns me greatly is that many of them have told me they have no intention of voting ever again, unless we bring in Island-wide voting. So, if we do not bring it in by 2020, we are going to perpetuate voter apathy. We are going to disengage from and demoralise many of our fellow Islanders to the point where they lose interest in local politics completely.

I ask my colleagues to please listen to the voice of reason. Introducing a threshold of any kind could be the last straw for Island-wide voting and the last straw for many of our fellow Islanders.

1420 In closing, if colleagues want to commit to a threshold and put shackles on themselves. If they want to make even more work for SACC and for this Assembly. If they want to go around in circles until such time as it is too late to implement Island-wide voting by 2020. If they want to completely demoralise many of our fellow Islanders to the point where they lose interest in local politics completely. If they want to drag this whole issue out and kick the can down the road for

the next Assembly to then have to deal with and if they want to try to de-rail Island-wide voting, then vote for this amendment.

1425 Now, if they want to be proactive and accelerate proceedings, win back the faith and trust of many of our fellow Islanders, bring this whole issue to a close so that we can then get on with all the other work we need to do, they will reject this amendment.

I urge them to do just that.

1430 **The Bailiff:** Deputy Yerby.

Deputy Yerby: Thank you, sir.

1435 Deputy Queripel provides a helpful frame for my speech because, of course, the method we are considering now is not whether the referendum should have a threshold or not, at all. That is a matter for general debate and will be decided, in terms of whether or not Members accept the relevant Propositions, 4-6.

The decision here is, if we are to have a threshold, what is a sensible level, what is a logical level at which to set that threshold?

1440 If we turn our minds to the world of corporate governance or charitable governance. or even to our own situation, there are very obvious reasons why a threshold of 50% is sensible. Deputy Tooley spoke about participation in decision-making.

1445 It is not, as Deputy Fallaize said, that we want the majority of Islanders to have said 'we want 51% of Islanders to have said we must have Island-wide voting'. We are simply saying we want the majority of Islanders to participate in the decision-making process and then the majority of those votes to decide which is the preferred option.

Here in the States, if half of us leave the Chamber, if half of us are not participating in decision-making, we are no longer quorate, we cannot make decisions that bind us. In the same way, we are saying that 50% of the electorate should participate in something as significant as changing the voting system, which is effectively a form of constitutional change.

1450 I appreciate the point that, if we do not encourage people to believe that the States will accept the outcome, then we jeopardise participation, not only in this referendum, but also in all future local politics. But that logic must apply equally to a 40% threshold as it does to a 50% threshold. I did not hear, in Deputy Fallaize's speech, persuasive logic for setting at 40%. I would also encourage Members to think that, based on everything we have heard over the last day and a half, maybe the last year and a bit, about the will of the people, it is highly likely that a referendum, whatever its turnout, will be persuasive to this Assembly. All the more so, if the margin of victory for the preferred option is significant. Even if only 20% of the electorate turn out to vote, but 19% of the electorate say they want Island-wide voting, I cannot imagine this Assembly doing anything other than pursuing Island-wide voting thereafter.

1460 So, I would encourage Members simply to think, if we are going to have a threshold at all, what is the correct level to set it at and why, rather than focusing now on the question of do we or do we not knock out the threshold. That is a matter for general debate.

The Bailiff: Deputy Roffey.

1465 **Deputy Roffey:** Sir, Deputy Queripel is right to a point, that this referendum does not require any threshold at all, or would not, if it was a normal referendum; because a normal referendum is advisory.

1470 You can have a 10% turnout, a 90% turnout and when Members came to use their judgement about what to actually do about it at the end of the day; they would take into account the outcome of that referendum, the turnout, all sorts of other things. A bit like Jersey did, which brought them into disrepute, to be honest.

So, what SACC are asking this Assembly to do is something very unusual. We are asking Members, if the referendum achieves a certain percentage turnout, when we come to finally

1475 determine what we do about our voting system, to set aside their own critical faculties, their own judgement about what is right and what is wrong, to set aside their own supremacy, if you like, as an Assembly and say, 'We will, even if we think the public have got it wrong, go with what they have decided.'

1480 Now, with all due respect to Deputy Queripel, that is a big ask and I think we can only do it if there is a significant threshold involved. It does not mean that this referendum will mean nothing if we do not pass that, it will still be an advisory referendum which, I am sure, will carry quite a lot weight when we come to have the discussion at the end. But if we are asking people to do this really unusual thing of binding themselves, in advance, to respecting the outcome, then I think we need a fairly hefty baseline in order to do that.

1485 Setting that baseline, setting that threshold, is an art, not a science. It is utterly subjective. There was a range of views inside SACC, some below 40%, some above 40%. We actually compromised on this, it felt and smelt about right. It is entirely a matter for Members of the States and I think you all know what you feel is right, so either vote for 50%, or vote for 40%.

We have decided on SACC that 40% is about right for us and that is what I will vote for.

1490

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1495 It will be a very brief speech. A speech that is briefer than a recorded vote on one of the guillotines, sir.

I make the point seriously, if some Members had shorter speeches, other Members could also make very brief speeches; rather than the frequent use of the guillotine.

1500 We are, all of us, immersed, steeped, at times even pickled in the political process. The community are not. We know they are not and we know, hence the discussions around setting any type of bar.

This is a crude interpretation of the amendment, but this is how it will be seen by the public, which is why we should not support it, which is: you set the bar so unreasonably high, you knew we were never going to get there.

1505 I think 40% is right. If you accept any amendment to increase that 40% by any margin, the community perception will be you have set the bar so high we could never get to that point.

So, please reject the amendment.

The Bailiff: Deputy Soulsby.

1510 **Deputy Soulsby:** Sir, I will be even briefer than Deputy Brehaut.

I disagree with him when he says 'setting the bar unreasonably high', when you consider in the general election we had a 72% turnout.

The Bailiff: I see no one else. Deputy Tooley will reply.

1515

Deputy Tooley: Thank you.

1520 Once again, I will be brief. We are not, as Deputy Yerby pointed out here, looking for a majority of the population to choose one option, but for a majority to have had their voices heard. We talk about offering choice. People will have the choice whether to vote in this referendum or not. They have that choice, starting right from now, because they are able to put themselves on the electoral roll.

1525 Those groups, or individuals, who have strong feeling about which way this referendum should go, have time and opportunity to encourage those who feel the same way to put their names on the electoral roll, get involved and have their voice heard. There are 10,500 households not on the electoral roll. That is more than enough to swing the debate, if people think that 50% is too high a number to reach. Deputy Queripel spoke at length about dispensing altogether with the

threshold. I am sorry, I just cannot agree with that idea. Deputy Roffey is right. That would ask us to set aside all our own opportunity to develop thought around this and so on, on the basis of what may turn out to be a very, very small turnout.

1530 If people are apathetic to the notion of change, then this is, in itself, a vote against change. If they are not, then they need to drive for that change. We all hear the voice of reason. It does not reason with all of us in quite the same way that it reasons with Deputy Queripel, clearly. This is not an attempt to de-rail Island-wide voting. I am not against Island-wide voting. This is an attempt to ensure that, when we make change, we do not have levelled against us the same things I heard
 1535 levelled when the decision was made, in this Assembly, without reference to the public, about changing the number of Deputies. Nobody had had a mandate for that. Nobody had, in their manifesto, going into the last term, a decision that we would drive down the number of Deputies in the States, but the States made the decision to do it, and there was criticism that that had been done without reference to the public.

1540 This referendum will be advisory, come what may. We are not seeking to move goalposts, by looking to increase the turnout thresholds to 50%. We are not setting the bar too high. We are merely setting the bar, with plenty of opportunity for those who are interested to work out how high they have to aim, how high they have to pick, what force they need to get behind their argument.

1545 Please, support the amendment, and vote to raise the threshold to 50%.

A Member: Recorded vote, please sir.

1550 **The Bailiff:** A recorded vote on Amendment 5, proposed by Deputy Tooley, seconded by Deputy Yerby.

There was a recorded vote.

Not carried – Pour 6, Contre 28, Ne vote pas 0, Absent 6

POUR

Deputy Hansmann
 Rouxel
 Deputy Graham
 Deputy Yerby
 Deputy Langlois
 Deputy Soulsby
 Deputy Tooley

CONTRE

Deputy Fallaize
 Deputy Inder
 Deputy Lowe
 Deputy Laurie Queripel
 Deputy Smithies
 Deputy Green
 Deputy Paint
 Deputy Dorey
 Deputy Le Tocq
 Deputy Brouard
 Deputy de Sausmarez
 Deputy Roffey
 Deputy Prow
 Deputy Oliver
 Deputy Ferbrache
 Deputy Kuttelwascher
 Deputy Tindall
 Deputy Brehaut
 Deputy Gollop
 Deputy Parkinson
 Deputy Lester Queripel
 Deputy Le Clerc
 Deputy Leadbeater
 Deputy Trott
 Deputy Le Pelley
 Deputy Merrett
 Deputy St Pier
 Deputy Stephens

NE VOTE PAS

None

ABSENT

Deputy Dudley Owen
 Deputy De Lisle
 Alderney Rep. Jean
 Alderney Rep. McKinley
 Deputy Mooney
 Deputy Meerveld

The Bailiff: On Amendment 5, there were 6 votes in favour and 28 against. I declare it lost.

We come to what may or may not be the final amendment, Amendment 6, to be proposed by Deputy Yerby and seconded by Deputy Merrett.

Amendment 6

To insert, at the end of Proposition 7, the following:

'save that, instead of the process set out in paragraph 13.7 of the Policy Letter:

(a) If no campaign group comes forward to be selected as the official campaign group for an option, there shall be no official campaign group for that option, and the Government shall not act as a surrogate campaign group;

(b) If there is no campaign group which meets the criteria adopted by the independent Appointment Panel for selection as an official campaign group for an option, there shall be no official campaign group for that option, and the Government shall not act as a surrogate campaign group; and

(c) The States' Assembly & Constitution Committee shall have principal responsibility for ensuring the provision of a set of impartial and comparable information on each of the options A to E (or, in the event that the States approves any other form of referendum, including a binary referendum, for each of the options in that referendum), which –

(i) it shall provide in such formats and publish in such manner as it believes will be most readily accessible to all eligible voters, and

(ii) may be further supplemented by the information provided by official campaign groups, but should, in its own right, be sufficient to enable voters to reach an informed decision on their preferred choice of option.'

Deputy Yerby read out the amendment.

1555 **Deputy Yerby:** Sir, the message of this amendment is essentially: do not inflate and do not conflate. Do not inflate the level of public support for an option if it does not exist in the community. If there are not enough people with the enthusiasm willing to come forward and form a campaign group for one of the options in this referendum, Government should not artificially prop-up that support by acting as a surrogate.

1560 Similarly, I think it is doubly vital that the Government should not take on that role, because that would conflate Government's role in providing neutral, baseline information that is comparable across all the options.

1565 Sir, we want people to be able to reach informed, measured decisions, on how they are going to vote in this referendum. For that, there needs to be a baseline of information that is available and comparable across the lot. It also, and I emphasise this, needs to be accessible to people who might, for example, have struggled to find their way through SACC's Policy Letter. It needs to be produced in a variety of formats that make it engaging and relevant to all those that we hope will vote.

1570 Deputy Merrett and I agree that there need to be rules for campaigning contained within the Policy Letter and so we are not challenging Proposition 7 itself, because these rules give clarity and certainty to the informal campaign that inevitably will happen. It needs to happen within some kind of structured framework.

1575 However, we believe those Rules require slight amendment. We think it is absolutely vital it is clear that SACC has a role to play in providing standardised information that everybody can tap into and that SACC's impartiality in that process is not jeopardised by either they or another part of the Government acting as a surrogate and propping the campaign that is not being done by the community on behalf of one or more of the options.

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

1580

Deputy Merrett: I do, sir.

The Bailiff: Deputy Tindall.

1585 **Deputy Tindall:** Yes, sir.

I would like to ask for an explanation or, if we are actually going to be able to vote on (a), (b) or (c), because, actually, I do not like (a) and (b), but I quite like (c) and I do not think I can do a vote on that.

1590 Perhaps the President of SACC could confirm: I was just quickly referring back to the Policy Letter to try and understand precisely what sort of information SACC would be coming out with, or is it completely reliant on the campaign groups? I would appreciate some clarity on that.

Thank you, sir.

The Bailiff: Deputy Prow.

1595

Deputy Prow: Thank you, sir.

I will be very brief. Deputy Yerby has raised a good point about inflating an unpopular option. If that is the case, the public might very well ask why the option appeared on the ballot list in the first place.

1600 Thank you, sir.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Sir, this makes absolute sense, thank you, sir.

1605 Apart from anything else, I am worried about being recruited to support an option and campaign for an option that I am not very keen on. Certainly, I think that cost-wise, if the Government ends up as some sort of surrogate campaign group, that would be a huge detriment.

1610 I think we have to leave it to provide the right information for people and, certainly, as far as Members of the Assembly are concerned, and the Government as a whole, I think we need to be free to be able to support whatever options we see available. That does not mean an option should not be on the list for the public, but it does mean that, if people feel strongly enough about that, they need to form a campaign group and to indicate that by their determination in this opportunity.

It makes absolute sense to me and I am going to support it.

1615

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I have two questions.

The first is in relation to paragraph (b) which reads:

If there is no campaign group which meets the criteria adopted by the independent Appointment Panel for selection as an official campaign group for an option, there shall be no official campaign group for that option, and the Government shall not act as a surrogate campaign group ...

1620 What does the proposer of this amendment mean by Government? We do not have a government in the traditional sense. The Government is the 40 Members of this Assembly. So, is she suggesting that all 40 Members of this Assembly should not express an opinion, in the absence of a campaign group coming forward? It appears, on the face of it, to be nonsense.

1625 I would also like her to explain what is meant by 'impartial' in (c) and how and earth she can possibly expect the States' Assembly and Constitution Committee to be impartial, when I am led to believe that we have the number of options because they could not reach consensus themselves – aha, I see Deputy Roffey shaking his head; I look forward to his response – because they understandably hold strong personal views on this important matter.

My advice to the States: throw this out, sir.

1630

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1635 Let me rebut Deputy Trott's incorrect assertion that the proposed five options of the Committee have anything to do with the Committee not being able to reach agreement. The Committed did not try to reach agreement, because it considered, first, what shape the referendum should take and decided, after considering all of the issues, that the most important thing was to maximise voters' choice and therefore to propose a referendum in which there would be five options.

1640 It had nothing to do with the Committee being unable to decide, itself, between the five options.

1645 So, I think, I essentially share Deputy Tindall's view in that there is a great deal of merit in part (c) of this amendment. The Committee's sense is that this would be done anyway, because the Committee is already committed to ensuring that there is information objectively presented about the five options, but part (c) of this amendment expresses that need quite elegantly and puts it beyond doubt and I cannot see any reason to be particularly objecting to part (c).

The problem with parts (a) and (b), in contrast to the incorrect assertions made in the second part of Deputy Trott's speech about the Committee ...

I will give way.

1650

Deputy Trott: The reason I made those comments is, as the chairman of SACC will know, journalists attend regularly at the open meetings of SACC. It is the view expressed to me by journalists that what they have found so interesting is just how little agreement there has been among SACC's members, because of the strong views that they hold, and therefore the impartiality that they find difficult expressing.

1655

Deputy Fallaize: Sir, I have been around long enough to know exactly what Deputy Trott is up to! *(Laughter)*

1660 This is a pre-emptive strike, ahead of general debate, to try and throw out the multi-option referendum and instead go with the single-option referendum, but he is not going to fool me. I do not know who the journalist is, but if he wants to introduce me to the journalist after this debate, then I will speak to the journalist and I can tell him that what he says is completely inaccurate.

1665 The Committee did have some discussion over whether there should be four options or five options on the ballot paper, but at no time did the Committee try to reach any kind of agreement about which of the five options was best. The Committee was committed to having options on the ballot paper and has steadfastly – with Deputy Roffey, just occasionally, breaking the party line, stuck to the view that, at this stage, it is not going to make any comment in support or against any of the five options, because it wants all of the five options to appear on the ballot paper and it does not want to create a perception of partiality between them.

1670

1675 But to get back to the good point that was buried amongst a lot of nonsense in Deputy Trott's speech, he said, what is the Government, in relation to part (a) and part (b) of this amendment? That is a perfectly good question. The answer to it, which the States' Review Committee discovered and was set out in its Policy Letters, was Guernsey does not have a government in the conventional sense. It has a parliament, which also has governmental functions. There is no distinction between the parliament and the government in Guernsey's system. That is unusual, but it is, I think, a matter of record.

1680 So, this is the Committee's concern, with parts (a) and (b) of the amendment. The Committee is well aware of States' Members, both inside and outside the Committee, who would be only too willing to take up leading, making the case for any or all of these five options.

1685 But, if the States vote in favour of this amendment, parts (a) and (b) of it, at least, is the States saying that cannot possibly happen, that nobody in the Government would be permitted to assume the role of leading any of the campaign groups? I think that would be very unwise. I think it is quite possible, if the idea of campaign groups is accepted in principle, that one or more of them will be led by States' Members, because it is very often States' Members who feel most strongly about either retaining the present electoral system or changing it.

1690 So, that is one reason, I think, to vote against, certainly, parts (a) and (b) of the amendment. The other reason is that Deputy Yerby says she does not want the Government to act as a surrogate campaign group. It is a fair point, in a sense, but the Proposition, which she is trying to amend or add words to, asks for support for campaign groups along the lines set out in a series of paragraphs. It does not seek for the permission of the States for any prescriptive proposal.

1695 The way in which the Government would do it; what we are really saying is the Government should ensure that there are campaign groups. But the way in which the Government does it is not set out. We are not being prescriptive at this stage, in the Proposition.

1700 It may be that – I am using the term the Government, having said the Government does not exist in a conventional sense; but I am talking about the States – the States, through the Committee, makes additional effort to ensure that there are campaign groups, rather than just saying we invite campaign groups to come forward and then, if one or two options do not have a campaign group, saying, okay, that is the end of it, that option does not have a campaign group. Perhaps the States, through the Committee, will then have to try to find other ways of encouraging people, whether from this States or outside the States, to come forward and lead one or more of the campaign groups.

1705 This amendment is really very prescriptive and would tie the States and would tie the hands of the Committee and mean that the Committee was unable to do that.

I understand the principle behind Deputy Yerby's (a) and (b); the Committee has retained its impartiality, up to this point, on all of these five options.

1710 That, in a sense, tells the States the Committee understands Deputy Yerby's concerns, but we think the amendment would be too prescriptive, certainly parts (a) and (b), although (c) is not objected to, sir. If we were voting on this amendment separately, the Committee would be quite relaxed about the States voting in favour of (c), but, on balance, asks the States to vote against (a) and (b); but we take on board all of the points that Deputy Yerby has made and we will ensure that the process followed, in appointing any of the campaign groups, is appropriate and does not bring the States or any Member of the States into disrepute.

1715 Thank you, sir.

The Bailiff: Deputy Roffey.

1720 **Deputy Roffey:** Sir, we are approaching lunch time and I think we are arguing about how many angels can dance on the head of a pin. It would be quite neat, would it not, to get all of these amendments done by lunch and get onto the general debate this afternoon?

1725 I think we are in danger of getting hung up on the definition of the word Government. It is not an easy one to define, actually, but I am not going to go into that in any depth. Actually, if Deputy Yerby can guarantee to me that, by that, she does not mean individual Deputies, then this issue will not arise, because there will not be a shortage of a campaign group for any of these five options, assuming we do the sensible thing and go for Proposition 2 this afternoon.

I am aware of Deputies willing to take the lead, as individuals, not as a part of the States, in each of these five; Island-wide voting, 38 in one day; for rolling elections; for larger constituencies and for, I imagine, we have got –

1730 **The Bailiff:** Deputy Yerby.

Deputy Yerby: I am sorry, I was not expecting Deputy Roffey to give way immediately.

1735 He asked for an assurance from me and I rise to give it. The wording in paragraph 13.7 of SACC's own Policy Letter is 'the Government shall act as a surrogate', implying an officially sanctioned, Government role; in contrast to that in paragraph 13.5, which talks about the formation of official campaign groups and makes it quite clear that individual Deputies or former Deputies, as well as members of the public, can form these.

1740 My interpretation is very much that paragraph 13.5 would stand, but not official Government-put-together campaign group would be allowed to be formed in the event that individual Deputies did not come forward through the official campaign group process.

Deputy Roffey: Some Deputies who have put forward amendments clearly have read our Policy Letter! (*Laughter*) Even SACC is not perfect and I think that we have probably been guilty of using wrong terminology in that respect.

1745 I quite agree that it would be wrong for the Government, with all the apparatus behind it, with the civil service able to draft things and everything to act as a campaign group for anyone one of these options. But, so long as the Deputies – hopefully there will be people more articulate and intelligent than the Members of this Assembly who will take up the mantle or five – are, if by default, able to do that as individuals, then I am absolutely positive that actually the problem that this engages will not arise. Because, I know there are individual Deputies willing to lead all five of those particular options.

1750 Given that guarantee, even though Deputy Fallaize was quite right that we were opposed to this amendment, because of our concerns; I think we can actually just vote in favour of it, knowing that it does not bind individual Deputies.

1755 Deputy Fallaize may disagree with me, but that is my view.

The Bailiff: Deputy Inder.

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

1760

The Bailiff: Right, then.

Those who have not spoken and wish to do so, please stand in your places. Deputy Merrett and Deputy Gollop.

Do you still wish to proceed?

1765

Deputy Inder: Yes, sir.

The Bailiff: In that case, I put to you that debate be closed.

Those in favour; those against.

1770

Some Members voted Pour; others voted Contre.

The Bailiff: In my view, that is carried.

So, Deputy Yerby will reply to the debate.

1775

Deputy Yerby: Sir, in answer to Deputy Tindall's question, you will correct me if I am wrong, I believe; it is your decision whether parts (a) to (c) can be voted on separately or together.

1780 **The Bailiff:** It is a single amendment. The amendment will go in. If the amendment is approved and it becomes a Proposition, there may then be an opportunity at the end of the debate to vote against separate parts of it.

But, it is a single amendment. So, Members either vote for the amendment or they vote against the amendment. As I say, if it is carried and is incorporated in the Propositions, then it could be split at that point.

1785 **Deputy Yerby:** Thank you, sir.

The other question asked by Deputy Tindall was about the information provided by SACC. Deputy Fallaize has indicated that SACC, already, intended to provide a baseline book, but welcomes the direction to provide it more specifically.

1790 The other questions, really, were raised by Deputy Trott and have been dealt with in the course of the debate. I am sorry that, after more than a decade in the States, he has to ask for the definitions of Government and impartial (*Laughter and applause*) –

The Bailiff: Deputy Yerby is not giving way to you.

1795 **Deputy Trott:** It is a point of correction, sir.

The Bailiff: In that case, you wait to be called.

Deputy Trott! (*Laughter*)

1800 **Deputy Trott:** Do you know, sir, I sense that may have been goaded by a junior Member of the States!

I shall sit down! (*Laughter*)

The Bailiff: Deputy Yerby.

1805

Deputy Yerby: Similarly, I think Deputy Fallaize, with his five-option referendum is the last person to worry about a States' Resolution being too prescriptive.

Bearing all that in mind, I would ask Members to support to the amendment.

1810 **Deputy Lester Queripel:** Recorded vote, please sir.

The Bailiff: A recorded vote on Amendment 6, proposed by Deputy Yerby, seconded by Deputy Merrett.

There was a recorded vote.

Carried – Pour 28, Contre 10, Ne vote pas 0, Absent 2

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Green
Deputy Le Tocq
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater

CONTRE

Deputy Smithies
Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Prow
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Tindall
Deputy Trott

NE VOTE PAS

None

ABSENT

Deputy Dudley Owen
Deputy De Lisle

Deputy Mooney
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld

1815 **The Bailiff:** The voting on Amendment 6, proposed by Deputy Yerby, seconded by Deputy Merrett: there were 28 votes in favour and 10 against. I declare it carried.
We will rise and resume at 2.30 p.m. with general debate.

*The Assembly adjourned at 12.32 p.m.
and resumed its sitting at 2.30 p.m.*

**Referendum on Guernsey's voting system –
Debate continued**

The Bailiff: We move into general debate and I will call, first, Deputy Parkinson.

1820

Deputy Parkinson: Thank you, sir.

I think it is worth rehearsing, briefly, some of the recent history of the debates on Island-wide voting. I realise they go back many, many years, but I want to take us back to the Wilkie requête in late 2015, which proposed that seven Members be elected on an Island-wide basis. When that came to be debated in this Assembly, former Deputy Peter Gillson laid an amendment to say that all 38 Deputies should be elected on an Island-wide basis and that was successful. That was further amended by Deputy Fallaize, who made the approval of an Island-wide election for 38 Deputies subject to approval in a referendum.

1825

That gave SACC the job of coming to the Assembly, which they are doing now, with proposals to implement the February 2016 Resolutions. Now, I think they have gone well beyond their instructions; although not outside their mandate. I think Deputy Fallaize admits as much, by including a whole load of other options in their proposed Proposition 2.

1830

Deputy Green and Graham, this morning, of course, their second amendment puts a hybrid voting system back on the agenda with, this time, 10 Island-wide Deputies on the list of options, instead of former Deputy Wilkie's original seven. But, to an extent, we have come full circle, subject only now to that being the option that the Island actually chooses in a referendum over the others that are on the table.

1835

As someone who supported the original Wilkie requête, and who regarded the Gillson amendment as a wrecking amendment, I have to be pleased with this latest turn of events. I say a wrecking amendment, because I do not believe that former Deputy Gillson thought that election of 38 Deputies on an Island-wide basis was workable. I think that was evidenced by the fact that he proposed that that be the system for the election in 2020, with the option to revert to the *status quo ante* in 2024 if or, probably as he saw it, when the Island-wide election for 38 proved to be a disaster.

1840

But, pleased though I should be that we have got back to where I started, I do feel uneasy that the decision made in February 2016 has been undermined in this way. There is a case for a two-horse race, to simplify the decision and provide a clear result. Whatever SACC may say that the single transferable vote system solves this problem, I think that is rather naïve.

1845

It is quite likely that, in a multi-choice referendum, the winning option may only be the first choice of a relatively small minority of the voters; perhaps 25%, which is bound to undermine the legitimacy of the result. The winning option may simply be regarded as the least bad option.

1850

1855 Nevertheless, the multi-choice referendum does now put back on the agenda the option I prefer and I know that we are not supposed to decide this question on the basis of our own preferred options, but I cannot ignore this fact in my own thinking. I can easily rationalise a vote for a multi-choice referendum on the grounds that a wider choice of options may increase the voter turnout.

1860 I think this is only true up to a point and that too much choice could be off-putting for some electors. But I am happy that five choices should not fall into this trap. So, I have, on balance, decided to support the amended Proposition 2, but I admit that I would probably not have supported it, and supported instead Proposition 3A if the second Green/Graham amendment had not succeeded.

1865 My view is coloured by the fact that it puts the option I want back on the table and I am frankly admitting that. But I do not agree with Deputy Lester Queripel that those who support Proposition 3A are in any way at fault. I think that many Members will be uneasy about the sequence of events that have brought us to this position and those who want a clear-cut, two-horse race are fully entitled to hold that view.

My decision may be pragmatic and contrary to the principle that Government should be consistent, but I do intend to vote for the amended Proposition 2.

Thank you, sir.

1870

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

1875 I can again assure SACC that, not only did I read the Policy Letter, but I actually did quite extensive research. For the record, I do support Proposition 1. However, I do not support Proposition 2.

I repeat the point made in section 9.2 of the Policy Letter, there is no record of Guernsey ever having a referendum. I do not think, at all ... sorry! (*Laughter*) I will start again, sir!

1880 I do not at all accept that the multiple choice option is straight forward. I am still surprised SACC still continue to contend this. A lot has already been said about this. It is surely about what the electorate will make of it and their inclination to turn out?

1885 What will our public make of the concept of the complexity of the separability problem, the involved issues rightly raised by Deputy de Sausmarez, regarding the use of wording and implied bias, the intricacies of preferential and transferable voting, the first preference voting system and the elimination process, the need and cost of independent facilitators, the need and cost of campaign groups and what will happen if an option does not have such support, the 40% turnout clause?

1890 This is, in my view, a bridge too far for a jurisdiction that has never experienced a referendum. Let us have a simple and clear mandate from the people, which this Assembly will interpret and take forward. After all, that is our job.

Thank you, sir.

The Bailiff: Deputy Roffey.

1895 **Deputy Roffey:** Thank you, sir.

Yesterday morning, if you think back, I explained why I was not a great fan of referendums, because I was a huge fan of representative democracy; of people electing representatives to use their own judgement and to look into issues in far greater depth than the average member of the public would do.

1900 However, I can see the other side of the argument. I understand that a referendum can be seen as a hugely positive thing, because you find out what the general public actually think. This, as Deputy Prow has just said, is going to be Guernsey's first ever referendum. As one correspondent said to us all, 'It may be a splendid thing.'

1905 I hope it is. I hope it is a real exercise in democracy. But if we go for Proposition 3 or 3A, instead of Proposition 2, what will Guernsey's first ever referendum be saying to the people of Guernsey? 'If you want anything other than the *status quo* or Option A, do not bother to come along to this referendum'; or 'You can come along and vote if you like, but you will have to vote for an option you do not support.' What kind of splendid new world of democracy is that?

1910 We have heard a lot about simplicity, about things being simplistic. I think some of those arguments are being simplistic. We should not sacrifice a genuine gauging of public opinion in order to be simplistic.

1915 Deputy Lowe put her finger on it this morning and I hope she is going to vote in accordance to her comments. She said it is not about what we think, it is about what people think out there. Not everybody out there is thinking 'I want the *status quo*' or 'I want Option A'. There are a lot of people saying, 'I want the Deputy Green approach', or 'I want super-constituencies', or 'I want rolling elections'.

1920 You may think that they are bonkers, but there are a lot of people out there who think that and yet, we are going to hold a referendum and say, 'We do not want to hear from you. We do not want you to have the opportunity to come along and vote for that.' We are going ... well, we might go, I hope we are not going to be saying, 'You can only vote for these two options'. Actually, a big tranche of Islanders says: 'A plague on both those options, we do not think either of them are right.' – not very democratic at all.

1925 We have heard people say that the original Option C, and indeed the new Option C, and Option D are not really Island-wide voting. No, of course they are not. They are not pretending to be. This Policy Letter is not entitled Referendum on Island-Wide Voting. It is a referendum on the electoral system. So it has moved on from the vote on the Deputy Peter Gillson amendment; just as his overturned the previous decision that asked SACC to look at a whole range of options, including super-constituencies. Was that a Deputy Green amendment? I am not sure, I think it might have been.

1930 It fulfils the Resolution of this Assembly, and we would be at fault if we did not. In no way does it limit us to just consider that.

Now, some people are saying some of these options on here involve rolling elections – only one now, I think Option E, would involve rolling elections – and that would be a disaster. But, first of all, as Deputy Lowe says, it is not about what you think, it is about what people out there think.

1935 I actually do not think that would be a disaster. All this bunkum about how it would make unstable committees, I do not like to do this business about the good old days, but think back to when we used to have annual elections for committees, one third every year, because we had a three-year cycle. We had committees of seven and two people came off every year; nearly always at least one was returned. So, you had six existing members and one new one joining it. I think our committees were a heck of a lot more stable then and rolling on with the vast majority of people in place; unless they were doing a thoroughly bad job, in which case we could change them, but by and large they continued. So, having rolling elections will not undermine committees.

1945 As for transferable votes being too complicated, how stupid do we think Guernsey people are? It is not just at national level, thousands of organisations, made up of very ordinary people, use the system of preference voting, week-in, week-out. Here are five options, which is your favourite, which is your second favourite, down to a maximum of five? That is going to flummox people, is it not? Absolutely! They are going to stay at home because they do not know what to do!

1950 They are far more likely to stay at home if you say, 'These are the two options you can choose from, neither of which you particularly want.'

If you really want a low turnout, restrict the choice. That is what you are going to get. You are going to get a low turnout if you restrict the choice.

So, please, let us not have that argument. It is slightly more complicated for the people doing the count, but those people doing the count will be well-versed in how to do it and will be well-

1955 drilled and will know exactly what they are doing. But, for the average punter, going into the polling booth, it is actually straight forward.

For people who are really pushing Option A as the only real option, saying that is great, people will have no problems perming 38 out of 85 candidates, but, blimey, they are going to be flummoxed if they are asked to rank five options. Where on earth is the logic in that?

1960 Sir, the arguments in favour of Proposition 3 or 3A really smack of people wanting to put their preconceptions to the people of Guernsey and having them validated or not. That is what we are saying, we think the two options are what we do now or having everybody elected in one go, 38 on one day. You choose between them, because we think those are the only two options. They are not.

1965 Most referendums lend themselves to a binary choice. The UK was either going to be in the EU or out of it. Now, the trade terms and the freedom of the people are another thing, but the central decision was in the EU or out of it. Scotland was either going to be out of the UK or still in it. How you elect your politicians is not a binary choice. In fact, I apologise that, for practical reasons, we can only offer a spread of five, but there has to be a compromise between choice and pragmatism and that is what we are looking to do.

1970 To narrow it down to two, what do you say to your electorate who do not want the *status quo*, who feel it ought to change, but do not believe in electing 38 people? Are you telling them not to take part in the referendum? Sorry, are Members telling them not to take part in the referendum? Or are Members saying, 'Come along and vote for your least bad option out of these two, even though you are dead against both of them.'

1975 It is nonsensical. It is putting simplistic approach over fairness, over choice, over genuine listening to the people.

I believe that, if this referendum is to have any meaning at all – what is the point of a referendum? – it is to find out what the people think. Just putting a narrow option that lots of people do not think either of will not do that in any way, shape or form. I predict something: whatever the outcome of a simple choice between two extreme options, it will not put this issue to bed. If the *status quo* wins, even though people will have positively voted for the *status quo*, we will be told, 'Yes, but they only did that because the only other option they were allowed to vote for was one that many people see as impractical.'

1985 I give way to Deputy Brouard.

Deputy Brouard: Thank you very much, Deputy Roffey.

I just thought: a nonsensical amendment, which is 3A, why did you put it in? (*Laughter*)

1990 **Deputy Roffey:** For the very simple reason that we are aware that some Members wanted a straight forward choice and, after they have decided, if they decide, very unwisely, to reject a proper referendum, giving proper choice to the people of Guernsey, then that is the next choice that they have to take.

1995 I have to say, I do not know that, if Proposition 2 fails, I am going to vote for Proposition 3/3A. I think it is right to offer it, but I think it is going to be such a nonsensical outcome, I go back to where I was before I was interrupted. If the answer comes back 'no' – it will not be a 'no' now, because it is not yes or no – if the vote comes back *status quo*, I predict it will be about four nanoseconds before somebody says, 'They voted for the *status quo*, but they did not really want it, it is just that they can see that electing 38 people all in one go, out of a slate of 90, did not make any sense, so out of the two bad options, they had to vote for that one.'

2000 So, instead of going on, putting this behind us, talking about education, talking about health care, talking about waste disposal – maybe that is almost as bad, actually – talking about medium-term fiscal plan, we will be going around and around in circles talking about this. Or Option A will win, in which case I think, actually, I am supposed to be neutral, within one or two elections it will be such a dog's breakfast, it will be back on the floor of this Assembly.

2005

Sir, if we are going to have a referendum, if we are not going to use our own judgement and ask the people of the Island to judge, let them do so with an open mind. Do not tell them what to think. Do not tell them you have to think or you have to think that, there is no other thought that can be in your head. That is no sort of referendum at all.

2010

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

2015

It seems a long time ago, now, but I voted for the Tindall/Meerveld amendment, partly because I wished to see a two-option choice; a binary choice. Similarly, I prefer a binary choice between the voting methods. I prefer first past the post. It may be not perfect, as is shown in paragraph 6.3, but I believe the proposed alternative vote method to be deficient. Not, I emphasise, because it implies the electorate are not capable of voting using this method; there is nothing easier than putting one, two, three, four, five. But because the method itself can lead to anomalies and compromised results.

2020

At the risk of incurring the disapproval of those Members whose forte lies in words, rather than numbers, and I like both, I have two examples: one linguistic and the other one numerical – but it is very easy arithmetic.

2025

Example A: when Port Arthur and Fort William and two smaller communities in Ontario amalgamated, a few years ago, it was agreed to choose a new name for the city, by holding a ballot. The choice of names, by a process of elimination, using alternative vote, led to a final ballot between Thunder Bay, Lake Head and believe it or not, The Lake Head. The votes cast were, and this is rounded: Thunder Bay, 15,500; Lake Head, 15,000; The Lake Head, 8,000. So, Thunder Bay it was; although Lake Head and The Lake Head are almost synonymous and registered 7,500 votes more.

2030

Now, we are not faced with such a choice; or are we? Options B, C and D, seem very similar and A and E have common points ...

I give way.

2035

Deputy Roffey: Thank you.

I thought Deputy Smithies said it was done using the alternative vote. So, if that was the result in the first round, can he illuminate us what happened when the bottom one dropped out and the votes were redistributed?

2040

Deputy Smithies: I can only report to you what I have researched on the internet and there are, of course, different methods of applying the alternative vote.

So, going back to the options we had before us: B, C and D are very similar, A and E have many common points.

2045

Let me explore example B – not Option B – to illustrate the more specific danger of using alternative vote. This one is specific.

Imagine a five-way choice and let us call it, for the sake of argument, Options A-E. Deputy Parkinson has already summarised this, but I am going to elaborate a little bit on it. The percentage split in round one is A, 31%; B, 29%; C, 20%, D, 15%; E, 5%. So, A is just ahead of B and C is a poor third.

2050

Round two: E is eliminated and the 5% of the votes that were allocated to it are now redistributed. As it happens, A is still 31%, B is still 29%, but C has accumulated all the votes which went to E and is now at 25%. D is at 15%. C is still third. Now, D is eliminated.

2055

So, for round three, I think you can probably see where this is going. After round three, A gets 31%, B, 29%, C, 40%. Now, if the threshold is 40%, C has now won. If it is 50%, we have to go to another round, but I will not bore you with that –

Deputy Fallaize: Sir, point of correction.

The Bailiff: Deputy Fallaize.

2060 **Deputy Fallaize:** Thank you, sir!

A Member: They are your Rules! (*Laughter and applause*)

2065 **Deputy Fallaize:** Deputy Smithies said, 'If the 40% threshold had been met', implying that the proposal is that each or any of the options has to receive 40%. Actually, that is not the proposal. The proposal is that the results would be binding on the States if 40% of those people inscribed on the electoral roll have voted and have voted for any of the five options.

2070 **Deputy Smithies:** Yes, I appreciate that. This was not the example I was giving, actually. I was not talking about turnout, what I was talking about was the threshold at which you reach a decision. Now, we could say it is 50%, so I will then go on to the next round of voting and the votes given to Option B, which were, to remind you A got 31%, B got 29%, C got 40%, we go to another round, eliminating B, allocating the votes from B, C now receives over 50% and is the clear winner.

2075 Now we have C winning, in spite of being a poor third in the first round and A being the first past the post winner in round one. That is why I prefer a binary choice – the form of words to be approved, by Deputy de Sausmarez or by the Electoral Reform Group or whoever, over all the other options offered.

2080 I will vote against Propositions 2 and 3 and, for 3A, if the first two fail, which I do not think they will, but therefore I will finish up voting Contre again.

The Bailiff: Deputy Inder.

2085 **Deputy Inder:** Thank you, sir. Apart from my usual irritable interjections, I have said very little on any of the amendments and proposals over the last couple of days. In fact, I think it was after Deputy Fallaize's 42nd speech, I turned around to him and told him I had lost the will to live.

2090 To be fair, though, to everyone in the Assembly, it has been a very good and informative debate, so I thank everyone for that. What has been missing, though, through this whole debate, is how a change in our voting system, whatever the end result may be, will improve the representation, the decision-making of this Assembly, the lives of Islanders, even the choice of candidates and maybe, even, the speeding up of business.

I genuinely think something has been missed there, possibly there has been an element of navel-gazing.

2095 I could have picked through any of the proposals and options that were laid by SACC, but I just did not want to add to any more of the arguments about the futility of my own existence.

In my view, neither hard Island-wide voting or variations south of that are going to improve anything for the people that we claim, which is normally about four weeks before an election, to represent.

2100 Will any variation of Island-wide voting improve air links or sea links? Would a form of Island-wide voting suddenly deliver a functioning disability strategy, efficiencies in Government or even, heaven forbid, growth to the economy, or improve social policy? I genuinely do not think it will.

2105 But, next week, we will be debating another 24 amendments to our Policy & Resource Plan and, I must admit, I am expecting a bit of a spanking over the Sports Strategy. If you can give it, you have got to be able to take it, so there we go!

It is fascinating, though, that in one of Deputy Fallaize's speeches, in response to the Deputy Tindall and Meerveld amendment, I think it was, and I think he said it was a 'lazy' amendment. Well, I nearly choked, thinking of what we have ahead of us next week.

2110 Not only are many of the amendments to the Policy and Resource Plan lazy, there has been no communication with the Committees, as far as I am aware, no explanatory notes, some that give direction to Policy & Resources are actually quite dangerous – and I mean dangerous – sending the wrong message to the most successful part of our economy, that being the financial industry.

We will get to a point today, sir, and right now I am likely to vote for, I believe it is Proposition 2, the one which is the multi-choice proposal with the amendment.

2115 As I offered in the public presentation to SACC, with the agreement of our Committee, in Education, Sport & Culture, I am hoping we can work with SACC to ensure the lessons in democracy, the drive to get our young voters out and engaged through our schools, will add to a successful referendum.

Thank you, sir.

2120

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

2125 I am somewhat in need of clarification and elaboration on a couple of points from Deputy Fallaize, please – the first being the legislation itself. Proposition 10 reads as follows:

'To direct the preparation of such legislation, based on the provisions of the attached Policy Letter, as shall be necessary to hold the referendum.'

And paragraph 9.3 on page 13 tells us that the States will be free to debate and amend the legislation before the approved Law is sent for royal sanction.

2130 I intend voting against several of these Propositions, although I will be voting in favour of Island-wide voting. If the majority of the States votes against a Proposition and that Proposition falls away, will we then be complying with Proposition 10, because some of the provisions, surely, will have fallen away?

I appreciate, sir, I might be getting my provisions and my Propositions mixed up, which is why I am seeking clarification on that point.

2135 At this stage, I ask for a certain amount of latitude please, because, I am afraid sir, I am going to have to repeat something I said this morning.

The Bailiff: As long as you are not tedious in doing so! *(Laughter)*

2140 **Deputy Lester Queripel:** There will be a little bit of repetition, sir, but hopefully it will not be tedious.

I will be voting against Propositions 4, 5 and 6 as I believe it will be a big mistake to bind ourselves to any kind of threshold, let alone a threshold of 40%. The reason I say that is because of what I said in a speech this morning, when I spoke against the amendment laid by Deputy Tooley and Deputy Yerby.

2145 If we set a 40% threshold and the turnout is less than that threshold, SACC will then have to go away and do a lot more work compiling a Policy Letter which sets out even more recommendations, and the States will then have to debate that Policy Letter. Even more staff resource and time will be taken up and a whole lot more time taken up by this Assembly in that debate.

2150 I believe we can accelerate the proceedings by not committing to a threshold in the first place, so I urge my colleagues to also vote against Propositions 4, 5 and 6.

2155 Just to pick up on the issue of SACC providing the electorate with a comprehensive explanation of all the options that are on offer, I recently sent an email to all the Members of SACC setting out eight different ways in which I felt they could relay that vital information to the electorate. I am sure, sir, I was not suggesting anything they had not already thought of, I am sure I was not suggesting anything new, but one of my suggestions was for a leaflet drop into the

letter box of everyone on the electoral roll; because that, to me, seems the most effective way in which ...

I give way to Deputy de Sausmarez.

2160

Deputy de Sausmarez: Thank you, sir.

I just wanted to find out from Deputy Queripel whether he thought that letter drop should be in colour or not.

2165

Deputy Lester Queripel: I would like it to be in colour, sir, because I am a colourful person, but I always think we should think of the taxpayers' money. I think it could be, perhaps, two-tone, black and white or various shades of grey. I would not suggest it to be an expensive leaflet drop.

2170

It just seems to me that would be the most effective way to relay a comprehensive explanation of all the options on offer to the electorate and I wonder if Deputy Fallaize and his Committee also feel that that is a good idea to pursue. I would like to hear his views on that, when he responds, please.

2175

Just a comment on the issue of the electorate having too many manifestos to read, leading up to a general election. I have been on three campaign trails, 2008, 2012 and 2016, knocked on hundreds of doors, had hundreds of doorstep conversations with members of the electorate and the vast majority of people I spoke to, even right up until the night before the election, had not even read the manifestos. They said they were going to read them all on that night and make up their minds who they were going to vote for.

2180

I am sure my colleagues will recall there were 14 candidates for six seats in St Peter Port North in 2016. That meant that the majority of voters in St Peter Port North were willing to read 14 manifestos in one night. Bearing in mind that they were prepared to do that, surely, they would have no problem reading anything up to 100 manifestos on a five or six-week period, leading up to a general election?

2185

Just on the issue of hustings, bearing in mind that 2,639 people turned out to vote in St Peter Port North and only 300 or so turned up to the hustings, surely, we should not place that much importance on the need to stage hustings, due to the fact that so few people actually attend them?

2190

In closing, sir, I would like to commend Deputy Fallaize, his Committee and staff, for providing us such a comprehensive Policy Letter. I certainly did not expect him to provide us with so much information, but I am certainly glad that he did.

2195

They have obviously put a lot of effort, a lot of thought and a lot of time into this whole issue, which is reflected in this Policy Letter for us today. In fact, sir, I would not be at all surprised if Deputy Fallaize said that they have all had to work 100 hours a week to get to this stage.

Thank you, sir.

2195

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

2200

I think what we have now ended up with, with the five choices, is that we do have a real, genuine choice, a real range of options. We have seven constituencies, four constituencies, a mix of Island-wide and district constituencies, Island-wide with 12-13 votes, a third elected every two years, just like the American senate, and all 38 Island-wide on one election.

2205

That is a real, genuine choice for people. Far better than giving them the two extremes, either end.

2205

I think we can empower the people to really make that choice and we know from that public consultation that happened earlier that there is a genuine range of views of people and it is quite evenly split on the two that came out highest. So, this will give an idea for people to make a choice.

2210 But what is important is, if there is not one that comes out, we can look at their second choices. Because, you could easily see that somebody who wanted the seven districts, their second choice might be the four districts and, for example, somebody who might want the full Island-wide with 38 one day, their second choice might be the Island-wide with 12 or 13.

Either of those combinations might go over 50%, but on its own, the choice might be quite different of those four options. So, I think it is really important that we have this system of voting, so we can look beyond their first choice.

2215 I think that, if we just give people two choices, there is a real chance that people will just not participate, because they say their choice is not there, which would be a waste of money, there would be continued criticism and we will not hit the 40% participation rate. So, there will be no definite result and people will lose confidence.

This is really important, that we give people the choice in this first referendum.

2220 If people do participate, of course they need to understand the options and that is part of what having the campaign groups are. It is to enable them to fully explain and to champion their particular option, so that people understand what choices they have. But it is also important, the campaign groups, for controlling the cost. We, as an Island, have always had controls on expenditure at elections. We saw in a campaign leading up to one of our debates that there were
2225 full-page adverts in the *Press* every day, leading up to it, and that influenced people. It is important that we do not allow somebody to effectively buy a result. Even if there were only two options, but hopefully you are going to vote for the five, it is important that we have campaign groups. That will enable us to control costs, so somebody cannot buy an option.

I encourage you all to support Proposition 2, which I think is the right way forward. It gives
2230 people a genuine choice and, hopefully, people will participate, we will hit the 40% and, by having those Propositions 4, 5 and 6, we have informed people what we would do as a parliament. If we do not have that, what happens if there is a low percentage, like in Jersey? They had this debate afterwards and people criticised the result and then they take no action and people lose confidence in it. It is important that we commit to taking notice of the result if people participate
2235 and to put a limit in.

It is a contract between us and the public of Guernsey. If you participate at this rate, we will than take action on the result. If not, there will be a debate and we have to decide what we do. It is quite clear that is what would happen; but that is not clear, because we do not know what we would do in that situation.

2240 The most important thing is people participate. I believe people will participate if they have their preferred option on the list and we get a good result and we can stop these 40 years of debating on our system of elections and we have a genuine result from the public and people cannot come to this Assembly, saying, 'I know what the public's view is,' which has always happened in the past. We will have a genuine document, which tells us what the public view is. So,
2245 please, support Proposition 2.

Thank you.

The Bailiff: Deputy Brehaut.

2250 **Deputy Brehaut:** Thank you, sir.

I remember the election night in St Peter Port South particularly well. When the result came through, the people of St Peter Port carried me through the high street, high on their shoulders, it was incredible! Why they then threw me in the harbour, I have got no idea. It must have been the mood at the time! (*Laughter*)

2255 Deputy de Sausmarez will accuse me of not reaching a conclusion, so I want to be clear that I want to agree to proceed with holding a referendum and I want to give people the options, rather than give them that other binary choice that people are alluding to.

I started this, again, with St Peter Port South, because, after the election before last, on the top bench, you had Deputy Peter Harwood, St Peter Port South, Allister Langlois, St Peter Port South,

2260 Roger Domaille, St Peter Port South, Rob Jones, Scrutiny, was St Peter Port South, later on I was to become Deputy Environment Minister, St Peter Port South. People were saying, what is it that these people from a small constituency ... they are not elected with big numbers, why have they got into these roles?

In fairness to those who had that point of view, it is a numbers game. Elections are a numbers game.

2265 Yes?

Deputy Kuttelwascher: I am sorry you have left me out. Deputy Treasury Minister, St Peter Port South! (*Laughter*)

2270

Deputy Brehaut: Yes. You have made such an impression with fiscal policy, the mark you made on the political landscape and the economy is indelible.

I will give way, because I am in that sort of mood.

2275 **Deputy Kuttelwascher:** Maybe that is why I was re-elected with a higher vote and a higher percentage.

Several Members: Ahh!

2280 **Deputy Brehaut:** And you have exactly made the point for me, thank you so much. It is a numbers game, is it not? I have got more votes than you, what are you doing in that position? It is a numbers game.

The way that you get, I will take my voice down a bit, I think, that you achieve the numbers, as I said earlier, is in the larger constituencies and I think that is the best way forward.

2285 We get this argument every time. It was more prevalent in previous Assemblies, with this 'give the people what they want, they want Island-wide voting'. People have had political careers sustained on that argument. People have been returned to this Assembly for decades, saying, 'I want Island-wide voting; give people Island-wide voting.' Then, you ask the question: what sort of Island-wide voting do you want? 'I do not care, I do not know. You give the people Island-wide voting.'

2290

So, do not castigate Deputy Fallaize and SACC too much – 'Why not?', says Deputy Ferbrache! (*Laughter*) – for coming back within a relatively short timeframe Deputy Fallaize and delivering something that potentially works very well.

2295 Now, just imagine the bizarre situation you are faced, with a binary choice. Very much the first Island-wide election ever. That is the ballot paper from the previous election with every candidate's name on it. I think an Island-wide election for the first-time would generate much more interest than that. Bearing in mind, as Deputy Lester Queripel said earlier, that people, when they are given the choice of 12 candidates, use four votes, maybe five votes, that you give them to choose 38 and you have got to keep count. We know people will not choose 38. We know people will choose fewer than that and why will it work and why do some people support this Island-wide voting? Because it favours the incumbent, it favours the person who is currently elected and has a role within Government.

2300

If we reflect on what Roy Bisson's ... I think he sent it to all States' Members, which was the Conseillers' election in 1997, it was simple when you read across. Sitting Members got the parish vote and then they picked up a few more votes Island-wide. So, the incumbent would always do particularly well. Bearing in mind people will not use the 38 and they will probably use however many they use, it would mean that we are back to this numbers game of having people sat in this Assembly with a tiny number of votes.

2305

Theoretically, 200 or 300 votes could have you in this Assembly; but, hey, that is an Island-wide mandate. That is why I do not favour that choice.

2310

This is our Brexit. This belittles our Government. This would be a travesty if we defaulted to this experiment, this exercise in having what becomes a lottery, that you go out and you have this sort of lucky dip, when people have used almost all of their votes but are tempted to use a few more. It is not something that I feel I can support.

2315 Now Guernsey people are capable of taking their time with a ballot paper and the options giving people the choices. I just urge you not to go with this. It sounds a silly comparison: you can be drinking tea all day. If somebody says to you, 'would you like a cup of tea?' you say, 'Yes, I would quite like one.' Island-wide voting is that attractive. If somebody is offering you Island-wide voting, you want it. You do not really care what it is. I am saying that it is important you care what
2320 it is and please support the referendum and give the community the choice, rather than this rather ludicrous idea of having all candidates elected on one day, regardless of the volume of candidates that appear on the day.

Thank you.

2325 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I am not sure that I have got much more to add, but I just think we need to move on and bring this matter to a close. This debate, as well. I think I am looking for support for Proposition 2.

2330 Just picking up on what Deputy Lester Queripel said, about the 40% turnout Proposition, I would urge him to reconsider, because I think it is really, really important. I would be concerned and, to be gender neutral, that one person and their dog would get through if we did not have some sort of threshold and I would just urge you to reconsider that.

2335 I know that you are concerned about what would happen and we would have to come back to the Assembly, but in 7.12, it clearly says that we would come back to the Assembly and our proposals would be based, predominantly, and our recommendations would be predominantly based on who has got the majority vote, even if we did not meet that 40% threshold. So, I think we have got back-up and security there in that 7.12, in the policy paper itself.

2340 Picking up on what Deputy Inder said and about the youth vote and how important it is, this will have an effect on our young people. We have the vote for people at 16 years of age and I recently was interviewed by students at La Mare, for their radio programme, and I know Deputy St Pier has also been interviewed. Those young people were really, really keen to get involved in this Island-wide referendum – really keen. Actually, two of those young people came along to the public debate. It was absolutely fantastic that we had young people, aged 16, turning up to a
2345 public debate. I cannot remember that in the last four years that I was in the Assembly.

So, I think it really is important that we motivate our young people. This is something that will affect them and they are keen to get involved. I believe, and Deputy Lowe touched on this, this morning, it is what the people think and the way that we will know what the people think is to give them choice and Proposition 2 gives people choice.

2350 Let us close this debate, vote for Proposition 2 and let us move on and hear what the people think.

Several Members: Hear, hear.

2355 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

I have stood now, in case the guillotine comes down! (*Laughter*) I have moved up!

2360 I am not quite as enthusiastic as, perhaps, Deputy Roffey is for his proposal, 'We must have option two, that is the real way to go, you cannot have anything else.' These are hard choices. This is a hard balance. This is our first time we are going out for a referendum to the public and I think, on balance, and it is on balance, putting out a smorgasbord of five different options is too much.

2365 We need to have a very clear answer from our public and I think we get a clearer, more clarity of an answer by the first past the post, by having the two options. In fact, the two options are already built in to the options from the Committee, anyway, options A and B, combined.

I get a little bit concerned where the Committee is so concerned about preserving option two, but hey-ho, we can let in Deputy Green's and Deputy Graham's amendment, quite happily, because, overall, on balance, we probably might get more chance of winning out. If you were really keen on what you put forward in the first place, then stick to your guns and stand behind it.

2370 Do not suddenly rally around something that you think might then be better, when you do not particularly want it. That is the difficulty.

If option two does go forward, if it does, I just have one major plea for the Committee. Can you make it absolutely crystal clear what the present system is, when you vote? Our electorate are very canny people but even me, looking at this, reading this backwards, 'or election to be held every four years, each Deputy would serve four years, each voter will have five or six votes and seven electoral districts', I almost have to take a second check. Actually, that is what we have got now.

2375 So, please, can we just make it absolutely crystal clear? Deputy Roffey is waving his hands in the air, because he is getting excited again. (*Laughter*) These are serious concerns. We want to make it absolutely crystal clear what people are voting for.

2380 I just ask the Committee that, if option two, I hope it will not succeed, is the eventual winner, that it is absolutely crystal clear what the *status quo* is and what the options are for them.

Deputy Smithies, I think, highlighted some of the real dangers with the transferable votes. Very few will get what they want and everybody else will be having second choice. That is the danger and, especially, as the system will be a complete, different variation. Each one of these, A to D, in their own right, are completely different; meaning different things for different people.

2385 I do not think you are going to get the clarity that we need as a Government and that is why I think we would be better, especially for our first time out, if we are really serious about choice, we have got a clear choice, the *status quo*. Deputy Dorey used the words that we have got the two extremes. Well, we are at one of the extremes now, by the way. If this is extreme, this it, because the *status quo* is one of the extremes that we are suddenly told by those who are pushing forward for option two.

2390 We need to have that clarity. You will get that with option 3A, you will get the certainty with option 3A and it also reflects the original mandate for what SACC was asked to go away to do, which was to come up with an Island-wide election, and it was even spelt out exactly how it was done.

2395 All I am doing with the Deputy Lowe and myself amendment, which has been then hijacked by SACC and put into its place, is just highlighting what the original Proposition was going to be. Although SACC, in their own words, have come up with some other options to add more choice, I think the more choice you add, you do lose something and I think you must appreciate that the more complex you make it, you do lose something in the clarity.

2400 So, I think we should go back, especially as it is going to be our first referendum, to have a very clear choice: *status quo* or full, Island-wide election. I would urge you not to vote for option two.

Not necessarily in the strongest, strongest possible terms. These are balances. These are awkward decisions and we have got to try to balance what we think is best for our electorate.

2405 Certainly, there are some good points with option two. There are some good points with option 3A. I think, on balance, 3A has it for me, for our first time out for a referendum.

Thank you, sir.

The Bailiff: Deputy Merrett.

2410 **Deputy Merrett:** Thank you, sir.

Firstly, I would like to thank SACC for such a comprehensive policy paper. It has clearly taken a long time to get to this juncture for so many reasons. So many reasons that, eventually, the last States agreed to put it to the electorate to decide this care of a referendum.

2415 The Proposition agreed by the last States, where the Assembly finally got to, was that there would be a general election in 2020 and thereafter all Deputies shall be elected, Island-wide basis, if approved, in an Island-wide referendum.

In this, the most recent debate we are having now, we have had accusations of treason, [inaudible] to stifle debate, on the very same day this Assembly has had the most successful guillotines in one day. So, it is clearly divisive.

2420 Additionally, maybe we have had a wrecking amendment or two; accusations Deputies are afraid; accusations Deputies do not think the electorate is intelligent; some very emotive and impassioned language. This debate and previous ones really are just going around in one big circle. The big question of this debate appears to be multi-option or binary vote. If the multi-
2425 option, what should the options be? Even members of SACC have changed their mind as to what options should be on the referendum, from today's debate alone. Even SACC were not sure, or convinced, of the very options they submitted in their own policy paper.

This Assembly does not appear to know, as witnessed by the recent amendments and debates. There have been strong arguments that five options are not quite right, should there be
2430 something else or should the Assembly add another one? Should we have two options? Five options? Or maybe six? Why stop there? How many options would there be need to be to ensure that all the electorate have an option that they would want to vote for? My goodness, numbers are infinite!

The Assembly debated and some options not being Island-wide, some being a form of Island-
2435 wide, maybe a hybrid option, some being purely Island-wide, or the *status quo*. We hear a version of Jersey elections, elections on one day, or two days. Weeks apart or days apart. Shall we go back in time, with elections like the good old days?

All of these choices have been debated because the Assembly does not know what the electorate does want. The new Assembly considered, is there not enough choice, or is there too
2440 much choice? Should there have been yet another amendment at option six? Luckily, we do not have to sit through another amendment.

Is it too much choice, the amount of options, or too much choice in allowing the electorate to vote for who they wish to represent them; to be able to vote for all of the Assembly, Island-wide voting? Then there is the parochial question. Will the electorate, if Island-wide, have any parochial
2445 representation. For pessimists, there is a difficulty in every opportunity. An optimist, there is an opportunity in every difficulty.

So, the parochial question. Well, surely candidates' manifestos could and would proudly state which parish they live in, or as in the present case, which parish they may wish to represent? Candidates could then target the parish should they wish to door-knock. If they want to. I believe
2450 the electorate is intelligent enough to make that decision. The electorate will determine if they wish to vote for a candidate that lives in their district. That is if they have enough votes to be able to do so; 38 votes. That is that one sorted.

So, how about hustings? There is a mandate list. When Deputies are elected, they are expected to represent the whole Island and go on a Committee or board where they have some knowledge
2455 or expertise in. How about parish hustings for those who wish to address parochial issues? Hustings that are topic-specific. Hustings on, for example, the main issues of the day.

The next difficulty. How about the retained Deputies having an advantage? Well, a percentage of the electorate's vote could be used for Deputies they think add value and benefit to the Island. The electorate is intelligent enough to choose. Then, the electorate could still have more votes to
2460 use for new candidates. Lots of scope for voting, with 38 votes for parish representation, Deputies known and trusted and new candidates. How much more choice can the electorate have, unless they can choose all the people that they wish to represent them? That is real choice.

Choose all the people, some of the people, parish, Island-wide, returning or new, because I believe you have the intelligence to do that and I believe you will choose people that you wish to
2465 represent you. That is choice. That is the ultimate choice. That is their voice.

2470 Whatever is decided in this Chamber today, it is of paramount importance the electorate should have a very clear understanding of what they are voting for. A referendum will determine the preference of the electorate. No more of the infamous doorstep referendums regarding Island-wide voting, or the infamous public consultations; no ambiguity; no possibility of misinterpreting the results by ensuring true preferential voting.

Not everyone gets what they want, but everyone gets something that maybe nobody actually wanted, as illustrated by Deputy Smithies.

2475 Should there be a simple, binary question: do you want Island-wide voting? A binary choice. Proposition 3 or, indeed 3A, is a clear, binary choice. One Island-wide electoral district, each voter has 38 votes, each Deputy is there for four years and an election held every four years. This Proposition clearly states what people are voting for. No preferential, transferable voting. A binary choice. There are no caveats. No percentage dictated by the Assembly would have to be met. If the electorate votes, then they vote and we should show due consideration and respect for the people that have voted and not disregard their votes, because others decided not to vote.

2480 Whatever the electorate wants needs to be then implemented in a cost-effective and timely manner. It is their choice, their vote – their right.

Thank you, sir.

The Bailiff: Deputy Tindall.

2485

Deputy Tindall: Thank you, sir.

I just want to say that, as far as I am concerned, I will again refer to my manifesto in respect of the fact that I would build on the work done. The work done was Resolutions 1 and 2, a referendum as to whether all Deputies should be elected on an Island-wide basis and all voters should have the same number of votes as there are Deputies' seats.

2490 As far as I am concerned, that is exactly what I will vote for.

Thank you.

The Bailiff: Deputy Tooley.

2495

Deputy Tooley: Thank you, sir.

I just wanted to clarify something, because I am not sure that I was listening quite as intently as I could have been. I thought I understood Deputy Smithies to give the Thunder Bay referendum as an example of why there might be a problem with preferential voting. The Thunder Bay referendum was decided on a first-past-the-post basis and it is the classic example of why first-past-the-post does not work in these circumstances. I do not know if it is my Google that is not right, or Deputy Smithies'.

The Bailiff: Deputy Smithies.

2505

Deputy Smithies: Yes, that is absolutely true, and I think Deputy Roffey referred to that.

The names which went onto the final docket were selected by an alternative voting type of method. Those names did not just appear on the ballot sheet as if by magic; they were selected by the members of the community.

2510 So, yes, the final decision was a first-past-the-post between those three names. That is true.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, sir.

2515 We have certainly heard some interesting and challenging speeches. I was impressed by Deputy de Sausmarez's speech and perhaps Deputy Ferbrache was pointing out it was quite complicated. But I think a lot of the time in politics, I have been a victim of – what is it? –

2520 affirmative, positive bias, or acquiescence. Because, there I am at committee meetings chaired by Deputy Le Clerc, or other Members, and I am going 'yes, yes' and maybe, secretly, I am disagreeing. What did she just say? One man and his dog!

Deputy Fallaize: Point of correction, sir.

2525 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Deputy Gollop does not secretly disagree. The way he has portrayed his actions at committee meetings, they are not the ones I am at.

2530 **Deputy Gollop:** Deputy Le Clerc mentioned One Man and His Dog, I was thinking of one lady and her two dogs. It all depends how you look at these things. There was a former Member of this Assembly, a very learned Member, Deputy Ferbrache is always quoting him, as was Deputy Quin. I reminded her of Churchill and I was impressed by that and then she said, 'You know, Churchill the dog, because you nod and say "yes" all the time!'

2535 I do know that you can raise a question – do you support the policy and planning report? – and you can get the answer you want and whether all of these are phrased in the right way, I do not know. The fact that B is the so-called *status quo* and A is the radical option, I think we could argue that that, in itself, is somewhat dubious, because it sort of puts them in an order and the others are sort of makeweights that come along later. But, there you go.

2540 The reality is, Deputy Brehaut clearly is not impressed by the idea of what amounts to Option A, but it is something that should be put to the electorate, along with all of the other points. There are many people over the forthcoming year, assuming the menu gets selected, who will put forward cogent arguments, one way or the other, for the rights and wrongs of all these schemes.

2545 I would just add a few observations that Sark, to one's surprise, went down the route of one election on one occasion; 28 winners and 56 candidates. Almost as many people as lived on the Island, as a proportion of the population and, actually, they had a surprisingly useful result. What happened was 27 of the winning 28 clearly got a mandate from the people, the 28th was the one on the edge.

2550 But, I agree with what Deputy Merrett has said. The reality is why on earth would an Island-wide election of any kind – it could be Option E or Option C, the Graham/Green amendment – why would it prevent candidates form canvassing door to door?

A former Father of the House, Mr Ivan Rihoy, who served for 27 years, I remember very much he used to campaign Island-wide. So did another colleague of his from St Sampson's. In fact, you want to be seen and to get to know people outside of your traditional electoral district, so it would encourage a certain engagement with potential voters in different parts.

2555 I do not see an issue there. Of course, whether you have 28 candidates, or 58 candidates, or an electorate of 30,000 or 800, as Deputy Brehaut pointed out, the reality is, there is always somebody on the borderline and you only need to get one vote more than the unhappy person behind you to get a seat and the next person loses. So, every vote counts, no matter the size of the district.

2560 There are a few items in the general Policy Letter that provoked me a bit, even though I do approve of the Report as a whole. I think it is a very useful Report, an extremely well-argued summary of the past 50 to 60 years and how we have got where we are.

2565 But there were a lot of options that were never followed through for various reasons, such as my favourite, which would have been giving four equal districts in a different way, maybe three districts. What was intriguing here was two of those novel ideas were rebuffed, on the grounds that the Vale would be separated into two bits, which it already is in geographical terms: the Clos du Valle, of which L'Anresse Common has habitant rights and the Vingtaine, where Deputy Lowe has always lived and been successful in. They are two very separate parts of the Vale and it was said it would not be fair to separate the Vale to equalise numbers. Well, St Peter Port is in that

2570 situation. Indeed, in one of the options that was put before us, St Peter Port continued to be separate.

Another point that concerns me a bit is, whichever way it comes out, I think it goes against the spirit of what we are putting forward that you could get anomalies if we keep 28 district Deputies, that you could have a situation where there are only three from one and four from the others and five from the others, when the numbers are so minute.

2575 I must not point at Deputy Meerveld, because it is through you, but Deputy Meerveld is not only a very successful States' Member, but he is a very lucky man, because St Sampson's were only granted the extra Deputy over our friends in the Castel by 19 people. They could have been 19 babies. It could have been even 19 long-term residents of a well-known institution who are entitled to vote in Guernsey. Whoever they were, they make the difference between having five Members or six. Now, clearly, that is a tough call. There has to be a border somewhere, but I do request SACC, going beyond this, to look again at the formula for districts and developments.

2580 If we look at the bigger picture, the Western Isles in Scotland have one MP for 20,000, 30,000 people. The Isle of Wight has one MP, because it is one community, for 140,000. That is the extreme. Genuinely speaking, the United Kingdom has been satisfied with that. That perhaps is another technical detail.

2585 The third technical detail I want to bring up is this whole question of expenses. Clearly, many of the A to E choices would incur, potentially, additional expenditure for candidates. I sit with Deputy Green and Deputy De Lisle on a panel that has currently gone into limbo because we need to look at the outcome of the referendum before we make any real adjudications on how best to look at our future campaign.

2590 On the current formula, it would not be unrealistic for a candidate who is doing a mailshot to every person on the electoral roll to spend £9,000 or £10,000. Clearly, that would be an issue, for either the taxpayer or for the candidates themselves to consider and how best it would be to organise that.

2595 I do think the role of the candidate will change. We will see more streaming. I mean, what a success for SACC that, apparently, 2,000 people were watching the interesting public meeting, compared with the 50 or so who were in the hall. And social media streaming, audio booms, all sorts of things will take a greater role and I think we need to shape the referendum in that respect.

2600 I would make one comment on the successful Yerby/Merrett amendment, which questioned the role of Government in organising these campaigns. I pulled a face when I read that, I must admit, in the paper, but there were still aspects of the amendment I was not that keen on. Possibly the opposite from what Deputy Tindall and others have said. The bits I did not like were the attempt from SACC to control these groups and monitor their output. They already have to scrutinise the CVs of candidates and I think that will be very difficult because, although they may be funded, these groups, by perhaps up to half, how can you control what they say in social media, or various avenues outside of the mainline publications. Deputy Brehaut, I remember he said, that in the last election, was perhaps undermined by some candidates putting inaccurate material out, or scandalous material.

2605 Well, I thought to myself, if every fact I put in had to be checked, I might have a very short manifesto! (*Laughter*) As we hear now, from illustrious people, there can be alternative facts and you can look at it in that way.

I think, perhaps we have heard enough ...
2615 Oh, Deputy Brehaut.

The Bailiff: Deputy Brehaut.

2620 **Deputy Brehaut:** Deputy Gollop famously left the name of the parish off his manifesto!

Deputy Gollop: It was St Port, or something like that.

2625 If you analyse where I have been in this debate, I started off listening to Deputy Ferbrache/Deputy Kuttelwascher's amendment, which was an attempt to short-circuit it. Although I know many of the public would have been dismayed, at least we would have had a quick response, a quick, simplified interpretation of the amendment we passed.

I think it is important to bear in mind that Deputy Gillson was putting across a common-sense view because, in reality, it would only be for one election. After that, the States elected, if it was not chaotic, they would go on with it. If it was awkward, and the proof would be in the pudding, you would change back.

2630 Of course, it has to be borne in mind it is not just the 38 that would lead to one election. It could be that if you went for the every two years, you would also have a big election of 38 for the first one. But, that did not work and one could see the way it was going.

2635 Then, I supported Deputy Tindall's amendment. I know where that would have gone. You would have had a referendum, you would probably have seen 65% to 70% saying they wanted some form of Island-wide. But, then, the reality is, we would have had to have had, at a certain expense, a second referendum, which would have clarified that.

2640 At least we would have put to bed the *status quo* people, which reminds me of another point. The *status quo* people, I am not sure they realise that, if we have any more population shifts, the *status quo* at the next election could see, yet again, a different number of Deputies elected in each district and so one has to acknowledge it is a *status quo* of a concept.

2645 But, now we have gone so far with all these disappearing amendments and amendments adopted by SACC and re-born and so on, I think it is clear the direction we need to go in and that is to support the multi-option menu and put the five winning options to the public and not go for the binary, because we have all shaped the final result in one way or another, whether you account for the thinking that was done based on the Graham/Green, or what I have said, or what Deputy Lowe and Deputy Brouard have said, or Deputy Yerby and Deputy Merrett and so on.

I think that is the consensus and, maybe, we can finish within an hour.

2650 **The Bailiff:** Deputy Lowe.

Deputy Meerveld: Thank you sir.

The Bailiff: I said Deputy Lowe!

2655 **Deputy Meerveld:** Oh, I am sorry!

The Bailiff: I thought she had suddenly developed a deeper voice! (*Laughter*)

2660 **Deputy Lowe:** Thank you, sir.

Right, a couple of comments and a couple of observations, really.

First of all, to SACC, when the referendum does take place, would they give serious consideration to, perhaps, holding it on a Saturday? Time and time again the Douzaines do have problems getting volunteers.

2665 I know it was looked at quite some time and some of the Douzaines welcomed the idea of it being held on a Saturday and, I know, through the last general election, certainly, the Vale was struggling to get volunteers to help during the daytime.

2670 By having it on a Saturday, you have got more chance of volunteers. Perhaps we could go down the route of having longer hours. Now, that might not go down too well with the volunteers that are helping at the polling stations, but there are some people who have 12-hour shifts. Therefore, if we open at seven in the morning and close at 10 at night, because I am told that it is possible the civil servants would be doing it the following week, if they are doing a count, so there is not any reason why they could actually stay open until much later.

I am quite happy to give way to Deputy Merrett.

The Bailiff: Deputy Merrett.

2675

Deputy Merrett: Thank you, Deputy Lowe.

Yes, I agree with Saturday, but not just from the point of manning the polling stations, but also for the people who want to vote. People go to work. My district did not open at eight in the morning, for various reasons, and people could not vote before they went to work.

2680

So, I appreciate the call and I appreciate Deputy Lowe bringing it up, but I would like to add that it should really be what benefits the voter, what benefits the electorate and how they can get to a polling station.

Thank you.

2685

Deputy Lowe: I totally agree. We had some of the nurses who were doing 12-hour shifts last time who said they used the postal vote, which they were grateful for that they had that opportunity.

I will now give way to Deputy Soulsby.

2690

Deputy Soulsby: I thank Deputy Lowe.

Is there not also the opportunity of a postal vote?

2695

Deputy Lowe: Yes, I just mentioned the postal vote and we promoted that quite heavily and it increased, actually, last time. It should be on all documentations and all the posters and everything that Government puts out. You have got the postal vote, because you can use that. It used to be, one time, you had to be just out of the Island, but it is available to anybody now and it has been very popular, because it gives you the chance to fill the voting slip at the convenience of your own time at home with your family, if you choose to do so.

So, that was a request to SACC, to give consideration to.

2700

Going back to what we have actually got before us, today, I still have concerns that option two is watering down and it is going to be so diluted there is not going to be a clear runner and, therefore, we then get to the situation where some people say it has gone through on such a low vote that it does not actually give it the credence that it should have whilst going out to referendum.

2705

So, in my heart of hearts, I still think it should be one or the other, at this stage, on our first referendum, to make it easier for people. I know it was held up before, because we have had it before where it has been put in the Billet, about the massive big voting sheet. That one was for last year's when there were 77 candidates. The time before, they did it for 88. You will notice that, actually, the borders are getting wider, to make it look more cumbersome. But actually, when there were 88, it does all fit on an A4. I know that is going to come back and bite me, because Deputy Fallaize will probably come back and say, 'It has to be a certain font, for election time.' But, we actually do not stipulate a certain font for all the other consultation documents that we put out, which we are asking people to get involved with and, for that reason, I think anything we can do, we should have to make it easier and not make it quite so cumbersome. We should be doing with a can-do attitude, rather than let us make it a little bit more cumbersome and not quite so user-friendly.

2715

Following on from that, talking about cumbersome, Deputy Lester Queripel mentioned about all the manifestos. Well, I did this for one of the many debates that we have had previously. That was all the 2008 manifestos put in a booklet. That is smaller than the IDP plan that we were asked to look at, the consultation document. It was smaller than the population management document that went out. It was smaller than the Transport Strategy that went out. All the public documentation that we put out, as a Government – and say, 'Read it, we want you to take part,' – all the manifestos put together is actually smaller than the documents that we have asked the public to take from us.

2720

2725 So, if we are talking about cumbersome, there is a good lesson, and the radio have covered it today: cut out the jargon for States' documents, get it down finer and you might get it into the same size document that you could do for all the manifestos that went out previously.

Deputy Brehaut said, with election time, it favours the incumbent. Well, tell that to the nearly 30 now that have lost their seats in the last two elections. An incumbent usually has baggage.
2730 There is usually some reason why they lose their seat, because they have been in here a term and they have been supporting something that the public are not too keen on and, suddenly, they are gone. They are history.

So, we have seen that, as I say, last term, this term, especially, where there have been an awful lot of Members that have lost their seat and the public are saying let us have some fresh blood.
2735 That is good, there is nothing wrong with that. That is a pure, democratic system of voting for your Deputies. What one of the main complaints that I hear, every election, and I have done seven elections now, is the same thing that always comes up inasmuch as they would like to vote for all their Government, not part of it; they are not able to choose somebody else in some other district and yet, every election that I have been involved with and been successful in – and I thank the
2740 Vale for that – there are States' Members sitting in this Assembly, and it is not a criticism, that is entirely their choice, who are not living in the district or the parish that they were elected in. So, they can choose.

Every candidate can choose where they want to stand, where they think their best options are. That is fine. That is for them to do so and that is not a criticism. The criticism I have is that the
2745 same States' Members are prohibiting the public from being able to elect their Deputies across the piece, by having Island-wide voting. True Island-wide voting, they can elect who they wish to and should have that same opportunity as the States' Members, themselves.

So, I do not know. Maybe SACC will come back this time, now, if they are going to actually go down one of their routes. They may say all candidates have to live in the parish that they reside in.
2750 I do not know. It will be interesting to see. Again, it is a funny anomaly, really, because whatever parish or district you stand in, your proposer and seconder must live in that parish, or district, and you think, 'Well, actually, it is the candidate.' We are talking about you want to be part of the parish, because you are the parish person, you would expect it to be the other way around, you live there and perhaps your proposer and seconder want to actually get rid of you and get you to
2755 go into that way. Who knows? I am sure there might be a very good reason for it.

What else was there that I wanted to mention to you? Something, before I sit down, because I know I will sit down and I will see my notes and think: 'That was another area I wanted to add.'

I know what it was. It has been said, again, several times, that by having Island-wide, you lose that parish connection, because they like you to knock on doors. I like to knock on doors. I have
2760 always done it, except for when I was a Conseiller, I did not knock on any door whatsoever, because I thought, unless I can knock on every door, I am not doing it. So I did not knock on any doors at all.

Of course, in those days, you had to be in the States 30 months before you could stand for Island-wide and the only reason I stood, in my first term, it was a three-year term then and in the
2765 first six months I had actually picked up quite a lot of work outside of the Vale and I got quite an insulting phone call from a St Peter Port Deputy at the time saying, 'Keep out of our parish and stop helping our parishioners.' My point was, if they are not ringing you, you have to ask yourself why they are not ringing you and they are ringing me. I will help anybody that wishes to contact me.

So, when, after the 30 months, it was a 36-month term, I decided to stand as Island-wide and I
2770 thought I will let the public decide. If they want me to be Island-wide, then I will have, hopefully, that backing and I was grateful that I was elected on that.

But the point I am getting back to, if you have got Island-wide and you want to keep that parish connection, there is nothing to stop you still walking the district that you currently either
2775 live or that you are currently representing. If you are covering a few parishes at the moment, if you are the West, or you are the South-East, you can still walk that parish if you want to, or that

2780 district. The same as if you are in the Vale and an Island-wide system came in, there is nothing to stop you still walking that parish and knocking on the doors and having that personal contact, talking to the electorate, so it is not a cry of, 'I cannot do it.' You can do it, if you want to; if you want to keep the local parish of which you are currently representing or hope to represent in the future.

So, I have nothing else to add, sir, I just wanted to cover a couple of those points, which I hope will help Members.

2785 **The Bailiff:** Just before calling Deputy Meerveld, can I just address the Procureur for a moment? How difficult would it be to produce a composite set of Propositions? At the moment, we have three amendments – hopefully there will not be any more – that have been accepted and some Members may perhaps no longer have with them the original amendment that they voted upon.

2790 When we get to the vote, we will have to take the Propositions, Proposition by Proposition and it is quite important that people have in front of them the wording that they are voting on.

I suspect we may finish this afternoon, I hope we will. Would it be possible, do you think, to produce a composite set of amended Propositions?

2795 **The Procureur:** Sir, yes, I must admit I do not know whether the Greffier might, perhaps, be keeping a composite note, because I know he has been wont to do that of late, but I can very quickly check that.

If not, I would anticipate we would just need a very short adjournment. But, we could do that.

2800 **The Bailiff:** I think that would be helpful to Members, otherwise there may be confusion as to exactly what they are voting on. So, if you could liaise with the Greffier and produce that, I think that would be very helpful.

Thank you.

2805 **The Procureur:** I will make inquiries, sir.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

2810 If you went and asked the electorate why do they elect us, I suspect that most of them agree they elect us to make decisions on their behalf.

I think, in this issue here, we have failed them miserably. At the end of the day, I think the electorate would expect us to make decisions on the electoral system or, at the very least, if we are going to ask them to ratify a decision, to give them a clear indication of what this Assembly would agree on.

2815 What we are basically doing here is abrogating that responsibility and passing it back onto the electorate because, as it has been said several times over the last few days, we cannot decide amongst ourselves.

2820 I think, personally, that option two is a 'wreckerendum' and we will end up with five different, vociferous campaigns going on, with people trying to campaign for their particular issue. I think we will end up with more confusion than clarity and I think what we will end up having is less than 40% turnout and then, in 18 months' time, we will be back in this Chamber, in exactly the position we are in now, trying to decide how to take it further.

That is why I will be supporting option 3A.

2825 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Sir, I would just like some clarity.

2830 If the Assembly does not vote for Propositions 8 and 9, what will actually happen regarding the funding?

That is, if we have already agreed to Proposition 1, of course.

The Bailiff: I see no one else rising.

2835 Oh, Deputy de Sausmarez. Deputy de Sausmarez obviously wants to go in the penultimate speech?

Deputy de Sausmarez: No, not at all.

I am not in any way precious. I do not mind speaking now. I was just locating some notes, that is all.

2840 Thank you, sir. I would just like to bring the focus back, really, notwithstanding some other comments on some of the other Propositions, I think the main choice that we are focusing on is Proposition 2 or Proposition 3A is really what the crunch boils down to,

So, I just have a few comments on that, really.

2845 This is about choice. This really is about choice and I feel very strongly that we should not be restricting that choice. We do know, as Deputy Green reminded us yesterday, that the most empirical evidence that we have returned an opinion of the public that was neither the *status quo*, nor full-blooded, Island-wide voting. I think it would be an abrogation of duty, to use Deputy Meerveld's phraseology, for us to not put a decent amount of choice to the electorate, or a representative amount of choice to the electorate.

2850 I just do not see the merit in reducing this to a binary choice, where it is not a decision that is suitable for a binary choice. Whatever forum you choose to look at, whether that is the consultation document, whether that is social media platforms, the emails that we receive into our emails, the phone-in, conversations about Island-wide voting, I think one thing that we could probably all agree on is that there is a wide-range of opinion on it. So, why would we want to restrict the choice that the electorate have to two options that may not satisfy anyone?

2855 Now, Deputy Merrett made some perfectly valid points about representation in Option A, but those are points to be made at another time. The fact remains that many members of our community, I have spoken to many people who feel that parochial district representation is still a very, very important element, that would not necessarily be overcome by the arguments that Deputy Merrett has quoted, although those may be valid.

2860 Just to use one very small example and I do not think this is the time to be getting into this debate, as I say, but, for example, hustings are a very important factor to a lot of voters and hustings are a very difficult thing to do under an Island-wide. It is not to say it cannot be done and I firmly believe that hustings would need to evolve, but all I am saying is that one of the things that many of the electorate value is that element of being able to see the whites of the eyes of their representatives.

2870 There is something more about district or parochial representation, in fact, than just the fact that you have the ability to vote for someone. In terms of the electorate, many people feel as though, if you are directly representing a district, you can be held more directly to account and I certainly know that we tend to receive quite a few emails on a district basis and I think that, actually, is testimony to that fact.

So, we know there is a mix of views and I think it would be honest to give an appropriate amount of choice in this referendum.

2875 Deputy Smithies actually made one of the more convincing arguments of the day, I think, in favour of transferable voting. I do thank him for that. I cannot remember the exact names, was it Lakeside or The Lakeside, versus Thunder Bay and a majority would have preferred either Lakeside or The Lakeside, but because it was a first-past-the-post system that was being used on that element of the voting, Thunder Bay won. That is how I understood that little story, which I did enjoy.

2880 I would just like to make one further point on that, that people are not being forced to use all their preferences. A second choice is precisely that, a second preference is precisely that. People may feel so strongly about one of the options they would only want to vote for one of them. In which case, they would only vote for one. But, if they felt that one was preferable to all the others, but actually there was another one that they would be happy enough with, then they would put that as their second preference. I think it is important. Why do we want to restrict that choice? I think people's second preferences actually are important and should count.

2885 As I say, we are not forcing them to make a second preference if they do not like or a third, or whatever. I think, if the electorate would like to express a second preference, then they should be free to do so. I do not think it is a simple choice, I do not think it should be a simple choice. I certainly think that a binary choice between the two extreme options, as we know, would be very unsatisfactory to a good many people in the community and I very much hope that the Assembly would support Proposition 2.

Thank you.

2895 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, the States' Assembly & Constitution Committee was given a very simple task, on 19th February, which is set out in paragraph 1.4 of their Policy Letter. The Resolution was that the election would be for 2020 and:

' ... all Deputies shall be elected on an Island-wide basis and all voters shall have the same number of votes as there are Deputies' seats provided that such a system shall first have been approved in an Island-wide referendum.'

2900 Of course, the irony being that that referendum was attached as a result of an amendment by the President of the States' Assembly & Constitution Committee.

Then, the second Resolution was go away and do it.

Where we have ended up is not, in my view, in accordance with that Resolution and I shall be voting in accordance with that previous Resolution, which is what I was expecting.

2905 Now, running through the Propositions, Proposition 1, to agree the holding of a referendum, I did not agree on 19th February 2016, that a referendum is the right way to resolve this particular issue. I remain of the view that we are a representative democracy and it should be for this Assembly to make the determination of the electoral system.

2910 However, that particular vote was lost, 22-21, and it was for that reason that I could not support the amendment from Deputies Ferbrache and Kuttelwascher, even though I think they were probably right. So, I will be abstaining on Proposition 1, because I cannot in good conscience vote for it, but I do not feel that I should be voting against it, given that the decision has already been made.

2915 Because I do not believe that Proposition 2 actually discharges the task which SACC was given, I can only vote for Proposition 3A, which present the task which they were given, together with the *status quo*, which was, in essence, the direction that they were given. For the reasons that Deputy Lester Queripel set out around the bar, if we have determined that this is a matter to be determined by referendum, in our wisdom, as we did in February 2016, then I do not think a bar has any relevance and, therefore, I will be opposing Propositions 4, 5 and 6.

2920 I felt it would be useful to put that explanation on the record, for Members' consideration as they consider how to vote themselves.

The Bailiff: Deputy Leadbeater.

2925 **Deputy Leadbeater:** Thank you, sir.

Sir, we have all been giving this a great deal of thought in the run-up to this debate, going through all the various permutations trying to decide what we think is the best option.

2930 For a while, I have been of the opinion that a hybrid system will be the most pragmatic approach, but, as Deputy Tindal mentioned, we have been asked to deliver Island-wide voting, where the electorate can vote for 38 Deputies.

We have all been elected to represent the public and be their voice; represent their opinion. Each member of the public I have spoken to on the run-up to this debate have overwhelmingly wanted a binary, full-blooded – as Deputy Fallaize would call it – or *status quo* referendum.

So, sir, I will be voting against option two and will be supporting 3A.

2935 Thank you.

The Bailiff: Deputy Trott.

2940 **Deputy Trott:** Sir, very briefly, yesterday just after the opening of the debate, I said that, in my carefully considered view, this referendum should be binary, binding, without hurdle.

That is precisely what the President of Policy & Resources has just said. My views align entirely with his.

Thank you, sir.

2945 **The Bailiff:** I think, genuinely, there is nobody else this time who wants to speak, (**Several Members:** Hooray!) so, Deputy Fallaize will reply.

Deputy Fallaize: Thank you, sir.

I think I can probably finish by 5.30 p.m.!

2950

The Bailiff: We can sit later, if necessary, if Members agree!

Deputy Fallaize: First of all, Deputy St Pier and Deputy Trott have just spoken about Proposition 4.

2955 Well, Deputy St Pier did, in any event. He said he would vote against it and then Deputy Trott said he agreed with his President and that he thought the referendum should be binding.

Deputy Lester Queripel also said he would vote against Proposition 4. I have to point out, this is not really an argument in favour of setting the threshold at 40% or setting any particular threshold, but if you read Proposition 4, if Members of the States read Proposition 4, Proposition 4 is the only way of making the result binding on the States, if you look at the way the Propositions are constructed.

2960

So, if Proposition 4 loses, the States will not have agreed to introduce the electoral system which is the most favoured in the referendum.

The Committee purposely ...

2965

I will give way to Deputy St Pier.

Deputy St Pier: Sir, will Deputy Fallaize concede that Proposition 4 is drafted and it is conditional on there being a certain percentage? It is not an unconditional acceptance of the result of the referendum.

2970

Deputy Fallaize: Yes, absolutely. But, the Committee separated the proposed percentage from the concept of making the referendum binding, precisely because we thought that some Members would want it to be binding, only if there was a higher percentage than 40% and others would want a lower percentage than 40%.

2975

Now, if Deputy Trott wanted it to be binding, no matter how many people voted, he could have changed the 40% in Proposition 5 to read 0%. I am not criticising him for that; all I am saying is be careful about voting against Proposition 4 if you really want the result to be binding, because it is Proposition 4 which creates the circumstances in which the result at least may be

binding, if Proposition 4 loses, there is nothing that will have bound the States to accept the result, so that is just a technical point.

2980

Deputy Lester Queripel asked what would happen –

Deputy St Pier: Sir, point of order.

2985

The Bailiff: Deputy St Pier.

Deputy St Pier: Point of correction, really.

I think Deputy Fallaize would have to agree that, actually, even if Proposition 4 is passed, it will not bind the States when it comes to later. It is merely an expression of intent to bind itself, but it cannot bind itself.

2990

Deputy Fallaize: Yes, sir, that is dealt with extensively in the Policy Letter and what the Committee is proposing is that the States commit now to binding themselves, a year in advance of the referendum, if the turnout exceeds 40%.

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Of course, Deputy St Pier is correct, a majority of the States could agree to bind themselves and to accept the outcome now, but then they could decide that they are not going to accept the outcome in a year, or two years' or three years' time.

I will give way to Deputy Merrett.

3000

Deputy Merrett: Thank you.

I fully appreciate, if Deputy Fallaize can just confirm something for me, if Proposition 4 was carried and Proposition 5 was not, what will the percentage be?

3005

Deputy Fallaize: If that happens, the States will have done something extremely foolish, but the answer to that question is that the States would have agreed to bind themselves to the outcome if a certain percentage of people inscribed on the electoral roll vote and they would not accept the percentage.

3010

That is just a statement of fact. If the States want to do that, then they can do that. The point is, I think that, if a majority of the States have agreed to bind themselves to the outcome, then they will respect that in a year's time, or two years' time. Maybe there will be a whole load of Deputies close to an election who will say, 'We agreed that we would bind ourselves to the outcome of the referendum, but now we have changed our mind, we are not going to take any notice of what thousands of people have said in a referendum.'

But, I think the chances of that are not high.

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Deputy Lester Queripel asked what would happen if Proposition 10 lost. Well, the point is that, if Proposition 10 becomes Resolution 10, it will have to be read in conjunction with all the other Resolutions and, if some of the other Propositions have lost, then the legislation that comes back to the States will take account of which Propositions were carried and which Propositions were lost.

3020

I thank him for his further suggestions made today and suggestions made previously, in respect of encouraging turnout and providing information ahead of the referendum.

Yes, a household drop may well feature in the promotional material and I am happy to work with him and all other Members who have an interest in this area to try to encourage turnout.

3025

Deputy Brouard was critical of the Committee for not opposing or accepting the second Green/Graham amendment. The Committee has always been very open about this. The main objective has been to establish a referendum which provides a range of options, provides a genuine choice. I said when I spoke on Deputy Green's amendment, the Committee's preference was to put up Options A to E that were set out in the Policy Letter, but it was quite evident that the States wanted to include a hybrid option, with some Island-wide Deputies and some district Deputies.

3030

3035 The Committee did not want to throw that out and then risk losing its multi-option referendum. Deputy Brouard smiles, as if it is all part of some great plot. It is not. I said the Committee's main objective is to have a multi-option referendum. If the States had chosen five completely different options from those set out in the Policy Letter, the Committee would still have voted for a multi-option referendum, would still be advocating it, because it is the principle of the range of options that the Committee is most interested in.

3040 Deputy Brouard made a very good point, saying when the information goes out in advance of the referendum, he wants voters to be crystal clear about what is the present system. The Committee agrees with him about that. It was presented this way in the Propositions just so that Members could make a direct comparison between each feature, or characteristic of the options, but the Committee accepts the point he makes.

3045 Deputy Lowe would like the referendum to be held on a Saturday. She knows, when the Committee has previously consulted the Douzaines, it has almost been split half and half, some would like to go to Saturday, some would like to stay midweek.

The date of the referendum and the hours of the polling stations will be set by the States, as part of the legislation, which will have to come back but, certainly, in the meantime, the Committee can consider whether it is best to hold it mid-week or to hold it on a Saturday.

I give way.

3050 **Deputy Lowe:** Would you consult the Douzaines, before it comes to the States, please, to get an updated opinion of whether they think they would support a Saturday or not?

Thank you.

3055 **Deputy Fallaize:** Yes, I am very happy to give that undertaking and to advise the States of their responses in due course.

Deputy Smithies said that Options B, C and D, in the multi-option referendum, were very similar. I do not think they are. Option C is some Deputies are elected Island-wide, some are elected in districts. Option D does not provide for any Island-wide Deputies at all.

3060 I agree with Deputy de Sausmarez that the example he gave, I think the Lake Head example, probably was a good argument for preferential voting and identified some of the risks with first past the post, but he was right in a sense, the way he described preferential voting. The point is that you are trying to get to a point where the winning option is not an option which is really disliked by the overwhelming majority of people. That is what you want to try to avoid, with preferential voting.

3065 I thank Deputy Inder for offering to work with the Committee to encourage turnout, particularly among young people, through his role on the Committee for Education, Sport & Culture, and I would like our two Committees to work together to try to do that, if the proposed referendum is accepted.

3070 Alderney Representative Jean made a point about the Island-wide franchise being extended to Alderney. That is covered, to some extent, in the Policy Letter, I conferred with the Committee at lunch time. The Committee is very happy to take that point on board, to discuss it further with him and to give it further consideration.

3075 Deputy Oliver said what happens if Propositions 8 and 9 fail. They are to do with funding. If that happens, the States would have agreed to hold a referendum, would have agreed to prepare the legislation necessary to hold the referendum, but basically would have decided not to provide any funding to inform the public about the referendum or, indeed, to organise the referendum.

So, again, the States are perfectly able to do that, but one could go through any Policy Letter, any set of Propositions and say, 'Well, if the States vote for that one and not that one, then they would have created a chaotic mess.'

3080 It has been known on previous occasions. Hopefully, it can be avoided this afternoon. But this is the conventional way of setting out the Propositions.

3085 Deputy Meerveld thinks the States have failed miserably, because they are inviting the public to make this decision. I respect his view, but all he needs to do is vote against Proposition 1. If, on principle, he believes that there should not be a referendum, just vote against Proposition 1, because if that is carried, then everything else will fall away.

But I do not think the States are going to vote against Proposition 1. I think we are going to proceed with the holding of a referendum. I think we are at the stage where, essentially, in general debate, we have been considering whether to hold a referendum with a broad range of options or a referendum which restricts the choices available.

3090 There has really been only one argument put up consistently against Proposition 2, that is the Committee's recommended multi-option referendum, and it was summed up by Deputy Prow, who said he felt that asking the public to choose between the five options with the voting system proposed would be too complicated. Slightly sarcastically, but quite amusingly, nevertheless, he read part of the Policy Letter as evidence that the whole thing would be too complicated. But he
3095 read out mostly the sections of the Policy Letter which dealt with the counting of votes.

For the voter, what is being proposed is not complicated. Each voter would be invited to rank Options A to E in their order of preference. They would place a one next to their first choice and, if they wished, they would place a two next to their second choice, a three next to their third choice, and so on, until they had ranked all the options, or no longer had any preferences that they
3100 wished to rank.

I will give way in a moment, sir.

Each voter could rank as many or as few options as they liked, or vote for just one option.

For voters, preferential voting is very straight forward. An elector simply uses numbers from one upwards to rank the list of options in order of preference and that is it. I do not believe that it
3105 can sensibly be argued that that is beyond the public of Guernsey.

I will give way to Deputy Tindall.

The Bailiff: Deputy Tindall.

3110 **Deputy Tindall:** Thank you, Deputy Fallaize, for giving way.

I just wanted to ask Deputy Fallaize whether or not he agreed with me that to actually appreciate what you are voting for, it is also important to understand the voting system and the way it is being counted?

3115 **Deputy Fallaize:** I will give way to Deputy Prow.

Deputy Prow: I concur with what Deputy Tindall just said, sir.

I made it very clear in the main debate that the complexities are in the round. It is not just what the voter has to do on the ballot paper, it is having the full understanding of it.

3120 It is not so much that the public are not capable of understanding it; it is about their willingness and engagement on a first-time referendum, to get their heads around the complexities of the whole issue, not just the one-to-five scoring on the ballot sheet. I hopefully made that very clear when I spoke in main debate.

Thank you, sir.

3125 **Deputy Fallaize:** I just do not agree that it is too complicated to ask people to understand these five options and to rank them in their order of preference.

Deputy Prow implies that the voter needs to have a forensic understanding of exactly how the votes were counted.

3130 I am not giving way any more.

Deputy Prow: Point of correction, sir.

The Bailiff: Deputy Prow.

3135

Deputy Prow: I believe Deputy Fallaize is misquoting me. I have made it absolutely clear what my point is, it is just considering this in the round.

My point about the ballot paper is just one point.

Thank you, sir.

3140

Deputy Fallaize: Considering it in the round, sir, I do not think that what is proposed by the Committee would be too complicated for the public.

3145 Implying that the public need to have a forensic understanding of the way in which the votes are counted, I think, is just a non-argument. I would guarantee you that, if you lined up 100 voters at the polling station under the current system for a general election and you said to them, 'you tell me how the votes are going to be counted when the doors are shut and all the douzeniers and the volunteers are going to count the votes,' I bet you none of them would know, unless they had assisted in the process, exactly how it is all done, where many of them put all the ballot papers that have got one mark here and two marks here and three marks here and four marks here. I am not saying that the voter does not have to an understanding about how their preference votes may be redistributed, but to say, as Deputy Prow did yesterday, I think it was, to read out the detail of exactly how the counting process would operate and put that up as some kind of argument against a multi-option referendum, on the grounds it would be too complicated, I just do not think is a credible argument.

3150 Truly, the case against the Committee's Proposition 2 is, yes, we are happy to hold a referendum, we are very happy to establish public opinion, we are happy to accept that we will implement the verdict of the public, but first we want to exercise the tightest possible control on the options that you are allowed to vote on at that referendum.

3160 Now that, in my view, is not empowering electors; it is actively and needlessly disenfranchising electors. Yes, there is some enthusiasm for Option A, all candidates standing Island-wide on one day, and there is some enthusiasm for Option B, the current system with seven districts. But why should we go out to the public in this referendum, saying, if you do not want the present electoral system, the only option we are prepared to offer you is Option A, full-blooded, Island-wide voting? Why should we restrict the choice of the public in that way?

3165 Proposition 2, the Committee's preferred model of referendum, provides for two forms of Island-wide voting, full Island-wide voting in which every Deputy is elected on an Island-wide basis; two district-only options, with no Island-wide voting, and one hybrid option, some Island-wide Deputies and some district Deputies.

That is a proper range of choice to go out with at the referendum.

3170 People will be able to reach a verdict about whether they want a single constituency that covers the whole Island or the present district system or a district system with fewer districts, or some Deputies in districts and some Island-wide, or a general election every four years or some of the States elected every two years.

3175 These are the kind of options and the kind of questions that we need to go out to the public with and only Proposition 2 provides for that.

It is essential, as many speakers have said – but those who support Proposition 2 and those who do not – that engagement and turnout and participation at this referendum is encouraged. Restricting choice, unnecessarily, will do the opposite. If Proposition 2 is defeated, the range of options will have been restricted. The choice available to the voters will have been restricted and the likelihood is that it will be even harder to encourage turnout.

3180 It must not be believed that the binary choice, either full-blooded Island-wide voting, everyone elected Island-wide on one day, or the current seven-district model, will incorporate an option which most people support.

3185 All that we will have done, if we restrict choice, is unnecessarily restrict the options that are being presented to the people of Guernsey and unnecessarily restrict their opportunity to determine the future electoral system.

This would be particularly unfortunate and undesirable, given the range of opinion we know which exists in relation to the electoral system.

3190 **Deputy Ferbrache:** Sir, I do not want anyone to give way. I just wanted to ask you a question in relation to the matter.

Deputy Fallaize has mentioned the word 'restriction', or 'restrict', about 10 or 12 times in the last eight sentences: are we not now well past the watermark of repetition and can he move on in his submission?

3195 I am going to have the word 'restrict', when I go to sleep tonight, I am going to see it written there and I would rather be watching *Coronation Street!* (*Laughter*)

The Bailiff: Deputy Fallaize.

3200 **Deputy Fallaize:** I promise I will not use the word restrict again – other than just then – in this closing speech.

The Bailiff: You have restricted yourself!

3205 **Deputy Fallaize:** Indeed, sir.

The consultation exercise of 2009 or 10, or whenever it was, has featured quite prominently in the debate.

3210 Options A and B, which are the two options which the binary choice advocates want to put out to the public, they want to constrain the public. (*Laughter*) Those Options A and B were favoured by fewer than 50% of the respondents to that consultation exercise.

Now, why would we have a referendum, which pretends to give the public the right to determine their future electoral system and allow, on the ballot paper, two options, which together, in a previous, very large consultation exercise, obtained the support of fewer than 50% of the respondents?

3215 That makes no sense whatsoever. That is a recipe for disenfranchisement and disengagement. A 'wreckerendum' indeed.

Under the Committee's recommended Proposition 2, the multi-option referendum, the ballot paper will include electoral systems which were favoured by 79% of the respondents to that consultation. That is much more likely to encourage participation and turnout.

3220 Deputy Le Clerc talked about closure and trying to bring this matter to some kind of conclusion, given the number of debates there have been over the decades. After the last couple of days of debate, I am sure most Members would welcome this matter being brought to a conclusion by this referendum.

3225 I believe, still, that there is little chance of this matter being drawn to a conclusion if Proposition 2 is lost and the public are asked their opinion on two systems only. There is a much higher possibility, prospect, of this matter being drawn to a conclusion, at least for the foreseeable future, if the public believe they have been presented with a reasonable range of options and reasonable choice.

3230 Deputy Le Pelley and Deputy Ferbrache and Deputy Lowe, who, at least initially, they were attracted to having less choice on the ballot paper than we are proposing, did say, when we were debating the Green/Graham amendments, 'This is an option which should be on the ballot paper. Let us give this option to the public and let them decide.'

3235 Well, the only way of getting that option on the ballot paper is to vote for our Proposition 2. It will not appear on the ballot paper, if our Proposition 2 is defeated. Given the number of Members who voted in support of the Green/Graham amendment, and given that we know that it

was the highest scoring option in the consultation in 2009-10, then it seems to me the States have accepted that there is a very sound case for it to appear on the ballot paper.

That requires the States to vote Proposition 2.

3240 Deputy Merrett and Deputy St Pier were concerned about the Resolution made by the States in February of last year. They said the States have decided that all Deputies should be elected on an Island-wide basis on a single day, if that was approved in a referendum. Proposition 2 gives us exactly that. That option is in the list at Option A. If that is the option supported by the public, that is the option which will be implemented for the 2020 general election.

Deputy Merrett also was ...

3245 Deputy Trott has been itching to stand up for five or 10 minutes. I am happy to give way.

Deputy Trott: Thank you very much, indeed, Deputy Fallaize. I have loved listening to you, I have to say.

3250 **The Bailiff:** Through the chair.

Deputy Trott: Through you, sir, I will say it again.

3255 I love listening to Deputy Fallaize. He can be a right crafty little so and so! The difference is this 40% hurdle. What the States voted for back in February last year was the Proposition that presented a binary option, carried by a simple majority. Yet, here we are now and what I found, through you, sir, particularly amusing, was this reference to the fact that less half than voted for the binary choice in consultation. I think it was about 46%, which was discounted just like that.

Now SACC are proposing a 40% hurdle, which of course is less than that figure and therefore no less logical and no more convincing.

3260

Deputy Fallaize: Sir, I am grateful that Deputy Trott loves listening to me. I should think he is almost alone in that.

What is proposed is that, if 40% or more of the electors turn out, then the States' commitment to bind themselves to the result will apply. That is what is proposed.

3265

Deputy Trott: No, it is not.

Deputy Fallaize: Yes, it is.

3270 **Deputy Trott:** On a point of correction, sir. Earlier we heard confirmation from Deputy Fallaize that the States would not be bound on this, the States could change its mind, in the same way as the States can change its mind on electoral dates.

There is nothing binding on the States with regard these Propositions. It is completely disingenuous to continue to tell the Assembly that is the case. It is not, sir.

3275

Deputy Fallaize: Proposition 4 is:

'To agree to introduce the electoral system which is the most favoured in the referendum, provided that the number of persons voting in the referendum has exceeded a certain percentage of those ... on the Electoral Roll ...'

And the next Proposition is to agree that the certain percentage should be 40%.

3280 Of course, Deputy Trott is right. Constitutionally, it would not be possible to drag a member of the States into this Assembly and to force them, against their will, to vote for something which they disagreed with – not today, not next year, not ever – irrespective of what has happened in a referendum.

The point the Committee is trying to get to is a position where we can go out to the public, in advance of this referendum, and say, 'Look, if enough of you turn out, if we can get a turnout of

3285 40%, the States have agreed in advance to bind themselves to the outcome, to implement the winning option.'

That is clearly what Propositions 4 and 5 provide for. But, in any event, I was just making a case for Proposition 2, which is the one that the Committee is concerned about most.

3290 If Deputy Trott does not like Propositions 4 or 5, vote against them. But, I am saying, of all these Propositions, the one that should be supported most is Proposition 2, because the public should be offered a reasonable range of options and should not have their choices constrained.

Deputy Merrett, I think it was Deputy Merrett, said there is some constraining of choice in SACC's Proposition 2, because there are only five options. Why only five?

Well, the reason for there being five options is explained in the Policy Letter at Section 8, is entitled Number of Options to Include on the Ballot Paper ...

3295 I will give way.

Deputy Merrett: Thank you, sir.

I thought, yesterday, SACC were saying they would possibly vote for option 6 or F, or whatever the number is, if Deputy Gollop decided to bring one.

3300 So, they may have originally said in the Proposition, these options, but yesterday they were just saying, potentially, 'We welcome another one.'

So, that is why I am a bit confused.

Deputy Roffey: Point of correction, sir.

3305 Can you have a point of correction to a give way? I am not sure.

The Bailiff: I do not think there is anything in the Rules, as written by SACC, which prevents it. *(Laughter)*

So, if you wish to raise a point of correction, Deputy Roffey, you may.

3310 **Deputy Roffey:** Point of correction on what Deputy Merrett just said. I do not believe SACC at any time yesterday said that they would be willing to have a sixth ...

3315 I think what they had was one rogue member, which very often happens on committees, most committees have got one rogue member, who said that he was sympathetic to having a sixth option.

Deputy Fallaize: I am grateful for the clarification, from SACC's rogue member. *(Laughter)* It was he who said he had some sympathy for adding a sixth option.

3320 I can tell the States, and in response to Deputy Merrett's point, the Committee has never suggested inserting a sixth option. The Committee has always been opposed to a sixth option, because, for the reasons set out in section 8 of the Policy Letter, the Committee feels that five options is the maximum number possible to put before electors.

3325 Now the States could have taken a different view, if they had wanted to insert an option six, seven and eight, they could have. Probably, on balance, I would still and the Committee would still be arguing in favour of a multi-option referendum if they had. But, looking at the way multi-option referendums have been run around the world, normally there are four or five options, or up to four or five options on the ballot paper, and the Committee thinks five options is a reasonable range.

3330 One thing is for sure, five options is certainly more choice than one option, or two options, so there is no logic in saying, 'I am disappointed that SACC is only offering five options and to show them how disappointed I am, I am going to vote for a referendum with only two options.'

Clearly, there is more choice in the five-option model than there is in the two-option model.

3335 Deputy Merrett also said that, whatever the electorate wants needs to be implemented, but if we do not go with Proposition 2, it will be whatever the electorate wants, as long as it is only from a choice from one of two options.

Concluding, sir, the central issue here is should the States deliberately and needless constrain the choice available to voters or should the States, as far as reasonably possible, maximise the choice available to voters?

3340 That has been the Committee's single, most important objective. To ensure that, if we are going to put the electoral system to a referendum, if we are going to ask people to determine their future electoral system, if we are going to encourage high turnout at the referendum, then, we should give the people as much as choice as is reasonably possible and this can be done only by holding a referendum which offers a reasonable and proper range of options and produces a clear result and by the States agreeing, in advance, that if the turnout exceeds a certain threshold,
3345 the States will implement the will of the people.

It is about choice, it is about options. The Committee asks the States not to constrain the range of options that we go out with at this referendum. If we are going to get a verdict which genuinely reflects the opinion of the public and we have any hope of bringing this matter to a conclusion, then a multi-option referendum, as proposed in Proposition 2, is the right way to do it. Please
3350 support Proposition 2.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, sorry, but I am still a bit confused.

3355 Could I have just further clarification, please?

I want the public to have the opportunity to decide whether they have Island-wide voting or not and I want them to be able to decide the option. I do not agree there should be a turnout threshold of 40%. If I vote against 4, 5 and 6, and Deputy Fallaize has gone to great pains to explain this but I am afraid I still do not understand, if the majority of the Assembly votes against
3360 Propositions 4, 5 and 6, does that still mean that the public, as long as the recommendations are successful, get, then, the opportunity to make the decision whether they want Island-wide voting or not and the option itself?

There have been some quite involved exchanges between Deputy Trott and Deputy Fallaize and I am afraid I am still not clear.

3365 Sorry, sir.

Deputy Fallaize: Okay, let me explain it this way, sir.

It is not possible to make the result legally binding. That is explained. There are constitutional problems with that in a parliamentary democracy, that is explained in the Policy Letter. What the
3370 Committee wants to do is for the States to give a commitment that the result will be, what we call, politically binding, if the turnout exceeds 40%.

If Propositions 4, 5 and 6 lose, then we will have an advisory referendum and it will be clear, right from the beginning, that it is an advisory referendum.

3375 If Propositions 4 and 5 are carried, then the States will have agreed in advance to implement the option which wins the referendum, provided that 40% of those on the electoral roll turn out to vote. But do not get too bogged down in Propositions 4, 5 and 6, but certainly vote for Proposition 2.

The Bailiff: I think the Procureur has returned with a composite set of Propositions as amended, could they please be circulated?

Deputy Merrett?

Deputy Merrett: I would like to request, actually, a vote on each Proposition. I am assuming that will happen, but I just want to check that, please.

3385

The Bailiff: I was assuming that is what we will have to do, because they have to be taken separately, because there are consequences.

A Member: Can we have a recorded vote on all of them, please, sir?

3390 **The Bailiff:** A recorded vote on all of them. Well, we will see how we go. We may not vote on all of them. Who knows?

We will certainly start with Proposition 1.

Proposition 1 is:

'To agree to proceed with the holding of a referendum on the method of electing People's Deputies to the States of Deliberation.'

A recorded vote.

There was a recorded vote.

Carried – Pour 37, Contre 0, Ne vote pas 1, Absent 2

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy Stephens
Deputy Meerveld

CONTRE

None

NE VOTE PAS

Deputy St Pier

ABSENT

Deputy Dudley Owen
Deputy De Lisle

3395

The Bailiff: Proposition 1 was carried, *nem. con.*, as they say, 37 in favour, none against and with one abstention.

We move onto Proposition 2, which is:

'To agree that the question to be put to the electorate in the referendum shall be along the following lines:'

3400 With five options, including the amended Option C, inserted as a result of the successful amendment laid by Deputies Green and Graham.
Proposition 2.

There was a recorded vote.

Carried – Pour 21, Contre 17, Ne vote pas 0, Absent 2

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

The Bailiff: The voting on the amended Proposition 2 was 21 in favour and 17 against, I declare it carried.

3405 That means that we do not need to vote on Propositions 3 or 3A and we move on to Proposition 4, to agree:

'To introduce the electoral system which is the most favoured in the referendum, provided that the number of persons voting in the referendum has exceeded a certain percentage of those persons inscribed on the Electoral Roll who are eligible to vote on the day of the referendum.'

A Member: Sir, could Propositions 4, 5 and 6 not be taken together?

The Bailiff: Well, we have had a request they will all be taken separately.

3410

Another Member: I am happy for them to be all taken together, 4, 5 and 6.

The Bailiff: Is everyone happy for 4, 5 and 6 to be taken together?

3415

Several Members: Pour.

The Bailiff: In that case, Propositions 4, 5 and 6 – 5 being to agree that the certain percentage referred to should be 40% and 6 saying, in summary, that notwithstanding if 40% is not achieved, the matter will still come back before the States, being brought back by SACC within three months, with a Policy Letter that takes account of the result.

3420

I think that is probably a fair summary. That is not for the benefit of people here, but for the benefit of anyone listening at home. People here have the full text in front of them and should go

by that, rather than my summary, but that is the way I would summarise it for somebody attempting to listen.

3425 So, Propositions 4, 5 and 6.

There was a recorded vote.

Not carried – Pour 19, Contre 19, Ne vote pas 0, Absent 2

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

The Bailiff: The voting on Propositions 4, 5 and 6 was 19 in favour and 19 against. Therefore the *status quo* prevails, which means, effectively, they are lost, would be my understanding of that.

The Procureur is confirming that. So those Propositions are not carried.

3430 Can we take any other Propositions together, or is there a wish that we continue to take them separately?

Can we take Propositions 7, 8, 9 and 10? There has been some speaking in respect of 7, but perhaps (a), (b) and (c) be taken separately. Is that still the position?

3435 Do you wish (a) and (b) to be taken together, but separately from (c), or do you wish to be voted on separately from (b) and separately from (c)?

A Member: As long as (c) is separate, that is fine by me.

The Bailiff: In that case, we will vote on Propositions 7(a) and 7(b).

3440 Shall I just read those?

'To agree that campaign groups should be permitted along the lines set out in paragraphs 13.1 to 13.9 inclusive, save that, instead of the process set out in paragraph 13.7 of the Policy Letter:

'(a) If no campaign group comes forward to be selected as the official campaign group for an option, there shall be no official campaign group for that option, and the government shall not act as a surrogate campaign group;

'(b) If there is no campaign group which meets the criteria adopted by the independent Appointment Panel for selection as an official campaign group for an option, there shall be no official campaign group for that option, and the government shall not act as a surrogate campaign group.'

So, 7(a) and 7(b) together.

There was a recorded vote.

Carried – Pour 29, Contre 9, Ne vote pas 0, Absent 2

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

3445 **The Bailiff:** The voting on 7(a) and (b) was 29 in favour with 9 against, I declare them carried. We move to 7(c), which is:

'The States' Assembly & Constitution Committee shall have principal responsibility for ensuring the provision of a set of impartial and comparable information on each of the options A to E ...'

What then appears in brackets is not actually now relevant, I believe.

'... which –

(i) it shall provide in such formats and publish in such manner as it believes will be most readily accessible to all eligible voters, and

(ii) may be further supplemented by the information provided by official campaign groups, but should, in its own right, be sufficient to enable voters to reach an informed decision on their preferred choice of option.'

Those words qualify the whole of 7. Is that clear?

3450 Deputy Le Pelley?

Deputy Le Pelley: As I read it, sir, if campaign groups do set themselves up they may very well want to talk to SACC. It is only if there is none that are set up, they will not be providing any in their place.

3455

The Bailiff: Does that alter what I read?

Obviously, I did not read the opening words to 7, 'To agree campaign groups should be permitted along the lines set out in paragraphs 13.1 to 13.9.' But, that qualified (c) as well. I am not sure I understand the point you are making.

3460

Deputy Le Pelley: You said you thought that what was in brackets did not necessarily count.

3465 **The Bailiff:** No, what is in brackets is 'or, in the event the States approves any other form of referendum', which they have not done, because they have approved Proposition 2, which was Options A to E, 'including a binary referendum'. Well, we did not vote on a binary referendum, because they approved Proposition 2, 'for each of the options in that referendum', those words must apply to the binary choice or some other form of referendum.

If those words do apply, I was saying it as much as anything for the benefit of listeners on the radio, who are probably now totally confused! Hopefully you have got the words in front of you.

3470 If you require any further explanation, I am sure H M Procureur will be happy to provide it and more intelligibly than I have done.

Are you all clear on what you are voting on?

Several Members: Yes.

3475

The Bailiff: Proposition 7(c).

There was a recorded vote.

Carried – Pour 36, Contre 2, Ne vote pas 0, Absent 2

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld

CONTRE

Deputy Smithies
Deputy Trott

NE VOTE PAS

None

ABSENT

Deputy Dudley Owen
Deputy De Lisle

The Bailiff: The voting on Proposition 7(c) was 36 in favour and 2 against. I declare it carried.

3480

That just leaves Propositions 8, 9 and 10, which are to do with funding and the preparation of legislation. Can they be taken together?

Does anybody require them to be voted on separately? We will take Propositions 8, 9 and 10 together and, again, is it a request for a recorded vote or can it be done *aux voix*?

A Member: A recorded vote, sir, please.

3485

The Bailiff: A recorded vote on Propositions 8, 9, and 10.

There was a recorded vote.

Carried – Pour 35, Contre 0, Ne vote pas 3, Absent 2

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld

CONTRE

None

NE VOTE PAS

Deputy Laurie Queripel
Deputy Prow
Deputy Oliver

ABSENT

Deputy Dudley Owen
Deputy De Lisle

Deputy Gollop: Sir?

3490

The Bailiff: Yes, Deputy Gollop?

Deputy Gollop: Mr Presiding Officer, I find myself a bit confused, because as we have, by default, voted out Propositions 4, 5 and 6, there is no instruction for SACC to return to the Chamber, which presumably they will have to do, if a referendum is held, unless there is a *status quo* to discuss the implementation or consequential effect.

3495

Do we need to have an additional Proposition for that, as 4, 5 and 6 are lost?

The Bailiff: They will be coming back, anyway, with legislation. Presumably that can be addressed at that time.

3500

Deputy Fallaize: The Committee was having to come back anyway, so obviously, whatever the result of the referendum is, the Committee will have to report back to the States with appropriate recommendations.

Unless you do, sir, the Committee does not feel there is any further direction.

3505

The Bailiff: No. Even before the referendum, you have got to come back with legislation, so if somebody wishes to move an amendment at that time, to ensure you have got to report back, if you are not doing it, that is their opportunity to do so; rather than laying further amendments at this stage, when it is not really necessary.

3510

I can announce the result of the voting on Propositions 8, 9 and 10: there were 35 in favour, none against, and three abstentions. Again, approved *nem. con.*

That concludes, then, the debate on the referendum on Guernsey's voting system.

We move to the final Item on the Agenda.

POLICY & RESOURCES COMMITTEE

X. Schedule for future States' Business

3515

The Senior Deputy Greffier: Article X, Schedule for future States' business.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 27th June, 2017 and subsequent States' Meetings, they are of opinion to approve the Schedule.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I tabled it, but it has been noticed that two of the Ordinances as listed at the start of (g) should actually have been shown as Propositions for approval by the States.

3520

So, if Members are content, they are asked to note that they are items for full consideration and the order in which they are listed for the Billet for 6th September will reflect that.

The Bailiff: That is numbers 22 and 25, I think?

3525

Deputy St Pier: That is right.

The Bailiff: Any motion to amend? No. Go to the vote on the schedule, those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**Procedural –
States of Election to be held on 6th September 2017**

3530

The Bailiff: Can I just put you on notice that I will be convening a States of Election for that morning, 6th September, as a result of a meeting of the Jurats last week, in which they agreed to appoint Jurat Snell as a *Juré-Justicier Suppliant*. So there will be a need for another Jurat to be elected and 6th September will be a convenient date for that. So, there will be a States of Election convened on 6th September.

3535

That concludes the business of this meeting.

Can I just say, sadly, I will not be with you next week? (*Laughter*) I will be supporting the Island's team, in fact all the Islands, at the Island Games, perhaps you would just like to join me in wishing them all the very best. The three islands.

3540

All Members: Hear, hear. (*Applause*)

The Bailiff: Please close the sitting, Greffier.

The Assembly adjourned at 5.07 p.m.