



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 24th April 2019

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Present:

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

Law Officers

Miss M. M. E. Pullum, Q.C. (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,
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,
D. de G. de Lisle, 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 S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller);
Deputy G. A. St Pier, (*relevé à 10h 07*); Deputy A. C. Dudley-Owen, (*relevée à 10h 07*)

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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 Greffier

EVOCATION

CONVOCATION

The Greffier: Billet d'État VII – to the Members of the States of the Island of Guernsey I hereby give notice that a meeting of the States of Deliberation will be held at The Royal Court House on Wednesday 24th April 2019 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate.

5

The Bailiff: Members of the States, good morning to you all and a special welcome back to Deputy Le Pelley. It is lovely to see you back (**Several Members:** hear, hear.) and I hope you are restored to good health.

10 Those who wish to do so may remove their jackets. It is a bit warmer in here than it has been in some recent months.

STATEMENTS

General Update –

Statement by the Committee *for* Economic Development

The Bailiff: We start with Statements. The first of which is to be delivered by the Committee *for* Economic Development – a general update statement from Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

15 This update Statement comes at a time of continuing uncertainty – primarily over Brexit. It is testament to the work of the States that in this time of uncertainty Guernsey is able to provide stability, and it is this stability that will serve our community and our economy well.

20 Around nine months ago, this Assembly formally and decisively supported the Economic Development Strategy that the Committee *for* Economic Development put forward. The Assembly subsequently supported the liberalisation of the aviation market that we proposed, and it supported the air and sea links policy and investment objectives that we put forward in December.

This clarity has enabled us to give a clear message to business – that we have a plan that it is based on providing confidence and opportunity. We have set out a vision of a liberalised, outward-looking, forward-looking economy, one that meets international standards, and that values proportionate regulation to protect consumers, investors and businesses alike.

At this States' meeting the States has an opportunity to send a clear signal to business that it is willing to invest further in our economy in relation to the Airport runway. By rejecting the Policy & Resources Committee's position, and exploring in detail the pros and cons of an extension to the Airport runway, we will be saying that we are willing to consider greater investment in our economic future.

Transport connectivity remains one of the Committee's critical priorities. The unsatisfactory outcome of the PSO process for the Guernsey/Alderney route means that we have more work to do to persuade the market that there is an opportunity for them. But we are confident that a simpler specification for the PSO will attract credible industry players. The Committee and its officers have held meetings with States' and non-States' parties in order to revive and revise the PSO process. I hope to be soon in a position to provide further clarity on the next steps to Members of the Assembly.

Sir, business wants Government to create the conditions for growth and to work in partnership with business to create opportunities and remove barriers. In relation to the finance sector, the engine of our economy, good work is being done by industry, by Guernsey Finance, the GFSC and Government – in partnership – to develop our offer, in order to maintain and grow the sector. One example of this approach is the development of a green finance offer. A Guernsey Green Finance industry body was established in late 2018. Subsequently Guernsey has become a member of the International Network of Financial Centres for Sustainability, and Government and industry are continuing to work together to develop an impact fund. These are positive developments which will help to recast our finance sector offer in a competitive global market.

In the Economic Development Strategy, we prioritised digital connectivity, and accelerating next generation digital infrastructure in Guernsey. The Committee published the Future of Telecoms strategy paper in July 2018. This sets out the case for the roll out of next generation telecoms infrastructure to secure the Island's digital connectivity into the future. It includes policy for the implementation of 5G, fibre to businesses and minimum residential broadband speeds. Following consultation with on-Island telecommunications providers and the regulator, the Committee will be submitting a policy letter to the States for debate in September. This will seek States' approval for implementation of next generation telecommunications infrastructure, including proposals for the licensing of a 5G network on the Island.

Creating an environment that supports start up and scale up businesses is one of the critical components of the Economic Development Strategy – supporting the growth of our own businesses and attracting new businesses here. For that reason the proposed economic development aspects of the Future Digital Services programme are exciting. Subject to the States' agreement at the June States' meeting, we will be able to work with Agilisys on a programme that includes a 10-year start up and scale up investment and mentoring programme; the development of a MedTech innovation centre; the development of a FinTech innovation hub; a physical Guernsey presence in London in Imperial College's business tech centre; the provision of a digital apprenticeship and development of digital skills; and a Guernsey-based 'cloud' system for hosting and data storage.

The work on digital skills will support the Skills Action Plan. This was published in late 2018 by Skills Guernsey, led jointly by the Committee with the Committee for Education, Sport & Culture. The plan was developed through extensive engagement with industry and is informed by the findings of research into current skills gaps. The plan sets out the practical steps to be taken by Government, in partnership with the local community and industry. It seeks to develop lifelong learning, digital skills, entrepreneurship, and employability skills. It will support the Guernsey Apprenticeship, the identification and development of future apprenticeships, and work-based learning opportunities.

75 Sir, as well as focusing on skills for business, the Committee has set out its objective to support the effective operation of the local economy through making it easier to do business. This includes an initiative to identify and remove red tape, and to reduce the cost of doing business in Guernsey. A working party was formed at the end of last year. It is made up of representatives from both the Committee for Economic Development and the business community.

80 The group had its first meeting late last year, and it agreed to focus its work on three areas. Firstly, evaluating how easy it is to do business in Guernsey compared to other countries. This is being done by using a widely recognised benchmarking approach – the World Bank's *Doing Business* index; secondly, understanding if local businesses have any immediate and specific concerns which the States should seek to address through feedback from various business groups; and thirdly, assessing how other places have been successful in removing barriers to doing business. This working party is due to report its initial findings next month. The Committee will then determine what it can do in order to help to address any issues that have come to light through the process.

90 Sir, the Committee is also working in collaboration with industry representatives to develop an action plan for Guernsey's tourism and hospitality sector. Industry has made it clear that it wants actions and not another strategy, and for that reason the Committee will publish its action plan in Q2 of this year. The action plan will be distilled from the 10-year tourism strategy that was agreed in 2015 with the Chamber of Commerce, and will also include development of new opportunities such as edu-tourism, medical tourism and working with Alderney and Sark.

95 The Committee acknowledges that there is much to do in an increasingly competitive market, but our starting point is not a bad one. After over 20 years of steady decline, staying visitors numbers have stabilised and grown modestly from 2015 to 2018, since the current strategy was published and put in place.

100 The PwC report on our tourism industry showed that there is significant scope for improvement in our product, and that will be the focus of our action plan. There is much we can do to help improve performance of course right across the Committee's promotional agencies, and we have commissioned an internal review to identify opportunities for co-operation between them. The future partnership with Agilisys will also be factored into a fundamental review of 2020 budgets.

105 Sir, the Committee continues to look at ways of diversifying the economy, including the development of plans for an international university presence in Guernsey. The cross-Committee working party has identified partners interested in establishing an international university presence here, who will be attending a workshop in Guernsey next month. This will refine the partnership model, and the curriculum of the proposed university. It is likely that the university proposal will focus on a cellular model which would result in Guernsey partnering with multiple universities from a wide spread of geographies, all simultaneously offering some form of physical study presence in Guernsey and utilising the same campus.

115 At present we think the curriculum will focus on digital skills, sustainable development and the arts, but the details will be developed over the coming months. The working party will produce a feasibility study for the project which will cover the financial and organisational options and the direct and indirect benefits of an international university presence in Guernsey. If the feasibility study suggests that the proposal is sound, this will lead to a States' report in Q4 of this year.

Sir, the Committee is also actively driving the Seafront Enhancement Area Steering Group, which will shortly produce a high-level Seafront Enhancement Area Plan. This will set out which specific developments should come forward as part of the SEA programme.

120 **The Bailiff:** I have to tell you you have run out of time, and I have no discretion to extend time.

We now have a period of 20 minutes for questions on any area of the Committee's mandate except any topic which is part of another item of business at this meeting.

Deputy Trott.

Deputy Trott: Sir, would the President of Economic Development please finish his speech?

The Bailiff: He has a minute and a half in which he may reply to that.

130 **Deputy Parkinson:** Thank you, sir. I have now lost my place. (*Interjection*)

The Bailiff: Alongside the production of this plan were going to be your –

Deputy Parkinson: Okay. Gosh I really am in a bit of disarray, sir.

135 So we are on the Seafront Enhancement Area so there will be a high-level plan and a local planning brief presented to the States in the form of a policy letter, approval of which will signify the movement into the delivery phase of the SEA.

140 The SEA steering group has set a target for presenting this to the States before May 2020 and will work closely with the DPA, which is the body responsible for producing the local planning brief.

In the meantime work continues to bring forward the enhancements of a number of sites following an extremely successful public engagement process which saw over 350 positive suggestions for change.

145 The steering group has shortlisted the bids down to 35 submissions ... from 35 down to 11 across the six sites, and it is envisaged that work will commence to deliver these in Q3 of this year.

There are of course many other workstreams within our mandate but Members may ask questions on any part of our mandate following this.

Thank you, sir.

150 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

Although we heard elements of progress and new ideas for tourism I would like to ask how far are Economic Development working with the industry on two areas.

155 The first is alternative models of providing marketing – a cultural awareness service perhaps more on the Visit Cornwall model than the current Visit Guernsey model.

160 The other area would be apprenticeships in tourism, because I am given to understand that despite many years of excellent work the catering, restaurants, hospitality side of the College of Further Education is struggling to find a viable cohort of locally based students and I think very much the industry belongs to the Islanders and the skills that they can develop.

The Bailiff: Deputy Parkinson.

165 **Deputy Parkinson:** Yes, well the cultural aspects of our tourism offering are very clearly very important and we now have the benefit of the re-opening of Victor Hugo House in Hauteville, and I urge Members to go and visit that if they have not done so; it is really spectacular. Off the back of that we are upping our effort in terms of the French market with a specific campaign to promote that and also further work on potential air links to France. So we are working on that and cultural tourism along with sporting tourism does present significant opportunities for Guernsey.

170 On the skills side this is obviously an issue that Skills Guernsey is addressing, clearly the lack of students interested in the catering industry is disappointing, but I think that has been the case for many years now, and I am not sure we will do much to change the balance when there are so many attractive opportunities in other industries.

175 **The Bailiff:** Anyone else?
Deputy Soulsby.

Deputy Soulsby: Sir, yes, listening to the Economic Development President talk about the PSO I think he made reference to a simplified PSO; he has been quoted in the media as stating that he believes that when it goes out to tender again it will not include Medevac or, more rightly, patient transfer service. Is that his meaning of a simplified PSO?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, the mandate of the Committee *for* Economic Development does not include providing patient transfer services between the Islands. However, it has been the custom and practice for many years that Aurigny on a best endeavours basis has provided patient transfer services for the Islands, and we tried to include that as a requirement in the initial round of the PSO and unfortunately several credible airlines told us that they were not prepared to bid specifically because of a requirement to provide a patient transfer service. Those airlines did say they would be willing to provide a patient transfer service on a best endeavours basis as a kind of back-up plan and in the revised PSO tender process we will remove the requirement for airlines to provide the patient transfer service. What we are determined to secure through the PSO process is viable commercial airlinks for passengers and certain kinds of freight, and we have reason to be optimistic that this new process will be successful.

The patient transfer issue will have to be addressed separately. The tender process does invite bids from airlines wanting to provide a patient transfer service and leaves them with the option of bidding for both contracts. So we will see what comes out of the bidding process. I am hopeful that we will get bids both for the commercial airline aspects and for the patient transfer service but not necessarily from the same airlines.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I thank the President for his update.

I am led to believe from what the President says that we will have actions without a strategy for tourism, or rather actions that revert to a strategy from 2013. Sir, we all know, the Assembly knows, that strategy has never been deliberated or debated in this Assembly, and we also know that Economic Development are under States' Resolution to return to the Assembly with a retail strategy ... would be nice but on this occasion we are talking about a tourism strategy. I was wondering if the President could confirm if it does intend to do this and the timeline concerned?

Thank you, sir.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, the Committee intends to return with an action plan – a 10-point action plan – governing what we propose to do during the rest of this term of the States and going forward thereafter.

We do not see any merit in revising the Tourism Strategy which, as Deputy Merrett says, has never actually been approved by the States in the first place. That document will be updated. It is a living document, it will change from time to time, but we think the industry now wants us to get on with a programme of work that we can identify and bring to the States rather than revising a document which is perhaps now sort of passed its sell-by date in some respects and changing all the time. So in fact in the P&R Plan debate we will be asking the States to rescind the Proposition to revise the strategy.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

230 With regard to the roll out of 5G and the digital market generally, concerns have been raised in
Canada, in Britain and certainly in America over national security issues with regard to using
Chinese hardware provided by essentially a Chinese state-owned company. Bearing in mind the
sensitivity of Guernsey's economy, have Economic Development had any conversations with P&R
235 or any other committee regarding the sensitivities of using a company where concerns have been
raised regarding data protection and national security matters?

The Bailiff: Deputy Parkinson.

240 **Deputy Parkinson:** Yes, sir, the States' Chief Information Officer has been in touch with the
authorities in the UK GCHQ and the like and obviously Guernsey will be guided by whatever
directions emerge from the UK, but I read in today's headlines that the UK has actually approved
Huawei equipment for use in 5G networks. So I think this is a developing situation. It would
appear if those reports are true that the concerns about Huawei equipment have gone away and
it may be that the successful tender for the 5G services will include that equipment or not
245 depending on whether it is finally certified as not a threat.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

250 I was disappointed with Deputy Parkinson's response to Deputy Soulsby on the Medevac and
the PSO with Alderney. Would he not agree with me that it would be much more cost effective to
be working together with Health & Social Care on a future service that provides some element of
Medevac cover because the alternative will be that, yes, the general day-to-day service to
Alderney will be provided through Economic Development but there will be a substantial cost to
255 Health & Social Care's budget and we are all here to be working together as Government and I
just hope that he will agree that he will work much more closely with Health & Social Care on the
Medevac and PSO in future?

The Bailiff: Deputy Parkinson.

260 **Deputy Parkinson:** Sir, in an ideal world the airline that wins the commercial PSO contract
would provide Medevac services, and I have no doubt that what Deputy Le Clerc says is true, that
in that situation the overall cost would be reduced.

265 However, the fact of the matter is we have been to the market, invited tenders for a combined
service and the reality is there were no compliant responses. At the end of the day we have to
ensure that Alderney has reliable and serviceable airlinks; that is what our mandate requires. In the
process of delivering that service if we can identify a provider, or providers, who will provide the
Medevac service then we are glad to assist our colleagues on Health & Social Services with
making such arrangements. As I say, it may or may not be possible and if it turns out that the only
270 way of getting this done is to contract in a separate Medevac service which will undoubtedly cost
more than a combined service then that is how we will have to do it.

The Bailiff: Deputy Yerby.

275 **Deputy Yerby:** Sir, the division of an issue that affects an entire community is in the mandate
of different committees is completely unacceptable. Would Deputy Parkinson not accept that if
the market is failing to provide an adequate solution to provide airline life links between Alderney
and Guernsey and the patient transfer service we must return to providing it as a public service
using assets that are owned or controlled by the States?
280

Several Members: Hear, hear.

The Bailiff: Deputy Parkinson.

285 **Deputy Parkinson:** Sir, the decision to commercialise, if you like, Aurigny, which in fact has of course always been a separate commercial entity has remained the situation since the States acquired the company. So the board of directors are under a direction to operate it commercially, and they have up to now provided a Medevac service for Alderney on a best endeavours basis. However, in their proposed fleet reconfiguration they would have very much less resource to do
290 that and it remains to be seen whether Aurigny will respond differently to the second round of the PSO process.

But the reality is if they were to operate with only two aircraft to have one of them taken out of service to provide Medevac would cause very significant disruption to the commercial airline operations and the reality is the States has not chosen hitherto to direct Aurigny to do something
295 which commercially they do not think is sensible.

The Bailiff: Deputy Lowe.

Deputy Lowe: Sir, would the President agree that the message that is coming out here this morning I think is totally unacceptable? We as a States have a duty as the Bailiwick to look after
300 an Island for their patient transfer. Now I am a little concerned that those living in Alderney will be extremely concerned about if a patient needs to come to Guernsey how they are going to be looked after and I think we, the States collectively, have to take that responsibility and send out a message to Alderney and the Bailiwick those that live there, we are taking it seriously and we will
305 do our utmost to make sure that patients are transferred to Guernsey.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Well, sir, the second round of the PSO process does invite airlines to bid
310 for the patient transfer services. It also invites airlines to bid for the commercial passenger services, and it allows airlines to bid for both. We are trying to secure a provider for patient transfer services for Alderney, and we will continue to do so.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, Deputy Parkinson, it is tourism again.
Guernsey Airport figures from 2015 are down 50,000: 860,000 down to 808,000. The claim by Visit Guernsey that from 2015 staying leisure visitors 130,000, 2015; 130,000, 2016; 2017, 146,000; and 2018, 141,000 staying visitors – is he sure that his staying leisure visitor statistics are accurate?
320

The Bailiff: Deputy Parkinson.

Deputy Parkinson: I have no reason to believe that they are other than accurate.

325 **The Bailiff:** Deputy Trott.

Deputy Trott: Thank you, sir.

Financial services remains the key driver of our economy, we spend as a government a fraction of the amount on promoting financial services than we do on the promotion of the tourist sector.
330 Should we look to substantially increase our funding of the promotion of financial services?

The Bailiff: Deputy Parkinson.

335 **Deputy Parkinson:** Well, sir, that is a question which might almost be directed to Deputy Trott
as a Member of P&R. *(Laughter)* Obviously as a fellow member of the Board of Guernsey Finance,
we are both aware that Guernsey Finance has occasionally made bids for increased funding to
increase the scope of its activities and some of those bids have been supported. So I do not think
Guernsey Finance has been neglected. Whether in the overall picture it is getting its fair share of
the cake is a budgetary matter which I would refer to P&R.

340 **The Bailiff:** Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

345 The President mentioned the contract with Agilisys and the vehicles for Economic
Development. Government and the States in particular are notoriously risk averse and this is kind
of intuitive to digital innovation and concerns me that this level of risk aversion might lead into
these innovation hubs. Is the President – ‘satisfied’ is the word I was looking for – is the President
satisfied that the vehicles that are being developed to work with Agilisys would hold us back from
that kind of risk aversion being inputted into these vehicles?

350 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Well, I think the interesting point is that Agilisys is part of the Blenheim
Chalcot Group which has a wide range of other business interests and actually has a considerable
355 record as a promoter of start-up and scale-up businesses. They now have a portfolio of successful
businesses with a success rate which is much higher than would typically be experienced in the
start-up space. I think something like 70% of their ventures succeed, whereas the industry average
would be much lower than that.

360 So these people are used to taking these kind of investment risks and they are bringing their
expertise to Guernsey, they are supporting our effort not just through the activities of Agilisys but
through, as I have said, creating a Guernsey space at the White City premises which is actually a
sort of precinct of the Imperial College Technology Campus. So I think the opportunity for
Guernsey to really benefit from this relationship is very significant and these people are
professional risk takers. I do not think there is any doubt that they will not be shy about making
365 investments where they think there is a return including potentially investments in other new
Guernsey businesses.

The Bailiff: Deputy Gollop, and this may be the last question.

370 **Deputy Gollop:** My question is: I, like Deputy Parkinson, am optimistic about the ideas of a
university for Guernsey with the model he outlined of arts, sustainable development and digital
faculties, but would it not be easier if the University Working Party were working very closely with
Education, Sport & Culture with their institute model and looking for perhaps one significant
university backer to which Guernsey initially would be a partner university rather than a multi-
375 global portfolio approach?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Well, there are two questions there really, sir.

380 In answer to Deputy Gollop’s first question, the University Working Party includes Deputy Peter
Roffey from the Education Committee. We try and involve Education at every stage in our
deliberations and we see great scope in fact for co-operation between an international university
presence and an on-Island Guernsey institute, or whatever it may end up being called.

385 So I do not see this as in any sense a competition between these two projects. The
international university of Guernsey will be targeting different students i.e. off-Island students, it

will be funded, effectively, privately not through taxpayer money and because it will be teaching very specific topics which probably will not be covered by the Guernsey institute, I do not see there will be any competition for staff either.

390 On the second aspect, we tried very hard to find a single high-quality university to partner with, and the reality was the model we were proposing did not gain much traction; there were not many – well in the end none – universities who thought that that model actually contributed anything to their existing offering.

395 What we found when we developed this cellular idea, which incidentally the other universities have all described as highly innovate, was that there was then a much greater attraction for them because the opportunity for them is not only to work with Guernsey, it is to work with this group of other universities around the world from Australia, from Canada, from Eastern Europe and they are really excited about the concept of the sort of hub and bespoke relationship with a collection of other universities. So we will see. There is a workshop, as I have said in my statement, in Guernsey in May that all these universities will be attending.

400

The Bailiff: We will just have one more question.
Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

405 The Chairman mentioned Aurigny so I feel I had an opportunity to say this. Have Aurigny consulted with the States of Guernsey and Economic Development about the impact of closing Alderney operations yesterday with the loss of all the operations staff taking those jobs to Gatwick and out of the Bailiwick with the loss of tax, income and insurance?

410 We are looking to form a liaison and have a joint economic plan and this has impacted on Alderney greatly.

Thank you, sir.

The Bailiff: Deputy Parkinson.

415 **Deputy Parkinson:** Well, the short answer to Alderney Representative Roberts is no, Aurigny has not consulted with Economic Development about the relocation of their operations centre which he describes. They may have consulted with the STSB in its shareholder capacity – I see Deputy Ferbrache shaking his head – so it appears the answer to his question is no, Aurigny has not consulted with any committee of the States of Guernsey about this decision.

420

The Bailiff: Before we move on, Deputies Dudley-Owen and St Pier, do you both wish to be relevé?

425 **Deputy Dudley-Owen:** Yes, please, sir.

Deputy St Pier: Yes, please.

The Bailiff: You are both relevé.

General Update – Statement by the President of Education, Sport & Culture

430 **The Bailiff:** We move on to the next Statement to be delivered by the President of the Committee for Education, Sport & Culture, Deputy Fallaize, a general update statement.

Deputy Fallaize: Thank you, sir.

As Members are aware, the Committee is leading substantial reforms to the Island's education system as directed by the States in 2018. These reforms are focused on promoting opportunity and excellence for every student now and in the future – whether in terms of academic standards, pastoral support, or sporting, social and cultural enrichment through school.

This summer the Committee will submit a key policy letter. In this policy letter the Committee will propose the capital investment necessary for the development of four education sites in order to put into effect the policy decisions already made by the States. Those four sites are: the 11-18 Colleges at Baubigny and Les Beaucamps, which will operate as one secondary school; the Guernsey Institute at Les Ozouets, which will integrate providers of further and higher education run or funded by the States; and La Mare de Carteret Primary School, which needs to be rebuilt. Importantly, the policy letter will set out further details about how the new model of education will operate in practice, its benefits and its costs.

Vicky Godley and Kieran James were recently appointed as Designate Principals to the two 11-18 colleges. They are both well known and well regarded as education leaders locally. Currently Vicky is headteacher of La Mare de Carteret High School and Kieran is acting headteacher of the Grammar School & Sixth Form Centre. They will work closely with our Executive Head Teacher, Liz Coffey, to develop the new school operating across two colleges. Among their priorities will be further developing the curriculum offer, the new staffing structure, pastoral support for students and provision for students with special educational needs.

Feedback that we are receiving from staff in schools is vital in the development of our new system. We have previously provided assurances that there will be a teaching post in the new school for all of our teaching staff. The next stage is to share the future staffing structure with school staff and this will be done before the end of the summer term. Appointments to the new school will begin early in the next academic year. This will help to ensure that transition for staff and students can be planned carefully as we move to the new model of education over the next few years. We are of course working in consultation with our union colleagues. This year we have formed a new consultative group which includes our Executive Head Teacher and brings together union leaders and other representatives of school staff to share ideas about the development of the new school.

We are engaging with students, parents and the wider community on names for the school and its two colleges. Before the end of the summer term we will announce the names of the school and colleges and their houses as well as the school's motto. We are consulting students on the uniform for the new school. Decisions on future uniform arrangements will also be announced before the end of the current school term or the summer term. Until then no assumptions should be about which students, year groups and schools may or may not be required to change their uniform. But the Committee does recognise that a change of uniform could have financial implications and is developing ways to avoid additional costs to parents. The new names of the school and colleges and the new uniform will begin to come into effect from September 2020.

A new Director of Education was recently appointed. Laurie Ann Baker will spend some time in Guernsey each week from June and will take up her post full time in mid-August. The Director of Education is a statutory post which has existed for many years. It has most recently been filled on a temporary basis by Andrew Warren and I wish to thank him for his invaluable service since June last year.

We are consulting with education professionals on the new inspection framework for Bailiwick schools which will come into effect when Ofsted takes over as our inspectorate in September this year. The extensive consultation period closes this week. We will consider all suggested amendments before publishing a final framework in time for it to be put into effect initially for a small number of pilot inspections before the full inspections commence next academic year.

An important part of the Committee's policy agenda – well away from building projects, consolidating school sites and transition models – is the further development of the Bailiwick curriculum. It is essential that our curriculum should draw on local expertise and the latest

485 educational research and best practice from elsewhere and should take account of evidence about
the impact of different curriculum models around the world. Our curriculum must provide
students with the knowledge and skills they need to flourish in education, at work and socially.

When the Committee was elected a little over a year ago it embarked on a journey – working
with officers and educationalists to maintain all the good in our current curriculum – in particular
490 its strong skills base – while encouraging a greater role for subject-specific knowledge and
consistency of content across the phases of education and across schools. This journey continues.
The curriculum working group, made up of teachers, has developed core content in various
subjects, including history, geography and science. Greater consistency of content will assist in the
transfer of pupils between primary and secondary schools. The curriculum working group will be
495 doing the same in other subject areas over the next few terms.

Since my last update statement, the Committee has published policies on behaviour in schools
and provision for students of high prior attainment. Although there was some criticism about the
development and publication of such policies, the States will be aware that the Committee was
required to publish such policies by States' Resolutions dating back to 2016 when the States
500 voted to end selection at 11. The Committee has also recently developed an updated mental
health and wellbeing policy for schools.

As part of the proposals agreed by the States last year the States directed that the current
outdated Education Law should be repealed and replaced. The Committee has started work to
develop a new Education Law and this work is now progressing well. In the coming months the
505 Committee will be consulting with particular interest groups, including in relation to the future of
special educational needs, and will then consult more widely across the community in the autumn.
The Committee will submit a policy letter on the new Law to the States for debate and, if the
proposals in that policy letter are accepted, the Committee will then present the new Law itself.

We are progressing the development of The Guernsey Institute, which will integrate the
510 College of Further Education, the Institute for Health and Social Care Studies and the GTA. The
Guernsey Institute will be created on 1st July this year and the Committee will shortly invite
expressions of interest from anyone wishing to serve as a member of the Guernsey Institute's
governing body, initially on a 'shadow' basis until governance is devolved through the new
Education Law. Work is ongoing to develop the curriculum offer for the organisation and agree
515 the space requirements for the proposed building work required to unite all three existing
organisations on a single site at Les Ozouets.

There is an extant States' Resolution directing the Committee to bring to the States a plan for
sport. This work is well advanced. We have started discussions on how we might fund the
additional investment which will inevitably be needed and we hope to conclude them in time to
520 submit the policy letter this summer.

We are in the final stages of preparations for the refurbishment of Foote's Lane Stadium. The
centrepiece of these works is the installation of a new eight-lane running track. We are also
improving access for people with impaired mobility and repairing the buildings.

Last month the International Island Games Association inspected our facilities ahead of the
525 Games in Guernsey in 2021 and left content that our preparations are on track to host a fabulous
event.

Work continues on a policy letter which will propose a new approach to maintaining and
promoting Guernesiais. The Committee hopes this policy letter will be before the States this year.

Candie Museum attracted 27,000 visitors in 2018. This was its highest footfall since 1991. Over
530 the winter the Frossard Theatre at Candie was refurbished thanks to a generous bequest and
donations. We anticipate returning to the States later this year with our most substantial cultural
capital project at Castle Cornet. In the meantime we are replacing the roof on the maritime
museum at the Castle, which could wait no longer.

Two weeks tomorrow – 9th May – is Liberation Day. Events in Town are being planned in
535 partnership with a new event organiser and we can expect to see a number of changes as we try

to ensure that, as well as being a day of celebration, the historic and cultural significance of the Liberation is passed between the generations. (**A Member:** hear, hear.)

At the end of 2017 it was anticipated that the Committee's expenditure would be nearly £4 million above budget in 2018. During 2018 this budget deficit was halved.

At the time of the 2019 Budget debate the Committee emphasised its determination to remain in budget this year and to reduce underlying costs in the medium to long term where this could be done without detriment to services, especially statutory education. At the end of March this year, the Committee's expenditure was under budget by £330,000, but difficult decisions will need to be made – and will be made – still to be within budget by the end of the year.

Later today parents and carers of school children will receive an update letter from the Committee which includes much of what I have just advised the States.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

Can the President kindly advise: when St Peter Port School was closed and pupils transferred to the Mare de Carteret there was a substantial drop in educational standards; in hindsight it was acknowledged that it was poorly handled and took years to recover; can the President confirm this will not happen to today's pupils as we move to one school on two separate sites?

Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Yes, what Deputy Brouard outlines is exactly what happened. I think that it is difficult to establish with any certainty the exact causes of the poor results that he advised the States of, because there were students who were not actually caught up in those moves for whom results were lower than anticipated as well. However, clearly there is a risk during any school merger or closure and any transition model that disruption can have an impact on student outcomes.

I think that the present Committee and the education professionals who are working on the introduction of the new model can learn and are learning from what was done well and what was done less well when St Peter Port School was closed and the need to protect the outcomes for current students – including my children incidentally – is uppermost in the minds of our professionals and of the Committee.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, 2021 Island Games, just again on accommodation, tourism all that kind of stuff. What conversations has the Committee had with Economic Development related to accommodating the athletes and their families?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Well, as Deputy Inder knows, the Committee established an organising committee to oversee the organisation of the Games. Now the relationship therefore is between the organising committee and our Committee. I can tell him that the organising committee has had extensive discussions with the tourist industry, a person who is prominent in the tourist industry is sitting on that organising committee and is taking responsibility for the aspects of organisation that Deputy Inder refers to.

There has not been any direct dialogue between the Committee *for* Economic Development and the Committee *for* Education, Sport & Culture because there does not need to be, there just

needs to be dialogue between the organising committee and the industry. I am told that there is sufficient bed stock for us to accommodate all of the competitors and officials and their families who will be here, but if not I am sure the organising committee will draw that to the attention of our Committee if it needs to.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

With the new school system would this not be the perfect time to actually change the schooling hours and extend them until maybe say 4.30 p.m. to make it easier for working parents?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: I think that is a very good point. The Committee is currently – well education professionals are essentially – working with us to draw up those kinds of details of the new education model. There are considerations being given to extending the school day and if that happens there would be greater opportunities for enrichment opportunities as well as the benefit to working families which Deputy Oliver alludes to.

There would be funding implications and the Committee is trying to work through what some of those funding implications might be before it presents any details in its policy letter this summer. But the principle of what Deputy Oliver outlines is to be welcomed and she can be assured that the Committee and the professionals are looking at that very carefully.

The Bailiff: Deputy Lester Queripel. Deputy Lester Queripel then Deputy Ferbrache.

Deputy Lester Queripel: Sir, members of Art for Guernsey recently said in the media that the States should appoint a minister for art and culture (**A Member:** Hear, hear.) to underline the importance of the sectors to the Island and to promote Guernsey on the international stage as an important venue and jurisdiction of the arts. So can Deputy Fallaize tell me please whether or not he agrees with Art for Guernsey when they say we need a minister for the arts and culture here in the Island and have Art for Guernsey contacted him or any Members of his Committee to discuss the issue?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Well since we do not have any ministers I do not think we should appoint a minister for the arts. The equivalent would be a committee for the arts, and it seems to me that it is completely unnecessary to appoint a committee for the arts anymore than a separate committee for tourism, or the probation service, or for the disruption of rats, as there used to be in years gone by.

What I can tell Deputy Lester Queripel is that my Committee has been working with representatives of the Arts Commission and the Community Foundation who have come together to draw up a draft strategy for the arts which has been presented to the Committee and which the Committee is happy that they take to the next stage. We would hope to be able to present a plan for the arts to the States before the end of this term but to some extent it depends on the speed with which that group is able to get through the next phase of its work.

If Deputy Lester Queripel wants to have any more detail about that than I can provide in a minute and a half then I am happy to sit down with him and indeed facilitate a meeting between him and representatives of the Committee and with the groups I have just referred to. But quite a lot of work to develop a plan for the arts is going on.

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, my question really follows on from the point made by Deputy Brouard in his question about falling standards. I am more concerned with increasing standards, bearing in mind we are going to get a policy letter very shortly. The President and his Committee, can they give an assurance that under the new system intellectual standards – intellectual attainments, I should say – will be better across the board than under the current system? Can we have that assurance, please?

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The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Well Deputy Ferbrache as an experienced litigator is trying to tempt me into an assurance which he knows it would be unwise to provide. I cannot give him a guarantee that academic standards will improve any more than Deputy Soulsby could give him a guarantee that the standard of operations carried out at the PEH is going to be better once their modernisation programme is complete.

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What I can tell him is that the Committee and the education professionals have a relentless focus on the issue of academic standards in schools. The reforms which we are leading are based in part on the belief that academic standards across the board in Guernsey can and should be improved. We are doing reasonably well in Guernsey if you compare us with the English average, but there is room for further improvement. Those of us who are committed to all ability education and those of us who are leading the reforms one school across two colleges are motivated not entirely but partly by the desire to improve academic standards.

660

So I think I have gone as far as I can go in the assurance I give to Deputy Ferbrache and I think he will see this view of ours reflected in the policy letter that will be published this summer.

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The Bailiff: Deputy Green.

Deputy Green: Sir, thank you.

When Deputy Fallaize gave his Statement a moment ago he was very careful in saying that the policy letter that he was just speaking about will be submitted this summer, and I wonder whether I could press him slightly for some further clarification as to exactly when it will be submitted and when it will be debated, importantly. Further, in relation to the latter in terms of when it will be debated, can he confirm or can he give some assurance to my Committee that we will have some opportunity to review the material, the policy letter and any appendices, prior to its actual publication and its release? Obviously we are interested particularly in the capital costs of the four projects he talked about, but also any projected revenue savings that his Committee may well be arguing for. I would be grateful for some clarification on that, sir.

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The Bailiff: Deputy Fallaize.

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Deputy Fallaize: I can tell Deputy Green that the proposed capital cost will be substantially lower than was forecast in the debate 15 months ago, but I know that is not what he seeks. My Committee will endeavour to provide his Committee with an advanced copy of the policy letter. I do not think there will be time to provide it weeks and weeks before publication so that his Committee is in any kind of position to carry out a thorough review. I have to say that honestly because that is the timeline against which we are working. I cannot tell him when the policy letter will be debated by the States because that is a decision for the States when it sets its schedule for future business. Given the submission date which will be in May or June it is highly likely that the policy letter will be debated either in the last meeting before the summer recess or the first meeting after the summer recess but we are submitting the policy letter as quickly as we can as soon as it is ready and we will endeavour to provide his Committee with an advance copy.

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The Bailiff: Deputy Gollop.

695 **Deputy Gollop:** Yes, sir, until recently Deputy Fallaize was a highly valued Member of the
Employment & Social Security and more recently I have become a Member, with Deputy Yerby, of
the Disability Law Project Board. One issue that regularly comes up in our deliberations of
different models of disability legislation is the need for the Education Law of 1970 to be updated
and upgraded, as Deputy Stephens argued many years ago now for today. Can the President give
700 an assurance that the Law will be upgraded and updated in accordance with the Disability &
Equality Law that is being developed hopefully within the next year.

The Bailiff: Deputy Fallaize.

705 **Deputy Fallaize:** Well, sir, as a technical point I think that clearly one Law cannot contradict
another Law and so if the Committee for Employment & Social Security has managed to get in
place its discrimination legislation then clearly all subsequent pieces of legislation including the
Education law will have to make sure that they comply with it. That is a sort of technical answer.

The principle of the thing is clearly that we want the Education Law to comply with best
practice and modern principles in relation to addressing disability discrimination so that is
710 uppermost in the minds of the Committee when developing the new Education Law which Deputy
Stephens was right about all those years ago, although not alone because successive Education
Committees were pledged to develop a new Education Law. It has been known for years at least
that it is unfit for purpose and it is something that we are progressing as a priority and hope to
make very substantial progress on this term.

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The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

720 I just wanted to ask: does Deputy Fallaize know if there has been any acknowledgement within
our schools of the upcoming Parental Alienation Awareness Day an international event due to
take place on 25th – so tomorrow? Do our schools have any form of support for children who
might be suffering as a result of being separated from a parent because both the parent and the
child can feel the distress of that circumstance?

Thank you, sir.

725

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

730 I am unaware of any specific initiatives which any schools have been doing around Parental
Alienation Awareness Day. In relation to support for students, as Deputy Queripel and other
Members will be aware, students require emotional and related support for a whole range of
reasons, including family breakdown and issues around parental access to children and they are
dealt with through the range of services which schools provide, and which support services such
as educational psychologists provide. So I cannot share with him any specific initiatives in relation
735 to parental alienation but students who require support in that respect would receive that support
in the way that all emotional support is provided.

The Bailiff: Deputy Merrett.

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

I would like to ask the President if the forthcoming policy paper will have any financial
indications of what the States can expect to be paying for the new model, because I am

particularly interested in the financial implications compared to the learning outcomes that we can expect to see from the new model?

745 Thank you, sir.

The Bailiff: Deputy Fallaize.

750 **Deputy Fallaize:** The policy letter will have to include quite considerable financial details otherwise plainly it will not get through the States. So the answer to the question is yes. The capital costs have to be set out in some detail and so too do the revenue costs of the new model, and they will be.

755 The proposal for the new model of education which was accepted by the States in January of last year was predicated on the assumption that we could change our education system so that it costs less to run every year and increase opportunities and standards. That lies beneath the model and Deputy Merrett will see the numbers which demonstrate that in the policy letter.

The Bailiff: Deputy Lowe.

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

I would like to thank the President *for* Education, Sport & Culture for the update because I think that has been really helpful. There are areas in there which I know people have had concerns about, so thank you.

765 My question would be: bearing in mind the development that is going to be needed at Beaucamps and indeed at St Sampson's School, are you still on track to have enough areas of land to accommodate the alterations that are required there, or will there be a need for compulsory purchase or indeed purchasing any further land?

The Bailiff: Deputy Fallaize.

770 **Deputy Fallaize:** I thank Deputy Lowe for her question.

775 There may be a need for purchase of a limited area of land. There will not be any need for compulsory purchase of any land. So I think it was Deputy Ferbrache who asked me a not dissimilar question the last time I provided an update statement, and the position remains as it was then, which is that the Committee has been in discussion and negotiation with various land owners around those two school sites but has not had any discussions and does not intend to have any discussion in relation to compulsory purchase.

The Bailiff: Deputy Dudley-Owen.

780 **Deputy Dudley-Owen:** Thank you, sir.

Thank you also to the President of the Committee *for* Education, Sport & Culture for the update. It has been very helpful.

785 The President will note the strategic policy for digital in the schools was decided quite some years ago and I would like to know why the Committee has delayed the roll out of the digital roadmap in schools, given that it was published back in September 2018. The digital skills are part of the curriculum of schools and the influence of digital is extremely important in the area of the lives of all of our young people.

790 Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: The problem we encountered with the digital roadmap which was commissioned before the Committee took office was that it was not a roadmap, when it was

795 presented it was in fact a really quite high level aspirational document which then subsequently
needed to be converted into an action plan, that work has been going on and there will be ... that
is included in the transformation programme which will be the subject of the policy letter
published this summer. So within the transition to the new model of education there is a lot of
focus on what needs to be done in terms of digital services, a member of the transformation team
800 within the office serving the Committee has responsibility for leading on digital infrastructure.

If Deputy Dudley-Owen wishes, I am very happy to arrange a meeting between her and that
officer, but she can be assured that the need for digital improvement, considerable digital
improvement is embedded within the transforming education programme.

805 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I would like to ask the President following on from Deputy Merrett's question whether the
policy letter will include detailed technical drawings for the building works which have been fully
810 costed as the previous Committee did, because otherwise I envisage a danger, in that there will be
a request for a ballpark phase one funding which historically in the States of Guernsey have had
high risk of overrunning significantly when it comes to the reality?

Thank you, sir.

815 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

The policy letter will – it depends what Deputy Meerveld means by detailed technical drawings
– the Committee is taking the same approach which was taken by the Committee *for* Health &
820 Social Care at the States' meeting last month, and was approved by the States, which is to
propose to the States based on what I think are quite detailed drawings – whether they are
detailed technical drawings, as Deputy Meerveld would define them – but which ask the States to
approve the sums necessary for the capital developments and then for the subsequent business
cases to be approved by the Policy & Resources Committee.

825 The Committee is not laying out in absolute precise terms down to the nearest penny how
much each of the projects would cost, not least because doing so compromises the competitive
position of the States and has the effect of costing the taxpayer much more than the taxpayer
would otherwise pay. So that is the approach that is being taken but there are drawings which will
be done by the time of the policy letter which set out exactly what is necessary at the two college
830 sites and those have been worked up obviously by architects working with our education and
construction professionals.

The Bailiff: The 20 minutes has elapsed so we will move on to Question Time.

Questions for Oral Answer

Island's Brexit leave strategy – Possible changes

835 **The Bailiff:** The first Question is to be asked by Deputy Gollop of the President of the Policy &
Resources Committee.
Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

840 I am pleased to see Deputy St Pier has made it back from his usual international efforts on our behalf.

My Question is what material changes – legal, political, strategic and budgetary – have occurred to the Island’s acclaimed and respected Brexit leave strategy preparedness plans now the European Union and H.M.’s Prime Minister, Mrs May, have agreed a new date of departure apparently set for 31st October this year?

845

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the flexible extension to the Brexit deadline until 31st October meant that an imminent No Deal Brexit on Friday, 12th April was avoided. P&R has taken the necessary steps to move Exit Day within Guernsey’s domestic law to 31st October 2019. We maintain flexibility within the law should Exit Day need to be amended further or brought forward.

855 The States continues to follow developments in Westminster, working with the UK government to ensure that – importantly – Guernsey’s interests continue to be taken into consideration. This of course includes ongoing quarterly meetings with Robin Walker, the Parliamentary Under Secretary at the Department for Exiting the European Union.

The Brexit Transition Group and the Civil Contingencies Authority will maintain political oversight of No Deal Brexit preparations and the structures established to monitor operational impacts – albeit at a lesser intensity – with contingency plans continually being updated and reviewed until a time that they may need to be restored.

860 The Brexit Transition Fund, administered by P&R, will remain in place to support urgent and necessary revenue expenditure measures to manage Brexit in a controlled and timely manner and to mitigate against any risks, without adversely impacting funding for existing States’ priorities.

865 If the UK is to exit, it remains in Guernsey’s interests for the UK to negotiate an orderly exit, and that any deal eventually agreed between the UK and EU takes our interests into account and respects our ancient links with the Crown. In the meantime, we will continue to plan for all eventualities.

The Bailiff: Deputy Gollop, you have a supplementary question?

870 **Deputy Gollop:** In an article in a *Guernsey Press* published magazine very recently there was reference made about Grexit or Guernsey Brexit and issues relating to, for example, immigration and passports. I know we cannot talk about personal matters but I for one have a passport which is in a tatty condition and expires on 3rd July 2019. Does the six-month rule that Deputy St Pier outlined to us in March still apply that it would be ill advised for Guernsey residents to travel to France or any other European Union countries with a passport that might expire within the next six calendar months?

The Bailiff: Deputy St Pier.

880 **Deputy St Pier:** Sir, the current rules apply so long as the UK remains within the European Union and therefore the current assumption is that it will apply until 31st October. However, of course the flexible extension does mean that could be brought forward and it could be brought forward quite quickly should the UK Parliament vote to approve the Prime Minister’s withdrawal agreement in the next few weeks. So I think best advice would be particularly for those planning to travel over the summer period that if they have six months or less on their passport they should consider its renewal.

**Home Schooling –
Numbers of children; curriculum and integration**

890 **The Bailiff:** Now, Deputy Gollop, you have some Questions you want to ask of the President of the Committee *for* Education, Sport & Culture.

Deputy Gollop: Thank you, sir.

The first Question is how many Island children are currently home schooled?

895 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

900 There are currently 34 children home schooled, from 27 families. This includes 22 children at primary age and 12 children at secondary age. This represents 0.47% of the primary age population, and 0.38% of the secondary age population. Equivalent figures in England are not collected, but are estimated at over 0.5%.

The Bailiff: Supplementary question or –

905 **Deputy Gollop:** My supplementary is that I know Guernsey are dealing with very small numbers but would the Education, Sport & Culture Committee conclude from those figures that Guernsey is slightly below the national average or that we are going towards and maybe beyond the UK norm?

910 **The Bailiff:** Deputy Fallaize.

915 **Deputy Fallaize:** I think, for the reason I suggested about the equivalent figures in England, it would be unsafe to draw too many conclusions from the figures in England, making assumptions on the figures elsewhere, but the indications, to the extent there are any, do tend to suggest that there are a smaller percentage of school age children home educated in Guernsey than in England.

The Bailiff: Your next Question, Deputy Gollop.

920 **Deputy Gollop:** Thank you very much, sir.

Is the Education, Sport & Culture Committee happy that these children who are home schooled are benefiting from a full and reasonably strong academic and social curriculum?

925 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Under the Education (Guernsey) Law 1970, parents and carers are required to satisfy the Committee *for* Education, Sport & Culture that they are meeting their legal duty to cause their child of compulsory school age to receive:

... efficient full-time education suitable to a child's age, ability and aptitude and to any special needs he may have, by regular attendance at school or otherwise.

930 Parents and carers are required to provide sufficient evidence of the education they will provide.

There are many opportunities for children who are part of the home education community in Guernsey to access joint educational activities and enjoy social gatherings, including a Nature Curriculum Group, Biology Club, Princes Trust, Duke of Edinburgh Award Scheme, Free Range

935 Club organised by the Youth Commission and Sailing Trust. A number of the children also access a virtual school curriculum or receive private tuition.

Staff at the Office of the Committee for Education, Sport & Culture carry out two monitoring visits per year with each family. If they are not satisfied with the education being provided, parents and carers will be given a reasonable period of time to improve the situation. Should it be deemed that they are not meeting their legal duty they will be required to send their child to school.

The Bailiff: Any supplementaries?

Deputy Ferbrache.

945 **Deputy Ferbrache:** Can the President say how is it policed? He says they go around twice a year and monitor. How do they police that? Do they ask them questions, do they see if the curriculum that they have been studying is broad enough? If children are being home schooled they are not going to get ... despite all the culture and the nature and reserve things they are going to do that he referred to, how do their social skills get tested because they are not interacting with children as children do every day.

The Bailiff: Deputy Fallaize.

955 **Deputy Fallaize:** I think I would not use the word 'policed', because I think that perhaps implies that the visits are something they are not.

But as I understand it the visits are quite rigorous and do the things which Deputy Ferbrache outlined. So parents have to provide evidence of what has been studied, the range of the curriculum, the amount of time that children have spent studying, and if the professional officers are not satisfied that the legal duty to cause a child to be educated satisfactorily in accordance with the law has been met then they will in the end take action to require that the child be educated in school.

960 In terms of the social relationships I think that the Committee has to take a neutral position on this, in that it is not for the Committee to decide whether a child should be in school or should not be in school and therefore to take a position for or against home education. I think it is the obligation of the Committee to legally require the parents to cause the child to be educated, to provide proper school facilities to enable that to happen for all those who choose to do it in school, and as far as possible to support and regulate those who are choosing to do it in the home environment. I do not think it would be helpful for me or other members of the committee to provide the States with their personal opinions on the relative merits of school versus home education.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

975 I wonder if the President would agree with me that part of the merits of being home schooled is that you are not confined within a year group of peers and in fact you are able to work with people from all ages within the community on a daily basis which actually is more reflective or a work life balance than being constrained by being in a year group that is born before or after a certain date? What I mean by that, sir, is horizontal teaching rather than vertical.

980 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: No. I do not accept that. I think that schools are well able, partly or largely, because of the professional and highly educated people who work within them, to provide children academically, pastorally and socially in every other way with what they require, and I do

not think that horizontal year groups is in any way detrimental to the academic or social development of children.

However, I am quite sure that parents enter into home education only after a lot of thought knowing their children better than anybody and are able to provide a very rich and varied experience for their children. I think it is not better or worse, it is just different and in law it is up to the parents to decide whether the education they are obliged to ensure is being provided is provided at home or at school.

The Bailiff: Deputy Gollop.

Deputy Gollop: I take a –

The Bailiff: Your microphone.

Deputy Gollop: Oh, a potentially neutral or supportive role here, but my question would be Question two's answer very much alludes to a new idea to me, the home education community. How far do the 34 young people who are part of this community meet and interact. Clearly many do and benefit from the social and intellectual and age differential support they receive from diverse parents. But how does Education, Sport & Culture cope with the minority who perhaps is isolated from the community?

The Bailiff: Deputy Gollop, sorry Deputy Fallaize. I was reading my notes, sorry.

Deputy Fallaize: Well the Committee learns of the collective activities of the home school community through the visit, the monitoring visits that I have just described.

The Committee and its officers are not deeply engaged in trying to facilitate home education and trying to provide activities for those children who are home educated at the discretion of their parents. I do not have in front of me the figures which would tell Deputy Gollop of the 34 children who are currently home schooled how many of them are accessing the collective activities which the home school community sometimes organises and how many of them are not. But clearly that information will be known to the professional officers who are carrying out the home visits on a fairly regular basis.

The Bailiff: Your next Question, Deputy Gollop.

Deputy Gollop: My final Question but I will have a supplementary.

What measures can the new model and transformation plans for secondary education make that can help integrate children who currently opt out, or their parents opt out, for a home-schooling programme?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Parents and carers opt to home educate their children through a considered and thorough process. Parents and carers and children who decide to return to school are offered support with reintegration, and this will continue to be the case in the new school model. Children who continue to be home educated throughout their secondary education are able to sit examinations as external candidates, and the school will be happy to share any resources required.

We recognise that a number of home educated children have experienced some difficulties associated with their school experience or have individual needs that have impacted their ability to access learning within a mainstream school environment. Factors include social anxiety, sensory needs and autism spectrum conditions.

1040 The new school model will ensure that every child gets the best possible support, both sites will have communication and autism bases, larger cohort sizes will allow more flexibility around group sizes, and staffing structure and curriculum models are being designed to be able to cater for a wide range of needs and interests.

The Bailiff: You have a supplementary?

1045 **Deputy Gollop:** My supplementary is whilst recognising, I think correctly, that some of the factors behind a home schooling decision may reflect social anxiety, sensory needs and autism spectrum conditions, I would ask why is it not possible under the current model for children who benefit from home schooling to nevertheless integrate as much as they can with an appropriate school in their catchment area?

1050 **The Bailiff:** Deputy Fallaize.

1055 **Deputy Fallaize:** Well, if Deputy Gollop is implying that there is a sort of policy in place whereby once you choose home schooling that is it and there cannot be any kind of interaction with the States' schools rather like, I do not know if it is still the case, it certainly was the case – if you decided to take private health route for something you could not then re-enter the States system at a later stage, if that is what Deputy Gollop is implying I am not aware that that is the underlying prevailing policy. I am happy if he is implying to look at whether that is the underlying policy and whether anything can be done to facilitate any kind of relationship between home school children and schools, but of course it has to be acceptable both to the parents of the home school educated children and to the school which is trying to provide for those children who are properly enrolled.

1065 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I thank the President Deputy Fallaize for that assurance. I was not implying anything, I just wanted to know more.

1070 But my other question which comes out of Deputy Merrett's useful question is this. One anecdotally is aware that some of the children who are being home schooled come from highly able backgrounds and families and they may have special talents, inventive or creative children who need special coaching skills. Can the ESC offer in future to help high achieving children as much as they would children across all the whole spectrum of ability and personality traits?

1075 **The Bailiff:** Deputy Fallaize.

1080 **Deputy Fallaize:** Yes, and I think to some extent this picks up on the question which Deputy Ferbrache asked earlier although from a slightly different perspective about academic standards. Yes the obligation of the Committee and the education professionals is to do the very best in academic and other ways for all children right across the range of aptitude, but it is not inconceivable in a small community that an education authority with a very limited budget, if you compare education spending in Guernsey with education spending elsewhere, may reach a point where the provision it provides is the provision it can afford to provide and no more and parents take a view that that provision is not right for their child and therefore withdraws and home educates.

1085 Now I would prefer that no parent had to make a decision about home education for those reasons, but it might require, in fact it almost certainly would require substantial increases in expenditure and the Committee and its professionals do the best they can do with the budget that is made available by the States. If Deputy Gollop and other Members want to increase the

1090 budget substantially particularly in this area of work then the Committee would be only too willing to accept the additional investment.

Deputy Gollop: Hear, hear.

1095 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I wonder if Deputy Fallaize can enlighten the Assembly and our community at large as to how many home school children in fact started in States' education or in however you want to term it and then withdrew their children and if he is aware of the reasons why those children were withdrawn?

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: No, I am afraid I cannot because I do not know what the breakdown of numbers is between the year groups. So if I had in front of me the numbers home educated in reception year, for example, and those home educated in secondary years and we saw that there was an upward trend then I would be able to answer Deputy Merrett's question. I do not have those figures broken down by year group so I cannot, but I am very happy to provide Deputy Merrett with that information in writing subsequent to the meeting.

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1110 **The Bailiff:** Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

Just briefly, is the President saying that the information captured when parents choose to opt out their children from the sector, that that information is not captured and the reasons why they opt out is not captured; so in other words they opt out because their child's special education needs are not being met within the States' sector? Is that correct?

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The Bailiff: Deputy Fallaize.

1120 **Deputy Fallaize:** No, I do not think that is correct. I mean given that there are monitoring visits by professional officers it seems to me inconceivable that those officers would not build up an understanding of why the parents had chosen to home educate, and we are talking about only 27 families and 34 children. In my answer to Question three I said that there was a recognition that some home educated children have experienced difficulties associated with accessing provision in schools and that is why the parents have made that decision. So the fact that is happening is known to the professionals and is known to the Committee and I think the experience of each individual parent and child is very likely to be well known to officers who are carrying out the home visits.

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1130 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

If a child enters into a home school education and the parents or guardians decide this is not actually for them, how easy is it for them to re-enter the school?

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Well, my understanding based on advice is that it is relatively straightforward. Now whether that translates into the child finding that transition straightforward is another

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1145 matter, because I imagine that for some children that is quite a difficult integration. I mean it is difficult enough when children start school for the first time. Although they are with children of the same age and they are with their peer group and they are with children who have not been in full-time education previously, they are doing that together but it is still quite a difficult experience for some of them. So I am sure for some children going from home education to school is a difficult experience, but my understanding is that schools which are involved in trying to reintegrate children into a school environment do the best they can do with the resources they have available, do provide the child with additional support, do provide the parents with support, and are very welcoming to those children.

1150 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

1155 I just want to step back to the question that Deputy Merrett asked of the President of the Committee and given that these Questions are submitted in advance to each Committee so that they have time to prepare, does the President think that he is well enough briefed to answer the questions given that he could have had some high level figures and information to be able to give to the Assembly today?

1160 **The Bailiff:** Deputy Fallaize.

1165 **Deputy Fallaize:** I do not think that is a question arising out of any of my replies but, yes, the President of the Committee does consider that he is sufficiently well briefed to be answering these questions, and if he did not no doubt he would have availed himself of more information in advance of answering these questions.

If any Member of the States wanted to know the breakdown by academic year of children home educated it might have been a good idea to have included that question in the original Questions or indeed to have put that question in writing.

Island Development Plan Policies – Islanders' concerns; value of development frameworks

1170 **The Bailiff:** We move on to the next Questions where Deputy Gollop is going to be on the receiving end for a change. So it is Deputy Lester Queripel asking Questions of Deputy Gollop. Deputy Lester Queripel.

1175 **Deputy Lester Queripel:** Sir, several Islanders in recent months, have expressed major concerns about policies in the Island Development Plan, saying that they are not working for the benefit of the community and because of that they need to be amended. So with that in mind, can the President tell me please whether or not the Development & Planning Authority resonate with the concerns expressed by those Islanders, and if they do, will the Authority be laying a policy letter in front of the States anytime soon with Propositions attached that seek to amend policies of the IDP?

1180 **The Bailiff:** Deputy Gollop will reply as President of the Development & Planning Authority.

Deputy Gollop: Thanking Deputy Lester Queripel for his Questions.

1185 Sir, the 2017 Island Development Plan Annual Monitoring Report, that we debated in the Chamber, makes clear that the policies of the IDP are effectively delivering the intended strategic land use objectives of the States of Guernsey as approved unanimously in November 2016 and

there was no evidence that they require amendment at that time. Since then the Development & Planning Authority has not received any evidence – of the kind Deputy Lester Queripel wishes to see – to suggest that that position has changed, including through its consultation with Principal Committees as part of the 2018 Annual Monitoring Report process.

The Committee however continues to undertake monitoring to fulfil its legal obligations and to ensure the Island Development Plan remains fit for purpose and up to date. The framework for monitoring the Island Development Plan includes both quarterly and annual monitoring reports all of which are published on the Gov.gg website.

The Annual Monitoring Reports include feedback from stakeholders and set out actions to address any issues where the monitoring process reveals that changes are needed to the IDP, or any guidance is needed for clarification or any other action is needed by the States. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances.

The 2018 Annual Monitoring Report is currently being prepared and will be published later this year, sir.

The Bailiff: Are there any supplementary questions?

Yes, Deputy Lester Queripel first, then your brother.

Deputy Lester Queripel: I have two supplementaries, sir.

The President went to great lengths to explain how the IDP is monitored by the DPA in order to fulfil its legal obligations and to ensure that the IDP remains fit for purpose and up to date; also that reports are produced on a quarterly and annual basis and that the 2018 AMR is currently being prepared and will be published later this year. But he did not actually answer the question I asked, which as I am sure he will recall was a two-part question. So in order that we can get it on record can he please clarify whether or not the answer to both parts of that question is no?

The Bailiff: Deputy Gollop.

Deputy Gollop: Well, I thought I dodged a particular bullet – Deputy Queripel leads the Committee I resigned from the new presidency and I am still answering his questions, never mind.

The answer to both questions simply is no, but I might personally depart from the script and give him a more nuanced answer that perhaps the area where there has been the biggest change, whether you define it as evidence or not is a matter for the States and the Committee to determine, has been in the deliberation of the housing report by the firm of accountants last year that Environment & Infrastructure and ESS brought to the Chamber. That indicated a lesser need for housing provision. The Annual Monitoring Report talks of 1,100 homes in the pipeline but against that argument you have the evidence of major developments that were considered in the pipeline such as Leale's Yard with 400 units that have not gone ahead. That is why I stick to my generic response that there has not really been any material change evidence; what there has been is changing economic circumstances.

The Bailiff: Deputy Lester Queripel, your second supplementary.

Deputy Lester Queripel: Sir, the President said in his reply that there is no evidence to indicate the policies in the IDP need amending, but he is wrong on at least one count because not a single unit of affordable housing has been provided under GP11 since the IDP was implemented in November 2016. So seeing as the evidence is already there that at least one policy is not working as it was intended to do, does the President not agree with me that the affordable housing threshold of 20 units in GP11 needs to be amended and reduced?

The Bailiff: Deputy Gollop.

Deputy Gollop: Like other things, the answers that we get reflect professional planning knowledge which very much defines evidence and work in a particular kind of way.

The point Deputy Lester Queripel makes is intriguing because I am well aware that he wanted to see unsuccessfully a ratio of one social housing unit for 10 in a development but the Island Development Plan, its officers and its Committee with one exception were unanimously in favour of the five threshold and the States; Deputy Roffey and many others in their wisdom decided that 20 was more appropriate, which to be fair was what the many private sector developers apparently lobbied for at the time.

Now in the interim due to perhaps the problems more associated with economic development and the relative slow progress although there has been progress in the building and construction sector and the estate agency sector, the reality has been we have not seen many developments of any kind. So whether we passed the original five or Deputy Lester Queripel's 10 we might not have seen any development.

My personal view is the State has to take a greater role in encouraging development for social and mixed housing and that just relying on a private sector planning framework is not the right way for the future. But I personally would actually support privately even more if I am not President any requête that Deputy Lester Queripel might wish to bring to bring a change and a planning inquiry into that aspect of the Island Development Plan.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

Regarding the policies of the IDP does Deputy Gollop feel that all the policies are given proper attention, proper weight and are applied appropriately? Because some would say inside this Chamber and outside of it that they are not bearing in mind some of the development frameworks and plans that have been brought forward recently. A case in point might be policy LC1 which refers to the importance and provision of open land and green space in otherwise densely developed built up areas to provide relief and also the general material planning considerations which the DPA are obliged to take account of and these include, for example, 13.1(e) the likely effect of the development on roads and other infrastructure of traffic and essential services.

Does he feel that these policies, for example, are being given their proper weight and applied appropriately?

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: I think they are being applied appropriately within the scope of the accepted Island Development Plan. Many Members, as I have pointed out in diverse media over the last few months, effectively ordered or acquiesced in the ordering of a dinner menu a table d'hôte that they have since rejected and said, 'Oh, we actually wanted something different. We wanted a different kind of approach.'

I think for many years the Island has had a policy of allowing more development in urban and social centres and in the northern part of the Island in certain areas rather than the southern and western parts entirely to prevent ribbon development and preserve our countryside and our agricultural priority area. This Development Plan actually gives stronger protection to agriculturally productive areas and areas useful to the farming industry and indeed it provides 500 vergées, I think, well in excess of the actual economic need.

As regards the greenfield issue I suppose one of the areas which I would like to see the Planning Committee evolve on is maybe from time to time the Committee in the context of an open planning meeting might perhaps not necessarily agree to the development proposals that

1290 any applicant might put for any area and they would have in context local representatives that are made. Also there can be discussions on density –

The Bailiff: You are overrunning your time.
Deputy Fallaize and then Deputy Merrett.

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Deputy Fallaize: Thank you, sir.

Can Deputy Gollop confirm that any substantial amendment to the Island Development Plan would require an expensive and time consuming planning inquiry, and would require, I cannot remember whether it is the Committee *for the* Environment & Infrastructure or the Policy & Resources Committee, but one of them to certify that the Island Development Plan in what would then be its amended form is consistent with the Strategic Land Use Plan which would not of itself have been changed in the event that the States tried to change only the Island Development Plan. Therefore it is actually exceedingly difficult in policy and legal terms to change the outcome of planning applications in the way that some of the questions this morning imply and in his concluding days as President of the Authority does he not consider the great underlying problem is that the States have tied themselves up in knots in legislation and policy in relation to land planning.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: Deputy Fallaize in a way makes some of the reasons why I consider it might be good to have a fresh pair of hands leading the Planning Committee going forward from next month because I think my legacy has been very much to implement the Island Development Plan which in many areas for the professional environmental community has been an improvement on its predecessor and more fit for purpose but nevertheless it is extremely difficult for myself to then say, 'Oh, we have got to do radical changes to a structure and system.' I am not even sure it is a good idea to have planning as a separate body from Environment & Infrastructure. I think in many ways it worked better when a political board were able to take on board environmental views as well as planning views.

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As regards the rest of Deputy Fallaize's question, I am not going to be able to answer all those points in the remaining minute but I think we do need to look towards a simplified structure but that cannot happen legally or sensibly overnight. We do have ways and not necessarily needing planning inquiries to change the Island Development Plan, some areas are within delegated responsibility, some areas are political nuances that we can apply, we can make departures from the plan on occasion, but remember it can be appealed against. We are not the body of last resort, it is the Planning Appeals Tribunal that is a very important factor in my frustration perhaps. Another area is that we are actually currently looking at a model policy which is strategic.

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The Bailiff: Again, you are overrunning.

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Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am going to bring my question back to the answer that Deputy Gollop kind of gave to the Assembly. In his answer he said that the DPA has not received any evidence to suggest that the position has changed. Further, he said including through its consultation with Principal Committees. What I would like to ask the President, sir, is has the DPA received any evidence from the community that it actually serves, sir, regarding how these policies are working – for example, the quantity of objections to development frameworks as amended or not by members of our community, for example, concerning Pointues Rocques?

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The Bailiff: Deputy Gollop.

Deputy Gollop: When we constructed the Island Development Plan generally speaking the plan was successful through the Chamber. There were of course amendments on certain parts of the Island, Oatlands and Camp du Roi being one, agricultural priority areas here and there being another, and a third area being Delancey which I successfully saw or rather supported the St Sampson's Deputies, Deputy Trott and Deputy St Pier I think, who were arguing it should be a conservation area, but a conservation area does not preclude development.

When we are talking about evidence we are talking very much about evidence that would pass muster to the quasi-judicial approach of professional planning inspectors in terms of determining policy based upon environmental reports, economic indices, statistical indices and that kind of thing. If you are talking about evidence of the view of your local Douzenier, or the evidence of the man in the street, or the evidence of the person who is dissatisfied with current policy, there are quite a lot of causes of disapproval mostly coming for this Assembly it would appear actually.

But the reality is the Committee has had a successful series of meetings with Douzaines and Constables with about six of the Island's Douzaines so far, perhaps only one of those was slightly difficult, the other five I think were very much a meeting of minds and very successful. The reality of the situation is the evidence is a political viewpoint.

The Bailiff: You need to draw your answer to a close.
Deputy Roffey.

Deputy Roffey: Thank you, sir.

Would the President accept that a plan that allows liberal development of greenfield sites is always going to militate against the economic development of more expensive and difficult brownfield sites, particularly in light of the reduction in the housing requirement that he referred to; and notwithstanding the correct observation of Deputy Fallaize that it is fiendishly difficult to actually change anything here? His Committee must be in a better position than the ordinary Members of this Assembly to find a route map to where we want to go. So will he undertake on behalf of his Committee to actually enlighten us about how we can make the changes that I think that most of us want to make if we do want to make them. And if he cannot do that in a minute and a half, would he undertake to debate that?

The Bailiff: Deputy Gollop.

Deputy Gollop: I am not in a position to undertake any commitment, partly because in a way I have already resigned although it will take effect at the end of next month. Partly because I cannot guarantee a buy-in from whoever is on the Committee to support what Deputy Roffey would like to see, and partly because it is not guaranteed that we would have the financial or professional office resource to deliver, because if we are sticking to the framework of the Island Development Plan, as we unanimously approved, firstly we have to have development frameworks for areas that are a certain size, which Deputy Lester Queripel knows.

The second point is we have to be in accordance with the 2011, which is three Assemblies ago, States' Land Use Plan (SLUP), so consequently it is very circular. We can, as I was about to say in the last answer, have strategic planning guidance. We collectively argued back in the days of 2016 when we were more worried about economic development and the slump in the building industry than we appear to be now, that we were willing perhaps we were thinking we would have a population increase which we have not had either, that we would need additional land banks in the north of the Island.

If you ask me personally, 'What does Deputy John Gollop want to see for the Island?' I actually am not in agreement with every aspect of our current planning system. I believe that the States has to take more of a leading role, more of a cogent role in development and that we would see better use of the resources if the brownfields were developed using private public partnerships of social and aspirational housing.

The Bailiff: Again, you need to wind up your answer.

1395 Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1400 Would the President agree with me that most of the issues that we hear coming from politicians and members of the public about planning are not related to the policies regarding planning *per se*, but are more on planning process? As he touched on in a previous response, the strategic direction that the States has given and the SLUP that informed the Island Development Plan which is concentrated on housing target areas in certain locations, and that is where the basis of a lot of the complaints that we are getting come from, is from the process and from the SLUP.

1405 **The Bailiff:** Deputy Gollop.

1410 **Deputy Gollop:** Deputy Leadbeater has been a very able and loyal Member of my Committee for the past 18 months or so. I would point out, imagine my situation and my dilemma in carrying out this role on behalf of the States, the problem I see that the Development & Planning Authority has in implementing Resolutions is this, that let us say we are not just setting policy in conjunction with the wider States' Environment & Infrastructure, we are still a planning committee, a bit like the old Island Development Committee and we are still making quasi-judicial, quasi-ministerial, executive judgements on individual sites for less than 5% of applications which go through a process of public relevance really, guidelines are there, to open planning meetings.

1415 The problem I have is there are five Members, including now one from Alderney who are sitting – formerly four Deputies from St Peter Port were sitting – there hearing evidence from whatever part of the Island is before us, a developer wants an application to go ahead, the professional officers come up with a cogent view based upon their detailed professional experience, and of course there are usually representors who want the scheme and representors
1420 who do not for environmental, social, traffic or other reasons. The problem we have then is interpreting that in accordance with policy. It obviously has to follow law, it should follow policy, if we individually or collectively make a derogation from policy, a departure that has to be justified because if we turn down a site –

1425 **The Bailiff:** I am sorry to keep interrupting you but you do keep overrunning; you only have a minute and a half to answer each question.

Deputy Oliver.

Deputy Oliver: Thank you, sir.

1430 Does the President agree with me that the DPA for open planning meetings do take into account environmental issues; we do not ignore them, we do take into account those issues? And also, to relate it back to Deputy Queripel's original Question, that with affordable housing there is a review taking place in probably 16 months' time now and that to do it now would have actually been a waste of taxpayers' money when legally we have to do it again in 16 months' time?

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The Bailiff: Deputy Gollop.

1440 **Deputy Gollop:** Yes, I agree with Deputy Oliver, probably if I had full executive powers on the Committee with the budgetary resources, I would commence a partial review of the Island Development Plan for housing areas in the north of the Island in the next year. But there would not be any changes instantly, one would just accelerate a small part of the process.

I certainly do concur with Deputy Oliver that the Committee, and indeed its staff, take full account of environment policy and ecological issues, wildlife habitat, but it has to be proportionate and it has to be relevant.

1445 My continuation of where I was before was that we can have representations from neighbours
and environmentalists and people who are concerned about Ruette Tranquil and other areas
being changed, but we then have to make a decision which is robust enough not to be challenged
by the planning appeal. The Planning Appeal Tribunal Panel invariably consists of professional
1450 lawyers, planners and others, and they ultimately do not decide whether we have acted
unreasonably or unfairly, they look at the application from first base, they are the ultimate
planning authority for this Island and they are politically unelected and in a sense unaccountable.
That is why I feel at times we have a rather thankless task.

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Thank you, sir.

Does the President of the DPA agree it is important to distinguish between conservation and
environmental? For example, St Peter Port South is a conservation area and absorbs a great deal
of the development. There are 26 properties being built near to our home and I am fully
1460 supportive of that. Amendments have been placed in this Assembly to put areas in conservation
areas by amendment believing that then stymies future development. So does he agree with me
that there needs to be a clearer distinction made in policy terms or maybe in this Assembly at
times between conservation and environmental issues?

1465 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I have always seen Environment & Infrastructure as our sister committee and I
would very much agree with Deputy Brehaut on those points.

I think that, as I pointed out earlier when the Delancey Park area became a conservation, it did
1470 not in any way, as I made clear at the time, rule out any kind of development. The same actually
was true, I am afraid, for the Cobo Alice Field. It was very clear in my mind it was not going to
become a social centre village but that did not necessarily rule out any change of any kind on the
theory of that amendment, albeit that is how it was. As regards conservation areas many parts of
our ancient Town are conservation areas and they were once even more populated than they are
1475 now. Conservation areas can be some of the most picturesque parts of our landscape but they can
also be lived in by people.

The Bailiff: Deputy Merrett.

1480 **Deputy Merrett:** Thank you, sir.

I believe Deputy Oliver used the words we are 'legally bound', sir, which leads me on to my
question. Does the President agree with me that if we feel we are legally bound actually as
legislator we should seek to change that Law if we believe it is not working in the way that we
wish it to work, sir?

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A Member: Hear, hear.

The Bailiff: Deputy Gollop.

1490 **Deputy Gollop:** Yes, I mean perhaps the answer that the Committee collectively approve for
me to say is perhaps less negotiable than I think we do need a conversation for. One of the
reasons, sir, why I have not behaved very well in answering the questions succinctly and within the
90 seconds is I think the whole question of planning law and policy has become so complicated
and convoluted that it does require a lead from this Assembly or 40 Members of us as to which
1495 direction we want it to go in, and I think that is a conversation we need to have and I actually,
whether I am on the Committee or not, very much want to play a full part in that.

The Bailiff: Let's move on to the second Question.
Deputy Lester Queripel.

1500 **Deputy Lester Queripel:** Sir, the policies within the IDP set out, in no uncertain terms, what is permitted when a developer wants to build a property, or several properties, on a large site. Yet DPA staff often spend several months drawing up development frameworks (DFs) for a particular site, which are merely 'suggestions' as to what a developer might wish to consider when drawing up their own plans for that site. A developer could completely ignore those 'suggestions' and submit a layout of their own that complies with the policies of the IDP and therefore has every chance of having their application approved. So bearing that in mind, does the President agree with me that development frameworks need to be removed from the equation on the grounds that they are a complete waste of staff time and taxpayers' money?

1510 **Several Members:** Hear, hear.

The Bailiff: Deputy Gollop.

1515 **Deputy Gollop:** Sir, development frameworks are specific guidance prepared by the DPA for the benefit of both developers and communities alike. As part of the proactive and enabling ethos of the IDP, they allow early consideration of how a site may be developed so that public views can be taken into account from the outset. In some cases the IDP requires development frameworks removing the need for statutory plans such as Local Planning Briefs (LPBs). This has simplified the process as previously such LPBs needed significant resources being spent on planning inquiries and referral of proposals to the States.

1520 Very few of the policies in the IDP are site specific so they do not set out in detail the constraints and opportunities and potential impacts of development on sites. Development frameworks can do so for particular sites both in single or multiple ownership which ensures the best development possible comes forward in a comprehensive co-ordinated way, rather than piecemeal.

1525 The IDP states that where a development framework has been approved subsequent development proposals will be expected to accord with it. A developer cannot therefore ignore a development framework for a site once one has been approved and is in place.

1530 The IDP policies require development frameworks in certain circumstances and so it is not possible for development frameworks to simply be 'removed from the equation' without amending the relevant Island Development Plan policies and, to answer Deputy Fallaize, to have a planning inquiry and the extensive legal and statutory processes that that would entail.

For the reasons stated and several others, the DPA would not agree that development frameworks should be removed from the IDP.

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The Bailiff: Deputy Lester Queripel, you have a supplementary question.

Deputy Lester Queripel: Two, sir.

1540 In his response to my question, the President said that once a Development Framework has been approved for a site subsequent development proposals will be expected to accord with it. Yet say, for example, a Framework is drawn up for a site setting out a layout of between five and eight houses and the developer decided they wanted to build just one luxury house on the site leaving the rest as garden and open land, then as long as the application for development complied with the policies of the IDP there is every chance the application would be granted which would render the framework a useless document and a complete waste of staff time. So on that basis does the President still not agree with me that development frameworks are a complete waste of staff time?

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The Bailiff: Deputy Gollop.

1550 **Deputy Gollop:** Another personal view. If we could roll back three or four years I think I would be slightly stricter on the criteria for development frameworks and would not allow them for the smaller sites so much. We would perhaps prioritise more as a Committee the areas that need to be done and the areas that could be left. But the development frameworks generally have been very well done and are very useful and the media certainly find them extremely informative.

1555 In answer specifically to Deputy Lester Queripel's hypothetical question, it is always hard to answer on the hoof. I think generally speaking the planning officers will make clear their displeasure at, dare I say, a rogue applicant of that nature who clearly is going against the plan and planning inspectors and the community needs. The community is entitled of course to do its own community plan, but in the example Deputy Lester Queripel points out I think it would be
1560 incumbent on the President and Committee of the DPA to hold an open planning meeting for that particular site and very likely turn down the applicant who wants to build this luxury James Bond million pound house where a development framework clearly advises others. Whether it would go on appeal in a different direction I do not know but I think it would be against the policies of the Island Development Plan in any case.

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The Bailiff: Deputy Lester Queripel, you said you had a second supplementary question.

Deputy Lester Queripel: The President said in response to my question that the DPA would not agree to removing development frameworks from the IDP but on occasion an area of land or
1570 a property is included in a development framework even though the owner has given no indication whatsoever that they have any intention of developing that land or property. A prime example of that is when the public carpark in St Martin's opposite Valpys Hardware Store was included in a development framework, even though there had been no interest in developing the carpark expressed by its owners.

1575 So does the President at least not agree with me that that sort of approach to development frameworks is a complete waste of time and needs to be dispensed with?

The Bailiff: Deputy Gollop.

1580 **Deputy Gollop:** I answer that question in two ways. If you are looking at the wider, bigger picture the systemic Machinery of Government ... again I think maybe planning and housing would be a better political mix or environment and planning, and to call the Committee Planning & Development implies that development is as important as planning, and actually we do not have any say over development. Development is something that is generally in the private sector
1585 or involves other States' departments.

In the example that Deputy Lester Queripel has raised about car parking, I personally would like to see individual landowner's rights reduced. I think we need more political determination, we need more dominance of a community collective interest. Too often we as a Committee have had to exclude a property because the owners or their legal advisers have objected when actually a
1590 much better plan with much better ecological protection, road access, traffic access, community facilities will be provided on a bigger site and would utilise the land more effectively as well and maybe give agricultural land access.

As regards parking I think the bigger the site we can get the more community involvement and restructuring the way we cope with retail and the motor car and the different demands of our
1595 society, the more the merrier, we actually need more joined up government, not less which I think is generally a view Deputy Lester Queripel shares.

The Bailiff: Deputy Laurie Queripel.

1600 **Deputy Laurie Queripel:** Thank you, sir.

Would the President be able to give an indication as to how much staff time and financial resource has been expended on development frameworks since the implementation of the IDP, if not now perhaps in the near future, and does he contend that good value for public money has been provided by that expenditure given the somewhat speculative nature of development frameworks?

1605 Thank you, sir.

The Bailiff: Deputy Gollop.

1610 **Deputy Gollop:** That is a complicated question because perhaps maybe the Committee – I am not just talking of the DPA here but its many predecessors; I think I have lived through in my States' career as a Member of this Assembly eight different presidents of planning, funnily enough, and we have seen a gradual evolution over the time and more and more delegation to officers and less and less micro management, which at the time most Members seemed to support. Now we appear to not be clear on what we want.

1615 I would say generally speaking development frameworks are written by one officer, we have a large number of planning officers, not enough sometimes, we have a difference between forward development which is a different role from development control. I think the forward development we know that we actually are one of the most cost effective States' committees with an improving budget. Half of our income comes from client fees rather than the taxpayer, I think approximately 1620 a million comes from the taxpayer and a million from client fees, that is for the whole development framework, the whole planning service.

I think actually when you look at it, the development frameworks are not that expensive in comparison to the benefits that they would bring. I mean an entire development framework 1625 would not even cost the cost of one property these days.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

1630 The President said in his response to the question that development frameworks (DFs) set out in detail the constraints, opportunities and potential impact of development of particular sites, but arguably, sir, developers already know the constraints, the opportunities and potential impacts of development of these sites, surely it would make more sense for staff to spend time drawing up DFs which tell developers that they already know this and also development frameworks do 1635 appear to be at the behest of developers rather than prioritised by the DPA, so with that in mind would the President not agree with me that development frameworks are merely a duplication of effort and that the resource could or rather should instead be spent on assisting members of our community to understand the IDP better to create community plans that benefit the whole community rather than at the behest of the developer just to promote the opportunities for the 1640 developer, sir?

The Bailiff: Deputy Gollop.

1645 **Deputy Gollop:** The media, both social, televisual, press and others very much always spot the development frameworks and I know that they do receive a significant number of hits in our increasingly digitalised society.

One point I wish to make in respect of the earlier question is that actually the professional community – generally speaking, by that I mean surveyors, architects, builders and developers – have welcomed the new planning regime, and I think would be reluctant to go back to the 1990's, 1650 an era of the Island Development Plan and the legal framework that existed at that point.

As regards Deputy Merrett's more specific arguments about development frameworks, I think that development frameworks very much set the agenda that the planners and the Committee want to see, and I think one of the reasons why development was thwarted in the bad old days of the Urban Area Plan and Rural Area Plan and the six DDPs – do you remember those, Advocate Ferbrache, Deputy Ferbrache certainly would – was that actually too often developers and their agents were stymied by planners saying no, no, no, this is not acceptable.

Development frameworks are basically a crib; they are telling developers and their agents what the planners would like to see on the area. The arguments sometimes come over densities where perhaps the political committee, the planners and developers are at odds, but not about the form, the history, the culture, the archaeology, the environmental aspects Deputy Oliver mentioned. Development frameworks are an extremely useful bible for anybody who lives in the area, and we have been supporting community plans, myself, Deputy Tindall and the entire Committee for ages.

The Bailiff: You are overrunning again.

This will be the final question because then one hour will have elapsed and I will have to postpone Question Time.

Deputy Leadbeater, you are on the Committee, aren't you?

So Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

Could the President please confirm to me whether the current 16-week, four-month application turnaround time is a direct consequence of staff time being used instead of looking at planning applications but rather on working on the development framework?

The Bailiff: Deputy Gollop.

Deputy Gollop: Well, we have some Members of the States saying that we should push the development frameworks at a faster and faster rate and others who are saying we do not need them. They are part of the ... we cannot change it without getting rid of this Committee, getting rid of this structure and getting rid of the current Island Development Plan and having a planning inquiry in the middle. Unless the States are prepared to make more radical changes in their policy we are stuck with the current situation.

I am the first to call for more budget from Policy & Resources, for more planning officers to be appointed, and for higher pay and conditions to be given and more training of suitable local candidates as well. That would speed up applications.

But the problem with the applications is because there has been a slight increase in the building industry activity, thankfully, there has been an increase in applications which has improved our budget, and any delays are more caused by overall economic and political structure rather than planning officers mis-dividing their time.

The Bailiff: As I said, we have occupied more than an hour of Question Time, so under Rule 11(6) I am postponing dealing with the Questions that have not yet been asked, which are Deputy Hansmann Rouxel's Questions, to later in the meeting, and we will move on with other business.

Greffier.

Billet d'État VII

LEGISLATION LAID BEFORE THE STATES

The Air Navigation (Bailiwick of Guernsey) (Foreign Aircraft Operations) Regulations, 2019;

The Electoral System Referendum (Retention and Destruction of Ballot Papers) Regulations, 2019;

The Liquor Licensing (Fees) Regulations, 2019;

The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2019;

**The Open Market Housing Register (Guernsey) Law, 2016
(New Inscriptions) Regulations, 2019**

1700 **The Greffier:** Legislation laid before the States – The Air Navigation (Bailiwick of Guernsey) (Foreign Aircraft Operations) Regulations, 2019; The Electoral System Referendum (Retention and Destruction of Ballot Papers) Regulations, 2019; The Liquor Licensing (Fees) Regulations, 2019; The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2019; and The Open Market Housing Register (Guernsey) Law, 2016 (New Inscriptions) Regulations, 2019.

1705 **The Bailiff:** I have not received notice of any motion to annul any of those pieces of legislation.

LEGISLATION FOR APPROVAL

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

I. The Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Wreck Removal Convention) Ordinance, 2019 – Approved

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Wreck Removal Convention) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Legislation for Approval, Article I, Committee for the Environment & Infrastructure – The Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Wreck Removal Convention) Ordinance, 2019.

1710 **The Bailiff:** Is there any request for any debate or clarification?
We go to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**II. General Election 2020 –
Debate commenced –
Amendment 1 carried**

Article II.

That the States are asked to decide:

- 1. That a General Election of People's Deputies be held on Wednesday, 17th June 2020.*
- 2. That the Reform (Guernsey) Law, 1948, be further amended to provide that with effect from the General Election to be held in June 2020 there shall be one island-wide electoral district to elect 38 Deputies for a four-year term and that each voter would have up to 38 votes at each election.*
- 3. To agree the following proposals with effect from the June 2020 General Election:*
 - (a) For the purposes of entitlement to be inscribed on the Electoral Roll, the phrase "ordinarily resident" should be defined. A person should be treated as being ordinarily resident during any period only if they were living lawfully in Guernsey and had their home in Guernsey throughout that period.*
 - (b) Individuals with no fixed or permanent address should be able to register on the Electoral Roll.*
 - (c) A person should be able to apply to the Registrar-General of Electors for their name and address to be omitted from the Electoral Roll available for public inspection. Such application shall be made in such form and manner and accompanied by such information, documents and other material as the Registrar-General of Electors may require.*
 - (d) The right to make rules relating to the publication, inspection and availability of the Electoral Roll should be transferred from the States' Assembly & Constitution Committee to the Committee for Home Affairs.*
 - (e) References to 'Christian names' should be changed to 'forenames' in the legislation and in relevant documents.*
 - (f) The Registrar-General of Electors should in relevant circumstances be able to request proof of the date of birth of Islanders wishing to be registered on the Electoral Roll. A failure unreasonably to provide proof of age following a request shall entitle the Registrar-General to refuse to inscribe an elector on the Roll.*
 - (g) The Registrar-General of Electors should have the power to remove a person's name from the Electoral Roll where satisfied, on the basis of evidence available to them, that the person is no longer resident or is deceased.*
 - (h) The Registrar-General of Electors should have the ability to create a Supplementary Register and Supplementary Electoral Roll.*
 - (i) Existing provisions should be amended to enable the Registrar-General of Electors to provide to each polling station a mechanism or facility through which the details of those Islanders casting their vote can be recorded, and which can subsequently be used to identify any instances of double voting.*
 - (j) The Loi Relative au Scrutin Secret, 1899, as amended should be repealed and replaced by appropriate, equivalent provisions in the Reform Law.*
 - (k) The full age to be eligible to stand for election as a People's Deputy should be reduced to 18 years old and the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978 amended accordingly.*
 - (l) Candidates should be required to be inscribed on the Electoral Roll to be eligible to stand for election as a People's Deputy.*
 - (m) Nomination of a candidate for office as a People's Deputy should be made in such form and during such period and subject to such conditions as the Presiding Officer prescribes and that the nomination period should commence and end as determined by the Presiding Officer further to a recommendation from the States' Assembly & Constitution Committee.*

- (n) *The regulated period should commence from the start of the nomination period and end on the day of the election.*
- (o) *The definition of political parties should be based upon the criteria set out by the Venice Commission.*
- (p) *A registration process based upon paragraphs 10.6 to 10.12 should be created for political parties who wish to endorse one or more of their members for candidacy in the 2020 General Election.*
- (q) *Expenditure limits for candidates who are members of political parties and political parties should be set by Ordinance to allow for developments over time for this new process and the Reform (Guernsey) Law, 1948 should be amended to include power enabling the States to make such an Ordinance.*
- (r) *The rules relating to donations/loans to candidates and parties should be based upon the recommendations in paragraphs 10.23 - 33.*
- (s) *The rules relating to postal votes should be amended to enable:*
- (i) *a person to also return their vote to a polling station; and*
 - (ii) *the Registrar-General to re-issue or cancel postal ballot packs in specific circumstances.*
- (t) *Every eligible voter should be entitled to vote at an advance polling station and the relevant arrangements should be introduced in line with paragraphs 11.15 - 22.*
- (u) *The Committee should be able to make regulations, in consultation with the Registrar-General, regarding the dates and times at which polling stations must be open for advance voting and on Election Day.*
- (v) *The Registrar-General of Electors, rather than the Constables of a Parish, should provide for the establishment of polling stations (further to consultation with the Constables of the Parishes concerned) and any such additional polling stations as they may deem convenient to the voter.*
- (w) *The structure overseeing the administration of elections should be amended to enable the appointment of a Returning Officer for the Island and the appointment of polling station Officers as set out in paragraphs 13.23 to 13.30.*
- (x) *Relevant arrangements should be put in place to enable an electronic vote count and a manual vote count, if required.*
- (y) *Following a recount (or if no eligible candidate requests a recount within the permitted period) a tied election should be broken by drawing lots using a method decided by the Returning Officer.*
- (z) *A by-election should be triggered when the casual vacancies in the office of Deputy reaches two vacancies.*
- (aa) *Arrangements should put in place to enable international observers to be invited to participate in an election observation exercise.*
- (bb) *The dates of the July 2020 States' Meetings should be as set out in column two of the table under Section 17 and that a 'special meeting' is scheduled on Tuesday 28th July to debate 'The States of Guernsey Accounts 2019'.*
4. *To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The Greffier: Article II, States' Assembly & Constitution Committee – General Election 2020.

The Bailiff: The President, Deputy Inder, will open debate.

Deputy Inder: Sir, Members, I am pleased to present my first policy letter from the States' Assembly & Constitution Committee on the General Election 2020.

In February 2016 the States of Deliberation agreed to introduce Island-wide voting for the 2020 General Election onwards so long as this was approved by the people of Guernsey through a referendum. That referendum took place in October 2018. In November 2017 we had given a commitment to voters that we would introduce the electoral system which won the most support

provided that the turnout for the referendum was at least 40%. In the end there was a turnout of 45% and the overall winner was a single Island-wide election for all Deputies once every four years.

SACC is leading the implementation of Island-wide voting in time for 2020. We have begun by focusing on the changes needed to the legal framework because these have to be drafted, approved by the Privy Council and adopted by the States all before April of next year.

That is the focus of this policy letter and that is why it is so important for us to win States' Members' support for it today. We need to move forward on these changes as soon as possible if we want to be confident of having everything in place to deliver a General Election in June of next year.

There will be a further policy letter later this year covering important election related matters which do not require changes in the Law that includes things like voter education, voter engagement, hustings, manifestos, as well as the details of candidate and party spending limits. I know Members will want to get into these matters in some depth and SACC will continue to provide opportunities for that to happen through workshops and consultations, but I would ask Members as far as possible to set them to one side for today and to focus debate on the matters set out in this policy letter.

Sir, there are three Propositions in this policy letter, the first asks Members to set the date of the General Election for 17th June 2020. The second asks Members to agree to amend the Reform Law to enable an Island-wide election to be held. That is an election where each voter will have up to 38 votes to elect 38 Deputies for a four-year term. The third Proposition separates out the Committee's specific recommendations in respect of the Law and the processes supporting the Election. It is those changes which I will focus on in this speech.

First, in consultation with the Committee for Home Affairs and the Registrar-General of Electors, we are recommending some changes to the Rules relating to the Electoral Roll. The most significant proposal is to enable anonymous registration. This would allow people whose safety would otherwise be at risk; for example, because of their personal circumstances, the job they do, and they will be able to register to vote without their details being made public. However, the full Roll will still be available at polling stations for the purpose of confirming voters' identity.

In respect of standing as a candidate we propose to reduce the age of eligibility from 20 to 18 years of age. Although this has attracted some public debate, we are unanimous in our view that there is no reasonable argument why any adult who fits our other criteria should not be able to stand for election simply because of their age. (**A Member:** Hear, hear.)

The Committee by majority also believes that candidates should be on the Electoral Roll to be eligible to stand, and we have included recommendations to this effect.

In the last 18 months there has been growing discussion about the possible emergence of political parties. We considered at length how this should be managed although we noted that as yet there is no evidence that political parties will become widespread in Guernsey. We felt that rules should be in place to govern the creation and registration of political parties in an open and transparent way assuming that some candidates will seek to come together under a party or a party-like structure.

Given there is currently no regulation in this area at all, our proposals are relatively light touch but draw from international good practice. We are proposing that the definition of political parties in Guernsey should be based on the definition of parties developed by the Venice Commission, that is associations which put forward candidates in elections and seek to have a role in managing public affairs. That is a definition of a party. It will not matter what an organisation chooses to call itself, what will matter is its purpose. Organisations which meet the definition of a political party will be required to register as such. The Committee is making this recommendation purely to ensure that there is adequate publicly available and transparent information regarding parties which support or endorse candidates for election.

Our second policy letter will detail the expenditure limits to be set for candidates and any financial support or benefits in kind to be provided by the States. We intend to propose a limit

that should enable a candidate to reach every household on the Electoral Roll with a version of their own manifesto should they wish to do so.

1780 We considered the expenditure limits for political parties at length – not particularly easy. There is no one-size-fits-all approach from other jurisdictions that could easily be adopted here, but we think it is important that there are rules about how much political parties are able to spend in elections.

We felt that the fairest approach to both independents and party members was a system which would allow party members who are candidates in the election to transfer a proportion of their own spending allowance to the party for its general use up to an agreed maximum amount.

1785 The benefit of this approach is that it provides a clear link between the candidate and their party but it does not introduce additional spending limits for parties which would put independent candidates at a disadvantage.

The Committee felt that candidates should not be permitted to transfer more than 50% of their spending limit to their party.

1790 However, further to feedback from Members I will be shortly lodging an amendment to insert a Proposition directing the Committee in our next policy letter to propose a maximum expenditure limit for political parties in elections which will be the same for all parties regardless of the number of candidates they may or may not field. This figure will not exceed the expenditure limit available to an independent candidate. In short parity between the individual candidates and the parties.

1795 Another area where we are proposing new rules relates to donations and loans. There are currently no rules relating to this at all. In the interests of openness and transparency we believe it is important that the public can be informed of how candidates and parties are funded. We are recommending rules for donations and loans to candidates and parties which are similar to those that exist in the UK.

1800 I have said publicly that one of my key concerns is managing the numbers of people who will be attending polling stations on Election Day. With more candidates on the ballot paper up to 38 votes to be cast, it is likely that it will take most voters longer to cast their vote. We want to avoid lengthy queues at polling stations on Election Day and have considered a range of options to address this.

1805 Work will be done to streamline as far as possible the postal voting process and ensure that it is properly resourced and administered. There was a high uptake of postal votes in the referendum so we expect this option to be popular in the 2020 Election too. We are proposing some small changes to the current system which will include allowing people to return their vote to a polling station on Election Day if for whatever reason they were unable to post it back in time.

1810 An exciting new development for Guernsey: we are proposing changes to the Law to enable advanced polling stations and that to be set up in the week before the Election. This should give people more flexibility to vote when it is convenient to them in the run up to the Election, including over the weekend.

1815 On Election Day of course we will have the full run of parish polling stations together with a super polling station operating across the Island. We are looking to extend this forward so that all polling stations are also available on 16th June, i.e. on Election Day eve, for want of a better word, to give more flexibility to the voter.

1820 We have proposed a kind of hybrid approach to where voters can vote. It is important to retain parish based voting on Election Day as this will help manage voter numbers and minimise the risk of people voting twice, but this is an Island-wide Election and in that spirit the advance polling stations and the super polling station on Election Day should give people an opportunity to vote in convenient locations outside the parish if they choose to do so.

1825 An inevitable question that has been asked in the preparation stages is, 'Will we be able to vote online?' Whilst the Committee generally supports the principle of introducing online voting in Guernsey, and I personally believe that the technology already exists to make this possible, the question we have to address is what is feasible for this Government to introduce ahead of 2020.

Regretfully, we have concluded that it will not be possible to deliver a safe and effective system in that time, and so we are not recommending this. But we do believe this will be important for future elections and will continue to explore whether this could be introduced in time for the 2024 Election.

In respect of parish involvement with the elections, I have said it before and I will say it again, the Island is indebted to the parishes for having voluntarily carried out a significant part of the running of previous general elections. I am pleased that the parishes have generally indicated that they are willing to stay involved in the running of the elections. We are conscious that we are likely to need to provide assistance and resources to enable them to do so, and will address this further in our second policy letter, and I believe, sir, Members we will be meeting them within the next two or three months to carry on that conversation.

We are investigating the electronic vote count solutions through the FDS project but will make sure that preparations for a manual vote count are able to be put in place should that be required. We are suggesting the vote count and declaration should be overseen by a Chief Returning Officer. Under the current rules in the case of a tied vote the Law currently requires a further election to be held. We are suggesting, as in common practice in other jurisdictions, that a tied election is broken by drawing lots using a method decided by the Returning Officer.

There are a few other matters to draw quickly to Members' attention. The subject of by-elections was raised in our early consultations, by a majority again, I cannot say we were unanimous in this, we are proposing that a by-election should only be triggered when there are two vacancies in the States, bearing in mind that all 38 Deputies have been elected Island-wide, so there is not the same, or in some of our view, there is not the same loss of representation as under a parish-based system. However, if Members wish to retain the existing system they can of course reject that proposal. *(Interjections)* That is two of you then. *(Laughter)* There's more.

We are proposing amendments to the Law to enable international observers to participate in an election observation either in 2020 or in future years. We believe it is important to have those provisions in Law. It allows Guernsey to demonstrate that we are transparent and a mature jurisdiction and brings us in line with other democratic countries around the world.

However, we are not asking the States to a degree to invite election observers for the 2020 General Election right now. That will be included in our next policy letter along with the costs pertaining to that.

Finally, sir, Members, we have proposed the dates of the first set of post-election States' meetings for committee elections and for the first normal meeting of the States. We note that Deputy Dorey, seconded by Deputy Roffey I believe, will be laying an amendment to change the dates of the election of committees and we will support this amendment.

We will be proposing a schedule of meeting dates from September 2020 onwards later this year.

Sir, as I said at the start of this speech, the States of Guernsey has already committed to introduce an Island-wide electoral system. This policy letter is the first step along the road to delivering on that commitment. We will have much to do to prepare for that Election but this policy letter provides the framework from which we will work.

We are committed to undertaking this work and working with Members, committees and the public and we are hoping that we will deliver a successful election next year.

I will reiterate: any delay in redrafting the relevant Laws will be detrimental to delivering the Election, so I encourage Deputies to vote in favour of Propositions 2 to ensure no delays are incurred.

If some of our proposals do not find favour with Members please give us direction by voting against the relevant sub-sections under Proposition 3, or submitting workable alternatives by amendments.

We will of course proceed in line with the direction of the States. However, I ask Members to remember that constitutional changes of this nature depend on a two thirds majority in the States, so every vote counts and every abstention is a choice that has consequences. Please do

1880 not leave us without a solution that honours the result of the referendum and delivers on our corporate commitment to Islanders. It is in everyone's interests that we get this right, and I would ask everyone here to work with the Committee to achieve this.
Thank you.

1885 **The Bailiff:** Well, we will take next the amendment that you are proposing, that Deputy Merrett is seconding, that you have already referred to. Do you wish that amendment to be read, although I think you have already read most of it?

Deputy Inder: Well, I have read most of it, sir, but it can be if it helps the Members.

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The Bailiff: It does not have to be read but if you wish it –

Deputy Inder: Okay, no we won't.

1895

The Bailiff: No. So do you wish to –

Deputy Inder: No, I think Deputy Gollop wants to hear it, so if he could read it please.

The Bailiff: Greffier, if you could read it then for Deputy Gollop's benefit.

The Greffier read out the amendment.

1900

The Bailiff: Deputy Inder, do you wish to open on the amendment?

Amendment:

Insert the following proposition after Proposition 3.(q):

(q)(a) To direct the States' Assembly & Constitution Committee – as part of its next policy letter – to propose a maximum expenditure limit for political parties in elections which: is made available by virtue of party-affiliated candidates assigning a proportion of their own allowance to their party; and does not exceed the expenditure limit available to a candidate.

Deputy Inder: Yes, sir.

Sorry was this the –

1905

The Bailiff: This is your amendment – amendment 1 proposed by you and seconded by Deputy Merrett.

Deputy Inder: Sorry. I thought the Greffier read out amendment 2. *(Interjection)*

1910

No. Sorry, I beg your pardon. Sorry that is my confusion. Yes, sorry, I mean it is basically in the explanatory note and I think I touched on it in my opening speech:

This amendment directs the Committee to propose a maximum spending limit for parties in elections as part of its next policy letter relating to the General Election 2020. It is proposed the spending limit for parties should not exceed the limit available to a candidate. Concern has been raised regarding the absence of a ceiling to political party spending in elections and the potential for inequality between political party spending.

1915

Initially when we went through this process – I am genuinely surprised given the make up of the Committee, I think it was slightly more liberal than I expected it to be; in fact I think I was slightly more sanctioning than most of the Members of the Committee – we got to a point, sir, where we believe that effectively the candidates, the makeup of the spending limit for the party would be a make-up of the amount of candidates.

So in effect let's pick a figure of £5,000 of expenditure limits of an individual candidate; let's pretend 10 of them join a party, 50% of that could be shifted to a party so that would mean £2,500 x 10 that would give a party £25,000 to spend on behalf of its membership. That would then take down each of the candidates' limit to around £2,500.

In consultation with Members, I think with some hindsight there is a risk – I do not want to use the term that has been used in this Assembly – there is a risk as we sort of transition into, or we do not, where we transition into some sort of party manifestation that there is too great an advantage to a party with that kind of weight. I think we finally accept that, and to that end, sir, Members of the Assembly, we unanimously agree I believe – which is a surprise with Deputy Ferbrache as one of our Members – we unanimously agree that setting the limit for the party expenditure will be at the same level as the individual candidate.

That is all I have got to say.

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

Deputy Merrett: I do, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Sir, just two points.

First is a general point not related to the amendment but I wanted to say it as early as possible. Deputy Inder, when he opened the debate, referred to something about Propositions which require the approval of two thirds of the Assembly, and I think it would be useful, sir, if you or if H.M. Procureur could set out exactly what is meant by that, because what is not meant by it is that the Propositions are considered approved only if two thirds of the States vote in favour of them. It is all to do with the provisions of the Reform Law and how the approval of any Propositions could be reviewed subsequently by a group of States' Members. But I just think it would be useful if you, sir, or the Procureur could clarify that – or perhaps Deputy Dorey is going to do it when I give way to him.

The Bailiff: You are giving way to Deputy Dorey.

Deputy Dorey: I thank Deputy Fallaize for giving way.

It is actually set out in the policy letter on page 7. In 2.10 it clearly points out that two-thirds. If it does not get two-thirds it is effectively only a delaying point in the fact that it allows seven Members to ask for it to be re-debated within three months and if within that three months it only needs a simple majority. But it is clearly set out in the policy letter.

Deputy Fallaize: It is in the policy letter but what Deputy Inder said was not reflective of what is in the policy letter and it was possible I thought that some of the people listening to the debate may not avidly be sat at home reading the policy letter at the same time.

Now in relation to the amendment – the amendment is fine as it is – but of course when Deputy Inder proposed it he gave an example of the expenditure of £25,000 by a party; and if there were 10 candidates, therefore, he said £2,500 could be spent by the party on each candidate, but of course that presupposes that the party will spend its allowance proportionately on all of its candidates and it may not choose to. So it may be that there is a party ... and the extreme at the other end would be that a party chooses to spend all of the £25,000 on one candidate only. You might say, 'Well, what are the other nine people doing in the party if it is behaving that way?' but it is quite possible that one candidate could end up with benefiting from expenditure which is actually over the limit that applies to individual candidates because the portion of expenditure permitted by the party could be greater than Deputy Inder suggested in his example which he used average expenditures.

1970 So I think that does not mean that the amendment should not be approved. I will vote for it, and I think it improves the Propositions, but it does not perhaps control the potential expenditure by a party on a candidate representing that party in quite the way that Deputy Inder suggested in his opening speech.

1975 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Sir, I hesitate to rise because I do think this is something we could be here all day debating – hopefully not this one issue all day debating. When the Committee considered this and deliberated all the options we were conscious of the fact that many other jurisdictions do not have much in the way of regulation of parties and party spending, they focus on individual spending. I think what we are proposing, and particularly through this amendment, sir, goes some way to doing that.

1980 In terms of how the parties use their spending effectively on candidates, I think that would be over regulation. I for one, sir, am not in favour of over regulating things because we will need to police it in some way to make it work. I think this is a reasonable way forward for the next election.

1985 If after that experience the next Assembly wishes to amend things further then that will be the time to do so. But we could speculate for ages as to how it might happen, I think this is a good compromise, way forward that effectively protects and respects our largely individual system of electing Members to this Assembly.

1990 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

1995 It may surprise people to know that I am fully in favour of limiting the finances of campaign groups whether they be parties or associations. I am also totally in favour of complete transparency in all financing of all political promotions. **(Several Members: Hear, hear.)**

I do see a few little issues with this amendment. First of all, the limit of £5,000 seems very low, in that whilst you are limiting to the level of –

2000 **Deputy Merrett:** Point of correction, sir.

The Bailiff: Deputy Merrett.

2005 **Deputy Merrett:** Five thousand pounds is specified in the amendment, sir.

Deputy Meerveld: Okay. My apologies if I have misread that. Yes, because at the end of the day the campaign groups –

Sorry, I give way to Deputy Inder.

2010 **Deputy Inder:** Deputy Meerveld, thank you for giving way.

I gave that as an example. We are not at the point of setting the limit, I just gave that as a divisible number. It could be much less than that! *(Laughter)*

2015 **Deputy Meerveld:** I think a limit should be set, but I would hope that it would be enough for at least the party or association to be able to afford a maildrop to the Island. It has to be a sensible amount whilst not being so great as enabling an organisation to effectively – I hate to use the phrase but – buy an election.

2020 Also there are some potential pitfalls in the way this is worded. For instance, there is a history in this Assembly of candidates for Deputies sharing costs between themselves. I give an example of combining mail drops in one envelope, manifestos from several candidates to reduce costs.

There is a potential trap here, in that you could have two candidates registering as a party, then sharing money, then raising additional money and effectively having a larger pot to promote just one or two individuals going back actually and supporting Deputy Fallaize's comments. You have got some issue here where this system could be abused.

You also have some issues in the third parties as well because potentially there is no limit on third parties under 10.33 on the financing they can raise to influence their agenda, and those parties can be –

Deputy Yerby: Point of correction, sir.

The Bailiff: Deputy Yerby.

Deputy Yerby: It is not that there are no limits on third parties, it is that there is no allowance for third parties to spend in an election. So candidates will have an allowance to spend up to a limit, and parties will have an allowance to spend up to a limit. You cannot talk about what third parties can or cannot spend because they do not have that allowance in the first place.

Deputy Meerveld: Well actually I do not accept that correction because 10.34 reads:

A third party is defined as any group that has an interest in the election but is not endorsing any members as election candidates. Examples of these 'third parties' include focus groups, charities and local organisations. As touched on in paragraph ...

Subsequently paragraph 10.38:

The Committee does not recommend setting any spending limits for third parties during the election period at this stage ...

So a third party organisation could raise half a million pounds and go out and promote their political agenda. 10.2 –

The Bailiff: Are you speaking generally in debate or are you –?

Deputy Meerveld: I am talking about this amendment and the fact that this amendment has loopholes whereby people could go through and raise significant amounts of money to promote a political agenda which would exceed the limits of an individual, or potentially an organisation, or a party or an association.

It does in 10.12 say that as long as they are not supporting individual candidates, but it makes no specification about a party or association. So there is a danger. I want to make sure that if we are imposing limits and we want to limit the expenditure of parties or associations which I agree with, that that is expanded to other third party organisations that may raise capital to promote a political agenda and directly or indirectly support groups. Because at the end of the day we do not want our elections being bought with large amounts of capital. I give way to Deputy Le Tocq.

Deputy le Tocq: Sir, I think Deputy Meerveld – I thank him for giving way – is confusing political agenda with political candidates, and that is the key difference here.

Deputy Meerveld: Yes, but if an association or party is standing for a specific set of principles you could have an organisation that goes out and raises significant amounts of money to support that objective that they have stated, therefore indirectly supporting that group.

There are those issues, I can see those grey areas and they have been highlighted to me by other people who are lawyers and who have pointed this out.

Anyway that is all I will say on this matter but in general I have no particular issue, I will be supporting this amendment.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

I struggle with this one, in fact I struggle with the report where it covers about parties, because we have not got a party system here in Guernsey, we are still independents, so for all this expenditure. When I read the report and the amendment it is a great report apart from that section. This is Guernsey's equivalent to Brexit. I mean talk about trying to complicate things and making issues where there should not be any issues. You are all elected independently, you cannot elect a party.

You only have to look across the water at Jersey at their election; they had their party and I have forgotten how many but it was in double figures but only three got elected. I think it was three or four, but it was a very low amount anyway, that got elected because again they have not actually got a party system, but they tried the party system. But at least they have got a ministerial system; we have not. We are still independents over here on this side of the water.

So again I think there has always been the cap that you can spend x amount on elections and you have to take into account if somebody will actually be able to produce a document for you or your manifesto for you, you have to put it in at the price that it would normally be at the printers to make sure that everybody was treated fairly. All the costs are taken into consideration. It is capped, it has always been capped and to me that is the simplest way: you are all individuals, everybody standing for election are all individuals, and if it is capped for the amount you want to spend that is entirely up to you.

Whatever people want to put in an advert in the paper and say, 'We are an association,' 'We are a party,' that is entirely up to them, it will be the public to decide whether they want to elect all 15 or 20, however many there will be, or they might even elect just one or two. That is what elections are all about that is true democracy.

We have had over the years where people will share an envelope and put the manifestos in, has that been seen as a party, has that been seen as a group, has that been seen that they are more favoured than others? Actually it has gone in favour of some, gone against others, where they have said, 'No, we do not want to be associated with that little group because they have all put theirs in the same envelope,' we have heard that on the doorstep over the years.

So I think for me although this is an amendment I was going to vote against the main bit in the report anyway, so I will be voting against this one, and I will be voting against it in the main report which again I will talk about a couple of other areas later. But for the expenditure part as well ... and I accept that they are going to come back with that. We have had Island-wide before and about the expenditure and about the circulation of manifestos and I think again there needs to be a little bit of a rethink about this expenditure where I think it is probably going to be more unnecessary than previously because when I stood Island-wide many years ago it was a case of the States paid for a supplement in *The Guernsey Evening Press* which went to households who had the *Press*, it missed out a whole wealth of people who were actually on the Roll; they did not get the supplement so they never actually read it, so they made their choice of who they were going to elect no thanks to the *Press*.

At least now SACC have taken that on board and said rightly so they are either going to send it to every household because they are going to look at the cost or they are going to send it to those who are on the Electoral Roll, whichever works out best. Absolutely right, spot on, well done SACC, because doing it like they did last time through the *Press* was a nonsense. So I do support that.

But regarding this expenditure thing I just think, no, just treat everybody individually and stop this concern. There is this fear by some about parties, let the electorate decide who they want to put in there as individual candidates.

The Bailiff: Deputy Roffey.

Deputy Roffey: Sir, I fear Deputy Lowe is living in the past or at the very least living in the present rather than living in the future, because I, like her, would really like to see a total set of independents standing at the next election and no parties because I fear where party politics takes us into a more divisive and more aggressive politics.

But she said that we have no political parties we have two political parties. They may say we are not political parties, but we heard Deputy Inder give the definition, the definition is that an organisation that intends to endorse candidates for election and as I understand it the Islanders Association, if it still exists, I think it does, has said they intend to endorse candidates for election and so does the 2020 Association, so we have two political parties and we would be naive not to put in place some rules to try and control that, because if they were able to promote their candidates in an unlimited financial manner it would be wrong.

Deputy Tindall: Point of correction, sir.

The Bailiff: Deputy Tindall.

Deputy Tindall: I believe there are more than two political parties, I believe there are other groups that have also indicated they are going to support electoral ... Whig is one of them and I believe there is another Guernsey Whig as well.

Thank you.

Deputy Roffey: If there are more parties out there then it just makes my point even stronger. I do not think there is a perfect way to do this. I am going to support this amendment because it seems better than what is in the Billet, but if we get down to the minutiae what happens if somebody is a member of two political parties? In fact I think Deputy Meerveld is a member of two political parties. Now whether or not the 2020 Association will endorse him as a candidate I have no idea (*Laughter*) but if they both endorse him as a candidate and then take their hypothetical £5,000 allowance and you can give up to 50% to a party will they say, 'I do not want to spend anything on myself. I am going to give half to one of my political parties and one to my other political party both of which will endorse me as a candidate.'?

I think we have almost got to feel our way into this water, suck it and see, I do not think it is going to be perfect but I think we have to put in the controls that we can to try and get a level playing field and I will vote for this amendment and hope for the best.

We will be able to adjust it later on, as has been said, but of course if the next Assembly is dominated by people who have benefited from an unfair advantage of political parties they are not going to have much motivation to actually change that going forward. But I do not think there is a way around that, so I will support this amendment.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, very much appreciating the ideas Deputy Roffey has put ahead. It is interesting how Members of the former SACC Committee have been very kind of influential in this debate so far of previous SACC Committees.

But I do not know, I do not particularly like this amendment, I expect it will go through, but it is tarred for me. For a start, I think I am a member at last count of four political parties, three on Island, no well I should not ... I signed up to follow this independent group – what are they called now? – the Change Group, but there is the Greens in the UK, the Whig in Guernsey made me a member and I was happy to accept, I am a member of Islanders, and the Charter is not a party but 2020 appears to be depending on your definition. No. And whether they would all support me as a candidate is anybody's guess.

But it does get very confusing with these parties because I do not know if we have quite even worked out what kind of party system we want, if we want one at all, and Deputy Lowe probably

2170 does not, because you see you can have your classic UK/American political party scenario where
you have two big Goliaths historically, Gilbert and Sullivan, Liberals and Conservatives or the sort
of American blue/red, left/right divisions there, which smash each other. But in many European
countries you actually have a more fluid structure whereby groups of people work together to a
common agenda, and you could argue that we already have 38 or whatever political parties in the
2175 Assembly.

My concern, and the reason why I wanted the amendment read again, was not to waste
everyone's time but there was a degree of confusion, as I think Deputy Inder recognised, because
I had attended the SACC workshop a week or so ago when many of these issues were discussed
and I had heard rumours that SACC were putting forward an amendment along these lines. But it
2180 was not published on the States' website, I noticed last night in the early evening, and in a way it
came out of the blue, the amendment today. The Douzaines did not know about it either.

Deputy Inder: Point of correction, sir, it was published on the website by around 4.30 p.m. last
night. It might have something to do with your – through you, sir, – Deputy Gollop's IT problems.

2185 **Deputy Gollop:** Well it may have been on the website but it was not on the Agenda for today
when you looked at the electronic links. Yet another example of our digital transformation that we
have to personally and collectively go through.

But my point is 4.30 p.m. yesterday, the day after Easter Monday, it is not a lot of time to
consider the nature of this, because the problem is, as Deputy Merrett reminded us, actually
2190 Deputy Meerveld in a way was wrong because he talked about a figure and no figure was
specified in this amendment or in the policy letter but that is the real nitty gritty.

For example, at the last Election every Deputy who was able to stand in an electoral district
could spend up to £2,300 and that was based upon the quantum of voters in each district, which
2195 of course was a smaller number in St Peter Port South, smaller area; the largest in population was
St Peter Port North; possibly the largest in area is the Vale; historically and geographically the
largest area used to be the Castel but now would be the West.

The point I am making here is that the figure was the same for everybody across the seven
districts, but still made posting a manifesto and printing it in all colour, all-singing-all-dancing,
2200 extremely tight within the budget, probably not achievable.

If one multiplies that up by a factor of seven we would have an electoral expenditure per
candidate of £16,100. Now that is logically what should be on offer, we have not even factored in
RPI and other additional cost maybe.

Now the questions we are not facing as an Assembly: we are perhaps not facing questions on
2205 planning, as we heard earlier, but we are also not facing the questions on the egalitarianism of the
next election and the access, because I do not think the States is going to propose giving every
candidate £16,100 because that could be a figure of over a million pounds if there were over 100
candidates. On the other hand, will the States take a Draconian view and the strict expenditure
under very tight legal sanctions to what is an unachievably small figure to run a campaign?

2210 Because one of the reasons why I think there is a role for parties and associations in Guernsey
politics is not only to bring together people who can hit the ground running when they enter the
Assembly on policies and other changes they wish to make, but also we do have, I am afraid to
say, rather poor take up of elections. We had 18,000 electors eight years ago and I think there
were 21,000 people voting in the last election. Yet we have a population of 60,000 of whom
2215 probably 48,000 are eligible to vote. We have an enormous number of people who do not register
to vote and of those who register to vote they choose not to vote. Therefore we do need
somebody to galvanise the electorate, and if we start restricting political parties and associations
to figures less than £5,000, maybe even £2,100 or less because we have no figures before us
today, we run the risk of the first Island-wide election being a really damp squib.

2220 So in the absence of figures and in the absence of details, as Deputy Lowe has identified, of how SACC is really going to help all candidates who wish to serve the Island, I do not think I can support this amendment.

The Bailiff: Deputy Brehaut.

2225 **Deputy Brehaut:** Thank you, sir.

I hesitate to rise because I am concerned my dim gene may have overridden my critical thinking today, but it was the issue of ... This amendment directs the Committee to propose a maximum spending limit for parties in elections as part of its next policy letter relating to the General Election. Well, be it party or association – the Islanders Association I think raised a significant sum of money, did they spent £8,000 of that during the referendum campaign? – what is the point in fundraising, what is the point in raising sums of money, and do you have a period before an election where you throw a tea party for the community under a banner of the association or party outside of this election period. Because it does then make a nonsense of stipulating that your expenditure is limited at this point if you have £40,000 or £50,000 in the bank and can do things for the 11 months before the month of the election.

2230 So I am unclear on that and I do apologise to Deputy Inder, they have put on more than one presentation and I was on holiday the last time they put a presentation on. But I would like some clarity on that.

2240 Thank you very much.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I am not going to particularly clarify the point but it is well made by Deputy Brehaut, but you could have any candidate, any potential candidate say, 'I am going to be a candidate in five years' time. I am going to really put myself out I am going to have lots of tea parties and I am going to do lots of things. I am going to raise hundreds of thousands of pounds. I am going to promote myself.' You can only control the election period, it is the election period that can be controlled, whether you are talking about political parties or individuals.

2250 Now Deputy Roffey is exactly right: both the Islanders Association and the 2020 Association would clearly fall within the definition of a party under the terms of this, and this is a well tried and tested definition, and the others that Deputy Tindall mentioned that may or may not be parties, they may fall within, I do not know, but anyway the wording is I think as clear as it can be and it is tried and tested.

2255 Now the amendment is very clear because it talks about whether the figure is £5,000, £10,000 or sixpence that people are going to be able to spend on elections. It talks about it is a two-fold test. Firstly, you can only have a maximum expenditure, it has got to become available by virtue of party affiliated candidates assigning a portion of their own allowance and in other words the second part does not exceed the expenditure limit available to a candidate. So you may have five candidates, I do not know, from the 2020 Association if it puts forward candidates, who put £1,000 each of their allowance towards it. There is the £5,000, they can then only spend £4,000 if the limit is £5,000 or £9,000 if it is £10,000. It is not very difficult.

2260 Deputy Lowe says I want everybody to stand as independents. Well that is her right, but other people have got the right to say, 'We will coalesce. It is the 21st century, we will coalesce.' One hundred years ago Guernsey did not have electricity. It does now. You progress, you move on, you have changes in society. The 11-plus did not come into existence I think until just after the Second World War; we have now got rid of it. Whether that is progress or not, that is the change in society that we have made.

2270 So in relation to this we have to allow something that is moderate. I think this is pretty moderate. I think it is very reasonable. If it failed and there is an abuse there will be sanctions. If it has failed then it needs to be changed post the next election because there are 36 members of

the 2020 Association that dominate the States of Guernsey and decide they want to raise it to £100 million. Well that is something that will have to be looked at. But I do not think that is particularly likely, I think common sense will pertain, and I think also being a member of an association might be as much of a disadvantage as it is an advantage.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I am glad Deputy Brehaut raised this issue because it was a point which I wished to address in the form of a question to the President to respond to when he sums up, which is will his Committee give further consideration to the period in which any expenditure limits apply, whether it is in relation to this amendment in relation to individuals' spending limits that notwithstanding what Deputy Ferbrache has said, it only applies to the election period which is clearly the current provision? I think there is an opportunity to think about whether it could be extended out for a reasonable period preceding the election. I would certainly feel a lot more comfortable if he could give an undertaking that his Committee will give that further consideration before the second policy letter comes forward. If he does not then I think consideration should be given to an amendment. But hopefully he will be able to allay my concerns in relation to that when he sums up.

The Bailiff: Deputy Yerby.

Deputy Yerby: Building on the points that Deputy St Pier and Deputy Brehaut have raised, what we are trying to do with this policy letter and its successor is to allow the next General Election to be fought on the fairest possible terms so there has to be a period in which expenditure is regulated and Deputy St Pier is right that we have to give further thought as to exactly what that period is.

But it has always been the case historically and will continue to be the case, that there is time that falls outside that period and what we are seeing with the emergence of parties is the need for ourselves as an Assembly to begin to think about whether our Code of Conduct, our rules of behaviour extend to the conduct of parties. That is something that I think SACC will need to consider in due course, but I do want to set it out as an issue that is separate to the running of the General Election specifically.

The Bailiff: Nobody else is rising.
Deputy Inder to reply.

Deputy Inder: I will try to.

I am going to work backwards because that is the one I remember. Deputy St Pier, about the election period and it sort of touches on what Deputy Brehaut said as well.

I suppose potentially under our proposal you could have the Rothman's Team over Castle Cornet the day before the nominations open and not allowed to spend very much the day after. I think that is the real fear it is the mass of political party exposure which may happen in the run up to nomination period ...

We can give a commitment to look at it if there is a general concern about it. I do not know because I have not spoken to the rest of the Committee about it. I do not know how far we are going to go with that so I cannot give any cast iron guarantees at this moment but we will have a look at it, and again. As I said in my opening speech, we will be talking to Members. If it becomes another issue that people are worried about then please then talk us.

Deputy Roffey, thank you; as the ex-President thank you for your support. Deputy Fallaize, I suspect Deputy Le Tocq answered your question.

Deputy Lowe – Ma'am with the greatest respect, Mother of the House, we are just in different times. That is the way it is, and we have to find some way of regulating fear to a degree, and I

think you touched on it yourself, but it does exist and that is what happened over the last 18 months, for better or for worse.

To Deputy Meerveld, finally, really our amendment does not create loopholes, or if there are loopholes in there they are the same as they would have been in the original Propositions. We have just tried to reflect the two workshops that we have had and the emails and exchanges that we have had from States' Members to try and reflect their fears of some monster that may or may not turn up dominating the election. That is what we have attempted to do.

I think Deputy Gollop makes the point and no one likes me repeating it, but even though there might be parties where members coalesce around then become a party of say 10, for example, equally we are, as independents, parties of one and for that reason we are looking to equalise or try and find some greater parity with the expenditure for the parties of one, the individual candidate, with the parties of 10 or up to 30 or 40, whatever does or does not emerge, and to that end, sir, I would ask people to support the amendment.

The Bailiff: We vote then on the amendment proposed by Deputy Inder, seconded by Deputy Merrett.

Deputy Lester Queripel: Sir, could we have a recorded vote please?

The Bailiff: With a recorded vote.

There was a recorded vote.

Carried – Pour 35, Contre 3, Ne vote pas 0, Absent 2

POUR

Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey

CONTRE

Deputy Gollop
Deputy Lowe
Deputy Green

NE VOTE PAS

None

ABSENT

Deputy Mooney
Deputy Le Pelley

Deputy Prow
Deputy Oliver

The Bailiff: Well, Members, clearly that is carried, but we will get the formal declaration after lunch. We will rise now and resume at 2.30 p.m.

2350 Mr Martel has copies of another amendment to be circulated, so those who wish to consider it over lunch may do so.

All rise and back at 2.30 p.m.

*The Assembly adjourned at 12.34 p.m.
and resumed its sitting at 2.30 p.m.*

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

General Election 2020 – Debate continued –

Amendment 2 carried; debate adjourned

2355 **The Bailiff:** Before we move on to amendment 2, I can announce that the voting on amendment 1 was 35 in favour, with 3 against, so I declare the amendment proposed by Deputy Inder and seconded by Deputy Merrett as having passed. And we move onto amendment 2, to be proposed by Deputy Dorey.

Amendment 2:

In Proposition 3.(bb), immediately after 'column two of the table' insert '(subject to substitution of the contents of the seventh row, entitled Election of Departments/Committees, with 13.07.20 (+6 days))'

Deputy Dorey: Thank you, Mr Bailiff.

2360 I do not need it read out. This is a very simple amendment, which is seconded by Deputy Roffey.

Its purpose is to change the date of the election for Committee Members next year from the proposed date of Friday, 10th July to Monday, 13th July. This will increase the number of days between the elections of Committee Presidents and the election of Committee Members from three days to six days. I think the SACC Committee are saying they are going to support it. I will
2365 make a reasonably short speech because of that.

Having time to get the right balance of the right people on Committees is important. If the time is too short, there is a greater risk of that right balance not happening. In 2016, we had seven days between these elections for the President and Committee Members and I think that was about right; and that three days, in my view, is too short, especially when one of those days could
2370 be mostly taken up by the election of the Presidents.

In the Committee Member elections, there are 40 seats to be filled. In proposing Members, the Presidents of Committees need to find people with a range of views and take consideration whether they can work together as an effective team. There will be a lot of networking or negotiations, as there always has been, call it what you like, taking place behind the scenes as
2375 Members look to get the proposal of the Presidents of the various Committees.

There could be a significant number of new Members in the Assembly, some of which could be members of a party or political grouping and that will all need to be considered when those proposals are being made for Committee Members. It has also to be remembered, when putting the Committees together, there are a number of restrictions – for example, TLA Members are not
2380 allowed to be Members of P&R, E&I and STSB.

Most Committees have extensive induction programmes and it is essential that we get the elected Members that are right for that Committee, which means there is less likely to be a change of Member within a short timeframe because they are just in the wrong place, which would be a waste of time of that work that is done on the induction. It is important that all Members who want to be on Committees have an opportunity to stand, if they are not nominated by the President, and still wish to stand and for them and their proposers to prepare for that.

All these points I have made support the increase in the time accrued between elections of Committee Presidents and election of Committee Members from three to six days and I hope that Members will support what I consider to be a very sensible amendment.

Thank you.

The Bailiff: Deputy Roffey, you second the amendment?

Deputy Roffey: I do, sir.

The Bailiff: Deputy Inder, do you wish to speak on this at this stage?

Deputy Inder: No, sir, I reserve the right to speak later on, if at all.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

I think I heard Deputy Inder say that, on balance, he would probably concede and support this amendment over the initial Propositions of SACC and I suppose that is a cautious and sensible thing to do and I am likely to do the same. I notice, again, this amendment has been brought by two very longstanding and wise States' Members, who have sat on previous SACC/House committees in different incarnations and they have seen the pros and cons of our system.

I must admit I have a sneaking admiration for looking at a more radical change in our system because, despite the downsides of what we occasionally see across the water in our friends at Westminster, one advantage that they have is the Prime Minister of the day, providing he or she has a degree of authority, is able to choose candidates for ministerial office or other roles and they are chosen and it is either directly sent to the media or it is leaked and they take office immediately. Out goes one foreign secretary, because he said something indiscreet, perhaps, and a new foreign secretary is around within an hour or two.

We do not have that situation here. One of my concerns in previous Assemblies has been the extraordinary time that we take to reassemble a Government and effectively on this occasion I think we will be winding down by the end of April 2020 and it will still be, probably, mid-July 2020; as we know from this it will be 13th July before even viable voting Committees will be formed.

If I do support this amendment, it will be in the hope and expectation that, in the unusual event of there being some form of eventuality, a crisis, a decision that would need to be taken, that pragmatically, the elected Ministers/Presidents, although it is Presidents in this context, who will already have been selected, hopefully, by 6th July, will be able to take some form of decision, maybe in consultation with their colleagues, because I would not like to see Government decisions, essential implementation of Statutory Instruments, of regulations, of ordinances or anything to do with Brexit, policies, health and safety issues, all kinds of measures, being delayed unnecessarily and us having an absent summer.

The longer we take in choosing Members, the more difficult it becomes. That said, I think in the last couple of Assemblies, we have seen a situation whereby the decisions have been taken more behind the scenes, as Deputy Dorey tactfully said, negotiation and consideration and discussions rather more than what could be called horse-trading. But we have seen the extraordinary situation publicly on which long-term *Press* observers have commented on that,

whereas in the early days of my States' career, you would see keenly contested contests for Committee seats after an election, they tend to go through on the nod as a slate, now.

That has reflected a degree of discussion as to who is willing to serve and who is not. But speaking personally I think we have seen a few square pegs in round holes in this term. Maybe I have been one of them. You have seen that because insufficient consideration has been given to the strengths and weaknesses and personalities of candidates and, in some cases, their ideological views on fundamental questions about, for example, autonomy of Members, delegation to officers, views on economic development, views on the environment, and we do need more time for those conversations but I hardly think three days will make that bigger material change, because in reality sometimes the selection of Committees is who is available.

Deputy Dorey has brought to my attention a very important point that, now I am outgoing as the President of the DPA, I should reinforce, but I think some of the constitutions of some of the committees, Transport Licensing Authority, etc., are extremely difficult. Because, for example, when we had a membership vacancy recently, because of Deputy Lester Queripel's resignation, for the Development & Planning Authority, the four existing Members were not eligible to go for that position, because by definition we already sit on it. The five Members of Policy & Resources were excluded, although we certainly would have liked one or two of them to have served on the Committee. And the five Members of Environment & Infrastructure were excluded.

So we had effectively 14 people who we could not put up. Bearing in mind in previous Assemblies the people who managed environment policy were the same people who managed planning and now we have had a complete separation, that is a problem. Of course the answer is to change the constitutions rather than accept this amendment, so if we are going to accept the amendment because we are unhappy with some of the Committee mandates and restrictions, that is actually a poor reason to vote for this amendment.

All things considered, I will go along with this, but I think we actually need a much more wide question about putting effective Government and decision-making of who sits where; it needs to be more urgently put up the political agenda.

The Bailiff: No one else is rising to speak; do you wish to speak before Deputy Dorey responds, Deputy Inder?

Deputy Inder: Just briefly, sir.

As by-election boy, I have not had any experience of the initial processes that everyone went with so, in terms of deferring to experience, as Deputy Gollop, my deference was to Deputies Merrett, Yerby, Le Tocq and Ferbrache, who have all had experience in having success at a main election. In that regard, all five Members of the Committee agree with this amendment and we are hoping it should walk through this Assembly.

Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Just to reply, I thank SACC for their support and I will just reply to Deputy Gollop's points. I notice that he is likely supportive. This is not about more radical change, this is about a very simple change of moving one election from a Friday to a Monday, which I think will have very little effect on when people take their seats and on the Government.

To be clear, there are procedures, which cover the time period if decisions need to be made before people are elected into seats. So if there is necessity to make a decision, there are very clear procedures written to cover that period. It is not a risk. I think there is a greater risk of the wrong Member being in the wrong seat and therefore we then have to go through subsequent elections.

2485 So I think this is very sensible and we have covered the situation in terms of that period between 1st July and the election of Committee Members, but also I have sat on a Committee that has met post a general election, but before the end of term, in this situation, say the 30th June. I have sat on a Committee that has met then to discuss business, because it was necessary to do that. So Government is active right up to the end of term and I have seen it happen in the past, so I just urge Members to support this amendment.

Thank you.

2490 **The Bailiff:** We vote, then, on the amendment proposed by Deputy Dorey, seconded by Deputy Roffey. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried. Now amendment 3, which has been circulated during the lunch hour, proposed by Deputy St Pier and to be seconded by Deputy Trott.

2495 Deputy St Pier.

Amendment 3:

Insert the following proposition immediately after Proposition 3.(l):

'(la) To modify the provisions of the Reform (Guernsey) Law, 1948 relating to eligibility to hold the office of People's Deputy such that, in the case of any candidate who is aged 20 years or more on the date of his or her nomination, he or she must have been liable to make social insurance contributions under the Social Insurance (Guernsey) Law 1978 (or excused by reason of being in full-time education or under 20 years of age) for at least 40 weeks in each of the two years up to the end of the month immediately preceding the month in which nominations open for any election.'

Deputy St Pier: Sir, thank you.

I will read the amendment for the benefit of those outside the Assembly. It is to insert a new Proposition:

To modify the provisions of the Reform (Guernsey) Law, 1948 relating to eligibility to hold the office of People's Deputy such that, in the case of any candidate who is aged 20 years or more ...

2500 – and I will come back to that as I speak later –

... on the date of his or her nomination, he or she must have been liable to make social insurance contributions under the Social Insurance (Guernsey) Law 1978 (or excused by reason of being in full-time education or under 20 years of age) for at least 40 weeks in each of the two years up to the end of the month immediately preceding the month in which nominations open for any election.

2505 The first point to make, obviously, in relation to this as a Proposition, is should it become a Resolution it will need to be actually translated into the Reform Law, so that will be a matter for the legislative draftsmen, subsequently the Legislative Review Panel and ultimately the States to approve. So this seeks to be an expression of intent and I will walk Members through what the background to it is and why I believe it would be a sensible change to make at this time.

As the explanatory note makes clear, presently in order to be a candidate it is one of the conditions that candidates must be ordinarily resident on the date of their nomination and have been also ordinarily resident in Guernsey for two years immediately before that date or for a period or periods of at least five years in the aggregate in any time before that date.

2510 Now this concept of being ordinarily resident is one that is not defined in the Reform (Guernsey) Law 1948. There are various definitions of residence, which exist elsewhere within our statutes. Perhaps the Income Tax Law 1975 being the most obvious but there will no doubt be other concepts of residence in the context of the population management regime and elsewhere.

2515 I submit that I think it is a flaw for us not to have clearly defined what we mean by residence and this is what this amendment is seeking to do, to introduce a very clear, objective test that leaves no ambiguity – it is capable of a binary result: either an individual is or is not resident for the purposes of being a candidate.

2520 So the purpose of the amendment is to introduce a revised eligibility criteria in respect of candidates who are aged 20 years or more. I should make it clear at this point that is not in any way seeking to hardwire in the current restriction that candidates must be 20 years or more to stand. It is to do with the interaction with Social Security contributions and I will explain that a little bit further. The intent and the effect of this amendment would not in any way bar an 18- or a 19-year-old from standing but I think the revised criteria would remove some of the uncertainty that can arise when trying to establish whether an individual is or is not resident.

2525 I concede this amendment would abolish the five-year test for candidates; in other words candidates who have been resident in aggregate for five years any time before the date of their nomination. I think that is a perfectly reasonable change to make. I think if an individual who has lived here for five years at some point in the past returns to the Island after an absence of any period – it could be 5, 10, 15, 25, 30 years – it is not unreasonable to expect them to become part of the members of our community before they put themselves up for election.

2530 Somebody who lived here 30 years ago may feel they have all the answers when they rock up off the boat a day before nominations close and I am not sure that that is necessarily the right approach that we should be adopting. I think ensuring that those candidates who put themselves forward have been members of our community for the two years preceding an election is an entirely reasonable test.

2535 So why linking it to Social Security contributions? Because I know, and I am grateful to the Committee for this, they did give some thought to it because I had raised it as a personal concern as part of their consultation and I know they did struggle with trying to find some kind of definition of residence that they felt worked. For example, by linking it to the tax definition of residence.

2540 Social Security is the one that I have settled on because it is the one that, in essence, all residents of the Island are subject to the Social Insurance Law in some form or other, There may be various categories, which would allow people to be excluded from contributing, but nonetheless they are subject to that Law if they are resident here and that is the reason for introducing it here in order to ensure that we do have that very clear objective test.

2545 The 'however' is in respect of the 18- or the 19-year-olds because, of course, the obligation or the opportunity, perhaps, to pay Social Insurance contributions does not kick in until an individual becomes 16 and actually is linked to where they are born in the year, before or after a certain date in June. So even that is not an immediately settled issue.

2550 Of course, therefore, by the time they get to 18, if nominations were to close on their 18th birthday, they might or might not have been eligible to participate in the Social Insurance scheme in the two years immediately preceding that. So the safest way to ensure that no 18 or 19-year-old is excluded from the opportunity to stand, which is a very clear objective of the Committee in putting their recommendations to us, is to, in essence, just not apply this rule to them for this purpose; so that the previous rules would apply, namely that they have been resident for two years immediately before or for the five years before that time.

2555 I think the explanatory note probably needs a little bit of clarification in some places, I think, to make it clear that the obligation is to require candidates to have been liable to make Social Insurance contributions or being excused by reason of being in full-time education or under the age of 20. That also picks up the situation of a graduate who goes away or goes off-Island at 18, perhaps returns at 22, 23, 24 even, any age. They may not have been on the Island for a number of years but nonetheless there is an exemption for those individuals under the Social Insurance Law. They would not be required to actually make contributions because they are in full-time education and therefore they would be able to return and stand as a candidate. I think it is important that nobody is excluded that was intended to be included within this.

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That is probably enough from me by way of introduction to this debate. As I say, I think it is a logical articulation of a residence provision that ensures that candidates are members of our community but, more importantly, it introduces for the first time, a very clear, objective test of whether an individual is or is not eligible to be a candidate.

2570 There can be no ambiguity that could give rise to a dispute, perhaps after an election, with all that arises from that in terms particularly of the provisions in the policy letter for by-elections only to be held in the event of two vacancies. So, if a candidate were found not to be eligible under the current Law and therefore did not take their seat, that could give rise to a significant period of vacancy before a second vacancy came up, triggering a by-election. So I think that is an undesirable situation.

2575 If there is any question about a candidate's eligibility it should be capable of being tested well before the election is held, if anybody wishes to challenge a candidate's eligibility. For that reason, sir, I do commend it to the Assembly.

2580 **The Bailiff:** Deputy Trott, do you second the amendment?

Deputy Trott: I do, sir, thank you, and reserve my right to speak.

The Bailiff: Deputy Inder, do you wish to speak at this stage?

2585 **Deputy Inder:** Not at this stage, sir. The Committee has not really had much of a chance to discuss this, so we will just sit back and watch this one, I think.

The Bailiff: Deputy Roffey,

2590 **Deputy Roffey:** Thank you, sir.

I understand where Deputy St Pier is coming from but I think that this amendment is all wrong, for at least three reasons. The first is I start from the position that there should be as few rules as possible limiting the pool of people that the Guernsey population can choose from.

2595 I do not want to get onto the general debate but I have had people saying to me, 'Why are you going to let 18-year-olds stand? They have not got enough life experience.' My answer is, 'You do not have to vote for them.' You do not have to vote for them if you feel that way but why should we be restricting the people that you can choose between?

2600 Likewise in this area, people may not vote for a candidate because they feel that their Guernsey connections are not strong enough or they are too ancient; that they left the Island too long ago and have just come back. That is for them to decide, I think, rather than us. I think we should be as liberal as we possibly can in allowing who to stand.

2605 My second reason that I feel uneasy. I understand the explanation of why it has had to be done; but having a different set of criteria for people over and under 20, however well-intentioned, however we are trying to overcome the problems, shows, I think, a flaw in this amendment that we should not accept.

2610 But thirdly, and most importantly, is the practical impact. Deputy St Pier has conjured up an image of somebody that left 50 years ago and has just got off the boat. Let me conjure up another image. Somebody has had a 35-year career in Guernsey, at the highest level, really contributing in every way to our community, is lucky enough to be able to take early retirement aged 60 and decides to go travelling with their spouse for a year and then comes back.

2615 They have not paid. In the explanatory note, it is slightly confusing, because it talks about eligibility to pay Social Security payments, but the actual amendment talks about liability. They would not have been liable to pay while they were gone. They could have said, 'No, we do not want to be a part of that system.'

They come back, a year or so later, or less than two years later, anyway; there is an election. They want to give something back to the community, or they have already given lots to the

community; they want to stand. They would not be allowed to stand because, for the two years immediately before, they would have been liable to actually pay Social Security contributions.

2620 I have an even more personal reason; I have to say. When I stood for the States in my early twenties, for a year or so before the election I had been here but in the antepenultimate year before the election, I had spent eight months driving tractors in the Jezreel Valley in northern Israel. Now, under this rule, the friends I had been to school with who had gone off to university, the same age as me, but had been gone for longer, would be quite eligible to stand for election
2625 because that is built-in but, because I am a bit of an intellectual low-brow and had gone off driving tractors instead, I would have not been allowed to stand for election because I was not liable for contributions within that period.

If this had all been in place it may have saved me from myself and led to a far better life for me but think what the Island would have lost out on as a result! (*Laughter*) I think this is a well-
2630 meaning attempt and I do understand the central argument about five years, however long ago, may not be a very good measure if it was from 30-40 years ago, but I think the mechanism that it has come up with, and this is just off the top of my head having thought about it literally for a few minutes, having seen it plonked on the desk, I suspect if you really sat down and analysed it, this would be riddled with problems.

2635 I give way to Deputy Yerby.

Deputy Yerby: I thank Deputy Roffey for giving way.

I just want to let Members know that SACC had the opportunity to consider a variation on this amendment yesterday. All the concerns which Deputy Roffey has identified were present in the
2640 previous version of the amendment and this version adds more, so it might just be a top of the head analysis but it reflects what we thought when we had a bit more time to consider it. A bit more analysis has been done and as such support Deputy Roffey's arguments.

Deputy Roffey: My view is that if there is a reason that the present eligibility criteria needs to
2645 be tightened up –

The Bailiff: Is your microphone on or off?

Deputy Roffey: Sorry – needs to be tightened up then I am quite happy for SACC to give it
2650 further consideration. But this is the latest of last-minute amendments. As I say, I have already flagged up what I would regard to be a number of problems and I think the unintended consequences are actual legion here and I would strongly counsel against passing this amendment.

2655 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I feel similarly, although not because it is a last-minute amendment but just because it is rubbish! (*Laughter*) The problem is the basis on which the amendment is proposed is that there
2660 are problems, a lack of clarity, with the existing criteria around who is eligible to stand and who is not and this is proposed on the basis that it would make things much clearer and more straight forward.

Then the proposer and seconder, in recognising that actually the scheme they have come up with is not at all clear, have got to put in, on top of their ideas, one set of arrangements for those
2665 under-20 and a different set of arrangements for those over-20. I think this probably would make things less clear than the current arrangements would be. So I think it is a badly framed amendment for that reason.

I also agree that we ought to be as liberal as possible when setting eligibility criteria. I think we should preclude people from standing for election only if there is absolutely no choice. For

example, in the case of children. I have always thought that the existing two-year restriction is unnecessarily restrictive. It may be that I, personally, and many other Members of the States and many other members of our community, may take the view, 'I want to vote for people who I feel have a better understanding of Guernsey and its culture than some other people.'

I may feel that way, I may not feel that way. But I do not really understand why I should, as a Member of the States, impose restrictions on who can and cannot stand so that other electors are denied the ability to make that judgement. If the electors of Guernsey want to elect somebody to the States who has lived in Guernsey for a week, I do not understand why the job of the parliament is to stop them from doing so. I do not like any restrictions, really, on who can and cannot stand for election and I think that imposing these sorts of conditions is illiberal and I do not support it for that reason.

The third reason is because I just think it is quite objectionable to tie eligibility to stand for election to some liability to pay tax or Social Insurance. I just do not like that idea. If you are going to tie it to anything, I would rather it not be tied to that because – and Deputy St Pier will probably shake his head or put a counter-argument to this when he sums up on this point – but I do not think there are that many steps from saying you are eligible to stand for election only if you are liable to pay Social Insurance or have been in a certain period before the election to saying that your credibility as a candidate is to some extent based on whether you are paying tax and Social Insurance.

I am not really saying that we are going down that slippery slope because I think that one can always exaggerate that in arguing against something in politics, but I just do not like the idea of tying eligibility to stand for election to eligibility or liability to pay Social Insurance. Also, finally, what happens if the Social Insurance (Guernsey) Law 1978 changes its definitions of who is liable to pay Social Insurance?

If that happens then, under the terms of this amendment, if the Reform (Guernsey) Law 1948 is amended as this amendment envisages, then in the event that the Social Insurance (Guernsey) Law changes its eligibility criteria for any other reason, without taking into account this bizarre link that would have been attached to it in relation to elections, then all of a sudden we could find that the eligibility criteria for candidates for election has been changed. No doubt it is a well-meaning amendment, I think it is actually a rather poorly framed amendment that is trying to solve a problem, which by and large does not exist.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I was tempted to support the amendment before these heavyweights got up and made me think about it a bit more. The trouble is, of course, Deputy St Pier and Deputy Trott are easily the two most senior Members of the Assembly in terms of the offices that they have held and, in a way, they are almost trying to sack SACC and put some other ideas into the mix, perhaps on this question.

Now we hear – the plot thickens – that the existing SACC Committee considered a very similar amendment, with a day to spare after Easter, and had reservations about it and now we have got a new version.

Weirdly enough, somebody who works on one of the Douzaines has contacted me in my lunch hour, hot off the press, with a question about this particular putative amendment and we do not have a Law Officer in the Chamber at the moment, but it is an intriguing question. The question is very similar to the one Deputy Fallaize has just identified, relating to criteria for eligibility, because he has postulated there might at some time, and probably will, be a change in the Social Insurance definition.

It is a little known fact, I had to revise this myself yesterday, actually, but whereas people have – what is it? – 43 years to pay for their old age pension if they are resident in Guernsey the whole time, through the Social Insurance tax system, persons aged over 65 are contributing for long-term care allowance benefits and health benefits. But one person in the community has

questioned that if, for some reason, an Old Age Pensioner who was resident on the Island was not paying Social Security contributions would they therefore not be able to stand because their income was deemed too low?

2725 I do not think that the answer to that is 'no', because I think you are eligible to pay even if you do not pay. But I could be wrong in that respect. I have just thought on my feet of another weird example that somebody could be living in Alderney and paying all these contributions but not necessarily be eligible to be a candidate for the States of Guernsey.

2730 So I think we have to be very careful with these definitions. The way Deputy St Pier very ably introduced it made me think he was broadening the potential of candidates to stand, such as allowing 18- to 20-year-olds. But in reality, as Deputy Roffey has explained to us, he is narrowing potentially the range even further than SACC is proposing to do in their main policy letter. Now, as I have said in the media before, that on balance I am in favour, like Deputy Roffey, of the widest possible choice and I am against anti-libertarian attempts to restrict candidature.

2735 I think they come down to the fact that sometimes we States' Members, especially the longer serving ones, think to ourselves, 'You know what the biggest problem in Guernsey politics is, it is the electorate who gets it wrong? The electorate sends the wrong people to this Chamber.' That is a very dangerous outlook to have but we do sometimes get into that mindset.

2740 I think the concerns of some members and people in the community are about candidates past and present who have stood for the Island and may not have been 150%, 52-and-a-half weeks a year resident in Guernsey. In some cases those candidates have been extremely successful in business or other enterprises, in other cases maybe less so. But in most cases those candidates have not been successful.

2745 The only sympathy I have for the amendment, and I have a little bit actually, is that candidates should be more open about what they put on their manifestos and there should be greater guidelines of candidate declaration about their reasons for standing and their situation. I suppose the anti-avuncular argument of Deputies Trott and St Pier would be that although they would like the widest possible choice of candidates who are eligible to stand, sometimes a candidate might be successful and when the electorate actually heard that he or she was not resident on the Island, or did not match these particularly onerous criteria, they would be disappointed. 'I wish I had not voted for him or her.'

2750 I think we have to live with that, to be honest, and I think it is better not today to go with this amendment and I personally would be surprised in any case if it got anywhere near two-thirds support so I think we should delegate further consideration of this work to SACC, rather than tie their hands today with supporting the amendment.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

2760 I do believe that this amendment has the right intent, in that I do think a definition is sensible. I do not intend to repeat the arguments but I completely agree, for me it is unintended consequences and the link with the collection of taxes, which makes me feel that I just cannot agree with it.

2765 It is back to this definition because, of course, we also are being asked in the main Propositions, Proposition 3(a), to give a definition for 'ordinarily resident' in respect of those entitled to go inscribed on the Electoral Roll. For me I do not see any reason why they cannot be defined in the same way, albeit I do not like that definition either.

2770 My first reaction when I first saw this amendment, I thought, 'Oh great, maybe someone has come to the rescue for me and Proposition 3(a).' But obviously it is a completely different subject, albeit the same words.

For me, I would like someone to come along, a knight on a white horse, and actually solve this problem for me because I think we need something definitive and I am grateful in effect that we can have a discussion on it to assist in coming forward with potential suggestions. I intend to not

digress into Proposition 3(a) in this particular section of the debate for fear of being told it is general debate.

Thank you.

The Bailiff: Deputy Inder.

Deputy Inder: Right, sir, I have got to be a bit careful because I might be about to snatch defeat from the jaws of victory. Deputy St Pier is right; the ordinary resident was not defined under the Reform Law. We did work, I think, as hard as we possibly could to try and satisfy some of the concerns that were raised in the workshop.

It was never entirely clear what the problem was we were trying to fix, to be perfectly honest with you. Deputy St Pier said he wanted a clear, objective definition. If I remember correctly, we tried to do it via tax at some point and I think we rejected that. I think Deputy Fallaize remarked on that.

In 5.4, in our policy letter, we plumbed for the definition under the Population Management Law. Subsequently to that, I do not think that satisfied Deputy St Pier; I think that is fair to say. We got a revised amendment yesterday, which I do not think anyone on our Committee was satisfied with, either, mainly because then it lost the five-year aggregate. The amendment that we received yesterday was not going to achieve what the explanatory note asked it to do and, with the greatest respect to Deputy St Pier, I think this is a hell of a lot worse.

Personally, and I can only speak for myself here, the two years in itself – and it sort of maybe answers Deputy Fallaize's question, I suspect it does not, it is somewhere between Deputy Fallaize and Deputy Roffey – I think the two years shows a commitment to the Island in some sort of way. Yes, I can see you screwing your face up. Through you, sir, Deputy Fallaize is screwing his face up.

I am sorry. Like I believe people should be on the electoral roll to stand as candidates, I think the people in this who are going to stand as candidates should show some form of commitment. That is just my personal view and that may not be the view of the Committee.

To lose then the five-year aggregate – and I am going to take, again, slightly the French view, you can take the Islander out of Guernsey, but you cannot take Guernsey out of the Islander. If you have been away, you have been educated, you have brought experience back. I cannot see why, now, there are people outside of this Island who may have been travelling all over the place, gaining lots of experience, contributing, should now have to come back, get a tax bill, get a place of residence, prove that they have got utility bills for a two-year period beforehand.

In that regard, for me personally, I like the two years because it shows commitment, but under this proposal we then lose the five years and that bit I just do not find acceptable and I would still like to know exactly, when Deputy Trott, possibly, or Deputy St Pier responds, what is the problem we are actually trying to fix here?

Thank you.

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, there is little I need to add to Deputy Inder's speech. As he said, when we discussed the earlier version of this amendment in Committee, we all felt that it would be a mistake to lose the five-year connection and this amendment, just as its predecessor did, will lose that, except for people under the age of 18.

As various States' Members have already pointed out, the test that this amendment provides does not function, in a number of ways, as a satisfactory, objective test. There are lots of Laws in Guernsey that rely on some kind of measure of residence. As Deputy Inder said, we drew the definition that we put into the policy letter from a similar definition in the Population Management Law and chose that one because it was the least restrictive. It did not tie you to the tax or Social Insurance system or any other measure of contribution to the life of the community.

2825 Of course the test in the Population Management Law, by definition, is challengeable. We had
a principal officer with some background in housing policy, so she has been able to inform us how
difficult that has been at times, but it has been possible. It is no more or less the case that the
definition already proposed is challengeable than this one would be and as the debate has
already brought out, this one introduces more confusion and therefore more potential unfairness
2830 than the one we have already come up with.

Deputy St Pier said in his opening speech that one of his primary intentions was that the
definition should be challengeable. He is trying to come up with a test that is easy so that it can
be challenged before the point of the election so that we do not then have to bother with the fuss
of the by-election. But again this adds nothing that is not already in the existing Law, in our
2835 existing proposals, in terms of how or when that could be challenged.

For me, the most galling thing this amendment adds, which we did not see in its predecessor
draft, is the proposal to treat candidates under the age of 20 differently to those who are over the
age of 20. I do not think that in any mature democracy with free and fair elections you could
propose to have one bar that some candidates have to clear, which other candidates do not have
2840 to clear, purely on the basis of age. I simply do not think that we could get away with that.

Deputy Gollop opened his speech by saying that he was swayed towards the amendment, as I
understood it, because he felt that Deputy St Pier and Deputy Trott were big hitters within the
States. Some of my colleagues have said that the amendment is well-meaning, but I do not think
it is okay just to pass off an amendment, or just to say that senior politicians have been well-
2845 meaning, when they are bringing policy changes that could drive a cart and horses through the
free and fair operation of democracy in our Island.

As Deputy Roffey pointed out, this amendment could have serious unintended consequences,
which we have not been given the opportunity to fully identify or think through, either as a
Committee or as an Assembly. It could have serious detrimental impact on the operation of
2850 democracy in our Island and, sir, I would urge Members to throw it out wholeheartedly.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

2855 I have just looked up the Social Insurance (Guernsey) Law 1978 and there are 158 pages, so
you will forgive me for not knowing it off by heart. I am concerned that this amendment is fraught
with future difficulties. We do have certain exemptions from people paying, or being eligible for a
contribution, ticking the box as it were, and one of those is actually being in receipt of Family
Allowance. What would happen if one parent was in receipt of Family Allowance and one parent
2860 was not and one was living off-Island, would they be eligible, but the other parent would not be?

I think that is just something off the top of my head that I have thought about that might
cause confusion. If you are over retirement age and you are below the lower earnings limit, you
do not pay, necessarily, contributions, so again would be eligible or not be eligible? I think it just
adds confusion. We want to encourage as many people from as diverse backgrounds as possible
2865 and I think this just adds another layer of complexity to that and for that reason and because of
the lateness of the amendment and not being able to really understand it in depth and the
unintended consequences, I will not be able to vote for this.

Thank you.

2870 **The Bailiff:** Deputy Merrett.

Deputy Merrett: I will be very brief, sir.

The first draft we saw of this simply said that members of our community should have to pay
contributions for 40 weeks, for two years, before standing for election. Of course you can pay your
2875 contribution but not actually live on the Island or be part of the community.

Now this one has a different word 'liable'. So I would just ask Deputy St Pier, because I have asked our officers and, due to a lack of time, we do not know the answer, so therefore I do not know the answer, can you be liable to make a social contribution but not live on the Island and pay it off-Island but still be liable? I simply do not know and our officers do not know either.

2880 The problem we have with late amendments, trying to link in one Law to another Law is that we really do need to understand the consequences and this was lodged, the debate had actually been started when this one was lodged. We simply have not had time, I do not think any Members – maybe Deputy St Pier has and obviously Deputy Trott has – to really consider this amendment so I would appreciate, I am sure Deputy St Pier does know the answer to the question, else he would not have put the word 'liable' in his amendment.

2885 Can you be liable for contribution and pay it, but not actually be on-Island? Do you have to notify Social Security that you are not actually physically on-Island, because you can still be liable to pay it and still pay it, but not be on-Island. So if the real concern is being part of our community for two years – and I will say this flippantly – we are not exactly known as an Island that we move things so quickly within two years that you could leave the Island for two years and actually have no idea what is going on.

2890 We have something called instantaneous messaging, we have newspapers, we have media. You are able to keep contact with the Island and what is happening. Two years to me is far too short a period of time. These refer to students. What if you had continual professional development and you had worked in the community for 30 years, you would leave the Island, your CPD is two years and one month and you come back and you cannot stand for election because you have been off the Island for that extra month, that extra day?

2895 I will not support this amendment but what I would like to know, if Deputy St Pier can clarify this liability and if you can pay and leave the Island or if you have to inform Social Security that you have left the Island. We do not know the answer to these questions. Well, maybe Deputy St Pier does and I look forward to his summing up, sir.

2900 **The Bailiff:** Well, no one else is rising so he can stand up now.
Deputy St Pier.

2905 **Deputy St Pier:** Thank you, sir.

This amendment has been described as coming with good intent. Of course what do they say about the Road to Hell, it is paved with good intentions. Thank you to those that have spoken. I am not sure that anybody has spoken in favour of the amendment but, nonetheless, thank you for the debate. I shall not detain the Assembly for a considerable period of time in summing up.

2910 In relation to Deputy Merrett's final question, somebody who is off-Island would not be liable to pay but they might choose to; they might opt to do so. But that would not be a liability to do so.

2915 Deputy Fallaize said that there was a danger of perhaps exaggerating and, with respect to Deputy Yerby, I think her describing this as driving a cart and horses through potentially free and fair elections is, perhaps, a slight exaggeration. I think we are a little naive if we think we are not subject to external influences outside the Island in this day and age and the risk of entryism, and I think that is perhaps a problem which this amendment is seeking to address.

2920 Deputy Fallaize also raised the question of changes to the definitions of Social Insurance, but of course, sir –

I will give way.

Deputy Inder: Sorry, Deputy St Pier. What does entryism mean?

2925 **Deputy St Pier:** Entryism is when individuals seek to join an organisation in order to achieve a particular outcome.

2930 With regard to changes for Social Insurance definitions, of course there are many Laws which are changed, which will have a consequential effect and for which consequential amendments are obviously a part of the process of legislative drafting. So I think, again, we are in danger of exaggerating the impact or the risk of that. I think, with that, I shall not detain the Assembly any further and encourage those that are supportive to do so, sir.

The Bailiff: Deputy Lester Queripel.

2935 **Deputy Lester Queripel:** A recorded vote, please, sir.

The Bailiff: We will have a recorded vote on the amendment placed by Deputy St Pier, seconded by Deputy Trott.

There was a recorded vote.

Not carried – Pour 5, Contre 33, Ne vote pas 0, Absent 3

POUR

Deputy Trott
Deputy St Pier
Deputy Laurie Queripel
Deputy Paint
Deputy Brouard

CONTRE

Alderney Rep. Roberts
Alderney Rep. Snowdon
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 Merrett
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy Dudley Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow

NE VOTE PAS

None

ABSENT

Deputy Le Pelley
Deputy Oliver

2940

The Bailiff: The voting on amendment 3 was 5 in favour and 33 against. I declare amendment 3 lost. We can move on to general debate, if anyone wishes to speak in general debate? If not, we will go straight to closing.

Deputy Lowe.

2945 **Deputy Lowe:** Right, thank you, sir.

I think I covered one area this morning and I said there were a couple of other areas, which I would probably be voting against. So rather than just vote against I thought I would actually place on record why I am going to be voting against. If I just go through the recommendations for Resolutions at the back here. I am not going to go through them all, I am just going to go making comments about the ones that I will be voting against and why.

2950 The by-election should be triggered with the casual vacancies in the office when there are two vacancies – I cannot support that. If you have got a vacancy, if you have got one Member who has actually resigned or, unfortunately, through death and that has happened in the past, there should be a by-election for a Member to be replaced. We have had that before when we had
2955 Island-wide voting back in the Conseiller system time; there was a by-election for Island-wide. It is right and proper, if you have got a government and a parliament it should have the full complement of Members. Whether they are here on the day, when we have actually got States' meetings, that is another matter, but the point being we should have the full complement elected. So that one I shall be voting against.

2960 I covered the party bit this morning, party politics, so I am not going to repeat that one. The other one that I have difficulty with, and I can understand why it has been put in, and that is where the electorate can decide whether they want to go on the Electoral Roll, the public version of the Electoral Roll, or whether they can be anonymous and not have their name printed on the roll. This has been raised before, many years ago, when I was on the House Committee, I think, or
2965 SACC. It may even have been when Deputy Fallaize was chairman of SACC, as well, so it has come up a few times about that.

Some of these meetings, the Bailiff will come in as well for certain parts of the agenda, which is interesting. It is not this particular Bailiff, so I am not going to embarrass him, I do not know his views on it. It came up again about whether there should be that facility to not have your name on
2970 the public register for Electoral Roll.

It was said at the time, the Bailiff at that time, is the one that would probably want his off because he is the one that sits on the Royal Court, where the big cases are taken before him at the Royal Court and the person, if anybody wants to go for anybody, would probably be the Bailiff at that time, who is sitting in the Royal Court. He had no problem with being in the phone book and
2975 he had no problem with being on the Electoral Roll.

Let us face it, the Island is nine by five, you can go and find out at the pub where somebody lives, you can follow them from when they leave work to find out where they live. In fact, when it was raised last week, at the Oversight Board as well, with Deputy Trott and Deputy St Pier and some of the staff were there and it was said there were concerns that a few years ago, apparently
2980 it was many years ago, there was something thrown at a social worker's house. So that gives them that opportunity to come off the roll.

If anybody thinks because their name is on the roll that is the reason why they were able to find out where they live, they are living in cloud cuckoo land. They are not sitting with that roll, day in and day out to keep that piece of paper, or keep that roll, to be able to find out where they
2985 live. It is just so easy to find out. This is a small Island. If you really want to find out where somebody lives, you can do so. For me, I am not sure that this is necessary. It is different if you are perhaps living in a larger area like the UK, I can understand that to a certain extent, but not for an Island. For that one I will be voting against.

Another one I actually find odd, those who are going to be sitting there on election day and you go up there and say, 'I am not on the main one, but my name is Mary Lowe so can you find
2990 it?' They will have the names of everybody there, they can see it, but your potential Government Members, the candidates are not going to be able to see it. Yet people sitting at the Douzaines or whoever we have got there, if it is civil servants or whoever, they can see the names. For me, we can have people in there, and I am not suggesting this, who may also have a grudge, but at least
2995 they have got the access to that name if they did not want to find out where they lived anyway.

I just think it is a bit of a nonsense really. I think it is a bit of a non-event to actually have that put in this report. I know we discussed it at Home Affairs and I explained at the time that that was my view. It has come back so many times in the past, and it was said that there was not really a necessity for it, but if they wanted to go ahead with it, go ahead and let the States make that decision. So that is why I would be voting against that one, just to place on record my reasons why: because it is unnecessary.

The Bailiff: Deputy Fallaize, were you standing? We are in general debate.

Deputy Fallaize: Thank you.

Brexit was mentioned earlier and I think that colleagues who know me well will know I hate self-congratulation but I do think the States should congratulate themselves over the decision that was made not to hold a yes/no referendum on Island-wide voting, because if we had, today we would not be here faced with these reasonably detailed and considered proposals, which will, even if some of them are amended slightly, get through the States and will allow the States' Assembly and Constitution Committee to organise a sensible election, or sensibly organise an election at least, in 2020.

Instead, where we would be is trying to work out what form of Island-wide voting the electorate meant when they voted 'yes' in the referendum. Exactly as the UK is trying to work out what form of Brexit was meant when the UK voted leave. So I think that the approach of the States to the referendum has been vindicated. The only reason that we are able now to be in a position where there is absolute clarity is because we had, not only a multi-option referendum rather than yes/no but also because the States, in advance of the referendum, agreed to be bound by the winning option.

So we have held a referendum and, in its own way, in our sort of domestic debate, it was as contentious, certainly the issues were as long-standing as the issues around the referendum in the UK and we are now in at least a much clearer position in knowing how we are moving forward.

I agree with Deputy Lowe on the issue of the two vacancies. I just do not understand. If a decision is made that there should be 38 Deputies and it is necessary to have 38 Deputies to provide for appropriate representation and Government of the Island why, in the event that the 38th seat becomes vacant, we can then say, 'Actually it is okay to run with 37 seats for however long.'

Why only two? That is a completely arbitrary figure and I think, if we are going to move away from the convention that there is an election organised in the event that a seat becomes vacant, there needs to be a fairly solid reason for choosing how many vacant seats there need to be before we have an election. I do not see any real argument for having two.

In fact, ironically, I think Deputy Inder, who of course is proposing this policy letter to the States on behalf of the Committee, would not be in the States if this Rule, which the Committee is trying to introduce had been introduced before the last election. I think I am right in saying – that may be a good reason to vote for it, I do not know!

I will give way to Deputy Inder.

Deputy Inder: I think Deputy Fallaize said it, I expect he has probably changed his mind even in the same sentence then and will be supporting it!

Deputy Fallaize: I should have clarified; I am speaking against the Proposition. I think I am right in saying that only one seat has been vacated since the 2016 General Election, because of the sad death of Deputy Dave Jones, and Deputy Inder was elected. But now, if this Rule were in place, we would now be running only with 37 Deputies instead of 38 and we would not have had the benefit of Deputy Inder's election to the States.

I should say, generally, I think this is a very good policy letter with very good Propositions, but I cannot support that one. It is not covered explicitly in the Propositions but one of the suggestions

in the policy letter is that the Committee in the subsequent proposals it puts will propose allowing the names of candidates' political parties on the ballot papers.

3050 Could I just have some clarification from Deputy Inder or any other Member of the Committee that what they are actually saying is that they will propose allowing party names on ballot papers? Because I do think, I have got very mixed views about the merit of political parties but I think if any candidate is going to stand under a party banner they really ought to have the right to put their party affiliation on the ballot paper. It seems to me unreasonable to deny them that, 3055 particularly given the nature of the election we are going to have, with electors being invited to cast up to 38 votes for however many, 70-80 candidates, however many there are going to be.

I think that if parties emerge, clearly there is going to be an attempt by them to encourage electors to vote for as many candidates as they can field on this rather long ballot paper, and I do not necessarily think that every elector, if they are faced with many candidates in parties or 3060 associations, is going to take a studious view of all of these 80 or 90 or 100 candidates. I think they are more likely, if parties emerge, to take a view on which party they would wish to support and therefore it seems to me only right that candidates' party affiliation ought to be permitted on the ballot paper to make it easier for electors.

If one Member of the Committee could, in speaking, clarify that they will actually propose that – they have implied they will – but I would I appreciate it if they could confirm they will 3065 propose that in their subsequent report.

The other Proposition which concerns me relates to the dates of States' meetings around and after the 2020 General Election; in particular the date of the first States' meeting of the new term, which is down here for 29th July 2020. I think there would be an accounts meeting on 28th July 3070 2020.

Now I think there are two problems with this. First of all, even with the amendment that has been approved that was laid by Deputy Dorey, which if the amended Proposition is successful will set the date for committee membership elections on 13th July rather than the 10th, even then I do not understand why the States cannot meet until 29th July. There will already have been a 3075 reasonably long period, not unduly long, between the date of the last States' meeting of the present term and the date of the General Election, 42 days. But I do not understand why it requires another two and a bit weeks, after there have been committee membership elections, for the States to meet.

In particular, or in addition, there is an understanding, which the States' Assembly & 3080 Constitution Committee has to take into account, when proposing the dates of future States' meetings, that the States should not meet during school holidays. I know that not all Members agree with that convention, but it is now the established practice. Even when we had those debates earlier in this term about whether the States should meet every three weeks or every four weeks, by and large Members, or Committees putting those different views, did respect the 3085 convention that, as far as possible, the States should not meet during school holidays.

Now here we have a situation where the end of school term is on, I think, 15th, 16th or 17th July – I looked it up earlier and now I cannot remember it – 17th July. Thank you, Deputy Dudley-Owen. But, and it would be perfectly possible for the States to meet on 15th July, or even on the 22nd July, which would mean that the time between the last States' meeting and the first States' 3090 meeting of the new term would be shorter, but, oh no, actually the proposal is to meet on 29th July, which is going to take us two weeks into the school holidays and is going to extend, at least a week, probably two weeks beyond the period which needs to exist in between the date of the last States' meeting and the date of the first States' meeting of the new term.

I cannot understand why we need to go from 6th May 2020 until 29th July 2020 between 3095 States' meetings. I did approach one or two Members of the Committee as we rose for lunch and asked why this was the case and I felt that I did not receive anything like a reasonable answer, so I would appreciate it if some explanation could be provided as to why the first States' meeting of the new term is not going to be held until 29th July, bearing in mind that anything which is being considered at that States' meeting would have had nothing to do with the Committees elected a

3100 couple of weeks earlier. The only stuff that will be considered at that States' meeting will have been submitted by the outgoing Committees before the end of the present States' term.

3105 So I think my view is, even if it is felt that the next States cannot meet on 15th July, I think they should meet on 22nd July and not leave it until 29th July. Now I have a slight suspicion that this is all to do with public perception, or the perception of public perception, about how long there would be, we will only have just had a general election, there will not have been much of an opportunity for the States to meet in normal session and then we will go and have a summer recess.

3110 I do not think that is a good enough reason to disregard the convention that the States do not meet in the school holidays and it is not enough of a reason to leave an inordinate length of time between the States' meeting at the end of the current term and the first States' meeting of the new term. The period when the States is on recess normally is eight weeks, nine weeks, even 10 weeks was necessary at one point, when the States decided that they wanted to go back to meeting once every four weeks. Here we are talking about a recess of five weeks instead of six weeks or seven weeks.

3115 One further point about that. We are encouraging the widest possible range of candidates to stand and one of the ways in which that has been done is by trying to schedule States' meetings accordingly, with a year or 18 months' notice, and yet here we are in a situation where we will be inviting candidates to stand for election, they will find out on 17th June whether they have been elected but there is actually a States' meeting organised for 29th July, which is only six weeks later and is two weeks into the school holidays.

3120 I just cannot understand what the rationale is for this meeting on 29th July. I could have laid an amendment, I did not because I did not think it would get through the States and I cannot see the point of laying pointless amendments. If I am wrong and there is some enthusiasm to bring that date forward to 22nd July or 15th July, that will become apparent in debate and I will seek your permission, sir, to lay an amendment. Thank you.

3125 Apart from that, I think it is a very good policy letter and I will vote for all the other Propositions.

The Bailiff: Deputy Le Clerc.

3130

Deputy Le Clerc: Thank you, sir.

3135 It will be a short speech. It was just to say that I think it is really important that Proposition 3(aa), arrangements should be put in place to enable international observers to be invited to participate in an election observation exercise, when you read section 16 regarding this, it says either this for 2020 or for future. Personally I feel that we should have this for the 2020 Election, because this is a big divergence away from what we have done in the past.

3140 In particular, at the moment, we are under scrutiny by Westminster. I think I would want everything to be above board and for those independent observers to come in and say, yes, this election has been conducted properly and the Members elected to this Assembly in accordance with the correct legislation.

I would just like to say that I think it is really important that we have this for 2020. There is some ambiguity in the wording of section 16 and it is not explicit in the Propositions, so I would just like to say that I think that is really important. I know there is a cost to that but I think it is a cost that we should undertake and we should bear.

3145 Thank you.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir, I will be quite brief.

3150 I will be voting against Proposition (z), as regards the by-election to be triggered when a couple of vacancies in the office of Deputy, which is just two vacancies – that is 3(z), for clarity,

sir ... I do believe there would be a democratic deficit, I do believe we either have 38 Deputies or we do not. I did not agree with the Committee on this, although I do respect the majority position.

3155 My reasonings really are behind democratic deficit. I do not know why it was two, not three, not four. The electorate, when they voted, in my opinion, for Island-wide voting, they wanted to be able to elect up to 38 Deputies. That is what they voted for. I would be uncomfortable having an Assembly of 37 for up to, as this current term would suggest, the majority of the term. The first by-election was within months, if my memory serves me correctly. So we would have had the majority of this term with 37 Deputies, which I am very uncomfortable with. So I will be voting
3160 against (z).

I will just, very briefly, reply to Deputy Fallaize, sir, as he has asked. I think we have to get away from a bit of a myth that Deputies with families are going to be better off if they are elected because the States will not sit over school holidays. If a Deputy comes to this Assembly I would like to believe that they would like to sit on a Committee, we have Principal Committees. They
3165 meet throughout the holiday. We meet our local constituents throughout the holiday. If someone was to call me or contact me, I would not say, 'I am sorry, I am on summer recess now, I have a young family.' I would say, 'Certainly, how can I assist you?' Or I would find the Deputy that can do it, because I am on a holiday. But I do not carve out that period of time.

I do not think it is unreasonable for a new States' Assembly to be formed for there to be a period of time to elect into those Committees and for that Committee to have sat for a period of time before they go into a States' debate regarding a policy paper, which as Deputy Fallaize refers to, they may never have actually seen, read, they might not agree it. They may wish to withdraw that policy paper. There are many things that new Committee may wish to do. To give them a
3170 timeframe to look at that, I do not think is unreasonable.

3175 If a candidate is going to stand they need to be aware of the dates the States are sitting. Coming to a States' debate is not compulsory, although highly recommended. If they cannot come, they cannot come. I would expect them to know the dates of the sitting, to make relevant provisions if they need to, to have read any policy paper that has been submitted in time for that debate, to be rehearsed on what Committee they will sit on and to be prepared to sit in a committee room, in a committee environment with other Committee members and discuss that
3180 policy paper that has been laid by a previous Committee, that the Committee they are now on is going to debate in the States.

I just do not think that is unreasonable. That is some of the reasoning. In my world it is about the governance, it is about understanding what you are going to debate and how your Committee
3185 – we have a committee system thank goodness, not a ministerial one – your other Committee Members will feel, believe, debate and deliberate in the committee environment prior to that debate. That is why those dates are there. I do not think they are unreasonable and I will not be supporting (z).

Thank you, sir.

3190

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I wanted to first congratulate the Committee on their policy letter. It is a rather dry topic and it
3195 has been presented well. For me, it is a rather dry topic, others may well find it really invigorating. Obviously it is a very essential topic. I would like to express my support, actually, for the sentiments expressed by Deputy Fallaize just before about the term dates and certainly the meetings being formatted in the way that they were prior to the Election in 2016 was one of the key attractions to me standing.

3200 I have three children and quite a busy life outside the States and I really do value time with them. I appreciate what Deputy Merrett was saying and, of course, the wonders of technology mean that if I am away I can take my mobile phone, my smart device with me and I can pick up calls and I can answer emails etc. around being away with my kids, if that is where I am, or at

home with my children. But I disagree that we need to be on call 24 hours a day and we need to eat into our holidays if we are carers of our kids.

I think we have shown a degree of latitude and broad-mindedness in formatting our States' meetings around the holiday periods, and I think that putting a States' meeting on 29th July rather is a retrograde step in that respect and I support any amendment that Deputy Fallaize ... I would be happy to second it actually, if he wishes to bring one at short notice.

Thank you very much.

The Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

I want to speak on a couple of things here. Again I would say this is an excellent policy letter and I am happy to support pretty much everything on it. I did want to say something in relation to the comment that Deputy Lowe made about being able to choose not to have your name visible on the Electoral Roll.

While I appreciate the sentiment and absolutely agree that, living in a community such as ours, everybody knows everybody else and has a good idea of what is going on, we have got to be careful that we protect those vulnerable people who are very concerned about who has access to where they live, for a whole variety of reasons; either because they know they have somebody who could potentially be susceptible to persuasion of others around them or because there is somebody who has chosen to live where they do and to keep their address private and secret for reasons of their own safety.

Yes, Deputy Lowe is quite right. We place our heads above the parapet and are happy and willing to have our names and addresses and telephone numbers and so on out there. But there are individuals for whom that would not be a safe thing to do. I, personally, many years ago, had a child within a youth group I led whose photograph could not appear anywhere because, although his extended family lived in another country, there were enough members of that family who would have liked to have seen that child's life ended because he had been the only witness to his mother's murder, by his father, that it was not safe to have his picture appear anywhere.

I am not saying that we have got individuals who are in anything like that situation here but I do know that we have a women's refuge here, the address of which is not publicly known. We have individuals in our community and in our society who would not want it to be easily accessible to the casual glance of someone who walked in to look at a register, their address and their location. So I do think it is important that people have the right to be able to have that hidden from view.

I will give way.

Deputy Lowe: Thank you, Deputy Tooley.

I fully accept all the reasons that you have actually said there, how there are some in our community who are vulnerable. I recognise that and I accept that. The point I was trying to make was being on the Electoral Roll makes no difference to that. Equally for those who do feel vulnerable or are in any form of danger of course there is an injunction that can be taken out through the courts.

Deputy Tooley: We all know that is the case. Of course an injunction can be too late if action has been taken before someone can bring something to the courts. Additionally, sometimes it is about the perception of safety as much as it is about safety itself. So for individuals not to be disenfranchised, they need to feel that they are safe.

It might never be that these people's identities would be tracked down or whatever else, but if that meant that they felt they could not be part of the political decision-making process because they were concerned that that might, however unlikely, happen, then I do not think that is a

situation that we should have occur and therefore I will absolutely support the Proposition that will allow this.

I also, like Deputy Dudley Owen, want to say a word in support of Deputy Fallaize's comments. Absolutely, States' Members work throughout the vacations. In fact I do not think Easter even happened. I barely noticed it was going on and I did not leave the Island for the whole of last summer and so on. I absolutely would work. But there is a real difference between the work that we do every week and therefore we are able to arrange childcare for in advance and *ad hoc* events which come up which we have to, potentially, scrabble around to look for *ad hoc* childcare to cover.

Where Committee meetings might happen pretty much every Wednesday or every Tuesday, it is possible to have that childcare in place because you know you are going to need it and want it and use it. I, for example, pretty much every Tuesday and Wednesday know that whatever else is going on in the calendar, between Education, Sport & Culture and Health & Social Care or a States' meeting, will have blocked out in my diary that I need childcare for my children around whatever school is providing from an educational point of view.

Where States' meetings occur, I also have to have Thursdays covered and Fridays covered, which I would not necessarily always have in my diary and therefore I do not have regular childcare for those days. Where you throw in, particularly if we are talking about new States' Members coming in for the first time, the need to find childcare for a States' meeting in the school holidays at a time when childcare is massively in demand across the States and not knowing whether they are going to need that or not until mid-June, I think it would be better if it could possibly be arranged that that first meeting of the States was not two weeks into the school holidays.

I do not know I have heard it suggested that there might be some inflexibility around the date of the accounts meeting, which is linked to this, on the 28th, so I would really value hearing whether that meeting on 28th July is fixed on that date and cannot be moved, because if that is the case I start to see why the rest is placed where it is but, if not, I would prefer to see that meeting elsewhere so I will not vote for whichever one that was, (bb).

Incidentally, had you used the Welsh alphabet, you would have had 28 letters and you would have been able to get them all in Proposition 3 without any need to re-use any!

Thank you very much.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

Personally, I believe those who voted in the referendum last year wanted to make their voice heard; they wanted change. In my view, whilst the referendum was on how States' Members should be elected, I felt the voting patterns said more than that. I did consider a yes/no question was a better option than multi-choice but, as a result, we have had an indication that people want real change.

Having seen, in 2016, a reality TV star elected as president in the US and a comedian elected only this weekend to office in Ukraine, there is a wave of public opinion that seeks a radical divergence from the establishment and the norm. As with this policy letter, the referendum only dealt with a small element of change and that is in relation to the move to Island-wide voting.

The need to consider our current system and amend it to enable a fair and free and smoothly run General Election in 2020 is an essential responsibility to ensure the voice of the people is fulfilled. Many aspects that need to be considered are contained in this policy letter but not all. It covers quite a varied range of important and specific elements, which are of variable significance. As a whole they form a package that is a vital piece of work to fulfil the wishes of the electorate.

For that reason alone I do not apologise for giving detailed observations on these aspects. Given its importance I intend to go through the Propositions which cause me concern or which need, in my view, elaboration. I start with Proposition 1 and with the comments on this in the

policy letter: 17th June 2020, I agree, logical arguments as to why. I am pleased to note, more importantly in my view, consideration is being given to holding initial induction sessions.

3310 Whilst it is clear that there will be a comprehensive induction after being sworn in and there will be consultation as to what these sessions will contain, I say now that I believe these are essential and not just for some Deputies or indeed just Deputies but also Alderney Reps, no matter how many years in this place or how much they know.

3315 This is because things change so quickly and I think we should ensure all 38 are elected together, and the two reps, are aware of what the role entails. The job description, if you like, such as an up-to-date understanding of the responsibilities in respect of data protection, the principles of good governance and the Rules. This is not about dictating to elected individuals but about having the same message given at the same time. This avoids misunderstandings which could and often do arise because a Deputy did not have the same training as others.

3320 However, it is not always possible, when Government continues to function right up until 1st July, for all to attend. So those who have a reason not to attend, and I mean not just those that believe they do not need to, I ask if consideration could be given for the sessions to be recorded or at least detailed notes provided.

3325 The second Proposition. It was mentioned earlier by Deputy Merrett. This Proposition actually says something different to that which was in Option A. Option A said each voter would have 38 votes at each election. This Proposition says, 'up to'. I think that is a sensible change because, clearly, we do not want a ballot paper to be spoiled simply because they have not chosen 38 people.

3330 Then it leads to what we have been discussing earlier, which is Propositions 3(a), 3(b) and also, I think, combines with 3(g) – 3(a) talks about the entitlement to be on the Electoral Roll and provides a definition of ordinarily resident and it says:

A person should be treated as being ordinarily resident during any period only if they were living lawfully in Guernsey and had their home in Guernsey throughout that period.

Well, firstly, what period and who decides? But why was it not the same definition was recommended for use in respect as candidates? My concern is also, just a minor point, in 3(g) we talk about the Registrar-General of Electors saying whether a person is no longer resident. I am assuming it would be one and the same thing.

3335 However the real problem I have is with 3(b) – 3(b) says:

Individuals with no fixed or permanent address should be able to register on the Electoral Roll.

3340 I am so pleased to see this, I think it is really good work forward, but what I have is a problem: if the definition of ordinarily resident presumes that someone on this occasion has no fixed or permanent address, how can we then refer it as having a home? I am sorry but I just cannot see how this works. Those who register spend a significant proportion of their time at an address. What if they do not have somewhere that fits the bill? Sofa-surfing, a soft name for a terrible way to live, but how can they fulfil the two-year requirement to have a home in Guernsey? How can a domestic violence shelter be called a home?

3345 So I do not agree with the second part of this definition and would personally prefer 'living lawfully' – straightforward. Whilst paragraph 5.4 states 'or words to that effect', which does give me some comfort, I would prefer the President, in summing up, to reassure me that this definition is not written in stone.

The problem I have, as I say, is how can 3(a) and 3(b) work in combination as drafted? Looking at the importance of 3(g) and 3(b), I certainly believe it is 3(a) that I would not be able to vote for in this instance and ask for a separate vote.

3350 Which leads me to Proposition 3(c), which is a person should be able to register their name on the Electoral Roll with their name and address to be omitted. Obviously we have had some discussion over that between Deputy Tooley and Deputy Lowe, in the debate. I wish to say that

this is an excellent move, which I wholly support. It is a shame in a way it is only being put to the States now, to take effect at the 2020 Election. I do hope that the Registrar-General will use their discretion as widely as possible in respect of the requirements for information and documents; in fact will ensure an appropriate and proportionate approach in what is required.

We are all too aware that the experiences of those wishing anonymity is bad enough but having to provide justification to go onto the Electoral Roll in a way to protect themselves, is not going to be easy. A person who is in fear of being discovered by an abusive ex-partner may not be able to provide documentation, let alone wish to justify their request for anonymity to exercise their democratic right. So therefore I ask for a fair and equitable approach to be taken.

Then it leads me to one of my favourite elements of constitutional law and that is (j), I believe, the secret ballot. Again it is the way in which the Proposition is phrased. We talk about the 1899 *Loi* should be repealed and replaced by appropriate, equivalent provisions of the Reform Law. Again I can understand 'equivalent' but I am a little sketchy on what is meant by 'appropriate'. A secret ballot is a fundamental means of ensuring fair and free elections and amendments to this should not –

I give way to Deputy Yerby.

Deputy Yerby: If it would help Deputy Tindall, what is specifically meant by 'appropriate' in this context is that the 1899 Law has a provision that somebody might be identifiable by distinguishing handwriting. That is no longer relevant in the way that we fill our ballot papers and so it is proposed that we do not carry that provision across to any new Laws.

Deputy Tindall: I thank Deputy Yerby for that intervention because that was clearly something I would be concerned about. We are talking about having a two-thirds majority and if you are going to remove a Law I think it is important to have those items set out, so I am grateful for that one specific. I would add, obviously, that the draft legislation will be coming back to us, so clearly, for me, that was something to consider at a later date.

Then to (k), the age of People's Deputies. Again I think it is extremely important that we open it up to as many people as possible but being able to stand at 18 is not just about people becoming candidates. Young people would be more interested, I think, in the election if they know that a young candidate is standing. I think that will help them to include more people of a younger generation in policy creation and taking an interest in other candidates as well and, of course, in their future.

Then (l), candidates should be required to be inscribed on the Electoral Roll to be eligible to stand as People's Deputy. I have to say, I know that other jurisdictions do not have this necessarily, but I have always found that really bizarre. It takes 30 seconds to go online to register and is not an onerous requirement, so I am very pleased to see that that will happen. But I would like clarification and this may well be from a Member of the Committee for Home Affairs, although it may be also of course a Member of SACC may have considered this point. Exactly at what point during the online process will someone be considered registered?

I just have this fear because I know that some people left it to the last minute in the nomination period to be able to register. 'Go and stand', and they are not registered, so they go online, they go on the Electoral Roll and there is a glitch. What happens if there is a glitch when it is not realised until after nomination, although the computer said, 'yes'? So I would like some thought as to how that may be overcome, or more precisely, some clarity that you know whether or not you are eligible just to be identified.

Now (m), nomination of a candidate should be made in such form and during such period etc. This is within the remit of the Presiding Officer. Now we are not asked to approve the nomination period but we are given an indication of SACC's view, which is four days; comparing to previous periods of 11, 5, 10 days. The reasons for this short period are not really explained in 8.4 to 8.10 and the discussion seems to conflate the nomination period with the 36-day period until the

election. So I am not quite sure why four days and would appreciate a reason, even though I have to say I do not have a Proposition 3(m) otherwise.

Then (n), now this I do have a problem with, in the sense that the regulated period should commence from the start of the nomination period and end on the day of the election. Now we are told the regulatory period is set out in the Ordinance. We are also told in the policy letter that it is a set time where campaign spending limits apply and this Proposition suggests that this will start from the nomination period.

The policy letter says the Committee agreed that, ahead of the 2020 General Election the Rules should be clarified to provide clearer guidance on what potential candidates can spend before the nomination period opens. However should this regulated period be changed or should there just be clarification?

The reason I ask that is simply because in the policy letter there is reference to the Isle of Man guidance, on why and how to register a political party etc. As well as covering registration, it also says this, and this is why it caught my eye:

It is an offence for a prospective candidate, a person who has publicly declared their intention to stand for election, to accept support or endorsement from an unregistered party.

Some of you might note that I have missed a bit which basically says there is an alternative, which is a candidate whose nomination paper has been accepted by a returning officer. So there is clearly a period before nomination that this particular element applies, certainly in the Isle of Man. So whilst we are not perhaps talking about referring to campaign expenditure, accepting support or endorsement does not necessarily mean I think, extending the period so that spending limits are regulated before nomination is a possibility.

The question I had was whether it is sensible to extend the regulated period and be specific or whether clarification, through an amendment of the Rules, as proposed by SACC, would be the best approach and highly beneficial. Either way, I leave that because, for me, it raised the question because of this necessity to be clear on when expenditure can and cannot be spent. For me, there was clarity. We were told. We were not experienced Deputies who knew the Rules, we were told when and how we could do it but I think, for those who possibly do not have those conversations or do not feel able to actually ask the question in the first place, it could be sensible to have it very clearly set out.

Now (o) had me really having issues simply because it did not make sense to me – (o) says:

The definition of political parties should be based upon the criteria set out by the Venice Commission.

The Venice Commission paper, we were given two weblinks on our policy letter, one was to the home page and one was to a very important document called *Guidelines on Political Party Regulation*. Very helpful, very informative, but had no criteria. So I am a bit stuck there. It does talk about what a political party is but it does not actually talk about specific criteria. The way it stands, how can I agree to something, which does not actually exist, unless of course that weblink was incorrect or whatever? I would like clarification as to what, exactly, that Proposition means.

The Venice Commission has adopted many reports and guidelines – I am not giving way at this point, thank you – so I cannot agree to this unless the criteria is specifically identified before I actually approve the Proposition.

I will give way to ... Oh, okay. I give way to

Deputy Inder: I will try again, Deputy Tindall. I thought in the speech, maybe I am not understanding it correctly, but on 10.4 we say we are defining parties as:

A free association of persons, one of the aims of which is to participate in the management of public affairs, including through the presentation of candidates to free and democratic elections.

I thought that was a clarification. I cannot say I clicked on that link, if it was not there, but in 10.4, if I am understanding you correctly, that is a definition of a party.

3450 **Deputy Tindall:** I thank Deputy Inder for giving way but that is not what the Proposition says. The Proposition says:

The definition of political parties should be based upon the criteria set out by the Venice Commission.

So that is why I have a concern. Simply amending it to say the definition of political parties should be as per what Deputy Inder just said would be fine. As far as I am concerned it is not clear. It is important, because of the nature of what we are being asked to approve.

3455 So, nearly there, you will be pleased to know. In Proposition (p) the registration process is set out in paragraphs 10.6 to 10.12. Again I cannot agree to this Proposition as the respective paragraphs indicate the intention is not necessarily to follow the Isle of Man guidance. In particular, the Isle of Man guidance states, 'A party needs to register the full names of the following three office holders ...' whereas 10.8 says only the number of office holders and their roles need to be registered. I consider names to be essential in this respect.

This is necessary given the need for responsible persons to be identified within the party for the receipt of communications from the state for the operation and oversight of certain activities such as the elections.

3460 There are other elements in the guidance that are also important and the Proposition, by referencing these specific paragraphs, does not include that. I deem that necessary so I cannot vote for that either.

Now (qa), obviously that was an addition, which I was happy to approve and I agree with the premise that is set out in paragraph 10.19, in that

... party members who were being endorsed for election by a party could assign a proportion of their individual spending for promotion of the party generally.

3465 However I do not agree with 50% being fair. As this is going to come back to the States, that will again be the time to decide what could be considered as fair but I would be interested to hear others' views on that percentage and what they feel comfortable with. Whilst I feel the figure needs further thought, I am inclined towards 25% than 50%. It is not clear what the percentage can and will be used for and what detriment it could lead to for independents.

3470 Then we come to (r) and the Rules relating to donations and loans to candidates. The paragraph states that the detailed donations should be notified. Again, it is crucially, when. It says at paragraph 10.30:

Donations would need to be disclosed therefore there would be transparency in the process.

And at 10.31:

... they must report such donations received as part of a return to the Returning Officer.

3475 But when is that return due? After the election, surely, which sort of begs the question as to why do it? Because if it was done within 24 hours then the electorate would know about it. If it is done after the election they are elected. To me, it is quite an important element of transparency and perhaps the way through it, which I try to think of throughout these things, is to have Rules that say what can and cannot be given and to whom and then enforce them afterwards. But that is not what the paragraph says. Again, I feel, a loosely worded Proposition saying that the Rules will be based upon these paragraphs gives me little comfort.

3480 So (s), postal votes. I think postal votes are an excellent means and I think they will be used, not just for those going away for the 2020 Election, I think they will be used in a slightly different way. I have a feeling that people will be sitting around their table, filling in their ballot paper

3485 because there are so many to choose from they do not want to stand in a polling booth. They want to be able to comfortably fill in that ballot paper, know they have not got it wrong, not lose their bit of paper with their choices on it, but actually fill it in and take it down to the polling station.

3490 That is obviously something really good that is envisaged here but also we have to consider the problem about undue influence in the choice of candidates. It is one of the reasons why it is considered not good form to use it widely. I think the way forward for that is simply by enabling an understanding of what is undue influence and be able to identify it and help people avoid it, because I really do think, I can imagine people have election parties where they sit round with manifestos and consider it.

3495 One thing that concerns me also is in (y) we talk about the recount. I would just like to stress the point a recount is not going to be like a recount we have currently in between the last elected, potentially, and the next one. For me, you would have to have a recount of all the votes, to make sure that they were all considered. By-election, I too agree, I have an issue with this. Why two? If it is solely based on cost then what price is democracy?

3500 Back to the last and main thing, which is (v), Registrar-General of Electors rather than the Constables of the parish. I agree with this simply because I think it is important that we have consistency but I would also very much like to see a similar move taken forward in future, in responsibility for the hustings.

3505 Whilst responsibility for the organisation of hustings is not set out in legislation we are told this change in this Proposition, for establishing polling stations, needs to be in legislation. So why are we not considering hustings at this point. We are being told that all the potential changes in legislation are in front of us so that we can actually do this but it does worry me why are, for example, hustings not being considered to be put in legislation? What I would seek is a reassurance –

3510 I give way to Deputy Inder.

Deputy Inder: I can probably answer that question; or try to. I do not know if it will go down to all of them satisfying in summing up, there are so many of them! Hustings are not a factor of the Law; they are customary and it is something that has happened with the parishes. I think we have explained on a number of occasions that a lot of the questions that Deputy Tindall is asking are coming up in our policy letter too, but hustings is not a factor of the Law.

Deputy Tindall: I thank Deputy Tindall ... (*Laughter*) I thank Deputy Inder for the interruption! What I would point out is that is my very point. Should it be part of legislation? Should it be no longer customary? (*Interjection*) We are not being asked at this stage, which leads me to the point I am making. It is a presumption I find disappointing. There is no explanation of why such matters do not require legislative changes but let us assume they do not.

3525 This is the reassurance I seek: what if when we discuss matters further at the next debate on the subject it does become apparent that changes put forward by the States require legislation? Can I please have the reassurance therefore from the President of SACC, when he sums up, that if this situation arises, not only will such legislation be considered, SACC will prioritise the instructions for any legislation, ensure the Law Officers prioritise the drafting and, in what feels like an ever-lasting Brexit world, resources to do so will be forthcoming.

3530 I therefore ask for separate votes on Propositions 3(a), (m), (o) and (p), although answers may be forthcoming in the debate, and they have done so far, for which I am grateful, which may help me to support the Propositions. I would like to finish and I am grateful for people's patience. Whilst I have criticised many aspects of the policy letter, I do acknowledge the extensive area that this covers and the speed at which this has had to be completed. I do congratulate SACC for the quality of the work done, given the constraints that they have faced.

3535 Thank you, sir.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

3540 I accept the outcome of the referendum and I will support most of the Propositions. In fact there it is only (z) I will not support. But it still does not change my view that the system that we are proposing is not the best system for voting Members to the Assembly and I will take particular interest in the outcome of this in terms of participation.

3545 Interestingly, if we had had an automatic enrolment on the Electoral Roll, we would have never hit the 40% that is necessary, but you could say if we had more people on the Electoral Roll, more people would have participated. I also do not think that June is the best month to hold an election. One of the reasons that it was changed was to allow people to campaign, to knock on doors, during the lighter days and outside the school holidays. But of course canvassing will be far less important, in terms of knocking on doors, in this Election, due to the number of people on
3550 the Electoral Roll. I think that we need to, post this election, we have a commitment to serve to them and people are expecting it, we should go back to what I think is a better time, April.

I agree with the point made about observers at this election. I think we should look at that and I think it would be beneficial to us, as a mature economy, to welcome observers. I am very pleased to see that they have included proposals for advance voting in the proposals. I think it is a far
3555 better system than postal voting. I think it ensures that people are not pressurised; they can vote in private in a voting booth.

I am concerned about the high number of people who are already postal voting and no doubt there are obviously more, because I think it does lead people to be influenced or pressurised by others to vote in a certain way. It is not good. Fundamental to our system is the fact that you can
3560 vote in private and nobody else knows how you vote and that does not necessarily happen at home.

He asked for our comments about grants to candidates in the proposals. Well I agree with having a booklet and I do not think there should be any further grants beyond that, so I support what has been proposed. I understand Deputy Fallaize's points about the States' meeting in July.
3565 Hopefully this is a one-off and I can understand, in terms of the election and people concentrating on the votes for being on Committees, Presidents etc. but there needs to be a period between that and the first States' meeting so people can prepare.

No doubt people's diaries will be full, once they have been elected onto Committees, with that induction process. Although I do not think it is ideal meeting at the end of July, if it is a one-off I
3570 think I can accept it for this one year in the four years. As I said at the beginning, I do not support (z) and I will not repeat the points that were made, but it has been well-versed.

Thank you.

The Bailiff: Deputy Leadbeater.

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Deputy Leadbeater: Thank you, sir.

I rise solely to address Deputy Tindall's point about Proposition (o), that the criteria is not set out in the policy letter. As Deputy Inder pointed out, 10.4, 'free association of ...' blah, blah, is word for word what it says on the Venice Commission's website, its criteria for political parties. So
3580 I hope that clears it up.

The Bailiff: Deputy Ferbrache, then Deputy Roffey.

Deputy Ferbrache: Sir, a policy letter is not meant to be a bible. Every word in it is not ever
3585 meant to be super-analysed. You do not get the *Oxford English Dictionary* and look at every particular definition. You actually seek to use people's common sense. I commend the work of the President and my three hard-working colleagues on the Committee – a Committee I thought I would never ever be a Member of, but there you are! (*Laughter*) Life is strange.

3590 Like Deputy Tindall, in the course of my professional life, I have read very many documents and I generally construe them with common sense and I generally construe them by using the normal meaning of the English language. I see no conflict, for example, between 3(a) and 3(b), because what 3(a) says is that for the purposes of entitlement to be inscribed on the Electoral Roll, the phrase 'ordinarily resident' should be defined and it gives that definition.

A person should be treated as being ordinarily resident during any period only if they were living lawfully in Guernsey and had their home in Guernsey throughout that period.

3595 Not had their house, not had a home, not actually physically lived in a home, they lived in Guernsey. This was their home. They could sleep on the streets; they could sleep on a boat. They could sleep in the Royal Court; they could break into the Royal Court every night and sleep in the Royal Court. They could do all of those things. Guernsey would still be their home. Therefore there is no conflict between 3(a) and 3(b) on any reasonable interpretation of those words, because 3(b) says individuals with no fixed or permanent address should be able to register on the Electoral Roll. So the man or the lady who lives in a tent, the man or the lady who sleeps at Fort Field, any of those people, they can register on the Electoral Roll, because they have their home in Guernsey and they are ordinarily resident.

3600 Now 3(a), lots of people have spoken about this now. Well, lots of people would be Deputy Inder and Deputy Leadbeater! There is no problem about (o) because it said the definition of political parties should be based on the criteria as set out by the Venice Commission. As both of those able gentlemen said, you look at paragraph 10.4 and it actually gives the wording from the Commission. So let us just have a look at that. It has been read before but I will read it for the benefit of those who have any doubt and it could give them any concerns so they do not have to vote unnecessarily against it.

3610 The criteria set out by the Venice Commission, a pretty well established body, it defines a political party as:

A free association of persons, one of the aims of which is to participate in the management of public affairs, including through the presentation of candidates to free and democratic elections.

3615 Hey presto. Is that not clear enough for anybody? Do we have to have sub-Laws, sub-Rules, sub-sub-Laws, or could we just use our common sense and read the words that appear in paragraph –?

Deputy Tindall: Point of correction, sir.

Deputy Ferbrache: I am not giving way.

3620 **The Bailiff:** It is a point of correction.

Deputy Ferbrache: Well, I will have to give way! (*Laughter*)

3625 **The Bailiff:** You will have to give way; it is a point of correction. Deputy Tindall.

Deputy Tindall: The point of correction is that the Proposition says 'criteria', Deputy Fallaize read out the definition. I am just concerned I have been told by Deputy Leadbeater it is on the home page. That was my question.

3630 **Deputy Ferbrache:** There we go. I am grateful for that point of correction. I do understand the point raised ... Let me just say there is one other point I think we talked about that I think Deputy Tindall was happy about, but she talked about lots of other points. It said candidates should be on the Electoral Roll to be eligible to stand for People's Deputy. I was actually in the minority on the

Committee on that, because I do not think that is actually necessary, but I am going to vote for it because I accept the view of the majority.

When I stood as a candidate for the wonderful district of People's Deputy for Castel in 1994, and topped the poll, it did not bother people that I was not on the Electoral Roll, because I would have had another vote. Well I might have voted for myself – I do not know, I would have had to make my mind up and see if there were better candidates! I do not actually think that should be a requirement, but fine. That is what we decided. We accepted that by a majority and I am quite happy to go along with that.

I do understand the point raised by Deputy Fallaize and others about 29th July. I think we probably chose that – I am trying to cast my mind back now – because of the States' accounts. I think that was the reason. But if it could be brought forward, without any great hurrah or problem, I understand the point that has been made. I understand Deputy Merrett's point about actually you have got to sit on the Committee for a bit after you have been elected; you have got to get the feel for it. But I do accept the point about 22nd July.

I have stood three times now for membership of the States, as a Deputy and a Conseiller, to represent the interests of the people of Guernsey; but not to be a social worker. I am not a social worker, I have got no wish to be a social worker; it is anathema to me, I very much credit those who want to be one. I will give as much time as I can to the States of Guernsey and its affairs and the people of Guernsey but I expect free time. I expect time when people phone me up at 10 o'clock at night and say, 'Sorry, I am watching Spurs beat Arsenal 6-0.' I am also dreaming at that time of night!

Or I expect to be seeing Kim Basinger on a film and I really want to pay attention to her great acting. All of that kind of thing. I very much back up, support, endorse the point made by Deputy Dudley-Owen and others that people have free time. People who have got families, they are important. If there is a wish to change that date, you certainly will not get any opposition from me.

As to the two vacancies, the view that we took is that if you have a parish vacancy, I am not saying it is easy but it is easier to organise a by-election than it is for the whole Island. If it is the will of the States that there is democracy deficit, now I think I understand what that phrase means and I do not know how we struggled to be able to govern Guernsey until we had Deputy Inder in for that period of time between the sad death of Deputy Jones and the election of Deputy Inder, but we managed. It was very difficult but we managed with 37 Deputies and two Alderney Representatives. Goodness me that was tough!

In relation to that, if it is the will of the States that that should be changed, again I have no particular problem with that. If there is an amendment brought to do that I probably would support it. Other than that, I commend what I think – and it is not because I had the least work of all the five Members and I do commend our officer who put in so much valuable work; we should be saying that when we have a civil servant who is so devoted to the public, tells us in the most polite way when we are going off at a tangent, which we do on occasions, I think all of that should be said, and I would ask you to vote for it in its entirety. Almost.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

The first thing I want to do as the immediate past-President of SACC is echo the words of my predecessor in congratulating the current Committee on what I think is an excellent report. It does not mean, a bit like Deputy Dorey, I am not yet totally convinced that the outcome was my preferred outcome from the referendum but I totally respect it and they are putting in place the way to make it work as well as it can.

I have a couple of really minor points to make. Deputy Fallaize almost convinced me about the dates of the first meeting and then talked me out of it really by saying that anything coming

3685 forward would actually not be business generated by the new Committees but that that had been actually submitted by the previous Committees.

I think a new Committee, they are not patsies, there are not just putting forward what somebody else has written without thinking about it and making sure that they actually agree with it and can advocate for it in here, so I actually think a reasonable gap between the election of those Committees and their business being put forward by them in this Assembly would be useful. Although I have to say the experience of the last couple of Assemblies is that for the first three months there is almost nothing in the Billet at all, which makes it not the most important topic in the world.

One tiny point is the Committee have said that, if you are voting on Election Day, you have to use the super-polling station or your parish polling station. That means, presumably, that the Electoral Roll is segmented by parish. So I will just flag up they will have to address, and I am delighted that people of no fixed abode will be allowed to go on the roll, which parish they are actually allocated to, because if everybody is going to have a parish holding station, people of no fixed abode, presumably, will have to be allocated to a parish. Just so it does not become a little grain of sand that gets in the way, I will just flag it up.

I give way to Deputy Yerby.

Deputy Yerby: I think we have said in the policy letter, although I am saying this without direct reference to the text, that people who have no fixed abode will be able to opt for a particular address to register at, where they spend a significant proportion of their time, so that will naturally attach them to a particular district.

Deputy Roffey: My reading skills are obviously going down. I am glad to be illuminated over that. Whether or not you have to be on the Electoral Roll in order to stand is something that split the Committee. I think I am going to vote against this; not so much because I have a real problem with having to be on the Electoral Roll for island-wide voting, it is just because I am not totally convinced that the system would sustain over many iterations and if we go back to a district system then what will be carried forward is what some people have advocated for a number of years, which is that you have to be on the Electoral Roll for that district, in order to stand for that district.

I think that is unnecessarily restrictive. We are 24 and a half square miles, if somebody lives in the Castel but thinks their fiery brand of politics is more suited to St Peter Port North and wants to go there, the people would elect them there, then so be it. It should be irrelevant at the moment, but I am worried about embedding a requirement, which, if there is a future change in the electoral system, I think would be overly restrictive.

The only other thing I think I have to say is that I am delighted with (e) that the reference to Christian names in the legislation is being changed to forenames. I remember as a rather bolshie teenager really arguing with officialdom who wanted to know my Christian names that I did not have any Christian names, I only had forenames and the official concerned said, 'Okay, sonny, what are your four names?' 'Well, Peter, John.' But nevertheless, in principle I think it is the right decision and therefore I support it!!

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

My question is along the lines of the point I raised when SACC kindly put on a presentation for States' Members, but I think it is one that is worthy of repetition in this environment and it is around the formation of a party and the issues around donations and loans.

Let us just say, sir, that I decide to set up a party and I am going to call it the Let Us Have a Party Party and I know a sugar daddy. Now I have chosen this name carefully because I do not want there to be any association with any Member here but let us say this individual's name is

Pedro Fairycloth. (*Laughter*) Pedro Fairycloth decides to lend the Let Us Have a Party Party £25,000; not an insignificant sum but it just so happens that Pedro has done rather well for himself and the money is not of relevance.

3740 Now he makes it clear to me that it is not a donation. He makes it absolutely clear to me it is a loan, that he wishes to charge the party at 1% above base rate and he tells me, because he is a serious businessman, that he wants it to be repayable on demand. So it is a commercial loan on commercial terms. There is however no end date. Not uncommon in the commercial world.

3745 Now as I understand it, that is not a sum of money that would need to be declared as a donation because under this light touch regulation a donation is when a loan is without charge or on a non-commercial term. Clearly this loan is on a commercial term and is not a donation because it could be claimed back at any time.

3750 But let us just imagine that it was not. Let us just imagine if one electoral term passed and then another electoral term passed and still this loan had not been reclaimed and yet this loan had been spent on activities of that particular party, which let us not forget is Let Us Have a Party Party. They may be deciding to have that on some sort of boozy affair immediately after election or maybe a boozy affair immediately before an election. As I understand it, that would not be caught. That would not be covered.

3755 I make this point in a somewhat satirical manner in an attempt to expose how dangerous light-touch regulation is when you are dealing with electoral matters, because that is a very simple example of how it is simplicity itself to get around the objectives of this States' report.

The Bailiff: Deputy Yerby.

3760 **Deputy Yerby:** Thank you, sir.

I am in a great deal of sympathy with Deputy Dorey when he says he thinks this is probably not the best way to organise an electoral system. I agreed to get involved with SACC and I am comfortable with the process before us because I think practically speaking it is possible to deliver an election that will work with Island-wide voting but in terms of the quality of Government it gives us my personal jury is still very much out on that.

3765 I did not support Island-wide voting in the referendum because I worried about what our Government would look like in future, not because I did not think the actual system could not be delivered. The team at SACC and our officers supporting are great and I hope that we will do our best to deliver a workable system and I would not be standing here and supporting these proposals if I thought they were going to result in our 2020 Election being a farce.

3770 There are just a few points that have been raised in the course of debate that I wanted to pick up on. One of them is the very first point that was raised by Deputy Lowe about the provision for people to register effectively anonymously on the public Electoral Register. I am really pleased and proud that we have got to this point. I think it is a great step forward for Guernsey and I would echo Deputy Tindall's sentiments in that I hope the Registrar-General will use his discretion as generously as possible in managing that requirement. That is my general perspective when it comes to discretion.

3780 If you are going to give it an official then you should not expect to be hemmed in by Rules and expect or demanding that it is required to not seek discretion in many cases. But I do hope that the Registrar-General will use his discretion generously in respect of the anonymity provision.

3785 I am a member of SACC who supported the proposal that by-elections should only take place once there were two vacancies. None of us have really spoken in great support of that and I am not going to die in a ditch if that Proposition does not carry. But I think that we are kidding ourselves a bit if we say there was ever any real logic behind there being 40 States' Members or even 47, or whatever it was, in the old days.

To say, therefore, that the representation should be within a margin and carry on with an empty seat for a while, I am perhaps more relaxed about that than most but I think if we look around the States' Assembly and we see how often we have one or two empty chairs, if not more,

we get the business of democracy done with numbers under 40 and given how much we are already adding to the cost of delivering an election I think it was reasonable for us to take that into consideration as well, when we look at where it would be appropriate to set thresholds for a by-election.

The question of meeting dates and particularly the first normal meeting following the 2020 election has had much more of an airing than I had expected when we were drafting the policy letter. I admit I gave the unsatisfactory answer to Deputy Fallaize before lunch and that was certainly un-helped by the fact that I lost my temper with him, for which I offer him an unreserved apology.

Deputy Fallaize: Easily done! *(Laughter)*

Deputy Yerby: Sir, in proposing a set of meeting dates, and SACC has thought ahead to the end of 2020, although we are only proposing dates up to September in this policy letter, we have tried to balance them evenly across the year, bearing in mind there will already be a two-month break in States' business because of the election.

If we immediately follow that by a substantial summer recess in the usual tradition of the States, then it results in a four or five-month gap in meaningful States' business. In order to mitigate the effect of the summer recess coming so hot on the heels of the General Election, we felt that we probably had to eat into it a little bit on both sides so that the meetings were not more than about five weeks apart from each other, which is what they are now.

Deputy Dorey and I had a bit of a conversation about this before the States' meeting. I certainly heard some of my own perspective reflected in his speech, in that it is vital to give Committees some time to form, to get to know the mandate, the services they are responsible for, to bring their own political and personal perspectives to bear on the work that their Committee is responsible for.

Particularly if there is a policy letter in the name of their Committee on the agenda for the States, for which they will have to open and close debate, even if they did not write the proposals, to give them the opportunity to get their head around that to see how that tallies with their understanding of the mandate and to be confident that they are still comfortable presenting that to the States or, if not, to withdraw it from the agenda. It is an effect of having the election in June. It is not something I would die in a ditch about, again, if an amendment was brought, but actually I do think it is a sensible and appropriate approach to Government and to scrutiny in a Committee-based system of governance.

Just picking up on the scrutiny point for a moment, the first debate that we have at the end of July will be on the accounts and then on general business that we do not yet know. In respect of the accounts, of course, the Policy & Resources Committee is the first Committee to be formed and they will be the Committee presenting the accounts.

They will have had the maximum time, about three weeks; they will have had more time than any other group to get their head around the accounts that they are bringing to the States. The Scrutiny Management Committee, by contrast, will not be formed until a week later. Do we want to get the next Government off on a footing where we have got one Committee that is able to present a policy letter but another committee, the Scrutiny Committee, has not had the advantage of the same amount of time to get its head around it and onto the challenges that are needed?

I think the same holds true of all the bits that will be on the States' agenda. We are a committee-based system of Government. The work that we do in our Committees is critical to delivering the mandate of the States as a whole and so I think it would be wrong to trivialise, to play down the amount of time that we should expect of incoming States' Members or even States' Members who are moving into new Committees to master their mandate and to be responsible for the business back within the States.

So I do think that is an important consideration. I do recommend the set of dates and particularly the gap between the election of Committees and the first meeting in July that SACC

has proposed, for those reasons. In closing, I just wanted to endorse the comments that Deputy Le Clerc made about international observance in 2020. The reason why the policy letter is not conclusive about bringing them for this Election is because what we have focussed on in this policy letter is the legal framework that needs to be enforced for the 2020 Election and thereafter.

3845 Decisions about whether to bring international observers, other decisions that are going to have budget consequences, will all be wrapped up into our second policy letter and will be proposed to the States then, but it is certainly my strong feeling that we must have observers for the 2020 General Election; not only because this is such a big constitutional change for Guernsey, and so unusual in the international context in terms of the way the new electoral system will be
3850 structured but, as Deputy Le Clerc said, to give us the most robust defence to any criticism from outside that what we are doing is not above board or is the action of a tin pot democracy.

We are not a tin pot democracy; we are mature and capable and we should not be afraid of demonstrating that with outside impartial scrutiny in the form of election observers.

3855 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I just wanted to underscore that point about having observers. I would have to pinch myself to recollect that we have done such an incredibly stupid thing. I feel like we have been left to mind a
3860 shop, the owner gets back and the owner says, 'You have done what?!' You produce the ballot sheet with 38 votes on it and you send people into a booth and have they used each vote, how many votes have they got left, how much time is that going to take? It is a spectacularly stupid suggestion.

I know it is what we resolved to do but I feel I need to say it or I would not be honest with myself and other Members of the Assembly. Guernsey is a sophisticated, mature democracy, yet we have done something so incredibly dumb somebody just has to say it. You walk in with this tremendous ballot paper. How is it checked? How is it counted? And how can Alan Bourgeois, Brian Bourgeois, David Brouard, Alan Brehaut – that margin of error goes up and I think there will be many errors, many mistakes and I think the observers will pick up on that.

3870 Brehaut will not be on any list of candidates in the next election, incidentally, at least not this Brehaut. I am changing my name by deed poll, incidentally, so if anyone sees I. M. Aardvark then just have a look under their 'tache.

The other element to this is the by-election. I remember sending an email, maybe writing to Members of SACC, because I think it is an expense thing that we cannot afford. If you do have a
3875 by-election quite close to a recent election then people who just missed out, however many – 70, 80, is it going to be 90? – they will then stand for election and need all the assistance and all the help that they had the first time around.

So when people have said in this Assembly, for many years, it is not beyond the wit of man, so many people have come through those doors saying, 'Why can't we deliver Island-wide voting? It is not beyond the wit of man. Let us do it.' The reason I feel it has been a mistake and I could not wholeheartedly embrace and endorse Island-wide voting or this system is because I think that we have, believe it or not, a good system; a simple system, an electoral district system works very well. We are now turning it into something of a lottery. I know that is an unpopular view but I think others are thinking it and I have said it.

3885 That said, it is a well-written report, well-constructed report. It is what we have come to expect from some of the members of staff we have had that have been in the States and served this community for a very long time.

Thank you.

3890 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Deputy Brouard said he was going to say it. I am not just going to say it; I am going to actually vote against Proposition 2. When Deputy Yerby was saying that she was against Island-wide voting but she was going to do her damndest to make it work.

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Deputy Brouard: Point of correction, sir.

The Bailiff: It is a point of correction from Deputy Brouard.

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Deputy Brouard: I have not said anything, Deputy Langlois. Deputy Brehaut, maybe, which is part of the confusion with the ballot paper! (*Laughter*)

Deputy Brehaut: I think Deputy Brouard has made my point for me!

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Deputy Langlois: I do apologise, Deputy Brouard. Deputy Brehaut, of course, I was referring to. But then Deputy Yerby – I will get one right! – she said she had opposed Island-wide voting but she was going to do her damndest to make sure it worked. As she said that, it reminded me of somebody across the water who was attempting to do exactly that – make something that she does not really believe in work.

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I thought about this quite a lot and did quite a lot of soul-searching about it, especially when I was listening to fervent pro-Remainer MPs in the UK in pro-Brexit constituencies, desperately trying to justify why they were going to be voting for Brexit. I thought the analogies on this situation were very strong.

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What I kept coming back to was, am I going to spend the rest of my life with the memory that I voted for something I profoundly disagree with? I realised I am not going to be able to do that. I simply cannot do that and I cannot justify doing that because a referendum result has produced this outcome. As a matter of principle I will not be voting for Proposition 2 but I do commend SACC on putting together a very polished set of Propositions in the main.

Thank you.

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The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

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Like everybody else, I think Deputy Inder and his team have done a very first-rate job of getting on with the job and delivering leadership. I did not necessarily believe that Deputy Inder would be able to deliver a cohesive and generally united policy letter, given the diversity and the intellectual integrity and breadth of the Committee, but that is what has happened; although there may be one or two points of division here and there.

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I would say I am generally supportive but like many of the other Members there are individual points. I think we are a little bit at sea with this question of 'ordinarily resident'. I am bemused. I think, quite rightly, that people who cannot necessarily declare an address but are clearly Island residents should be able to vote but it makes you wonder, if I was in a difficult situation and I could put 'John Gollop, behind the bus station' or 'in the park' as a form of address – but we will have to make it work.

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Certainly one of the Douzaines was concerned about this business about requesting proof of identity. We are seeing, increasingly, the Guernsey person's right to travel being questioned, not only if you want to know your customer or have a bank account, perhaps, or a loan, or go to Sark or Alderney on a boat, even; you might have to show photo ID. The elderly frequently do not have ID, they might not be drivers. Some of us encourage people to not necessarily drive all the time. Passports are not necessarily issued 100% and carry a significant cost.

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I think the Douzaine was concerned in St Peter Port, amongst others that they might be expected to demand identity and then you have the issue of is it mandatory or not? Because if people say no it is not mandatory then what is the point of it. If on the other hand it is

implemented in a rather no-nonsense kind of way, I think the Election Day itself could be dominated by cries of a lack of democracy and several hundred people, especially the elderly and the vulnerable, people like me who lose their cards, are turned away and not allowed to vote. Clearly we have got to – I give way to Deputy Inder. (**Deputy Inder:** No, no –)

I think that is a question that does need to be clarified. I think too there are Douzaine misgivings about their role in the procedure. I think SACC have had useful meetings with the Douzaines. Some maybe have been more receptive than others, but I think the Douzaines generally want to be involved, they all want to participate but they are unsure as to the location.

Deputy Inder: Through you, sir, I can probably help you out. I do not think that Deputy Gollop can claim the Douzaines. I think he might be referencing one Douzaine where he might have been yesterday evening. We have had one meeting with the Douzaine reps and I think, with Deputy Brouard, we had a meeting with the Douzaine Liaison Group. There is no two ways about it, there are some people that just do not want Island-wide voting and there are some members within those various groups that are not particularly enamoured with the response.

But we have gone through a process with them and we will continue communicating with them as we head towards 2020. I would rather that Deputy Gollop did not put too much emphasis on this kind of reaction of the experiences he has had because in the main, in our experiences, as we have said before in the opening speech, we have had a very good reaction from the Douzaines so far.

We expect to work with them but there will be individuals inevitably that will not be that supportive of it. Only one or two of them happen to be in his Court, but in the main, certainly I can think of the Vale, St Martin's, the letters we have had from the Forest, as I took the Presidency, in the main the Douzaines and the volunteers, those that we rely on, are very supportive of this process. So if I could ask Deputy Gollop just to ... I do not know what I am asking them to do! It is not as bad as he might be portraying.

Deputy Gollop: I am just reporting back an encouragement I was given by certain prominent Members of St Peter Port, the Island's largest parish, and it is more than just one Douzaine. It effectively is the electoral district currently for two, not one, electoral districts. Therefore it needs to be diplomatically enticed to contribute and co-operate.

What I would like to say is there is widespread support, regardless of whether you supported option A, B, C or D or whatever, for everything working but there are some micro-management points that may come up in a subsequent policy letter related not just to pre-openings, which is an exciting idea, and the way you hold these polling stations.

But also perhaps in a rather more interesting, nice point which is at the moment, generally speaking, Douzaines have been voluntarily manned by volunteers, some of whom have been Constables or Douzeniers, some of whom are liked by the parish, they are generally resident in the parish and the questions are raised whether in the future people who man polling stations looking at these electoral registers will have to live in the parish concerned or move around and whether they will be paid or not and if they are paid whether they should contribute their income to the good of the parish?

Because if SACC are going to use civil servants there is a significant cost to that, as indeed we have seen civil servants being wisely used at recounts. Of course the argument was then made that as some civil servants are paid on a higher package than others then the cost to the taxpayer is therefore reflected. But I think these are matters of detail that go beyond this policy letter. I am just flagging them up.

I agree personally with the reduction to 18 years old. Again, I think that maximises opportunities for candidates. The role of political parties, I think, will have to be clarified further at subsequent policy letters, as will the issues relating to donations/loans to candidates. I remember at the last election I think my mother gave me a present and said, 'Spend it on your election campaign.' Is that something to declare? If somebody goes to a bank is that something to

declare? Primary members, use of a joint of account there are many areas that will have to be clarified. I think the Committee will have to further clarify the role of Constables in the parish.

I am not particularly happy about the adoption of the English, or Alderney method funnily enough, of following a recount, a tied election should be broken by drawing lots because there could be more than one candidate in the 38th or 36th equal position, or whatever. I think that the traditional Guernsey method has been to run-off those candidates in a subsequent election. The only snag of that, of course, would be it would make it difficult for those candidates to participate in inductions.

I certainly support, I think, every other Member who has spoken, with the exception of SACC Committee Members, that when a by-election occurs it should occur in a timely fashion and not wait until a second vacancy is there. My reasons for that are as follows: I think we found with 45 Members there is always this call to reduce and reduce the number of States' Members and we reduced from 57 to 45 and again from 45 to 38 Deputies. Guess what? States' debates got even longer, despite the reduction, because you cannot stop one person from being vociferous.

(A Member: No!) (Laughter)

The point I am making here is it is not about numbers. Whereas we have many more advocates or accountants or perhaps therapists than we did a generation ago, maybe that is because the public wants more lawyers and more doctors and accountants, there is a feeling that the less you have of politicians the better. But as I think, as one other wise Deputy has frequently said, when people say to her there are too many States' Members, too many Deputies in the Chamber, she will ask them, 'How many do you think there are?' They usually do not know, they just feel instinctively, like tax inspectors, there are too many of them,

The reality is we have struggled since we have reduced from 45 to 38. There are always going to be Members who, for family reasons, have to take time off or are unwell. There are always Members who have to move from one job to another. There are always busy, professional Members who have other careers to look after and we need those people to sustain the Chamber.

Some of the less popular Committees, and I am not saying Planning is one of those, it is actually quite hard to find Members to stand for those Committees with a reduced Chamber and we have seen less competition for places. We have a lesser number of Members doing difficult constituency cases. I cannot in some cases deal with certain people and find Members who are not conflicted in one way or another.

We do not want long-term vacancies. If a vacancy has occurred for legitimate reasons, a by-election is there because we have one less. To leave that seat open would be a dereliction of duty. There is another reason, though, to fill it; two other reasons. First reason is it could well be there is a Deputy who is somebody who is a crusader, somebody who is a conscience politician, somebody who wants to stand on their principles. Deputy Inder understands what it is like to be that kind of Member. They might want to resign to create a by-election on a point of principle but then would not be able to stand in the subsequent by-election because there would not be one.

If we did have a very partisan Assembly with two or three different parties and I was a Member of both parties and I was still there, we would have lots of difficulties if we had vacancies, because the majority would change, and we would need to test public opinion.

But the other main reason for worrying about by-elections not occurring is that we would not have the opportunity to experiment. Deputy Inder is on record as saying that if he was able to run this election using private sector ability and private sector enterprise we would probably have an electronic election in June 2020, where I could go into a supermarket of my choice with my iPad and select all the winning candidates. That is probably not going to happen.

A by-election Island-wide is an ideal opportunity, much simpler to innovate that kind of technology and I would also point out that Jersey frequently has Island-wide senatorial by-elections and they have never had more than 10 candidates, so the scary idea there could be 90 candidates I think is a bit high-blown.

I do support international observers. Generally I would like a lot of specific votes on a lot of these points individually but I do support the policies and although, of course, I was an officer for option C, I will support Proposition 2 to make the change today.

4050 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

4055 Island-wide voting is not exactly my idea of electoral nirvana but even I concede that we have in front of us a good policy letter, which well reflects the talents of the Members who make up the Committee and also its senior officer, if I may say so. But in my view there is quite a lot of repair work to be done out there and I would suggest to the Assembly that we need to do this collectively as much as possible as an Assembly.

4060 I think this will become a relevant point when we discuss the Home Affairs policy letter for the new Electoral Roll. I think there is going to be a task to get buy-in from certain sections of the community. Certainly in some of the Douzaines, and I am a Douzenier in the Castel, there is a feeling that they have been slapped in the face a little bit by the very concept of Island-wide voting, in the sense that its general tenet really was to pooh-pooh the idea of democracy emanating from within the parishes.

4065 Now they may or may not be right in that perception but it is there and people like me are really trying to say two things. First of all, we need to avoid any humiliation of Guernsey through a failure of the electoral process on the day or the days before it as well. But also, I think, even the Douzaines who have reservations about it ought to buy into the fact that they have a duty, in my view, to make it as easy as possible for their parishioners to engage in the democratic process. But I think there is still a battle to be won.

4070 I do not believe in standing up to repeat what has been said by others. The one area that has not been covered in much detail is the proposal to lower the eligibility age to 18. I think that is quite an interesting one. I am not going to argue against it, although I did note that either when discussing one of the amendments or in general debate, it was said on behalf of the Committee that they were unanimous that one's ability to stand should not depend on one's age. Well they then promptly limited it to those over the age of 18.

4075 I suppose the temptation might have been there to say our youngsters can vote at 16, why can't they stand? I would not argue that they should because I hope the aspiration is that as many of them as possible stay on to do either academic studies or vocational studies until they are at least 18.

4080 But it is an interesting point. If anybody is looking for me to encourage 18-year-olds to stand they had better look elsewhere. If I have a reservation about it, it is my view of the 18-year-olds is that they are at a precious stage in their life. They are almost at their physical peak. Their ability to take in information, to learn, their inquisitiveness and so on, is also at its peak. The whole world is out there. Why should they begin a permanent career as a career politician? There are other things in front of them, which I hope they will grab rather than that.

4085 Other than that, a very good policy letter for which I shall vote with some enthusiasm.

The Bailiff: Now I think that Deputy Fallaize is wishing to lay an amendment, is that right?

4090 **Deputy Fallaize:** Yes, sir. This is on the matter which ...

The Bailiff: Do we have the copies of it available for circulation?

4095 **Deputy Yerby:** Sir, may I call for a short adjournment? I have just seen the amendment circulated by email and although I probably should not point this out I do not think it does what Deputy Fallaize intended it to do. So both for the Committee members to consider it and to have that conversation ...

The Bailiff: Well, I think we are not going to conclude debate on this today, are we? There is a closing speech to be had and so many separate votes have been called for and on many of them we are going to have to have recorded votes in order to know whether there is a majority or not. So voting alone is going to take quite a long time.

Perhaps the answer would be to lay the amendment in the morning, which would give people an opportunity to consider it overnight and give the Committee a chance to meet so that they can form a view as to whether they support it? Is there anybody else who wishes to speak in general debate? No. I wonder whether the best thing then is that we rise now. The amendment can be circulated. Probably best that we rise now and then we will resume in the morning with that amendment, if it is to be laid, and then go into the closing speech and then the voting.

It would be helpful, Madame Procureur, if we could have an indication, perhaps you and I could meet and just work out which ones may result in amendments to the Reform Law? I know there is some debate where it is legislative changes whether it will be Reform Law or other legislation, which might make those amendments. If we could be clear on that because voting could take quite a long time.

I put to you the Proposition therefore that we rise now and resume in the morning. Those in favour; those against.

Members voted Pour.

The Bailiff: We will rise now.

The Assembly adjourned at 5.14 p.m.