



# BILLET D'ÉTAT

VII  
2002

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TUESDAY, 14th MAY, 2002

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STATES ADVISORY AND FINANCE COMMITTEE

AND

STATES PROCEDURES AND CONSTITUTION  
COMMITTEE

THE MACHINERY OF GOVERNMENT IN GUERNSEY

# ***B I L L E T   D ' É T A T***

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## **TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY**

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I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on TUESDAY, the 14th MAY, 2002, at 10.00 a.m.**

(N.B. – If the States of Deliberation approve the new Rules of Procedure at their Meeting on the 24th April, 2002, the above Meeting will commence at 9.30 a.m.)

**THE JOINT COMMITTEES OF  
ADVISORY AND FINANCE COMMITTEE  
AND  
STATES PROCEDURES AND CONSTITUTION COMMITTEE  
THE MACHINERY OF GOVERNMENT IN GUERNSEY**

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
Guernsey  
GY1 2PB

11 April 2002

Dear Sir,

1. On 10 December 1998 the States resolved that a Review of the Machinery of Government should be carried out, and that the Advisory and Finance Committee and the Constitution of the States Review Committee (now the States Procedures and Constitution Committee) should, following consultation, jointly submit proposals to the States.
2. Those proposals are contained in the attached Report, which provides the details of the Review, the consultation, and the conclusions and recommendations of the Joint Committees.
3. It is clear that there is a considerable balance of public opinion in favour of some major changes to the Island's form of government, and this accords entirely with the Joint Committees' views. While there is a divergence of views, both amongst the public and within the Joint Committees, as to the most appropriate form of government, and the details of the governmental structure, we are satisfied, from the consultations and surveys carried out, that the majority would be in favour of the proposals contained in the attached Report.
4. The prime purpose of this Report is for the States to give direction as to the Island's future form of government, and to set in motion the actions to implement the States' decisions.
5. In arriving at their conclusions the Joint Committees have been mindful of a number of principles underlying the process of change, and determining the need for change. These include:
  - The need for clearer leadership within the States.

- The need for a political leader with authority to speak for the Island, especially in matters relating to the Island's external relations.
  - The need for a greater co-ordination of policy development, corporate strategy, provision of public services, and the application of resources.
  - The need for a slimmed down government that focuses on core issues at a policy level.
  - The need for greater accountability for the actions of States Departments and States Members with government responsibilities.
  - An improved system of scrutiny through a combination of internal checks and balances, and external oversight.
  - The need to avoid an over-concentration of power amongst a small number of States Members.
  - The desirability of making the best use of States Members.
  - The desirability of retaining the system of individual independence.
  - The recognition of the beneficial role which the parishes play in the overall government of the Island.
6. Consideration has also been given to the need to study the distinctive roles of the legislature and the judiciary at an appropriate time.
  7. In addition, consideration has been given to the most appropriate and feasible timescale for change, especially in relation to the 2004 General Election. The Joint Committees recognise that the details of implementation of the proposed changes will need to be the subject of further investigation and consultation, and that it will need to be carried out as a staged process, with the States being involved at each stage.
  8. Not all of the Members of the Joint Committees support all of the proposals contained in this Report. Some Members oppose most of the proposals, and some have alternative views on specific points. However, each of the proposals is supported by either all or a majority of the Members of the Joint Committees. In order to avoid the confusion which might be caused by the presentation of a disparate set of views, the minority views have not been included in this Report. Nevertheless, the majority of the Members of the Joint Committees do agree that the proposals, if approved, would provide a workable government that would achieve the principles set out in paragraph 5 above.
  9. Such Members believe that their proposals will greatly strengthen the co-ordination and implementation of policy, and provide the Island with identifiable and recognised leadership. We commend them to the States.
  10. The Joint Committees have received a letter dated 14 March 2002 from the Douzaines, and a copy of that letter is attached for the information of States Members.

11. Also attached are minority reports from Deputies P J R Roffey, B M Flouquet and F J Roper.

We should be grateful if you would lay this Report before the States at a special States Meeting to be held on 14 May 2002, together with appropriate propositions.

Yours faithfully,

L C MORGAN

President

States Advisory and Finance Committee

R C BERRY OBE

President

States Procedures and Constitution Committee

**THE MACHINERY OF GOVERNMENT IN GUERNSEY**

**REPORT OF THE  
JOINT COMMITTEES**

**ADVISORY AND FINANCE COMMITTEE  
AND  
STATES PROCEDURES AND CONSTITUTION COMMITTEE**

April 2002

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- I Statement of Views of the Panel to Review the Machinery of Government in Guernsey
- II Results of the 'Have Your Say!' questionnaire
- III Results of the Mori Poll

## Section 1 INTRODUCTION

In this Report the term *Harwood Panel* refers to the Panel to Review the Machinery of Government in Guernsey. The Joint Committees of the States Advisory and Finance Committee and the States Procedures and Constitution Committee are referred to as the *Joint Committees*.

### 1.1 The States Resolution of 10 December 1998

1.1.1 The process of the review of the machinery of government in Guernsey has its origins in the letter of comment by the Advisory and Finance Committee on the proposals on the office of Conseiller, submitted by the then Constitution of the States Review Committee, for consideration by the States in September 1997. The Advisory and Finance Committee indicated that it intended to bring a report to the States with proposals for a full and comprehensive review of the system and structure of the machinery of government in Guernsey.

1.1.2 The Advisory and Finance Committee gave further details of its intentions in the 1998 *Policy and Resource Planning Report*.

1.1.3 On 10 December 1998 the States considered proposals submitted by the Advisory and Finance Committee, and resolved as follows:

“III After consideration of the Report dated the 5<sup>th</sup> November 1998, of the States Advisory and Finance Committee:-

1. That a Review of the Machinery of Government in Guernsey shall be undertaken along the lines set out in that Report and under the Terms of Reference as set out in Appendix II to that Report.
2. To appoint the following persons as members of an independent Panel to carry out the above Review and to submit a Report on its findings to the States Advisory and Finance Committee.

Mr. Stuart Falla  
 Mrs. Susie Farnon  
 Mr. John Guilbert  
 Mr. Peter Harwood  
 Jurat Edward Potter, ISO  
 Mr. Brian Walden  
 Sir Miles Walker, CBE

3. That on receipt of the Report of the Panel the States Advisory and Finance Committee shall publish it as part of a consultation exercise prior to the submission to the States of proposals presented jointly by the States Advisory and Finance Committee and the Constitution of the States Review Committee.”

## **1.2 The Harwood Panel's Report**

- 1.2.1 The Panel, which became known as the Harwood Panel, being chaired by Advocate Peter Harwood, duly submitted its Report to the Advisory and Finance Committee, and the Committee published it in November 2000.
- 1.2.2 During its deliberations the Harwood Panel undertook a wide-ranging consultation process, requesting submissions from appropriate individuals and organisations, and issuing a general invitation to the public. In all some 200 submissions were received and considered by the Panel. It also considered many sources of relevant information. The Report reflects the comprehensive and thorough investigations carried out by the Harwood Panel. Following its publication a public meeting was held at which the Panel's findings were presented.
- 1.2.3 The Joint Committees wish here to acknowledge the indebtedness of the Island to the work carried out with such diligence by the Harwood Panel. The Panel's sedulous study and exhaustive analysis have given the Island a wealth of relevant information and authoritative data for informed public debate. It has identified the important issues, and provided a solid foundation on which to base further consideration of the appropriate machinery of government for Guernsey.
- 1.2.4 The Panel's Report has had wide circulation, and has been available to Members of the States and to the public for a considerable time. The Joint Committees have not, therefore, felt it necessary to reproduce the Report in this submission.

## **1.3 The Harwood Panel's Statement of Views**

- 1.3.1 In accordance with the terms of reference approved by the States in 1998, the Harwood Panel's Report set out a range of options for the future, without identifying a favoured option. In January 2001 the Joint Committees requested the Panel to produce a Statement of its views as to which of the options the States should pursue.
- 1.3.2 The Harwood Panel submitted its *Statement of Views* in March 2001, and this was published by the Advisory and Finance Committee, by means of a supplement in the Guernsey Press. The Statement of Views resulted in considerable public debate, and was the subject of detailed deliberation by the Joint Committees. The Statement is reproduced in its entirety in Appendix I to this report. It should be read in conjunction with the Panel's original Report.

## 1.4 Consultation by the Joint Committees

- 1.4.1 Following consideration of the Harwood Panel's Report and Statement of Views, the Joint Committees prepared and published a *Consultation Document* in December 2001, as a prelude to an extended period of consultation in order to establish the preferences of the people of Guernsey. The Consultation Document summarised the views of both the Harwood Panel and the Joint Committees. It was published as a supplement to the Guernsey Press. All the relevant reports and consultation documents were also published on the States of Guernsey Internet Web site, and remain available in that format.
- 1.4.2 The Consultation Document formed the basis of a questionnaire sent to all Island households, together with a further copy of the Document itself, in February 2002. The questionnaire was also made available on the Web site. It was commissioned by the Joint Committees, and was independently developed by the School for Policy Studies, University of Bristol.
- 1.4.3 The Joint Committees held two public meetings, on 14 and 15 February 2002. At these meetings, at which Advocate Harwood participated, the Joint Committees presented their views, together with a summary of the Harwood Panel's views and of the format of the questionnaire, and invited questions from the floor.
- 1.4.4 The University received the completed questionnaires direct from the public, processed them, and collated the results. Its report was published by the Joint Committees in April 2002, and is reproduced as Appendix II to this Report.
- 1.4.5 In summary, the findings of the exercise, as described by the University, are as follows:

“In broad terms, the survey revealed the following views among those who participated. It is important to remember that the sample of those who responded is not statistically representative of the population of Guernsey as a whole and hence it is not possible to generalise with any statistical reliability from these findings.

- A substantial majority is in favour of a change in the Island's system of government. Fewer than one thousand prefer no change to the present system.
- Of the broad options for change, most favour the Streamlined Committee system proposed by the Joint Committees rather than the Executive model proposed by the Harwood Panel. Fewer than ten percent preferred any other type of system.
- There is overwhelming support for a reduction in the number of departments and committees and for the development of a more effective system of scrutiny within government.
- There is also substantial support for reducing the number of States Members by around one quarter and for linking the number of People's Deputies representing each Parish to the population of the Parish.

- A majority favour retaining the use of Parish boundaries in determining electoral districts in the future, although almost one third favour electoral districts based on some other system.
- A majority are in favour of changing the current system in which each Parish Douzaine elects one of its own members to sit as a States Member but opinion was divided equally as to whether a Parish Representative in the future need or need not be a Douzenier in order to stand for election by all voters in the Parish.
- When presented with a choice between the recommendations of the Harwood Panel and those of the Joint Committees, a majority of respondents tended to favour the latter. This was even more marked among those who generally were not in favour of change but who nevertheless expressed views on subsequent options for change.
- In general, the support for change was strongest among the younger age groups of respondents, with older respondents being least in favour of change. There is little evidence of significantly different views expressed by men in comparison with women.
- There is some evidence that respondents from the Parishes of St Peter Port, Castel, St Andrew, Forest and Torteval are more supportive of change, and in particular the changes proposed by the Harwood Panel, than respondents from the Parishes of Vale, St Martin, St Pierre du Bois and St Saviour.”

1.4.6 The Joint Committees also decided to commission a professional survey of public opinion. Following advice on the number of people to be surveyed to ensure a statistically relevant result, the firm of Mori was commissioned to carry out the survey, by telephone, of 1000 islanders. The survey was conducted in February 2002. The firm’s report was published by the Joint Committees in March 2002, and is reproduced as Appendix III to this Report.

1.4.7 The key findings of the Mori survey were summarised by the Company as follows:

“There are a number of key themes to emerge from this research.

- There is much dissatisfaction with the current machinery of government in Guernsey: four in five residents think that a change in the Island’s system of government is necessary. The majority of residents, often a very sizeable one, considers that the States lack leadership, take too long to make decisions, have too many members and committees, and fail to make decisions efficiently and effectively.
- Some three-quarters of residents consider that the States are not sufficiently accountable when things go wrong and that there should be more internal scrutiny of the States’ activities. Most also consider that the States are out of touch with the public and fail to involve the public in decision-making.

- Attitudes are broadly consistent among all demographic sub-groups, regardless of social class and length of residence on the Island.
- The majority of residents know little or nothing about the review of the machinery of government which has been taking place on the Island for the last three years, but most residents feel they are well informed about the way the States work and very few did not express their views in response to this survey.
- Almost two-thirds of residents would like to see the number of States' members reduced and around three-quarters think there are too many committees. Virtually no-one would like to see an increase in either.
- Most think that each voter should elect the same number of People's Deputies for their area. Around half would prefer any new constituencies to be based on existing parish boundaries, which would involve grouping smaller parishes together, while around one third would prefer new boundaries which are not necessarily based upon parishes.
- Almost two-thirds of residents consider that the States lack leadership and a similar proportion would like to see (were there to be a significant reduction in the overall number of committees) one committee set up as a 'Council of Ministers'. Views as whether a Council of Ministers should be Cabinet-style with authority over other committees, or should be limited to a co-ordinating role without such authority, are more evenly balanced (though there is an overall preference for the latter).

In summary, there is clear dissatisfaction on the Island, held by all sections of the society, with the current machinery of government. There are also some clearly held views about improvements which could be made - relating to the number, type and status of both members and committees."

- 1.4.8 The Joint Committees are also aware of the considerable public debate which has resulted from the publication of the several documents on this subject, including representations made direct to the Committees and its Members, public meetings organised by others, letters and opinions published in the Guernsey Press, and comments on radio and television. The Joint Committees have taken note of the multitude of views expressed during this process.

## **1.5 Primary issues, and consequential and secondary issues**

- 1.5.1 In considering the many and complex issues relating to the machinery of government, the Joint Committees have been conscious of the fact that some issues are of greater importance than others, and some are consequent upon decisions made on the primary issues.

- 1.5.2 Of prime significance are the issues of the form of government, the system by which policy proposals are prepared and decisions of the States are carried out, and those issues concerning the representation of the people in the States. Of secondary, and in some cases consequential, importance are those issues relating to the structure of the various committees and departments charged with carrying out States decisions and providing public services, support for States Members and the States itself, and States proceedings.
- 1.5.3 The distinction between the primary issues and the consequential and secondary issues was reflected in the format of the Joint Committees' consultation document and that of the questionnaire, and the format of this Report retains the structure of those documents. This Report deals first, therefore, with the core issue of the form of government, next with the question of States Committees, then with the representational issues, and finally with the various consequential and secondary issues.

For ease of reference the Joint Committees' key proposals on the primary issues appear boxed

- 1.5.4 The Committees' recommendations are summarised in Section 6 of this Report. An outline for the implementation of the recommendations appears in Section 5. Detailed proposals will be submitted to the States in accordance with the timetable laid out in that Section.

## **1.6 Majority views**

Not all Members support all of the proposals contained in this Report. Some Members oppose most of the proposals, and some have alternative views on specific points. However, each of the proposals is supported by either all or a majority of the Members of the Joint Committees.

## **2. ORGANISATIONAL ISSUES**

### **2.1 The system of government**

- 2.1.1 The Island government is currently based on a *committee* system. Policies are developed by States Committees, and, following approval by the States, are implemented by those Committees and their respective Departments. While the Advisory and Finance Committee, as the senior Committee of the States, has a leadership role, its essential function is advisory. It has little constitutional authority, and does not have executive powers over other States Committees or their Presidents.

- 2.1.2 The Harwood Panel expressed the view that the committee system of government resulted in a lack of focused political leadership. It concluded that the provision of effective political leadership requires an *executive* system of government, with a political leader, preferably with the title ‘Chief Minister’, in whom is clearly vested political authority. Under the Panel’s proposed system the Chief Minister would be elected by the States from amongst their number, would be accountable to the States, and would have executive powers over the political leaders of States Departments. The Chief Minister would select a Council of Ministers from amongst the States Members, and submit that selection to the States for approval. The Chief Minister would have the power to require the resignation of a Minister.
- 2.1.3 Under the Panel’s proposals the Council of Ministers would formulate strategic policy and co-ordinate the policies of individual departments, working within the principle of collective responsibility. Each Minister would be responsible for a Department, supported by one or two junior Ministers and an ‘Advisory Committee’. The Council of Ministers would, however, have the authority to override a Minister.
- 2.1.4 Significant differences between the committee system and the executive system include the following:
- (a) In the present committee system, policy is determined from the bottom up, being formulated by committees, and promulgated upwards to the States. In an executive system, policy would be determined from the top down; it would be imposed by the Chief Minister on his Ministers, and through them to the Departments. Of course, in either system the States sitting in assembly have the ultimate authority.
  - (b) Internal checks and balances are needed in any democratic form of government. In a committee system they are primarily provided through dissent, support or alternative views expressed by any States member at any stage in the policy process. This can be supplemented by certain forms of more formal scrutiny, for example an independent audit function. In an executive system the primary focus of scrutiny would be based on those States members who would be outside the executive.
  - (c) In the committee system, most, if not all, elected Members have a direct role in government. In an executive system a minority of States members would form the government. The majority would be involved in scrutiny or act solely in the States assembly itself. Some might, however, be involved in government to some extent, by being members of sub-Committees.



- 2.1.5 By a majority, the Joint Committees are not in favour of an executive style of government in the form proposed by the Harwood Panel. While the Committees acknowledge the merit in having a clear political leader and a system in which the authority of a group of States members is recognised, and can understand the rationale behind the Panel's recommendations, the Committees are of the view that the system proposed by the Panel is inappropriate for Guernsey at the present time.
- 2.1.6 Those Members of the Joint Committees who do not favour the Harwood Panel's proposals for executive government fear that a system which relies on Ministers keeping their seats by rigidly toeing the line, and adopting collective responsibility under a single leader who has the power to appoint and dismiss, will lead to:
- divisiveness;
  - the creation of a permanent opposition;
  - the evolution of a political system based on party lines;
  - a 'them and us' culture within the States;
  - a dampening of the expression of constructive alternative views within the Council of Ministers;
  - an excess of power held by a minority of States members;
  - a feeling of being either inside the government or outside it, with a subsequent polarisation within the States, to the detriment of good government; and
  - the possibility that those in government may experience a conflict of conscience, in being required to vote for and publicly support policies with which they do not agree.
- 2.1.7 The principle of collective responsibility within a Ministerial Council could, it is feared, produce a system of patronage, and stifle free expression by those in government. It could rapidly fall apart, with the resultant disintegration of the Island's system of government.
- 2.1.8 The Harwood Panel's proposed limitation of Ministers, including the Chief Minister, to two electoral terms would be an adverse constraint which would not make the best use of the most able members of the States. In this respect, it is noted that the Panel appears to have assumed that those of the highest calibre would wish to become Ministers, but this is not necessarily the case. Some of the most able members of the States may well feel too constrained under such a system, and wish to retain the ability to express an independent view, rather than being required to subscribe to a collective one.

2.1.9 Rather, a majority of the members of the Joint Committees favours a system which:

- while being strongly led, reflects that ultimate control must rest with the States;
- has a senior committee with strengthened powers;
- encourages active debate without fear of reprisals;
- enables all States members to play a constructive and active role in government;
- provides for much improved coordination of States policies and functions; and
- builds upon the present committee system.

2.1.10 The States, it is felt, should have the power to nominate, appoint and dismiss Members of the senior Committee.

2.1.11 A core feature of the proposed system would be a significant reduction in the number of States Committees; in effect, a *streamlined committee system*.

***Proposal 1: The need for change***

**The Joint Committees are unanimously of the view that change is needed. No Member favours the retention of the committee system in its present form. By a majority Members favour a streamlined committee system, combined with strong central leadership and authority. A minority prefers the executive system.**

2.1.12 The key elements of the streamlined committee system would be:

- a clear political leader for the Island;
- the establishment of a senior States Department, with clearly defined powers;
- appropriate titles for that leader and for leaders of States Departments;
- a formal mechanism for the co-ordination of policy;
- a significant reduction in the number of States Departments;
- a significant reduction in the number of States Members; and
- a reduction in the number of Members of each Department.

2.1.13 Such a system, it is believed, will encourage a corporate responsibility and accountability in government, because:

- The fewer number of Departmental Members will facilitate the development of policies, and the greater identification of responsibility for policy formulation.
- The co-ordinated approach to the development of policy will enable leaders of States Departments to operate corporately, and will enable others to judge their performance, not only as individual leaders but also as members of the corporate team.
- The centralised responsibility, within the senior States Department, for high-level public sector resources will promote the focused allocation of resources to the implementation of corporate goals.
- The existence of a clear political leader, with the support of a deputy, and with appropriate powers and responsibilities, will act as a spur to the corporate approach.
- A system of corporate responsibility centred on and supporting a leading Department would be far more appropriate for Guernsey than one involving the imposition of collective responsibility.

## **2.2 The Chief Minister and the Chief Minister's Department**

2.2.1 The Joint Committees believe that it is essential that one person should have the authority to speak for the Island politically, and that that person should have the designation *Chief Minister*. In the international arena, in which Guernsey now has a significant role, such a title would be recognised as appending to someone with authority, and would have the necessary cachet to command appropriate respect. He or she would speak with the authority of their Department, as mandated by the Island's parliament, and not with absolute authority on their own behalf.

2.2.2 A senior committee would be established, with the title of the *Chief Minister's Department*. This new Department would replace the existing Advisory and Finance Committee. Its functions would be significantly strengthened in order to provide clear and coordinated leadership. A fundamental requirement would be the provision for the Department to focus the direction of the States' central resources. Decentralised control, as now exists, is contrary to such leadership principles. The Chief Minister's Department would, therefore, have responsibility for directing strategic policies relating to all public sector resources of property, finance and staff, and for the preparation of strategic and corporate policy proposals.

- 2.2.3 The Chief Minister's Department would be chaired by the Chief Minister. He or she would nominate four States Members, and submit those nominations to the States for election to the Department. Members of the States could nominate alternative candidates.
- 2.2.4 The Chief Minister would have a deputy, with the title of *Deputy Chief Minister*. The Deputy Chief Minister would be elected by the Members of the Chief Minister's Department from amongst their number, in a similar manner by which Vice-Presidents of Committees are now elected.
- 2.2.5 The Chief Minister's Department would report to the States annually, and would request the States to approve the proposals submitted in its report. It is envisaged that this will initially be done through the current *Policy and Resource Planning Report* system, although some other system may develop in the future. Other policy proposals may be submitted by the Department to the States from time to time.

## **2.3 Ministers and Departments**

- 2.3.1 The Committees of the States would be referred to formally as *States Departments*.
- 2.3.2 It is proposed that the chairmen of States Departments, who currently have the title 'President', be referred to as *Ministers*. Whilst it is recognised that they would not have the full executive powers of ministers who comprise the cabinet in an executive form of government, it is felt that, again, the title would be better understood, especially when the Department is being represented outside the Island.
- 2.3.3 Each Minister would nominate three States Members and one person who need not be a States Member, and submit those nominations to the States for election to his or her Department. Members of the States could nominate alternative candidates.
- 2.3.4 Each Minister would have a deputy, with the title of *Junior Minister*. The Junior Minister would be elected by the Members of the Minister's Department from amongst their number, in a similar manner by which Vice-Presidents of Committees are now elected.
- 2.3.5 The States will be asked in due course to approve mandates for each Department.

## **2.4 Policy Council**

- 2.4.1 The Joint Committees propose that there be established a body with the title of *Policy Council*, comprised of all Ministers of Departments and Members of the Chief Minister's Department, and chaired by the Chief Minister.

- 2.4.2 The function of the Policy Council would be to facilitate the co-ordination of policy proposals by the Ministerial Departments. The Council would not have executive functions, but would act as a consultative body, assisting the Chief Minister's Department to carry out its executive role.
- 2.4.3 It would be expected that every Department would be represented at each meeting of the Policy Council. In the absence of a Minister there would be provision for his or her Junior Minister to attend, or, in their absence, another representative of the Department.

***Proposal 2: Provisions for leadership***

- **A Chief Minister, with authority, through his Department, to speak politically for the Island.**
- **A Chief Minister's Department, with responsibility for all States resources and for the preparation of strategic and corporate policy proposals.**
- **Ministers heading Departments.**
- **A Policy Council with a coordinating role, chaired by the Chief Minister, and comprised of the members of the Chief Minister's Department and Departmental Ministers.**
- **The States Departments and Policy Council would operate under the principle of responsibility by consensus or majority voting, rather than collective responsibility.**

## **2.5 Reduction in number of Committees**

- 2.5.1 The number of States Committees has grown in the last several decades from a relatively small number, as a result of an increased demand for services, and in response to the increasing complexity of modern life. This proliferation of Committees in response to specific needs, has resulted in a disjointed administration, poor integration of services, a lack of co-ordination of functions, and non-coherence in the application of policies. There is considerable overlap between the functions of Committees, and often confusion as to where responsibilities for particular services lie.

- 2.5.2 The Harwood Panel identified 52 Committees. This number included the then trading boards which have since been commercialised, and some bodies which are not strictly States Committees; the number of States Committees under the direct control of the States is actually 37. This is clearly too many. The Panel noted a consensus, both within and outside of the States, in favour of a reduction in the number of Committees. This, it advocated, could be achieved by a merging of present functions, and by a reduction in functions carried out by the States. It identified the possibility that the number of States Committees could be reduced to 12 core Departments, including the senior Department.
- 2.5.3 The Joint Committees agree strongly that there should be a large reduction in the number of States Committees and a rationalisation of functions. It is proposed, however, that this be achieved by a complete reconstruction of States administration, rather than simply a merging of present functions. There is also room for a reduction in the functions carried out directly by the States, by devolving some to commercial and private sector organisations, and entering into partnership arrangements.
- 2.5.4 The Harwood Panel envisaged that certain remaining functions, such as Overseas Aid, Liberation Celebrations, Liberation Religious Service and Ecclesiastical Committee, could continue to be carried out by committees appointed by the States. However, the Joint Committees are of the view that there should be no exceptions to the integration of functions; once one exception is made then it would be difficult for the States to resist others, and the proliferation of small committees would persist. It would be more effective for these relatively minor functions to be included within the responsibilities of the core Departments, although in some cases they could be carried out through non-States bodies acting with the support of standing Departments of the States.
- 2.5.5 The final departmental structure and the distribution of functions of the administrative arm of the States, will have to be subject to much further investigation and consultation with individual Committees. However, the Joint Committees envisage that it should be possible to reduce the number of Departments substantially, and ideally to not more than 12. This number does not include a limited number of non-governmental committees, such as a Legislation Committee to review proposed legislation, and a House Committee to administer support services for the States assembly.

***Proposal 3: The streamlining of States Committees***

- **The number of States Committees will be substantially reduced.**
- **All functions of the States will be incorporated within the mandates of standing States Departments. In some cases it may be appropriate for such functions to be carried out by a separate body, subject to the oversight of a standing Department of the States.**
- **The possible devolution of appropriate service functions to non-States bodies will be pursued.**

## **2.6 Members of Departments**

2.6.1 In its proposals for an executive form of government, the Panel recommended that the constitution of the ‘Advisory Committee’ for each Department be:

- the Minister;
- one or two junior Members appointed by the Minister;
- two States Members and two non-States Members elected by the States.

This would give a total of 6 or 7 Members per Department.

2.6.2 The current constitution of States Committees varies, but is generally seven, including:

- the President, who has a casting vote only;
- four Members who are sitting Members of the States; and
- two Members who need not be sitting Members of the States.

2.6.3 The Joint Committees are of the view that there should continue to be an odd number of Members on each Department, including the Minister. This would facilitate the resolution of issues by voting, and the establishment of a quorum.

- 2.6.4 The Joint Committees have given careful consideration to the appropriate number, and propose that each Department of the States should have five Members, including the Minister. The value of retaining non-States Members as Members of Departments is recognised. However, the Joint Committees would wish to maintain the current arrangement whereby the States could, if it so wished, elect a States Member to that position. This would also avoid situations where an existing member of a States Department would otherwise be forced to give up his or her seat on that Department upon becoming a Member of the States.
- 2.6.5 In view of the senior position of the Chief Minister's Department, and its responsibility for public sector resources, it is proposed that Members of that Department should all be sitting Members of the States.

***Proposal 4: The constitution of States Departments***

**It is proposed that the constitution of States Departments will be:**

- **A Minister;**
- **Three Members who are sitting Members of the States; and**
- **One Member who need not be a sitting Member of the States.**

**All Members will be elected by the States.**

**It is further proposed that the Chief Minister's Department will be comprised entirely of sitting Members of the States.**

## **2.7 Voting**

- 2.7.1 In its Report the Harwood Panel expressed the view that if the present Committee system was retained it could be improved by a number of measures. One was the empowering of Presidents of Committees to vote on all matters within the Committee. The Joint Committees agree with this proposal.

***Proposal 5: Voting in Departments***

**A Minister, including the Chief Minister, will have an original vote, but not a casting vote, in his Department.**

**All other Department Members, including non-States Members, will each have a vote.**

**A tied vote will mean that the proposition is not carried.**



## 2.8 Scrutiny

2.8.1 The Harwood Panel recommended that there be established:

- a Public Accounts Committee to review Departments' financial affairs; and
- a Scrutiny Management Committee to propose, for States approval, *ad hoc* Scrutiny Committees which would investigate particular policy issues, in response to a request submitted by at least five States Members.

2.8.2 The Panel expressed the view that effective scrutiny could only be achieved by establishing such Scrutiny Committees, and it proposed constitutions for them.

2.8.3 The Panel further recommended that scrutiny of legislation should be revised, to include first, second and third reading debates.

2.8.4 The current States Audit Commission has a remit that includes a scrutiny role. As set out in the Advisory and Finance Committee's covering letter to the annual report of the Audit Commission (Billet d'Etat IV of March, 2002) a review, which is being carried out by the National Audit Office, of the audit arrangements of the States is close to completion. The Committee will be reporting on this major piece of work in the near future. The Joint Committees are of the view that, subject to the results of that review, a Public Accounts Committee should be established to continue and strengthen the scrutiny of accounts and management. Detailed proposals will be submitted to the States, including the respective roles of the Audit Commission and the Public Accounts Committee, once the review has been completed.

2.8.5 The Joint Committees can understand the Panel's reasoning in putting forward recommendations for a Scrutiny Management Committee and *ad hoc* Scrutiny Committees in the context of an executive form of government. They are of the view, however, that if their proposals for a streamlined committee system are adopted, then special Scrutiny Committees will not be needed. Indeed, such Committees could encourage adversarial rather than consensual policy development and administration.

2.8.6 With regard to the Panel's recommendations for a series of three formal debates on each piece of draft legislation, the Joint Committees are of the view that the present system is adequate, and indeed more effective than the Panel's preferred system. *Projets de Loi* and draft Ordinances are prepared in accordance with the results of policy debate by the States, and are subject to detailed scrutiny by the Legislation Committee before final submission to the States for approval. A Legislation Committee would continue under the Joint Committee's proposals.

- 2.8.7 The Committees do agree, however, that it would be beneficial for States members to be given more time to study proposed legislation, and this view is compatible with the view that more time should be allowed for the study of major policy matters before they are debated in the States, as discussed later in this Report (Section 4.3.2).
- 2.8.8 In summary, therefore, the main points of this proposal are:

***Proposal 6: Provisions for scrutiny***

**Subject to the outcome of the current review of States audit arrangements, the Advisory and Finance Committee will submit recommendations to the States for the establishment of a Public Accounts Committee, following the completion of the review.**

**More time will be allowed for study of draft legislation and major policy matters.**

**There will be a Legislation Committee, with functions similar to the existing Legislation Committee.**

### **3. REPRESENTATIONAL ISSUES**

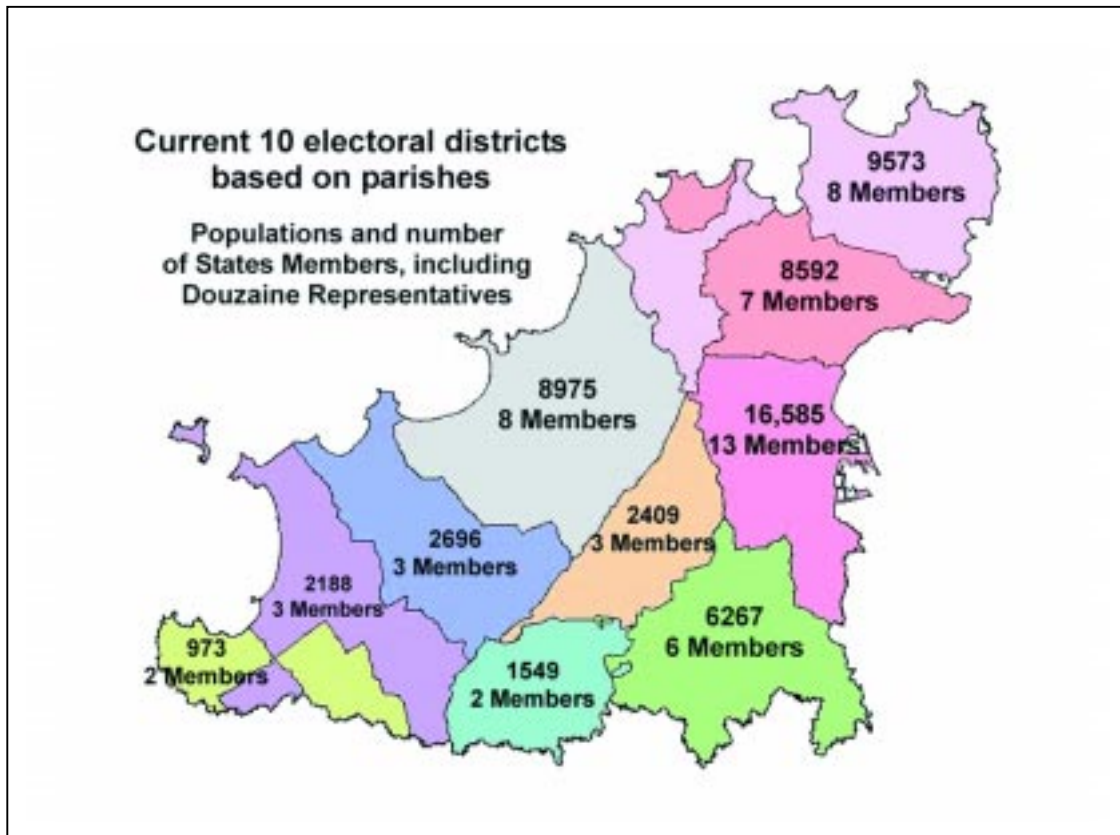
#### **3.1 Number of States Members**

- 3.1.1 There are currently 57 elected States Members, including 45 People's Deputies, 10 Douzaine Representatives and 2 Alderney Representatives. The President (the Bailiff), the Deputy President (the Deputy Bailiff), HM Procureur and HM Comptroller are *ex-officio* Members of the States of Deliberation. The two Law Officers have no vote, and the Bailiff and Deputy Bailiff have only a casting vote.
- 3.1.2 The Panel recommended that the number of elected States Members should be reduced to 42, including 10 Parish Representatives and 2 Alderney Representatives. It argued that the Island is over-represented in comparison with other jurisdictions, but that the number of States Members required must depend upon the system of government and the choice of constituency bases for elections to the States. Its proposal for 42 Members was based on its preference for an executive form of government, its views with respect to the role of Parish Representatives, and its proposals for electoral districts.

- 3.1.3 The Joint Committees agree strongly with the Panel that the number of States Members should be reduced, and concur with the arguments and reasoning which the Panel put forward. The number of Members must relate to the form of government and the number and constitution of States Departments. It appears that, in the context of the form of government proposed by the Joint Committees, a number in the region of that proposed by the Panel would enable the States to function effectively.
- 3.1.4 In addition to ensuring that there is a sufficient number of States Members for the States to function effectively, the specific number required is determined by the number of electoral districts, the number of Members elected by each district, and the issues of Parish Representatives and Alderney Representatives. These matters are addressed in this and the next three sections. The conclusion is that the total number of Guernsey States Members, in addition to the *ex officio* Members, should be 45, that is 35 People's Deputies elected by electoral districts, and 10 Parish Representatives elected within each parish. In addition, Alderney will continue to be represented.
- 3.1.5 As now, candidates for election as People's Deputies would not have to be resident within the electoral districts in which they stand.

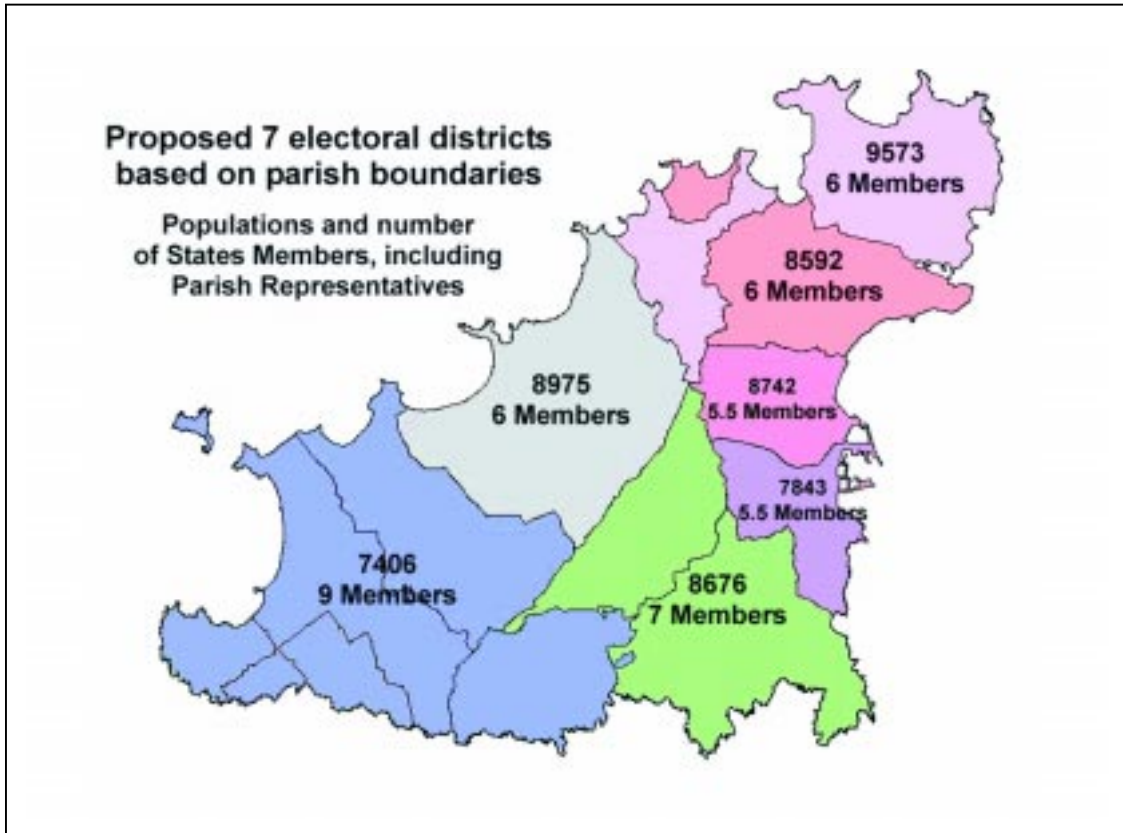
## **3.2 Electoral districts**

- 3.2.1 The Harwood Panel's proposals in respect of the number of States Members would result in a requirement for the election of at least 30 States Members by the Island electorate. In order to accomplish this in an equitable way the Panel recommended six electoral districts, each electing five States Members. In its Report the Panel gave a number of options, based both on parish boundaries and population, but found difficulties with many of them, and concluded that options based on parish boundaries resulted in excessive discrepancies between the representation densities per head of population. It said that the difference between the highest and lowest population should not exceed 20%, and should preferably be somewhat lower.
- 3.2.2 The Joint Committees agree with the Panel's views that it is important that all electors should have essentially similar representation. Currently, electoral districts equate with the parishes. The populations and numbers of States Members, including Douzaine Representatives, for each electoral district are shown on the following map.



Variations in representation under the current electoral system				
Parish	Population	States Members	Population/Member	Variation (%)
Torteval	973	2	487	+55.3
St Pierre du Bois	2,188	3	729	+32.9
Forest	1,549	2	775	+28.8
St Andrew	2,409	3	803	+26.2
St Saviour	2,696	3	899	+17.4
St Martin	6,267	6	1045	+ 3.9
Vale	9,573	8	1197	- 10.0
St Sampson	8,592	7	1227	- 12.9
St Peter Port	16,585	13	1276	- 17.3
Castel	8,975	8	1122	- 3.2
<i>Total</i>	59,807	55		
<i>Average</i>	5,981	5.5	1087	0
<i>Range</i>	15,612	11	789	72.6%

- 3.2.3 The inequity of the present electoral system is demonstrated in the table, in which a positive variation indicates that a district is over-represented, while a negative variation indicates under-representation. Douzaine Representatives are included in the total figures of States Members in this table.
- 3.2.4 It can be seen that the range in variations between the electoral districts, from the highest representation (+55.3% in Torteval) to the lowest representation (-17.3% in St Peter Port), is a massive 72.6%.
- 3.2.5 The Joint Committees fully recognise the difficulties identified by the Harwood Panel in using parish boundaries as a basis for electoral districts. Nevertheless, the Committees are strongly of the opinion that electoral districts should continue to be based on parish boundaries. The parishes are well-established political and administrative units, and the Committees believe that any electoral system should, if at all possible, build on the strengths of the parish system. If the Parish Representatives are to be retained, and elected by the electorate, rather than by the electoral college of the Douzaine, then this would give added argument to the use of the parish boundaries in the electoral system. Indeed, the Panel itself recognised the desirability of such an approach by suggesting in its Report that consideration be given to the establishment of constituencies by parish groupings.
- 3.2.6 Of the options studied, one in which the Island would be divided into seven electoral districts, each retaining the integrity of existing parish boundaries, would appear to be the only one which would reduce the representational range closer to the criteria identified by the Panel.
- 3.2.7 With seven districts, each electing 5 People's Deputies, the total number of Members so elected would be 35.
- 3.2.8 Under this system, the parish of St Peter Port would be divided into two districts. The boundary between the two districts would conveniently be the line of: St Julian's Avenue, College Street, Grange Road, Les Gravées, de Beauvoir, and Rohais. The parishes of St Andrew and St Martin would be combined into one district. The western parishes of the Forest, St Pierre-du-Bois, St Saviour and Torteval would comprise a further district. The other parishes would each be districts. The districts would then be as shown in the following map.
- 3.2.9 As can be seen from the table, the range in representational variation, including Parish Representatives, would be from +38.1% in the Western parishes to -20.0% in the Vale, a total of 58.1%.
- 3.2.10 A combination of the Forest with St Martin would give a slightly lower range. However, it is felt that St Andrew and St Martin make a more natural combination, and that the Forest would fit more naturally with the 'Western parishes'.



Variations in representation under the proposed electoral system				
District	Population	States Members	Population/Member	Variation (%)
4 Western parishes	7,406	9	823	+ 38.1
St Andrew/St Martin	8,676	7	1239	+ 6.7
St Sampson	8,592	6	1432	- 7.7
Castel	8,975	6	1496	- 12.5
St Peter Port North	8,292	5.5	1589	- 19.6
St Peter Port South	8,293	5.5	1426	- 7.3
Vale	9,573	6	1596	- 20.0
Average	59,807	55		
	8544	5.5	1329	0
	15,612	11	773	58.1%

### **3.3 Parish Representatives**

- 3.3.1 The Harwood Panel recommended that each of the ten parishes should continue to elect a Parish Representative as a Member of the States. Although the Panel did not make any specific recommendations in its *Statement of Views*, it did, in its Report, express the view that, in the interests of the democratic process, Parish Representatives should be elected by the people of the parish, and not by the Douzaine Members.
- 3.3.2 The Joint Committees agree that representation at parish level should be retained. It is, however, proposed that representatives of the parishes should have the title *Parish Representative*, rather than Douzaine Representative, that they should be resident in their respective parishes, and that they should be Douzeniers.
- 3.3.3 The Joint Committees believe that, in the interests of democracy, it would be appropriate that a Parish Representative should be elected by the people of the parish, rather than by the Douzaine. The Committees propose, therefore, that the Parish Representatives should be elected by secret ballot by the electorate in each parish, in the same way and on the same day that People's Deputies are elected. It is further proposed that they serve the same terms as People's Deputies, ie four years.

### **3.4 Alderney Representation**

- 3.4.1 The Harwood Panel recommended that Alderney continue to have two Representatives in the Guernsey States of Deliberation, largely in view of the fact that this right is enshrined in legislation. It expressed the view that "it is for the people of Alderney to determine whether they wish to continue the present system of representation by nomination from the States of Alderney or whether such representation should be chosen by universal suffrage."
- 3.4.2 The Joint Committees agree that it is appropriate that Alderney continue to be represented in the States of Guernsey. The legislation referred to by the Harwood Panel is a Guernsey Law, and it will be for the States of Guernsey to determine, in due course, the provisions for the representation of Alderney in the States of Guernsey. The degree of representation, the method of election, and the terms of office of Alderney Representatives will, therefore, be considered in consultation with the States of Alderney.

### **3.5 Electoral cycle**

- 3.5.1 The Harwood Panel recommended that the electoral cycle continue to be four years.
- 3.5.2 The Joint Committees concur with this view. The four-year terms would apply to Parish Representatives as well as People's Deputies.



***Proposal 7: The electoral system***

- **7 electoral districts based on parish boundaries.**
- **35 People's Deputies (5 in each district), nominated by and elected by the electorate. A candidate would not need to be resident in the district.**
- **10 Parish Representatives, each nominated by and elected by the electorate in the parish. Candidates would have to be resident in the parish, and be Douzeniers.**
- **Alderney representation in the States of Guernsey to be determined following consultation.**
- **The electoral cycle to continue to be 4 years for People's Deputies, and a similar term for Parish Representatives.**

**3.6 Use of initials by States Members**

- 3.6.1 The Harwood Panel suggested that States Members be entitled to use the initials 'M.S.D.' (Member of the States of Deliberation) after their names.
- 3.6.2 The Joint Committees are opposed to this suggestion. It is felt that the title of People's Deputy or Parish Representative is appropriate.

**3.7 Elections**

- 3.7.1 The Harwood Panel recommended that the States should:
- maintain a permanent electoral roll;
  - play an active role in promoting elections, by circulating to all households at each election a notification of the election, and a list of candidates and polling stations;
  - establish an Electoral Commission to deal with complaints and appeals regarding electoral procedures; and
  - introduce more formalised election rules.
- 3.7.2 The Joint Committees agree in principle with these recommendations. Detailed proposals will be submitted to the States by the States Procedures and Constitution Committee.



## **4. CONSEQUENTIAL AND SECONDARY ISSUES**

### **4.1 Support for States Members**

#### **4.1.1 States Chamber**

- 4.1.1.1 The Harwood Panel recommended that a dedicated States Chamber, with appropriate facilities, should be created for meetings of the States. It felt that sharing the Royal Court was no longer acceptable.
- 4.1.1.2 The Panel expressed the view that the States Chamber should have adequate seating, preferably in a semi-circular pattern, with desk facilities, and should incorporate modern technological features, including hearing loops for the hard of hearing, microphone and recording equipment, and unimpeded access for the disabled.
- 4.1.1.3 The Panel further recommended that the States Chamber should be equipped with facilities for simultaneous (electronic) voting. The Panel's case was that such a system of voting "may help to speed up the voting process, and would enable an accurate voting record to be maintained." It recognised that there may be technical difficulties in introducing it in the present Chamber of the Royal Court, but felt that if a dedicated States Chamber was to be provided then provision for simultaneous voting should be included. It further recommended that any system of simultaneous voting should be capable of identifying and recording electronically the votes of individual members.
- 4.1.1.4 The Panel felt that in the immediate vicinity of the States Chamber there should be a library, secretaries/research assistants, and computers with email and Internet facilities for the use of States Members.
- 4.1.1.5 The Panel proposed that a suite of offices for the elected Political Leader and his or her Senior Officer, together with meeting rooms with public access for Scrutiny Committees, be provided near the States Chamber.
- 4.1.1.6 The Joint Committees agree that a dedicated States Chamber is required. The reasons, however, go much deeper than just matters of convenience and improved facilities for the functioning of the States. Historically the States grew out of the Royal Court, but it has evolved, quite appropriately, as a separate body as the Island's legislature. It is no longer appropriate that the Island Parliament should meet in a chamber whose primary function is the Royal Court.

- 4.1.1.7 However, the Committees are of the view that it should not be necessary to create a new Chamber. The present Royal Court should be adapted for the purpose, once the new court buildings are erected. The Royal Court would be altered to provide semi-circular seating, appropriate to a modern parliamentary system. It would be available for use as a Court for civil cases when not in use by the States. If the reordered Chamber cannot accommodate the States of Election, those meetings could be held at another location, such as St James Concert and Assembly Hall.
- 4.1.1.8 The Committees would agree that if a dedicated States Chamber is to be provided then it should be appropriately equipped. Indeed improved facilities are desirable even without a dedicated Chamber. They agree in general with the proposals of the Harwood Panel, but are of the view that the facilities should not include secretarial services for States Members. There should, however, be ancillary facilities, including a Members' room, library/research facility, small meeting rooms, and facilities for support staff. There should also be an appropriate level of security, both within the Court House and the Chamber itself.
- 4.1.1.9 The Committees are not in favour of electronic voting. The present provisions for a division (*appel nominal*), are considered to be generally adequate, but proposals for some improvements will be brought before the States by the States Procedures and Constitution Committee.
- 4.1.2 Transcripts of States proceedings
- 4.1.2.1 The Harwood Panel recommended that transcripts of States proceedings should be made available to States members and to the public.
- 4.1.2.2 The Committees are of the view that transcripts, while they might be desirable, cannot be considered essential. The cost of producing transcripts is likely to be excessive. Provision now exists for States members to have access to tape recordings of States proceedings. As technology develops so cost effective improvements can be made. For example, it may be found more convenient for recordings to be provided to States members on compact disc, incorporating helpful search facilities. In due course it is expected that it will be possible to have transcripts produced by means of voice recognition software, and this could well be a relatively inexpensive way of providing them. The Committees are, therefore, of the opinion that transcripts should be produced as and when it becomes cost effective to do so.

#### 4.1.3 Remuneration payable to States Members

- 4.1.3.1 The Harwood Panel expressed views on the principles of remuneration payable to States Members, and considered that a basic fee in the range of £25,000/£30,000 (with enhancements for political heads) would be justifiable. It recommended, however, that the basic fee should be determined independently, and thereafter subject to annual increase by reference to the average percentage increase in the salaries of Senior Civil Servants.
- 4.1.3.2 The Joint Committees, while not necessarily agreeing with the level of remuneration suggested by the Panel, do agree that it should be determined independently, in the manner proposed by the Panel. Clearly, however, any independent body set up to determine the remuneration of States Members will have to take into account the nature of the roles of all Members, and particular consideration will have to be given to the roles of those Members elected to positions of special responsibility. These roles will only be determined once the States have made decisions upon the system of government in some detail.
- 4.1.3.3 It is proposed, therefore, that once the States have determined the system of government, the matter of remuneration will be referred to an Independent Pay Review Board. The Board would be asked to make appropriate recommendations. The Advisory and Finance Committee will, therefore, be submitting proposals to the States for the establishment of a Review Board in due course.

#### 4.2. **Support for the States of Deliberation**

##### 4.2.1 The Role of the Bailiff as Presiding Officer

- 4.2.1.1 The Harwood Panel concluded that the duality of the Bailiff's functions (ie judicial and parliamentary) did not cause any malfunction in the machinery of government. It made no recommendation in respect of the continuation, or otherwise, of the Bailiff acting in the role of Speaker in the States of Deliberation. However, it presented options for the selection in the event that the States considered that some person independent of the Bailiff should preside at States meetings.
- 4.2.1.2 The Joint Committees concur with the Panel that, for the time being, the Bailiff should continue to preside over the States of Deliberation. However, they see merit at the appropriate time in requesting the States to appoint a panel to review the position of the Bailiff in the States of Deliberation and the States of Election, and to report on the full implications of making such changes, if any, as the Panel may recommend.
- 4.2.1.3 The Harwood Panel recommended that the title 'President' be discontinued. Although it did not recommend an alternative, it appeared to lean towards 'Mr Bailiff'.

- 4.2.1.4 The Joint Committees agree with the Panel's recommendation, and that the Presiding Officer of the States of Deliberation be referred to as 'Mr Bailiff'. They are of the view that the continued use of the title 'President' for this position, when it is proposed that the political spokesman for the Island is the Chief Minister, could cause confusion.
- 4.2.1.5 The Bailiff, as Presiding Officer of the States of Deliberation, has a casting vote. The Committees are of the view that whoever acts as Presiding Officer should not have a casting vote. A tied vote should be declared lost. In the event of a tied vote for an election during the proceedings of the States, the Presiding Officer should put the matter back to the House for a second vote, and in the event of a second tied vote, should invite the Members to draw lots.
- 4.2.2 Greffier
- 4.2.2.1 The Harwood Panel recommended that if there was a dedicated States Chamber then there should be a separate office of States Greffier, and that the States Greffier could give further support to States Members in the execution of their functions.
- 4.2.2.2 The Joint Committees do not agree with the views of the Panel in regard to the creation of a new office of States Greffier. Rather, the Committees are of the opinion that the responsibility for meetings of the States, including the preparation of the agendas and the Billets d'Etat, and the administrative work associated with States meetings, currently the responsibility of the Office of the Bailiff, should rest entirely with the senior committee of the States, ie the proposed Chief Minister's Department. The Presiding Officer, however, should continue to convene States meetings.
- 4.2.2.3 The Committees would have no objection to H M Greffier continuing to carry out the duties of Clerk to the States for the time being, but acting on behalf of the Chief Minister's Department. However, it would be appropriate that any panel reviewing the Bailiff's role should also be charged with reviewing the role of HM Greffier in the States of Deliberation and the States of Election.

#### **4.3. Proceedings in the States**

##### **4.3.1 Timetable**

- 4.3.1.1 The Harwood Panel recommended that the States should be presented, at least once per year, with a statement setting out a proposed timetable for the presentation of matters for debate by the States, and that no other matters, other than emergency ones authorised by the Presiding Officer, should be brought before the States.

4.3.1.2 The Joint Committees are of the view that such a timetable, whilst desirable in theory, would be impractical to implement. Committees would be required to commit themselves to a rigid timetable well over a year in advance, when many policy proposals take considerable time to develop, and their timing cannot be precise. The Joint Committees feel that a timetable would be subject to so many changes that it would soon become worthless.

4.3.1.3 The Committees further note that the Panel's recommendation was in the context of an executive style of government. Indeed, it envisaged that the timetable would be prepared and submitted by the Chief Minister. If the streamlined committee system proposed in this Report is to be introduced, then it would be more difficult for an authoritative and rigid timetable to be produced.

4.3.1.4 In accordance with the proposal that the Chief Minister's Department should be responsible for the administration of States meetings and for the timetable for the preparation of legislation, that Department would be in the best position to control the timetabling of matters to be brought before the States, without unnecessary duplication of effort. Proposals could be included by the Committee in its annual Policy and Resource Planning Report. Indeed, that Report already effectively meets the needs identified by the Harwood Panel, and it is appropriate that it should contain a presentation of the main policies of States Departments.

#### 4.3.2 Submission of matters for debate

4.3.2.1 The Harwood Panel recommended that matters to be debated by the States should be published in the form of a Billet D'Etat at least 21 days before the meeting, and that for major policy issues draft consultation papers should be published at least 90 days before the meeting.

4.3.2.2 The Joint Committees agree that more time is needed for States members and the public to consider matters submitted for debate. However, they do not agree with the rigid formula proposed by the Panel. They are of the view that States Departments should be encouraged to promulgate more consultation papers and 'green papers' in advance of the submission of major policy items. They would not, however, at this stage, wish to be prescriptive in this matter. Rather, it is suggested that this could be an issue to be addressed once the Chief Minister's Department has taken responsibility for the compilation of Billets d'Etat.

#### 4.3.3 Individual motions

4.3.3.1 The Harwood Panel proposed that at every States meeting, or possibly every other meeting, any one Member, chosen, if necessary, by ballot, should be able to place a motion before the States. The Panel recommended constraints on the time allowed for debate of such motions.

4.3.3.2 The Joint Committees do not agree with this recommendation. It may have been appropriate in the context of an executive form of government, but under the form of government proposed by the Committees, it is considered that the present provisions, whereby any seven Members can request (in the form of a *requête*) a matter to be laid before the States, are quite adequate.

#### 4.3.4 Privilege for States Proceedings

4.3.4.1 While the Harwood Panel made no recommendations in respect of privilege, it did address this matter in its Report, having consulted H M Procureur, and suggested that consideration be given to the introduction of legislation establishing the principle of Absolute Privilege for proceedings of the States.

4.3.4.2 The Joint Committees concur with the comments of the Panel.

#### 4.3.5 Hours and frequency of States meetings

4.3.5.1 The Harwood Panel made recommendations to the effect that the States should continue to sit after 5:00 pm to complete its agenda, rather than adjourn to another day, and should consider sitting fortnightly.

4.3.5.2 The States passed Resolutions on this matter in January 2002, following consideration of proposals submitted by the States Procedures and Constitution Committee.

### 4.4 **The Civil Service**

4.4.1 While the Harwood Panel made a number of observations in its Report, based on issues which it had identified in relation to the Civil Service, it made no specific recommendations.

4.4.2 The basic principle must be that the structure of the Civil Service must support, and to some extent mirror the form of government. There will be a significant reduction in the number of States committees, a merging of functions, and a devolution of non-essential and service functions. The restructuring which will be necessary will facilitate the establishment of a more coherent, focused structure amongst the most senior posts within the Civil Service, and will be a major contributor towards, and support of, the overall aim of clear leadership. It will, however, necessarily involve considerable investigation and consultation, following a decision by the States to change the form of government.

4.4.3 Detailed arrangements will be formulated by the Advisory and Finance Committee, following appropriate consultation, the results of which will be reported to the States, together with any necessary propositions.

## **5. IMPLEMENTATION**

### **5.1 General principles**

5.1.1 The implementation of the Joint Committees' proposals may be broadly divided into three areas:

- those relating to the organisational issues, for which the Advisory and Finance Committee will be primarily responsible;
- those relating to the representational issues, for which the States Procedures and Constitution Committee will be responsible;
- those relating to the 'consequential and secondary issues', for which both Committees acting separately will be responsible.

These Committees will be preparing plans for the implementation of decisions of the States in their respective areas.

5.1.2 The Harwood Panel expressed the view that the most immediate changes required were those relating to the representational issues, which, it felt, should be implemented to take effect for the next General Election, in 2004. The Panel envisaged that the streamlining of the Committee system might require a two-stage process, with changes to primary legislation being implemented during the period between two General Elections, ie between 2004 and 2008. It did not feel that the legislation required to change the electoral process need be linked to that required to change the system of government. It further envisaged that changes not requiring primary legislation, especially those relating to the 'consequential and secondary issues', could be implemented in the shorter term, before 2004, independently of the other changes.

5.1.3 The Joint Committees agree in general with the Panel's observations. They envisage that the implementation will be a staged process. The legislative changes required to implement the new electoral system should, in the Committees' view, be feasible in time for the 2004 Election. The next priority, which should also be able to be accomplished in time for the electoral changes, should be the establishment of the post of Chief Minister and the Chief Minister's Department. The changes necessary to complete the streamlining of the committee system will be more complex, and will be carried out in the period following the 2004 election. However, many of the changes relating to the consequential and secondary issues could be carried out at a relatively early stage. The Committees will, separately, but in consultation, report back to the States with detailed timetables for all of these changes, the legislative changes required, and the resources necessary for their implementation.

## **5.2 The implementation of organisational changes**

The Advisory and Finance Committee will report to the States and submit appropriate proposals in respect of:

- The Chief Minister's responsibilities
- The mandate of the Chief Minister's Department
- Ministers' responsibilities
- The designations and mandates of Departments
- The mandate of the Policy Council
- The Public Accounts Committee
- The mandate of the Legislation Committee
- The mandate of the House Committee

## **5.3 The implementation of representational changes**

The States Procedures and Constitution Committee will report to the States and submit appropriate proposals in respect of:

- The constitution of:
  - The Chief Minister's Department
  - Other Departments
- The methods of nomination and election of:
  - The Chief Minister
  - Members of the Chief Minister's Department
  - Ministers
  - Members of Departments
- Voting in the States, and in States Departments
- Electoral districts
- The number of People's Deputies to be elected in each district
- Arrangements for the election of Parish Representatives



- The administration and promotion of elections
- The electoral roll
- The establishment of an Electoral Commission
- Election rules

#### **5.4 The implementation of consequential and secondary changes**

5.4.1 The Advisory and Finance Committee will report to the States and submit appropriate proposals in respect of:

- The establishment of a Pay Review Board to consider and report on the remuneration of States Members and those Members of Departments who are not States Members.
- The design and equipping of the States Chamber and support facilities.
- The encouragement of States Departments to issue consultation papers and 'green papers' in advance of the submission of major policy items.
- Changes to the Civil Service.

5.4.2 The States Procedures and Constitution Committee will report to the States and submit appropriate proposals in respect of:

- The title to be used by the Presiding Officer of the States of Deliberation, and the incumbent's voting powers.
- The introduction of legislation establishing the principle of Absolute Privilege for proceedings in the States.

## 6. RECOMMENDATIONS

The Advisory and Finance Committee and the States Procedures and Constitution Committee therefore recommend the States to agree:

1. That as set out in this Report, the government of Guernsey shall comprise:
  - a. A Chief Minister
  - b. A Chief Minister's Department
  - c. Ministers
  - d. Departments
  - e. A Policy Council
2. That as set out in this Report:
  - a. The number of People's Deputies shall be reduced to 35.
  - b. Electoral districts for the election of People's Deputies shall be based on parish boundaries.
  - c. The position of Douzaine Representative shall be abolished.
  - d. There shall be a Parish Representative for each parish, elected by the electorate of the parish, from candidates who shall be Douzeniers.
3. To direct the Advisory and Finance Committee to report to the States and submit appropriate proposals for:
  - a. The functions and responsibilities of the Chief Minister and the Chief Minister's Department;
  - b. The designations, functions and responsibilities of Ministers and Departments;
  - c. The functions and responsibilities of the Policy Council;
  - d. The functions and responsibilities of non-governmental Committees, including:
    - i. a Public Accounts Committee
    - ii. a Legislation Committee
    - iii. a House Committee;

- e. The encouragement of States Departments to issue consultation papers and 'green papers' in advance of the submission of major policy items;
  - f. Changes to the Civil Service;
  - g. The establishment of a Pay Review Board to consider and report on the remuneration of States Members and those Members of Departments who are not States Members; and
  - h. The design and equipping of a States Chamber, and supporting facilities.
4. To direct the States Procedures and Constitution Committee to report to the States and submit appropriate proposals for:
- a. The methods of nomination and election of the Chief Minister;
  - b. The constitution of the Chief Minister's Department;
  - c. The methods of nomination and election of the Members of the Chief Minister's Department;
  - d. The methods of nomination and election of Ministers;
  - e. The constitutions of Departments;
  - f. The methods of nomination and election of Members of Departments;
  - g. Voting in the States of Deliberation and in Departments;
  - h. The constitution of non-governmental Committees, including a Legislation Committee and a House Committee, and the method of appointment of Members thereto;
  - i. Electoral districts, and the number of People's Deputies to be elected in each district;
  - j. Arrangements for the election of Parish Representatives [A proposition to this effect will require a two-thirds majority vote in the States of Deliberation, in accordance with the provisions of Article 3.(4) and (5) of The Reform (Guernsey) Law, 1948, as amended];
  - k. Provisions for an electoral roll, the administration and promotion of elections, the establishment of an Electoral Commission, and election rules;

- l. The title to be used by the Presiding Officer of the States of Deliberation, and the incumbent's voting powers;
- m. The introduction of legislation establishing the principle of Absolute Privilege for proceedings in the States.

## **APPENDICES**

- I Statement of Views of the Panel to Review the Machinery of Government in Guernsey
- II Results of the 'Have Your Say!' questionnaire
- III Results of the Mori Poll

## **STATEMENT OF VIEWS OF THE PANEL TO REVIEW THE MACHINERY OF GOVERNMENT IN GUERNSEY**

### **INTRODUCTION**

The Report of the Panel appointed to review the Machinery of Government in Guernsey was published in November, 2000 ("the Report") in accordance with the terms of reference originally determined by the States of Guernsey in December, 1998. Those terms of reference required that the Panel submit a Report setting out possible options for the future, without identifying a favoured option.

In January, 2001, the Advisory and Finance Committee and the Procedure and Constitution Committee requested the Panel to produce a Statement of the views of the Panel, as to which of the various options the States should pursue.

In arriving at the views expressed in this Statement, the Panel has given consideration to the range of options contained in and the arguments for and against those options set out in the Report. The Panel has not sought to repeat those arguments in this Statement.

Peter Harwood  
Chairman  
February, 2001

### **SECTION ONE – STATEMENT OF PRINCIPLES**

1. In order to identify those of the options that the Panel believes should be pursued by the States, the Panel has sought to set out certain basic principles by which those options should be judged.
2. Those principles are as follows:-
  - (a) all voters should have equal rights and an equal number of votes in the election of States Members;
  - (b) members of the public wish to see a reduction in the number of States Members;
  - (c) members of the public wish to see a reduction in the number of Committees of the States. The number of functions undertaken by the States needs to be reduced;
  - (d) the Island lacks focused political leadership. There needs to be one elected Member of the States in whom is clearly vested political authority;

- (e) such a Political Leader needs the support of a group of politicians, to assist in the formulation and implementation of strategic policy and who should be bound by principles of collective as wide a cross-section of potential candidates as possible. responsibility;
- (f) any form of Executive Government needs scrutiny by Members of the States;
- (g) in order to function properly, Members of the States need adequate support in terms of accommodation, salary, research and library facilities;
- (h) the States of Deliberation requires the services of its own Greffier and support staff;
- (i) States Members need greater time than is presently available to them in order to prepare before debates on major policy issues; and
- (j) changes to the Machinery of Government should aim to make participation as a Member of the States attractive to as wide a cross-section of potential candidates as possible.

## **SECTION TWO - ELECTORAL DISTRICTS**

3. In order to meet the first of the principles stated in Section One of this Statement, the Panel is of the opinion that new electoral districts should be created by division on a population basis. The Panel does however recognise the importance attached to the Parish link and accepts that each Parish should elect a Parish representative.
4. The Panel considers that the number of seats per district ought not to exceed five.
5. The Panel is therefore of the opinion that Option 2, as described in the Report, with six electoral districts each electing five members and each Parish electing one Parish representative is the appropriate model that should be implemented.
6. The Panel does not consider that it would be viable or practicable to devise an Island-wide electoral system.
7. The Panel considers that any alteration involving the creation of electoral districts by the grouping of Parishes would be unacceptable, as it would create a division between those Parishes that retained their electoral identity and those that did not.
8. The Panel considers that four years is the appropriate term for the electoral cycle.
9. The Panel believes that the States should itself be more pro-active in promoting the electoral process by maintaining a permanent electoral roll and by circulating to all households at each election a list of candidates and polling stations.

10. The Panel also recommends the establishment of an Electoral Commission to deal with complaints and appeals regarding electoral procedures.

### **SECTION THREE - NUMBERS OF STATES MEMBERS**

11. In order to address the second of the principles set out in Section One of this Statement, the Panel recognises that in arriving at the optimum size of elected Assembly, certain criteria must be considered. In particular:-
  - (a) the number of Members required to participate in the administration of government; and
  - (b) the number of elected representatives that would be required to provide effective scrutiny of government.
12. On the assumption that the number of departments of government can be reduced in the manner suggested in Section Four of this Statement, the Panel is of the opinion that the number of Members of the States of Deliberation should be reduced to forty-two (including the Alderney representatives).
13. Such a reduced number should, in the opinion of the Panel, ensure that there are sufficient numbers of States Members not bound by collective responsibility, who would be able to undertake the functions of scrutiny, whilst not necessarily capable of threatening the stability of government.
14. The Panel would suggest that States Members be entitled to use the initials 'M.S.D.' (Member of the States of Deliberation) after their names.

### **SECTION FOUR - REDUCTION OF GOVERNMENT ACTIVITIES**

15. The Panel recognises that to achieve greater co-ordination, cohesion and consistency in government it will first be necessary to achieve a reduction in the number of departments of government.
16. In the Report, the Panel identified a reduction in number of the present committees to a small number of principal or core areas of government, based on groupings of States activities by functions.
17. The eleven core departments of government identified by the Panel, would be as follows:
  - (1) Treasury and Finance;
  - (2) Population and Housing;
  - (3) Industry and Commerce;

- (4) Education;
- (5) Environment;
- (6) Home Affairs;
- (7) Board of Health;
- (8) Island Development/Planning;
- (9) Property Services;
- (10) Social Services;
- (11) Arts, Sports and Leisure.

The twelfth function of policy and resources originally identified in the Report will not constitute a separate department of government, but would be carried out under the leadership of an elected Political Leader with the leaders of the eleven departments sitting as a Council or Committee of Ministers.

- 18. Certain other functions could still be carried out by Committees appointed by the States e.g. Overseas Aid, Liberation Day, Ecclesiastical and Liberation Religious Service.
- 19. The Panel is also of the opinion that many of the present activities carried out by the States, particularly those identified in paragraph 9 (vi) of Section Four of the Report, should be discharged by non-political bodies or by the private sector, rather than by political committees or bodies of government.

## **SECTION FIVE - POLITICAL LEADERSHIP**

- 20. The Panel recognises that one of the key criticisms of the present committee based style of government is that there is a lack of an identifiable Political Leader from an external perspective, that no one person can be said to have political authority to speak for the Island of Guernsey, and that different people have apparent responsibility for different issues, each with equal authority. The Panel also recognises lack of political leadership in terms of ownership of the ability to deliver a co-ordinated strategic policy for the Island. Lack of political leadership also demonstrates itself in lack of co-ordination and cohesion in the administration of policy by the present Committees of the States.
- 21. The Panel is also aware of the reluctance on the part of many Politicians to engage in matters of strategic policy, because of lack of resources and research and that those who wish to involve themselves in the development of strategic policy, do not find the present committee system conducive to that objective.
- 22. It is also apparent that many of the Politicians, through the present committee system, choose to become too closely involved in the administration of



government, preferring to busy themselves in the detail of administration, which are largely matters that ought to be delegated to the Civil Service.

23. In order to provide political leadership, the Panel can see no alternative but to move towards an executive form of government, with a Political Leader elected by the States Members from amongst their number, but limited to a maximum of two terms i.e. maximum of eight years in office. Such person must be held to be politically accountable to the Members of the States for the development and implementation of the policies of the States and must clearly have vested in him political authority to speak for the Island.
24. The choice whether or not to call such a leader a Chief Minister or President is largely a matter of personal preference. Given the confusion however with the title "President" attaching to the Bailiff when sitting as Presiding Officer of the States of Deliberation, the Panel, would incline towards the title "Chief Minister".

## **SECTION SIX - SUPPORT FOR CHIEF MINISTER**

25. A Political Leader will need the support of a group of like-minded Politicians to assist in the formulation and implementation of strategic policy for the Island and in the implementation and co-ordination of policies for individual departments of government. On balance, the Panel is of the opinion that the clearest and most authoritative form of government would be the form of Ministerial Council.
26. On the basis that the Panel has identified eleven departments of government, it would be logical for the Chief Minister to be supported by eleven Politicians, each having responsibility for one department of government.
27. Those eleven Politicians, together with the Chief Minister, would then form a co-ordinating council or committee in order to assist in the formulation and promulgation of strategic policy and to co-ordinate the policies of individual departments of government, so they can be presented in a manner which is consistent with such overall strategic policy and in a manner which also avoids conflicts between departments. Such a co-ordinating body would therefore require authority, if necessary, to override the political leader of an individual department of government. In order to achieve such co-ordination and cohesion, it would therefore be necessary to impose collective responsibility upon that group of eleven politicians.
28. Because of the importance of such a group of Politicians being able to work together and being able to support the Chief Minister, the Panel recommends that the Chief Minister should select from the elected Members of the States, those eleven Politicians and submit that choice for approval by the States of Deliberation. The Chief Minister should also retain the power to require the resignation of any one or more of those eleven Politicians and to submit to the States of Deliberation

his choice of replacement for approval. No individual should be capable of serving for more than two terms in the same office.

29. Each of the principal Politicians appointed to head a department of government, would be entitled to appoint one or possibly two junior Members to support him in the discharge of the duties of his particular department of government. Such junior appointees would only be bound by collective responsibility in relation to departmental matters pertaining to the department to which they were appointed.
30. In order to maintain the involvement of other States Members and of “non-States Members”, in the deliberations of departments of government, the Panel would recommend that each department of government be obliged to establish an Advisory Committee to meet at least four times a year, on which would sit the Political Leader of that department, together with his junior appointees, plus two States Members not otherwise engaged in that department, plus two non-States Members. The role of each Advisory Committee would be to assist in the development of policy for that department by bringing forward to the attention of the department, matters of general interest and concern affecting the workings of that department. The Panel recognises the importance that is presently attached to the involvement of non-States Members with the present system of government and would wish to encourage such involvement for the future. The choice of States Members and non-States Members to be appointed to such Advisory Committees would be matter for approval by the States of Deliberation.

## **SECTION SEVEN - SCRUTINY**

31. Even under the present committee system of government, the absence of a forum wherein individual States Members can question the Chairman of Committees on matters of policy, or Senior Civil Servants on matters of administration, is a hindrance to effective scrutiny.
32. The only effective forum available for States Members is either by tabling questions before States Debates or by initiating Debates through the Requête process.
33. If the Island is to adopt an executive form of government, then the matter of scrutiny of the activities of government becomes even more important and critical.
34. The Panel believes that effective scrutiny can only be achieved by establishing Scrutiny Committees, with authority to call evidence from Politicians and Senior Civil Servants and with the ability to question such evidence. Such scrutiny need not necessarily be conducted in a confrontational manner, but can also be used to assist in the development of government policy.

35. The Panel therefore recommends the establishment of formal Scrutiny Committees in the following manner:-
- (a) a Public Accounts Committee authorised to review the financial affairs of committees or departments with two joint Chairpersons elected by the States. Any Politician who is chosen as Leader of a department of government or any junior to such person, would be excluded from Chairing the Public Accounts Committee. Ten States Members would be elected by the States to form the standing membership of the Public Accounts Committee, of which five, together with one of the Chairpersons, would form a quorum. No person would sit on the Public Accounts Committee when it is considering a matter relating to a department of which he is a Member. Meetings of the Public Accounts Committee should be open to the public when taking evidence; and
  - (b) a Scrutiny Management Committee to be established comprising the two Chairpersons of the Public Accounts Committee and a third person elected by the States from amongst its Members. The Scrutiny Management Committee would have authority to propose ad hoc Scrutiny Committees, subject to approval by the States, to investigate particular policy issues in response to a request from at least five Members of the States, who are not themselves Members of the department whose policy is to be reviewed. Each ad hoc Scrutiny Committee should be made up of one of the Chairpersons of the Public Accounts Committee, plus two other Members selected from the Public Accounts Committee by that Chairperson, and three others appointed by the States, none of whom should be a Member of the department whose policy is being scrutinised. Meetings of each ad hoc Committee should be open to the public when taking evidence.
36. The Panel is also of the opinion that a more effective scrutiny of legislation should be introduced, involving a First Reading Debate when the Projet is tabled, a Second Reading Debate when the draft legislation is scrutinised by the States sitting in Committee, and a Third Reading Debate when the Projet, as amended following the Second Reading Debate, is then formally tabled for approval.

## **SECTION EIGHT - SUPPORT FOR STATES MEMBERS**

37. It is the view of the Panel that, if the Island wishes its Politicians to function efficiently, greater thought must be given as to the physical conditions under which they are expected to operate and as to the level of support services that, as a minimum, they ought reasonably to expect.
38. The absence of a dedicated Chamber in which States meetings are held, should no longer be considered to be acceptable. The Panel is of the view that a dedicated Chamber should be created for meetings of the States. Such a Chamber should have

adequate seating and desk facilities for each Member and should incorporate modern technological features, including hearing loops for the hard of hearing, microphone and recording equipment and facilities for simultaneous voting and provide unimpeded access for the disabled.

39. The Panel is also of the opinion that, in the immediate vicinity of such States Chamber, there should be a Members' library incorporating a pool of secretaries or research assistants for Members, meeting rooms for use by Members, when meeting with members of the public, and at least two Committee rooms accessible to the public for meetings of Scrutiny Committees. Consideration should also be given to providing a suite of offices for the elected Political Leader and his Senior Civil Service Officer. Each Member of the States should be provided with the necessary technical support for his role, this must at present include adequate computer, email and internet facilities. The Panel believes that transcripts of proceedings of the States should be made available to States Members and members of the public.
40. The Panel is of the view that it is necessary to find a level of remuneration payable to States Members, that might be sufficient to compensate Members of the States for their involvement, particularly those who are in employment and who, by force of circumstance, may be obliged to give up employment to concentrate on Membership of the States.
41. The Panel is of the view that there should be a flat fee payable per Member, with no adjustment for attendance at meetings and with no adjustment by way of Means Test. The Panel recognises that the political heads of each department of government and the Chief Minister himself should be entitled to further additional fees.
42. The Panel considers that a basic fee in the range of £25,000/£30,000 would be justifiable, but would recommend that the basic fee should be determined independently and thereafter should be subject to annual increase by reference to the average percentage increase in the salary of Senior Civil Servants.

## **SECTION NINE - SUPPORT FOR THE STATES OF DELIBERATION**

43. In the previous Section, the Panel has recommended that consideration be given to creating a separate and dedicated Chamber in which States meetings should be held. Such separation of physical resource from that used by the Royal Court would also lead, in the opinion of the Panel, to the need to create a separate office of States Greffier, whose function should be separate and distinct from those of a judicial nature, presently undertaken by Her Majesty's Greffier.
44. In the opinion of the Panel, a separate and appropriately qualified States Greffier, solely responsible to the Presiding Officer of the States and to the Members of the

States, would give further support to the Members of the States in the execution of their functions.

45. The role of the States Greffier would be to act as a public officer answerable to the States for the administration of the States Chamber, the Members Secretariat, the publication of the Billet d'Etat for meetings of the States and for publication of resolutions of the States. Consideration should also be given to the States Greffier providing a written transcript of States proceedings, which would be available to States Members as part of the Members' library facilities.
46. The Panel recognises the importance also attaching to the role of Presiding Officer at meetings of the States of Deliberation. The impartiality of that role is fundamental to the preservation of the necessary balances between the authority of an executive government and the rights of the elected representatives. That role is presently undertaken by the Bailiff.
47. The Panel has previously questioned whether it is appropriate for any person acting as the Presiding Officer of the States of Deliberation to carry the title "President of the States of Deliberation". The Panel would recommend that the use of that title be discontinued.
48. The Panel is aware that many Politicians would prefer that the person appointed to preside at meetings of the States of Deliberation be elected by the States Members. In the Report, the Panel identified the criteria that would need to be met by anyone elected to that post. The Panel sees no reason why a Presiding Officer should not be elected by the States Members, but can see no immediate benefit in having an elected Presiding Officer. That choice must however be within the discretion of the States and for the States Members themselves to determine. The Panel would suggest that at least during any period of transition in the machinery of government in the Island, there could be merit in the Bailiff continuing to preside at meetings of the States of Deliberation.

## **SECTION TEN - PROCEEDINGS IN THE STATES**

49. The first intimation that States Members may receive of a major policy issue for debate, is often when each Member receives a Billet d'Etat for the forthcoming meeting of the States. The Panel recognises that the period between receipt of the Billet d'Etat and the date of the States meeting (in practice, little more than two weeks) gives insufficient time for adequate preparation, research and/or consultation.
50. In order to enable States Members to better prepare themselves for States Debates, the Panel recommends that the Chief Minister should be required, at least once a year, to present a statement, setting out a proposed timetable for the presentation

of legislation or other matters for debate by the States, and that, save for emergencies authorised by the Presiding Officer, no policy issue or legislation ought to be brought before the States that is not included in that statement.

51. Thereafter matters to be debated at a subsequent meeting of the States should be published in the form of the Billet d'Etat, at least twenty-one days before the date of the meeting. On major policy issues, the Panel would expect that a fuller consultation process be followed with the publication of a draft consultation paper, at least ninety days before the date of the States meeting at which the policy matter is to be debated.
52. The Panel also recommends that the States of Deliberation should continue to sit into the evening to complete its agenda, rather than breaking at 5 p.m. as appears to be the normal practice, necessitating a further sitting on another date to complete that agenda.
53. In order to carry out its functions adequately, the States should consider meeting fortnightly so as to ensure greater continuity of its business and better management of its agenda.
54. At every meeting of the States or possibly every other meeting, a period of no more than thirty minutes should be allowed, during which any one Member of the States, chosen, if necessary, by ballot, can bring forward a motion of his own choosing and speak on that motion for no more than ten minutes. A further period of up to twenty minutes should be allowed for further debate on the motion, at the end of which period the motion would automatically be put to the vote.
55. Given the proposals for creating a separate dedicated Chamber for meetings of the States of Deliberation, the Panel would also recommend that a system of simultaneous voting be introduced to help speed up the voting process and to enable an accurate voting record to be maintained on every vote taken.

## **SECTION ELEVEN - IMPLEMENTATION OF CHANGES**

56. The Panel recognises that many of the changes identified in this Statement will require primary legislation to be enacted.
57. In the opinion of the Panel, the most immediate of the structural changes relates to the changes in the electoral process and the creation of electoral districts in place of the present Parish basis of elections. The Panel would suggest that the necessary reforms to enable such changes to take place should be implemented, by not later than the end of the current calendar year, if such proposals are to be in place and effective for the next General Election, which will take place in the year 2004.

58. The streamlining of the present committee system down to no more than eleven Committees, with a view to those Committees ultimately being translated into departments of government, will also require primary legislation and it may be that it will be necessary to have a two stage approach to that process. The Panel recognises that it may be difficult for the appropriate primary legislation to be put in place before the next General Election to give effect to these changes. Such changes could be implemented during the period between two General Elections.
59. The Panel does not believe that it is necessary that the legislation required to change the electoral process and the legislation required to effect translation from Committee Government to Executive Government, need necessarily be linked. The changes could therefore proceed subject to different timetables, if necessary.
60. Other changes not requiring primary legislation e.g. changes to the procedures within the States of Deliberation, the timing of publication of the Billet d'Etat, frequency of States Meetings, and selection of appropriate accommodation for the States Chamber could be implemented in the shorter term before the next General Election, independently of the other changes.

# ***‘Have Your Say!’***

## **Results of the Questionnaire Survey**

Conducted by  
The School of Policy Studies, Bristol University  
on behalf of  
The Advisory and Finance Committee and  
The States Procedures and Constitution Committee

10 April 2002



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## Background

In December 1998 the States of Guernsey established a panel to review the machinery of government of Guernsey and to identify options for change in the future to ensure the continued prosperity of the island.

A panel of seven members under the chairmanship of Advocate Peter Harwood undertook this task and published its report in November 2000. The review was organised under two broad headings: organisational issues, including the committee system and the need for an executive form of government; and representational issues, including the number States Members and the most appropriate form of electoral geography for the island.

In March 2001, the Harwood Panel published a Statement of Views in which it set out its preferred options from those contained in its report of November 2000.

At the same time, the two committees responsible for taking forward the Review (the Advisory & Finance Committee and States Procedures & Constitution Committee – known hereafter as the Joint Committees) sought advice from the School for Policy Studies at the University of Bristol on possible ways of consulting the public on the options recommended by the Harwood Committee.

In December 2001, the Joint Committees published a Consultation Document in which they set out in summary form the recommendations of the Harwood Panel and alongside them the current views of the majority of the Members of the Joint Committees.

That document, published as a supplement in the Guernsey Press, heralded a questionnaire that would provide an opportunity for everyone living on the island to express their views on the various proposals and recommendations.

The consultation exercise and the questionnaire were launched at two public meetings, attended by the Chairmen of the Joint Committees and by Advocate Peter Harwood among others, held on the evenings of February 14<sup>th</sup> and 15<sup>th</sup>. This report describes the results of that questionnaire.

Since the submission and publication of the final report an error in the attribution of postcodes to Parishes was discovered. An adjustment has since been made to the description of the overall profile of respondents and to the data and conclusions drawn about the evidence of any significant Parish pattern to responses. The overall pattern of responses has not changed significantly and nor have the broad conclusions. This report incorporates this adjusted data and the revised conclusions.

## **Acknowledgements**

I would like to thank all who participated in this consultation exercise and those who helped in its organisation, in particular Mr George Sauvage, Head of the Policy Unit at the States of Guernsey and Ms Carolyn Williams of Wyman Dillon Ltd.

## Organisation of survey

A questionnaire was designed to invite views on the Consultation Document, in other words on the recommendations of the Harwood Panel and on the responses of the Joint Committees. The questionnaire had to balance the need to provide relevant contextual information with the need to be 'user-friendly' and hence encourage the highest possible rate of return.

The questionnaire contained ten multiple-choice questions, three questions about postcode and demographic characteristics and an opportunity to comment in free text form.

Each questionnaire contained a unique reference number that allowed a check to be made on multiple copies being submitted. This did not allow the identification of individual respondents. There was no evidence of any systematic attempt to affect the results of the survey by submitting multiple copies of completed questionnaires.

The Guernsey Postal Service delivered a pack containing two copies of the questionnaire along with a reprint of the Consultation Document and a prepaid return envelope to each postal address on the Island during the week commencing Monday 11 February 2002. Additional copies of the questionnaire were available from various locations and a version could also be downloaded from a dedicated section of the States' website. Completed questionnaires were to arrive no later than Friday 8 March and data entry ceased on Friday 15 March.

A specialist firm, Wyman Dillon Ltd of Bristol, provided the logistical support for the survey, organising the printing of the questionnaire and the assembly of packs before distribution. They also undertook data entry and verification and supplied summary data for analysis to the University of Bristol. Completed questionnaires will be held securely by Wyman Dillon Ltd for six months and then disposed of appropriately.

## Summary of Findings

In broad terms, the survey revealed the following views among those who participated. It is important to remember that the sample of those who responded is not statistically representative of the population of Guernsey as a whole and hence it is not possible to generalise with any statistical reliability from these findings.

- A substantial majority is in favour of a change in the Island's system of government. Fewer than one thousand prefer no change to the present system.
- Of the broad options for change, most favour the Streamlined Committee system proposed by the Joint Committees rather than the Executive model proposed by the Harwood Panel. Fewer than ten percent preferred any other type of system.
- There is overwhelming support for a reduction in the number of departments and committees and for the development of a more effective system of scrutiny within government.
- There is also substantial support for reducing the number of States Members by around one quarter and for linking the number of Deputies representing each Parish to the population of the Parish.
- A majority favour retaining the use of Parish boundaries in determining electoral districts in the future, although almost one third favour electoral districts based on some other system.
- A majority are in favour of changing the current system in which each Parish Douzaine elects one of its own members to sit as a States Member but opinion was divided equally as to whether a Parish Representative in the future need or need not be a Douzenier in order to stand for election by all voters in the Parish.
- When presented with a choice between the recommendations of the Harwood Panel and those of the Joint Committees, a majority of respondents tended to favour the latter. This was even more marked among those who generally were not in favour of change but who nevertheless expressed views on subsequent options for change.
- In general, the support for change was strongest among the younger age groups of respondents, with older respondents being least in favour of change. There is little evidence of significantly different views expressed by men in comparison with women.
- There is no strong evidence of any consistent pattern to the responses according to Parish, although respondents from St Peter Port tend to be most supportive of change while those from St Sampson are least supportive.

## • Results of Survey

### Characteristics of the sample of respondents

By the end of the survey period, 6,634 questionnaires had been returned. This represents approximately 14% of the 46,000 questionnaires delivered to residential postal addresses on Guernsey and 16% of the 41,000 residents aged over 19 years according to the 1996 Census of Population.

The question of whether or not this is a good response rate is a matter of political interpretation, but at the outset it was felt that returns from 10% of the population would be reasonable.

It must also be remembered that this was not designed to be a representative sample survey of the population of Guernsey in which it is possible to generalise to the population as a whole. Rather, it was intended to provide everyone with the opportunity to express their views on the proposals put forward by both the Harwood Panel and by the Joint Committees and indeed to advocate alternative positions if necessary.

Nevertheless, the demographic questions provide some relevant points of comparison with known characteristics of the population at large.

The sample that responded contained many more older people than does the population at large. For example, while 23% of the population of the Island is aged under 19 years, only five responses were received from people aged less than eighteen years. At the other end of the age spectrum, although 16% of the Island's population is aged over 65 years, 34% of the sample of respondents were within this age group.

The sex profile of the sample is broadly comparable with the Island profile, although a slightly higher proportion of responses came from men than from women.

In terms of geographical distribution as reflected in parish residence there is again a broad degree of comparability. As Table One shows, there is a discrepancy between the proportion of respondents from St Peter Port (21%) compared with their share of the total population (28%). It is possible that this is a reflection of both the age profile of the parish and of the concentration of short-term residents or seasonal workers who might be expected not to participate in an exercise such as this at the same rate as more established residents.

**Table One: Profile of respondents**

<b>Total responses</b>		<b>6634</b>		
<b>Sex</b>		<b>Number</b>	<b>Percent</b>	<b>% of Guernsey population</b>
	Male	3450	53	48
	Female	3092	47	52
	<b>Total</b>	<b>6542</b>	<b>100</b>	
<b>Age</b>				
	Under 18	5	-	(under 19) 23
	18-35	466	7	
	36-45	956	15	
	46-55	1395	21	
	56-65	1490	23	
	Over 65	2230	34	16
	<b>Total</b>	<b>6542</b>	<b>100</b>	
<b>Parish</b>				
	St Peter Port	1363	21	28
	St Sampson	815	13	15
	Vale	1105	17	16
	St Martin	761	12	10
	Castel	1045	16	15
	St Andrew	329	5	4
	St Pierre du Bois & St Saviour	695	11	8
	Forest & Torteval	335	5	4
	<b>Total</b>	<b>6448</b>	<b>100</b>	

**Notes**

Totals refer to those answering particular questions and do not always correspond with the total number of questionnaires returned.

Percent columns may not sum to 100 due to rounding.

Guernsey percentages from 1996 Census.

## Results from multiple choice questions

### A: The need for change

#### Question A1: Do you believe that a change in the Island's system of government is necessary?

The great majority of respondents (5342, 81%) favour a change in the Island's system of government. Of the remainder, 14% (917) are not in favour of change, 5% (308) are undecided and 1% (67) did not answer the question.

In terms of age, the proportion favouring change falls steadily with increasing age, from 87% among 18-35 year olds to 76% among those aged over 65 years. This is consistent with the more widely applicable correlation between conservatism and age. There are no significant differences in responses between men and women.

### B: The form of government

#### Question B1: If the system of government is to be changed, (which system) do you generally favour?

A clear majority of respondents (3517, 53%) favour Streamlining the present system as proposed by the Joint Committees, while 35% (2353) favour the Executive form proposed by the Harwood Panel.

A small minority, 529 (8%) favour some other form and 235 (4%) did not answer the question.

Among those who are in favour of change in general, most (2579, 49%) favour the Streamlined system although only slightly fewer (2308, 44%) support the Executive form proposed by Harwood. Among those who do not favour change, the overwhelming majority (688, 87%) favours the Streamlined Committee proposal.

Again, an age effect can be seen as the level of support for the Harwood Panel proposal declines with age and support for the Joint Committees' proposal increases with age. Table Two below shows this effect.

**Table Two: % support for different form of government by age band**

Age Band	Harwood	Joint Committees	Undecided	No answer
18-35	48	39	11	2
36-45	46	42	10	2
46-55	41	46	10	3
56-65	35	54	7	4
65+	26	65	6	4



## **C: States' Committees**

### **Question C1: Do you believe that the number of departments/committees should be reduced from the present 52 down to 11 or 12 as discussed in the Consultation Document?**

There is overwhelming support for a reduction in the number of committees. 5400 (81%) answered yes, 632 (10%) answered no, 473 (7%) were undecided and 129 (2%) did not answer.

Among those who favour change in general, 91% favour a reduction. Among those not in favour of change in general, 41% support a reduction whilst 46% are against a reduction.

There is no significant difference in the views of men and women, nor is there a major age effect.

### **Questions C2 & C3: Do you believe that there is a need for the States to set up bodies to undertake more internal scrutiny of its activities and which type of scrutiny do you favour?**

Over two thirds of all respondents (4691, 71%) favour more scrutiny while only 17% (1131) favour no more.

When asked about the type of increased scrutiny they favour, 2429 (37%) favour the Harwood approach to achieving this and 3021 (46%) the Joint Committees' approach.

## **D: Representational Issues**

### **Question D1: Do you believe that the number of States Members should be reduced from the present 57 down to around 42 as discussed in the Consultation Document?**

5510 (83%) respondents favour a reduction in the number of States Members, while 733 (11%) do not. 220 (3%) are undecided and 171 (3%) did not answer the question.

Of those who favour change in general, most (4870, 92%) are in favour of a reduction in the number of States Members compared with 472 (8%) who prefer no change, are undecided or did not express a preference.

Those who do not want change are more evenly split between those wanting a reduction in the number of States Members (407, 47%) and those not wanting a reduction (429, 49%) with 4% (33) undecided on the matter.

**Question D2: Do you favour a change to the present system whereby the number of Deputies that electors in each Parish may vote for depends on the population of their Parish?**

In total 4137 (62%) favour a change while 1719 (26%) do not. 568 (9%) are undecided and 210 (3%) did not answer.

Of those who favour change in general, over two thirds (3683, 70%) are in favour of a change to the election system, whilst among those who do not want change in general, the majority (518, 59%) do not favour any change to the election system.

There was no significant gender difference in the responses, but a slight age effect. The support for a change to the present system rises slightly among the middle-aged cohorts and then falls among the older age groups.

**Question D3: If the present system of election is to be changed to enable all electors to be able to vote for roughly the same number of Deputies, (which system for electoral districts) do you generally favour?**

Overall, a majority (3574, 54%) favour retaining the use of Parish boundaries in determining electoral districts, while 31% (2081) prefer electoral districts that do not use Parish boundaries.

Among those favouring change in general, a similar patterns exists, although slightly more (39%) reject Parish boundaries while slightly less (52%) are in favour of retaining their use.

Those who do not favour change in general, mostly (80%, 637) favour the retention of Parish boundaries as the basis of electoral districts.

There is some variation in the preferences of men and women, with men typically but only slightly more in favour of a non-Parish based system than women who more typically prefer electoral districts to be based on Parish boundaries. This holds for all age bands.

There is also some evidence of an age effect, with younger respondents showing more support for a non-Parish based system than older respondents even though for all ages there was more support for the Parish-based system than a for a non-Parish system.

**Table Three: % support for change to electoral districts by age band**

Age Band	Harwood	Joint Committees	Undecided	No answer
18-35	41	42	13	4
36-45	36	50	11	3
46-55	34	52	10	4
56-65	32	54	9	5
65+	26	60	8	6

**Question D4: Do you favour a change to the present system whereby each Parish Douzaine elects from within its number a Douzaine Representative to sit as a States Member?**

Overall, a clear majority favour a change to the present system in which Douzaine representatives are elected to sit as States Members. 3906 (59%) favour change, while 2127 (32%) do not. 482 (7%) are undecided and 119 (2%) did not answer the question.

Among those favouring change in general, over two thirds (3525, 67%) support a change in the selection method of Douzaine representatives, while just over one quarter (1399, 26%) reject it.

Among those who do not favour change overall, the pattern is reversed with 67% (592) rejecting this change and 29% (256) supporting it.

There is no significant gender effect, but a slight age effect with support for change declining as the age of the respondent rises. However, support for this change never fell below half the total of all respondents and reached two thirds among 18-35 year olds.

**Question D5: If the present method of election of Douzaine Representatives is to be changed (so that all voters in the Parish can vote on the Parish Representative) which method do you generally favour?**

Overall, 2858 (43%) favour the proposal that the Parish Representative need not be a Douzenier, while 2864 (43%) favour the Representative having to be a Douzenier. 532 (8%) favour some other system and 380 (6%) did not answer.

Among those in favour of change in general, these differences are slightly more pronounced: 52% (2652) favour the proposal that the Parish Representative need not be a Douzenier, while 40% (2040) favour the Representative having to be a Douzenier.

Among those who do not want change, three quarters (75%, 616) are in favour of the Representative having to be a Douzenier while 16% (130) feel they need not be a Douzenier.

While there is no significant gender effect, there is a slight age effect. Support for the Harwood Panel proposal that Parish Representatives need not be a Douzenier is greatest among the younger age bands and falls steadily as the age of respondent rises. Correspondingly, support for the Joint Committees' recommendation that only Douzeniers should be eligible to stand as Parish Representatives is lowest among the younger age bands and rises steadily with the age of respondent. Support for some other method is also greatest among the younger respondents and again diminishes with age of respondent.

**Table Four: % support for change to method of electing Parish Representatives by age band**

Age Band	Harwood	Joint Committees	Undecided	No answer
18-35	58	25	13	4
36-45	57	27	10	5
46-55	47	41	8	4
56-65	43	44	7	7
65+	32	55	7	6

Finally, there is little evidence of any consistent or strong pattern to the responses by the Parish in which the respondent lives. However, if we take the level of support for the Harwood proposals as a measure and rank Parishes in order of their support, then St Peter Port, St Andrew, Castel and Forest & Torteval typically shows the highest degree of support while Vale, St Martin, St Pierre du Bois & St Saviour and St Sampson show the lowest levels. It should be noted though that in most cases the actual level of support in each Parish is highest for the proposals of the Joint Committees, where these differ from Harwood.

## **Results from open-ended question**

The questionnaire provided space for respondents to give any additional views or comments on any of the issues covered in the consultation or raised in the wider review.

A simple coding frame was devised to reflect the broad pattern of comments made. Under each heading, the most popular type of comment is given along with the number of occurrences in brackets. It is important to note that this simply provides a picture of the pattern of comments made. The following section gives some illustrations of actual comments.

### **Individuals**

#### **Chief Minister**

- Should be accountable to the States (22)
- Don't need one (21)
- Important to have one (21)
- Don't give them too much power (16)

#### **Presidents of Committee**

- Members should only be on one committee (26)

#### **States Members**

- Serve own interests (163)
- Too many of them (55)
- Should declare interests (54)

#### **Douzaine representatives in States**

- Not needed in the States (126)
- They work well and should be retained (83)
- Remove them from the States (67)

#### **Douzeniers**

- Work hard and well (29)

#### **Parish Deputies**

- Should be reduced in number (22)
- Should be required to live in the Parish (20)

#### **Bailiff**

- Dual role should be discontinued (21)

## **Organisations**

### **States Committees**

- Indecisive and long-winded (102)
- Scrutiny role required (60)
- Fewer committees needed, more focused (56)
- Waste of time and money (55)
- Secret, electronic voting required (49)
- Speeches too long (45)

### **Parishes**

- Scrap Parishes and introduce Island-wide voting (317)
- Keep the Parish system (40)

## **General**

- No need for change (158)
- Need for change (154)
- Harwood proposals are not workable and would lead to party politics (139)
- Present system needs refining and slow change (114)
- Need better, younger and more able representatives (99)
- Need a compromise between the two systems (65)
- Full time and salaried politicians would improve the quality (58)
- Need more accountability (42)

## Examples of comments

The following examples reflect something of the range of comments made, but should not be taken as representative of all comments.

Don't call anyone 'Minister', it smacks of the totally discredited UK system.

'Chief Minister' is very important.

Democracy is assured as long as the full House votes in the Chief Minister.

The Chief Minister should be below the age of 65 on appointment.

The Chief Minister should not be a member of the local bar.

There should be a register of the business interests of all elected members.

Committee members should not be allowed to sit on more than two committees.

The States of Guernsey should have a clearly defined book of standing orders and duties of committees.

All States Members should be voted in by the Island as a whole.

Proportional representation.

Abolish all Douzaines.

There should be no Douzaine representatives in the States at all.

Candidates for Parish representative should have served on the Douzaine for a minimum of twelve months immediately preceding the election.

Leave the Douzaine system well alone.

Most people are fed up with the same people wasting time in the House.

There is a huge amount of waste and inefficiency.

I do not want a system where Advisory & Finance have more power.

The Advisory & Finance Committee should have authority over the decisions of other committees.

It is better to split the large Parishes into two Districts.

The present system of government should be maintained and not altered.

The Island is not suited to UK style government; it is still small enough to be a government of the people, for the people and by the people.

A shake up is well overdue; it needs to be more current in its views and actions.

Only a radical change in the way the Island is managed will enable it to effectively adapt.

The Harwood report presents a modern framework that should be adopted.

Bring back Conseillers.

All it needs is streamlining.

We need a referendum to determine the final outcome.

Too many consultants are brought in.



## Conclusions

This survey was designed to provide the people of Guernsey with an opportunity to express their views on the need for and type of change to the Island's machinery of government. It allowed people consider both the proposals of the Harwood Panel and the responses of the Joint Committees and to express their preferences between the two. It also allowed respondents to advocate different views and to amplify them in their own words if they chose to do so.

The survey was not designed to provide a representative cross section of views: this was achieved through a parallel exercise conducted by MORI.

In total, just over 6,500 people completed and returned questionnaires, this represents around 16% of the adult population of the Island. This is slightly more than had been anticipated at the outset and is, in itself, reasonably gratifying. However, the vast majority of people chose not to participate in this exercise. An interpretation of this failure to engage is not straightforward: it might reflect satisfaction with the status quo or a sense of pessimism with consultation exercises of this type. However, it is perhaps most likely that it is explained by a combination of scepticism, lack of knowledge of the review and disinclination to participate in any kind of survey.

This suggests that further work is necessary if the majority of the population is to become more engaged in debate about the future government of Guernsey.

Overall, a substantial majority of those who responded believes a change to the Island's system of government is needed. They also favour a reduction in the number of Committees and of States Members and believe a more effective system of scrutiny is needed within government.

There is also strong support for changing the systems for electing Deputies and for ensuring the representation of Parish interests in the States.

There is a high degree of consistency with the responses to similar questions asked in the MORI survey.

## Appendix: Basic percentage responses to questions

**Question A1**      **Do you believe that a change in the Island's system of government is necessary?**

Yes .....	81
No .....	14
Undecided .....	5
Not answered .....	1

**Question B1**      **If the system of government is to be changed, do you generally favour:**

Executive form .....	35
Streamlined form .....	53
Some other .....	8
Not answered .....	4

**Question C1**      **Do you believe that the number of departments/committees should be reduced from the present 52 down to 11 or 12?**

Yes .....	81
No .....	10
Neither .....	7
Not answered .....	2

**Question C2**      **Do you believe that there is a need for the States to set up bodies to undertake more internal scrutiny of its activities?**

Yes .....	71
No .....	17
Undecided .....	9
Not answered .....	3

**Question C3**      **If there is to be more scrutiny of States activities, do you generally favour:**

The system of scrutiny...proposed by the Harwood Panel.....	37
The system...proposed by the Joint Committees .....	46
Some other .....	11
Not answered .....	7

**Question D1**      **Do you believe that the number of States Members should be reduced from the present 57 down to around 42..**

Yes .....	83
No .....	11
Neither .....	3
Not answered .....	3

**Question D2**      **Do you favour a change to the present system whereby the number of Deputies that electors in each Parish may vote for depends on the population of their Parish?**

Yes .....	62
No .....	26
Undecided .....	9
No answered .....	3

**Question D3**      **If the present system of election is to be changed to enable all electors to be able to vote for roughly the same number of Deputies, do you generally favour:**

Electoral districts not based on Parish boundaries .....	31
Electoral districts based on Parish boundaries .....	54
Some other .....	9
Not answered .....	5

**Question D4**      **Do you favour a change to the present system whereby each Parish Douzaine elects from within its number a Douzaine Representative to sit as a States Member?**

Yes .....	59
No .....	32
Undecided .....	7
Not answered .....	2

**Question D5**      **If the present method of election of Douzaine  
Representatives is to be changed do you generally favour:**

That to be eligible...a person need not be a Douzenier .....	43
Only Douzeniers being eligible to stand.. .....	43
Some other.....	8
Not answered .....	6

# **The Machinery of Government in Guernsey**

**Research Study Conducted for the States of Guernsey**



**February 2002**

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# Introduction

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## Objectives

This report contains the findings of a survey of residents conducted by the MORI Social Research Institute on behalf of the Advisory and Finance Committee and the States' Procedures and Constitution Committee (the 'Joint Committees') of the States of Guernsey. The objective of the survey was to obtain the views of a representative sample of Guernsey residents about key aspects of the existing machinery of government which the States can take into account alongside the evidence and representations it has received direct.

## Background to the survey

In December 1998, the States of Guernsey resolved to establish an independent panel under the chairmanship of Advocate Harwood to conduct a review of the machinery of government in Guernsey. The Joint Committees were charged with reporting back to the States on the outcome of the review and with putting forward any proposals for change.

The Harwood Panel's November 2000 report set out a range of options for the future machinery of government, including organisational issues (possible forms of government) and representational ones (the number of States' members and how they might be elected), following which it prepared its preferred options in March 2001. A summary of the Panel's preferred options, and the Joint Committee's views on what changes to the current machinery of government they would prefer, have been set out in a consultation document which has been widely circulated. A questionnaire has recently been sent to all households on the Island.

These consultative processes will have the important attribute of ensuring that all residents and interested parties have the opportunity to express their views. However, the Joint Committees are also of the view that not everybody would take that opportunity, however well the consultations were run. They therefore commissioned MORI to undertake a *representative* survey that could provide 'hard' data about residents' current perceptions of local governance and their views about the way forward, specifically attitudes to:

- the current machinery of government;
- the changes proposed by the Harwood Panel;
- those favoured by the Joint Committees; and
- other approaches which may be put forward.

## Methodology

MORI interviewed a random sample of 1,000 residents (aged 16 plus) across the Island. Interviews were carried out by telephone between 14 February and 24 February 2002. Quotas were set by gender, age and work status.

All responses have been analysed by a range of demographic and attitudinal variables, together with a number of additional categories: length of residency in Guernsey, whether born in Guernsey, geographically by parish, and social class (definitions of which are set out as an appendix).

The data have been weighted by gender, age, and work status to the known population profile of Guernsey. This weighting process has ensured that the sample of 1,000 residents is representative of Guernsey as a whole.

Full details of responses are set out in the computer tabulations appended to this report.

## **Value of the research**

Much evidence which will assist the Joint Committees to achieve its objectives is set out in this report and in the wealth of data contained in the appended computer tabulations:

- attitudes towards the Island as a place to live;
- satisfaction with the way that the States run the Island;
- knowledge of key aspects of the existing machinery of government;
- knowledge about the present review;
- attitudes to a range of positive and negative images about the way the Island is governed and the need for greater scrutiny;
- views about the number and type of States' members, and boundaries of their constituencies; and
- views about the number and status of States' committees.

The research was concerned with residents' *perceptions* not facts, but to the public these perceptions *are* facts. The research should therefore assist the Joint Committees:

- to formulate their recommendations to the States in the light of residents' attitudes (as representatively reflected in this report) and the range of other evidence which they are considering;
- to consider findings demographically and geographically, not only to help explain attitudes but also to identify whether more diagnostic work would assist the States at a later stage - for example to understand more about *why* residents hold their perceptions and what could help them to change.



## **Presentation and interpretation of the data**

The fact that a sample, not the entire population of Guernsey, has been interviewed for this research means that all results are subject to sampling tolerances. Not all differences are therefore statistically significant. A note explaining statistical reliability is appended to this report.

Where percentages do not sum to 100, this may be due to computer rounding, the exclusion of “don’t know” categories, or multiple responses. Throughout the volume an asterix (\*) denotes any value between zero and 0.5 per cent.

In the report, reference is made to “net” figures. This represents the balance of opinion on attitudinal questions, and provides a particularly useful means of comparing results for number variables. In the case of “net satisfaction” figures, this represents the percentage satisfied on a particular issue or service, less the percentage dissatisfied. For example, if 40 per cent of residents were satisfied and 25 per cent dissatisfied, the “net satisfaction” figure is +15 points.

## **Publication of the Results**

As the States have engaged MORI to undertake an objective programme of research, it is important to protect the States’ interests by ensuring that the research is accurately reflected in any press release or publication of the findings. As part of our standard terms and conditions, the publication of the findings of this report is therefore subject to the advance approval of MORI. Such approval will only be refused on the grounds of inaccuracy or misrepresentation.

Finally, we are very grateful for the assistance we have received from States’ officials in undertaking this research and in the preparation of this report.

## Key Findings

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There are a number of key themes to emerge from this research.

- There is much dissatisfaction with the current machinery of government in Guernsey: four in five residents think that a change in the Island's system of government is necessary. The majority of residents, often a very sizeable one, considers that the States lack leadership, take too long to make decisions, have too many members and committees, and fail to make decisions efficiently and effectively.
- Some three-quarters of residents consider that the States are not sufficiently accountable when things go wrong and that there should be more internal scrutiny of the States' activities. Most also consider that the States are out of touch with the public and fail to involve the public in decision-making.
- Attitudes are broadly consistent among all demographic sub-groups, regardless of social class and length of residence on the Island.
- The majority of residents know little or nothing about the review of the machinery of government which has been taking place on the Island for the last three years, but most residents feel they are well informed about the way the States work and very few did not express their views in response to this survey.
- Almost two-thirds of residents would like to see the number of States' members reduced and around three-quarters think there are too many committees. Virtually no-one would like to see an increase in either.
- Most think that each voter should elect the same number of deputies for their area. Around half would prefer any new constituencies to be based on existing parish boundaries, which would involve grouping smaller parishes together, while around one third would prefer new boundaries which are not necessarily based upon parishes.
- Almost two-thirds of residents consider that the States lack leadership and a similar proportion would like to see (were there to be a significant reduction in the overall number of committees) one committee set up as a 'Council of Ministers'. Views as whether a Council of Ministers should be Cabinet-style with authority over other committees, or should be limited to a co-ordinating role without such authority, are more evenly balanced (though there is an overall preference for the latter).

*Report for the States' Joint Committees on the Machinery of Government in Guernsey (February 2002)*

In summary, there is clear dissatisfaction on the Island, held by all sections of the society, with the current machinery of government. There are also some clearly held views about improvements which could be made - relating to the number, type and status of both members and committees.

# Quality of Life in Guernsey

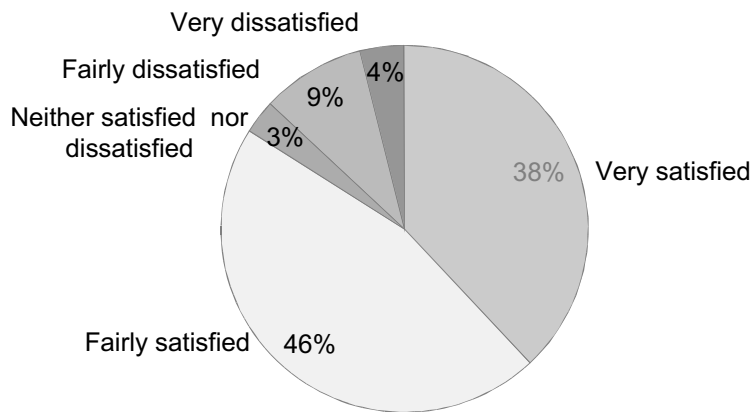
## Satisfaction with Guernsey as a place to live

Eight out of ten Guernsey residents (84 per cent) are satisfied with the Island as a place to live. Net satisfaction (the difference between the proportions who are satisfied and dissatisfied) is +72 points.

Residents' satisfaction with the Island is broadly consistent across all social and demographic groupings. Net satisfaction is rather higher among owner-occupiers (+76 points) than States' tenants and other tenures, and among over-65s (+79 points), however. There is a relationship between residents' satisfaction with the way the States run the Island and their satisfaction with the Island as a place to live, which is discussed in the following chapter.

## Satisfaction with Guernsey as Place to Live

**Q1** *Generally speaking, how satisfied or dissatisfied are you with the Island as a place to live?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

## Comparisons

By way of comparison, in recent surveys undertaken for English county councils in which residents have been asked about the "area in which they live", net satisfaction has varied from +69 points to +90 points, as the following table illustrates. When a similar question was asked in MORI's 2000 survey in Jersey, using the same telephone methodology, net satisfaction was +69 points, very close to the figure found in Guernsey.

<b>Q1    How satisfied or dissatisfied are you with this area as a place to live?</b>				
		<b>Satisfied</b> %	<b>Dissatisfied</b> %	<b>Net</b> <b>satisfied</b> %
<i>Base : All</i>				
<b>Comparisons</b>				
Devon	1998	93	3	+90
Oxfordshire	1999	91	4	+87
Northumberland	2001	96	10	+86
West Sussex	1999	91	5	+86
Suffolk	1999	91	5	+86
Staffordshire	1999	90	6	+84
Surrey	1998	90	6	+84
Hertfordshire	1997	90	6	+84
Bedfordshire	2001	89	6	+83
Dorset	2000	90	7	+83
Cornwall	1999	89	6	+83
Northamptonshire	1997	89	7	+82
Warwickshire	1995	89	7	+82
Oxfordshire	2000	88	7	+82
Derbyshire	1999	88	7	+81
Warwickshire	1997	87	8	+79
Hertfordshire	1999	87	8	+79
Bedfordshire	1998	86	8	+78
Hampshire	1999	86	9	+77
Kent	1996	82	12	+70
Lancashire	2000	81	12	+69

*Source: MORI*

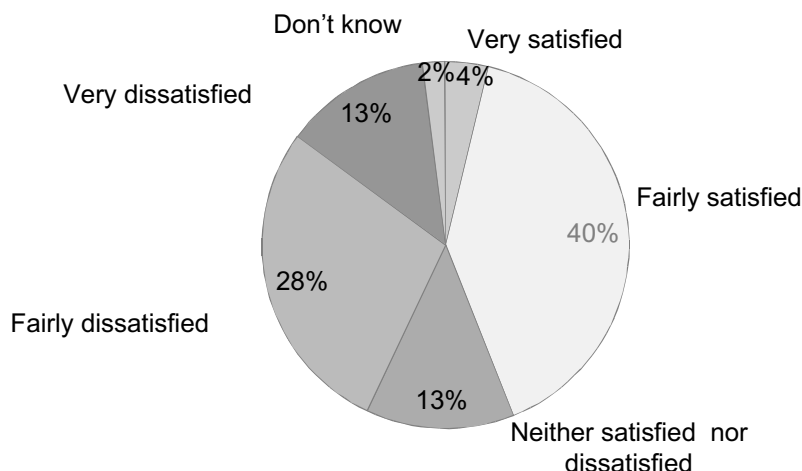
# Attitudes to the States

## Satisfaction with the States

Similar proportions of residents are satisfied or dissatisfied with the way that the States run the Island (44 per cent and 41 per cent respectively). Net satisfaction of +3 points is rather higher than MORI found in Jersey in 2000 (minus 10 points).

### Satisfaction with the States

Q2 Overall how satisfied or dissatisfied are you with the way the States run the island?



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

There is a broad consistency of attitudes regardless of gender, social class, working status and parish of origin. However, as the following table of demographic and attitudinal considerations indicates, net satisfaction with the States is particularly low among residents who are *dissatisfied with the Island as a place to live* (minus 70 points), and among States' tenants (minus 13 points).

There appears to be a relationship between residents' satisfaction with the way the States run the Island and their view on some of the key issues explored in this research study, notably the status of any central committee. This is discussed later in this report.

There is no direct comparison between the role of the States in Guernsey and either central or local government in the UK. However, it may be interesting to note that net satisfaction among UK residents with the way the Government is running the country has varied in recent years from minus 74 points (in April 1995) to plus 38 points in June 1997. By contrast, net satisfaction with the way that county councils are running their area has varied from + 38 points to + 61 points in surveys recently undertaken by MORI.

<b>Q2 Overall, how satisfied or dissatisfied are you with the way the States run the Island?</b>		<b>Satisfied</b>	<b>Dissatisfied</b>	<b>Net satisfaction</b>
		<b>(%)</b>	<b>(%)</b>	<b>±</b>
<i>Base: 1,000 Guernsey residents (aged 16+)</i>				
All		44	41	+3
Age	16-34	41	39	+2
	35-54	41	43	-2
	55-64	38	51	-12
	65+	58	32	+25
Tenure	Owner occupied	46	39	+7
	States rented	36	49	-13
	Other	39	42	-3
Knowledge of committees and what they do	Well informed	43	43	+1
	Not well informed	45	38	+6
Preference for Cabinet-style Council of Ministers with authority over other committees		33	53	-20
Preference for co-ordinating Council of Ministers without authority over other committees		50	34	+16
Preference for no central committee		50	38	+12
Residency in Guernsey	Up to 5 years*	40	37	+4
	5 to 10 years*	48	36	+13
	10 to 20 years	43	42	+2
	Over 20 years	44	41	+3
Satisfied with area		49	34	+15
Dissatisfied with area		12	82	-70
Knowledge of way States work	Well informed	42	46	-4
	Not well informed	47	33	+14

*Source: MORI**\* Sample size less than 100*

## Knowledge about the States

Residents were asked a range of questions about their knowledge of the way the States work and aspects of the machinery of government. The responses are not only interesting in their own right, but also help to shed some light on attitudes to more detailed aspects of governance.

Overall, almost two-thirds of residents (59 per cent) feel well informed (knowing a “great deal” or “fair amount”) about the way the States work. A majority of residents also feel well informed about the number and type of States' members and how long they are elected for (52 per cent) and the number of committees and what they do (53 per cent). Generally, older people, ABC1s and those who

have lived in Guernsey for more than 20 years feel better informed about the States. States' tenants, younger people and C2DEs generally feel less well informed.

<b>Q4-6 How much would you say you know about:</b>	<b>Great deal</b>	<b>Fair amount</b>	<b>Not very much</b>	<b>Nothing at all</b>
	(%)	(%)	(%)	(%)
<i>Base: 1,000 Guernsey residents (aged 16+)</i>				
The way the States work?	10	49	36	5
No. and type of States' members	12	40	36	12
No. of c'ttees and what they do	10	43	37	10

Source: MORI

## Positive and negative images

Residents were given five *negative* and five *positive* statements about the States and asked the degree to which they agreed or disagreed with them. As the following table shows, generally speaking, the States are poorly regarded on most counts. Most residents disagree with each of the five positive statements about the effectiveness of the States and associated issues, while most agree with each of the negative statements.

## Image of the States

Q8-17 How much do you agree or disagree with the following statements.

### Negative Statements

	% net agree
The States take too long to make decisions	77
There should be more internal scrutiny of the States' activities	70
The States are not sufficiently accountable when things go wrong	56
The States are out of touch with the public	43
The States lack leadership	41

### Positive Statements

The States usually makes right decisions	-29
The States' policies are clear	-37
The States make decisions efficiently and effectively	-49
States' committees work well together	-54
The States involve the public in decision making	-56

Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

Of particular concern, some 86 per cent of all residents agreed with the statement that: "the States take too long to make decisions".

Perhaps unsurprisingly, there appears to be a relationship between residents' attitudes to each of these images and their satisfaction both with their area and with how the States run the Island. There would also appear from the computer tabulations to be a relationship between residents' attitudes and their length of



residency on some of these issues, but caution should be applied to this because the proportion of residents who have lived on the Island for less than 10 years is relatively small. In any event, there is no significant difference between the views of those who were born on the Island and those who were not. Residents' evident dissatisfaction applies to all demographic sub-groups.

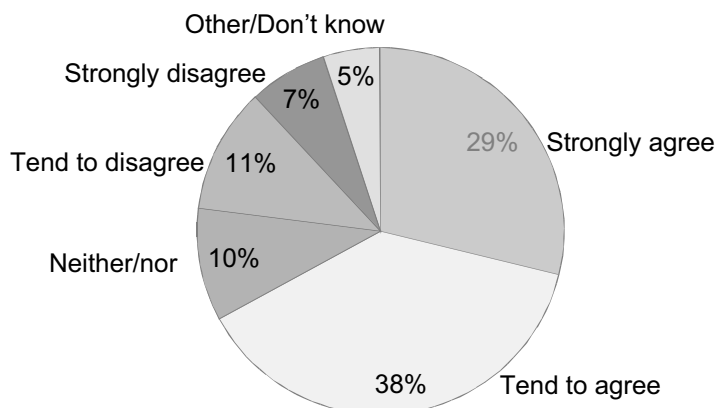
# The Machinery of Government

## The need for change

In view of residents' attitudes towards the States, it is not surprising that over two-thirds (67 per cent) agree that a change in the Island's system of government is necessary.

### The Need to Change the System of Government

**Q3** *To what extent would you agree, or disagree, that a change in the Island's system of government is necessary?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

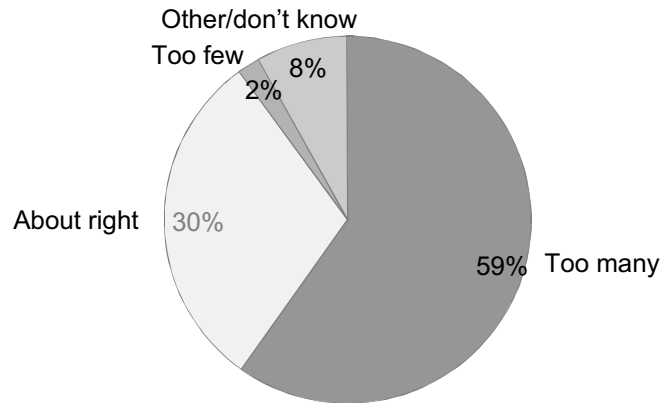
There is broad agreement on this issue among all demographic groupings on the island. It is particularly strongly held among those who are dissatisfied with the Island as a place to live (75 per cent) and those dissatisfied with the way the States run the Island (85 per cent). But it is also a view held by the majority of those who are satisfied with both of these issues (66 per cent and 50 per cent respectively). Those who know about the review also hold the view particularly strongly (76 per cent).

## The number of members

Respondents were told that there are 57 States members. Fewer than one third (30 per cent) think that this number is about right. Virtually all those who disagree are of the view that there are too many States' members. Almost two-thirds (59 per cent) of all residents feel that there are too many States members while only 2 per cent consider that there are too few.

## Number of States' Members

**Q18** *There are 57 States' members. Do you think that this is too many, too few or about right?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

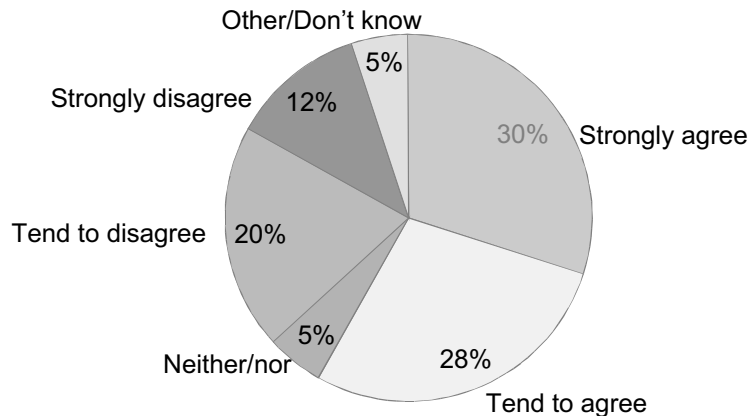
Findings are generally consistent across demographic and attitudinal groupings. There are, however, rather more residents who feel that 57 members is too many among the over-65s (72 per cent), those who are dissatisfied with the way that the States run the Island (67 per cent) and those who are well informed about the review (71 per cent).

## Constituencies

Over half of residents (57 per cent) consider that all voters should elect about the same number of deputies for their area, in contrast with the present situation where, for example, St Peter Port voters elect 12 deputies and Torteval voters elect one. Around one third of residents (32 per cent) disagree.

## Voter equality

**Q20** *To what extent do you agree, or disagree, that each voter should elect about the same number of deputies for their area?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

If, for example, six new constituencies were to be created on the Island, each with about the same number of voters, rather more residents (around half, 53 per cent) would prefer these to be on the basis of existing parish boundaries, involving grouping smaller parishes together. Around one third (34 per cent) would prefer new boundaries which are not necessarily based upon parish boundaries. These findings are broadly consistent across demographic and attitudinal groupings, including among those well informed about the way the States work and those well informed about the review.

## Constituency boundaries

**Q21** *If, for example, six new constituencies were created on the Island, each with about the same number of voters, do you feel that they should be based on . . . .*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

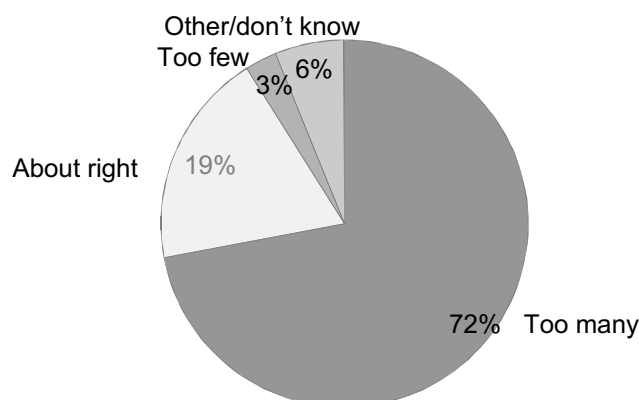
Source: MORI

## Number of committees

At present there are 37 committees serving the Island, some of which meet several times a year and some infrequently. Just one in five residents consider that this number is about right (19 per cent). There is a very clear view that the number is too high rather than too low – 72 per cent of all residents have this view compared with only 3 per cent who considers that the number is too few. A higher than average proportion consider that the number of committees is too high among those who are well informed about the Island's committees (79 per cent) and those who would prefer there to be a single committee either with authority over other committees or undertaking a co-ordinating role (81 per cent). It is also more likely to be the view of those with knowledge of the way the States works (79 per cent) and those who are well informed about the present review (83 per cent).

### States' committees

**Q22** *Guernsey does not have a Chief Minister, with overall responsibility for the Island. Instead, business is conducted through 37 Committees. Some of these committees meet several times a year, some infrequently. Do you think 37 committees are . . . ?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

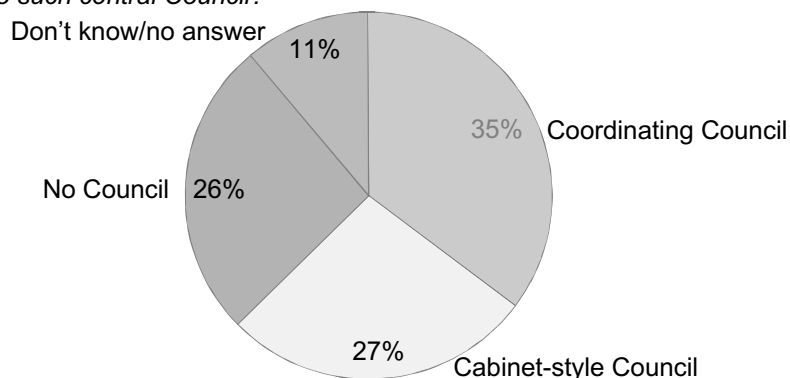
## Status of committees

If there were to be a significant reduction in the number of committees, almost two-thirds (62 per cent) consider that there should be a Council of Ministers, compared with around one quarter (26 per cent) who favour no such committee. Residents are quite balanced on the status of such a Council of Ministers but there is an overall preference for it to have a co-ordinating role without authority over other committees (35 per cent) rather than to act in the style of a Cabinet (27 per cent). The proportions favouring the two Council options is closer among those with a knowledge of the review (37 per cent and 33 per cent respectively). The Cabinet-style option is actually preferred among those who have been resident for less than ten years. Otherwise, residents' views are broadly consistent across demographic groupings.

## A Council of Ministers

Q23 If there were to be a significant reduction in the number of committees, do you think there should be:

- a Cabinet style 'Council of Ministers', with authority over other committees
- a 'Council of Ministers', elected by the States, which has a co-ordinating role but does not have authority over other committees
- no such central Council?



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

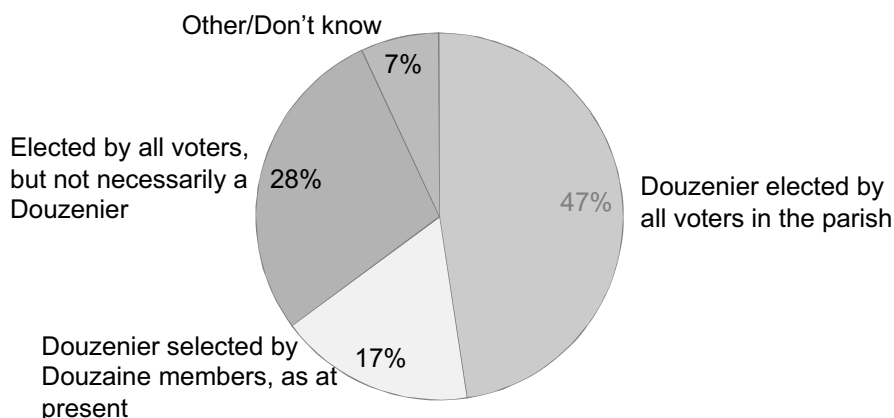
A similar balance was found in MORI's 2000 research in Jersey, where one third of residents considered that there should be one committee with authority over other committees while one half of residents considered that each of the States' committees should continue to have equal status.

## Douzaine representation in the States

Relatively few residents (17 per cent) favour the present system whereby douzeniers are selected for the States by members of their douzaine. Three quarters of residents (75 per cent) would prefer their representatives to be elected by all voters in the parish. Of these, there is an overall preference for the representative to be a douzenier (47 per cent) rather than not necessarily a douzenier (28 per cent).

## Douzaine representation in the States

**Q19** *If there were to continue to be Douzaine representation in the States, would you prefer each Douzaine representative to be . . . ?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

## Accountability and scrutiny

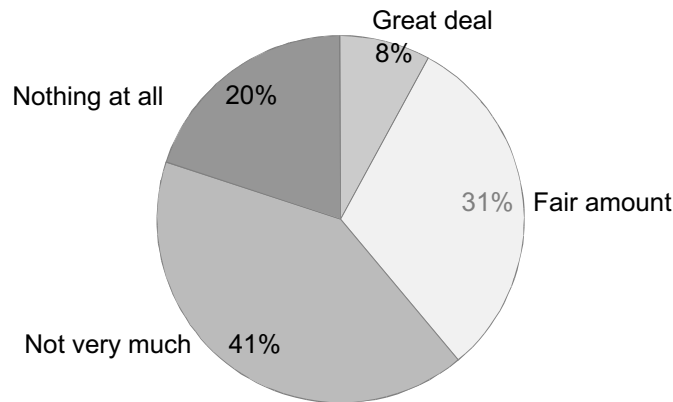
It is clear that residents are not satisfied with the current arrangements for scrutiny of States' decisions. As the 'Image of the States' chart in the previous chapter indicates, almost three quarters of residents agree that the States are not sufficiently accountable when things go wrong (73 per cent) – a strength of view broadly similar across all demographic groupings. A similar proportion (80 per cent) considers that there should be more internal scrutiny of the States' activities; just 10 per cent disagree with this.

## Knowledge of the Review

A significantly higher proportion of residents in Guernsey know about the review than MORI found in Jersey in 2000. Over one third of residents (39 per cent) know a great deal or a fair amount about the review, compared with just 14 per cent in Jersey. This reflects the fact that the Jersey research formed part of the Review Panel's deliberations while the Guernsey research took place well after the Panel prepared its report and the issue has been in the public domain for a considerable period of time.

### Knowledge of the Review

**Q7** *The States of Guernsey are currently reviewing the machinery of government in Guernsey. How much would you say you know about this review?*



Base: 1,000 Guernsey residents (aged 16+), telephone survey, Feb 2002

Source: MORI

This higher level of knowledge may well be a reassuring finding for the Joint Committees when taking account of residents' views. There is a rather higher level of knowledge among the older age groups (over 50 per cent of those aged over 55) and ABC1s (46 per cent). There is proportionately lower knowledge among young people and C2DEs. This may say something about the nature of the debate and communications about the issue.

In any event, even in Guernsey, almost two thirds of residents overall (61 per cent) still claim to know little or nothing about the review.

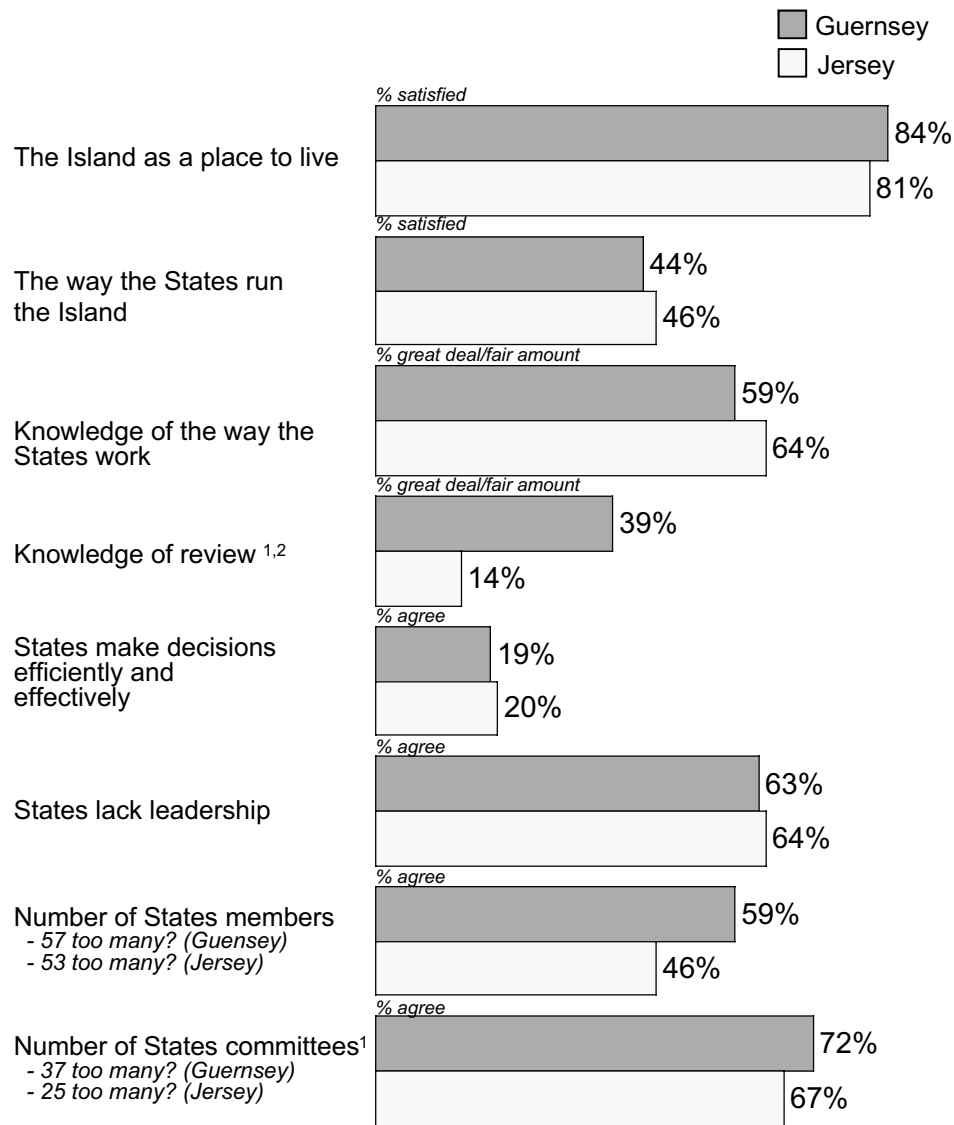


## Comparative findings

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As the following chart shows there are broad similarities between findings in this research and those found in MORI's work in Jersey in 2000. General attitudes to living on the Island, the way that the States run the Island and the preference for more streamlined government are very similar. As indicated above, the one key difference is that a higher proportion of Guernsey residents are aware of the review. But this can largely be explained by the fact that, in Jersey, MORI's survey took place much earlier in the review process

## Comparative Findings in Guernsey (Feb 2002) and Jersey (June 2000)



## Notes

<sup>1</sup> Slight variation in question wording<sup>2</sup> The Guernsey survey took place when the review was at a more advanced stage than was the case in Jersey

Base: Telephone surveys of 1,000 Guernsey and Jersey residents (aged 16+), Feb 2002 and June 2000 respectively

Source: MORI

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# Appendices

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Sample profile

Statistical reliability

Social class definitions

Marked up questionnaire

Computer tabulations

Verbatim responses

## Sample Profile

	Unweighted number 1,000	Unweighted % 100	Weighted % 100
<b>Total</b>			
<b>Sex</b>			
Male	508	51	49
Female	492	49	51
<b>Age</b>			
16-24	118	12	13
25-34	167	17	18
35-44	202	20	19
45-54	190	19	18
55-64	138	13	13
65+	185	19	19
<b>Social class</b>			
A	111	11	11
B	205	21	21
C1	305	31	30
C2	182	18	18
D	94	9	9
E	89	9	9
<b>Work status</b>			
Full-time (30+ hrs/wk)	562	56	54
Part-time/ not working	438	44	46
<b>Housing tenure</b>			
Owner occupier	716	72	71
Rent from States	78	8	8
Privately rented	129	13	13
Other/don't know/refused	77	8	10

## Statistical Reliability

The respondents to the questionnaire are only samples of the total "population", so we cannot be certain that the figures obtained are exactly those we would have if everybody had been interviewed (the "true" values). We can, however, predict the variation between the sample results and the "true" values from a knowledge of the size of the samples on which the results are based and the number of times that a particular answer is given. The confidence with which we can make this prediction is usually chosen to be 95 per cent - that is, the chances are 95 in 100 that the "true" value will fall within a specified range. The table below illustrates the predicted ranges for different sample sizes and percentage results at the "95 per cent confidence interval":

### Approximate sampling tolerances

Size of sample on which survey result is based at or near these levels	Applicable to percentages		
	10% or 90%	30% or 70%	50%
	$\pm$	$\pm$	$\pm$
100 interviews	6	9	10
200 interviews	4	6	7
300 interviews	3	5	6
400 interviews	3	4	5
500 interviews	3	4	4
800 interviews	2	3	3
900 interviews	2	3	3
1,000 interviews	2	3	3

For example, with a sample size of 1,000 where 30 per cent give a particular answer, the chances are 19 in 20 that the "true" value (which would have been obtained if the whole population had been interviewed) will fall within the range of  $\pm 3$  percentage points (actually 2.8%) from the sample result.

When results are compared between separate groups within a sample, different results may be obtained. The difference may be "real," or it may occur by chance (because not everyone in the population has been interviewed). To test if the difference is a real one - i.e. if it is "statistically significant", we again have to know the size of the samples, the percentage giving a certain answer and the degree of confidence chosen. If we assume "95 per cent confidence interval", the differences

between the results of two separate groups must be greater than the values given in the table below:

**Differences required for significance**

Size of samples compared	at or near these percentage levels		
	10% or 90%	30% or 70%	50%
	$\pm$	$\pm$	$\pm$
100 and 100	7	13	14
100 and 200	7	11	12
100 and 500	7	10	11
200 and 200	7	10	11
200 and 400	5	8	9
200 and 500	5	8	8
400 and 400	4	6	7
400 and 500	4	6	7
500 and 500	4	6	6

## Social Class Definitions

**A** Professionals such as doctors, surgeons, solicitors or dentists; chartered people like architects; fully qualified people with a large degree of responsibility such as senior editors, senior civil servants, town clerks, senior business executives and managers, and high ranking grades of the Services.

**B** People with very responsible jobs such as university lecturers, hospital matrons, heads of local government departments, middle management in business, qualified scientists, bank managers, police inspectors, and upper grades of the Services.

**C1** All others doing non-manual jobs; nurses, technicians, pharmacists, salesmen, publicans, people in clerical positions, police sergeants/constables, and middle ranks of the Services.

**C2** Skilled manual workers/craftsmen who have served apprenticeships; foremen, manual workers with special qualifications such as long distance lorry drivers, security officers, and lower grades of Services.

**D** Semi-skilled and unskilled manual workers, including labourers and mates of occupations in the C2 grade and people serving apprenticeships; machine minders, farm labourers, bus and railway conductors, laboratory assistants, postmen, door-to-door and van salesmen.

**E** Those on lowest levels of subsistence including pensioners, casual workers, and others with minimum levels of income.

## Verbatim responses

**Question 18: There are 57 States' members. Do you think this is too many, too few or about right?**

*States' members should represent a cross section of island society.*

*It does seem pointless electing individuals as they have no power to enact policies. Someone can run for the States saying one thing then, once elected, do something else. There is no hope of one person affecting issues.*

*As long as they are dependent on non-qualified people, you will need more rather than fewer members.*

*Not sure about whether right number but I feel it is more important how they work together.*

*The States need a younger committee. We are behind the times!*

*They should be cleared out with new blood brought in.*

*I honestly don't think it matters. Quality is better than quantity.*

*Depends on how they are elected.*

*A few are good. Some are not.*

*Perhaps currently the members are not selected carefully enough to enable them to be truly effective. They need to be selected so that they represent a true cross section of the Island's population.*



**Question 19: There are two main groups of States' members. There are 45 Deputies (who are elected by residents for each parish) and 10 parish Douzaine representatives. If there were to continue to be Douzaine representatives on the States, would you prefer each Douzaine representative:**

- to continue to be a Douzenier selected by members of the Douzaine?**
- to be a Douzenier elected by all voters in the parish?**
- to be elected by all the voters in the parish, but not necessarily a Douzenier?**

*There should be an island-wide vote.*

*They should be for the island not just the parish.*

*No need for douzeniers.*

*Would like to see the people of the parish voting in douzaines but remaining on the douzaine panel.*

*I feel there should be another way of voting them in but I'm not sure what.*

*I don't agree with the existence of the douzaine at all.*

*I believe there should be no douzaine representatives. All members of the States should be elected in the same manner.*

*I would prefer to see the House without douzeniers. Their function is an anachronism in current society.*

*Not vote in own parish but as Guernsey as a whole.*

*I'm against douzeniers. Members should be elected on an island-wide basis, which would make them deputies. Deputies should be elected on an island wide basis not by parish. There should be lot less of them. The salaries should be on a higher level.*

*If you have to have douzeniers then they should be elected by all but personally I don't think that we should have them.*

*Not in favour of douzaine representatives.*

*Disagree with douzaine representatives. They don't do much for the public.*

*There should be a committee made up of members of the States so they are responsible from beginning to end.*

*There should be two people elected from the douzaine but only one of them should have the vote. The other should be there as an understudy.*

*To be elected by all voters and definitely not a douzenier.*

*Douzeniers should not be in the States as they are not elected by the public for the States.*

*Don't need douzeniers at all.*

*The whole island should vote. Douzeniers do a good job whereas statesmen don't know what's going on until it goes wrong. Something like the English system should be adopted.*

*The whole island should elect the douzenier.*

The President,  
States of Guernsey,  
Royal Court House,  
St. Peter Port,  
Guernsey,  
GY1 2PB

9 April 2002

Dear Sir,

**Minority Report submitted by Deputy P J Roffey**

1. Firstly I would stress that I am in broad agreement with the majority view of the joint committees in favouring a slimmed down committee system of government for Guernsey. I am opposed to an executive scheme headed by a Chief Minister and cabinet bound by collective responsibility. Indeed I believe that it is telling that despite a very high profile campaign in favour of cabinet government led by the Institute of Directors and other organisations only about a quarter of respondents to the Mori Poll favoured this option.
2. I put less reliance on the information garnered from the questionnaire. By its nature this is a survey of the views of a self-selected tranche of the population. This means that results will be biased towards the views of those islanders who are more "driven" by the issue than those who are uninterested. That means that I would expect the supporters of the Institute of Directors and Chamber of Commerce to be over represented in the results compared to Mori's scientific survey of a representative cross section of the community. Despite this only a third of respondents to the questionnaire wanted cabinet government.
3. I also agree with the majority of the joint committees that the best option for electing Deputies is one of roughly equal constituencies based on parish boundaries. I concur that the best electoral districts would be:-
  - 1 Vale
  2. St Sampson
  3. Castel
  4. St Peter Port North
  5. St Peter Port South
  6. St Martin and St Andrew
  7. Forest, St Pierre du Bois, St Saviour and Torteval ("The Western Parishes").

4. Throughout the review I have had three areas of disagreement with the majority view of the joint committees. One of these I am willing to concede following the public consultation exercise, another is largely stylistic in nature but the third area of disagreement is one of constitutional substance.
5. I set out the three areas of disagreement below:-
  - (i) I am of the view that ideally the number of States Members should be reduced further than suggested by either the joint committees or the Harwood panel. I believe 35 to be an appropriate number of States Members. However I must accept following the public consultation that this seems to be too radical a change for most islanders. Therefore while I still hold to my opinion over the ideal number of States Members I accept that in order for the reforms to gain public approval the reduction should only be to 42 members.
  - (ii) If we are not to have an executive system then I cannot agree with the joint committees' view that the Presidents of the 10 or so departmental committees should be called "Ministers". The title of "Minister" suggests a degree of executive authority which simply would not be vested in those individuals. In a slimmed down committee system the use of all such titles as "Minister" or "Cabinet" would be a sham.
  - (iii) My biggest area of disagreement with the majority view of the joint committees is over Douzaine representation. I certainly am not "anti-Douzaine" but I do not believe there is a system which is both democratic and yet practical for retaining Douzaine Representatives inside the new slimmed down States.
6. The joint committees suggest keeping ten Douzaine Representatives but having them chosen by the whole parish electorate instead of internally by the Douzaine itself. I see several problems with such an approach.
7. The first objection is that it would badly skew the level of representation afforded to different parts of the Island. For example:- **Castel 5 Deputies + 1 Douzaine Rep = 6 but Western Parishes 5 Deputies + 4 Douzaine Reps = 9. This level of disparity is simply unacceptable.**
8. The joint committees make much of the tables included in their Report showing how representation for various parts of the Island will be slightly more even under their proposals than at present. This is economical with the truth. In fact if one removes the distorting effect of tiny Torteval – which under the present system is massively over represented with two Members – then the proposed new system actually worsens the situation rather than improves it.

**TABLE 1****VARIATION IN PRESENT ELECTORAL DISTRICTS**

<b>Parish</b>	<b>Population</b>	<b>States Members</b>	<b>Population/ Member</b>	<b>Variation</b>
Torteval	973	2	487	+55
St Pierre du Bois	2,188	3	729	+33
Forest	1,549	2	775	+29
St. Andrew	2,409	3	803	+26
St. Saviour	2,696	3	899	+17
St. Martin	6,267	6	1,045	+4
Castel	8,975	7	1,282	-3
Vale	9,573	8	1,197	-10
St. Sampson	8,592	7	1,227	-13
St. Peter Port	16,585	13	1,276	-17
<i>Average</i>	<i>5,981</i>	<i>5.40</i>	<i>1,087</i>	<i>0.00</i>

The range in variations between the electoral districts, from the highest representation (+55% in Torteval) to the lowest representation (-17% in St. Peter Port), is 72%

**TABLE 2****VARIATIONS UNDER JOINT COMMITTEES' PROPOSALS**

<b>District</b>	<b>Population</b>	<b>States Members</b>	<b>Population/ Member</b>	<b>Variation</b>
4 Western parishes	7,406	9	823	+38
St. Andrew/St. Martin	8,676	7	1,239	+7
St. Peter Port South	7,843	5.5	1,426	-7
St. Sampson	8,592	6	1,432	-8
Castel	8,975	6	1,496	-13
St. Peter Port North	8,742	5.5	1,589	-19
Vale	9,573	6	1,596	-20
<i>Average</i>	<i>8,544</i>	<i>6.4</i>	<i>1335</i>	<i>0.00</i>

The range in variations between the electoral districts, from the highest representation (+38% in the western parishes) to the lowest representation (-20% in Vale), is 58%

9. The reason for this wide variation is simply that one Douzaine/Parish representative per parish regardless of population totally distorts the picture. The following tables demonstrate this fact and show how representation will be much more even under an all Deputy system. It will be seen [table 3] that the most even representation is achieved by having varying numbers of Deputies – from 5 to 7 – depending on the population of the electoral district. Electoral purists would argue for this arrangement to be introduced. However giving each electoral district 6 Deputies [table 4] also gives an acceptable outcome, vastly better than the joint committees' proposals. Given the simplicity of this system and the desirability of each Islander having an equal number of votes I believe this is the best all round option.

**TABLE 3**

**VARIATION WITH 42 DEPUTIES BUT NO PARISH  
REPRESENTATIVES  
WITH BETWEEN 5 AND 7 SEATS PER DISTRICT**

<b>District</b>	<b>Population</b>	<b>States Members</b>	<b>Population/ Member</b>	<b>Variation</b>
St. Peter Port South	7,843	6	1,307	+8
Vale	9,573	7	1,366	+4
St. Sampson	8,592	6	1,432	-1
St. Andrew/St. Martin	8,676	6	1,446	-2
St. Peter Port North	8,742	6	1,457	-2
4 Western parishes	7,406	5	1,481	-4
Castel	8,975	6	1,496	-5
<i>Average</i>	<i>8,544</i>	<i>6</i>	<i>1,424</i>	<i>0.00</i>

The range in variations between the electoral districts, from the highest representation (+8% in St. Peter Port South) to the lowest representation (-5% in Castel), is 13%

TABLE 4

**VARIATION WITH 42 DEPUTIES BUT NO PARISH  
REPRESENTATIVES  
WITH 6 SEATS PER DISTRICT**

<b>District</b>	<b>Population</b>	<b>States Members</b>	<b>Population/ Member</b>	<b>Variation</b>
4 Western parishes	7,406	6	1,234	+13
St. Peter Port South	7,843	6	1,307	+8
St. Sampson	8,592	6	1,432	-1
St. Andrew/St. Martin	8,676	6	1,446	-2
St. Peter Port North	8,742	6	1,457	-2
Castel	8,975	6	1,496	-5
Vale	9,573	6	1,595	-12
<i>Average</i>	<i>8,544</i>	<i>6</i>	<i>1,424</i>	<i>0.00</i>

The range in variations between the electoral districts, from the highest representation (+13% in the western parishes) to the lowest representation (-12% in Vale), is 25%

10. A second objection to publicly elected Douzaine Representatives is that they simply would not be Douzaine Representatives. Once the right to "hire and fire" its representative is removed from the Douzaine it will have little influence over the way that individual speaks or votes in the States. The so-called "Douzaine Representative" will feel more answerable to his electorate than to his colleagues and therefore he will resemble a sort of extra Deputy.
11. The Douzaine's only influence over its representative will be to discuss the Billet with him in the Douzaine meetings - something which can be just as easily achieved by inviting Deputies to those meetings.
12. It seems likely that quite often there will only be one Douzenier seeking a seat in the States. This may be because none of the other Members have aspirations to become States Members or because they are too busy in their working lives or because they are persuaded by the Douzaine as a whole to "wait their turn". Whatever the reason this will mean that there will be no contested election.
13. On other occasions there may well be a choice between two Douzeniers neither of whom the electorate believe to be suitable to sit in the States – albeit that they were happy to vote them onto the Douzaine to be part of the parish administration. These sort of situations can of course also arise in Deputy elections. The difference is that in Deputy elections all Island residents are free to put their names forward if they do not like the choice on offer. In the

proposed new elections for Douzaine Representatives the public will be expected to select without being free to contest.

14. It seems certain that if asked to choose between two – or even three-candidates none of whom arouse strong feelings of support amongst the electorate and with no power for other people to contest that election we will see some paltry turn-outs of voters in those elections.
15. In parishes such as the Vale, St. Sampson and the Castel the same voters will select both Deputies and Douzaine Representatives within exactly the same electoral boundaries. It is bound to seem to some [rightly] that the two offices are almost identical except that in one case candidature is severely restricted for no very good reason.
16. In short I believe the new style office of publicly elected Douzaine Representative will very soon come into disrepute for a number of reasons. This is bound to lead to calls for further reform within a few years. This would only prolong the unsettling effect of constitutional change.
17. All this considered I believe it would be better not to have Douzaine Representatives in the newly reformed States. It is a matter of regret to me that no attempt has been made to canvass public opinion on this matter. Both the Mori Poll and the questionnaire simply asked "how would you like your Douzaine Representatives elected" not "do you want any Douzaine Representatives in the States". I do not criticise either Mori or Bristol University for this absence as it was the joint committees which identified the policy areas where they wanted public opinion canvassed.
18. Bearing in mind the above I will be putting forward an amendment seeking a States of 42 Deputies, elected in seven electoral districts, each returning six Deputies, as set out in table 4. I will also be proposing another amendment seeking to retain the terms President and Vice-President rather than replacing them with Minister and Deputy Minister.
19. I would be grateful if you would publish this minority report as an appendix to the policy letter submitted jointly by the States Advisory and Finance Committee and the States Procedures and Constitution Committee.

Yours faithfully,

P. J. ROFFEY,  
Member,  
States Procedures and Constitution Committee.



The President  
 States of Guernsey  
 Royal Court House  
 St. Peter Port  
 Guernsey  
 GY1 2PB

9 April 2002

Dear Sir

## **Minority Report submitted by Deputy B M Flouquet**

### **1 Introduction**

I have produced this minority report in order to ensure that solutions to the many questions of the future of Governance may more accurately reflect the views of Islanders. Views expressed in their replies to the **Mori Poll**, the **Joint Committees' Questionnaire** and the questionnaire completed by those attending **The Debate** (the only one to directly ask if Douzaine or Parish representatives should be retained at all).

The contents of the policy letter were often decided by majority votes, but the drafting of the document placed before the Joint Committee left those committee members with divergent views fighting a rearguard action.

That said, I broadly agree with the Joint Committee's views except those detailed herein.

Much of my thinking in preparing this Minority Report has been publicly described and discussed during the consultation process. It is in the knowledge that my proposals reflect those of a large body of public opinion that I present them here. In the only survey to tackle the subject, the "committee of presidents" structure that I support was 3 times as popular as the Harwood ministerial option and 9 times that of the Joint Committees.

On the matter of election and Parish representation, I support the minority report of Deputy Roffey, and I therefore make only brief reference here.

As a result of the differences described in this Minority Report, it will be necessary to put forward a series of amendments, possibly together with other members, that will ensure a structure and election process that reflects the will of the population as a whole.

## 2 Objectives

Before deciding how the States will be reorganised it is essential to decide what exactly we are seeking to achieve. I believe the objectives should be:

- **To enable all Islanders to have an equal number of representatives in the States.**
- **To provide a structure that combines leadership with government by consensus.**
- **To formulate a States that is easy to understand, responsible and accountable for its actions.**

### 2.1 Equal Representation

All the polls and questionnaires clearly show that Islanders seek equal representation. Those surveys organised by the Joint Committees failed to ask the question “Should there be separate parish representation at all?” Those people who attended **The Debate** were clearly interested in the issues and aware of the options, they voted overwhelmingly against the retention of separate parish representation.

The idea that the Parish deserves or requires special representation is hard to justify, and the suggestion that Douzaine nomination be required, gives precedence to a small and select body – contrary to all democratic principles.

I am supporting Deputy Peter Roffey in his more detailed Minority Report on this subject.

### 2.2 Leadership

Leadership has been a major consideration in the debate to date, and I am a firm believer that it should form the backbone of our future States.

My proposals rely upon a leader, with recent States experience, being elected by the States for each four-year term. That leader, once elected by the States, would bring his or her team of committee leaders forward for individual approval. In turn, those leaders would bring their committee teams forward for election. At each step, the States would have a right to nominate (albeit with more than the present two supporters) and elect alternatives.

The States should always have the right to exclude any leader or committee member by the mechanism of a vote of no-confidence.

Reflecting our extensive French Heritage, I prefer to retain the use of "President" for all our leaders, and "President of The States of Guernsey" for our political leader.

I support the proposal that H M Bailiff should remain as “speaker” of the House.

### 2.3 Simplicity, Responsibility & Accountability

This reorganisation of the States is a unique opportunity to simplify the present administration and to give its staff responsibility and accountability within States agreed policies.

The proposals by the Joint Committees that there be both a Chief Minister's Department (any four States members) and a Policy Council (all Ministers and members of the Chief Minister's Department) is certain to produce dissent and confusion among both the States and the public. Such a complex structure is unnecessary; it received only 7% approval at The Debate.

I agree with the public and many other States members that a "Committee of Presidents" should form the central, upper decision making body.

**So it is with these objectives firmly in mind that I have drafted these proposals.**

### **3 Representational Issues**

**In this matter, I agree with and support Deputy Peter Roffey's Minority Report and add the following observations:**

#### **3.1 Number of States Members**

It is generally agreed that there are too many representatives in The States of Deliberation. I believe that if each Islander were able to vote for 6 representatives in seven electoral districts based on parish boundaries, then 42 members (plus Alderney representatives) would be able to cover the workload. This agrees with the public view as expressed in all the polls.

#### **3.2 Parish representatives**

Deputies elected as above are Parish representatives, and in my opinion sufficient for the needs of the Island.

It has already been universally agreed that the position of Douzaine Representative as we know it, will be removed.

The debate has now swung towards the possibility of a Parish Representative, possibly nominated by the Douzaine, elected by the people. I am unable to see the advantage of such a system, and it can clearly be demonstrated that such a proposal departs from true democracy.

### **4 Leadership Issues**

#### **Election and Roles of Presidents and Committee Members**

These proposals are made in the context of a streamlining of States Committees to preferably ten, but no more than twelve.

#### 4.1 President of the States of Guernsey

This role would effectively be that of Chief Minister described in the Joint Committee's policy Letter. It should be an elected post and the incumbent should lead the Policy & Planning Committee that would effectively govern the Island. The President would have a vote in committee business.

The President of the States should not sit on any other States Committee.

*Method of election:* Candidates for this position should each be proposed by five members of the States and prepare a "policy document" for circulation. In their election in the States they should be required to speak on their policy intentions should they be elected.

He/she should be elected in a secret ballot by a clear majority of the house.

*Term of office:* Until the next general election and a maximum of 2 terms.

#### 4.2 Presidents of States Committees

The role of each Committee President should be to lead his/her Committee to effectively set policy and conduct the business of the department(s) under its umbrella. The President should have a vote in committee business and be able to make appropriate departmental decisions within Committee policy guidelines. He/she would represent the interests of the department(s) and committee on the Policy & Planning Committee.

Presidents of States Committees should hold only one such post and should be a member on not more than one other States Committee.

*Method of election:* Nominated by the President of the States. Alternatives would need the support of five members of the States. The President of the States will be required to nominate a candidate for each States Committee Presidency and may prepare a list with the policies of each candidate. A notice of all nominations, complete with policy statements must be circulated to States members 5 days before the election meeting. In the States, each will be required to speak on their policy intentions.

They should each be elected in a secret ballot by a clear majority of the house.

*Term of office:* Until the next general election and a maximum of 2 terms.

#### 4.3 Members of States Committees

In addition to the President, there should be six States members on each States Committee.

There have been proposals for smaller committees, but the essence of any democracy is to enable the alternative view to be heard. Members with special knowledge have often turned Committee policy, and this is more likely to occur in larger committees. In the end, the majority view may prevail, but democracy will have been served.

I am ambivalent to the idea of having non States members on these committees, but would prefer their role to be exercised at the subcommittee level.

States members should each sit on no more than three States Committees.

*Method of election:* Nominated by the President of the Committee. Alternatives would each need the support of three members of the States. The President of each Committee would be required to nominate a team of six candidates and that list should be circulated to States Members 10 days before the meeting. Additional nominations from States members should be circulated 5 days before the meeting and may not be made from the floor on the day.

They should each be elected, by majority, in a secret ballot.

*Term of office:* Their term of office to be until the next general election.

#### **4.4 Members of Subcommittees / Working Parties / Councils**

Subcommittees / Working Parties / Councils would be established by States Committees as deemed necessary. Each to be chaired by a member of the 'parent' committee and consist of as many States members and non States members as considered appropriate to its function. Generally there should only be one or two States Members on any such group.

*Method of appointment:* Candidates for these positions should be proposed by members of the 'parent' States Committee or existing subcommittee.

They should each be elected in a secret ballot by the 'parent' committee.

*Term of office:* Their term of office to be until the next general election.

#### **4.5 Scrutiny, Public Accounts & House Committees**

I believe that some form of Public Accounts Committee should exist. However, the details can await the outcome of the principal deliberations.

### **5 Organisational Issues**

#### **Simplicity, Responsibility and Accountability**

It is my contention that Guernsey's administration requires a clear structure that ensures leadership from the top and personal development from the bottom.

It should be appropriate to both the size of our community and the work that needs to be accomplished. It presumes that as time allows, many of the presently run government entities will be reorganised.

Any structure should be widely understood and respected.

### 5.1 Proposed political structure

Having studied all the options put forward to date, I prefer the simple arrangement below.

It enables the President of the States of to be unequivocally in charge of the Presidents of the States Committees, and for the States Policy & Planning Committee to be Responsible and Accountable.

For the initial period, some States Committees will control several States departments, but ultimately I would expect a complete rationalisation to take place.

#### **PRESIDENT OF THE STATES OF GUERNSEY**

*Leads States Policy and Planning Committee*

*Represents Guernsey in all matters*

Elected from States members by the States

#### **STATES POLICY AND PLANNING COMMITTEE**

*All States Committee Presidents*

*(when not available Vice-Presidents)*

Ex-Officio

#### **STATES COMMITTEES**

*President and 6 States Members*

*Vice-President elected from within the committee*

Elected from States members by the States

#### **SUBCOMMITTEES / WORKING PARTIES / COUNCILS**

*Chaired by a States Committee member*

*Generally 1 or 2 States Members, non-States members as required*

Appointed by States Committees

I believe that States Committees should become the central powerhouse of the States.

Under the leadership of each President, the six committee members would generate policy for the Civil Service Executive to use when making delegated decisions. Six members will provide sufficient redundancy for when some fall ill or absent. The number also allows the

States to include a difference of opinion on the committee, a valuable method of “instant” scrutiny.

Although I am ambivalent to the matter of non-States members on committees, I prefer their involvement to be at *Sub-Committee / Working Party / Council* level because policy and decision making should rest with elected politicians.

The Grassroots level of government should be **Sub-Committees / Working Parties / Councils**. Subcommittees would generally be permanent special interest groups, bringing forward initiatives and reporting on a regular basis. Working Parties would be short-term groups brought together to tackle specific projects, including cross-committee work.

Councils would be representative groups too numerous to meet in committee, but necessary to represent the substantial number of different interests.

They would all be populated by non-States members, either recruited to give of their expertise, or to represent sections of interest.

This could prove to be a popular entrée into the States, a vital connection with Islanders and a great source of expertise.

## 6 Conclusion

Although appearing tortuous, the route we have taken has arrived at a point where decisions can be made.

I strongly disagree with those proposals in the Policy Letter for which I have described alternatives, but I will be able to join colleagues in the States to prepare, place and debate a series of amendments that will result in the blueprint of a new and radically modernised Government, by consensus and not in conflict, being approved. A government understood and approved by the public - as instanced by their responses in the various surveys.

I would be grateful if you would publish this minority report as an appendix to the policy letter submitted jointly by the States Advisory and Finance Committee and the States Procedures and Constitution Committee.

Yours faithfully

BERNARD FLOUQUET

Member  
States Advisory and Finance Committee

The President  
States of Guernsey  
Royal Court House  
St Peter Port  
GUERNSEY

10 April 2002

Dear Sir,

## **MINORITY REPORT SUBMITTED BY DEPUTY F J ROPER**

### **Introduction**

The design of a successful new system of government requires a number of things.

One is continuity and connection to the social, economic and political context of Island life. However, for this there is needed something more than mere familiarity and an absence of too much change. The reaction of the majority of the Joint Committees (MJC) to the recommendations of the Harwood Panel, predictably encapsulated in the slogan "evolution, not revolution", has been one of clinging to the familiar and casting about for arguments to justify little or no change. The result has been a set of proposals designed to give the misleading impression that the essence of the Harwood recommendations has been given effect when the reality is that the MJC's proposals are as far away from the system of executive government needed by the Island as they could be.

Another thing which is required is balance, balance between the need to give adequate expression to traditional, democratic usages and the need to design a system of government which will be efficient. The MJC's proposals lack this important balance and come down too heavily on the side of preserving the familiar.

Another thing which is required is the correct identification of the issues. Despite a few failings in the Harwood Panel's report, that Panel correctly identified the issues. The same cannot be said of the MJC. The fundamental issue, the most fundamental of all, is the need to establish a distinction between the executive and the legislature. The most curious feature of the Island's system of government at present is that there is no such distinction : every States Member is at the same time a member of the legislature and a member of the executive. The main disadvantage of this curious fact is that there is lacking any real element of accountability in the system. An executive should



be accountable to the legislature, but when the legislature is the executive and the executive is the legislature, what possibility can there be of any such accountability? "Accountability" in plain English means that if the performance of some part of the executive is found seriously wanting, that part can be dismissed. But that means ceasing to be a member of the executive and remaining only a member of the legislature and in our system that does not happen and by definition cannot happen.

## **Leadership**

While the MJC trumpets the need for "clearer leadership" within the States, its most serious deficiency is that it runs away from any such thing. In contrast with the Harwood recommendations it proposes a system which uses the terminology of an executive system without any of the reality. It ends up by presenting for adoption a system which is dishonest and misleading. It proposes a system of Ministers who would not be Ministers but only Presidents of committees like now (and who, now, could seriously describe a President as a "Minister"?). It proposes a Chief Minister when there are to be no real Ministers.

The reason for the latter is quite simply that other jurisdictions have Chief or First Ministers who really are Chief Ministers and Guernsey would be at a serious disadvantage without one in any significant international context. So the MJC has come up with the empty notion of renaming Presidents as Ministers and of naming the Chair of a Policy Council as Chief Minister. The trouble with this charade is that it will not only lack reality as a ministerial system (hardly surprising since it has been designed not to be a ministerial, executive or cabinet system) it will also be seen through in the international context in which it is supposed to serve the interests of the Island. A Chief Minister who (a) has to admit that he does not hire and fire his so-called Ministers and (b) can only agree to something internationally subject to the agreement of the so-called Ministers which he has been given will become a laughing stock. A worrying aspect of this system is that no-one of the calibre to be a true Chief Minister would expose themselves to the risk of holding such office and anyone who accepted such an office would clearly not be fit to be a Chief Minister.

## **Objections to Executive Government**

The MJC's arguments in favour of clinging to a familiar, committee system of government are summarised in the bullet points in paragraph 2.1.6 of the Report. After dishonestly characterising executive government as "a system which relies on Ministers keeping their seats by rigidly toeing the line" (which might more honestly have described it as a system in which disagreements are kept private) the MJC list:

- divisiveness. It is not explained who or what is being divided from whom or what but if the executive is being divided from the non-executive part of the legislature that is precisely what is needed in order to achieve accountability;
- the creation of a permanent opposition;

- the evolution of a political system based on party lines;
- a feeling of being either inside the government or outside it.

These appear to be one objection expressed in three different ways and the third is quite amusing. Since there ought to be an identified executive, knowledge that a member of the legislature was either a part of it or not would be useful! No evidence whatsoever is adduced to support the fear of the emergence of parties. This is probably because there is no such evidence. As voiced in meetings of the Joint Committees, this fear seems to be that political parties would emerge on the lines of the British system but, again, it was never explained why this should be. The truth of the matter is that there is nothing in logic or experience to justify a belief that executive government would lead to the emergence of political parties. It is a myth that the present committee system of government has somehow prevented or avoided the emergence of political parties in Guernsey:

- a "them and us" culture within the States. What is interesting about this one is that such a culture already exists, with some members always prepared to criticise, challenge or amend, whatever the subject. Such members are arguably a "permanent opposition" and one of the benefits of a system of executive government is that those members would find a more appropriate place, scrutinising the executive, instead of masquerading as integral and contributing members of government;
- an excess of power held by a minority of States Members. The first thing to say about this one is that this is precisely the perception of the present system on the part of a large part of the public. The second is that it would be no truer in an executive system than it is in the present system. The third is that the use of the word "power" is terribly revealing. A true democrat would not think of the responsibility which was carried by those given the authority to make executive decisions in such self-revealing terms. The fourth is that there is in any legislature only a minority of members fitted or qualified by ability or temperament for executive responsibility and no good purpose is served by ignoring this and treating all as if their natural role was a governmental one. All that that achieves is the dissipation of talent.

But the most important thing to say is that, whatever concentration of authority would be the result of an executive system, there would be an equal and counter-balancing concentration of responsibility and accountability. This is reverted to below;

- dampening of the expression of constructive alternative views etc. Just how hysterical is the fear of executive government is evidenced by this curious item. Only a mind which has experienced only the present system and never noted any other, nor ever read a newspaper or journal other than the local press could

seriously envisage a cabinet system, whether it be the British one, the American one, the French or German or whatever, in which constructive alternative views cannot be expressed;

- the possibility that those in government may experience a conflict of conscience in being required to vote for and publicly support policies with which they do not agree. One has to ask oneself what it is about political leaders in other parts of the world that enables them to survive such conflicts of conscience without suffering a nervous breakdown.

### **Executive versus Committee Government**

An unfortunate aspect of the current controversy is that it has led to a misunderstanding of the thinking of those of us who espouse executive government, a belief that our thinking is "ministers good, committees bad".

Committees are useful and necessary and, in fact, are insufficiently provided for in the Island's system of government. Ironically, they dominate the one part of the system where they are least appropriate and are sadly lacking where they are most needed. There are at least five types of committee which can be identified as useful in a well-conducted system:

- advisory committees;
- scrutiny committees;
- inter-departmental committees;
- committees of enquiry;
- Council of Ministers.

As to the first of these, such advisory committees would appropriately support a Minister. Not the bogus Ministers of the MJC's proposals, "Ministers" that is, who can be out-voted by committee members, but real Ministers who have the responsibility of formulating policies to be taken to the next level but who need the advice and input of those whose contribution they value and respect (rather than of anyone who happens to have been wished on him by the States as a whole). The Harwood Panel half envisaged such committees but limited their role to an occasional one.

The Harwood Panel also limited the existence and role of scrutiny committees in a way which seems unnecessary. It may not be necessary to set up a scrutiny committee for each government department but it should be for consideration whether that should be done. The MJC's conclusion that scrutiny committees "will not be needed" (2.8.5) is extraordinary. It has been the contention of the writer since the beginning of this review that the central issue was accountability and that the way to

achieve this accountability was through a system of scrutiny committees. Instead, the MJC not only frustrate accountability by preserving the identity of executive and legislature as one entity (so that there is no-one to be accountable to), they even throw away the remaining opportunity of some accountability by turning their backs on scrutiny committees. The MJC not only do not believe in efficient government, they do not believe in accountable government.

Interdepartmental committees, typically at staff level, are badly needed. One of the faults of the present system is the tribalism of the committees, with their carefully measured out territory in the form of mandates. A modern, efficient system of government seeks to achieve (and not just to pay lip-service to) so-called "joined-up government". Interdepartmental committees on aspects of government which straddle several mandates are long overdue. Instead, the tendency is for such aspects (such as transport issues) to be cast in the committee mould and in due course become yet another committee.

The last on this list is in fact proposed by the MJC and this is to be welcomed, although it has to be observed that their version of a Council of Ministers, the Policy Council, is fatally flawed in that its rôle is as "a consultative body, assisting the Chief Minister's Department to carry out its executive rôle" (2.4.2). This last phrase is quite bewildering: having gone to desperate lengths to argue against executive government by an identifiable executive, there is the appearance of a body which has an "executive rôle". One is entitled to ask what is going on. Having been told that we cannot have Cabinet government, are we now being sold an inner cabinet without an outer cabinet?

### **Other Matters**

It has also been the writer's contention all along that the question of the number of States Members is anything but central. Indeed, to decide that one wants to see fewer than 55 members elected to the States and then to spend time arguing how the reduced number is to be elected, by what constituencies etc. is to put the cart before the horse. One needs to design the new system and then decide how many members would be needed to work that system. That has not been done.

It is no doubt far too late to do this but on one point at least this minority report can agree with the other two minority reports namely that there is no case for keeping Douzaine Representatives. This is persuasively argued in Deputy Roffey's report and his point in paragraph 17 that the MJC's questionnaire asked the wrong question is well taken.

### **Conclusion**

This minority report, which does not seek to comment on all the issues dealt with in the majority report, is submitted for appending to that report. Meanwhile, I shall be

giving consideration to what amendments might be placed to give effect to some of the more important Harwood proposals.

I would be grateful if you would publish this minority report as an appendix to the policy letter submitted jointly by the States Advisory and Finance Committee and the States Procedures and Constitution Committee.

Yours faithfully

F.J. ROPER

Member  
Advisory and Finance Committee

The States are asked to decide:—

Whether, after consideration of the Joint Report dated the 11th April, 2002, of the States Advisory and Finance Committee and the States Procedures and Constitution Committee, they are of opinion:—

1. That, as set out in that Report, the government of Guernsey shall comprise:
  - a. A Chief Minister
  - b. A Chief Minister's Department
  - c. Ministers
  - d. Departments
  - e. A Policy Council.
2. That, as set out in that Report:
  - a. The number of People's Deputies shall be reduced to 35.
  - b. Electoral districts for the election of People's Deputies shall be based on parish boundaries.
  - c. The position of Douzaine Representative shall be abolished.
  - d. There shall be a Parish Representative for each parish, elected by the electorate of the parish, from candidates who shall be Douzeniers,
3. To direct the States Advisory and Finance Committee to report to the States and submit appropriate proposals for:
  - a. The functions and responsibilities of the Chief Minister and the Chief Minister's Department;
  - b. The designations, functions and responsibilities of Ministers and Departments;
  - c. The functions and responsibilities of the Policy Council;
  - d. The Functions and responsibilities of non-governmental Committees, including:
    - i. a Public Accounts Committee
    - ii. a Legislation Committee
    - iii. a House Committee;
  - e. The encouragement of States Departments to issue consultation papers and 'green papers' in advance of the submission of major policy items;
  - f. Changes to the Civil Service;
  - g. The establishment of a Pay Review Board to consider and report on the remuneration of States Members and those Members of Departments who are not States Members; and
  - h. The design and equipping of a States Chamber, and supporting facilities.

4. To direct the States Procedures and Constitution Committee to report to the States and submit appropriate proposals for:
  - a. The methods of nomination and election of the Chief Minister;
  - b. The constitution of the Chief Minister's Department;
  - e. The methods of nomination and election of the Members of the Chief Minister's Department;
  - d. The methods of nomination and election of Ministers;
  - e. The constitutions of Departments;
  - f. The methods of nomination and election of Members of Departments;
  - g. Voting in the States of Deliberation and in Departments;
  - h. The constitution of non-governmental Committees, including a Legislation Committee and a House Committee, and the method of appointment of Members thereto;
  - i. Electoral Districts, and the number of People's Deputies to be elected in each district;
  - j. Arrangements for the election of Parish Representatives;
  - k. Provisions for an electoral roll, the administration and promotion of elections, the establishment of an Electoral Commission, and election rules;
  - l. The title to be used by the Presiding Officer of the States of Deliberation, and the incumbent's voting powers.
  - m. The introduction of legislation establishing the principle of Absolute Privilege for proceedings in the States.

DE V. G. CAREY,  
Bailiff and President of the States.

The Royal Court House,  
Guernsey.  
The 19th April, 2002.





IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 17TH DAY OF MAY, 2002

The States resolved as follows concerning Billet d'Etat No. VII  
dated 19th April, 2002

**STATES ADVISORY AND FINANCE COMMITTEE  
and  
STATES PROCEDURES AND CONSTITUTION COMMITTEE**

**THE MACHINERY OF GOVERNMENT IN GUERNSEY**

After consideration of the Joint Report dated the 11th April, 2002, of the States Advisory and Finance Committee and the States Procedures and Constitution Committee:-

1. (1) That, as set out in that Report, the government of Guernsey shall comprise;
  - a. A Chief Minister
  - b. Ministers
  - c. Departments
  - d. A Policy Council.
- (2) TO NEGATIVE THE PROPOSITION that there shall be a Chief Minister's Department.
2. (1) That, as set out in that Report:
  - a.. Electoral districts for the election of People's Deputies shall be based on parish boundaries.
  - b. The position of Douzaine Representative shall be abolished.
  - c. There shall be a Parish Representative for each parish, elected by the electorate of the parish, from candidates who shall be Douzeniers.
- (2) TO NEGATIVE THE PROPOSITION that the number of People's Deputies shall be reduced to 35.
- 2A. To direct those Committees, notwithstanding Resolutions 1 and 2:

(a) jointly to undertake a survey of community opinion, in a form which appears to them appropriate and representative, to ascertain whether a majority of the community broadly supports those Resolutions;

(b) if in the opinion of those Committees the results of that survey do not indicate broad majority support for those Resolutions, jointly to report to the States with their considered recommendations.

3. To direct the States Advisory and Finance Committee to report to the States and submit appropriate proposals, unless Resolution 2A(b) applies, for:

- a. The functions and responsibilities of the Chief Minister;
- b. The designations, functions and responsibilities of Ministers and Departments;
- c. The functions and responsibilities of the Policy Council;
- d. The Functions and responsibilities of non-governmental Committees, including:
  - i. a Public Accounts Committee
  - ii a Legislation Committee
  - iii a House Committee
  - iv one or more Scrutiny Committees.
- e. The encouragement of States Departments to issue consultation papers and 'green papers' in advance of the submission of major policy items;
- f. Changes to the Civil Service;
- g. The Establishment of a Pay Review Board to consider and report on the remuneration of States Members and those Members of Departments who are not States Members; and
- h The design and equipping of a States Chamber, and supporting facilities.

4. To direct the States Procedures and Constitution Committee to report to the States and submit appropriate proposals, unless Resolution 2A(b) applies, for:

- a. The methods of nomination and election of the Chief Minister;
- b. The methods of nomination and election of Ministers;

- c. The constitutions of Departments;
- d. The methods of nomination and election of Members of Departments;
- e. Voting in the States of Deliberation, to include provision for simultaneous electronic voting, and in Departments;
- f. The constitution of non-governmental Committees, including a Legislation Committee, one or more Scrutiny Committees, and a House Committee, and the method of appointment of Members thereto;
- g. Electoral Districts, and the number of People's Deputies to be elected in each district;
- h. Arrangements for the election of Parish Representatives;
- i. Provisions for an electoral roll inclusion in which shall not necessarily be dependent on making an application in that regard, the administration and promotion of elections including provision that postal ballots shall be available to all electors and not just those who are disabled or absent from the island, the establishment of an Electoral Commission, and election rules;
- j. The title to be used by the Presiding Officer of the States of Deliberation, and the incumbent's voting powers;
- k. The introduction of legislation establishing the principle of Absolute Privilege for proceedings in the States.

D. R. DOREY  
HER MAJESTY'S DEPUTY GREFFIER