



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 8th July 2015

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Present:

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

Law Officers

H. E. Roberts Esq., Q.C. (H.M. Procureur)

People's Deputies

St. Peter Port South

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,
R. Domaille, A. H. Langlois, R. A. Jones

St. Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, E. G. Bebb, L. C. Queripel

St. Sampson

Deputies G. A. St Pier, K. A. Stewart,
P. R. Le Pelley, L. S. Trott

The Vale

Deputies M. J. Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,
B. J. E. Paint, J. P. Le Tocq, S. A. James, M. B. E., A. H. Adam

The West

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,
D. de G. De Lisle, Y. Burford

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller); Deputy M. J. Storey, (*indisposé*); Deputy P. L. Gillson, (*absent de l'île*); Deputy S. J. Ogier, (*relevé à 9h 33*); Deputy D. A. Inglis (*indisposé*)

Business transacted

Evocation	1489
Billet d'État XII.....	1489
X. The Organisation of States' Affairs – Second Policy Letter – Debate continued.....	1489
<i>The Assembly adjourned at 12.32 p.m. and resumed its sitting at 2.30 p.m.</i>	<i>1526</i>
The Organisation of States' Affairs – Second policy letter – Debate continued.....	1526
<i>The Assembly adjourned at 2.42 p.m. and resumed its sitting at 3.01 p.m.</i>	<i>1529</i>
The Organisation of States' Affairs – Second policy letter – Debate continued.....	1530
Congratulations to the Island Games team.....	1562
<i>The Assembly adjourned at 5.27 p.m.</i>	<i>1562</i>

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

The Bailiff: Deputy Ogier is now in the Chamber so he may be *relevé*.

Billet d'État XII

STATES' REVIEW COMMITTEE

X. The Organisation of States' Affairs – Second Policy Letter – Debate continued

The Greffier: Billet d'État XII – States' Review Committee – The Organisation of States Affairs – second policy letter – continuation of debate.

5

The Bailiff: Members of the States, the next amendment on your agenda is amendment 10, which was to be proposed by Deputy Stewart, seconded by Deputy Brouard. It is the Stewart D amendment. As I understand it, Deputy Stewart, you no longer wish to lay that amendment. Is that correct?

10

Deputy Stewart: That is correct, sir, we will quit while we are ahead.

The Bailiff: In that case, we will move straight on with the amendment marked amendment 11, proposed by Deputy Soulsby and to be seconded by Deputy Rob Jones.
Deputy Soulsby.

15

Deputy Soulsby: Sir, this amendment, I will read it out is:

To replace Proposition 29 as follows:

'To agree that the Scrutiny & Public Accounts Committees shall, following examination of the issues, lay recommendations before the States no later than February 2016, in relation to the matters in paragraphs 9.4.3, 9.4.4, 9.4.5 and 9.4.9 of that Policy Letter.'

20 Sir, whilst I am the one that is laying this amendment, this should very much be seen as a joint amendment with the Chair of the Scrutiny Committee, and has been discussed by both the Public Accounts Committee and Scrutiny Committees.

25 Before I begin, I should make it clear both Committees are grateful to the States' Review Committee for taking on board the comments submitted by them, and incorporating them into its policy letter. However, Members will remember that as a result of the amendment passed last year that the States' Review Committee was directed to propose to the States' before the introduction of the new Committee system, ways of strengthening the powers, resources, and impartiality of the Scrutiny Committees and Panels.

30 Now, whilst I understand the reasoning behind the proposal to wait for the new Scrutiny Management Committee to be formed before consideration of its powers and resources, I do not believe that this is the most effective way forward. Proposition 29 as it stands would require the newly formed States' Scrutiny Management Committee to lay a policy letter with recommendations on such areas as: ability to call and compel witnesses to attend; potential increase in the scope of scrutiny to include all non-States' bodies which are in receipt of public funds; clearly identifiable responsibly persons within each of the new Principal Committees; and the resources budgets and expectations of the Scrutiny Management Committee.

35 The purpose of this amendment is to bring forward the drafting of the policy letter so that it can be laid before this Assembly, and a decision made before the end of this term. Why? Well, I would like for a moment for us to take a step back and consider the wider context, and the effect that this policy letter will have, should it be passed in substantive form. Let us not delude ourselves here, there will be significant change that takes place from May next year. Not in terms of a reduction in Deputies, but, and probably more importantly, a change in departmental or committee structures and mandates. Against this background of considerable change, a newly constituted Scrutiny Management Committee is expected to determine the resources that it will need.

40 Now, times of considerable change can be the times of highest risk, and therefore a time when we need a scrutiny function focused on its core role. Whilst the Scrutiny Management Committee will be experiencing the new arrangements, the argument given for it to do the work, I would argue that whatever the new structure, the breadth of work will be broadly similar. Waiting until the next term will mean that given the time to let Members get their feet under the table, prepare the report, and then get it to the States, it is highly unlikely anything will be decided within a year, and that is before anything that is agreed can be actioned.

45 While the present Public Accounts Committee and Scrutiny Committees believe, with the experience they have had over the last three years, they are ideally placed to provide the necessary input to such a States' Report. Now I have made it clear when we debated the first policy letter that the last three years have been intensely frustrating with the lack of resources. Our budget has been reduced by 30% over the last three years, placing severe limitations on what we could do, and we have even had to go to the Department that we were to scrutinise to request funds to scrutinise them. That really cannot be right. So when we look at resources and budgets, it will not just be the quantum required, that is just part of the story, but how we obtain those resources, and how budgets are developed. What may work for Government Departments may not be right for a parliamentary committee.

60 This is not about wanting to take on more work, but we believe we can do it in the timescale and in the most effective and efficient way. We are also conscious how much more important it will be, to allow the Scrutiny Management Committee to hit the ground running, with the reduction in Deputies, the level of political oversight will reduce, unless we can beef up the scrutiny function as quickly as possible to compensate.

65 So, on behalf of the future Scrutiny Management Committee, please support this amendment and let us get moving now.

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

70 **Deputy Robert Jones:** I do, sir.

The Bailiff: Chief Minister, Deputy Le Tocq.

75 **The Chief Minister (Deputy Le Tocq):** Sir, the Committee will not be opposing this amendment, and understands the logic of it.

The Bailiff: Thank you.

Is there any debate? No.

We will go straight to the vote then, on the amendment proposed by Deputy Soulsby, seconded by Deputy Rob Jones. Those in favour; those against.

80

Members voted Pour.

The Bailiff: I declare it carried.

85 That brings us to amendment 12, proposed by Deputy Soulsby, and to be seconded by Deputy Trott.

Amendment:

To insert proposition 34A as follows:

'To agree that the accounts of the improved committee system shall be prepared under recognised Accounting Standards and that the Treasury & Resources Department shall formally commence the phased implementation of recognised Accounting Standards, as resolved by the States in March 2012, with effect from 1st January 2016.'

90 **Deputy Soulsby:** Sir, I take Members back to March 2012, a time when some of us were here, and others of us were keeping a close eye on what was going on here. I was in the latter camp, and I remember very well when the States resolved to adopt internationally recognised Accounting Standards, and gave T&R the resources to bring them in. Whilst for some this might not seem much to get excited about, for me I saw this as one of the more important decisions of the last States. But I can hear some of you say, 'Ah, that is because you are an accountant,' but I would argue that this whole Assembly should get excited about this. Why? Well, the report at the time makes it very clear. Paragraph 1.2 states:

95

'The current accounting model has a number of deficiencies, the most significant of which is the failure to account for our fixed assets that is, our land, buildings and equipment which together are thought to be valued at in excess of £2 billion. Without this ability, neither the ongoing value of those assets nor the true cost of their use by Departments can be properly represented in our accounts. This leads to an opaque picture regarding the true costs of the services we deliver, a lack of focus on driving the best value from these assets, and an inability to compare cost and financial performance year on year.'

The benefits are stated as falling within four broad categories: accountability, decision making, comparability and better use of assets.

100 In addition the letter from the previous Public Accounts Committee appended to the report at the time was quite explicit:

'The accounts exclude the cost and details of assets held by the States of Guernsey, as well as its contingent liabilities',

such as pensions.

105 And it is not just about what is set out in the revenue account, or balance sheet, but also the notes to the accounts in order to be compliant, which would include analysis of pay costs. Remember this was a major feature, the fundamental spending review, a spend-to-save initiative, whereby better decisions could be made as a result of more accurate and complete information. But the truth is that debate has happened, the policy letter was approved, it now needs to be

110 actioned. T&R were expected to report in the annual budget about progress. Aside from welcoming the project, and the move to multiyear budgets, there has been no report. Each year when the accounts have been debated, I have stood up and said this could not happen soon enough, but given no assurances that it would start any time soon.

115 Now, I do appreciate there have been a lot of other things happening, with the FTP and the SCIP process as an example. I am also acutely aware that this is not a simple task, and needs suitably qualified and experienced personnel to make it happen. However, the resources have been agreed. They were sitting in the Fundamental Spending Revenue Fund, as Members will recall. It has now moved to the Transformation Transition Fund, and the fact that they are is explicitly mentioned in paragraph 5.2 of the 2015 Budget. The question is, can we afford to wait? The longer this is delayed the longer we will perpetuate the current situation. As far as I am concerned that is not acceptable.

120 We will in the near future receive the 2014 accounts, great, but be aware that these accounts do not include a proper audit opinion. They do not state that they are true and fair. They cannot, as they are not prepared in accordance with recognised accounting standards. All that our auditors can say is that they have been properly prepared in accordance with accounting policies of the States of Guernsey. By the end of this year, States of Guernsey should have been preparing financial statements that are widely recognised and accepted on-Island and internationally, that will result in making major improvements to information, accountability, and basis on which decisions are made. This is a spend-to-save initiative that the longer we leave it the longer we cannot be sure whether or not we are wasting taxpayers' money, and so the sooner it begins in earnest the better.

125 So I urge Members to support this amendment.

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

Deputy Trott: Yes, sir, and reserve my right to speak if necessary.
Thank you.

135 **The Bailiff:** Thank you.
Deputy St Pier, are you going to speak on behalf of the Committee?

Deputy St Pier: If I may, sir.

140 Sir, the Committee notes that this amendment does go beyond the Proposition, but has no objection to that. But it does provide a good opportunity to advise the Assembly of what in fact has taken place since March 2012, and the March 2012 Resolution, which Deputy Soulsby referred to.

145 The last Treasury & Resources Department, as Deputy Soulsby said, brought a States' Report in March 2012, which sought the approval for the introduction of resource accounting and budgeting, with a commitment to a four-year implementation timeframe for fully compliant accounts, and, of course, the States approved the adoption of International Public Sector Accounting Standards (IPSAS), as was recommended by the then Treasury & Resources Department as more appropriate than IFRS which has proved problematic elsewhere.

150 Again, as Deputy Soulsby has noted, a total of £1.3 million was approved, and responsibility delegated to the Policy Council to approve detailed budgets for different phases of the project on production of detailed business cases. Deloitte was then commissioned to undertake an impact assessment of the proposed transition, and concluded that the critical areas requiring the most effort in terms of implementation of the project would be fixed assets – which again Deputy Soulsby referred to – and revenue recognition, in particular accounting for income tax receipts in
155 the year in which they are due, rather the year in which they are paid. The plan envisaged that the project would fall into three distinct phases: scoping; detailed design; and implementation.

160 The scoping phase was planned to take the first six months, and includes such tasks as a detailed confirmation of the current situation and a gap analysis, a definition of the accounting policies, the agreement of the scope with respect to the definition of assets, and the design of a new chart of general ledger accounts, to coincide with the planned development of the SAP system.

165 The detailed scope and design phase was to build on that gap analysis undertaken in the impact assessment, and to agree the suitable accounting policies, and we would then plan to prepare and populate asset registers and values, detailed specifications for systems and processes, and preparation of the reporting framework, and of course, developing the appropriate training and production of the first set of shadow accounts.

170 Then finally the implementation phase was to include continued preparation of the shadow accounts, new budgeting procedures, staff training, and would result in the publication of the first set of accounts and budgets prepared under the new framework.

175 So what have we actually been able to do? Well, we commenced the scoping phase which coincided with the detailed work on the SAP project, and that allowed us to design the new chart of general ledger accounts, to fit with the current position versus that which we would like to be in, and we also added a module for managing assets, which has been designed and will allow us to record all necessary asset information in a way that will provide integrated fixed asset management and accounting. So the phased implementation requested in the amendment has already commenced.

180 It is fair to say that we had underestimated the impact of the SAP project, and the amount of resource, and again Deputy Soulsby did acknowledge this, and the amount of resource that it would suck up, and the need to design and bed that system in before moving on. The bedding in, of course, of SAP took out most of 2013 and 2014.

However, the Treasury Business Plan, which of course, I did circulate to all Members earlier this year, does have the following objective, under the 'Demonstrate leadership in the development and delivery of Fiscal Policy' theme:

'Develop financial reporting and monitoring across the Public Service that provides relevant, robust and easily accessible information to the tax payer...'

185 The specific projects which fall under that include, of course: to comply with FRS102 requirements as UK GAAP comes to an end which, of course, will start with the accounts to be produced early next year; to implement the asset accounting, which is currently being initiated; to implement resource accounting and IPSAS that I referred to earlier, which is to be initiated this year, but with up to five years to full implementation; and to develop the public accessibility of the annual accounts with pertinent and relevant management reporting in a user-friendly format. Substantial improvements are planned for the 2015 accounts.

190 The asset accounting element has been identified, following the impact assessment that I mentioned, as one of the two most critical areas and therefore we have decided to tackle this as a project in its own right. We will need someone, and again Deputy Soulsby acknowledged this, to lead this work across Departments to establish things like asset classes, approach to each asset class valuation, methodology, depreciation, policy, budgetary impact of depreciation and so on. We have been waiting to get the 2014 accounts out of the way before commencing that work.

200 Then the other critical area is around revenue recognition, which I mentioned earlier, with income tax being the biggest challenge. Bearing in mind, of course, that is 70% of our income, we will almost certainly need to have a new income tax system before realistically being able to estimate accruals in respect of income tax, and that work has, of course, now begun, with the joint Contributions and Tax Systems Project which has started between the Social Security Department and the Treasury & Resources Department.

205 There has been a suggestion that lack of resources is no excuse, and that the States voted resources to this project, in any event, and that has to be acknowledged. We will need to recruit a professional project lead for the assets side, but it is vital that they work across all Departments,

and with the existing teams. This has to be a joint – it will involve joint working and input across the States. Of course, those people can only be stretched in so many ways, and so we have had to manage the phasing of projects to avoid people keeling over. We are now progressing with this important project, and giving it the best chance of success by ensuring that the ground work is complete and embedded before moving on.

210 So, in summary, sir, we do not believe that the amendment is necessary, since the States have already resolved that IPSAS will be adopted – that is the international standards that were referred to in the amendment – and the phased implementation has already commenced.

215 Thank you, sir.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you very much, sir.

220 An interesting couple of opening speeches here because I will be supporting this amendment. The reason for that is because I think the reasons which Deputy Soulsby outlined, and which originated in the March 2012 Billet, still stand. She gave a very good outline of those, and pre-*Hansard* I actually took a lead for this for T&R when it was first proposed. We were aware when that was proposed that the – strange though it may seem, this may be very hard for people to understand in terms of the size, the scale of our operation – the four-year target was quite a demanding one, because of the parlous state of accounting systems, from the ground level upwards in the States at the time. So it was quite demanding.

225 I want to just put a little bit of balance into the unfortunately negative view that the outside world might be left with from the proposer's speech if we are not careful, because she did qualify the criticism, but then fell back on a level of outrage, shall we say, that I think is inappropriate for some of the reasons that have been outlined by the Treasury Minister now. For those of us who do not know our IFRS from our IPSAS, it is quite difficult to believe that this could be such a complex area. But virtually everybody with some financial knowledge who came into the States understands that if you start from where we were starting...

230 Remember that cash limits only came in, or any management of cash only vaguely started, in 1990 in the States. Before that there was no underpinning and literally, if I can wind my career back just for a moment, round about that time, when I was trying to deal with students from the private sector and the public sector, you virtually had accounting students from the States saying, 'Well, why do I have to do all these exams, sir?' They used to call me 'sir' in those days, that was good. But 'why do I have to do all these exams because it has got nothing to do with us, we do not do our accounts this way?' and you think, well no, you do not and that is one of the major problems. It has taken an awful long time to get where we are.

235 So, please let's support this amendment thoroughly, not with a sense of outrage, but simply as a prod and a reminder to T&R that this is important work, it has to be achieved, it is the only way in which we can move forward in terms of financial decision making.

245

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I am sure the Treasury Minister would agree with me that his opposition to this amendment was somewhat sterile. It was not particularly robust and – I give way, sir – *(Laughter)*

250

The Bailiff: Deputy St Pier.

255 **Deputy St Pier:** I was not actually asking Deputy Trott. I was just considering whether to rise with a point of order, because I actually felt that he may have been misleading the Assembly. I was not. His description of sterile opposition, I think I was merely making the point that we felt that the amendment was unnecessary.

The Bailiff: Deputy Trott.

260

Deputy Trott: Sir, our accounts are difficult to analyse, even if you know what to look for, and where. I do know what to look for, and I do know where, sir, and occasionally even I struggled to know the answer to questions before I posed them, such is the complexity and difficulty of the way in which we report our financial information.

265

Sir, there are some management tools which are a load of nonsense, other management sayings that are absolutely spot on, and if I can slightly modify one, if you cannot measure it, you will struggle to monitor it. If you struggle to monitor it, then that creates fundamental issues of governance. Fundamental to the issue of transparency is the ability to record financial information in a consistent and internationally accepted manner.

270

Sir, this is a very sensible amendment, the Deputy Chief Minister, and the proposer's comments are difficult to improve upon. I do hope the States will support it.

The Bailiff: Deputy De Lisle.

275

Deputy De Lisle: Sir, the new system, the IPSAS system facilitates year-on-year comparisons, we are told, and facilitates comparisons across jurisdictions.

What I want is assurance that we will be able to compare past accounts with those under the new system, without having to go through complex analytical formulas in order to be able to understand exactly where we are, in terms of where we were. So, I would like that assurance if I can, please.

280

Thank you.

The Bailiff: Does anyone else wish to speak before I invite Deputy Soulsby to reply? No. No-one is rising.

285

Deputy Soulsby.

Deputy Soulsby: Sir, I welcome the support from Deputy Chief Minister and Deputy Trott and for seconding the amendment. I welcome also the statement from the T&R Minister. I think all that information might have been useful within the Budget, which was requested in March 2012. But it did seem long on what had to be done, and little on what had actually been done, and of course, T&R will not like to be told what to do, but I think it more or less explains why I believe that this amendment is necessary.

290

Just a point to Deputy De Lisle, I think, do we want to compare the past with little information with the future with more information? That is part of the work of moving from one system to another, we will have to backdate the previous year, so it is comparable to the first year full account. So we will be backdating.

295

That is all I wish to say.

The Bailiff: Well, we vote then on the amendment proposed by Deputy Soulsby, seconded by Deputy Trott. Those in favour; those against.

300

Members voted Pour.

The Bailiff: That is carried in my view. I declare that carried.

305

The next amendment is to be proposed by Deputy Chris Green. Deputy Green.

Deputy Green: Sir, thank you.

I will read out the amendment. It is:

To add a further Proposition as follows:

'38. To direct:

a) that starting in May 2016 the States' Assembly & Constitution Committee shall:

i. consider and investigate a range of workable methods of electing Peoples' Deputies, including the possibility of all or some Deputies being elected in a single electoral district; the possibility of all Deputies being elected in fewer districts than at present; and the option of single transferable votes for Guernsey elections;

ii. present that range of workable models to the States of Deliberation by no later than their meeting in June 2018, together with the Committee's recommendations;

iii. examine the merits and implications of any Resolutions made by the States after consideration of those recommendations being subject to endorsement in a public referendum; and, if thought appropriate, to include in the same policy letter further recommendations for the holding of such a referendum;

b) that the Committee shall consult with, and take evidence from, the widest possible range of persons from among the membership of the States, of parliaments in other jurisdictions, those with expertise and experience of electoral processes in other jurisdictions, and the general public in Guernsey.'

310

Mr Bailiff, as we are now likely to embark on substantial reform, and enhancement of the committee system of government, it appears to me, and to Deputy Laurie Queripel, and perhaps others that this is a good time to consider electoral reform as well. Indeed it could be said that Government reform and electoral reform go hand in hand. So I do think that this amendment is a timely one. It is fair to say, Mr Bailiff, that this amendment clearly does not undermine the main thrust of the States' Review Committee's proposals.

315

Now I will try to be reasonably brief in introducing this amendment, as I do not believe that a long, or extensive, speech is desirable or necessary. I should first of all begin by saying that this amendment is not exclusively about Island-wide voting; it is about electoral reform in general. To my mind, this amendment is really driven by a desire to reach agreement on a package of moderate electoral reform that ultimately will improve our democratic process. That is why I would want the next States' Assembly & Constitution Committee to give consideration to the idea of rationalising the number of electoral districts that we currently have into perhaps three or four larger districts, to offer more choice in terms of candidates to those we serve, and also to be potentially more efficient. I would also want the Committee, if this amendment is passed, to look comprehensively at the merits and implications of moving to a single transferable voting mechanism within our system, whereby voters will elect their Deputies by ranking them in order of their preferences, as opposed to the system we have at present.

320

325

Mr Bailiff, in 2007 the Electoral Reform Society recommended, and I quote, that:

'The system that we believe would best represent the views of Guernsey voters is the Single Transferable Vote, based on the current seven electoral districts. Voters would be asked to elect between six and seven members for each district by ranking candidates in order of preference.'

330

The Electoral Reform Society continued, and again I quote:

The system operates successfully in Northern Ireland, the Republic of Ireland, Malta, Australia, and, from May 2007, local elections in Scotland. The Electoral Reform Society advocates it because it gives maximum power to voters, and is more representative of their views than First-Past-the-Post, which can tend to produce skewed results in favour of the "largest minority".'

I could go on, but the expert opinion from the Electoral Reform Society was very clear indeed, and this offers a proportional alternative, that the experts have deemed to be very positive for Guernsey.

335

Yes, Mr Bailiff, if we are going to have another review by SACC, then it does make sense for the Committee to look at whether an element of Island-wide voting can be introduced into our system, and add value to the democratic experience of those that we serve. It would be, and is,

much cleaner and clearly much more cost effective for SACC to do this work, rather than the original idea which is no longer being pursued in terms of a special committee.

340 Mr Bailiff, as in most things, I am a moderate when it comes to (*Laughter*) electoral reform. I am not a fundamentalist in favour of a purist system of Island-wide voting, along the lines advocated by my colleague and friend Deputy Hadley, and others in July of last year. I suspect, like many others, on balance that the Island-wide or nationwide constituency idea has been demonstrated to be somewhat problematic. Hence the failure of the Hadley requête, and indeed
345 in light of the observations made by the Electoral Reform Society's parliamentary officer in 2007 when he said that a nationwide constituency system could only feasibly operate in Guernsey if candidates coalesced into political parties, or electoral blocs, and if there were fewer seats to be filled.

But the feeling that seemed to emerge, for me, from that July 2014 debate, was that there is
350 some political support for the principle of Island-wide voting, but legitimate concern about how it may work in practice. The purist model put forward in the requête by Deputy Hadley was ultimately seen by a majority of States' Members as not terribly desirable, or terribly practical, for a number of reasons, perhaps one of the main reasons being that it would mean the end of the public hustings that we have at the moment.

355 Mr Bailiff, if you were going to have a further review by SACC, I would suggest it makes sense for at least some consideration of that model of Island-wide voting to be done as well.

What we cannot realistically deny, sir, is that there is some appetite for reform, and possibly an element of Island-wide voting, from amongst a certain section of the Island, and this amendment is responding to that appetite. Inevitably if any electoral reform solution is to succeed, we will
360 have to find an appropriate compromise, and what better way to identify where that reasonable compromise lies than via a full review by SACC in the next political term? In these circumstances, this amendment provides an opportunity to deal with the issues of electoral reform, including grouping our constituencies into fewer districts, the issue of STV, the possibility of a formal element of Island-wide voting and other ancillary issues, once and for all, in a detailed review by
365 the next incarnation of the States' Assembly & Constitution Committee.

Now, of course, Mr Bailiff, no States can bind its own successor, and it might be that the next incarnation of SACC might not want to pursue this, but in my view, sir, if this States will not ask SACC for this review, then the reality is that the next States almost certainly will. If successful, this amendment would focus on the merits of electoral reform and would return to the States with its
370 recommendation in June of 2018, in time for implementation before the 2020 Election. That is surely a realistic timeframe.

One key aspect of this amendment is that it would ensure that SACC considers the possibility of any recommendations passed by this Assembly, following submission of its report, to be put to a public referendum – something that certainly could help to engage a broader range of people in
375 our politics by itself.

Now, I should say a word or two about why this amendment is necessary, in my view, and indeed in Deputy Queripel's view. In general terms I do think that there are some underlying issues with our current electoral system. The turnouts that we have seen in local elections, when you take into account all of those who could be eligible to vote on the electoral roll but are not,
380 are too low. People often complain about the lack of choice in their own mini-districts in terms of the candidates on offer, and some candidates in some districts poll many more votes than successful candidates in other areas and still do not gain a seat. Although we all make decisions on behalf of all Islanders, we are all strictly speaking accountable only to the voters in our own district. In view of these sorts of issues, and others, it is fair to say that for some or perhaps many
385 Islanders there is something wrong with our electoral system, and I do not think that we should feel complacent about it, not now, not ever, whether you agree with those issues that I have just listed or not. As I have already alluded to, Mr Bailiff, if this States is not prepared to engage SACC on the issues of electoral reform, I suspect that the next States surely will do just that.

390 So this is about conducting a review that is at an opportune time, and demonstrating that we
can listen to those who we serve. Now, some Members will say where is the effect – for heaven's
sake, SACC have looked at these issues umpteen times before now, why ask SACC to work on this
again, to waste time and resources looking at this again? (*Interjections and laughter*) I ask the
question rhetorically. (*Laughter and interjections*) But I will give an answer. The reason why the
next incarnation of SACC needs to look at this again, Mr Bailiff, firstly is because, as far as I am
395 aware, SACC this term have not looked at this issue, they have not reviewed the electoral system
this term. And I would add that the sustained public interest and support for some measure of
electoral reform, particularly at the 2012 Election, suggests to me and others that this States has
not dealt with these matters adequately, or conclusively, so far, and maybe we need to look at this
once and for all, with SACC doing the task in accordance with its mandate. This is probably the
400 cleanest way of doing it, and I would suggest the issues are simply not going to go away, no
matter how much we might want them to.

Mr Bailiff, to conclude, this is an opportunity for this Assembly to do something proactive in
response to the sustained interest in electoral reform. In a nutshell, there are three good reasons
why Members can, or perhaps should, support this amendment. First of all, government reform
405 and electoral reform do go hand in hand. Secondly, there clearly is an appetite for reform in this
Island in this particular area, and this is an opportunity to respond to that sustained interest.
Thirdly, in no way does this amendment do anything to undermine the key proposals in the SRC's
policy letter that I entirely support.

Mr Bailiff, I would ask Members to support the amendment.

410

A Member: Hear, hear.

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

415

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

The Bailiff: Does anyone wish to speak on behalf of the Committee at this point? No.
Deputy Gollop, then Deputy Kuttelwascher.

420

Deputy Gollop: Yes, I wish to support the amendment, even though there are perhaps one or
two caveats to that. I think we heard a few hear, hears, to the rhetorical question Deputy Green
posed about whether the next States would wish to look at this more, and whether the next
States' Assembly & Constitution Committee would be perhaps more willing to explore positively
different options.

425

But, I think it is important here to actually look at the amendment in the round, Deputy Green
is entirely right that the issue is not any more just about Island-wide elections, or senators, or
Conseillers, or Island-wide Deputies, we have moved on from that. The first point makes it clear
that it is to consider, and investigate a range of work or methods of electing the Deputies,
including the possibility of all or some Deputies being elected in a single electoral district.

430

Well actually, the possibility still remains open for us at the next election to have eight electoral
districts instead of seven, with some elected Island-wide on the same day. We have seen that
occur in Jersey. I put that as a point of view. Or six electoral districts – say we merge the two St
Peter Port halves or the Vale and St Sampson's or whatever. I think it is important that we have
seen well regarded columnist and long-serving Member of the States, Peter Roffey, write about
435 the possible desirability, not of Island-wide elections, but of three or four larger districts. We have
heard Deputy Fallaize say, not in his capacity perhaps as SACC Chairman, but as an individual
Deputy, that that might be a way forward eventually. This looks at not just the old chestnut of
electing 45 of us, or 38 of us, or however many we come up with, Deputies on a single day, for the
whole Island. Indeed it makes it clear that you can have potentially some for Island-wide and
440 some not.

Also the option of single transferable votes for Guernsey elections. Now that is not, actually, a fantastically new idea, because I sat for a while on SACC... although that is not true, I sat on SACC's predecessor which was called the House Committee, and in those days Deputy Flouquet was the Chairman. One of my colleagues was Douzenier Roderick Matthews, and he was certainly
445 a strong proponent, and supporter, and champion, because he called it proportional voting. Now you could rename that single transferable votes, which is one way of doing it. But how it would work, or one way it would work was at the moment we have six or seven, maybe five in the future, Deputies elected from a district, but instead of reading out the votes that has, I don't know, John Gollop 1,500, another Deputy 1,300, and I say (*Interjections*) oh great, I have got more votes,
450 actually – (*Interjection*) Exactly, the real issue here though is that the votes that we have, in my view, can be seen as the lowest common denominator votes. That way of voting is not fantastically good at bringing what, as Deputy Conder is likely to say, is our demographic deficit of diversity in the Chamber.

In our system there are seven seats. You could have seven candidates who all poll around 50%,
455 or even less – I have actually seen one election in St Peter Port where the nine winners got less than 44% each, which was astonishing, but you could check it out, it did happen in 1997. But what it can mean is that you get nine people all of the same kind and minorities of different ages, viewpoints, or whatever, are not represented. Effectively, our elections are a popularity contest, and just because I have got more votes than the person behind me, does not mean to say they
460 are real votes, because the person behind me actually might have a more solid vote, one here might pick up the sixth or seventh vote in the continuum. We need to look at all of that. When I sat on the House Committee, we actually came to a view that it could and should work. We took advice from the Electoral Reform and we expected the reform actually to be in place by 2008, but it never happened. We are clearly overdue work on this, certainly by 2012.

The next point is workable models for the States to deliver. Two years is about the right time frame, I would say, and looking at the public referendum is important too. I am a bit sorry that we went astray last year, or the year before that, when we last looked at Island-wide elections, because we were all, as always, arguing about different varieties on a theme, all Island-wide, some
465 Island-wide. Deputy Laurie Queripel, who I am sure will speak later, put up a ground-breaking amendment to have a form of referendum. It might not be officially a referendum but a plebiscite on the same day as the forthcoming 2016 General Election in all the parishes. Easy to do, the question might be hard to frame, but it certainly, the outcome, would be easy to count. And we approved it one day, and the following day, we went home and came back again, and pulled it all apart – a U-turn within a U-turn. I think we need to do better than that, and this brings the idea
470 back in a more solid way. So I do support this amendment.

My one reservation is I think there are a few Members of the States who will pay lip service to the idea of electoral reform, particularly Island-wide, but are not necessarily that committed to the idea. I think there are two reasons for that, which are kind of out there. The first is that it undoubtedly could lead to the perceived underrepresentation of certain parts of the Island,
480 whether it be the Town or the West of the Island or the Vale, or whatever, and the second reason is a culture that we saw in the last debate actually, whereby the way we think we should canvas for election is predominantly through door-to-door contact, sitting down knocking on the door, having a cup of tea with the electors, and getting to know their concerns. Now clearly larger electoral districts, let alone Island-wide districts, means that would not be possible in a realistic
485 timeframe, so I think Members have to overcome those reservations, to be open minded, about the positives and the negatives.

We do know that probably a majority of our population, and certainly a substantial minority, wish to see change in the way we elect Deputies, and they also wish to see the issue properly debated, and not put under the political carpet. So I think we have to support this amendment. If
490 only to ensure that the arguments are properly understood. Indeed, we have yet to have a debate on the smaller number of electoral districts, and also, more significantly, on the single transferable vote and the benefits it might bring.

The Bailiff: Deputy Kuttelwascher, I said I would call next, Deputy Wilkie.

495 **Deputy Kuttelwascher:** Sir, primarily, my comment is a point of correction to something that Deputy Green said, at least on two occasions. He used the term 'once and for all'. *(Laughter)* Now if there is one thing, Members, I would have thought would have learnt by now is that that does not exist. *(Interjection)* It is once and for all, until somebody comes along and tries to overturn it. *(Interjection)* I must say it is subject that is beginning to tire me a little, because I sat through the
500 last States' Assembly and we spent an awful lot of time doing just, basically, what is being debated, including the single transferable vote issue. So, all this has been done, and in fact all the answers could be given by just rehashing all that has been done in the past.

The other point is, this has got absolutely nothing to do with the review of Government and the way we handle States' affairs. *(Interjections)* I really would like to get on with that debate. This
505 goes way beyond the Proposition.

A Member: Why are you speaking then? *(Laughter)*

Deputy Kuttelwascher: Precisely! Hopefully, Members will just not want to debate it. If I am
510 stood up and saying, it goes beyond the Propositions, I do not want any debate, there is a tendency for the Assembly just to throw that out, because they want to give the chap the opportunity.

But I cannot support this, I have been through all this before. It will be a rehash of what has gone before. What will come out of it will be absolutely nothing, and therefore I suggest that
515 Members just vote against this one. A more appropriate way of bringing this forward would have been a requête.

Thank you, sir.

The Bailiff: Deputies Wilkie, Brouard, Dave Jones and Bebb.

520 **Deputy Wilkie:** Thank you, sir.

I am struggling with this amendment, and I would like Deputy Green to explain to me, because I heard in the media that this amendment will hold Deputies to account, and I fail to understand how this amendment will hold me to account. I feel this could be a bit of a box-ticking exercise for
525 people's manifestos, and not a real solution.

As has been said, this work has been done before by SACC, there has been extensive exploration of the options in their 2011 report, and we have not changed our system radically enough to warrant a new investigation. But I feel as Deputies we are too close to make the decision about how we get our jobs, and the people of Guernsey should be able to decide how
530 they elect their representatives.

It is interesting what John Gollop said about the amendment by Deputy Queripel that was actually successful about the referendum. I have been working on a requête, which will be a referendum on Island-wide voting. I have spoken to Deputy Green about this, I spoke to Deputy Fallaize quite some time ago, I have spoken to the Chief Minister, and this requête will allow
535 Islanders to decide, once and for all, if they wish to have a form of Island-wide voting. *(Interjections)*

Now we have seen in Scotland how a referendum on important issues has engaged the public in politics on a scale not seen before in that country. Now, I am sure we will have a similar reaction in Guernsey, which has got to be a positive outcome for our community. Because I actually believe
540 in a form of Island-wide voting, and for me it is not a box-ticking exercise. I want to take my time and fully consider the requête and make sure it is acceptable to the public and Members of this Assembly and, as Deputy Gollop has alluded to, the framing of the question will be essential to the success or not of the report.

545 Although I am tempted by this amendment as a fall-back position if the requête fails, I am unsure if I can support it. I am going to have to listen to the debate, and I am going to have to listen to Deputy Green's reply, before I can make a decision.

Thank you, sir.

The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you, sir.

I think Deputy Green's rhetorical question basically answered it for me. It would have more efficacy and credibility for me if you came up with an actual solution, rather than another investigation.

555

I am happy to have some form of Island-wide voting, or electoral reform, but it is a little unfair to send the team off to come back with another smorgasbord of ideas. The idea to expend more time and energy, although it may salve our consciences, giving us the ability to say to the electorate we are the States who voted for the umpteenth manned committee costing thousands in time and resources, when really it is in your gift to peddle your solution. (**A Member:** Hear, hear.) Members in 2004, 2008, the new Members of 2012, even that flush has had three years to come up with ideas. So rather than asking someone to investigate electoral reform and Island-wide voting again, I would prefer to see positive solutions offered and proffered.

560

I will struggle to vote for this amendment.

Thank you, sir.

565

The Bailiff: Deputy Dave Jones.

Deputy David Jones: Thank you, Mr Bailiff.

570

I think that Deputy Green is right on several levels, that it will come back again, and Deputy Kuttelwascher has said it is never over, and it is one of those subjects that until it has been resolved will never be over.

575

Deputy Wilkie asked about accountability. Well, Island-wide voting would certainly change voting patterns in this Assembly. If for instance the people of the Vale had a say about all the bad neighbour industries that come down to the North, all the housing that is in the North, I imagine that voting patterns would change somewhat to reflect the views of the people who actually live in the North. So that is one reason why I think Island-wide voting would work.

580

The other thing is, one of the worst parts about party politics is the fact that you have got the obscenity of safe seats. Nobody's seat in politics should be safe, nobody's. You should have a system in this Island where that applies here too. Well, the Bailiff's seat is always safe. (*Laughter*) That is true. But to be fair the Bailiff is appointed by HM the Queen on the merits of his office, and that is as it should be, in my view.

585

The other thing is, of course, that the present system allows candidates, or even sitting Deputies, to sit in whichever parish of electoral district they feel they may have the best chance, rather than traditionally the parish where they live. I agree I do not think that we had a particularly good election in the Vale last time. It was more of a lottery, really, than an election, we had very few candidates for the number of seats, and that was my view on it. (*Laughter*)

590

It may be, I think that the fact of the matter is, that SACC will need to have the enthusiasm, and the Members on that Committee, to actually get on with this job. I am not so sure in the past that the people who have actually looked at it have really wanted Island-wide voting, and have not, in my view – I do not think we really have explored the issue of transferable voting – Deputy Kuttelwascher said it has been explored before. We have never really drilled down into a practical way it could be done, and it is true, that we would have to change the way we do lots of things, including having electronic voting, touch-screen voting, and all kinds of other ways that you can register a vote, without actually turning up on the day and doing the mediaeval thing of putting a cross on a piece of paper.

595

So I am going to support this amendment, I think it may even be an electoral issue again at the next election, but certainly there is a large number of the people of Guernsey, and any referendum will either prove whether I am right or wrong, who want to see Island-wide voting.

600 **The Bailiff:** Deputy Bebb and then Deputy Hadley.

Deputy Bebb: Thank you, Monsieur Le Bailli.

Two weeks ago I had the joy of going to the opera here in Guernsey, and I thoroughly enjoyed *Lucia di Lammermoor* but it is not my favourite. My favourite opera is *Tosca* which is a completely
605 ridiculous opera. It is about a woman called Tosca and she falls in love with a young painter, and having had her lover arrested, she schemes with the head of the secret police in order to have him falsely executed and then, of course, when she finds out that the head of the secret police has actually denied her this wish and has actually executed her lover, she jumps over the parapet. It is ridiculous. I love it because it is ridiculous.

610 But there was one occasion, in Chicago I believe, where the opera diva jumps off the turret at the end of the performance in order to kill herself, and somebody had replaced the cushion at the bottom with a trampoline (*Laughter*) so she reappeared, apparently three or four times, making a slight mockery of the whole thing. In the same way I find Island-wide voting as a subject reappearing in order to make a mockery on a regular basis of this Assembly. It is tiring, it is very,
615 very tiring.

Now then, Deputy Green in his opening statement said this has been looked into a few times. I have decided to ask, very kindly, our Principal Officer at SACC how many times it has been debated. I think this really goes to an extent as to understanding how many times these issues have been looked at. Members will need to bear with me because this list goes on.

620 In 1976, a Committee to Review the Constitution and States of Deliberation and Procedure decided the election of Conseillers by universal suffrage should be done, but by amendment it was changed more to continue to be elected by the States of Election. In 1982, and please note that they did have the good grace to wait six years, there was a requête on the election of Conseillers, asking for a creation of a committee to investigate the election of Conseillers, which
625 was agreed. Then in 1983 that very same Committee reported back to the States stating that the retention of Conseiller was preferred and the States to decide the method of election, and they decided to elect, continued to elect through the States of Election. In 1985 the States' Advisory & Finance Committee asked the CSRC to review the method of election of Conseillers, which was agreed, and in 1986 the Constitution & States' Review Committee reported back, stating that the
630 method of election of Conseillers be retained by the States of Election, which was agreed.

Then in 1990, we are getting a little closer in time here, four years, there was a requête asking for looking at the method of electing Conseillers, and there was an amendment in order to expand to the consideration of all States' Members. So in 1991 the very same Committee reported back, and stated that there should be a replacement of Conseillers with extra Deputies, but by an
635 amendment the Conseillers were to be elected by the States from among the Deputies, which was agreed.

Then in 1991 again we have got the Constitution & States' Review Committee on appointment of Conseillers; there were arrangements regarding the above; and there was an amendment that Conseillers be replaced with extra Deputies. In 1992 the Constitution & States' Review Committee
640 considered the election of Conseillers by universal suffrage, and hence Conseillers were elected by universal suffrage, and that continued from 1994 until 2000. The Constitution & States' Review Committee looked at the issue again in 1997, replacement of Conseillers with extra Deputies for four year terms, and that was agreed, and that is the present system. Then the House Committee looked at the review of the new system of Government, and by amendment required the
645 Committee to do a comprehensive review of practical methods of introducing Island-wide voting.

The States' Assembly & Constitution Committee reported on the Island-wide voting. The first report in 2009, SACC reported with details proposed regarding Island-wide voting, and it was

agreed. Then in 2010 the options for electing all Deputies on an Island-wide basis was sursised, in order to investigate a reduction in the number of Deputies and other options. Then in 2011 the 45 Deputies were to be elected on an Island-wide basis from 2012, and that was rejected. Then we had in 2014 as Members will remember very well, that we had the Island-wide voting and all Deputies to be elected on an Island-wide basis, and that was rejected.

So this really goes to the extent of how many times this has been looked at.

Deputy Fallaize: Sir, on a point of order. Deputy Bebb has missed one crucial (**Deputy Bebb:** Ooh.) item out of his long list. It was sursised in 2014, we could not make a decision there and then. It had to be sursised, and it then came back to the States later in the same year, only to be rejected. I would not want his list to be in any way incomplete. (*Laughter*)

Deputy Bebb: I thank Deputy Fallaize –

Deputy Fallaize: I think he has made the point –

Deputy Bebb: Yet another line to the litany.

Now, 'government reform and electoral reform go hand in hand' – this is patent nonsense. There is government reform that continues in the UK. I remember the reform in the House of Lords. There has been reform in relation to the select committees. None of this has had anything to do with electoral reform. But this term, when they are not looking at any government reform at all, they are looking at electoral reform. So that it a patent nonsense to say such things. I do wish that Members would actually be a little bit more careful in their language.

Now then, the other thing – (*Interjections*) I know. The other point that I found very interesting from Deputy Green's opening statement, was that the purist method was evidently decided by this Assembly during this term to be deficient. Indeed it is. But the loss of hustings is what Deputy Green said would have been the major impediment. Now, staggeringly, we had 14 candidates in St Peter Port North last time. There were signs on the doors at certain houses saying 'no candidates' because they were fed up with the number of people knocking on the doors. The hustings was a little awkward because of 14 of us, in order to get the number of questions round. Any reduction in the size of the constituencies would, obviously, result in larger amounts of candidates and therefore make hustings virtually impossible. Indeed, an Island-wide basis hustings is completely impossible, but even a reductions will make it much more difficult. Therefore I do not understand how that would work.

But then Deputy Green went on to say that there are methods that could work. Well we debated it twice this term already. Where was the amendment? Anybody who has had to read any of these reports that I listed, and I have read a fair few of them, would recognise that there are certain methods of introducing Island-wide voting that are workable. The one method, to my mind, that would work is to have a proportion of Deputies elected Island-wide. It is similar to the Conseiller. But that has been rejected. I have actually looked into it, and I thought to myself I do not think that that would improve anything. But rather than producing a solution, we are being asked to look at the question yet again. This time very rudely to actually presume that the next Assembly will have such a great majority in favour of Island-wide voting, too lazy to go and read the papers that have already been produced, and therefore ask SACC to look at it all over again. For us to be so presumptuous as to think that we should determine the workload for the next Assembly really is some *chutzpah*. (*Laughter and interjections*)

Members, it is tiring. It is tiring, and it is a mockery. Just as that Tosca reappeared too many times so has Island-wide voting, and rather than having us in raptures at the dramatic moment, we all laughed, and that was the point. It makes a mockery, the reintroduction of Island-wide voting during this term, and in an amendment during a debate on the States Review Committee, really does make a mockery of it. Please reject the amendment.

Oh, there was one other thing that I just remembered. (*Interjections*) Now then, Deputy Gollop in his speech made a very reasoned and very well said speech, I quite liked it. However, I think that we should pay a little heed to what he said in private, or rather not so in private, on Twitter. Maybe in a moment of misgiving, however, he stated, 'Deputy Green made reasonable case on *Radio Guernsey* for Island-wide voting committee'. Okay, but Island-wide voting is not a cheaper or better system, but a crusade. I want Island-wide voting because it is a populist circus with razzmatazz, media excess, huge votes, a popularity beauty contest. Bring it on! (*Laughter and applause*) I have to say wonderful, I would love to see a razzmatazz, but I do not think that our democracy should be reduced to such a patent nonsense.

Members please, reject the amendment. Let's get on with the serious business of Government reform.

Thank you.

Several Members. Hear, hear. (*Applause*)

The Bailiff: Deputy Hadley.

Deputy Hadley: Well, Mr Bailiff, I would like to compliment Deputy Bebb for his delightful explanation of the opera, *Tosca*. Being rather a philistine I have never actually seen it. (*Laughter*) I was waiting to hear that the performing artist in New York jumped to her death at the bottom, but in fact it was a happy ending, she reappeared. So it cheered me up no end.

On the substance of his speech, however, I think that the number of times that this issue has come back to the Assembly indicates to me more than ever that we need a proper resolution. Indeed you could point to the House of Commons, which endlessly debates reform of the House of Lords, and that will never finish until they actually reform the House of Lords. So I feel that we need to bite the bullet here.

I would especially, of course, like to compliment Deputy Green on one of the best speeches he has given for some time. (*Laughter and interjections*) When I eventually appear before one of the Judges of our courts, and I am sure it will happen in the end, (*Laughter*) I will certainly rush to Deputy Green's offices to engage his service – if I can afford it, of course. (*Laughter*)

At every election one of the issues that is brought up time and time again is Island-wide voting. You cannot get away from it, it will not go away. One of the best ways, I think, of dealing with the issues is, as a number of speakers have said, a single transferable vote. To me people say it is too complicated and too difficult, but I do not think that anything could be more simple than asking people to rank the candidates in the order in which they want them. If they do this, no vote is ever wasted. If you only want to vote for five candidates, you can vote for five candidates. If you want to go to the tedious lengths of deciding how you place 80 candidates in order of preference, well do that by all means. No vote is wasted at all.

Now, you have to say that the Electoral Reform Society did have some reservations about the efficacy of single transferable vote on an Island-wide election. However, I would say to them Guernsey is different to the United Kingdom, and many other jurisdictions, and all too often we are told that in Guernsey, because it will not work elsewhere, we should not do it that way. Well I think this Island is well governed, I am very proud to be a Member of this Assembly, and I think at times we do come up with the unique solution on this Island which does not work anywhere else.

So, I would ask Members of the Assembly to support this very sensible move to get the issue finally resolved. (*Laughter*)

The Bailiff: Deputy Perrot, and then Deputy Dorey.

Deputy Perrot: I know, sir, that you were at that performance of *Lucia di Lammermoor*, the week before last. You probably were not aware of it, but I was, because I was off to one corner and there was a disturbance four rows behind you, and I now realise what it was. It was Deputy

Bebb getting, as always, overexcited. (*Laughter*) It does worry me if he gets that excited by Donizetti so perhaps he ought avoid all of the greats such as Donizetti, and Mozart, and Rossini, and perhaps concentrate on Benjamin Britten, or somebody like that, who can give him a rather more boring story. (*Laughter*)

755 When I first padded Court Row backwards and forwards in 1971, I was full of reforming spirits just as Deputy Green is these days, as a youngster. Then I was very much against the idea of Jurats. I felt that, to me it was repugnant that there should be a permanent body of people sitting in judgement over anybody. But, I did come to realise that the system was brilliant for this community. Now that is by the by, and probably irrelevant, but I move on a bit, and then in 1982
760 when I was campaigning I did so with another candidate, with my friend, who subsequently became a Deputy, Deputy Nick Wheadon, and both of us felt very, very strongly at that time, that equally repugnant to us was the Conseiller system – the idea of an electoral college. So we campaigned firmly against that and we were duly elected, and in the next election, 1985, the same thing happened, I still felt strongly, as did Nick Wheadon, that the Conseiller system was a bad
765 system.

It was in the subsequent three years of that term that I realised how great a system it was, (**A Member:** Hear, hear.) because it did encourage people to make really tough decisions, and one of the strengths of the system was that voting for Conseillers was staggered, when compared with the election of Deputies. One of the things that I have observed, and I have said it before in this
770 Assembly, since all of that change is that there is too much electioneering going on during the term, because we are all elected at the same time. I know that that idea has been dismissed by Deputy Conder, but I still firmly believe that there is far too much populism going on in the way in which we vote.

We say that we vote in accordance with our consciences. Sometimes there is too much of an element of populism, and I think that some of that would be overcome if we had a system of
775 Island-wide voting. I entirely accept that Island-wide voting over the whole of the Island would be completely unworkable. I would not even be in favour of that, anyway, because I do not wish to see a further great attrition of the parochial base of the elections here, but irrespective of the fact that it has been dealt with by the States on any number of occasions, and we heard that long list
780 from Deputy Bebb, I accept that it has come before the States very many times. Do we have a form of Conseiller? Do we have Island-wide voting?

The inescapable fact is that there is an immense public pressure for some Island-wide voting. Speaking personally, I would like to see Island-wide voting being confined to about 10 people, as I think that that would be manageable. It would certainly, as Deputy Jones says, give people in the
785 Vale the ability to give their view of people who live in what he calls the national park. Equally it would give people who live in the national park the ability to vote on rebel-rousing Deputies, or potential Deputies, in the North of the Island. So what is good for one is good for the other.

But I do think that there is a public pressure. I accept that we are not delegates of the public, so it is not for us, simply because people say that something must be done, that we must of
790 necessity do it. But we are representatives of the public, and it does seem to me that we cannot simply dismiss, because it has all been looked at before, the notion of some Island-wide voting. So for me that is why I will support this amendment. Parts of it are tosh. (*Laughter*) What Deputy Green is asking is for the States' Assembly & Constitution Committee to look at it. Some of the bits, which perhaps are of less importance than others, that Committee will not spend too much
795 time on.

But there are two important things, as far as I am concerned. The phrase '*or some*' in 38.(a)(i) line 2 it says:

'...including the possibility of all or some Deputies being elected in a single electoral district.'

800 Well clearly, I have said it, I am against 'all', but I think that there is an argument for saying 'or some'.

I think that another important thing, and it is included in this amendment, is whether the idea is going to be debated once and for all. Now I know, as Deputy Kuttelwascher says, there is no such thing as once and for all. But I do think that if SACC came up with proposals, which followed
805 a referendum, that that would have a greater influence on how Members of this Assembly viewed something. So, if there were a referendum which supported Island-wide voting, and there was a clear majority for that, I think that the States would find it difficult to resist that.

So I accept that there is perhaps some flummery incorporated into this amendment, but I do think that it is worth the Committee having a look at this.

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The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Deputy Perrot talked about the Conseiller system and I cannot let his comments go without
815 challenging them. I was one of the members of the Right to Vote Movement, who campaigned to end the Conseiller system, and I do not believe that in a democracy you can have people who are members of government who do not face periodic public election. I think that is totally unacceptable, and I do not wish to go back to a system like we had then. That –

820 **Deputy Perrot:** A point of correction, sir.

The Bailiff: Deputy Perrot.

Deputy Perrot: In referring to me, in his speech as to what I have said, I am not advocating
825 now returning to the Conseiller system. I am advocating a system whereby we have some Island-wide voting. That is not voting by an electoral college; it is electing by the electorate.

Deputy Dorey: At the start of his speech he did mention about the benefits of the Conseiller system, (*Interjection*) hence my point.

830 Deputy Green started off by saying we are having radical reform. I think the Chief Minister when he opened said this is not radical reform we are having to our system; it is evolutionary.

Deputy Green: Point of correction, sir.
I said substantial reform.

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The Bailiff: Thank you, Deputy Green. Deputy Dorey.

Deputy Dorey: Similar word. (*Laughter*) But we have gone through, I think, radical reform in our system of electing people to the States. If you look back at the start of the 1990's we had 10
840 Douzaine representatives, elected by Douzaines serving for one year, 12 Conseillers, as I said, elected by electoral colleges, serving for six years, and 33 Deputies serving for three years. In one of those districts you could have just one vote, in another district you could have 10 votes. We have gone through, as Deputy Bebb has explained, many, many debates and I think we have arrived at the best solution for Guernsey at this time, when we do not have party politics. Party
845 politics would lead to radical reform, I think, but at this time without party politics I think we have the best system we can.

I will go on to explain further why I believe that. In his amendment he talked that there are many different alternatives mentioned, or to be investigated. One of them is the single electoral district. Well, we know from the Electoral Reform Society which says:

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'There are possible models for all-island voting, but unfortunately they all present significant practical difficulties, because of the size of the States of Deliberation, and the lack of political parties in Guernsey.'

We have had the A3 sheet of paper with all the candidates listed. It is not practical, so I do not see any value in investigating that. It then talks about some Deputies being elected Island-wide, and Deputy Perrot said that he was particularly in favour of that. Well we have tried that as well. In 1994, the first election where Conseillers were elected Island-wide, we had 17,100 people voting, and in the Deputies election one month later 16,600, and there was massive publicity leading up to that election. But just three years later only 11,500 voted in the Conseillers election, which was down from the 17,100 in the previous one, and in the Deputies election only 15,500. Then in 2000 we had an all-Deputies election and that was 16,500. But in 2004, which was under the current system, that went up to 19,400. That is 2,900 more than in 2000, 2,300 more than in the first Island-wide election for Conseillers in 1994, and 7,900 more than the second Conseillers election in 1997. So the public has very clearly given a message to us that they did not like the system of having some elected Island-wide, in spite of what some people say, the practical turnout at the ballot box shows us that people did not like that system of having some Island-wide and some elected by districts.

In order to enable, unlike Jersey has done, which has had all the elections on one day, but in order to encourage people to stand for Island-wide and know they have a fall back, you have to have them one month later, or a similar time period, which just does not work. People do not like it. The public have rejected it in the most... we talk about referendums. The clearest indication is how many actually voted. People have voted in far greater numbers, still far too low than we should have, but in far greater numbers in our current system than in a system of partly Island-wide, partly by district.

He then talks about fewer districts. Well again, I do not think that is worth further investigation. In my view, the constituencies are just small enough for candidates to visit all the electorate during the campaigning period. If you have bigger districts – I think most of us struggle to get round the whole of our district – but you just will not be able to visit all the doors in your electoral district. I think that is important. It gives an opportunity for new unknown candidates to make themselves known to the electorate. It gives you the opportunity to connect with the electors. You will lose that opportunity if we go to bigger districts. (**A Member:** Hear, hear.)

Also, currently we have six or seven and we will go down to five or six, which I think is manageable for most voters, because you could go up to 10 to 14 manifestos. When you start getting a greater number of manifestos people will not read them, they will not engage to the extent that they would. So I do not believe it is worth investigating reducing the number of districts.

Single transferable votes will ..., again the report which Deputy Bebb referred to which was the Island-wide voting third report from the States Assembly & Constitution Committee, which was dated 17th December 2010 and debated in February 2011. It investigated that. It explained some of the problems with the single transferable vote system, including things like it would take people a lot longer to vote, you have to have electronic counting, you would have to have a lot bigger voting booths, a lot bigger voting rooms, because you need a lot more booths. What do you actually gain from it? The States had an opportunity, and they did not go with it. So why look at it again? We have looked at it; there is a report which investigated it. This report was then appended to the debate we had last year in July on the requête. So we have had plenty of time to look at it, why look – it has been investigated – we have had debates where we discussed it, there have been amendments, and it has been rejected. Why look at it again?

I urge Members that... we have tried other systems, we have had news reports, we have had the Electoral Reform Society. I think we have finished up with the best system within Guernsey considering we have not got party politics. Just accept it as the best system. Yes, people will always criticise it, but that does not mean just because people criticise it that you have to have yet another investigation. It is not a good use of Civil Service time; it is not a good use of this Assembly's time to have yet more debate on an issue that this Assembly rejected in July last year, 18 voted *Pour*, 27 voted *Contre*.

My final point on referendums, which has been mentioned, Jersey had a referendum, and they had a 26% turnout. It did not engage the public. I think the best referendum we can have is the number of people who have voted within our system. The current system has shown that this is a system which most people support, so please reject this amendment and let's get on with the important debate on our Government reform.

Thank you.

The Bailiff: I am going to call Deputy Lowe, then Deputy Laurie Queripel, then Deputy Fallaize and Deputy Conder. Deputy Lowe.

Deputy Lowe: Thank you, sir.

Well, many of the dates that Deputy Bebb listed I was involved in at the time, because it has come back to the States so many times in the 21 years that I have been in this Assembly. In fact I was elected a Conseiller at one time in 1997, and it was a good system, but there is no doubt when – *(Laughter)* Yes, it was a good system. No, but I am hearing this morning quite a few are saying it would be good to have a few on an Island-wide basis and some as Deputies. If that is a Guernsey compromise to go back to that system, fine, I would support it. I would rather half the States voted that way than none at all.

But do not sit there with rose-tinted glasses thinking that actually that binds everybody together, because there used to be, at times, very much a case of 'we have got an Island-wide mandate; you have only got a mandate from just your parish', or your district, as the case would be now. There was friction at times. There were some Members when they stood up and spoke, and they would really put some Deputies in their place by saying, 'How can you say that? You have not got an Island-wide mandate.'

But, if somebody, today actually, not necessarily with this amendment, came up with an amendment to say in 2016 let's have some Island-wide – because it can happen... There is no reason in my opinion why we still could not have for the next election 10 or 12 Members with Island-wide voting, as a half-way house, while we wanted to actually send SACC away again.

And please do not send them away again, because everything was there. The requête that was brought forward by Deputy Hadley, and I was a signatory to, attached to that requête was the report from 2011 that had all the options that have been spoken about today. It is all in your term of office, that that report was available for you to see. All the evidence was there, from the single transferable vote, which was considered many times during the last... I do not know, it is many years; whether you just had so many States' Members elected Island-wide; whether you had them all Island-wide.

It is also being said, 'Well, let's actually have a referendum.' One of the closest things you could have done, which we did, in SACC at the time, we did a household drop to every household. It was the biggest response the States has ever had, and still remains so to this day. There was nearly 7,000 respondees to that Island-wide, and they were given the option of what they actually wanted, and there was virtually a tie between all Island-wide being elected, to some being elected Island-wide and keeping some Deputies. So you have already got the feedback really that you want, because we did actually go out and ask the public.

You could – you could go round and have the amendment later today, to actually direct SACC to put in a system for 12 to be elected Island-wide. We are in time for the next election, which I am not aware there would be a problem with that, because we have done it before.

You could also go down the route of on the election slip actually give credit to the electorate in the same way Jersey did. Jersey seemed to manage. The public of Jersey were given that opportunity, which has been denied here in Guernsey – the opportunity on the same day on the same voting slip, which was quite big, to elect all their Senators at the same time as they elected their Deputies as they elected their Connétables; and added to that they had a question that they had to answer if they chose to do so, whether you keep the Connétables as part of the States system, or whether you wish to see them removed, which was similar to our Douzaine reps. There

955 was a vote there, seen as a referendum, to decide to keep them in place. That all happened on the same day.

So you could do that. You could do that on the voting at the next election. It could be part of the voting slip. But we seem to think... not 'we' because I do not want to be in that bracket. There are some Members in here who have discredited the intelligence of the public for far too long. We *should* be able to do Island-wide voting.

960 *The Press* sent out that questionnaire to all the candidates before the Election, asking them lots of questions, one of them being did they support Island-wide voting? That came back very strongly yes (**A Member:** Hear, hear.) to the Members that are in this Assembly currently, and yet when the chips were down and the report came before you all, there was every excuse you could think about – the electorate could not read all the manifestos, the electorate could not cope with the large voting slip, etc. But nobody came forward actually with an alternative – although I think I would go still for all being on Island-wide. I have not got a problem with that. The people that we speak with, especially down at the Vale, are very committed. The public down there that come and see our parishioners have wanted Island-wide voting for a long, long time, and they cannot understand why the States actually keep blocking it, and that is replicated with other places

965 around the Island as well.

970 So I am not looking for another report. We have had numerous reports, it is all in that information that was attached to the 2011... I would welcome somebody bringing forward an amendment this afternoon, or later this morning, to actually say *deal with it*. We are going to at the next election elect 10 or 12, or however many you want – put it in a hat and pull out a number if you like – but come forward and say something today that will back up what you are saying in this Assembly this morning. No lip service – come up with an amendment that the States' Members today can vote on, that x amount will be voted for at the next election Island-wide, and if someone wants to do that I am even happy to second it. But that is something I would like Members to do today.

980 I will just quickly check my notes to see if there is anything else here that I want to add before I sit down.

I just wanted to reiterate the reason there was a requête this term of office, was because SACC did not want to bring it back to the States this time. So that was why you had a requête in the first place. So SACC are not keen on Island-wide voting; they are very open about that. So we brought that requête with Deputy Hadley, because they felt everything had been placed before the States, and the States had decided against.

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I urge Members to be serious in what you are saying and come forward with an amendment to say yes, let's have some Members Island-wide, and make a start at it in this term for the next election for 2016.

990 Thank you.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

995 Sir, I think the arguments for and against Island-wide voting, as opposed to the current district system, have been well rehearsed, and Deputy Dorey has just rehashed them. But what might be gained and what might be lost if a system of Island-wide voting was adopted? These views are well known.

1000 But we do need to resolve two things, and I have heard the points made by Deputy Kuttelwascher, and Deputy Lowe, and others, but equally other Members such as Deputy Perrot and Deputy Gollop have come up with versions they think should be explored in regard to hybrid versions of Island-wide voting, or an element of Island-wide voting. Whether that work has been done or not, clearly the Members of this Assembly are not really aware of that, because – (*Interjections*) It is quite clear that they are not, because when I placed the amendment against the requête that was led by Deputy Hadley in July 2014, it succeeded – narrowly, but it succeeded. Yet

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when we came to the consolidated recommendations or the Propositions, Members voted against it because they said there was not a workable version of Island-wide voting being put forward. So they could not have been aware then of what the workable versions were, or perhaps one of them could have placed an amendment saying this is a workable version, let's vote on this one. It was not done, so clearly –

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I give way to Deputy Bebb, sir.

Deputy Bebb: I thank Deputy Laurie Queripel for giving way, but surely Deputy Laurie Queripel should realise that the whole of the work for all of the methods was there in the appendix and it was not for anybody to bring an amendment other than those who feel that there is a workable version that they would like to propose above any other.

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Deputy Laurie Queripel: I think it was actually, sir, because Deputy Lowe has just said, she would support somebody if they came forward today with an amendment that put forward a partial Island-wide voting system, she would vote for it, and so will other Members apparently. I give way to Deputy Kuttelwascher, sir.

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Deputy Kuttelwascher: *[Inaudible]*

The Bailiff: Can you switch your microphone on please, Deputy – (**Deputy Kuttelwascher:** Oh, sorry.) It is now on for you, but you have turned it off actually. *(Laughter)* Now it is on.

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Deputy Kuttelwascher: My answer to that is well do it, and I think quite a few Members have said let's have a possible solution, we are fed up with looking at all the options, there are hundreds of options. I laid an amendment in the last States to have partial Island-wide voting for 10 Members, and including voting for the Chief Minister, which did not succeed. Come up, if this goes on to lunch and have the whole lunch break, but come up with a – what you think is a workable solution as an amendment and see what happens.

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Deputy Laurie Queripel: This all sounds great, sir, that Members are quite prepared to look at this with and be open minded about it, but I find whenever anybody comes forward with something they always find a reason not to support it, or to – They do. I am sorry, you can shake your head as much as you want, it might fall off in a minute! *(Laughter)* But there is always a great noise in this Assembly that we support the idea, we think it is a good idea, it seems to be the majority of Members are saying it, but whenever anybody puts something forward that looks to advance the cause there is always a reason not to support it. (**A Member:** Hear, hear.)

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So, sir, I do not think all the models have been properly explored. Clearly some work has been done in the past, but I do not think all the models have been properly looked at, and all the hybrid versions have been put forward or recommended. Because it has not been properly explored or clearly identified, are all the working models or practical models of Island-wide voting, or partial Island-wide voting. That work needs to be done, and when SACC present their report - their findings and their recommendations - to an Assembly that will enable an informed debate, and it will be the next Assembly, not this one, and informed debate to take place in this Chamber.

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I understand what Deputy Kuttelwascher was saying before, when he said whatever you do, you will never put this issue to bed properly. But if we do not try and address it, sir, in a meaningful way, this issue will come around again, and again, and again. It will just be like *Groundhog Day*, because there is clearly, clearly, an abiding public interest in the concept of Island-wide voting.

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Now sir, that addresses one aspect as far as I am concerned, but now whether the majority of Islanders support a system of Island-wide voting, or whether it is a significant vociferous minority, we do not honestly know, and despite what Deputy Lowe said, sir, nobody knows for certain, and I know you are not fooled by that. I am addressing the Bailiff. Sir, this is the second thing that we

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need to resolve. If the States can agree upon a workable model of Island-wide voting we need to be sure, we need a definitive answer as to whether the majority of Islanders want it or not.

1060 Sir, the electoral system is the building block of every democracy. In fact it is the cornerstone of every democracy. It would be rather a good idea to include the public in any decision in regard to electoral reform. Sir, it is not about our preference, it is not about my preference, it is not about other Members' preferences, whether we prefer Island-wide voting or the current system, it is about the voters' preference. It is the one subject – and I am talking about electoral reform –
1065 perhaps along with major constitutional change – that can be reasonably put to the public, and in fact often is in other jurisdictions and democracies. I want us to be at least as democratic, if not more democratic, than other jurisdictions and other democracies.

Sir, we should facilitate, not stand in the way of, the electoral system which can command majority public support. We should facilitate, not stand in the way of, the electoral system which
1070 can command majority public support. Now, sir, when we debated back in the – I was going to say the dim-and-distant past, but it does seem all too recent we had the debate – had the requête read by Deputy Hadley, which was putting forward, as Members have said, to the purist form of Island-wide voting – I did place an amendment, directing that that particular model of Island-wide voting should be subject to a referendum. As I said, that amendment was narrowly passed. It
1075 succeeded, but when it came to the vote on the consolidated Propositions, Members threw it out, because they did not think it was a workable model of Island-wide voting.

But, sir, if that debate was an accurate indication, I must take it that there is a political will to explore the issue of Island-wide voting, and to seek the public's opinion on it. If that is the case, then this amendment, rather than being a burden to this Assembly, is a gift to the Members of
1080 this Assembly. It is Christmas and their birthday all at one. An Assembly, not this one, but the next one, will get to see and debate workable models of Island-wide voting, or models that have an elements of Island-wide voting, and will have the opportunity to seek the opinion of the public. As the saying goes sir, what is not to like? On that basis, sir, I implore Members to support this amendment and let us address this matter, the issue of electoral reform in a proper, democratic,
1085 inclusive manner.

Thank you, sir.

The Bailiff: Next Deputy Fallaize, then Deputy Conder and Deputy Lester Queripel.

1090 **Deputy Fallaize:** Thank you, sir.

It is slightly unfortunate, although perfectly predictable, that a debate about the organisation of the States and the committee structure should become preoccupied with the electoral system. The two are very different.

Deputy Perrot is not in the Chamber at the moment, but I wanted to respond to a point he made with regard to referendums. He said that it would be better for the States to debate Island-wide voting after a referendum on the subject has been held. Now sir, this is completely senseless, that is what Jersey tried to do. They went out to a referendum and they gave their public, I think it was three or possibly four options, for the introduction of Island-wide or jurisdiction-wide voting, and predictably there was no clear consensus in favour of one or the other. The votes for, I think it
1095 was three options actually, were divided not quite equally but not far off, and of course the States of Jersey then thought, 'Well what do we do now?', because whatever they did was bound to be opposed by a majority of those who had voted in the referendum, and they got themselves into a right mess, which I do not suppose we should be too upset about, but I would not want Guernsey to get itself into the same mess.
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I am a supporter of putting electoral reform to a referendum, I voted for Deputy Queripel's amendment last year, and voted for the substantive Proposition which in the end lost. But the only way of holding a referendum on electoral reform is for the States to decide one system of election, subject to it being approved in a referendum. We cannot hold a multiple choice referendum, because the States will then, in order to give effect to the outcome of the
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1110 referendum, the States will then find themselves having to debate the issue all over again. It will
be a complete nonsense.

He also said, and I was surprised that he stood to correct Deputy Dorey, because Deputy
Perrot did say that he felt the old Conseiller system emboldened Conseillers to make tough
1115 he was talking about the pre-1994 Conseiller system, not the post-1994 system, and affording the
public a degree of Island-wide voting now is not going to reintroduce the discipline, as Deputy
Perrot saw it, of the pre 1994 Conseiller system, because the Conseillers never faced popular
election, they were elected by the States of Election. So we cannot compare the pre-1994
Conseiller system, and I think Deputy Perrot's analysis of it was probably bang on, but we cannot
1120 compare it with a measure of Island-wide voting now.

My view on Island-wide voting has moved from scepticism to, frankly, complete indifference.
(*Laughter*) I know that is not a popular view to take, but I think the opponents of Island-wide
voting, the strongest opponents, overstate its shortcomings and risks, and I think the strongest
proponents of Island-wide voting exaggerate its advantages. I do not think it would make a great
1125 deal of difference at all, actually, to the final composition of the States, whether we had Island-
wide voting or not. It is undoubtedly true that the supporters of Island-wide voting – well, they
say this issue is not going to go away. – of course, they are going to make sure it does not go
away, because the supporters of Island-wide voting will continue time after time after time until
the States eventually 'give in', and I use those words advisedly, and introduce Island-wide voting.
1130 But then, of course, the opponents of Island-wide voting will continue to bring it back to the
States time after time after time, so it is a bit like Sunday trading.

The only view I hold about Island-wide voting, strongly, is that it would probably lead to
political parties, because it is not possible to canvas and for a candidate to get his or her message
out to an electorate of 60,000 without some form of party machine. It just is not physically
1135 possible, and it would start, I have no doubt, that I would... No it does not in Jersey because these
people are not... not all of the seats in Jersey are voted for on an Island-wide basis, and actually, in
Jersey what generally happens is that there is a party, it is seen as the party in Government. If you
were to speak to the Chief Minister of Jersey what happens is that the sitting Senators campaign,
effectively defending the record of the existing Assembly, and those who are campaigning who
1140 are not serving Senators see themselves as the opposition. That is the way that it has evolved in
Jersey.

Now what would happen is that we would have Island-wide voting, I might canvas let's say in
the Vale or in St Sampson's. I would say to a candidate who has similar views to my own, 'Look,
you cover that part of the Island and I will cover this part of the Island.' I am sure that is how it
1145 would start, and alliances would start to form. I make no comment about whether the emergence
of parties would be good, bad or indifferent, but I am quite sure that if all seats were elected on
an Island-wide basis it would lead, as sure as night follows day, to political parties.

In terms of the number of reviews, I was amazed by what Deputy Queripel said, because the
2011, I think it was, policy letter was appended to Deputy Hadley's requête or SACC's response to
1150 Deputy Hadley's requête. He says that Members did not read it, but there is no evidence to
suggest that at all. I met with Deputy Hadley and Deputy Lowe, who had been involved in drafting
the requête, and we agreed between us that we would append the previous SACC's policy letter
on Island-wide voting, so that when Deputies came to debate the issue they had all of the
information before them. That was debated in this term of the States.

Now Deputy Jones said SACC and its predecessors have never really been committed to
Island-wide voting. The previous SACC consisted of Deputy Lowe as Vice Chairman, Deputy Rihoy
as Chairman, and Deputy Tom Le Pelley. You would not find three States' Members, past or
present, who are or were more committed to Island-wide voting than those three. They pushed it
through SACC. SACC spent a great deal of time looking at it; the previous SACC actually proposed
1160 Island-wide voting. It is not that SACC has sat on it, they proposed it, and they did not just
propose one option; they proposed three options. So for States' Members to say, well we would

have had Island-wide voting if it were not for the Committee responsible sitting on it all the time, that just is not true.

1165 I think that Deputy... Well I will say this before I speak about Deputy Lowe and her speech. Deputy Green has been a bit lazy, is what I basically want to say, (*Interjections*) because he is proposing a review. We are now three years into a States' term, and he could have proposed the type of electoral reform which he wants to see. I do not know exactly what it is, but it is a little bit lazy to come to the States three years into the term and say, 'Look we have had all of the information on this issue, we know all of the arguments, for and against. I tell you what, why don't we have a review? Why doesn't someone else go away and carry out a review and come up with some answers?' That is a little bit lazy. I yield to no one in my admiration of Deputy Green, I think he is a jolly good bloke (*Laughter*) and a thoroughly good Deputy, and I hope that the electors of the Castel re-elect him resoundingly next year. I mean that genuinely, but I do think on this particular issue he, and my friend in the Vale, Deputy Queripel, I think they are being a bit lazy.

1170 Deputy Lowe's analysis, I did not think I would ever say this – Deputy Lowe's analysis (*Laughter*) I think is bang on. I think that Deputy Lowe has hit the nail absolutely on the head. If Members are committed to installing a system of Island-wide voting, they should bring it to the States. Now, this is perhaps not necessarily the right policy letter to lay their amendment against, but that is by the by now, because we are into a debate about the electoral system. Nobody has moved a motion that this amendment will not be on the Propositions, although patently it does... It has got nothing to do with the Propositions, but we are now in a debate on electoral reform, and I would support the initiative of Members to come forward with amendments this afternoon. They have two hours to draft them, all the information exists, through 2009, 2010, 1011 reports. Why don't they come forward with their proposed electoral system, and probably it could be put in place for 2016? I would need to double check that at lunch time, but I think probably it could be put in place. But even if it could not be put in place for 2016, why not propose putting it in place for 2020? You could even have a referendum in 2017 or 2018 if you wanted to, and the States could vote for an amendment and pass a Resolution this afternoon which does that. Why tell someone else to do it?

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1190 One question I suppose I have for Deputy Green and Deputy Queripel is this: if they are re-elected to the States can they give me a guarantee that they will contest seats on the States' Assembly & Constitution Committee, because why should someone else be asked to carry out this review, when it has been reviewed time after time after time? Right, good.

1195 Deputy Lowe is quite right, it is absurd that we are not having Island-wide voting for the next election. I park my own personal views on this subject, but when candidates who stood for election were asked, at the last election, 'Are you in favour of Island-wide voting or not, yes or no?' – a simple, stupid question, asked by *The Press* – I refused to participate in those yes or no questions. I think I was the only candidate who did that. Oh no, Deputy Le Lièvre did not answer any of them. In a slightly more dramatic form than I did, but yes he is right, he did not. But the majority of the candidates who were subsequently elected said to the electorate that they were in favour of Island-wide voting. They are to blame for the fact that we do not have Island-wide voting, not the candidates who were elected saying either 'I am indifferent to it' or 'I am opposed to it', are not to blame, because the electorate knew what they were voting for, but the majority of the candidates who were elected ticking the box to say 'I am in favour of Island-wide voting' are responsible for the fact that we do not have Island-wide voting in 2016. So, I do think that Deputy Lowe's analysis is quite right.

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1210 I am not exactly sure how I will vote on this amendment, because I do have some sympathy, quite a lot of sympathy actually, for the idea of reducing the number of electoral districts, and also for preferential voting, in fact I think we should have preferential voting in internal committee elections, and I do think it is quite a good idea generally. But I am wavering on this amendment, because it does seem to me a bit of a waste of time to have another review, and if I feel strongly enough about simultaneous electronic voting, or strongly enough about reducing the number of districts, probably I should just bring a proposal to the States, rather than carrying out yet another

1215 review. So, on balance, having heard the arguments, I think I will probably vote against the amendment, but what should happen is that the Members who want to change the electoral system should bring an amendment to do that this afternoon. They should put their money where their mouth is, so to speak, and we should have that debate. Bring it on.

The Bailiff: Deputy Conder.

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Deputy Conder: Thank you, sir.

1225 Sir, one of the abiding privileges of sitting in this seat in the Assembly, is that, in the sad absence of our colleague, the extended absence of our colleague Deputy Storey, I sit essentially next to Deputy Bebb (*Laughter*) and sitting next to him I am privy to the variety of snorts, grunts (*Laughter*) squeals and suppressed howls of frustration when any debate that he particularly does not agree with is in process. Sometimes, and quite often, those suppressed snorts, squeaks, grunts and howls culminate, as they do today, in a *tour de force* of a speech, upon which I congratulate him, and which includes many cultural references from which I learn, so I congratulate him on his speech, and in the unlikely event that I was re-elected next time and so is he, I hope that I either
1230 beat him or just lose to him so we are alongside each other again.

This has been the longest debate in these last two days. It has engaged more Members, I am not sure to what effect, but it has engaged more Members, and we are once again discussing, of course, Island-wide voting. It seems a lifetime ago that we were discussing the report of the States' Review Committee, and I would hope – I was not intending to speak in the hope that we
1235 would get back to the States Review Committee, (**A Member:** Hear hear.) but clearly the energy and the involvement and the commitment to this debate again reinforces where the interests of so many of us lie. I guess, that being the case, we do need to debate this amendment, notwithstanding that it goes well beyond the reason we are here.

1240 Sir, I find my thoughts and my inclination very much where Deputy Perrot's were. I recall a long time ago a discussion with him about a hybrid system of Island-wide voting, and I think I presented it in my early days, in my even more naïve days, to SACC and was because of my ineptness was fairly easily shot down within that Committee at that time. I do think there is, as Deputy Perrot quite rightly said, there is a huge public appetite out there for this issue to be discussed and resolved, and we cannot ignore that. I do happen to think this is the wrong time to
1245 be doing it, which I will return to in a moment. But there is self-evidently a huge public appetite. We are not delegates, but we are representatives of the people, and we do in some way have to respond to that.

I would take my friend Deputy Perrot to task. Once again he has alluded to some
1250 electioneering within this Chamber, and he mentioned my name in his speech, because I again took him to task in the GST debate when he made that suggestion. I do not think any of us can be so presumptuous as to make suggestions that some colleagues may be electioneering, because none of us know whether any one of us is going to stand next time, so we do not know whether individuals could be electioneering. I do agree with him, and I know he will agree with me, I think the greatest and most pernicious influence upon behaviours in this Assembly is the ghastly social
1255 media, anonymous social media that puts so much pressure (**A Member:** Hear, hear.) upon individuals in such an offensive and inappropriate way.

Sir, I think the truth is we will never finally resolve this. A number of colleagues have said, let's finally put this to bed. We will not. This is always going to be a matter of public interest, and always going to be reflected in our discussions. But I do, and I will, support this amendment,
1260 because I think this does need to be brought back, and will be brought back anyway, at any time, in any Assembly, and I would rather it be done in a structured way in terms of the evidence being analysed yet again, and a new set of States' Members being able to use that analysis, yet again, and make a decision for that time. New Members will be a new Government, a new Government will have to make their own decisions. This amendment allows them to do that. We have

1265 discussed this *ad nauseam* on other occasions, and we have probably come to the conclusion that we are not ready at this time to include it.

I would again reluctantly disagree with my very dear friend and mentor, Deputy Fallaize, one final plea in contradiction of what he says. Please do not come up with another amendment on electoral reform over lunchtime. (**A Member:** Hear, hear.) Spare us that, please. (**Several Members:** Hear, hear.) Vote for this amendment, and let's get back to considering what we are here for, which is the States' Review Committee's proposals.

Thank you, sir.

The Bailiff: Deputy Lester Queripel, then Deputy Brehaut.

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Deputy Lester Queripel: Thank you, sir.

Sir, several Members have said that they are tired of hearing about Island-wide voting, but the majority of the members of the public I speak to invariably and passionately express their desire to see Island-wide voting introduced here in Guernsey. So the public are not tired of hearing about Island-wide voting. In fact some of them are saying they have no intention of voting ever again until Island-wide voting is introduced here in Guernsey. So a question and a concern that springs to my mind, is do we not debate an issue because some Members are tired of it. Surely democracy must prevail. But this amendment is not asking us to make a decision on Island-wide voting in this Chamber today. This amendment is not addressing the issue of Island-wide voting exclusively.

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Sir, we often say we should be doing all we possibly can to stimulate interest in local politics amongst our fellow Islanders. I hope that is not just lip service, because here is an opportunity for us to vote in favour of looking at all the ways in which we can actually do that. With that in mind, sir, surely we need to support this amendment, because this amendment is asking for recommendations to be presented to the States by June 2018. If the States at that time do not like those recommendations, they can amend them or they can reject them.

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Thank you, sir.

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Thank you very much, Mr Bailiff.

I have to say that, because it is mentioned so frequently in this Assembly, the Vale representatives talk the Vale down all the time, when they forget that most of the Island go to the national park, which is the Vale and L'Ancrese Common (**Several Members:** Hear, hear.) That is where people go. That is where we go rather than to have those people who live at St Martin's or the South East having the national park used in an unnecessarily derogative way, it is unnecessary. Members, just –

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The Bailiff: Deputy Spruce.

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Deputy Spruce: It is only Deputy Jones that talks the Vale down.

Several Members: Hear, hear.

Deputy Brehaut: Yes, yes. I really do appreciate that intervention. (*Laughter*)

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Why Members, just hand on heart now, why again, get involved in this gentle deception with the electorate? Why are we doing this again? Why are we getting involved in this gentle deception, which is to say, there is a band, a cohort, a movement of people, out there clamouring for Island-wide voting? They are not sleeping at night, they are building barricades, because they are so unhappy with the structure of Government, they feel so disenchanting that the only resolution, the panacea is Island-wide voting. That is not the case. If you go on to – I went on to

1315

social media recently because somebody advised me to because there was something clearly libellous there that I felt I had to correct, so I think it was removed, but if that is the world you occupy, then Island-wide voting is clearly, clearly at the very centre of your universe.

1320 But when I canvassed St Peter Port South on all three occasions, and this happens in national elections as well, the issues that come to the fore are – in St Peter Port South the issues were, for example, the occupation of Open Market properties when they become houses in multiple occupation, another issue was on street, off street parking, which is a big issue for people who live in St Peter Port. There may be some people who have a view on Island-wide voting, but, of course, 1325 if you knock on the door and say, 'I am campaigning against Island-wide voting, what is your view?', then people will see you have got a view on-Island – 'yeah, I think you have got something there.'

This, for people that went to the poll, the people who answered that question on 'how do you feel about Island-wide voting, are you in favour of it?', people said 'Yes, I am in favour of Island-wide voting.' They were until they were presented with the facts. When a report came back and people were presented with the options, they realised that Island-wide voting presents a real problem.

The reason – and I will not give way on this occasion and I usually do, bear that in mind. 1335 *(Laughter)* The reason that people refer to Island-wide voting constantly is in the negative – it is in the negative because people say, for example, that I don't know, Deputy Brehaut closed a school, 'Deputy Brehaut's vote closed my child's school. I want Island-wide voting because I want the ability never, ever to vote for him.' That is what they want, they want the ability never to vote for you.

Now under the current system we have, which I defend, not unashamedly, because you can get 1340 to every house, you can present in every doorway, porch, conservatory, lounge, kitchen, you can almost go through a Spanish Inquisition, particularly in one house, and the person will – when you have gone through a pot of tea or more of coffee, will make up their mind whether after that 45-minute job interview on occasions – *(Interjection)* No, it does happen – okay, it was my own house! No! *(Laughter)* It does happen, and people feel that there is that strong bond and strong link.

1345 The last time that the SACC report was back, remember we had that ballot paper. Now why would you, in wanting to deal with that problem, have a huge ballot of people, then lapse into the Charlie and the Chocolate Factory, I've got a golden ticket – you have a parish mandate, however, I have gone Island-wide? Why would you do that? Why would you want, into a democratic Assembly like this, to introduce a tier, a hierarchy? Why would you do that? It would be, 1350 respectfully, meaningless to introduce another tier, another hierarchy, into this Assembly.

And if we just reflect on what happened the last time, I think, and the point that Deputy Fallaize, with regard to Conseillers, and responding to a point made by Deputy Perrot, the electoral college Conseiller system delivered, for what the public would see would be all the wrong reasons, which is this is an elite group of people making decisions and we cannot get at them. But actually, it did embolden them to make those tricky decisions because they were not 1355 facing the electorate. If we look at what then became referred to as Conseillers, it was completely different, and this is the painful truth. It is a truism. It will make some people flinch and feel uncomfortable I know, but when the body, the floor of this Assembly looked up at the Conseillers' bench they had to ask themselves the question, where was the ability, where was the capability, 1360 where were the skills? Were they delivered by the then new beauty parade of the Conseillers, or was it actually in name only that they lost the system? They did try to introduce an Island-wide system for delivering a Conseiller system, but it delivered people who were called Conseillers, but were a group of people that had an Island-wide mandate.

I was, and I again... I feel my electoral share going down every time I get to my feet to talk 1365 about this division we have in this Assembly at the moment, which I suppose offends me, because we have a small group of people in this Assembly campaigning against this Assembly constantly. We have Government campaigning against the Government of which we are Members, and at the moment the current line from a small number of States' Members is, 'I am sorry members of the

1370 community, I have got a very difficult message to give to you, I think this is the worst States ever, and please believe me I sat through four or five, even six, but I have to tell you, your experiment with voting in all these new people, it failed – and I think you just may, unintentionally, have elected the worst States ever.’ Now, of course what that is designed to do, is give them a catapult at the next electoral husting to say ‘I have the skills. Put me in a senior position. I can resolve this mess under our new system.’

1375 Now, there is a division within this Assembly and out there in the community at the moment, and we are in parliamentary terms close to an election. The challenge, Members, is to make unpopular decisions and get re-elected. It has sort of always been that way, hasn’t it? But I think this rank populism with people saying, ‘I will deliver Island-wide voting for you’, and even when they do not get it, going back to the electorate to say, ‘Re-elect me. I will be in there fighting for
1380 Island-wide voting for you’, and the expression we have not heard today, which we always hear, and I use it, is ‘it is not beyond the wit of man’. It seems to be beyond the wit of everyone who has ever been tasked with coming back to produce options that people think will work.

So I do not want Island-wide voting, I think we have to be honest with this community because to introduce another tier, I appreciate it will be a different system of government, but to have a
1385 tier, to have a difference, to have a hierarchy within this Assembly other than from the electoral college where we elect people on to the respective position to the new Committee system is not helpful or useful.

Thank you.

1390 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Sir, I wonder if through you, Deputy Brehaut could explain, because I feel he was perhaps misleading the States. A point of correction, because he said the public showed that they did not want Island-wide voting. I do not know where he has got that from, because we went
1395 out and asked the public, and I am not aware of any task or survey that has been carried out since the official one, which actually showed that they did not want Island-wide voting.

The Bailiff: Deputy Brehaut.

1400 **Deputy Brehaut:** Well, I would rather Deputy Lowe went for a genuine point of order, rather than another opportunity at a radio edit. I just simply do not agree with her that there is a clamour out there for Island-wide voting. It is a difference of political opinion. I think she knows we have had that, the pair of us, for some considerable time.

1405 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Sir, I really am in two minds here. When this amendment came up – I thought ‘this should not take long’, (*Laughter*) my naivety knows no bounds in terms of States’
1410 debates! – it initially attracted me because I thought, as somebody who is not standing for re-election, this would be the ticket for ensuring that I do not have to sit through another Island-wide voting debate. (*Laughter*) That was about two and a half hours ago, sir, and here we are, we have almost seen another one, and we could even see another one before the election, and so on.

Sir, my natural reaction here would be to say no, we should reject this, it has got nothing to do with the Billet that we are debating. It has a loose relationship to the way and the effectiveness
1415 ultimately of the States, apparently, although I have never particularly bought into that, I think there are loads of different models that might work. It is the practicality of Island-wide voting that bothers me, but I would warn you that anybody who has listened carefully to the proposer’s very selective reading of the Electoral Reform Society’s Report take care, a little bit of health warning on that, because that report has been used, on both sides of the argument, ever since it was
1420 published, and it is actually slightly stronger against Island-wide voting than it is for, so be very

careful about the selective reading. It has been rejected over and over again. I also accept that there are various pressures, electoral, media, and others, to say it should stay on the agenda, and I now believe that this is a harmless way to leave it on the agenda.

1425 I would counsel, I can understand Deputy Fallaize's frustration as trying to lead the more important business through in these two days, and his frustration leading to a suggestion that somebody drafts an amendment today for a specific method that can be used next year. Please, please, could we steer away from that, because to invent a new electoral system in half a day, and then see it through just on the back of the excellent work that the SRC has done, would be the most irresponsible act that this body (**Several Members:** Hear, hear.) would have undertaken.

1430 So, on balance, sir, I think I will support the amendment.

The Bailiff: I see no-one else rising. Deputy Green, do you wish to reply to the debate?

Deputy Green: Yes, sir.

1435 I will try to be as brief as I can. There have been a number of contributions. I do feel that it is probably only good parliamentary etiquette, for want of a better term, to respond to most of the points, but I will try to do it in the best possible way.

I thank everybody who contributed to the debate, particularly those who indicated that they will support the amendment. We started off with Deputy Gollop and he referred to the idea of STV not being a new idea, and that is, of course, correct. It has been around for a long time, it is used in other jurisdictions. I am not claiming to be original, but it is a proportional voting system that could yield benefits over what we have now. He made the point which I think goes to the very heart of this amendment, which is this is about being open-minded about the positives and negatives.

1440 Deputy Kuttelwascher questioned whether you can deal with something like this once and for all. I think that point was actually dealt with very well in Deputy Perrot's speech, and I will return to that in one moment.

Deputy Wilkie talked about the requête that he has planned. What I wanted to say, sir, to Deputy Wilkie, he might well be right in terms of Deputies being close to the decision that this is calling to be made but, of course, there is the element in the amendment which would ask for whatever recommendations are passed by this Assembly to be endorsed by a referendum. So that is the added layer, if you like. I hope he will support the amendment because, notwithstanding the fact that he has plans to bring a requête, this is a means of forwarding this particular agenda, and I think he can see that.

1450 Deputy Brouard made the point that we should be suggesting the solution, and obviously we have got to a stage now where that would require an amendment on the hoof, and I am certainly not going to be involved in doing that. As far as I am concerned this is the amendment that I am putting forward and whether Members want to support it or not is up to their discretion.

Deputy Jones also he was supportive and I thank him for his support.

1460 Then we come to Deputy Bebb. (*Laughter*) Actually, sir, I really enjoyed Deputy Bebb's speech, like Deputy Conder, I learnt a great deal in terms of *Tosca*. I did enjoy his speech. He kept coming back to this point – he said it twice, that in a sense this debate was making a mockery of this Assembly, I could not agree with him less. (*Laughter*) I do not think listening to those we serve is a mockery; I do not think giving Members of this Assembly an opportunity to debate this is a mockery. I think this is what we are here to do. As I say, I have great admiration for Deputy Bebb and he gave a very skilful speech, but I must say he must have a bit too much time on his hands, because (*Laughter*) I wondered whether he was ever going to end in the number of dates. But, I do take his point, he is, of course, correct that this has been dealt with many times before and debated. But, Deputy Bebb, sir, is an opponent of Island-wide voting. He is an opponent of electoral reform. So I suspected that he would speak against this amendment, and he has done so, and he spoke very well.

1470

I quite enjoyed his quoting of Deputy Gollop's tweet, because I must say when you have people on your side like Deputy Gollop (*Laughter*) sometimes it does not always help when somebody stands up and is supportive of this amendment, as previously described, the case for Island-wide voting as a crusade and populist circus which he wants to 'bring it on', but nonetheless I am thankful for what Deputy Gollop said today was rather more measured.

Deputy Hadley, I am very grateful for his support, he said that my speech was one of the best I have made in some time, so I am glad I have not made any good speeches recently. He made a very good analogy, I thought, between the fact that this Assembly discusses electoral reform quite a lot and the House of Commons discusses reform of the House of Lords quite a lot. Presumably Deputy Hadley would agree with me, it is presumably because the House of Commons knows it has not found the right solution in terms of reforming the House of Lords, and that analogy does stand up in this instance. He made the point about the advantage of single transferable voting which is that no votes are in effect wasted under that system.

Deputy Dorey questioned why we would change to STV and I think Deputy Hadley answered that.

Deputy Perrot, I thought made two very good points. I thank him for his support of this amendment. He first of all made the point that irrespective of the fact that this issue comes before the States many, many, times the inescapable point is that there is immense public interest for some element of Island-wide voting. We should not ignore that. That is the point I made in my opening speech, and I do not think we should, or could, dismiss that idea. The second point I thought he made was that, yes, in a sense in a democracy you cannot deal with an issue once and for all, but actually if you have a set of recommendations that are passed by this Assembly, and then endorsed in a referendum by the public of this Island, I think that would be a game changer. It would be difficult to resist if endorsed in a referendum, I think that is the wording that Deputy Perrot used, and I agree with that.

I briefly mentioned what Deputy Dorey said, again Deputy Dorey is an opponent of Island-wide voting, he is an opponent of electoral reform. I thought his speech was very good on the detail and he made a very fair case from his perspective, but that is from his perspective.

Deputy Lowe mentioned the point that there had been this survey or questionnaire of nearly 7,000 respondents where the amount who were in favour of Island-wide voting, or some element of it, was tied. She was making the case, sir, that somebody should bring forward an amendment today, but I do not want to deal with electoral reform on the hoof. I want to do it in the better channels that this amendment suggests, because ultimately this is a matter for political judgement as well as public opinion, if you like.

Deputy Laurie Queripel, I thank him for his supportive speech and indeed for seconding this amendment. I think he made all of the right points. He said something about a Christmas present and birthday gift all at once. He slightly lost me when he said that. I would not go quite as far as to say asking SACC to look at Island-wide voting again is a birthday gift, but nonetheless, I thank him for his support.

Deputy Fallaize accused the proposers of this amendment of being a little bit lazy, I think is what he said, and he agreed with the evaluation that Deputy Lowe had made in terms of bringing an amendment with a solution today and doing it that way. I seem to recall, sir, that only yesterday, Deputy Fallaize was advising the Assembly to guard against having an amendment on the back of a fag packet, and that is actually what he was advocating today. So I did not quite understand what he –

Deputy Fallaize: Ah, no, no, sir, no. On a point of correction, I was advocating that the Members who believe in electoral reform should bring an amendment to the States. Yesterday I was arguing against the States adopting an amendment which was laid. There is a difference.

Deputy Green: I am grateful for that indication, sir, but I think the point stands. It is never really a good idea to have amendments coming forward at the eleventh hour. Indeed, Deputy

1525 Fallaize did say he had started off as a sceptic of Island-wide voting, and had moved on to complete indifference. So it is perhaps not surprising that he may struggle to support this amendment.

1530 The other thing Deputy Fallaize asked was whether myself and the seconder of this amendment would be putting ourselves forward for SACC, and I cannot speak for Deputy Queripel, I think for me it is probably a hypothetical question at this stage, I certainly cannot give that guarantee but if I am in the next States, because he cannot presume you are going to be re-elected, even if you do stand, I would think about it. (*Laughter and interjections*) I would certainly think about it.

1535 But I was grateful for the fact that Deputy Fallaize said he had sympathy for fewer electoral districts and preferential voting. I would ask him to, on balance, vote for this in light of that view.

1540 I was grateful for Deputy Conder's support, and his measured approach to this. He referred to the fact that there is a huge public appetite and that is quite right. The other thing Deputy Conder mentioned was that this amendment has engaged Members in debate. I do not know whether I expected that or not, but there has been a certain amount of energy, and I include those who have spoken passionately against this amendment, because I think it is a good thing to have debate in this place.

1545 Deputy Lester Queripel, again I am thankful for his support. He asked the question do we not debate an issue because some Members are tired of it as an issue, and I agree with what he said. I think that is right. Notwithstanding the fact that there may be many people in this Assembly who are against the Proposition, many people who are bored rigid by the Proposition or tired of it. If one thinks it is the right thing to be debating, then that should not stop it from being debated.

1550 Deputy Brehaut, again obviously is an opponent of Island-wide voting, and is very negative about the whole thing. I think to some extent he was prejudging the issue, sir, because this amendment is not seeking solutions. (*Laughter*) Let me correct myself, sir, (*Laughter*) The solution that this amendment is seeking is a route to a solution. (*Laughter*) (**A Member:** Stop digging.) I had better start winding up, sir, before I...

1555 I agree with Deputy Brehaut on one thing, in terms of I think you can be fooled into thinking that certain ideas have more support than what they really do by engaging too much on social media. I, certainly for myself – I speak only for myself – Island-wide voting, electoral reform is not the centre of my universe, but nonetheless I do think we have some duty to explore this.

1560 Finally, Deputy Langlois, again I am grateful for the support from him, even if it is very much on balance. He described it as a harmless way to leave it on the agenda. I would not put the case perhaps like that, but nonetheless, that will do.

I would ask Members to support the amendment.

1560 **The Bailiff:** Well Members we vote on the amendment then proposed by Deputy Green (**Deputy Lester Queripel:** Sir.) seconded by Deputy Laurie Queripel, and I think we have a request coming, do we, for a – ?

1565 **Deputy Lester Queripel:** Recorded vote, please, sir, yes.

The Bailiff: Recorded vote.

Recorded vote on the Green/Laurie Queripel amendment.

There was a recorded vote.

Carried – Pour 31, Contre 13, Ne vote pas 0, Absent 3

POUR

Deputy Soulsby
Deputy O'Hara
Deputy Hadley
Alderney Rep. McKinley

CONTRE

Deputy Sillars
Deputy Luxon
Deputy Quin
Alderney Rep. Jean

NE VOTE PAS

None

ABSENT

Deputy Storey
Deputy Gillson
Deputy Inglis

Deputy Domaille	Deputy Harwood
Deputy Langlois	Deputy Kuttelwascher
Deputy Robert Jones	Deputy Brehaut
Deputy Le Clerc	Deputy Bebb
Deputy Gollop	Deputy Fallaize
Deputy Sherbourne	Deputy Le Lièvre
Deputy Conder	Deputy Dorey
Deputy Lester Queripel	Deputy Brouard
Deputy St Pier	Deputy De Lisle
Deputy Stewart	
Deputy Le Pelley	
Deputy Ogier	
Deputy Trott	
Deputy David Jones	
Deputy Laurie Queripel	
Deputy Lowe	
Deputy Spruce	
Deputy Collins	
Deputy Duquemin	
Deputy Green	
Deputy Paint	
Deputy Le Tocq	
Deputy James	
Deputy Adam	
Deputy Perrot	
Deputy Wilkie	
Deputy Burford	

1570 **The Bailiff:** Well, Members, the result of the vote on the amendment proposed by Deputy Green, seconded by Laurie Queripel was 31 votes in favour, 13 against, I declare the amendment carried.

We move on then to the next amendment to be proposed by Deputy Laurie Queripel.

Amendment:

To add a further proposition, numbered 39, as follows:

'39. To direct the States' Assembly & Constitution Committee:

a) to examine the merits, demerits and implications of, and potential modalities for putting in place, constitutional arrangements to enable a prescribed number or percentage of persons whose names are inscribed on the Electoral Roll for a district to force termination of the term of office of any People's Deputy for that District and a consequent bye-election there, in such circumstances (not falling within Article 17(2) of the Reform (Guernsey) Law, 1948) as shall be prescribed;

b) to report to the States of Deliberation by no later than their June 2018 meeting with a comprehensive analysis of the issues, and, if felt appropriate, with recommendations concerning the introduction of such arrangements.'

Deputy Laurie Queripel: Thank you, sir.

1575 Sir, I must apologise in advance, I am going to take some time to make the case for this amendment, but I do that for a very particular reason. I know that there have been, and will be, points and questions and concerns raised about the issue of right of recall, sir, and I would like to try and address those up front, if I can. Pre-empt them to a certain extent. What I am hoping, is, although I do not want in any way to curtail debate, it might shorten debate and might allow me
1580 to be rather more brief in my response to debate.

I know that right of recall will be seen by some as a contentious subject to debate, but that does not mean that it should not be debated. After all we have debated a number of contentious items during the course of this term, and if you are going to at least give it some consideration, and I know that we have been told that these are not the right subjects to debate while we are
1585 looking at reorganisation of States' affairs. I think this is probably one of the best times to bring it to the States.

Now I have already heard it said that right of recall would not be appropriate, or perhaps even applicable in Guernsey, because amongst other things we are a tiny jurisdiction, because of our

1590 almost unique system of government, our consensus of committees, we stand for election as
independents, no parties etc. We already have a code of conduct in place that can be accessed by
members of the public. Now whether they know it or not this is something that concerns me. Yes,
it is a code of conduct that can be accessed by members of the public, but I would take a very big
bet, sir, that the vast majority of the public do not even know that fact. I think if nothing else
comes out of this debate, that message, or that information, needs to be conveyed in an effective
1595 way to members of the public, to the people of Guernsey so they know that they can access the
code of conduct.

I think the reasons given against right of recall, whether they are given by my colleagues,
politicians, the media, members of the public, I have no doubt they will be offered in good faith. I
have no doubt they will be offered in a sincere and genuine manner, and I respect that. I know
1600 that when we come to vote on this amendment, if Members vote against it, whether they be in
the majority or the minority, I know that will reflect the way that they genuinely feel about this
issue of right of recall. I know that if they vote against it, it will be because they really believe that
it is something that is not right for Guernsey, or in the Guernsey context. However, I would
strongly encourage Members to vote for this amendment because of all the issues that will be
1605 explored, as the wording of the amendment says, in the first line or so of

'a) to examine the merits, demerits and implications of, and potential modalities for putting in place...'

If a model of recall can be created that is right for Guernsey, SACC who are now the
Committee that will carry that work out, if this amendment is approved, will construct it, identify it,
or uncover it, and will have to report back to the States with a comprehensive analysis of the
issues. Now, I think all Members, however they feel about this particular subject, can take some
1610 comfort from that and have confidence in that mandate, and that process that SACC will
undertake.

I mentioned different models of right of recall, because they exist around the globe in various
jurisdictions, political systems, parliaments, etc. I would like to convey some information to you,
and to Members, that I extracted from a handbook published by the International Institute for
1615 Democracy and Electoral Assistance, IDEA for short. So this Institute, this organisation, is based in
Sweden. As I say, there are various models of recall that apply across the globe. In the United
States, 18 states have a mechanism for recall, and local and state officials would be subject, or
could be subject, to that mechanism. In Belarus, it is deputies that could be subject to a right of
recall; in Liechtenstein it is the entire legislature; in Austria it is the President of the Federal
1620 Assembly; in Argentina it is locally elected officials that could be subject to a right of recall
mechanism; in Germany there are two types of right of recall mechanism, one is for mayors and
the other applies in what they call city states, so we are talking about Baden, Berlin, Brandenburg,
Bremen, all the B's, and that is for their parliament, their parliament members or their local
officials; in Iceland it is the President of the Members of the Althing, which probably means the
1625 President of the Assembly, but also members of the Althing, can be subject to the right of recall,
as well, so the President and members of the Assembly. So, sir, just a few examples, seven of
various recall mechanisms that apply to various officials and parliamentary bodies on the
international scene. I will refer to another one in just a moment.

This handbook goes on to tell us that there are two main types of recall, according to the level
1630 of involvement of the citizens in the process. One is full recall, recall that requires citizens'
involvement both at the phase of initiation, and at the approval or rejection of the recall. So that
word implies a two-step process, a kind of criteria. The first one would be a petition that would
require a certain amount of signatures, and the second would be, I imagine, a popular vote or a
referendum.

1635 Now the handbook goes on to say that – I will just find it –

'...the recall is a direct democracy procedure that allows the appropriate authority and or a specified number of citizens
to demand a vote for the electorate on whether an elected holder of public office should be removed from that office

before the end of his or her term. The definition implies that the recall must fulfil a set of requirements, which distinguishes this procedure from others aimed at terminating an elected official's period in office such as impeachment.'

1640 Once again, sir, it is implied that there is a set of requirements, criteria. It seems to me it cannot just be triggered on a whim, that there would be some kind of criteria to be fulfilled before it could be applied. Once again the handbook goes on to say:

'...the procedure for calling for a recall can be complex, and has to be followed in order to activate the instrument and to proceed to the voting phase...'

So once again, sir, that would imply that there are procedural requirements or criteria in place in order for it to be triggered.

1645 Now, I mentioned I would talk about another model of recall that has been considered recently, and it the one in the UK, I am just going to read quickly the summary of the Recall of MPs Act 2015, and it says

'The Bill provides for a recall petition to be triggered if a Member is sentenced to a prison term or is suspended from the House for at least 21 sitting days.'

1650 Quite a narrow definition, but it is the second one that interested me because if a Member is suspended from sitting in the House for 21 days in the UK, that must mean that a disciplinary mechanism, or a type of code of conduct procedure had already taken place in order for that to happen, so I think we are looking at here an example of how right of recall, albeit with a very definition, can sit alongside a code of conduct process.

1655 Also, just a bit more to back up the mechanism, the right of recall mechanism, the pioneering countries in the conception and implementation of the recall at local and state level was Switzerland at the end of the 19th century, and the USA around the late 19th century to the early 20th century. So it is not a new concept, it has been in place for 100 years in some jurisdictions.

1660 Now, having said all of that, I am not going to stand here and devise or design a system or a mechanism of recall that will be right for Guernsey, that will be the work of SACC, should this amendment be approved. Hopefully, the extracts from the IDEA handbook that I have referred to have demonstrated the possibilities, and that the component of a right of recall mechanism, with the right procedures, could possibly be put in place or together in a way that is appropriate for Guernsey.

1665 Now, some Members may feel that a right of recall mechanism or process may be more applicable or appropriate if Guernsey were in effect one electoral district, or fewer electoral districts. Well, of course, SACC may bring that about. There could be some alignment matching a model of recall to a form of Island-wide voting, if SACC bring back in the next Assembly a working model of Island-wide voting that they would be happy to recommend and Members accept that, when it goes out to referendum. That is another reason why – there is some alignment there – I think this amendment is worth voting for.

1670 Another point worth mentioning, in relation to the jurisdictions that have in place a right of recall mechanism, it is used very rarely, it is used very rarely. Now, sir, I would imagine that is for a number of reasons, and I can think of two, because there are criteria that have to be met, requirements to be complied with, it is not just something that can be put into motion lightly. So there are criteria in these jurisdictions that have to be complied with before it can be properly activated, and the second reason, sir, it seems to me that the majority of people will only put their signature to something, a petition in this case, or vote yes in a referendum in a recall context if they genuinely believe that substantive evidence exists to highlight, or to prove, that a serious dereliction of duty has or is taking place, or that their elected representative is underperforming in a significant and a sustained manner, to the extent that they can no longer trust or rely on that official to represent them.

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1685 Now, sir, I think a right of recall, as opposed to a code of conduct, gives the electorate a far better, or a far more effective, way of speaking with a collective voice, it lends itself to that, it is set up to do that, but I see no reason why, as I have said before, that a right of recall mechanism should not exist alongside a code of conduct., It clearly does in other jurisdictions.

1690 Now, I am going to try and address some other concerns that Members might have, now. I just want us to give some thought to social media for a moment. I know there are some Members that are anxious about the effect, or the impact, that social media can have on popular opinion. A newsflash from me, sir, social media distorts reality. (**A Member:** Hear, hear.) I am convinced it does not reflect wider society. Sir, it cannot do when so many opinions are apparently offered by somebody's cat, somebody's dog, somebody's horse, somebody's donkey. We seem to have some very clever, and some very dextrous quadrupeds within the Island, so many of the names attached to these comments are aligned to animals' names, and also actually apparently posted by famous characters from films and TV programmes, so to that extent, that to me puts to a certain extent social media in context. It is not something that reflects the wider views of society. And, yes, some of the comments on social media are downright rude and offensive, and frankly that is shameful (**A Member:** Hear, hear.) but there are also some measured comments (*Interjection*) some constructive criticism, and we must all accept that some criticism is justified in this Assembly. Sir, I do not believe that the more extreme comments or posts on social media represent, or reflect, the majority of Guernsey's society.

1700 That is not my experience based on when I walked the parish during the election campaign in 2012. I spoke to hundreds and hundreds of parishioners. I went out with, some trepidation, bearing in mind what seemed to be the prevailing view about the last Assembly and the States in general. Yes, I did have one or two difficult and heated conversations, and there was the odd abrasive comment, but by and large, most of the people I spoke to were reasonable and wanted to engage in meaningful and intelligent debate. Very few were Mr and Mrs Angry.

1705 Some even said, and this caught me by surprise, that they felt the last Assembly had done quite well, considering the constraints they had to work under. I was not prepared for that. I did agree with it, of course, I thought they had done quite well, yes. In my judgement, sir, based on my election campaign experience, and I am sure this can be borne out by most of my colleagues, the vast majority of people I spoke to, in my view, would have to think very seriously, very long and hard before putting their name to a recall petition.

1710 So let's not overblow the impact, or the effect, of social media. It certainly reflects opinions, and it certainly reflects a portion of public opinion, but I do not believe it represents the majority of Guernsey society. A fire can burn ferociously, but it does not mean it is a big fire, and it does not mean it will become a big fire. I trust I have faith in the reasoning ability of the majority of people.

1715 As I say, sir, I am not going to design... If this amendment is successful, it will be up to SACC to design a recall mechanism, or perhaps a number of them, that they can bring to this Assembly that would seem to be right and appropriate for Guernsey. I reiterate, sir, I think most people would need a very, very good reason to sign such a document.

1720 Another point I would like to make, sir, as far as I can tell, the evidence suggests that having a right of recall mechanism or process in place does not lead to populist political decisions.

1725 It almost goes without saying, that some decisions will be difficult and unpopular, now it is my view, as long as those decisions are taken with a sincere belief that they are in the best interests of the community, and just as importantly, as long as they are founded on a solid strong evidence base that shows they are necessary, and very likely to be effective, the presence of a right of recall process should not stop those decisions from being made. It remains whatever system we work within. Whatever type of system of Government, it remains the duty of a Deputy to act responsibly.

1730 Sir, I think we need to at least look at or consider debate anything that could potentially enhance the democratic process, bring about greater accountability, and further involve or engage the public in local politics. So what if we are adding something to put alongside the Code

1735 of Conduct. I think we need to look at anything that could possibly add value to the political process.

So, sir, having said all that, I encourage Members to vote for the amendment and allow, at least allow, this investigation to take place.

Thank you, sir.

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

Deputy Green: Yes, sir.

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The Bailiff: Does anyone wish to speak on behalf of the Committee at this stage?

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The Chief Minister (Deputy Le Tocq): Sir, I will just say a few words, because clearly again this is another amendment that goes further than the Committee's mandate, so the Committee has no particular view, nor should do. It was not mandated by this Assembly to go away and investigate that.

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Sir, I am concerned about the amount of time that is being spent on matters such as this, and particularly when, in a sense, one could say is another harmless amendment to some degree to investigate, and it is instructing a different States' Committee and I dare say my Vice Chairman will speak probably more from his point of view as Chairman of SACC if he speaks. Sir, my view is we try to vote on this, but to have multiple speeches, basically attempting to do what this amendment is saying that SACC should be instructed to do, would be very bad debate and bad Government, and I would be very keen for us just to put it straight to the vote.

Several Members: Hear, hear.

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The Bailiff: Yes, Deputy Fallaize, and then Deputy Brouard.

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Deputy Fallaize: I am concerned about the course of this debate, now, because Deputy Le Tocq is right in a way, but if Members come forward with amendments which have nothing to do with the policy letter the States is meant to be debating, and we just take the view that well because they have done that let's just go straight to the vote, invariably amendments, if we take that approach, will get through. I do not have a strong view on whether this amendment should get through or should not get through, but I am concerned, that this debate on the organisation of States' affairs has clearly gone completely off the rails. It has now deteriorated into a debate which has absolutely nothing to do with the organisation of States' affairs. I do not think that reflects well on the States, quite frankly. **(Several Members:** Hear, hear.)

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But nonetheless this amendment is here, it is now in play, and if Members are going to insist on bringing amendments which have nothing to do with the report that is before us, I suppose we are going to have to at least give them some consideration – some consideration as to their merits or otherwise.

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I think in, and I am speaking really from the perspective of SACC now, I think that in our system of Government right of recall is problematic, because inevitably members of the public become aggrieved, disappointed, dismayed sometimes, by decisions which are made by the States, and invariably they associate particular decisions with particular Members, normally with the Minister of the Department which is associated with the decision. But, it may be that the Minister of the Department is not even in agreement with the decisions the States have made. I can give an example, Deputy Burford comes to the States with a set of proposals for funding the Transport Strategy at the end of the month, it may be the States say no we do not want that funding mechanism, we would prefer a different funding mechanism, perhaps the reintroduction of motor tax, and impose that upon the Environment Department, direct the Environment Department to fund the Transport Strategy that way, even though the Department itself and the Minister perhaps

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1790 in particular, does not favour that funding method, Now there is no question that that Transport Strategy is associated with the Environment Department, and with the Environment Minister, and anybody who is aggrieved with that decision is likely to take it out on, to use that colloquial term, the Environment Minister. So the capacity we have as an Assembly to act as an executive and direct Departments and direct Ministers to do things, I think rather complicates the concept of recall.

1795 I think where recall works most effectively, it works not just in an executive system but with executive officers, like a mayor, or a governor, and there are examples in America of Governors being ejected through the recall mechanism. But they have very clear executive functions, which they hold on their own, they do not share the executive functions with anybody, they hold them alone. Now we are a million miles from that and I think that makes recall problematic.

1800 I also think that the first stage in this process of recall would be difficult. Clearly, if you have enough signatures on a piece of paper then you could effectively have like an election – people would have to turn up and sign their name or get their name crossed off by the Douzaine by Parochial Officials, and enough people would have to sign a piece of paper to say they want to cause a by-election, but someone has to trigger that. Something has to trigger the calling of the Parochial Officials into the office to organise the day on which people are going to be invited to go and sign their name in order to provoke a recall election. Now, how would that be triggered?
1805 You could not just have 200 names turning up on a coffee-stained piece of A4 paper saying well we want to have a recall election. So perhaps Deputy Queripel could address that.

The final thing I want to say, sir, is I really do not think that this could be done by inserting qualifications. Deputy Queripel has said in promoting his amendment, not just today, but in the lead up to this debate, that it would be about serious dereliction of duty, or sustained underperformance. Well, who is going to judge whether there has been serious dereliction of duty? We cannot set someone up as the judge of whether the criteria have been met to have a recall election, that would be totally undemocratic. So I think if recall is going to be introduced, it cannot be done with any qualifications. It simply has to be that if a certain percentage of electors on the electoral roll have signed a piece of paper to say they want to cause an election then the recall election automatically would be triggered. I do not think this can be linked only to what Deputy Queripel called a serious dereliction of duty. If he thinks it should be, who is it, I ask him? Who is going to determine whether there has been a serious dereliction of duty? But that is the only useful advice, if it is useful advice, that I think I can give on behalf of the States' Assembly & Constitution Committee.
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1820 Overwhelmingly, and I would say this, I suppose, given my interest in the proposals that the States' Review Committee is laying before the States, I think this debate has gone completely off the rails, and it would be better if we could just debate the organisation of States' affairs.

1825 **Several Members:** Hear, hear.

The Bailiff: We will rise now, and resume at 2.30 p.m.

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

**The Organisation of States' Affairs –
Second policy letter –
Debate continued**

The Bailiff: Members, we continue the debate on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Green. Deputy Duquemin.

1830 **Deputy Duquemin:** Sir, thank you, I would like to invoke Rule 14(1), please.

The Bailiff: Rule 14(1), which is to go straight to the vote; that is the guillotine motion.

There are no financial implications so the Minister of the Treasury & Resources Department need not speak, I assume. We therefore go straight to the vote – do you agree with that, Mr Procureur? (*Interjections*)

I just really want to make sure that Deputy Laurie Queripel is not entitled to a final word.

The Procureur: It does say:

'...subject to Rules 12(1), 13(7), 17(3) and 17 (4).'

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The Bailiff: But I think – because this Rule has been amended – I think we go straight to the vote on the request to guillotine, and then if that is carried we then go straight to the vote on the substantive issues, subject to anything that the... is that...?

1845 **The Procureur:** Yes.

The Bailiff: Yes. Members, the motion I am putting to you is that we 'close debate' – that is the wording – on the amendment proposed by Deputy Laurie Queripel and Deputy Green. So the motion is to close debate on that amendment. Is everybody clear about that? (**Several Members:** Yes.) Those in favour; those against.

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Members voted Pour.

The Bailiff: It seems to me that was carried. We then give the Minister of Treasury & Resources Department the opportunity to comment on any financial implications, which I would have thought are none. Do you wish to?

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Deputy St Pier: I do not, sir.

1860 **The Bailiff:** And then Rule 12(1). No, it is not Rule 12(1).

A Member: It is, sir.

The Bailiff: Rule 13(7), it said debate –

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The Procureur: The Chairman of the Committee is entitled to respond. That is 13(7).

The Bailiff: 13(7), yes, or a representative.

1870 **The Procureur:** Or a representative immediately before and then the mover of the amendment is entitled to reply on the debate.

The Bailiff: Well, Deputy Fallaize has already spoken, anyway.

1875 **Deputy Fallaize:** The Committee has nothing to say, sir.

The Bailiff: The Chairman is not here, so Deputy Laurie Queripel may reply to the debate.

Deputy Laurie Queripel: Thank you, sir.

1880 Deputy Le Tocq, I think, started debate, sir. He wanted this to be a fairly short debate so Deputy Duquemin has found a way to make that happen.

I think when I spoke to him – which is why I spoke for quite a long time when I opened debate on this amendment – I think I spoke in fairly measured and moderate tones and I think I tried to frontload the debate, sir, by addressing the concerns I thought might be raised by Members or the anxieties that might be raised in regard to this amendment and what I am putting forward.

I thank Deputy Green, of course, for seconding the amendment.

I think I did that, sir. I think I put it forward in a measured and a moderate way. I do not think I used any inflammatory or spectacular or alarming language, so I hope that Members will agree with that.

1890 The reason why I gave all the examples that I gave of jurisdictions that have got this mechanism in place and the various types of mechanisms and which officials within those jurisdictions they could apply to was I was trying to give – if SACC are going to carry out this work – I was trying to give them a steer as to where they can look.

1895 Deputy Fallaize asked me a number of very good and very specific questions, sir, but I do not think I can answer all those questions because otherwise I would be doing the work of SACC. I would be going into all the detail that would need to be gone into in order to arrive at perhaps a model that was possibly right for Guernsey. They were good questions, sir, and I think they are questions for SACC to answer. I went into quite a bit of detail in regard to, as I say, where the mechanism exists and how it seems to be activated and the fact there are certain criteria attached to it and things like that.

1900 Hopefully, I presented quite a comprehensive case when I opened on debate. Hopefully, I presented in a measured, moderate way, sir. I am hoping that my colleagues will at least consider or at least approve of SACC doing this work so that we can see if it is something that is right for Guernsey and appropriate for Guernsey. So I do ask Members to vote for the amendment.

1905 Thank you, sir.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Can I have a recorded vote please, sir?

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The Bailiff: A recorded vote. You are being asked for a recorded vote on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Green.

There was a recorded vote.

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The Bailiff: Just while those votes are being counted, am I right, Deputy Gollop, in understanding that you wish to lay one or two other amendments? (**Several Members:** Ooh!) Or even more perhaps?

1920 **Deputy Gollop:** We have stopped at the moment of three amendments, of diverse kinds.

The Bailiff: Have they been circulated? (**Deputy Gollop:** No.) Do you have a seconder for all of them, that is the first question?

1925 **Deputy Gollop:** I think so, yes. (*Laughter*)

The Bailiff: Are there any for which you do have a seconder?

Deputy Gollop: All of them, I think.

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The Bailiff: And have they been circulated?

Deputy Gollop: No.

1935 **Deputy Fallaize:** Sir, can I propose that we adjourn for five minutes to allow them to be circulated, please?

The Bailiff: Yes, and perhaps Deputy Gollop can just identify which amendments he wishes to lay (*Interjection by Deputy Gollop*) because certainly I do not know what he wants to do.

1940 So we will just wait for the result of the vote and then we will adjourn to enable that to be done.

Amendment by Deputies Queripel and Green:

Not carried – Pour 9, Contre 30, Ne vote pas 0, Absent 8

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy O'Hara	Deputy Soulsby	None	Deputy Harwood
Deputy Gollop	Deputy Sillars		Deputy Storey
Deputy Lester Queripel	Deputy Luxon		Deputy Stewart
Deputy Ogier	Deputy Quin		Deputy Gillson
Deputy Laurie Queripel	Deputy Hadley		Deputy Le Lièvre
Deputy Collins	Alderney Rep. Jean		Deputy Le Tocq
Deputy Green	Alderney Rep. McKinley		Deputy Wilkie
Deputy Paint	Deputy Kuttelwascher		Deputy Inglis
Deputy Burford	Deputy Brehaut		
	Deputy Domaille		
	Deputy Langlois		
	Deputy Robert Jones		
	Deputy Le Clerc		
	Deputy Sherbourne		
	Deputy Conder		
	Deputy Bebb		
	Deputy St Pier		
	Deputy Le Pelley		
	Deputy Trott		
	Deputy Fallaize		
	Deputy David Jones		
	Deputy Lowe		
	Deputy Spruce		
	Deputy Duquemin		
	Deputy Dorey		
	Deputy James		
	Deputy Adam		
	Deputy Perrot		
	Deputy Brouard		
	Deputy De Lisle		

1945 **The Bailiff:** Members, the result of the voting on the Deputy Laurie Queripel, Deputy Green amendment was 30 votes in favour, 9 against... The other way round I think, Greffier. (*Laughter and Interjections*) The result of the voting on the Deputy Laurie Queripel, Deputy Green amendment was 9 votes in favour, 30 against. I formally declare the amendment lost.

Thank you and then we will rise for five minutes.

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Deputy Laurie Queripel: Sir, is there not a Rule that your first declaration has to stand as the definitive one? (*Laughter*)

The Bailiff: I had not declared it!

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*The Assembly adjourned at 2.42 p.m.
and resumed its sitting at 3.01 p.m.*

**The Organisation of States' Affairs –
Second policy letter –
Debate continued**

The Bailiff: Members, you should now have received copies of three amendments, I hope you have.

1960 The order in which I suggest they be debated, subject to anything that Deputy Gollop may say, is that we take first the one marked Gollop D that deals with the 12 Island-wide Deputies, simply because that debate we had this morning hopefully is still reasonably fresh in people's minds.

1965 Then I suggest we take the one marked B, because yesterday's debate hopefully is still fresh in people's minds as well, and then we can move on to C, because that raises a new subject that we have not so far debated.

So, Deputy Gollop, amendment Gollop D, do you wish to read it or do you wish the Greffier to read it?

Deputy Gollop: I will read it and explain. It is to be seconded by Deputy Mary Lowe and I would point out that one or two Members say –

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The Bailiff: Can you read it before you address it? If not I will invite the Greffier to read it.

Deputy Gollop: It is:

To add a Proposition as follows –

'39. to agree that 12 deputies elected on the 27th April 2016 be elected for an island wide district, the remainder being elected from the seven parochial districts according to their population.'

1975 **The Bailiff:** Now you did not read the double question mark. Can you just explain what the double question mark is?

The Procureur: Do not put him on the spot, sir. It is 39.

The Bailiff: It is 39, thank you very much.

1980

Deputy Gollop: I was not sure what it meant myself. It is Proposition 39, exactly. *(Laughter)*

1985 Firstly, a few Members are saying, 'Oh, we don't want to have late amendments,' but this amendment was not planned to occur, it came out of the debate this morning. And the Chairman of SACC, the Deputy Chairman of the States' Review Committee, clearly said that he wanted a viable, workable amendment to be discussed. I appreciate the Deputy Chief Minister and other Members said they did not.

1990 This is a possible, workable scenario. We know that the Island is completely capable of electing 12 Island-wide Members because it has happened. It happened in 1994. We know that you can have them on the same day as the Deputies' election and have a good turnout because that is exactly what has happened in Jersey twice, most recently last autumn when eight Members were – and clearly many of the more were senior Members – were elected on top of 29 Deputies and 12 Constables.

1995 We know, too, that this answers some of the issues Deputy Perrot and other Members have raised – Deputy Conder even, to a degree – about how you can balance Island-wide and parochial representation so that you have a realistic mix of both.

2000 I was told earlier today, actually, that Deputy Wilkie, to his credit, is looking at some ideas to bring this issue back in a more substantial way, perhaps taking on Deputy Queripel's referendum idea. But I do not think supporting this today interferes with that because this is just a measure for the next election and the broader question as to how we may change our representation would occur at a later point.

I think it is awkward when States' Members vote, as they just have, for yet another long-term review, for the next Chamber into this question without really being committed to the principal of some Island-wide representation in the short and immediate term. This really is saying to Members there is an easy system out there, there is an option, and this is it and it is not too late to adopt it now for the next election.

I did get the assurance from Deputy Fallaize earlier that if such an amendment was passed today he and SACC would do everything they could to implement it in a timely fashion, in time for the next election.

I do not think I need to make any more arguments about the merits or otherwise of Island-wide election; other Members may choose to do so, but bearing in mind Members have shown by a 2:1 majority that they are interested in looking at the question again, I think that this amendment should be given serious consideration.

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

Deputy Lowe: Yes, I formally second the amendment, sir, and reserve my remarks.

The Bailiff: Deputy Burford.

Deputy Burford: Sir, I just wanted to propose Rule 13(6)(a), please.

The Bailiff: Rule 13(6)(a) and clearly this is an amendment which goes further than the original Propositions and what you are proposing is that I put to the Assembly a motion that the amendment be not debated and no vote be taken thereon.

So that is the motion I will put to you: that the amendment be not debated and no vote be taken thereon. I hope that is clear to everyone. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think that was carried, but I would prefer to have a recorded vote just to be certain.

I remind you that you are having a recorded vote on the motion that the amendment proposed by Deputy Gollop, seconded by Deputy Lowe, be not debated and no vote be taken thereon.

I remind Members that under Rule 13(6), as now drafted, the motion will be carried if it is supported by a simple majority of Members. It is now a simple majority, which I believe it has, but we will just wait for confirmation of the debate.

There was a recorded vote.

Carried – Pour 27, Contre, 14 Ne vote pas 0, Absent 6

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Soulsby	Deputy O'Hara	None	Deputy Langlois
Deputy Sillars	Deputy Kuttelwascher		Deputy Storey
Deputy Luxon	Deputy Gollop		Deputy Stewart
Deputy Quin	Deputy Lester Queripel		Deputy Gillson
Deputy Hadley	Deputy Trott		Deputy Le Tocq
Alderney Rep. Jean	Deputy Fallaize		Deputy Inglis
Alderney Rep. McKinley	Deputy David Jones		
Deputy Harwood	Deputy Laurie Queripel		
Deputy Brehaut	Deputy Lowe		
Deputy Domaille	Deputy Le Lièvre		
Deputy Robert Jones	Deputy Collins		
Deputy Le Clerc	Deputy Green		

Deputy Sherbourne Deputy Paint
Deputy Conder Deputy De Lisle
Deputy Bebb
Deputy St Pier
Deputy Le Pelley
Deputy Ogier
Deputy Spruce
Deputy Duquemin
Deputy Dorey
Deputy James
Deputy Adam
Deputy Perrot
Deputy Brouard
Deputy Wilkie
Deputy Burford

2040 **The Bailiff:** Members, the result of the vote on the motion that the amendment proposed by Deputy Gollop and seconded by Deputy Lowe be not debated was 27 in favour, 14 against. I declare that motion carried and therefore the amendment will not be debated.

I previously said we will take next the amendment marked Gollop B, so, Deputy Gollop, do you wish to read B or would you like the Greffier to read it?

Amendment:

To insert at the end of the words in Proposition 23 'but subject to the modification that the constitution of the board shall be a President who shall be a Member of the States, four other Members of the States and up to two other members who shall not be members of the States'.

Deputy Gollop: I will read B:

'The States' Review Committee – The Organisation of States' Affairs – Second Policy Letter.

To insert at the end of the words in Proposition 23 "but subject to the modification that the constitution of the board shall be a President who shall be a Member of the States, four other Members of the States and at least two other members who shall not be members – "

2045 **A Member:** Up to.

Deputy Gollop: Up to.

2050 **The Bailiff:** Would you like to read it again?

Deputy Gollop: Yes... Well, maybe I will get the Greffier to read it. *(Laughter)*

The Bailiff: Greffier. *(Interjection by the Greffier)* No, B, Greffier. *(Laughter)*

2055 *The Greffier read out the amendment.*

The Bailiff: Thank you.
Deputy Gollop.

2060 **Deputy Gollop:** Thank you, Mr President.

Yesterday we enjoyed or experienced a lot of debate about the composition of the Trading Supervisory Board and I think for some Members the matter was left unresolved and incomplete.

2065 This amendment seeks to put a new possibility whereby the board is treated in the same way as one of the other standing committees and has the flexibility to have up to two non-States' members with wisdom, expertise and innovation to give but will also have five politicians, hopefully some of whom will have experience or qualifications in the field, but all of whom will be

accountable to the public and in the frame for public questions within this Assembly or within the media or generally and will be able to give political oversight.

2070 I think we will feel more comfortable with such a radical move of transferring the trading boards, including the Dairy, to the new body if it could be seen, at least initially, to be a political body predominately.

2075 We were talking yesterday about the achievements of the former Board of Administration, one of the Island's best and most noble political institutions, and people who worked and served on it. That committee, as I recall, had six politicians and three non-States' members. The Public Services Department has had five politicians. In Deputy Bell's time I believe there were no non-States' members – well, there was one, there was an advocate, but it has not had to have.

We are now considering going down to two or even three. I think that is too far. We should be consistent with the other committees and allow such a new style of body to evolve. I think we need political insight on it and I think Members would feel more comfortable with that.

2080 So I lay the amendment as another possibility.

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

Deputy Brouard: Yes, sir, thank you.

2085 **The Bailiff:** Thank you.
I see Deputy Soulsby also standing. Deputy Soulsby.

Deputy Soulsby: Can I invoke Rule 14 (1), please?

2090 **The Bailiff:** Rule 14(1), to go straight to the vote. Yes, so guillotine it and go straight to the vote.

Right, well, Members, you are familiar with Rule 14(1) because only half an hour ago I put it to you. So the motion I am putting to you is that debate be closed on this amendment.

Those in favour; those against.

2095 *Members voted Pour.*

2100 **The Bailiff:** In my view that was carried. If anybody wishes to question it we can have a recorded vote, but in my view that was carried by probably a greater majority than the last one. So in that case debate will be closed.

As there has been no debate other than Deputy Gollop opening, I see no reason to invite Deputy Gollop to reply to the debate. We will go straight to the vote.

2105 **The Procureur:** You have to invite the Treasury Minister –

The Bailiff: Oh, I suppose the Treasury & Resources Minister –

The Procureur: – and somebody from the States' Review Committee –

2110 **The Bailiff:** – and the Committee. Sorry, I am trying to hurry it too much. *(Laughter)*

The Procureur: Because they are the original bringers of these proposals. I know it is rather different, but yes.

2115 **The Bailiff:** Treasury & Resources Minister, do you wish to comment on any financial implications?

Deputy St Pier: Not on any financial implications. I think I would be stretching it to comment further, sir.

2120

The Bailiff: No. And on behalf of the Committee, Deputy Fallaize, do you wish to comment?

Deputy Fallaize: No, other than to ask Members to vote against it, resoundingly.

2125

The Bailiff: Deputy Gollop, do you wish to reply to those comments?

Deputy Gollop: There is nothing much to reply to. *(Laughter)*

But I would express a slight degree of dissatisfaction that Deputy Fallaize does not want to give the reasons why we should vote against it 'resoundingly'.

2130

Deputy Fallaize: Sir, on a point of order, I voted against guillotining it. I was happy to have it debated. But if the States do not want to debate it they quite obviously do not want to vote for it, do they?

2135

The Bailiff: Members, we come to the vote then on the amendment proposed by Deputy Gollop, seconded by Deputy Brouard, that is marked Gollop B.
Those in favour; those against.

Members voted Contre.

2140

The Bailiff: I declare that amendment lost.

We move then on to the other amendment that was circulated during the short recess, Gollop C. Would you like the Greffier to read that Deputy Gollop? Yes.
Greffier, can you read Gollop C, please?

2145

The Greffier read out the amendment.

Amendment:

To insert a proposition numbered 7A as follows –

'7A. To agree that there shall be a Principal Committee entitled 'the Committee for Tourism, Retail, Sport and Culture' will have a purpose of supporting those sectors and a policy and advisory responsibility for Retail and Tourism, Arts, Heritage, Museums, Sports, Recreation and the Visitor experience including galleries, libraries and Town Centre activities, also including civic celebrations and commemorations including Liberation celebrations. This Committee shall comprise five States' Members and up to two non-States' members; and to consequently amend other propositions so affected, with the relevant preparation of legislation.'

The Bailiff: Deputy Gollop.

2150

Deputy Gollop: Thank you.

I have been slightly surprised and even disappointed, perhaps, at the briefness of many of the debates on this subject on this whole States' review – *(Interjections)* but as has been on the amendments, and of course the liveliest debate was on an amendment that was on a different subject.

2155

It does seem to me that I am surprised that we have not seen more amendments looking carefully at the functions of the proposed new committees. Because time is already quite short between the re-organisation, we wish to achieve by May of next year.

As we heard yesterday when we discussed energy – well, we did not get to energy – when we discussed agriculture and fisheries there are sometimes finely divided arguments between one point of view and another but we believe that tourism and retail needs a new emphasis.

2160

I think one of the problems that we have seen in the current and previous Assemblies has been that the visitor industry and sector has been divided between two committees: Culture & Leisure, who have managed attractions, events, arts, sport and the visitor centre and Commerce & Employment, who have been involved with brand awareness, marketing and other events and general promotion of the Island.

2165

Although that has worked okay, I think many people in the industry and outside would welcome a more structured, focussed, approach. In addition, of course, other departments have had an area of interest in these areas; particularly I would say Environment Department and Public Services. I think now is the time to actually create a department with a new focus on developing that industry.

2170

I think it is different from pure economic development because it is not a new industry; it is an historic industry with a strong social and cultural leaning. We have heard many people in the community suggesting that perhaps we have under-invested in the visitor economy and in the opportunities for arts and sporting visitors.

2175

I am surprised, actually, that the existing Culture & Leisure Department have not perhaps lobbied Members more about the proposed changes, because we are effectively following a rather outdated Jersey model of putting sport and art in with education. That might work for the school's music service, for example, which does excellent work, but I cannot quite see how the more events side of tourism and the promotion of arts festivals, literary festivals and major sporting events really fits into Education, which has an enormous budget, mandate and set of responsibilities. And Education board members are traditionally very busy on other areas.

2180

I believe we have not had a debate on this. I could of course not have placed an amendment, we could have just waited until general debate, but time is running out. I think we need a focus as to whether we agree with the education, sport and arts proposals and the economic development proposals or whether we want a more structured, visionary approach to bring life into an industry that needs revitalisation.

2185

We have seen, even in this Assembly, renewed efforts to create some form of town centre partnership, some kind of vision for St Peter Port. We have had architects, planners and others engaged with this. This would also be an opportunity for this proposed committee, in particular, to bring all these aspects together into one area, because the shopping experience in St Peter Port, the cafe culture, the tourism, the arts, the heritage, the museums, the sports, the recreation and the visitor experience all go together and I would not like to see any of them undermined by governmental changes, not least of course the crucial activities and festivities of Liberation Day.

2190

I think the combination of what amounts to Culture & Leisure, with aspects of Commerce & Employment, would create a viable department that would have a more sustained future, a larger budget and a more meaningful mission than the current situation.

2195

I would wish the committee to comprise five States' Members and up to two non-States' members and to replicate in every way the other committees.

I lay the amendment open for debate.

2200

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

Deputy De Lisle: Yes, I do, sir, and reserve my right to speak on that amendment.

2205

The Bailiff: Thank you. Does anyone wish to speak on behalf of... I do not know whether Deputy Collins –

Deputy Collins: I was getting up to propose 13(4) please, sir.

2210 **The Bailiff:** Rule 13(4). Just to remind Members what Rule 13(4) says, it is:

'Immediately after an amendment has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) any Member may request the Presiding Officer to invite Members who support debate on the amendment to stand in their places.'

No-one else may address. So if fewer than seven Members stand, the amendment shall not be debated and no vote taken thereon. So those who wish to debate the amendment are now to stand in your places.

I see 12 people standing, so therefore the debate will continue. (*Interjection by the Procureur*)

2215 Sorry, Procureur?

The Procureur: [*Inaudible*]... very careful here because, I am not by any means inviting it, but debate will continue unless anybody wishes to move any other motion.

2220 **The Bailiff:** Unless anybody wishes to move any other motion – exactly. (*Interjection by Deputy Hadley*)

Deputy Hadley is asking me to move 14(1), which I remind you is a motion that debate be closed – so debate on the Deputy Gollop/Deputy De Lisle amendment be closed. Those in favour; those against.

Some Members voted Pour, others voted Contre.

2225 **The Bailiff:** Again, it is close. I think it is probably lost but if anybody wishes to challenge that, we can have a recorded vote.

A Member: I would like a recorded vote.

2230 **The Bailiff:** You would like a recorded vote. Fine. So a recorded vote on the motion that debate on the Deputy Gollop/Deputy De Lisle amendment be closed.

There was a recorded vote.

Carried – Pour 24, Contre, 18 Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Soulsby	Deputy O'Hara	None	Deputy Storey
Deputy Sillars	Alderney Rep. McKinley		Deputy Stewart
Deputy Luxon	Deputy Domaille		Deputy Gillson
Deputy Quin	Deputy Robert Jones		Deputy Le Tocq
Deputy Hadley	Deputy Gollop		Deputy Inglis
Alderney Rep. Jean	Deputy Bebb		
Deputy Harwood	Deputy Lester Queripel		
Deputy Kuttelwascher	Deputy Le Pelley		
Deputy Brehaut	Deputy Fallaize		
Deputy Langlois	Deputy David Jones		
Deputy Le Clerc	Deputy Laurie Queripel		
Deputy Sherbourne	Deputy Lowe		
Deputy Conder	Deputy Le Lièvre		
Deputy St Pier	Deputy Paint		
Deputy Ogier	Deputy Brouard		
Deputy Trott	Deputy Wilkie		
Deputy Spruce	Deputy De Lisle		
Deputy Collins	Deputy Burford		
Deputy Duquemin			
Deputy Green			
Deputy Dorey			
Deputy James			

Deputy Adam
Deputy Perrot

2235 **The Bailiff:** Members, the result of the vote on the amendment proposed by Deputy Gollop, seconded by Deputy De Lisle, that debate on that amendment be closed, is 24 in favour, 18 against, that motion is therefore carried.

Debate will be closed but the Treasury & Resources Minister may comment on any financial implications of the amendment.

2240 **Deputy St Pier:** Sir, very briefly, I think clearly to have a further Principal Committee would have some financial implications, undoubtedly. But it is obviously impossible, given the time available, to provide any meaningful comment or advice to Members.

2245 **The Bailiff:** Deputy Fallaize, do you wish to comment on behalf of the States' Review Committee?

2250 **Deputy Fallaize:** Only to say that I think Members would agree that the Committee has bent over backwards trying to make itself available to Members who want to discuss parts of the proposals and lay amendments. At any time Deputy Gollop could have picked up the phone – in fact I emailed Deputy Gollop, I think at least three times, to ask him whether he wished to discuss any aspects of the proposals and that I would be happy and other members of the Committee would be happy to meet with him. But then this amendment appears two days into debate. So that is slightly disappointing and I think it is a demonstration that this amendment is probably not terribly well thought through.

2255 It is very difficult to advise the States on what effect this amendment would have if it was approved because it has not had any sort of analysis or consideration at all, unlike all of the other proposals. So I am not going to pretend that I know exactly what effect this amendment would have. What I can say is that it does not affect with other propositions. For example, one of the propositions is to establish a Committee for Education, Sport & Culture. Deputy Gollop is now proposing one called Committee for Tourism, Retail, Sport & Culture but he is not trying to change the title or the responsibilities of the Committee for Education, Sport & Culture. So the States, if they approve this amendment, will be on the road to voting for a Committee for Education, Sport & Culture with policy responsibility for sport and culture *and* a Committee for Tourism, Retail, Sport & Culture with responsibility for sport and culture, which given the nature of debate since 9.30 this morning would probably be just about fitting and par for the course. (**A Member:** Hear, hear.)

2270 This amendment, sir, clearly... Deputy Gollop may be making one or two good points but he should have laid this amendment in the normal way, he should have circulated it in advance. He then could have made a much stronger case for his amendment than the few words he cobbled together and the Committee could have made a proper rebuttal of the amendment.

I am happy to take amendments on the hoof, as it were, but if they are very substantial amendments like this it is difficult for the committee to respond and to advise the States in a responsible way, so I hope the States will reject the amendment.

Thank you, sir.

2275

The Bailiff: Deputy Gollop.

2280 **Deputy Gollop:** Yes, I appreciate that putting the amendment at this time was not a particularly wise move, but I think the issue needs to be flagged up now. I appreciate that it might not win on this occasion and all the rest of it, but there is another opportunity in the next few weeks and months, as a senior Member informed me earlier, to look at these points before the third and final report and the consequential legislation, and I think if there is a strong feeling out there in the community from people attached to the arts, sports, culture, leisure, museums,

2285 recreation tourism, the visitor economy, the future of St Peter Port, the happenings and all the rest
of it, they would feel happier if they were in a combined... not necessarily an additional
department even, but a combined department that fits within the new structure. Now is the time
to make those points so that I, or perhaps some other Member with even more eloquence in
these areas, could bring it to the Assembly as soon as possible by the autumn for what would be
more measured and more controlled debate.

2290 I regret that I have not had earlier dialogue with SAC and I take full responsibility for that, but
these ideas are still being talked about and it has to be said this marathon debate has come at a
particularly busy time in the political season and I think perhaps the lack of engagement by some
members of the public reflects that.

2295 But I think the arguments about how we shape the future are still to be made, and what is
therefore the point of general debate unless the entire States listens to arguments that will be
made today and tomorrow no doubt on the general substantive propositions?

The Bailiff: Deputy Soulsby.

2300 **Deputy Soulsby:** Sir, I am declaring an interest of having a retail business and a business that
is in a tourist attraction.

The Bailiff: Deputy Harwood.

2305 **Deputy Harwood:** I also declare an interest in that I am a director of a company that is
involved in retail.

The Bailiff: Deputy De Lisle.

2310 **Deputy De Lisle:** I have to say the same as Deputy Soulsby.

The Bailiff: Thank you.

We vote on the amendment proposed by Deputy Gollop, seconded by Deputy De Lisle.

Those in favour –

2315

Several Members: Pour. *(Laughter)*

Deputy De Lisle: Can we have that vote again sir? Thank you. *(Laughter)*

2320 **The Bailiff:** The vote is on the amendment proposed by Deputy Gollop, seconded by Deputy
De Lisle. Those in favour; those against.

Members voted Contre.

2325 **The Bailiff:** I declare it lost.

And that, as far as I know, concludes debate on the amendments, **(Two Members:** Hooray!) so
we come to general debate. Does anybody wish to speak in general debate?

Deputy Bebb.

2330 **Deputy Bebb:** Thank you, Monsieur le Bailli.

It is unfortunate that, having spent some time being slightly exasperated, we are now with a
tendency in this Assembly to decide that we would all rather go home than debate the very
substantial matters of what is before us, and I would sincerely hope that Members will actually
refresh themselves ready for a proper debate of what will be a fundamental change in the way
2335 that Government is actually conducted.

The analogies by Deputy Duquemin –
I give way to Deputy Fallaize.

The Bailiff: Deputy Fallaize.

2340

Deputy Fallaize: I am grateful for Deputy Bebb.

2345

I wonder whether he would agree with me that this is the kind of occasion on which the States might take control of its agenda, and because of the problem that he referred to and the need to come at general debate in a reasonably fresh way after the difficulties we have had since 9.30, this is the sort of occasion on which the States might adjourn and come back at 9.30 in the morning to start general debate – hopefully for a slightly more productive day than we have had today. (*Interjections*)

2350

Deputy Bebb: I would be more than happy to suggest that, if I was allowed to speak on what I actually meant to say! But if I were to... I hear a number of people asking for it, but I think that I will finish what I have to say and then if somebody wants to move after I have spoken... It is just inappropriate, I think, mid-speech to propose it.

2355

Deputy Fallaize: Can I move the motion that we adjourn and that we return, because we clearly – (*Interjections*)

The Bailiff: Deputy Bebb has started his speech.

2360

Deputy Bebb: I feel that if I have started my speech then to actually cut it in the middle... it would be inappropriate for me to ask for a second time to speak during the debate.

2365

The Propositions before us... Deputy Duquemin, in one of the speeches on the amendments, quite rightly pointed out that we would actually have part 3 of the trilogy, but of course if we think back to the time when we had the first policy letter on this matter looking at the financial aspect of funding it, then it is more like four parts, and to return to the opera analogy it feels a little bit, given the length of debate, more like *Der Ring des Nibelungen*, which he will know, as an average of four hours per opera, is rather a testament of stamina for anyone to go through! I am afraid this is what it feels like with the fourth part coming up.

2370

Indeed, to continue with the opera analogy, I was reading the Billet on Thursday afternoon last week when *Medea* was playing on Radio 3 and there was a slight feeling that I had when I read it that it felt a little as though Deputy Harwood had taken on a Medea complex, wanting to kill off the offspring of his previous report due to its infidelity with the way it was conceived, wondering then whether there would be a further Medea complex by Deputy Fallaize at a future date! (*Laughter*)

2375

I give way to Deputy Harwood.

The Bailiff: Can you put your microphone on, please.

2380

Deputy Harwood: I would invite Deputy Bebb, please, to retract the suggestion of infidelity. (*Laughter*)

2385

Deputy Bebb: Members will recall that in the last debate I was vehemently opposed and I did not see the merit in it, but having had that debate and having had those Propositions agreed, then I have to say that what we have before us today is logical, it is pragmatic; but in a way I feel that it is what is also called efficient.

Strangely enough, I have recently been reading... I have not finished but I am in the process of reading Steve Hilton's latest book, which is *More Human*, and when I was reading it, it really brought to mind exactly what I feel about the proposals. If Members will bear with me:

'We need to apply a critical eye to our unreasoning quest for progress and how some of our leaders in government, politics, business and society define it for us. Where I live now in Silicon Valley the goal is to be bigger, faster, cheaper. Does that equate with better? Much of the time it does but too often the progress we are offered is not an improvement, it is just more efficient and worse. More efficient for the producer not the user. Astronauts consume Tang, a powdered orange drink because it is compact and nutritious, a requirement on space missions, but should we substitute it for actual orange juice or oranges? Just because something is more efficient doesn't mean it is better.'

2390 And I am afraid that that is the taste that I am left with. It feels efficient but it does not feel better.

I suppose the fundamental problem that I have is that whilst it is logical, given the agreement of the previous policy letter, I do feel that it is lacking in that fundamental question of what is government really for, what is the purpose of government, and whether we conduct all of the activities necessary or whether we conduct too many or too little, and that debate does not happen by reforming the Government, and yet that is the debate that we really should be having as an honest measure.

2400 We are told on a regular basis that financially we cannot afford certain things, but never have I heard someone say we should have a discussion as to what on earth the Government should and should not do as a general discussion. It was an opportunity, but an opportunity I fear lost, and lost long before this particular debate. It was not addressed in previous ones. It was not the general focus of the States' Review Committee and I fear that we will once again pass on an opportunity to reflect on exactly what we should be doing.

2405 Having said that, we are now far progressed down a route which will see a different form of government. I am not saying for a moment that this model is perfect, I do not think anybody would, but I do not know whether the next one is an improvement or is just more efficient – and that, I suppose, is my real question. What do the States' Review Committee believe actually makes this *better* rather than just more efficient?

2410 There are a couple of minor points that I would like to highlight, and I recognise that they are not of great import but I do think that the Committee should reflect upon them. The first one is in relation to the Church of England. Its measures are passed by legislation in this Assembly. I know that it is not something many people will actually be overly concerned about, but as to where the Church of England measures will be laid in this Assembly is something which is of some importance. We have an established Church – it is only right and proper that we give appropriate consideration to that particular issue.

2415 There is another question that does cause me great concern, and I look forward to the next policy letter from the States' Review Committee in this regard, and that is legislation. I fear that the proposals in this policy letter for the ability to enact emergency legislation being given to policy and resources, though once again logical may well be misconceived.

2420 The Legislation Select Committee currently meets in order to pass emergency legislation. Much of it would not be contentious. It is emergency measures in order to put in prohibitions against countries such as North Korea and Iran. Given the forthcoming and expected Iran deal over the nuclear arms, then there will probably be a change in the restrictions in Iran. That Committee will need to meet at short notice. It will only require two Members to make it quorate and it will have the ability to pass the legislation. But given that the committee currently dealing with such matters is a scrutiny committee, it is used to and it is second nature for that committee to scrutinise legislation and do that quickly.

2430 My concern is that by moving this function to Policy & Resources we will have members of that Committee who will rightly be concerned as to large policy decisions. These are important pieces of legislation, but they are not large policy; they are to do with existing policy and bringing those policies to effect.

I would expect that with the requirements to take on External Affairs there will be a number of occasions that Members will be absent from the Island. Will there be the ability to convene a meeting at short notice? And in all honesty, what value of scrutiny would that piece of legislation

2435 have? It is very important that we ensure proper scrutiny of such legislation and my fear is that, because these are non-contentious issues on a regular basis, then of course the tendency, by people who I would expect to be exceptionally busy on matters of great import for the Island, will be to simply say, 'Oh, well, yes, that's fine,' and to nod it through. That is unsatisfactory, to my mind.

2440 It requires greater flesh on the bones for me to understand exactly how the Committee wish it to be happening, and that is why I do not have an amendment today, because I am not pretending to have an exact answer, but I think it appropriate to highlight the problem that I perceive and I think would merit reconsideration by the States' Review Committee.

2445 I am also concerned that once again our most lasting legacies will be the legislation that we pass. We heard in the debate yesterday, I believe, from Deputy Stewart as to how the Commerce & Employment Department are reforming the Companies Law. We have long known that the first time around that was poorly drafted, poorly put together and caused serious issue. I am advised by Advocates that they are quite unhappy with it, so I am not surprised to see a review of that Law happening. I see nothing in these proposals to change that situation. The advocate that I spoke to, whether that person has a point or whether it is just their bias, said that they actively encourage certain clients to set up companies in Jersey rather than Guernsey because of the issues that they perceive with the Guernsey Companies Law. These are matters that have now largely been addressed and will be addressed but that is a very real economic impact that is very... fairly long lasting.

2450 Consider also that the legislation that we passed in 2012 in mental health replaced ones which dated back to the 1930's. When we talk about social policy, the impact of the legislation is *far* longer lasting than any of us will survive, and yet there is nothing that I see in these proposals that would improve on the system that we have today.

2455 I do not believe that the Committee has given due regard to that aspect of scrutiny. I do not think that the measures in relation to the scrutiny committees that they propose would make things any better and I fear that unless we take this as an opportunity to improve on this issue we will continue to make long-lasting poor legislation. It does not happen often but it can happen from time to time, and when it does happen the effect will be long lasting.

2460 The scrutiny of legislation in this Assembly is light. It is important that another form of body has a scrutinising function prior to arriving here, in my opinion, and I think that it would need to have greater teeth, greater ability to change than the current construct of the Legislation Select Committee. If the legislation complies with the proposals, the resolutions of the States, then that is the extent of the work that the Legislation Scrutiny Committee can have, whereas I would say that what we need is the ability to challenge in committee whether the legislation is appropriate and not whether it simply complies with the resolutions. And if it finds that it is not correct or that there are cases for improvement it would also have the ability to submit a policy letter or a letter of comment on the back of the legislation highlighting issues where either it has been changed or that they feel there are improvements that could be made and therefore they propose those to the States.

2465 We do not attach sufficient import to legislation generally. We all like to talk about policy, nobody likes to look at the legislation, and that is something that is very deficient in our current system and I see nothing to improve on it. So I do not want to vote for something that will not improve on that question. Therefore, in the next debate I really want to see that issue fully addressed by the States' Review Committee.

2470 Thank you.

2480 **The Bailiff:** Deputy Luxon and then Deputy Green.

Deputy Luxon: Thanks, Mr Bailiff.

2485 Sir, this is the second policy letter of the Organisation of States' Affairs and I would like to just remind myself and thank the States' Review Committee for what I think has been an incredible

2490 couple of policy letters. I think the way this programme project has been developed is a great credit to the members of the Committee and to Deputy Fallaize especially, who we all know has done an awful lot of work. (**A Member:** Hear, hear.) I feel incredibly engaged with the process – many opportunities to make submissions, both verbally in direct contact with the Committee and outside of the formal process. I think it has been an excellent piece of work and the Committee can be proud of what they have done so far.

2495 I have got no idea whether or not the new structure, if we approve it today, will work better. There is every chance it could do, it might do, but I have got no idea if it will or will not; but I think it is balanced, well thought out and logical, and I am so pleased that we did not end up amending it in any way that could have dislodged its balance. It is a balanced piece of work and set of proposals.

2500 So, sir, just briefly, seven specific points. At 5.5, on page 1283... and I declare a minor conflict of interest in that I am a Guernsey Sports Commissioner and have been for some years. It was just a plea that... after 10 years of forming Guernsey Sports Commission through the Culture & Leisure it has been a great success in terms of delivering sport for all on the Island and I do hope that in its new home, if we approve these proposals, the Education Department as is now can welcome sport and culture and make sure that they do receive the priority and focus that those two very special areas of Island life demand and should receive.

2505 Paragraph 5.8 on page 1293 obviously deals with the Health and Social Care Department, or HSSD as it would be known now. The board and Department looked very carefully at the proposals and obviously in real terms it leaves the Department intact, other than a name change. Again, we understand the logic of that, even though it is a massive Department with a massive mandate. Right now, when we are in the process of trying to develop the Transformation and Reform Plan for the next five to 10 years, to have moved the mandate around might well have actually dislodged that, so I am not quite sure how much weight the Committee actually put on that logic but we were pleased with the outcome and I think it makes sense.

2510 Paragraph 6.3.4 on page 1302, where it talks about policy letters showing individual board members voting, a very personal comment: I wonder if that could actually be divisive as opposed to being more transparent, but I leave the Committee to give that further thought when they come back in November.

2515 At 8.9 on page 1333, the States' Trading Supervisory Board, we have talked much about this over the last two days and there is a genuine need to make sure that that new committee absolutely understands its double-header role of both being the board and oversight board of operations for the trading entities within the States now but also for their shareholder supervisory role, as the T&R supervisory board do now. I will not go on, because we have covered that, but I do think that detail does have to be fleshed out, even more so than we have seen so far.

2520 At point 9 on page 1340, scrutiny – and again we have discussed this – all I would say is I am delighted about it being elevated. It is critical that it receives the appropriate resources and that we do not short shrift at this time. And I would ask that some consideration is given to the process of elections in the new Assembly, because I think the presidency of the Scrutiny Committee... it would be very helpful if that appointment was made very soon after the presidency of the Policy & Resources Committee – but again I accept that is more detail for the Committee in the next report they bring to the States.

2525 Sir, 10.9.2 on page 1356: I think it is so important that whatever changes we have agreed after policy letter 1 and whatever decisions we make today and then on the third policy letter, it is vital that we make sure that we clarify and communicate those changes to prospective candidates for the next election. It would be so easy for us, who have been so close to this and this debate over the last couple of years and through the next 10 months, to be very familiar, but it is very possible that prospective candidates thinking about standing in the election in 2016 may well not quite have understood the nuances of the new structure that we are proposing, and I have asked Deputy Fallaize to give that some agenda time at future SRC meetings. I think that is so important
2535 so there is no confusion or misunderstanding when candidates come forward.

2540 Finally, sir, 11.2.7 on page 1360. I have made this point to the Committee. I am absolutely certain that £530,000 will be inadequate to deliver what is proposed in that section of the funding. I think the Transformation Transitional Fund is a perfectly appropriate place to go to, but I simply do not believe that that is going to be adequate and again I would implore the Committee to reconsider that and make sure that it is comfortable that that level of transition funding would be adequate. Of course, we know that potentially up to £1 million or £1.2 million will be saved over the four-year term just from the reduction in number of Deputies, but I believe there will be further tangential costs in each of the new six Principal Committees linked directly to the transition from a 10-Department States, as we have now, to the new six Principal Committees. I may be wrong, but I simply cannot see that that would be adequate.

2545 So, sir, as I said, genuine congratulations to SRC. I think the report is a long report. It reads incredibly easily and well and it is as balanced as one could have got, and I congratulate them and look forward to the third policy letter.

2550 Thank you, sir.

The Bailiff: Deputy Green, and then Deputy De Lisle.

2555 **Deputy Green:** Sir, thank you, and like Deputy Luxon, I also rise to express my support for these recommendations, all things considered. It might not be a radical set of proposals, but it is certainly a quite substantial evolutionary set of reforms to our committee system of government that I think will enhance our system of government. I think, like Deputy Luxon, Deputy Fallaize and the other members of the States' Review Committee deserve great credit for producing a very compelling piece of analysis. The policy letter is excellent. It is very clear, and it produces a very compelling set of recommendations.

2560 Sir, as somebody who is – or certainly was – sympathetic to an executive system of government, I do recognise that the proposed system on offer here will be a considerable improvement and enhancement of what we have now. But it is probably fair to say that it will continue to face certain problems that are fairly inherent in a committee-based system. I do not think we can get away with that, because I do not think there is enough public or political support to go to a more radical system of government, but we will still have the issues of a wide diffusion of power and a lack of authority within the lead committee of the system that we will no doubt vote through this week.

2570 I recognise that the Policy & Resources Committee will not be a cabinet. We are not moving to cabinet government. That is clearly not what is on offer. But it will nonetheless provide a very effective sharpening of the system which I think will be an improvement in all probability.

2575 One of the questions I do have – and perhaps Deputy Fallaize or another member of the Committee will deal with this when they respond – is if this new system is going to be a success, how are we going to know what that success looks like? How exactly do we measure the relative improvement that these measures will bring? I believe that in all probability, this set of proposals *will* have a substantial positive effect on the way in which our committee system of administration works, but how will we know that?

2580 I think one of the key things about the Policy & Resources Committee... As I say, clearly it is not going to have the role of a committee. It is going to have many of the problems that the Policy Council have, but it will clearly be able to co-ordinate policy better, and do that together with resourcing.

2585 But I do think there will be an enormous level of responsibility on Members of this Assembly at the start of next term, to elect a good balanced team to that Policy & Resources Committee. In a way that is quite an obvious thing to say, but I do actually think that is a very important factor, because it is one of the first things, if not *the* first things, that we or the next Assembly will do, after the next election. Perhaps that is not that different from the elections that we had to do in 2012 for the Policy Council, but when you are talking about a committee of five, rather than a

larger committee, I think it becomes even more important. We do have to get the right people onto that committee, and it will be a case of getting a good balanced team.

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I certainly approve of the slimmed-down committee structure, and I do believe very strongly that the reduction in the number of Deputies is also the right way forward. I strongly believe that the reduction in the number of Members will help to make elections on the Island much more competitive. Competition is generally a good thing, and I think competition to provide a good service to our constituents is no bad thing whatsoever, and I look forward to seeing how that pans out.

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The only other point I wanted to make was: there is probably going to be a lot of discussion. There certainly has been a lot of discussion outside about the number of Deputies, and what is the right number. I actually think – I have felt this for quite a while – it is actually quite easy to exaggerate the importance of the number of Deputies, although, as I say, I think we are moving in the right direction.

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Perhaps there needs to be more focus on not the *quantity* of Deputies, but if you like, the *quality* or the skills – the right skills and attributes that Deputies should have, if they are going to discharge their duties appropriately. I do think there are legitimate issues about access to training, Continuing Professional Development, other aspects of that nature which ought to be looked at, perhaps in the next phase of the SRC's work.

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So I do not really have misgivings about the reduction in the number of Members. I do think to some extent it will mean that the next States will have to work smarter, but I do think we can exaggerate the importance of the number of Deputies, when actually what we really should be talking about is the attributes and the skills that members of this Government need to have.

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Just one other thing: Deputy Bebb talked about the importance of the question of what is the role of government – what is the point of government, if you like? I do take his point there but I do genuinely think that the system that we are debating today will underpin the sort of government that most Members of this Assembly probably would want to have, which is not a big government; a relatively small government but one that is efficient and one that is effective and will deliver the needs of Guernsey people.

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So I will be supporting I think probably all of the Propositions.

The Bailiff: Deputy De Lisle, then Deputy Domaille, Deputy James and Deputy Collins.

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Deputy De Lisle: Thank you, sir.

I want to confine my remarks at this time to Resolution 31, and also to tables on pages 1369 and 1370.

The changes agreed, sir, by the States last year, and developed further in this policy letter, represent 'substantial reform of the committee system', which is a quote from the document itself. If I recall, the States agreed earlier a presumption in favour of reducing the number of States' Members, which was a point just mentioned by the last speaker.

2625

In this particular policy letter, it has been taken somewhat further, because in Resolution 31, it is set out the number of People's Deputies to be elected at the 2016 General Election, which shall be 38, and to note that later in 2015, the States' Assembly and Constitution Committee will lay recommendations before the States regarding the allocation of those 38 seats between the electoral districts – and that is where those tables come in that I mentioned on pages 1369 and 1370.

2630

I want to make the point that the last time we changed the number of States' Members, and that was in 2004, we dropped 10 seats Island-wide – those are the Douzaine reps – four of which were taken from the newly formed West District, with the consolidation of the four parishes into a West District. That was the Forest, Torteval, St Pierre du Bois and St Saviour's.

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If we take out another Deputy this time, in a reduction of one per district, the West will have lost a full 50% of its voting power in the States in the last decade – a significantly large reduction, certainly in relation to other districts.

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Sir, you will recall that the West had 10 Members before the 2004 election, and with these reforms, the West could be reduced to five Members. There is no way that this would be a fair and just result for the people of the West, in my mind.

2645 Should the States resolve to accept the reduction in seats to 38, which is proposed here in Proposition 31, I call upon Deputy Fallaize and his Committee, in laying recommendations before the States later in 2015, this year, regarding the allocation of those 38 seats between electoral districts, to consider a revision to his option tables to hold the West District at six Members, to maintain fair and effective representation in the States of Deliberation. I feel that the Committee needs to look, then, at the past history to some degree, and what has transpired, as well as the
2650 current distribution in terms of population only.

Thank you, sir.

The Bailiff: Deputy Domaille.

2655 **Deputy Domaille:** Thank you, sir. I will be brief.

I echo the praise that has been already lavished on the Committee and its members. I think they have done a brilliant job. I think the Report is excellent. I think they have achieved a balanced approach on this, and the offer to assist Members with preparation of amendments actually is particularly helpful, so I commend them.

2660 I am really just rising to make some comments. It is not meant to be a criticism, not meant to be a caution – *overly* cautious, anyway.

These are significant changes. They are *very* significant changes. I do not actually agree that they are evolutionary. I think they are a significant change. As we move forward, as I am sure we will, I just caution that we have to be very careful with the stability of the Island, and that in
2665 making these changes, we are aware of the impact they will have. I am sure Members will do, but nevertheless, we must not affect the stability of the Island.

They are significant changes, and in my opinion there will be voids. There *will* be voids. There will be – and this happened in the 2004 changes – a period of relative inactivity for the new Assembly, whilst the changes are bedded in, whilst people learn their roles, whilst some of the wrinkles are ironed out. This will inevitably happen. That is not a reason not to do it, but you just
2670 have to be aware of that.

Certainly for that initial period, in my view, at least, civil servants will have more power. They will not have any choice, because if they are going to do their job, services have to continue, and they do have to keep the Government going. So I think that if you support these proposals, and I
2675 will come onto that in a minute, then I think you have to be aware that the power balance, if you like, will shift.

The £530,000 of resources – and there is a short breakdown on that – I have raised this with the Committee, because I do not think that that is sufficient. The 2004 changes certainly took up a
2680 lot of staff time and a lot more resources than was ever expected. In fact the Treasury Minister this morning, I think it was the SAP project, but I cannot mention what it was, talked about the underestimation of the resources needed, and I think this is an underestimation of the resources needed.

I think also, we are not talking about renaming departments or committees or changing titles. This is a significant revamp of the whole Government of Guernsey, and the impact on staff and
2685 staff morale *will be* significant.

I am well aware, and I think the Chief Executive is doing a good job. I am well aware he has started on it, and there are some measures proposed in here that will enable them to start work on it, but there is not a lot of information on it, and I think we need that information. I am sure, from the comments from the Committee that actually that will be forthcoming in due course, but I
2690 think it is right to raise it.

I said yesterday, and I know Deputy St Pier pulled me up on it, but for me it is a question of whether it feels right. Now, Deputy St Pier said, quite reasonably actually, 'Well does he mean "feel

right" or "feel familiar"? I *think* I mean 'feel right', and I am not sure, frankly. I am really not sure. But then again, I am pretty sure that the existing system does not feel right. (**A Member:** Hear, hear.) So I think we need to move ahead, but until we have seen the final proposals, personally I am not really able or in a position to judge whether it does feel right. Deputy Bebb has already raised that.

Finally, I just make the point – I know other Members think this, believe this and have said it to me, actually – whatever the system, it is the calibre and the *quality* of the States' Members and indeed the staff that is the defining issue. I just caution that if future Members distance themselves from operational issues, and the impact those issues will have on the daily life of the general public, then inevitably the Government will be called into disrepute, and it will probably, if not fail, at least not do its job properly.

Thank you, sir.

The Bailiff: Deputy James.

Deputy James: Thank you, sir.

I too would like to thank the Review Committee and offer my congratulations for what I consider is an excellent report.

I would, however, express just a couple of concerns, some of which Deputy Domaille has just alluded to.

I am totally supportive, to use Deputy Green's words, of the 'slimming down' of the committees and consolidating their work – totally supportive of that recommendation. In fact I am also in support of a reduction of States' Deputies. I did actually include that in my manifesto.

However, changing the committee structure and reducing the number of States' Deputies *at the same time*, I think that we could be heading for such a mountainous problem... I would have liked to have seen a transition period, (**A Member:** Hear, hear.) where we reduce down to six Principal Committees and then perhaps at the next election, when the committees have bedded in...

I am thinking of the risk that Deputy Domaille was alluding to, potentially a destabilisation, because if you give thought to what this is actually meaning – six *new* committees with six new remits, and a whole host of States' Department staff having to come together to be relocated, to get their heads around the remit, and that coupled with a new general election, where you could end up with completely new committee members – just in my wildest dreams, I cannot even begin to imagine the potential for the destabilisation that Deputy Domaille is alluding to.

So that is a genuine concern that I have. I would much prefer to have seen a transition period for those major changes.

I would also express my concern – both again which Deputy Domaille and Deputy Luxon made reference to – with the estimated cost of the changes. Just thinking about the cost of re-branding, for a start, I do think that that is a somewhat under-estimation.

Finally, the actual figure, to reduce the Deputies down to 38, made me think back to some of the debates and recommendations that we have had just this year, where we have had *incredibly* close votes. I think that we would have been better to have chosen, as we are now, an odd number – not odd Deputies, but an odd number! (*Laughter and interjections*) Well, perhaps I could reconsider that! – rather than have an even number of Deputies, where we could have tied votes.

So once again, I really thank sincerely the Committee for a brilliant piece of work, in my opinion.

The Bailiff: Next Deputy Collins, to be followed by Deputies Langlois, Dave Jones and Adam.

Deputy Collins: Thank you, sir.

I would personally like to talk about the proposed new Education, Sport and Culture, and I should make this declaration: I am heavily involved in sport and at present President of the British

2745 Isles Bowls Council, Treasury and Vice-Chair of the Guernsey Commonwealth Games Association, Secretary of Bowls Guernsey, a council member of the Guernsey Island Games Association, a council member of World Bowls Ltd. In all, over some 17 years, I have had 40 different roles within 12 different organisations, with a total of 140 years of combined service, all free of charge – just to add that, sir – and very pleased to have won three sports awards for it.

2750 I am therefore delighted, sir, (*Laughter and interjections*) that 'Sports' will be included in our title – I lost 15 minutes – (*Laughter and interjections*)

Deputy Ogier: I wonder if Deputy Collins realises this is being broadcast? (*Laughter*)

2755 **Deputy Collins:** – and as Members know I have a passion for sport and I believe it can have a positive effect on the people of this Island, being more active and therefore increasing their health through it, and should in theory decrease future health care costs.

I am very grateful that the Education Board had time to meet me recently to discuss this move and what it could mean, as I want it to mean more than just a name added to a title. And to go on from what Deputy Luxon has said, I think there is an appetite there to make sure that sport and culture are not just forgotten and added to a Department.

2760 Getting children involved earlier with active sporting lives is a positive move. Joining up schools and state schools facilities is a good move – and I could talk for many hours about sports and the benefits, but I will try and stay focused... (*Interjections*) oh, well.

2765 As I have said before I will be proposing at budget time an increase in funding to Sport and am delighted with the engagement from Sport so far.

Sir, last week in Jersey was a great window for all those to see how important sport is in this Island and I would know that all the athletes and officials would like me to thank you in this forum, sir, for your loyal support – and I have been myself with you standing on the sidelines, and previous bailiffs, are very much appreciated Thank you, sir. And indeed I thank many of the Deputies in this chamber who travelled to Jersey last week – their support is really appreciated by the sporting people.

2775 Just a quick fact while we are on Jersey, sir, while we are talking about funding, as I discovered last week, they do gave £325,000 in direct grants to sport each year and invested over £2½ million into sporting facilities alone last year – but, as we know that is a debate for another day.

Moving on, generally I am delighted with the proposals and fully support the now amended proposals and ask Members to support that. I agree we should reduce the number of Departments, all Committees, and therefore we can reduce the number of Deputies even if it does mean giving up a seat in the Vale, number seven seat, and unlike my colleague from Commerce & Employment I will not ask the SACC to really look at that, because I think it is a valid point that perhaps there should be one from each district.

Thank you, sir.

The Bailiff: Deputy Langlois.

2785 **Deputy Langlois:** Follow that, sir.

Yes, first of all can I just add to the list of Deputies congratulating the Committee on their work here – it is very coherent, it is clear, it is a good report, and it certainly points a clear direction. In no particular order I have got a number of comments on the report.

2790 First of all the case for the particular mandate of Employment and Social Security, as it will now be called, that I think there are two aspects: first of all, I think it is a very strong combination, I think it is exactly right that it should be heading in that direction. In my unsuccessful speech on the amendment yesterday relating to workers being the focus of the Department, sir, a lot of the Department's business is borne out by the mandate and that is important. The integration of housing into the Social Security Department makes all sorts of sense and I hope it will be noted by

2795 the remaining work being done by the SWBIC group, since the reason for its formation was

perhaps a lack of integration on a famous debate earlier in the term, and that there is work still to be done in that area relating to the benefits side.

2800 The industrial relations inclusion in the Department I think is an interesting one, it will come as a bit of a culture shock in terms of the move, but I support it mainly... and bear in mind I have some responsibilities in this area. I support it mainly, because I think it places it in a more neutral environment. There has been difficulty, ever since the industrial relations advisory officer and staff were placed in Commerce and Employment and previously in Industry, there is an association with – ‘both sides’ as we call it in industrial relations, it is a horrible term, but it is a standard industrial relations term – but both sides of the industrial relations spectrum are suspicious that because they are placed with Commerce and Industry these people are acting for the other side. I have front-line experience of that on several occasions, and I think actually having it within the new Department will help to put that neutrality.

2810 On the scrutiny side I think there is a huge balance to be struck here. The scrutiny function in our administration, with no parties and all the other unique features of the Guernsey jurisdiction... it would be all too easy for it to become too onerous. If we ended up with a scrutiny function that was so onerous that every piece of work was being done twice, then we have failed. At the other end of the scale if we end up with no scrutiny function at all, we have failed. And therefore it is striking that balance in there that does worry me because I think it could be disruptive, onerous and it could lead to a lot of duplication.

2815 I am not quite sure whether I was pleased or concerned about Deputy Bebb’s comments, that the scrutiny of legislation... I think he is absolutely right on the one level that maybe not enough work has been put into it in the past, or not perhaps the right detail of work on occasions, but the other workload problem of that is that once it has reached that stage and it is going into legislation, all the fundamental thinking has been done and the spirit of the thing is set. And if legislation at the very last minute turns it right back to re-examine the spirit of the issues, then that is going to create a problem. I hope the proposals will not set that up.

2820 The process of change management – Deputy Domaille touched on that – I think that it would be wise to remind the Members today of the huge culture change that took place in 2004. That was the big one, without a doubt. There were – I think I am right, in 2003 – there were 46 States’ Committees still, they occupied various buildings in various ways and a body called the Committee Secretariat looked after dozens of them, a whole raft of them. But the point is that the change from the 46 to the 10 was ‘the big one’, the arithmetic speaks for itself.

2830 And by and large, despite a lot of criticism of the present setup not being fit for purpose, it has worked. There have been flaws, there are always flaws in structural changes, but by and large it has worked and you have got some hugely coherent Departments... it would not be fair to pick out some and say those are more coherent than others, but particular Departments that were so diverse and so much at each other’s throats – I will use that term willingly – before 2004, that it only took a couple of years to get sorted. And that is why I do not quite share Deputy Domaille’s concerns about that, because we have a raft of very, very good staff who experience that already and I think who should take the current proposals of the current changes that are being proposed much more in their stride. But I know it is a balance and I know that Deputy Jones would not want to disagree too publicly with my Deputy Minister but on this occasion I think she is in danger of exaggerating the risk in that area.

2840 However – and it is a big however – two things: first of all the Chief Executive’s current programme of modernisation is perfectly timed for helping with that transition, will have to take into account that transition; and secondly I echo all of the concerns expressed by several people already about the resourcing. I am not quite sure where the five hundred and whatever-it-is thousand came from, but there is a lot more hidden cost than that, and we have got to be prepared to bite that bullet and accept that a change in this case would be one change in 12 years – you are not talking about a lot of money in terms of the transition costs.

2845 Moving on to the reduction in the number of Deputies, I have voiced reservations about this in the past, I have believed for a long time that it is about right at the moment, but I am very

2850 comfortable with the sorts of proposals that are being put forward. One concern I do have, however, because Deputy Jones – gosh I will disagree with her twice in one speech, so we will have to discuss this afterwards – says, ‘Well, hang on, this is going to cause a lot of grief because perhaps we should look to reduce the number of Deputies after we have dealt with the transition.’

2855 Well, at the moment you have got far more committee places to be filled by more people if you are reducing the number of active committees by 30%, which is what we are doing, then it seems to me you will still have roughly the same number of jobs being distributed. And if anything there is a different danger here and unless I have got my arithmetic wrong, which I am sure Deputy Fallaize will point out gleefully later, I have got 6×5 is 30, plus 5 on Policy and Resources, that is only 35 – how can I put this politely – mainstream, mainline places, but then there are a lot of other jobs to be done. And I do not think the actual workload is going to change very much – I would welcome some comment back on that one.

2860 One little soapbox comment which I have banged on about throughout the consultation, I still have some concerns, I would really prefer to have seen a little bit more precision about the allocation responsibility for external relations. This is not sour grapes, the committee did not take up the suggestion that we needed a head of foreign relations, or a Foreign Minister, or whatever you called them – I still think personally that the Chief Minister job *combined* with that is too big. And also the more that we have to interact with the outside world, the more difficult that could become. **(A Member:** Hear, hear.) So I think that we should still keep that in mind for future development.

2870 So, overall, sir, it is not a perfect solution, but who on earth could have proposed a perfect solution in this? A lot of my career has been involved in changing a structure of this sort, and then devising the plans for implementation of that change, and believe me, sir, it is the plan for the implementation of the change that is going to be the one that matters. This shape on paper, the lozenges and the hexagons that were described yesterday, they could have been in any sort of shape and they could have been made to work. This one will be made to work as well as any other, but is how you do it – it is how you get from here to full implementation that really matters.

2875 Finally, sir, I would just like to point out, that I was minded to place an amendment but certainly not today I wasn’t, don’t panic... I was minded to place an amendment last week and I was persuaded that it went beyond the Propositions and therefore I sensibly withdrew it. I would suggest you, sir, that some of the implementation issues will relate to the way business is conducted in here, because the new structure, regardless of which way you look at it, the slightly different status – I will not say higher or lower, I will just say ‘different’ status – of the members of P&R and the members of the departments and then the various scrutiny jobs and so on... the slightly different status that people will feel in here could make the conduct of debates more difficult, it could make it more confrontational and so on.

2885 I refer you back to an undertaking which SACC have given to report back by the end of this year on a number of matters, but I think that one matter that should take precedence in that report relates to the length of speeches.

2890 I have already been talking too long on this particular speech – **(Several Members:** Hear, hear.) Hear, hear! Right! This has already been too long. I visited the House of Lords this year – as you do – *(Laughter)* I have talked to somebody in detail about the conduct of business in the Scottish Assembly, I have talked to a Member of the Welsh Assembly on a CPA visit and so on. They all operate time-limited speeches and debates are managed in a particular way.

2895 I really do hope that SACC come back with some sensible Propositions of the way the actual organisation of the debate can be made. But overall, sir, well done to the Committee and I hope we will support all the Propositions.

The Bailiff: Deputy Dave Jones.

Deputy David Jones: Thank you, Mr Bailiff.

2900 I too agree that it is a well-written Report, it is a well laid out Report, but I do have some nagging doubts.

We heard a lot in the last couple of days about does it feel right? Well, I do not think any of us will really know until this new system is adopted, if this policy report does not get thrown out by the scruff of its neck which I doubt it will, but you will not know whether that is true or not.

2905 But I do have some real doubts about these super committees. I can understand why the Review Committee has done it, because one thing I suppose that was in their thinking was they wanted to get rid of the silo mentality of the committee system as the 10 individuals, but that means that really you will just have bigger silos.

2910 My problem with the super committees is you will have a huge amount of work in that super committee and I do not believe it will get, because of the reduction in Deputies also... I do not believe it is going to get the attention and the due purpose that it needs in order to make sure that all those issues are given proper consideration.

2915 Of course, the States' Review Committee would argue that that is the job of this Assembly and they will get that scrutiny coming back here, but we know that that is not always the case either. So that is a real nagging doubt.

I also agree with Deputy Domaille; it is invariably going to happen that the Civil Service are going to get a lot more power under this new system of government. I have been banging on in this Assembly for several years now about the amount of power that has already been handed over to statutory officials. We give more and more away every time legislation comes before us – away from the hands of the elected representatives.

2920 So that is one of my major fears; the other one is that I have heard that this super committee of Policy & Resources is not a Cabinet and it will not become a Cabinet. Well, we will see but I have my doubts about that and in a very short time I believe it will metamorphose into a Cabinet-style way of managing its affairs.

2925 You can say, 'Well, you have no evidence of that.' I can only go back that some of us were here in the days of A&F and we saw flashes of that every now and again with that committee, as many Members who were here at the time know.

2930 So any of you who know anything about the senior committee in Treasury will know that even though your departments will have autonomy to formulate policy and carry on pretty much in the way that they are now, except part of a much bigger committee...

I asked Deputy Gollop this because he has got a forensic memory and he remembers lots of things. I asked him how many times a policy letter was passed in this Assembly without the support in the old days of A&F or without the support of T&R today? He said – quite rightly in my view – very, very few. That is what will happen with this Policy & Resources committee; you will have the autonomy in your departments to make policy, but let me tell you this – and I will predict this now – if it gets kicked upstairs to that level and they do not like it, it will not happen and that is a real problem with this new form of government.

2940 I have no proof that that is going to happen, but I predict that is exactly what will happen and it happened on many occasions in the old A&F system; and in a way we are going back to that – we are going back to the old A&F system.

2945 So coming back to that, the other argument against that of course, is Deputy Fallaize will say – or my new title I have given him is Thomas Cromwell – that of course that is complete bunkum because the States will decide in the end whether a policy report goes through or not; but it will not, because – I will come back to what I said – if it does not have the support of the senior committee for Policy & Resources, it is DOA – the report will be dead on arrival. (*Interjection*)

2950 Well, I predict it will and Deputy Gollop's memory is not usually faulted and, as he said, there are very few policy reports that come to this States that without the backing of the senior committee – and we all know who that is in this day... (*Interjection by Deputy Lowe*) There may be one or two, Deputy Lowe. You have been here the longest and there may be one or two, but the vast majority will not get sanction from this body of the States without the support of the senior committee – and in this case it is usually T&R and in the old days, as I say, it was A&F.

2955 It brings me to the reduction of Deputies. I listened to Deputy James because she makes some
valid points and, while I do not think I am going to oppose the reduction of Deputies, we are told
that the majority of work... when I ask about, 'How is Housing going to fit into this?' and, 'How are
their functions...?' because, apart from social housing, they have a responsibility to look at all
2960 tenures of housing across the Island – partial ownership, the management of the GHA and many
other things – 'How is that going to function?' and they said, 'well, of course the major
committees will have sub-groups.' Really? They will have sub-groups on these super committees
that will be dedicated to the varied areas of policy and business relating to the departments that
have been absorbed within them. Well, who are you going to populate these sub-groups with,
because the work load of these super committees is going to be massive?

2965 So while I understand why... and I can tell you the reduction of the number of Deputies is very
popular out there. The public seem to want to see a reduction of Members in this Assembly. So
from the population's point of view it is a welcome policy, but I do ask: how are these sub-groups
going to be... who is going to populate them? How is all this work going to be done on all these
super committees – and be done properly – without the numbers there to do it? Because what
that will mean is that more and more of those policy decisions and duties will be delegated to civil
servants. That is what is going to happen and we either have to accept that that is a fact – that
2970 civil servants, who will not be accountable to the electorate as we will and we are, will have to do
much more of that work.

Finally, on the issue of the Foreign Minister, when I sat on the joint committee of one way back
before the Harwood Report, there was talk of a Chief Minister's Office and I voted against it. I did
not think we needed one at the time; I have changed my mind a lot since then. I think that was the
wrong decision, we should have had a Chief Minister's Office and it should have been properly
2975 staffed.

But, moving on from that, and having spent 10 years on ERG – I am no longer there but having
spent 10 years on the ERG group... 11 years actually – there is a need for some form of Foreign
Minister. There is no doubt about that in my mind at all. The attacks on us are coming more and
more, thick and fast; every year they get greater.

2980 The European Union – I am sorry, chaps, ladies – are determined to try to bring us under their
control by whatever means they can. The European Union hate things they do not control in the
geographical area of Europe and, unfortunately, these islands are some of those things they
would like to control and the attacks on us come more...

2985 Just recently we have seen the attack from the European Union putting us on a blacklist, and
the OECD very helpfully – one of the bigger and better run organisations – is moving towards
trying to do something about that.

The other thing I want to say is that CIBO, which is the Brussels Office, has unfairly, in a way,
come under sustained attack over that by saying that they missed it. I was one of the people who
did not want a Brussels Office, but I can tell you now that Brussels Office has helped us be much
2990 more pro-active than we have ever been. **(Several Members: Hear, hear.)** We were playing catch-
up for years. We were surprised by things that were coming out of Brussels. We had no
knowledge, nothing. Every time we would see a light down the end of the tunnel it was another
train.

2995 But since the setting up of CIBO – and we have got an excellent guy running it, Steve Williams
– the Office itself has been much more pro-active and we have been ahead of the curve on lots
and lots of issues where we managed to get in there early and talk to commissioners and talk to
other people who are formulating policy within the European Union and saying, 'By the way, that
is not quite right,' or 'We are over here'. So I have completely done a 360 degree turn on that
issue. So while I have got on my feet, I would congratulate the people in the Brussels Office for
3000 the work they do.

Thank you, sir.

The Bailiff: Next, Deputy Adam and he will be followed by Deputies Sillars, O'Hara, Le Clerc and Rob Jones, and I suspect that will probably see us through to the end of the afternoon.

3005 **Deputy Adam:** Thank you, sir.

I would like to start, as Deputy Langlois is about to walk out the Chamber, and say I fully agree with his comment about looking at restricting the length of speeches. As you say, it is not just restricting the length of speeches, Deputy Langlois; (**A Member:** Aux voix!) it is also actually stating that maybe Deputies should not necessarily come in with a 10-page sheet (**Several Members:** Hear, hear.) and speak: 'No matter what the rest of you have said, I'm going to say what I want and you will jolly well listen!' (**Several Members:** Hear, hear.) That might stimulate the level of debate, which might also make things more stimulating and interesting.

3010 I would like to start by first of all congratulating those who wrote this. It has certainly got the Fallaize tint on it, definitely, and that is what our Douzeniers said when we were at our meeting on Saturday morning – that he was behind it – (*Laughter*) but I have no objections to that.

I suggest that other civil servants actually might look at the quality of this Report and try to ensure their reports are up to the same standard. (**A Member:** Oh!) Not 'Oh!' at all. We sit round Treasury & Resources – that overarching, too powerful board that Deputy Jones does not like – and assess the various papers that come to us, the States' reports that come to us, and this one here is easy to read, (**A Member:** Hear, hear.) it has got the information you want, (**Several Members:** Hear, hear.) it cross covers itself every point of the way it can and makes sure it does not miss out things. Excellent!

But of course it is not perfect!

3025 **Deputy Fallaize:** Point of order, sir! (*Laughter*)

Deputy Adam: Not quite!

3030 First of all, Policy & Resources committee – several Members have mentioned this – is five enough, is the workload not too much? I mentioned at the first debate that I thought it maybe should have been seven, partly because of its mandate but it will depend on how they organise the mandate for the Policy & Resources committee.

3035 Deputy Jones here once again is very concerned at the power this P&R committee or board will have, because they will have the purse strings. I disagree with him. The Assembly makes the decisions. The point is the Assembly will make decisions about fiscal policy, amount of spend etc. and all T&R and P&R will be able to do is keep within these guidelines. So I do not think you can blame another board for things that are not happening in Housing. (*Laughter*) (*Interjection*)

3040 Deputy Langlois has mentioned external relations. This has become increasingly important to Guernsey over the years and, as Deputy Jones said, he did not agree with the Brussels Office but now he thinks it has been extremely useful, and I agree with him fully. But it is a concern. If you look at the amount of work that the Chief Minister, Deputy Le Tocq, does and actually look at the amount of work the Minister of T&R, Gavin St Pier, does, they both have a huge workload and I am concerned that five may not be sufficient on that board.

3045 But the remainder of the six committees, I feel someone has applied a forensic mind to tidying up many of their aspects, streamlining their administration and developing the business aspects of these six committees that have been proposed.

For example, you can take Education and Culture & Leisure. Some people say they do not mix. I am sorry, education is about culture and leisure; it is the over-arching aspect to the committee. Culture and leisure relies on education; education relies on culture and physical exercise. The two are a complete set and should be matched together.

3050 Likewise, it does give that committee a considerable portfolio of premises and it would be nice to make sure that the educational premises are used effectively and efficiently, and Beau Séjour, Princess Royal Centre, not to mention the swimming pool at Beaucamps which is obviously funded partly by the Culture & Leisure Department – (*Interjections*) The swimming pool at

3055 Beaucamps School was put in as a four-lane to the three-lane with money coming from Culture & Leisure departments. I am sorry, sir, obviously my memory goes back further than Deputy Sillars'.
(*Interjection*)

Deputy Sillars: Sorry, sir, I believe it is St Sampson's, not Beaucamps.

3060 **A Member:** Yes.

Deputy Adam: No, it was Beaucamps actually. St Sampson's also... [*Inaudible*] (*Interjection*) So, but anyway... (*Laughter*) The point is one would hope we would see better use of all the facilities across the board. Other departments like Employment, which is no longer Housing, and Social Security... that again is a sensible and logical move forward.

3065 So, on the whole, I would say things have been brought together in a sensible manner and since I have been on those departments I have often felt that there was a dysfunction in some aspects.

3070 Scrutiny function – again I hope it is going to be improved and much more targeted at issues that have accord of policies made by this States and not progressed etc., assessing... At one stage they looked at all Resolutions and said which ones had not been bothered by departments... they had been ignored and left, and I think it will be interesting to see how that develops.

3075 Lastly, sir, number of seats – Deputy De Lisle said that it was not fair to the West to only have five seats. As he will see from these tables, how the number of seats is worked out is first of all you take the electoral district and you take the total population; you do not take those over page 16. You take the total population and then you try to work out, roughly speaking, what is a reasonable number per Deputy in each area, depending on that total population. The table is there on these and you can change it slightly.

3080 I personally feel initially the most sensible thing is simply to say we are going to reduce – and I agree with this – the number of Deputies by one per electoral district and then consider reassessing in the future how that should be divided up. But also, having listened, unfortunately, yet once again to the debate on Island-wide voting, I would also prefer to suggest that it might be reasonable – and Deputy Fallaize mentioned this – to actually look at electoral districts.

3085 What we want is for people to have more choice of Deputies within their area. You could consider combining St Peter Port back into one electoral district, St Sampson's and the Vale into one electoral district, and there are another two which are, roughly speaking, the same – South East and Castel – into one district; and that would give you three districts, roughly speaking, (*Interjection*) 18,000 to 19,000 population (*Interjection*) and, yes, Deputy Brouard, the number in your area would stay the same and thingy... Therefore, (*Laughter*) you would be stuck with five...
3090 no, you would be stuck with six... five Deputies. But I think that should be looked at before jumping into Island-wide voting.

3095 Other Deputies have mentioned costs, changed management, level of resourcing and I will not repeat them, but, as I stated at the beginning, this is an excellent Report, it is a sensible way forward and it is going to take time for it to bed down, especially with the new committees... a lot of work for the civil servants, as Deputy Domaille said. Like Deputy James, I am slightly concerned that the transition... and if we have a large number of new Deputies, it may be a bit of... six months or a year for them to bed into the new system.

Thank you, sir.

3100 **The Bailiff:** Deputy O'Hara and then Deputy Sillars.

Deputy Adam: Nine minutes! (*Laughter*) (**A Member:** Too long!) Sir, may I just say, that was nine minutes.

3105 **The Bailiff:** It was.

Several Members: Too long! (*Interjections and laughter*)

Deputy O'Hara: Thank you.

3110 A bit of history really. It is funny, it is a bit like Back to the Future: we started off with a committee system in the early days, that I was involved with, we went to 'ministerial' and now we are going back to a committee system again. But I do remember in the early days, with the original committee system, what was very noticeable was the communication. The communication between those various committees... Personally, I was on a few – tourism, education, recreation and a few others besides that – but between those committees we had real true communication.
3115 That is what we have to strive for.

This present system, when we... I can remember debating the new Machinery of Government in 2003 ready for 2004. It was at Beau Séjour. I remember it very well indeed and there was a lot of worry about it then. I seem to recollect something like about 28 amendments – a very difficult debate – but at that time we thought the system could work.

3120 Indeed, we started off very well, I believe. We started off quite well, indeed. We were very enthusiastic; we talked to each other, but then we unfortunately had a bit of a problem with the Government; I do not like to mention it but we had Fallagate and that, in fact, stopped all that we were going to try to do. In fact, the system we have now we were supposed to review on a two-yearly period and we did not do that because things got a bit out of hand.

3125 We carried on then to the next year and FTP started around about late 2009-2010, so then we again really did not have a review and we have gone on like that; and, unfortunately, I believe we lost our way a little bit.

I do not think the system has been all that bad. I think it could have been refined, but that is not what the Members felt. Clearly, it has not been supported so we need to change it to a certain extent. I believe that this system could have been fine-tuned and we could have got all that we are trying to get now without going to all the extent of what we have done, but there we are, we are where we are.

3130 I will say I agree with Deputy Collins in connection with sport. I have been involved with the sports side of things here with Government since 2000-01, formed the shadow Commission in 2003; I have been on the Commission since 2004, since that day, so Culture & Leisure and its board members have a lot of experience in sport and I would not like the public to think that we have not. We have put in a tremendous amount of time, effort, money and we support sport totally.
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During that period we formed the events group which closely knits us with Tourism and all the other aspects within Government, and that has carried on to a certain extent. Some of it has gone over now to Commerce & Employment. In fact it was them who gave us most of the budget to work with, but nevertheless what it showed was that we work together and we *have* worked together. In this term we have worked together better, I believe, than the term before. So it does show that we can work together and that is what it is all about.
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3145 As far as us going with Education, let me make it quite clear to everyone I am not precious about my position one bit but I am precious about what Culture & Leisure stands for and I have made that clear when I went for the review, I have made it clear privately to Deputies Conder and Fallaize, and I did not want that to be broken up. If they had been broken up I would have been to my feet all the time and pushing for everything, but it is not going to be broken up.

3150 I believe that going with Education it will gain strength. I think it will gain strength, I honestly do. It is a hard thing to think that we are... I have gone in public before when I have said, 'If we lose our culture, our heritage, then the Island will become a hollow drum and we cannot allow that to happen.' I am hoping that with Education and what we are trying to do here, that will stop; it will not happen. It will not happen.

3155 But these new super committees still need to talk to each other. That is the most vital thing that we need to try to do. That is what we have been trying to do in this Government, what we are presently with now. From 2004 to 2008 we strived to do that and for the first two years were

successful – and we let it go. We must, in this new Government – whoever is in it, whoever stands and whoever serves in it – that is what we must be striving to.

3160 I have got some concerns, I think like many other people. When I found out that we were going to go with Education I was really concerned about how Culture & Leisure would become diluted within a department which has a budget which is far in existence of Culture & Leisure... and I wondered if Culture & Leisure might be the easy target, and everything that Culture & Leisure stands for – sports etc.

3165 My colleague here who I work quite closely with – I know that if I was back – (*Laughter*) If we were together now I am sure that that would not be the case and it is always difficult to try to forecast because you never know who is going to be in those positions in the next term, but whoever it is needs to strive to that. So I was concerned about the dilution.

3170 I was also concerned about budget. Through the FTP system, we have reduced our budget substantially – probably a bit too much than I would have liked, frankly, because we have been restricted, like many other departments but, nevertheless, that is another concern.

But the one that I am concerned about – and Deputy James has touched on it really – is the issue about reduction of Deputies. I know that the public want it and I agree with it to a certain extent but I do think there is a transition period needed.

3175 What I find difficult to think of is Education is a very busy department with five Deputies, Culture & Leisure, even though it has not got a big budget, is also extremely busy in many areas; we are putting them both together and we will end up with five Deputies, which seems to me we will have a bit of control about how we are going to do all that. What is going to happen, clearly, is that the executive will take more responsibility. I am not against the executive but I am
3180 concerned that it might not work, and it might not work not just in this department but in other departments as well, and I believe we might need more Deputies. I think we will probably end up forming more of the sub-committees, more work yet again, and I do not know how well we will be able to achieve it.

3185 So it seems to me that it will be a good idea to do everything that is inside this good Report, but to wait to change the Deputies maybe until 2020 to be absolutely sure that we have got enough people to represent the Island throughout all these various committees.

For myself, I am going to welcome working – if I do get back – with Education because I believe that what we should do, and all of the people within the various departments as we are now, should be working together and I am going to propose – and I have proposed already – to
3190 Deputy... to Robert that I want to – (**Several Members:** Sillars.) thank you – that I want to be able to work together now with some form of shadow committee or whatever to make sure we have got this transition that will work properly.

3195 So it is all about working together, it is all about communication and I would like to thank the Review Committee again and in particular Deputy Matt Fallaize and Deputy Richard Conder, who I had private discussions with because they know very well I did not take it lightly to begin with. I was very concerned about it, but they talked me round and I think it is going to benefit the Island in the long term.

Thank you.

3200 **The Bailiff:** Deputy Sillars.

Deputy Sillars: Thank you, sir.

3205 I am very pleased to see the second policy letter developing further the reorganisation that we agreed last year. I would like to offer my sincere thanks to the SRC, who I know have worked very hard to get a solution suitable for Guernsey. The Committee has shown in these proposals that it understands well that Guernsey is distinctive, both politically and culturally.

I wholeheartedly endorse the sentiments in the Report that what is being proposed is appropriate for Guernsey. I believe the Report builds on certain strengths and attempts to address

certain shortcomings, all of which is acknowledged in the Report so I will not say too much on those particular matters.

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As the Minister of Education, I note that the Committee for Education, Sports & Culture should be responsible for developing policy and advising the States.

I do fully agree with Deputy – oh, he is not here – Adams regarding education being together with sport and culture, but it was St Sampson's.

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What then do I believe will be the benefits of bringing education, sports and culture together under one committee? Well, this is how I see it. For one, it is my belief that physical activity is vital to the fully rounded development of young people, fostering their physical, social and emotional health. The benefits of sport reach beyond the impact on physical wellbeing, and the value of the educational benefits of sport should not be underestimated, as I shall outline. There are synergies to be gained which will bring benefits to individuals and our Guernsey community, so all members of our community will continue to benefit.

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Recent research from Sport England has shown that boosting participation in sport can generate a variety of benefits. Sport can and does make a profound and positive impact on individuals, communities and the wider society. Sports England research shows physical activity including sport is linked to reduced risk in over 20 illnesses, including cardiovascular disease and some cancers. The positive effects of sports on education include improved attainment, lower absenteeism and drop-out, and increased progression to higher education. For instance, young people's participation in sport improves their numeracy skills by 8%, on average, above non-participants.

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It is not just the effect of sports upon education but the arts have an impact too. The UK Department of Culture, Media and Sport published, on 25th March this year, a report on the health and educational benefit of sport and culture. Its findings were equally as positive as regards general health.

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People who engaged in the arts as an audience member, had visited heritage sites, libraries or museums and those who participated in sports in the last year are all more likely to report good health. The predicted reduction in GP visits as a result of good health associated with culture and sport participation has a value to society in that it leads to significant cost savings for the NHS, which is therefore our HSSD – or what may well be called Health and Social Care. The predicted reduction in the use of mental health services as a result of good health associated with culture and sport participation has a value to society in that it leads to significant cost savings.

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These results and the relationships between culture, sport, health and educational outcomes suggest that culture and sports participation can help to generate wide-ranging education, social and health benefits. The study showed that engaging in the arts and cultural activities is positively associated with higher educational performance and development in children, with some studies suggesting there are benefits for adults as well. Studies have linked participation in the arts and music-related activities with a wide range of educational-related benefits such as academic achievements.

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There is also some evidence to suggest that participation in cultural activities such as music and art programmes is associated with both positive attitudes towards school attendance and school attendance itself, and even academic aspirations. These will then lead into adult life. Engagement in cultural activities can positively impact higher and further education attendance as well as aspirations. I would expect these benefits to accrue in Guernsey and our Islands. Going forward, with even closer links than we have at the moment with Culture & Leisure, I hope to see more realisation of the benefits I have already mentioned.

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The relevant staff in Culture & Leisure will transfer to the new committee and so there will be no loss of knowledge and expertise. Education will, I am certain, continue to work very closely with the Sports Commission, whom we already work with, the Arts Commission and of course the Youth Commission, of which I am a director.

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I just also want to mention that Deputy James and Deputy O'Hara have commented on the numbers of Deputies and I too have a concern that the civil servants are changing, the

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committees are changing, and actually to change the numbers of Deputies at the same time I feel is a big-bang approach. So my instinct is to see how those first two go and then to look at reducing the numbers of Deputies. I also agree that it is not a popular move out there, but equally we know the workloads we have. Deputy O'Hara mentioned the workloads that we, as Education, 3265 have already; and Culture, and, I know, HSSD and other boards. So I do have a concern about the numbers, but I understand where our population is coming from.

So, to conclude, I believe the creation of a Committee for Education, Sports & Culture will have positive benefits. There is every reason to suppose that this new shape of Government will help maximise further our opportunities for participation and excellence through education, learning, 3270 sport and culture for every stage of our citizens.

Thank you.

The Bailiff: Deputy Le Clerc.

3275 **Deputy Le Clerc:** Thank you, sir.

I have just got a couple of quick points to make. The first one... I may be a little bit off, just listening to everybody else's debate – and it goes back to something that Deputy James said, and that is about the transition arrangements.

What I have not seen here, and maybe it is going to be coming in the third report, is the budget and how the budget transfer is going to happen on those merged responsibilities and transferred responsibilities. I know that we have got SAP now, and perhaps our accounting is a lot better and we are better placed than we were three years ago, but I am not sure how we are going to define which budget should we transfer between Departments, and perhaps that is something that Deputy St Pier may be able to answer if he gets up. 3280

The other thing is we have got our Budget debate that will be coming up later this year and this will all happen midway through our Budget. Again, I have just got a concern, or I would just like to have some clarification of how that is going to affect the 2016 Budget, because I cannot find anything in this Report, and so that for me is an unknown and an uncertainty. 3285

Then, secondly, just picking up on the points that Deputy Domaille and Deputy Jones and other people have made, and that is concerning the public perception of policy and operational responsibilities, I did contact Deputy Fallaize and I did wonder whether to bring about an amendment, but I decided against it when he had come back to me. I am just picking up on paragraph 6.2.10 to 6.2.14, but in particular 6.2.13, and it talks about the dividing line between policy and operations and public expectations. 3290

I just still have a concern that, if more is being devolved to our civil servants, the public perception is that Deputies are still responsible for operational matters and, unfortunately, when operational matters go wrong it is the Deputy's head they want on a pike outside Castle Cornet, (**Two Members:** Hear, hear.) and I just feel that there is still not that clarification in here on that area. It may be that even if we accept the divide between policy and operational... I am afraid the public perception is that it is still Deputies' responsibility. So that is more of a concern than a question. 3295 3300

Thank you, sir.

The Bailiff: Deputy Rob Jones, then Deputy Paint and Deputy Brouard.

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Deputy Robert Jones: Sir, I would prefer to speak in the morning, if we were to go on. Would that be a problem if I...? Are we intending to go to tomorrow morning?

The Bailiff: I do not know whether we will go into the morning, but if you wish to defer speaking... I suspect we probably will go into the morning. 3310

So, Deputy Paint.

Deputy Paint: Sir, like Deputy De Lisle and others, I have grave concerns that 38 Deputies will not be able to service the needs and wants of the Island's electorate and its people. If this proves to be the case, it may mean that Deputies will be further removed from the Deputies if this is passed. In turn, that will mean that the Island's people will have to rely more on decisions made by public servants, as has already been said. This may be acceptable to Government, but will it eventually be acceptable to the electorate?

I would be grateful if the Chairman of SACC could address these concerns.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

It is quite easy in these debates to get carried away into the detail, the actual second or the moment, but I am just going to reflect back for a few seconds on the big picture. The main binary choice we did in this debate, going through the three stages, ticked the big box for me and that got 80% of it right. That left 20% to do in stage 2 and stage 3, and I am pleased that the Committee has gone on a journey and ended up where I started.

It is about policy and it has been... Well, the debate has really been about policy. It has been written about policy by policymakers and policy players. I am just picking up something that Deputy Conder said – focus like a laser beam on policy – which is fine, but we are more than that. We also deliver services, essential services, and I do not want to see that lost.

I do have some concerns. I think they were reflected by Deputy Paint just now and Deputy Le Clerc. We are putting Islanders further away from those accountable, and those accountable further away from where the tyres hit the road – because it is our heads that are on the pikes outside Castle Cornet when it goes wrong, not necessarily the civil servant who actually did the job, because at the end of the day it was our policy and on our watch that something happened. So I think that is something that we need to perhaps have more clarification on in stage 3.

I am also concerned about the numbers and I would ask Mr Bailiff if we could take number 31 separately, as well as Proposition 23. I think on Proposition 23, which is the make-up of the States' trading board, I would like SACC – not SACC, but the Review Committee – just to relook at whether they could do some more clarification on how the makeup of that board would work, and I would recommend that they look very closely at how they have got the other committees set up as a guideline as to how they might like to consider looking at the trading board with the five States' Members and option of two non-States' members.

Deputy Adam made a good point about the strain on Ministers at the moment. It is a strain put on in two ways. It is put on by the Ministers themselves, because they think they are the Minister, and it is a strain put by the public on Ministers because they also think that they are the Minister – it is strange, isn't it? – when really they are the chairman of a team of players. There is every opportunity and I would encourage Ministers where they can: use the team you have got. You may think you are essential but the electorate may not think so, so please always bear in mind that there is a team to train as well as yourself, so do try and share the workload.

I have a little concern with the new title 'President'. I am not sure if Creasey's are going to be getting a lot of gold braid in and a new line in admiral cocked hats! But again, in the third stage, if the Committee could also give some guidance on what a president is and what that role is – it is the chairman of the committee – I think that would help, because if we start off with six presidents and one super-president I fear that we will be still struggling, when in fact we have got basically chairmen of committees who are running the teams.

With that, I also thank the Committee. I think they have got most of it right, but there are some areas which I am still very much concerned with and I hope all of us will come together at the third stage and hold them to account again, and we will try and get the best fist we can as we move forward.

Thank you, sir.

3365 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

3370 Just on the point of 'President', Deputy Brouard, we coped before with 'President' and it was fine. We had the President of A&F, the President of the Children Board and the President of the Board of Health, so I would hope it would not actually be too much of a problem. At least it would be a more honest title than we have currently got at the moment.

3375 There are a few remarks that have been made about the actual number of Deputies, and I might be a little bit cynical here but I believe it has probably been put in here almost as a sweetener to the public as well: 'Let's reduce the number of States' Members, because that really sounds good.'

3380 I could go out there now, like the rest of you – we could walk down the high street and we could stop people and we could say, 'How many people are in the States?' and they would go, 'Too many!' 'Well, how many is too many?' 'Well, I don't know, but there's too many of them!' 'Do you know what they do?' 'Yes, they go on jollies.' 'Do you know how many are on each Department?' 'Well, I don't know.' 'How many Departments are there?' 'Well, I don't know, but there's too many of you!'

3385 I suggest that would probably be the answer that you would get, because very few... In fact, I think, you could probably turn round and say, 'Do you know what? There are 60 States' Members. Do you think if we reduced it to 45 that would be better?' 'Yes, definitely.' I reckon if you went out there and you actually did that survey, because we have had it before... We had it before when we had 57 Members in here, and people did not really know how many. It just sounds good: 'Let's reduce them.'

3390 So I am not saying that we should not reduce them. All I am saying is that I think it is a bit of a sop, really, in some respects, to make it sound good that we are actually going to reduce the States' Member numbers. That is probably why you have probably only had about 20 people. The public are not engaged with this. The public presentations – they have not turned up. They are not interested, really, in us talking about ourselves and about whether we are going to be bigger or smaller or whether we are going to have more departments or committees, because they are not interested. They want to know about how much money they have got in their pocket each week and what is really going to affect them, not how we operate. They expect us to be operating efficiently anyway.

3400 I know it has been raised as well by a few of you in here about where you have got a General Election at the time that they would be changed, so there could be lots of new Members, it could be a whole new structure, it could be a new staffing structure. That is okay, we did that in 2004 and it worked fine; there was not a problem. Everybody was rather enthused about it and the staff understood. There was a lead-in period as they were actually getting into very much what was said by Deputy O'Hara. There was the shadowing as well of what actually went on.

3405 There are only a few of us around now from 2004 and I think they would probably agree that it was fine. It was not a problem – no more than it is a problem if you get lots of new Members, like we did this last term. People will have to learn and find out. Hopefully, the candidates that are standing will actually find out a bit about the States' Assembly beforehand and do some research. We have coped before and it is fine.

3410 It was also said by Deputy Jones as well about the power within this new group of five, and I know that has been expressed by quite a few States' Members. He said, 'Well, if you want your report to go to the States, that is going to be blocked.' Well, it depends how strong you have got your chairman or president, because if you have got a weak president who is going there to represent the committee of which he is president, and the five people sitting on the throne there are saying, 'No, you can't,' he is just going to say, 'Well, it's going; we're going to take it,' in the same way that, when I was on the Policy Council and I was the only one who insisted on taking *my* report for Social Security to get rid of the Procureur of the Poor, I was told by everybody round the Policy Council the timing was wrong: 'We will not support you and we ask you to take it back

to your Department; this is not right.' I said, 'It's going,' and it went, and I won because the States actually believed in it and thought it was the right thing to do. So it goes down to if you really want to do something you can.

3420 I will give way to you, Deputy Jones.

The Bailiff: Deputy Dave Jones.

3425 **Deputy David Jones:** The point I was trying to make, but obviously not very well, is that very few policy letters will go through this Assembly without the support of that senior committee. I am not saying that the senior committee can block it. The report can still come to the States, and many have done, but very few, as Deputy Gollop will confirm, have got through without the support of that senior committee.

3430 **Deputy Lowe:** I also pick up the point as well that there is concern that, because there is going to be the amalgamation of these committees now there will be a lot of sub-groups, and I think that is right but the Members are going to have to make sure that those sub-groups are still answerable and it is not a delegated decision-making sub-group, that they are in the minority and the majority of the committee will be the ones that will make that decision.

3435 Even in this term I have seen where some individual Members have been instructed that they are the delegated Member. No, they are not. You are all responsible for that. You are not elected onto a board to be part of... The buck stops with you as that Member. I would hope that, if there are going to be sub-groups, they will be the minority and they will make sure they report back to their committees. But we have always had sub-groups. Again, it is depending how they are actually managed as such.

3440 There was one other note that I wanted to cover, which I cannot find at the minute, so I think I... Oh, I know what it was – about the timed speeches. Several Members have said, 'Yes, let's have timed speeches'. It is in your own hands. Why aren't you timing yourself now? Why aren't you actually saying to yourself, 'Well, I don't have to speak for that long, so why am I doing it?' It is down to everybody to do their own discipline. (*Interjection and laughter*) And on that note I am going to stop my speech and sit down! (*Laughter*)

The Bailiff: Deputy Ogier.

3450 **Deputy Ogier:** Thank you, sir.

I will be as brief as I can. I would like to give the States' Review Committee some pointers as to what the Public Services Department feels the States' Review Committee will need to address in their next report.

3455 In their own amendment of yesterday they helpfully added some further clarity when they unpacked what they viewed as long-term infrastructure planning into infrastructure, including but not limited to water waste, water and the ports. This helped the Assembly understand at the time that infrastructure planning for PSD's unincorporated entities would take place in a Principal Committee for Environment & Infrastructure and not in the States' Trading Supervisory Board. What the amendment did not address, as it did not need to at that time, was the finer niceties of where policy development would occur in respect of those unincorporated entities which could be considered long term but would not necessarily require large-scale infrastructure and were not necessarily operational in nature either.

3460 The policy development which currently occurs in the Public Services Department is not binary. It is not either operational or long-term infrastructure planning. There are other policies also for developing new income streams for the unincorporated entities, such as maybe, as I mentioned yesterday, encouraging super-yachts to call here or merging waste water and Guernsey Water into one operational entity, which might be termed 'infrastructure policy development', although no new infrastructure is required, or maybe 'operational policy development'. Nevertheless,

3470 somewhere there are policies which are developed by the Public Services Department which do not fit into either long-term infrastructure planning or operational planning.

So further work does need to be undertaken to ensure that we fully understand the policy development roles of the Committee for Environment & Infrastructure and their interaction with the States' Trading Supervisory body. I look forward to understanding more of this in their next report, as this is something that needs to be addressed.

3475 One other matter I need to raise is with Aurigny and the Airport coming under one trading supervisory body. This either represents a great opportunity to use the assets of the States of Guernsey in a hitherto unforeseen way, or represents a future difficulty in managing potential conflicts. I hope it is the former rather than the latter.

3480 Guernsey Airport will effectively be sharing the same supervisory board as Aurigny through the STSB and this could create a conflict of interest in certain examples. There could arise perceptions from other airlines that Aurigny's relationship with the Airport is closer than merely a pure landlord-tenant arrangement. There are potential conflicts on how the board would balance approaches to the Airport from Aurigny or from other airlines on new route developments. There may arise potential challenges if the board would ever have to consider financial credit arrangements involving the airline. And there could be a risk of Aurigny seeking the States' Trading Supervisory Board's intervention to ask for preferential treatment as the Island's airline, or vice versa.

3490 In addition, the Scrutiny Committee has recently held hearings on strategic air links that may make certain recommendations over the future delivery of route development etc., but it may be that these ideas cannot be captured or reflected in these current proposals as one arrives too late for the other.

3495 Potential independence from main Government is positive, provided we get the balance of sitting and non-States' members correct. The right number with the right business acumen is critical, together with a level of operational flexibility and a reduction in bureaucracy, which will enable the entities to act in a business-like but socially responsible manner.

3500 Personally speaking, with regard to the number of States' Members I do have a concern that with fewer roles and fewer Members it could lead to a more isolated world for many States' Members, where they serve on one board and one board only. In this Assembly, unlike previous Assemblies, Members serve on many fewer Committees and Departments. In the election of Departments in 2012, if I recall correctly, all the Ministers' choices were elected with virtually no challenges, which has been unprecedented in my experience. I have served on the Public Accounts Committee, Scrutiny, PSRC, Education, Social Security and Public Services Departments – around half of the current committees and departments. In future I can see that it would be much more difficult to have such a broad level of experience. I would like the States' Review Committee to give some thought to how States' Members may be able to spend some time with other departments, if they wish, for a few months or so in order to broaden their own knowledge base and gain an understanding of the kinds of challenges faced by departments and committees other than their own.

3510 I have never been a proponent of fewer States' Members, but I can see if there are fewer roles there need to be fewer Members – although there is a word of caution and warning here. The amount of oversight, scrutiny and policy development has not been reduced. Political members will still need to conduct the same amount of scrutiny as before. We will have rearranged the deckchairs but there is still the same amount of chairs requiring the same amount of scrutiny, oversight and policy development, and I can foresee Members will need to be busier in order to match the level of scrutiny required with the time and the number of Members available.

The Bailiff: Does anyone else wish to make a short speech before we rise for the evening? No.

Congratulations to the Island Games team

3520 **The Bailiff:** Just before we do rise can I make reference to the Island Games team? Deputy Collins referred to them earlier and, having had the great privilege of being with them in Jersey last week, I can say that they did perform superbly well.

3525 There were some outstanding performances, not just by some of our more experienced athletes, who are expected to perform well, but by some of the younger members – some very young members – and some novice members of the team; and above all, they and the supporters who were with them were excellent ambassadors for Guernsey. So I would just like – (*Applause*) I am hosting a reception...

3530 I am being asked how many more Members wish to speak. I am sensing that there are several Members who wish to speak, and it would be wrong to be rushing things this evening but can I just have an indication of how many people wish to speak? One, two, three, four, five, six, seven probably, and there are always more, so... No, I sense that... I think it would be wrong on something of this importance to be seen to be rushing it at the end of what have been two rather long hot days, so we will rise and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.27 p.m.