



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 27th November 2015

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Present:

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

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

Deputies G. A. St Pier, P. L. Gillson, P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M. J. Fallaize, 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,
S. A. James, M. B. E., A. H. Adam

The West

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

The South-East

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

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

Deputy E. G. Bebb (*relevé à 10h 23*); Deputy K. A. Stewart (*absent de l'île*);

Deputy D. B. Jones (*indisposé*); Deputy J. P. Le Tocq (*absent de l'île*);

Deputy A. M. Wilkie (*indisposé puis relevé à 14h 49*); Deputy P. A. Luxon (*relevé à 9h 55*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCAATION

Billet d'État XXI

STATES REVIEW COMMITTEE

The Organisation of States Affairs – Third Policy Letter – Propositions approved as amended

The Deputy Greffier: Billet XXI, The States Review Committee – The Organisation of States Affairs – Third Policy Letter continues.

5 **The Bailiff:** Members of the States' Deliberation, welcome to this fourth day. *(Laughter)*
We start with the amendment to be proposed by Deputy Laurie Queripel.
Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.
Can I ask the Greffier to read the amendment?

10 **The Bailiff:** Yes.

Deputy Laurie Queripel: Thank you.

The Deputy Greffier read the amendment.

Amendment:

To insert at the end of the words in Proposition 1:

'; except that, in the constitution of the Scrutiny Management Committee (p. 3204 of the Billet), and notwithstanding their Resolution 27 on Billet d'État XII of 2015 (p. 3234 of the Billet), none of the States members of that Committee shall be the President or a member of any of the six Principal Committees'.

15 **Deputy Laurie Queripel:** Thank you, sir.
Sir, it will probably come as no surprise to the members of the States' Review Committee or indeed to our Assembly colleagues that Deputy Green and I are putting forward or placing this

amendment. It might be a surprise to some Members that we are not putting forward or proposing something perhaps a bit more radical: a straightforward, stand alone, five-person or member Scrutiny Committee – five without any political portfolio.

20 Now, in the ideal world that would be my preference, but for various reason ... the numbers of States' Members; concerns about sufficient candidates for those roles and so on, it might be seen as a step too far for some Members, sir.

We wanted to offer something that could hopefully be seen as a serious, viable, attractive option, an alternative for States' Members to consider and we think it is an improvement on the States' Review Committee's proposals, sir.

25 Now, on the whole I am satisfied with what is being put forward in regard to the reorganisation of States' affairs. There are areas where I have one or two concerns and doubts, but on the whole I am satisfied. But this is an area of concern for me, where I think we could do better.

30 Nothing in this amendment precludes the setting up of *ad hoc* panels or the recruitment of non-States' members. All the good things suggested in the States' Review Committee's proposals remain in place, sir. The amendment is all about the three members of the Scrutiny Management Committee.

The argument that is being voiced or put forward... and what I am trying to do here, sir, is to anticipate perhaps some of the comments that were made in opposition to this amendment, that under our consensus and committee system of Government, which is being retained – which I am very pleased about – where we are all Members of the Government, all decision makers, all legislators and therefore it is not possible to have a great degree of separation between the scrutiny process and the business of Government. Sir, I am not buying that argument. I understand it to some extent. I understand it presents limitations but for me it is somewhat defeatist. It is a 'cannot-do', rather than a 'can-do' approach.

40 I think we can look at ways to inject as much independence, separation, lack of conflict as possible into the scrutiny model. And I do not think the States' Review Committee's proposals reach that point. I think there is more to gain, even under the consensus and committee system.

I do not think it is too much of a stretch to elect and develop the skills of three specialist scrutineers, who can concentrate on that job without obvious conflict or distraction, sir. Because, have no doubt about it, it is a skill that needs to be honed and it will be developed far more effectively if those three members can concentrate on the task in hand and give it their undivided attention, without the distraction of other committee work.

45 Yes, sir, conflict can be managed and I remember, I think it was on the first or second day of this this States' meeting, Deputy Sherbourne alluded to conflict and how it needed to be dealt with and needed to be managed. I know that conflict can be managed and that is fine. But surely the less conflict that has to be managed, the better. If that requirement can be reduced, surely that is a good thing. Where it is possible to create some separation between the business of Government and the scrutiny of that business, that opportunity should be taken and that opportunity, sir, is being presented to Members now.

50 This is I believe a feasible, workable, proportionate way of achieving that aim. Let us assign the same status, the same importance to the process of scrutiny as this policy letter does to the Policy & Resources Committee, because at the moment for me even though the States' Review Committee's model – and it is not just their model, I know it has already been approved by the States, sir – is an improvement on what is in place at the moment, it still feels like a bit of a poor relation to me.

55 The States' Review Committee have rightly said that the Policy & Resources Committee needs to be a specialist committee with very particular functions and responsibilities, and the members of that committee need to concentrate their efforts and their time fully on their tasks, without distraction and without compromise or conflict. Hence, they cannot be Presidents or members of any Principal Committees.

60 Now, sir, if we want the work of Scrutiny to be as good as it can be, as effective as possible, why treat it differently to the Policy & Resources Committee? It might be argued that the Policy &

70 Resources Committee will have – and they *will* – awesome and critical and key responsibilities, but
so have Scrutiny. The scope within their sights is potentially – in fact it is not ‘potentially’ – in
reality the scope within the sights of the Scrutiny Committee is *all* the business of the States. And I
am envisaging that this will be a much, much busier Scrutiny Committee, sir, perhaps with
multiple reviews and investigations taking place and more real-time investigations... launching
75 investigations at very short notice, encompassing the issues of the day. The increased resources,
the strengthened and widened mandate will allow for that in a way that has been denied to the
current Scrutiny Committee.

Sir, there were so many things that we wanted to look at during the course of this term: a list
of things that will probably go undone and a number of issues that probably could have been
subject to urgent reviews. I think under the circumstances the Committee has done very well, sir,
80 but limitations and restrictions have not enabled those pieces of work to take place.

So why treat Scrutiny any differently to the Policy & Resources Committee? Let’s have three
States’ Members dedicated to scrutiny, just as five States’ Members will be dedicated to the work
of the Policy & Resources Committee. Sir, the five members of that Committee will not be doing
that work on an *ad hoc* or part-time basis or dividing or diverting their attention, their time and
85 their energy in other directions.

Now, what about the possibility or the prospect of not having enough candidates to fill the
three positions if they are conditional on not having any other political portfolio? I really cannot
see that being a problem under the new Scrutiny model. I think as I have mentioned, sir, the role
of Scrutiny under the new model – extra resources, stronger mandate – which was made even
90 stronger yesterday by the amendment being put forward by Deputy Soulsby and Deputy Robert
Jones, to extend their reach to the satellites or to the bodies linked to States’ business and States’
spending of public money. That has got even stronger now after the success of that amendment,
but it would be a very attractive Proposition... extra resources, stronger mandate, the very real
prospect of carrying out very meaningful, effective, work – work that could make a real difference
95 to our community.

That is a tangible difference and I think that will be very attractive to Members of this
Assembly, if they choose to stand again and they are elected. But I think particularly to any new
Members coming into this States, sir, that will be an attractive Proposition and a draw for existing
States’ Members – let alone the enthusiastic new Members that will emerge after the election in
100 2016. I think it will be seen by Members of the next Assembly as a very worthwhile way to serve
this community.

Now, sir, bearing in mind that the reorganisation of States’ affairs is very much about better
leadership, better coordination, more corporate, cross-principle committee working, I can
envisage many workstreams incorporating the efforts of three, perhaps four, Principal
105 Committees. Now for me this is going to limit the pool of States’ Members that can be seconded
to serve on *ad hoc* scrutiny panels. I have just drawn together a couple of combinations I think
might occur during the term of the next States.

I can very well see, for example, the Committee for Economic Development, the Committee for
Education, Sport & Culture and the Committee for the Environment & Infrastructure working
110 together on workstreams, sir. Now, if that workstream came under the eye of Scrutiny, none of
those Members could be seconded to be on *ad hoc* panels. Equally I can see, say, the Committee
for Employment, Housing & Social Security, the Committee for the Environment & Infrastructure
and the Committee for Economic Development, all having some input into a common workstream
– and the same for the Committee for Economic Development, the Committee for Education,
115 Sport & Culture and the Committee for Employment, Housing & Social Security. I can see a lot of
that taking place during the course of the next term... three perhaps four committees working
together on one workstream. So that is going to limit the number of Members who will be
available for *ad hoc* panels and even the ones that could be available, we do not know if they
would want to serve on the Scrutiny *ad hoc* panel, a review panel, or not.

120 So I welcome the idea of *ad hoc* panels and I welcome the idea of seconding Members who are not members of the scrutiny process onto those panels, but I think it is really important that there are three specialist, unconflicted Members who can sit on any of those panels. If those three Members that are unconflicted and are purely scrutiny specialists, I envisage them taking a full part in all investigations, all reviews, all panels.

125 So finally – or for now – I think it is always good for States' Members to have a choice. They have a good choice in the States' Review Committee's proposals, which as I say have already been adopted by the States. But now, they have a chance to revisit that decision, to look at it again and in my view in regard to this amendment, they have a better choice than the one they have made already.

130 I ask Members to support this amendment.

Thank you.

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

135 **Deputy Green:** Yes, sir, and I reserve the right to speak.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes, I will speak now if I may please, sir?

140 I am sorry the Committee has to oppose this amendment, because I know that Deputy Queripel and Deputy Green feel very strongly about the importance of the scrutiny function and want it to succeed. But unfortunately the amendment they have come up with would be wholly counter-productive and would achieve the very opposite of what they are trying to achieve.

145 The claims about independence need to be challenged. I think Deputy Queripel recognises this. In a system of Government where all Members are effectively members of the executive, it is just not possible to assemble a scrutiny function of people who are independent of Government.

150 Also, one has to question why in this amendment, Deputy Queripel is trying to exclude or preclude dual-membership of Principal Committees and the Scrutiny Management Committee, but not include in this qualification, members of the Trading Supervisory Board and the Planning Authority, because there is no less potential for them to be 'conflicted' – to use Deputy Queripel's word – than if they are members of Principal Committees. The point that members of the Scrutiny Management Committee would be impartial of Principal Committees if they were not members of Principal Committees, is of course accepted. That point that Deputy Queripel makes is unarguable. In fact, the States' Review Committee said in its second policy letter,

'It is self-evident that the impartiality of scrutiny would be strengthened by precluding all members of the Scrutiny Management Committee from sitting on... Principal Committees.

155 So that is not challenged. But the key is, how many Members would be precluded from sitting on the Scrutiny Management Committee? At the present time there are only three Members of the States who are not members of Departments, the equivalent of the Principal Committees from 2016. And those three Members are Deputy Le Lièvre and the Queripel brothers. So if we adopted this qualification or if this qualification was in place now, the Scrutiny Management Committee would have three seats for States' Members and there would only be three candidates available: Deputy Le Lièvre – if he fancied this (*Laughter*) – Deputy Laurie Queripel and Deputy Lester Queripel.

165 **Deputy Lester Queripel:** What is wrong with that? (*Laughter*)

Deputy Le Lièvre: I do not think the States has got the time for me to tell you, sir. (*Laughter and interjections*)

Deputy Fallaize: QED.

170 The States clearly do not want to restrict... I have nothing against the Queripel brothers and Deputy Le Lievre. (**A Member:** The Chemical Brothers!) (*Laughter*) Oh, to be a fly on *that* wall!

But clearly the States do not want to restrict their choice. Deputy Queripel talks about choice... the States would be putting themselves in a straitjacket and they would have no choice but to elect members of a Scrutiny Management Committee other than from a very small pool of candidates.

175 I think Deputy Queripel's speech, if not the wording of the amendment, betrays a misunderstanding about the nature of the Scrutiny Management Committee. The proposals of the States' Review Committee are very clear in that the work of Scrutiny, by and large, will be carried out through panels appointed by the Scrutiny Management Committee. Deputy Queripel's speech suggests that it will be the Scrutiny Management Committee itself carrying out most of the work of Scrutiny and therefore there is no need to take this somewhat precious view of the three States' Members of the Scrutiny Management Committee. There will be a pool of people... States' Members and importantly, as many members who are independent of the States as the Scrutiny Management Committee can possibly recruit, to carry out the actual task of scrutiny. It is a Scrutiny Management Committee.

180 Also, the States' Assembly and Constitution Committee in the next policy letter – but it is a proposal that is effectively carried through from the suggestion in the States' Review Committee's policy letter – is proposing that in the order of internal elections, that the election of the Scrutiny Management Committee members is pushed higher up the order. So they would be elected in advance of the election of members of Principal Committees.

185 Now, if Members are precluded from being members of Principal Committees and the Scrutiny Management Committee, the number of Members prepared to stand for the Scrutiny Management Committee is likely to be tiny, because by and large people do not come into the States to be scrutineers. Maybe in the fullness of time more will, and that would not be a bad thing – and perhaps in several States' terms this sort of initiative could work. But at the moment we are not in that place.

190 Most Members stand for the States because they want to be in Government and they will want seats on Principal Committees. If we say, 'Well, the election to the Scrutiny Management Committee is coming up first, and if you get a seat on that you cannot sit on a Principal Committee and you cannot play a role in policymaking in the States' – the number of Members prepared to stand on the Scrutiny Management Committee will be tiny. Now, we may have secured the impartiality of Scrutiny, but we will have greatly restricted the quality of members of the Scrutiny Management Committee (*Laughter*) and that is the problem, because... no, I am not giving any examples in this case.

200 Deputy De Lièvre has had a go at Scrutiny once before, very briefly – and he is not a scrutineer – but he would not stand for the Scrutiny Management Committee. But if I look around, there are very few Members who would be prepared to disqualify themselves from sitting on policymaking committees to sit on the Scrutiny Management Committee. Maybe that is regrettable, maybe that will change, but that is not where we are at the moment. We would secure impartiality and we would compromise quality.

205 The most important thing about the Scrutiny Management Committee is that it has a prominent status and that it is respected, and that it can pull its weight in the States; and the best way of doing that is to ensure that it has a respected pool of Members from which to choose. I do not think that we want to restrict the number of candidates who can stand for the Scrutiny Management Committee to a pool that might be as small as three. In addition the States have voted to reduce the number of Members of the States, so there would only be three Members eligible now, with 45 Deputies, but the States are moving down to 38 Deputies. So how many Members would be available for the Scrutiny Management Committee under the new model? (*Interjection*)

220 In fact I think that if this amendment is successful, the States' Assembly and Constitution
Committee will have to lay an amendment to its own policy letter, the next one, to try and knock
Scrutiny back down the order of elections, because I do not think we can possibly... If dual-
membership is precluded, I do not think that we can keep the Scrutiny Management Committee
225 high up the order of elections, and doing that was part of the attempt to enhance the status and
prominence of the Scrutiny Management Committee.

So for all of these reasons, sir, I think this amendment is wholly counterproductive and would
achieve the exact opposite that Deputy Queripel intends. For that reason, sir, the Committee has
to ask the States to reject an idea which they have already rejected six months ago.

230 **The Bailiff:** Before I call Deputy Robert Jones, do you wish to be *relevé*, Deputy Luxon?

Deputy Luxon: Yes, please, sir.

The Bailiff: Deputy Robert Jones, then Deputy Lester Queripel.

235

Deputy Robert Jones: Thank you, sir.

I think about a year ago I would have had sympathy with Deputy Queripel and I think there
was something he said earlier, that he would have liked to have taken this even a little bit further –
and I am not going to repeat what Deputy Fallaize has said, I agree with everything he said there.

240 What I do fear is that some people would like to turn the Scrutiny Management Committee
into some sort of quasi-opposition or some sort of shadow Policy & Resources Committee. And
that would be my fear of taking this further, because that would not be the role of appropriate
scrutiny. That, for me, would dilute the function. I think in general scrutiny is retrospective. I do
not think we need a shadow Policy & Resources board and I fear that that is where this
245 amendment would start to take us.

I think Deputy Queripel even hinted that he would have taken it further and I think we would
have had a panel of maybe five to seven members and that would concern me. The management
of the scrutiny function does not require a large number of individuals. What it does require is
quality in terms of those individuals that can identify the appropriate topics and subjects that we
250 need to scrutinise.

The problems that Deputy Queripel raised in terms of not being able to do urgent business
reviews and snap hearings, is not a problem with the personnel or whether you are independent
of a particular committee or board. That problem relates to resources and finances and that is
where we should be focusing our concerns. If we want a stronger, more robust and – as Deputy
255 Fallaize put it – 'muscular' scrutiny function, that will come about through enhanced resources.
And that, I think, would strengthen Scrutiny not necessarily ensuring that all three members of
that particular committee... and I agree that the President should be, in an ideal world, that is
probably where I would have been... I know the former Chairman, Paul Arditti, was very keen that
that position was a role that did not have any tainting from sitting on any other particular board.
260 But I chose to stay on Public Services. You elected me on that basis so that made me feel
comfortable, but in an ideal world the President should be... but for the other two members, that
is not essential. And of course the Committee will look to appoint panels to do the work – and
Deputy Fallaize made that point.

So overall, whilst I had a little bit of sympathy a year or so ago and having lived and breathed
265 Scrutiny for the last three and half years, I am going to oppose this amendment.

The Bailiff: Deputy Lester Queripel, then Deputy Gollop.

Deputy Lester Queripel: Thank you, sir,

270 I am supporting this amendment because it will not be enough to just have a Chairman who is
totally wedded to scrutiny; what is going to be needed is for every member of the committee to

be totally wedded to scrutiny. And if they are members of other committees and departments, then they will be conflicted more often than not.

275 I really resonated with the late Paul Arditti's approach to scrutiny. He said he wanted, 'Scrutiny to attain the level of accountability that had previously been unseen in local politics.' And he said that in a press article in October 2012, which I have with me if any of my colleagues want to see it. He also said in that article that 'every member of the Scrutiny Committee should leave their politics at the door' when they are on Scrutiny business.

280 And of course, not only do we have to consider the issue of conflict here but also the issue of friendships, because I would say friendships need to be left at the door along with personal politics. And if those friendships are lost because of something that is said during an investigation or something that is revealed in a hearing, then so be it.

285 That to me is the kind of approach that will need to be taken by the next Scrutiny Committee. I am not for a moment saying that has not been the approach taken by the current Scrutiny Committee, but they are severely restricted by their mandate and the fact that the majority of the members are also members of other departments and committees.

290 If we want to take scrutiny to another level, then we really do need to address the issue of conflict and resolve it, and the way we resolve it in my view is by putting three Members of the Assembly in place who are totally driven by scrutiny. They live and breathe scrutiny; they strive to obtain accountability which is exactly what the people of Guernsey want and need.

295 It will not be enough to simply broaden and strengthen the Scrutiny mandate and put one person at the top and expect them to drive the whole scrutiny process. In fact, sir, I think it would be total folly and completely unrealistic of us to expect one person out of 38 to live and breathe scrutiny, especially when that person has two assistants trying desperately to hang on to their coat-tails, who would be conflicted more often than not.

300 I disagree, sir, with more or less everything that my Chairman of Scrutiny, Deputy Rob Jones, said in his speech. Because in order to enable the States to attain truly effective scrutiny what will be needed is for all three members to be totally committed to the whole scrutiny process. Because if a member of the Committee is conflicted on an issue then their knowledge, their wisdom and their skills are not only lost to the Committee but they are also lost to the whole community. I would like my colleagues to bear that point in mind when they come to vote, sir, because our community will be expecting much more effective scrutiny under the new system of government.

305 And why would we even want to create a scrutiny system which has the kind of flaws and weaknesses that I have focussed on in this speech? It would not make any sense at all, sir, to create a new system of scrutiny that has weaknesses.

Thank you, sir.

The Bailiff: Deputy Gollop and then Deputy Brehaut.

310 **Deputy Gollop:** Thank you, sir.

One point I need clarification on – and I am sure everybody will say I should know already – is the intention for the new Chairman of the Scrutiny Management Committee to be not a member of any other body.

315 **Deputy Fallaize:** I thank Deputy Gollop for giving way... he really should know this already. (**A Member:** Hear, hear.)

The intention is that yes the lead, the President of the Scrutiny Management Committee will be precluded from sitting on both the Policy & Resources Committee and Principal Committees – that is the proposal.

320

Deputy Gollop: Well, that is interesting, because of course that is different from the current arrangements. (*Interjections*) When the Scrutiny Committee came into being at that time, the first two Chairmen of Scrutiny and Public Accounts, Jean Pritchard and Rhoderick Matthews, were not

325 members of any other bodies, but later on Deputy Leon Gallienne and of course Deputy Brehaut
was at one point Deputy Minister of Health and Social Services. We have heard already that the
Alderney Representative, Mr Paul Arditti, chose not to be a member of any other committee, but
in a sense he *was* because he had a senior role in the government of Alderney that is not
unrelated to our affairs in every respect.

330 Somebody made the point that we were... Deputy Fallaize in fact, so I can go *touché* here – he
said the new States will have 38 Members. (*Interjection*) Not true, it will have 40 voting Members.
And I have seen in my time again, Mr Cox from Alderney and also Mr Walden were both at
different points members of the Scrutiny Committee. So one should not assume that only 38
candidates will stand for election to the new bodies because it is potentially true that 40 will. I
make that point.

335 For ideological reasons I am likely to support Deputy Queripel's amendment because it brings
forward a separation of governance and, you could say, opposition. Maybe I would not like to go
as far as Deputy Rob Jones in wanting, or not wanting, to see... creating an artificial opposition to
everything the States does at committee level. But I think, certainly the public out there and
maybe our processes, would be helped if there was a clearer distinction in terms of accountability
340 and transparency between a government and an opposition.

I think that having Members who are bits of both – although I have been one myself I have to
admit – is not ideal. I remember Mr Arditti saying to me over tea one day that despite my eight-
year membership of Scrutiny he did not consider me an ideal scrutiny candidate because I took
too many strong positions and partisan views on things. (*Laughter and interjection*) In his
345 perspective the ideal scrutineer would be somebody actually who is relatively neutral, relatively
like a forensic lawyer perhaps, or a person specialising in administration like a person who has had
civil servant experience.

I have certainly met Members and worked with them who as a first choice went for Scrutiny as
a career path because they liked asking questions... they liked holding the Executive – which
350 includes senior public servants as well as politicians – to account, and they wanted to explore
that kind of political approach.

Looking across at Deputy Lowe, who is one of – well she *is* the longest serving Member of this
States – and also listening to the wise advice of former Deputy and Conseiller, Ron Le Moignan,
who had many years of experience, including a term on Scrutiny Management Committee... They
355 tended to take the view – and they are not alone in this – that it was difficult for Scrutiny to
operate as effectively as it could whilst Members were conflicted, not just with the business of
attending, one could say departmental committee meetings, but also conflicted. Indeed on
occasions we have seen on Scrutiny even the very able Chairman has not been able to take a full
role in hearings because of a shared membership.

360 **Deputy Robert Jones:** I thank Deputy Gollop for giving way.

Does he not think, or agree with me that the conflict issue was dealt with on the basis that we
appointed the vice-chairman who was not conflicted, and that the new system will appoint panels
that are *not* conflicted?

365 And so I think it really is unnecessary for the three members of a *management* committee, who
will be doing the housekeeping – monthly, weekly and that type of thing – to be completely clean.

I just wonder whether he agrees with me on that, or fully understands what is being proposed
by the States Review Committee?

370 **Deputy Gollop:** Certainly Deputy Le Pelley has done a very competent and effective job in that
respect. But of course that is from the perspective of a Scrutiny Committee that perhaps is over
egged with *nine* Deputies or parliamentarians.

I would also make the point that, as Deputy Fallaize reminded me, we are moving from a
situation where the Scrutiny Chair or the Public Accounts Chair, as is currently the case can also
375 serve even in a quasi-ministerial role – to one where the Chairman will be separated from the

Policy & Resources process and separated from committee work. Why not apply the same logic to the other two members – because we are doing that with the Policy & Resources Committee?

My final reason for arguing this is nothing to do with ideology, it is to do with practicality. I look across the water to Jersey and meet these members now and then over a tea and a cricket match, because I am a non-playing fielder and all the rest of it... (*Laughter*) And they do tell me, 380 anecdotally, that over the years although they are better resourced than us in terms of the quantity of staff that work for them – and I do accept Deputy Jones's point there – they have struggled on occasion from a much larger Assembly, because they currently have 49 members, to find volunteers for the panels. And admittedly their system is different, because it includes 385 assistant Ministers, assistant Chief Ministers and Constables – who are semi-executive heads in their district – but that said, it is not particularly attractive to just turn up for one project and then disappear, especially if you are really busy on a more executive-type of committee making quasi-executive decisions... which we do currently in Housing, Environment and many other bodies.

I think you have seen commitment from the nine Scrutiny members and the nine Public 390 Accounts members, five of whom were politicians over the years – they have gone on and taken a full role in hearings and other work. And whatever is said, we will still run the risk regardless of the order, that the candidates who put themselves forward for Scrutiny will still be those who in some cases will be disappointed that they did not get other roles. They will perhaps put themselves forward on the day, even if you move it to the head of the queue, because they have known 395 through the grapevine that other people are more likely to be favoured for the roles – in the horse-trading that sometimes goes on. So I do not really think that is a solid argument either.

I am sure if we go along the States' Review process we will come back to this Assembly within one term and say it is time to change and to actually go to a more specialised scrutiny role.

400 **The Bailiff:** Deputy Brehaut, then Deputies Adam and De Lisle.

Deputy Brehaut: Thank you very much, Mr Bailiff.

I think 'Guernsey' is such a young concept in Guernsey politics, from the muddle that Deputy Pritchard introduced, and I think it is fair to say that on that occasion – the first attempt at scrutiny 405 – that a number of people wanted to be on departments and they did not succeed; and so as what is called in the Tour De France, the *Lanterne Rouge* – the 'broom wagon' – had made its way through, then people jumped on it because... no, I make a serious point there, because people felt that if they did not get the department they wanted, that they were going to have a seat on some sort of committee.

410 But what we are doing in all of that and going from that model to some other model with the amendment suggested by Deputy Queripel – which is you must have the cleanest of clean, the people untainted by any type of political involvement – you will end up with effectively, a shadow Principal Committee that will not have all the knowledge, that will assume there are giants when there are none and potentially waste a huge amount of their time.

415 We are making a mistake here of over-complicating scrutiny, because scrutiny in essence is very simple. I would argue, I have to be honest, I think there has been perhaps in the public's eye – because it takes time to get rolling and I understand why that is – a lack of scrutiny under this political four-year term. Because what the public want and expect is that when the PSD Committee have *alleged* to have spent £2 million... call them in, ask them. Have you spent 420 £2 million? What is the breakdown? Who did you pay? How long did you pay them? What did they actually receive? Who engaged them? That takes a morning to do that.

425 And the Environment Department... it is alleged we spent £500,000 on the seafront. People believe that. But get us in for a one-day hearing, ask us those questions and then the matter is resolved. Because what this States battles against is ill-informed public perception a lot of the time.

Believe it or not, two Assemblies ago when I re-joined HSSD there were not people banging on the door of HSSD saying, 'Hey, you are a big underfunded committee with lots of challenging

issues, I want to be a member of HSSD.' HSSD felt that there was the imperative for continuity from one political term to the next. So I found myself as Deputy Minister of HSSD and the Chair of the Scrutiny Committee – that was a mistake, by the way.

430

I understood why the need for continuity with HSSD, but I felt that I personally was conflicted in that role. Conflicted in the sense is that there was a perception that I was always conflicted – that was the perception. There were eight other members of the Scrutiny Committee, if an issue came up that touched on HSSD then I would leave the room. But let's not forget the Scrutiny Committee had eight members who in turn had their own political agendas. And on one occasion – when Deputy Fallaize was the Vice-Chair of Scrutiny Management Committee – I was excluded from the room as a member of HSSD and Deputy Fallaize was excluded as a member of Education. I would argue that that is because of the internal politics of Scrutiny that someone had a bee in their bonnet and wanted an issue looked at which excluded both the Chair and the Vice-Chair.

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I think what we have seen this term, our meetings are longer in the main because we have question time before we have... what do we have each? Do we have an hour, an hour and a half of questions? I cannot remember what it is. I think that is providing some scrutiny that could be provided by the Scrutiny and PAC Committee, because I think Members feel that they are not reaching, they are not getting to them, so they will do Rule 5 and Rule 6 questions.

445

I genuinely do not want Deputy Soulsby to feel uncomfortable about this, she has two political roles and one is PAC – she has more than that I think, but she is also a member of HSSD. I would say to her in the softest way I possibly can, I am of the view that a member of PAC with a mandate for value for money cannot say HSSD is providing this Assembly with value for money... that cannot be said, so I think there is a conflict within there. Why it is so difficult to say that, is we all know a political commentator outside of this Assembly who always has something to say on that and consequently, ironically, I have avoided saying it probably.

450

Scrutiny did, I think, a very good review of school exclusions – which was a very good review of its time. On the Scrutiny Committee at that time was a former teacher who had been elected, who felt passionately that they knew all there was to know about school exclusions, they probably had a predetermined position on this and they felt that if they were on that particular group working party they would get to the bottom of those issues around school exclusions. It was felt *then* by the Scrutiny Committee that actually there was predetermination and they had made their mind up, so they were excluded. And I think the balance worked very, very well.

455

The message I want to get through is, please do not exaggerate the complexity around scrutiny. It should actually be very easy. If you go with the Queripel amendment you will find that already you will contrive an adversarial situation and it will always feel like that will need to be diffused, and the only way it can be diffused is to get the Scrutiny Committee untainted by politics to try and knock down the door of that large-spending committee that the public and scrutiny members simply cannot get an understanding or an appreciation of.

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465

So I understand the motives and the intentions behind it, but would ask that you did not support it.

Thank you.

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The Bailiff: Deputy Adam.

Deputy Adam: Thank you, sir.

Unfortunately Deputy Gollop and Deputy Brehaut have said some of the things I wanted to emphasise. I believe strongly what Deputy Fallaize said about the position of the Committee as far as voting for the principal members of the Committee. If he had been that the elections on the last two occasions and when this new system started, Deputy Brehaut had said that the then Deputy Jean Pritchard decided to stand for Scrutiny – and that committee alone – and personally I think that was the most sensible thing. The other members of the Committee were on other committees but she was not.

475

480 Plus at that time I also believe that there were adequate resources and that is essential, as
Deputy Rob Jones has said already, we must have proper resources. At that time I think we had
some person called, who is now a Deputy – Deputy Roger Domaille – but at that time he was just
Roger Domaille; and PAC likewise had a chief officer looking after them. Now you have got one
485 combined and therefore I feel it is important that the Civil Service ensures that there are adequate
resources.

Now, Deputy Gollop mentioned the Jersey system, and Deputy Brehaut mentioned ‘adversarial
situation’ and I feel that is what the Jersey system has ended up being, an adversarial situation –
and I do not think it works all that well.

490 Exclusion of the chairman of a committee from a Principal Committee is correct. The other two
members, I do not think that is necessary. You do not want an absolutely separate full
complement And therefore I go along with Members who are going to reject this amendment.

I do not think it is the correct way forward. I think it is much more sensible to have the
chairman separate to other members and remembering that this is a management structure,
unlike the present one which has nine Deputies on it.

495 Thank you, sir.

The Bailiff: Deputy De Lisle, if you still wish to speak?

Deputy De Lisle: Yes, sir, thank you.

500 I am a little surprised at this amendment wanting to further restrict Scrutiny Committee
membership, because I would have thought that if an amendment had come in in this area it
would have been the other way around, requiring some sort of opening-up of the opportunity of
other Members coming on to Scrutiny, and providing the information and the knowledge that
they have to the scrutiny process.

505 My own feeling is – and having been on Scrutiny, the pure Scrutiny Committee I mean – that
we have been going too far within that committee itself in precluding Scrutiny members voice in
areas that they have some interest and knowledge in. By stating that they are conflicted and they
have to leave the room, and so on and forth, when they could be providing very often a valuable
insight, perhaps of some of the discussion going on in their department at the current time, which
510 would be of value to the scrutiny process. But having said that of course they are part and parcel
of the department and they may be conflicted, but the fact is that the knowledge that they
provide is quite important to the scrutiny process. I think there is danger here... and being too
restrictive I think we tend to lose credibility in other ways, really.

I do believe that perhaps the process that we have in the Assembly is the correct one where we
515 just make the point, if we remember that is, that we have other interests. But those interests can
provide a very valuable knowledge base and competencies within the scrutiny process that I think
we are losing in the way that we have been deliberating recently.

520 So my feeling is that I would not support this particular amendment because I think it is too
restrictive and it will tend to restrict the credibility of the scrutiny process and the knowledge base
of that process.

Thank you, sir.

The Bailiff: Deputy Lowe, and then Deputy Conder. And Deputy Bebb, you wish to be *relevé*?

525 **Deputy Bebb:** Yes, please, thank you.

Deputy Lowe: Thank you, sir.

530 I will support this amendment because it is a route that I have favoured for many years during
my time in this States, because I do believe scrutiny process should be independent and it should
be *seen* to be independent.

I know it has been said, you would have three members only and therefore if they are elected, with the scrutiny process now being at the top of the pecking order... And it was put there for a reason, that you would have candidates who would be keen to do the job and you would not be left at the end of the pecking order where whoever is left can go on Scrutiny Management
535 Committee – because that is how it has been seen in the past. It would give it the kudos that it was meant to be, by having Scrutiny members elected first.

I really do believe that there should be three members completely independent of any other departments or committees in the future committees of this States.

I know it has been said the chair will be independent and not on anything else, but we have
540 not got ministerial Government so that is a farce. I just hate this pretence that, 'You are independent because you are nothing else, because you are a Minister or a Chairman'. And yet the other members can be.

If the principal is that you have to be independent as a chair, you have to be as independent as the rest of the members, you cannot have your cake and eat it. You either want members to be on
545 other departments and committees or you do not. I am a strong advocate of that if we really believe that the chair has to be independent and not on anything else, you have to follow that through with the other two members that are going to be on Scrutiny.

I used to support, and welcomed, the Audit Commission which was pre-2004. That was completely independent and that was operated by private individuals in our community, part of
550 the business community; and it was not only *seen* to be independent, it *was* independent. But there were discussions over the years that it needed to have a political chair, or indeed a political committee and, come the machinery of Government, it was decided that actually we would have our own PAC and scrutiny process and see how that went.

It was not that long after 2004, when that commenced... by 2006, the Policy Council – and
555 Deputy Trott is still here, to remember that – decided at the time that it needed a serious review before the 2008 term, because in their opinion it was not working. And there were too many Members involved and there were conflicts and it was not being seen as independent as it should have been. And that review was supposed to take place in 2006, before 2008; but nine years later it still has not happened – so we are where we are. We have tinkered with it but we have still not
560 had that review that Policy Council were looking for.

Deputy Brehaut: Just a point of correction, sir.

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Belinda Crowe did do a review of the scrutiny process.

Deputy Lowe: There is no doubt about it, whoever you elect in the States onto Scrutiny and PAC, the public perception is it is too cosy and they are looking after their own. I would have
570 loved the States Review Committee to come back with an audit commission and have the Chair as a States' Member so you have just got that one – however, we have got three. And so I welcome that. But I really do urge Members to support this amendment to show that actually it is far more independent than previously.

There have been meetings not being able to have been held because there are so many, and
575 you cannot get everybody together because they are on a department and they have got a meeting that clashes. They have got the conflicts which you heard about earlier on just before where you had the Chairman and Vice-Chair who could not attend those meetings... so you are trying to get enough members together to make it quorum. It is just a nonsense really and all that needs to be got rid of – which you would have if you have all three who are independent and not
580 on anything else. They will be focused and there will be no distractions at all.

I know it has been said before where there have been – Deputy Brehaut just said it before – Scrutiny should be able to say, 'Hang on a minute, we want answers to those questions', that are

out in the public domain now, where wrong information is being portrayed.' They can bring it in. They would be focused, they can deal with that, they can bring them in and they can say, 'We need this answered.'

585

Scrutiny could put out a quick, clear statement that they had brought them in and they have shown that. There is no way, and I do not know how – and I cannot remember who actually said it – that they felt this might be another Policy & Resources Committee, because they would want to be scrutinising everything in the same way as Policy & Resources. Absolutely not.

590

Policy & Resources will be for items coming to the States. A Scrutiny Committee is retrospective, it is not for what is actually coming to the States, that is not their role and it never has been there their role – although there were a couple of times where certain members on those committees wanted that to happen, and have another Policy Council and everything go through them before it went to Policy Council. Thankfully that was thrown out. But the Scrutiny role is to scrutinise what has actually happened, not what is actually coming to the States.

595

So, as I say, I do welcome this. I do hope Members will give serious consideration to supporting this and that we will have three members who will be completely independent and will be able to do a thorough job of what is happening within the States. They will be seen to be far more independent by the public than they are currently, because there are other departments and committees that they are on.

600

It is certainly a huge step forward by having this amendment, if it was successful, rather than what is being proposed by the States Review Committee... which is a start, but it is certainly not good enough to have two other members that can be on committees when they feel it is justified for the Chairman not to be.

605

Thank you, sir.

The Bailiff: Deputy Conder, and then Deputy Green.

Deputy Conder: Thank you, sir.

610

I would just remind colleagues that I am a member of the States' Review Committee.

I rise to oppose this amendment and in some ways I am quite disappointed that it has been laid at this stage.

The States' Review Committee has had very good and productive discussions with Deputy Rob Jones and Deputy Soulsby to reach the position we have in terms of, 'What is the Scrutiny Management Committee?'

615

I think a lot of the debate up to now seems to have forgotten that the position we are talking about is the Scrutiny Management Committee; and issues in terms of bias or inability to separate our committee involvement from the scrutiny function seems to forget that the main role of Scrutiny would be performed by 'task and finish' panels created and appointed by the Scrutiny Management Committee. That is where the avoidance of bias or prejudice comes about. The three individuals to be appointed to the Scrutiny Management Committee by the next Assembly are there to manage the scrutiny function. Yes, and undoubtedly they will be engaged in some of the 'task and finish' panels, but the 'task and finish' panel is where the independence will come.

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So in many of the opposition speeches I have heard, the whole issue of the 'task and finish' panel seems to have been forgotten or ignored; that is where the lack of bias will come.

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If we just deal with the issue of independence. If you are a political anorak like me who watches the UK Parliamentary Committee channel... (*Interjection*) It is terrific, I would recommend it! (*Laughter*)

630

The UK parliamentary committee system is probably the most robust, indeed aggressive, scrutiny of a parliament anywhere in the world. On those committees there are members of all parties who carry enormous baggage – including being whipped by their own parties – in terms of manifestos and their political positions; and yet come together under a Chairman who will also be a member of a party, to exercise the most rigorous scrutiny – which includes having the Prime Minister and senior Cabinet Ministers in front of them. And yet they do not get all tied up with,

635 'Oh, we have to be so independent, we cannot possibly have members on our Scrutiny Committee function who sit on other committees'. This is a nonsense, really.

Why this parliament would be incapable of undertaking scrutiny unless the three members of the Scrutiny Management panel have no other roles... it really defies belief. We seem to be coming almost so inward-looking that we cannot believe that the next Government could create
640 'task and finish' panels under the direction of the Scrutiny Management panel that could be sufficiently independent and would be publicly acceptable.

The second danger I think is this – and I would use myself as an example – if, in the unlikely event that I was back in this Assembly after next April, I would have liked to have been part of the Scrutiny Management panel. But I absolutely would not be part of the Scrutiny Management
645 panel if it excluded me from being a member of another committee. I would want to be in both functions. And if there are people in the next Assembly who hold that view – and I would be very surprised if there are not – then forget a robust Scrutiny Management panel, and forget it being something that individuals want to do as a high priority. You would be back into the same position of Scrutiny being the thing you do if you cannot get elected to a committee – that is
650 exactly what we are trying to avoid by these recommendations. It cannot be seen as second choice.

Thirdly, sir, I have never sat on Scrutiny, but I have sat on four committees in this Assembly... and I suspect there will be quite a lot of new Members in the next Assembly. What I have learnt is that you learn an awful lot about how Government works by sitting on committees, and that
655 expertise rolls over into a scrutiny function. I think, having been on four committees for the first 18 months I could be, in effect, a scrutineer. I am not sure I could be if I had never sat on a committee.

And finally, sir, I think this amendment misses the key point. And I know this is the key point from the very lengthy and intense discussions I have had with Deputy Soulsby and Deputy Robert
660 Jones. The key issue for Scrutiny is not about the individuals who sit on Scrutiny Management, whether they are allowed to sit on other committees, it is about resources. This amendment focuses on the wrong things!

If you pass this amendment Scrutiny will become, as it is now, the second choice for some people. Some people will exclude themselves from being on Scrutiny because they are not
665 allowed to be on Principal Committees. And the whole cycle of it being... what you do if you cannot be on committees... insufficient resources and insufficient motivation will continue.

Colleagues, reject this amendment. It might be well-intentioned but it will damage Scrutiny in the next Assembly. I urge you to reject it.

Thank you.

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The Bailiff: Deputy Green.

Deputy Green: Sir, yes, I will be relatively brief.

Deputy Laurie Queripel and myself approached this very much from the position of first
675 principles; and it is probably fair to reflect on some of the speeches which have been made this morning which have been in opposition to this amendment.

Certainly some good points have been made on the basis of the model of scrutiny that has been indeed accepted already by this Assembly in previous debates. I do accept the point that
680 Deputy Conder made just a moment ago, it is late in the day for this amendment to be brought and I think we have to accept that and I am sure Deputy Queripel and I would apologise for that. But nonetheless the point I am trying to make is, notwithstanding all of that, I think it is about putting forward an alternative view of how this could work. It may have some merits, it may have some demerits, but it is nonetheless I think a constructive plausible alternative which perhaps should have been debated at an earlier stage. But nonetheless here we are and we are debating it
685 now.

690 Just a few points: I think Deputy Lowe made a key point before when she talked in support of the amendment and she said it was at least in part about public perception, because that is a massive point. And I would disagree with my friend and colleague, Deputy Conder, in terms of this debate being 'inward-looking'. I think this is very much an amendment which is outward-looking because we are responding to a public perception and a public feeling about all of this. (**Several Members:** Hear, hear.) And it is undoubtedly the case that there are many people in Guernsey, in our Island, who are confused by the way in which Scrutiny works at the moment.

695 The point that Deputy Lowe made was that members of the Scrutiny Management Committee should be independent – and *seen* to be independent. And that is a very worthwhile point to make, because there are very high expectations in Guernsey about the scrutiny function in general and that will only continue... high expectations and mounting pressures, I would suggest, in the political context of modern Guernsey, and within the States too. I think a more independent approach would go further to satisfy those very high expectations.

700 Deputy Laurie Queripel, in introducing the amendment, talked about the members of the States' Scrutiny Management Committee being 'busier' in the next States, and I think that is a point worth taking up because we know there are going to be fewer Deputies in the next States, which will probably mean the workload on most Members is greater. We know there will be fewer committees, which will probably mean potentially the workload of those on the Principal Committees will be greater.

705 Given that, is it necessarily realistic to expect individuals who sit on the Scrutiny Management Committee to discharge those functions and to carry the increased burdens of being on a busy Principal Committee at the same time? I am not sure that is right. I want the Scrutiny Management Committee to be as fleet of foot as is reasonably possible and to be able to respond dynamically to issues as they arise. But if people are simultaneously on a busy Principal Committee – and I think they will all be busy in the next States – and sitting on the SMC... will they necessarily be able to do that? I am not sure they will be able to do that effectively.

715 So there is something to be said for precluding dual membership, I think – because of the issue about workloads, because of the issue about high expectations; but also I think there is an issue here about specialisation as well, Mr Bailiff, because in so many areas of the world there is a tendency towards specialisation – that is the reality. Only the other day we were talking about the MSG and talking about the tendency towards specialisation in the medical profession, and it is true of many other professions, including my own.

720 I think as time goes forward, it will be the case politically as well in our jurisdiction, that there will be a tendency towards greater specialisation. I think one of the concerns about the new model of scrutiny, which has much to commend it, is that the *de facto* membership of Scrutiny will become more *ad hoc* and actually there is a risk that over time the skills of Scrutiny will become more deskilled, in effect. Whereas if you actually have full-time specialised members, that is less of a risk.

725 So I think we can see the way this debate is probably going but I do think there are some issues of principle that support this. There are certain practical issues which might militate against this in the next States but I do not think we should lose the issue as a principle.

730 And just to pick up on one of the points that was made before about the situation in the current Assembly, which is the point that Deputy Fallaize made, about there only being three... and forget our two friends from Alderney... so okay, it is not much of an improvement, there are five rather than three. (*Laughter*)

I would ask Members to support the amendment.

The Bailiff: Deputy James, then Deputy Soulsby.

735 **Deputy James:** Thank you, sir.

While this debate has been going on I have been thinking about Deputy David Jones sitting at home listening to this debate with, perhaps, a smile on his face almost saying, 'I told you so!' – because I do think this is about part of the numbers game as well.

740 I do have some real concern about the future States with the reduction in numbers and the fact that the workload for Deputies is going to increase dramatically. I could see why there is a reticence to have three independent people on Scrutiny Management Committee and not being able to contribute to the other six Principal Committees, and other trading boards maybe.

So for me it is almost unintended consequences of reducing the numbers of Deputies. However, having said that, I do intend to support this amendment because I think it is absolutely 745 imperative that the general public out there believe that those members of the Scrutiny Management Committee are indeed unsullied by being members of other committees.

Having been a member of PAC and seen the need on a number of occasions when I was a member of Health and Social Services that I had to leave the room, with the numbers being so small... I will still support this amendment.

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The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I was not going to speak on this but I really have to respond to Deputy Brehaut... it would be remiss of me not to.

755 With the greatest of respect to him I know he has strong opinions on this, but it is a bit rich for him now saying the fact that it is wrong, that when he was Deputy Minister of HSSD –

Deputy Brehaut: Can I just make a point of correction, sir? I stood down from my role as Deputy Minister I think when I was 12 months into my role with Scrutiny Management Committee. So I was not there for the entire four-year term.

760 Once the people drew attention to a perceived conflict I thought it was damaging to Scrutiny and I stood down.

Deputy Soulsby: He also referenced a particular commentator with equally strong views, but 765 at the time that commentator was Minister of HSSD, and their partner was Chair of the Scrutiny Committee – and was that less of a conflict being Deputy Minister of HSSD and Chair of Scrutiny?

Perhaps at the start of the term I would not have taken the role but I was asked by the now Minister of HSSD to join, somewhat reluctantly it must be said, to take on HSSD – and that was following a PAC review of financial management. I did accept and I was appointed by this 770 Assembly as someone who could try to turn the tanker around. I thank them for having the confidence in me and understanding that I would be able to deal with any conflict that arose.

Now, Deputy Brehaut may have a short memory but I remind him that Deputy Harwood, as Vice-Chair of PAC, stood up here on... I think it was Tuesday or Wednesday – it seems like a lifetime ago – and spoke on behalf of PAC, very eloquently, about the secondary healthcare contract; and as he said, I had taken no part in any deliberations on this matter. I do not think 775 anyone here would argue that Deputy Harwood is not up to the job.

Regarding the use of Rules 5 and 6 Questions: that is exactly what Deputies should be doing – perhaps we are not doing it enough? Now, would PAC and Scrutiny like to do short-snap reviews? Of course we would! But as Deputy Brehaut knows very well, the very real issues we have are 780 around resources. It sounds so easy to say 'snap reviews' but the practicalities are far harder – organising meetings, getting people together, getting departments available and ready. It is just not as simple as certain commentators seem to believe. (*Interjections*)

I am actually quite proud of what the committee has done with the limited, and in fact significantly reduced, resources this term. We will be laying a Legacy Report early next year that will set out all we have done this term and Members can judge for themselves. But I would say 785 that I believe PAC is in a far better place than it was in 2012. The joint committees will also be laying a report arising from my amendment to the States' Review Committee second policy letter,

setting out what additional resources we need to really beef up Scrutiny – and Members can look forward to that again in the New Year.

790 Just going actually back to this amendment, I cannot support it for all the reasons given by Deputy Fallaize.

The Bailiff: Deputy Le Pelley.

795 **Deputy Le Pelley:** Thank you, sir.

As this debate has progressed, my views have been pulled one way and another. My position has definitely changed over the last year or so. When we came into office – those of us that were elected in 2012 – I was very pleased to be approached by the then Chair of Scrutiny, Paul Arditti, to actually stand on the Scrutiny Committee. And more lately I have actually been elected to the
800 position of Vice-Chair, a position which I have thoroughly enjoyed. And in the situation when the Chair had to stand aside because of a conflict, I managed to stand in his stead and we have actually had quite a good review of the strategic air links. So it does work.

With 47 Deputies at the beginning of this term of office, the situation was as it was. But with only 40 coming up, I think the actual factors are going to be different, and I think a lot of what
805 Deputy Fallaize has said now comes into play. I therefore have to say that my position is much closer to what the Chairman of Scrutiny has said in his earlier speech.

I want to just mention one or two things that were actually raised in debate by one or two other people. Mention was made about the harbour and the seafront, and I must say that on Scrutiny we did consider doing an emergency hearing but that was resolved – sort of – when two
810 members of Scrutiny were actually approached by the Chief Minister and asked to go on his working party. And so the actual continuation of that possibility of an emergency inquiry went that way, because those members took part in that activity.

So Scrutiny did work extremely well under the chairmanship of Alderney representative, Paul Arditti. He was a very clever, articulate lawyer. He was a person who was not in any way conflicted
815 with anything else within the States' business, because he was not on any other committee – and that is something which for me worked very, very well. Having said that, after he unfortunately passed away and other people stepped in to take up his place, it has continued to work very, very well. It is a model which has evolved and with its nine members there have been people who have been conflicted, but in every single case in every single enquiry that we have carried out it has
820 been possible for those people who *have* been conflicted to stand aside, and to still have enough people on that committee to carry out a full and exhaustive enquiry.

I think I must echo the words of others when I say that the biggest problem I think we are going to have, even with a combined PAC and Scrutiny Committee, is going to be resources. We have something like six members of staff and they are working extremely hard – *extremely hard* –
825 and I am very grateful for all the work certainly from the Scrutiny side of things; and I am sure that Deputy Heidi Soulsby would say from the PAC side of things about the amount of work they have got through. But we are definitely going to have to consider how we are going to resource this new committee, because whichever way it goes it is going to need a lot more resourcing.

Talking about whether people should be exclusively on Scrutiny and nothing else on this
830 management committee... I must say that when I first came into position here in 2012, if I had been offered the chance of being on Scrutiny and nothing else, as much as I have enjoyed doing my Scrutiny work I would have been a bit disappointed because I have valued very much being able to be on two other boards. And also, being on two other boards, I have been able to be on two other working parties. I think if I had been told that I could just do Scrutiny and nothing else,
835 a lot of my political career would be lessened and I think that I would not have enjoyed it so much.

So as the debate has been going on, I have really been thinking long and hard and I have moved along to the lines where I think I would have to oppose this motion.

Thank you, sir.

840

Deputy Lester Queripel: Sir, can I make a point of correction please?

The Bailiff: Yes.

845 **Deputy Lester Queripel:** I did not want to interrupt Deputy Le Pelley, but I am a member of Scrutiny and I am also a member of the Seafront Working Party. I was not asked by the Chief Minister to join the party as it were, I asked the Chief Minister if I could join the party because there were no St Peter Port representations on that party and there were no opposing viewpoints.

I just wanted to clarify that, sir.

850 Thank you.

The Bailiff: No-one else is wanting to speak, so Deputy Laurie Queripel may reply to the debate.

855 **Deputy Laurie Queripel:** Thank you, sir. And I thank Members for their contribution to debate whether they supported or opposed the amendment – a very interesting debate indeed, sir.

I will just find my notes... Sir, I will try and take the comments of the States' Review Committee as a group – I will try and lump them all together if I can and might have to refer to a few other notes.

860 I ask my colleagues not to be beguiled by the words of Deputy Fallaize because of course he is extremely erudite and eloquent and he always sounds so convincing. And in comparison Members are having to listen – I hope they are listening, anyway – to poor old workaday me, and that is not really a fair competition. I was trying to think of a way to say he could sell a certain product to a certain group of people even though they had plenty of it, but I think that saying is not acceptable nowadays – and I think Members will know the saying I am referring to. (Interjections and laughter)

865 Now, sir, Deputy Conder and Deputy Fallaize have said that Deputy Green and myself have misunderstood the concept behind the Scrutiny Management Committee, but of course we have not. I alluded to that in a large part of my speech and I said nothing precluded the good things that the States' Review Committee were putting forward in regard to 'task and finish' panels... seconding non-States' members, seconding States' Members on to 'task and finish' panels. All of those things can still go ahead.

870 But what I am saying is if you have a Scrutiny Management Committee who are impartial and free of conflict with regard to not being members of the Policy and Resources Committee or Principal Committees – they can play a full part in that all the time. Deputy Green and others who have spoken of supporting this amendment are *right*, sir – I can see in the next Assembly, Members who are members of Principal Committees being a lot busier.

880 I already said in my opening speech, I can see a lot more cross-working between these committees, perhaps three or four committees having some input into one piece of work; but all of those Members will immediately be excluded from being members of a 'task and finish' panel. So you are going to have... let alone a small pool of candidates for the Scrutiny Management Committee if they are not allowed to be conflicted members – but you are going to have a small pool of people to pick from for these 'task and finish' panels, if there is perhaps only two Principal Committees where Members sit on that can qualify to sit on the 'task and finish' panel. And not all of them may want to sit on a 'task and finish' panel.

890 So I would really ask Members who have spoken against this amendment to think about that very carefully. Do not concentrate on the fact that there might be a lack of candidates for the Scrutiny Management Committee, I am convinced that will not be the case. Deputy Lowe used a great word when she spoke, she mentioned the word 'kudos'. I think with a much higher profile, much better-resourced scrutiny process with a much stronger mandate – I think that would be a much more attractive proposition for Members in the next Assembly. It will have kudos. I said in my opening speech they will really think that they can do something very *meaningful* through the

new scrutiny process – they can really make a positive difference to the members of this community with the work they will carry out.

895 So, although the members of the States' Review Committee raised all these questions and these concerns, I actually addressed a lot of them when I spoke in my opening speech. I am not quite sure whether they were listening that carefully, or not. *(Laughter)*

900 So, in my view, sir, those Members who spoke against this amendment are living in the past really. *(Interjections and laughter)* This is apparently the new era for Scrutiny Management Committee, this is the brave new world, this is a new dawn; this is the new, improved version. So you are living in the past if you think that... members of the States' Review Committee need to have faith in their product, not underplay it. **(A Member: Hear, hear.)** I have not underplayed it, I have just tried to improve it. I think it is good already – but it can be even better.

905 But take it seriously. If you really believe that Scrutiny is going to play a meaningful part in the next States' Assembly, do you really believe it? You need to put your money where your mouth is, really. *(Interjections)*

910 Oh yes, I agree. Deputy Rob Jones is mentioning resources and I presume the strength and mandate and things – that is great, let's make it even better. I think this amendment makes it even better, I agree with him; and I have the greatest respect for Deputy Rob Jones' views, and Deputy Soulsby. But when... I think it was Deputy Conder, or Deputy Fallaize, referred to the fact that they had talks with Deputy Jones and with Deputy Soulsby, and I know that they had, and that was good – but Deputy Rob Jones and Deputy Soulsby both know that Deputy Green and I are not convinced with the model that is being put forward, and we said that repeatedly at Scrutiny meetings. So it should come as no surprise to them that we are putting this amendment forward and we feel this way.

915 As I said, sir, yes I go along with the idea of 'task and finish' panels and that is why I addressed Deputy De Lisle's points to some extent. He is saying, 'Well look, if you only have three unconflicted members of the Scrutiny Management Committee, then you are losing out on all the expertise and all the knowledge that belongs in other Members – but of course you are not. If you can second two or three States' Members onto a 'task and review' panel they are going to bring that expertise and knowledge with them. Secondly, of course, the other thing that I think Deputy De Lisle forgot was, the Scrutiny Management Committee under the new system can call in members of Principal Committees. They can call in staff and chief officers from the department depending on the workstream, or the policy, or the functions that the Scrutiny Management Committee are looking at.

920 So you will not be missing out on information or knowledge at all, because that will come via the members who are seconded onto the panels, and that will come by the information you glean from the people you call in – the chairmen of committees and staff members of those Principal Committees. So nothing will be lost there, as far as I am concerned.

930 So I thank – in no particular order, sir – Deputy Lowe for her comments and for her support. It was interesting to hear about the Audit Committee... that it was seen to be independent and it was independent. I think that is a good thing. *(Interjection by Deputy Lowe.)* Yes. *(Laughter)*

I think I have covered most of what Deputy Conder said, sir.

935 Deputy Green: I thank him for his support and for the very good points he made. He is right – and Deputy Fallaize, himself, actually said it yesterday, 'Whatever we put forward, nothing is perfect.' He said himself yesterday that the new system that the States' Review Committee are putting forward is clearly better, but it is not perfect and problems will arise at some stage.

940 I do not think what Deputy Green and I are putting forward is perfect, but I think it is better. And of course nothing is set in stone. We know there will be reviews of Government in the future and if certain things are not working I am sure those things will be highlighted and there will be attempts to correct them, but we think this is a better model. It just builds on the good stuff that the States' Review Committee have put in place already.

Deputy Green is right, sir... I think it was Deputy Conder that said that this is 'inward-looking', but it is not, it is outward-looking. You have only got to talk to members of the public and to read

945 things that they say, to hear that they are confused about the scrutiny process and they do not think it has got enough teeth, and they do not think it impartial enough. I think we need to address that. So, some very good points there from Deputy Green.

Once again, Deputy Green echoed the comments I made during my opening speech and actually Members who have spoken against this amendment have in a way made a case for it, because they are saying how busy the members of Principal Committees will be in the future. They will be busy. They will be *very* busy. I can assure you of that, and there will be this cross-committee working. So I think there is even greater need to have at least three impartial and unconflicted States' Members as part of that committee. Deputy James made that point as well, sir, and I thank her for making that point and for saying she will support this amendment.

955 Deputy Le Pelley: he said the fact that the Scrutiny Committee had not carried out perhaps as many of the urgent reviews as they could have done – and he spoke about the seafront, of course, the changes along the seafront. But actually if the Scrutiny Committee could have dealt with that, I think it would have been far better, because look what it has mushroomed into... this massive working party. It has become a whole, completely different piece of work... mushroomed into something that is going to take up an enormous resource, I would have thought, and a great deal of time.

I think if the Scrutiny Committee could have launched an urgent review into that, it would have been contained. It would not have gone into what it has gone into now. It has become a whole different piece of work, sir, with all sorts of implications. (**Deputy Lowe:** Twenty two members.) Yes, there are 22 members on that working party, yes. That is not acceptable in my opinion. (*Interjections*)

965 I am just looking for other comments, sir. I think actually, in responding to some of the Members, I have probably covered pretty much everything, because there were some common themes that emerge.

970 Oh, Deputy Brehaut, yes... an interesting point. Will the Scrutiny Management Committee become like a shadow Policy & Resources Committee? I do not think that is true at all. I understand the point he is making, but I do not think it is true at all. It is a different concept completely. The scrutiny process looks at things that have already been put in place. The Policy & Resources Committee will be looking at things prior to them coming to the States. They will be doing the coordinating. It is only after that process has taken place that this Scrutiny Committee would get involved, as far as I am concerned anyway.

I thank Deputy Lester Queripel for his support as well. He is right: as far as some of us are concerned, scrutiny should not only be your first task it should be your last task. You should be dedicated to scrutiny. And, yes, other Members have spoken about, 'Yes, but conflict can be managed.' Of course it can and I acknowledge that, but surely with the scrutiny process, the less conflict that has to be managed the better. Surely!

I apologise if I have not answered every Member, but I would just like to finish with this point. Firstly, I just cannot see a problem with this numbers game. Actually, I did some calculations at home. I hope I have got them right. I did use my own calculator. (*Laughter*) A couple of Members alluded to this, including Deputy Gollop – and I thank him for his support. People seem to be forgetting, quite often, about the Alderney Representatives. We do not have 45 Members in this Chamber, we have 47 Members in this Chamber, sir. Now, at the moment, we have – I think I have got this right as well – 10 Departments and we have a Policy Council. So that is 11, including the Policy Council. Now, 11 into 47, that equates to 4.27 Members. In the future, we are going to have –

985 **Deputy Fallaize:** Sir, on a point of correction. I think he was using the family calculator, (*Laughter*) because he has not taken into account that members of the Policy Council are *ex officio* so they are Ministers of Departments and members of the Policy Council.

990

1000 **Deputy Laurie Queripel:** Yes, I appreciate that, but ... Then if you have got 40 Members, and there are going to be six Principal Committees and a Policy & Resources Committee. Deputy Fallaize is right they will not be doing anything else, I appreciate that. But then that equates to 5.71 Members. So, that is roughly one and a half Members more per committee than we have now. I am quite happy, sir, as a half-pint, to be classed as a half-Member. (*Laughter*)

1005 But anyway, my point is this: I do not think – with this new strong model of scrutiny, with the reach it is going to have and the clout is going to have and the kudos – there is going to be a lack of candidates for the three positions, if the condition is that they cannot be members of the Policy & Resources Committee or a Principal Committee. As far as I am concerned, I think it will give the public great confidence and great comfort if they believe the watchtower, as it were, is being occupied by Members that are dedicated to scrutinising the business, the policies, the functions of Government and its satellites, to try and ensure that they are best being served, sir. (*Interjection*)

1010 Well, that is things like the Trading Board and things like that, and Guernsey Electricity and Aurigny. We heard a great deal about Aurigny yesterday, but that kind of body does need to come under political scrutiny as far as I am concerned. So, the watchtower is being occupied by Members who are not conflicted and who really are trying to look after the best interests of the public.

So, thank you, sir. I ask Members to support the amendment.

And a recorded vote, please, sir.

1015

The Bailiff: We will have a recorded vote on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Green.

There was a recorded vote.

The Bailiff: Well, Members, while those votes are being counted, there is another amendment to be circulated. (**A Member:** Ooh!) So I suggest that be circulated now.

1020 Deputy Fallaize, do you need a short adjournment to consider this or are you aware of the amendment?

Deputy Fallaize: No, we do not need an adjournment, sir. I do not think Deputy Bebb, who is proposing it, does either.

1025

The Bailiff: No.

*Amendment by Deputies Laurie Queripel and Green:
Not carried – Pour 9 Contre 32, Ne vote pas 1, Absent 4*

POUR

Deputy Laurie Queripel
Deputy Lowe
Deputy Collins
Deputy Green
Deputy Paint
Deputy James
Deputy O'Hara
Deputy Gollop
Deputy Lester Queripel

CONTRE

Deputy Fallaize
Deputy Le Lièvre
Deputy Duquemin
Deputy Dorey
Deputy Adam
Deputy Perrot
Deputy Brouard
Deputy De Lisle
Deputy Burford
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley

NE VOTE PAS

Deputy Spruce

ABSENT

Deputy David Jones
Deputy Le Tocq
Deputy Wilkie
Deputy Stewart

Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy St Pier
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott

The Bailiff: Members, I can announce the result of the vote on the amendment proposed by Deputy Laurie Queripel, seconded by Deputy Green. There were 9 votes in favour and 32 against. I declare it lost.

1030 Does everyone now have a copy of this fresh amendment? Yes?
Deputy Bebb, do you wish to have it read?

Amendment:

*To insert in proposition 1 after the wording 'a) Policy & Resources Committee':
, but adding the following text in the mandate of the Policy & Resources Committee, Duties & Powers (c):*

*"9. Studying and reporting on Schemes for the application of certain General Synod measures."
(page 3191 of the Billet)*

*Further, to insert in proposition 3 after the wording 'a) Policy & Resources committee':
, but adding the following text in the Operational Functions after "Advice and support in relation to legislative functions" (page 3215 of the Billet)*

"Studying and reporting on Schemes for the application of certain General Synod measures."

*Further, to insert in proposition 3 after the wording 'k) Scrutiny Management Committee'
, but adding the following text in paragraph (c) of the Operational Functions after "advice and support in relation to legislative functions" (page 3226 of the Billet)*

"Studying and reporting on Schemes for the application of certain General Synod measures."

Deputy Bebb: No, sir. I think that it is actually fairly complex in its construction. However, the effect is very simple.

1035 If I simply explain to Members, there has been some time yesterday afternoon and through this morning where I have been trying to craft this amendment with the agreement of the States' Review Committee and I understand that they will not be opposing it, and therefore I am grateful to them for it.

1040 Currently, Church of England measures which go through the General Synod, the Bishop will then give consideration as to whether or not they should be extended to the Channel Islands. If he chooses that they should be extended, then the Guernsey Standing Deanery Synod Committee will then meet with a committee – and currently it is the Legislation Select Committee – in order to express what they desire. Then the Legislation Select Committee will propose that legislation before this Assembly. It is the route by which Church of England measures are given effect in Guernsey.

1045 The report, as it stands, does exactly what my amendment says, actually. The responsibilities, as we understand it, will lie with Policy & Resources in future and therefore the question could rightly be asked as to why would I move an amendment to make explicit what is currently implicit? And the reason for that was, when I first approached the Chairman of the States' Review Committee to advise him that I was concerned as to where on earth responsibility lay, (A

1050 **Member:** He's dead!) then the answer was, 'Well, I do not want it with Policy & Resources.' And I could just see that the initial reaction would always be to try and say, 'It is not my responsibility.' It was the exact reaction that we had once I actually asked the question.

1055 There is one measure which is on its way at the moment in relation to so-called 'women bishops' and I know that another measure will probably be on its way in relation to the Diocese that we are in. I just feel that given next term we are likely to see two measures, this term we have seen none, the previous term we saw one. The amount of work is minimal but it does, in my opinion, need to be explicit.

Therefore, Members, I would hope that you support the amendment with little debate.

Thank you.

1060

The Bailiff: And Deputy Perrot, do you formally second it? *(Laughter)* **(A Member: Enthusiastic!)**

Deputy Fallaize, do you wish to speak.

1065

Deputy Fallaize: With enthusiasm, I have to say. *(Laughter)*

1070 The Committee does not oppose this amendment. Hopefully, if this sort of work arises, the Policy & Resources Committee will see fit to convene some kind of working party to carry it out, because I do not think it will be particularly useful for it to be spending too much of its time – not that these matters are anything other than of the highest importance, obviously – absorbed by these responsibilities. But it does only confirm what is in practice already proposed and therefore the Committee sees no reason to oppose it.

The Bailiff: Deputy Gollop.

1075

Deputy Gollop: Sir, in my time, all the years I have sat on Legislation Select, only once or twice have we been called to even consider. I think one of the matters was disciplining of the clergy. It is rare. It has to go somewhere. We are at a very busy time in the Church of England with numerous inductions and people coming to office in the town and St. Stephen's and so on.

1080 What I would say is it is intriguing, Deputy Bebb's speech, about when he requested the Chairman of the States' Review Committee, which presumably is the Chief Minister, who perhaps did not want the Policy & Resources Committee to get particularly involved in Anglican affairs. As I have said before, in my responsibility as the Parochial Ecclesiastical Rates Review Chairman we do still to a degree, whether we like it or not, have an established Church and the States pay the guard to our historic and legal requirements.

1085 So I thoroughly endorse this amendment and hope that the Policy & Resources Committee very much appreciate the work of the General Synod, even if it perhaps not politically their cup of tea.

The Bailiff: Yes, Deputy St. Pier.

1090

Deputy St. Pier: Sir, I am hoping that in his summing up, Deputy Bebb might help me understand the difference between 'so-called women bishops' and 'women bishops'. *(Laughter)*

The Bailiff: No one else is rising. I think you can now reply to the debate, Deputy Bebb.

1095

Deputy Bebb: I am grateful that there is no opposition to it.

The debate in relation to women bishops is one that continues within the Church of England.

(A Member: Ahh.) (A Member: Well said.)

1100

The Bailiff: We vote, then, on the amendment proposed by Deputy Bebb, seconded by Deputy Perrot. Those in favour; those against. I declare it carried.

Members voted Pour.

The Bailiff: We move into general debate.
Yes, Deputy Langlois.

1105 **Deputy Langlois:** Thank you, sir.

Sir, as Minister as one of the Departments that will be most dramatically affected by the proposals, I think I should just comment on some of the aspects that will be important over the few months, after we have undoubtedly approved these.

1110 We... when I say 'we', I and my board have become extremely proud of the operational delivery that exists in the existing Social Security Department and I think it is very important that the staff team are giving full support for business as usual, and that they are given that support on through the transition and that they have some influence on the actual implementation of change.

I can bring the news that the SSD team is very much looking forward to become part of ESSD, as it will become known undoubtedly, to differentiate it from those that cannot drop their aitches.

1115 The Housing part of the new scheme, the merger which brings us together with the Housing Department, is I think undoubtedly the most significant part. And it will be helped by the currently strong teamwork between the two existing Departments. That has been growing and it has developed not least of all through the work, not only early in the term but also since then by SWBIC.

1120 There is considerable buy-in, I believe, in all the participating Departments to the Chief Executive's key message that the States is essentially one organisation. I think that the passing of this particular set of Propositions will reinforce that and will help the Chief Executive in his mission.

1125 The relationship between SSD and Housing, the overlap of the customer base, certainly must not overshadow other changes that are taking place. So, for example, Health and Safety and Employment Relations, which will become part of ESSD, are massively important areas. They have an excellent fit with the new mandate of the Department. Much of their work links with SSD services at a later stage, whether through injury and incapacity – those unfortunate circumstances – or to work on unemployment matters.

1130 Legal aid is, and I hope will continue to be, means-tested. I know that phrase always grates with people but it is just a way of explaining that some people will get more than others out of it and I think that is absolutely right and proper in the case of legal aid, which is vulnerable to all sorts of potential exploitation otherwise.

1135 The States' Review Committee trilogy: I took the trouble... when I get the time for leisure reading I quite like novels which move on from one phase to another and 'trilogy' is a word applied there, of course. We have our own trilogy here. We started off with a modest little 113-pager, almost a novella I would say. (*Laughter*) Then we moved on to 144 pages, in part two, and now of course the blockbuster here, which if you count the associated next report we are going to debate is 228 pages, plus another 118. So there is plenty there.

1140 The one thing I would say and congratulate those responsible is that it has built well. The plot has built well. The *dénouement* which we are seeing today is solid and sound and hopefully will not produce massive surprises in this particular case. But it is a good piece of work. It will, I hope, produce great benefits.

1145 There is one important loose end in my view – moving on but still relating to Social Security. Social Security Department currently takes responsibility for three key funds and those funds are invested. They are just under £1 billion – £850 million or thereabouts. Our management of that is through a proper investment adviser and proper governance mechanisms and so on. At the same time, Treasury & Resources manages another £1.2 billion on behalf of the States.

1150 Now, Proposition 12 makes this a decision for the future. It requests – no, *demands* – a joint P&R and ESSD report in short order, in my view, by May 2017 on the possibility of managing those funds all in one portfolio. I want to make a brief, early contribution to that future debate

1155 that may surprise people. I firmly believe that responsibility for the Social Security funds should stay with Social Security – ESSD. Be careful what you wish for, because the primary argument that will be used will be that there are economies of scale in managing a single portfolio that can be properly diversified, and plenty of other investment jargon that can be thrown in. The actual benefits to be gained from managing £2 billion in one go rather than two lots of just about £1 billion may be there, but they will be marginal.

1160 We all know that democratic assemblies like ours, are very, very careful to elect exactly the right people to each committee. You know so much about them when you cast your vote and you know their behaviour and you know every detail of their views. We all know that those committees are very willing to draw on the combined wisdom of the whole of the Assembly and to listen so carefully to other expertise that is round.

1165 My worry, sir, is that if a particular combination of people is elected at one time to the committee that in this case would ultimately control the *whole* of the investment fund, then the States have to be extremely careful about how they exert full control over that investment and the management of a single portfolio, when one part of the funds – the £850 million that we currently look after is there as a buffer for Social Security. Exactly, the clue is in the title – as a buffer for social welfare, so that we have got thinking time if things really go pear-shaped, to make sure that the beneficiaries do not suffer in this interim.

1170 You only have to look at what has happened in one or two other countries where funds of that sort have been plundered to make the balance sheet look better. This sounds familiar... I heard something about balance sheets yesterday. We can move things round. We can move them on and off balance sheets and so on. Other countries have done that simply to make the balance sheet look better, and I would not want to see that happen because a single group of politicians gained enough executive power – or quasi-executive power – to force something on the Assembly.

1175 We may say, 'Well, it could not happen here.' Let's not take the risk. Let's not just go with that phrase. I would have – and this is why it may surprise people – four years ago, I would have been a firm supporter of amalgamating the two portfolios. I was on T&R for four years.... I probably have said it. But now I have been there, now I have seen the purpose of these and the way in which they are managed and the reason why they are there, I warn you please do not do that. (**A Member:** Hear, hear.)

1185 Finally on that topic, we have made considerable progress in the transparency between the two portfolios. That is to say that I believe this Social Security Department and Treasury & Resources, we have taken various steps where the sub-committees looking after the investments have peer reviews. So let's carry on controlling the risk with that form of peer review and scrutiny, rather than giving its sole responsibility to one group.

1190 Two other small matters, sir... and I say 'small matters', they are *very* important in my world. One is Alderney. There is a risk in our current stage of development to do with the relationship between Guernsey and Alderney and the fiscal union, of that coinciding with the transition in the machinery of Government. The timing is not ideal, but then it never would be. We are going to debate, in February, aspects which will have profound implications on Alderney and the new Assembly will also have huge responsibilities in relation to that island later next year. But, make sure that there is a route through which proper focus can be given to Alderney.

1195 The Alderney Liaison Group is not a perfect model of a committee – it has not been and it never will be. It involves bringing together people from two different Assemblies and with very different priorities on occasions, but it has opened up better communication in my opinion. Let's make sure that there is a proper mechanism in there and I would ask Deputy Fallaize in his summing-up just to put a little more flesh on his vision of how that will work.

1200 Secondly, there is a role of the States as employer, currently carried by the Policy Council. It gets rather sensitive this one, because of the general view of *the* Policy Council – not necessarily the individuals involved, I hope, but the body itself – because of the somewhat cynical view that people have of the Policy Council, to have *the* Policy Council as the employer carries risks. It has

1205 not been easy; it has not been an easy one to carry off. I have openly taken leadership for it and I have had superb support from several colleagues on the Policy Council. But the reason why it is so important is that employer responsibilities are significant in legal terms these days.

1210 Twenty years ago it was far easier to be an employer in Guernsey, because there were various things you could do – if needs must – to get things sorted out quickly. Now, the Employment Law situation and the contractual situation is complex, and therefore the need for focus and a small group of people responsible for the employer function, for the political oversight of that in my view, is essential. And once again I would ask Deputy Fallaize just to put a bit more flesh on where he sees that one going.

1215 But, sir, that sounds all carping and negative towards the end of that. It is not intended to be. This is a superb report, very well done. I think above all the new structure probably will ensure that the States – and a number of us here will hope this is the case – will continue to be a good spectator sport. *(Laughter)*

The Bailiff: Deputy Sillars, then Deputy Dorey.

1220 **Deputy Sillars:** Thank you, sir.

At the outset, I would like to commend the entire team, Deputies and officers, involved in the preparation of this policy letter. Congratulations. **(A Member:** Hear, hear.)

1225 I will be brief and limit my speech to just two areas – actually it might be three now – three areas, and the proposed committee structure with respect to the changes for the Education Department; and secondly, the creation of the Policy & Resources Committee.

1230 I fully support the proposals for the creation of the Committee for Education, Sport & Culture which merges, in effect, the Education and Culture and Leisure, as well as the Institute of Health, Social Care Studies, the GTA and the Island Archive Services. These proposals are eminently sensible and will allow the new Committee to better serve our community's needs. There are clear synergies with the arts, heritage and education and this is an exciting opportunity for change. This will bring the Sports Commission, Arts Commission and the Youth Commission with Education all working for the benefit of all our people in our Island.

I commend the new structure to the Assembly.

1235 Just one point I picked up recently, is that I see that the States' Trading Board have been running the lottery and, of course, it going to be Beau Séjour that will be at risk if it is not run well. So I would encourage them to run the lottery well, so that Beau Séjour is supported well. I can see that being a potential problem.

1240 But my second point is really my biggest worry. I sincerely hope that the Principal Committees are fully engaged with and listened to by Policy & Resources at both political and officer level. It has to be a close working relationship based on trust and mutual respect. If Policy & Resources operate a command and control mentality approach then I fear for the future, as it would be a recipe for disaster. The behaviour and personal skills of those five politicians elected to Policy & Resources and those officers who serve them are key, and will determine the future success or otherwise of a new Assembly from May next year. I repeat again: if this is to be successful, Policy & Resources in its entirety has to gain the respect – not through its title and position – but earn respect through its actions, behaviour and leadership.

Thank you, sir.

1250 **The Bailiff:** Deputy Dorey, then Deputy De Lisle.

Deputy Dorey: Thank you, Mr Bailiff.

I would just like to make three separate points: the first one on policy development. If Members look at page 3170 of the Billet, I just wish to highlight the timetable, because I think it is important that we manage people's expectations. That is page 3170.

1255 The Policy & Resource Plan Phase 1 will come to the States in October 2016 and the States will debate and make Resolutions on the overall policy objectives.

And it explains that it will have:

'... long term (say, 20 years) and medium term (say, three to five years) in connection with issues of strategic importance to the Island, e.g. fiscal and economic affairs, social affairs, the environment, population and external relations;'

So, the Policy & Resources Committee is going to be busy from day one in developing that Plan and bring it to the States for debate in October 2016.

1260 Then, following on from that the Principal Committees will produce the Policy & Resource Plan – as it is labelled, Phase 2. And the expectation is that that will come back to the States in June 2017 where:

'... the States debate and make resolutions on the Principal Committees' policy plans and ultimately finalise the content of the *Policy & Resource Plan Phase 1 and Phase 2*.'

1265 So, people have complained in this States and in past States about the build-up of work towards the end of the Assembly. That is going to happen to some extent again because... unlike if you had a political system where parties would produce manifestos, a lot of that work would be done before the start of a Parliament; but we are effectively developing our manifesto for the first, just over a year, of the Parliament. That is very unusual but it is a result of us not having a party political system. But sometimes I think it will lead to criticism about the lack of progress as people see in that first year, but the States will be very much – and the Members of the Principal
1270 Committees – on developing those plans, which I think will be excellent work.

But what I think is the real value, is that some Members will be on one Principal Committee – perhaps some will be on two and some will not be on any – but those Members will have views on those Principal Committee's policy areas. It is important that each Principal Committee's policy plan is debated in this Chamber and the Members of this Chamber will be able to decide whether
1275 the plan from that particular Principal Committee is what they support or not, and they would be able to amend it. And I think that is key, so that Members who perhaps are not on Education, for example, would be able to have input onto Education's policy plan and the Assembly will accept or reject that policy plan, or amendment it and then we will have a plan going forward. Hopefully we will end up with supported policy plans for each Principal Committee at the end of that
1280 debate. And of course we will debate them again during the term of the States. But I think there are some really key points there about the time period and about the ability for Members who are not on Departments to have input into those Departments' policy plans and ultimately this Chamber to agree on them.

The next point I wish to make is on leadership and coordination. Deputy Sillars mentioned
1285 'command and control'. Well the plan is not command and control. It is leadership and coordination and yes, Policy & Resources will have to work with the Principal Committees and we referred – as it said in the report – about the need for meetings between the Policy & Resources and the Chairman and the President of the Principal Committees. The system will not work in our system of Government if there is command and control. I totally agree.

1290 But it is important that there is also leadership and coordination. And that is what I really want to concentrate on because we had a debate earlier in this session about disability and I just want to highlight the fact that disability will be the responsibility of Employment and Social Security, but P&R will have this coordinating role – and that is very important. It is the separation of those two responsibilities which I believe will result in better progress and oversight of the development
1295 of policy; because no doubt although it sits within Employment & Social Security, it involves a number of other departments and it is important that it is coordinated and that somebody is overseeing that coordination.

I think that we will, hopefully – because until the system is up and running we never know – but it is designed to produce policy in a more acceptable timetable, with responsibility lying

1300 clearly with the Principal Committees, but the P&R having this overall responsibility of coordination. I hope that will produce a better outcome than we have had during this term.

1305 My final comment is on the insurance funds, which Deputy Langlois – he is not in this Chamber now – commented on. I think the particular words that he was referring to is on page 3173 in paragraph 5.3.4, where it talks about P&R and Employment & Social Security doing a joint review on the:

'... setting of contribution rates and the management of the funds...'

1310 I know Deputy Fallaize said at the beginning of the debate that we are all unanimous on the Propositions and we are – but this is not subject to a Proposition. But I fully agree with the joint review of the management of funds and unlike Deputy Langlois I think the whole point of what we are trying to achieve is areas of expertise. And that is essentially what we did when we talked about Education, is that there is one area of responsibility for Education and that will be with the Principal Committee responsible for that.

1315 I think we should try and get the best of our expertise and the management of funds and I see that it is worth reviewing to see if we can improve our management of those funds by having one place responsible for that. But I do not agree with even reviewing the setting of contribution rates. As we know from a number of debates we have had, benefit levels and contributions rates are totally dependent on each other and I do not believe that you can separate out one committee being responsible for contribution rates and another for benefit levels. The relationship is so key that those responsibilities have to be with one committee. Therefore, I think it is of no value in looking at separating out that – which is what this proposal is – because it is looking at the possibility of P&R being responsible for the setting of contribution rates.

1320 So, that is my only point that I did not agree with in the whole report and I hope that Members will support the Propositions, because that one is not involved in any of the Propositions.

Thank you.

1325 **The Bailiff:** Deputy De Lisle, then Deputy Luxon.

Deputy De Lisle: Yes, sir. Thank you.

1330 I am hoping, sir, that these organisational reforms will have the effect of reducing the cost of Government in this Island. I would like to just ask the Deputy Chief Minister, who I think is chairing this session, can we have an update on the cost of the States' organisational reforms and the impact that all of this is to have on the Civil Service?

I note that in the Executive Summary to the report:

'There will be many fewer policy-making committees but with broader policy responsibilities and a reduction in the number of committees overall.'

Yet, the:

'... expectations have been set down for improving the support available to committees and [measures put in place] to strengthen the accountability of senior officers to the committees they serve.'

But:

'There will be a new, less bureaucratic policy planning process ...'

1335 All these words! Is the intention, sir, to substantially rationalise the Civil Service as is being undertaken in the UK at the current time? In fact, what benefits will be derived to reducing the deficit, as a result of this organisational reform to the Government of Guernsey?

1340 Now, these are key questions and I think that we should have answers to in going forward: the exact implications of what we are suggesting as organisational reforms and what the benefits are going to be in the future to this Island's Government? But most importantly, there are concerns

out there as to what the impact is going to be on the Civil Service and whether in fact we are going to see a reduction in the cost of Government overall. And I would like some answers to that when the Deputy Chief Minister sums up – or whoever is going to sum up on this.

1345 **The Bailiff:** I think it is the Vice-Chairman of the States' Review Committee who will be summing up.
Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.
1350 Sir, on 20th October, you published the Billet that we are debating here today and exactly three years earlier from that date the States' Review Committee drew a very large, warm bath and invited the 47 of us to jump in; and over the last three years we have splished and we have splashed and I would like to thank the States' Review Committee for that journey.

1355 Unlike when Mr Harwood, as he was back then, laid the Harwood Report and the Assembly of that day butchered the proposals with the amendments that it approved and allowed us to have the system of Government we have had in place over these last few years... I feel completely engaged with and part of the process of the States' Review Committee and this report on the organisation of States' affairs. It has been an excellent process, where we have all been able to make engagement frequently and been able to engage backwards and forwards with the States'
1360 Review Committee. So I applaud the process and I believe that there is a real opportunity that this new system of Government that Members will have to operate within from 1st May – along with the Service Guernsey Reform which is underway with our Civil Service – to truly make our Government work more effectively.

1365 Some of the examples of cross-departmental working that we have been seeing during this year – and certainly from my experience, and the board's experience, at Health and Social Services with other departments at the Home Department, Social Security and Treasury & Resources – we have seen real and meaningful engagement, ignoring the silo protection self-mandates; and that has been a real boon in terms of optimism for me. I think this new framework should allow the new Assembly from 1st May to truly be able to function in a much more effective, logical way,
1370 where policy – and the resources to be able to implement policies – can actually happen in a more effective way.

So I would like to thank the States' Review Committee and the officers and although it would be wrong to pick out Deputy Fallaize absolutely, I intend to. And I hope you would agree with me it is wise that we do this, because if we do highlight Deputy Fallaize's contribution it means if it
1375 does go all wrong (*Laughter*) we will know who to blame, sir. (*Laughter*)

Equally so, the three policy letters, I am going to ask Deputy Fallaize to individually autograph them for me and I will put them on my bedside cabinet. I have just finished my final Wilbur Smith book and I will look forward to reading these policy letters with great interest, as I observe the States from the outside in over the next few years.

1380 I commend the report and thank those for producing it.
Thank you, sir.

A Member: Hear, hear.

1385 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.
I just want to make an overarching observation about all this. It is a great report and I think it is most probably the best option that we could follow with our system of Government – but I just
1390 want to make this observation.

At the time of Financial Transformation Programme, Tribal Helm held a presentation in the cinema at the Candie Museum and said something. And a similar thing was repeated recently on a

1395 Bloomberg interview with a venture capitalist who is resident on the Island, which I found particularly interesting. I will not say what they actually said, because one might be accused of being disrespectful to one's colleagues, but it was interesting.

1400 The upshot of it was this: you can have the best system of government in the world but if you populate it with people who, shall we say, lack optimum capacity and capability, you will end up with not delivering what was expected. But the interesting thing is, if you go down the other route and say you have got an absolutely lousy system of government, but very committed people with all the capability and capacity you could imagine, you will get expected outcomes.

1405 So where does that leave us? Really, for this to work, it is going to be dependent on our electorate, because come the next election – which will be coincident with this new system of government – I would certainly hope there will be a sufficient plethora of candidates to give them a real choice... because that did not happen everywhere during the last election. And at the end of the day, the responsibility for this being able to work lies with the electorate.

So my plea is *do* register, *do* vote and your first opportunity at St Peter Port North will be next week.

Thank you, sir.

1410 **The Bailiff:** Deputy St Pier, then Deputy Harwood.

Deputy St Pier: Sir, I rise briefly just to respond to Deputy De Lisle's questions about the opportunities for savings, as a result of these reforms.

1415 I think it is fair to say that it is not envisaged that these reforms of themselves will produce direct savings. However, in terms of the facilitation of the Public Service Reform Programme more generally, the view is that this should assist by streamlining the number of committees and by enabling the better working between, particularly, the Policy & Resource function and the interaction with the other Committees. And certainly, considerable work has gone on since the July debate at the Civil Service level to prepare for the change of Government, and to exploit every opportunity that is possible as a result of the changes which the States had previously agreed. So it is an integral part of Public Service Reform which is going on at the same time, sir.

The Bailiff: Deputy Harwood.

1425 **Deputy Harwood:** Thank you, sir.

1430 The Deputy Chief Minister expressed some concern about Proposition 12, on page 3354. If I could reassure him – although he is not in the Chamber at the moment – actually the subject of investment funds and the management of investment funds is currently under review by the Public Accounts Committee. There will be a report of that Committee early in the new year, which I think may help to perhaps address some of the issues that are referred to in paragraph 12. Because we do see, I believe – and I will not pre-empt the outcome of that report – there are potential benefits of having some merged investment fund arrangement. But more of that anon.

1435 I would just reassure Deputy Langlois that even if there was some form of bringing together the funds, responsibility and accountability for those funds certainly could rest with individual committees – as I think is his concern.

1440 Sir, I had the privilege of chairing this Public Review Committee for the first 18 months of its existence and it was an honour to do so. But my involvement with this Committee, oddly enough, predates that, because back in 2011 I had a phone call from Deputy Fallaize who asked to have a meeting with me – because at that stage he was preparing a Requête which subsequently led to the establishment of the Review Committee. He was concerned and he wanted my views from my previous experience, of system of government and what might be done.

And can I say, sir – and I say this publicly and for the record – it has been a pleasure to work with Deputy Fallaize on this particular project, because it was very much *he* led that Requête, which led to the establishment of this Committee. Sir, throughout the process – notwithstanding

1445 that I handed over the chairmanship of the Committee to Deputy Le Tocq – I was fortunate
enough to be allowed to continue to attend the meetings in order just to provide some continuity
and it is a pleasure to do so. We have been very fortunate – and other Members have commented
on the quality of the reports themselves – and I would just like to again make the point that this is
1450 I think, actually is a tribute to Deputy Fallaize.

So, sir, it has been a pleasure to work on this Committee. The outcome of this Committee... it is
a process of evolution. As Deputy St Pier said, the establishment of this particular structure of
itself, I do not think will necessary give an immediate saving; but I am sure that there will – just by
drawing down the number of committees to six Principal Committees – be scope for efficiencies
1455 through the Civil Service. And I am fully aware that the Chief Executive is very keen to drive
forward efficiencies as we go forward.

So, sir, I just encourage this Assembly to support wholeheartedly the Propositions contained in
this report.

Thank you, sir.

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The Bailiff: Deputy Conder.

Deputy Conder: Sir, thank you.

I am the last Member of the States' Review Committee to speak in this debate, other than the
1465 Chief Minister who is currently here. Actually, Deputy Harwood has said much of what I was about
say, so I will be very brief.

I have been a member of the States' Review Committee since it was formed. It has been an
extraordinary journey. But I think in congratulating and thanking a number of people, I should
also thank this Assembly, because through the three major debates we have had – this being the
1470 last one – the Assembly has supported us and emboldened us and helped to direct us. And I think
if this is a success both in terms of its passage – and more importantly in its implementation – it
will not least be due to the support and encouragement we have had from the Assembly.

But I would also just like to say a word about... I should perhaps – as I suspect Deputy Fallaize
would – also thank our non-States' member colleagues, Mrs Claire Smith and former Chief
1475 Minister of Jersey, Mr Terry Le Sueur, who have made a huge contribution to this whole process
through the three stages.

In one of our debates – and in fact in a number of our debates – we have talked about the
difficulty of attracting sufficient resources, particularly in terms of civil servants, and I would like to
endorse our Chief Officer's support for various reports. I would just like to endorse what Deputy
1480 Harwood said, because if you have an Acting Chairman like Deputy Fallaize, who also acts as Chief
Officer, also acts as evangelist, also acts as intellectual powerhouse and... oh, thank you, I have got
one, but thank you... also acts as chief drafter, (**A Member:** Hear, hear.) and does it all on two
hours' sleep a week, you really are in an amazingly successful position and likely to be successful.

I hope, when Deputy Fallaize completes his summing up, colleagues will remember my words
1485 and Deputy Harwood's words and might want to reflect that.

Thank you, sir. I commend this report.

The Bailiff: Deputy Soulsby.

1490 **Deputy Soulsby:** Sir, I will be brief.

I am happy to support the policy letter as amended. I see it will be a big improvement in some
ways, although I do have reservations about aspects of it, in particular the interface between
Policy & Resources Committee and Principal Committees, but we really will not know until we get
there – and get there we have to do.

1495 In terms of the appointment of auditors, I am comfortable with a decision to transfer the
appointment of auditors to the Policy & Resources Committee, but I do believe it will mean the

Scrutiny Management Committee's role in the audit process will need to be made explicit, to ensure it is not just shut out, and I envisage this will be addressed in a joint committee report.

1500 With my other hat on, I am very relieved that HSSD will experience minimal upheaval as a result of these proposals, given all the changes that are going on in that Department. One notable change is that a transfer of the Institute to the Education, Sport & Culture Committee will be a very positive step. I do think these changes will be a significant distraction and we cannot underestimate the strong leadership that will be required. This will be essential to ensure that – to use an analogy just used by Deputy Langlois just now – this does not remain a work of fiction.

1505 Sir, as I said at the start I support this report as amended, and wish all those involved in getting it to work, the very best of luck.

The Bailiff: Deputy Gollop.

1510 **Deputy Gollop:** Deputy Soulsby has, as always perhaps more incisively and briefly than me, said what I would like to say; (**A Member:** Then sit down.) because I too have reservations about the interface between P&R and the Principal Committees.

1515 I, like Deputy Conder and many others, would praise Deputy Fallaize for the considerable work that he has done. It is an interesting point but yes he has, as far as I understand it, done a lot of work on the structure and writing of the report – and he is not alone in that. There are other States' Members who have been actively writing research papers, past and present, for committees and working on things.

1520 Now, in a way that is great, because we probably should be doing more of that – but on another level it does suggest that we do need to build in resources and capabilities into the public sector. And that is a theme I think the new Chief Executive Officer is also making in Service Guernsey. It has to be made that the next system will only work effectively if we build in the resources at every level.

1525 Commenting on what one or two people have said, Deputy Langlois talked about politics being a 'spectator sport', in a wry way. Now, actually that is not just a flippant comment because the new system does imply that we will see perhaps more set piece debates in the Assembly between a Policy & Resources concept and a departmental objective, if agreement has not been reached behind the scenes, because there will not be a current Policy Council acting as a quasi-mediator, as I understand it.

1530 I would also say that Deputy Langlois, on a recent phone-in with Deputy Le Clerc – which was very interesting – perhaps went slightly further than he did today and offered a perspective that maybe one would see the Policy & Resource Committee focussing on global policy throughout the States, and the six Principal Committees acting more on overseeing operations.

1535 I suspect that might be overstating the direction of travel, personally, but nevertheless it is one possible scenario – and we know Deputy Langlois has great expertise in organisational development. And that would perhaps be a worrying scenario because it would put too much burden on the political and staff team at Policy & Resources, whilst at the same time perhaps frustrating the other 35 Members of the Assembly. So one has to be very cautious of that.

1540 Some people today have already made the observation that, for example, the work for disability strategy will go to a diverse range of committees – Health and Social Services and the new Employment, Housing and Social Security bodies. But surely the Policy & Resources Committee will be a bit like the Policy Council, not only in a coordinating role – which sounds semi-executive to me, and also semi-operational – because we all know to a certain extent it is the staff who do the day-to-day communications and coordinating. But more tellingly, that Policy & Resources role is not just a bringing-together – a think tank, a forum – because we are giving significant powers to Policy & Resources... more or less the entire mandate, minus a bit, of the Treasury & Resources Department.

1545 So we are effectively creating a body which is in part a Treasury Department – also allocating property management and staff resources – combining that with external relations, and

1550 combining that with a coordinating role. And whether that includes developing social policy and environmental policy, I am not entirely sure; or whether that will lie more in the Department Principal Committees. I think that is an unknown – and it is an unknown that the new States will have to get to grips with.

1555 I am intrigued too at the reification – the deification, almost – in some of the speeches, of a new-style Government business plan which then became a Government service plan, or a GSP, or a States' strategic plan. That is in danger of making a GBP a form of executive whereby the plan, like the thoughts of Chairman Mao or whatever, becomes a kind of blueprint that we all follow. I think that has been tried in the past and has not been entirely successful.

1560 I did say to Deputy Fallaize that I might give a brief history lesson as to where we went wrong in the past. During the 2000-2004 reform process there was a vision, as I understood it, for the Treasury & Resources Department to be more of an Executive Department; and the Policy Council to be a coordinating body that maybe – the then Chief Minister even implied – would only meet quarterly. It would be like a synod almost, of the principal leaders or their representatives. Hence we never had a permanent membership of the Policy Council at every meeting. We allowed Deputies and delegates to attend, which ultimately led to confusion.

1565 Also there was implicitly a need for a Chief Minister's Department of working politicians, but we abandoned that the last stage – I probably supported that at the time for political reasons and reasons connected perhaps to personality and apprehension. But as things turned out with the new selection of Members that proved to be a deficiency, and meant that the Chief Minister in some ways was less powerful than other Ministers, particularly the Treasury & Resources Minister.

1570 I think we have learned from that experience and we have learned from the experience of having two semi-executive bodies, Policy Council and Treasury & Resources, not necessarily agreeing. However, we have not necessarily created a better alternative. We have solved some problems and I believe the general amalgamations of functions across the board have been sensible, rational – and in many cases should have been done a long time ago. But we may be creating others.

1575 I perhaps have always been a closet fan – or maybe a more overt fan – of a more executive-style of Government along the lines that the Institute of Directors and others once wanted. I think we could have gone in a different direction of maybe retaining an 11-member policy body, but it would have consisted of the five members of T&R and six Principal Committee heads – we would still have 11 people, but you would have six people who were representing their operational departments and five people who had a more strategic role. Instead, what we have done is created one strategic body of five and the operational heads will not apparently meet.

1580 I will be interested to see, in the new Assembly, how long it will take before the six principal leaders of the committees – who of course cannot sit on Policy & Resources – start to meet regularly. I am sure their chief officers will be meeting regularly anyway, but that is perhaps a disconnect between the executive and political levels.

1585 Perhaps, given the shortage of time that we have, that is enough from me; but I support what we have – with reservations – and I do believe it will be substantially modified anytime soon.

1590 **The Bailiff:** Deputy Gillson.

Deputy Gillson: Sir, thank you.

1595 I suppose, as Home Minister, I think it is appropriate for me to comment with regard to the Home Department, and in reality there is little to say because it will change. What we are getting seems fair enough and the small amounts we are losing are fair enough.

I do want to note that we are pleased that our concerns relating to being the regulator of gambling... and the original idea about us having the Channel Island lottery has been addressed by the lottery moving to the States Trading Bodies Committee – so I am pleased that happened.

1600 Now I will make some personal comments. I have a general concern which I could not see being addressed – I have probably missed it, but I will raise it anyway. In the past there have been

occasions where the Assembly has delegated authority to Policy Council or T&R, but these actions or decisions have been given in a way that the *other* Committee has got some form of oversight over it, making the classic four-eyes principle. In effect with the restructured Government we are merging T&R and Policy Council so that loses the four-eyes principle.

1605 I could not see anywhere where this issue in relation to those outstanding resolutions, the outstanding authorities, has been addressed. I would not be surprised if Deputy Fallaize in his report were to ask me which resolutions I am talking about, which would be a good question – and I do not know! And that is the problem, that is the concern... that there is not a list of these anywhere, and I am concerned that we could inadvertently remove the four-eyes principle

1610 oversight from some areas of authority without realising we are doing it. So that is just a concern.

Second is a very specific question relating to the mandate of the Policy & Resources Committee and this is on page 3191, which relates to:

‘non-operational matters in an emergency to preserve life, wellbeing and law and order.’

I just have a question how that relates with the Civil Contingencies Law, because I thought the Civil Contingencies Law had all of that authority enshrined to make any orders in relation to that. So I just question whether there is an overlap there or whether I have missed something.

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A more general concern I have is that I fully support Policy & Resources leading the development of a Policy & Resource plan, and that coming back to the States to be approved – that is great. Where I have a concern is the possible restructure of the Civil Service and when you overlay that onto our structure. The concern is – and it is being mooted at various stages – that policy development staff would move into the centre to be under Policy & Resources, which gives you a highly-skilled, focused Policy & Resource staff which is very sensible. But if they are then allocated by Policy & Resources, I would hate to have a position where departments have responsibility to develop policy, but are only given the resources to develop the policies which Policy & Resources want them to develop; but they do not have resources for policies that Policy & Resource members do not want to develop... because if you have that you have, in effect, an executive form of government when it comes to determining which policies are proceeded.

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So I would be interested to know if that move with the Civil Service were to take place, whether there are going to be any safeguards put in about that.

Other than that, I have heard comments commending the amount of work that has been done on this report and this whole restructure; and like most of us I think I will support the Propositions.

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Thank you.

The Bailiff: No one else is rising.

Deputy Fallaize, do you wish to reply?

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Deputy Fallaize: Yes, thank you, sir.

Deputy Langlois was the first Member, I think, to speak in general debate and he initially spoke about how the Employment, Housing and Social Security functions fit well together. He also said something which I think is key: that the importance of staff in the present department being very strongly involved – actively involved – in shaping the operational changes which will be necessary to support the political restructuring.

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Now this is absolutely right, this restructuring has to be a process which is done *with* staff and existing departments, and not done *to* them. I believe that is the intention and the way that it is working with the civil servants who are leading this change, and the States Review Committee is going to continue to oversee that and try to impress the importance of that engagement upon the Civil Service leadership. The Committee I think has been very impressed by the enthusiasm of many members of staff across the organisation to embrace these reforms and I think there is a great deal of keenness now just to get on with it.

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In respect of the responsibility for social insurance funds: Deputy Dorey has indicated already in his speech that this is one of those areas where the Committee has worked hard to

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demonstrate a degree of collective responsibility, and the proposal to carry out a review is supported by all members of the Committee. But it is fair to say that there is a diversity of views among what the outcome of any such review may be. Certainly if I had to vote on it today, I would not vote in favour of any change – but there is a case for the review, and that is all the Committee is proposing at this stage.

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In respect of Alderney – and it is not just a question of my vision, or the Committee’s vision – there is no choice, given Alderney’s position, for the States of Alderney and the States of Guernsey to work closely together. That is inevitable and necessary. I think there would be an opportunity – because of the Policy & Resources Committee members not having other committee responsibilities – for that Committee to allocate its members to look after certain functions. I could envisage a member of the Policy & Resources Committee, amongst other responsibilities of course, being given the lead role for liaising with the States of Alderney. But anything which can encourage the States of Alderney and the States of Guernsey to work together more closely is likely to be beneficial. And if the Alderney representatives have any ideas for ways in which closer collaboration between the two Islands could be integrated into the reorganisation of States’ affairs, then I would encourage them to speak to the Committee because that is very much part of the intention of the reforms of this Committee.

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In respect of the States’ Employment functions, the initial proposal is that they would be led by the Policy & Resources Committee. But that is not ideal because of the other commitments that Committee will have. The States have tried various ways of leading the Employment functions... and it is fair to say of all the functions of the States there is no perfect answer, and there is also not an infinite range of options. So I think essentially what it will boil down to is either the Policy & Resources Committee, under the leadership of one of its members, having an informal sub-group which may be able to look at function; or having a States’ Employment Board – the kind of thing that was recommended in the Robinson review, I think it was, some years ago – where all of the Employment functions of the States are brought together, not divided in the way they used to be with the old public sector remuneration Committee and the Policy Council... But all brought together – remuneration, and the non-remuneration aspects of Employment – in a single States’ Employment Board. I think there is quite a lot of merit in looking at that latter option, but it is something the Policy & Resources Committee has already been directed to review early in its life.

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I thank Deputy Sillars for his generous comments about the policy letter. And I think he made the key point, probably, of this debate, which was then addressed by other Members too, which is the relationship between the Policy & Resources Committee and Principal Committees. He set out, I think, exactly the way that the States’ Review Committee envisages the relationship working. If there is a ‘command and control approach’ – to use his phrase – taken by the Policy & Resources Committee, it just will not work.

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And it is not that it will not work for the Principal Committees – although that is true – but most importantly it will not work for the Policy & Resources Committee; because the Principal Committees – because there is this degree of detachment – just will not accept it. I think that will very quickly produce pressure on the Policy & Resources Committee not to adopt that kind of command and control approach. But it clearly will come down to the behaviour and the approach that is taken by the members of the Policy & Resources Committee.

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Deputy Kuttelwascher said that the electorate would play an important role in determining whether this works, because they would have to shape the next States – and I agree with him. But the next States will play an important role when they determine, or elect, the members of the Policy & Resources Committee. And if the next States – and it is up to our successors – elect a Policy & Resources Committee which has an inclination to take a command and control approach, then they will be setting the system up for failure. That committee will need to act in a collegiate and inclusive way which seeks to empower and enable other committees and other members; and if they take that approach this model will work well. But if they take the opposite approach then it will have significant weaknesses, and it will be a matter of the next States understanding that when they elect those members.

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I think Deputy St Pier has dealt with Deputy De Lisle's point about resources and rationalisation.

1705 Deputy Dorey is right about the constraints of our system not having parties... the constraints
that places on planning policies and planning resources. I think it is important that the States, as
part of these reforms, set out the timetable for the Policy & Resource planning process and set
down some expectations. But what is key, is that it must not replicate previous attempts, because
1710 the previous attempts have not worked. And they have not worked in the main because they have
– the Government Business Plan and the States' Strategic Plan and other versions before that –
had good intentions, but very quickly they tried to chuck everything into the plan. And so putting
together the plan became more important than actually running Government – and that must be
avoided. But I think the process for establishing and developing the Policy & Resource plan which
1715 is set out in this policy letter will give us the best chance of avoiding that in the future.

I thank Deputy Luxon and Deputy Harwood, and Deputy Conder, for their kind words about
some of the work that I have done in conjunction with other members of the committee to put
this policy letter together; but it is absolutely true to say that this process has only been possible
because it has not been hijacked by other States' Members trying to insert their own preferred
1720 models. That is what has happened on every previous occasion that the States' have tried to
undertake reforms, they have been... I use the word 'hijacked', I suppose that is quite pejorative.
But there have been many different options put into the mix and the problem is that the States
have never been able to vote in favour of a coherent package because of that. They have taken
out some of the bits of previous proposals but not all of them, and then inserted bits of
1725 amendments and not inserted amendments in full.

Now I think that has built significant weaknesses into the structure of the States up to this
point – and on behalf of the Committee I want to say a very heartfelt thanks to the present States
for *not* doing that. It would have been perfectly proper for the States to look at the proposals of
the States' Review Committee and reject them completely. And we actually put up two options to
1730 begin with, the States were free to debate and choose between either of those options. But once
the States made their initial decision to retain a committee system, they have supported the
proposals of the States' Review Committee at every single stage.

If this works as well as we envisage it will work, then it will be because of the support of the
States. But they have done it on the recommendation of the States' Review Committee. So I make
1735 no bones about it, if it works well it will be because of the support of the present States; if it fails it
will be because of the States' Review Committee, because the States have backed the Review
Committee at every stage.

Deputy Harwood is right, I think, that this is evolution. There are significant changes here: the
rationalisation of committees; bringing together policy-making committees along the lines of
1740 policy themes rather than operational responsibilities; a stronger scrutiny function; and there is
also a measured rationalisation in the number of States Members, which I think is quite significant.

Deputy Gollop is right. States Members really ought not to be writing policy letters; but when
there are specialist reviews like this, it works only if it is driven by political Members. Now, whether
it *ought* to be the case or not can be debated, but it does work only if that happens.

1745 The same thing is happening with Deputy Le Lièvre at the Social Welfare Benefits Investigation
Committee, and Deputy Perrot has found himself in this position a bit with the Constitutional
Investigation Committee. When these small committees are set up they work if they are driven by
the members elected to them – and in particular, it has to be said, by a particular member who
has a passion for the subject and wants to see it through. But it does speak to the need for the
1750 States to enhance the policy-making and report-writing capacity.

The Chief Executive's Public Service Reforms take that into account, and as I think I said in
debating one of the amendments, the Committee has worked very closely with the Chief Executive
and these reforms are closely aligned with the reforms that he is driving through.

1755 Deputy Gollop says he does not think it will be long before the Policy & Resources Committee and the Presidents of Principal Committees are meeting. Well, I do not think it will be long, but that is envisaged in the States Review Committee's proposals. If he were to go back, I think – certainly to the second, but possibly even the first, policy letter – that sort of arrangement is actually proposed by the Review Committee. But I am not going to be – and the Committee is not going to be – an apologist, for trying to enhance leadership in the States; because the States, like
 1760 any government, need leadership. It has to be leadership which fits well with whatever the system of government is in the jurisdiction concerned, but the States need leadership. Any organisation without leadership is not going to be a functioning organisation.

The key weakness which was inserted in the reforms of 2004, which Deputy Gollop alluded to, was the decision of the States to reject the proposed Chief Minister's Department. (**Two**
 1765 **Members:** Hear, hear.) It was called the Chief Minister's Department because at the time the States had a bit of an unfortunate fixation with trying to pretend that they were going for a ministerial system of government. But leaving that to one side, what was proposed in 2004, in a Chief Minister's Department in terms of its membership and its responsibilities, was the Policy & Resources Committee which the States have now decided to set up in its entirety.

1770 But the States rejected it and the architects of those proposals, back all those years ago, felt they had no choice then but to propose a separate Treasury and a separate committee for the coordination of policy. But they knew it was not going to work... the authors of those proposals told the States at the time, 'This will not work. But you have rejected the Chief Minister's Department so we do not have any choice.'

1775 And I know that I am sometimes very unkind about the Policy Council – though, as Deputy Langlois said, not the individual members but the *body* that is the Policy Council. And I mean that because we have had very capable and competent people sitting on successive Policy Councils and we have now, but the thing does not work properly.

1780 It does not work properly because it does not have any kind of control over resources; and the Ministers who are expected to coordinate policy are all, generally rightly so, more interested in leading their own departments. So we have built this inherent weakness into the 2004 model, if I can call it that. The transient membership of the Policy Council clearly is a major issue, I think... you can go through any six-month period if you look at the committee attendance returns, and on average there are about 23 to 25 different States Members turning up as members of the
 1785 Policy Council – well, clearly, in those conditions you cannot expect leadership and coordination of policy.

Deputy Gillson asked about the four-eyes principle and it is actually referred to in the policy letter, but I do not have an answer to his point because what he says is clearly right and we cannot do anything to overcome that. I think we will just have to practise a degree of vigilance as
 1790 and when these issues arise, because the Committee has not gone through and drawn up an inventory of how many resolutions there are that fall into this category, but he is right in what he says.

The part of the Policy & Resources Committee's mandate which relates to the non-operational matters in the event of an emergency, is actually taken directly from the present Policy Council
 1795 mandate. It is at *(xii)* of the Policy Council's mandate and we felt that it was reasonable to transfer that to the Policy & Resources Committee.

The last point he made was key: committees cannot and must not be starved of policy-making resources. Some resources are going to have to sit centrally because our Government is not large enough to have teams of people in every Committee or Department looking after media relations.
 1800 And I look at, for example, Deputy Burford who was terribly let down I think over the transport strategy. And that is not a political comment about the States, but it is to do with policy development, communications... the operational support that a Minister and the department need when they are trying to drive through major policy.

But the Environment Department is a very small department with a small budget and it cannot
 1805 sustain teams of communication people and media people and policy development people on a

full-time basis. So what has to happen is that when committees are making major policy, or trying to drive through major policy, they have to be provided with resources which are held centrally. There is no choice, if we do not do that we are going to starve committees of the necessary resources when they are making and trying to drive through policy.

1810 The intention is that those resources will be allocated according to the decisions the States make through the Policy & Resource plan. If that does not happen it will be incumbent on the Presidents of Principal Committees to create hell about it, because it must happen that way. Some resources will have to be held centrally but they will have to be allocated according to the policy objectives as determined by the States.

1815 The final point I want to make, sir... because I think this will come down to how leadership and coordination manifest in the next States. I think that the model we are putting in place provides the ingredients for better leadership, better coordination, for a stronger scrutiny function and for a more focused approach to policy-making through the rationalisation of committees. But I want to refer to a quote which was made by a States Member many years ago, which I think
1820 encapsulates the way in which leadership has to work in a Committee system- and it is very much the way in which leadership will have to work through the Policy & Resources Committee in the restructured States. And the quote is this: 'Leadership in a committee system of government should follow one cardinal principle. The basic principle of leadership is a willingness to serve and not to dominate – that is true leadership. As all power has some potential to corrupt, leaders in
1825 the States should not seek more power, they should seek influence which is something that is earned and which is far more valuable'. *(Applause)*

The Bailiff: Very good timing, Deputy Fallaize.

1830 The Propositions start on page 3352. There have been four successful amendments, that have resulted in amendments to the mandates of three of the committees in paragraph 1, that is the Policy & Resources Committee, as a result of the Deputy Bebb/Deputy Perrot amendment; the Committee for Employment & Social Security, following the Deputy Fallaize/Deputy Conder amendment; and the Scrutiny Management Committee as a result of the Deputy Soulsby/Deputy Robert Jones amendment.

1835 And additional wording has been inserted into paragraph 1 relating to the Ladies' College Board of Governors following the Deputy Gillson/Deputy Sillars amendment.

And in paragraph 3 the operational functions of the Policy & Resources Committee and the Scrutiny Management Committee have been amended as a result of the Deputy Bebb/Deputy Perrot amendment.

1840 Those are the amendments as I have noted them to the Propositions as printed.

Unless anyone requests any separate votes I propose to put all 15 Propositions to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

We will rise now and resume at 2.30 p.m.

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

Welcome to Hon. Dr Roberta Blackman-Woods MP

1845 **The Bailiff:** Members of the States, before we start this afternoon's session can I just draw your attention to the fact that the Member of Parliament for Durham City, Dr Roberta Blackman-

1850 Woods, is in the Island, largely through the Commonwealth Parliamentary Association. She is in the Island to try to encourage more women to offer themselves for election in the forthcoming General Election (*Applause*) – and to complete that, for the benefit of anyone listening, she is present in the Public Gallery.

A warm welcome to you – a warm welcome to Guernsey and to the States of Deliberation.
Greffier.

Billet d'État XXII

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

I. States' Assembly and Constitution Committee – Rules of Procedure of the States of Deliberation and their Committees – Proposed new Rules – Propositions carried

The Deputy Greffier: Billet XXII: States' Assembly & Constitution Committee – Rules of Procedure of the States of Deliberation and their Committees – Proposed new Rules.

1. The States are asked to decide:

Whether, after consideration of the Policy Letter dated 19th October, 2015, of the States' Assembly and Review Committee, they are of the opinion:

1. To agree that, with effect from 1st May 2016, the Rules of Procedure of the States of Deliberation and their Committees shall be as set out in Appendix 1 to this Policy Letter, conditional upon the States approving at their January, 2016, Meeting, with or without amendment, recommendations presented by the States' Assembly & Constitution Committee in relation to the sections of the Rules of Procedure in Appendix 1 which are shown underlined in that report.

2. To agree that the recommendations to be presented to the States by the States' Assembly & Constitution Committee in January, 2016 in respect of Rules relating to the submission of policy letters and related matters shall be based on the proposals contained in the section of that policy letter headed 'Submission of items for consideration by the States'.

3. To agree that States' Meetings between the 1st May, 2016 and the 31st August, 2017 shall begin on the dates set out in Schedule 1 of that Policy Letter.

1855 **The Bailiff:** The Chairman of that Committee, Deputy Fallaize, will open the debate.

Deputy Fallaize: Thank you, sir.

It will not take very long to introduce this policy letter. There are effectively three reasons for it.

1860 First of all, after many amendments over many years, the current set of rules are perhaps not in a terribly logical or coherent order, so the Committee has rewritten them and is now proposing this new set, which appear in a more logical order.

Secondly, there have had to be, or there need to be, several changes consequential upon the resolutions on the States' Review Committee Report to ensure the new rules reflect the machinery of government which will operate from 1st May next year.

1865 And third, in one or two instances the Committee has taken the opportunity to propose quite substantial reforms to the present procedures, most particularly in respect of setting the dates of States' meetings and the manner in which Items, policy letters and Requête, for example, are

submitted to the States for debate and the way in which the States determine and manage their agenda.

1870 I hope the case for all of these changes is set out adequately in the policy letter and ask Members to support the proposals.

Thank you, sir.

Amendment:

*To add at the end of Proposition 1: ', and subject to the following alterations:
in the first line of the Rules (page 3377 of the Billet d'État), add a comma after "November";
in the index of section 1 (3379 of the Billet), replace "1(5)" with "1(2)" and replace "8(3)" with "8(5)";
in rule 10(2)(b) (3386 of the Billet), insert "other" between "such" and "time";
in rule 11(7) (3388 of the Billet), replace the semi-colon with a colon and replace the first comma with a semi-colon;
in rule 14(3) (3390 of the Billet), delete all the words from and including "inspection" and substitute therefore "public inspection whenever the Greffe is open for normal business";
in rule 19(5)(b) (3396 of the Billet), replace "meeting" with "Meeting";
in rule 20(3) (3396 of the Billet), in the penultimate line insert "a" after "such";
in rule 21(4)(a) (3397 of the Billet), in the second line replace "on the basis of" with "of the basis on";
in rule 24(2) (3400 of the Billet), replace sub-paragraph (e) with three separate sub-paragraphs designated (e), (f) and (g) and designate the words relating to a Policy & Resource Plan as sub-paragraph (e), the words relating to a Strategic Land Use Plan as sub-paragraph (f) and the words relating to a Development Plan, Subject Plan or Local Planning Brief as sub-paragraph (g);
in rule 24(10) (3401 of the Billet), in the first line replace "(e)" with "(g)"; add a comma immediately after the words "(the Authority)"; and in sub-paragraph (c) delete the words up to and including "before" on the first occasion on which it appears and substitute therefor "the Authority has caused to be submitted to", and also in sub-paragraph (c) delete "within paragraph (2)(e)";
in rule 26(1) (3402 of the Billet), delete the pre-antepenultimate comma;
in rule 40(5) (3410 of the Billet), add a comma after "May" and a comma after "2016";
in rules 51 and 52 (3414 of the Billet), replace "Article" with "article";
in rules 58 and 60 (3415-6 of the Billet), replace "committee" with "Committee" and replace "committees" with "Committees";
in rule 59 (3416 of the Billet), replace "Performance" with "performance";
in rule 60 (3416 of the Billet), at the end of the first proviso replace "and" with a semi-colon;
re-designate rules as follows: 54 as 54(1); 55 as 54(2); 56 as 54(3); 57 as 55; 58 as 56; 59 as 57; 60 as 58; 61 as 59; and 62 as 60; and make consequential changes to the index of section 2 (3406 of the Billet).'*

The Bailiff: Thank you.

1875 We come to the first amendment, which is to be proposed by Deputy Fallaize. Deputy Fallaize, do you wish it to be read?

Deputy Fallaize: Oh, I think so, sir, yes, please! *(Laughter)*

1880 **The Bailiff:** Are you serious? *(Laughter)* It is not going to make a lot of sense to anyone listening at home, because –

Deputy Fallaize: Or to anybody sat in here, I shouldn't think! No, I am not serious.

The Bailiff: In that case – *(Interjection)* Do you wish to open on it, or –?

1885 **Deputy Fallaize:** No, because I am serious – it is not going to make any sense to anyone.

The Bailiff: Oh, I see, you are not opening it.

1890 **Deputy Fallaize:** No, it is just to tidy up certain anomalies that were contained in the original version, and I ask Members to support it. Thank you.

The Bailiff: Okay.
Deputy Conder, do you formally second it?

1895 **Deputy Conder:** I do, sir, and I do not think I reserve my right to speak on it. *(Laughter)*

The Bailiff: Does anyone wish to debate? Deputy Trott.

1900 **Deputy Trott:** I just need to point out a grammatical error in the amendment. *(Laughter)*

The Bailiff: I think we can move swiftly to the vote on the amendment proposed posed by Deputy Fallaize, seconded by Deputy Conder – the first amendment, that is, amendment A. Those in favour; those against.

Members voted Pour.

1905 **The Bailiff:** I declare it carried.
We now have a second amendment proposed by Deputy Fallaize, seconded by Deputy Conder, marked amendment B.

Amendment:

To add a new Proposition 1A as follows:

'1A. To note that the mandates of committees of the States with effect from the 1st of May, 2016 which are set out in this Policy Letter at Appendix A to the Rules of Procedure of the States of Deliberation and their Committees (from page 3417 of the Billet d'État) replicate without exception the mandates of committees recommended to the States by the States' Review Committee on Billet d'État XXI of 2015 and to direct that when the States' Assembly & Constitution Committee reports to the States at their January, 2016 Meeting it shall lay before the States any alterations to Appendix A to the Rules of Procedure of the States of Deliberation and their Committees which have become necessary as a result of the States approving amended Propositions on Billet d'État XXI of 2015 with regard to the constitutions, responsibilities, operational functions etc. of committees.'

1910 **Deputy Fallaize:** Sir, this is just a catch-all Proposition to ensure that the changes to the Rules of Procedure and the mandates which will be appended to the Rules fully reflect the changes which were made on the States' Review Committee's report this morning. I think there was only one change, which was Deputy Soulsby's amendment in relation to the mandate of the Scrutiny Management Committee, but in any event we need to ensure that the mandates attached to the Rules of Procedure are the same as the mandates agreed on the States' Review Committee's report, and the insertion of this Proposition will allow that.

1915 Thank you, sir.

The Bailiff: Deputy Conder, do you formally second?

1920 **Deputy Conder:** I do, sir.

The Bailiff: Any debate? No. We go to the vote. Those in favour; those against.

Members voted Pour.

1925 **The Bailiff:** I declare it carried.

The third amendment that we have before us is to be proposed by Deputy Soulsby. The third as I have got – is that the third as you have got as well? Yes. Deputy Soulsby, amendment A.

Amendment:

To insert at the end of the words in Proposition 1, the following:

'and subject to the addition immediately after draft rule 24(2)(e) (page 3400 of the Billet) of:

“; or (f) to the annual policy letter proposing social insurance rates of contribution and benefits”.'

Deputy Soulsby: Sir, yes, could I ask the Deputy Greffier to read it out, please?

1930 **The Bailiff:** Yes.

The Deputy Greffier read out the amendment.

The Bailiff: Thank you.

Deputy Soulsby.

Deputy Soulsby: Sir, yes, this is just a minor amendment but it is important nevertheless.

1935 Basically, this requires that amendments to the annual Uprating Report have to follow the same rules as the Budget and be submitted in advance.

I suppose the need for this crystallised itself for me last month when we debated both the Budget and Uprating Report at the same sitting, but the Budget amendments had to have been submitted seven clear working days before the debate, whereas there was no such restriction for the Uprating Report and we received these right up to a day or two before the debate. That does reflect the inconsistency of treatment between revenue managed by T&R and that managed by Social Security. We only have to see how, in the secondary healthcare debate, HSSD had to come to the States for funding for its half of the costs to negotiate the contract, whereas SSD did not. Perhaps that is for another day, but this amendment at least provides some consistency when it comes to important annual financial policy letters that come to this Assembly and I urge Members to support this amendment.

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

1950 **Deputy Robert Jones:** I do, sir, and I reserve my right to speak.

The Bailiff: Thank you.

Deputy Fallaize, do you wish to speak at this stage?

1955 **Deputy Fallaize:** Just briefly, sir, please.

Clearly, the amendment can be argued on logical grounds, as Deputy Soulsby just has; but just by way of caution, a couple of points.

If the States keep adding to the items which appear at the moment in rule 13 and will, if these proposals are approved, appear in rule 24(2), we will soon reach a stage where all amendments have to be submitted seven working days before, because at the present time, if one looks through the list of what is captured – all legislation; any amendment which *may* have the effect of increasing expenditure or substituting another contractor or altering the timing of any works, or to the Budget, or to Propositions relating to taxation, fees or other charges or to Propositions to

1965 approve a Policy & Resources plan or a strategic land use plan, or a development plan and the local planning brief ... If we continually add items, we will soon run out of items which are not caught by the seven-day rule.

1970 Members may say that is a good thing, but what has to be considered is that the States frequently vote in favour of amendments which are tabled closer to the meeting than seven days before, and sometimes they are amendments which are approved unanimously or by very large majorities because perhaps issues have arisen during debate or there have been committees in dispute and as you get closer to a period of debate their differences narrow and ways are found to compromise; and the States are, to some extent, putting themselves in a strait jacket by the insertion of these sorts of rules.

1975 It is difficult to argue against this amendment, for the reasons that Deputy Soulsby has set out, but I think the Committee is slightly uncomfortable with the idea of including an ever-greater list of items in the amendments which are caught by the seven-day rule and I think the States should bear that in mind before voting on this amendment.

1980 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Yes, sir.

1985 As Social Security Minister, obviously this affects a report put by my Department. I think we are very happy to sponsor this strait jacket, because I think in the circumstances you have got something similar to the Budget here in that you are coming forward with a package. Ultimately, of course the States still have the opportunity to reject certain parts of the package or certain resolutions at the time, but the amount of background work that needs to be done on many of the amendments that affect this really do make last-minute amendments more than irritating: they make them impractical on many occasions.

1990 Also, I will mention that, if you remember, it is only the last two years that the Uprating Report and the Budget have been done in the same month and there are real ... For several years yet, in my estimate, until a huge IT project is seen through, there are real issues about approving variations in this any later than we are currently doing, because otherwise, administratively, it is difficult to make 1st January. So please support this very sensible amendment.

1995 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Sir, I would support my Minister and I would urge you to support Deputy Soulsby's amendment for exactly the reasons that have been outlined.

2000 I just want to ask Deputy Fallaize ... There is no reason why the rule could not be temporarily suspended if it was really felt essential that an item should be debated through an amendment because of the complexities particularly of the contribution rates and the effect that they have on budgets and incomes. They are quite complex, so I think seven days is the right way to go.

Thank you.

2005 **The Bailiff:** You have asked him. He is not able to answer, because he has already spoken. Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

2010 If I may, I think what has actually just been expressed by the Social Security Department is exactly one of the reasons why I think that this amendment should be rejected. I think that Deputy Soulsby makes a very coherent, logical argument and on that argument it is difficult not to. However, my concern is that we have seen an ever-increasing number of amendments recently which require the suspension of the rules, and I have to ask at what point do we constantly suspend rules to the point of realising that the rules no longer fit the purpose? We know that
2015 amendments are still laid before this Assembly requesting the suspension of the rules and we

frequently suspend the rules, and all I see is a request to have rules which would actually be ideal, but practical experience, which is at great variance with that ideal.

2020 I also feel that there is another thing that is slowly happening with the encroachment of this rule. I would like to see the rule removed, but I know that the chances of anybody seeing that rule removed would be slim to zero. But seeing that we have a Member of the Westminster Parliament here today, it is interesting to make an analogy with one of the things that happened there that diminish the ability of Members to hold the government to account. There is a possibility in Westminster, or there *was* a possibility, of filibustering all night long, and if that happened then the business of the following day would be lost. We do not have the ability to filibuster here, (Laughter and interjections) much as I know that I have actually attempted very hard on occasions to.

A Member: Two and three quarter hours to go, sir!

2030 **Deputy Bebb:** What I would say is that the result was, of course, very attractive, that those tedious long speeches came to an end, something that many Members would probably applaud, but the real result was a lessening in the ability of Members to hold government to account and to actually deal effectively with matters.

2035 I fear that this does the same thing. It is, superficially, logically attractive, but practically it will reduce the efficacy of the rules and it will reduce the ability of Members to hold those Departments to account, and therefore, personally, I would urge Members not to support this amendment.

Thank you.

2040 **The Bailiff:** Deputy Dorey, were you wanting to speak?

Deputy Dorey: Thank you.

The Bailiff: And then Deputy Gollop.

2045

Deputy Dorey: Thank you, sir.

I urge Members to vote against this amendment. The rule, which says:

'which may have the effect of increasing expenditure;'

– in (2)(b), and also (2)(d), which says –

'to a proposition relating to taxation, fees or other charges'

I think covers the situation adequately.

2050 There are Propositions which do not relate directly to increases in charges or benefits. There are some policy matters which are often put into that report and it would be wrong to apply that rule to that report, to every Proposition, when there are some which do not require that rule. I think Propositions (b) and (d), as I have read out, cover the situation that is needed and it would be wrong to just say it covers everything in that report. What you would do then is that you would have to have a second report, taking out policy matters, and it is far better to have one report which covers everything. So I would urge Members to actually reject this, because I think the Rules are there to cover the situation.

2055

Thank you.

The Bailiff: Deputy Gollop, and then Deputy Lowe.

2060

Deputy Gollop: Perhaps I might be accused of the pot calling the kettle black, or maybe even poacher turned gamekeeper, but of course over the years I have put forward quite a number of amendments, or seconded them at the last minute. I remember 10 budget amendments when I and another Member were christened Wallace and Gromit. *(Laughter)* But the reality is we are actually seeing perhaps in this Assembly more far-reaching late amendments than usual – including the one that set up SWBIC, paradoxically – and when one looks at the bigger picture, often with issues like Social Security and welfare insurance rates, one is dealing with an amount of money, a policy rather, that is effectively a form of taxation and in some other jurisdictions would be regarded as such, would be an integral part of the Budget process. Changes to that at the last minute obviously are irritating to the board concerned and their senior officers, but more than that often require a degree of scrutiny by those officers, by potentially actuaries, potentially economists, statisticians, and of course the business community, employers, the disabled community – people in every facet of society. We can effect within a day or two, or maybe on the hoof, a change that would have an enormous effect upon the employment and business sector and potentially cost jobs or significantly change lives.

I think this amendment that Deputy Soulsby is putting forward will be helpful, because for many years a large number of people, both within and without this Chamber, have called for an integration of the Social Security rates and budgetary taxation process. We have gone some way towards that at a moderate pace in this Assembly. We have got to the same month, we have got to the same publication date, virtually, and to the same mind-set. We have not got all the way, but I think the time will come when we will need to, and therefore this amendment, which offers an effective integration with a parallel budgetary process, is to be commended and supported.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

Completely opposite to Deputy Gollop, I would ask Members not to support this amendment for the very reasons that Deputy Dorey, as an ex-Minister of Social Security, would be fully aware. I am sure the current Minister of Social Security did not really mean to mislead the Assembly, but the Social Security report is not a complete package. There are parts in there that are not a package as such. So, if anybody wanted to put an amendment in, it would not necessarily upset a package, because that is not the case – there are some there in policy and things, as was explained before.

I would ask Members to reject this because there are rules in place already that will cover the very situation, as Deputy Dorey read out. Have a look in your Report – it is there already. We do not actually need more rules for rules again. Let's try and keep the rules to a minimum and ensure that we have a debate which is not going to be restricting Members to amend reports.

The Bailiff: Deputy Wilkie.

Deputy Wilkie: Could I just be *relevé*, sir?

The Bailiff: Oh, yes, *(Laughter)* indeed, you may be *relevé*. *(Laughter)* You are *relevé*! Does anyone else wish to speak on this amendment? Deputy Soulsby.

Deputy Soulsby: Sir, yes, I will just deal with the questions in order.

I agree, Deputy Fallaize, we should not continue to add and add to rule 15(2), but the Uprating Report is incredibly important and there is a clear inconsistency between the treatment of it and the Budget, and it is equally important that amendments could have major repercussions and important that such amendments can be properly considered.

I thank Deputy Langlois for his support.

Of course, the States can always vote to suspend rule 15(2), which Deputy Le Clerc has mentioned, as it has done on more than one occasion this term, but that is a good thing. This amendment makes a default of seven days.

2115 Thank you, Deputy Bebb, for saying I have made a very coherent and logical argument. Exactly.
(Laughter)

And thanks for the comments about Westminster, Deputy Bebb, but this is the States of Guernsey. I do not think he gave a coherent and logical argument why this amendment should not be supported.

2120 I think Deputy Dorey has really missed the point. Yes, the Uprating Report has policy matters in it, but so does the Budget. Just witness Deputy Collins' amendment on sport last month. I do believe he submitted his amendment well within sufficient time.

I agree, Deputy Gollop, last-minute amendments to such an important report can be, and often are, found to be very dangerous.

2125 Just to the comment of Deputy Lowe, I believe that what Deputy Langlois was alluding to was that if you can amend one aspect of the Uprating Report having not been able to consider it well enough in advance, it could have repercussions on other aspects of that report, and if you have not got time to consider it, it could have real problems further down the line.

So I urge Members to support this amendment.

2130 Can I have a recorded vote, please, sir?

The Bailiff: We will have a recorded vote on the amendment proposed by Deputy Soulsby, seconded by Deputy Robert Jones.

There was a recorded vote.

2135 **The Bailiff:** Members, while those votes are counted I suggest that we move on to the first of Deputy Brouard's amendments, which helpfully is marked A. Deputy Brouard.

Amendment:

In Proposition 1, to add at the end of the words ', and subject to the replacement in draft rule 26(1) (p. 3402 of the Billet) of "if a majority of the Members voting support it" with "if two thirds or more of the Members voting support it".'

Deputy Brouard: Thank you, sir, and thank you for allocating me the graveyard shift for the second day running, sir. *(Laughter)*

2140 The first amendment is changing the guillotine motion from a 50% vote of the States back to the original two-thirds majority.

2145 Field Marshal Helmuth von Moltke the Elder advanced the idea that no plan of operation extends with any great certainty beyond the first contact of the main hostile force. We recently changed the number of States' Members needed for a successful guillotine, but when the guillotine was recently used in its new guise, myself and my seconder feel that it fell short on the purpose and use with its new boundaries.

2150 The guillotine is a particularly sharp tool, both when cutting debates or heads, so it needs to be used with care. It should not be used to disenfranchise Members, and the problem was best illustrated in the Sunday trading debate. Many Members in favour of the status quo were yet to speak. I think also you need a good political antenna and a feel of the issues, especially those which our Islanders take a real interest in – guillotine those at your peril.

2155 I do accept some Members do, at times, feel all the points have come out of the debate and we should go to the vote, but we go to the States' meeting to debate. I do understand the frustrations we have – in fact, we all have at times – but we do have a library next door if you want a break and I would rather those frustrated or having other things better to do guillotine themselves or cut themselves off and allow democracy to continue in the Chamber. **(Several**

Members: Hear, hear.) Yes, it can be tedious at times, but how lucky we are to have this freedom. We are here at the behest of the electors to represent their views, and being politically guillotined denies them.

2160 One argument given to me in relation to the Sunday trading debate was that I, and I suppose all the other supporters of option 2, should have spoken earlier; but again, the gift of the guillotine is in the wielder of the guillotine, who could place it 10 seconds after the debate has started, so that argument is hard to stand up.

2165 If you do guillotine a debate you run the risk of an important point that does not come out. It is not so bad if you have got parties, because hopefully one member of one party would cover most of the main points and then when the other party member from the other side stands up they will cover most of the main points. But we do not have that system here. We do not collegiately come together and agree on points beforehand. We come together as rough alliances here and there during debates. Sometimes we will team up outside, sometimes we do not. Sometimes we work together on one amendment, but we are totally opposed to somebody else
2170 on another amendment. So we need to ensure that all the Members here have a chance to have their say on a particular point.

I think, sir, that is about as much as I wish to say at this stage on opening, and I would wish to thank my seconder for the opportunity.

2175 **The Bailiff:** Deputy Green, do you formally second the amendment?

Deputy Green: Yes, indeed, sir, and I reserve the right to speak.

Deputy Fallaize: Sir, can I propose a guillotine? (*Laughter and interjection*)

2180 This matter was reviewed by the States' Assembly & Constitution Committee, I think it was last year, and there was a range of views inside the Committee. I, at the time, put the view that we should not propose any change, that we should retain the one-third / two-thirds provision. I think possibly one member of the Committee supported me – or maybe not. I was certainly in a minority. The view of the proposal that was put by the Committee was to move to guillotines
2185 being determined on a simple majority, but the arguments for and against were set out in the policy letter and the States considered them at that time. So the States have settled this matter in the relatively recent past.

Deputy Brouard, to his credit, tells us honestly that he was encouraged to lay this amendment because of his experience and the States' experience in the debate on the deregulation of Sunday trading, but isn't there a saying – Deputy Perrot will correct me if I am wrong – that hard cases
2190 make bad law, or something like that? That was a single occasion and, I would suggest, an unusual occasion. There have been several times when guillotine motions have been proposed in this States and more often than not they are defeated.

In the next States there will be 40 States' Members, and therefore, if my maths are correct, in the event that Deputy Brouard's amendment is successful it would take 27 Members to vote in
2195 favour of a guillotine motion to close a debate. One has to ask is it really right that if 26 out of 40 States' Members believe it is appropriate to end a debate ... whether it is democratic that their right should be denied to go to the closing stages of a debate and the vote. One cannot suggest that democracy is infringed by this being determined on a simple majority and just leave that
2200 hanging as if it is a fact. I think that view can be contested. If one looks at what can be done by a majority, the States can vote to spend tens of millions of pounds building capital projects, the States can raise taxation. These things can be done by simple majority. So why, if those things can be done by a simple majority, should it take a two-thirds majority to close a debate and go to a vote? (**A Member:** Hear, hear.)

2205 Deputy Brouard said that we come to the States to debate. Well, that is true to some extent, but this is not a debating society; it is primarily a decision-making Chamber. Many of us defend

the notion of the States of Deliberation as an executive as well as the parliament. Well, if that is so, we must, much of the time, be engaged in making decisions and not just holding debates.

2210 I think Deputy Brouard also said that the guillotine was in the gift of the proposer of the guillotine. Well, that is not quite true, is it: the guillotine is in the gift of the States. I almost always vote against guillotines – I suppose on principle – but I thought Deputy Kuttelwascher was unfairly criticised (**Several Members:** Hear, hear.) when he proposed a guillotine on the Sunday trading debate. I did not vote for his guillotine, but all he did was proposed it. It took a majority of Members to vote in favour of it for that motion to have effect. So the guillotine is certainly in the gift of the States.

2215 I would draw Members' attention to the amendment labelled Brouard B. I know it has not been laid yet, but it proposes that if a guillotine motion is moved the presiding officer would be required to ask Members who still wished to speak in that debate to stand in their places and then the Member proposing the guillotine would be asked if he or she wished to continue with that proposal, and then the States would vote on it. The States' Assembly & Constitution Committee is not opposing that amendment. That does not seem an unreasonable suggestion and it seems to me that that is a better way of dealing with this. I think that would actually have dealt with the Sunday trading debate. The most unfortunate aspect of that was that Deputy Brouard and Deputy De Lisle, I think, were putting forward a minority review on Commerce & Employment which was expressed in the policy letter, and everybody entering this debate would have expected that they would have spoken to explain their alternative view, and they were denied the opportunity to do that. I do think that was wrong, but if the rule was introduced whereby Members who still wished to speak had to stand in their places, I think it would have become perfectly obvious that there were still Members who wanted to speak, putting a counter view to that proposed by the Department, and I suspect that the guillotine motion may well have fallen as a result of that.

2220 I do think that Brouard B is a better way of dealing with this than Brouard A. I just think that given the States have considered this last year, understood the advantages and disadvantages and voted clearly in favour of the issue of a guillotine being determined by a simple majority, I do not think the States should effectively reverse that decision this afternoon, and therefore the Committee is opposing this amendment.

2235 Thank you, sir.

*Amendment by Deputies Soulsby and Robert Jones
Carried – Pour 28, Contre 14, Ne vote pas 0, Absent 4*

POUR

Deputy Fallaize
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Paint
Deputy James
Deputy Perrot
Deputy Wilkie
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop

CONTRE

Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Green
Deputy Dorey
Deputy Adam
Deputy Brouard
Deputy De Lisle
Deputy Burford
Deputy Inglis
Deputy Hadley
Deputy Brehaut
Deputy Bebb
Deputy Lester Queripel

NE VOTE PAS

None

ABSENT

Deputy David Jones
Deputy Le Tocq
Deputy Stewart
Deputy Ogier

Deputy Sherbourne
Deputy Conder
Deputy St Pier
Deputy Gillson
Deputy Le Pelley
Deputy Trott

2240 **The Bailiff:** Just before I call any other speakers I can announce the vote on the amendment that was proposed by Deputy Soulsby and seconded by Deputy Robert Jones. There were 28 in favour, with 14 against. I declare that amendment carried. A two-thirds majority, indeed.
Deputy Kuttelwascher and then Deputy Brehaut.

2245 **Deputy Kuttelwascher:** I am not proposing a guillotine, although many Members have already asked me to. It is odd, isn't it? I wonder why.

Sir, regarding Brouard amendment A, having listened to Deputy Brouard's speech, I would suggest the only way you could satisfy all his aspirations is to do away with the guillotine process altogether, because nothing else would do what he wants to do, and that is not something I support.

2250 I will not be supporting Brouard amendment A, sir.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

2255 I think we are blaming the guillotine motion here, and generally I ... There was a time earlier on with the guillotine ... Thank you. I have managed to spill a glass of water as I have stood up. Multitasking is not dead! The point is it is not the guillotine that is the issue; it is the wisdom and the judgement of people who continue with an argument when the argument has been lost.

2260 We are, astonishingly, going to face another Requête on Island-wide voting. If a guillotine motion appears during that debate I will not support the guillotine motion, but I would not be surprised if a large number of people do because we have debated Island-wide voting a number of times. This is my third time in this Assembly. How many times have we debated Sunday trading? So do not blame the guillotine motion, the tool used to bring debate to a halt, which closes it, which is supported by a majority. It is about the wisdom and the political judgement of someone bringing a Requête to this Assembly and pursuing it, knowing that the likelihood of success is far from guaranteed.

2265 Thank you.

The Bailiff: Deputy Conder, then Deputy Adam and Deputy Gillson.

2270

Deputy Conder: Thank you, sir.

I rise to oppose the amendment, although I quite understand why Deputy Brouard has brought it.

I just wrote verbatim two two lines, or sentences, he made in his presentation:

'We must allow democracy to proceed in this Chamber. We are an elected democracy.'

2275 Well, democracies proceed on the basis of majority votes in nearly all democracies that I am aware of. We are an elected democracy. I have always felt uncomfortable with the two-thirds majority, because if two thirds, why not four fifths, or three quarters, or seven eighths? There is no rationale for two thirds, but in democracies in the main, as far as I am aware – as I said, being a political anorak – nearly all decisions of which I am aware proceed on the basis of the majority. I think, in repeating Deputy Brouard's words, 'We must allow democracy to proceed in this Chamber. We are an elected democracy.' I think, in some ways, he confounds his own amendment.

2280

2285 However, like Deputy Fallaize, I have huge sympathy for the Brouard/Green amendment B. I think psychologically that will deal with the issues which he felt ... Actually I had a great deal of sympathy for him when what occurred, but I think the second amendment he and Deputy Green are going to lay will deal with the issue. As Deputy Fallaize said, we discussed this at great length in the States' Assembly & Constitution Committee and, for the reasons I think that I just probably inadequately tried to articulate, we did come down on the side of a simple majority and I would urge colleagues not to take a retrograde step and start to play around with the way that our democracy runs and should run on the basis of majority votes. If you do, you have to be able to justify why two thirds is right and not seven eighths or 15 sixteenths, or whatever fraction you want to play with. You go down that route, I think, at some peril.

2290 So, colleagues, I would urge you to vote against this simply on the basis of pure democracy. We are an elected democracy, but if I am not anticipating too much the next amendment, I think that has great merit and will deal with the issues that we confronted last time.

2295 Thank you.

The Bailiff: Deputy Adam.

2300 **Deputy Adam:** Thank you, sir.

I will not repeat what Deputy Conder has just said, because I fully agree with it. We simply agreed to a straight forward majority not that long ago, and chomping around with numbers in such a short time I think does not shine very well on this Assembly. If we make a decision, can we try and keep it for some time and see how it works?

2305 Deputy Brouard did say that some people may have supported a guillotine motion because, up to that time, the debate has been either tedious, repetitive or maybe some Members actually think that everyone is supporting that amendment and Proposition and do we need all the talk? Thus I do not support it going to two thirds, but stick with the majority.

Likewise, the second amendment, B, I think is more reasonable, more understandable.

2310 But, sir, I would like to know ... When this guillotine motion first came in, I am sure a Member could stand up and address the presiding officer and say, 'I intend to bring a guillotine motion in an hour or half an hour,' and sit down, and then the presiding officer would ask at that time, after the hour or half hour, 'Do you still wish to bring in your guillotine motion?' I would prefer us to go back to that principle. It can be an hour or two hours, depending on if there has been a repetitive issue. Paid parking: six, seven times we debated it – we do not need to hear all the arguments again. That type of system ... It may not be written down – and, sir, you may be able to tell me if I am correct in remembering that, since the guillotine, that was accepted. That is what I consider a reasonable way of introducing a guillotine, and not standing up and saying, 'I want a guillotine now,' voting on it – warning Members of the Assembly that you will bring this motion in an hour's time and vote on it then.

2320 Thank you, sir.

The Bailiff: Deputy Gillson.

2325 **Deputy Gillson:** Thank you, sir.

I am a little surprised by Deputy Adam's comments because, I think I am right, he is still on SACC, so if he believes that he could have brought part of the rule changes through SACC to say people have to give notice.

2330 The reason I stood was because I think Deputy Fallaize and Deputy Conder made some very valid points. Unfortunately, the conclusions they drew from them I think are wrong.

Deputy Fallaize is absolutely right; we are a decision-making body, not a debating society. It is true we are here to make decisions, but you need to make decisions properly. You need an informed debate – and the key there is an informed debate, not a foreshortened debate. Deputy

2335 Fallaize mentioned that a lot of decisions are made on a simple majority. That is absolutely true, but again, after a full, informed debate, not a foreshortened debate.

2340 Then both Deputy Conder and Deputy Fallaize have mentioned why two thirds – what is the justification for two thirds and why not slightly different? It could be. I think the key is it is above 50% and it is above the majority you need to make a simple decision, because what it stops happening is 50% of the Assembly conducting the debate and then going straight for a guillotine and effectively disenfranchising 50%. So, by having the majority at two thirds – it could be 53%, it could be 55%, but as long as it is slightly above the majority you need to pass a resolution then it acts as a safeguard that you cannot disenfranchise some of the Assembly.

I will support this amendment and I hope Members do as well. Thank you.

2345 **The Bailiff:** Deputy Lowe and then Deputy Perrot.

2350 **Deputy Lowe:** Just a point of correction, or clarification, really, sir. It was never in the rules to give notice of calling a guillotine in three quarters of an hour, or an hour. It was just the way Members operated with respect to allow a little bit more debate that they would call it. It was not actually a rule.

The Bailiff: Deputy Perrot and then Deputy Bebb.

Deputy Perrot: Thank you, sir.

2355 I think Deputy Fallaize is dead right that hard cases make bad law. This was probably a bit of a hard case in the sense that the debate was tedious to a massive degree (*Laughter*) and poor Deputy Brouard, who did have something to say, got swept up in the general – may I use your word from yesterday – ‘malaise’ which was associated with such an appalling debate.

2360 The trouble is with some of these debates the usual suspects get up and speak again at tedious length. We have heard the arguments many, many, many times, but some people within the Chamber are so dead keen on our listening to their every aperçu that they insist on standing in debate.

2365 I can understand in a way why Deputy Brouard was so mad at the time, because he did, I think, have something new to say, but the context, the setting, the time at which Deputy Kuttelwascher stood up and asked for a guillotine motion, I thought, ‘Praise be! Let this be over! Please do not let us hear any more. We have heard the arguments so many times.’ (*Laughter*) Deputy Brouard was angry about that. I think he over-reacted, but then he does do sometimes. I can tell by the body language and squirming which is going on that he was particularly cross about that. But the fact is that the guillotine is part of our democratic process. We have made the rules. Fairly rarely is the guillotine proposition supported, but, as I say – I am sorry, I am repeating myself – it was on one of those occasions, I think it was in the afternoon, and the rest of us thought, ‘Thank God for that!’

2375 I thought that Deputy Kuttelwascher ... I echo what was said by Deputy Fallaize. Deputy Kuttelwascher came away with one of his usual droll ... I do not listen to the wireless on a Sunday morning but I am told that he came up with one of his droll throwaway lines on the Radio Guernsey phone-in, and that generated the most preposterous complaint about conduct because he mentioned the word ‘boredom’ – but the fact was we were bored rigid, (*Laughter*) so he was absolutely right. If during that Sunday phone-in he was referring to that debate, then I think he was absolutely dead right. Anyway, I was sorry for Deputy Brouard, but he is going to get his chance. He is going to lay an amendment to the draft legislation – and, frankly, I am going to support him, so it might be that he gets his way after all. But I think Deputy Fallaize nailed it: hard cases do make bad law.

2385 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

Very briefly, Deputy Gillson asked why did Deputy Adam not bring the proposals that he proposed. It is because within Committee he did suggest that and, by majority, he was defeated. (Laughter) So, strangely enough, it is very true, (Interjection) and indeed, to be honest, I think that the guillotine is right at a majority.

My concern at the moment is that, given the recent experience in that previous debate on Sunday trading ... and Members will know that I am very sympathetic with Deputy Brouard's view, I am fully aligned with Deputy Brouard on Sunday trading, but given the experience there, my fear is that were a guillotine motion to be proposed these days it would be defeated because Members are concerned as to what the public perception is – as opposed to the real purpose of us being here, which is to make decisions. We are not a debating society. We are here to persuade people, but we are not here simply to debate.

Thank you.

The Bailiff: Deputy Dorey, then Deputy De Lisle.

Deputy Dorey: Thank you, Mr Bailiff.

I will be supporting this amendment and I urge the Assembly to support it. People have referred to the Sunday trading debate, and Deputy Fallaize particularly said that the next amendment, which talks about people having to stand up ... that would be fine. But it was absolutely perfectly obvious to the Assembly that they had not heard balanced views on that issue, because the two people we knew who were opposed to the proposals, who were on that Department, had not spoken yet. So you cannot say that the Assembly would have suddenly been informed that Deputy Brouard wanted to talk, because it was obvious he wanted to speak on that debate, because he had not spoken and he had a contrary view. So, I do not think that is a valid argument.

That particular debate was the fact that it was overnight, so there was a number of people who had spoken the night before. It is perfectly normal that when a debate goes overnight some people hold back because you can have a greater impact the next morning. On that next morning we had one speech which some people did not like, some people found tedious, and they reacted to that, I believe, without reacting in a normal way of judging what really was the situation. They were just annoyed that there had been a tedious speech and they reacted to that. That shows that sometimes people do not reflect and actually think about it; they just react to an immediate situation.

I think the most important thing is that, as I mentioned earlier, we are a parliament of independents. One of the crucial things is that there are many different views in a house of independents. People all come from different positions. Some have the same view, but people make different points and I think it is very important that, as we are independents, as a democracy we hear a very balanced view of an issue before we vote. (A Member: Hear, hear.) That was why we have the two-thirds rule. That rule change was brought in, we debated it and we voted on it on 29th April this year. The voting record on it was 24 to change it to a majority and 21 against, so it was a very close vote. As the press said, I was the only person who spoke on it, so we did not even have a proper debate on it because it was part of a whole lot of rule changes and I think it was lost in the detail of all the other changes. We did not have a proper vote, so I would urge you to ignore what happened before and think we are coming at it afresh because it was not properly debated at that time.

The other thing I would say is that our rules are not all based on just a simple majority. There is one rule which says that if somebody wants to put an amendment, somebody can challenge it. Unless seven or more stand up, that is not debated. So we do accept there are situations when a majority is not the correct vehicle to make a decision, and I think this is it. To say to your fellow Members, 'I do not want to listen to you,' which is effectively what you are doing by guillotine, is a hammer blow to them. For want of a better word, it is a very big move and I do not think we

should be doing that unless we are absolutely sure, and I think the test is that to say, 'I do not want to listen to other Members in this Assembly,' there should be at least a two-thirds majority.

2440 We should not be doing that on just a simple majority, so I urge Members to support this amendment.

A Member: Hear, hear.

2445 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: Sir, I would like to just correct comments of Deputy Fallaize and also Deputy Dorey, because in the debate on Sunday trading I did speak against total deregulation before the guillotine and votes were secured after that against deregulation, but not, unfortunately, a majority of votes, which may have occurred if more had had the opportunity to speak in that debate.

Thank you, sir.

2455 **The Bailiff:** Deputy Le Pelley, then Deputy Green.

Deputy Le Pelley: Sir, I just wanted to thank one or two of the previous speakers. The guillotine actually chopped across Deputy Collins and myself. You had actually named us as the next two speakers in the Sunday trading debate, sir, and I am just so grateful to realise that people were not doing the guillotine motion because they expected us to speak, but because it was someone who had spoken before!

Thank you.

The Bailiff: Deputy Green.

2465 **Deputy Green:** Yes, sir, thank you.

Very briefly, two points. I think the key speeches in this debate for me have been Deputy Gillson and Deputy Dorey.

2470 Deputy Dorey made the point that when this change was made the issue was not really debated properly. I think this is the opportunity to revisit this, because this decision was made. I think it was a mistake. I think when we make mistakes we should be prepared to admit it and be prepared to change it back to the way it was.

2475 Deputy Gillson made the important point that the two-thirds majority is an important safeguard for avoiding the Members who do not get to speak being effectively disenfranchised, and in the system of government that we have, with political independents rather than political parties, that is an important principle. So, in those circumstances I ask all Members to warmly support Deputy Brouard's amendment.

The Bailiff: Deputy Brouard. Oh, sorry, Deputy Lester Queripel, do you wish to speak?

2480 **Deputy Lester Queripel:** Sir, please, very briefly,

The Bailiff: I would not like to guillotine you and stop you speaking! *(Laughter)*

2485 **Deputy Lester Queripel:** Just two things, sir. I have got the utmost respect for Deputy Brouard, but he did not explain in his opening speech why he thought we should have a two-thirds majority vote for a guillotine motion and a simple majority for every other vote we take. So I would like to hear the reason, please, for that.

Just in response to Deputy Dorey, there were seven speeches in favour of complete deregulation and six against, and one agnostic from the Chief Minister. That is a fairly balanced

2490 selection to me, and bearing in mind we had heard all the arguments for and all the arguments against in previous debates, I am just wondering what else was it that Deputy Brouard thought needed to be said.

Thank you, sir.

2495 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

First of all, because I always forget this, thanks very much to everybody who has contributed in the debate and for adding their comments. I think it has been very helpful.

2500 Deputy Fallaize, who started off: I am not proposing we do away with the guillotine. The guillotine is still going to be there, but of course it would be back to the two-thirds majority.

Can I ask every Member in the Assembly just for a moment to think back over the time that they have been in the Assembly, has anyone here ever come in and changed their mind? Is there anybody here who has come in and changed their mind? (**Several Members:** Yes.) I am assuming then, from the nods around, that the majority of people here have come in and changed their mind from where they were going to vote. (*Interjection and laughter*) So, if the majority of you, or most of you, have come in and changed your mind during a debate, I am assuming that the most likely chance of that happening will be in here rather than in the library, so therefore had the guillotine happened before you heard that nugget of information, that gold star or whatever it is that changed your mind, had that guillotine happened beforehand, you would not have changed your vote. How many times in this Assembly do we have, by their very nature, very close majorities on some fairly big issues, where we are 25-24, or whatever it is, 23-19, all those type of figures, where we are very close together? So, please, if you have changed your mind because you have heard something in a debate here, then you have really got to make sure that you do not use the guillotine too often and make sure that the majority of you really want it, because that decision could be a very big one that you then go on to make. So, please, if you have changed your mind, you really need this amendment.

2510 Deputy Kuttelwascher says do away with it altogether. Yes, I can understand that argument. Yes, we could do away with the guillotine altogether. I do think it has a purpose. I am not too sure exactly when it should be used – I am a bit like Deputy Fallaize, it should be used very sparingly – but there is a good argument you could make to do away with it altogether.

2525 The argument that it should be more than 50%, which is what Deputy Gillson said – I think that picks up the point that Deputy Lester Queripel was making – is absolutely right, because otherwise you could come here with a gang who are all facing one way, this is what is going to happen, 50% vote, and yet you have not heard the other side of the story. If you have changed your mind in a debate, then you make sure you have that debate so you can hear those nuggets.

2530 Deputy Conder, you said do not take a retrograde step, silo mentality, that sort of thing coming through again. The retrograde mistake happened not now; it happened when it was changed. That is what I am saying. The retrograde step was when we changed it. This is not the retrograde step; we are just moving it back to where it was. We have tried it, fair enough. It did not work. We need to then go back to where it was.

2535 Deputy Hunter Adam and, I think, Deputy Lowe made the same point about the guillotine. There was a courtesy thing where somebody would say, 'I am thinking of proposing ...' and in fact one of the issues that I put forward to SACC was that particular proposal. What I did not want to come with this afternoon was a smorgasbord of five or six different amendments that had different degrees of it. That could well have been one of them. So I picked the two-thirds majority and the stand in your place, but you could make a very good argument that perhaps that should also be. But when we come onto the next amendment, it will be a courtesy that will be available.

Deputy Gillson, totally support the idea it is up to informed debate.

2540 I like Deputy Bebb's comment. I like this: we come here to persuade people. How, if you are not going to let them talk, are you going to persuade? Are we doing mime now? (*Laughter*) Is it

shadow puppets, or something? How do you persuade people? That is what we come here for, Deputy Bebb: it is to be able to persuade people. If you deny them the voice, how can you possibly persuade your colleagues?

2545 Deputy Dorey, absolutely right, we are a parliament of individuals and it is very important that we have that balanced view and we hear what people say.

I think I have covered all the points. I thank again Deputy Green for his support and I think Deputy De Lisle as well for his support and I, please, recommend that we pass this amendment.

Thank you, sir.

2550

The Bailiff: Deputy Lester Queripel.

2555 **Deputy Lester Queripel:** Sir, I do not feel informed, because Deputy Brouard has not answered the question. How can we consider ourselves to be informed without the answer? The question was: why does he think we should have a two-thirds majority vote for a guillotine motion and a simple majority vote for every other vote we take in this Chamber? I did not hear that explanation, sir.

2560 **Deputy Brouard:** In a parliament, it is important to have the information you need to allow a sufficient number of people to speak – over 50%, if you like – to ensure that the house is well informed before you then go to the vote. The vote can go either way, that is not a problem, that 50%, that is fine and that is normal, but it is to make sure that parliament is well informed beforehand, to make sure that all the issues have come out, everyone has had their say – and *then* you go to the vote on the straight 50% majority.

2565 Does that help?

Deputy Lester Queripel: No. *(Laughter)*

2570 **Deputy Brouard:** Can I take this offline, sir, and perhaps deal with Deputy Queripel later? *(Laughter)*

The Bailiff: However you wish.

Members we vote on the amendment proposed by Deputy Brouard, seconded by Deputy Green, and there is a recorded vote.

2575 *There was a recorded vote.*

The Bailiff: I think we will just wait for that to be formally declared before we move on to amendment B.

2580 *Not carried – Pour 15, Contre 28, Ne vote pas 0, Absent 3*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Laurie Queripel	Deputy Fallaize	None	Deputy David Jones
Deputy Lowe	Deputy Collins		Deputy Le Tocq
Deputy Le Lièvre	Deputy Duquemin		Deputy Stewart
Deputy Spruce	Deputy James		
Deputy Green	Deputy Adam		
Deputy Dorey	Deputy Perrot		
Deputy Paint	Deputy Burford		
Deputy Brouard	Deputy Inglis		
Deputy Willkie	Deputy Soulsby		
Deputy De Lisle	Deputy Sillars		
Deputy O'Hara	Deputy Luxon		
Deputy Gollop	Deputy Quin		
Deputy Gillson	Deputy Hadley		

Deputy Le Pelley
Deputy Ogier

Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Trott

The Bailiff: Members, the result of the voting on the Deputy Brouard/Deputy Green amendment A was 15 in favour, 28 against. I declare the amendment lost.
We will move on with amendment B, to be proposed by Deputy Brouard.

Amendment:

In Proposition 1, to add at the end of the words ‘, and subject to the replacement in draft rule 26(1) (p. 3402 of the Billet) of “The Presiding Officer shall immediately put the said request to the vote” with “Members who would be entitled to speak and who would intend to speak should the debate continue shall be invited by the Presiding Officer to stand in their places, and thereafter the Presiding Officer shall ask the Member making the request to close the debate whether he or she still so requests, and if he or she does still so request the Presiding Officer shall put the said request to the vote”.

Deputy Brouard: Thank you, sir.

2585 The effect of this amendment is to provide that before a vote is taken on a guillotine motion Members will have an indication of who still wishes to speak. The proposer will have the option to reflect on that information and either continue with the motion or not.

It is really an opportunity, as the guillotine needs to be used carefully, that it will help the States and the States’ antenna. Sorry, sir – (*Interjection*) We need to use the guillotine carefully, so to help one’s antenna this amendment will allow the Assembly to know who is likely to want to still speak and also the quantum of people who are likely to speak. If only one or two, it may be quicker or expedient to allow that debate rather than the *appel nominal*. The stand in your places also gives a signal that a vote will lose if a sizeable number of the States stands up at that point, because all those people would obviously wish to speak. But the real signal is that at least it is time to start winding up the debate, and the proposer perhaps may at that stage give an indication to the Assembly that the guillotine is going to be placed in perhaps half an hour, or whatever. It is for the proposer of the guillotine to interpret who is still wishing to speak and whether to continue with the guillotine vote or not continue, or through the Bailiff indicate that they will be proposing the guillotine in half an hour’s time, although that is not part of the rule change. But it will give a real opportunity perhaps for those who are wanting to speak to lift their game if they know that there is a set time still to come.

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2595
2600 So I would please recommend this to the States, and I thank Deputy Green for very kindly seconding this one.

2605 **The Bailiff:** Deputy Green, do you formally second it?

Deputy Green: Yes, indeed, sir, and I reserve the right to speak.

The Bailiff: Deputy Fallaize.

2610 **Deputy Fallaize:** Only to emphasise, sir, that the Committee is happy to support this amendment.

The Bailiff: Is there any debate? No, we will go straight to the vote. Oh, Deputy Adam.

2615 **Deputy Adam:** Sir, I did ask in the last debate whether you or your Deputy Bailiff, as presiding officers, would accept what has been done in the past, as Deputy Brouard has just said, that you can add 'We will report in half an hour our guillotine report' after a certain length of time. A precedent has been set previously because, as Deputy Lowe said, that did happen previously.

2620 **The Bailiff:** Only if that is in the Rules, Deputy Adam. If the Rules do not provide for that and we are asked to put the motion to the Assembly immediately, then that is the duty of the presiding officer to do that. If a Member stands up and says, 'I am giving notice that after a further two or three speeches' – or half an hour, or whatever it might be – 'I propose to lay a motion,' then that is what they do, but if the request is to lay the motion immediately and the
2625 Rules provide for that, the presiding officer has to comply with the Rules.

Deputy Fallaize: Sir, may I ask, isn't the point that a Member who has already spoken to advise the presiding officer that in half an hour he wishes to lay a motion but will not be permitted to stand up to lay the motion in half an hour's time ... I think is the question that you
2630 are being asked, not whether you would permit a Member to stand to advise that they will stand again in half an hour, or whenever it is, to lay a motion?

The Bailiff: Oh, I see. Sorry, I misunderstood the question.

2635 **Deputy Fallaize:** Because the new 26(1) on page 3402 stipulates the qualifications on a Member being able to lay a guillotine motion and they do not include that the Member has advised you half an hour earlier that they wanted to lay one. (*Interjection*) No, it is not a second speech; I am just asking for some clarity.

2640 **The Bailiff:** That is a matter for interpretation of the Rules. If I understand you correctly, if somebody stood previously and has given notice that they intend to lay a guillotine motion and then stands again later to say, 'We now wish to lay it,' they have not spoken substantially in the debate and they would be free to do that. That is what has happened in the past. That is how I interpret it. (*Interjections*) No, that is not what we are voting ...

2645 **A Member:** It is irrelevant.

The Bailiff: Yes. If you wish, I will attend a meeting of SACC and we can discuss this in SACC. Can I suggest that we deal with it outside this meeting, deal with it in a meeting of SACC, and if
2650 there is a need to clarify the Rules then we will do that.

Deputy Lowe: Do you want to guillotine it?

Deputy Kuttelwascher: No, I am not guillotining anything.
2655 Sir, I think the issue is: is standing up and saying you are going to lay a guillotine motion, in effect, a speech?

The Bailiff: Not in my view.

2660 **Deputy Kuttelwascher:** No, well, that is the only point. Otherwise, it is not clear.

The Bailiff: But I can see that some members of SACC may wish to have a discussion about that and, if necessary, clarify that in the Rules, and I am happy to meet with them to do so, but otherwise –

Deputy Bebb.

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Deputy Bebb: Thank you, Monsieur le Bailli.

Just very briefly, I actually do oppose this one as well. My real concern is that this Assembly, for instance, recently debated for four and a half hours something yesterday a matter which then was voted on unanimously.

2670

I think that we do make the guillotine motion more difficult by having these additional measures. Deputy Fallaize said that his Committee was supporting this amendment. It is by majority. Personally, I will be voting against.

The Bailiff: Deputy Dorey.

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Deputy Dorey: I urge Members to support this amendment, but I just add: how many times, sir, have you asked how many speakers there are on a subject and when we actually go on to debate it there is probably double the number of speakers who stood up at that time? That sums up the whole point that often people do bring up points that have not been brought up before, which Members then react to. But obviously, this is better than not having anything, so I will vote for it. Perhaps somebody can just clarify: if somebody has spoken by a Member giving way to them, is that covered by having spoken in the debate?

2680

Thank you.

2685

The Bailiff: Deputy Brouard, do you wish to reply to the debate?

Deputy Brouard: Thank you, sir, and thank you for the support for this amendment. I think it will add some clarity and some guidance to the person who is considering the guillotine motion, and please support it.

2690

The Bailiff: We vote, then, on the Deputy Brouard/Deputy Green amendment B. Those in favour; those against.

Members voted Pour.

2695

The Bailiff: I declare that carried.

Do you wish to lay your amendment C, Deputy Brouard?

Deputy Brouard: Yes, sir.

2700

The Bailiff: You do.

Amendment:

To insert an additional proposition between Proposition 1 and Proposition 2 as follows:

'1A. In Rule 14(1) of the current Rules of Procedure of the States of Deliberation:

- a) To delete "if a majority of the Members voting support it" and substitute "if two thirds or more of the Members voting support it";*
- b) To delete "The Presiding Officer shall immediately put the said request to the vote" and substitute "The Presiding Officer shall ask Members who (being entitled so to do) would wish*

to speak if the debate continued to stand in their places, and if thereafter the requesting Member still so requests, the Presiding Officer shall put the said request to the vote”;

with immediate effect”.

2705 **Deputy Brouard:** Amendment C is very simple. I will not spend very much time on it. It looks extremely complicated, but we delete the one item that has been lost. All it says is basically this rule change, because we are talking about the SACC rule changes which happen from May next year ... What I am proposing in this ... Because it is amending the Rules, it is saying this rule change happens now. So we have just agreed, subject to the substantive vote, that we have to stand in our places if there is a guillotine, or we will be asked to. You have the option: do you want that to start from now, or do you want that only to start from the next term? I am suggesting if it is a worthwhile rule change we should start it from now, and therefore I propose that the rule change happens from now. If you reject it, no big ships will have sailed or sunk but it will just mean that we will have this rule change only starting with effect from May next term.

2710 So, please, Members, vote for it to continue now. Thank you.

2715 **The Bailiff:** Deputy Green, do you second it?

Deputy Green: Yes, indeed, sir.

The Bailiff: Deputy Fallaize?

2720 **Deputy Fallaize:** No, I do not have anything to say, sir.

The Bailiff: Are we are looking at amendment C? (**A Member:** Yes.) That introduces the two thirds –

2725 **Deputy Brouard:** Yes, sir. In the discussions with the Procurer he said that if I lost on either of them, then the other one would just be simply deleted.

2730 **The Bailiff:** That is not what it says on the amendment in front of us. I think there may be some confusion here, so I think we need to be clear as to what the amendment –

Deputy Brouard: In 1A(a) that is deleted, sir.

The Bailiff: So you wish to delete 1A(a)?

2735 **Deputy Brouard:** Yes.

The Bailiff: Right. Sorry, I had not properly understood that. Is that –?

2740 **Deputy Brouard:** So it is purely the rule change that we have just offered about standing in our places. It would bite now rather than bite in May, if we so wish.

The Bailiff: Right, okay. Fine, I understand that now. Sorry, I had not understood that before. Anybody wish to debate this? No. We go to the vote then. Those in favour; those against.

2745 *Some Members voted Pour, others voted Contre.*

The Bailiff: I am going to declare that as being lost, unless anybody –

2750

Deputy Dorey: Can I ask for a recorded vote, please?

Deputy Trott: Oh, why don't I believe you, Mr Bailiff!

The Bailiff: A recorded vote. Maybe I am wrong, Mr Trott.

There was a recorded vote.

Not carried – Pour 20, Contre 22, Ne Vote Pas 0, Absent 4.

POUR

Deputy Fallaize
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Perrot
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Inglis
Deputy Soulsby
Deputy O'Hara
Deputy Gollop
Deputy Gillson
Deputy Le Pelley
Deputy Ogier

CONTRE

Deputy Collins
Deputy James
Deputy Adam
Deputy Burford
Deputy Sillars
Deputy Luxon
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Trott

NE VOTE PAS

None

ABSENT

Deputy David Jones
Deputy Le Tocq
Deputy Robert Jones
Deputy Stewart

2755

The Bailiff: Members, the voting on the amendment proposed by Deputy Brouard, seconded by Deputy Green, marked amendment C, was 20 in favour, 22 against. I declare that amendment lost.

We move on to the amendment to be proposed by Deputy Lowe, seconded by Deputy Kuttelwascher, marked A.

Deputy Lowe, do you wish it to be read?

Amendment:

In Proposition 1, to add at the end of the words ' , and subject to the replacement in paragraph 6 of Schedule 2 to the draft Rules (p. 3466 of the Billet) of "Real Property situated in the Bailiwick" with "Real Property, wherever situated".'

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Deputy Lowe: Thank you, sir. I think the amendment is very straight forward. *(Laughter)* Obviously not! In that case, then, I will say a little bit more.

One sentence: it is a tidying-up process under the Rules. There is one part of the Rules that states 'Real Property situated in the Bailiwick', rather than 'wherever situated', and I am just asking Members to tidy up that rule and be consistent with the rest of the rules on declaration and interest.

2765

I thank Deputy Kuttelwascher for seconding this.

The Bailiff: Deputy Kuttelwascher –

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Deputy Kuttelwascher: I have a few words to say, but somebody else may well –

The Bailiff: You formally second it?

Deputy Kuttelwascher: Yes, sir.

2775 **The Bailiff:** Deputy Fallaize?

Deputy Fallaize: I do not want to speak at this stage, thank you, sir.

The Bailiff: Deputy Kuttelwascher, then.

2780

Deputy Kuttelwascher: Sir, if I can take Members back three and a half years to May, when we all entered this Chamber, lots of things were going on in the world – the Arab Spring, which soon became the Sarnia Spring – and the flavour of the month in that May debate was openness and transparency. We had a whole flurry of amendments relating to openness and transparency, and I think some of the amendments that were passed were, shall we say, less than perfect. Maybe one day we will put that right. But did this go under the radar? It is not something I have given a lot of attention to, and Deputy Lowe asked me would I second this and I thought, 'What on earth for?' (**Several Members:** Hear, hear.) Absolutely. The question is not why do we limit the declaration of property only to the Bailiwick; it is why don't we include it on a worldwide basis. I know the reasons why you can give reasons for declaring the Bailiwick property, but why on earth should not you declare other properties, especially in places like France and England, which in themselves could have an impact on States' Members behaviour?

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I will give you one example. Nothing to do with States' Members, but a year or so ago I think we all received an email from a member of the public who was complaining bitterly about a change in the schedules to Dinard, which is an airport to which Aurigny flies, which some of us have some influence on – Aurigny is controlled essentially by the Members of the States. Somebody thought that they could have an airline to serve their weekend visits to a house in Dinard, and somebody else replied and gave them short shrift. The same could apply to services to places in the UK, so there is another area where Members could lobby because it would favour them either by different schedules – and this goes for sea travel as well – or lower fares. Only yesterday did we say that we are looking at using Aurigny more as a social way of delivering to this Island, and if you happen to have a house in Dinard or maybe somewhere near London City you would love it if the fares were a lot less than they are now and you would be benefiting from the taxpayer. So, it is easy to look at how, areas other than just the Bailiwick, owning property could have an impact on individuals, but the real question for me is, give me one good reason, if you are going to bother declaring property at all, why it should not be extended to everywhere and then everything is covered.

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Is it a tidying up? It is for me. I would not mind if you withdrew it completely from the declaration requirements, (**A Member:** Hear, hear.) because it can go too far. But if you are going to have it, just do not limit it. That is simply it. Unless someone can give very good reasons why it should not be extended, I do not see any other option for me than to support it.

2810

The Bailiff: Deputy St Pier.

2815

Deputy St Pier: Thank you, sir.

Like a number of Members, I do have a direct interest in this matter, which I declare under the Rules.

I presumed that the reason for declaring local property was to ensure that there is transparency in relation to any developments and to be sure they may happen, so that there is transparency in respect of decisions which are being made here. That appeared to me to be a logical explanation.

2820

But what is the ill that this amendment is seeking to address? Deputy Lowe certainly did not even attempt to explain it in her opening comments.

2825 **Deputy Lowe:** It is self-explanatory.

Deputy St Pier: Well, it is not self-explanatory – that is why I am asking the question. (*Laughter and applause*)

2830 Deputy Kuttelwascher I do not think explained it either, because actually the instances he gave were exactly the kind of instances which are already caught by the Rules, that you would need to declare either in committee and then recuse yourself or declare before you speak in this Assembly. I do not see that that requires a declaration in the annual declaration of interests. So what are the risks if this amendment is not passed? That is another way of flipping the question, and I would very much like Deputy Lowe to address that in her summing up on this.

2835 This is clearly a matter which will be of interest to the public, but I do not yet understand why it is a matter of public interest, and there is, of course, a difference and I would like Deputy Lowe to address that distinction in her summing up. It feels to me like political voyeurism, and why stop there? A declaration of all assets and all income? But why focus on assets alone? The extent of Members' liabilities could equally create a conflict of interest, (*Laughter*) but we do not make any attempt to log these. (**A Member:** I like that!)

2840 I think there are very real security issues around property outside the Island. If we are going to put on the public register on the internet full details that are publicly available, then it will obviously be ... I do not think it is scaremongering that the States, with such a measure, would be potentially placing those properties at risk and inviting anybody who wished to do so to go and help themselves to the content of that property, which may be unoccupied for substantial periods of time. It is well known, for example, that Deputy David Jones has a holiday home in France. He has spoken about it many times in this Assembly, but the location of that property is not a matter of public record and I suggest it is not a matter of public interest. We do have a responsibility to Deputy Jones not to place his interests at risk.

2850 In short, I think that the current declaration goes quite far enough in providing sufficient detail to enable conflicts of interest to be identified, and I think it is incumbent on those moving this motion to make a much stronger case for why this extension is necessary. I am not at all convinced that the case has been made to go further and I therefore will be opposing it and encourage others to do the same.

2855 **Several Members:** Hear, hear.

The Bailiff: Deputy Trott and then Deputy Brehaut.

2860 **Deputy Trott:** I could not agree with the Treasury Minister more, sir.

Maybe I could ask the Comptroller: if I have understood the amendment correctly, particularly with its reference to page 3466 ... and I will refer to what part 6 currently requires us to do: part 6, Real Property situated in the Bailiwick, address of each property, and we need to state whether owned, leased, rented or held in trust.

2865 Let's say that any Member of this Assembly was to take a timeshare in the Canaries – would that need to be registered? More relevantly, from time to time I rent a gîte for a couple of weeks in August. Is the purpose of this amendment ...? Surely one would fall foul of the amendment if it was passed if one did not do so, and that would be difficult because we only update our declarations of interest every year in May, so I would need to decide in April whether I was going to rent a gîte somewhere in France in August. It is absolutely ludicrous and the sooner the States throws this out the better, sir!

Several Members: Hear, hear.

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Thank you, sir.

2880

Before I was elected to this Assembly, I decided to buy a French ruin – and probably by the time I am 108 it might have a roof on it. No, it is getting there. But there is something about the amendment that is trying to out people in a certain way, it seems to me – that when you go to the hustings and you declare your interest and people say ‘Well, not content with owning on a property on Guernsey – of course, you know he has a property off Island too,’ implying something or other.

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I remember having a conversation with Deputy Lowe and I passed a remark when she was collecting her car one evening, and I said, ‘Yikes, I bet that three-digit number plate cost you a pretty penny,’ and in a flash she said to me, ‘Yes, but I haven’t got a property in France.’ Well, I do not particularly want to live on a car bumper – those are choices other people can make. But the fact is – *(Laughter)* Well, it has its limitations. With a speed limit of 35, it is hardly entertaining. The point is Deputy Lowe had made a conscious decision to invest in something. A three-digit number plate is an investment. I took a decision to do something else that I saw as an investment. Where do we begin and end with this investment idea, this notion?

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There is something about this that unsettles me, because in the UK if you are a minister or a deputy minister you are earning serious sums of money. You can claim for second homes, you get allowances, you get a great deal – you get a lot out of the public purse. We are in a slightly different position. You can be elected to the UK and never meet, potentially ... Well, obviously, never meet each individual member of your ... We are at the end of a telephone line, we are at the end of an email, we are contactable, we are living within this community. I will be called probably this evening after making a speech like this. We are not remote figures who are seeking to – how can I put it – line our pockets and nests in places here and other than Guernsey.

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There is something about this amendment that unsettles me, and it is a serious point to make. What if somebody has a static home? Should a static home, should a caravan be declared that is connected to water and drainage? Do people have to start declaring caravans in a caravan park in Dinard, presumably? That tells you something about the person you might be voting for. *(Laughter)*

2900

Dealing with this amendment ... I did not want to use the word, but this is a bit of a spiteful amendment and it makes me wince a little, I have to say.

2905

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I will just be very brief.

2910

I declare an interest: I have a part ownership of a foreign property. But I really have to ask Deputy Lowe: what has that got to do with the price of fish? *(Laughter)* If real property, why not foreign companies or trusts? Why just real property? And whether we have relations living abroad – why not? And whether or not we own any pet? There are good reasons for disclosing real property situated in the Bailiwick as we make decisions that can directly benefit the value of that property, but I cannot see how anybody in this Assembly can have the same influence over values of their properties abroad.

2915

I agree with what Deputy St Pier said absolutely, all his concerns about safety, as well as all the sound reasons he gave – the fact that there is no coherent argument given to why this should be disclosed. I agree absolutely.

2920

If you have an interest in a particular debate, disclose it in that debate, as I have just done. I am afraid I cannot support this amendment.

The Bailiff: Deputy James.

2925

Deputy James: Thank you, sir.

This is not meant to be a flippant remark, but a serious one. I would like to just reassure Deputy Brouard that, listening to the debate, I have certainly changed my mind and will object to this. (*Laughter*)

2930 **The Bailiff:** Deputy Gollop, were you rising?

Deputy Gollop: Yes, I am not fanatically keen on this amendment, but I suppose one should support it as an interim move before we reconsider more completely, I think, what constitutes a vested interest and what does not. We have heard from Deputy Brehaut, who has made the point correctly that the levels of remuneration are different in the Channel Islands for politicians compared to elsewhere, which is not necessarily true of other positions.

2935
2940 I am uncertain what the amendment means in one respect, because would it include a person having a shareholding in a company that might own a plethora of properties in the UK or across many other places? It is a little bit unsophisticated to just talk about owning a property. There are many other vehicles: there are trusts, there are other entities, there are perhaps holding companies. I think before we really complete the work on this we need to be much clearer what is a material interest and what is not.

The Bailiff: Deputy Bebb

2945 **Deputy Bebb:** Thank you, Monsieur le Bailli.

I am offended by this amendment. Just over 10 years ago my father died and he owned three properties, two of which have been disposed and I have received the inheritance, one of which remains, which my brother lives in, and we have not resolved the issue. And I have to ask the question: what business is it of the electorate to understand *my* relationship with *my* brother?

2950 There is one other question that I would like to ask the proposer of this amendment. Here in Guernsey we have a means of knowing what property is actually owned by people. We can, if necessary, check whether people have fully disclosed. In what way could we possibly check whether or not these things have been disclosed fully? Do we suppose that we should check property registers in each and every country through the world?

2955 It is ludicrous. Members, I sincerely hope that you will reject it wholeheartedly.

The Bailiff: Deputy Conder.

2960 **Deputy Conder:** I will be very brief.

I declare an interest: I own a property in the United Kingdom, and in order to get there I use that ferry that everybody thinks is named after me quite a bit, (*Laughter*) so I probably have a vested interest in that. And like Deputy James ... My view, when I heard Deputy Kuttelwascher talking about travel I thought yes, because I do use that ferry company quite a lot and actually appreciate the service it has given me, there is an interest there and I understood what Deputy Kuttelwascher was saying. But I have to say I was absolutely convinced by what Deputy St Pier said. That completely changed my mind. I do see the issues involved, and whilst I declare my real property in Guernsey – quite rightly, because there could be conflicts of interest – what conflicts of interest could I possibly get into simply by virtue of owning a property in Dorset?

2970 My view has been changed as a result of this debate, Deputy Brouard, and ... My colleagues are muttering in front of me, worrying about whether or not Conder – Conder – ferries moves to Weymouth. (*Laughter*) I think they have finished.

I will, and urge colleagues to, reject this because although you were not going to be persuaded by my argument, you certainly could be persuaded by Deputy St Pier's. Thank you.

2975 **The Bailiff:** No one else? Deputy Lowe.

Deputy Lowe: Well, that straightforward amendment, sir –

2980 **The Bailiff:** Sorry, I should just give Deputy Fallaize the opportunity to speak on the amendment, if he wishes to do so.

Deputy Fallaize: No, sir. *(Laughter)*

2985 **The Bailiff:** Deputy Lowe.

Deputy Lowe: A nice, straightforward amendment there, sir!

I don't know why you are all so tetchy! I hope you do not actually go and operate at our sister island in Jersey, because they cover that. Other jurisdictions and parliaments you look up, they are quite open and transparent. They are not screaming, 'I mustn't tell anybody that I have got property outside of Jersey, or anywhere else.' So I do not know why you are all so tetchy and want to be so secretive about it. I do not see a problem. I just saw that as to why we have got 'Bailiwick' in there and we have not got it anywhere else. Trusts are already there: you have to put if you have got trusts. You have to put if you are a shareholder. It is a little element that everybody wants to be a little bit secretive about. I am not going to die in the trenches over it; I just do not understand why you have got a problem with it, what you are trying to hide, really. *(Interjections)* Yes, you might snigger and laugh. You are entitled to your opinion; I am entitled to mine. I am an open person. I have no problem with anybody knowing about that as well.

Yes, certainly, Deputy Brehaut is right, we had bit of banter in the car park. He said, 'Oh, I wish I could afford to buy a three-digit number,' and I said, 'Well, I wish I could afford to buy a house in France.' You have to spend your money in your own priorities of how you wish to spend your money, and that is his choice and that is my choice. And incidentally, I will not say what I was going to say, I will 16.10.59 leave that one. We all have a responsibility for our lifestyles, but equally I just ... It was said, 'Well, what are the risks?' Well, what are the risks when you go on holiday? What are the risks when you make it very well known a lot of the time, when you hear us say, 'We are away.' Well, you have left your house here empty – what is the difference? You have a responsibility to look after your property wherever it is. The security issue is there. You can find out, if you have got property somewhere, and just say 'I have got property in Bristol'. You can soon find out where it is, if you wish to. They have records like we do.

3010 Clearly this is not going to be supported. I am disappointed with it. I really am disappointed, because I just like to think we have got an open and transparent government. I would like to think, as was explained by Deputy Kuttelwascher, of some of the reasons where you could be accused where you may be more interested in a particular area of debate because of what you own outside this Island, but if Members want to be secret about it that is entirely up to them.

3015 Jersey have managed. I have not seen huge headlines on the *Jersey Evening Press* or on the national news because they have owned property outside of Guernsey, and I guess that is because the more people we have got coming over here to live in Guernsey, and indeed in the States, they are more anxious about their property in the UK. I do not understand that, because obviously I was born here, my property is here and I have not got property outside the Island, so I do not know. I can understand they might be sensitive about that and I can understand that there would be concerns, but that does not give me the reason to feel that we should not operate as other jurisdictions operate in their parliaments and declare it.

I would like a recorded vote, please, sir.

3025 **The Bailiff:** A recorded vote then, please, on the amendment proposed by Deputy Lowe, seconded by Deputy Kuttelwascher, marked amendment A.

Deputy Harwood: Sir, before we vote, could I declare an interest in that I have some property outside the Bailiwick.

3030 **The Bailiff:** Thank you, Deputy Harwood.

Deputy Sherbourne: Sir, before we vote, can I also declare the same.

The Bailiff: Thank you, Deputy Sherbourne.

3035 *There was a recorded vote.*

The Bailiff: While those votes are counted, Members, shall we move on with the amendment also to be proposed by Deputy Lowe, marked amendment B. Deputy Lowe.

Amendment:

To add a further proposition as follows:

'4. To direct

a) that each committee of the States shall maintain a record of their States' Members' engagements on States' business outside the Bailiwick of Guernsey, including the purpose of each engagement, its date(s), and the travel and accommodation costs incurred;

b) that such records shall be provided in respect of each 12-month period ending on 30th April (or on 30th June from 2020 onwards) to the States' Assembly & Constitution Committee for publication as an Appendix to a Billet d'État as soon as possible thereafter.'

Deputy Lowe: Thank you, sir.

3040 **Deputy Conder:** Sir, before Deputy Lowe starts speaking, can I ask either you or her to explain what I think is a contradiction in the wording of this amendment.

The Bailiff: Shall we let her open the debate, and then ...

3045 **Deputy Conder:** Fine, thank you, sir.

Deputy Lowe. Would the Deputy Greffier like to read the amendment, please, sir?

The Deputy Greffier read the amendment.

The Bailiff: Deputy Lowe.

3050 **Deputy Lowe:** Thank you, sir.

This amendment is just formalising what I would normally ask for under rule 6 questions. One of the questions I asked last time was would committees or departments be prepared to send in an annual return. Some of the committees and departments said yes, others did not answer and others grudgingly put a remark about 'if it was formalised'. So, rather than actually do an annual request every year to have this under rule 6, it just seemed far more simplified to actually put it here today before you and it could be appended in a SACC report in the same way that we have currently, where you have attendance for States' Members' meetings and committee meetings, so it is just another attachment rather than have it separately each year under rule 6 questions.

3055 I saw that one as reasonably straight forward as well, but I have no doubt, the mood of the Assembly this afternoon, I may hear otherwise.

3060 Thank you, sir.

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

3065 **Deputy Kuttelwascher:** I do, sir.

*Amendment by Deputy Lowe and Deputy Kuttelwascher
Not carried – Pour 6, Contre 35, Ne Vote Pas 0, absent 5*

POUR

Deputy Laurie Queripel
Deputy Lowe
Deputy Burford
Deputy Kuttelwascher
Deputy Gollop
Deputy Lester Queripel

CONTRE

Deputy Fallaize
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy James
Deputy Adam
Deputy Perrot
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Deputy Hadley
Deputy Harwood
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy St Pier
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott

NE VOTE PAS

None

ABSENT

Deputy David Jones
Deputy Le Tocq
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Stewart

The Bailiff: Before I invite anyone to speak, I can just announce the result of the voting on the amendment A proposed by Deputy Lowe, seconded by Deputy Kuttelwascher: 6 in favour, 35 against. I declare it lost.

3070 Deputy Fallaize, do you wish to speak now?

Deputy Fallaize: No, thank you, sir.

The Bailiff: No. Deputy Conder.

3075

Deputy Conder: Thank you, sir, and I apologise for interrupting at an inappropriate time.

I think I understand now what Deputy Lowe is trying to achieve, but it is the explanatory note which confuses me, because it says:

'The effect of this amendment is to require the maintenance and annual publication of records of States' Members' business engagements outside the Bailiwick.'

3080 and that is rather wider than what is defined under 4(a), which says 'engagements on States' business outside the Bailiwick of Guernsey'. If Deputy Lowe could actually explain what her intention is – I think I do know what her intention is, but that explanatory note I think says something, to me anyway, different to what is in the body of the amendment.

Thank you, sir.

3085 **The Bailiff:** Deputy Burford and then Deputy Bebb.

Deputy Burford: Thank you, sir.

Just briefly, I wanted to ask Deputy Lowe in her summing up whether this includes travel on CPA matters. Thank you.

3090

The Bailiff: Deputy Bebb.

Deputy Bebb: Members, I oppose this amendment for a number of reasons. It does feel as though we are actually now entering into a debate on Deputy Lowe's re-election campaign, and I have to be honest and say that, in all honesty, I understand in relation to SACC why Members' attendance would be given to SACC, but this is financial matters. Surely the only committee that should be dealing with financial matters at the moment is Treasury & Resources. In future it will be Policy & Resources. Our salaries are currently published as an appendix to the Budget. If we honestly want this information on a regular basis, the only sensible place would be in the Budget. I do not think that SACC should be involved in any way, shape nor form, with Members' costs for attending States' business. I actually contest the view of 15(2) – it *would* have additional resource requirements for SACC, and therefore on that basis I believe the amendment is flawed and should be rejected.

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3105 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you, sir.

Why?

3110 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, Deputy Lowe was expecting this to be savaged, I think, when she opened, and rightly so. This is ill thought out. If you read (a) it says:

'States' Members' engagements on States' business outside the Bailiwick of Guernsey, including the purpose of each engagement,'

It does not talk about the generic purpose. Does that mean each specific meeting? I was in London last Wednesday, I had four or five meetings: is each meeting to be logged? I would suggest that would be extremely unwise to do so. We have many meetings which are, rightly, confidential, either from our side on behalf of the States of Guernsey, or on behalf of the side of the people we are meeting. If they were to know that every single meeting we were having was going to be detailed – each engagement, as it says here – then they may refuse to meet with us. This is incredibly unwise and I urge Members to consider it very carefully.

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This is micro-management of an obscene proportion. There is absolutely no evidence of a problem, which I think is the purpose underlying Deputy Luxon's lengthy speech. *(Laughter)* There surely has to be a far better deployment and use of the staff time. If it ain't broke, don't fix it. Where is the evidence of a problem?

3125

Throw this one out, too, sir, and quickly.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, it might be unwise, but that does not necessarily mean I will not support it. *(Laughter)*

3130

Deputy Le Clerc: You've just made the speech of the day!

3135 **Deputy Gollop:** No, it's not the speech of the day. The point is that in the unusual
circumstances the Treasury & Resources Minister puts across – and I do appreciate, as my
colleagues have reminded me, there are confidential meetings and they do have to be discreet –
that can surely be partially disguised, like in the old days when you were actually head of MI6, M
and 007, you would be, I don't know, Attaché for Cultural Affairs or something. The point we are
making is ... How can I put it? A colleague also said don't just ... I said it is a gesture to support
3140 these amendments and he said, 'Don't do gestures.'

But out there in the community, amongst perhaps up to half of the electorate ... One might
wish that they were discussing the minutiae of how we will fund Social Security of SWBIC or
develop our economy or go down FinTech routes. They do not. The standard reaction to the
States is that some of us are somehow living off expenses, going on jollies and trips all the time. It
3145 is a very widely held misperception and until you get the facts out there that people cannot deny,
they cannot question and they see them for what they are – a very tiny percentage, in some cases
much less than most expenses in most private sector occupations – we will continue to be
besieged by that level of criticism, not just in the media but in the social media. I feel that this is a
form of openness and transparency.

3150 Just to give the converse position for a minute. Supposing, like the last amendment, we turn it
down. Doesn't that make the point that we have something to hide in the eyes of the public?
(*Interjections*) That would be the misperception, so I would urge Members ... Yes, the wording is
not perfect, but I think over time guidelines and procedures can be dealt with in that respect. I
think we would be unwise to turn this down.

3155

The Bailiff: Deputy Kuttelwascher, then Deputy Soulsby.

Deputy Kuttelwascher: Thank you, sir.

Interesting comments so far. A lot of people are reading a bit too much into this, I think.

3160 Just remember, all this information is collated and available now, and a Deputy can ask for it
and it can be put in the public domain now.

My view on this is that if this is, on a regular basis, published along with other States issues like
how many meetings you have met, how many times you attended this Assembly, it would save all
that hassle of this annual rule 6 question, and I suppose it could even be rule 5 coming to the
3165 States from anybody. So, if it is available for consumption by the public, why not just publish the
flipping stuff and be done with it? It would save a lot of effort.

As regards what was referred to as 15(2) issues, this was discussed by T&R and it is considered
essentially to be a business-as-usual issue because the information is collated, it could all be put
onto one spreadsheet and it could be there in front of you.

3170 As regards the detail of why you go, you can easily say you have gone to London to have a
meeting with whoever is managing a fund or to deal... You do not have to give details of the
meetings or who you are meeting with. It is not really a big issue. Quite often we read in the press
that the Chief Minister has gone to meet with BIC. We have had information today about the
meeting in Jersey. What is the problem? Why not just, at the end of the year, publish whatever
3175 these meetings were, not necessarily the detail, and the cost and it will allay the fears that Deputy
Gollop has said are out there. And they are out there. I will give you, as a sort of example ...,
somebody said, 'Should a CPA meeting be included?' Well, I know people who in the past have
gone on a CPA meeting and extended their stay to make a holiday out of it and then come back
again later. The fare both ways was paid for by the CPA but the extra bit of holiday was paid by
3180 the Member. That is fine, but in a way it is a partially subsidised holiday. I do not really mind if
people want to do that, but why hide it? I have heard members of the public saying, 'Well, if
somebody does that, they should pay half the fare, they can pay the return fare.' So there are
issues and people do ask the question. What is there to hide?

3185 All this information is available anyhow, so why not just publish it: there it is, no more questions, end of story.

Thank you, sir.

The Bailiff: Deputy Soulsby, then ... Oh, sorry, Deputy Fallaize, do you wish to ...? No. Deputy Soulsby.

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Deputy Soulsby: Sir, Deputy Gollop is totally wrong that by opposing this amendment you oppose openness and transparency, because I am happy leaving things as they are and for Deputy Lowe to ask her rule 6 questions, (**Two Members:** Hear, hear.) because then each committee can make clear in their submission how much it cost to put the information together. That is true openness and transparency, so I cannot accept this amendment.

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

3200

I think, although the Committee has not discussed this amendment, as they did not discuss the previous one, not least of all because the proposals before the States on the policy letter are to do with the Rules of Procedure and we have got ourselves bogged down a bit in the declaration of interests now, but anyway ...

3205

It is interesting that this amendment is being proposed on the basis of openness and transparency, but with regard to the part of it which would require declarations of the purpose of each engagement, there is an argument being put forward that the true purpose of the engagement can be concealed, so you do not really have to declare who you are going to see or, if it is something that is confidential we will just find a way around it. Well, that is not openness and transparency.

3210

Actually, when Deputy Lowe mentions the rule 6 question there is an irony, because Deputy Lowe lays the amendment and says, 'Well, look, if the States vote for this it will mean that the rule 6 questions do not have to be asked every year.' That is the case for the laying of the amendment, but of course the only person who asks the rule 6 question is Deputy Lowe, (*Laughter*) so the even easier way of avoiding the rule 6 question is just for Deputy Lowe to not to ask it every year. (*Laughter*)

3215

I am relatively indifferent to all this stuff. I just think that far too much is made of it, probably on both sides of the argument. The seconder of this amendment is the Deputy Minister of T&R. If the intention is to publicise the travel and accommodation costs incurred by States' Members in connection with their States' business, why doesn't he, through the Treasury, just ensure that there is a line in every committee's expenditure, in the accounts, which sets out the travel and accommodation costs of Members incurred on States' business? That would overcome the problem that Deputy St Pier referred to where there are confidential meetings. It would mean that not every individual meeting had to be logged, or the details thereof would not have to be logged. I do not really see what the point is of setting down the purpose of each engagement and the date of the engagement. I can see some merit in having a line in the accounts which makes clear what the travel and accommodation costs are of States' Members – not individually, because it does not matter which individual went to place A or place B, that is just personalising it all, but there is some public interest in the States declaring how much of taxpayers' money has been spent on travel and accommodation costs incurred generally on States' business. So I think doing it through the accounts is a better way of the seconder of the amendment going about this.

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3230

Thank you, sir.

The Bailiff: Deputy Brehaut and Deputy Domaille.

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Deputy Brehaut: Thank you, sir.

As Members will know, I have an interest in music, and a few years ago, if you wanted to make a sound that appeared on a loop ... These days it is very easy on a thing called a sampler: you just speak or play into it and you can play as often as you like. Before then, there was a thing called a copycat, which you had to cut a piece of tape to the right length and get the sound. I can see the musicians are nodding. I am afraid that is what I hear from Deputy Lowe, sir, most of the time: on a loop – truth, openness, transparency, concealment, open government. For anyone who places these amendments and these arguments all the time, for them it is an absolute win-win: 'I wanted this Assembly to be open and transparent, and once again they denied that to you, the people of Guernsey,' or, 'I placed an amendment and achieved absolute openness and transparency.' That, I am afraid, offends me, so I am going to form a group – not a band, incidentally; in fact, we need a drummer – and I am going to call this group Enough is Enough, because I will say, through you, sir, to Deputy Lowe, I think enough is enough. When we attend meetings we are denied sandwiches. We may have just dropped our children off to school without breakfast and rushed to get to a meeting, sat through the lunch-hour ... No, there will be no sandwiches because Deputy Lowe believes feeding Deputies is an absolute waste of taxpayers' money.

I have never been on a CPA visit, a trip. The only trip I wanted to go on was the trip to India. I offered to pay that, offered to pay my fare, incidentally, my return fare to India – however, Members chose other Members over me, but I still would have paid my fair out of principle. Deputy Lowe makes it clear she would rather people did not use taxpayers' money at any times to go on CPA, although she has been on many a CPA trip herself.

This speech is probably bigger than this silly little amendment, but I would say directly ... well, through you, sir, to Deputy Lowe – this is a genuine plea – stop looking for standards in others that you do not exhibit yourself –

Several Members: Oh!

The Bailiff: Deputy Brehaut –

Deputy Brehaut: – because it is becoming a little tiring.
Thank you, sir.

The Bailiff: Deputy Brehaut, do you wish to reconsider that remark?

Deputy Brehaut: No, sir. I declare my interest at every opportunity in this Assembly, and Deputy Lowe says that we are being secretive –

The Bailiff: Are you saying that Deputy Lowe does not comply with the rules for disclosure of Members' interests?

Deputy Brehaut: No, sir. I am saying that she does not come up to her own very high standards, yet she seeks them in others. I cannot be clearer than that.

Deputy James: Point of correction, sir. Deputy –

The Bailiff: Deputy James.

Deputy James: I do not like interrupting anyone who is speaking, but Deputy Brehaut has misled the Assembly. When his application to go to a CPA trip in India was made to the committee, he was in fact selected and asked to attend and he did pull out.

3285

Deputy Brehaut: Sorry, no, sir, there was a trip to India, which I offered to pay for. Then I was selected for the next one, which I think was Islamabad, that I decided I would not go on. So the first trip I was clearing offering to pay for.

3290 **Deputy James:** I apologise, that is correct.

Deputy Brehaut: Thank you.

Deputy James: It was Islamabad and you pulled out.

3295

Deputy Brehaut: Thank you.

Deputy James: Yes, okay.

3300 **The Bailiff:** Deputy Domaille.

Deputy Domaille: Thank you, sir.

Just very briefly, I will not be supporting this amendment. I agree with everything Deputy Brehaut said, but actually even more so with what Deputy Fallaize said. It seems to me that a note in the Budget, and even the accounts actually, would pick this up. If it is put in the Budget, it is up to any Member at that time to question that information. I merely add that extra little bolt in there.

3305

Thank you, sir.

3310 **The Bailiff:** Deputy Paint and then Deputy Trott.

Deputy Paint: Sir, I am a little bit confused over this matter. I have been on three foreign trips over the last two to three years. Two have been paid by the Foreign and Commonwealth Office and one has been paid by the CPA, which was to Bristol. A lot of the expenses that I incurred in that trip I did not claim for. The hotels were paid for in Cardiff. So how do I explain what I did not claim for?

3315

The other part I have got a problem with: I, probably as most of you know, am chairman of a trust that assists children in the Far East. I go there every year to make sure the money we send is being well spent. I pay everything myself. I do not claim a penny for it and neither does anybody of the trust. So do I have to declare something there? This is making things difficult for any States' Member who does things like I do. So I would like some knowledge of what I have got to do. I need some explanation. Do I have to declare everything? The trust is declared on the reporting to the States and every other thing that I do. This is just getting a bit foolish, in my opinion.

3320

3325 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, I oppose this amendment. I have done a fair bit of this sort of stuff on behalf of the States over the years – very little this last three and a half years or so, but quite a bit beforehand – and I used to absolutely hate going to Washington in particular when we were on a blacklist. We were on a tax blacklist, sir, it was was causing us some distress and we had to go quite regularly. The reason I hated it ... Well, there were a number of reasons. Being away from the family was the main reason. But I had to be away from the family for longer than I wanted, because if I left on a Saturday and I overnighted in Washington and incurred an extra £100 worth of hotel expenses and maybe twenty quid's worth of sustenance expenses, I save – we saved – on the air flight £1,400. So the Civil Service packed me off a day and a half earlier than I wanted to go in order to save the taxpayer £1,400. Very little regard for me, sir, or for that matter my family.

3335

3340 The point I am making is the raw detail revealed in that way, in the way that Deputy Lowe would show, would show none of that important information. (**Two Members:** Hear, hear.) Overseas travel on behalf of this Assembly is – do you know I very nearly used an expletive, sir (*Laughter*) – *extremely* hard work, and *that* is the message that we should be sending to those that have been undertaking these duties for the last three and a half years, not insinuating that there is some sort of gravy train, because there absolutely is not.

Thank you.

3345 **Two Members:** Well said.

The Bailiff: Deputy James.

Deputy James: Thank you, sir.

3350 I have no intentions of supporting this amendment, but I do wonder whether the undercurrent of this amendment is not explicit, and I wonder, and perhaps Deputy Lowe will tell us in her summing up ... I wonder to myself is Deputy Lowe wanting more information? Does she want explicit information on the reasonableness of expenditure? I have just said to Deputy Adam, what is to stop him on an overseas trip spending £100 for dinner one night, when I think it is reasonable not to spend more than £20? So I do not know whether Deputy Lowe is seeking to tease out this sort of information – is the expenditure whilst off Island reasonable – because, as I see it, there is a lack of accountability for expenditure. That does concern me, but I do not feel this amendment actually meets those queries that I personally have.

Thank you.

3360

Deputy Sillars: Can I make a point of correction?

The Bailiff: Deputy Sillars.

3365 **Deputy Sillars:** I am not sure whether it is all the States, but certainly from Education's point of view ... Is it all the States? All the States. For example, we are not allowed alcohol in the evening with our dinner. Well, normally I would have that at home, but we are not allowed to claim that, so I would like that explained as well, because ... We all have different standards, I accept that, but there are rules in place for what you are allowed and not allowed to do, and the States will not pay for a glass of wine with your dinner if you are away on States' business.

3370

The Bailiff: No one else is rising. Deputy Lowe.

Deputy Lowe: Thank you, sir.

3375 There is certainly no undercurrent. All I was trying to do was formalise what already exists. Rule 6 questions have been answered previously for many years. In fact, Deputy Trott answered them many times in the past as well and explained the data and everything else, and I have not heard him complain. In fact, he actually welcomed it. He went public, saying he welcomed the questions being asked and being formalised.

3380

I know that I asked both Policy Council and indeed T&R about the 15(2) and about the costs and both came back to me and said – they had the same expression that was used by Deputy Kuttelwascher – 'business as usual'. They did not see a big issue with it. It is only in here that there seems to be an issue with it. There is not an issue with it from the Department or the committees. They were quite happy with it and did not see a problem, because, again, they supply that quite easily when there is a rule 6 and it is only a cut and paste of what was already on the accounts.

3385

Deputy St Pier: Sir, may I make a point of order?

The Bailiff: Yes, Deputy St Pier.

3390

Deputy St Pier: Sir, yes, a point of order, because the advice that officials may give in responding to a Member seeking information in preparing an amendment, of course, is to assist the Member as far as possible and seeking merely to comment on the financial implications in accordance with 15(2). That is not any kind of comment on the political virtue or wisdom of an amendment being brought, which I would suggest Deputy Lowe is suggesting – that the problems exist here rather than with officials. Officials are not commenting on the wisdom of this amendment.

3395

Deputy Lowe: I did say 15(2) when I was talking about it.

3400

That is fine. I have nothing to add. I just do not see where there is a big deal about it, really. Obviously, some are very unhappy about it. All I am saying is that if you do not want to go for the amendment, that is fine. I will just carry on asking rule 6 questions in the new year. You had your chance to do it without being tied to a time, because you do not know when I am going to place them, whereas under the amendment you know you have got a time, you can lead up to that and all the Departments, or committees in the future, would be able to make sure that their timings and programme ... and can adjust it as they go along and deal with it then.

3405

Can I have a recorded vote, please, sir?

The Bailiff: A recorded vote, then, on the amendment marked B, proposed by Deputy Lowe, seconded by Deputy Kuttelwascher.

3410

There was a recorded vote.

The Bailiff: While those votes are being counted we can move on to the last amendment to be proposed by Deputy Soulsby, marked B. Deputy Soulsby.

Amendment.

To insert at the end of the words in Proposition 3, the following:

'and subject to the addition immediately after June 29th, Schedule 1 (page 3374 of the Billet), the following:

"(the inaugural States of Guernsey Accounts Meeting (thereafter scheduled annually at the beginning of the Meeting prior to the summer recess), followed by the ordinary Meeting.)"

and subject to the addition immediately after June 28th, Schedule 1 (page 3375 of the Billet), the following:

"(States of Guernsey Accounts Meeting followed by the ordinary Meeting)".'

Deputy Soulsby: Members will be pleased to hear I will be brief. I do wonder, could the Deputy Greffier ...? Is it possible for him to read it, or is it easier if while he is doing the numbers. He is happy. Okay, thanks.

3415

The Deputy Greffier read the amendment.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: What have I said?

Sir, I think it will be useful to clarify the effect of this amendment. It is not to set aside a whole day to debate the accounts, unlike the Budget, although it is very similar to what we currently do with the Budget. All it does is ensure that the first item of business on the last States' meeting before the recess is a debate on the States' accounts. That is why, unlike for the Budget, it does

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not refer to the ordinary business starting on the next day. It is presumed that ordinary business will follow on from that debate.

3425 It will come as little surprise to Members that I have laid this amendment, certainly given in the September meeting I expressed my and the Public Accounts Committee's dissatisfaction at debating the 2014 accounts in September, the day in fact that the Budget for 2016 was published, and it was pigeonholed between other States' business. This meant the numbers were less important than the opportunity to judge the T&R Minister's ability as a fortune teller by comparing forward to the accounts and Budget at the same time.

3430 The effect of this amendment is to ensure that what we experienced this year and last is not repeated and a specific slot is set aside for the States' accounts every year. I urge Members to support this straightforward amendment.

3435 **The Bailiff:** Deputy Robert Jones, do you second it?

Deputy Robert Jones: I do, sir.

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: This Committee does not oppose this, sir.

The Bailiff: Any debate?

3445 **Deputy St Pier:** The Treasury & Resources Department have no view, particularly, sir.

The Bailiff: Any further debate? No. We will go straight to the vote, then, on amendment B, proposed by Deputy Soulsby, seconded by Deputy Jones.

Members voted Pour.

3450 **The Bailiff:** I declare it carried.

*Amendment by Deputy Lowe and Deputy Kuttelwascher
Not carried – Pour 8, Contre 32, Ne Vote Pas 0, Absent 6*

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

Deputy Robert Jones
Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy St Pier
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott

The Bailiff: I can announce the result of the voting on the previous amendment, which was proposed by Deputy Lowe, seconded by Deputy Kuttelwascher, marked B. There were 8 votes in favour and 32 against, so I declare it lost.

3455 That brings us to general debate. Is there any general debate? Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

3460 I would like to speak about the new proposal, which... I think the Rules are coming back in January about the timetables for States' Meetings and the possible effects on this and I would like SACC to take away my comments and perhaps think about these when they draw up the Rules.

3465 On page 3362, in paragraph 27 and other paragraphs in that section talk about the procedure where we will decide the agenda of the next States' meeting at a previous States' meeting. I think it is incredibly important that we have sufficient notice of the matters which are going to be debated so that we can prepare. We have added another thing today to the rule about the time period for amendments. We are facing another States' meeting now, which is in two weeks' time, where effectively any amendments are now past the time, because it is past three o'clock, when you can put amendments in which have a financial effect without asking for the Rules to be set aside. I think it is very important that Members have sufficient notice. When we have busy agendas you tend to focus on the next States' meeting and there has to be a period in between, and if it is serious business, so that we can gather public views and consider them before that States' meeting. If we are in the situation where at one States' meeting we are deciding what is going to be debated at another one, we have such short notice... Although those items are published we do not know when they are going to be debated. If we are deciding at the previous States' meeting, we will have such short notice I think that is unacceptable. We all know that the public and us tend to focus on what is happening next, but if we know there is something big coming up and we have a longer period of notice, then we can prepare better for that.

3470 There are a number of things that I think should be done. Firstly, I think when we are deciding on the agenda for the next States' meeting that should be the first thing in any States' meeting. That should be right at the start, again to give maximum notices, so effectively ... and I think paragraph 28 covers that, where it talks about the Billet will be issued post the States deciding that. I think we should have that discussion on the Wednesday, because we are going to meet on a Wednesday. We have that debate first thing on a Wednesday and then the Billet is issued on the Thursday, so there is at least two weeks and four days – although there is one States' meeting which is only two weeks away, so we would have one week and four days' notice of what is going to be debated. That is one point.

3485 The next point is just building on what I have said before. I think that the rule should be that we decide on what is going on the next but one States' meeting on all but very minor matters, so effectively we have, rather than three weeks' notice or, as the case is with the December meeting, five weeks' notice – not three or two weeks' notice of what is going to be debated. I fully accept the Rules need to be written such that if there is a very minor thing that is published, we can add that to the agenda at the States' meeting before the next one, but the norm should be that a policy letter is published as soon as it is ready and then we have this period leading up to the States' debate where we decide the agenda and that is the agenda for the next but one meeting. I think that is important. I also think that for large significant matters we can be deciding on

3495 matters which are further ahead of that. If we did make any decisions, they should be available on
a website, because the Billet is published on say the Thursday after the States... We have one
States' meeting like today. On the Wednesday we decide the agenda, on the Thursday it is
published, and that is the agenda for the next States' Meeting, but any decisions we make should
be available on a website so that we can all see what is there, so we can prepare for it and there is
3500 no confusion by it being published. An electronic record of it, I think, is sufficient.

I think those two things are important and I ask them to include those in their Rules when they
come back in January.

It also speaks about the fact that when committees have completed a policy letter it will be
published at that point in time. We will not wait for the P&R comments. Again, I think there
3505 should be a rule about P&R having to put their comments in, because it would be very wrong if
P&R stopped putting their comments in, say, a week before we are due to be debating it. They
need to be at... I fully agree that we should publish things as soon as they are ready and not in a
Billet, so effectively we have reports published as soon as they already, but the P&R comment
should follow an acceptable period after that and not just they leave it for too long a period.
3510 Otherwise, again Members will have no idea what P&R's comments are, and surely if they are of
value they need to help to influence Members' thoughts on the business on that policy letter.

I do notice that in paragraph 32 it talks about that there should be some dialogue with P&R
before it is published for major things, which I think is perfectly right. So, in fact, in paragraph 31,
3515 which says what currently happens is that many States' Members know about something before it
is published because the committee is involved in P&R, we will still have that to some extent
because anything major would have to be discussed with P&R, as is said, because it would be
foolish for a committee to bring something out without discussing it with P&R. I think it is saying
it is so the public and everybody knows about something as early as possible. That still will not
3520 actually happen, because there will be a number of people, States' Members, who will know about
it and if it is a complex policy which involves a number of committees, they will know about it and
P&R before it is published. I do not think you are going to ever solve that problem.

My other comment is on the schedule. If Members turn to page 3374, which is the proposed
States' debates in 2016 and 2017, effectively for the first year of the new Assembly... I am not
going to try and amend it, but I would ask SACC to go away and think about the October,
3525 because I think having a States' debate on 28th September, two weeks later having a Policy &
Resources debate and six days later having a Budget debate is too much too close together,
because Members will have their committee responsibilities in between those and I think it is
important that Members prepare for those debates, and having one on top of the other is just too
heavy an agenda. Therefore, I would ask SACC to go away and think about that.

I also think that again we are where we are today with two weeks between States' debates, and
I think that is too short from 30th November to 14th December. We have the same thing from 1st
February to the 15th. I think we should have at least three weeks between States' debates. I know
they are trying to fit them around school holidays, which I think is an excellent improvement, but I
3535 think there are periods where there are just too many States' meetings and what we must ensure
is that Members are properly prepared and have the time to think before we debate an issue.

I will support the proposals, but I have serious reservations about schedule 1, which is
Proposition 3. I would ask them to go away and, when they come back in January (*Interjection*) –
Proposition 2 – to put some time limits on the time period for the publishing of Billets and the
decisions on business to be debated.

3540 Thank you.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

3545 I am probably one of the Luddites in the Chamber, sir – I like paper copies of bits and pieces, I
work well with paper; I do not do well with iPads, I find it awfully hard to find stuff – and I would

3550 just ask SACC when they are looking at this rolling programme... I think it is probably on the
theme that Deputy Dorey meant, a rolling theme of Billets coming out in succession... is to know
exactly what is coming up at which debates and when, and I would like... Perhaps there could be a
3555 system of flagged A4 pieces of paper that are sent out: this is coming up for the next debate, this
is what is planned for the one after that, and that is actually sent out. Although it is great having it
on the website, when my iPad is refusing to move and it is frozen solid, despite persuasion, it does
not work, so I would like to make sure that, especially as we do not know quite the make-up of
the next States, for those who do need paper copies there is some sort of diary log that is sent out
3560 to us that we can put on our old-fashioned pin board in the kitchen so we know exactly what
debates are coming up, because I think it will be confusing, especially for Members like myself –
we have one set of Billets, we use them for a month, we have the debate, we put that set away. To
change to this rolling programme of some out, some in, communication will actually be key, and
communication, for some Members, in paper is absolutely essential.

3560 Thank you, sir.

The Bailiff: Deputy Gillson.

3565 **Deputy Gillson:** Sir, I shall be very brief, and it is not really directly about the Rules themselves
– more general comment about interpretation. The point is I think that these are Rules of
Procedure and they are rules, not laws, and that needs to be remembered when they are
interpreted. It is not unusual for interpreting laws to look very closely at the specific wording, and
I can remember, when I was in industry, doing that with advocates, mainly so we could get the
3570 answer wanted. However, that is not necessarily appropriate for Rules of Procedure. I recall a
situation earlier on in this term where a rule relating to conflicts of interest in the Policy Council
was interpreted by reference to the specific wordings and it was such that SACC had to then
bring, as part of its review, a change to that wording to bring it back to what was intended.

3575 With that in mind, I note that SACC will be retuning before the end of this term of government
with another report – in January, I think – and I ask that they give consideration to incorporating
into the introduction of the Rules a sentence to the effect that the interpretation of the Rules
should be made with reference to the States' reports that gave rise to the rule being introduced,
rather than the strict construction of the sentences. I think that with Rules of Procedure the spirit
of the rule is more important than the specific wording.

3580 **The Bailiff:** Deputy De Lisle.

3585 **Deputy De Lisle:** Sir, I would like just to ask for some clarification on rule 49, under declaration
of interest on page 3413. It seems to me that this is quite draconian for committees to ask for
members to withdraw from a meeting during discussion, and it just seemed to me that ... Also, I
would ask why this appears to be going beyond what rule is acceptable in this Assembly – why
the members of the Committee decided on going so far with respect to rule 49 on declaration ...
Oh, it is 49(1) I should be mentioning, the first article under that.

Thank you, sir.

3590 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you.

3595 First of all, to Deputy De Lisle I would like to say that it is a reflection of the current
arrangements that, of course, in committee, if a person has a conflict of interest they should, and
quite rightly they do, recuse themselves from that meeting. There is nothing different in that.

In relation to Deputy Brouard, I would just like to point out that the question with regard to
what items appear – the order paper will be the Billet. And before people start thinking this is all
so complicated, they cope with it in Jersey. I am sure that there is not a greater intellect over there

3600 than there is here, and if they are able to deal with it I am sure that we would be able to deal with it as well.

3605 The situation at the moment gives rise to an understanding as to why the current situation is a bit mad. A couple of weeks ago I submitted a Requête and that Requête will now not be debated until February and it will not be published until mid-January. It is not a particularly contentious issue and the current rigidity of our system is causing serious backlog in certain items of business being dealt with. The business that will be dealt with under the new proposals will be up to this Assembly, by majority, to decide what they want to debate and when they want to debate it. It will be far more flexible, but it will be for everybody to decide as opposed to the current situation which is a very fixed, rigid system unless there is an emergency. Of course, provision can still be made for an emergency if it arises.

3610 The other thing, with relation to the dates of the meeting: let's be happy that we will have, for the first time, what has been asked for time and time again, which are States' meetings that will not coincide with school holidays. If we are serious about trying to increase the diversity in this Assembly, then, obviously we need to meet on days that are not school holidays, because that is family-friendly policy. Most assemblies elsewhere in the world deal with this quite happily. They have moved to such a measure and they do so. I think we should welcome such a change. (**A Member:** Hear, hear.) The minor, to use the term from yesterday, '*kvetching*' from various Douzaines that they do not know whether they can cope with the fact of irregular meetings – well, in all honesty I think that they should also consider having regular meetings, or irregular meetings, in order to reflect the fact that not everybody can attend on whichever days. We need to be more family friendly. This is the first step and I think a welcomed one. There are other measures that we also need to do in order to be more inclusive and more welcoming, but let's be happy that we actually will move in the next term to something which far better resembles family-friendly policies.

3625 Thank you.

The Bailiff: I see no one else rising. Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

3630 If I could just pick up the points that Deputy Bebb was making there, because they were dealing with clearly what are the main changes which are proposed in this policy letter with regard to how items are submitted for debate by the States.

3635 The present system is absolutely ludicrous. The policy letter makes it clear that an item submitted for debate on 6th January this year would not have been published until 20th March, which is 10½ weeks after it was submitted. There is no benefit at all in it not being published as and when the committee which is presenting it is ready to publish it, let alone having to wait 10½ weeks for it to be published. Nothing useful is being done in that time, in those 10½ weeks, which could not be done in any event before the States' debate. The thing is just being shoved around between committees and ordered in the right place in the Billet and sent to the printer, but all of that is not necessary. And then the item that would have been submitted on 6th January would not be debated by the States for nearly four months, even if it was a very minor item.

3640 A parliament which cannot get business before it more quickly than that is not serving its community as well as it could, and we have got to change or relax the rigidity of this. Also, it is not helping the Policy Council, as the senior committee, nor indeed Treasury & Resources, in compiling letters of comment. In fact, as an example, there is a Requête on Island-wide voting that has been submitted by Deputy Wilkie and others, and to their credit they have agreed that it could be deferred by a month to allow committees more time to consider letters of comment, but even then committees have been given only a matter of a few days. I think the States' Assembly & Constitution Committee was given a week to compile a letter of comment, and yet it is three months until we are actually going to debate the Requête. This is clearly ludicrous and the proposals before the States, if approved, will address that.

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Deputy Dorey makes some good suggestions. I will not refer to all of them, but all of the comments that he has made will be considered by the Committee and several of them it is already the Committee's intention to include in the concrete Rules which are proposed in January with regard to the submission of items to the States.

3655 With regard to rolling agendas, because that is effectively what is proposed, I think it is important for the Committee to stress that it is not suggesting, let's say the States are meeting at the end of April, that at that meeting the States will determine what they will debate three weeks later and then not go any further in the year, and then come in three weeks later in May and decide what they are going to debate three weeks after that. The intention is that if the States
3660 meet, let's say in April, the agendas for the next perhaps four or five meetings will be laid out, attached to the order paper and these agendas for future meetings will be built up as the States go. So there will be some indication much earlier than there is at present when perhaps major policy letters will be debated several weeks in advance, but more minor items can be slotted in more quickly. That is the intention and the detailed Rules, when they return to the States, will
3665 make that clear. But Deputy Dorey is right: clearly, the periods proposed for the debate of policy letters need to provide Members with enough time to lay amendments and there is no intention to provide Members with any less time to prepare amendments under the new system than there is at present. We can do that, we can maintain the period for Members to prepare amendments and still discharge business more efficiently by squeezing or eliminating this ridiculous period of
3670 time which exists at present between the submission of the policy letter and its publication several weeks later.

Of course the Committee will reconsider the dates which Deputy Dorey objects to – 28th September, 12th October and 18th October – although, and I am sure Deputy Dorey knows that I am going to say this, it is difficult because he wants a three-week gap between meetings. If
3675 the States meet on 7th September, the soonest they can meet is 28th October, and the difficulty really is caused by the insertion in the middle of October of this debate on the Policy & Resource Plan, but Deputy Dorey and the Chief Minister and I were the members of the States' Review Committee who met to decide that the proposed date for the Policy & Resource Plan would be the middle of October. So the States' Assembly & Constitution Committee has been presented
3680 with that challenge and the States have previously decided that the Budget meeting should be in October, so it is difficult to see how we can overcome the problem which Deputy Dorey identifies, but I do accept that it is not ideal and the Committee is happy to look at it again.

I thank the States, incidentally, for agreeing to move this policy letter up the order of items debated this month, because we have to come back to the States – it will probably be February
3685 now, actually, rather than January – with the necessary couple of rules to finalise the Rules of Procedure and the submission ... Partly because of this business of having to submit the policy letter so early before they are debated, we have to submit the policy letter within the next 10 days or 14 days, so there is going to have to be a lot of work done between now and then, but as I say, I thank the States for allowing this item to be debated sooner than it would have been otherwise.

3690 Deputy Brouard is a man after my own heart. I can say to him that as long as member of the States' Assembly & Constitution Committee I will press for things to be available in paper form as well as electronically. (**Some Members:** Hear, hear.) I do not who the next Members of the States' Assembly & Constitution Committee will be, but maybe the States will bear this in mind when they constitute the next committee for those Members who are in the States, of course.

3695 Deputy Gillson asks the Committee to include a sentence at the start of the Rules of Procedure which require reference to the relevant policy letter in which the rules were proposed. I think the Committee may have considered that once before. I think Deputy Gillson may have written to the Committee but there is not an imprint in my memory of it. We are happy to look at that, but I think the advice of the law officers, I am sure, would be that the rules have to be implemented
3700 based upon what is in the wording of the Rules. I do not think we can deviate too much from that, but I do take the point that Deputy Gillson makes: they could be read in conjunction with the policy letter which has led to their insertion.

3705 Deputy Bebb has dealt with Deputy De Lisle's point, the new rule 49(1) is a repeat, word for word, of the existing rule 15(1) in the committee rules, so the States Assembly & Constitution Committee is not proposing extending those provisions – we are just proposing including those provisions in the Rules which will apply from 1st May.

3710 I do not think there were any other questions which were raised during this debate. The Committee looks forward to returning to the States. As I say it will probably now be in February, but it will only be on specifically the rules relating to the submission of items for debate by the States. It will not be all of the rules. With that exception, the Committee is asking the States today to agree this is the new set of rules which will apply from May 2016 and I hope Members feel able to support the Propositions.

Thank you, sir.

3715 **The Bailiff:** Members, the Propositions in their original form are to be found on page 3474. There have been five successful amendments. Three of them have amended Proposition 1. That is the Deputy Fallaize/Conder A amendment; Deputy Soulsby/Deputy Rob Jones A amendment, and the Deputy Brouard/Green B amendment. A new Proposition 1(a) has been inserted by the Deputy Fallaize/Conder B amendment and Proposition 3 has been amended by the Deputy Soulsby/Deputy Rob Jones B amendment. Unless anybody wants any of them taken separately, I will put all those four Propositions to you together. Those in favour; those against.

Members voted Pour.

3725 **The Bailiff:** I declare them carried.

Billet d'État XX

VIII. Policy Council and Commerce & Employment Department – Amendment of the Financial Services Commission (Bailiwick of Guernsey Law) 1987 – Propositions carried

Article VII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 24th August, 2015, of the Policy Council and Commerce and Employment Department, they are of the opinion:

1. That the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 be amended in order to:

(a) introduce new statutory primary objectives for the Guernsey Financial Services Commission as outlined in paragraph 3.4 of that Policy Letter;

(b) introduce new secondary matters to which the Guernsey Financial Services Commission must have regard as outlined in paragraph 4.2 of that Policy Letter;

(c) introduce the measures outlined in paragraphs 5.6 of that Policy Letter including removing the statutory cap on the number of Commissioners, amending their terms of office and increasing the compulsory retirement age of Commissioners;

(d) align the Chairman's term of office with that of his or her tenure as a Commissioner and introduce the ability to appoint a Commissioner to replace the Chairman for up to three years should the Chairman step down before the expiry of his or her term of office as outlined in paragraph 6.2 of that Policy Letter;

(e) introduce an enabling power to allow for the introduction of a regulatory decisions appeal mechanism by Ordinance at a later date as necessary as outlined in paragraph 7.3 of that Policy Letter; and

(f) introduce a statutory requirement for the Guernsey Financial Services Commission to maintain a complaints procedure as set out in section 8 of that Policy Letter.

2. To direct the preparation of such legislation as may be necessary so as to give effect to the above decisions, and of any necessary consequential, supplementary and transitional provisions not specified above, including, but not limited to, amendments to other legislation.

The Bailiff: Now, it is quarter past five. We still have time for some business. The next Item on the agenda is the Policy Council and Commerce & Employment Department policy letter on the Amendment of the Financial Services Commission (Bailiwick of Guernsey Law) 1987.

Deputy Langlois, do you wish that to be taken?

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Deputy Langlois: Yes.

The Bailiff: We will deal with that, then. Greffier, if you could just formally announce it.

The Deputy Greffier: Billet XX – Article VIII – Policy Council and Commerce & Employment Department – Amendment of the Financial Services Commission (Bailiwick of Guernsey Law) 1987.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

This policy letter has been submitted jointly by the Policy Council, which has responsibility for the framework for the regulation of the financial services sector, and the Commerce & Employment Department, whose mandate includes promoting the interests of the financial services sector.

The background to this is that both the Policy Council and the Department recognise that the Bailiwick's financial services sector is a key driver of the economy and that the regulatory environment is a key aspect of the success and prosperity of that sector.

For that reason, in 2013 the Commerce & Employment Department began an extensive process of engagement with key stakeholders to review aspects of government in relation to the Guernsey Financial Services Commission to ensure that the GFSC would be able to continue to maintain the reputation of the Bailiwick as a well-regulated financial services centre that meets international standards whilst, at the same time, embracing innovation and further development of that sector.

A substantial public consultation was undertaken, prompting a significant number of written responses and further engagement with key stakeholders. Following careful consideration of the issues by the Department, the Fiscal & Economic Policy Group and the Policy Council, a detailed consultation response – this detailed – was published in September 2014, setting out policy conclusions and proposals.

Some of those conclusions and proposals require amendment of the Financial Supervision Commission (Bailiwick of Guernsey) Law 1987. This policy letter sets out the details of the proposals, including two further minor revisions that arose during the preparation of the policy letter – in particular, new statutory primary and secondary objectives for the GFSC, designed to achieve the right balance between protecting the reputation of the Bailiwick as a financial services centre and the need to embrace innovation and economic development; also, amendments relating to the appointment and terms of office of Commissioners and the Chairman of the GFSC; a power enabling the introduction of a statutory appeals mechanism in relation to regulatory decisions, should this be considered necessary at future date; a statutory requirement for the GFSC to maintain a quick and cost-effective complaints procedure with provision for investigation

3770 by an external independent person where a complaint has not been resolved to the satisfaction of the complainant.

Sir, before I conclude on this introduction I would say that when this Assembly first came together there were significant concerns early on by the sub-groups of the Policy Council and, I know, by the Commerce & Employment Department, about the general relationship with the GFSC. That has been aired in this Assembly in various forms from time to time. I can only speak personally on this comment, sir, and that is that I have seen significant improvement in that relationship, (**A Member:** Hear, hear.) a great will on both sides to listen and to move things forward, and I think that relationship is healthy to the benefit of the Island.

3775 In conclusion, sir, the Policy Council and the Commerce & Employment Department believe that these proposals will ensure that the Financial Services Commission Law, as the legislative framework for the governance of the GFSC, supports the key policy objectives of protecting the reputation of the Bailiwick as a competitive and well-regulated financial services centre, whilst recognising the economic importance of financial services to the economy.

I would ask you to support all the Propositions.

3785 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I was pleased to attend much of the GFSC conferences. I saw Deputy Trott there and quite a few other people interested. And of course I think we are impressed by the direction of travel of the GFSC and the work that the current senior team are doing, and indeed the Commissioners, and we welcome seeing the Commissioners present and hearing from their Chairman in quite vigorous ways.

3790 We have just approved – after a long struggle, but nevertheless worthwhile – the framework for our next internal system of governance. I continue to have reservations about the size of P&R, thinking maybe it should have been seven members rather than five. Therefore, I note with particular interest and curiosity why, on page 2928 of this document, the number of Commissioners on the GFSC is to be increased. It says in paragraph 5.1 the Commission has functioned with five or six for much of its existence but is rising to seven, and later on it says, at paragraph 5.6:

‘Therefore, it is proposed to:

abolish the statutory maximum number of Commissioners (and, as a matter of policy, to aim for between 7 and 9 Commissioners, with a minimum of 5)’

3800 Why are they going in the other direction of size, particularly as there can be a cost involved, because some, if not all the Commissioners, are paid a realistic but not excessive fee?

The Bailiff: Deputy Harwood.

Deputy Harwood: Sir, I am happy to just address that point that Deputy Gollop raised.

3805 Can I first of all say that, as somebody who has had some involvement with the GFSC in the past, I am delighted with the Propositions put forward, particularly in relation to the handling of decisions tribunals. It has been a matter of concern, I know, to the Commissioners since 2010, certainly – that the structure whereby Commissioners were themselves taking final decisions almost as a quasi-tribunal was uncomfortable because there was always a concern that there would be a human rights challenge. So I certainly welcome that.

3810 In relation to Deputy Gollop’s comment, I think one reason for the suggestion of increasing the potential number of new Commissioners is to allow for an overlap, because one of the problems we have – and the Commission has had this over a number of years – is you get one Commissioner retiring and there is then a potential gap before the next Commissioner actually can take up the reins. This procedure, allowing flexibility in the number of Commissioners, will allow potential for a new Commissioner to be appointed, to come into office before the

3820 retirement of the former Commissioner, so it makes sense. Obviously, the work of the Commission is extensive. Clearly there are a number of circumstances where there may be conflicts of interest, because quite a lot of the Commissioners actually are active members of the financial services community and there are circumstances where they may be conflicted for various reasons, so it makes sense. I am sure the Commission itself will ensure the financial burden of appointing additional Commissioners will be adequately controlled. So I have confidence and faith in the Commission for that purpose.

3825 I do again endorse the views of the Deputy Chief Minister that the Propositions before you are eminently sensible. It is amazing, actually, that the original Financial Services Commission Law has withstood the test of time for so long, but governance has changed, the principles of governance do change, and therefore I think it is appropriate and timely that the changes that are suggested by this Proposition should be implemented.

3830 Thank you.

The Bailiff: Deputy Trott.

3835 **Deputy Trott:** Sir, there is an increasingly optimistic air of enthusiasm at the GFSC, which I think we have all picked up on, and that was demonstrated particularly on Tuesday morning when some members of the GFSC attended in the hope that they may hear this Assembly debate this matter. (*Laughter*) I did send them a note in the appropriate way, sir, which suggested that it may be as late as Thursday before we got to the matter. Not even I anticipated it being the very last Item we would attend to four days later.

3840 But we got here, sir, and a very important piece of work it is. In the Deputy Chief Minister's opening remarks, he emphasised this point and I intend to do it again, because there is an audience out there that sometimes questions whether we are open for business. Well, on page 2926, in the final bullet point under 3.4, we are, I hope, about to resolve unanimously that the GFSC will be responsible for protecting the Bailiwick of Guernsey's reputation as a *competitive* jurisdiction. When we turn over the page, we see under the secondary objectives the economic importance of financial services to the Guernsey economy and the need for its status as a competitive, high-quality international finance centre to be preserved, but later on in that paragraph, even more saliently, the need to *enable* competition and innovation in financial services. They have heard the message of this Assembly and I congratulate the members of the Policy Council in particular who have driven this initiative forward, and indeed the GFSC for listening intently and embracing the objectives represented in these proposals. I think we are in good shape. We are certainly open for business.

3850 Thank you.

The Bailiff: Deputy Brouard.

3855 **Deputy Brouard:** Very briefly, sir. I do have Deputy Stewart's ministerial speech on this, which I will not be using. (*Laughter*)

3860 The amount of work – I cannot stress it enough – is the tip of a very large iceberg of work that is being done and it has been very much shaped by this Assembly over the last three years, and I thank you for the guidance that you have given to the people who are actually involved at the coal face and I very much recommend that you support this going forward.

Thank you, sir.

The Bailiff: Deputy Langlois.

3865 **Deputy Langlois:** Thank you very much, sir. I will briefly comment on each of those.

Deputy Gollop already has been answered to some extent by Deputy Harwood. I would add a couple of other factors that I believe have contributed to the numbers suggestion, and that is if

3870 we are looking at amendments to a 1987 Law, nobody could have even dreamt of the level of
complexity of regulation in 1987 that is now being experienced, and therefore, to cover off
specialisms and to make sure that can be tackled, it will require greater numbers. The other aspect
of that relates to the complexity of governance when, having dealt with a particular aspect of
something early on, various people are conflicted out at a later stage because they took part in
the earlier decision and so on. That is not a very good explanation. I am not a lawyer, but lawyers
3875 seem to understand that sort of thing – I hope.

The overlap in the terms of office – thank you, Deputy Harwood, for explaining that. I totally
endorse Deputy Trott's views. Being at the sharp end of the marketing and promotion end of that
industry, he understands the situation very well and also has identified one key development of
the relationship I talked about between this Government and the regulator, and that development
3880 is that the regulator's role in maintaining this as a competitive and also compliant jurisdiction is
crucial, and I think that we have made massive progress in that area.

My one disappointment about this debate, sir, is that I was looking forward to the Deputy
Minister of Commerce & Employment doing his impersonation of the Minister, but we are going
to be denied that pleasure.

3885 Thank you, sir, and I hope we support this.

The Bailiff: Members, there are two Propositions. They are to be found on page 2933 of the
Billet. I will put both to you together. Those in favour; those against.

3890 *Members voted Pour.*

The Bailiff: I declare them carried.

Birthday wishes to Deputy Soulsby

The Bailiff: It is now very close to 5.30. Before we rise, some of you may be aware that one of
your number has a birthday tomorrow. I am told it might even be a significant birthday and I am
3895 sure you wish to wish Deputy Soulsby all the very best for tomorrow. *(Applause)*

Deputy Soulsby: Thank you, sir. I just think that was a bit too much information! *(Laughter)*

The Bailiff: I wish I was still 40! *(Laughter)*
3900 We resume now on Tuesday, 8th December.

The Assembly adjourned at 5.30 p.m.