



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Wednesday, 15th April 2020

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Present:

Richard McMahon, Esq., Deputy Bailiff and Acting Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe,
L. B. Queripel, 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. McSwiggan,
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

S. Roberts, A. Snowdon

The Clerks to the States of Deliberation

S. Ross, Esq. (H.M. States' Greffier);
Ms C. Foster (H.M. Deputy Greffier); Ms E. Atkinson (Parliamentary Officer)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy A. C. Dudley-Owen (*relevé à 09h 51*); Deputy J. C. S. F. Smithies (*relevé à 10h 41*)

Business transacted

Evocation	1111
Propositions in Pursuance of Rule 18.....	1111
II. Proposed Postponement of the 2020 General Election – Debate continued	1111
<i>The Assembly adjourned at 11.01 a.m. and resumed at 11.11 a.m.</i>	<i>1129</i>
Proposed Postponement of the 2020 General Election – Debate continued – Amendments 1, 4 and 5 approved; Amendment 3 withdrawn	1129
<i>The Assembly adjourned at 12.31 p.m. and resumed at 2.32 p.m.</i>	<i>1145</i>
Proposed Postponement of the 2020 General Election – Debate continued	1145
<i>The Assembly adjourned at 5.55 p.m.</i>	<i>1149</i>

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Propositions in Pursuance of Rule 18

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

II. Proposed Postponement of the 2020 General Election – Debate continued

The States are asked to decide:

Whether, after consideration of the policy letter entitled "Proposed postponement of the June 2020 General Election" dated 24th March 2020, they are of the opinion:-

1. To agree that, in view of the circumstances currently prevailing in the Island, the General Election for the office of People's Deputy scheduled to be held on 17th June 2020 should be postponed.

2. To agree that the term of office of current People's Deputies should be extended until 29th October 2020.

3. To agree that the General Election for the office of People's Deputy should be rescheduled to 21st October 2020, and note that:

- The nomination period will start on 14th September and conclude on 18th September 2020.*

- The current political term will end on 29th October 2020 and new Members will be sworn in on 30th October 2020.*

4. To agree that:

(a) States' Meetings should be convened on: (i) 27th May 2020; (ii) 24th June 2020; (iii) 22nd July 2020; (iv) 19th August 2020; and (v) 9th September 2020; and

(b) the States' Meetings currently due to take place on 5th May, 1st July, 3rd July, 7th July, 13th July, 21st July and 2nd September, 2020 shall be cancelled.

5. Only if Proposition 4 carries:

(a) to agree that the Special Meeting of the States ('End of Term' Meeting) due to take place on 21st April 2020, shall be rescheduled;

(b) to agree that the States' Meeting due to take place on 22nd April 2020, shall continue to be held; however, all items of business currently scheduled for that Meeting shall be deferred until the States Meeting to be convened on 27th May 2020, with the exception of:

- (i) Items to be taken under subparagraphs (a) to (d) of Rule 9(1) of the Rules of Procedure;*

- (ii) Legislation laid before the States;*

- (iii) P.2020/50 – The Capacity (Bailiwick of Guernsey) Law, 2020;*

- (iv) P.2020/39 – *The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020*;
- (v) P.2020/34 – *The Reform (Guernsey) (Amendment) (No.2) Law, 2019 (Commencement) Ordinance, 2020*; and
- (vi) Any items of urgent business submitted in accordance with Rule 2(4) or Rule 18 of the Rules of Procedure of the States of Deliberation;
- (c) to agree that the final date for submission of items of business to be considered by the States at Meetings, up to and including the Meeting to be held on 9th September 2020, shall continue to be 2nd April 2020;
- (d) to note that, after Thursday 2nd April 2020, there shall be no further opportunities for the submission of ordinary business to the States, but that urgent business may continue to be submitted at any time in accordance with Rule 2(4) or Rule 18, in order to enable the prompt consideration by the States of emergency provisions and other time-critical matters; and
- (e) to agree that the Policy & Resources Committee, in consultation with other States Committees, should plan for the remaining ordinary business of the States to be distributed more or less evenly across the Meeting dates set out in Proposition 4(a).
6. To agree that if any casual vacancies in the office of Deputy occur before the revised date of the General Election, no by-election will be held to fill the seat(s) in question. 7.
- To agree that, if circumstances in the Island are such that holding a General Election on 21st October 2020, is not viable, the Election will be held on 16th June 2021.
8. To direct the States' Assembly & Constitution Committee to submit a policy letter to the States, to be considered no later than the meeting commencing on 22nd July 2020, to: (a) recommend proceeding with the General Election on 21st October 2020 date, or to further postpone the Election until 16th June 2021; and
- (b) if a further delay is approved, include dates for States Meetings to be convened between October 2020 and May 2021; and
- (c) include submission dates for ordinary business to be considered at those States Meetings.
9. To agree that the following Ordinances be withdrawn:
- P.2020/35 - *The Elections Ordinance, 2020*
 - P.2020/36 - *The Postal Voting (Amendment) Ordinance, 2020*
 - P.2020/37 - *The Advance and Super Polling Station Ordinance, 2020*
 - P.2020/38 - *The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020*
10. To note that the Electoral Roll will remain open and an Ordinance will be presented to the States of Deliberation recommending a date upon which the new Electoral Roll shall be closed for the purpose of a postponed Election.
11. To direct the Civil Contingencies Authority to consider the exercise of its powers to make emergency regulations under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 insofar as may be necessary and possible for the purpose of enabling the above decisions to be given effect.
12. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

Amendment 1

To delete the Propositions and substitute therefor:

1. To agree that, in view of the circumstances currently prevailing in the Island, the General Election for the office of People's Deputy scheduled to be held on 17th June 2020 should be postponed.
2. To agree that the term of office of current People's Deputies should be extended until 30th June 2021.
3. To agree that the General Election for the office of People's Deputy should be rescheduled to 16th June 2021 and direct the States' Assembly & Constitution Committee to submit a policy letter to the States with recommendations for any further practical arrangements and legislative requirements to facilitate this.
4. To agree that the States' Meetings currently scheduled to take place on 21st April 2020, and between 1st May 2020 and 31st July 2020 shall be cancelled and instead States' Meetings should

be convened on: (i) 20th May 2020; (ii) 16th June 2020 (Accounts) (iii) 17th June 2020; (iv) 15th July 2020;

5. To direct the States' Assembly & Constitution Committee to submit a policy letter to the States, to be considered no later than the meeting commencing on 20th May 2020, to:

(a) set out the revised dates on which it proposes that States' Meetings should be convened in the period from the 1st September 2020 to 31st August 2021, having first taken into account the dates of school terms and any other information which it considers relevant;

(b) include proposals setting out the Committee or Committees whose Presidents will be obliged to make statements, and for the States of Alderney statement to be made by one of the Alderney Representatives, under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.

6. To agree that the States' Meeting due to take place on 22nd April 2020 shall continue to be held; however, all items of business currently scheduled for that Meeting shall be rescheduled across the meetings in April, May, June and July 2020 as set out in the attached Schedule to facilitate virtual meeting arrangements, and any items of urgent business submitted in accordance with Rule 18 of the Rules of Procedure of the States of Deliberation. A Policy Letter from the States' Assembly & Constitution Committee setting out the revised dates on which States' Meetings should be convened from 1st September 2020 to 31st August 2021 and the dates for statements under the provisions of Rules 10(4) and (5) will be submitted for the States Meeting on 20th May, 2020.

7. To agree that Propositions to approve the following draft Ordinances be withdrawn:

(a) P.2020/35 The Elections Ordinance, 2020

(b) P.2020/36 The Postal Voting (Amendment) Ordinance, 2020

(c) P.2020/37 The Advance and Super Polling Station Ordinance, 2020

(d) P.2020/38 The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020

8. To agree that if any casual vacancies in the office of Deputy occur before the revised date of the General Election, no by-election will be held to fill the seat(s) in question.

9. To note that the Electoral Roll will remain open and a draft Ordinance will be presented to the States of Deliberation recommending a date upon which the new Electoral Roll shall be closed for the purpose of a postponed Election.

10. To direct the Civil Contingencies Authority to consider the exercise of its powers to make emergency regulations under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 insofar as may be necessary and possible for the purpose of enabling the above decisions to be given effect.

11. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The States' Greffier: Proposition in pursuit of Rule 18. States' Assembly & Constitution Committee – proposed postponement of the June 2020 Election. We do not have present Madam Andrea Dudley-Owen, sir.

5 **The Deputy Bailiff:** Members of the States, good morning. If any Member joins the Meeting then the way of being relevéd is to send an email if you will please, to the States' Greffier's email address and he will then let me know so that I am in a position to invite you to indicate that you are present and therefore eligible to be called when we get to any vote.

10 As Members will recall from yesterday, there is already a request for a recorded vote on the item of business that we are currently dealing with, which is Amendment 1, proposed by Deputy Le Tocq and seconded by Deputy Brouard, to the States' Assembly & Constitution Committee's Propositions on the proposed postponement of the June 2020 General Election.

15 Yesterday evening, I noted three Members wished to speak before we adjourned. That was Deputy Inder, Deputy Smithies and Deputy Trott. But I now have requests from Deputy Roffey and Deputy Dorey. So what I will do first is to find out from Deputy Inder whether he wishes to exercise

his right to speak on this amendment at this stage or whether he wishes to defer until he has heard from other Members.

Deputy Inder.

20 **Deputy Inder:** Sir, I wish to defer until just before Deputy Le Tocq sums up. *[Break in audio]*

The Deputy Bailiff: What did he say?

25 **Deputy Inder:** Sir, it is Deputy Inder speaking. I wish to defer until just before Deputy Le Tocq sums up.

The Deputy Bailiff: Thank you very much. So I have got Deputy Smithies and Deputy Trott. Do either of you wish to speak at this stage, or also defer? Deputy Smithies. Is he there? Deputy Trott?

30 **Deputy Trott:** I am not quite ready. I am sort of unclear on one or two of my facts.

The Deputy Bailiff: That is fine. Thank you very much, Deputy Trott. I just did not want, because you had indicated you were minded to speak in debate yesterday ... So what I will do is I will call Deputy Roffey, to be followed by Deputy Dorey.

35 Deputy Roffey please.

Deputy Roffey: Thank you, sir.

I have to say, if you had asked me six months ago if I could possibly see myself voting to extend the term of office of this States, I would have looked at you as if you were mad. For two reasons.
40 Firstly, it is simply not the sort of thing that good democracies even countenance doing, except *in extremis*. I have travelled in countries which get up to that sort of thing and, generally, it is definitely not to be recommended.

Secondly, I felt passionately that if any Assembly I had ever served in had come to the end of its natural term and needed renewing, then it was probably this one. This, to be honest, has not been
45 a vintage States. It has simply been too divided and too querulous to be a high-performing Assembly. I am not blaming anybody in particular for that fact, but it is just simply true. So I really wanted an election. I was looking forward to an election and I still very much want one today.

But, having said that elections are only ever extended in sound democracies *in extremis*, we are *in extremis*. If this is not one of the defining events of the 21st century, then heaven help our
50 grandchildren. I really do not mean to patronise, but listening to some of the contributions yesterday, I could not help feeling that some Members were in a degree of denial over how big this crisis really is. The novel coronavirus is an enemy like few others. It is a threat on a potentially unimaginable scale. The virus is hugely contagious, there is no vaccine and will not be for many months to come. The only defence is to try and avoid transmission as much as possible and
55 measures to do just that are rapidly wrecking our economy.

Let us be frank, micro-states like Guernsey are uniquely vulnerable to such a crisis and in particular to such an economic crisis. Normally I really take pleasure in pointing out how much better our financial position is to that of the UK, how much more prudent we have been. But in this
60 instance, I am afraid the boot is completely on the other foot. Of course, both communities face massive economic challenges but they, the UK, can promise to do as they keep saying, whatever it takes. They can print money. They can devalue their currency. Because they have a reserve currency. We cannot.

Whatever money we throw at this comes from mainly one of two sources, our reserves or borrowing. If we get this wrong over the next six months, not only will we leave our children with a
65 mountain of debt on their backs, and I am afraid that it is almost certain it is going to be far worse than that.

If our economy is wrecked, and if job prospects are poor, we all know what happens to small Island communities in that situation. It becomes a downward spiral of contraction and depression and depopulation and falling property prices, leading to even fewer job prospects. Small islands simply are more vulnerable in this respect than bigger communities.

So am I despairing? Not a bit of it. I am an optimistic realist. Being optimistic, I genuinely believe we can avoid this crisis being a trigger for a depression. It is going to be tough; really tough, but I think we can come through with this. But being a realist, I know that we will only manage to achieve that if we give the matter pretty much our undivided attention for the next six months and beyond.

So when Members say that they want any delay to the election to be as short as possible, I completely agree. I really strongly agree. As short as we possibly can. But the idea that it can be held in October is frankly ludicrous, wishful thinking. Not because this Assembly is better placed to meet the challenges of the coronavirus than the new one would be. I am not that arrogant. I do not believe that. Rather, because general elections always bring a dislocation of normal government for about two-and-a-half months and this is something we simply cannot afford to do between the beginning of September and the middle of November.

Elections are not one-off events, which just pop out of the ether for the day and then disappear, disrupting nothing. In just about every democracy around the world, the run-up to a general election is marked by one common feature. Normal government is suspended for many weeks, to make room for a little thing, which is called an election campaign. Guernsey is no different. If we were to hold an election in mid-October, that would need to start early in September and that is quite impossible for all sorts of reasons.

For a start, as I have said, it would mean suspension of normal Government just at a time when this Island is going to need not just normal Government but Government on steroids, in order to survive and to thrive. Of course that hiatus would not end the day after the election. The new Assembly, presumably, would take office at the beginning of November, and then we would have a couple of weeks electing new Committees. A new P&R, a new HSC, for heaven's sake? Really? Heaven help us. A massive lacuna in Government at the worst possible time. What would we be thinking of?

Now others have mentioned some practical problems with an October election, like all of the civil servants needed to organise it and they would all have to be pulled off their special Covid-19 duties that they are on at the moment. But even more basically than that, as Deputy Inder referred to in his opening speech, elections are all about candidates meeting the electorate and that is particularly true of new candidates who need to get known.

Well I can tell you one thing for nothing. For many months after the peak has past – let us forget about when the peak will come and whether it will be over by October – for many months after the peak has passed, people are going to want to keep their distance from others and rightly so. The virus will not have gone away just because we are past the peak. No normal electioneering could take place.

Sir, in my view, an October election would be of huge benefit to the incumbents. Not only would it handicap newcomers, in their attempts to get known by the voters, but people do tend to stick with what they know in a crisis. In fact, I make a prediction. I do not normally like to make predictions, a bit like Paul Gascoigne once said when he was asked to, 'I do not make predictions and I never will.' But I am going to make an exception in this case.

I predict this: in the unlikely event that this Assembly is daft enough to stick with a General Election in June this year, Deputy St Pier will top the poll and Deputy Soulsby will come second. So any suggestion that delaying the election is just a typical matter of Deputies benefiting themselves is just arrant nonsense. Absolutely the opposite is true.

So we come back to the question, how soon can we safely, conceivably, hold an election in the face of this extraordinary crisis? In my view, October is patently too soon. By the way, Deputy Inder mentioned yesterday the foot-and-mouth election in the UK only being delayed by a month. Well I remember foot-and-mouth well, I was in charge of agriculture in Guernsey at the time of the foot-and-mouth crisis in the UK and in France and in Holland and all around us.

120 I tell you how they managed to actually bring that under control relatively quickly, they
slaughtered every infected animal, they slaughtered herds with any infected animal, they
slaughtered herds when there was a consideration there might be an infected animal, and they
slaughtered hundreds and hundreds of thousands of perfectly healthy animals in a radius of miles
around any infected herd to create a *cordon sanitaire*. Now you can do that with cows. It is really
sad, but you can do it. You cannot do it with human beings. This virus is going to linger. It is not
125 foot-and-mouth.

So October is far too soon. But I do actually agree with those who say that why does it necessarily
have to be that if it is not October the only option is June 2021? When I was first elected it was in
March 1982 and, in those days, March was the normal time for a General Election. It only moved a
month later, to April, to make room for the Conseillers' election, which for a few cycles took place
130 in the March. Since then it has normally been April.

So I would be quite happy to see a spring election if the situation was under control by then. But
no one suggested that. Both Committees to look at this question, both SACC and P&R, seem to
have come to the conclusion that, for some reason, it has to be either October or June. I know it
cannot be October, so in my mind it has to be June.

135 But some might say, cannot we just keep our options open, just on the off chance we could do
it in October? No, that would have a profound change on the way that our remaining business is
dealt with. If we maintain any prospect, however unrealistic, of an October election, then all of the
committees are going to want their big projects that they have been working on for years during
this Assembly, to be debated this summer to make sure that they come before the election and are
140 not held over to an entirely different Assembly, where most of that work would be lost.

There would be major policy letter after major policy letter distracting our focus, just at a time
when we are going to need a laser-like concentration on the Covid-19 crisis, how to survive it, how
to rebuild Guernsey, and nothing else.

By contrast, if we set the date now for next June, then all of that really important work, all those
145 important policy letters, but frankly – just at the moment – secondary matters of business can be
safely parked until the autumn or the winter. And how could we even consider them now, anyway,
when some of them have significant price tags and it is probably going to be months before we
know how bad our financial woes are likely to be as a result of Covid-19? We know it is going to be
bad but we do not yet know how bad.

150 Sir, if we insist, in the face of this seminal threat to our way of life, in going ahead and starting
to organise a General Election in July, and that is the latest we can start organising it, and then
suspending normal Government for two-and-a-half months from early September, then we are very
seriously underestimating the challenges we face and I believe that history will not judge us kindly.

Some may say, what if the crisis is still going on next spring? How can we have a Meeting next
155 June? Frankly, sir, I think if that happens we are sadly going to have to re-run, or run the election in
a totally different way, probably total postal voting or online voting, if that can be organised. It will
not be ideal, but that is what will have to happen, because I do not believe we can extend longer
than a year.

160 Sir, to close, these are exceptional circumstances and therefore the intuitive is not always right.
My instincts are never to delay an election but firstly we are going to do that anyway. I do not
believe anybody is going to vote to hold the election when it ought to have been. Secondly, having
joined this Assembly more than 38 years ago, I have never seen a situation remotely like this. No
challenges have come close to those that are facing Guernsey over the next six months.

So an autumn election has two big problems in my view. It can neither be fair or free in terms of
165 the campaigning or people going out to vote and, secondly, it will put Government on ice,
completely on ice, when it needs to be in absolutely top gear. So I say to Members, for heaven's
sake, support this amendment.

Thank you, sir.

170 **The Deputy Bailiff:** Before I call Deputy Dorey to speak, Deputy Dudley-Owen, is it your wish to be relevée?

Deputy Dudley-Owen: Yes, thank you, sir.

175 **The Deputy Bailiff:** Thank you very much indeed. Then we will mark you as present. So I am going to call Deputy Dorey next, to be followed by Deputy Trott. Deputy Dorey, please.

Deputy Dorey: Thank you, Mr Deputy Bailiff. I also support the Le Tocq/Brouard amendment. 180 As others have said it is a very significant to lengthen of the term of any sitting parliament, but we are doing it because of external factors that we have no control over; not because we want to be in Government any longer. I hope that everybody agrees that we have to change the date of the election. So the debate is not about do we extend a term, but it is about how long do we extend it?

I agree with the argument that, having cancelled it once, we should set a date that we are 185 reasonably confident that it will happen on that date and we can be a lot more confident about June 2021 than October 2020. If we decide today, on October, the final decision will be made in July. But I do not think we can be significantly confident about that date, for health reasons.

Also, many important decisions have to be made before the election and could be made during the election time. It is not fair on the politicians that have to canvass if they are not able to, because 190 they are heavily involved in making decisions about governing Guernsey at the time of the election. So I believe that is another factor that we should be at least be over this crisis.

Also, in June 2015, the States decided to change the date of the election from the traditional April date that Deputy Roffey has referred to, to June 2020, and the reasons given were in the June 2015 Billet. Canvassing the election would be in late May and early June, with consequential longer 195 days and probably better weather. The election day would be in the second half of June and also benefit from longer daylight hours and probably good weather.

If we look at the sunset times for the various dates, in 2016, when nominations opened on 21st March, the sunset was at 6.24 p.m. and, by the election date, 27th April, it was about 8.20 p.m. If we had gone for the May 2020 election, the sunset would have been, for when nomination 200 opened, 8.41 p.m. and by election date it would be 9.18 p.m. But if we go for the October election date, when nominations open on 14th September, the sunset time would be at 7.23 p.m. but, by the time of the election on 21st October, it would be at 6.06 p.m. So sunset would be two hours before the closing of the polls.

So instead of having longer daylight hours for canvassing, we would have less daylight hours 205 than we actually had in March and April 2016. So again we would not have achieved the purpose of moving the election date, as it was decided in 2015, from March to June. Sorry, from April to June.

One other point from an historical point of view. Some Members have referred to World War II and the UK election day just after that at the end of the war. Well, the Potsdam Conference took 210 place from 17th July to 2nd August 1945 and the participants were the heads of government of the USSR, UK and USA – i.e. Stalin, Churchill and Truman – and they gathered to decide how to administer Germany and the goals of the conference also included the establishment of post-war order, peace treaty issues and countering the effects of the war.

Now, not ideal for such a very significant conference, was the result of the UK election was 215 announced in the conference, and Churchill had to leave the conference and be replaced by Clement Attlee. So I just give that as an example of if you choose the wrong date when people are heavily involved in Government, it is not ideal. So I urge Members to support the Le Tocq/Brouard Amendment.

Thank you.

220 **The Deputy Bailiff:** Deputy Trott to be followed by Deputy de Lisle please. Deputy Trott.

Deputy Trott: Thank you, sir.

When Deputy Roffey was speaking, a closet behind him was in view. The door was open and the cupboard was bare and how prophetic that image was to me, sat here in my office today. Had we followed a normal four-year rolling cycle, then today would have been election day. Last Sunday was the 20th anniversary of my first election to this Assembly.

Until a few weeks ago, I thought I had seen it all, well in Guernsey politics at least. That will teach me. I lived through a drop-off in our revenues of *circa* £100 million, as a consequence of essential corporate tax reform, a global financial crisis not seen since the 1930's, which is even beyond Deputy Ferbrache's memory, and I have experienced or I have exercised, rather, some emergency powers, buying a couple of ships. Kids' play by comparison to the events of the last few weeks.

At the last election, believing that I understood the Guernsey mentality for fiscal prudence, I pledged to help balance the books and, with the help of this Assembly, we had done just that. An incredible achievement. But not any more; and some.

I have a personal and political reputation – a justified one I think – for being an eternal optimist, so this is what I believe. Democratically, the only thing worse than delaying a General Election once is to delay it twice and there is a very real likelihood of that happening if SACC's proposals are accepted.

Now let me be clear. An election in October will be by far the easier option. It will probably predate the budget, which when delivered, will be the most complex ever considered by the States. It will be to focus on the recovery and it will need to balance economic recovery over fiscal prudence. Every ounce of experience will be needed. Political experience and, above all, political courage.

Now, to all intents and purposes, our reserves are likely to be exhausted, or close to it, and we could face, potentially, unemployment levels not seen before in our Islands. These are the harsh realities and it needs to be said.

Those comments are based on existing economic assistance and forecasts. It is very likely that more, probably much more, will need to be done, and it is quite likely that our deficit on our revenue account will exceed £200 million. A States' Budget with such demands is at the extremities of all of our experiences and this is a States where the least experienced Member is the President of the States' Assembly & Constitution Committee, who is also, of course, the sponsor of SACC's policy letter.

It should fall to this Assembly to deal with this huge fiscal problem. It would be, in my view, an abrogation of our duties to pass the baton to the next Assembly. It would be the easy thing to do. Delaying until June is the right thing to do. I wish to place on record my full support for the Le Tocq/Brouard amendment but, in saying that, I also wish to place on record, it is not what I want, it is what we must do.

Thank you, sir.

The Deputy Bailiff: Deputy de Lisle, to be followed by Deputy McSwiggan. Deputy de Lisle please.

Deputy de Lisle: Thank you, sir.

I agree that a free and fair and safe election in June, given the pandemic, is impossible. But I feel that for October also. I note that the virus took hold here quite late, actually, comparatively. Certainly even later than in the UK. Lifting restrictions is not going to be easy. It will take a long time to get back to normal and recover from the virus.

I think Japan tried to get back to normal recently and has just had to U-turn and close the schools again and return to all measures to try and control a new outbreak of the virus. So we need time to recover and much reorganisation and engagement. This is not something that can be handed over and dealt with on a hit and miss basis. In fact, we may have to look at a new election format. So with all that consideration, I believe that we certainly will not be ready for October and we will have to leave it until next summer.

Thank you, sir.

The Deputy Bailiff: Deputy McSwiggan.

Deputy McSwiggan: Thank you, sir.

In anticipation of this debate carrying on perhaps for much of today, I had planned to speak a little bit later but there is what I consider a dangerous myth gradually coming to life in the speeches that are defending this amendment and I think that it probably needs to be taken apart at this stage in the debate.

It is a hope that I understand and that I want to believe in too, but the myth is that we are going to be alright by next June. It is highly unlikely that life as we know it, either in health terms or in economic terms, is going to go back to anything like the normal we have known before, even a year from now.

We do not know where we are going to be in terms of the progress of the virus and its impact on our community in October. Of course we do not. But we are not any the wiser when it comes to next June and Deputy Roffey has said that, if we still find ourselves in the kind of position that we are in now, a year from now, then we are going to have to go ahead with the election because we cannot possibly defer it more than a year. But weeks ago we would have said we cannot possibly defer it past the natural end of term at all.

I think the argument that we are taking out now and using to build our precedents, whatever that precedent may end up being, our argument that we will have to take out and re-examine every time we come close to an election date and consider whether or not we can progress with it, I think this first came up yesterday, when Deputy Lester Queripel spoke strongly in favour of next year's election date, saying we need to see our Island through the worst of this virus and through the worst of its economic consequences, and we need to be handing on a better legacy to our successors. But sir we are not talking about a legacy, we are talking about passing on a baton. This is a challenge that is going to occupy our successors for the whole of the life of their term.

Even if we see improvements in the health context within a year or two of that term, because we have made progress on vaccines, we have made progress on treatments, we are certainly not going to see any easy end to the economic and social challenges that have fallen out of it. I cannot accept that the arguments that are being built in favour of the June date, that we may be out of the woods by then, or we may have more certainty that we are not going to have to postpone it for the reasons that we are having to postpone this one now, have any validity at all.

Actually I think it is quite a dangerous thing for us to go to the community and say, 'We are going to postpone it until next June but you can be fairly confident that that is as long as we are going to postpone it for ...' Because we need to be continuing to have these very honest and difficult conversations with the community that Deputy Soulsby and Deputy St Pier have done such a good job of having so far, but say, 'Actually we are all in this together and we are in it for the long haul. This is not a challenge that is easy to tackle or quick to resolve.' Choosing next June as the long-stop date, effectively, for when we might be in a fit state to pass this on to a new Assembly creates, almost a false sense of security, if you like.

So, sir, I think we need to be really mindful of that in informing the decision that we make today and, if I take the other part of Deputy Roffey's argument, which is that our long-term future depends on how we deal with the virus in the next six months and how we deal with the economic consequences in the next six months and therefore it is really important not to detract anything from the States' ability to focus on that in the next few months and therefore to postpone the election, I do not really accept his argument that the States would or would have to behave in the way it was on course to behaving towards the end of this term and in the way that previous States have behaved in the run-up to the end of their term.

That is, I think that collectively we are going to have to learn to let go of things that are very dear to our hearts. I have got some of those in train for future debates and some of those that did not quite make it over the line for the submission of ordinary business, which I would love to see through before I walk away from this. But I think that what this States, we have to do, in terms of prioritising, is not simply putting ordinary business off to a later date, where we know we can safely

deal with it. It is having to play that trust game of letting go and letting it come to our successors to make something as good of it as we hoped to make it ourselves.

I do not think that the arguments for postponing to next June, either in terms of letting us focus on the crisis now and then our ordinary business later, or in terms of letting us manage the economic impact to such a point that it is then safe to hand on the baton to the next States stack up. I think it is going to be very uncertain, unpredictable and challenging political times for a very long time. For long past next June.

What we need to be asking ourselves is how do we ensure some kind of effective democratic process, even in challenging times, not what is the end point for these challenging times so that we can resume democratic normality. I absolutely agree with all the speakers who have said that we are going to have to think about doing the election differently. Whether we do it in June or whether we do it in October, it is not going to be the same kind of election that we have known and loved in past years.

It was not going to be with Island-wide voting anyway and, ironically, what the whole community has been through in the past few weeks, learning to live a lot more virtually, to be able to engage in things remotely, has in effect prepared us much better for Island-wide voting than we would ever otherwise have been prepared. Not that I would ever recommend a pandemic as a solution for making Island-wide voting effective!

I should stress that we already knew that Island-wide voting was going to depend on a lot more remote engagement, a lot more online interaction between candidates and voters and for a lot of us, as voters, making the choice to vote by post instead of in person. In a sense that is more helpful than we could have imagined because the structures and processes that make those sorts of things possible, the frameworks to allow that to happen, already exist, have already been thought through in the context of delivering an Island-wide voting election. So it is about augmenting what we already have in place in order to make any election safe, rather than inventing new ways of doing it because, thankfully in the context of Island-wide voting, we have already started to think through some of this stuff.

It is an unexpected silver lining but it is a silver lining. So I am confident that those measures could be put in place as straight-forwardly for an October election date as for a June election date next yet.

In his opening speech, Deputy Le Tocq said we had broken the rule now, we are going to agree to postpone the General Election to some future date, goodness knows which one, and I am sure that he is right. But just because something is broken does not mean we have to smash it into bits and that is really what I felt he was recommending by saying, 'Let us not keep ourselves strictly to looking for the first opportunity to hold a free and fair election. Let us jump to a year's delay.'

Just because something is broken does not mean it is beyond repair but the precedent that we set now will be a precedent that future generations call on. Deputy Roffey, going back to his speech again, said if this is not one of the greatest crises of the 21st century, then god help our grandchildren.

But I would remind him of what he knows about climate science and about international geopolitics and to think that, actually, this is probably not going to be an isolated experience, even for developed countries, in the 21st century. We and our children and our grandchildren are probably going to have to get to grips with more than one crisis that looks and feels a lot like this one in the years to come. Heaven forbid if the next crisis is a national security crisis rather than a public health crisis.

We need to be absolutely cautious and mindful not to extend our authority any further, for any longer, or for any greater degree than is absolutely necessary to get us past the immediate public health risk to the safety of the electorate if the election were held in a couple of months. Because what we do now will inform the decisions that are made and the safety of our Island's democracy in the times of our children and in the times of our grandchildren and so I would urge Members to throw out this amendment and support SACC's original Propositions.

The Deputy Bailiff: Deputy Hansmann Rouxel.

380 **Deputy Hansmann Rouxel:** Thank you, sir.

I am glad that I have waited until Deputy McSwiggan gave her speech because often we have similar trains of logic, but with the nuance of this decision I think we fall slightly on either side of the camp. Much of what Deputy McSwiggan said resonated with me. But I did spend last night putting myself through logic circles, trying to get to a point where there was the logic in making
385 this decision because there is no perfect way of making this decision and much of the response to the epidemic, the pandemic, has been accepting that there are no perfect ways of dealing with this.

So as much as I agree with the logic that Deputy McSwiggan has laid out very eloquently, there is no easy way of making a decision. So what we do need to do is look at the possibility of how we hold a free and fair election. I agree with Deputy McSwiggan that even if we do go to June – and
390 this was something that worried me very early on – the decision to make an extension to our democratic mandate is intensely serious and I think we should only make it once and if that is the case, making it for June next year and having the surety and security of planning for the unknown, because, yes our way of life has changed and will change.

Even just looking at different jurisdictions and how they are coping post-lockdown, a host of
395 different newspaper articles flooding our news feeds with headlines that all seem to indicate that things will never be the same. The US may need to extend social distancing for the virus until 2022, study says.

South Korea, among the first countries to bring major coronavirus outbreak under control, is now taking steps to control the disease well into the future, relying heavily on technology and its
400 hyper-connected society. The health minister there says we are in a lengthy tug of war with the coronavirus and the battle could last months or even years. South Korea, of course, is using technology and what seems to be quite invasive tracing techniques, using technology. There is a smart city database, getting quarantine violators to agree to use tracking bracelets. Will we be going down that road?

In other jurisdictions like Wuhan, which are coming out of their intense lockdown, they are also
405 experiencing a completely different world and the stories that are coming out of that. So yes, we need to actually start recognising that we will not be getting back to normal. We will be doing things differently and I think we need to actually plan to run the election differently.

This is where I disagree with Deputy McSwiggan. I do not think that it is possible to run the
410 election differently in October. Not because we could not have any postal voting and that part of the election process but it is about the access to free and fair choice. That is about candidates and it is about the information that is presented by those candidates. I genuinely feel that having an election in October, under those circumstances, in this new environment, would unfairly hold those candidates back.

We cannot have a free and fair election until we are able to build on all of these new ways of
415 working in an online world and build around that and give access to all of the people that want to stand in the democratic process. I do not like the entirety of this amendment. I find that we need to be more mindful of what it is that we are doing. We are extending our democratic mandate. That is true. But I do not subscribe to this idea that, because we are doing that, we therefore need to reduce
420 the amount that we govern.

As Deputy Roffey put it, Government on steroids I think was his term. If that is the case, we need
to not centralise command, which some people are moving towards, but we actually need to just disperse democracy and actually empower more people to be involved in that democracy and that requires transparency and that requires us looking at the way that we make decisions and actually
425 empowering and involving more people in that decision-making process.

Yes, ultimately we as the democratically elected representatives make a final decision but we need to be empowered with more information about the process that we are going through and an example that is stunningly demonstrated is in how the communication around the virus and our response to it has helped to bring people on board.

430 Now, if we had that across the board with all of our decision-making, that is the way that you really empower democracy. It is showing people how the process is actually working and a lot of our workings, partly because of the system that we are in, are contained in that. I do not make the decision lightly but I fall on the other side of the camp and, even though I spent last night pondering whether we could, instead of going all the way to June, whether we could look at March/April, 435 because if we are making this decision now, I want to make a firm decision on what the date is and prepare for that date come what may.

A March/April election, yes if that had been in the policy letter I think I might have voted for the policy letter, but it is not there and there are known unknowns. I think we are better placed to make the decision and go for June next year. Those are my feelings on this.

440 **The Deputy Bailiff:** Deputy Langlois, to be followed by Deputy Fallaize. Deputy Langlois please.

Deputy Langlois: Thank you, sir.

445 Deputy McSwiggan claimed to expose the 'dangerous myth' that we are going to be alright by June 2021 and that we could have free and fair elections. But I have not heard anybody actually peddling that myth. I think we are all conscious of the fact that there probably will not be a vaccine until the end of 2021 so we are not going to be alright by June 2021.

I think it is equally mythical that we will be able to have free and fair elections in October. I think Deputy McSwiggan is clutching at straws when she said that some of the things we have learned 450 over the last few weeks, regarding remote Meetings, might be applied in October to the General Election. I think that is a myth.

The crucial date in the policy letter is not October 2020 or June 2021, it is 22nd July 2020. Because as the SACC policy letter says, on that date the States should review the situation and, if there is little realistic chance of ensuring a General Election can be held in October 2020, the committee can 455 see no other option *etc.*

I think we all know what the process is going to be. SACC will be writing to the director of public health asking whether or not it will be safe to hold a General Election in October, thereby putting the director of public health in an almost impossible situation because there is no way she will be able to guarantee, in July, it will be safe to have a General Election in that October. There is no 460 possibility of that. Therefore SACC will be coming to the States with a recommendation that we delay the election until June next year.

Because as their President has already said, if there is any hint that we might trigger off a second wave or might delay a recovery period from the pandemic by holding the election in October then SACC will be recommending we will delay it. There is no possibility that the director of public health 465 will be able to guarantee a safe election in October, in July. Therefore it is inevitable that SACC will be recommending a deferment until June next year.

So going through this process, supporting SACC's Propositions is just an escape from reality and the amendment is a far more elegant and realistic solution to the problem we all face. I certainly will be supporting it because I honestly do not see where SACC's Propositions will get us. All they 470 are doing is over complicating what should be a relatively simple decision the States has to make.

Thank you.

The Deputy Bailiff: Deputy Fallaize.

475 **Deputy Fallaize:** Thank you, sir.

Most of the debate so far has been about the date of the General Election and my main reason for voting in favour of the Le Tocq/Brouard amendment is not the date of the General Election but is because of the, as I see it, inadequacy of some of the later Propositions in the States' Assembly & Constitution Committee's policy letter, particularly with regard to the state the States will be in 480 between now and the date of the General Election.

But first of all one or two points on the date of the General Election. This is being presented as a trade-off between speed and certainty. So, on the one hand, the wish to hold the General Election as soon as possible or as soon as it is safe to hold it and, on the other hand, as expressed by Deputy Trott, the wish to determine now a date, which would not have to be moved again, so to establish certainty.

I think there is a more important consideration, which is when is it possible to hold a free and fair election and the only two ways that that will be possible are either (1) to hold it as it is normally held, so to wait until a time when people are able to visit polling stations, spend some time queueing when candidates can canvass electors and effectively we are in a post-virus world; or to put in place the logistical changes – and I think they would have to be considerable – to allow an election to be held on a free and fair basis, but in a completely different way, largely remotely.

Now I cannot see that we would be able to make those logistical changes in time for an election in October. I certainly do not think that the States will be able to make a decision in July to hold that sort of election in October and expect the preparations to be made in time for nominations to open six weeks later.

A free and fair election requires full and proper engagement between candidates and voters. It surely requires candidates, particularly first-time candidates, to have reasonable notice of the date of the election and the logistical arrangements, the practical arrangements under which the election is going to be held. It requires an opportunity for candidates to publicise their campaigns, not so much for the sake of the candidate but for the sake of the voter, who is being asked to choose their representatives for the next several years.

And it seems to me likely, taking on board the point that Deputy McSwiggan made, how long the virus challenges are likely to be around, it seems very likely that the next election, whenever it is held is going to have to be held under very different practical arrangements to comply with the need for it to be a free and fair election.

I am not sure that that we necessarily need to go to June of next year to bring that about, but I am very doubtful that we will have enough certainty by July that we will be able to hold that sort of election in October. So, although I sort of reject the binary choice that is before the States, between October of 2020 and June of 2021, and I am not convinced that the decision actually needs to be made today, in any event, I will vote for the Le Tocq/Brouard amendment. I may not, necessarily, vote for all of the Propositions as amended if the amendment is successful.

But the main reason I will vote for is because I think the later Proposition from SACC, that the States should spend the next several months effectively being half-pregnant, is a crazy proposal. The States need to be in office, whether it is the present States or the next States and what the States' Assembly & Constitution Committee is proposing is that the term of Deputies should be extended, the present States should remain in office but then the States' Assembly, as an executive, should be neutered by not being able to consider – it is expressed in the policy letter as any new business – but the actual Proposition is that no business would be committed to come before the States, which was submitted after 2nd April, other than business submitted under Rule 2 or Rule 18.

Now the key person who decides whether business complies with Rules 2 or 18 is the Presiding Officer. I do not believe the States can operate for the next six months under the basis that the only new items that can come before the States should be those which the Presiding Officer thinks should come before the States.

That is no reflection, sir, on you, or on the Bailiff or the offices that you hold, but I think in the main decisions about business that comes before a parliament, perhaps particularly where the parliament is, in effect, also the Executive, should be made by elected Members and the States' Assembly & Constitution Committee's proposals, in my view, fall on that basis because for the next six months they propose a States, which would be in office but only partially in office. It would be neutered.

I do find it slightly odd that the States' Assembly & Constitution Committee, a majority of the Members, are opposing the Le Tocq/Brouard amendment on democratic grounds, when their own proposal is to neuter the Executive arm of the States for the next six months. So I cannot support

the proposals of the Committee for that reason. Deputy Le Tocq's amendment is, in my view, much superior in relation to the way in which the States will be allowed to function while it remains in office.

I am more or less certain about the proposal in the Le Tocq amendment in relation to how long the States should remain in office, but I think the amendment is a better set of Propositions and, in closing sir, I would ask those who are reporting on this debate, to remember that what we are deciding at the moment is which set of Propositions we should put into general debate. A vote for the Le Tocq amendment is not necessarily a vote to defer the election until June 2021. That decision will be made when we vote on the substantive Propositions.

I would rather that the substantive Propositions that are put at the end of the general debate be those in the Le Tocq amendment, as I say, primarily because I think SACC's proposal for a half-pregnant States for the next several months is totally unsatisfactory.

Thank you, sir.

The Deputy Bailiff: Deputy Merrett, to be followed by Deputy Oliver. So Deputy Merrett, please.

Deputy Merrett: Thank you, sir.

As soon as we can have a free and fair election, which clearly requires the free association of people, we should. I was hopeful that all Members could all agree on this as a foundation for the bedrock of our democracy. So what are the arguments for supporting the amendment? Continuity, consistency.

If the electorate so wishes to have continuity or consistency or not, it is arguably their decision and they can cast their votes accordingly. The electorate should be in a position to choose whom they wish to represent them. However much I resonate with the argument for consistency, I do believe that should be the electorate's choice and not sitting Members'.

We are simply, sir, in danger of our own modesty, our own self-belief. We must be the right Members to deal with the economic fallout from our current health crisis. Maybe we are. Maybe the electorate will trust us to continue with our hard work. Maybe they will not. That should be their choice.

Many speakers thus far have centred on Members, whether it is fair on politicians who wish to canvass in October. It is quite frankly the wrong way of looking at this, it should be is it fair to our community, our electorate? I also resonate with the desire to ensure that officers are working on our economic recovery and not an election. I can relate to this. But, just as some of us are trying to support independent businesses, self-employed, others are perhaps working more on the mental health requirements of our community at this present time.

We cannot all be, or expect to be, experts in everything and neither can our officers. There is a myth I think we do need to dispel and at the same time a call for help. I repeatedly said in SACC's committee meetings that we need our community to come together to help support our first Island-wide election. Not just to vote or to stand for election but to also help at the polling stations. For example, this is not something that I will expect our highly paid civil servants to be doing or asked to do. We have a relatively small election team and part of their task is to engage with the Douzaines and with our wider community to help generate the resource they need to man, for example, polling stations.

I have volunteered before and it is time consuming but it does not need a high level of expertise to hand out ballot papers. I enjoyed having the opportunity to help our community and I would like to give as many as possible the same opportunity for them to participate in any way they can with our first Island-wide election. Our community coming in together now and our current crisis is reinforcing our community spirit, support and engagement and I hope this continues.

Having a free and fair election as soon as our term is set to expire in a democracy such as ours is important for obvious reasons. What SACC is proposing is aim for October, review in July and have it next June if we are unable to have a free and fair election by October. Members, sir, elected

SACC to consider such things as our elections. We have deliberated, debated and certainly dreamed about this – well, a nightmare – and we determined unanimously the original policy paper.

Yes, things have changed. They could change again. For better or for worse. We simply do not know that and such a failsafe mode is in my opinion proportionate. For Members to state that Deputy McSwiggan is clutching at straws leaves me quite frankly speechless. Well, almost.

How about an election with proportionate and relevant health safeguards in place? Do Members not know this? Deputy McSwiggan is on the election board, is on Social Security, is an academic on the Covid-19 research group. That she is clutching at straws is, quite frankly, preposterous.

If we had any public health modelling or any way of determining 100% there is absolutely no way we could hold a free and fair election in October then SACC of course would need to consider just how and when we could. We simply do not know and the fact that so many Members appear to have a crystal ball and 100% know that is the case, is indeed quite worrying.

I do not believe we do know at this juncture and, as such, the failsafe role of a review in July is, in my opinion, proportionate and adequate. For a government to extend its own term is probably one of the most undemocratic things it could actually do. Just a few weeks ago I was struggling with postponing the election at all. My biggest fear is on what grounds we can dutifully postpone an election. Not being able to have a free and fair election due to the current public health crisis, *[Inaudible]* of a free association of our people is understandable and just about acceptable. For any other reason and for any other reasons given so far in this debate? I do not think so.

What precedent will that set? I would argue a very worrying one. As I said earlier, many Members appear to have a crystal ball. 'There is no possibility.' 'We cannot do this.' Well sir, I will remind Members it was only a week ago that many Members participated in this, our first virtual Meeting and said, 'We cannot do this. It is not possible!' I would argue it is – because quite frankly, sir, we are.

I would ask Members when they speak to try to be as succinct as possible as I am and try to stick to the amendment, as I am passionately trying to do. But I will end my speech simply by saying this, sir. We may lose many aspects of our lives that we hold and love dearly this pandemic. But please, sir, let democracy not be one of them.

The Deputy Bailiff: Deputy Smithies, is it your wish that you be relevé?

Deputy Smithies: It is. Yes please, sir, sorry for my late arrival.

The Deputy Bailiff: Not a problem at all, I quite understand. You are now present, which means we have a full house of all 39 Members. I am going to call Deputy Oliver to speak next, to be followed by Deputy Paint. Deputy Oliver, please.

Deputy Oliver: Thank you, sir.

I have taken quite a long time to actually come around to the opinion that we did need to defer the election, but just to move it straight to June I just cannot get my head around. I understand that Deputy Trott said that to move an election is a big thing, to move it twice or three times is just too much. But I think that we owe it to our public that, none of us know what is going to happen in July for the October election, and I think we owe it to the public to see if we can have an election at the earliest opportunity to make sure that we are not almost going above democracy because we are just saying, you know what, it does not matter, let us just move it to June.

I think that is the easy option but the right option is actually to see whether it could be in October. I think where SACC actually potentially let themselves down was that they should have put in a potential election in April/May time. I understand that Deputy Dorey, he mentioned all about sunrises and sunsets and everything. I do not think that makes a difference, to be perfectly frank.

If someone comes to me after six o'clock, they have a high chance of waking up my children, which is greatly annoying. I would not want anyone to come after six o'clock, so therefore the sunrise and sunset, it does not really make any difference. So I think we should stick with SACC's options. I

really think that I would like SACC to look at the potential of putting in a March/April or April/May election and therefore have three options, almost, and then, therefore, we can go for the earliest opportunity that we can possible.

Thank you, sir.

The Deputy Bailiff: Deputy Paint, to be followed by Deputy Smithies. So Deputy Paint, please.

Deputy Paint: Thank you.

I am still having technical problems but I feel now I can speak. I hope everybody hears me. I think, I do not see any reason why an amendment could not be put in, something like look at elections every four months from now on. So I do think we have to stand for the people to elect the Deputies they do want in the near future or, at least, I think SACC got it just about right, so I will be voting against the amendment if I can, but I have still got a few technical problems here and this is by way of a test.

So thank you very much.

The Deputy Bailiff: Thank you, Deputy Paint.

Deputy Smithies to be followed by Deputy Dudley-Owen.

Deputy Smithies: Thank you very much, sir.

I will be brief, I am not supportive of this amendment as I simply cannot support it on principle. I will focus on Deputy Le Tocq's implication in the opening of the debate, regarding the abandonment of principle, which once abandoned allows liberties to be taken with the degree to which that abandon leads. I cannot go so far as the authors of the amendment want and I will vote against it. If the amendment is carried, obviously, I will not have a chance to speak again on it, but I will reserve any further comments to future chances to speak.

Thank you, sir.

The Deputy Bailiff: Deputy Dudley-Owen next.

Deputy Dudley-Owen: Thank you, sir.

We have heard some extremely powerful comments from both sides of the argument and I must admit to being slightly compelled towards the arguments that Deputy Roffey and Deputy Trott, this morning, have put forward. Unfortunately, my internet connection dropped during Deputy Fallaize's speech, so I could not hear what he was saying, although I am sure that he equally was compelling.

However, Deputy McSwiggan, for me, has carried the morning, along with Deputy Merrett. I really feel that we do owe it to the people of Guernsey to put forward the earliest opportunity to go to election. The election and democracy are not ours. It is not in our gift to give, it is that of the people of Guernsey, it is that of the community. I think that looking at this in the round and being pragmatic in our approach to it, rather than idealistic, which I do feel that some of the stronger speeches against that Proposition have been, is going to be a more satisfactory position for our community.

I will be voting against the amendment put forward by Deputies Le Tocq and Brouard, although I do absolutely understand the rationale behind that. I just do not agree, I am afraid, with putting the election so far in the future, when we really do not know what that holds.

I will not go forward and repeat everything that people have said, but thank you very much, sir.

The Deputy Bailiff: Deputy Brehaut to be followed by Deputy de Sausmarez. Deputy Brehaut please.

Deputy Brehaut: Thank you very much, sir.

I just wanted to look back briefly. I suppose, before the emergence of the Covid-19 crisis, we could look back at a divided Assembly that was clearly ill at ease with itself. Some Members could not wait for the election and I think, memorably, we were referred to by one Member of the Assembly as the Zombie Parliament at one stage.

Most of the issues we are split down the middle on, or we have been historically. Possibly in this term we have seen more *sursis* or *sursis motivés*, possibly more requêtes than we have in a term before and, even as Covid arrived on our shores not so long ago and the consequences of that were unfolding before our eyes, we were still having a vote of confidence, or otherwise, in the Committee for Education, Sport & Culture.

Without the emergence of Covid-19, could we ever have imagined that this Assembly would hold together for another 12 or 14 months? I doubt that very much. What the community has seen recently and actually what the community and the public like very much is leadership, and, in particular, the leadership of Deputy St Pier. Not just as chair of the CCA, but also in his role at P&R too. It has given the community confidence in our Government processes and confidence in Government more generally.

But the CCA ...

The Deputy Bailiff: Deputy Brehaut, we seem to have lost you at the moment.

Deputy Brehaut: Can you hear me now?

The Deputy Bailiff: I can hear you now. Thank you very much. Please continue.

Deputy Brehaut: Thank you. The CCA, however, is a temporary structure that was never designed to be dealing with a public health and economic crisis, or this emerging economic crisis that Deputy Trott spoke of earlier. So the next real test for this Assembly is deciding or electing a group of people with a wider membership, a more inclusive group, I suppose what Tony Blair might have described at one time as a government of all the talents, and to lead us out of this crisis. As Deputy Roffey and others have said, a crisis really which has, arguably, not yet begun.

But what I am struggling with and what I am pondering over, is whether this Assembly will allow a smaller grouping of people to take the reins up to October and beyond and it is the beyond element that troubles me a little bit. We have shown, sadly over recent months, a lack of cohesion. We have shown that that there is not, at times, a great deal of trust in this Assembly, and we are going to need to demonstrate that trust to the Assembly to get us over this health and economic crisis, as I was saying, from October and beyond.

So whilst I want society to get back to normal, and who knows when that is possible and when we will arrive there, my most immediate concern is that I do not want politics to get back to normal or rather the type of unique politics that has been displayed over recent months. So, initially, I was attracted to the possibility of an October election, or rather reviewing in October, and I realise the attraction in that because having the election and showing that we have a functioning democracy is a very strong signal to send out to people.

However, listening to some of the speeches, I am warming to the Le Toc/Brouard amendment. But in doing that I sincerely hope that this Assembly can coalesce, can pull together and realise that, in handing over the reins to at some point, presumably, a smaller group of people, in doing so we will have the trust in those people to help this Island community out of the issues and this pandemic that we are facing at the moment.

Thank you very much.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

It sounds as though there are several things that we can all agree on. I am sure that we can all agree that an election should not be postponed at all if it could be held freely, fairly and safely on the original date. I am sure we can agree that a Government should only vote to extend its own term only out of the most exceptional circumstances and those being if an election cannot be held freely, fairly and safely. And I am sure we would all agree that any postponement should be kept to an absolute minim. As soon as it can be judged to be held freely, fairly and faithfully.

An October General Election is a really compelling option. When I first read SACC's proposal, I thought it was a reasonable and pragmatic suggestion. It is an approach that seems to give Guernsey a chance of holding a general election at the earliest opportunity, which is something I think we are all really keen to do. I cannot really put my finger on why this logical approach made me feel so uneasy. It took a few days for that sense of unease to crystallise and to clear thought.

For me, though, there are a couple of core problems with the idea of holding a General Election in October. The first is, as Deputy Langlois articulated, that we would have to make the decision in July and I just cannot see how we will be in a position to make that call then. Effectively we would be asking our director of public health to make that decision for us, and our decision will undoubtedly hinge on her advice. That would be unfair, in my opinion. She has more than enough problems to focus on already, without adding a hugely significant political dimension to her already very difficult role.

We, as an Assembly, will want to agree an October election, not least because I am sure a sizeable cohort of the voting public will want to go to the polls as soon as possible, I worry that because we are human and because we are hard-wired with an optimism bias, we will take the gamble because saying yes is so much easier and more gratifying than saying no. I worry very much about the consequences of that gamble for our democracy.

When he opened this debate, Deputy Inder said that by July we would have a much better idea of where we are on the curve and that is true, we will, but my great concern is that, while we will have a more accurate picture of where we are on this curve, we will have no more accurate picture than now about the one that is likely to follow it.

As Deputy Hansmann Rouxel has demonstrated, we know from the experience of Asia that any relaxation of measures is typically followed by an increase in cases. This is called the second wave. I worry that the situation could look relatively rosy in July, enough that we agree to an October election, but that by September we are facing a resurgence of the virus. That would put us in a very difficult position. Do we press ahead with an election, knowing that it is unsafe, or do we cancel it at potentially short notice? Or do we put in place some very stringent measures?

South Korea has just held some form of elections, yesterday I believe it was, but it did so with many unusual measures in place. Campaigning was severely affected. On polling day, polling booths were set up outdoors and voters had to queue, socially distanced from each other, outdoors as well. A very different proposition in a South Korean April than in a Guernsey late October.

Voters had to turn up with masks, have their temperature taken, disinfect their hands and put on plastic gloves, before being able to cast their vote. The whole operation involved a huge military and police presence. It is possible that we could introduce measures like these, but let us not forget that our next election will be the first time we will be introducing an entirely new Island-wide system, which comes with very many challenges, even in ideal circumstance.

I think as Deputies Roffey and McSwiggan have pointed out, it is possible or even likely that we would need run our election quite differently, even if it takes place in June next year. I am planning for that, more probably in light of the fact this is our first Island-wide election, takes more focus than politicians and more importantly perhaps civil servants can devote to it now in order to be ready for October.

It is too early to know how these measures have affected voter turnout in South Korea, especially voters in those most vulnerable groups, for example the over-70s and people with underlying medical condition. This brings me to the second reason I feel so uneasy about the possibility of an October election and that is the disenfranchisement of people who fall into those vulnerable categories.

790 We do not know much for certain about the next few months or about what those months hold
but one of the things that we do know and can say with some degree of confidence is that there
will not be a vaccine available this year. The lack of an available vaccine is, for me, a critical factor. I
do not think anyone in the Assembly needs reminding that the freeness and fairness of an election
does not just relate to the act of voting. The same principles need to apply to those standing of
795 candidates and the access of the electorate to hear those candidates in the run-up to the election.

We cannot know for sure that a vaccine will be available early enough next year, but we can
know that if an election were to be held this year, the lack of a vaccine will almost certainly affect
which candidates will stand and which part of the electorate will have more restricted access to
those candidates and vice versa.

800 In my opinion that would not lead to a free enough or fair enough or a safe enough election. So,
very regrettably, I just cannot see how an October 2020 election is in anyway feasible. The other
important point is that, because this is the first of its kind, I think it is really important that we have
international observers present at our election and, again, I just cannot see how travel conditions
will be such to allow that, or the restrictions will be in any way permissive of bringing those
805 independent observers over to the Island and I think that is a really crucial point in order to give us
that degree of independent scrutiny.

My concern is that, by building expectation that an October election could take place, we
increase the pressure that it should and I am really concerned about the effect that that pressure
could have on the decision that we would be asked to make in July. I think it is one that potentially
810 we would later regret.

I will also add my voice to those on both sides of the debate who have expressed support to
look at the possibility of a spring 2021 election I would urge SACC to consider that if this
amendment passes. Finally I would like to thank Deputy Fallaize for saving me some time arguing
against SACC's proposal for, as he memorably put it, a half-pregnant States. I also find that part of
815 SACC proposals really unsatisfactory.

So I think I will end by thanking SACC for placing this policy letter in a very short amount of time.
I support some of what they propose but not enough of it to support their original set of
Propositions over the Propositions contained in this amendment and again there are some that I
do not necessarily support in full but I do think, as a set of Propositions, they are preferable to the
820 Propositions set out by SACC, although I would like to thank SACC and their staff for putting
together a policy letter in such quick order. So I will be supporting the Le Tocq amendment and will
have more to say in general debate.

Thank you.

825 **The Deputy Bailiff:** Members of the States, nobody is indicating a wish to speak, so I am going
to turn next to Deputy Inder as the ... Deputy Tooley has indicated that she wishes to speak, so what
I am going to do now is I am going to suggest that we take a 10-minute break because we are at
mid-morning point and resume at 11.10 a.m. and then I will call Deputy Tooley to speak at that
point. So 10 minutes, please everyone.

*The Assembly adjourned at 11.01 a.m.
and resumed at 11.11 a.m.*

**Proposed Postponement of the 2020 General Election –
Debate continued –
Amendments 1, 4 and 5 approved; Amendment 3 withdrawn**

830 **The Deputy Bailiff:** Members of the States, we are ready to resume, so whoever has got a
microphone on can they please mute it at the moment and I will call Deputy Tooley to speak.

Deputy Tooley: Thank you, sir.

I think, like everyone who is at this Meeting, I am deeply concerned about us, as a States, delaying this election and thereby extending the term. But I am more concerned about the effect if we delay, but then decide to go to the polls before it is wise to do so.

I know the SACC proposals have this – what did Deputy Inder call it? – this go/no go clause for July, but how great, in July, would be the pressure to have some kind of election, any kind of election in October and how great that pressure would be on our Public Health team to give that advice? We already know what the pressure is, generally, from the public to see lockdown extended or eased. The pressure on that team, around the right time to hold an election, would be immense, I do not think we can overstate how immense that pressure would be.

Last December, when we debated election expenditure, we spent a lot of time talking about how critical it is, in an election, for voters to hear from all candidates and for all candidates to be given the opportunity to promote their message to the electorate. Much was made at the time of the incumbent advantage. Deputy Roffey, for example, said

My name is relatively well known; whether that is good or bad, we will have to see. But I do not have to wave a flag so much as to say, 'Here I am, this is who I am.' If Mr Le Page, who actually could make a very good Deputy but has not really been involved in public life, either in the States or media or anywhere else, I think you have got to allow them to shout out, explain who they are, otherwise they will get lost and people who get lost in the sort of election –

Remember, he was talking about a first-time Island-wide election.

– are going to fall by the wayside, frankly.

Deputy Inder spoke of adding the message that the incumbent has the advantage in the system by limiting people being able to market themselves through that glass ceiling and the glass ceiling exists in many ways, he said. He said repeatedly that what the figures do not tell you is about the incumbency advantage. I think many of us are nervous of delaying the election because of the –

The Deputy Bailiff: Deputy Tooley, I am afraid you appear to have frozen. Can you try that last bit for us again, please?

Deputy Tooley: Yes. I will turn off the video and see if that helps. We need to be careful that we are not embedding a situation where the incumbent has the advantage. Deputy Inder spoke often and at length during that Meeting about the incumbency ... *[Inaudible]* I think while there is a genuine and understandable cautiousness that we do not give the impression that what we are doing, in potentially delaying the election taking place is giving the impression that we are seeking to grab and hold onto power for as long as possible.

In fact, my concern is that if we do not delay the election to a sensible, wise, safe time for it to take place, we further embed the incumbency advantage. Because those who are not currently in the States are not given the same opportunity to promote their candidature as those who are incumbent do.

Deputy McSwiggan said, during that debate:

This election, much more so than any in the past, because of its nature as well as because times are changing is one that is likely to be digital by default.

She went onto say that we know that there are a lot of voters who are not online and we need to make sure that it is possible to reach those candidates in ways that are meaningful and effective for them.

Those ... *[Inaudible]* I do not think using stereotypes to point out ... *[Inaudible]* those who are at *[Inaudible]* avoiding contact of any sort with the general public, shielding perhaps, and doing all they can to keep themselves safe. How can they be given the opportunity to engage with candidates if we are to hold an election while they are in effect sequestered?

Deputy Gollop in that same debate of the need to reduce the democratic deficit that Guernsey has. He quoted the lowest ever turnout in England, in Swadlincote as being 15% and, alongside that, quoted a local election which had just taken place in St Peter Port, which had had a 1.5% turnout.

He spoke about the culture we had had, and it is as close to a direct quote as I can get. The Hansard from the time has not yet been edited, so I quote with caution, but this is what it records at the moment him as having said:

The point I am making is that we have a culture of having almost secret elections. We need to ensure better electoral roll registration, better turnouts, more engagement from candidates, more opportunity for the public to meet with those who would seek to represent them.

How do we do that in a situation where we all know a lot of our voters are not online and do not have the ability, by other than traditional means ...

The Deputy Bailiff: Deputy Tooley, I am afraid you have faded out again. Are you still continuing your speech?

Deputy Tooley: I am sir, I am sorry. We need to ensure that what we are doing is holding an election at a time when candidates and, importantly, voters, are able to engage *[Inaudible]* in order to ensure that the election is indeed free and fair. And to those members of the public who are in effectively a sequestered situation to safeguard their own health, we must add those who are fulfilling incredibly critical, crucial shielding roles on behalf of others, our carers, our nurses and so on, many of whom have chosen to separate themselves from their own families at this time in order to go into, effectively, lockdown situations in our hospital, in our care homes and so on, in order to make sure that they are protecting themselves in order to protect the most vulnerable in our community. We risk disenfranchising those very individuals who are doing their utmost to take care of our weak and vulnerable if we go too soon with an election.

Very briefly, last night I was, for more hours than I wanted to be, in our Emergency Department with a child who was unable to breathe. I saw at first hand the care and attention that those incredibly stretched medical teams are giving to the vulnerable who arrive at their doorstep at all times of the day and night. Those individuals have, in many cases, chosen to go without the comforts of their own families, in order to keep the population safe.

They would, I am sure, find it very difficult to make a choice to put themselves in a long queue to vote, if we go for an election at a time before ... *[Inaudible]* and so with a heavy heart because –

The Deputy Bailiff: We are losing the last sentence or two, Deputy Tooley.

Deputy Tooley: I have finished sir. I will leave that there.

The Deputy Bailiff: Thank you very much, Deputy Tooley.

I am going to call Deputy Mooney next, to be followed by Deputy Soulsby.
Deputy Mooney, please.

Deputy Mooney: Sir, I will be supporting this amendment because I believe a year is an ideal measuring stick for this electorate to judge us. If we have it in October the first thing we will hear from the new Deputies is, 'This is the mess that the previous Assembly left us with.' The electorate would have to wait four years if the next Assembly do not get it right, so I feel that a year is an ideal measuring stick for the electorate to judge us.

Thank you.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I totally support the contributions of Deputies Ferbrache, Roffey and Trott, in particular. I would just like to pick up on Deputy McSwiggan's point that extending to next June would provide a false sense of security. I beg to differ, or rather I think it is more nuanced than that. It absolutely provides more certainty than October.

As Deputy McSwiggan has said, we are not going to be in a normal state for a long time. It is my view that, as such, it is therefore far too soon to have an election in October. It means it will be a distraction at a time when the focus must and should be on the emergency in which we are now in. And it must be remembered we are in a recognised state of emergency.

As Deputy Langlois has said, having an October election will put huge pressure on our director of public health over the next few months, more than she already has been put. Because it is she who will be asked, ultimately, whether an election will be possible, and will pose an acceptable public health risk.

We are only a month down the road here. Choosing an October election will mean a decision will need to be made in the next two months. At that point we may know whether we are over one peak, but not if we are likely to see a second or third. Whatever the situation, we know we are going to have to maintain social distancing and strict hygiene rules for many months to come. Okay, that may mean we can use postal voting, but it is my understanding that there are real concerns where elections have high levels of postal voting. So it may be a free election, but will it be a fair one?

Of course the debate we are having is not unique amongst the world democracies. The same is happening in New Zealand. If people have been following what has been going on there, they have taken early lockdown measures like Guernsey and they are actually looking at elimination of the virus right now. Now they are looking at postponing their election, which interestingly is due to be held in September.

Now I am speaking as someone who just over a month ago, indeed a day before we had to agree to quarantine measures for those coming from China, decided that she was not going to stand again because she wanted a new challenge. Clearly things have changed somewhat since then and I have not got that excuse any more.

The challenge facing me and the rest of this Assembly is the greatest that any group of elected representatives have had to face since the Second World War. On that, Deputy Laurie Queripel referenced the 1945 UK general election taking place before the end of the war. Well he conveniently forgot that the election due to be held in 1940 never took place. There was indeed no election for 10 years.

Deputy Merrett talks about crystal balls. No I have not got one and I do not read tea leaves either. What I do like to use, though, is logic, and logic says we will not be in the place to have a free and fair election by October and that is why I support this amendment.

The Deputy Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I completely agree. My point is more a point about the practicalities of having an October election and what is purely, from a selfish point of view, as President of Employment & Social Security, we have to bring our annual uprating to the States each year and I think it will be very difficult for the timeline outlined in the main policy paper to actually have our uprating policy presented to the States in a timely manner and also for the Budget to be debated in a timely manner.

If we looked at an October election, with the new Members sworn in on the 30th October, it would become almost impossible to have a Budget debate in the November period that we usually have that debate and this Budget is going to be one of the most important Budgets that we will have had for many years, probably since the Zero-10 era and probably even more important than that debate, according to Deputy Trott.

So my concern is that the practicality of having an October debate, the importance of us discussing a Budget and having an Assembly that has some understanding of the fiscal pressures,

we have also got the fiscal review that was due to come back to the States in June 2021 and I think it is important to have some continuity and some real understanding and depth of knowledge of the financial impact of the virus and on our economy.

So mine is from a practical point of view, I cannot support the main Proposition. I will be supporting the Le Tocq/Brouard amendment, predominantly because I do not think the October date is a practical date and we have so much business, important fiscal business, and economic business that we need to discuss and we will not be able to do that in the timeframe that that permits.

Thank you.

The Deputy Bailiff: The next person I will call to speak, the next Member is Deputy St Pier please.

Deputy St Pier: Thank you, sir.

I shall be relatively brief. The comments from Deputies Roffey, Trott and Soulsby very much echoed my thinking and also I endorse the comments of Deputy Fallaize about the prospect of a half-pregnant parliament under the SACC's original proposals. Either parliament is sitting with full authority or it is not and I think it will be incumbent on this Assembly to prioritise in a way that it has perhaps been unable to do for the last four years, with the rigour and determination which this crisis will impose upon us. That will require us to determine what business does need to be considered over whatever period is left to this Assembly.

So this is a deeply undemocratic decision, to postpone a democratic election. I think everybody recognises that. But it is of course a deeply necessary one and it is driven by an experience that has never happened in our modern democratic era. This is completely unique for us as a community. Comparisons to even the First and Second World War are not entirely appropriate, given the different role and system of Government and the existence of democratic elections in those periods are not the same as currently exist. So this is a completely new experience to us.

We have already had to take the decisions endorsed by the Assembly yesterday to remove a significant tract of personal liberties. That really gives a scale and sense of the era in which we are living. I, like no one else, know the course of this particular emergency, but I am as confident as I can be that there is not a cat in hell's chance that, by July, we will be in any point where we could make a decision to proceed on a go/no go decision for an election in October.

I would have preferred a flexible approach that would have allowed us to exploit a window of opportunity for an election at some point between now and June 2021, if the circumstances allowed. If the advice appeared to be that we were between peaks, that allowed an election to be held. But I am advised if I sought to pursue that line, it would take at least three or six months' notice to organise an election, not least because of it being the first Island-wide one and the more notice the better and therefore the logic of fixing a date and sticking to it did seem to be pretty unimpeachable at that point.

I want to just finish with some final comments about the matter of personal advantage because a number of members of the public have contacted us, all over the last few days, to not only point out as we have already accepted that this is an undemocratic, albeit necessary decision, but also that it is being undertaken for personal advantage.

I think, certainly in relation to my own position, I had probably decided a few days before this emergency broke that in fact I would be seeking re-election this year. The last few weeks have obviously been an extraordinary experience for us all. But for Deputy Soulsby and myself, we just happen to be the face and voice of Government right now and that has given us a political popularity which will never be surpassed by anything that we may ever choose to do again. We are absolutely at the zenith of our political popularity. That is, frankly, a recognition of the stage of the cycle of dealing with any emergency.

We have dealt with the warnings that take place before the crisis hits; the crisis hits, there is a period of heroism and honeymoon, which is where we are now; and it will be followed by

1025 disillusionment as the pain of the consequences of this crisis take effect. I am certainly aware that
is downhill all the way from here from me. I feel like a radioactive isotope. I am not sure what my
half-life is but I know that it is only going one way.

So personal advantage for me would undoubtedly be an election on 17th June this year or as
soon thereafter as is possible and any delay, I suspect, is not going to serve me well. I do think it is
1030 worth making that point and I am making it very personally in relation to me, given the fact that
Deputy Soulsby and I have been so much in the limelight in the last few weeks and to emphasise
that it really can play absolutely no part whatsoever in this decision.

The decision has to be driven by what we believe is to be best for this community and given that
I have concluded that an election in October is not achievable, then the only viable alternative would
1035 appear to be June next year, given that some kind of flexible approach is not possible and on that
basis and on the basis also that I do not wish to have a half-pregnant parliament, I do regard these
Propositions in the amendment to be better than those already presented and I will be supporting
the amendment sir.

1040 **The Deputy Bailiff:** Deputy Le Pelley. Deputy Le Pelley do you wish to speak?

Deputy Le Pelley: Hello?

The Deputy Bailiff: There you are, Deputy Le Pelley. I have just called you so you have got the
1045 floor.

Deputy Le Pelley: Thank you very much indeed.

I will repeat my opening lines. I have been listening with intense attention over the last two hours
or so and I have been impressed by the quality of the speeches that have been made on both sides.
1050 Unfortunately, it leaves me sort of still swinging somewhere between the two sides of the argument.
We have, as many people have already stated and I do not want to go over all that everyone has
said, but we have two things to look at here. One is the actual safety of holding an election and the
other one is the comfort in getting things done correctly and finishing things off and making sure
they are neat and tidy for the handover.

1055 I think really what we have to solely look at here is whether it is safe or not to actually have an
election at the earliest convenient time and the earliest convenient time, the time that is actually set
obviously is 17th June. I think everybody has agreed, every speaker that I have heard so far, has said
that is not a viable date. I wholly agree with that – 17th June is just not possible.

But where do we go forward from there? I heard yes, we could actually decide to go for October,
1060 knowing that there is a safety valve in place, that there would be a review held in June or July rather,
that would actually decide to defer if it was not safe. But that is a bit of a stop-start scenario. Others
have already expanded on that.

Whether it is better for some people to be elected or re-elected at a particular time I do not
think really comes into the argument at all. I think it really has to be what is the neatest thing for
1065 democracy, the safest thing for people who are going to be taking part. What I do not want to have,
though, is some form of Executive Government creeping in through a Covid back door. I think we
have proved, in the last session that we have had, and also the practice session, that this remote
system does work.

I do not mind if the CCA and the P&R actually combine to make decisions that relate to Covid-
1070 19 safety measures, that is fine. But the other States' business, I think, could quite happily be carried
out by the States working as they have done today and yesterday. It is manageable, it is workable.

So really, all I am saying is, having looked at both sides, the safest thing is probably going to be
to defer for the year. I am waiting to hear what the proposer and the speaker has to say.

Thank you.

The Deputy Bailiff: Well Members of the States, I am pausing very briefly to see whether any of the handful of Members who have not spoken in debate on this amendment wish to do so. Because they are not indicating their wish to speak, I am going to turn to the President of the Committee, Deputy Inder, to reply on the amendment, before turning to the proposer, Deputy Le Tocq, to conclude the debate on it.

So Deputy Inder, please.

Deputy Inder: Thank you, sir, Members.

It has been a long debate but it is the right debate to have. We are talking about our democracy and there are quite clearly two very significant views. I will try and persuade people that have wavered to stick with the SACC Propositions and I am going to take a while, because I think it is worthy to go through most of the comments here. You are going to have to bear with me.

I have got to start with Deputy Le Tocq, sir, Members. I think the premise Deputy Le Tocq for this amendment just has no logic in this at all. I will start with what he said initially. He spoke about breaking the Rules and conventions and he said we had broken the rules and conventions. We did not break the Rules and conventions. The situation that we are in now has made us change the Rules.

He then goes on to say, and I think Deputy Smithies touched on this, therefore if you break one Rule, you therefore have to lose all of your other principles. Well I am afraid the world does not work like that. I have looked through the explanatory note for the amendment and you have arguments which, I am afraid, is fairly weak. Second paragraph of the explanatory note:

Whilst it understands the reasons underpinning the States' Assembly & Constitution Committee's proposals set out in Propositions 2, 3, 7 and 8, it is of the view that as much remains unknown about the long-term progress of the virus, and as the Bailiwick has now had to progress lockdown measures on the first case of community seeding being diagnosed, it is more appropriate for the Election to be rescheduled to 16th June, 2021.

Why? We have seen no modelling at all from HSSC, none whatsoever. So that is just basically opinion. That is all it is. It is opinion. It then goes onto say on the explanatory note – Deputy Brouard as well, I must of course mention Policy & Resources:

The Policy & Resources Committee is unanimously of the view that, on balance, and notwithstanding that it is a very significant decision for a government to extend its own term of office, that the community and economy will be better served by a definitive decision to extend the current political term for one year.

What is that based on? That is based on nothing at all apart from that five Members have got in a room, agreed to extend a year and they have no evidence whatsoever as to where the modelling and the curve of this disease may or may not be. I genuinely was waiting for a clear argument from senior Members of the Assembly and genuinely I have seen nothing particularly forthcoming.

He effectively said in his opening speech, and it is a repeat of the explanatory note, he says that he is certain that we will be in no better decision than now, in July, to make that decision. That is not data, sir, again it is just opinion.

Hopefully, I can speed through some of these. I think Deputy Prow said something very pertinent and, as other Members have spoken on both sides of the argument, but it is a significant decision to extend this term. From one side we have got Deputy and I think, as Deputy St Pier was one of the last speakers, he recognised that and I think everyone does, but he also makes a point that the fiscal position of the Island is actually one of the reasons to hold an election.

Whatever happens in the last three or four months, Deputy Trott has spoken about the cupboard being bare. Why would it be the current Assembly that holds its position to sort out the problem? Why do we think that we are the only people on Planet Guernsey that are in the position to have the only ideas?

Why do we think it is the collective wisdom of this Assembly, in one of the direst straits we have been probably since the first time a ME109 turned up on Guernsey's air strip, with a German soldier, telling us we were being occupied, why do we believe that we are only people, this body of 40

1120 people are the only people in the Island to have any views on how to fix what will be a long term strategy to get the Island out of this? Deputy Prow is absolutely right. I must admit sir ... No, I will leave it at that at the moment because I might end up taking it too far.

Deputy Laurie Queripel spoke about he had concerns about October and going forward to June 2021. I accept that we could look at an earlier date if it was possible. I am only using Deputy St Pier because I think he is the last person to have spoken, and other people said similarly, that SACC
1125 could come back with ... what he was saying was our policy letter was fairly inflexible and they were not happy with the October date and therefore you have got to run to the June date.

But it would be perfectly possible for us, and I think Deputy Lowe mentioned this as well, possibly Deputy Roffey, we could look at a November date. Again, if you have got modelling in July. I am not entirely sure we could move it to the depths of winter and probably, if Members are accepting
1130 of that, we could look at April or possible a May date as well. I have spoken with Deputy Merrett and Deputy McSwiggan overnight so we are not averse to that. I think I did say in my opening speech that we were open to suggestions and that is one of the suggestions that we could take away from this.

Deputy Queripel also makes the point, I think he used the word 'aftershock' of the virus – to be fair and as Members have pointed out, it is more likely to be a series of aftershocks over an extended
1135 period and the effect on the public finances – and he is correct. We cannot hold the election back forever.

There is a danger, in some of the arguments, at the moment we do not actually know where we are on the curve, we do not know if there is going to be steps. We do not know if we are at the top
1140 of the hill, we do not know if we are on a flat-topped mountain. There is a likelihood, weirdly enough, because we do not know now, the same arguments could be applied to hold back a July election in 2021.

If we do not know where we are now. If the virus has not been contained, if there is not a vaccination ready at the time, there is no reason that the October election, the same arguments
1145 would not be applied to a June 2021 election. Deputy Meerveld, thanking him for the support for the amendment and he understands that we only have a legitimacy until 30th June this year and agrees with a go/no-go date in July being the right decision and I thank him for that support.

Deputy Green said that the election is a vital component of a functioning democracy and he agrees that there is no clear evidence that we are in a position to have a long date of 2021. He is
1150 right. In the absence of any data and we probably have got a lot of information but we have not managed to string it out along a graph line at all, the reality is that most of the reasons to not look at the July go/no-go date and reject an October date is just opinion and for an Assembly that on every single policy letter talks about evidence-based decisions, talks about how we have to listen to the experts, I frankly find it almost astounding that we seem to have set aside anything that is called data, anything that is called evidence. We are basing this decision on our own personal
1155 opinions.

Deputy Tindall, a member of Health and I thank her for showing some support for the policy letter and, of course, she did pay homage to the health team and I will not go into that more than that, but I cannot disagree with that at all and I wholeheartedly agree with her that the health teams
1160 are out there doing a fantastic job.

But it is fascinating, we have had five Members of Health who have spoken to this and I challenged everyone to talk about modelling. We have got three, I believe, that are for the original policy letter, and two against. At no point have we spoken particularly about the modelling and I will get to Deputy Tooley's point later on.

Deputy Lowe, like other Members, believes that we could bring other dates and she believes
1165 that SACC is probably a little bit too fixated on an October date or possibly a forward July date. I have mentioned that. It is entirely possible for SACC to come back with different dates, once we have the modelling, once we have some kind of data.

Deputy Brouard, similarly to Deputy Le Tocq, he says that he does not know where it will all end
1170 but, there again, that is my point Deputy Brouard. No one does. But Deputy Roffey, this is an

interesting speech from him. He said, and these are his words, that he was keen to have an election and he said that this States has not been a vintage States. These are his words, not mine. Yet he goes on to make an argument that we should stay in place as long as possible.

1175 Now, sir, again, there is an element of, within Deputy Roffey's speech, that basically Mummy knows best. Not only are we not a vintage States, he is also making the argument that we should therefore stay in position. I am sorry, in classic Deputy Roffey style, anything that counters his argument he reverts to the rhetoric of 'ludicrous', 'wishful thinking', 'it is my way or no way'. Well I am sorry Deputy Roffey, through you sir, you cannot ride two horses. We are either not a vintage States, which he has not been particularly happy to serve in, or we are a good States that deserves
1180 to carry on and exit ourselves out of the strategy. I am very surprised at Deputy Trott and Deputy St Pier and Deputy Soulsby, all three who have agreed with those remarks.

So what is it to be? Are we the best States to deliver ourselves through and out of this strategy or are we a States that has not served well? You cannot ride both horses, or in Deputy Roffey's case, I think he is trying to ride the whole herd.

1185 To be perfectly honest with you, I actually wonder if anyone has read the policy letter, or if Deputy Roffey has even read the policy letter. He seems to think, and again he asserts that we are definitely going for October. We have not said that. We have said that there will be a go/no-go date and if October is achievable or possibly we could come back with slightly different dates, once we have the information, once we have the evidence, once we have the data, we will basically make a
1190 submission to the States and they will be there to decide.

As I said in my opening speech, I do not feel particularly obliged that we should go for October. It will be based on where we are, whether it is possible to deliver some sort of election that looks anything like free and fair, and if it is not possible, I will be the first on the committee, as I have said in my opening speech, to make that recommendation that it is not possible.

1195 Now Deputy Trott says that an October election will pre-date a Budget. Well that is quite surprising because I was under the impression that we were likely to have an emergency Budget before that time and I would encourage Policy & Resources to think very carefully about that. Because how on earth we can carry along on this path, in Deputy Trott's words, where the cupboard is bare, and wait until November to have some kind of Budget is almost incredible.

1200 We do not have the give-way Rule any more, which might be quite handy, but he might want to come back on a point of order. I just do not even believe that we are going to have a full Budget because our budgets are shot to pieces. That which we approved last year is shot to pieces. The Budget is bare. So why they use that argument, that we are in some way going to wait for an emergency Budget, whenever it appears, we are not even able to deliver the accounts in June/July
1205 and we are going to carry on in the same way as we have carried on over the last few years is almost incredible.

Sir, I think Deputy Trott has asked for a point of correction?

1210 **Deputy Trott:** Yes I just did. Is that possible?

The Deputy Bailiff: It has not appeared in the Chat, which is why I have not called you on a point of correction, because that is the guidance, but if you are saying, Deputy Inder, that you are aware that Deputy Trott wants to make a point of correction then I will call him to make a point of correction. Deputy Trott.
1215

Deputy Trott: Thank you, sir.

Unusually for me I wrote a speech and what I said was that an election in October would be by far the easier the option. It will probably pre-date the Budget. I do not think, if we were to be going to the election in October, it would be particularly wise for this Assembly to bring a Budget, sir, and
1220 as a consequence of that the baton would be passed, which is precisely what I am trying to avoid.
Thank you, sir.

The Deputy Bailiff: Thank you. Deputy Inder to continue, then, please.

1225 **Deputy Inder:** Okay, Thank you, sir.

I heard Deputy Trott's point of correction but, in reality, I do not think this year is going to survive a Budget that will not come well before any October election. I am afraid Deputy Trott, who I have got a lot of respect for, there is an element in his piece of basically, 'I know more than you. This is my position and it is only me that can do it.' I struggle considerably, like many Members of the
1230 Assembly should do. He did make some reference to me being the newest Member of this Assembly, which made me chuckle, because he is one of the oldest, so the problems are on both sides of the hat, sometimes I wonder.

Deputy McSwiggan, again, a very good speech and of course I thank her for her support. Deputy
1235 Hansmann Rouxel spoke about possible dates and, as I mentioned previously, we did have an email exchange. I think she has fallen on the side of the July date but hopefully I might be able to convince her back that if the Assembly takes on board the concerns of the Assembly at the moment we could look again at not just an October date, possibly a November date, possibly a March or April date, so I am going to bring her back. What she does do and quite sensibly, she also tips her hat to the greater use of technology and I think she is alluding to that we need to think smarter than any
1240 previous election.

We spoke about free and fair elections. I think even we can recognise, I would be one of the first people to use technology. I was told a couple of years ago, it seems like a long time now, that online voting would not be possible, it will not be deliverable by July, the organisation, I am fairly sure of that. But, if this disease is going to be endemic over a number of years, which we suspect, suspect
1245 it is again just opinion, my opinion, we are going to have to use a smarter use of technology and technology just does not mean the internet. It may be different types of polling stations, it may be different types of PPE, social distancing. The reality is, I think, as Deputy Laurie Queripel said, this is more about, he used the word aftershock, but it is quite possible the disease itself may have many aftershocks over the next few years until we get to , only that I have read or seen, possibly a vaccine.

Deputy Langlois, he suggests that SACC will put, and this has been used by Deputy Soulsby,
1250 Deputy Tooley and Deputy Langlois, alluding to SACC will put the Director of Public Health in an impossible position by asking her, 'if she could guarantee an election would be safe to hold'. Now we are not stupid people. We are clearly not going to put any pressure on the Director of Public Health.

If anything, we would be expecting by now, from Members of the Health Department, to be
1255 looking at some kind of modelling and, hopefully by the June/July period, we will have some indication again – I keep having to repeat this – where we are on this curve. SACC is certainly not going to write to the Director of Public Health, with all the pressure that she has got along with her team, and say, 'Tell me if it is possible to hold one in October ...' And then use that as some kind of
1260 stick to beat the Assembly with. It is just a ridiculous thing to say.

At this point, sir, I must refer to Deputy Tooley. This is another Member of Health. She is another Deputy suggesting that SACC is putting and will put some kind of pressure on the health services. Now that is fascinating. That is an interesting point. From a Member of Health. This is from a Member of Health. It suggests that there is likely to be no public modelling from here to eternity.
1265 Now that actually poses another question. This simply cannot be true. There appears to be no modelling for where we are on the curve –

The Deputy Bailiff: Deputy Inder there is a point of correction, now, from Deputy Tooley, so I will call Deputy Tooley to make a point of correction please.

1270 **Deputy Tooley:** Thank you, sir.

I spoke not of pressure from SACC being placed on the Director of Public Health but of pressure from the community, who might be led to believe that an election in October is possible. I also think that the level of pressure that could be placed on our public health services team by requiring them

1275 to do the sort of extensive modelling that Deputy Inder is talking about, while they are dealing with a public health emergency, might be a step too far.

Thank you.

The Deputy Bailiff: Deputy Inder to continue, then, please.

1280

Deputy Inder: That is a perfect segue in to the rest of my piece on this. So it is fairly clear, according to another Member of Health, that there would be some pressure on the public health service to conduct some kind of modelling. Well, as a Member of Education, there must be some modelling being done at the moment because we are already talking about, well we may well be talking, I am fairly sure as a Member of Education, she should be asking when the kids are going back to school.

1285 Now Deputy Gavin St Pier has spoken about exit strategies. Now you cannot talk about an exit strategy without having some form of modelling. It is not possible. So how can there be modelling for the economy, potentially modelling for education, but no modelling for an election? It does not make any sense and it is unlikely to be true.

1290 You have either got modelling, of which all parts of the community, and possibly committees can feed into, we are going to know whether we can run trains, planes and automobiles; we are going to know whether we can run education. But all of a sudden we have suddenly got no modelling for the election. There is no logic to that at all. It makes no sense whatsoever. I am not even too sure if it is even true.

1295 Deputy Fallaize talks about this half-pregnancy. We mention this, half-pregnancy, I think Deputy Tindall said something to that, we are either a Government or not, I think Deputy St Pier said the same thing. The thinking behind that, as I mentioned in the policy letter and also in the opening speech is that what happens at the end of each term, very busy committees try and back up all their policy letters into a last few Meetings of the term to get their pieces of work over the line.

1300 The idea behind this, and I think it is extremely sensible, we should be in a position over what is in effect a period of grace, as I hope we are going to cancel the 17th June election at the end of this, is that we are effectively flattening our own curve, flattening a curve of business. We know the Civil Service are under an extreme amount of pressure. I am aware now that members of VisitGuernsey, soldiers within the actual team, have been moved across to do other pieces of work.

1305 Now, if we know the Civil Service are on that kind of pressure, why on earth would Deputy Inder be coming up with a hobby horse requête? It would be entirely irresponsible. We know that the CCA, or whatever version comes out of the CCA in the next month or so, is likely to have urgent and emergency powers to put in place, and we are fairly sure, as mentioned by Deputy Trott, that with the cupboard being bare, we are going to have to think very differently on how we do business in the future.

1310 In all likelihood, unlike what Deputy Roffey thinks – and I must go back to that – Deputy Roffey seems to think that while the cupboard is bare, do not worry, we are only going to have some emergencies of work and all of the policy letters can come back in autumn. If the cupboard is bare, the cupboard is just bare. We are going to have to have some very tough decisions.

1315 So it would be entirely unreasonable for us, as people who have been given a period of grace, for the irresponsible Deputies who may or may not be out there, to decide that they just want to bring new pieces of policy, or new pieces of legislation. We have a responsibility. It is supposed to be used, and I will use the Twitter tag #GuernseyTogether. That actually includes us as well. That includes us as politicians.

1320 It is not for us to be dealing with extra pieces of work, beyond existing pieces of work, which may or may not exist anyway within the next couple of months, and it is absolutely fair for us to recognise that we are in a period grace, we should recognise that the Civil Service are under an extreme amount of pressure and it is no for us to be bringing our own extra pieces of policy work.

1325 I thank Deputy Merrett and Deputy Victoria Oliver, both are sort of fully paid-up members of the CPA and I know Deputy Merrett has spent a lot of time working with the CPA, done a few

courses, and I am glad and I thank her, she would make a fine president indeed and makes the argument that we should not be holding the election any further than need to be.

1330 I think you will be glad to know I am kind of coming to the end of this. Ultimately this is down to a decision of the States. If you are lucky, Deputy Le Tocq will not sum up longer than I have done. It is down to us as an Assembly. I can only emphasise, right now there is no data whatsoever.

1335 I have spent the last three years having evidence and science shoved down my throat at every single term. Right now, we are now about to make a decision, hopefully to support the cancellation of the June election, because that is where the evidence is, but what you cannot do with the information that you have got in front of yourself is jump straight to June of next year. You cannot do it because you know you have no evidence, you have no data in front of you. You have none whatsoever and it would be the wrong thing to do. That is it. I have done my piece.

1340 **The Deputy Bailiff:** Thank you very much and so, finally, I turn to the proposer of this amendment, numbered 1, Deputy Le Tocq, to reply to the debate. Deputy Le Tocq please.

Deputy Le Tocq: Thank you, sir.

1345 I will not be very long because I think there have been some excellent speeches and I will try not to repeat, particularly, the things that Deputy Roffey, Deputy Soulsby, Deputy Shane Langlois and Deputy Trott have said, which I think all have great merit. But I do want to start by picking up on some of the things that Deputy Inder, who is a very good President of the States' Assembly & Constitution Committee and with whom I normally fully agree with, I just want to pick up on the point he inferred from what I originally said in my opening speech on the amendment.

1350 He thought I was saying that if we break the Rules then we can go on to break others. In fact it was the opposite that I was saying, so I am sorry if there was confusion in that. But I think, in breaking the Rule that an Assembly should not extend its term by delaying the election, we need to be careful then, that when we choose when to hold that election – because we are not putting it off indefinitely – it is not like Louis Napoleon deciding to make himself Emperor permanently after the First Republic – we are saying a democracy must be returned, but it needs to be done in a fair, free and safe way, under the auspices of the Venice Commission, which we have talked about before
1355 when we discussed this whole concept of having our first Island-wide election.

My premise, ultimately, is that it will not be possible in July this year, to make a decision based on evidence, which Deputy Inder kept on referring to, to hold the election in October under those auspices, so we will be breaking other Rules if we went ahead thinking we could do that.

1360 The reason for that is quite clear and the President of HSC has made it clear, I think, to me and to many, that the modelling that needs to be done will not be in a position in June to inform us to make that decision in July, the reason being is the modelling will be very dependent on how this period of lockdown has transpired and what the effects of it have been and then, coming out of lockdown, the exist, which we will still be in around then, the effects that exit will have on any
1365 potential second and third waves.

So it is pretty clear to me, on that evidence, that we will not be in a position to say we can have a fair and free election in October and I say that sir in addition to all the other reasons that have been alluded to that I mentioned before.

1370 I think there was only one Member who asked some questions, who was Deputy Tindall, and I am very grateful to her that she emailed those questions to me because I had not been able to make a note of all of them at the time when she spoke. Her questions were, if we set June 2021 do I believe that SACC cannot come back at some earlier date if feasible?

1375 Of course all things are feasible and this Assembly can choose to change its mind on things. That would not be the first time that it has done that, so it is perfectly feasible. However, I will say on that, and I may come back to this, and Deputy St Pier referred to this, having certainty about planning for an election, but particularly this election, because of the methodology and because of the circumstances we are likely to need to cope with at such a time, makes it much better in terms of ensuring it is fair and free.

1380 I will give one example of that and a number of people have contacted me and, no doubt, other
Members, saying, 'Why do we not just make it all on postal voting?' Well there are all sorts of
problems with postal voting and one of the issues, I think it was Deputy Dorey that raised this
before, is the problem of coercion. You cannot guarantee that there is no coercion and so where
there is a high degree of postal voting, which we were already likely to have, it is no doubt that that
would be criticised as observers as not being compliant with the Venice Commission. So I do think
1385 it is very important that we bear that in mind.

Having said that, sir, I will say that there is opportunity for us to look at alternative methods that
would enable a fair and free and safe election to take place under conditions where social distancing
and other restrictions might be in place. For example, we did not have time for this election that
was planned – or that is still currently planned – for June of this year, but electronic voting booths,
1390 for example, as I think Deputy de Sausmarez pointed out, had been in place in South Korea for a
recent election, could potentially be brought in here, which would enable the open air, safe
conditions and a sort of more normal, in fact probably a greater efficiency in terms of the time
taken, to run a ballot in that way.

That could be brought in but it certainly will not be possible to plan to do that in October. It has
1395 taken us eight months or so to plan for this election without those facilities. Planning in the current
circumstances for such facilities to be available will certainly not be possible for October, I am
absolutely certain of that.

Deputy Tindall's second question was do I accept that Rule 18 is a blunt instrument? Yes I do,
but we are in exceptional times and I think, as such, we should bear in mind that those types of
1400 measures and procedures are necessary. And will the next policy letter on Executive Government ...
as far as I know there is no policy letter on Executive Government being proposed. But I think I know
what she means. She is referring to the review that I was commissioned to take under P&R, in order
for our machinery of Government to be reformed effectively, so that we did not rely solely on the
contingencies Laws.

1405 That was turned around very quickly, in under two weeks or so, but we are still considering that
at P&R. I think that is an example of how, in the current circumstances, it takes perhaps longer than
we would like to come to appropriate decisions and move that forward. But the question was any
policy letter that we bring to the States, would it cover the interruption of ordinary business in terms
of the Assembly business? I think it would have to and certainly that is part of the discussion paper
1410 that we are considering as part of P&R. So I hope that answers her questions.

She asked, as well, are States' Meetings in the summer needed? I think it has been touched on
by a number of others. It possibly, maybe the case. But the point is if we delay to June of next year,
as the amendment implies, there would not at this juncture be a need to plan in Meetings in the
summer, which the SACC original Propositions had suggested, if we moved towards a potential
1415 October election.

In terms of the schedule of ordinary business, how can that be amended? Again, these are
matters I think that could be considered by SACC in an appropriate way. We are, for example, doing
this States' Assembly remotely for the first time. I think it has gone relatively well but I would use
that as an example that we have managed to, perhaps in a few weeks, get a few dozen of us to use
1420 the technology. It is a bit clunky, it takes a bit longer than before but that has been very successful.

I think using technology for an election, and therefore changing our legislation to enable that
happen is possible as well, but it would not be just for a few dozen. We would be talking of
thousands of people needing to be trained and how to use it properly and effectively. We would
need to ensure that there were people on hand to make sure that it happens. Sir it is not going to
1425 be possible for us to advise the States in July that we could do so for October.

So I will not go over previous arguments of others. I think it has been a good debate. There have
been good speeches on both sides. It is a political decision and this Assembly is our decision-making
body and so I accept that some have reservations, and I come back to the thing that I said right at
the beginning when I opened debate on this amendment. It gives me no great pleasure sir to lay
1430 this amendment and to suggest the things that we are suggesting, but we are in unprecedented,

unparalleled times, and it requires courage, as I think Deputy Trott referred to, and I encourage us to take that courage and vote in favour of the amended Propositions.

Thank you, sir.

1435 **The Deputy Bailiff:** Members of the States, we come to a recorded vote on the amendment numbered 1, proposed by Deputy Le Tocq and seconded by Deputy Brouard. Greffier.

There was a recorded vote.

Carried – Pour 22, Contre 15, Ne vote pas 2, Absent 0

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

* denotes Deputies who voted by proxy.

1440 **The Deputy Bailiff:** Members of the States, whilst the votes are being counted, let me tell you what is going to happen next, just so that you are prepared. If Amendment 1 carries, which I think it has but I will declare that in a moment, then I am going to turn to Deputy Le Tocq and Deputy Brouard to place Amendment 5, which Deputy Le Tocq indicated yesterday, opening this debate, is a little bit of tidying up that they wish to bring to Proposition 4. I would then turn to Deputy Tindall and Deputy de Sausmarez in respect of Amendment 3.

1445 Members of the States, on Amendment 1 proposed by Deputy Le Tocq, seconded by Deputy Brouard, is that there voted Pour 22, Contre 15, two je ne vote pas and therefore I declare Amendment 1 duly carried, which means that we now have 11 Propositions from Amendment 1 in play and I invite Deputy Le Tocq, if he so wishes, to now place Amendment 5. Deputy le Tocq.

[Amendment 5](#)

In Amendment 1 (proposed by Deputy J. P. Le Tocq and Deputy A. H. Brouard), to delete Proposition 4 and substitute the following Proposition – “4. To agree that the States’ Meetings currently scheduled to take place on 21st April, 2020, and between 1st May 2020 and 31st July 2020 shall be cancelled and instead States’ Meetings should be convened on: (i) 20th May 2020; (ii) 17th June 2020; (iii) 15th July, 2020 (Accounts and other business);”.

Deputy Le Tocq: Thank you, sir.

1450 This is simply, as you have said, a bit of tidying up. I should have said earlier that the original amendment was put together with the help of many other Deputies who I had become aware were going to lay similar other amendments, so we sought to put them together into one with the one that P&R had originally planned. In the heat of all the work that has been going on around, there is an error in the date at which we could properly be able to debate the States' Accounts and this amendment just seeks to clarify that to the July date and removing the June date was in the original amendment that is now in the amended Propositions, so I so move to do so.

1455 Thank you.

The Deputy Bailiff: Thank you very much, Deputy Le Tocq. Deputy Brouard, do you formally second Amendment 5?

1460 **Deputy Brouard:** I do indeed, sir, formally second Amendment 5.

The Deputy Bailiff: Nobody at the moment has indicated any wish to speak. But I will turn to the President of the States' Assembly & Constitution Committee to see if he wishes to exercise his right to speak on Amendment 5. Deputy Inder?

1465 **Deputy Inder:** No sir. I do not need to speak.

The Deputy Bailiff: Thank you very much. In that case, Deputy Le Tocq, there is nothing to reply to and I am going to put Amendment 5 to you, which is proposed by Deputy Le Tocq, seconded by Deputy Brouard, which would have the effect simply to delete Proposition 4 in Amendment 1, as the Propositions currently stand, and to replace it. I am opening the voting now for about 30 seconds.

Members voted Pour.

The Deputy Bailiff: Thank you very much, Members of the States. I am satisfied that the vote Pour was significantly louder than the silence in Contre. There are a handful of Members who indicated that they would not have voted, but therefore I declare Amendment 5 duly carried, which means that if we substitute Proposition 4 in that amendment for the Proposition 4 that is already in play. I now turn to Deputy Tindall in respect of Amendment 3 and see whether she wish to place that amendment. Deputy Tindall?

1480 **Deputy Tindall:** Thank you, sir. As I am satisfied with Deputy Le Tocq's answers in the speech that he just gave, I have asked the seconder and we agree we will not lay this amendment. Thank you, sir.

1485 **The Deputy Bailiff:** Thank you very much for that clarification. Now there are two amendments that have been submitted so far that are left, Members of the States, and that is Amendment 4 and Amendment 2. I am proposing to take Amendment 4 first, on the basis that that will add to Proposition 6. So I am going to invite Deputy Soulsby, as the proposer of that amendment, if she wishes to speak in respect of it. Deputy Soulsby.

[Amendment 4](#)

To amend proposition 6 by inserting at the end of the first sentence – “, subject to item “P.2020/74 – Committee for Health & Social Care and Policy & Resources Committee – Urgent Capital Bid – Replacement of the Electronic Patient Records System” being dealt with at the States’ meeting commencing on 20th May, 2020 and item “P.2020/42 – Committee for Health & Social Care – Modernisation of the Abortion (Guernsey) Law, 1997” at the States’ Meeting commencing on 17th June 2020”.

Deputy Soulsby: Yes, thank you, sir.

1490 I am just trying to find it on my laptop. Basically what we want to do is change the scheduled future business, which has now created a new one as a result of the success of the Le Tocq and Brouard amendment, for two items relating to the Committee *for* Health & Social Care.

One of them is on the electronic patient record system. We are confident that there is a tight deadline for this one, but by delaying it, which we think we need to, given the whole wider context of the impact of resources on the States, it might be best to leave it and also so as we can give more background information for States' Members, we would like that one delayed until May, rather than being debated next week.

We also think that, given all the focus at the moment, and everybody's headspace being in Covid-19, that really now might not be the best time to debate the modernisation of the Abortion Law. It does not feel like it is the right time to do that, so we are considering delaying that until 17th June. Those are the two amendments to basically the schedule of business.

The Deputy Bailiff: Thank you very much and Deputy Tooley, do you formally second that amendment?

Deputy Tooley: I do sir.

The Deputy Bailiff: Thank you very much. Does any Member wish to speak on Amendment 4? Deputy Tindall.

Deputy Tindall: Thank you, sir.

This goes to the last question that I asked of Deputy Le Tocq in the debate on the amendment, which unfortunately my shorthand version of that question did not bring the nuance to it. It was basically I would be grateful if there was at some point some explanation as to how this schedule amended in the amendment – excuse amendment again – is passed, how that schedule will then be translated in to the Schedule of States' Business. Will P&R be amending that and how does it work through?

Basically, is this amendment going to formally change the Schedule of States' Business for 22nd April? It just seems that there are two Rules being used here and it is a bit confusing. I apologise if I have not clarified that very well but I just wanted to understand the process.

Thank you, sir.

The Deputy Bailiff: At the moment I do not see anyone else indicating that they wish to speak on Amendment 4. All I will say is that I was going to use a dose of pragmatism when we come to the conclusion of this States' Meeting, so that there will be less need for formal amendments to the Schedule for Future States' Business for the 22nd April Meeting, but if anyone has the time or the inclination to prepare one, so be it. Deputy Inder, as the President of the States' Assembly & Constitution Committee, do you wish to exercise your right to speak on this amendment?

Deputy Inder: No sir.

The Deputy Bailiff: Thank you very much. Deputy Soulsby, as the proposer of the amendment, do you wish to reply to the debate at all?

Deputy Soulsby: No sir. I thank you very much for answering Deputy Tindall's question for me. I have got nothing else to say.

The Deputy Bailiff: Then Members of the States, we will go to the vote on Amendment 4, which is proposed by Deputy Soulsby, seconded by Deputy Tooley, which will have the effect of adding

1540 some extra words to Proposition 6 in the amendments as they currently stand and I will open the voting – even if some of you have already jumped the gun – for a few seconds now.

Members voted Pour.

The Deputy Bailiff: Well Members of the States, thank you very much. I am satisfied that there has been a majority of shouts Pour in the Meeting Chat, and therefore I declare Amendment 4 duly carried.

1545 Now Members of the States the final amendment on this set of Propositions that has been submitted so far is that numbered two, but because we have reached 12.30 p.m., what I am going to do, because there might need to be a little bit of tidying up with the proposer of the amendment, Deputy Roffey, just to clarify what it is that is to be done particularly by Proposition 2 in that amendment, what I am minded to do now is adjourn for lunch, because I understand that there are
1550 other things that people are going to do at lunchtime today and therefore we will adjourn until 2.30 p.m. unless anyone proposes that we shall adjourn to a different time?

In that case ... Deputy Inder you are proposing 2 p.m. but I am in difficulties at 2 p.m. I am afraid, as I need to be somewhere else. So that is why I am proposing that we adjourn to 2.30 p.m. I was really seeking an indication as to whether anyone wanted to adjourn until later than 2.30 p.m.
1555 Nobody is indicating a wish to adjourn to later than 2.30 p.m. and therefore we will now adjourn until 2.30 p.m., Members of the States. We are adjourned.

*The Assembly adjourned at 12.31 p.m.
and resumed at 2.32 p.m.*

Proposed Postponement of the 2020 General Election – Debate continued

The Deputy Bailiff: Members of the States, welcome back to the afternoon session. You should just have received by electronic means a revision to the amendment that Deputy Roffey, seconded by Deputy Graham, wishes to place. This is a replacement for amendment number 2, which had
1560 been circulated previously, and therefore, I am going to invite Deputy Roffey to open the debate on amendment number ... we will call it 7, but it is the replacement for amendment 2.

So Deputy Roffey, would it be helpful, do you think to have the amendment read out to Members?

[Amendment 7](#)

1. To add the following to the end of proposition 4: -

"and that the Schedules of items of business for these meetings shall include only matters related to the Covid-19 crisis, any other urgent items submitted in accordance with Rule 18 of the Rules of Procedure of the States of Deliberation, the accounts, any items deferred from the meeting of the 22nd April and such other business deemed pressing by the Policy & Resources Committee, with all other items of business being postponed for consideration at those States meetings to be convened for the period after September 1st 2020; provided that

(a) item "P.2020/74 – Committee for Health & Social Care and Policy & Resources Committee - Urgent Capital Bid - Replacement of the Electronic Patient Records System" shall be dealt with at the States' meeting commencing on 20th May, 2020, and

(b) item "P.2020/42 – Committee for Health & Social Care - Modernisation of the Abortion (Guernsey) Law, 1997", at the States' meeting commencing on 17th June, 2020."

And

2. To replace proposition 6 with the following propositions:-

"6A. To agree that the States meeting due to take place on 22nd April 2020 shall continue to be held for the purpose of dealing with those items set out in the attached Schedule together with any items of urgent business submitted in accordance with Rule 18 of the Rules of Procedure of the States of Deliberation.

6B. That notwithstanding the items of business for the meeting of 22nd April 2020 as set out in the attached Schedule, the business for the meetings due to take place in May, June and July shall only include matters related to the Covid-19 crisis, other items submitted under Rule 18 of the Rules of Procedure of the States of Deliberation, the Accounts, any items deferred from the meeting of the 22nd April and such other matters deemed to be pressing by the Policy & Resources Committee; provided that:-

(a) item "P.2020/74 – Committee for Health & Social Care and Policy & Resources Committee - Urgent Capital Bid - Replacement of the Electronic Patient Records System" shall be dealt with at the States' meeting commencing on 20th May, 2020, and

(b) item "P.2020/42 – Committee for Health & Social Care - Modernisation of the Abortion (Guernsey) Law, 1997", at the States' meeting commencing on 17th June, 2020.

6C. To direct the States' Assembly & Constitution Committee to submit a policy letter together with suitable propositions for the States to consider at their meeting on 20th May, 2020 setting out the revised dates on which States Meetings should be convened from 1st September 2020 to 31st August 2021 and the dates for making statements under the provisions of Rules 10(4)".

Deputy Roffey: No, I think I can explain it quite easily, sir. It is exactly the same as Members have seen earlier, with the provision that it has been updated to allow for the fact that the States decided this morning that two items from HSC that were going to be debated in the 24th April Meeting will now be debated at meetings later in the spring, which would have been prevented under my amendment if we did not specifically say that they could be allowed to happen. The idea wasn't not to allow them to be put back; it is to stop things actually coming forward that perhaps need not at this critical time. So I hope Members will be able to understand that.

Basically, just in a nutshell, I suppose Deputy Matt Fallaize made the point this morning that we have not yet decided to put off the election till next June. All we have done is put in a different set of proposals. But I am taking the vote from this morning as a fairly strong indication that we are likely to postpone the election to next June or, if the very recent amendment from Deputy McSwiggan succeeds, to next spring. In either case, the point of this amendment is saying, having extended the term, for the next few months can we focus very largely on the emergency that is facing Guernsey, which is the Covid-19 situation? There may be a few other really pressing and time-sensitive matters that we have to deal with, but by and large can other stuff be got out of our hair, be put back to the autumn or winter, so that our Government can really focus on what we need to focus on for the next few months?

As I said this morning in another context, over the next few months Guernsey's Government is going to have to make some of the biggest decisions it has taken in the last century. I am going to give just two examples, but there will be many, many more.

Firstly, we are going to have to decide how and when to ease the current restrictions. And make no mistake about it, we will be balancing off the competing imperatives of trying to save as many lives as possible, while at the same time trying to ensure that hundreds of otherwise sound businesses do not go through the wall, leaving our economy in tatters.

Secondly, we are going to have to decide how much cash to throw at emergency relief measures. We are going to be here balancing off the genuine hardship which will be and, indeed, already is being felt by some during this crisis, with the need to avoid leaving our children with an absolute debt mountain, which would be on their backs for a generation.

As I said this morning, sir, I have never in my time in this Assembly known a situation remotely like it – not one where the challenges are so big nor one with the risk of getting things wrong being more profound.

1595 It has been alluded to by a number of Members already that exactly how those decisions are going to be taken over the coming months, and the role of this Assembly as an Assembly, is sadly a bit of an open question at the moment; we are not clear. But whether the States as a whole are exercising executive powers, or whether they decide to delegate that to a smaller body and fall back more on a scrutinising role, one thing is absolutely certain: our focus as much as it can be needs to
1600 be absolutely on the COVID-19 crisis.

Just actually before moving on from that, I would like to have my twopenny-worth on what I think the role of this Assembly be play. I think that, a bit like Deputy Hansmann Rouxel said this morning, I would like to see a broadening out of the of the power base in making decisions over the next few months. Sadly, I do not think it is possible or rational, with the speed of decision-
1605 making that is going to be needed, to have those decisions taken by 39 people in conclave. But I certainly think we could broaden it out from the present situation of Government by CCA. And I also think that this Assembly as a whole needs to have a role and a meaningful role, even if it is only a scrutinising one. I do believe in hive intelligence being better than just a few heads. So I do hope that this Assembly has a very significant role going ahead forward.

1610 I think perhaps I also need to clarify a misunderstanding from this morning's debate about my attitude towards this Assembly. I seemed to agitate the President of SACC slightly with my speech this morning, and he accused me of riding two horses, neither of which beasts I am aboard at all. One horse I was accused of riding was saying that actually this Assembly knows best, and better than any other Assembly could possibly do. I was not saying that. I think a new Assembly could be
1615 *more* able than this one possibly – or less able, who knows? What I was arguing against was the dislocation of government for several months that an election brings.

But I was also told that at the same time I was suggesting actually, contradictorily, that this was a poor Assembly. I was not saying that. I said it had not been a vintage Assembly. By that I did not mean that its constituent parts were not talented; I think they are. I was trying to suggest that up to
1620 now, this Assembly has been less than the sum of its parts. Just to spell it out bluntly, I think there has just been too much disruptive chemistry going on, and as a result, we have not really reached the heights we could have reached.

Now I think on this occasion, actually, this is our chance to put that legacy right. I think this Island is watching us. They are not going to expect any personality politics or any disruptive chemistry over the next few months. They are going to want us to focus with the Island's interest and only the
1625 Island's interests at heart. I think that is what we should do. But we will only be able to do it if our focus is on the big picture.

Just like the UK Parliament, they want to be recalled; they are desperate to be recalled. It is mainly in a scrutinising role and a legislative role. Parliament over there does not have an executive role like the States of Guernsey has. But why do they want to be recalled? It is not to discuss HS2, or devolution, or any of the other items that could normally come up on their agenda. It is so that they can scrutinise the Government over COVID-19. And I think that is what we need to be focusing on as well.

But instead, as things stand at the moment, we are going to be debating a whole plethora of other items over the next few months. These range from energy policy to baggage-handling, from a plan for sport to a review of justice policy, from seafront enhancement to a review of our own code of conduct. Sir, if ever the phrase 'fiddling while Rome burns' was apt, it is surely now. Those are just the things currently lodged. There is also a whole plethora more waiting in the wings from the fiendishly complex and controversial issue of SLAWS to the Island's first new Education Law for
1635 several generations. It almost seems to me as if we are in denial of the COVID-19 elephant in the room. We just want to play around with business as usual, while the CCA or someone else tackles the Coronavirus crisis. And I do not think that is good enough. I think that we as an Assembly, need
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to step up to the plate: whether it is in an executive way or scrutinising way, I wait to see what comes out of P&R as a suggestion, and we will debate it.

1645 But in fact, even if we leave the real decision-making to a relatively small number, we owe it actually to them is well not to reduce their focus, because if the Assembly debates other stuff ... For example, there is no way that Deputy St Pier could not be an active participant in issues like anti-discrimination laws, SLAWS and several of the other big issues that we are due to debate – and I do not want him to be. I do not want him to be bothered with that. I want his focus to be, as I said this morning, absolutely laser-like on the current crisis. So that is why I want ‘any other business’, in
1650 inverted commas, over the next few months to be limited to the genuinely urgent and pressing issues.

Now, if I could, I would probably have applied that to today’s meeting, and to next week’s meeting as well. But I thought Members might deem that unreasonable. Sir, instead, I am proposing
1655 that the ‘urgent business only’, to put it in shorthand, applies only to the Meetings in May, June and July, with all less time-sensitive items being deferred until the autumn.

What would that mean in practice? Well, obviously, this meeting started a week or two ago. The business on today’s agenda can be completed, this amendment will not do anything about that. Although I would invite the DPA and the various groups of requérants, if this amendment is passed,
1660 to think about the zeitgeist that that suggests, and to consider whether or not they need to press for their items still to be debated at this Meeting.

It would also mean that next week’s Meeting can go ahead. So I can assure my colleagues, my erstwhile colleagues on Scrutiny, that it would do nothing to stop their long awaited powers coming into place. Although once again, I would invite all Committees that do have business listed for next
1665 week’s Meeting to consider whether it really is vital it is discussed on that day. And I commend HSE for deciding already that a couple of their items can actually wait a while and be pushed back so that the focus can be on COVID at the moment.

But it will mean after that, that the guillotine comes down and the things that were scheduled in the attachment to the Le Tocq amendment for the May, June and July Meetings will not then be considered *unless* they are deemed to be really time sensitive. And of course, that does not
1670 automatically rule them out. Any Committee with items that were scheduled to be debated then, or which could be submitted over the next week or two, can make a case to P&R that there is an absolute urgent need to debate their matter, and if they have strong arguments, I am sure they will. But the presumption should be that non-time-sensitive stuff should go back to the autumn or
1675 beyond.

I have got four reasons for doing that, sir. I will quickly run through them before finishing. The first and the most important is what I have already been stressing: the need for focus on the big issue and not being distracted on to other things.

The second, which is almost as important, is the fact that many of the items we are due to debate
1680 over the next few months have significant cost implications. Now, I want to have a much clearer idea of the impact that this crisis is going to have on public finances before making those decisions. I think we should all want to know that. As I said, this morning, we know it is going to be bad, but how bad? By the autumn, we might have a much better idea.

In fact, I think items that come forward now with a cost implication are likely to be thrown out
1685 as a matter of prudence just in case; and I think that that would not be wise either. So I actually think they will be better debated later in the year or early next year.

Then there are also the third reasons that some of these big complex issues in the wings, like SLAWS and how to make the long-term care insurance scheme sustainable, or the anti-discrimination laws, are so complex and so many-layered that they do not readily lend themselves
1690 to what I regard – and maybe others disagree; I am picking up that some people are really enthusiastic for the medium of remote briefings, but I think, for the really complex stuff, they are no substitute for trying to debate in person. I know we do not know that will be the case by autumn or winter, but it might be and if there is any chance I would rather do it in that format.

1695 There are just a few things that do not work properly, I think, remotely. Any Questions does not work remotely. *Have I Got News For You* has turned from a hilarious programme full of personal chemistry into something absolutely sterile. And I think that sometimes States Meetings, certainly complex States items to be debated, will lose out as well by using this medium.

1700 Sir, without having decided to put back the election – although I think the implication is we are going to decide to put back the election by many months – we know that there will be spare debating time available over the autumn and winter. Because the natural current of policy letters, and the way they come forward means that once the current crop of those that have been already submitted, and those just waiting in the wings to be submitted, once they have been dealt with, the normal cycle means that there will be very few coming through the pipeline in the months after that.

1705 Sir, this is really down to Members. The lockdown has limited my opportunities for canvassing the views of others. And I do know that my dislike of debating big ticket and controversial items remotely is not shared by other Members. In fact, they seem to be quite enthusiastic over it. But there is one thing I think we should be able to all agree on, and that is our top three priorities for the next few months. They are: Covid-19; Covid-19; and Covid-19. Anything else will be a distraction.

1710 So put simply, this amendment is an invitation to put back anything else, unless it is really urgent and time sensitive, back to the meetings that will be scheduled for September and afterwards so that we can focus on what really counts, and I hope Members can support that.

Thank you very much.

1715 **The Deputy Bailiff:** Thank you.
Deputy Graham, do you formally second that amendment?

Deputy Graham: I do, sir.

1720 **The Bailiff:** Thank you very much. I am going to call Deputy ...

[There were technical difficulties thereafter with the recording.]

The Assembly adjourned at 5.55 p.m.