



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 1st May 2012

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Law Officers

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

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, M. J. Storey, E. G. Bebb, L. C. Queripel

St. Sampson

Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier, 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, A. H. Adam

The West

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

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 B. N. Kelly, P. Arditti

The Clerk to the States of Deliberation

D. J. Robilliard Esq. (H.M. Deputy Greffier)

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THE STATES' DEBATES OFFICIAL REPORT

2012

Tuesday, 1st May

Volume 1

*The States met at 10.00 a.m. in the presence of
His Excellency Air Marshal Peter Walker, CB, CBE
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF in the Chair]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

5 **The Deputy Greffier:** To the Members of the States of the Island of Guernsey, I have the honour to inform you that a meeting of the States of Deliberation will be held in the Royal Court House on Tuesday, 1st May 2012, immediately after the sitting of the Royal Court convened for 9.30a.m., to consider the items contained in Billets d'État number VIII and number XIV.

10

Welcome to new Members

15 **The Bailiff:** Members of the States, before we start the formal business of the day may I just take this opportunity to welcome you to this, your very first, sitting of the States of Deliberation.

I congratulate you all on the success that you have all achieved in your electoral districts and I wish you the very best in discharging the duties and the responsibilities with which you have been entrusted by your electorates. For my part, I will do my best to ensure that the proceedings in this States of Deliberation are conducted in accordance with the Rules and in accordance with best parliamentary practice – so welcome to you all.

20

Variation in the order of business: Billet XIV to be taken before Billet VIII Proposition approved

25

The Bailiff: The very first thing that you have to decide is the Order of Business this morning.

As you know, two Billets d'État have been published. One is Billet VIII for the Election of a Chief Minister and the other is Billet XIV, the Report from the States Assembly and Constitution Committee, entitled 'Qualification for the Office of Chief Minister'.

Rule 9 of the Rules of Procedure provide for elections to be dealt with *before* Reports of States' Departments but it seems to me – I may be wrong – it seems to me logical, on this occasion, that Billet XIV should be debated first so that Members have the opportunity to decide, if they wish, whether or not to alter the Rules that govern the eligibility of candidates for the office of Chief Minister, and hence that we deal with procedure before we deal with personalities, before we deal with the election.

So the very first thing I am going to do is to put to you a proposition – the wording of which you have on the Agendas that have been circulated before you, under paragraph 5 – 5.2. When I say the Agendas, I am referring to this piece of paper headed 'Procedure at the Meeting of the States of Deliberation.'

The proposition I am putting to you is:

'That Billet d'État XIV be considered before Billet d'État VIII.'

Those in favour; those against.

I declare it carried.

Billet d'État XIV

States Assembly and Constitution Committee Qualification for the office of Chief Minister Debate commenced

The Bailiff: So we will, therefore, deal first with Billet XIV and I call on the Chair of the States Assembly and Constitution Committee (SACC) – the Vice Chair, sorry, I should say – Deputy Lowe, to open the debate.

Deputy Lowe.

Deputy Lowe: Thank you, sir.

As Vice Chairman of the States Assembly and Constitution Committee, I would like to thank you, sir, on behalf of the Committee for agreeing to allow this emergency Billet to be presented today.

I think it will be helpful to give you all the facts on why and how the SACC Report came about. Shortly after the Deputies election, some Members were already asking amongst themselves if the Rules of Procedure could be suspended on May 1st to allow other candidates to stand. It became apparent later to SACC members that several had sought legal advice for this to happen.

At the induction programme on Monday 23rd, during the lunchtime break, I was approached by Her Majesty's Procureur asking if SACC members would consider holding an emergency meeting to discuss the potential for an emergency Billet following the *increasing* support being voiced by Deputies and Deputies elect for a suspension of Rule 20 (2A). During that conversation it became apparent to the Principal Officer of SACC and me that a mere suspension of the Rule 20 (2A) would not have the effect that several Members' had indicated they desired, as Rule 20 (2A) did not just relate to the election of a Chief Minister but it also related to the tenure of that office.

Her Majesty's Procureur had also discussed an emergency Billet with the Bailiff. By this time Deputy Fallaize had joined the small group – which included Her Majesty's Procureur, the Principal Officer of SACC and I – and, after hearing the legal advice, both Deputy Fallaize and I agreed that if other Members of SACC could be contacted and the Committee could be quorate, it would meet at 3.15 p.m. once the induction event had concluded.

The Bailiff's secretary kindly assisted and went about contacting SACC Members – inviting them to attend a meeting. This help from the Bailiff's Office was greatly appreciated, as the

principal officer of SACC was involved with the induction programme.

Deputy Ivan Rihoy, the Chairman of SACC, when answering his phone, said he was on the golf-course in the Algarve and therefore unable to attend. I repeat, for clarity – Deputy Ivan Rihoy *was* contacted and spoken to by the Bailiff's Office. Deputy Shane Langlois could not be contacted but it has since transpired he was attending a Project Board Meeting for the States. Deputy Le Pelley agreed to attend. We therefore had a quorum and the meeting went ahead later that afternoon.

When the SACC met – and for the avoidance of doubt – at the start of the meeting – and at least one other time, Deputy Fallaize wanted to ensure those present knew he would be proposing Deputy-elect Harwood. I will now quote from the minutes of that SACC meeting.

'Deputy Le Pelley said he had some reservations regarding the principle but he stated he would vote in favour of the Report as he agreed that the new States *should* be given the opportunity to consider the matter. The Report was, therefore, approved unanimously for submission to the Presiding Officer, for publication in an emergency Billet d'État.'

So, in summary of the SACC meeting, yes, contact *was* made with Deputy Rihoy, the Chairman of SACC. Yes, the meeting *was* constituted as per the rules. Yes, declarations *were* made by Deputy Fallaize and, finally, yes, SACC members agreed, by myself Lowe, Fallaize and Le Pelley, who made a unanimous decision to present an emergency Billet to rescind rule 20 (2A).

If States' Members do not want this Rule change, just vote against it. SACC are here as the mechanism to bring Rules to the States. This is not a constitutional issue. It is a change to the States' own Rules of Procedure. It is a legitimate, and actually quite unremarkable, proposal.

The 23 Members who were re-elected in this Assembly, along with the two Alderney representatives, will know, last May, SACC produced a Report to rescind the four-out-of-eight year rule and, although that debate was lost, Deputy Kuttelwascher stood up and asked for legal advice – could the Rules be changed or suspended? – the answer was 'yes'. He went on to say that should reassure Members, because 'if the new States wishes to modify those rules they can'.

SACC are giving you the tools to do the job in a proper manner, allowing a debate to take place. It is also worth remembering, after last year's debate, when SACC's report to remove the four year restriction was rejected, the States were accused publicly of 'looking after our own', 'jobs for the boys', 'shameful', you name it – much was said in disgust – the cosy club was sticking together.

This rescinding a Rule certainly is not setting a precedent. SACC took several reports to change Rules during this last term. Many were supported and changes made. It may also help the new Members to know there were not *any* restrictions when the first Chief Minister was selected at the start of 2004. Restriction Rules were not part of the machinery of Government recommendations. Did it cause us any problems? No. Did the States' Members struggle to appoint a Chief Minister? No. They managed to vote a well respected gentleman, Deputy Laurie Morgan.

Rule 20 (2A) came in for the 2000 elections and, sadly, I believe, the wrong reasons. Whoever wishes to be Chief Minister should be able to put their name forward and be elected on merit. Several of you, at the various hustings, maintained we must stop discrimination. This Rule 20(2A) is discriminatory. It has a blocking mechanism to prohibit a fair and equal opportunity for the position of Chief Minister. There is not a valid reason why this Rule should remain. The best person for the job, with a majority vote – why is that so difficult? The States managed during 2004 – we can again today.

One of the new Members expressed concern at the speed of this Billet. When necessary, the States do produce Billets at short notice and Members have to make decisions. By short notice I refer to the Billet produced 48 hours before calling an emergency States meeting to purchase Aurigny – 48 hours to spend millions of pounds.

States' Members have known about the SACC emergency Report for eight days which, in itself, is not a complicated Report. If you are elected onto some of the Departments, let me warn you – inches of paperwork arrive, sometimes 48 hours before the board meeting: *that* is short. New Members will now be aware, a week after publication of the SACC Report, amendments were circulated yesterday – that is not unusual. Sometimes, amendments are produced during the debate. That is how the States work to achieve, sometimes, a better outcome when debating a Report.

I ask Members to please support this Report today. Stop discrimination and allow an open and fair vote to whoever wishes to be nominated and considered.

Thank you, sir.

The Bailiff: Thank you.

I have had notice of two amendments to be placed, I believe, by Deputy Trott.
Deputy Trott, are you seeking to lay those two amendments?

150 **Deputy Trott:** Yes, please, sir.

The Bailiff: In that case, do you wish to speak to them now?

Deputy Trott: Yes, sir, if it is convenient to do so. The amendments are to be seconded by –

155 **Deputy Ogier:** Sorry, sir, would I ask before the amendment is placed or after it is placed, whether it goes further than the original propositions?

The Bailiff: I think you should do that after Deputy Trott has placed them.
Yes, so Deputy Trott.

160 **Deputy Trott:** Thank you, sir.
Sir, for the purpose of good order, can I ask Members to number the amendment that ends with the words *appel nominal* amendment No. 1 and, unsurprisingly, sir, the other amendment, No. 2.
Now, I intend first, if I may, sir, to deal with amendment No. 2:

165 *To add the following paragraph:*
‘(c) insert at the end of the words in sub-paragraph (2A): “, save that in elections for the office of Chief Minister the Greffier shall publish as soon as possible thereafter a list detailing the vote cast by each Member of the States”’.

170 Amendment No. 2 replicates the proposition brought to this Assembly by the States’ Assembly and Constitution Committee a matter of a few months ago:

175 *To add the following paragraph:*
‘(c) insert at the end of the words in sub-paragraph (2A): “except that for the purpose of the election of a Chief Minister voting shall be by appel nominal”’.

180 On the day there were seven Members absent and the vote was tied. There were 20 in favour and 20 against. This is as close as it gets in this House, sir, particularly with such a large number absent.

Now, I have in front of me the States’ Report of the day and I shall quote from it. These are the States Assembly and Constitution Committee’s words.

185 ‘The States Assembly and Constitution Committee believes that elections conducted within the States of Deliberation should be conducted in a manner which is both transparent and accountable. All recorded votes, other than those relating to elections, are held by *appel nominal* and are thus subject to public scrutiny. Indeed, motions of no confidence and propositions to accept the resignation of Members are also held by *appel nominal*. The Committee holds that the way in which States Members select the holders of key positions in the States – ie. The Chief Minister, Deputy Chief Minister, Minister and Chairman – should be open and subject to the same public scrutiny as is the case when the proposition is to remove a Member from office. The importance of these elections cannot be underestimated,’

the States Assembly and Constitution Committee states...

195 So they argue in favour of the *status quo*. It might be argued that a secret election ensures that Members are able to vote for the best candidate without fear or favour and that, in a consensus system of Government, open elections may engender disharmony. The Committee, however, does *not* subscribe to that argument. It *firmly* believes that the paramount criterion has to be openness and transparency. This principle applies both in the relationship between States’ Members and the public and between Deputies themselves.

200 I further state, sir, the system proposed is broadly similar to that recently introduced in the States’ Assembly in Jersey in relation to the election of *their* Chief Minister. And, finally, if we were not persuaded enough by those very cogent arguments, they remind us that, under the principles of good governance, the Committee is of the view that good governance *demand*s that the internal election process should be robust, well informed and transparent and that the proposal contained in this Report will further that objective.

205 If I mentioned that the vote was tied 20:20 and that there were seven not present, maybe Members would care to be reminded who voted in favour of that proposition that are here today: Deputy Brehaut, Deputy Kuttelwascher, Deputy Gollop, Deputy Storey, myself, sir, Deputy

Fallaize, Deputy Spruce, Deputy Lowe, Deputy Jones, Deputy Le Lièvre, Deputy De Lisle and Deputy Michael Hadley. Now there were three Members, sir, who were not present for a variety of reasons at the time of that vote who are present today. They include Deputy Roger Domaille and Alderney Representatives Kelly and Arditti.

Sir, it seems to me that SACC have made overwhelming arguments in favour of openness and transparency with regards *that* amendment and my understanding is that what will happen, if it is passed... Her Majesty's Procureur's Office have already produced individual ballot papers. Our names will be at the top and, therefore, as a result of casting our ballot – that is not the case, but that is what I assumed Her Majesty's Procureur was intending to do, sir – but that will be the form. The ballot paper will have our names on it and we will then record our vote. As a result of that, Her Majesty's Greffier will publish, after the event, a list of those who voted for each of the candidates.

Now the problem occurs, sir, if there is to be just a single candidate, and that is the purpose of amendment No. 1 – the amendment that refers to *appel nominal*. Because, in that event, sir, if there was just a single candidate, in this case Deputy Jonathan Le Tocq would be elected unopposed but Members would have no apparatus by which to declare their support or otherwise. If, however, we were able to have an *appel nominal*, then Members would have the opportunity to vote Pour or Contre for his candidature and this is a matter, sir, that I checked with Her Majesty's Comptroller just a few moments ago.

So that, sir, in a nutshell is the context of the two amendments.

The Bailiff: Amendment No. 1 does not say that it will only apply in the event that there is a single candidate. Are you asking that it should be amended so that it does say that?

Deputy Trot: No. I am saying, sir, that what amendment No. 1 does is ensure that if there *is* a single candidate then the vote will be recorded by *appel nominal*.

The Bailiff: Okay, right.

Deputy Perrot, do you formally second these amendments and reserve your right to speak later.

Deputy Perrot: I do, sir, thank you.

The Bailiff: And, Deputy Ogier, you are seeking to invoke Rule 13(6), are you?

Deputy Ogier: I am, sir.

The Bailiff: Yes, I see that some Members have their Rules of Procedure in front of them.

What we are now looking at is Rule 13(6), which is on page 19 of the white pages in the – is it now the 'bronze book' or the 'gold book', or is it still the 'green book', even though it is a different colour? I don't know – but the book that you have in front of you.

'An amendment which goes further than the original proposition shall not, on that account, be ruled out of order, but a motion

(a) that the amendment be not debated and no vote be taken thereon; or

(b) that debate on the amendment be postponed

shall have effect if supported by not less than one third of the Members voting on the motion; and where a motion that debate on the amendment be postponed has effect the Presiding Officer shall lay the amendment before the States on a suitable occasion.'

Deputy Ogier, are you invoking 13(6)(a) or 13(6)(b)? Are you proposing that it be not debated and no vote be taken, or simply that debate be postponed and that it be placed before the States on a later occasion?

Deputy Ogier: (b), sir. I don't know.

I don't mind a debate on this issue, but I just don't think it should be today.

The Bailiff: Right, Okay.

Deputy Ogier: Would it be easier if I said (a)? *(Laughter)*

I am happy for it to come back when Members are experienced with the States' Report.

The Bailiff: If you say (a), it does not prevent the newly constituted States Assembly Constitution Committee or, even by Requête, Members bringing forward a proposition at a later

date, if that is what they wish.

275 **Deputy Ogier:** Let's do it that way, sir.
Thank you, (a).

The Bailiff: Thank you.
Deputy Lowe.

280 **Deputy Lowe:** Sir, if it helps Members, as well, before they actually take the vote, SACC do not oppose these amendments and we would support them.

The Bailiff: Right, the first thing, though, is to rule on whether the amendment goes further than the original proposition.

285 **Deputy Ogier:** Exactly, and that must be for you to do, sir.

The Bailiff: Yes. *(Laughter)*
But, of course, I can call on Her Majesty's Procureur or, indeed, Her Majesty's Comptroller...
290 *(Laughter)*
Unless you are both in Court – in the States I could call on you both. But, yes, it seems to me that they do go beyond the original proposition, but is your advice otherwise.

The Procureur: I do struggle to see the argument that they do not.

295 **The Bailiff:** Is there an argument, Deputy Trott, that they do not go beyond the original proposition?

Deputy Trott: Well, sir, it is not for me to question your ruling. *(Laughter)*

300 **The Bailiff:** I have not made a ruling.

Deputy Trott: Let's start as we mean to go on, sir!

305 **The Bailiff:** I have not made a ruling yet. I have indicated what it might be. Her Majesty's Procureur just indicated there *might* be an argument that it does not go beyond but, frankly, I can't see what that argument is.

310 **Deputy Trott:** No, indeed. I think, clearly, they do both go beyond, sir, but would you please be very clear in explaining to the Assembly, bearing in mind the number of new Members, precisely how they should vote, **(The Bailiff:** Yes.) should they wish for these amendments to be debated.

The Bailiff: Yes, well that is why I read the Rule out.
I appreciate I read it rather quickly. Members might wish to have the Rule Book in front of
315 them or look over somebody's shoulder if they have not brought their own copy. What it says is: An amendment going further than the original proposition shall not be debated and no vote taken, *if* a motion to that effect is supported by not less than one third of the Members voting, which means that, as there are 47 of you present, 15 would be less than a third: 16 is not less than a third. So, in a moment, we will put the motion to the vote.

320 If you wish that the amendment be not debated, then you vote *Pour*, if you wish that it be debated, you vote *Contre*. And if 16 of you vote that it... sorry, if 15 or less vote that, no... sorry, if 16 of you vote that it be not debated – 16 or more – then it shall not be debated.

325 **The Procureur:** And are we dealing with both amendments?

The Bailiff: Perhaps we should deal with them separately.

The Procureur: They both go beyond the proposition.

330 **The Bailiff:** They both go beyond and I think we should probably put the vote separately, don't you think, Mr Procureur?

The Procureur: Very well, sir.

335 **The Bailiff:** Because there may be some who would wish to debate one and not the other.

The Procureur: Indeed , sir.

340 **Deputy Ogier:** So, just for clarity, sir, if we are to adhere to the States Assembly and Constitution Committee's advice, we must vote *Contre*?
Thank you, sir.

345 **The Bailiff:** Their advice in an earlier Billet, because we have not heard what their advice might be on – yes, we have heard from Deputy Lowe so, yes.

350 **Deputy Lowe:** All I was trying to say, sir, is that, as Deputy Trott had already said, SACC actually brought this to the States in a slightly different way to what is being proposed, but the principle is very similar: we wished to have open voting for Chief Minister. It was rejected by the States, so what I was saying is that there is nothing changed, as far as the SACC Members are concerned. We would still support the amendments.

The Bailiff: Okay.
Deputy Gollop

355 **Deputy Gollop:** Presumably, sir, if we vote for it not to be debated, we cannot vote on the substance of these propositions, either: they disappear completely?

360 **The Bailiff:** They disappear. Yes, the amendment disappears, the substantive propositions remain.

Deputy Gollop: But not these?

365 **The Bailiff:** Yes, not these. So I think we need to vote separately on them and, as they have been numbered 1 and 2, I suggest that we take No. 1 first.

The motion that I am putting to you is as it is worded in Rule 13(6) of the Rules of Procedure. The motion that I am putting to you is that amendment No. 1 be not debated and no vote be taken thereon. Amendment No. 1 be not debated.

Deputy Greffier, I think we are starting with the South-East, is that right?

370 **The Deputy Greffier:** Voting commences with the South-East, sir.

There was a recorded vote:

Carried – Pour 12, Contre 35, Abstained 0, Not Present 0

375	POUR	CONTRE	ABSTAINED	NOT PRESENT
	Deputy Quin	Deputy Soulsby	None	None
	Alderney Rep. Kelly	Deputy Sillars		
	Deputy Langlois	Deputy Luxon		
380	Deputy St Pier	Deputy O'Hara		
	Deputy Ogier	Deputy Hadley		
	Deputy Paint	Alderney Rep. Arditti		
	Deputy Adam	Deputy Harwood		
	Deputy Brouard	Deputy Kuttelwascher		
385	Deputy Wilkie	Deputy Brehaut		
	Deputy De Lisle	Deputy Domaille		
	Deputy Burford	Deputy Robert Jones		
	Deputy Inglis	Deputy Le Clerc		
		Deputy Gollop		
390		Deputy Sherbourne		
		Deputy Conder		
		Deputy Storey		
		Deputy Bebb		
		Deputy Lester Queripel		
395		Deputy Stewart		
		Deputy Gillson		
		Deputy Le Pelley		

400 Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
405 Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Le Tocq
410 Deputy James
Deputy Perrot

The Bailiff: So, Members of the States, on the proposition that amendment No. 1 be not debated, there were 12 votes in favour, 35 votes against. It did not secure the one third majority, therefore the amendment will be debated.

415 We now need to do the same in respect of amendment No. 2, so what I am putting to you now is a proposition that amendment No. 2 be not debated and no vote be taken thereon:

There was a recorded vote:

Carried – Pour 12, Contre 35, Abstained 0, Not Present 0

	POUR	CONTRE	ABSTAINED	NOT PRESENT
420	Deputy Langlois	Deputy Harwood	None	None
	Deputy St Pier	Deputy Kuttelwascher		
425	Deputy Ogier	Deputy Brehaut		
	Deputy Paint	Deputy Domaille		
	Deputy Adam	Deputy Robert Jones		
	Deputy Brouard	Deputy Le Clerc		
	Deputy Wilkie	Deputy Gollop		
430	Deputy De Lisle	Deputy Sherbourne		
	Deputy Burford	Deputy Conder		
	Deputy Inglis	Deputy Storey		
	Deputy Quin	Deputy Bebb		
	Alderney Rep. Kelly	Deputy Lester Queripel		
435		Deputy Stewart		
		Deputy Gillson		
		Deputy Pelley		
		Deputy Trott		
		Deputy Fallaize		
440		Deputy David Jones		
		Deputy Laurie Queripel		
		Deputy Lowe		
		Deputy Le Lièvre		
		Deputy Spruce		
445		Deputy Collins		
		Deputy Duquemin		
		Deputy Green		
		Deputy Dorey		
		Deputy Le Tocq		
450		Deputy James		
		Deputy Perrot		
		Deputy Soulsby		
		Deputy Sillars		
		Deputy Luxon		
455		Deputy O'Hara		
		Deputy Hadley		
		Alderney Rep. Arditti		

The Bailiff: Well, Members, the votes on the proposition that amendment No. 2 be not debated were 12 in favour, 35 against, so the result is the same as it was with amendment 1. The motion is lost. Amendment 2 shall be debated.

460 What I propose is that amendments Nos. 1 and 2 both be taken together, but I would suggest that they be taken separately from general debate, in other words that we have a debate now just in respect of those amendments. If people wish to speak on the amendments and in general debate at the same time, they may do so but they will not have an opportunity to speak again later, when we
465 get into general debate. I would have thought that they are really separate and what we should be doing now is debating amendments Nos. 1 and 2 separately from the general debate.

Does anyone wish to speak?

Yes, Deputy David Jones.

470 **Deputy David Jones:** I'll have a pop at it, sir, first. First out the trap!

Last time this came to the Assembly I voted for the openness and transparency that we hope we are going to get today. I can understand those who like the secret ballot, I understand the way that they feel about it. Everybody has got their own personal feelings about candidates who may stand or who may not stand, and the way that we all vote.

475 But I think, in the interest... if we are going to start this new Assembly in an open, transparent way and we are not ashamed of the people that we are supporting – we all know pretty much, I suspect, if the Rule change goes through, or if it does not go through, how we are going to vote – then there is nothing wrong, as a group of States' Members, we have just sworn an oath of honesty and upstanding, that we should make those views known to the public. So I don't have a problem with this.

480 I was really pleased that the Vice Chairman of SACC said what she did. I think that SACC did bring this in the last Assembly, and I was happy to support it then and I am happy to support it now. So, I hope States' Members agree that, when all this is over, that is the way that we should proceed.

485 Thank you.

The Bailiff: Thank you, Deputy Jones. Yes, Alderney Representative Arditti and then Deputy Gollop.

490 **Alderney Representative Arditti:** Sir, I can be very brief on the amendment.

I believe much of what we have to discuss here today is about the difference between our two roles, our role as parliamentarians and our role as politicians. As parliamentarians, it seems to me that we ought to be able to handle a situation where our name is recorded *against* the voting of the new Chief Minister and he, and we, should be able to live with it.

495

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, when I first heard of these amendments my initial reaction was one of hostility and I sent an e-mail round to some or all Members on that theme, because it appeared to be another chapter in the saga of the last fortnight.

500 But Deputy Trott has just reminded us, and myself, that I did, in fact, vote for the open vote for the Chief Ministership and I did not actually for the Ministers, for various reasons. But I did acknowledge the fact that Jersey, in what seems a much simpler process than ourselves, did have that procedure in place just before Christmas and there were no significant after effects, as far as I can determine. I think that, in the particular and peculiar circumstances we find ourselves in, an open vote one way or the other would clear the air and allow us to move forward.

505 It should also be noted, and it has been pointed out to me somewhat ironically that, if we approve these two amendments put forward by Deputy Trott and Deputy Perrot, we are, in fact, changing the Rules and so the argument that we should not choose other rules to go straight into another debate is, perhaps, put in a different context. So I *will* support these changes.

510

The Bailiff: Thank you, Deputy Gollop.

Yes, Deputy Perrot, as seconder to both amendments, you wish to speak.

515 **Deputy Perrot:** Mr Bailiff, I take up the point made by Mr Gollop.

I have seconded both of these amendments, though I am reluctant, in a way, to do so, simply because, in doing that, I am doing what Mr Gollop is talking about, which is trying to change Rules on the hoof. For the purposes of record, I have seconded these amendments simply because of the substantive motion before the House today, which is seeking to change the Rules.

520 *(Applause)*

The Bailiff: For the benefit of people listening, who are not aware of the customs of this Assembly, somebody making a maiden speech is customarily greeted with applause.

525 I think, perhaps, Deputy Perrot made a maiden speech many years ago, but perhaps you are a maiden second time round, Deputy Perrot!

So, anybody else wish to speak on the amendments?

Yes, Deputy Fallaize and then Deputy Brouard.

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

I really just want to ask the mover of the amendment a question. I support the amendments and I commend Deputy Trott and Deputy Perrot for bringing them to the States, because I think that open voting for the internal elections, as Deputy Trott said, I think SACC made the case for that last term.

535 But my question to Deputy Trott is in respect of amendment No. 1. I just wonder how he envisages the mechanics of it working if we have to vote by *appel nominal*. If we have more than one candidate, does he envisage that we will go around the Chamber and call out the surname of the candidate who we wish to vote for and, in the event that we have *one* candidate, does he envisage that we will go around the Chamber voting either *Pour* or *Contre*, or *Je ne vote pas*, or whatever is? The mechanics of it seem to me... Actually, when SACC proposed open voting...
540 Have I suddenly moved into stereo?

The Bailiff: No, I think the Usher just put up a card, saying that no sound is getting through to the broadcast.

545 I don't know, it's just started. But, perhaps, if you just pause.

Mr Martel, can you just check and see. I don't know whether you wish to pause, so that those listening can hear what you have to say, or whether you wish to continue.

Deputy Fallaize: No, I'm sure they are not particularly interested, sir. (*Laughter*)

550 Actually, those listening may not be interested, either! When SACC came to the States with their proposals, their proposal was that we would vote on voting slips and then, effectively, those voting slips would be published, or the Greffier would publish the list of those Members who had voted for which candidate.

555 That is quite a different process from going around the Chamber and calling out... For example, you, sir, would call out my surname and then I would shout out Le Tocq or whoever the candidates are. And I am a little bit concerned that does seem to me slightly unparliamentary but, nonetheless, if Deputy Trott can satisfy me that the mechanics of this can work, I think the principle of open voting is very sound and, therefore, I will support the amendments.

560 **The Bailiff:** Just to confirm, I have been advised the broadcast is now live.
Does anybody else wish to speak? I'm sorry, yes, Deputy Brouard.

Deputy Brouard: Thank you, sir, Members of the States.

565 We do not have a proper executive, we do not have a party system. If we had a party system and we had a candidate, you would be a Conservative or a Liberal, whatever it is, and you had a person that you were putting up, you would all vote in a particular way, you would know who the candidates are.

570 We have parties and we have groups, but those groups wax and wane over different issues. You have a different group on health, you have a different group about whether there is paid parking, we have a different group in favour of closing Beau Séjour, you have a different group in favour of T & R doing something, and these groups move around, so you need to work with people, not in stereotypes – you use different people, their talents, in different ways for different projects. And I think it's *really* important that we use that talent.

575 Now that will be overshadowed by 'You voted for me, you didn't'. I think there is a very good reason why we have secret ballots and it has been going on for centuries. We have had it for our electors: when they vote for us, they vote for us by secret ballot, we don't ask them to name who they put forward. I think it would add an extra layer of complexity and would start to fractionalise the States more than it needs to be.

580 Voting for a Chief Minister, they will know whether they have got enough votes or not by the end, there is no trouble there. So I think it will just add another layer of complexity to the matter and I would ask Members to seriously consider leaving matters under a secret ballot. It is between your conscience how you vote, how you have told other people you are going to vote, and I think we will just add another layer of complexity which we don't need, because we all need to work together in different ways at different times. Just knowing that you voted for him there, or did not vote for him there, we don't need it.

585 It is much better not to know. You know whether you have got that job or not and you know how many votes you had. So, please, leave the system well alone for the time being.

Thank you, sir.

The Bailiff: Yes, Deputy Ogier.

Deputy Ogier: Thank you, sir.

New Members are going into this argument, really, without the benefit of a States Report or a presentation on the topic, or any information other than the partisan arguments that will be heard today. I just think, whatever the merits one way or another, this is not the way to change the Rules.

We need to ask ourselves what we gain, and what we lose. On the gain side we see who voted for whom, the electorate see who voted for whom, it is open and transparent. And, presumably in time, that will be extended to Jurats' selections and Ministers' elections. The Island should see how their elected representatives are voting is the theory, and you cannot shy away from that once you have started the process.

So what do we lose? Well, I think there is the potential – and, actually, more than the potential – for such openness to affect the relationships between Members and affect Government itself. I have seen an obvious candidate for a Department not being put forward for that Department by the Minister because that candidate proposed a competing Member for the post of Minister. It was no longer about the best candidate for the job, it was about who voted which way and who proposed who. I have seen that in this Chamber.

Now, I know this is not about Ministerial elections, but it is not beyond a fevered imagination to see that some potential Chief Minister might decide that whether or not people voted for him and her would colour their choice of Minister. Prospective Chief Ministers might attempt to get their Policy Council team together before they are elected with an 'Elect me and I will put you forward for this Ministry'. Of course, this can happen now, but no-one can really be sure which way people vote, as people are able to vote according to their conscience and not according to pre-prepared block voting.

Any successful Chief Minister might be able to look at those who supported him or her and plan their team accordingly, something we are free of currently, and something which runs an unnecessary risk, a team of everyone agreeing with the Chief Minister, or a team of everyone agreeing with a Minister, a risk of patronage and a risk of factionisation. We are not in politics, we all have to get on and we do, in the main, without relying too much, too often, on personality politics. Now, the USSR always had open voting: because the leadership liked to know who had voted in a particular way. All attempts to move to a secret ballot in the Soviet Union failed to be successful because leaders wanted to know which way the membership had voted. Now it seems to me that, in a perfect world where we have 47 strong assertive Members, who all make decisions not for personal advancement but on the best person for the job, with people who pick the best people for the job and not on the basis of voting patterns, or a Chief Minister who picks a team based on the best people for the job and not on the basis of giving consideration to how people voted, then publishing votes would have no effect.

It would be interesting, I agree, to see who voted for whom, but we may not live in such a perfect world. If we *do* live in such a perfect world currently, we cannot guarantee such a perfect world in the future. Now I want Members to vote for who they think will do the best job. I do not wish Members to have to consider, well, if I vote for that candidate for Chief Minister they might not put me up for a particular Department. That is just human nature, it is the situation that people find themselves in on occasion, and it is not a consideration currently, but it would be. I don't want to think, 'Well, if I don't vote for Deputy St Pier for Chief Minister, then he won't put me up for a job at Treasury and Resources', so I would have to support him. And I hope you can see that I am using examples not based in reality!

Deputy St Pier: Hear Hear! (*Laughter*)

Deputy Ogier: Those considerations should not come into it, but they would, if the votes for Chief Minister were published.

You inject a hitherto missing chunk of politics into our political system and I think our system of government is better off without it. I won't make rules for a perfect world when we do not live in one. This is not about openness and transparency, it is about knowing who voted for whom and that affects the political scene itself, in my view.

You can choose to decline this amendment and then go on to support the SACC Report today. It is obviously not about principle and procedure.

I do not support this amendment and did not support it last time. I urge Members not to subject this Assembly to the sort of politics such a system of voting will engender, and I want Members to let Members continue to vote through their consciences.

650 **The Bailiff:** Does anyone...?
Yes, Deputy Storey.

Deputy Storey: Thank you, sir.
I think this gives me a bit of a dilemma and I think it might apply to a lot of other Members, as well, because, on the one hand, we are saying there ought to be openness and people should be open about what they are doing. But, for me, it is the *process* that should be open: we should know how the Chief Minister has been elected, not necessarily who voted for who.

660 The main point I also think that is really significant – and that is why I voted to debate this matter – is because I think it should have been debated, but I do not think we should be changing the Rules on the hoof exactly before we are going to actually exercise the process we are discussing. I think that these matters are quite important and they *can* affect relationships within the States and I think that we should not be voting on this. We should not be agreeing to change the Rules on the hoof, now, without proper consideration, mature consideration, with appropriate time to think about it. The States in the previous term voted against these changes, and that was after a 4- to 5-week period to consider the changes that were being proposed.

665 So, whilst I am for openness, especially about the openness of process, I do not think that we should be making decisions today to change the Rules on the way we elect people without giving it proper and due consideration, before we actually come to vote. So although I voted to have this matter debated, I shall, in fact, be voting against the change, because I do not think that we have all had sufficient time to consider the changes that are being proposed, maturely and properly, or to consider the unforeseen circumstances that might emanate from those decisions. So I will be voting against the amendments.

675 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.
As I said earlier, I will actually be supporting these amendments. Deputy Fallaize is right, I think it is going to be dependent as well, really... I would be interested to hear what Deputy Trott is going to say about how he envisages this to actually happen.

680 But I am a huge supporter of open voting. I believe we should have open voting for the Chief Minister, the Ministers and, indeed, members of the Departments and Committees and Committee Chairmen. I think the whole lot should be open.

685 Why do I say that? I think it is because we are adults and we should be able to say to somebody ‘I like you, however I don’t think you are appropriate for that job’. That is accountability, that is being open with people and that also brings in trust, because we have a situation... I was in that situation probably about 10 years ago, 12 years ago. I was keen to have a position and I asked States’ Members whether they would support me or not. So I had 29 say to me ‘I will support you’ and 15 said they would not. When the vote came through, I lost it big time, so I asked the 29 who said they supported me, and every one still said they voted for me.
(Laughter)

690 Every one! Every one of them did it! So, you know, that gives a sense of, well, who can I really trust? Because if you can’t be honest with me and tell me if you voted for me or not, how can I trust if you are being honest about other things? But you are here, as responsible people, to make responsible decisions. So I have no problem about all open voting, regardless of what the position is, and we will get rid of the personality politics, we will get rid of the cloud.

695 I understand exactly what Deputy Ogier is saying, because that *has* happened in the past: ‘If you don’t vote for me, I won’t vote for you!’ I have seen it and witnessed it and been approached by it. But I always believe you should be honest with people so, therefore, I will support this amendment. And I hope that, in time to come, in the not too distant future, we will have it for exactly what I was saying – for Jurats right across the board – that we will actually be able to start trusting people in being honest with one another. It is not a problem. Honesty should not be a problem, it should not be a hindrance, either.

705 **The Bailiff:** Does anyone else wish to speak?
Yes, Deputy Lester Queripel, this will be your maiden speech.

Deputy Lester Queripel: Thank you, sir.
I will probably never stand up here ever again, so it would be a shame to waste the opportunity! (Laughter)
710 I am going to take this opportunity to relay to you my thoughts. In my naiveté, I rather hoped

we were going to avoid the question of whether or not we are willing to really be accountable and transparent because, like many on the doorstep, that was a big issue. The electorate really do want to see accountability and transparency.

715 I think that, if we are going to really send out a clear message to the electorate that we *are* prepared to be transparent and accountable, this is the time to do it. But I fully concur with Deputy Lowe, I think every vote should be an open vote.

Those are my thoughts, sir, and I thank the House for listening. (*Applause*)

720 **The Bailiff:** Yes, Deputy Langlois.

Deputy Langlois: Sir, I will be consistent in this and I will be voting against the amendments, like Deputy Storey and Deputy Brouard, for reasons I have explained before – and I will not bore people yet again with them – to do with the ongoing management of groups and so on.

725 But I think that the matter that Deputy Fallaize has raised is particularly important here and I would like to hear the proposer's take on the possibility that one of these amendments could be passed and the other one not passed, and that is that if we go for what is effectively a compromise solution, of saying that there will be a secret ballot at the time, in other words it will be done by voting slip, but the results are published, that would seem to me to be a far more sensible arrangement because, having seen, having sat in this place for four years and for the first two years
730 being in St Peter Port South, always being the fifth person to vote, you are sticking your neck out every time.

There was a very beneficial vote that went through that meant that the starting point in the vote circulates so, for example, I understand today Deputy Soulsby has the honour of leading the way in that sense, and we don't always end up with the Alderney Representatives sitting there on
735 tenterhooks, wondering whether they are going to decide the whole future of the Island or not, sorry, the Bailiwick or not. I am not suggesting anything improper here, but there is a reality, a certain reality, as the vote goes on, that you know which way the wind is blowing and all sorts of calculations do go through people's heads, however honest and honourable they set out to be. So, whilst, if we have to go for this particular transparency, which I can fully understand the
740 arguments for and accept, I do think we should take the option of voting by slip and then those votes being published at a later stage – so that we can be *seen* not to have been influenced by other votes earlier on.

745 **The Bailiff:** Yes, Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

Over recent weeks there has been much fuss and hullabaloo made about changing Rules or suspending Rules on the hoof. How bizarre that the first thing we did in this Assembly was to
750 suspend a Rule and change it because it was common sense to do so and it was the Order of Business.

This Assembly regularly suspends Rules of Procedure. I can think of at least half a dozen recent events and it was never even reported. I find that quite bizarre. One could argue that these two amendments are even more on the hoof than the Billet published, because I only first read
755 them last night at about half past ten on my computer. Nonetheless, I am happy to support them, because I supported those propositions in the last Assembly, so don't start fussing about whether it's on the hoof or not: you will have to make on the hoof decisions about our Rules and Procedures regularly over the next four years because it comes up all the time.

It came up a couple of times when we did not finish business on the Friday. Normally, we conduct business two weeks hence, the following Wednesday. That has been suspended at least
760 twice because it did not suit some of the Members, which then put some of the other Members in a compromised position because they could not make the *new* date. And so it goes. So no more arguments about 'on the hoof', please. That is a complete nonsense. Most of the suspension of the Rules are done on the hoof and they do not even have a debate.

765 We did not really have a debate today about whether we should change the Order of Business, although there was one *Contre*, I believe. That's the way it is.

The question for me is, are these changes sensible for our current situation, and I think the two amendments that have been added by Deputy Trott are. They are fine by me and I will be happy to support them.

770 Thank you, sir.

The Bailiff: Does anyone else wish to speak?

No. In that case, Deputy Trott, do you wish to reply to the debate on the two amendments?

775 **Deputy Trott:** Yes, please, sir. So I will deal with the matters in the order in which the Members spoke.

Deputy Jones gave us the benefit of his 12 years of experience in this Assembly and asked Members to support the amendments. Alderney Representative Arditti believes a parliament should not be afraid to openly declare its support, and Deputy Gollop, sir, has changed his mind, always a sign of a good parliamentarian. *(Laughter)* Always a good sign, sir.

780 Now, Deputy Fallaize supports the amendments but did ask about the mechanism, and I was a little surprised when he asked the question because there was an explanatory note which, having re-read, does seem fairly obvious to me, but I shall read it for the benefit of those in the Gallery and those listening at home, sir:

785 ‘Rule 20(2)(a) provides that where in any election the number of candidates exceeds the number of vacancies voting shall be carried out by secret ballot. The effect of this amendment is that members will be invited to name the candidate of their choice in the same way as for a normal *appel nominal*...’

790 Now, with *appel nominal* Members are asked to vote *Pour* or *Contre*. In this case, sir, they will be asked, if there are only two candidates, to vote Le Tocq or Harwood – a fairly simple process. They could also abstain, if they wish.

795 But where this amendment becomes *particularly* significant, as I said in my opening remarks, is if there is just one candidate, because the last thing my friend Deputy Le Tocq would want is to be elected by this Assembly unopposed. It was, after all, sir, his main reason for challenging me. And it would be wholly unfair for this Assembly, not to make clear to him the level of support that he had. It would be wrong, sir, for him to go away from this Chamber, believing that unanimity reigned. He needs to know exactly where he stands. There is no other mechanism, other than via this amendment, to arrive at that conclusion. I am glad to see that my friend Deputy Fallaize is nodding, sir, in agreement.

800 Now, Deputy Brouard prefers the *status quo* and, in doing so, sir, he rejects the openness and transparency demanded by our electorate – he rejects the openness and transparency demanded by our electorate – and that saddens me, I have to say.

805 Deputy Ogier was worried about how this would all transpire and, again, in my opening remarks I drew on the benefit of the States’ report that the States Assembly and Constitution Committee submitted recently, which reminded us that there has been no negative fallout as a result of mechanisms similar to these being employed for the election of Jersey’s Chief Minister, which was a very close run thing. Members will remember that Senator Ian Gorst prevailed by a single vote, but the people of Jersey are well aware who voted for whom.

810 So Deputy Storey: well, Deputy Storey voted *Pour* last time, so I was rather surprised by his comments today, but respect them nonetheless. He stated the previous States voted against the changes to the voting process. Well, technically speaking, they did not. The previous States tied 20:20, with 7 absent. Now, under our Rules, of course, a majority must prevail to bring about a Rule change, but they did not vote against them because the vote was tied.

815 Now, Deputy Lowe, sir, supports both amendments. I am grateful to her.

I think Deputy Lester Queripel, in making his maiden speech, summed up the mood not only in this Assembly, but more, I think appropriately, in our community, when he said the electorate want to see transparency and accountability. He is absolutely right: these amendments provide for that.

820 Deputy Langlois fears Members will be influenced by others voting. Well, one could argue that that is slightly disingenuous to the new Members, but I can tell you now, sir, none of the old Members will be influenced by how others vote. They will have reasoned their... or come to their conclusion, as to who to support, based on the hustings last night and, indeed, the speeches that we will hear later from the proposers and, indeed, from them themselves. So if you, as new Members, genuinely believe that you will be influenced by how others vote, well, then reject these amendments, but I do not believe for a moment you will. You have been through the rigour of a General Election and I am sure, know your own mind.

825 Now, Deputy Kuttelwascher, sir, does support these amendments, but was a little concerned that I was bringing them, and was seeking a Rule change, and that that in itself was unpalatable to him.

830 There is a *fundamental* difference between these amendments and the other Rule change, and the fundamental difference is that many have argued the other Rule change favours, potentially, a single candidate. *These* amendments favour *neither* candidate. They are fair to all. I say ‘fair to all’ because there is still a chance that this could be a 3-, 4- or 5-way race, but my 12 years in politics

does lead me to the conclusion that is unlikely. I suspect it will be a 2-horse race.

So, sir, in voting for, I think that is everybody – let me just double check. Yes. In voting for the *appel nominal*, amendment No. 1, you ensure that, if there is a single candidate, you will be able to express... well, it would appear that the advice of Her Majesty's Comptroller and Her Majesty's Procureur may differ on this occasion, but my understanding of it, sir, is that, if it is a single candidate and we go *appel nominal*, you vote *Pour* or *Contre*. If it is two candidates and we go *appel nominal*, you vote for whichever candidate you prefer. But, on the other amendment, amendment No. 2, you will be able to disguise your vote initially, but the vote will be recorded and placed on public record at a later date. In either event, sir, the vote will be transparent and our community will know who we supported.

I ask Members to support *both* amendments.

The Bailiff: Thank you.

Mr Procureur do you just wish to clarify something?

The Procureur: I would clarify – and it may be that using the word 'clarify', perhaps the amendment which Deputy Trott refers to as No. 1, does clarify the position, if there is any doubt.

My advice to the Assembly, however, would be that, under the present Rules, if there is only one candidate, you would initially say those in favour, *Pour*, those against, *Contre*, and at that point any Member may ask for an *appel nominal*. I think that is the legal position under the present Rules. But if there is any issue about it, certainly the amendment No. 1 would make that abundantly clear.

The Bailiff: Deputy Trott.

Deputy Trott: May I challenge that, because the normal process in this Assembly is to call for an *appel nominal* at any stage in the process. You do not have to wait for the open outcry vote or, indeed, for you to determine whether the vote is close enough to justify. Any Member has the right to call for a recorded vote at any stage in the process.

The Procureur: That is absolutely right, sir, but... yes, a Member may call for an *appel nominal* where there is only one candidate for an election. If no Member does at that stage and if you put it for *Pour* or *Contre*, then a Member may, pursuant to rule 14(2), at that point call for an *appel nominal*.

The Bailiff: Thank you very much.

Yes, Deputy Langlois.

Deputy Langlois: Sir, could we just, for absolute clarity, confirm from Her Majesty's Procureur that if we reject amendment No. 1 but accept amendment No. 2, the procedure would be to vote by voting slip and then the results would be published as soon as possible afterwards.

The Bailiff: That is my understanding.

The Procureur: That is the position, sir, yes.

The Bailiff: Thank you.

The Procureur: The proposal in the SACC Report was that it would be posted on the States' website and posted physically in the Great Hall by the Greffier as soon as possible.

The Bailiff: Thank you.

Deputy Fallaize.

Deputy Fallaize: Sir, may I just ask the Procureur, does that apply in the event of a single candidate, as well?

The Procureur: No it would not apply in –

Deputy Fallaize: So the only way of having a recorded vote in the event of a single candidate is to vote for amendment No. 1: is that correct?

895

The Procureur: No, what I am saying is that, under the existing rules, if there is only a single candidate, any Member can call an *appel nominal*.

900

Deputy Fallaize: Okay, so there is no provision, in the event of a single candidate, for us to vote by voting slip and then for those results to be published.

The Procureur: No, there is not.

905

The Bailiff: No, no. Is anybody requesting that this be by recorded vote?

Deputy Trott: Yes, sir.

910

The Bailiff: Yes, Deputy Trott. Yes, sorry. Right, so then we go to the vote on amendment No. 1.
That is the amendment that proposes to insert, at the end of the words in sub-paragraph (2)(a):

‘except that for the purpose of the election of a Chief Minister, voting shall be by *appel nominal*’.

915

Greffier.

There was a recorded vote.

Carried – Pour 27, Contre 20, Abstained 0, Not Present 0

	POUR	CONTRE	ABSTAINED	NOT PRESENT
920	Deputy Soulsby	Deputy Quin	None	None
	Deputy Sillars	Alderney Rep. Kelly		
	Deputy Luxon	Deputy Harwood		
	Deputy O'Hara	Deputy Langlois		
925	Deputy Hadley	Deputy Robert Jones		
	Alderney Rep. Arditti	Deputy Sherbourne		
	Deputy Kuttelwascher	Deputy Storey		
	Deputy Brehaut	Deputy Bebb		
	Deputy Domaille	Deputy St Pier		
930	Deputy Le Clerc	Deputy Ogier		
	Deputy Gollop	Deputy Duquemin		
	Deputy Conder	Deputy Dorey		
	Deputy Lester Queripel	Deputy Paint		
	Deputy Stewart	Deputy Le Tocq		
935	Deputy Gillson	Deputy James		
	Deputy Le Pelley	Deputy Adam		
	Deputy Trott	Deputy Brouard		
	Deputy Fallaize	Deputy Wilkie		
	Deputy David Jones	Deputy De Lisle		
940	Deputy Laurie Queripel	Deputy Burford		
	Deputy Lowe			
	Deputy Le Lièvre			
	Deputy Spruce			
	Deputy Collins			
945	Deputy Green			
	Deputy Perrot			
	Deputy Inglis			

950

The Bailiff: Members of States, the result of the vote on amendment No. 1 was 27 in favour and 20 against. I declare the amendment carried.

Now, Mr Procureur, you are suggesting that we should not put No. 2. I am not sure the two are in conflict, are they?

955

The Procureur: Well, the amendment No. 1, which has just been carried, has the effect that – I am stating the obvious here – in election of the Chief Minister, you go round, starting with Deputy Soulsby and people say who they are voting for. Now, if you then carry an amendment which says we are going back to the system of secret ballot, except that we will publish the results –

960

The Bailiff: As I understood it, that is all that it does. It then says that the Greffier must publish a list: it is not saying you go back to secret ballot, but it just requires the Greffier to

publish a list.

The Procureur: Well, no, it will go back to a secret ballot.

965 At the time of voting, Rule 20 (2)(a) will then say where there is more than one candidate, voting shall be by secret ballot, save that in elections for the Office of Chief Minister the Greffier shall publish as soon as possible thereafter the list detailing the vote passed by each Member of the States. So you *are* then going back to a system... It won't be secret for very long.

970 **The Bailiff:** I mean, both of them add words at the end of sub-paragraph (2)(a). I suppose it depends which one goes in first and which one goes second.

Deputy Trott: Sir, I am of the view that the second amendment is now redundant. It was there in an amendment, in an e-mail I sent to all Members yesterday; it was presented as a choice. You either vote for full transparency or partial transparency.

975 Clearly, what has happened is that this Assembly has voted for full transparency and they are to be congratulated on it.

The Bailiff: Right.

980 **The Procureur:** You could add those words, after the words that have already been added. (**The Bailiff:** Yes.) The meaning would have been entirely different and actually not of very much consequence because the votes having been cast *viva voce*, if the Greffier publishes a list, he publishes a list.

985 **The Bailiff:** So, we simply withdraw amendment No. 2?

Deputy Trott: Yes.

The Bailiff: Yes, should I put that to the States, to see if they agree.

990 Do you agree that amendment No. 2 now be withdrawn? Those in favour; those against.

There is a majority in favour of withdrawing it. So we withdraw it. Right, that deals with the amendments.

We now come to general debate on the substantive propositions in Billet XIV containing the States Assembly and Constitution Committee report.

995 Yes, Deputy Storey to speak first.

Deputy Storey: Thank you, sir.

I believe it was His Excellency, but it might have been you, who said that he was looking forward to short and lively speeches this term. (*Laughter*)

1000 I apologise to him in advance for disappointing him from the start, but I consider last week's what I consider 'manipulation' of State process too serious for brevity or, sir, for levity. I am, as in the last term, following some very good advice that I received from Deputy Jones: say it how I see it. And that is exactly what I intend to do, sir.

1005 I strongly believe that the Guernsey form of democracy is the best that I have come across. This heritage of ours needs to be protected because I believe it is being threatened by a form of party politics. Now, we all thought we would be here today, following our election, to exercise a free and thoughtful vote for a Chief Minister.

1010 As I see it, a small group of Deputies have hijacked the situation and painted us all in to a corner to the benefit of none and to the embarrassment of this Assembly. This group have damaged the reputation of this Assembly, in my view, before we have even met, and the repercussions will be felt throughout this term. And then we have been told publicly by Deputy Hadley, that if we don't vote to change the Rules of Procedure in the way that *he* wants, we must all be stupid. (*Interjection by Deputy Hadley*)

1015 **The Bailiff:** Deputy Hadley

Deputy Hadley: On a point of order, sir, I have already stated publicly, and by e-mail, to all Members of this Assembly, that that was quoted out of context, it was in a conversation which was reported in full. It was an unfortunate choice of words and I withdrew that immediately, so there is no point in repeating that in this Assembly.

1020

1025 **Deputy Storey:** Well, I was interrupted before I continued, so if I may continue, sir. He stated publicly also that he had voted without, he had stated, sorry, – and that was despite the fact that he himself had voted *against* this very change not long ago. He has stated publicly that he had voted without thinking. Well, sorry, Deputy Hadley, that is what we are here for, to think.

The Bailiff: Through the chair, please.

1030 **Deputy Storey:** Sorry, sir, I am tempted to ask who did the thinking for him last week. But seriously, I hope we all have our thinking heads on today, because we need to be thinking quite clearly about what is happening.

1035 Now, sir, I would like to refer in detail to the Billet before us today, and how this conforms, or does not conform, to the precepts of good governance. First of all, the frenetic activity on the e-mail network since the election has been orchestrated, in my opinion, by a few, but it has involved us all. This has been a concerted attempt to influence our opinions before we meet here today. This, I suggest, is not deliberation. This has not been an open and transparent Government process. How is this good governance, I ask?

1040 The rules of Procedure have been debated seven times during the last term, and this particular Rule, Rule 20(2A), was last debated last April, at which meeting the Assembly voted by a significant majority to reject the proposal to remove the 4-years qualification, as they felt that a term's experience in the States was *essential* to being able to perform the duties of Chief Minister effectively.

1045 All these debates were held with 4 to 5 weeks' notice. This gave plenty of time for thoughtful consideration of the proposal prior to the debate and the vote. This time we have had less than a week, and half of this new Assembly here today does not have the benefit of the previous debate.

Good governance means taking well considered decisions, based on all the relevant facts: in this case, most of which have come courtesy of the *Guernsey Press*. How is this good governance?

1050 Now, if we turn to page 1998 on the Billet, we see the names of the States Assembly and Constitution Committee who we assume are presenting this Report. We have been told, and we know, that the Committee met at short notice and that, unfortunately, the Chairman was absent from the Island, and one other Member, Deputy Shane Langlois, like the Chairman, did not know of the meeting until after it had finished. Is *this* good governance? So the Committee met with only three members present, Deputy Mary Lowe, Deputy Tom Le Pelley, and Deputy Matt Fallaize.

1055 I am given to understand Deputy Fallaize already intended to nominate Deputy elect Harwood if the proposal they were framing was passed by this Assembly today so, in fact, his candidate would benefit from the change. It is quite clear to me, that Deputy Fallaize had a conflict of interest. But he did not declare this and withdraw from the meeting.

1060 The Deputy Chairperson –

Deputy Lowe: I'm sorry to interrupt, sir, because, clearly, that must be a pre-written speech and before Deputy Storey heard my opening speech.

1065 I made it *very clear* that Deputy Fallaize declared at the beginning of that meeting that he would be proposing Deputy-elect Harwood, and he said it again during the meeting, and, regardless that two Members were not available, sir, the majority were there and they voted unanimously: no different to any other meetings that take place outside this Assembly.

1070 **Deputy Storey:** Sir, I challenge what has been said there because, in fact, what I said was that Deputy Fallaize had a conflict of interest but did not declare this and withdraw from the meeting.

1075 In my opinion the Deputy Chairperson should have ensured that he did withdraw. It is clear to me that he should not have been present for the Committee's discussion, let alone vote on the matter at the end of the discussion. That was the normal procedure that would follow in any other normal Committee meeting and I feel that this normal procedure was not followed, perhaps because Deputies Lowe and Fallaize would not have been able to fulfil their own personal agendas.

1080 I suggest that *this* procedure was not good governance. Sir, good governance is not just about presenting a report on the subject to this Assembly as Chairman of the Joint Committees' Working Party, it is about the way you act and carry out your duties. The Committee has effectively, in my opinion, thrown out the baby of good governance, reputation and integrity, with the bath water, for their own convenience and has, thereby, made politics more important than sound government.

We all knew the rules when we stood for election, we have been elected to govern, not to play playground politics, this is just wasting taxpayers' money. The candidates, like the rest of us, have

been dealt an impossible hand. What has happened will affect us all for the next four years, and seriously inhibit consensus Government.

1085 I must say that I feel ‘mugged’ for my vote, but I am reminded of words attributed to Sir Thomas More, who was Lord Chancellor to Henry VIII and, if I can paraphrase these words: ‘the rules and conventions’ – that is the laws – ‘are what hold a civil society together. If we alter these rules and conventions for the convenience of one man, the State and all its citizens are imperilled’.

1090 I would like to repeat that, if I may, sir, ‘the rules and conventions are what hold a civil society together. If we alter these rules and conventions for the convenience of one man, the State and all its citizens are imperilled’. Perhaps, sir, that is something to think about.

The Bailiff: Deputy Lowe.

1095 **Deputy Lowe:** I am sorry to jump to my feet again, sir, but I think I need to nip this in the bud yet again, by correcting Deputy Storey, who obviously did not listen to my opening speech.

There were no hidden agendas by members of SACC. SACC were approached by the Law Officers, Her Majesty’s Procureur, following many of the Deputies and Deputies-elect who had spoken with the Law Officers and, on the advice of the Law Officers asked if SACC would meet to actually consider an emergency Report. It did *not* stem from the Members of SACC, and I ask Members to please remember that was actually what was said in the opening speech. This is about process and about the right route to go.

1105 **The Bailiff:** Deputy Storey.

Deputy Storey: Sir, I feel the Lady doth protest too much. (*Laughter*)

Alderney Representative Arditti: Sir, if I may ask a question?

1110 **The Bailiff:** Is this a speech?

Alderney Representative Arditti: No, I have got one, (*Laughter*) and I would like to speak afterwards, if you will allow me, but I am puzzled and I wondered if I could ask a question.

1115 **The Bailiff:** Well, we do not normally have provision, under the Rules, for people to ask a question. If you wish to raise a point of order or another –

Alderney Representative Arditti: Well, may I raise a point of order, sir?

1120 **The Bailiff:** Well, if it is a point of order, but if it is not, no. (*Laughter*)

Alderney Representative Arditti: Shall we have a bash and see if it is? (*Laughter*)

1125 **The Bailiff:** I think I was going to call Deputy Laurie Queripel, who has been waiting to make his maiden speech. Can I suggest that perhaps I call him, then if you wish to make a speech after him, you can do that and ask the question as part of your speech?

Alderney Representative Arditti: Thank you, sir.

1130 **The Bailiff:** Thank you.
Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

1135 Mr Bailiff, Assembly colleagues, I will commence these words with my own statement of intent. I simply abhor and detest personality politics (**Members:** Hear Hear.)

This divisive and negative tactic will play no part in my political deliberations. I have a due respect for every Member of this Assembly. There will be times when we disagree, indeed we may have completely different political philosophies but these things should stay in the professional political arena. I have immense respect for both Deputy Le Tocq, a current candidate in the Chief Minister’s election and Deputy Trott, who has, for now, withdrawn as a candidate. Both Deputies are most able politicians and will, I am sure, whatever happens here today, play key roles within this Assembly over the next four years.

Now, sir, when this flurry of e-mails was being exchanged between Members the weekend

1145 before last, I read and considered them very carefully. I made my contribution towards the back end of all this activity. These are a few of the points that I made in that e-mail. Firstly, I applauded many of the sentiments in Deputy Trott's statement of intent. He wanted the whole process to be transparent, no behind-closed-doors-deals, for example. He himself called for a change of procedure, by saying that the vote should be a matter of public record, and not via secret ballot.

1150 I also said, sir, that my prime concern was making sure that the best possible processes were in place in order to best serve the interests of Guernsey and, indeed, the Bailiwick. With that in mind, sir, to effectively sideline people of true calibre and ability for four years, based upon a technicality, seemed unwise to me.

1155 Sir, in my first few days as a Deputy-elect, and now a Deputy, I have already come to realise that perceived truth and actual truth are, very often, two different things. This attempt to change the Rules of Procedure will to some look shabby and conveniently timed, and I can understand that point of view. I have received e-mails and calls from parishioners and some express that very view, but others – and they are in the majority – are saying this is right, this is what we voted for: we voted for change. So I have come to realise, sir, that what may be perceived as unethical by some can also be politically correct.

1160 If I allowed my heart to rule my head, I may resist these proposals. I have many times, over the years, sat in the public gallery, observing States meetings, heard that emotion should be taken out of debate, so I have filtered my thoughts through my political mind, my political intellect. And it is with some heaviness in my heart that I have come to the conclusion that it is politically correct, politically expedient, to support the proposals that SACC have laid before us.

1165 But I would urge my Assembly colleagues sir, whatever transpires from this debate, we must move on. Our top priority must be to work collectively and effectively on behalf of the people of the Bailiwick. We are meant to represent a new dawn in local politics, not a *false* dawn. So at this moment I will be voting in favour of the rule change but I will listen to the debate very carefully.

1170 Thank you, sir. (*Applause*)

The Bailiff: I perhaps echo those sentiments and suggest that, in this debate, people do concentrate on the process rather than the personalities.

Thank you Deputy Queripel.

1175 Deputy Arditti, do you wish to speak now?

Alderney Representative Arditti: Sir, thank you very much.

I wonder if I can just start by asking the Procureur exactly what was his involvement in the instigation of this SACC Report.

1180 I have been working on the basis that it is our Parliamentary Committees and our Departments and our Policy Council who bring Reports to this Chamber for debate. I *fully* appreciate the value of the Procureur's advice to all three of those creatures but Deputy Mary Lowe *seemed* to be suggesting that, in some way, the SACC Report before us now was instigated by the Procureur.

Is that right?

1185 **The Bailiff:** Procureur.

The Procureur: I am very pleased to have a convenient opportunity to clarify the role of the Crown appointments in this process.

1190 What is important, Members of the Assembly, is that if it is the will of the majority of the Members of the Assembly that a decision be made, that the mechanism is put in place for that decision to be made. I was approached over the weekend prior to that SACC meeting, by a Member who I will not name, who asked me about the procedure for what he called 'suspending the Rules', in order to allow candidates, who would not otherwise be qualified, to be put forward for Chief Minister position.

1195 I advised that Member that it was really technically quite difficult, but if there was a groundswell of States' Members support for it then, of course, my job was to find a way of doing it. The Member assured me, by the Sunday evening, that there was such a groundswell of support: he did not know whether there would be a majority but he was certain there were others of the same view as his. I set about trying to see how this could best be facilitated.

1200 I met with the Bailiff, sir, I met with you, and I think it may be that one of the Greffiers was with us at the time. I had an idea of how it might technically be got before the Assembly, but it was somewhat difficult because there was no ordinary proposition before the Assembly on which one could move an amendment or a proposal. We discussed it and the collective idea which emanated was well, of course, if a Committee of the States were to ask for a proposition to be put

1205 in those terms within a Report, then the Bailiff indicated that he would be prepared to consent to an emergency Billet. The obvious Committee of the States to do that, because it had already put that proposition to the States and it is the business of that Committee, was SACC.

Those are the circumstances in which I approached the Vice-chair of the Committee, because I had been advised that the Chair was overseas at the time, purely to facilitate the debate which is now taking place.

Alderney Representative Arditti: Thank you, sir. I am obliged to the Procureur. He has fully answered my question.

1215 I think the relevance of his answer to what I am about to say is that he took the view – and others – he shared the view that if a Committee of the States were to ask – and that is the important thing, this Report has been brought by SACC to the Assembly, it is SACC’s recommendation, and it is to SACC and the Assembly that I will now, sir, with your leave, address my comments.

1220 Sir, the new States has been constituted for barely two hours and here we are debating a change to the Rules as our first priority. The old States Assembly and Constitution Committee – SACC – has recommended this Rule change in the last few days of its existence. More particularly, three of its members who may, or may not, be elected next week to sit on the new SACC have brought this Report to the Assembly, not the Procureur. And under our Rules, they were perfectly entitled to produce this Report and to demand a vote, and I would not wish to debate their motives. However, I do consider that the SACC Report is flawed and that it conflicts with the principles of good governance.

1225 What is this debate today really about? Is it about the 4-year apprenticeship for Chief Minister Rule? Or is it about individual candidates for Chief Minister? The States is richer for the arrival of Deputy Harwood, and I have no doubt that he is Chief Minister material, but there are others who will also enrich this States and who are also Chief Minister material. There is nothing unusual about democratic Chambers such as ours missing out on potential Chief Ministers. This is inevitable, because only one Chief Minister is elected, but this States will not lose their talents. We will benefit from their contribution in other ways. And no Chief Minister, whoever is finally elected today, can be in any doubt that change *is* required.

1230 Based in the City of London, I practised as an international lawyer for 40 years, mostly litigation in many jurisdictions around the world. Inevitably, good governance is familiar territory to me, and interests me a great deal. Good governance is well understood by us all. It is about process, the rule of law, transparency and accountability. While politics is largely *subjective*, good governance is anchored firmly in objectivity. Due process demands that rule changes are *divorced* from politics; this impinges not only upon what changes we make but how we make them and, crucially for today’s debate, *when* we make them.

1235 Good governance is not some mantra which enables us to do whatever we choose to do; on the contrary, it provides the democratic constraint upon how we behave. In practice, good governance is how we reconcile our role as parliamentarians on the one hand and politicians on the other hand. As politicians, it is *easy* to be deflected away from good governance in the name of efficiency or the will of the people, or even democracy itself, to name just three of the temptations. I submit that, as parliamentarians, we have to resist these temptations.

1240 There is no denying that the frenzied exchange of e-mails in the immediate aftermath of the election surpassed anything we saw in the previous States. The idea that these e-mails might have signalled the need for a proper debate here in the Chamber is understandable and commendable, in my view. But, in preparing the ground for this debate, SACC led themselves into serious error. They have not confined themselves to the objective task of affording the new States the opportunity to debate. SACC is a parliamentary committee but they have behaved in a political Report.

1250 I refer you, if I may, to paragraph 3 on page 1996 of the Billet, where we are told that a majority of SACC has never wavered from its opposition to the 4-year apprenticeship for Chief Minister rule, Rule 20(2A). That is a gratuitous and subjective piece of information in a Report which asks the Assembly to scrap the apprenticeship rule.

1255 The Report fails to mention that the States has never wavered from its opposition to SACC and its predecessor, the House Committee. The vote was 22:14 in 2006 and 33:8 just a year ago. These are significant majorities in favour of a Chief Minister with *some* political experience. The 4-year apprenticeship rule did not scrape through by some narrow majority. It is, perhaps, also instructive to note that SACC and its predecessor have never agreed among themselves about this Rule.

1260 So what is SACC saying to us in this Report? ‘We, SACC, don’t know but we rushed out this Report so you could review the Rule in a hurry’? Or are they saying to us, ‘we know we have consistently failed to dissuade you from this Rule, but surely you want to scrap it, in order to get a

particular Deputy in or keep a particular Deputy out'? In other words, the Rule is okay as long as it produces the candidates we, the Assembly, like.

1270 This Report from SACC falls down in terms of good governance in several respects. Apart from the fact that a parliamentary committee should *not* be political, there is the matter of process. The 4-year apprenticeship rule was debated a year ago *in advance* of the election. Now is manifestly an *inappropriate* time to bring this matter back to the States for a third time. At best it is reminiscent of Brussels; keep bringing this proposition back until the Assembly makes the right decision! At worst, it is about individuals.

1275 I suspect for many in the Assembly today the issue is this: is there a point at which we should over-ride or suspend due process or any other aspect of good governance, in the interests of an equal opportunity for all Deputies to stand for Chief Minister; or the will of the electorate, as we might perceive it; or, indeed, democracy itself as we might perceive it? The answer, in my submission, is an unequivocal 'no'.

1280 The rule of law, due process, accountability and transparency provide the framework of objectivity within which we grapple with our own subjective perceptions of fair play, the will of the electorate and democracy itself. If that means we do not end up with the Chief Minister of our choice, the foundations of the Royal Court will *not* collapse. On the other hand, replace good governance with political expediency and opportunism, in pursuit of our preferred Chief Minister, then this States will deserve no more respect than the last one.

1285 This Report from SACC is no recipe for change, it is more of the same. Of course, the States is master of its own House, and reserves to itself the power to change its Rules at any time. The question is not '*Can* we?' but '*Should* we?' What are the appropriate changes and *when* is the appropriate time to make them? I can find no objective reason in this Report of SACC for reviewing the 4-year apprenticeship rule *now*. *No* urgency, *no* crisis. There has been *no* scandal, *no* mass resignation, *no* pandemic, *no* war: we are *not* in the position where adherence to due process will not produce a qualifying candidate. It is just that the process will not produce the Chief Minister some of us want, or it may produce the Chief Minister that some of us do not want.

1290 Whether you support the Rule or not, there is nothing irrational about the Rule, despite the rumours about the motives of some who instigated it all those years ago. It is not difficult to see why a large majority of the last Assembly, and the Assembly before that, considered that the job requires some political savvy, and some experience of this Assembly, and preferably the Policy Council, too. And I emphasise the word '*considered*', because they approved the 4-year apprenticeship rule, respectively, mid-term and three years into the term, not on their first day.

1300 In conclusion, I will vote *against* the rescission of Rule 20(2A). Deputy Kuttelwascher, I am sure, thinks that that is a strange position to be in since I have just voted *for* some Rule changes and here am I saying that this Rule change is abhorrent in the eyes of good governance. There is no inconsistency whatsoever.

1305 Deputy Kuttelwascher, there is a huge distinction between Rule changes and the consequences of Rule changes, that the votes we have just had are consequential matters forced upon me and other Deputies *because* of the recommendation in the SACC Report. I would have rather not had to deal with *any* Rule changes today... and nor are Rule changes a matter of common sense. They should be considered carefully, calmly, in the cold light of day.

1310 I know that good governance is close to the heart of at least one of the three Members of SACC, but this Deputy, in my view, has erred, along with the two others who signed up to this Report. This Report by SACC is, in my view, a case of 'act in haste, repent at leisure'.

1315 Much has been said about the demands of democracy and the wishes of the electorate but, in my submission, there can be nothing more perverse than to dispense with good governance in the name of democracy. Put aside opportunism and expediency and there is no conflict between democracy and good governance. Democracy *depends* on good governance for its very existence. As for the will of the electorate, we cannot pass the buck to the electorate: they elect delegates not representatives. We must listen carefully to what the electorate tells us, but the decisions we make are *our* decisions and we alone are responsible for good governance in and about the work we do in this Assembly.

1320 The last States, in my view, did not differentiate sufficiently between the objective role of every Member as parliamentarian, on the one hand, and the subjective role of politician, on the other hand, between the opportunism and expediency of politics, and the constraints of good governance. These constraints are instinctive to the parliamentarian and, dare I say, the electorate, too.

1325 In my submission, this is the wrong Report, for the wrong reasons, at the wrong time and in the wrong context.

Thank you, sir.

The Bailiff: Deputy Gollop.

1330 **Deputy Gollop:** Yes, sir.

I think we have heard an extremely impressive Churchillian speech even, by Alderney Representative Mr Arditti. And I did find myself agreeing with quite a lot of what Deputy Storey said, as well, about the mechanics of the process. But, nevertheless, I would put forward a different point of view and give a different argument from Mr Arditti, saying in the particular, 1335 peculiar, circumstances we are in, to support, perhaps even reluctantly support, but to nevertheless support, the SACC Report.

When I stood for re-election for St Peter Port North, I was firmly of the view that our most likely political outcome would be the continuing election and re-election of Deputy Trott as Chief Minister. And we can all acknowledge that in so many areas – and we States Members had an external relations briefing yesterday – a lot has been achieved in the last four years. But, the context changed. As Deputy Trott said about me, a good parliamentarian changes his mind when events dictate. And I thought, a year ago, when the issue came before us for a second time – and I did, in fact, serve on the House Committee at one stage – now the feeling of the Assembly was 1340 very much not to tinker with the Rules and, indeed, a lot of senior figures approached the issue by encouraging Members to keep things as they were, and perhaps the small vote – was it 8 or 9 who voted for change? – were perhaps the most obvious mavericks of that particular Assembly.

One can understand that, because the issue that was uppermost at the time and it, in fact, still is... has been Guernsey's stability, not just as a Government but as a player on the external, global stage, with Whitehall, Westminster, Brussels, United States of America and everywhere else. And we are all fully aware that Deputy Trott was – and is – an ideal candidate for a role in that area. So for somebody to come in from outside and declare themselves as a potential Chief Minister was not in the best interests of Government, nor was it particularly probable, somehow. But here we are, a year later, with at least one new Member putting himself up for that role and there may be others, of course. 1350

Now, political experience is a difficult item to define, because it is in the book as one term in the last 8, of 4 years. And that is what we agreed: it was not there in 2004, but it is what was accepted. I am not too sure what the logic behind it was, because if you have a term out and you return, you certainly understand the way the States works and the delicate relationship with the Civil Service, the media, committees and everything else. But you have missed, firsthand, the 1355 issues of the previous four years.

The two candidates we now have are both newcomers. They were not in the last Assembly so, actually, that doesn't particularly matter at this stage, but it was a paradox. But what we did exclude were, potentially, candidates who had either served in the States a few years earlier than that, including some well known advocates and others. We also excluded people who had been 1365 involved in a key role in Government but not necessarily as a conventional States' Member. That would include, for example, former Bailiffs. And I would argue that, certainly, one of the candidates today has had a major role in Government and no one can argue that he did not develop a deep and meaningful understanding of the machinery of Government. But I am not partisan towards either candidate and, when we have an open vote, that will be the time to show a preference one way or the other. 1370

What *is* important today is the change that we have seen over the past two months. I have been a watcher of the States for many years, and a Member now for 15. This is my fifth term, and I can recall, I was looking back to the year 2000, the Millennium, when there was a significant change, because we saw the end of the Conseillers, the upper bench that then was, and 45 Deputies and 10 Douzaine Representatives, and only about 10 or 11 newcomers came into the Assembly at that time out of 55 Guernsey Members. Twenty percent. If you go back over most years, roughly a fifth turned over at each election and that includes the people who have come in as Douzaine Representatives or on by-elections. 1375

If I include the two Alderney Representatives who have been in the Assembly approximately 16 months now, we have seen 24 of the 47 of us new since the beginning of 2011, over 50%. Now, in that situation, we narrow the field for Chief Minister and we do not reflect the composition of the Assembly, nor do we represent, perhaps, the nature of the change. 1380

Mr Arditti said... he spoke about parliamentarianism and the Rules that you need to govern yourself. Well, actually, the United Kingdom is not always consistent. We saw how the then Prime Minister, Baroness Thatcher, was kind of removed from Office, rightly or wrongly, by her own party in a process that was convoluted and not parliamentarian based. We also saw, more significantly, in the 2010 election, the normal rule whereby the leader of the largest party did not 1385

1390 automatically assume office, because nobody had won an overall majority, and there was some confusion as to whether Mr Gordon Brown would continue as Prime Minister or what would happen. We saw a change.

The nature of the election would, I'm afraid, with 12 Members failing to get re-elected, 10 retiring... has meant that we have to look at things from a different point of view. And, indeed, the Rule that we had endorsed, requiring a 4-year rule, was actually fundamentally flawed because supposing, instead of 22 new Members, we had 45 new Members? The Rules would have to be waived at that point: that would be an extreme example of instability, but my point is we have already gone from 20% change to 50% change.

1395 Another perhaps more relevant point is that you can take a horse to the water but you can't make it drink. At the 2008 election we had six candidates for the office of Chief Minister. Three of those, if I can be forgiven for saying this, Deputy David De Lisle, Deputy Al Brouard and Deputy Dr Hunter Adam, are still, happily, Members of this Assembly today but, for one reason or another, they chose not to stand this time around, leaving only Deputy Trott as the sole survivor from the previous Assembly, and Deputy Le Tocq, who had stood before and did well at the time, standing in a two header.

1405 Now, the arguments for not changing the Rules were uppermost in my mind on the first Sunday after the election and I was somewhat... There I was in Alderney during a family celebration and I just thought why are all these e-mails coming across, and I thought you can't necessarily assume that new candidates would stand. But when I gathered that one of the newer Members wished to stand, there were maybe 17 or 18 people in support – the e-mail train that we heard – and we had to have some form of clearing of the air and a change. At that time, of course, I did not know Deputy Trott was likely to withdraw as Chief Minister. But his withdrawal has, paradoxically, made it *more* essential we change the rules because, as we have seen in the UK and other places, or in Russia, a coronation of a leader does not necessarily make for consensus, however able and good that candidate is.

1410 And so, against my better judgement, in terms of interfering with Rules on the hop, but bearing in mind the significant turnover, the shortage of existing Members standing for Chief Minister, the popularity of perhaps one or more of the newer candidates in the eyes of voxpop, and the sense that we have to have the Chief Minister who we today would select in an open contest, regardless of Rules, I think if we go out of this Chamber saying, well, Deputy x was chosen but I would have voted for Deputy y as my first preference, that would be a disaster.

1420 Let's bring it on, bring the changes and live with the consequences.

The Bailiff: Yes, Deputy St Pier to make your maiden speech.

1425 **Deputy St Pier:** Mr Bailiff, in every carriage of every train in the world there is a big red lever with a big red sign on it which says 'Pull in an emergency' and, as we all know, just because you *can* does not mean that you should, as Alderney Representative Arditti has said. And it is also true, that just because somebody *does* pull it, it does not mean that there is actually an emergency.

1430 Sir, the States Assembly and Constitution Committee have pulled that lever and they have issued the emergency Billet which we are now debating. But there was no emergency, and there is no emergency. We had 24 Members of the Assembly eligible to stand as Chief Minister, we have two validly nominated candidates: where is the constitutional crisis that demands a Rule change? If we had no eligible candidates it would be a different matter. This is not an emergency, this is expediency.

1435 Some may have hoped that Deputy Trott would have been eliminated in the media-dubbed "District of Death", preventing his candidacy. But, having survived that ordeal, they feared that Deputy Le Tocq would not carry the day, allowing Deputy Trott to slip back in. Besides, Deputy Le Tocq... he has all that charismatic church baggage which is all just a little bit too different and they see Deputy Harwood as the white knight – yes, I am known politically but a nice, safe pair of lawyerly hands, a respected member of the community, quick change in the Rules to overcome a minor obstacle, job done.

1440 There are many are many ironies in this situation. We have Deputy Fallaize, who supported the Rule just 11 months ago, now proposing its change but abstaining on the proposition. We have those, like me, who thought the Rule was daft, but are forced to sustain it, rather than vote for a hasty and expedient change. We have Deputy Harwood, who had a career built on rules-based precedent, putting his candidacy forward in reliance of a change in those Rules. And we have all the newly elected Deputies telling the old hands, 'Do not go down this road, do not embark on this because of the risk of discrediting the new States before it has even met', being dismissed as politically inexperienced.

1450 Sir, the starting gun for the Chief Minister's election was fired at 4 p.m. on Friday, 16th March, when nominations closed for People's Deputy in the General Election. We should not change the Rules after the process has begun. If it had been known that a Rule change was likely, we may well have had a very different election. Different candidates may have put themselves forward. We don't know. New candidates, including Deputy Harwood, may have been viewed by the electorate in a very different light, as potential candidates for Chief Minister. They may have been questioned differently, the electorate may have voted differently, for example those of St Sampson's, who felt there was no credible, eligible alternative to Deputy Trott and reluctantly voted for him, may actually – (*Laughter*)

1460 **Deputy Trott:** Sir, that is not evidence based. (*Laughter*)

Deputy St Pier: They may actually have felt more able to vote for an alternative candidate, knowing that there were other good potential alternatives in the waiting. But Deputy Trott will be pleased to know that the opposite may have been true! Voters who did not want Deputy Trott back as Chief Minister may have felt more comfortable voting for him as a Deputy, knowing that he would have credible challengers. Again, we simply do not know.

1465 All 77 candidates fought this election, knowing what the eligibility rules were. Not a single candidate argued that they should be different. Indeed, Deputy Harwood argued that the States should stick to the Rules and its previous decisions. His manifesto read:

1470 'Members of the States must learn to accept majority decisions of the States Assembly, and not assume that every decision can be challenged at will'

I believe that the eligibility rule is a poor one. The States should be unfettered, and quite capable of deciding whether or not a first time Deputy is, or is not, capable of doing the job. It has been alleged by many, and not denied, that this poor rule was sustained in the vote last year, at least in part, to discourage Peter Ferbrache from standing, so now we have a poor rule, sustained for poor reasons. Now, if any newly elected Deputy, other than Deputy Harwood, had indicated a desire to stand for Chief Minister, I have no doubt whatsoever that we would not now be having this debate. The Rules would stand. So we *appear* to be changing the Rules for a single individual. So, where are we? We have a poor Rule, sustained for a poor reason, being changed for a poor reason.

1475 This Rule change is justified with the argument that voters voted for change on April the 18th, and so they did. But not for this kind of change. They did not vote for a change to Rule 20(2A). They voted for a change in the nature and conduct of politics, and I can give you one example of the old politics at play: at 7.18 last Monday I e-mailed my views on this matter to all Members, but not the media. And yet, at 10:30 the same morning, I read a direct quote from my e-mail in the *Press*. The *Press* used a further quote in their opinion column the next day.

The decision by a Member of this Assembly to forward my e-mail to the *Press*, to serve their own ends, is the sort of politics the public are sick of. They don't want all this navel gazing and grubbing around in the gutter of personality politics. (**Members:** Hear hear.) They voted for us to get on with governing, and they must be pretty depressed at the events in the last week and, indeed, at today's meeting, where we seem to have spent our time debating an amendment whilst actually questioning what the effect of that amendment would be.

1490 It is unfortunate that this issue is so polarizing, and that every single Member of this Assembly will disappoint the electorate whichever way they vote. We have a binary option and no middle ground. However, I want to say to those beyond this Assembly, do not despair just yet. I am actually quite confident that we *will* put this debate behind us and move on quite quickly to the real and urgent issues of the day.

1500 As an aside, I would actually like to compliment the media on their coverage of this issue: it has been fact based, balanced, fair comment and actually lacking in hyperbole. We live in a rules-based society. We sell our services around the world on the back of being a stable jurisdiction which offers certainty. We should not give succour to our critics and competitors who may seek to exploit this rule change and paint us as a 'Mickey Mouse', self-serving, jurisdiction that makes it up as we go along.

1505 A change in the Rules in the manner proposed cannot be compared to the careful consideration to the 7 or 8 previous changes. To do so in haste is a very poor precedent. To argue at this late juncture that this is just a simple change in operating procedure is disrespectful to the serious nature of the Chief Minister's election.

Deputy Hadley, among others, has argued that this Assembly is sovereign and can change its

1510 rules as it likes. I agree, but I say again, just because it *can* does not mean that it *should*. Actually, if you track back in your political theory, to Jean Jacques Rousseau and his social contract, you find that it is actually the people that are sovereign. Now, if the people stood on the steps of the Royal Court this morning and said ‘You know what, we have elected a bunch of *muppets* and here are another 45 that we want to serve for the remainder of this term’, every single one of us would, quite rightly, say, ‘You can’t do that, its against the rules!’

1515 As I said before, I do not agree with the minimum eligibility criterion and I would be very happy to support its abolition and, indeed, to consider the amendments of Deputies Trott and Perrot, which have now been passed, after proper consideration in the normal way. A Billet should be published in the normal timeframe for consideration by the public and the Douzaines in the normal manner. It is, in my view, wholly inappropriate to be asking this Assembly to be considering making these changes in the context of this election. The proposals and, indeed, the amendments should be discussed in a calm, considered manner without possible application to any particular individuals. Initially, I was minded to support proposition 1(a), but oppose proposition 1(b), which would have had the effect of making the change for future elections but not for this one. However, I consulted with Her Majesty’s Procureur last week, and having regard to the purposive nature of this emergency Billet, ahead of *this* Chief Minister’s election, I accept his advice that it would be illogical to do so, therefore I will be voting against both propositions.

1520 Sir, rules are inconvenient: just ask any planning applicant who has to abide by them, but you cannot just change them to suit a non-imperative political need. This is an emergency Billet in search of an emergency that does not exist. The proposition should be rejected. (*Applause*)

The Bailiff: Deputy Lester Queripel.

1535 **Deputy Lester Queripel:** Thank you, sir.

Well, I am taking advantage of being elevated into my new found lofty position: I have to admit I am beginning to rather like it up here, sir. For the benefit of the people listening at home, I will just explain that I have been elevated to the top bench but I doubt if I will be here very long...

1540 As a new Member of the Assembly, I consider it a privilege to be an elected representative of my parish. Also, as a new member, I have purposely divorced myself from the many e-mails that have been pinging back and forth regarding the position we find ourselves in, because I found it rather disturbing. Like Deputy Laurie Queripel said earlier, I have no intention whatsoever of getting involved in personality politics. Personally, I want to see the best person for the job elected to the position of Chief Minister.

1545 I have to express my disappointment regarding the comment made by Deputy Storey, who is not in the Chamber at the moment. I think he said this issue will haunt us for the next four years. When you add to that the fact that the *Guernsey Press* are already referring to us as the worst States ever, we are already being judged before we have had the opportunity to prove to people what we can actually do.

1550 I would like to send out a very clear message to the people of Guernsey. There is a new dawn in local politics, there is a new energy within the Assembly, and a very real focus on accountability and transparency. As I say, I consider it a privilege to be a Member of this Assembly, and I will not allow such a privileged position to be tainted by this issue for the whole of the forthcoming four year term.

1555 I agree this is a very messy start indeed for us all. It is the kind of start we could have done without. However, we are where we are and I ask that we conduct ourselves in a responsible and civilized manner, that we allow the Rule to be changed, we elect the best man for the position of Chief Minister and that we get on with the job of putting Guernsey back on to the sustainable path that it should never have been allowed to be diverted from in the first place.

1560 Thank you, sir.

The Bailiff: There is only one maiden speech! (*Laughter*) Deputy Perrot, do you wish – ? Deputy Perrot.

1565 **Deputy Perrot:** I cast no aspersions at all on either of the candidates who are in the frame. Indeed, as one of my former junior partners, I would quite like to see Mr Harwood coming through. I think he has done awfully well, (*Laughter*) but I have to say that I am opposed, in principle, to changing the Rules simply because one doesn’t like a particular candidate, or one doesn’t favour a particular candidate or because there is someone else in the wings who one *does* favour. I think that is fundamentally wrong and bad government.

1570 For years, I have been saying to anybody who cares to listen to me, when I have been speaking

about my wish to distance Guernsey from the United Kingdom so far as our legislation and other things are concerned... When I am asked the question, ‘Well, how do you manage? Can Guernsey cope with its legislation by itself?’ I have always said that I thought Guernsey was a mature, responsible, civilized jurisdiction. I have always firmly believed that. We may be very small but we have been around for 800 years and we can look after ourselves.

Now, I’m not quite so sure. In recent years, some Members of the States seem to have gone out of their way to show their isolation from reality, from the world which other people live in. We have given ourselves Ruritanian titles such as Minister when we don’t really have Ministers. We have voted ourselves shedloads of money. Now, what we are saying is that the Rules do not apply to us: rules are for other people, but rules are not for a Member of the States. The point is that voters and candidates went into this election on the basis of the existing Rules and those are the Rules that we ought to stick to. It is always open to us to change the Rules. Of course we do, but we do it, as other people have said, after mature reflection, after time to think. And that is what I propose we do in respect of this.

As I said earlier on, I did not wish to be part of a procedure whereby Rules are changed in relation to those amendments, but I feel that I was only forced into it by the substantive part of this motion. If we were going to have an *appel nominal*, I would have much preferred that we debate that at a separate time, as a result of a separate Billet.

Could I say one other thing in passing. I have been shocked at the volume and content of e-mail traffic which has passed through our Members of the States since the date of the election. Many of these e-mails have taken the form of bullying, there has been a high degree of sanctimony and there has been an excessive *alleged* concern about new Members of the States. Clearly, I am a new Member of the States, but I do not wish to be patronised in e-mail traffic. I can think for myself. If this is indicative of what is going to happen in respect of every article which we debate of a controversial nature in the future, then I fear for the future.

Members: Hear Hear.

The Bailiff: Yes, Deputy James, your maiden speech.

Deputy James: Mr Bailiff, I never envisaged that I would make my maiden speech on day one. As a newbie, I anticipated I would get my feet comfortably under the table, so to speak, before contributing to my first States debate.

The importance of this decision today has propelled me into speaking. I know there is no room for comfortable complacency in my role as a newly elected politician. My anticipated learning curve has been converted into a meteoric horizontal surge. I have learnt, sir, today, very quickly, to modify my speech and not duplicate, hopefully, what many have already said. However, the decision we reach today on this proposal is vital to the future success of our future 4-year term. This is such a politically charged debate, with so much personal baggage involved, if we do not put down the right markers today, then I fear we will lose our one chance to show the public of Guernsey that we are determined to leave the personality politics of the last House far behind us and pursue a new principled path.

I do intend to vote for this Report and open up candidature for Chief Minister to all States’ Members. I want the whole Island to be in no doubt that their newly elected States have chosen who they consider to be the very best possible candidate for the job. Let’s leave this spectre of personality politics behind us with the ghosts of the last States. Let the new House take control and put our own principled stamp on today’s proceedings.

Sir, could I just also conclude by asking the House to be mindful of its terminology. I have been a champion for diversity and equality for many, many years and I would like us to be mindful about not always talking about the best ‘man’ for the job. (*Laughter and applause*)

The Bailiff: Yes, Deputy Ogier and then Deputy Langlois.

Deputy Ogier: It is fair to say that I have really, *really* struggled with this issue. I voted against this Rule when we debated it last year, as did Deputies Lowe, Kuttelwascher and Domaille. We are the only four of the 8-percenters from last year left in the Chamber.

I *could* conceive of a candidate that could become Chief Minister without having served 4 out of the last 8 years: others were unable to. I thought putting in a Rule which *deliberately* limits flexibility was a bad Rule to make. I had faith in the Assembly to be able to judge candidates’ strengths and weaknesses and make a decision. So I never wanted this Rule in the first place, but I feel, very strongly, that Rules should not be changed part way through a process – and the process

we are engaged in, as I see it, began with a General Election and ends when the last Department and Committee are populated. These are part of the rules of election.

1635 I have voted, in the past, that amendments I wanted to succeed be not debated as they go further than the proposition, and that is a very uncomfortable situation to find oneself in. Now I like rules: they give a framework. I understand others do not share my attachment to rules and I think, psychologically, that is perfectly normal and healthy. Views on rules come about from all kinds of reasons, the experience one has had in life: it could be birth order, for example. A firstborn child or an only child, middle and last children, generally tend to have different views on rules and breaking them.

1640 It goes that we will all in this Chamber have different views on rules but, generally speaking, there is a greater preponderance of firstborns and only children in positions of responsibility. And, generally, people born in those positions tend to have a greater sympathy for rules and order – generally. So I understand – because I myself am a first born – people’s desire for rules and following the natural order of things.

1645 So which side wins? Do I support keeping a Rule I did not want because I do not think we should change it this way? Or do we, as politicians, have to take opportunities as they are presented to change things, even though the method is not to our liking?

1650 Now, having been in this Assembly for eight years, I have seen that we, as Members, get few enough chances to change things not directly in a Billet, and I have learned that you need to take your opportunities when they occur. If one waits for a perfect system, to make the *perfect* decision, one misses a number of chances to do what the electorate sent one here to do. Now I agree with much of what Deputy Storey said: this is *not* the way to go about things. But here – and here comes the jargon, but Deputy Queripel beat me to it – ‘we are where we are’. Being where we are, 1655 it is now our job to decide how we are going to vote on the substantive proposition.

Now, I did not want this Rule in the first place, and I do not want to get rid of it in this way. I don’t agree with the process. But, being here, being asked the direct question in this Billet – Do I want this Rule? – I have to answer ‘No, I do not want this Rule.’ I voted against it. And am I willing to vote to scrap a Rule I voted against? Will I exercise my democratic right to make my view known on a particular topic? Or will I give up my right to make my view known on a particular topic because I do not like the way I have been asked? And I do not like the way I have been asked! But I have been asked a direct question in this Billet: Do I support this Rule or do I not? I am being asked whether I want to remove this Rule and I do. I don’t think we should have had it, to start with.

1665 So for me to fail to answer this question gives up my part in the democratic process, I feel. And I know people will feel differently, but it is for me to answer. I do not want this Rule and, if asked today, ‘Do I want to keep it?’, I have to answer ‘No’. No I do not. Do I agree with the criticism levelled by Alderney Representative Arditti? Yes, absolutely, excellent speech, *excellent*. Do I agree with Deputy Storey on Governance and Processes etc.? Yes, it’s a *terrible* way to go about things, which is why I voted not to change the order of the Billets. Finally, however, the decision has come before me, despite my attempts for the decision not to be taken in this way. I have acted within the Rules, in order to prevent the decisions being taken in this way today, but that phase has passed. I now have to answer the question: ‘Do I support this Rule or not and will I make that democratic view known, or will I duck the question and say I am not going to answer that because I do not like the way I have been asked?’

1670 Sir, we have to answer this question. It should not be about candidates. Whether a Member’s preferred candidate benefits or loses by this Rule change is not the issue here today. It is no longer about process or procedure. That has passed. These are the first considerations one has, and one has to work one’s way through these considerations in the same way that one works one’s way through many emotional cycles and I was stuck in that part of the process for a long time – but I have managed to move on.

1680 Members are debating whether it should have been done this way and it should not. So I invite Members also to move on, to the real heart of this. The real question in this Billet is whether each Member believes there could be a situation where someone could be fit for Chief Minister without having sat as a Deputy for four out of the last eight years. That is the question we are being asked, and I have always believed that there could be such a candidate. I voted against the Rule last year and I will be consistent and do the same today, despite the belief I share with Deputy St Pier that this is an outrageous way to go about it.

1685 Sir, the question before us is not whether or nor business should be conducted in this way but whether Members want the Rule or not.

The Bailiff: Deputy Langlois.

1695 **Deputy Langlois:** Thank you, sir.
Well, isn't 12 days a long time in politics! There are newcomers and people who have been here for a while and I can, first of all, without being patronising to *anybody*, including Deputy Perrot, say that the feelings being expressed around here are common to all of us.

1700 It is surely unnecessary to comment further on the recent events, but what I would say is 'Welcome to consensus politics', because it is not so unfamiliar when you get into one of these catch 22's and, I am sorry to say, they do occur from time to time. It is one feature of our system.

This debate is not a vote for a particular candidate. I think that is the important thing to remember as we go through this because, if we get caught up – and some speeches appear to have veered in that direction – in the thought of what will the effect of my vote be on *this* election and these candidates – say, two candidates that are currently evident – then I think we are on a loser.

1705 Now, sir, in the normal course of events, I would find the decision on this debate very easy indeed. It has been said before, the Rule was passed by a huge majority, after searching debate, looking at the right way for democracy and the right way for consensus government in Guernsey, and that was the decision that was made. So, on the face of it, we should all oppose these propositions. Unfortunately, that case is strengthened further by another feature of the States' Report. This, sir, must be the first States' Report for a very long time that does not mention the six principles of good governance. That has been outlined earlier and it is – I shan't go through them in detail again because we have heard those debates.

1715 This Report, at the very best, leaves a huge set of question marks regarding the good governance principles. So why, sir, is the decision so difficult? Well, it seems to me that we must have a choice and we must have an election. The public have it seems again to me, railed against a Rule change. There is very widespread discontent about the possibility of changing the Rules. And the case for not doing so has been extremely cogently argued by Deputy Arditti, St Pier, Storey, the only thing I would say is that their comments have a lot of should's in them, what we should be doing. And that always rings a little alarm bell with me. But the events of the past two weeks
1720 have created very special circumstances, maybe not in an emergency but an extremely high risk situation. And I believe that the lower risk option is to have an election today. That is essential for the ongoing credibility of this Assembly.

Consequently, sir, I urge Members to support these propositions and let us get on with electing our Chief Minister.

1725 **The Bailiff:** Members of the States, it is now 12.30. I propose that we rise and resume at 2:30 p.m.

1730 *The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 2.30 p.m.*

1735 Billet d'État XIV

States Assembly and Constitution Committee
Qualification for the office of Chief Minister
1740 **Debate concluded**
Propositions carried

The Deputy Greffier: Debate resumes on Billet d'Etat XIV, Qualification for the office of Chief Minister.

1745 **The Bailiff:** Deputy Dorey, you wish to speak?

Deputy Dorey: Thank you, Mr Bailiff, I wish to speak on the main proposition of the Rule change and also about 1(c), which was from the amendment this morning.

1750 First, on the Rule change, I am relaxed about making the Rule change. During the last term I think there were ten proposals to change the Rules and often those Rule changes were as a result

of a reaction to a situation that had happened, so I am perfectly relaxed about making any Rule change. I voted for the Rule, as it is now, in May 2011, but we are in a very different situation now and I do not think anybody, when they were voting in May 2011, had what the situation now is in their minds. Therefore, I want there to be an election and I will vote for the change.

On proposition 1(c), which is as a result of the amendment we voted on this morning, I would just like to make Members aware that that is an amendment to the propositions and we still have to vote on the actual propositions at the end of this debate, and the Assembly can vote for or against the amended propositions. Just because you voted for the amendments, you do not have to vote for the amended propositions. And I would like to strongly urge Members to reject 1(c) when we vote at the end of the debate.

Members might want openness, and, if you want that, I believe the correct method would have been for a secret ballot and then the vote published, as is done in Jersey and as SACC's proposal were in January. The proposal in 1(c) that the election, the election lets Members know what other have voted for because we each call out, I think is a very poor system of voting, it allows people to be influenced by how others have voted and as, I think Deputy Langlois mentioned this morning, you can possibly even change the way you want to vote because you see the way the election is going.

I will not repeat those arguments, but I strongly urge people to vote *against* proposition 1(c). I do not think that everybody understood that the second amendment was not going to be put and I think a lot of people thought that that situation of the *appel nominal* would only happen if there was only one candidate standing.

If we have two candidates standing, it is a very poor way of holding an election, and I am not sure that anywhere else has such a system in that situation. So I very strongly urge Members to vote against 1(c). It is not the system that SACC wanted, it is a poor system and I will not vote for 1(a) or 1(b), as I think we need an election and we are in a very different situation in May 2012 to what we were in May 2011.

Thank you, sir.

The Bailiff: Several people have – Sorry, Deputy Gollop.

Deputy Gollop: I actually think Sark had a system where you had to call out the names of people until recently.

But my query was when we had the earlier debates regarding the Deputy Trott amendments, I was under the impression that the two went together and the first one kicked in if we only had *one* candidate for Chief Minister and the second one was relevant if we had two or more. But when the second was withdrawn, I think it has made a very awkward situation for the Assembly.

The Bailiff: Mr Procureur.

The Procureur: Well, whatever impression Deputy Gollop was under, the amendments are fairly clear, and it is just a question of which went further, and you took the view, sir, and I respectfully think rightly, that the amendment that we numbered 1 this morning went further, and so that had to carry the day.

Whether anybody is dissatisfied with it or not, that is the amendment that was carried and that is what is before the House. But without getting political, I reiterate what Deputy Dorey said, they will come back before you and you can vote *Pour* or *Contre* on any of 1(a), (b) or (c).

The Bailiff: Thank you.

Now, several people have attracted my attention and I am going to call them in the following order, Deputy Hadley, Deputy Domaille, Deputy Conder and Deputy Luxon.

Deputy Hadley.

Deputy Hadley: Mr Bailiff, we have heard a number of speeches today regarding changing Rules and due process and good governance.

Now, in the past, I have criticised one of the Departments of State for having a large number of policies and procedures and being more concerned with following these policies and procedures than in achieving a desirable outcome. And, like Deputy Ogier, I do think that the outcome today is more important than the process. He says that we are changing the Rules to achieve a desirable outcome. However, that is not what we set out to do. And can I please repeat again – I apologise for repeating it – when the Rule relating to the election of a Chief Minister was discussed it seemed sensible, because we had been through an electoral process with six candidates to arrive at

1815 the election of Deputy Trott. However, Deputy Kuttelwascher foresaw, as we have already said, that there *might* be a situation when there are not enough eligible candidates and was assured by the law officer of the day that the Rules could be suspended. And I remember well him saying ‘Well, that’s alright then’ – you would not need to rescind the Rule.

1820 So, when we set out on this course, we were not trying to rescind the Rule, we were trying to suspend it because we did not have, in our view, enough eligible candidates. Now, the last Assembly was generally supportive of our system of consensus government. We were used to gradual change and, after the election of 2008, only two Members of the previous Assembly failed to keep their seats.

1825 Now, as Deputy Trott says, a good politician needs to be able to change their mind. And recently I called on 2,000 houses in the South-East and spoke to many people. For me it was a wakeup call. I know that the *Press* had called us the worst States ever, However, the electorate reiterated this and, in numbers, said they would not vote for any sitting Deputy in the South East. Many called for Island-wide voting and some of those said they would like to vote out other Deputies, including the Chief Minister. Now that may well be very unjust but that is what the electorate were saying. And, after the Election, we watched to see who would stand for the post of Chief Minister, and there were only two candidates. In fact, today Deputy Trott, I suspect, let the cat out of the bag when he confirmed what many of us had suspected, there was not going to be an election, so his friend, Deputy Le Tocq, was good enough to stand...

1830 To my mind, this is a totally inadequate response to an electorate demanding change. Two like-minded candidates from the past standing so that the new Assembly, with 22 new Members, could, in fact, only vote for the *status quo*. Now, some people might feel that the recent deliberations have been in some way unpleasant, so I would like to dispel the idea that I am part of a seedy, back-stabbing plot to get rid of a hated foe. Nothing could be further from the truth; I don’t go in for back-stabbing. As my friend, Deputy Adam, will tell you, I do it from the front. (*Laughter*)

1840 Before the Election, Deputy Trott asked me, over lunch, if I would support him for the office of Chief Minister, and I said I probably would not. It is not the issue of whether I would or I wouldn’t, the point is I am being perfectly frank about my intentions.

1845 And the issue of suspending the Rules was because, as Deputy Kuttelwascher said, he predicted there could be a situation where there was not an adequate choice of candidate. The matter is now complicated because, despite the advice we were given last year, it seems that the suspension of Rules is not desirable and, instead, we are presented with an emergency Billet. Now, if I had known that at the time, I and others may well have voted to rescind the Rule.

We can, of course, discuss this forever. However, quoting from the Code of Conduct, it says that

1850 ‘Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.’

1855 In my view, the public interest demands that there *should* be an election to produce the best Chief Minister, with maximum support. Whatever the rights or wrongs of this argument, it cannot be in the public interest that one candidate is elected unopposed as Chief Minister for the next four years.

The Bailiff: Deputy Domaille.

1860 **Deputy Domaille:** Thank you, sir. I will follow His Excellency’s advice and be brief.

I agree with Deputy Scott Ogier’s comments he made this morning, so I will not repeat those. Like Deputy Ogier, in May last year I voted for the abolition of Rule 20(2A), because I considered it was right for any democratic assembly to have a free choice on which of its Members it wanted to be Chief Minister. I still hold to this view.

1865 Members, it does not require days, weeks or months of deliberation to conclude that this, as Deputy St Pier has said, is ‘a poor rule’. It would clearly be bad government to allow this Rule to impede the democratic process and limit the selection process for our next Chief Minister, possibly to the extent that it would become, as one Member has already said, a ‘coronation’ process.

Members, we have the opportunity to rectify a poor decision made by the previous Assembly, please support the proposition.

1870 Thank you, sir.

The Bailiff: Deputy Conder, this is your maiden speech.

1875 **Deputy Conder:** Mr Bailiff, I never anticipated speaking on my first day in this Chamber, but I feel the quality of the debate today has been so high and the issue so significant that I would want my maiden speech to address the matter at hand. Sir, I have none of the eloquence of Alderney Representative Arditti or Deputy St Pier or Scott Ogier, or indeed many others who have spoken today. But given that I wrote this speech during our break for luncheon I will at least offer the advantage of brevity.

1880 Sir in addressing the nature of the debate and correspondence that has gone on since the Election, I would like to put on record on how courteous and honourable all of those that have spoke to me or have communicated with me have been. As one who has spent much of his career working in Universities, I would have to say that the level of invective or politicking that we might have witnessed over these last few days is as nothing when compared with what goes on in a
1885 Senior Common room or university senate amongst jealous academics. *(Laughter)*

So, take heart, it seems to me that, as a newcomer, they were actually very well behaved.

As the former UK Prime Minister, James Callaghan, said, ‘When emotions run high, politics can be a rough old game’. For myself, I would like to complement and thank those Members of SACC for at least giving us the chance to discuss this important issue. They have acted with the
1890 best of intentions and entirely honourably, as I believe have other Members who have engaged in the debate since election and I, for one, as a new member, am grateful to all of them.

Sir, I came to this debate with some preconceived views but genuinely prepared to listen to the arguments and make my decision as a result of what I have heard. What I have heard have been some remarkable speeches from both sides and if this is the standard of debate that we can look
1895 forward to over the next four years, then I am even more thrilled to become a Member of this Chamber than I was on 19th April.

Sir, for me the issues are now fairly simple. A community and its government are subject to, and live by, a set of laws and rules. Without them there is no rule of law and no democracy. I have heard the term ‘sovereignty of parliament’ used in justifying a Rule change but, at this time, sir, at
1900 such a short remove from the General Election, it is not we who are sovereign but the electorate who so recently sent us to this place. Whether they did it consciously or not, they elected all of us, based upon an extant set of laws, rules and procedures, and it ill behoves us, as one of our first acts, to change one of those Rules as a mere act of expediency.

As others have said much better than I am able, this House can change any law or procedure that it wishes, but surely it should be subject to due consideration and in the context of a wider political debate than we can currently afford ourselves, given the immediacy of choosing our Chief
1905 Minister.

Sir, I have said I have a huge regard and respect for those Members of SACC who have proposed this motion. Even at this eleventh hour, I find part of their case compelling. But I am
1910 minded to vote against the proposition for, when it comes down to it, principle must come before expediency. We owe it to those who sent us here to act upon principle, even when the result might be uncomfortable for us.

Thank you, sir. *(Applause)*

1915 **The Bailiff:** Now I call Deputy Luxon to make your maiden speech.

Deputy Luxon: Sir, there have been some incredibly moving and powerful speeches this morning and I commend many of my colleagues.

I think it is regrettable that we stand here today, having experienced what has gone on over the last ten days, but I remember you giving us some wise words, saying it would not always be easy. It has not been easy and I think we have all been challenged to think about what we believe in. I will be voting in support of the Billet, and I will be doing that because I think all 47 Members of the Assembly deserve to have the very best choice of candidate. We have four extremely difficult
1920 years ahead of us and I hope, whichever candidate is successful, that the other 46 Members will get behind them and support them genuinely.

Some of the facts for me – and I understand the dilemma between governance and expedience – for me, the Rule exists. It is clearly flawed and it does restrict choice. The last Assembly voted to retain it, and I appreciate and respect that, but this new Assembly, made up of many new Members to the House, should have the right to debate and decide on its merits. We are not
1930 actually making a decision about who will be Chief Minister by deciding on this Rule; we are simply giving ourselves choice.

The actual proposition came from a variety of Members, who felt that there was a need to remove the restriction, and our Rules permit us to revoke the Rule. It is perfectly democratic and lawful that we do so: we are not breaching anything. And although, subjectively, there has been

1935 talk about breach of governance, I do not see that. I think I, and we, should have the very widest choice of the best candidates to leads us and the Policy Council.

This is not about advantaging one Deputy. Deputy Harwood did not have an agenda and a desire and ambition to stand as Chief Minister: he responded to the request by his colleagues. SACC have acted appropriately, and, in conjunction with the Procureur's advice, we are where we are.

1940 I would call on all Members to concentrate on us getting to the vote and selecting a Chief Minister, the very best Chief Minister that we can select to lead us, and not worry about the dogma that goes with the process of whether what has happened should have happened. It is a difficult and complex issue and, no doubt, we will learn from it.

1945 I will be supporting the Billet. (*Applause*)

The Bailiff: Before we call the next speaker, I was asked during the lunchtime recess whether, once we have completed this debate, I propose that we have a short adjournment to enable Members to collect their thoughts before we go into the election of Chief Minister.

1950 I think it might be helpful if I indicate that my recommendation to you – and it will be your decision – but my recommendation will be, whatever the outcome of the debate on this Billet, that we have, say, a 15 minute adjournment to enable people to collect their thoughts before we come back for the election.

1955 Does anyone else wish to speak in this debate? Yes, Deputy Kuttelwascher.

Deputy Kuttelwascher: Just a few words Sir.

In the last Assembly, a former Minister of the Environment made some rather famous comments and it related to the processes in the planning Department, and he said this:

1960 “We can't use common sense. We have to follow the rules.”

and I think that is very relevant today. You cannot make rules for every eventuality. That is why, on page 39 of our Rules of Procedure, we have got references to Article 7, which stems from the Guernsey 1948 Reform Law, which enables us to change Rules at whim, if you like, if there is a good reason.. And we have done that twice now today. When I first spoke we had only done it once! (*Laughter*) – although the second change has to be confirmed when we vote on the substantive proposition.

1970 So, my view is this: to me, common sense dictates that we have an election, and the only way you will guarantee that is if you suspend this Rule. If you don't, we will have a 'coronation', assuming, of course, Deputy Trott does not put his hat in the ring again, which is quite possible.

So, from what I know, the only way forward, really, to satisfy all the members of the electorate, is to have an election and the only guarantee of that is to suspend – not suspend, but to revoke – this particular Rule.

1975 Thank you, sir.

The Bailiff: Yes, Deputy Jones. This is Deputy Dave Jones.

Deputy David Jones: Thank you, Mr Bailiff, Members of the States.

1980 Let me just say something, as Deputy Trott's name is being dragged into this again. When I spoke to Deputy Trott a few days ago, and asked him *not* to withdraw his name, he said something that was very poignant. He said 'you are making the mistake of many others that I am desperate to be the next Chief Minister of this States – and I am not'. And I understand why he withdrew his name.

1985 Now, getting back to this particular Rule change, if we had electronic voting we could do away with a lot of this. My view is that I hope we can chose a Chief Minister before we all die, quite frankly. (*Laughter*) This is dragging on.

1990 I agree a lot with what Deputy St Pier said. This is not an emergency, and to describe it as an 'emergency Billet', from my time in the States, we have had emergency Billets in times of crisis and in times where the Government has had to act very quickly, in order to avoid some catastrophe or other, financial or otherwise. That is a true emergency and, to my mind, this is a misuse of that power. So it is not an emergency.

1995 I think what it was is that the legitimate candidate was probably deemed to be unsuitable, which is what made it a sort of an emergency in the minds of many. And Laurie Morgan – who the vice-Chair of SACC mentioned – Laurie Morgan was a real gent and he was a real parliamentarian, but the difference between this situation and Laurie Morgan's was that he had a

great deal of political experience on A and F before he became the first Chief Minister of Guernsey. That is a significant point, and that is what we are missing here.

We have got very good candidates who are standing, or possibly might be able to stand. I thought, at the hustings last night, they both performed extremely well. And they did not fall down on any particular question, either of them, that was asked of them. But, nonetheless, I still believe – and I have never supported scrapping this Rule – I have had two votes on it in this Chamber but I have supported keeping it because I think that having some political experience is important if you are going for this kind of job. And Deputy Harwood has said last night, in a very open-palmed, telling speech that he brings no political baggage, and I sort of accept that. The trouble is that some of the baggage that you do need to be Chief Minister is *very* political. So you do need, in my view, some of it. And Laurie Morgan, as I said, had a proven track record before he became the Chief Minister.

I feel, like many of you – I am certainly like Deputy Scott Ogier in many ways – it's a bit like Russian roulette to me. I have got this sort of gun that is being held to my head, and if I pull the trigger on the wrong chamber, well, it will all be over, and a collective cheer will probably go up amongst this House and the community at large! If I pull the trigger on the next chamber, we will all live to fight another day... But the thing that really disturbs me is that I have got this gun to my head at all: it could have been better handled.

Now, Deputy Fallaize and I have had a full and frank exchange of views on this subject (*Laughter*) and we agreed this morning to agree to disagree. But there is no doubt that I think that, at that SACC meeting, once that interest had been declared, Deputy Fallaize should have withdrawn from the meeting. The reason I say that is because any of you who have served on Environment and Housing... if I get a licence application to housing that one of the board members of the Housing Board has some personal acquaintance with the person who is making the application, they are, by law, duty bound to declare that interest and then withdraw from the meeting. And you cannot say that this particular member of SACC did not have a material interest in one of the candidates that is standing in this election. I mean, it is there, it is as plain as a pike staff what should have happened at that meeting. But we will move on...

The Deputy Bailiff has said this morning that –

A Member: The Deputy Bailiff? (*Laughter*)

Deputy David Jones: Sorry, sir, I apologise to you because I had forgotten that you had been raised up, so to speak.

So I think that that was unfortunate and that was one of my biggest complaints. Deputy Fallaize and I had a phone call a couple of days ago together where we had another full and frank exchange of views (*Laughter*) on that particular point, amongst others.

So, for me, I am not going to be inconsistent. I voted against this Rule change for the reasons I have just given you twice before. But can I just say this; can we just get on now and get on with it? You will all have your own different views about whether you are going to support it or not, and we will all fall into different camps. But once we have decided whether to open this up to the wider States or to go with the candidate – the legitimate candidate – and I, in a way, feel sorry for Deputy Le Tocq because he has done everything by the book, by the Rules and he should not be ridiculed for that, I don't think. Certainly, if we are going to do it, can we just get on with it so we can move on and then have an election for whoever wants to throw their hat in the ring and choose a Chief Minister and then move on in the next few days for Ministers and Departments.

Thank you, sir.

The Procureur: There is something I ought to say about emergency Billets. (**The Bailiff:** Yes.) This is just shorthand and it is a convenient short hand, but as with all short hands it falls down. The rule under which you, sir decided that you would allow the publication of this particular Billet at the time when you did is Rule 1, which sets out when Billets are normally published and the text of 1(4) is:

'Notwithstanding the foregoing provisions of this Rule, the Presiding Officer may, if in his opinion circumstances so require, convene a Meeting in such a manner and at such notice as he shall decide.'

You considered that the circumstances where a substantial number of Members wanted to explore this issue did so require. You never said it was an emergency.

The Bailiff: No, that is exactly correct.

I was being advised that a substantial number of Members wished to have the opportunity to

discuss this issue and I said if SACC wished to present a Report then I would give leave, in these circumstances, under Rule 1(4) and I so did.

Deputy Le Lièvre.

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Deputy Le Lièvre: Thank you, sir.

Members of the Assembly, I have got another five rounds of ammunition at home if Deputy Jones wants them. *(Laughter)*

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I have listened with interest to the arguments as to why we should, or should not, rescind this particular Rule of Procedure, and I find, to some extent, I have some sympathy with some of the arguments put forward, both for and against. Indeed, when the concept of suspending the Rule was first put to me I was against such action, unless such a motion was attended by a clear intention to remove the Rule at some later stage. I did not want the Rules of Procedure to be used as a tool to skew the chances of a particular Deputy, either which way, it makes no odds.

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In that respect, I would be happy to live with whatever is decided in this Assembly today. But it is not the ‘fors’ and ‘againsts’ of changing the Rule that bothers me greatly. What truly bothers me is the fact that, with our seeming obsession with the ‘fors’ and ‘againsts’ of Rule changing, we are in danger of losing sight of the real issue. That is about freedom of choice, and, in particular, the loss of that freedom of choice, if we vote today to stick with the current Rule. In limiting our freedom of choice, we limit the freedom of choice of this Island.

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Over the last few weeks, the message has been that the electorate wants change, and this message has been repeated constantly by most of those Members who are with us for the first time. We are told that the electorate want change and they want change *now*. They want us to make the correct choice for the Island today, and then they want us to stand by that choice. They want a Chief Minister *they* believe in and they want a chief Minister *we* believe in.

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Given this clarion cry, I simply cannot believe that the electorate want us to be forced down a cul-de-sac, where there is no choice, no freedom to choose who we believe is the best man for the job, simply because of the so called ethics of changing a Rule so soon in the life of this States. Is that really where we want to be? At this stage, we don’t even know how many candidates there will be. At the end of this debate, we might call the qualifying session. there might be one. With a bit of luck, there might be two and, if the sun *really* shines upon us, there might be three or four, if the current incumbent and one or two others throw their hats into the ring. This would be good news for all of us.

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Just imagine the headlines tomorrow if it was a race of four contestants? And now imagine the headlines if the choice is a choice of just one. Please remember that there was a significant amount of comments about the election, or the so called election in the Vale – and there *was* an election in the Vale, we had two spare candidates! *(Laughter)* Exactly, my point entirely, thank you.

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I would suggest that the winner of such a race will not have won anything at all, simply the dubious right to be the target of an unending stream of criticism from all sides as things go wrong, as they surely will, when choice is off the menu. It will not bode well for the future of any of us, but particularly for the winner.

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I don’t like the term, but this is a no brainer. If we fail to allow freedom of choice today, we devalue the right of the ultimate winner to say, ‘I won this post because the States believed I was the right man for the job’. We deny the candidacy the legitimacy to stand in this forum for the next four years with the self assured confidence to say, ‘This lot believed in me and, in turn, I believe in myself’. Who are we to deny that candidate that right?

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Support the change of Rules and let the best man win, whoever that might be. And, in that respect, I would suggest that Deputy Trott picks himself up, dusts himself off and gets back in the ring *now*, not at some later stage. There is – and this is not directed at Deputy Trott – no dishonour in losing: it means that there has been a fair race. Where there are no losers, there has not been a race in the first place. Vote to change the Rules and vote for change.

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Thank you, sir.

The Bailiff: Deputy Trott.

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Deputy Trott: Sir, you have asked that we keep personalities out of this debate, quite rightly, but I am sure Members will indulge me if I talk for a while in the first person because I *am* the only person in this Assembly who has been Chief Minister. I am also the only ever Chief Minister to complete a full term. I am the only ever Chief Minister to have been Treasury and Resources Minister for a full term before becoming Chief Minister. I am the youngest ever Chief Minister by more than a quarter of a century. *(Laughter)* And this may surprise some of the newcomers, sir; I am a previous poll topper! And this also may surprise some Members, when I first entered this

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Assembly; I was its youngest Member. I have more political experience at the top of our machinery of Government than any other Member present and, sir, I have even shaken hands with Alex Salmond! *(Laughter)*

But hey, sir, what do I know? I would argue, sir, more than most in this Assembly, when it comes to the position of Chief Minister, and I have a caution that I must express. If you suspend this Rule and a candidate without *any* political experience is elected, then you must be prepared to cut that candidate a *huge* amount of slack. It will be months before that person – it could even be years – is up to speed. He or she will need a *great deal* of support and he or she must be given it.

Now, sir, I offer no further view as to the merits or otherwise of changing this Rule, but what I do say is please heed my words. I do not want this Assembly in six months', or a year's, time to be champing at the bit for more speedier progress whilst, in one possible scenario, a new Chief Minister is still getting his or her feet under the table. So I hope Members will listen to those words carefully.

Thank you Sir.

The Bailiff: Does anyone else wish to speak? I do not see anyone else rising. In that case, I call on Deputy Lowe, the vice-Chair, to reply to the debate.

Deputy Lowe: Thank you, sir.

I am certainly, oh I don't think the mic is working... It is.

I am certainly not going to take members time going through all the speeches, the only thing I would say this afternoon is that Deputy Jones said that Deputy Morgan was elected, and what a gentleman he was and that he had experience on A and F.

All that is absolutely true, but he missed one vital bit of the information which I relayed to you all this morning: there were no Rules when he was elected. It was down to the States' Members to actually use their own judgement, in who they thought was the best person for the job. Exactly what this States' Report is asking you to do today. You make that judgement of who you think is the right person for the job, and we will then go to the vote. But that is the point I am trying to make.

The Bailiff: I think we are having a problem with the microphone, Deputy Lowe.

The Deputy Greffier: I don't think they are working, sir.

The Bailiff: Are none of them working? Is mine working, Greffier?

The Deputy Greffier: It is recording but it is not amplifying.

The Bailiff: Are none of the microphones working?

There was a short discussion of technical issues.

The Bailiff: It is recording... is it being broadcast? We don't know – sorry, please carry on, Deputy Lowe.

Deputy Lowe: I did not have much more to say, anyway, sir. I just wanted to highlight that point.

What I was actually saying before is that when Deputy Morgan was elected, it was a free rein. Anybody could stand from the floor of the House, exactly what we are asking you to do today, with this report from SACC.

So, sir, I am not going to go through all the speeches. I thank everybody for their contribution and I will be reflecting exactly now, as I believe... you make that decision whether you support this Report. It is as simple as that, and I ask Members to go to the vote and a recorded vote, please, sir.

The Bailiff: A recorded vote.

Members, we come, then, to the vote. There are really three propositions, 1(a), 1(b) and 1(c). As Deputy Dorey reminded us, we need a vote on each and every one of them. I propose that they be taken separately, and hence that you vote first, and this first vote is on proposition 1(a), which is that paragraph (2A) be rescinded.

2180 Proposition 1(a) is going to the vote now.

There was a recorded vote.

Carried – Pour 26, Contre 18, Abstained 3, Not Present 0

	POUR	CONTRE	ABSTAINED	NOT PRESENT
2185	Deputy Soulsby	Deputy O'Hara	Deputy Harwood	None
	Deputy Sillars	Deputy Quin	Deputy Fallaize	
	Deputy Luxon	Alderney Rep. Kelly	Deputy Le Tocq	
	Deputy Hadley	Alderney Rep. Arditti		
2190	Deputy Kuttelwascher	Deputy Conder		
	Deputy Brehaut	Deputy Storey		
	Deputy Domaille	Deputy St Pier		
	Deputy Langlois	Deputy Stewart		
	Deputy Robert Jones	Deputy Gillson		
2195	Deputy Le Clerc	Deputy Trott		
	Deputy Gollop	Deputy David Jones		
	Deputy Sherbourne	Deputy Spruce		
	Deputy Bebb	Deputy Duquemin		
	Deputy Lester Queripel	Deputy Paint		
2200	Deputy Le Pelley	Deputy Adam		
	Deputy Ogier	Deputy Perrot		
	Deputy Laurie Queripel	Deputy Burford		
	Deputy Lowe	Deputy Inglis		
	Deputy Le Lièvre			
2205	Deputy Collins			
	Deputy Green			
	Deputy Dorey			
	Deputy James			
	Deputy Brouard			
2210	Deputy Wilkie			
	Deputy De Lisle			

The Bailiff: Can I just say it is helpful when Members are voting if they could switch their microphones on, it both helps the Deputy Greffier to hear and it also helps anybody listening on the radio who wishes to hear how their elected representatives are voting can hear.

2215 Members of States, the results of the vote on Proposition 1(a) was 26 votes in favour, 18 against, with 3 abstentions, and I declare the proposition carried.

So we come now to the vote on proposition 1(b). Do you wish to have a recorded vote on this, Deputy Lowe or, in the light of the last vote, are you happy to go *au voix*? – (inaudible response) – Right, in that case, unless anybody else is requesting a recorded vote, we will go *au voix*. Proposition 19(b), those in favour; those against. I declare it carried. *(Laughter)*

2220 Finally, proposition 1(c), do you wish to have a recorded vote on this, Deputy Lowe?

Deputy Dorey: I would like a recorded vote, please, sir.

2225 **The Bailiff:** Deputy Dorey would like a recorded vote. So, recorded vote, please, on proposition 1(c).

1(c) I remind you is the additional proposition that was added as a result of the amendment proposed by Deputy Trott, seconded by Deputy Perrot, which, at the time, we numbered as amendment No. 1.

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The Deputy Greffier: Sir, I am told that whilst we are not having amplification, it is being transmitted.

The Bailiff: It is being transmitted, thank you very much.

2235 So if people could switch their microphone on while they are voting, then it will enable people to hear how you are voting.

There was a recorded vote

Carried – Pour 24, Contre 22, Abstained 1, Not Present 0

2240

	POUR	CONTRE	ABSTAINED	NOT PRESENT
	Deputy Soulsby	Deputy O'Hara	Deputy Le Tocq	
	Deputy Sillars	Deputy Quin		
	Deputy Luxon	Alderney Rep. Kelly		

2245	Deputy Hadley Alderney Rep. Arditti Deputy Harwood Deputy Kuttelwascher	Deputy Brehaut Deputy Langlois Deputy Robert Jones Deputy Sherbourne
2250	Deputy Domaille Deputy Le Clerc Deputy Gollop Deputy Lester Queripel Deputy Stewart	Deputy Conder Deputy Storey Deputy Bebb Deputy St Pier Deputy Le Pelley
2255	Deputy Gillson Deputy Trott Deputy Fallaize Deputy David Jones Deputy Laurie Queripel	Deputy Ogier Deputy Duquemin Deputy Dorey Deputy Paint Deputy James
2260	Deputy Lowe Deputy Le Lièvre Deputy Spruce Deputy Collins Deputy Green	Deputy Adam Deputy Brouard Deputy Wilkie Deputy De Lisle Deputy Burford
2265	Deputy Perrot Deputy Inglis	

The Bailiff: Members of the States, the result of the vote on proposition 1(c) is 24 votes in favour, 22 against, with 1 abstention. I declare the proposition carried.

2270 So I propose, now, that we rise for, let's say, 15 minutes and return at 3.30 p.m., where the procedure will be in accordance with the new procedure 1(b) that you have just adopted, which is that I will invite Members to propose candidates for the position of Chief Minister.

Those in favour of adjourning to 3.30; those against. We will adjourn to 3.30 p.m.

2275 *The Assembly adjourned at 3.15 p.m.
and resumed its sitting at 3.30 p.m.*

Billet d'État VIII

2280

Election of a Chief Minister Deputy Harwood elected

2285 **The Bailiff:** Members of the States – can I enquire whether any Member wishes to propose a candidate for the office of Chief Minister?
Yes, Deputy Fallaize.

2290 **Deputy Fallaize:** I wish to propose Deputy Peter Harwood.

The Bailiff: Deputy Fallaize proposes Deputy Harwood; and is there a seconder for Deputy Harwood? *(Laughter)*

2295 **Deputy Luxon:** I wish to second Deputy Harwood.

The Bailiff: Deputy Luxon, thank you very much and – yes, Deputy St. Pier?

Deputy St Pier: Sir, I wish to propose Deputy Le Tocq.

2300 **The Bailiff:** Thank you very much and is there a seconder for Deputy Le Tocq?

Deputy Dorey: Sir, I wish to second Deputy Le Tocq.

2305 **The Bailiff:** Deputy Dorey. Thank you very much. Does anyone wish to propose anyone else for the post of Chief Minister? ...No in that case we have two nominations. Deputy Harwood proposed by Deputy Fallaize and seconded by Deputy Luxon and Deputy Le Tocq proposed by Deputy St Pier seconded by Deputy Dorey.

Under the Rules of Procedure (*Laughter*) which now apply, Rule 20(3)(d) the proposer and the candidate in each case may speak

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‘...for not much than 5 minutes each before voting takes place; and no Member other than a proposer or candidate is entitled to speak.’

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I think, Procureur, we take them in that order, do we? First the proposer and then the candidate?

The Procureur: Yes, sir.

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The Bailiff: Yes, so the proposer in each case and then the candidate.

I propose that we take them in alphabetical order, so it will be Deputy Fallaize to propose Deputy Harwood, then Deputy Harwood to speak, followed by Deputy St. Pier and Deputy Le Tocq to speak.

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The electronic clock is running so that you can see the time but, to assist you, Deputy Greffier Francis is here and, after four minutes, he will give a little ring on the bell – would you like to show us a little ring, Deputy Francis? (*The bell rings softly*) That is after four minutes (*Laughter*) and then, after five minutes, there will be a louder ring on the bell. (*The bell rings loudly*) (*Laughter, and clapping*) so, unless anyone has any questions, I propose now that, therefore, we go through the speeches.

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Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

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It is now clear that our next Chief Minister will be someone who has never before held office as a Minister of any States Department but I am asking colleagues to elect the candidate who is most likely actually to deliver a completely fresh approach to presiding over the Policy Council and leading the States.

There is only one candidate standing for the office of Chief Minister for the first time who has no previous political enemies or allies and who enters this election free of political baggage from all previous States’ Terms. That candidate is Deputy Peter Harwood.

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Deputy Harwood was born and grew up in Guernsey. He was called to the Bar as an advocate of the Royal Court in 1982 and he was a corporate partner of Ozannes for nearly 30 years and Chairman of the GFSC for six. Significantly, Deputy Harwood is *the* candidate who has an intimate, working knowledge of this Island’s primary industry – financial services. In 1990 he was part of a group formed by the States to stimulate strategic policy planning in the public sector. He later chaired the panel to review the machinery of Government. There are few Members of this Assembly who understand our constitution and system of Government better than Deputy Harwood but it is his style of leadership and his vision for the role of Chief Minister which make him the outstanding candidate. He will provide calm, objective and dignified, but also determined and resilient, leadership. Deputy Harwood is undoubtedly a man of gravitas whose authority and judgement is likely to command confidence politically and publicly. He is the candidate who best fits the term ‘statesman’.

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Deputy Harwood understands that for a Chief Minister respect is reciprocal – it is not available simply to those who demand it the loudest. Deputy Harwood is a leader who will earn the respect of the States by himself respecting the States. His temperament and character will benefit the Assembly as it faces arguably its most challenging four years since the immediate post-War period.

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Sir, Deputy Harwood is standing not because he is personally ambitious but because he became aware that a significant number of Members believe that his background, intellect and quiet authority place him in the most favourable position to build an inclusive, cohesive Policy Council focused on its central task of departmental co-ordination and the development of strategic policy. He wants to be involved in the development of States policies domestically. He wants to foster greater political engagement within the Policy Council and raise the standard of political debate across Government. So as Chief Minister his primary focus will be on Island. However, on the occasions when it is the Chief Minister’s duty to represent us away, the States can be confident that Deputy Harwood will do so responsibly, eloquently and with sound judgement.

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Members will know that neither Deputy Harwood nor I on his behalf have canvassed support for his candidature. He has made no promises of ministerial nominations. Furthermore, it does not take a genius to work out that I am not proposing him because our politics are necessarily alike but we are here today not to elect the leader of a partisan party. We are 47 independent minded

2370 Members, seeking to elect the most rounded candidate (*The bell rings softly*) with the best mix of skills. So what matters most is not their politics but their character, competence and, crucially, their commitment to this demanding role and those who know him point to Deputy Harwood's proven record of attendance, effort and conscientious leadership. He is ready to start work immediately as our full-time Chief Minister *without* distraction.

2375 Sir, I appeal to colleagues to provide the next Chief Minister with a strong mandate for responsible, respectful, consensus-based leadership by voting for the outstanding candidate, Deputy Peter Harwood.

2380 **The Bailiff:** Thank you Deputy Fallaize.
Deputy Harwood.

Deputy Harwood: Mr Bailiff, fellow States Members, may I thank Deputies Fallaize and Luxon for supporting my nomination today and may I, in particular, also thank Deputy Fallaize for the kind words that he has spoken in my favour. Deputy Fallaize has given you a summary of my CV and I do not intend to repeat those details but I will, if I may, draw from those observations
2385 and from that background information those areas of experience that I believe will equip me for the role of Chief Minister.

I believe that my lack of previous experience as a Member of the States, oddly enough, will enable me to approach the role of Chief Minister free of previous political baggage and also free of any political preconceptions. I can, in the true sense, approach the role with a clean slate. I will be
2390 able to work with *all* Members of the Policy Council and this States constructively, irrespective of any previous political allegiances. I believe that this freedom will assist me in uniting this Assembly in the common purpose of acting in the best interests of this Island and its people.

As an advocate, I can bring to the office of Chief Minister experience and knowledge of the legislative and judicial system of this Island, its constitutional links with the other islands of the Bailiwick and with the United Kingdom and of its relationship with the EU, recognising that the
2395 mandate of the Policy Council includes the duty to advise the States on the Island's constitutional position and its relationships with those entities.

From my professional experience, as well as through my previous involvement as Chair of the Financial Services Commission, I will bring to the role extensive knowledge and experience of the many facets of the financial services sector in the Bailiwick. That knowledge and experience will be highly relevant to the discharge by the Policy Council of its mandated responsibility for the policy framework for the regulation of the financial services sector.

As the former Chair of the Financial Services Commission, and of the panel that was appointed in 1988 to review the machinery of government on this Island, I bring experience of chairing
2405 bodies where there is, or was, a considerable interface with the system of government in this Island. In particular, my involvement in the Financial Services Commission gave me the experience of dealing both with the Policy Council and the Department of Commerce and Employment fairly regularly and, incidentally, not without facing challenge. I would add I am not fazed by such challenge.

Turning now to my personal approach to the role of Chief Minister, I fully recognise and accept that we pride ourselves on operating a system of government by consensus and not by diktat. Consensus should also imply a respect for the views of others, whether those others are in the majority or in the minority. Without that respect, consensus cannot operate. Consensus and not confrontation should be the guiding rule. I have always believed in working *with* rather than
2415 *against* people. I believe that to be one of the fundamental strengths that I can bring to this role.

The role of Chief Minister derives from the mandate of the Policy Council. As we discussed last night at the hustings meeting, there is no separate job description. One of the key features of that mandate is responsibility for the co-ordination of States' activities. It is, I believe, one of the most important functions of the Chief Minister to facilitate that co-ordination across the different
2420 Departments of the States by maintaining regular liaison and dialogue with each Minister. It is not for the Chief Minister to interfere with the affairs of each Department but he has a role to listen, to encourage and to try and address, as early as possible, any sign of conflict, whether within a Department or between different Departments or Ministers.

The mandate of the Policy Council also includes a duty to advise the States on matters relating to international relations and I recognise that the Chief Minister may need to play a role in developing and maintaining international relations for the benefit of the Island. (*The bell rings softly*)

If elected, I hope that I would be able to share that role with other Ministers. I think that, over the next four years, the principal but not exclusive focus of attention for the Chief Minister must

2430 be within the Island.
I beg you to support my nomination.

The Bailiff: Thank you.
Now I call upon Deputy St. Pier to speak in respect of Deputy Le Tocq.
2435 Deputy St. Pier.

Deputy St. Pier: Mr Bailiff, I have been on a personal journey.
At 11 p.m. on Wednesday, 18th April I imagined that, if he was re-elected, Deputy Trott would
2440 be the most credible candidate for Chief Minister. By 1 a.m. on Thursday, 19th April it was clear
to me that the extent of the clearout was such that to put him back as team captain was simply no
longer an option. I met with Deputy Le Tocq later that day and quickly concluded that he was the
only other credible candidate. I willingly signed his nomination papers on Friday 20th, believing
him to be the best candidate.

I first met Deputy Le Tocq last November when I was considering standing for election. I
2445 developed an instant rapport with him. His ever present common sense, level headedness and
intelligence was quickly evident.

Faith is not something I have had any cause to discuss with Deputy Le Tocq until the
beginning of this Chief Minister's Election. For him, faith is a personal matter and, as such, he has
2450 never had any reason to discuss faith with me. He lives his faith and does not proselytize. He
firmly believes that Government should play no part in religion. For these reasons, whilst I
personally have no religious faith, I would be entirely comfortable with Deputy Le Tocq as our
Chief Minister.

Deputy Le Tocq's politics are similar to my own. He is economically conservative but socially
2455 aware and this is why both myself and Deputy Dorey were keen to nominate him. This
demonstrates his proven ability to reach across the entire Assembly to build consensus and a new
politics – a coalition blending new and established politicians and representing the spectrum of
political views.

Having served as a Deputy between 2000 and 2008, Deputy Le Tocq has a demonstrable,
2460 practical experience before and after the change in the system of government. He served for
perhaps an unprecedented four years as Chairman of the Public Sector Remuneration Committee,
providing an excellent test of his ability to lead and marshal competing parties and interests
without confrontation. There was no industrial action during his tenure. He has experience of
representing the Government outside the Island and he has also served at the heart of Government
as Deputy Minister of Treasury and Resources.

2465 Deputy Le Tocq is not only unflappable, intelligent, erudite and articulate but also honest and
open, which is amply demonstrated with his exemplary conduct in the last ten days. He also has
immense compassion and personal integrity. Of course, these qualities should not be unique
amongst our political class, but he does have qualities which I believe are truly unrivalled. He will
2470 treat the Prime Minister at a British-Irish Council Summit with the same dignity and respect as a
homeless person. He can connect with an IMF delegation or the CEO of an international bank as
he could with a youth group. Such an ability is a *very rare* commodity.

At home this quality will give him the ability to speak *to* Guernsey, as well as speaking *for*
Guernsey outside the Island. It will also enable him to represent the concerns of *all* islanders in
2475 Policy Council, not just the narrow strata in which most of us live. He will be able to effectively
and, more importantly, credibly communicate the decisions of Policy Council and Government to
our community. Outside the Island, what better way to assert our separate identity than being
represented by a multi-lingual man with Deputy Le Tocq's impeccable Guernsey heritage,
including his fluency in Guernésiais.

We have tough decisions ahead – we all know that – we want and need more than a Chairman
2480 of Policy Council or a wise adviser. We need somebody who can, in spite of our system of
government, lead and provide a sense of direction, someone who can persuade his 46 colleagues
(*The bell rings softly*) to coalesce around agreed priorities and a plan of Government action. We
need someone who can inspire. In short, we need a leader. That person is Deputy Le Tocq.

2485 Sir, at the beginning of this speech I spoke of being on a journey. When I signed Deputy Le
Tocq's nomination papers, I said that I believed him to be the best candidate. In the ten days since,
I have come to know him well and now I don't *believe* him to be the best candidate, I *know* him to
be the best candidate.

This is an important vote. I will be voting for Deputy Le Tocq, knowing that this is about
2490 making the right choice for Guernsey and I urge all Members of the Assembly to do the same.
Thank you.

The Bailiff: Deputy Le Tocq.

2495 **Deputy Le Tocq:** Sir, I stand before this Assembly today, conscious that, as a result of the General Election just two weeks ago, expectations in our political process have been running higher than we have seen for some time. In that short time between then and now, actions and events, rightly or wrongly perceived, have threatened to sink those hopes. Whatever happens today, we must not let this continue. We have an opportunity to do something significant to change this – corporately, as a team. We can make a start by choosing a Chief Minister who can signal a change in culture and bring some cohesion back into this ancient Island Government and begin to win back the trust which has been so easily squandered and, when I talk about team, I do mean all of us. For we are all leaders here, not just the members of the Policy Council. Leadership is in our hands and so we must not abdicate but we must rather delegate it appropriately. This is not so much to do with our system of Government or the culture of leadership at the top. The Chief Minister establishes that culture by his style and who he is.

2500 I have said it before; if we ever needed a Government of national unity it is now. That is why I am confident that the combined energies and ideas of new Members, along with shrewd judgement of more experienced Members can produce and deliver the kind of results these Islands deserve. But it will take the right catalyst to make this happen. I want us all to be part of the team that is making this happen. This is something we must all own. Communicating this vision must be one of the first items on the agenda for the Chief Minister and better communication all round must be our number one intention within Policy Council, among the States as a whole and, most importantly, better communication with the people of these Islands.

2510 I thank Deputies St. Pier and Dorey for their encouragement and support. You have heard from Deputy St. Pier regarding my strengths. I will share with you now some of my weaknesses. I confess I am an optimist, some might say a dreamer, but as our adopted poet Victor Hugo said ‘*Il n’y a rien que le rêve pour créer l’avenir*’ – ‘There is nothing like a dream to create the future’. When I was a young teenager I wrote to the press under the pseudonym of ‘Guernsey Nationalist’ and, before anyone goes rummaging through 1970’s back issues, I will tell you what I saw then as of paramount importance. It is to see clear definition and promotion of Guernsey’s true identity and worth. I still dream that dream.

2520 I confess I am unashamedly standing for change – not all of us may like it – but we *must* all embrace it. I believe the electorate want to see significant, visible change and with me you will get it. I believe in leadership with backbone but not bite. A style that is neither patronising nor manipulative. I value strong opinions even when they are contrary to mine, but I will wield my influence in order to bring focus, not on our differences but on our corporate mutual strengths, and the goals we own together. I believe in proactive delegation not abdication. A leader sets the parameters clearly, communicates them to his team, but significantly allows the whole team to engage in how we move within these parameters. I am not afraid of confrontation. I am certainly not so naive as to trust everyone’s motives to be pure.

2530 To quote Deputy Quin, I have a life outside of politics. I can, and have, removed myself from other responsibilities in order to focus my energies but my family will still remain number one. I am not ashamed of this. It makes me stronger and better connected to the lives of ordinary people with ordinary responsibilities. I am a social animal. I enjoy meeting people of all types. I enjoy people and, for me, the whole of life is politics in this sense. At 48, I am still relatively young (*The bell rings softly*) but I would remind this Assembly that I have a mature hairstyle. (*Laughter*)

2535 I am also a learner, a fast learner I would say, but certainly one who enjoys learning. I believe this is far more important if we want to see change in culture. I will contend it is good to have someone who is teachable, an open minded enthusiast, who can set an example to others, who may be more inflexible initially. I am willing to think outside the box and embrace new ideas whilst maintaining appropriate respect for the old ones.

2540 Leadership has a harder job to do than just choose sides. It must bring people together. This is what I aim to do.

2545 Thank you.

The Bailiff: Thank you, Deputy Le Tocq.

Members of States, then we come now to the vote on the Election of a Chief Minister which, in accordance with the propositions that you have just adopted, is to be done by way of *appel nominal*, during which I would ask you, when your name is called, to give the name of the candidate that you wish to support.

Can I just remind you there are two candidates – Deputy Harwood, proposed by Deputy

Fallaize and seconded by Deputy Luxon and Deputy Le Tocq, who was proposed by Deputy St. Pier and seconded by Deputy Dorey.

Deputy Greffier.

2555

*There was a recorded vote by appel nominal:
Deputy Harwood 27, Deputy Le Tocq 20*

2560

DEPUTY HARWOOD

Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Hadley
Alderney Rep. Arditti
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Lester Queripel
Deputy Gillson
Deputy Trott
Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy James
Deputy Adam
Deputy Perrot
Deputy De Lisle
Deputy Inglis

DEPUTY LE TOCQ

Deputy O'Hara
Deputy Quin
Alderney Rep. Kelly
Deputy Gollop
Deputy Conder
Deputy Storey
Deputy Bebb
Deputy St. Pier
Deputy Stewart
Deputy Le Pelley
Deputy Ogier
Deputy David Jones
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Le Tocq
Deputy Brouard
Deputy Wilkie
Deputy Burford

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The Bailiff: Members of the States of Deliberation, if I can have your attention.

The Deputy Greffier has just handed to me a notice which I will read. It is addressed to me as Bailiff and Presiding Officer of the States of Deliberation, dated today, and it reads as follows:

2590

‘Sir, I have the honour to report that the result of the ballot for the election of Chief Minister held this day is as follows:

2595

Deputy Peter A Harwood 27 votes
Deputy Jonathan P Le Tocq 20 votes.’

There were no abstentions. The number of votes cast in this ballot was 47.

I declare Deputy Harwood elected to the post of Chief Minister. *(Applause)*

2600

Members of the States of Deliberation, I hope you will just permit me, on your behalf, to congratulate Deputy Harwood on his election and to welcome him to the post of Chief Minister. May I also wish him well in the discharge of the duties of Chief Minister which I do both on behalf of the Members of the States of Deliberation but also, if I may say so, on behalf of the people of Guernsey. **(Several Members:** Hear, hear.)

2605

Deputy Harwood.

Deputy Harwood: Mr Bailiff, fellow Deputies, I am very grateful, sir, for your kind words and for the support that I have achieved during the course of today. May I say also how pleased I was that the manner in which the debate on the resolution to rescind the Rule was carried out, that I believe it was actually carried out in very fair way with a lack of personalised approach. That I think shows, hopefully, the future for the States, to be able to operate in a very dignified and open fashion.

2610

I am very conscious of the honour that has been conferred on me today and I undertake to the States, to the people of Guernsey, to discharge it to the utmost of my ability.

2615

Thank you, sir.

The Bailiff: Thank you, Deputy Harwood.

Well, Members of States, that brings this meeting to a close. We will reconvene in a week's time, on 8th May, to elect Ministers.

Deputy Greffier, if you will read the closing Grace.

THE GRACE
The Deputy Greffier

The Assembly adjourned at 3.59 p.m.