



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 19th February 2016

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Present:

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

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

Deputies P. L. Gillson, S. J. Ogier, L. S. Trott

The Vale

Deputies M. M. Lowe, A. R. Le Lièvre, G. M. Collins

The Castel

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

The West

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

The South-East

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

H. E. Roberts Esq., Q.C. O. B. E. (H.M. Procureur)
Deputy E. G. Bebb (*relevé à 9h 58*); Deputy G. A. St Pier (*relevé à 9h 51*);
Deputy K. A. Stewart (*relevé à 9h 51*); Deputy P. R. Le Pelley (*indisposé*);
Deputy M. J. Fallaize, (*relevé à 9h 34*); Deputy D. B. Jones (*indisposé*);
Deputy L. B. Queripel, (*indisposé*); Deputy A. Spruce (*relevé à 9h 35*);
Deputy F. W. Quin, (*relevé à 9h 58*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

Billet d'État III

REQUÊTES

XXII. Island Wide Voting Referendum – Debate continued

The Greffier: Sir, continuation of Article XXII – Island Wide Voting – Referendum.

5 **The Bailiff:** We come next to the amendment to be proposed by Deputy Gillson, and now
seconded by Deputy Lowe, not Deputy Green as indicated on the amendment that was circulated.
Also the amendment needs to be slightly amended as a result of the successful Deputy Fallaize
amendment. So, instead of beginning with the words 'To delete all of the Propositions' it now
needs to read 'To delete Propositions 1, 2 and 3, and substitute therefore the new Propositions 1,
2 and 3.'

10 Would you like the amendment to be read, Deputy Gillson?

Deputy Gillson: Yes, please.

15 **The Bailiff:** Greffier could you read it in that amended form.

Deputy Fallaize: May, I be *relevé*, please.

The Bailiff: Yes, Deputy Fallaize may be *relevé*.

The Greffier read the amendment

20 **The Bailiff:** Deputy Spruce, do you wish to be *relevé*?

Deputy Spruce: Yes, please, sir.

25 **The Bailiff:** Deputy Spruce is *relevé*?
Deputy Gillson will open debate on the amendment.

Amendment

To delete Propositions 1, 2 and 3 and substitute:

'1. That for the term following the 2020 General Election, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are deputies' seats.

2. That with effect from the 2024 General Election, unless the States shall have resolved that the same or an alternative system of election on an island-wide basis shall be continued, all deputies shall again be elected in electoral districts, as at present.

3. To direct the States Assembly and Constitution Committee to report to the States as expeditiously as possible with the changes necessary, including changes to legislation, to give effect to Propositions 1 and 2.'

Deputy Gillson: Thank you, sir.

Politics is a funny old world when you think about it, because who would have thought of me teaming up with Deputy Lowe, who I thank for seconding this amendment – *(Interjection and laughter)* no, on this case to present an amendment

30

Deputy Lowe: He has seen the light, sir. *(Laughter)*

A Member: A blue light!

35

Deputy Gillson: Yes, but to present an amendment to actually introduce Island-wide voting, when all of my previous speeches have been against Island-wide voting. The last time we debated Island-wide voting in 2014, I spoke against, basically, the Propositions I am presenting –

Deputy Lowe: Because he has seen the light.

40

Deputy Gillson: – and some have been kind enough to say it was a good speech. But it is fair to say that I still have some reservations about full Island-wide voting. These tend be operational, regarding the process of running the election, such matters as hustings, distributing manifestos, walking the parish, those sort of things.

45

So what has happened in the intervening two years to make me change my mind? But not only make me change my mind that I would support Island-wide voting, but actually *lead* an amendment to introduce it. The simple answer is that the whole question of Island-wide voting is like an open sore which just will not heal. The drive for Island-wide voting – and full Island-wide voting – has gathered momentum, such that this issue is not going to go away. It is a subject which will keep returning to this Assembly every few years, I lose track of exactly how many times I have debated it. So until it is in place, until we have a full Island-wide vote, at which point the public will be able to judge whether or not it is a success.

50

Now, I do have a concern that when the public get what they want, they find that actually it is not what they want, and this is where the second Proposition is essential, and key, to my amendment. It means that the next Assembly will have to evaluate Island-wide voting, evaluate the effect on the election, and only with a positive vote will that voting structure be carried forward. Some could argue that well you do not need it because the next Government after an Island-wide voting election could make that decision anyway, and that is true. It is just I think that there is a higher threshold to reverse a decision of a previous Assembly on something like this, than if you embed the need for a positive decision in the first place.

55

60

So I think that is why that, the second Proposition is so important. The question some Members may be thinking, well why not just add that No. 2 Proposition to the Requête, so that the Requête would have that sort of safety element to it. For that we need to consider the form of Island-wide voting contained in the Requête, and I do not think that what the Requête proposes is what the public actually want, and I do not think it will satisfy the public demand for Island-wide voting.

65

Let's consider for a moment the reasons why people want to vote for Island-wide voting. In my 2014 speech I told the Assembly of a gentleman who wanted Island-wide voting so he could choose not to vote for somebody, because there was a candidate he did not want to vote for, but that candidate was not in his electoral district, so he did not have the ability to not vote him, and he wanted the right to not vote for him, and Island-wide voting would give him the ability to.

The other main reason here from people is, that they want to be able to vote for all their candidates – they want a say in *all* the Government. Well just voting for a small number will not give that. They will only Island-wide vote be able to vote for those people who choose to stand in an Island-wide basis. So we will still have the problem of people saying, 'Well, I wanted to vote for so-and-so, but he wasn't standing Island-wide, he was not in my district.' So, I think that, the Requête, the half-way house Requête, will not give the public what they really are asking for and so the Island-wide saga will just continue.

Now, another reason why we think that the Propositions in the amendment are better is it is a definitive decision. We would make a decision, rather than going to a referendum. I have concerns about the use of referendums – a number of them. One being that we are the body in power to make decisions, so passing it out to a referendum can be viewed as a minor abdication. It is expensive. You have got questions like, who will actually draft the question. Wording is everything in a question.

But in addition to that, there are two really which I am concerned about: one relates to, we only have one newspaper in Guernsey. Now, in the UK newspapers tend to be somewhat biased, but there is a range of them so they all to an extent negate each other in opinions. We have one newspaper and if it takes an opinion – and it has been known to take opinions, I will use Sunday Trading as an example, where every editorial came out totally in favour of deregulation – then it has no written media counterbalance to it. And so that I think is a problem.

The other problem with a referendum is, how are the arguments going to be put to the public? In the UK, for instance, you have a party system, they will oppose each other and the parties will put forward the cases. But here where we do not, who is going to put forward the case for Island-wide or against Island-wide in a referendum? Individuals? Or, worse still, should the Government do it? It is how those cases get put forward; I think it is not as easy in our Island. So I do not like referendums.

So I think that what is being proposed, of us making a decision, is the better option. So, I would urge Members to support this amendment. I think it is one that may be seen to have risks with it, but in reality I do not think it will, because I actually do not think that there will be a significant difference in the number of people, or the type, or character of people who will be voted in by Island-wide. Now, some people will argue again about the practical issues – I do not think they are insurmountable. SACC has looked at them and there are details in the report about them. Some may say that the amendment is in some way playing fast and loose with our constitution, that we are just doing it for one and then seeing how it goes. Well, I think if we just did Island-wide voting without the safety of having to have a positive view, that *would* be more risky.

Well, let's also look at the effects and risks of Island-wide voting. I mean, some people say – well I have probably said it myself – some Deputies will be elected with large majorities on full Island-wide and some with small. Well that does not really matter as long as those in the Assembly do not use that as a barometer of who should go into the senior offices. It is not a real risk. Bias high-profile candidates? The current system does. I think that there are disadvantages; I do not think they are insurmountable. I personally think that it will make very little difference to the make-up of the Government.

So there are no real downside risks to this amendment and it is an opportunity to give people what they want, an opportunity to stop what I have described as this open sore continuing.

So, I urge Members to support this pragmatic amendment and introduce Island-wide voting.
Thank you.

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

120

Deputy Lowe: I formally second it, sir, and I reserve the right to speak later.

The Bailiff: Deputy Wilkie, do you wish to speak at this point?

125

Deputy Wilkie: I will reserve my right, sir, to speak later.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

130

I would ask Members to turn to page 1108 of the Billet. On those three pages there is the report from the Electoral Reform Society, which was appended to a previous report, and I will read it from paragraph (a):

'We note the Committee's instructions to undertake a comprehensive review of all practicable methods of introducing Island-wide voting. There are possible models for all-island voting, but unfortunately they all present significant practical difficulties, because of the size of the States of Deliberation, and the lack of political parties in Guernsey.'

If you turn over the page to paragraph (g) it says:

'In short therefore, a nationwide constituency system could only feasibly operate in Guernsey if one of the following conditions were met:

- Candidates coalesced into political parties, or (at the very least) electoral blocs'

135

Which has not happened and which will not happen, not currently.

- 'There were fewer seats to be filled (however any more than twenty seats would make any of the above ... problematic, and a twenty-member assembly would not seem appropriate).'

I think that the Electoral Reform Society is the most knowledgeable body on electoral systems. They have absolutely concluded that there is not a system which does not present significant practical difficulties.

140

So, please do not vote for this amendment, which proposes a system which I believe, and the Electoral Reform Society believes, will present significant practical difficulties. Even if it is only for one election, just to prove that the Electoral Reform Society is correct. Our democracy is too important to carry out a practical experiment that will fail.

Please reject this amendment.

Thank you.

145

The Bailiff: Deputy Luxon.

Deputy Luxon: Sir, me? Thank you, I didn't hear, sorry.

150

Sir, what a very sensible amendment. Deputy Gillson and myself are ex-Grammar boys, we like to put that in every now and then, because a lot of college boys in here. But he was in Doyle and I was in Brock, and Doyle never thought very sensibly. But I have to say well done, Deputy Gillson, what a very, very sensible amendment.

Sir, please, we have only got 71 days left of this term. Please, one day can I actually be on the same side as Deputy Mark Dorey? I *totally* disagree with what he has just said and I will try and explain why.

155

I could not have supported Deputy Willkie's Requête, reluctantly – it was unworkable. The first couple of drafts were a good idea but they simply were unintelligible. I accept a lot of work went into them but they were unworkable, unclear and incredibly time-consuming, and expensive, with

160 a referendum, when, frankly I think we all know what the result of the referendum would have been – it would have been yes to Island-wide voting. (*Interjections*) So, just not sensible.

And Deputy Gillson working late one night, as grammar boys had to, to get on in the world, (*Laughter*) sent round his amendment clearly tentatively, thinking, 'Why am I doing this, do I believe in it?' And I had to respond to it straight away and say well done Deputy Gillson. It is very sensible, it is fair, it trials Island-wide voting, but it recognises the truth that almost certainly it will not be very effective, and it reverts back to the sensible system we have got now. But at least we have given the people the voice that they say they want.

165 Sir, when I was canvassing, oh-so-many years ago at the beginning of 2012 and I visited my 2,104 homes in the South East district of St Martin's and St Andrew's, I kept a note of the issues that were raised on the doorstep. And, as with many other Members here who were canvassing, we know that as we approached some houses curtains closed, lights were switched off and people pretended to be away on Easter holidays as we approached the door. But, sir, 104 parishioners of the South East raised Island-wide voting, very strongly, very clearly, very upfront and by far the most significant in terms of volume of issues that were raised.

170 Once we had a discussion and had a bit of an argument about the principles, it did become apparent during most of those conversations with those 104 householders, that it was not about Island-wide voting *per se* that they were keen on Island-wide voting, they wanted a 'better candidate', 'a better pool of candidates'. I do not know what a 'better pool of candidates' means, and of course it will mean different things to different people, but nevertheless it was that, through the dialogue, teasing out what was the real issue and the feeling of support for Island-wide voting. And a better pool of candidate will happen if more of the 62,780 people that live on this Island decide they want to put their names forward to try and make a difference. And if as some say this is the worst States ever, as some said the last Assembly was the worst States ever, as some said the States before that was the worst States ever, and I will take a bet, sir, but I am not a gambling man, that the next States will be the worst States ever. Why? Because it is damn hard to run a Government, to run a small country – and it can only get more difficult.

175 So, it is always going to be hard and it will always look like the Government in Guernsey is probably the worst. If we are doing a good job and if we are tackling the hard issues, and if we are actually making the hard decisions, it might not be populous for today, or for tomorrow, but it might make a difference in 10 or 20 years' time. Governments should make decisions that affect the future. It is too late for Governments to make decisions today that will affect the past, or today, or tomorrow, that is a reality of how Governments work.

180 Sir, it is clear to me that many members of our community genuinely believe, that Island-wide voting would be good, and many desire to have Island-wide voting. And so Deputy Gillson's amendment lets us deliver that, and it shows that we are listening, and that we *have* listened, and that we are acting *on* that listening. I do not think Island-wide voting will work. I do not believe that Island-wide voting will deliver that which people want. But in our democracy, where we are here to represent the views and interests and beliefs of the people, why should we deny or deprive them the right to actually see whether a different system can work?

185 So I am not supportive of it in terms of I think it will not work as it is hoped to, but I applaud Deputy Gillson for coming up with an elegant solution to an inelegant problem. I do hope that Members will support this amendment, but I certainly would not be able to support the Requête as is laid.

Thank you, sir.

205 **The Bailiff:** Deputy Kuttelwascher. But first, Deputies St Pier and Stewart, do you wish to be *relevés*?

Deputy St Pier and Deputy Stewart: Yes, sir.

210 **The Bailiff:** Thank you.

Deputy Kuttelwascher.

215 **Deputy Kuttelwascher:** Sir, over a period of eight years I have always supported Island-wide voting. I am a signatory to the Requête and I am very happy to support this amendment. The reason why the Requête was drafted as it was, was nothing more than it was trying to seek a compromise to try and at least get the whole issue of Island-wide voting to move forward.

220 As for the Electoral Reform Society, there is one thing that they do not know much about, and that is the Guernsey psyche, or the Guernsey way. They are very good with their numbers and figures and whatever else, and they are very involved with what happens in the UK, but I would suggest they have got no idea of how to judge the temperature of the electorate of Guernsey.

225 When I was walking the streets talking to people, the one item which came up the most – and I have said this before – was Island-wide voting. Nobody came up with a particularly good solution, but there was this general will to introduce it. If you look into the Billet, the letter from St Peter Port Douzaine by majority support it – and that is unusual because most Douzaines do not. I suspect that most probably better reflects the view of the Island as a whole because – I may get castigated for saying this – but the St Peter Port Douzaine is not half as parochial as many of the other parishes. That is shown – (*Interjections*) I will tell you why, I was there for four years, you could get elected as a Constable with 80 votes in a parish of 7,500. Where is the interest?

230 Although I would suggest that those who do get elected are very, very parish constants, (*Interjections*) the voters are not, and the only time they come out in force is when something is on the cards which they do not like, like building a new Douzaine room. I remember that, that created a great fracas and they came out in force because they did not want to spend any money. But there we go. I still believe that.

235 The turnout at St Peter Port Douzaines is absolutely poor. And as such, to me, Douzeniers are mandated to do no more than carry out the duties of a Douzaine – their opinions are personal opinions and do not necessarily reflect what the parish thinks as a whole. Now, that is a view and I think I can justify it, I can give evidence for it, and it is unfortunate but that is a fact of life.

240 Other parishes are very *jealous* of their parishes and promote them in all sorts of ways. In fact the only real parish activity that the St Peter Port gets very excited about is flowers. Yes, it is true! And they really try to win as being the most well-decorated parish – and they do. But that is no bad thing.

245 Anyhow, I have one question for the proposer and seconder of this amendment ... and I know the way people sometimes work is, 'If this amendment succeeds can you confirm you will continue to support the Requête with this amendment in it?' Because there is nothing to stop you supporting the amendment and then voting against it at the end, against the substantive amendment.

250 Can you confirm that if this succeeds you will support it, both of you? Because that to me is significant. Because I know people who lay amendments because they think they are not as bad as what is on the table, and then will vote against it anyhow. (*Interjection and laughter*) You're not kidding, I have done it (*Laughter*) but I have been quite open about it.

Are you going to do it now? (**Deputy Gillson:** Yes.) Okay, I give way.

255 **Deputy Gillson:** Thank you for giving way. Totally, if this amendment goes through, I guarantee I will vote to support it. I will not vote for the Requête unamended, but if this amendment goes through I guarantee to support it. I do not play those sorts of political games. (*Interjections*)

260 **Deputy Luxon:** Mr Bailiff, Deputy Gillson yesterday said he did not barter for votes. That just sounds like a bartering for votes. (*Laughter and interjections*)

Deputy Kuttelwascher: Do you know, I am quite overwhelmed by this. (*Laughter*) Deputy Gillson in a previous debate was so anti-, he has now trod the road to Damascus and he has been

converted and I think there is a real hope that this will now succeed. All I say is roll on, let's get on with it. (**Several Members:** Hear, hear.)

265 I did not bring my model of the guillotine with me today, that was just a personal memento, but I got a feeling this debate could be well truncated. And I do not want to hear all the arguments we heard not long ago when Deputy Green had his amendment to produce yet another report, which is the last thing I want, because we have got reports – (*Interjection*) Sorry? Of course, but the States pass a lot of pointless amendments. (*Laughter and interjections*)

270 I could name some of them. But there we go. One of the amendments that was passed not long ago was for a particular group to do their job as they were instructed to do. Well, what a pointless amendment. If you are instructed to do something you do it, you cannot amend them to tell them to do what they are instructed ... but that happened in the last States. There have been numerous occasions of pointless amendments.

275 But anyhow, I urge everybody to support this and do what the electorate by a majority, I believe, really want. (*Interjection*) Oh yes, I will give way.

The Bailiff: Deputy Sherbourne.

280 **Deputy Sherbourne:** Sir, I would –

A Member: Microphone.

Deputy Sherbourne: I do beg your pardon, Members.

285 I would like at some stage for Deputy Kuttelwascher to indicate what he had for breakfast, because I want some.

Thank you. (*Laughter*)

The Bailiff: Deputy Perrot, are you asking him to give way?

290

Deputy Kuttelwascher: Can I just answer that first, before I give way to Deputy Perrot?

Deputy Perrot: Oh, I thought you had finished.

295 **Deputy Kuttelwascher:** No, I was giving way.

The Bailiff: I thought you were asking him to give way.

Deputy Perrot: It has gone on for so long (*Laughter*)

300

Deputy Kuttelwascher: I thought you were asking me ... (*Interjection*) Two boiled eggs and a cup of tea. (*Interjection*)

And with that, I cease.

305 **The Bailiff:** Now, Deputies Bebb and Quin to you wish to be *relevés*?

Deputy Bebb: Yes, please, sir.

Thank you.

310 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Well, sir, I am particularly grateful to Deputy Luxon for his speech, which clearly revealed the true purpose of this amendment, which is effectively to wreck the Island-wide voting project. Deputy Luxon is very frank, he believes that having a vote for every seat in the

315 Chamber elected on an Island-wide basis will prove unworkable and I agree with him, it will. That is his desire; he wishes to see it fail.

Deputy Gillson who, as the promoter of this amendment, has also confirmed that he is a lifelong opponent of Island-wide voting. So, I suggest those who do not want to see Island-wide voting should support this amendment. That is clearly the purpose of what is a wrecking amendment.

If we are to have Island-wide voting – and I do believe the Island wants it and must in the end have it – we have to introduce a practical system which stands a chance of working.

Now, I have not had the privilege of listening to the last four, or whatever it is, debates in this Chamber about Island-wide voting, because I was not here, but no doubt most of the arguments in those debates will be rehearsed today and I will have the privilege of hearing them all over again. But I am absolutely clear of two things: one is, the Island *wants* Island-wide voting; and two is, it needs to be a practical system which stands a chance of working. Anybody who is proposing a system *deliberately* knowing that it will not work, frankly should not be given an audience.

330 **Deputy Luxon:** Point of correction, please, sir. I just wanted to wait until Deputy Parkinson finished his speech.

I did *not* say that I wanted Island-wide voting to fail. I *absolutely* did not say that. I said I *believe* it will not work. I did not say I do not want it to work. It is wrong of him to have quoted me in that way.

335

Deputy Parkinson: If you are urging people to vote for a system which you believe will not work, I leave the Chamber to form their own conclusions.

340 **Deputy Luxon:** I thank him for that apology, sir.

The Bailiff: Deputy Fallaize and then Deputy Perrot.

Deputy Fallaize: Thank you, sir.

345 The other way, I suppose of reading this amendment is that a grammar education leaves much to be desired (*Laughter and applause*)

Deputy Gillson: As opposed to Deputy Fallaize's college education. (*Laughter and interjections*)

350 **Deputy Fallaize:** Yes, yes, yes. (*Interjections*) I have not even spoken yet!

I do not think Deputy Gillson is quite right about how this amendment could work in practice, because to change the electoral system in the way that he suggests for 2020 would require an amendment to the Reform Law. I do not think that we would get away with amending the Reform Law in such a way that we said that the electoral system for 2020 is going to be this, and then for 2024 it is going to go back to a different system, unless in the meantime the States have passed a different type of resolution.

360 So I think if the amendment goes through and works in the way that he envisages, there would have to be an amendment to the Reform Law to give effect to the 2020 system, and then another amendment to the Reform Law to give effect to whatever system the States wanted for 2024. Now the second stage of that would immediately require another States debate. Of course, the States of 2020-24 will inevitably debate Island-wide voting half a dozen times in any event, but I just do not think ... it cannot work in the way that Deputy Gillson has set out in his speech. I just do not think that the way the Law would have to be changed would fit in with that.

365 I also do not really agree with his criticism of referendums. I understand what he means for most issues, but I think for the electoral system a referendum is a perfectly reasonable way of allowing the public to determine what their electoral system is. I think that if you look at elections

– in fact this is set out in Deputy Wilkie’s Requête – the kind of referendums which are held elsewhere, particularly the UK, do concern constitutional issues, and the UK had a referendum not all that long ago on its electoral system. So if there is going to be one, then I think the electoral system is as good a subject as any and I personally would be very happy for electoral reform to be put to a referendum. I was disappointed when the States rejected the amended Proposition – it was I think, in 2014 – when Deputy Queripel laid an amendment for a referendum on Island-wide voting.

Deputy Gillson asked how a campaign on a referendum on Island-wide voting could be organised. I think that is relatively simple, I mean you would have to set up rules, or probably a referendum law to underpin the whole thing, but official campaigns would probably have to be set up and people would apply to lead those campaigns. There are quite well established ways of doing these things in other jurisdictions, which could be applied.

However, at the present time in this debate we are effectively being asked to decide whether we prefer this amendment, or the original Propositions attached to Deputy Wilkie’s Requête. I prefer the Propositions in this amendment – not much number 2, I do not think the second Proposition is very sensible at all. But I do prefer the number 1, the first part of Deputy Gillson’s amendment to the system of Island-wide voting that is set out in Deputy Willkie’s Requête.

The Requête purports to give the public what they want on Island-wide voting, or at least those people who support Island-wide voting. I do not think it does at all. I think that the numbers of people who support Island-wide voting and those who oppose, it is very difficult to establish, and Deputy Kuttelwascher, I think it was, said we know what the outcome of a referendum would be. Well I do not think we know at all what the outcome of a referendum would be. But I am pretty certain that the vast majority of the people who want Island-wide voting would not be satisfied by simply having seven Members of the States elected on that basis. (**A Member:** Hear, hear.)

Now, the Requête also says that the turnout at elections could be boosted, and the public’s appetite for engaging in politics could be assisted, by having the system that is set out. The system that is set out in the Requête is not all that different from the system of electing 12 Conseillers, and the turnout in those elections was not much to write home about at all. In fact, in the second edition, it was lower than in the parish elections which were held in the same year.

So I do not think that we can... there cannot be any assumption at all that the system set out in Deputy Wilkie’s Requête would boost voter turnout or engage people in politics at all. But the main reason why I think that if there is going to be Island-wide voting, Deputy Gillson’s model is better than Deputy Wilkie’s, is because Deputy Wilkie’s model creates an Assembly of sheep and goats – and I think that is dangerous. I think that a major advantage of our Assembly over the way in which the States of Jersey is organised, is that there are three different classes of States’ Member in Jersey, Senators elected on an Island-wide basis, Deputies on a parochial or district basis, and Constables – one constable in each parish. It has caused Jersey no end of trouble. They have spent years, if not decades, trying to resolve the problems thrown up by that kind of system.

Now the States have voted for a structure which provides, in effect, for seven major Committees – the Senior Committee, Policy & Resources and six Principal policy-making Committees. Seven Committees. And Deputy Wilkie’s Requête proposes that seven Members of the States should be elected on an Island-wide basis. Now my view is that, as sure as night follows day, within one or two electoral cycles the public will believe that the Members they elect on an Island-wide basis should be the Members who lead those seven Committees. That would be to conflate two different issues, because obtaining popular support to sit as a representative in the States is a completely different kettle of fish from obtaining the support of the States to lead a major Committee. I think those two things would be conflated under Deputy Wilkie’s system.

I do think that the best way to proceed here is to reject the Propositions 1 to 3, whether it is Deputy Wilkie’s Requête or Deputy Gillson’s amendment, and to proceed with what is now Proposition 4, which is the review to be carried out in the next term by the States Assembly & Constitution Committee. If we are going to end up in a place where all Members of the States are

420 elected on an Island-wide basis I think, probably, there will have to be split terms, so that perhaps
half the States are elected every two years. Or possibly – and this is perhaps contentious but it
would certainly make the system more workable – the States' terms could go to six years, and a
third of the States could come up for election every two years. Now that would mean only
perhaps 12 or 13 seats coming up for election – and that would be eminently workable.

425 So I think there are better ways of electing all Members on an Island-wide franchise than the
way set out in Deputy Gillson's' amendment, but I do think this amendment is safer than Deputy
Wilkie's Requête, and therefore I will vote for this amendment in order to replace the Propositions
in Deputy Wilkie's Requête.

Thank you, sir.

430 **The Bailiff:** I said I would call Deputy Perrot next, if he still wishes to speak? Yes.

Deputy Perrot: We are not speaking today about Douzaines, but poor Deputy Kuttelwascher
was treated with a degree of contumely when he said that there was no great interest parochially.

435 I have to say that has been my experience on some things. Certainly, I stood for election for
the St Peter Port Douzaine twice in the 70's – once on a by-election – and I know that the way that
I got in was to turn out the people in the upper bar of the Prince of Wales (*laughter*) on the
evening of each election. This is mid-week elections and so there would be relatively few people
in the bar, but each time I came away with overwhelming majorities. (*Laughter*) So I am not sure
there was any great sort of political support in those days, and I think regrettably that the parish
440 support for certain things will only be for *certain* things – one of the worst things we did, I think,
was to do away with Douzaine representatives. (**A Member:** Hear, hear.)

445 Could I also say I deplore this criticism about schools. There was Deputy Fallaize referring in
not terribly pleasant terms, to Deputy Gillson's grammar school education. I mean clearly Deputy
Gillson's problems started in his primary school – (*Laughter*) I do not think we should ascribe them
to grammar school. (*Interjection*)

450 Being, sir, a very, very serious subject, I do not think Island-wide voting will work. There was a
great deal of interest in Island-wide voting, but I do not think that it will work for the whole of the
States, for however many Members we have ... whether we do away with the Alderney
Representatives and merely then have a number of Island-wide Members of the States. I do not
think it is workable and I say that for two reasons. I think that, (1) we were at our limits when
Island-wide voting came in for Conseillers. I was the Chairman of all the hustings meetings and in
those days of course, we were electing 12 Conseiller, and there were obviously very many
candidates. That *just* about worked.

455 I think if we enlarge that, whether it is to 38 or if we do something else in respect of the
Alderney Representatives and increase that to 39 *say*, I just do not think that that would be
workable. So I think that is one practical problem. I also think it would be very regrettable,
because then it would induce another great disconnect with the parish system in the Island.
Maybe I am terribly old fashioned in approving of the parish system, but I do think it has a place
in the way in which we conduct our political affairs.

460 Mr Gillson in moving this amendment says that the States are the ones who make the
decisions, we do not do that through referenda. But actually, of course, the great fashion these
days is to go out to consultation on absolutely *everything*. The only thing that we do not go out to
consultation on at the moment, in accordance with what we are debating today, if we do not have
a referendum, is whether we have constitutional change so far as our electoral system is
465 concerned.

So I think that we ought to go out for a referendum, just to see what people think. I have got
anecdotal evidence, as everybody has, about a wish for there being Island-wide voting, but
whether that is for the *whole* of the States – and I think that would be wrong – or for some
Members of the States, that is moot. I think that that could be established, therefore, by a

470 referendum, and that is why I will be – and having haved a bit – I will be supporting Deputy
Wilkie’s amendment.

There is just one more comment that I would like to make because I want it to be on record.
Deputy Fallaize referred to the odium – he did not use that word – but to his wish that there
475 should not be sheep and goats within this Assembly. Frankly, / think there should be. I think that it
was a very bad day, as well, when we did away with Conseillers, because what we did by having
people who were elected on a different basis and who were elected on a staggered basis every
three years, and therefore were not looking over their shoulders all the time at what the electorate
were saying and what the great *Guernsey Press* were saying ... I think that we had a better system
there. One of the problems now about having, as it were, universal suffrage not distinguishing
480 between Deputies and anybody else, is that we now have a form of populist Government, and I
think that that is bad. In being elected we are here to represent the electorate, we are not here to
be their delegates and I sometimes think that we miss that.

Now, I thank Deputy Gillson for proposing this amendment, but I just think it is wrong, and I
think that the right way to go is to go the Wilkie way and I will speak about that later on.

485

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

My record goes back many years where I fully support Island-wide voting and I remain fully
490 supportive for Island-wide voting, and so therefore it was a great privilege to be able to second
this amendment, when approached by Deputy Gillson.

I will just pick up Deputy Fallaize’s speech because he said about ... well, there were a couple of
things that he said, where he believed we should be supporting this amendment, parts of it, but
he had not realised that it said ‘delete all’. So when you are supporting this amendment it misled
495 you a little bit really, because number 4 will be gone, which was the amendment which was put
forward by SACC because it is actually saying ‘delete all the previous ones’ – (*Interjections*) No?
Have I read it wrong? It says to ‘delete all’ at the top –

The Comptroller: I believe when it was read out the Bailiff had already corrected that orally.
500 You are quite correct, the written version does say that, but there has been an oral correction just
very briefly when it was read out.

Deputy Lowe: I apologise for that, then.

Well I would still delete all anyway, because if you are going to make a decision, make a
505 decision today and stop the lip service of ‘We’ll go out and we’ll have another look at it.’ So I
would recommend that Members support 1 and definitely 3 on the amendment. I am not too
bothered about 2, I would not die in the trenches about it.

I believe the negative approach to how we would have to amend the Reform Law is exactly
that, it is a negative approach. If you really want to do something you do it, and it is not major to
510 amend the Reform Law. Bearing in mind this has come before the States several times now for
Island-wide voting, with just 15 months before an election and we could have amended the
Reform Law. There was no, ‘Oh this is going to be difficult’, or ‘Should we be going backwards and
forwards?’

This Government will make that decision how they want to change a law or not. I do not see it
515 as major, I just believe that we should get on with it – and get on with the full Island-wide voting.
As I say, I have always supported that.

I would like to know why we have got this Requête now. Why now? Why at the 11th hour have
we got this Requête before us? I did not see an amendment from the signatories, where we have
had the report twice this year already, to ask for what they are asking for. So, again, why now?
520 They could have amended it.

We have been out to public consultation; it went out to every household. It is the biggest response we have ever had – the term before last – with nearly 6,000 respondees saying they would like some form of Island-wide voting. So, again, why actually spend time going out, with more expenditure, to ask again?

525 You will all remember you were asked questionnaires by *The Press*, all candidates at the 2012 Election. Did you support Island-wide voting? The majority in this Assembly voted yes, they did. I guess they are now going to have look people in the eye and ask why they voted against once it came to the States during this term, when they clearly said they would, because, the excuses of 'It's too difficult to do', or, 'There are too many candidates, how are we going to read all these

530 manifestos? There might be 80, or there might be 90 manifestos'.

You do not actually say that when you are sending out documents as consultation documents, you expect the public to read those. You can take the latest one, we had the SLAWS document that went out ... everybody has told me, 'Oh, we have done a great job – 300, nearly 400 pages!' You want the public to read that, but you do not want them to read 80 or 90 manifestos.

535 We went out with Education – what was it, nearly about 80 or 90 pages? More than that with the appendices. You wanted them to read that as a discussion document and as a correct part of the questionnaire; but heigh-ho it might be too much for them to ask to read the manifestos. You know and I know, when manifestos come through the door, no matter which parish you are, people go, 'Well, I won't' bother reading that one, I do not like that person, I do not like what they

540 stand for.' They are not necessarily going to read them all anyway. It is a *weak* excuse about how many manifestos there would be.

It is also a weak excuse to turn around and say, 'How will they be distributed?' – because they *can* be distributed, produced *by* this Government rather than through *The Press*, not everybody takes *The Press* that is not the way to get out manifestos, to do that *The Press* will cover the

545 candidates as they have done in the past. It should be a document dedicated to those on the electoral roll, not those who just buy *The Press*. That is not a criticism of *The Press*, because they have done a good job, and they will do a good job again asking Members the same as with the other media. They will be speaking to the candidates and you will all get that opportunity to do your one- or two-minute interviews. That is to be commended – the more that you can get out

550 there to the public the better.

So, there are those ... and unfortunately most on SACC have never supported Island-wide voting, so it is very difficult to actually get a positive, whereas in the last term the majority did, and the tone was slightly different, it was 'can-do' rather than a negative. I accept that that is their opinion, but it is very difficult to put forward reports when you are against something.

555 The Island is nine by five; we are not talking a massive area where, 'Oh it is the populist thing, they won't know me because I haven't been on the Douzaine' ... and all that. What a load of rubbish! Absolute tosh! Because there are people out there who I believe are quite capable and able to read manifestos. They are quite capable and able to read the documents that we send out as questionnaires, and as strategies we want them to read. Yet when it comes to Island-wide

560 voting they are not intelligent enough, or capable enough, to be able to get involved and find out about the candidates, because they have not circulated the documents that they wished to circulate – which I believe we can do properly on an Island-wide basis.

There is the old one again about hustings, 'Well, how are we going to manage with hustings?' Well, be modern; let's do a modern way of dealing with it. Because again we have covered this,

565 and it is recycling speeches over and over again – it gets quite tiring really.

But hustings ... (**Several Members:** Hear, hear.) Let's take the Vale. The Vale has an excellent turnout for hustings – 200 people in there. Right, so let's talk about the Vale – or any parish if you like. Strip out all the candidates that have come around to watch how they are getting on, what questions are being asked; strip out the existing States' Members who go around and see who's

570 standing, and how they are getting on; strip out the family and friends who have come to support those who are at the hustings, and how they are getting on. And you will find a core of parishioners, a small pool of parishioners who have come, rightly so, and to be welcomed – but

the 200 or 300 at the hustings are not all parishioners and it is the same with some of the public meetings we have now.

575 You know and I know there are lots of States' Members that go to the public meetings, it will be in the media, there was a good turnout, there was 50 people and a dog. And you strip that out and you have got the media in there, you have got States' Members in there, who have gone to a public presentation to hear about a report that is coming to the States. (*Interjection*) So, certainly from the hustings point of view, there are ways to do it – in a minute Deputy Bebb.

580 And it was proposed that we could use facilities like Beau Séjour, school halls and there could be the pop-ins where you go to a candidate. You will be invited to go for a whole week, be committed, morning, afternoon, evening; it can be set out, it can be arranged, and anybody can go to those pop-ins at the school halls or at Beau Séjour. They can be – let's get modern – we can actually have hustings and do it on the internet. There is no reason why that cannot be done
585 either, for those who are modern and got social access to social media. Social access because you are going to be sociable that is why I said that one. There are lots of ways to do the hustings.

All right, Deputy Bebb, I will give in and I will let you have a turn.

Deputy Bebb: I thank Deputy Lowe for giving way.

590 She said that, of course, once you strip out all these different people who turn up to the hustings, and making reference to families and friends and so forth, but they are likely to live in the same parish. And is it not correct that if they have previously six or seven, now five or six votes, they are likely to also decide on who else they might vote on? And that indeed, according to the very consultations that we have had, every single person has stated that hustings, in their
595 current format, has been one of the most decisive reasons for them making their decision in an election?

Deputy Lowe: I thank you for that Deputy Bebb. I do not disagree, there are family there who live in the same parish, but equally there are a lot who are not. And I welcome hustings.

600 Hustings are good, but equally, last term and the term before, we went down the route of the pop-in where it would be on a one-to-one, where people would come in and speak to the candidates. It was so popular last term we had to put on another one, so we had three of the pop-ins. At the pop-ins we had a lot more people coming in and out, and we had the hustings as well. So I welcome the hustings and the pop-ins, and for an advert we have already fixed the dates and
605 hours as well for the hustings and the three pop-in sessions for the Vale candidates coming ahead, because we know that is the way to go.

So in this instance as well I say, well done Jersey! Jersey recognise that their public are able and capable, to be able to Island-wide elections. They were not only able to do Island-wide elections in one day, they were able to do the Deputies all in one day, and they were able to do their
610 *Connétables* all in one day – and there was a questionnaire as well, if I remember rightly. Now, I say well done Jersey, because they were able to elect a lot in one day, not that there were selecting ... I do not endorse that they were just selecting some Senators and some Deputies. I believe people should be able to vote for their Government, not part of it, all on the same day. If it was a rollover where it went down like last time, where it used to be six years and it was every
615 three years, I have no problem with that either.

The parish system, of course, is great, and I am a great supporter of the parish system. But equally we have candidates, and indeed existing States' Members, and States' Members before, who are not necessarily from the parish where they live, but they are representing the parish because they are in a different district. And we have also got ... you can stand, as you know, in any
620 parish or district, you have not got to come from there, only your proposer and seconder, which I always find a little bit odd really, but that is the way the system is. Rather than have it free, you can go anywhere and your proposer and seconder can come from anywhere – and I really think that needs to be looked at.

625 There is definitely an element of, people *like* their parish representatives. We had two parishes
last term – I am not sure where we are this term – and they did not actually have anybody from
their actual parish, they had people from the *district* but I think it was the West, where they had six
from St Peter's and one from Torteval, I think. But there was nobody from the Forest ... or it was
one from the Forest and six from St Peter's. So if you are going down the parish route, that has
not always worked anyway, even now under the districts. So again, that is something that is a bit
630 of a red herring, really.

I do not know if I have got too much more say, (*Interjection*) because this was mooted before
about and it is similar to ... Well, it is what the Requête is all about, where you would just elect
seven – and I think Deputy Fallaize used the sheep and goats. Well of course we have gone down
that route before we even get down to the candidates, because for the States' Pay Review which
635 the Members in this Assembly voted for, you have already got a sheep and goats because you feel
that some are going to be paid more than others because of the Committees they are on, as
Committee members, not necessarily as Presidents. So you have got that already, where there is a
sort of better than us, if people want to go down that route. I do not think anybody is better than
that. I do not think anybody in this Assembly is any different. You have all got one vote – one
640 voice, one vote. It does not matter whether you have got a title, which you cannot use like false
title of the Ministers, or it will be Presidents in future, (*Interjection*) you have still only got *one* vote,
and so therefore you are elected, rightly so, to be in this Assembly, to utilise that vote.

I say to you, please support this amendment, and go down the route that will allow people to
be able to elect their Government. And those that said they supported Island-wide voting in 2012,
645 and have voted *against* during this term, here is your get-out-of-jail card. Support the
amendment and go down the route of full Island-wide voting.

The Bailiff: Deputy Domaille.

650 **Deputy Domaille:** Thank you, sir.

I will be very brief because I think this topic has been done to death over years. (**Several
Members:** Hear, hear.) I echo entirely the comments of Deputy Parkinson and Deputy Fallaize. I
would merely add that I think it must be wrong for anybody to support *any* amendment that they
do not believe will work.

655 So if you believe Island-wide voting across the whole Island will work with all the things we
have been talking about, then of course vote for the amendment. But if you do not believe that
full Island-wide voting will work, then you should vote against the amendment.

This is far too important a topic to play games with – or 'We'll make it fail', or whatever. (**A
Member:** Hear, hear.) This is the Island's democracy, it needs proper thought, it needs proper
660 consideration and we should wait for SACC to come back, as they have been charged to do, and
come back with a practical workable system which I believe will be carried by any future States.

Thank you, sir.

A Member: Hear, hear.

665

The Bailiff: Deputy Wilkie.

Deputy Bebb: Sorry, could I just seek some clarification?

Are we just debating the amendment, or are we running the amendment – ?

670

The Bailiff: I think, as I said yesterday, it seems to me it would be very difficult to and it is
quite clear from some of the speeches we have heard we are debating both, and even some
subjects that are nothing to do with either of them! (*Laughter*)

But yes, I think it is unavoidable that people will go into general debate.

675

Deputy Wilkie.

Deputy Wilkie: Thank you, sir.

The only way I can understand the logic behind this amendment is that it was written with the clear objective of there being no form of Island-wide voting. To propose a type of Island-wide voting that has been thoroughly tested by this Assembly and found wanting, and soundly
680 defeated, makes no sense.

If you truly wanted Island-wide voting, why would you pick a type that had no prospect of success? We simply do not have a proven practical method for delivering all Island-wide voting. We do have one for a *partial* system of Island-wide voting.

Furthermore, in Proposition 2 it then suggests that when this *unworkable* form of Island-wide
685 voting fails, as you know it will, it will revert back to the system you really want, which is the *status quo*. Many of the speakers in favour of this amendment, we know are against Island-wide voting.

Sir, I have read this amendment over and over to see if I am missing something, but I am not. This is simply a wrecking amendment – and it is not a very subtle one at that.

A vote for this amendment is a vote *against* Island-wide voting. It does not learn any lessons
690 from the last debate, it is not progressing the arguments. It is not using logical analysis of the facts. I cannot support this amendment and I ask Members to give it the short shrift that it deserves.

Thank you, sir.

695 **The Bailiff:** Deputy Hadley.

Deputy Hadley: Mr Bailiff.

I could not disagree with the last speaker more. I do believe that Island-wide voting *will* work and some of the objections against it seem to me to be very strange.

700 The Island of Guernsey is much smaller than a parliamentary seat in the United Kingdom, not only in terms of the number of electors – I think it is something like 100,000 for a parliamentary seat in the United Kingdom – but also in the size. And anyone that has fought a parliamentary election in the UK has to get used to the idea that he is travelling across a constituency of a hundred miles, or several hundred miles. (*Interjection*)

705 It has been suggested that – I am not giving way, I am sorry – the Electoral Reform Society is saying that a system of Island-wide voting on this Island will not work. Well, in fact I rang Stuart Stoner who was the Parliamentary Officer. On the first occasion I spoke to him ... I had to speak to somebody else, *tried* to speak to him. To a large extent it is a matter of opinion. There is not the hard evidence that Island-wide voting will not work on this Island. The Electoral Reform Society
710 has *not* got the evidence that it will not work.

Again, it is situation where people who do not understand the Island – and I know one of the speakers has made this point – try and tell us what will work in Guernsey. Guernsey is a very unique place to live and a lot of the things that we have developed on-Island are very much
715 unique.

I do believe that once we have Island-wide voting, in a simple form, as this amendment is proposing, it will persist. It is a practical situation. Deputy Lowe has said we have had extensive consultation, we do know that the public want Island-wide voting and all that is going to happen, if we are not very careful, is that people will keep saying, 'Well, this is not a practical way of doing it; there is another way of doing it.' Well there is not, and until we actually try it we will not know.

720 One of the issues I hope – if this amendment is successful – the new Assembly will look at is using the system of a single transferable vote. In my opinion that would make Island-wide voting work very well. The worry I think with the current system is that people, if they have got a fixed number of votes, think, 'Well I have got to use all of these votes.'

It happens at our elections now and it does not always give the result that people want.

725

Deputy Bebb: Point of correction.

Actually we know from evidence that the majority of people who vote do not utilise every single one of their votes.

730 **Deputy Hadley:** Thank you for that correction.

If there is a single transferable vote, which is used in National Assembly elections in the United Kingdom and local elections in Northern Ireland and Scotland, quite successfully, it gets rid of some of the objections – because it means that *all* the elector has to do is to rank the candidates in order of preference. If there are a large number of candidates they probably will not be
735 interested in more than a small proportion of those candidates. They list them in order of preference, every vote that they are placing counts; if they vote for a no hoper, then their second preference is used. And it is the fairest system of having, I think, a system for Island-wide voting. Not everybody agrees with me, but I do hope that that is something that will be considered, if this amendment is successful.

740 So I do urge Members to, at last, vote for Island-wide voting in its simplest form, rather than mess around with permutations, so that the Island can have what it wants – a system of Island-wide voting.

The Bailiff: Deputy Gollop.

745 **Deputy Gollop:** Yes, Deputy Parkinson wittily said earlier, that doubtless we will hear all the arguments at length today, and it is very tempting to go down that direction.

I have to say, I had an early morning conversation with my mother – who was shocked to hear we were still in the Chamber – and I described Deputy Kuttelwascher as a ray of sunshine, brightening up our lives, and he has done so today with, I think, quite a powerful speech. I would, however, argue that the parishes are different and have different reactions in different places. And that perhaps it is not just flowers but we look at improvements for everything from War Memorials to other areas. But the parishes have their place and I was thinking yesterday that we would not really want the Douzaine representatives back again, because it very much was ... I
750 could have imagined some of the debates we had yesterday, in which everyone would have got up and said, 'My Douzaine supported this ... ' or did not support that. We move on, we evolve.

Now, looking across to see Deputy Lowe and listening to her speak, she like Deputy Perrot from 1997 – 1994, apologies – remembers the old Conseiller system, and I believe Deputy Lowe is currently the only Member of this States who has *been* a Conseiller and got an Island-wide
760 mandate with a near-top placing in every parish. And in Alderney I think we forget sometimes when we look at these systems, that in the 1990's, as Deputy Perrot will recall, he had the opportunity to Chair a hustings meeting in Alderney, because it was decided in those days that whereas the old Conseillers, the venerable Conseillers who were selected because of their merits to sit on the upper bench, were replaced by Island-wide winners, the States of Alderney
765 representatives had the opportunity to elect those men and women. So it was decided that Alderney should have that right extended to the entire populace. And bearing in mind their close fiscal and policy relationship with this Assembly, I think there is merit to arguably include Alderney in some way.

I actually came into the Assembly yesterday supporting Deputy Wilkie's Requête, for many
770 reasons, but I am willing to change my mind because of the speeches we have heard today and the general feeling. Deputy Wilkie's Proposition is not quite the same model as Deputy Perrot and others might recall, it is different in a number of pertinent ways – and here the history is relevant. Deputy Fallaize was absolutely correct when he identified that in the 1990's there was a depressingly low turnout for a Conseiller by-election and a Conseiller general election.

775 One of the reasons for that was we made a mistake – or rather my predecessors made a mistake. They did what they felt was right at the time, but hindsight proved them wrong. It was considered useful in order to conserve continuity and encourage existing incumbents to stand for the position of Conseiller, to restrict the office to persons who had served at least 30 months as

780 Members of the Assembly – which was virtually a full term in those days. As a consequence the
candidature was limited, far more limited than in Jersey, and so for example when a by-election
occurred mid-term, only a States' Member who had recently lost their seat, and a States' Members
who wanted an Island-wide mandate, chose to stand. And although there may have been
26 candidates for 12 places, forcing Douzaines to count well into the early hours of the morning,
785 there could not really have been more than 26 because it was closed to persons who wanted to
stand but had not already been States' Members. It was banned to new people. That is not how
Jersey ran it and it is not how Jersey runs it today, and it does restrict candidature. Of course, it
puts the electorate off because they think to themselves 'I have really no choice'.

The other thing that is significantly different was in those days you had a double jeopardy: if
you stood for the Island-wide mandate and you were not successful, but you had raised your
790 profile and made a good showing at all the hustings etc., you had a very good chance to succeed
in the Deputies election a few weeks later. This would be on the same day. I have seen, from a
distance, this happen in Jersey twice. I am not sure I would recommend it wholeheartedly, because
you lose good people that way.

I cannot quite see where we would get seven or more people to stand Island-wide, when there
795 would still be a tactical advantage to stand in the districts. If you look at on a risk basis, let's
imagine you had just seven seats Island-wide, that could be seven poll-toppers from the other
seven districts, and with new candidates there is little margin for error. I mean proportionately you
would have seven Island-wide and that leaves 31 from the districts. If you do the maths you are
more likely to have a proportional better chance from the districts, because you might face less
800 rigorous competition.

If I *was* to support Deputy Wilkie's option, I think it would be easier and mathematically more
sensible – and proportionately more sensible actually – to go for a model of say 28 Deputies and
10 Island-wide. I do not think we should presume we will have 38 Members in the 2020 or the
2024 Assemblies. It is more likely than not that we will consider reducing the number of Deputies
805 again, and that would of course strengthen the arguments for the Gillson view – 38 to my mind is
not a particularly rational number, but it is the number we have agreed at.

The Island-wide system fell into ... I would not say it fell into disrepute, but it was unpopular in
some quarters. Partly because the turnout was low and partly because some Members of the
Assembly did not like the results, I would suggest. And of course, we did have the sheep and
810 goats problem. I would argue we still *do* because we still have a divide in our furniture that we see
– we get those on the upper bench and those who do not sit on the upper bench. But that is a
minor point.

I think the reason why I am changing my mind to support the Gillson amendment is I think
that fits more comfortably with where the majority of the States are at. I think it resolves several
815 problems with the Wilkie model. The first would be the itsy-bitsy problem of, do you stand Island-
wide or do you stand in a district? The second problem being that people who complain about
the current system mostly complain about the current system, not because they do not have a
chance to select their leaders, but because they want to vote *against* somebody or *for* somebody,
and if it is in districts you have only got a one seventh chance of doing that.

820 Also my experience, this is a personal perception, of the last Jersey election was that it turned
out to be quite a decisive 'canonisation' of the Government. The Ministers who stood were
comfortably re-elected for the most part. Maybe that is a good thing, maybe that gives decisive
politics – maybe it is not, it is not for me to say. But a system whereby we voted for everybody on
a level playing field would be more interesting.

825 I will just conclude by saying we had an earlier little walk around the park about what Deputy
Kuttelwascher had for breakfast. I would say, if Deputy Le Tocq and Deputy Wilkie know this too, I
had some fruit etc. and I went to the Ted-Ex breakfast from the Act of Kindness group, who are
having a conference this week. We had one interesting speaker there who has worked in America
and Argentina who is looking at new models of democracy involving the latest cyber technology
830 'digi-greenhouse' kind of ideas, and electronic voting.

I think over time we could probably come up with a better way of electing, let's say 38 Deputies, than the vision of Mrs Le Page from Torteval or wherever she lives, going to a polling booth and taking out a sheet of 80 papers and having to put in 38 crosses. So I am confident – and Deputy Gillson knows more about technology than I ever will – that we *can* find better systems. So we should not be distracted with the problems we might have had 10 years ago, I think there are better ways of achieving this. We can bring greater diversity with that system because people will be able to pick and choose people across social gender, and other borders.

So let's give the Gillson amendment a go, and if it does not succeed I will vote for the Wilkie Requête.

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you.

I really cannot believe how entangled we get in this Assembly (**Two Members:** Hear, hear.) with this issue, to be honest. I thought, naively, as a political *ingénue* that I am, that this issue had been put to bed to some extent until the next political term – but clearly not.

In terms of the Deputy Gillson amendment, I am not against the amendment in principle and I do think that you can exaggerate the practical issues with it. At the end of the day with that system, whatever the practical challenges, you will still end up with a Government being formed – and that is what this is all about, we will still have the numbers elected into Government. And it will still be a matter of the electorate's choice, in terms of who those people are. It is undoubtedly the case, and Deputy Gollop just touched on this, that that kind of model that Deputy Gillson is suggesting would work better with many fewer Deputies – and I think it is inevitable that we are going in that direction of fewer Deputies in any event. I think the reduction that we have made for this election coming in April is a first stage of a process which will result in many fewer Deputies.

The other issue, of course, is political parties, which again is unfinished business; which I think again, within the next term and within the next term after that, you will see movement on that. I am absolutely convinced of that. That is speculation on my part but I believe it genuinely to be the case, and so against that backdrop there is a certain logic in Deputy Gillson's amendment.

However, to touch very briefly on the Requête which Deputy Wilkie has laid before us, there is clearly a lot to be said for that in terms of the importance of the parish link, which is important, I have a great deal of respect for the parish system in our Island. It would preserve the hustings, one way or the other, by having a split; and I had some sympathy with what Deputy Perrot was saying before about the fact that there may be more than one class of representative in this Assembly as not being a bad thing. I do not think that necessarily is a bad thing. I think my overriding concern here is that both the amendment and the Requête are inconsistent with a decision that the States has already made and that's the resolution from 9th July of last year and I cannot really get much further from that.

But essentially there are three points I think I really want to make, which are: firstly, it is fair to say that in both the amendment and the in the Requête there is no real fresh thinking in any of this, it is a re-hash of ideas that have been around for a long time. That does not mean that it is necessarily a criticism, but there is not much fresh thinking in this. That was the whole point of the amendment that I moved in July of last year, along with Deputy Laurie Queripel. Of course, some people did not like that because it is just kicking it down the road and asking for yet another review, and I can see that. But the whole idea of that and the whole thrust of that amendment that we moved – which was passed by a pretty big majority, sir, if my memory serves, I forget the numbers exactly, but there were only about 8 or 10 who voted *contre* – was to try to get some fresh thinking. And it might be that that is again a bit of naivety on my part, but that was the intention, to try to look at it again and try to actually innovate somehow in this area, rather than just going over the same old things again and again.

But I do think, on balance, I have more sympathy with the Requête that Deputy Wilkie is laying before the States, rather than the amendment. And I say that because if you start with the model

885 that Deputy Wilkie is suggesting, along with his fellow *requérants*, there is undoubtedly the case
that in any matter of constitutional reform an evolutionary process is better than a more radical or
revolutionary approach. If you have the Wilkie model, if I can call it that, which is a split model of
Island representatives plus parochial parish Deputies, if it becomes clear from the level of turnout
and the level of interest and the level of engagement of the electorate in elections under that
system, then it will always be open to the States to go further with more radical options in the
future. But whether you go straight to the most radical option now is not necessarily good
890 government, and it is not necessarily the right way to approach constitutional reform, which in
Guernsey more than probably any other place in Western Europe is based on slow, gradual,
evolutionary change and there is a powerful argument for that, I think. One step at a time, you do
not go straight to the most radical solution, you get there slowly over time and by doing that you
actually avoid many of the mistakes that other jurisdictions make.

895 The third point – and this is the final point – was just in response to something that Deputy
Kuttelwascher said, when he spoke. I just thought it helpful to remind Members of what they
voted for by a large majority in July of last year, because the direction to the States' Assembly &
Constitution Committee was not just on Island-wide voting it was wider than that. It was to:

consider and investigate a range of workable methods of electing Peoples' Deputies' including the possibility of all or
some Deputies being elected in a single electoral district; the possibility of all Deputies being elected in fewer districts
than at present.

900 The possibility of all Deputies being elected in *fewer* districts than at present and I still think
that that may well be the key to all of this, (*Interjection*) and also

... the option of single transferable votes for Guernsey elections.

– which is what Deputy Hadley mentioned a moment ago; as well as the issue of the
referendum.

905 But the bottom line is, sir, the Resolution that we have from July of last year is wider than
purely the issue of a full Island-wide voting system or a partial system. Therefore I would just
remind Members is it appropriate, necessarily, to do something today that is inconsistent with
what we have done already? But on balance I think I am probably more persuaded by the original
Propositions of the Requête, rather than the Deputy Gillson amendment.

The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you, sir.

I am assuming we are in general debate, sir? I was going to wait until we had general debate,
but we are running that now, sir.

915 **The Bailiff:** If you are not going to speak on the amendment as well, people are speaking on
the amendment and in general debate, yes.

Deputy Brouard: Thank you.

920 I do have some sympathies for Island-wide voting and I can see some of the good things
about that, but some of the problems I think are with what Deputy Fallaize raised earlier today,
which was the sheep and goats issue. I think if people are voting Island-wide they will expect –
especially if it is on a partial Island-wide vote – those people to take high office. The States may
not necessarily feel that same way inclined and then you are going to have a disconnect that
some have been put into the States on a very populist high mandate and then they find
925 themselves perhaps as a backbencher for three or four, or whatever number of years. I think that
is a serious problem that we need to look at.

I think of the best speeches today was Deputy Gollop, whose knowledge on the election ... and
I had not realised some of the Conseillers had a particular caveat that they had to fulfil before

930 they could stand on the Island-wide mandate – and he very kindly reminded us of that. But I think he raised the other issue of the double jeopardy.

We are not a country of 60 million people with a lot of talent to choose from. So if, with Deputy Wilkie's amendment, we are going to try and almost force our best candidates to stand Island-wide to get the mandate to take the top jobs, the jeopardy for them will be that they have no other place to go until the next Island-wide election. I think that is a problem for me.

935 So I would like, if we are going to have some candidates as the *requérants* are proposing, I think you then need to have the local elections following some months later, to give an opportunity for those really good candidates who just missed out on an Island-wide franchise, to be able to still come into the Assembly, because we have not necessarily got all the skills we need – or at least we have a better chance of having the best skills in the Assembly by having a wider audience.

940 I think also there is a very strong feeling, certainly in the upper parishes, for having representatives in the Assembly. I am not sure how the Island would work if Vale and St Sampson's, for instance, have no candidates in this Assembly for four years. It is a possibility. (*Interjection*) It is also a possibility that St Saviour does not, or Torteval does not, or some of the others. But there is that issue of how you overcome that.

945 The difficulty I have is that in the back of my mind we have the Green/Queripel July 2015 amendment still in play until we decide today to overtop that. So on balance, sir, I think I am going to have to say no to Deputy Gillson's amendment, I think that is going too far too quick. And even the people who are proposing it are saying it will not work – and I think Deputy Dorey's words are very key here. Why should we risk our electoral system on that?

950 Deputy Wilkie, although I have a lot of sympathy for it, the idea of a double jeopardy does not work. But I do like what we already have in play, the July 2015 Queripel/Green amendment, which hopefully may come up with answering some of those problems of the double jeopardy, maybe it is a time thing, maybe we need a six year term for those on Island-wide, and maybe they need to be standing in elections every three years to fulfil that – so half the Assembly, or quarter of the Assembly, or whatever. I think that needs to be looked at, sir.

So on balance, I am afraid I will not be able vote for either the amendment or for the main Proposition, and rely on the Green amendment from last year.

I thank Deputy Gollop as well for a very good speech.

960 Thank you, sir.

The Bailiff: Deputy Stewart:

Deputy Stewart: Mr Bailiff.

965 Actually, there is something really quite appealing, isn't there, about Deputy Gillson's – what I would call – his 2020 vision? And we have had a few of those, but this is a vision for 2020.

970 When, often, I am in meetings with the Chairman of the GFSC and we are discussing something, and he just comes out with the word 'Nike', and when he says 'Nike' what he actually means is just do it. I think the difficulty is whatever electoral system we have – and I am not as knowledgeable as Deputy Gollop, or Deputy Fallaize on that subject – but I hear all the complications around Reform Law and everything like that. But I think, anecdotally, and perhaps a little stronger than that, when we see a lot of the comment on social media, there clearly is a demand from the public, and has been for many, many years, to have some form of Island-wide voting. I think I have always been in favour but everyone has come back and said, 'Oh it is too difficult, and we get the head of complications in here' and 'Oh we can't do it because of this, and we can't do it before that'.

975 Well, this appeals because it is nice and simple isn't it? Nike. Let's just do it, because whatever electoral system we have it is never going to be perfect. They are still talking about proportional representation in the UK and whatever we have is not going to be perfect. But clearly there is a demand and clearly when you look at the quality of candidates we have got in St Sampson's, four

Ministers, one ex Chief Minister, one ex Treasury Minister – in fact, sir, the only Chief Minister to do a full term in St Sampson's. *(Laughter)* And you can understand the fact that some people in other parishes might not feel that they really have a vote, if they do not have a choice of candidates that. I jest in that but, you can see –

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A Member: You know you didn't!

Deputy Stewart: No, I didn't – but you can see the appeal. So for me this is so straightforward, so simple, I would just join with the Chairman of the GFSC ... let's have a Nike moment, let's just do it. And I am going to support this amendment.

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The Bailiff: Deputy Harwood has been waiting quite a while.

Deputy Harwood: Thank you, sir.

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First of all can I congratulate Deputy Gillson – farewell Saul, welcome Paul – on his conversion.

Sir, to extend the medical analogy that Deputy Gillson referred to, he talked about the gaping wound, you could actually attribute to his amendment, actually this is an opportunity to lance the boil or bite the bullet. As Deputy Stewart said, this actually gives some certainty.

Can I say at the outset, sir, I believe this States should stick by the original proposal it passed last year and actually let SACC, or its successor, come back to this Assembly with detailed, properly thought-out proposals. That I think is the correct approach, and that is the approach that I still believe.

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So I am therefore faced with the situation of the two alternatives that are now before this Assembly, which is the one that I could live with, if in fact the States do decide to go with rejecting the 2015 situation and actually say, 'No, we want to go ahead and do something'? On that basis, sir, I have to say that I would support the Gillson amendment. I actually genuinely believe with the Gillson amendment we can make Island-wide voting across the entire Island work. I am not in the negative camp of saying I want it because I do not think it will work. Actually, I believe we can do it.

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Technology has moved on during this term alone. In 2007 the Electoral Reform Society ... that is over 10 years ago, and by the time we come up to 2020 that will be 13 years history . We have to accept that technology has moved on and I believe that technology can address a number of the problems that I certainly recognised at the outset. When I was first asked, as a potential candidate, am I in favour of Island-wide voting? Yes, I had no objection to Island-wide voting, my concern was the practicalities. But I have to acknowledge that I think a lot of the practicalities can now be addressed.

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I will speak also generally in relation to the Wilkie Requête. I would have difficulties with that: (a) because I endorse Deputy Fallaize's comments, to go back to a 'them and us', the assumption being that those who are elected in the Island-wide constituency can assume a superior mandate over those who are elected in the other districts, I think would be very divisive. I do not accept this as a toe in the water.

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Can I also ask – and perhaps Deputy Wilkie will address this when he closes – but the issue about the referendum ... and with due respect Deputy Perrot, I think, was saying we can consult on everything, and he was perhaps conflating the idea of a referendum with a consultation. Well, Jersey have tried that and we know the fatal consequences of their attempt at a referendum which had multiple choices. The referendum that Deputy Wilkie and the *requérants* are suggesting is one that says, 'We will offer you Island-wide with one constituency only.' Now there are a lot of people out there who are not going to be satisfied with that – are they going to be asked then, yes or no? Because if you have a referendum you cannot have a middle ground, you cannot just say, 'Well actually I do not like either of those, and I want something else.'

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If you go down a referendum route, you have to be very clear with the question that you ask. And, therefore, on balance I cannot support the Propositions of the Wilkie Requête.

1035 If the States are going to vote against continuing the work that the next SACC will continue, the best of the alternative I would live with, I think, is the Gillson amendment. So I will be supporting the Gillson amendment but actually on the basis that I really want the States to stick to its guns, and allow SACC to come back with a *detailed* Proposition. As Deputy Green has said, there could be a number of different permutations which actually may be far more workable and actually achieve what people really want.

Thank you, sir.

1040 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

1045 I am going to support this amendment. Not one of my colleagues who are opposed to comprehensive Island-wide voting has ever explained why they are so afraid of it, and I really wish ... Deputy Bebb says he has, sir. (*Interjection*)

1050 I really wish somebody would tell me *why* they are so afraid of it. I do not remember Deputy Bebb saying that, sir, so I apologise to Deputy Bebb. But voting in favour of this amendment surely will result in comprehensive Island-wide voting. We often hear Members talk in this Chamber of freedom of speech, freedom of choice, and democracy. Well surely here we have the opportunity to truly attain all of these.

I do not believe it is a wrecking amendment as some speakers have suggested – and some speakers have inferred that this amendment is an experiment. Proposition 2 reads as follows:

... unless the States shall have resolved that the same or an alternative system of election on an island-wide basis shall be continued ...

1055 So I do not really see that as an experiment, sir, I see it as a positive step in the right direction. But to colleagues who do consider the amendment to be an experiment, I think they should give a lot more thought to the possible outcome if the amendment succeeds. Because out of all the hundreds of Islanders I have spoken to about Island-wide voting over the last few years, the vast majority have told me that not only do they *want* Island-wide voting, but they are not going to vote unless they *get* it. So surely we should be doing our utmost to encourage our fellow Islanders to take more of an interest in local politics.

1060 I truly believe that if this amendment succeeds and the Reform Law is changed, that thousands more of our fellow Islanders will actually turn out to vote in the 2020 Election. So I urge colleagues to be more proactive and support an amendment that surely makes perfect sense.

1065 Just to move on to the Requête itself, sir, I would much rather just vote against it than speak against it, but if I do not explain why I am voting against it Deputy Wilkie will only stop me in the corridor later and third-degree me. So to save all that time I think it is best to spend a moment or two now explaining why I cannot support the Requête. And the reason I cannot support the Requête is because I think it is a complete waste of time and money.

1070 It will result in a complete waste of Law Officers' time and everyone else involved in organising the referendum, and consequently end up being a complete waste of taxpayers' money because the vast majority of Islanders want comprehensive Island-wide voting. They are not interested in *partial* Island-wide voting. I hear what they are saying and I listen to what they are saying, which is why I am supporting the Gillson and Lowe amendment.

1075 So I hope I have made that clear to Deputy Wilkie, sir, because I hope he does not feel he needs to stop me in the corridor, because if he does, sir –

Deputy Wilkie: Point of correction, sir.

I will not be stopping Deputy Queripel at any time – (*Laughter and interjection*)

1080 **Deputy Lester Queripel:** Because if he did, sir, that would just be tedious repetition.

Thank you, sir. (*Laughter*)

The Bailiff: Deputy Inglis.

Deputy Inglis: Thank you, sir.

1085 I will make this brief because we are all hearing the things that we know that we find difficult in supporting this Requête. I very much like this amendment.

Very much on the experience I have had, like many of us during the last canvassing around our districts and especially in the West – we have very proactive individuals who do question you about your views. And, like everyone else, the biggest question was Island-wide voting. Now my answer to that was, in principle I do agree with Island-wide voting but the mechanism just is not right at the time.

1090 I said as well, the first thing we need to do is reduce the number of States' Members. Now we have done that and I think that is a very proactive approach to reacting to voters' requests. So we have done that, but we do not know how it is going to work within the new Committee system. Taking the lead in time for the 2020 Election, I think that will give us enough time to analyse the procedure that we see as being the best mechanism for Island-wide voting. So from that point of view I am very supportive of this.

1095 Deputy Wilkie and I are members of the Douzaine in Torteval and we sit next to each other so we will not be able to avoid each other when it comes to discussing this outside of the Assembly. Having said that, the Douzaine in Torteval is not supportive of Island-wide voting, based on Deputy Wilkie's Requête. So there are hearts and minds out there that do need addressing and change to make it a reality. But the simplicity of this amendment, sir, I find very attractive.

Deputy Harwood made a very good point in terms of what can come out of this. It is very simple, it clearly says that we will have an Island-wide vote in 2020 – and that is really what the electorate want to hear. Whilst Deputy Wilkie's Requête is good in its approach, it will cost the taxpayer a lot of money – and that I find unpalatable in the light of various things that have gone on previously, and the struggles various Departments had in achieving budgets for very important applications.

1105 So, with that in mind I will be supporting this amendment.

1110 Thank you, sir.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

1115 Members, the last time we actually debated Island-wide voting, I made reference to that Tosca that jumped over the parapet and reappeared a number of times because of the trampoline. Unfortunately, she is still jumping (*Laughter*) and it is not funny anymore, it is actually tedious. And I think that it is time we actually put this to bed.

1120 There is an amendment which I opposed, but what did pass was to actually ask SACC to look into it. Do we *really* need to be deciding again on this issue? Why does it keep appearing? The cynic in me believes that this is actually electioneering. (**Several Members:** Ooh!) I am sorry that my opinion seems to offend so many, (*Laughter*) but it is my opinion and I am afraid that just as I keep hearing people say it is what the people want, it is also a fairly widely-held opinion out in the public. But I think that this narrative of, 'It's what the people want', is also quite repulsive. 1125 (*Laughter and interjection*) It is not necessarily what the people want, it is what the background noise is, on a regular basis from a small but very vociferous crowd.

If we take a look at our Agenda for today, let's think what the chattering classes would have made of it. (*Interjection*) First of all the Milk Control would not have passed, because apparently according to a huge campaign on Facebook we have banned imports of *all* forms of milk including lactose-intolerant, goats' milk, soya milk ... we would not have passed it.

1130 Let's take a look at what else we would not have passed. There is the Organisation of States' Affairs, some people would not have actually wanted any of that passed. (**A Member:** Shame.) Let's take a look at the reports the Financial Relationship between Guernsey and Alderney: I saw

1135 an awful lot of people comment on the fact that they think it should go to the same system as Sark. Do we think that would have been a good idea? Do we think that a review of Public Sector Pensions, which I know regularly comes up when you look at the comments pages of *The Guernsey Press* and apparently we should not be paying *any* pension to our civil servants. Do we think that is honestly a good idea? Is that what the people want, and therefore we should *do* it?

1140 Do we think that the Supported Living and Ageing Well Strategy, which was passed virtually unamended and with full support from this Assembly ... there was horror that some people might have to sell their houses, that would not have passed. Should we have done that?

1145 This narrative, 'It's what the people want'. It is *not*, it is what a very vociferous group of people who have a continuous running sore seem to be arguing most about. The interesting thing is that when I confront a lot of these people and I show them what Island-wide voting looks like, they run scared of it. I could not believe that the very helpful A4 piece of paper with 90-odd Members' names on it that was produced as part of the report ... when I say to be people who want Island-wide voting, 'Is this what you want?' The answer is, 'Oh no, I don't want that!' Well, exactly. They do not want Island-wide voting.

1150 The problem we have is that Island-wide voting has become a *cause celebre* for Deputies who are too lazy to point out the failings in this puerile argument that what the people want (*Laughter*) is somehow good. (*Interjections*) I have to say it is unbelievable! Let's also think of what Island-wide voting according to the Gillson amendment would achieve.

1155 The one thing that we know ... and I think Deputy Hadley was disingenuous in his claim that Guernsey is smaller than a Westminster district. In case Deputy Hadley did not realise when it comes to Westminster elections there is rarely more than 10 candidates standing, and the vast majority of people who vote will not look at a single manifesto because they are lifelong supporters of one party or another; (**A Member:** That's true) and it does not matter what, as my grandmother who is great liberal used to say, 'It doesn't matter if you had a washing line up for election, if it had a red rosette in the valleys it would get elected'. (*Laughter*) And that is true! To make the comparison between Guernsey and the UK is wholly disingenuous.

1160 We have so many people who are asking for greater engagement with the public in elections, and yet we know that the system that is being proposed by the Requête – of having a Conseillers-type system – resulted in a lower turnout. That is *known*. Deputy Gollop did make mention of the fact that there were some changes, but it is known that when it was an Island-wide it was regularly a lower turnout. We know that. When we look at the system that is being proposed by the Gillson amendment I have to ask what do we actually know about it? Well, we know that a company called Submarine ran a parallel election online and there were two people that came out top of the poll – it was not 2012, it was in 2008 – and the two people that came out *hugely* above everybody else were Deputy Gollop and Deputy Parkinson. Everybody else trundled in the middle.

1170 But the one thing that was obvious was that sitting Deputies would have been re-elected. Therefore those of us in this Chamber would have a vested interest in having Deputy Gillson's amendment passed. If your aim is re-election, Deputy Gillson's amendment is the way to ensure that you are re-elected right through until you choose not to stand. Is that good for democracy? We talk about people who want to engage more and yet we keep talking about people making suggestions of single transferable votes. How on earth are we going to have a single transferable vote when you have got 38 votes? The whole system becomes madness.

1175 Now, the other thing is that people make mention of St Peter Port as not being particularly parochial – indeed it is not. But I would also say that the Douzaine and the Constable of St Peter Port, have regularly said, 'We do not know why we help the States out with their election, because they do not help us out with the Douzaine elections.' Remove that parish link and I can guarantee you that there would be a clamour to say, 'We will *not* assist in elections for the States any more'

1180 So the actual question of how much the elections will cost will inevitably rise. There is a deep desire within some Douzaines, already, not to assist the States in the elections; and we have to ask ourselves when it comes to the counting, I do not even want to consider the problems that would

1185 be caused by that ... and the amount of people that would be required if Deputy Gillson's amendment was to be passed. Therefore I have to ask, what do we think is possible?

Now, Deputy Wilkie has actually produced a Requête with the only *workable* option. There is no doubting it. I oppose Island-wide voting, everybody knows that I oppose Island-wide voting; but Deputy Gillson's, I would argue, actually goes according to the Election Review Committee.
1190 This States of Guernsey probably would constitute an election that was not fair.

Now, I have to ask you when we pass laws – and there would be a need to amend the Reform Law here – do we think that sending the Reform Law to Her Majesty suggesting to her that we adopt the same election system as the Central African Republic is something that Her Majesty and Council is going to think, 'Do you know what, this is a jolly good idea! Yes, of course, Guernsey.' It raises very, very serious questions as to whether or not we are a mature democracy.
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When it comes to Deputy Wilkie's original Requête idea we know that it can work, and we know that it has actually operated and you can form a Government. But we also know, to be honest, that those people who are elected as Conseillers tended to be more populist. And I would argue that I do not think that we need more populist opinions here, because populism is what would not have led to the Milk Ordinance being passed. Populism is what would have actually followed towards the SLAWS being rejected.
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I have to ask, what are we trying to achieve? The greatest achievement we can do in democracy is try to engage with people more. Both the original Requête *and* the Gillson amendment would deny people the opportunity to engage in that democracy.
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In the last election in 2012, in St Peter Port North we had 14 candidates for seven seats. There were a number of houses and flats that had signs on their doors saying, 'No candidates'. They had had enough of 14 people knocking on their doors. Now, do not imagine that you improve the situation by giving the option of 90 people to go knocking on doors. Do not imagine that you assist things by having to increase to have two electoral districts. How many of those who would be standing in the election wide district, would want to go knocking on as many doors as possible? And aren't they more likely to go knocking on the doors where it is easier to canvass, such as in The Vale where there is a much larger amount of people that would be on the electoral roll, than in St Peter Port – where we know we have an issue because people do *not* enrol on the electoral roll?
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So do we skewer the whole politics, that things become much more Vale-centric? It is quite probable that we would and that is not exactly assisting democracy. We are not actually engaging with people, we would see less people as is evidenced from our past history, that we know that we would have less people turning out. And to say that it is okay because, on the back of having less people turning out the people got what they want, is somehow to excuse that action and is shameful.
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Furthermore, I am astonished that when we were talking about the Domestic Abuse Strategy there was *outrage* at the idea that we might just reserve a little more money towards a strategy that is affecting people today; that we would take money away from the Reserve in order to deal with women that had been battered and children that are suffering on occasion – as was reported yesterday in the National News – post-traumatic stress disorder. Children who will go on to be perpetrators. There was outrage that we might spend some of the Budget Reserve on that.
1225

But today, on the back of this Requête, there is an expectation there would be a need to spend between £250,000 and £400,000 out of the Budget Reserve – and not *one* person has said that this is actually unreasonable. The message we are sending out is that it is fine to batter women but it is not fine if we do not get Island-wide voting. The priorities in relation to our expenditure does send a message out.
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I have to say, are we honestly going to spend money in order to devise a system in order to hold a referendum, when we know from the experience of Jersey where the referendum held on reforming the membership of their States went to a referendum, came back to the States of Jersey and they did nothing with it. We know that it could be for nothing. Do we honestly think that that is a good way of expending money? Up to £400,000!
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1240 Members, this debate is descending into what people feel they want, rather than resolving an issue. Do we have an issue with the way that this States is constituted? Not really, no. Nobody is saying that the system we have today is not democratic. What we are trying to resolve is an emotion. Are we therefore to jeopardise our democracy and our system of election, on the back of trying to resolve someone's feelings? Strangely enough I do not think that that is a good enough reason to be jeopardising our democracy.

1245 It is time for us to simply put this to bed. There has been an amendment that was passed in order to investigate the whole thing all over again, which will ensure that this thing will be debated once again in the next States. I have read a list as long as my arm on the occasions that we have debated it in this Assembly, and four times in one term is truly taking the biscuit.

It is time to stop. Can we simply vote? People's minds will not be changed because I think that they are resolved; but I think that we should be a little more careful in what we say.

Thank you.

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The Bailiff: Deputy Brehaut.

Deputy Hadley: Can I just make a point of correction, sir?

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The Bailiff: Deputy Hadley.

1260 **Deputy Hadley:** I think Deputy Bebb misrepresented what I was trying to say, and that was to deal with two specific objections to Island-wide voting in that the electorate is too large to reach, and the Island is too big to canvas. The point I made was that in a parliamentary election in the United Kingdom it is larger in terms of population and larger in terms of area. I was not trying to suggest for a minute that Guernsey was like a parliamentary constituency.

1265 **Deputy Bebb:** I regret that, once again, Deputy Hadley is disingenuous, because he disregards the fact that there are political parties and that the number of candidates rarely exceeds 10, whereas we know that we would likely have 90 here. Therefore I stand by my comments.

The Bailiff: Deputy Brehaut.

1270 **Deputy Brehaut:** Okay, are you both done? (*Laughter*) Sorry to get in the way of such a ...

Although you groaned at Deputy Bebb in places – and actually I was exhausted just listening to that incidentally, because it was quite some powerful speech. But although you groaned at his remarks regarding cynicism, I am cynical about the timing of this Requête we have got today. I draw the analogy of hot-air balloonist: the political hot-air balloonist in the high thin air suddenly losing altitude and getting closer to the ground, and seeing the face of the electorate and getting a bit concerned. I just might throw out a sandbag saying Requête! I might just throw out a sandbag saying amendment on Island-wide voting, in the hope that I would gain a bit more altitude and stay in those dizzy heights.

1280 I am cynical about the placing of this Requête; and actually more than cynical, because it damages this Assembly. When you hear the reporting of this debate today prior to the Gillson amendment, it was that the States could make a decision today on Island-wide voting. No, we would not. We would be on a type of Island-wide voting, proposed in the Requête. The community would have been misled to believe that they were being offered Island-wide voting.

1285 Deputy Stewart referred to a Nike moment and I think I am having a Sky moment. I just believe in better. (A Member: Hear, hear.) And this came over strongly to me: we had 22 people in this Assembly yesterday, potential candidates in an election. Now let's say that it is 2020 and these people are facing an election. If you are a local celebrity, whatever that means – if you are well known within a community – you have got a jump on the rest of the electorate. If you happen to be a doctor, if you happen to be an advocate, if you are a teacher, again you have got a little bit

1290 of a jump because you are known. If you are an incumbent you have got a huge advantage, because Marmite, be what it will, people either love or hate you – and there is enough of them out there that love you that will see you in.

Now, the candidates ... the candidates – both of them – (*Laughter*) that I spoke to yesterday, who I thought would be exceptional, how many electoral cycles would they have to go through to become known? The strength of the current system ... and actually, with regard to what Deputy
1295 Green said, a larger constituency ... and you can have an area that is still big enough to canvass and meet people. The attraction in our system ... bearing in mind the coverage we get, if there was some event that reflected poorly on me – or at least *The Press* reported it reflected poorly on me; and in *The Press*, through the comment column or through the letters, I was at fault and I was
1300 standing in a Island-wide campaign ... I think it is damaging to the point that you simply will not be able to recover from it.

I think if you are able to canvass larger constituencies and do the door-to-door, you can make your own case and you can regain the confidence of the community *if* you were at fault, because we know with just the one paper that we have, criticism can be very, very harsh at times.

I would rather, much rather personally wait for the SACC report to come back; although I will
1305 playfully suggest, sir, that we could have an Island-wide vote but only for one Member, just for Deputy Lowe who has wanted Island-wide voting for ever! Just one candidate, and then she could move from being mother of the House to being Guernsey's First Lady – and wouldn't that be fantastic, sir?

1310 **Several Members:** Hear, hear. (*Laughter*)

The Bailiff: Deputy Langlois.

Deputy Langlois: Follow that.

1315 Sir, can I just say it is quite clear where I stand on this: the constituency system works, it is tried and tested. The Electoral Reform Society is not some jumped-up little research body, it has been around for a very, very long time and it looks at all aspects of political science in an objective way. And on the report it wrote all those years ago, nothing has changed to change the political theory of it.

1320 This experiment that is being proposed is dangerous and that is pretty much acknowledged in the wording of the amendment, and even the words of the proposer and seconder ... 'I do not believe it will work', or 'It may not work', or 'It probably will not work' – and so on. So why are we thinking about an experiment to play with our system of democracy, which we are not very sure will work, and then return to where we were in the first place?

1325 Sir, before I make the key point that I want to, about tactical voting today, the reference to social media ... if anybody is sad enough to go back to my 2008 manifesto, I made reference in that to the States being a representative democratic body – and they should be very careful about not only listening to those who shout loudest. (**A Member:** Hear, hear.) I am sorry, I really get saddened in this place by references to the noises on social media, because that is a very
1330 particular group of people, it is still a minority of the population and we should not be misled by them.

In terms of why have we got this difficulty today? Well it is all to do with whether Island-wide voting, which the media love to present as a binary choice – we will have it, or we will not have it – is actually a multi-faceted choice. That is why the amendment that was passed ... it is so important
1335 that it is looked-into properly. I am very risk-averse in terms of making decisions that could damage our democratic system. And once it is damaged it will be extremely difficult to put it back in place – just because on a Friday, towards the end of an electoral term, we 'gave it a go' as somebody said. I think I have heard the Deputy use that term before – 'Let's give it a go!'

I am sorry, we cannot just give it a go with our democratic system. The wisest words said today
1340 came from Deputy Domaille and to paraphrase it was, 'avoid any tactical voting' – it *can* produce

perverse consequences. I have been desperately wracking my brain here to remember the situation, the best example of that, but if you do not believe that the amendment is right then vote against it – and then vote against the other one. Do not go for tactical voting, because that is equally dangerous.

1345 So please, sir, mark the words of Deputy Domaille.

The Bailiff: Deputy Fallaize.

1350 **Deputy Fallaize:** Sir, may I just advise you, that Deputy Soulsby and I are drafting an amendment, which may have an effect on the way Members vote on the one that is being debated at the moment.

Could we have permission to circulate it in a few minutes, when HM Comptroller brings it back in, please?

1355 **The Bailiff:** All right. I do not like amendments being circulated while another Member is speaking, because we have seen before that that completely distracts people and they no longer listen to the speaker. But when it is ready, if there is a pause between speakers then it can be circulated at that time.

1360 **Deputy Fallaize:** Thank you, sir.

The Bailiff: Deputy St Pier.

1365 **Deputy St Pier:** Sir, can I just begin by saying that with regard to Deputy Bebb's speech, I deplore his suggestion that those who support this Requête – which, by the way, I will not be doing – are in some way condoning the battering of women. I think that was an appalling suggestion. (**Several Members:** Hear, hear.) Deputy Bebb is known for his hyperbole and wearing his emotions on his sleeve, but I hope that he would reconsider those comments and perhaps consider withdrawing them, because I think they were deeply offensive, actually.

1370 However, I do agree with Deputies Bebb and Harwood and a number of others, that when I first saw this Requête I had that same feeling of weariness, that I suspect many Members had, and felt that we had adequately disposed of this issue during this term, with the adoption of the Resolution that SACC would look into this and return to it during the next States.

1375 I think with regard to the Requête itself, the comments that Deputy Fallaize first mentioned about it creating sheep and goats, which is a point which others have picked up, is entirely correct. And it is for that reason that I cannot support the Requête. And I do actually congratulate Deputy Gillson on bringing this amendment.

1380 But I think I do share, Deputies Perrot and Parkinsons' concerns about the viability of a whole Island-wide election, and that was the reason that I had not supported it in that form when we have previously had the opportunity to do so. And that does not mean that I would want it fail. On the contrary, I would want it to succeed. But despite Deputy Lowe's optimism, I actually think that electing all Members in one single election will be a very challenging proposition for the Island.

1385 However, I think we do have to recognise that there is ... one of the frustrations for our electorate – and this is something that Deputy Conder picked up quite early during the work of the States Review Committee – is that before an election, the electorate are completely unable to ascertain, or express a view, on the Island's direction of travel, or policy development, before they vote. They are simply having to choose people that they think will be okay. And, sir, just by way of example, as Members will know I have recently set out what I believe is a reasonable goal for Guernsey that I think should frame future policy development, but of course support for that cannot be tested in any way beyond the boundaries of the district of St Sampson's.

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1395 So I think that actually this amendment will inevitably lead to some form of coalitions, or the development of common platforms, because I think that is the only viable way in which an election of all Members in one go could be achieved. And it is for that reason, sir, that I will be supporting this amendment, because I think the Island is now ready for that development in our political architecture, and I think it has four years to prepare for that. So I will be supporting the amendment, sir.

1400 **The Bailiff:** Deputy Fallaize, do you wish your amendment to be circulated now – or is it not quite drafted?

Deputy Fallaize: Yes, please, sir.

1405 I am told that the version that is being circulated has a missing 'the' in it. But with the exception of that, sir, it is ready to be circulated. So, yes please.

Thank you, sir.

1410 **The Comptroller:** Sir, just while it is being circulated, regarding the missing 'the': Members will see that it should say, 'That for *the* 2020 Election'. It should not hopefully cause any confusion, sir, but that is where the missing 'the' appears – or, rather, does *not* appear.

The Bailiff: Yes, I will wait until it is circulated before I say anything.

Deputy Fallaize, the amendment has now been circulated, but I do not think it can be laid now in the middle of this debate because there are people who have already spoken on the amendment that is currently in play, who may wish to speak on your amendment.

1415 So I think we have got to complete the debate on the amendment that is currently before us; and then once that has been voted upon, if you wish to do so you could then lay this amendment. I think that is the only way that we could sensibly handle the debate.

1420 I would urge people who have yet to speak to avoid speaking on this amendment, just concentrate on the amendment that is currently in play – then this can be laid afterwards and people can speak on that one at that time.

Does anyone else wish to speak on the Deputy Gillson amendment?

Deputy Conder.

Deputy Conder: Thank you, sir.

1425 I am one of those people whose mind about Island-wide voting has changed and fluctuated over the nearly four years we have been in this Assembly, and for each of the debates. But I think there is a new issue in play for me and that is the nature of the debate between the Government of Guernsey and its citizens. Perhaps it is best illustrated by the recent consultation on the Education Report, in which it seems to me now that consultation is deemed to be a quasi-binding referendum; and I have heard one of my colleagues describe it as a failure to exercise proper democratic principles by failing, apparently, to respond to the will of the people from a consultation.

1435 Now, I do not believe that we know – although many people claim – that a majority of this Island wants Island-wide voting. It could well be the case, but we have no evidence of that. Even a consultation, influenced by social media and various campaigns, would not be sufficient to tell us that we are exercising fulfilling the will of the people. I did support the proposal for a referendum laid by Deputy Laurie Queripel some time ago. But I think the nature of political debate within our community is now so intense and so close between the members of our community and the Government, that the only way to resolve this is not to go to consultation, not to make a decision within this Assembly on the assumption that we know the will of the people by virtue of the fact that we have met them on the doorstep.

1440 The only way to do this, I believe, is in a *binding* referendum, outwith these various proposals. And in effect we have to revert back to the decision we have already made to ask SACC to come

1445 with proposals, which I hope would include that binding referendum, in which the will of the
people ... not by a process of consultation in which a consultation could be slanted by one group
or another, but by a referendum which is properly conducted, which has a proper set of questions,
which binds the next Government.

So I will be opposing this amendment and I will be ultimately opposing the Requête; and I
would urge colleagues to do the same.

1450

The Bailiff: Deputy Le Tocq.

The Chief Minister (Deputy Le Tocq): Thank you, sir.

1455 At the heart of the whole of this debate, I think, is a question that perhaps not many of us are
really dealing with, although it has been alluded to and touched on – perhaps not least by Deputy
Conder just now and also by Deputy Perrot before. That is, the nature of whom we are electing, to
represent whom. Because I think that is a debate that we need to take out to the general public,
so that they can understand a little bit more about what they want in terms of Government and
what they want this Assembly to represent and to do.

1460 It probably is not going to happen very quickly, because we have been living through periods
of huge change in what this Assembly and the States, and its Committees and its various shapes
and forms and reforms, have been responsible for over recent decades. So some are still living
with the legacy of thinking that we are still dealing with the same things that perhaps our
forefathers were dealing with in the 1960's, 1970's and 1980's. Others are looking to the future
1465 and what might be possible – particularly with the change in technology – and the greater good
and bad that comes from the sorts of things that Deputy Langlois was speaking about before, in
terms of social media engagement and public engagement.

So, sir, I think we need to take a little bit of a step back before we look at restructuring a
system, and we need to understand what we want that system to produce – in other words, the
1470 *outcome* of what *we* are meant to be doing here. I think we have a lot of disagreement amongst
us, just as there would be out there, of what is expected and that touches on some of the things
that Deputy Conder has just said, in terms of consultation.

Some Members will know that one of my great political heroes and philosophers is Edmund
Burke, the Irish Whig MP of the 18th century. Sir, he advocated what would often be described as
1475 a trustee system, that the representative who was elected to Government was a trustee – not a
delegate of the people, but a *trustee* of the people – and I advocate that as well. I think we need to
understand that and I want to bring that in to the debate, because I think that will help us to help
shape and reform, whether part or whole, what sort of Island-wide, what it is to be represented in
a district ... all of these things need to come back to first principles.

1480 Now, Members might disagree with this, sir, but Edmund Burke said this, talking of the elected
representative he said, and he is obviously using masculine terminology but it applies to both:

'His unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man,
or to any set of men living ... Your representative owes you, not his industry only, but his judgment, and he betrays
instead of serving you, if he sacrifices it to your opinion.

(Several Members: Hear, hear.)

1485 Sir, essentially he was saying a trustee considers an issue and after hearing all the various
opinions and sides, and engaging as much as he can, he takes a step back and he is entrusted by
those who have elected him, or her, to make a decision thereupon. He is not beholden to one
section, a group, or an individual to say, 'But I told you this, you should be voting my way!'

1490 And in our system, particularly – and this is where I concur with Deputy St Pier, and others – it
is difficult because of our system and an individual manifesto to ... in fact we betray the public as
soon as we do that, because they have an expectation that we are going to deliver on something
that none of us can, individually.

1495 So that is why I am tempted to support Deputy Gillson's amendment, because I think it will lead ultimately to alliances and coalitions forming, in order that we might form some sort of policy groups in advance of elections, so that people are empowered to vote on ideas – on vision and value – rather than just on individuals. But in doing so, they have to do so with entrustment to those individuals to make those judgements based on the broad sets of values that they have chosen to work towards.

1500 It is difficult for us to imagine how that sort of thing might happen when you look at the workings and the mechanisms; and I agree with everybody who has thrown spanners in the works, as it were, to say this will not work it will be cumbersome all the rest of it. And if we do get to that other eventual amendment and it is laid, sir, I think there are problems with that as well, quite clearly.

1505 But, sir, we will not get anywhere unless we understand the fundamental about whom it is that we want to sit in this Assembly, and what they are to do, and then we need to help the people outside, who are the electorate, including ourselves obviously, to understand what they want from their elected representative.

Thank you, sir. (*Applause*)

The Bailiff: Deputy Trott.

1510 **Deputy Trott:** Sir, just two or three comments. The first is in response to Deputy Bebb's remarks.

1515 I think he said, 'I find what the people want is quite repulsive' – or words to that effect. I would like to reassure those listening, sir, that that is not a widely held view within this Assembly and most of us take the views of our community extremely seriously. He also said, sir, that the Requête is electioneering. Well if my maths is correct, sir, 43% of those who have signed the Requête are not seeking re-election, and that is pretty close to half – difficult to have half when there are seven signatories – so I think that argument again falls down.

1520 I think the next point I am going to make – and others have made it – is for me by far the most relevant and it is this: a majority of us who were elected in 2012 told our community that we favoured Island-wide voting. I was one of them, sir, and I always have. Now we, as we do in the build-up to any election, start worrying about political apathy, we would wish that the electoral roll was stronger than it is and we would all hope that the turnout will be stronger yet. However, I can just imagine the number of times we will face these remarks on the doorstep, 'What's the point of voting when even after the election, the last election, and with a majority of those elected being in *favour* of Island-wide voting, nothing has happened.' (**A Member:** Hear, hear.)

1525 Nothing in my view destroys the confidence in the electoral system more rapidly and extensively, than this sort of impasse that we find ourselves in.

1530 Now, I am a signatory to the Requête and I am delighted that we have it in front of us. But I do think on balance – and I am taking heed of your remarks, sir, that we are not to debate the amendment that has yet to be laid – but I think, on balance, the Gillson Requête is more closely aligned to what this community wants. And therefore I shall vote for the amendment in the first instance.

Thank you, sir.

1535 **The Bailiff:** Deputy Duquemin.

Deputy Duquemin: Thank you, sir.

1540 Much has already been said during the debate about what the public want; possibly it all could be described as also what the public *need*. But really I think it is about what Guernsey needs, and Deputy Trott has already touched upon the topic of political apathy, and in many ways others have also spoken about engagement. Sir, there are even people in this Assembly that talk about the States as though we, some individuals, are not part of it. We *are* the States, we represent the

whole Island and we also want the whole Island to talk about the States as though it is part of them.

1545 It is interesting that in the UK, just in plain numbers, people have one vote for one candidate, out of a total of roughly 650 and they still feel that they have a role in voting for their government. In Guernsey people would have up to seven votes to elect up to only 45 or 47, including Alderney Representatives, and yet people do not think the Government represents them – and obviously there is an important difference that has already been alluded to by a number of
1550 Members.

Sir, in referring quite accurately, and I think quite rightly, to page 1108 of the Billet – the Electoral Reform Society's contribution to a previous debate – Deputy Dorey was correct in highlighting the paragraphs that he did. He described the lack of political parties as being the problem – but I would offer that it is actually the solution. In many ways – and I think Deputy Le
1555 Tocq and Deputy St Pier already touched upon it – we are relatively disingenuous at election time, in that we do offer up manifestos which can all be but hollow promises.

Yesterday I think Deputy Brehaut was quite correct, it was wonderful to see potential new candidates sitting here in the Chamber that may be standing for election come April; and the Deputy Chief Minister, Deputy Langlois, in speaking to those potential candidates, said words to the effect of, 'Be very wary of saying anything or of making any promises at election time, because
1560 you will not be able to keep them.' That to me, sir, is a great disappointment because in many ways we do need to be able to give voters a sense of direction.

One point that I did pick up on from Deputy Luxon – and I think Deputy Luxon is very correct in this – it is a small Island, and yes, we are only 60 odd thousand people, and yes, Deputy Hadley
1565 is right to talk about the constituency size in the UK. But the reality is, governing this Island is getting more and more difficult term by term; and the question is, what system we have has to recognise that we are not in the swinging 60's anymore where decisions had not necessarily the ramifications that we did.

So for me it is all about engagement and the elephant in the room will be political parties. And I think in many ways I am drawn to the Gillson amendment, because I think that could be a very
1570 real catalyst to actually – whether it be alliances, whether it be genuine parties – that those could happen.

Sir, on to the chattering – or should that be the twittering – classes, I did write 21 days ago on Twitter:

Island wide voting won't solve the problem that people want fixed! Party politics will? Vote for policies, not personalities! Discuss ...

1575 Sir, on page 1111 of the Billet, Appendix 6 to one of the previous papers from SACC, there are two pages under the heading of Political Parties. In bullet point i., the last sentence refers to:

The Committee is certainly not suggesting that political parties be introduced simply to facilitate any particular electoral system.

Then very clearly, and it is quite correct in this:

It is not the function of any parliament to engineer the foundation of a party system.

Sir, we cannot do this in this room. Those discussions, those things, may happen outside of this room but I think, if you forgive the pun, enough is enough and it is time for us to have a grown-up
1580 discussion on the benefits – of which there will be some disbenefits – of a party system.

There was some fresh thinking already outside this room. *The Guernsey Press* did sort of bury the article a little bit on the hatches, matches and despatches column, but the Chief Minister, the T&R Minister and also the C&E Minister have already, apparently, toyed with it. I think whether it does manifest itself as sort of party politics light, or a Guernsey compromise, it is something that
1585 does need to be considered. And for me, if the Gillson amendment to the Wilkie Requête is

potentially a catalyst to that, then it maybe – albeit on a Friday – one of the best decisions that we have made; because Deputy Luxon is right, sir, governing this Island is certainly not going to get easier in the generations ahead, it is only going to get more difficult, and we need a political system that is fit for purpose in that sense.

1590 So, sir, I will be supporting the Gillson Requête, and I hope that – not in here, because this is not the place – outside, people of all political persuasions ... I see a number of different-coloured ties in the room, Deputy Brouard is wearing his obligatory yellow tie, I see Deputy O'Hara wearing a red tie, and even I today am sporting a blue tie – no accident there, it was just the first one that
1595 and I do support – as some of the other Members have been brave enough to talk about – what I regard as the elephant in the room.

Thank you, sir.

The Bailiff: Deputy Collins.

1600

Deputy Collins: Thank you, sir.

It has been an interesting debate so far. I think there have been about 25 speeches and it is about split half and half. I am a signatory to the Requête, and like Deputy Trott I shall be supporting the Gillson amendment.

1605 Just an interesting comment from Deputy Fallaize talking about Jersey. I do tend to agree, and it is interesting in Jersey they are all paid the same, even though I did not vote for that, but it is an interesting concept that they are elected in three different ways, yet paid all the same way.

I do not think there is anything else I can add, sir. I think it has all been said, and we should just get on.

1610

The Bailiff: Deputy Gillson will reply to the debate.

Deputy Gillson: Thank you, sir.

1615 Right, first of all Deputy Dorey made some very valid comments regarding the Electoral Reform Society, but I think Deputy Kuttelwascher made a very valid comment about the difference in the psyche of Guernsey people. And that leads to the comments that Deputies St Pier, Le Tocq and Duquemin said that it could lead to a more coalescent form of politics – more of a form of politics which is then able to deliver policies. So it may well be a good thing.

1620 Deputy Luxon, thank you for being so supportive; and Deputy Kuttelwascher for your supportive words.

Deputy Fallaize raised legal questions which HM Procureur had not raised when he produced the wording for the amendment. He raised questions about a referendum. My concerns are not so much the subject, but the way the campaign ... the complexity of it. I also agree with Deputy Fallaize on the sheep and goats issue of the main Requête and that is one of the things which I
1625 really find of concern, that we create a situation by what is proposed in the Requête, of two classes of Deputies – and there *will* be a public perception that those who are voted in Island-wide should get the main senior positions, and there will be disappointment with that. And I think that is a problem.

1630 Deputy Perrot, maybe it was my primary school, it is closed down, so it could well be – St Peters, by the way. It is a serious subject on this and I do not take placing this amendment lightly. There are going to be practical issues, but I do not think they are insurmountable. We will have different methods of engaging with the public. Mention about Conseillers, but neither the Requete, nor the amendments, would give us that back – fortunately, in my view.

Deputy Lowe, thank you for your support.

1635 I now come back to Deputy Parkinson and Deputy Wilkie: a wrecking amendment. I take offence at that comment. There is no way that I would place something deliberately to wreck, I would just vote against something. I mean also, would you consider Deputy Lowe would second a

wrecking amendment? No. (*Interjections and laughter*) That is absolutely and utterly wrong – not on Island-wide voting at least.

1640 This now come to something that Deputy Domaille said, and others have said, I am not against Island-wide voting *per se*. I have always been concerned about the practicalities of it – and this is where Deputy Domaille mentioned something about it won't work and people have said it won't work. You have to think, what do you mean by 'won't work'? With full Island-wide voting, manifestos will reach the public, and candidates will stand. People will vote – possibly more people will vote. Deputies will be elected – Deputies of different calibre will be elected. So it will work. My concern I have always had, is that the peripheral issues will mean people will not prefer it as much as now. Now it will work, but it just will work in a different way.

1645 Deputy Green preferred to go back to your amendment: a perfectly valid point and I totally respect your view on that one. That is perfectly right for you to do that.

1650 Deputy Brouard's comments of not liking Island-wide voting for reasons a number have said – and again, it comes back to the workability issue.

Deputy Stewart and Deputy Harwood supportive – Deputy Harwood supportive *I think*. Deputy Queripel supportive, thank you; and Deputy Inglis.

1655 Deputy Bebb, well I am certainly not electioneering – I am not standing. So that is certainly not doing that. Certainly if you look at the consultation that was done during the last term of Government, that came up with the conclusion that this was what people wanted. As with all consultations it is somewhat questionable, but that shows that. Counting the votes, you said, would be problematic, well that has been addressed in a previous SACC report which is appended to this one. Then you questioned whether there would be a level of engagement, we would have less engagement. No, I do not think so, I think we would have a different type of engagement, because at the moment people engage in one district, but quite deeply in that one district, because the candidates talk to them and go to their houses. What we will have is a different form of engagement; it will be a *broader* engagement because voters will be engaged across the whole Island, albeit they may not be able to meet all the candidates individually, so it will be a broader but shallower engagement. It will be different. Whether that is a better form of engagement, or a worse form of engagement, personal preference of people will say whether it is better or worse, but it is just a *different* type of engagement.

1660 Deputy Brehaut was cynical of our timing: well, as you know, I am not standing so that is not an issue for me at all. Well-known candidates: yes, it is true, well-known candidates may well do better, but there again if you look at the last election I think 11 sitting Deputies lost their seats, so it can be swings and roundabouts. But also people can focus on their parishes. This other Member has mentioned loss of parish link ... well no, you can still have Island-wide voting but say, 'Actually I am in Island-wide voting but by core I am a St Sampson's man, so I am going to make sure that St Sampson's know exactly what I am about; and I am going to make sure that I stay and keep links with my parish'. So it does not mean suddenly you abdicate links with your parish because you are voted in Island-wide, you can still have and maintain those links with the parish.

1670 Deputy Langlois is concerned that this is a gamble. I do not think it is a gamble in terms of the quality and people who will get elected – because I think that we may actually get higher quality people standing. I think that what will surprise people is there will not be that much difference between who gets elected this way, and another way. I think it is not going to have a radical shake up of the type of people. So from that respect, I think the ... and what I have always had concerns on, is that people will go through the process and say, 'Actually I do not like this process'. I think it is workable, I think it is ... whether people will like the way it works, I do not know, that has always been my concern; but I think that question will never be answered without us doing it. And this is where I said in my speech, I do not think there is a downside other than people coming out saying, 'I did find too many manifestos to read'. But on that point Deputy Lowe made a valid point that I had not considered. That when we go out to consultation we give people far more paper than the volume of manifestos and expect them to read in about the same length of time as an election process. So on the one hand we expect people to read lots and on the other we are

1690 saying, 'We do not expect you to read manifestos, because there are too many'. So, I think that was a very, very valid point'.

I think I have already mentioned the point that Deputies St Pier, Le Tocq and Duquemin said: I must admit I had not placed this amendment with that intention, but I think it is a very good one; and while I have always thought, yes, voting for people it is a good Guernsey way, we have got a
1695 complicated Government and we live in a more complicated world. We live in a world where, for the first time – well we have had eight years of it – it is looking more like where we do not have budget surpluses. We have got a population who say we are the worst population ever, probably because we have had – (*Interjections and laughter*) States ever. Sorry!

1700 **A Member:** Can I suggest you do *not* stand for election!

Deputy Gillson: You are right, it is a very wise decision of me.

I know, well they say we are the worst States ever, and I think that is because they are comparing us to the States of pre-2004 when the States was awash with money. The biggest
1705 problem the States' Departments had pre-2004 was basically spending all their budget. If people wanted a new service it was great, we had the cheque book to be able to pay for it. Now we do not, we are projecting budget deficits for the next three years according to the budgetary paper that was produced last year. We are going to have to make decisions which will disappoint people. So to move to a position where you are not voting for personalities, where you are voting
1710 for people, if that comes out as a side effect from this, I think that that is probably a very good one.

Deputy Conder prefers to have a referendum. I respect the view, but I disagree with him.

Deputy Trott, thank you for your support. Deputy Duquemin I already touched on your main points. Deputy Collins, thank you for your support.

1715 Sir, we are currently faced with, I suppose, three options: reject everything and SACC do another investigation – but we have had investigations before, a number are attached to their letter of comment; approve seven seats Island-wide, it is a compromise, it is not really what we think people want. The call for full Island-wide voting whether it is vocal minority, or a vocal majority, will continue. This saga will continue and I think possibly most disappointing for the
1720 public is it will create this two-tier system, which will not deliver anything they would expect.

So in approving our amendment, we make a decision to introduce Island-wide voting and give people seemingly what they want – it has a safeguard in Proposition 2. The consultation, which Deputy Wilkie mentioned in his opening speech, supports this. So I placed this amendment, not as a wrecking amendment because that is not my style, but because, as I said in my opening speech,
1725 I think this is a subject which will run and run. It will not go away until we give people Island-wide voting.

If I believed that the downside of this was really serious, because I am probably more risk-averse than Deputy Langlois – a career in private equity leads you to be hugely risk-averse, I tell you. I am risk-averse and I looked at this when I was thinking about it and thought what actually
1730 *are* the downsides? In terms of the structure and the composition of this Assembly after an Island-wide voting, I do not think there is a downside because I do not think there is any great significant difference. I think quality candidates will still be elected. As I said it may encourage higher-quality people to stand – I think more people will vote.

So the downside is people may actually find the process, but it will be a different process.
1735 Maybe when in the past, I have stood here and spoken against Island-wide voting on the basis that the process might be different, or might not be bad, maybe that is just an arrogance to say that actually my view on the people not liking the process was wrong. Maybe we should say actually people may like the different process. It will be different and aspects of the process of Island-wide voting people will like – and some aspects, people will not like. But there again there
1740 are aspects of the current system people like and do not like.

So I do not think it will *worse*, it will be *different*. We will have different levels of engagement, we will have different types of engagement, but we will still produce a Government.

So I urge Members to please support this amendment.

1745 **The Bailiff:** Members, you vote then on the amendment proposed by Deputy Gillson

Deputy Wilkie: Recorded vote, please

The Bailiff: – seconded by Deputy Lowe; and there is a request for a recorded vote.

There was a recorded vote.

Carried – Pour 26, Contre 18, Ne vote pas 0, Absent 3

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

1750 **The Bailiff:** Well, Members, the result of the voting on the amendment proposed by Deputy Gillson, seconded by Deputy Lowe, was 26 in favour, and 18 against. I declare it carried.

Deputy Fallaize do you wish to lay your amendment?

1755 **Deputy Fallaize:** Yes, please, sir. (*Applause and interjections*) We'll have one of those at the end as well, please.

Yes, sir, I do wish to lay this amendment and I think could the Greffier read it out please, since it has just been circulated?

Thank you.

The Greffier read the amendment.

The Bailiff: Deputy Fallaize

To delete propositions 1-3 and to substitute therefor:

'1. That for 2020 General Election and thereafter, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are deputies' seats provided that such a system shall first have been approved in an island wide referendum.

2. To direct the States Assembly and Constitution Committee to report to the States as expeditiously as possible detailing the proposals to give effect to Proposition 1 including the methodology of the election and the holding of a referendum.'

1760 **Deputy Fallaize:** Thank you, sir.

In many ways I regret prolonging yet another lengthy debate on Island-wide voting (**Several Members:** Hear, hear.) and on electoral reform. But in my defence, and in the defence of Deputy Soulsby who is seconding this amendment, we did not start this. I was quite happy with the Resolution the States made in the summer of 2015 (**A Member:** Hear, hear.) and other Members
1765 chose to lay a Requête before the States, and we have to engage in that debate and make the best of it that we can. (**A Member:** Hear, hear.)

Now, I think that what the States have just voted for contains some quite substantial problems – perhaps not the principle of it, but the way that it would work in practice. The new Proposition 2 inserted by Deputy Gillson's amendment is just not a sensible way to govern. It introduces a very
1770 high degree of uncertainty and instability in a jurisdiction which relies on stability, to say that the electoral system from 2020 will be completely different – and it is *completely* different from what the Island has known up to this point. And that thereafter the electoral system will be exactly as it is in 2016, unless the States have otherwise resolved to retain the system that was used in 2020. This just sets the States up for years of uncertainty and instability. I just do not think that is the
1775 way to run an electoral system and to operate our constitution.

I also think that the Propositions as they read now, if they are approved without my amendment, I just do not think that the States have had sufficient time to consider the issues before them. I do not think that the States have a sufficient mandate to make the decision they have just made. This amendment from Deputy Gillson was circulated *yesterday*. This has not been
1780 the subject of consideration, let alone any kind of consultation if that were necessary. This has not even been subject to proper analysis and consideration. An amendment is circulated on one day and the next day the States decide to change the constitution and the electoral system completely; not to make *minor* modifications to it, but *completely*. I will give way to my good friend Deputy Stewart.

1785 **Deputy Stewart:** Yes, sir, I would disagree with the fact that we have not given this consideration. I considered this before I stood for the 2012 Election, as many of the rest of this Assembly did. And, as Deputy Trott said in his speech, I did give an undertaking and I have followed the States for over 30 years. This is not some decision that I have arrived on just
1790 overnight on the back of this amendment.

Deputy Fallaize: Certainly, sir, Members did not come to this debate expecting to debate the Propositions which have just been approved. Deputy Stewart, I am sure, despite his vast number of years of experience as an observer of the States; and, for all of his wisdom and knowledge, I am
1795 sure he has not for 30 years been considering a system where the States introduce now, one electoral system for the 2020 General Election, which will automatically be scrapped in 2024 to revert to the 2016 system! They are the Propositions that are before the States.

Deputy Kuttelwascher: Sir, point of correction.

1800 That is not what Proposition 2 says. It says it is not *automatically* going to be scrapped. It said if there needs to be something ... or whatever ... it could be reconsidered, but that all relates to the process. It does not say it will be scrapped.

Deputy Fallaize: Sir, no, I am afraid that is not true. It says

'That with effect from the 2024 ...'

1805 And this is part of the problem; you see Members do not really understand what has just been approved! *(Interjections)*

Well, Deputy Kuttelwascher does not understand what the States have just approved. Proposition 2 says 'That with effect from 2024 unless the States have resolved that the same or an alternative system on an island-wide basis shall be continued, all deputies shall again be elected in electoral districts, as at present.'

1810

Deputy Kuttelwascher: And the States can resolve that. *(Interjections)* I mean, what is the problem?

1815 **Deputy Fallaize:** No, sir, that is not what the amendment says. The Resolution would be that the General Election in 2024 will be held on the same basis as the 2016 Election is held unless the States have resolved otherwise. It is quite clear – *(Interjections)*

Well, Deputy Luxon –

1820 **Deputy Luxon:** Deputy Fallaize is absolutely right, but his point is completely wrong. *(Laughter)*

Deputy Fallaize: It is quite clear that Deputy Kuttelwascher thinks Proposition 2 means one thing and Deputy Luxon thinks it means another. Well they have both just voted for it!

1825 Perhaps we can ask HM Comptroller to ... *(Interjections)* Well, okay, HM Comptroller will correct this interpretation if it is wrong, in my view Proposition 2 means that the 2024 General Election will be held on the basis of electoral districts, not Island-wide unless the States have resolved *either* to continue with the system that was used in 2020, or a different type of system altogether.

Now, perhaps if that interpretation is incorrect HM Comptroller could advise the States.

1830

The Bailiff: Madam Comptroller.

The Comptroller: Sir, Deputy Fallaize is correct, and Members are also correct, in the sense that the wording is as it is written, unless the States positively come back to resolve the same, or an alternative, system of election, Deputies will again be elected in electoral districts as at present. That is what the wording says, no more no less.

1835

Deputy Fallaize: Thank you.

Oh, I will give way to whoever wants to speak –

1840

The Bailiff: Deputy Collins first.

Deputy Collins: Thank you for giving way, Deputy Fallaize.

Could I also ask the advice what would be if Members voted against the now Proposition 2?

1845

The Bailiff: Madam Comptroller.

The Comptroller: Well, then we would be left with Proposition 1, sir, *(Laughter)* which is:

That for the term following the 2020 General Election, all deputies shall be elected on an island-wide basis ...

And there would be nothing expressly dealing with what happens thereafter. So it would need to come back to the States then, in my view.

1850

The Bailiff: Yes.

Deputy Trott.

1855 **Deputy Trott:** Sir, I think the Chairman of SACC is right to articulate his concerns in this way, but the reality is this, and we have all been round long enough to know, that if all 40 – and it will be all 40 – Members of this Assembly have been elected on an Island-wide mandate, the chances of the Assembly changing that back is infinitesimally small. (*Interjections*)

1860 **Deputy Fallaize:** Well, I would not be quite so sure and, in any event, there would have to be a further States' debate – during the 2020-24 term, the States would have to debate and resolve to continue the 2020 system and without that kind of resolution it will go back to the 2016 system. That is what the Proposition states.

Now, I do not – I will give way to the Chief Minister.

1865 **The Chief Minister:** I am sorry to interrupt.

Just a point of correction really, to what Deputy Trott, I think, said. Alderney Representatives are elected under a different Law, so I do not believe that they would be elected under an Island-wide system.

1870 **Deputy Trott:** But the point is they are elected Island-wide in Alderney. (*Interjections*)

The Bailiff: No, it is not, well...

Deputy Fallaize, do you wish to continue?

1875 **Deputy Fallaize:** Yes, I think so, sir, for a few seconds if only.

Right, now I just do not believe that the States have made a safe decision. I respect that, that is the decision the States ... well they have just voted for this amendment, but I do not believe the States have made a safe decision. I do not think it is a responsible way to govern, effectively, to say, 'Well, we will try it, we will give it a go; we will see what happens in 2020 and then we'll go back to the 2016 system – unless the States decide in 2021, or 2022, or 2023, to keep the system that was in operation in 2020'.

1885 This amendment that I am laying is neutral on whether jurisdiction-wide voting should or should not be introduced, but it does contain two principles. I think that if there is going to be Island-wide voting, it should be on the basis of all Members elected Island-wide. Now, that clearly seems to be the majority view of the States because they have just voted for Deputy Gillson's amendment – *but* that that should only happen if it has been approved in a referendum. I thought that before I came in here and I think it even more now, given that the States have made this decision at 24 hours' notice of Deputy Gillson's amendment.

1890 This is, I think – and Deputy Perrot made this point – a very strong argument that if there is going to be major reform to our electoral system it should happen only after a referendum ... even if we do not generally believe in referendums for other issues. What the States have just voted for in Deputy Gillson's amendment is a really very, very substantial change. It has not been to have *some* Deputies elected on an Island-wide basis, it has not been to go back to a system the States have had previously, and have some experience of. It has not been to go to a system that is in place for example in Jersey – I am not giving way at the moment, and I do not mean to be rude to Deputy Brouard, but I have given way enough, I think.

1895 It is to go to such a different system and the States in the Island have no real understanding of how it would work. Now, if that is the wish of the public expressed in a referendum, fine. But I do not think that we should make that decision based purely on 26 or 27 votes cast on a Friday afternoon on an amendment that was circulated the previous day.

1900 There have been allegations earlier in this debate, or claims made, that we have been engaging in Government by consultation, or Government by social media, or Government by assuming what is the majority view of the public. Now, I think there is something in that. Deputy Lester Queripel

1905 said, 'No point holding a referendum we know that the majority of people want Island-wide voting.'

Deputy Lester Queripel: Point of correction, sir.

1910 I did not say that at all, sir. I did not say 'we know', I said the majority of the hundreds of Islanders I have spoken to in the last few years have said to me they would like Island-wide voting, and they are not going to vote unless they get it.

Deputy Fallaize: No, that is not what he said. He said that, 'We know the majority of –'

1915 **Deputy Lester Queripel:** Point of correction, sir.
Deputy Fallaize is misleading the Assembly. I did not say 'we know'.

A Member: Yes you did.

1920 **Deputy Lester Queripel:** I did not say 'we know' – *(Interjections)*

The Bailiff: *Hansard* will prove what you said in due course.

1925 **Deputy Lester Queripel:** Well, check *Hansard* then, I did not say 'we know', I said the majority of Islanders I have spoken to have told me that they want Island-wide voting.
Thank you, sir.

Deputy Fallaize: Sir, I know what Deputy Queripel said and *Hansard* will say that he said exactly what I said he said ... but anyway. *(Laughter)* We do not know –

1930 **Deputy Lester Queripel:** Sir, point of correction if I may? *(Groans)*
Sir, I have got my speech here and it says, '... because of out of all the hundreds of Islanders I have spoken to about Island-wide voting over the last few years ...'
I think that clears the matter up, sir.

1935 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: That may have been what he wrote down but it is not what he said. *(Laughter and interjections)*

1940 Now, we do not know what the view of the majority of the electorate is on electoral reform. *(Interjections)* We do not know that and it must be the case that we can only establish that by holding a referendum. **(A Member:** Hear, hear.)

1945 Now, there have also been comments made about the technical aspects of holding a referendum. While I do not underestimate that there would need to be considerable preparations, because as far as I know the Island has never held a referendum before – it certainly has not for a very long time. It would not be a terribly complicated thing to do. It would certainly take a lot of thought, it would certainly take a lot of preparation, but it is not a terribly complicated thing to do.

1950 What it would need, essentially, is a report to come back from the States' Assembly & Constitution Committee leading to an article of legislation which would establish the basis on which the referendum would be held, with campaign expenditure limits and whether a new electoral roll would have to be established, although I do not think that would be essential because we would have had an electoral roll for the 2016 General Election, but it would need to set out effectively campaign rules. But it is certainly not beyond the wit of man, it is perfectly possible to do it and I think it should be done.

1955 Now, this amendment, unashamedly, returns to a Proposition the States voted for in 2014,
which was to put a system of Island-wide voting, if approved by the States, as it has been through
Deputy Gillson's amendment, effectively, to put it to a referendum; and I cannot conceive of the
States, at such short notice, with the circulation of Deputy Gillson's amendment, voting to make a
1960 major wholesale change to the electoral system *overnight* like that without public approval. It
seems to me that the only safe and responsible, way to do this ... it is fine, proceed on this basis if
that is what the majority of the States want, proceed on the basis of having approved the 2020
General Election will be fought on an Island-wide basis with all candidates elected Island-wide.
That is fine, I have no problem with voting in an Island-wide election, or standing in an Island-
wide election; but I do not believe that we are making a safe and responsible decision to do that
1965 today in these circumstances, unless it has been approved in a referendum – the rules for which
would be set out early in the life of the next States.

So, whatever the view of the States is on Island-wide voting, remembering that Deputy
Gillson's amendment has now been approved, they are the Propositions in play. Members who
support Island-wide voting and are convinced that there is a majority in favour of it have nothing
1970 to lose because, if my amendment is successful, there will be a referendum before the 2020
General Election, and presumably if they are right, the public would endorse this system in a
referendum

The Members of the States who are very sceptical about Island-wide voting ought to support
this amendment, because they surely would not want to introduce this new system at 24 hours'
1975 notice without the public having approved it in a referendum. On that basis I hope *all* Members of
the States can support this amendment.

Thank you, sir.

Several Members: Hear, hear.

1980

The Bailiff: Well, it is now 12.40 p.m. I propose we rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.40 p.m.
and resumed its sitting at 2.30 p.m.*

**Island Wide Voting Referendum –
Debate concluded –
Propositions as amended carried**

The Bailiff: Well, Members, we continue with the debate on the amendment proposed by
Deputy Fallaize.

Deputy Luxon.

1985

A Member: Point of order ...

Deputy Soulsby: Sir, I think I need to formally second it.

1990

The Bailiff: Oh, you have not formally seconded. Sorry, I have lost my place –

Deputy Soulsby: And I reserve my right to speak, if I can, by the time we get to it.

1995

The Bailiff: Yes, alright, I have found the right page now!
Yes, you formally second it.

Deputy Wilkie, do you wish to speak at this point?

Deputy Wilkie: I will reserve my right at this time, sir.

The Bailiff: You will speak later. Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

Sir, I have always wondered why do people say when they are seconding, 'and I reserve my right to speak'? Why do they need to do that, sir?

Deputy Lowe: It is the Rules.

Deputy Luxon: It is the Rules. Thank you. *(Interjections)*

The Bailiff: Well, they do not actually. The Rules have changed now, there is no need to do that – they are not allowed to speak at that point, under the amended Rules. *(Interjections)*

Deputy Luxon: Sir, I was very impressed how you threw your voice through the body of the Mother of the House there. That was incredible how you answered that question! *(Laughter)*

The Bailiff: And Deputy Fallaize as well ...

Deputy Lowe: Team work!

Deputy Luxon: Sir, it is a pity that we broke for lunch because, of course, the quality and flow of Deputy Fallaize's opening of this amendment has been subdued over the two hours. But, sir, I have been wanting to say this for the last three years: this is the trouble with amendments laid on the hoof *(Laughter and interjections)* Sir, I have been wanting to say that for ages. *(Laughter)*

'Years of electoral uncertainty'. Sir, no, it will not be. There will be one bout of electoral uncertainty, in the six months before the 2024 Election. There will not be *years* of electoral uncertainty at all, as Deputy Fallaize said, if this amendment is passed.

Sir, Deputy Gillson's amendment is not 'awfully phrased', it is elegant. Deputy Fallaize was very critical of both it being laid so soon before this debate, and yet Deputy Fallaize's amendment has been laid even later than that. Not so much the 11th hour, or the eleventh and a half hour, but about three minutes past midnight, sir.

So it is odd that Deputy Fallaize criticises Deputy Gillson for his very sensible amendment. I give way to Deputy Fallaize.

Deputy Fallaize: I am grateful to Deputy Luxon, and I was waiting for someone to make that point. The difference is, I am seeking to give this decision to the public by way of a referendum, which is a materially different position from what was proposed in Deputy Gillson's amendment, which was for the States to make the binding decision at 24 hours' notice.

Deputy Luxon: Yes, sir, the States who were elected by the people that Deputy Fallaize refers to.

Sir, Deputy Gillson laid a relatively late amendment on a Requête that is clunky – my apologies to Deputy Wilkie through you, sir, but a Requête that is clunky and difficult to support. And Deputy Gillson has laid a very sensible amendment for a "Doyle boy" Deputy Fallaize's criticism of it I think is misplaced, but of course I think Deputy Fallaize is wanting to try and persuade this Assembly to go with his amendment rather than Deputy Gillson's.

Sir, I would ask Members to throw out this amendment, rather like a used dishcloth, and have the resolve of Granite Le Pelley and consign this to the shredding bin, sir. We do not need to support this amendment, Deputy Gillson has given us an elegant solution to our problem.

Thank you.

The Bailiff: Deputy Conder.

2050

Deputy Conder: Thank you, sir.

2055

Mr Bailiff, fellow States' Members, I rise to speak in support of this amendment. I rise, notwithstanding, that I raised some of the issues in the previous debate on the Gillson/Lowe amendment. I do so because I believe that what we are discussing goes to the heart of our representative democracy, and is potentially one of the most important debates and decisions we have had, or will make, over the past four years and should not be lightly considered on a Friday afternoon at the end of a long meeting.

2060

Sir, the nature of, and preservation of, our form of representative democracy is one the greatest responsibilities that we, or any Government, has. It is a compact between us and with the people we represent, and as such we have to think very carefully before we amend that compact.

2065

Sir, when I came into this Assembly, just under four years ago, I was a supporter of Island-wide voting, and in many ways I still am. I was so convinced that I knew how it should work, that during my first few months as a Member of the States' Assembly & Constitution Committee, I asked for it to be discussed as a formal agenda item, which it duly was. During the debate in SACC, in which I laid out my case for Island-wide voting, my arguments were skilfully, comprehensively and forensically deconstructed by the then Deputy Chairman of SACC, who helped me to understand the pitfalls and limitations, of Island-wide voting and why we should not for the time being give it any more consideration.

2070

The Deputy Chairman of SACC at that time was, of course, a certain Deputy Gillson. So I make that point not to score a cheap point against Deputy Gillson, but to illustrate that when I entered that debate I had, and I realise now, only a scant understanding of the many issues surrounding the introduction of Island-wide voting. And what Deputy Gillson and other much more experienced colleagues helped *me* to understand, was the various issues, and the consequences, of introducing Island-wide voting, and why it should not be lightly entered into. They did not necessarily change my mind, but they did enable me to better understand.

2075

Sir, as I said earlier in this debate, I believe that partly as a result of social media, but also an expectation by members of the wider community, there is now growing demand that the public will be much more fully involved in the decisions of their Government, and in many cases there is an expectation that, not only will the public be consulted, but their views will in effect be a veto.

2080

Early this morning I alluded to the forthcoming education debate and the clear expectation by the public, and indeed some Members of this Assembly, that one part of a multi-faceted consultation process, which gives a partial response to a single question, is in effect binding. Indeed, Deputy Trott in this Assembly and elsewhere, in his usual good-natured and jovial style (*Laughter*) questioned the democratic credentials of the Education Board for failing, as he sees it, to precisely follow the outcome of one part of the consultation, not referendum, process.

2085

Sir, I believe in the absence of political parties and the giving by the public of a mandate for a slate of programmes to a majority in this Assembly, future Governments on major issues of policy and constitutional change are going to have to – not *consult* with the public, which is an unscientific and potentially unbalanced process – but instead they will have to go to our community for a binding decision which gives a Government a mandate to proceed.

2090

Sir, colleagues, we have to recognise that a referendum is not just a sophisticated consultation process. A referendum is akin to a General Election, in which questions have to be carefully framed. The case for each side must be fairly and equitably made, opportunities must be given for each side to be challenged, and a vote must be undertaken and supervised with the same rigour as we would in a General Election.

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Sir, we tinker with our constitution without a mandate, at our peril. Changing the way in which we elect representatives of the people is as important as anything we might do. Any one of us can claim to know the will of the people on the basis of speaking to a few hundred Islanders, or reading social media. But we, the people's representatives, have not laid out the case or the arguments to the people of this Island. The arguments for both sides have not been tested. We do

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not know that there is a majority who are seeking the introduction of Island-wide voting. There might be at this moment but if confronted with the implications and counter-arguments they might be persuaded of a quite different view, as I was by Deputy Gillson all those years ago in SACC.

2105 Sir, changing the electoral process is not like putting five pence on a fuel tax, or dare I say, removing the 11-plus. Our voting system goes to the heart of the relationship between the voter and the elected representatives. We change it at our peril. We have to consult and the electorate have the right to hear a properly-argued case and they have to be able to demonstrate their preference through a properly-conducted vote – and the only way that can be achieved is through
2110 a referendum.

I urge colleagues to vote for all the Propositions in this amendment, and by doing so provide legitimacy to the introduction of a system of Island-wide voting, if that is what the members of our community want.

Thank you, sir. *(Applause)*

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The Bailiff: Deputy Lowe.

Deputy Lowe: Sir, I will be rejecting this amendment, and I will be rejecting it for a couple of reasons – and I will come back to Deputy Condor's comments in a moment. **(A Member:** Conder.)
2120 *Conder*, I beg your pardon.

I heard just now Deputy Fallaize say the decision has to be made by the public; and Deputy Conder actually said we change electoral process at our peril, we have to consult. Both need to be commended on that, but we did that – we sent a household drop to every household to ask them and nearly 7,000 replied. So all the thousands of pounds, and *many* thousands of pounds – I am
2125 happy to give way to you, Deputy Conder.

Deputy Conder: Thank you, very much.

Thank you, Deputy Lowe, you are of course referring to a consultation, quite rightly, but you are not referring to a referendum, which is the subject of this amendment.

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Deputy Lowe: I am indeed, I am referring to a cheaper version of a referendum. *(Laughter and interjections)* Because it was discussed.

It was discussed at the time and it was felt at the time to go to every household for two reasons: a referendum is often just those on the electoral roll. The postal drop went to every
2135 household, so encompassed more people than those on the electoral roll, and so therefore by going to every household, enabled those who were not on the electoral roll to take part, and it was the biggest response the States of Guernsey has ever had to date in all the 22 years of my time in the States.

It made it very clear they wanted Island-wide voting – they wanted Island-wide voting. So you have got your result for that. You went out. But at no time did this States – not this States, the previous States – go out and say to the public who elected them, do you want to get rid of the
2140 Conseillers? No, you did not do that, you did it overnight. A report was produced and within a couple of weeks those of us who had a six-year term was reduced to a three-year term. We had been democratically elected by the public and 24 Members in here overturned that, just like that,
2145 finished. *(Interjection)* Fine – so don't ...

To actually turn round and say you must ask the public, a bit of hypocrisy comes in here because many times the public have not been asked. And we have spent thousands of pounds already going to every household and getting a good response on that.

The other part – because I quite like the word hypocrisy, sir, I am using a bit today – was that in
2150 July 2014 in *this* term ... Sorry, I thought with Deputy Soulsby having her coughing fit here, she was trying to get my attention, she wanted me to give way. She is just still struggling with her

cold. In July 2014 in *this* States, there was a Requête by Deputy Hadley for Island-wide voting. Straightforward Island-wide voting, full Island-wide voting.

2155 Where was the amendment from Deputy Fallaize or from SACC then, to say we must have a referendum before we actually go down this route?

Deputy Fallaize: Sir, on a point of correction.

2160 Deputy Fallaize did not need to lay an amendment, because Deputy Queripel laid exactly that amendment, which I voted for and the States approved, but then rejected on the substantive Proposition. But it was the same, exactly what I am proposing today.

Deputy Lowe: I accept that, Deputy Fallaize, (*Laughter*) *but* – and there is a big but here – you have the advantage of attaching a letter as SACC –

2165 **The Bailiff:** Through the Chair –

Deputy Lowe: – to a Requête – I am sir, it is difficult to face this way because I turn my back on my colleagues.

2170 **The Bailiff:** I know, but when you said, ‘You have the advantage’ – and I do not!

Deputy Lowe: Oh, I beg your pardon, sir. (*Laughter*)

2175 SACC have the advantage of attaching a letter to a Requête on their views, and the way forward for it. SACC did not actually attach a letter to say a referendum, they left it for a Member in this Assembly to do so. That was my point, that if they were that keen for a referendum, because it was so important to do so, it should have been as the attached letter to the Requête.

2180 Now, in the last States there was a debate on Domestic Abuse Strategy; in this States there were questions by Deputy Bebb to the Home Department about the £75,000, because Home Department did not have the £75,000 and there was a successful amendment that it would come out of everybody’s budget, because we could not afford £75,000.

Here, if we go for the referendum – and I ask Members to turn to page 1053, or I will read it, save you doing that, really.

Treasury & Resources Department:

One-off costs of carrying out a referendum:

- sufficient publicity is given so that everyone who wishes to enrol has,
- a new Roll is compiled or the current one is as up to date as possible.’

2185 A new roll might be too applicable because it depends when, if, the amendment is successful, when SACC decide to go out for referendum.

- the electorate is fully informed of what they are being asked to vote upon,
- each side has a proper opportunity to put across its views through hustings meetings, etc.,
- voting day is well publicised,
- absent voting is available,
- there is a dedicated website,
- the costs of polling day are met,
- staffing the above,
- postage, printing and administration costs.’

It then goes on to say:

Bearing in mind all of the above, on the basis of the budget for the 2016 General Election, the Committee estimates that a referendum cost could between £250,000 and £400,000.

You drop down further:

The Treasury and Resources Department is of the view that the one-off funding for carrying out a referendum would be made available from the Budget Reserve of the applicable year. However, this would represent a significant portion of the Budget Reserve that is allocated for unanticipated/contingency/'emergency' expenditure where there is a clear business case; demand/cost pressures that cannot be met by reprioritising existing budgets; or variations in formula-led expenditure (totalling £2.25million in 2016).

2190 So if we could not afford to come up with money to be able to keep Departments afloat – and we have a situation like we did last month, that we have had to take money out of each of the Department's budgets to be able to carry £75,000 for the Domestic Abuse Strategy – can we justify £400,000 for a referendum, when all of you in here were asked that question, how you felt about it? So if you wanted to say, 'Well, I didn't know how people felt', you could say well actually the majority of you here did tick a box to say you supported Island-wide voting.

2195 Now, you would not necessarily have been voted-in on that, because they might have voted you in because they did not want to go for paid parking – there is a selection obviously on your manifesto. But I think it is a very weak case. And to me, this is a panic amendment, because of the result of the previous amendment, and I ask Members to throw it out and just get on with the job.

2200 **The Bailiff:** Deputy Stewart.

Deputy Stewart: Mr, Bailiff, I voted for the Gillson amendment, I was one of those 26, and the reason being is it gives certainty; and we know that in 2020, if this is approved, that we will have Island-wide voting.

2205 The problem with the Fallaize amendment is I hear clunkety clunkety, clunkety, clunk, which is the sound of a tin being kicked down the road. (*Laughter*) Because what we will have, what this allows, is the whole complications and blockages department to start coming up with, 'Oh well we were going to have a referendum but it has all gone a bit late, and we did not quite get that ready'. And then the referendum will be late, and then, 'Oh well, we were looking at introducing Island-wide voting but, of course, this has happened, and that has happened'.

2210 Do you know, after 30 years of watching the States, and four years in this Assembly, I absolutely *know* that is going to happen. I can hear the clunkety, clunkety, clunk of it going down Smith Street now.

2215 What people of this Island want is a little bit of certainty, and that is why I voted for the Gillson amendment, and that is why I will not vote for this Fallaize amendment. Let's give the public of Guernsey some certainty around the Island-wide voting, that so many of us have promised and so many of us said we would endeavour to deliver. I am going to endeavour to try and deliver this, as I promised back in 2012.

2220 **Deputy Bebb:** Point of correction.

The Bailiff: Deputy Bebb.

2225 **Deputy Bebb:** Deputy Stewart said that it gave certainty, but no such thing can be given, because of course there will be a need for legislation. Therefore, regardless of any decision made today, there can be no *certainty*, because the next States will have to debate the legislation.

Deputy Stewart is incorrect in asserting that there is certainty.

Deputy Stewart: Near-certainty, then, sir. (*Laughter*)

2230 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

I feel like I am in the back seat of a taxi and the drivers keep on changing. (*Laughter and interjections*) Now we have the driver of Deputy Fallaize, with co-pilot, or co-driver, Deputy Soulsby, who bring us this this particular ... and I am tempted to say, are we there yet? (*Laughter*)

I am going to ask them, or one of them, if they have got a map, because ... and this is why I was going to stand up earlier when Deputy Fallaize was speaking, to see what is the plan.

Now, are Deputy Fallaize and Deputy Soulsby saying to us we vote this amendment as the least worst, because it then brings in the certainty of having a referendum Island-wide? If so, I can understand that part of it and I would like that confirmation that that is the idea.

And then is it his wish, or would he suggest, that we then throw out and reject the whole of the amended Requête and rely on the full review from Deputy Green and Queripel, which will then still be in play from July 2015?

Or, does this new amendment, the new Damascus Road that we have just found, that we are going to go for the Island-wide voting with the referendum? Or is it his and his co-pilot's intention that we should actually reject it but it is least worst, and we then stick with Deputy Queripel and Deputy Green?

I just would like that clarification.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

Perhaps unusually I am going to sit on the fence on this one (*Laughter*) The issue is that I kind of support the message we have heard from Deputy Stewart, Deputy Luxon and others, that any votes for this amendment will open up a long-winded, expensive and confusing set of arguments that will be designed in order to stop it happening. *But* – and there is a but here – there is not certainty, or even near-certainty, and not just for the reasons Deputy Bebb gave about legislation. There is another crucial point, that some of us were only too aware of last night.

There will be an election, it could be an election issue, and maybe some of the candidates elected will have strong views on this question and may well share Deputy Fallaize's perspective, for example. So the idea that we are setting in play a June 2020 Island-wide election of 38 Deputies, is optimistic. I mean just four years ago we had a completely different system of Government with Ministers and 45 Members. So bear that in mind.

Sir, I do think, in reality, a referendum will be expensive and will end up to uncertainty. But as Deputy Conder and others have said, it would be democratic; and so if the amendment passes today I will not be displeased.

I would like to point out one other incidental – not correction – but anecdote that Deputy Fallaize earlier said that it would be a radical change going to 38 Island-wide Deputies, everybody elected Island-wide for the first time implicitly in the Island's history. In a way that is not true, because in 1900 when the very first Deputies entered these hallowed Chambers, until 1919 for the first two decades there were only nine Deputies – remember there were aristocratic Jurats, there were rectors, there were representatives from the parishes – but the nine Deputies were elected Island-wide on one ballot by, admittedly, a more limited electorate than today. But, sir, we do have a precedent of Island-wide Deputies.

The Bailiff: Deputy Perrot.

Deputy Perrot: I started off yesterday, when thinking about all of this, in two minds and now I am in about three or four minds. I had half a mind to withdraw from the Requête at one stage, anyway. Actually, that reminds me of a quip from one of our beloved former Bailiffs who said to me, 'Roger, if you have got half a mind you are over-qualified to be a lawyer'. (*Laughter*) I had a close relationship with that Bailiff, he called me Roger and I called him 'sir' throughout. (*Laughter*)

2285 I draw a distinction between some sort of constitutional change which we are trying to bring
 about, as contained in the Wilkie Requête, and the amendments which have been brought today. I
 know that that amendment passed, earlier on, and I have got admiration for the movers of both
 amendments. Having said that, one of the most precious things we have here is our democracy –
 (A Member: Hear, hear.) we have got other precious things, but I really fear now about interfering
 2290 with that democracy on the hoof. I know we have joked in the past about unintended
 consequences and that has become a sneered-at cliché, but I really do not know quite where we
 are going.

It is very easy to say, 'What the people want in Guernsey is certainty!' – who knows what the
 people want (Two Members: Hear, hear.) other than anecdotally? If there is going to be a major
 change to the constitution, it does seem to me that one has got to do it by way of some sort of
 2295 binding referendum. You might therefore well ask, 'Right, you did not like the Gillson amendment,
 but surely you must like the Fallaize amendment, because that drives you towards a referendum?'

My problem with that is that any such referendum, according to the words of the amendment,
 are in relation to the *whole* of this Assembly, not partial Island-wide voting, but Island-wide voting
 in relation to the whole of the Assembly. And if there is going to be a referendum, I think that the
 2300 electorate needs to be asked, 'Okay, if you like the idea of Island-wide voting, is it for *everybody*, or is
 it for only *some*?' I think that question ought to be asked.

Now, I would expect – actually I am being a little bit disingenuous here – I *know* that Deputy
 Fallaize would say of me, if I said to him, 'Why don't we put a wider question as to what sort of
 Island-wide voting you like?' He would say, 'You can only put one question to the electorate,
 2305 because anything else becomes confused.' There was a real problem in Jersey and that rather
 brought the idea of a referendum into disrepute.

My answer to that would have been – and I am not going to put another amendment today –
 'Actually, you can have a multi-question referendum, if the several questions which come later are
 sequential to the first.'

2310 In other words the question to be asked is, 'Do you want Island-wide voting? Answer "yes" or
 "no". If the answer is yes, there is then a subset to that question, and the subset is, 'If you do wish
 to have Island-wide voting, do you want partial Island-wide voting, or do you want it for the
 whole of the Assembly?' I do not see that that actually would have confused the electorate who
 are much cannier, I think, than sometimes they are given credit for, during the course of this
 2315 debate.

Of course, if we look around the world, we see referenda where there are complex questions
 put anyway. It always happens in some of the bigger states in America, so you have not only just a
 vote on who is going to be President, but a vote on any number of issues – which are taken to be
 binding referenda.

2320 So, another thing that Deputy Fallaize might say to me – I am being disingenuous again,
 because he has said exactly that to me – 'Well, look, if you do not like the Gillson amendment all
 that much, surely it is better to vote for my amendment, because mine is, at it were, the least
 worst of the amendments? And not only that, you can vote against it substantively when it comes
 to the vote.' But I am afraid I have to riposte to him that, 'No, that is not so, because there is not
 2325 the opportunity of dividing up the referendum into a full Island-wide voting for *all* of us within the
 States, or just partially.'

So I am now driven, I think, to voting against absolutely everything, (*Interjections*) and leaving
 it now to the Resolution which we have already passed from last year (A Member: Hear, hear.) to
 find its own way through the system.

2330 I wanted to support Deputy Wilkie because, if I was being true to myself and true to the
 responses which I had given to all the people to whom I spoke about this in 2012, I *am* in favour
 of Island-wide voting but on a limited basis only. In voting against everything – and if the original
 Resolution is allowed to remain in force and the SACC Committee is allowed to get on with its
 work – I suppose I would need to apologise to my constituents and say, 'I am sorry if you think I

2335 have let you down, but frankly this is not the way to deal with important ...'. No I will not give way.
'This is not the way to deal with important constitutional change.'

The way you deal with constitutional change is to make sure that everybody has had time to analyse matters properly. You may say, as a criticism of me, 'That is all very well but you have signed a Requête, what about that, isn't that doing it on the fly?' My answer to that is actually no,
2340 because our Rules do provide that when a Requête is submitted everybody's comments are sought under our Rules, and they are sent out to the heads of all Departments involved. I mean I would not be surprised if the office cat in Frossard House had a chance to comment on a Requête! (*Laughter*) The point is that it is looked at in a proper and considered way.

So I am sorry if I am shilly-shallying about all this. I am sorry if I have let Deputy Wilkie down,
2345 but I do think that I am, a least in my own mind, I am standing up for my own constitutional principles.

The Bailiff: Deputy Ogier.

2350 **Deputy Ogier:** Thank you, sir.

There are two metaphors I would like to apply to the situation we are currently in – and we have been here before and we will be here again. But I look at it like this: when I return from the shops my wife, with a slightly haunted look in her eyes, asks me, 'Did you get the things I needed from the shops, the bread, the cheese, butter, flour?' And I of course say, 'Even better than that, I
2355 got a Christmas Unicorn made of chocolate, a bottle opener in the shape of a shark, and a bag of left-handed chisels.' (*Laughter*)

I sometimes feel like that in this Chamber. We come in with a clear set of proposals, and leave with something almost completely different and unexpected, and the public say, when we come out of our four days in this Chamber, 'Did you make the decisions we were expecting?' And we
2360 say, 'Even better than that! (*Laughter*) We are going to change the system for four years only, make changes to the Law then change them back, and have a referendum.' And they look at us with that haunted look in their eyes, that I am now domestically very familiar with. (*Laughter*)

Another way of looking at this is the famous diagram of a swing designed by committee, someone adds a rope on one side, someone adds a rope on the other, maybe a slightly different
2365 length, someone adds a seat, and it all makes sense at the time. But with amendment after amendment after amendment it might make sense – but when you look at it with that bit of distance it looks wonky, lopsided and unbalanced, and the decision suffers from a lack of evidence.

I am tempted, as I always was with this Requête, just to vote against the whole thing. I used to
2370 be in favour of Island-wide voting, but in more recent debates I have been against Island-wide voting. In brief, more for Deputy Parkinson's benefit than for anybody else, in my view there would be too many candidates and too many manifestos, for meaningful and adequate scrutiny to be conducted. Voting would inevitably lean in favour of well-known Deputies, meaning the system would favour people who are already Deputies. The sort of widespread change we saw in
2375 2012, therefore, would become less likely if sitting Deputies were favoured.

Parish hustings for parish Deputies would no longer occur, parish residents would no longer look forward to meeting many of their political representatives face to face on the doorstep, and that would therefore end the very close relationship between Islanders and their political representatives. The Electoral Reform Society are not of the opinion that Island-wide voting is in
2380 our best interests. So for me, I think that it *should* go before Islanders. But I am not in favour of spending £400,000 or so on it.

We have also heard that it could be difficult to change the Laws in time, even without a referendum. When you add a referendum into that mix, it seems to me that it could be extremely unlikely that we would complete all the workstreams in time for 2020.

2385 I do not think it is a political decision anymore. I think that how the political representatives are chosen is most properly a matter for the Islanders making that choice – and I think that it should

go before the people in a referendum. However, in the absence of further evidence, with this amendment after amendment that we are suffering in this Chamber here today, I am finding it difficult to come to a reasoned decision here at this point.

2390 I am minded in light of this, to throw everything out, as we are in danger, I believe, in the absence of relevant information, of making decisions without the benefit of evidence or illumination.

The Bailiff: Deputy Bebb.

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Deputy Bebb: I thank Deputy Ogier and Deputy Perrot for their last two speeches. However, I would hope to persuade them to vote for this particular amendment and I think that I can explain why. I think that this amendment – and my position is well known, I think that was fairly obvious from my previous speech.

2400 But let's be honest about the process that follows on from this debate. It does not matter what happens from this debate, as long as something is passed legislation comes back to this Assembly. Now that will happen during the next term. And I ask every single Deputy here to honestly consider whether any system of Island-wide voting that would be brought back to this Assembly, would not face in legislation an amendment to have it put to a referendum.

2405 Deputy Ogier made reference to the fact that breaking the system of election that we have at the moment, where people get to meet their candidates. Now, as Members are probably fully aware, there is a presidential campaign on the way in America, and one of the things that they pride themselves in Iowa is that every single elector in Iowa has shaken the hand of the President. It is a very close bond and they feel this pride that they have a close bond between the person they have elected, and having met them face to face.

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If we are to adopt this view of Island-wide voting, we would break that bond here. Now, that is a serious consideration for many. If it is to be broken, it is possible that the best way to do it is with the consent of the electorate. Now, whether there would be a referendum or not, is going to be the subject of the next piece of work, which would be the legislation. What I would suggest is that rather than have an amendment, where we would have scant time to consider the ramification of a referendum, it may be preferable that the details of the referendum are laid out before the Assembly in the legislation and then they can make the choice in full knowledge. If we do not vote for this amendment, we will see the legislation come back and a call by amendment in order to have that referendum – and the whole debate starts all over again.

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2420 I will, of course, be voting against the whole of it eventually, but I have to consider what is the least worst option. I honestly think that given that the legislation will come back, and it will undoubtedly face amendments in order to have it placed to a referendum, it is preferable to have the referendum laid out before us and the decision to be made then.

I would also say that what we have at the moment is an estimate of between £250,000 and £400,000 for a referendum. That is *not* to be considered lightly. If we are to embark upon a referendum, I would suggest that it is preferable to have a better understanding of that cost; and to have a report back from SACC would give a better understanding, because I do not think that any sensible decision of an expenditure of £400,000 could be made without full reference to the facts.

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2430 Therefore I would urge Members to support this amendment; but, like so many others, I do not believe that this is the right approach at all, but I think that this would be the least worst approach.

The Bailiff: Deputy Adam.

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Deputy Adam: Thank you, sir.

Over the past eight years I have never been strongly in favour of Island-wide voting basically because, as Deputy Dorey said, how are you going to formulate it and run it in a sensible and

2440 satisfactory way. If you give 38 people 38 votes, how many votes are they going to use and are you going to have a democratic situation?

But on this occasion – and remember at the beginning of this debate on Deputy Gillson’s amendment, several Members highlighted that it may not work, it may not be successful, because of exactly that situation. Or words to that effect. But I do support this amendment because one gets the feeling now, from what is said around this Assembly, that you all seem to go out and speak to 200 or 300 people and it is the impression that these 200 or 300 people, multiplied by 35, want to have Island-wide voting.

2450 But Deputy Gillson’s amendment concerns me slightly. First of all it stated we will have the amendment 2020, and in 2024 we will go back to electoral districts unless it is brought back the States to retain it. Or as, I think it was Deputy Allister Langlois said, ‘Let’s have a go, let’s see what it is like’ – when you are speaking against it. And that is a frightening thought.

2455 We are meant to be a stable Government in Guernsey. (**A Member:** Hear, hear.) As a stable Government who can attract our finance business and keep them here, and they feel comfortable because we are a stable Government. If we do something rashly, it does not cost them anything to get up and go elsewhere. So I think we have to be responsible. This uncertainty might cause potential instability within our financial business community.

2460 I have to admit that I did discuss things with Deputy Fallaize and Deputy Soulsby, and suggested these facts as well – because it does concern me. I feel that adding the bits that have been added will give credence, (a) to the wish of the population that this is the way they want to go, by having a referendum, *and* directing the SACC Committee to report on the methodology of the election. We need to know how this might be carried out in a sensible manner that will prove long term successful. Not just throw it up in the air and say there is 38 votes, there are 92 manifestos to read, let’s see how you get on with it. Trial and error is not a thing one should be doing to dabble with a significant change in the electoral process in this Island.

2465 Now, Deputy Perrot did ask about the consultation process that was done several years ago, that Deputy Lowe keeps quoting. Now it actually had four choices: (a) was, 10 Deputies appointed to each parish and the remainder Island-wide – that got 31.2% of the vote; (b) was, all electorate Island-wide – that got 30% of the vote; (c) was, four years with every two years a change of half of the people sitting – that got 20%; and (d) was, electoral districts got actually 17%.

2470 So the problem is ... and, sir, I would like to thank Deputy Dorey for giving me the piece of paper a short time ago, (*Laughter*) and his usual efficiency on having background information! So the problem of giving too many choices is often you do not get a solid result. I accept it is nice to have the choices, but if you give four it actually gets 30, 30, 20, 20 – sorry, 30, 30, 20, 17. So someone cannot say there was definitely a ... (*Inaudible*) for Island-wide voting.

2475 Yes, there is definitely a strong positive for *some* form of Island-wide voting. *Some* form, as Deputy Perrot said – some form and he would prefer some split. There is an argument for every other side, but I personally feel that this is preferable to the blanket Deputy Gillson’s, especially when you consider Proposition 2 in that one.

2480 I feel the Requête with having seven – like someone else has said – I think 10 would have been more suitable. Having seven people going Island-wide the expectation, as it was with the Conseillers when there were 12 of them, was that they would be presidents of Committees – and the *senior* Committees, not just something like traffic, or something. (*Laughter and interjections*)

Sorry, I did say SACC, sir, honestly. Since I am honest, I could actually say SACC.

2485 But, problems as far as that ... so I think, as somebody else said before, this is the best option on the table, and I suggest that we take it, accept it wholeheartedly, and give the next Assembly something to go forward on that is positive, and they can deal with it and assess it themselves.

Thank you, sir.

The Bailiff: Deputy Trott has been waiting a while.

Deputy Trott, then Deputy Langlois.

2490 **Deputy Trott:** Thank you, sir.

Sir, I have lost count of the number of times I have heard Members say in this Assembly that we should not make big decisions on a Friday afternoon, and I am wondering whether SACC, next time round, ought to consider that we knock off at Friday lunchtime, (*Laughter*) because it does seem to be that Members are increasingly uneasy – I will give way, sir.

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Deputy Fallaize: Sir, we are all under the impression that Deputy Trott does that anyway! (*Laughter*)

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A Member: Sir, another point of correction, that is a *Thursday* afternoon. (*Laughter*)

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Deputy Trott: Sir, it is funny that Deputy Fallaize should say that, because Deputy Perrot was telling us earlier that he had an interesting relationship with a former Bailiff, where they used to discuss things from time to time; and I once remember saying to a former Bailiff that I thought that Deputy Fallaize was quite a wit, to which the Bailiff replied, 'You are half right.' (*Laughter and interjections*)

A Member: It's not as good as yours, Mark!

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Deputy Trott: Sir, this Assembly has a mandate, we are here on a majority promise to introduce Island-wide voting – and that is a fact that should not be discarded. We are also weeks from an election.

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Now, our electorate will tell us, in graphic detail, if their views have changed. And, if a majority of Members are elected who are opposed to our decision this afternoon, the next Assembly will doubtless unwind it, as is their prerogative. We cannot bind the next Assembly, we all know that. That is why we do not need a referendum in this case, (a) because we have the mandate to do what we are doing, and (b) we are weeks away from having it tested. So the need to spend hundreds of thousands of pounds is, in *this* case, unnecessary.

Thank you, sir.

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The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

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Just a few brief words about risk. I was quoted just now – I think I heard Deputy Adam correctly – he implied that it was me that was saying, 'Let's give it a go.' I was actually quoting another Member saying, 'Let's give it a go', and that is because I am risk averse. In fact, Deputy Gillson earlier said that he is probably more risk averse than me. Now I would not bet on that – it does not work that way.

2530

Sir, the Green amendment is in play, is there, the work is going on, and so on; we have got to remember that that is the fall-back position at the end of today. But I think we must accept the Deputy Fallaize amendment, because there has got to be a safety net, it is a form of risk reduction. I accept fully that it sounds a little bit of a pricey form of risk reduction, but nevertheless it is a risk reduction we must have, when we are doing something quite so momentous with our democratic system.

2535

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

2540

Deputy Fallaize had two central points in his opening speech, sir. He suggested that Deputy Gillson's amendment had been hastily prepared, and we were making decisions without information before us. But of course, SACC have helpfully provided us, in the Billet, with the previous work that has been undertaken. It begins at page 1060 and continues for the following 57 pages. The analysis of an election of all Members in one go is set out at page 1072 to 1078, so

there is plenty of information been available to Members, enough to enable us to make this decision, not least because of the frequent debates on the subject recently. So I think that argument does not hold water.

2545

The second argument was, Deputy Fallaize suggested that Proposition 2 from Deputy Gillson's amendment was flawed because it would introduce uncertainty as to what would happen in 2024. I think Deputy Collin's intervention during Deputy Fallaize's speech was the most useful, because it absolutely nailed that point that that Proposition can simply be voted out when we get to the final vote, and that deals with that uncertainty.

2550

The flaw, sir, with this amendment is the delay that it would introduce, and I think Deputy Stewart spoke to that. We will need to have the legislation to enable a referendum – that will take several years to prepare I suspect, (*Interjections*) in order to actually get us to a point where we have had the referendum.

2555

I believe that we will need the four years to prepare for an all-Island election, and therefore I think the flaw in this is the delay that will follow as a result.

The Bailiff: Deputy Lester Queripel.

2560

Deputy Lester Queripel: Sir, I am somewhat reluctant to speak in this debate, (*Laughter*) in case Deputy Fallaize accuses me of saying something I did not actually say, as he did this morning. (*Interjections*)

So, I will say this slowly, (*Interjections*) clearly and concisely (*Interjections*) to ensure that there is no misunderstanding whatsoever. As usual, sir, I have written it down.

2565

I, Deputy Lester Queripel, do hereby declare that I will not be supporting this amendment. (*Applause*)

The Bailiff: Deputy Soulsby.

2570

Deputy Soulsby: Sir, when I came into this Assembly this morning I was not expecting to make any speech, in fact I was quite happy sitting in the corner, sniffing and coughing with my tissues. But I made the mistake of chatting away to Deputy Fallaize, and in my weakened state succumbed to being a seconder of this amendment. (*Laughter*)

2575

However, it does not mean that I do not think that this amendment is incredibly important. We have just voted to completely sweep aside our current electoral system; not just tweak it, or adjust it, but completely and utterly reject the current system and replace it with something else. Well for one term anyway, who knows what will happen next? No-one, and that instability is not without risk – and I do wonder what the Ministry of Justice will think of that. Having been on the Constitutional Investigation Committee I am all too aware of the importance of that relationship.

2580

Equally, but perhaps of more concern locally, is what legitimacy this States has to completely change a system at the very end of this term. We do not know what people want. Yes, we hear about Island-wide voting and it is talked about, but do the people want such a major change to our voting system? Deputy Luxon claims to have counted the numbers of people who said they wanted Island-wide voting, but what was his question? Were the answers given categorically, 'Yes', toward what we have voted for today?

2585

I give way.

Deputy Luxon: Just in answer to Deputy Soulsby, I do not claim to have counted – I *did* count, and I kept a record, it is still in my file at home. And no, I did not lead the questions; and no, they did not all say the same thing.

2590

Deputy Soulsby: Very helpful, thank you Deputy Luxon. (*Laughter and interjection*) Proved my point!

2595 Several speakers have raised the point what the advantage of Island-wide voting in this form means, it will more likely result in, party politics. Do we know whether that is what people want? I do not know and that is the point.

The governance of this Island is entrusted to the 45 Deputies and the two Alderney Representatives, in this room. However, the method of selecting those Deputies is not a responsibility solely of that 47, but is more properly an issue for the people of the Island.

2600 In my view I think this amendment is incredibly important, because we are not sure this is what the Island's people actually want at this moment in time. This allows us to find that out.

A Member: Hear, hear.

2605 **The Bailiff:** Deputy Gillson.

Deputy Gillson: Sir, I think there are three main reasons that Deputy Fallars put for supporting his amendment rather than mine – (*Interjections*) Fallaize, sorry, apologies. I think it is worth noting that my Proposition 1 in wording is virtually, apart from the date, exactly the same as the 2610 2014 Proposition that Deputies Conder, Fallaize and Hunter Adam supported.

Now, I think one thing Deputy Fallaize mentioned was about late circulation of the amendment. I think that is a bit rich from Deputy Fallaize, who could be classed as the king of the late amendment. I lose track of how many times we have to actually adjourn the meetings to facilitate Deputy Fallaize bringing in a late amendment. So I certainly do not have the track record of Deputy Fallaize on late amendments. (*Laughter*)

2615 This is, in this term, the fourth time we have had the debate. As Deputy St Pier kindly pointed out, all of the information we have, we would know from previous debates, but is contained in the Billet – SACC produced 57 pages of information about how the different electoral systems and how the one that is being proposed can work. So we *have* had all the information. We have had 2620 years to consider this and we have considered it over those years. So this is not a new out of the blue subject, this is a subject that we have all discussed at least three times in this Assembly.

Now, the main difference with Deputy Fallaize is the referendum and as I said earlier I do not like referendums, I question the cost of it. And it will bring in more delay. I think the one thing about the estimate of cost that is put in there of nearly £400,000, those estimates do not include 2625 the cost of putting the pro and con arguments to the public. I mean that would have to be done some way, and it has been suggested that Government could do that; well, that is not costed in there. So we would have more cost, more delay, more uncertainty – none of which are needed.

There was one comment about, we must not change Government because or without a referendum. Well, did I miss the referendum reducing the number of Deputies? Did I miss the 2630 referendum that said Castel should lose two Deputies and St Sampson's should not lose any Deputies? We have just changed the structure of our Government (**Several Members:** Hear, hear.) and there was no referendum. (*Interjections*) The number of Deputies is quite a significant change, but there was no referendum for that.

We know less. We have got more certainty that the public are interested and want Island-wide voting than we have that they wanted a reduction of Deputies and that people wanted Castel to 2635 lose two Deputies. But I suppose the one area which is causing a lot of concern is Proposition 2, and as Deputy Collins said, well actually you could just vote against it. Just do that.

What I am going to suggest, sir – I have not mentioned this to Deputy Lowe, so hopefully she will not mind. Could we vote on the three Propositions separately, and take Proposition 2 first? I 2640 say that because there may be somebody, like Deputy Fallaize, who would vote for Island-wide voting without the Proposition 2, with that caveat. Although there might be other Deputies who will *only* support Island-wide voting with the caveat. If we take Proposition 2 first, we will then know that parameter has been decided before people decide on whether to introduce Island-wide voting or not.

2645

The Bailiff: I am not sure it is just for you, me and Deputy Lowe to decide the order in which we take the Propositions! (*Laughter*)

I look to HM Comptroller, whether you would have to lay an amendment to reorder the Propositions or whether would could simply do that?

2650

The Comptroller: Sir, if the States wanted to take Proposition 2 first, then it could certainly be put that the States, in my view, could consider it first. However, sir, because Proposition 2 is worded with effect from the 2024 General Election it will look slightly odd in taking it first, because of course at the moment it is worded to follow on quite naturally from Proposition 1, which goes up to the 2020 General Election.

2655

Sir, it might be better just for that reason alone, it follows on nicely from Proposition 1; but it is a matter for the States, sir, and for you.

The Bailiff: In that case I could put it to the States just as a procedural motion when we get to the voting.

2660

The Comptroller: Yes, sir.

Deputy Gillson: Thank you, in which case I think that if people are concerned about Proposition 2, then hopefully we will take it first and vote against it.

2665

Let's remember what Deputy Trott said, a lot of people made commitments at the Election to bring in Island-wide voting, let's stick with those commitments, let's not spend in the region of half a million pounds on something which all it will serve to do is delay matters. For once let's be a Government that makes a decision. Please reject the amendment.

2670

The Bailiff: Deputy Wilkie, do you wish to speak now rather than at the end?

Deputy Wilkie: Yes, I will speak now, sir. I just want to be brief.

Just about, I have heard a lot about the cost of the amendment here and really the cost of the amendment is unknown, sir. It is highly likely that a new electoral roll will not be required – and just *that* will probably change the cost by £150,000 or £250,000, somewhere in that region. So we do not know the cost until SACC come back with the details. And at that stage if this States believes it to be too expensive, then they can vote against it.

2675

Sir, I will be supporting this amendment, because I believe it brings back the Propositions as close to what I had in the original Requête. And I would ask other Members to do so.

2680

Thank you.

The Bailiff: Deputy Hadley.

Deputy Hadley: Mr Bailiff.

2685

Sadly, I am going to repeat what has already been said, but it is so crucial to me I think it is worth saying.

To have Deputy Fallaize and Deputy Conder arguing for the need for a referendum, when they are the two architects of a *massive* change of Government, for which no reference to the electorate has been made whatsoever, to be then supporting this amendment, is extraordinary.

2690

So I do urge Members to reject this amendment.

The Bailiff: Deputy Fallaize, you may reply to the debate as no-one is rising.

Deputy Fallaize: Thank you, sir.

2695

Deputy Luxon said, and this point was repeated by Deputy Stewart, that no uncertainty would arise from the Propositions as they stand at the moment, following Deputy Gillson's amendment. There would not be more than six months of electoral uncertainty, they said.

2700 Well, we are about to go into an election that everybody knows will be held on a district basis. We would go into a 2020 General Election that everybody would know would be held on an Island-wide basis, and we would have no idea at all on what basis the 2024 General Election would be held. If somebody is asked on the doorstep in a few weeks' time, what have the States voted for? What is going to be the system of election at the next two or three elections? Well Deputy Luxon will not have to explain it, he will be doing something that is even more difficult.
2705 *(Interjections)*

But there are not going to be many things that are more difficult than explaining the system of elections at 2016, 2020 and 2024 and thereafter, that the States would have voted for. This amendment from Deputy Gillson that the States have approved, it may be good, it may be bad; but it certainly does inject considerable uncertainty into our electoral system.

2710 Deputy Conder emphasised the gravity of this decision. Our electoral system is the basis of our democracy, and I think the speeches made by some Members have not properly reflected that. Deputy Gillson said I am the king of late amendments. Look, this is not an amendment trying to reconcile differences on a matter of policy between two Departments, this is a matter of fundamental importance to the very basis of our democracy.

2715 The States have just voted, by voting in favour of Deputy Gillson's amendment, to make far-reaching changes to that, and they have done it on the back of an amendment at 24 hours' notice or less. That, I think, is the fundamental point.

Deputy Lowe ... it is interesting that some of the strongest supporters of Island-wide voting are some of the strongest opponents of having a referendum on it. *(Interjection)* Members will draw their own conclusions from that. She said, as she has said many, many times, that the consultation in 2009, 2010 or whenever it was, that the States ought to have taken more notice of it. She talks about it in sort of hallowed terms – and 6,000 people responded to this consultation exercise.

2725 **Deputy Lowe:** There were 7,000.

Deputy Fallaize: Let me tell you, as a Member of the States' Assembly & Constitution Committee at the time, that it was not done on a very scientific basis. There was not a controlled group of consultees, any number of people could have submitted any number of returns.

2730 But the point is that there are nearly 30,000 people on the electoral roll. Now, if we want to understand the opinion of the public on electoral reform, we need to ask those who are on the electoral roll, which is many times greater than the number of people who replied to Deputy Lowe's consultation six or seven years ago. *(Interjection by Deputy Lowe)*

2735 She also said that the States removed Conseillers without public approval. Well this is a complete misunderstanding. What the States did, was they cut short the term of Conseillers elected in 1994 and returned the sovereignty to the people to decide who to elect to the States. That is not anti-democratic, that was giving the people back the choice of who represents them in the States. A completely different set of circumstances.

2740 She and other Members raised the costs of a referendum. Now, the point that Deputy Wilkie made is quite correct. I have to say that because of the totally inadequate arrangements there are at the moment for submitting policy letters and requêtes and asking Committees to comment on them, the States' Assembly & Constitution Committee had, I think, about eight and a half minutes to write its letter of comment. What was said was that:

Calculating the potential cost of holding a referendum with any accuracy at this stage is difficult as the precise costs would be dependent on a number of practical factors. The Committee needs to consider in detail and then report to the States with detailed proposals concerning the conduct of a referendum. As one has never been held in Guernsey before numerous issues would need to be considered and the States' view on them obtained.

2745 That is why it is impossible to give an accurate cost, but the figure of £250,000 to £400,000 includes the preparation of a new electoral roll, which is a very expensive business. I believe that if the States have made a decision today to hold a referendum which would take place, let's say some time in 2017, or 2018, or 2019, that it would be perfectly reasonable to use the electoral roll that is being composed for the 2016 General Election. That would significantly limit the costs of holding a referendum.

2750 Deputy Bebb implied that there would be some confusion arising from what the States had decided today, and I think he is right. If the States reject my amendment and go on and vote for the substantive Propositions, as they have been amended by Deputy Gillson's amendment, the message will go out from here the States have voted to have Island-wide voting in 2020 – the Island is going to have Island-wide voting in 2020. That is not correct, because there will have to be further reports and legislation laid before the next States, and it may be that no Member of this States is a Member of the next States, or it could very well be that a minority of Members of this States are Members of the next States. So an inaccurate message would go out from this debate, if the Propositions are approved as they are at the moment.

2760 Deputy Brouard said he wanted confirmation of the plan. Well, the plan is whatever States' Members want it to be. All I can tell him is that I am laying this amendment to introduce different Propositions 1 to 3, because I think that they are better than the Propositions inserted by Deputy Gillson's amendment.

I will give way to Deputy Brouard.

Deputy Brouard: Thank you.

2765 Could Deputy Fallaize just advise what his plan is after that? That is the key. Does he think his plan stands up, or do we fall back to the Deputy Queripel/Deputy Green amendment?

2770 **Deputy Fallaize:** I am in the same position as Deputy Gillson was when he laid his amendment. If this amendment of mine is successful, I will vote for the Propositions as amended. But how other Members vote is entirely out of my control.

The key point I wanted to make really was – and this is in response to something that several Members said –

I will give way to Deputy Trott.

2775 **Deputy Trott:** I am grateful. Two questions at once, if I may?

2780 The first is about a referendum. Surely using the existing electoral roll for a referendum would be wholly undemocratic? There would be voters, for instance, who are currently aged 15 who would attain voting age during that time. There would be others that would have only been here maybe for a year who would qualify during that time. So it would be essential that a referendum was carried out, and to suggest otherwise is I think unreasonable.

Secondly, sir, with regard to messaging, surely the Chairman of SACC could simply assist the rest of us in saying that an in-principle decision has been taken, subject to the necessary formalities of this legislature. That message would be correct and easy to communicate.

2785 **Deputy Fallaize:** Well, if that is the circumstances that arise, I look forward to Deputy Trott trying to get out that message, because that is not how it will be conveyed.

2790 On the point about the electoral roll, I do not agree with him, because if 15-year-olds become 16 they can be added to the electoral roll, the electoral roll can be opened. The new electoral roll established for 2016 could be left open, and then closed immediately before – or a period of time before the referendum is held. So I do not accept that at all. If there is a by-election in 2017, I doubt that we will have a new electoral roll composed purely for the by-election.

I will give way to Deputy Lowe.

2795 **Deputy Lowe:** Thank you very much for that, Deputy Fallaize, because the reason, following on from the electoral roll, where a new roll needed to be compiled for the by-election in November, which was three years after the last election, and I heard Deputy Fallaize say that it might be three years before you go out for the referendum; so you cannot have a new electoral roll for three years on one part when it is a by-election, and yet you are not going to go for a new roll for a referendum because it suits the argument at this particular time.

2800 **Deputy Fallaize:** I did not say it would take three years to go out for a referendum. That is total nonsense. In fact, I voted in favour of the amendment to have a referendum on Island-wide voting when Deputy Laurie Queripel laid it – I think it was late in 2014, and I think Deputy Green may have seconded the amendment – but the legal advice that we had at the time was that it would certainly be possible to hold the referendum in a much shorter period of time than Deputy Lowe is talking about. There is no need to hold a referendum in 2019. We would need to be holding a referendum, I would suggest, in 2017 or early 2018 at the latest. This is not enormously complicated.

2810 Now the key point though, and I want to refer to Deputy Perrot and Deputy Brouard, and others, who have said, 'Well, this is not really the position we would like to have found ourselves in, because we would like a referendum on a different sort of Island-wide voting system.' Well, okay, jolly good, but we have to deal with the circumstances as they are. I would not have laid this amendment if we had not had the successful Deputy Gillson amendment.

2815 There are at the moment two choices in town. The substantive Propositions put before the States at the end of this debate will, either be those as they are at the moment amended by Deputy Gillson, or those as set out in my amendment. And I think that the Members who may want something else ... well they could have, or they still could, I suppose, bring their own amendments.

2820 I will give way to Deputy Bebb.

Deputy Bebb: I thank Deputy Fallaize for giving way.

2825 Could I suggest to Deputy Fallaize that it is perfectly possible that when the legislation comes back, of course, that could be amended in order to include other forms or Propositions not just the Island-wide voting as proposed by Deputy Gillson, but could also include Island-wide voting as proposed by Deputy Wilkie in his original Requête.

Deputy Fallaize: Yes, that is correct.

2830 But the point is that Members cannot somehow snuggle themselves under a duvet and wish that the last two or three or four hours had not happened – (*Laughter and interjections*) although they may wish to! But that cannot happen, we cannot go back to the way things were before voting on Deputy Gillson's amendment.

2835 I know that Deputy Perrot wants to have a referendum on having a portion of the States elected Island-wide. That is why he signed Deputy Wilkie's amendment, but Deputy Wilkie's amendment has lost, because it has been replaced by Deputy Gillson's Propositions.

Deputy Perrot: There is no need for him to shout at me. (*Laughter*)

The Bailiff: He is shouting through the Chair.

2840 **Deputy Fallaize:** I apologise. I thought my friend was asleep, I am so sorry. (*Laughter and Interjections*)

So, we have to deal with the way the world is, and I think that when we vote on the substantive Propositions, the better set to vote on are the ones in my amendment, and not the ones in Deputy Gillson's amendment.

2845 Deputy Perrot or others may say, 'No, your amendment is not perfect, we did not really want that either, we will reject it.' But what are they going to do if Deputy Gillson's model goes through? They are going to be left with full Island-wide voting, for all Members of the States, without any referendum in between. (*Interjections*) Some Members are in favour of that, and I think they may find the defeat of my amendment is a pyrrhic victory as well by about half past
2850 four or five o'clock.

So I would say to Deputy Perrot it was a good speech, I do not necessarily disagree with any of the points he made about the position that we wish we were in. But it was a speech for three or four hours ago, because we are not in that position any longer following Deputy Gillson's successful amendment.

2855 Deputy Ogier, I think slightly mischaracterised what is proposed in the amendment, because he said that there was uncertainty, and we will have one system in 2016, and possibly one system in 2020, and what is going to happen in 2024? And he is right to describe the Propositions, as they are at the moment, in that way. But actually I would say that my amendment provides more certainty than Deputy Gillson's amendment.

2860 I consider it much less likely that the next States would overturn a decision to hold a referendum on Island-wide voting, than that the next States faced with the legislation to bring into effect the Deputy Gillson model, if I can call it that, would overturn that model. So I think if we are after a degree of certainty, I think it can only be provided now, imperfect though it may be, by my amendment.

2865 As I said, I am seeking to return effectively to the 2014 position, where rightly the States did vote for Deputy Queripel's amendment to have a referendum on exactly this basis on this Island-wide voting system; and then when the vote on the substantive Propositions was put, it lost – but only, I think, by one or two votes. So, I know there are a sizeable body of Members in the States who in the past have voted to have a referendum on whether all Members should be elected on
2870 an Island-wide voting basis, and I hope they will again now.

Deputy St Pier said he thought it would take several years to organise a referendum. I just do not agree with him at all. He said that the amendment built in delay, I do not think it builds in delay at all, we are talking about the same election, we are not talking about the 2016 Election, we are talking about the 2020 Election, the date for which, or the month in which it will take place
2875 and the year has already been fixed. So I do not think there is any delay inserted whatsoever by this amendment.

Deputy Perrot talked about making democratic and constitutional change on the hoof, and I agree with him – but that is how the Propositions read at the moment. If my amendment loses, the States will have to go to the vote on Proposition 1:

'That for the term following the 2020 General Election, all deputies shall be elected on an Island-wide basis and all voters shall have the same number of votes as there are deputies' seats.'

2880 That amendment was produced less than 24 hours before it was voted on. That is constitutional change on the hoof. At the very least, my amendment ensures that that will not happen unless it has been approved in a referendum by the people we represent.

There has also been criticism that I am laying this amendment when the machinery of Government changes were not put to a referendum. Again, I think that is just a misunderstanding
2885 of the scale of the changes. The way in which the States arrange their Committee structure is not the same as the fundamental basis upon which Members are elected to the States. They are of a different order. The latter, how Members are elected to the States, is fundamental to our constitution. It is fundamental to our democracy. The way in which the States arrange their Committees, once they have been elected, is not nearly so fundamental to the basis of our
2890 democracy.

Deputy Gillson and others say, 'Well, look, just vote against the new Proposition 2 and maybe it can become Proposition 1, and then it is more likely to be voted against.' But they do not know.

They put that up as an argument against voting for my amendment. They have no idea what the States will do when we go to the vote on the substantive Propositions – absolutely no idea at all.

2895 Sir, I think that electoral reform is a proper subject for a referendum; and I do not believe the States should make very significant, far reaching, changes to the basis of our democracy, our electoral system, in the way they have at 24 hours' notice without approval in a referendum.

I am not giving way.

2900 **Deputy Trott:** On a point of correction, sir.

The Chairman of SACC is espousing us of the virtues of a referendum, but when others have explained to him how we have fundamentally changed the election process *this* time round by reducing the number of seats without a referendum, he completely ignores that rather inconvenient truth! (*Interjections*)

2905 **Deputy Fallaize:** Sir, I am including that in the changes that were made a few months ago, or over the last couple of years. I do not believe that reducing ... keeping the electoral districts exactly as they are, still having an electoral system based on districts, but taking one seat away per district is anywhere near as fundamental – or two in one district. I do not believe that reducing the number of the Members of the States by seven, but maintaining exactly the same electoral system otherwise, is anywhere near as far reaching as saying, 'Overnight we are going to scrap the district system, and we are going to go to having 38 Members elected on an Island-wide basis.' They are of a completely different order. (**A Member:** hear, hear.)

2915 Now, if Deputy Trott does not understand that I cannot help him anymore. (*Laughter*) I think it is obvious.

Now, sir, to conclude, I say when we vote on my amendment there is a simple decision: do the States prefer the Propositions as they are at the moment, as amended by Deputy Gillson's amendment? Or do they prefer the Propositions as set out in my amendment? Because there are no other options available at the moment, when we vote on this amendment.

2920 I think that *my* amendment is preferable to the Propositions that are in play at the moment, and on that basis I ask Members to support the amendment.

Thank you, sir.

The Bailiff: Members you vote now on the amendment, proposed by Deputy Fallaize.

2925 **Deputy Lowe:** Sir, could I –

Deputy Fallaize: Can we have a recorded vote please, sir?

2930 **Deputy Lowe:** Could I just ask Deputy Fallaize to answer, why he did not think it necessary or appropriate to put in the SACC letter of support in the previous Requête for 24 Island-wide voting, why there should be a referendum beforehand?

The Bailiff: Is that relevant?

2935 **Deputy Lowe:** Yes, it is, sir, because –

Deputy Fallaize: Well I would answer the question if I understood –

2940 **The Bailiff:** If you wish to answer it, fine.

Deputy Fallaize: Well I do not understand it, sir, so I cannot answer it. I am sorry.

Deputy Lowe: Can I put it a bit clearer then. (*Interjections*) Well he did not answer it.

2945 It was just ... no it is not, it is asking why there was not anything in the letter of comment previously, when we sought all Island-wide voting, why SACC did not ask for a referendum at that time.

2950 **Deputy Fallaize:** Sir, there was so much chatting appealing for Deputy Lowe to sit down, that I could not even hear what she said on that occasion. I am sorry! (*Interjections*)

2955 **The Bailiff:** Well, Deputy Lowe is asking a question about the last debate, on the last Requête about Island-wide voting, and I am not sure what the relevance of that is to *this* debate, that we are having on *this* Requête, in *this* debate.

Deputy Lowe: Because it is so important for a referendum.

The Bailiff: We vote, then, on the amendment proposed by Deputy Fallaize, seconded by Deputy Soulsby, and there is a request for a recorded vote.

There was a recorded vote.

Carried – Pour 22, Contre 21, Ne vote pas 0, Absent 4

POUR

Deputy Soulsby
Deputy O'Hara
Deputy Harwood
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Sherbourne
Deputy Conder
Deputy Parkinson
Deputy Bebb
Deputy Ogier
Deputy Fallaize
Deputy Le Lièvre
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Adam
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford

CONTRE

Deputy Sillars
Deputy Luxon
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Le Clerc
Deputy Gollop
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Trott
Deputy Lowe
Deputy Spruce
Deputy Collins
Deputy Le Tocq
Deputy James
Deputy Perrot
Deputy Inglis

NE VOTE PAS

None

ABSENT

Deputy Le Pelley
Deputy David Jones
Deputy Laurie Queripel
Deputy Duquemin

2960 **The Bailiff:** Members, the result of the voting on the amendment proposed by Deputy Fallaize, seconded by Deputy Soulsby, was 22 in favour, with 21 against. I declare the amendment carried.

That, I think, concludes the debate on all the amendments that have been circulated.

So we come to general debate, if there is anybody who has not already spoken in general debate and has anything further to say to advance the arguments?

2965 Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

2970 I have no doubt there is a significant number of people who want Island-wide voting, although when I was canvassing on the doorstep, when you challenged people and explained the implications of it, a lot of them actually realised the implications, then said, 'Okay, I understand your point', and were no longer supporters.

I, personally, was one of the joint spokesmen for the Right to Vote movement at the end of the 80's beginning of the 90's, and we obviously campaigned and we were very pleased from our campaigning every Member of this Assembly has to face periodic election by the public. But the turnout in terms of the public support for Island-wide voting at that time was a disappointment – and the figures I am going to give are percentage of those who were *eligible* to be on the electoral roll, not actually those *on* the electoral roll, so it includes those who decided not to vote, and those who decided not to enrol.

In 1994 there was 38.7% that took part in the Conseillers' election; in 1997 that dropped to 26.2% that took part in the Conseillers' election. So that is a massive drop. But the existing system that we have of District Deputies, that had 43.1% of the population in 2004; it dropped slightly in 2008, that is partly because of the electoral roll; and it was back up to 41.8% in 2012. So up to now, in terms of ... we talk about referendums, in terms of public support the public have, in terms of their electoral performance, supported significantly more the current system than any of the other systems we have had.

In the year 2000 we had all Deputies and that only had 37.4% – and I have allowed for those constituencies that did not have an election, I have made an estimate of the people who would have voted in those constituencies, because there were one or two single seat constituencies that did not have a contested election. So there is no doubt we had 38.7% for a system Island-wide, dropping down to 26.2%, but we were up to 43.1% for our district system. So I have absolutely no doubt that the real test is, what system do the public want? They have said the current system.

Members have referred to a consultation document that said that we wanted Island-wide voting, and the consultation was in 2009. Well, yes, an awful lot of people took part, but it was a very poor document. I think everybody accepts on that full consultation document you need to have some analysis of the pros and cons of the various alternatives. There was nothing there on that document – it was just simple, basic choices. So I think it was a very poor document.

This morning I read from the Electoral Reform Society, and they said if you are going to go for the system which we have now supported, you would need political parties. Three Members have spoken and said that political parties is a catalyst for them to support this system. Well that is the cart before the horse. We do not have political parties and it would have *massive* implications for this Assembly and our system of Government. Once we have political parties I cannot see the Committee system of Government continuing; debates in this Chamber will become just a token debate, because the dominant party will have decided beforehand and that will be the result.

One of the things which has supported us, and made our economy successful, has always been a sense of stability. Once you have political parties, if you have two similar-sized parties you get the change of policies after every election. That is not stability. Alternatively you have a dominant party and effectively then all those decisions are made behind closed doors by the party leaders. That is when you would see the public becoming fed up with our Government and not feeling part of it.

If we are going to have Island-wide voting, in my opinion, as Deputy Fallaize mentioned this morning, we need a system which is used in the US Senate of a six year term, a third every two years, then you would have 12 or 13 standing – and this can work with or without political parties. It would be very wrong to, in my view, to go out for a system that will only work with political parties, and that is the system that is in the amended Propositions.

I am asking you to reject this amended Requête, because I am sure if you go out on this referendum for this system, the public will be disappointed and demotivated, to have a referendum on a system that needs political parties to work – because that is what we will be doing. So we are saying you need political parties for this system to work, and that is what we are asking you for. Because up to now the public has said they do not want political parties and you are effectively putting those two issues together.

The right thing I believe to do is, let's have the report as was decided after the debate earlier this year, which was listed in the document. Let's have that report, which also looks into referendum. And, as Deputy Perrot has mentioned, on the basis of that you can have a slightly

3025 more complicated referendum with a 'yes/no' and then the other questions, of the partially-
elected Island-wide – which we failed at because that was 1994-1997 system; or what I have
outlined, which is a third every two years and a manageable number of people to be elected
outside of a party system. I believe that is good Government.

3030 What we are proposing today is very bad Government and could have very, very serious
implications for our Government, the stability of this Island, and the whole Government of this
Island.

So, please reject this amended Requête.
Thank you.

The Bailiff: Deputy Kuttelwascher. You spoke earlier, did you not speak generally?

3035

Deputy Kuttelwascher: Sir, I think it was on the amendment.

Several Members: Ooh!

3040

The Bailiff: No.

Deputy Kuttelwascher: I do not mind.

The Bailiff: You spoke in general debate as well –

3045

Deputy Kuttelwascher: Did I?

The Bailiff: – that is my recollection.
Deputy Paint you have not spoken.

3050

Deputy Paint: I will be very short, sir.

It is just on what Deputy Dorey said before. I have sat in the Assembly nearly eight years now
and we do not have political parties – but we have political alliances, which is very obvious to me.
The beauty with that is that we can swap alliances if we wish to; so we have got them.

3055

What else can I say? There is a party system here, although we do not call it that.
Thank you, sir.

The Bailiff: Deputy Le Clerc, you have not spoken either.

3060

Deputy Le Clerc: No, sir, I have been very quiet.

I would just like to ask that if we do go to a referendum, that we do reopen the electoral
register, because I know there are a lot of people that have not put themselves down on the
electoral register, because there is not the opportunity for Island-wide voting.

3065

So, I would like that to be borne in mind that we reopen the register before a referendum to
enable those people that want to vote to register.

Thank you.

The Bailiff: Deputy Soulsby.

3070

Deputy Soulsby: Sir, yes, I would say that gives a greater reason for people to put their names
on the electoral register now!

Several Members: Yes.

3075

Deputy Dorey: Point of correction, sir.

The electoral roll is always open, after the election. That is why ... because we have Douzaine elections every year, so people can go on, people can change address. So it is open, and it is normally open immediately after the election.

3080 **The Bailiff:** I see no-one ... Deputy Gillson? (*Interjections*)

Deputy Gillson: I have spoken technically on ... generally!

No, I am just going to say, sir. If we are not going to make a decision today, and we are going to kick it down the road, then let's just kick it down the road in the least costly way. Scrap these things and let's go back to the Green amendment.

3085 So I am going to vote against everything, and support what is effectively the existing situation.

The Bailiff: I see, non-one else.

We need then to go back through, in reverse order, the sequence of speeches that we had at the beginning; and just to remind you that means that first of all we hear from the Chairman of the States' Assembly & Constitution Committee, to be followed by the Minister for the Treasury & Resources Department, and then the Chief Minister, followed by Deputy Wilkie.

Deputy Fallaize.

3095 **Deputy Fallaize:** Thank you, sir.
Members will be pleased to know I have nothing to add.

Several Members: Hurray! (*Applause*)

3100 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Likewise. (*Applause*)

The Bailiff: The Chief Minister.

3105 **The Chief Minister:** Ditto. (*Applause*)

The Bailiff: Deputy Wilkie then will reply to the debate.

3110 **Deputy Wilkie:** Well, sir, I do not know what I actually have to reply to, (*Laughter*) because most of the Propositions are now changed, and they have been replied to by Deputy Gillson and Deputy Fallaize.

So, it is just to thank everyone for this debate, and the *requérants* who supported this, and I do not think I can say more than that. But I want people now to support the amended Propositions.

3115 Thank you.

The Bailiff: Now, let's just be clear what the amended Propositions are.

Proposition 1 has been inserted by the successful Deputy Fallaize/Deputy Soulsby amendment, as has Proposition 2; but we also have Proposition 4 that was inserted yesterday by the other Deputy Fallaize amendment.

Deputy Fallaize: Sir, would it be possible, would you allow that to be changed to number 3, please?

3125 **The Bailiff:** We could change that to number 3, yes.

Deputy Fallaize: Thank you.

The Bailiff: So, just to make it clear for anybody who might still be listening, *(Laughter)* Proposition 1 is in the following terms:

That for the 2020 General Election and thereafter, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are deputies' seats provided that such a system shall first have been approved in an island wide referendum.

3130 There is a request for a recorded vote on that Proposition.

Deputy De Lisle: Sir, could you outline the procedure from herein out in terms of the ...

3135 **The Bailiff:** Well, we will then vote on Proposition 2 and then on Proposition 3. *(Laughter and applause)*

Deputy De Lisle: Yes. Sounds relatively simple, sir! *(Laughter)*

3140 **The Bailiff:** If what you are wanting is confirmation, there will be separate votes on each of the Propositions, that has been requested.

There was a recorded vote.

Carried – Pour 26, Contre 16, Ne vote pas 0, Absent 5

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

The Bailiff: Members, the result of the voting on Proposition 1 was 26 in favour, with 16 against. I declare Proposition 1 carried.

Proposition 2 is as follows:

To direct the States Assembly and Constitution Committee to report to the States as expeditiously as possible detailing the proposals to give effect to Proposition 1 including the methodology of the election and the holding of a referendum.

We will have a recorded vote on that as well.

There was a recorded vote.

3145

Carried – Pour 35, Contre 7, Ne vote pas 0, Absent 5

POUR

Deputy Soulsby
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Parkinson
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy Lowe
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Adam
Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford
Deputy Inglis

CONTRE

Deputy Sillars
Alderney Rep. Jean
Deputy Brehaut
Deputy Domaille
Deputy Bebb
Deputy Gillson
Deputy Perrot

NE VOTE PAS

None

ABSENT

Deputy Luxon
Deputy Le Pelley
Deputy David Jones
Deputy Laurie Queripel
Deputy Duquemin

The Bailiff: Members, the voting on Proposition 2, was 35 in favour, with 7 against. I declare Proposition 2 carried.

Then we have Proposition 3, which is:

To rescind Resolution 38 of the 9th July 2015 on Billet D'État XII of 2015.

3150 Does anyone want a recorded vote on this Proposition? (**Several Members:** No.) No. We will go straight to the vote then. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**XXIII. Holocaust Memorial –
Propositions carried**

Article XXIII

The States are asked to decide:

Whether, after consideration of the Requête dated 17th November, 2015, signed by Deputy E G Bebb and six other Members of the States, they are of the opinion:

- 1. To officially recognise the 27th January as Holocaust Remembrance Day in Guernsey.*
- 2. To agree that the Chief Minister shall write a letter to the United Kingdom Envoy on Post Holocaust Issues on behalf of the States of Guernsey seeking to join the United Kingdom delegation to the International Holocaust Remembrance Alliance.*
- 3. To agree that, for the avoidance of doubt, the Holocaust is recognised in Guernsey as the persecution and murder of all by the hands and policies of the Nazi forces of the Second World War, including the Guernsey Eight, the three Jewish women deported to Auschwitz Birkenau and those who died in building the Atlantic Wall.*
- 4. To direct the Education Department (and its successors) to engage with Her Majesty's Department for Education in relation to the curriculum on the Holocaust.*
- 5. To direct the Education Department (and its successors) to undertake a teaching of the Holocaust in schools, including how the Holocaust relates to Guernsey.*
- 6. To direct the Culture and Leisure Department (and its successors) to mark Holocaust Memorial Day annually in collaboration with the Holocaust Memorial Day Trust.*

The Greffier: Article XXIII – Holocaust Memorial.

3155 **The Bailiff:** And the debate will be opened by the lead *requérant*, Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

I realise that at this point in the day many Members will not actually want to be participating in too long a debate, and I hope that this can actually be dealt with briefly.

3160 However, there are a few things that I should actually say in order to start this. I am acutely aware that Alderney Representative McKinley did want to speak in this debate, but may well have to leave because of time, so I will keep my opening comments very brief.

3165 Last year saw the 70th anniversary of the Liberation of Auschwitz, and that anniversary was marked, as it is every year, by the Holocaust Memorial Day, which was held as a remembrance service here in the Town Church. But prior to that actual service there is the point that the main service had always been arranged by the then Dean of Guernsey, Paul Mellor. However, last year with Paul Mellor having retired his position, nobody was actually arranging any form of service. It seemed to me quite staggering that on the anniversary where the theme of the Holocaust Memorial Day was keeping the memory alive, that Guernsey, as one of the only few places in the
3170 British Isles that was occupied by the Nazis, may not have had any form of commemoration of that day.

The request within the Requête is to officially recognise the Holocaust Memorial Day as one day within the calendar in Guernsey. It is fair to say that we do always remember the Liberation Day, but as one person told me, the memory of liberation is fast turning to history, and if we are
3175 to take that imperative of keeping the memory alive, which the Holocaust Memorial Day Trust asks of us, then it is important that we do set aside a day, in order to reflect on the darker parts of the Occupation. Liberation Day has become, and quite rightly so, in my opinion, a day of celebration of the Liberation; and therefore I believe that it is only right and proper to have the counterpoint to that being the Holocaust Memorial Day.

3180 It has been suggested by some people outside of this Assembly that, of course, the Holocaust had nothing to do with Guernsey, and in that respect I would like to read out what Yad Vashem which is a world recognised research centre into the Holocaust actually defines as the Holocaust.

The Holocaust as presented [by us], is defined as the sum total of all anti-Jewish actions carried out by the Nazi regime between 1933 and 1945: from stripping the German Jews of their legal and economic status in the 1930s; segregating and starvation in the various occupied countries; the murder of close to six million Jews in Europe. The Holocaust is part of a broader aggregate of acts of oppression and murder of various ethnic and political groups in Europe by the Nazis. Nevertheless, it has special significance due to the exceptional attitude with which its perpetrators – the Nazis – regarded their Jewish victims. In the Nazi terminology the Jews were referred to as ‘world Jewry’, a term unparalleled with respect to any other ethnic, ideological, or social group. The Nazis’ proclaimed goal was the eradication of European Jewry.

The biblical word *Shoah* (which has been used to mean ‘destruction’ since the Middle Ages) became the standard Hebrew term for the murder of European Jewry as early as the early 1940s. The word *Holocaust*, which came into use in the 1950s, as the corresponding term, originally meant a sacrifice burned entirely on the altar. The selection of these two words with religious origins reflects the recognition of the unprecedented nature and magnitude of the events. Many understand *Holocaust* as a general term for the crimes and horrors perpetrated by the Nazis.

3185 Within that context it is evident that here in Guernsey the passing of the nine anti-Semitic
Orders that happened in this very Chamber, forms part of what not only is the Holocaust but also
what is part of the *Shoah*. It was legislation that was passed in order to specifically segregate and
discriminate against a group of people. During that debate we know that one person, Jurat
Abraham Lainé spoke very firmly against the writing of that anti-Semitic Order, but of course any
record of his objection was removed. Today we are fortunate that we have the opportunity to put
3190 into the records of the Royal Court, that Jurat Lainé did indeed object in the strongest possible
terms, and did refuse his consent to that Act. That goes to show part of what is actually missed in
part of the narrative of our understanding of the Holocaust here in Guernsey. It is not just about
Jews. There were also the Guernsey Eight, as they are referred to, people who actually participated
in acts of political resistance.

3195 There is also a very dark part and that is to do with those that were sent here for forced labour.
We are not sure exactly how many people died on this Island because of forced labour, because
records are not always clear, but it is reckoned to be well in excess of 100. They were frequently
people that were sent here because they originally escaped persecution in Franco’s Spain,
disappeared to the South of France, and when the Nazis occupied the whole of France they were
then taken and put into concentration camps – and some of them being here. One of the
3200 signatories is, of course, Alderney Representative McKinley, and I know that he will actually want
to make specific reference as to what happened in Alderney, where we had a very serious problem
where, of course, we had the only concentration camp to be on British soil created, and the
horrors that happened there are still not fully understood.

3205 Why do we therefore need to have such a Requête, given that most people will know about
these things and the Holocaust? Well, I would contend that an awful lot of people did not know
about the anti-Semitic Orders that were passed in this Chamber. I have come across an
exceptional number of people who have told me that these things did not happen. Of course the
Ninth Anti-Jewish Order required the wearing of the Star of David, something that did not pass in
Jersey, but was passed here in Guernsey. Fortunately, or unfortunately, depending on our
3210 perspective, no Jew was ever forced to wear the Star of David in Guernsey, because by the time
those stars arrived, every single one had been deported. Therefore we do not have photographs,
but it did happen. It is surprising to note the number of people who are ignorant to that fact.

3215 It is also surprising to see the number of people who state that Guernsey had no choice,
because they had a gun to their head. This statement betrays the acts of bravery that happened,
as well as the acts of collaboration. It is unbelievable that people could state that no acts of
collaboration happened, as some have asserted to me, Guernsey can be no different to the rest of
occupied Europe. Acts of collaboration did happen, but also great acts of bravery, and by
recognising that Guernsey did have some choices, not much, it is true, then we can also broaden
the debate in order to look at all the aspects that happened. I think that what has happened in the
3220 narrative to date is that the only people that we have talked about in relation to collaboration
have been so-called ‘Jerrybags’ – I personally, and this is a personal view, believe such a view to
be misogynistic, that the only people that could have collaborated were women. I do not for one
moment seek to actually condemn people, or make judgement as to what is right or wrong. None

3225 of us can understand what the circumstances were, but I think that an open debate is long overdue as to the events that happened.

Members, there are some concerns in relation to the Education Department that the amendment will deal with, but I think that I will leave my speech there, due to I know the need of Alderney Representative McKinley to speak.

Thank you.

3230

The Bailiff: Members, I would like to propose a departure from the Rules, just to enable Alderney Representative McKinley to speak, because he said to me he needs to leave by 4.30 p.m. in order to catch his flight home, and there is no later flight that he could catch.

3235 So I put to you that we depart from the Rules that would otherwise allow others to speak now, to enable Alderney Representative McKinley to speak before he departs. Those in favour; those against.

Members voted Pour.

The Bailiff: Alderney Representative McKinley.

Alderney Representative McKinley: Thank you very much, sir.

3240 I am sorry we do have to leave, my colleague has left already and I have to leave very shortly, or I will spending the weekend here, which I would love to do, of course.

3245 Of course, I support this Requête, I signed it; but I do believe that actually the mandate should be widened slightly out of Guernsey to include the Bailiwick. We should also remember those of other religions and the atheists, indeed, who suffered at the hands of the Nazis and the occupiers on the Islands of the Bailiwick. It is probably safe to say that there were more Jews killed in Alderney between 1940 and 1945 than in Guernsey, and all will know that Alderney was evacuated in 1940 and about six people remained. One family, the Pope family, remained throughout and Mavis Pope, the daughter, is about to publish the diary and letters of her family.

3250 In Alderney, as here, the Germans did not surrender until a week after the surrender elsewhere, and we suspect that there was a certain amount of covering up as to what they were doing, or did, during the five years of Occupation of Alderney. At the end of the War Ernest Bevin commissioned an investigation, and a report was written by a Major 'Bunny' Pantcheff, who at that time was a serving military officer, who concluded that there were no more than 400 people of different religions killed on the Island, slave workers. But he slightly contradicts himself in a book that he wrote subsequently, in which he said that the life expectancy of slave workers – and there were 3255 1,000 in each of the four camps – was three months; that is 16,000 a year, times five, which is considerably more than the 400.

3260 Ernest Bevin was much criticised for his handling of the situation in Palestine and was recognised, I think, as being generally anti-Semitic. He also imposed an one hundred year secrecy on the report. So the report is still covered up and has not yet been revealed. Now, the majority of people who were killed, they were Russians, but there were Jews, there were Poles, there were Spanish, there were Moroccans. There were all kinds of religions. Now, Dr Trevor Davenport who is head of the Alderney Society has done a tremendous amount of investigation into this matter, and a small group of Alderney residents have combined in the last month or so to commission a 3265 Royal United Services Institute report on what actually happened in Alderney during the War, and we expect to see the outcome of that report, hopefully, in May or June.

3270 There are others: a professor at Stafford University who is about to write a book called Adolf Island, it is claiming that there are a number of people buried on Longis Common and elsewhere in Alderney; and there are other interested groups working on the same thing. None of us can predict the outcome of these investigations but, sir, we already have a Memorial in Alderney, we have a Memorial to the 400 who died in Alderney. We have an annual service at that Memorial. What I am suggesting here is really going along with Deputy Bebb to say, actually, once we have

3275 been able to find out what actually happened in Alderney, or perhaps put a little bit more substance to what happened, we should have a general memorial, not just to the Jews, but to all who died on the Island of Alderney.

Thank you very much, sir.

The Bailiff: Thank you.

We now revert to the Rules, and the sequence of speeches. Chief Minister.

3280 **The Chief Minister (Deputy Le Tocq):** Sir, I will be as brief as I can, but I thoroughly support the sentiments behind this Requête.

3285 Sir, these Islands, Guernsey, has a unique identity and a unique story to tell. I am certainly one that wants to continue to promote that and to make sure that our own population is aware of that unique identity, and not take it for granted that in this day and age with the sort of influence that we get bombarded from all round the world – and consumerism and media – that we just blend with the rest of the others. It is very important that we understand the uniqueness of our Island, and understand ourselves.

3290 Places that have been occupied have, in their culture, a different feeling about the world than those who have not. Apart from these Islands, the rest of the British Isles were not occupied and have not been for centuries. The generation that was my parents' generation, lived through the Occupation and experienced things that, I think, are naturally embedded into our culture and into our identity. That goes along with all the other things that make us who we are and we should not forget that.

3295 Neither should we forget that that Occupation came as a result of the horrors of Nazi Germany, and of fascism in general. My parents told me I was privileged to have them tell me stories of what it was like to live through the Occupation, and my father seeing Operation Todt workers walking along the road chained together, and trying to break their chains to eat the rotten cabbages that he was ploughing into the fields as fertiliser. Although I was born in the 3300 1960's I grew up with these stories, and they helped me to understand and identify with the horrors of that period. I think it is important that we remember that. I think also of the members of my family who took in Jews fleeing from Eastern Europe, and I have many stories from that time that have been passed down to me. Similarly, of local people who were disowned, one particular teenage girl who got pregnant because of a relationship with a German soldier, one 3305 might say innocently, but was disowned by her family, who my parents took in and helped – and that has helped frame me. And we should not forget these times.

3310 So Holocaust Memorial Day helps us to reflect on all of these things. Whilst the right words to use in terms of this opportunity to do so are difficult to find sometimes, it does not mean that we should not honour it in the way that it is being suggested here, because I think it helps us understand where we have come from; it helps us understand where we would like to go to in the future as well.

3315 So, sir, I accept that perhaps the way in which this has come to us for *some* might say, 'Well, we would support it anyway, why do we need to go to these ends?' Generally speaking I think, personally, I support the motive behind this, and I support the desire that we, not only through education, not only through culture and leisure services, but that our whole community recognises that part that we played and that era that we lived through, that made us the people that we are today. I believe we can do so in a civil and honourable and constructive way.

Thank you.

3320 **The Bailiff:** Minister for Culture & Leisure Department, Deputy O'Hara.

Deputy O'Hara: Thank you, sir.

I agree with everything that the Chief Minister has just said.

3325 I can confirm that the board discussed this matter at its meeting on 1st December and having carefully considered the Requête, I can confirm that my board was generally supportive of all its aims, with Members fully accepting that there should be due recognition of the Holocaust on an annual basis, so its memory remains alive within the local community. It was also agreed that it would be entirely appropriate to ensure that the event is remembered in a way that provides prominent recognition of those who had lived in Guernsey who were directly affected by the atrocities.

3330 Having said all that, I am sure you will fully appreciate that individual Members wish to reserve their right to vote as they see fit in the light of the States' debate on the matter.

Thank you.

The Bailiff: Minister for the Education Department, Deputy Sillars.

3335

Deputy Sillars: Sir, I speak to represent the Education Department's response to Deputy Bebb's Requête, and I will be brief as our letter of comment clearly states our position.

3340 We support the recognition of the 27th January as Holocaust Remembrance Day in Guernsey. We support engaging with the UK Envoy in marking the Holocaust Memorial Day annually and the proposed definition.

3345 We recognise the importance of the factual accuracy in the teaching of our history, but Deputy Bebb appears to have overestimated our influence and expertise. We have no control over the Department of Education in England, although we seek to engage with them when we can. We have much closer working relationships with other members of the British Irish Council; but perhaps more importantly, we do take confidence from the fact that the local historian, Dr Gilly Carr, a leading expert on the Channel Islands during the War years, has been consulted by the English Department of Education regarding Guernsey's experience of the Holocaust. We are therefore hopeful that this will be accurately reflected in the curriculum in England. The Education Department supports the teaching of the Holocaust in schools and we are delighted to host the Anne Frank Exhibition in our schools, which was also open to public viewing.

3350 However, as noted in our letter of comment, we have concerns regarding a Requête as being the best way to amend, alter and add to the curriculum framework and the possibility of a precedent being set. Where would this end? Deputies could bring forward resolutions on any subject without any engagement with the community or consultation with the profession, and the curriculum could be subject to a myriad of amendments without due thought. It is always better to talk and engage, and we strongly advise that constructing the Guernsey curriculum should be a matter of the Education Board.

Thank you, sir.

3360 **The Bailiff:** Now the Minister of Treasury & Resources Department, Deputy St Pier.

Deputy St Pier: Thank you, sir.

3365 Very briefly, it is noted that there are no details in accordance with the provisions of Rule 15(2). However, of course, the assumption is that any resource implications will be managed by the Departments, and particular reference to Proposition 6 and the role for Culture & Leisure.

There is a reference on page 1124 to an applicant country paying a yearly contribution of €30,000 a year. However, one assumes that that relates to the United Kingdom and that would have no application to Proposition 2, which is Guernsey seeking to join the United Kingdom Delegation.

3370

The Bailiff: We now have an amendment that is to be laid by Deputy Bebb.
Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

3375 Members will see the amendment which is placed before them, proposed by myself, seconded
by Deputy Sillars. The Proposition 5, as it currently reads, directs the Education Department to
undertake the teaching of Holocaust.

3380 Now as we have heard already from Deputy Sillars, the concern that they have is that it might
not be the best way for this Assembly to direct the curriculum. However, as you can see in the
wording in the amendment, this does not direct something to be included in the curriculum, and
as the Holocaust is taught, but does not have the local status included within it, what the
amendment does is simply request that as part of the teaching of the Holocaust, which Education
Department will undertake, that they do reflect the local characteristics.

3385 The purist in me feels that if this Assembly was so minded as to vote for something to be
included in the curriculum, then it should be so. However – and I think that the Education
Department do have a very good point – the argument as to whether this Assembly should have
direct influence of a curriculum, should be the subject of that issue alone, and not be inserted on
the back of what is evidently an emotional discussion. Therefore I think that there is merit in
separating the two.

3390 The amendment therefore will simply change it so that this Assembly does not direct the
inclusion of something in the curriculum, but merely directs Education, as part of what of what it is
already doing, to amend those factors. It is minor distinction but it is one I feel that the Education
Department would prefer, and it is one that I am willing and happy to propose.

3395 **The Bailiff:** Deputy Sillars, do you formally second the amendment?

Deputy Sillars: Yes, sir.

3400 **The Bailiff:** Does anyone wish to speak on the amendment quite separately from general
Propositions?

Deputy Paint: I do, sir.

The Bailiff: Right. Deputy Paint.

3405 **Deputy Paint:** I find this a little bit concerning, because we are talking about part of the
horrible history that Guernsey has actually been involved in, not local people, not local authorities,
but Jewish deportees in Guernsey.

3410 **The Bailiff:** Is this on the amendment?

3415 **Deputy Paint:** Surely, what should happen is that the *whole* history of Guernsey should be
printed and this be part of it. Because I find that our children are not being taught Guernsey
history, they are being taught English history, and personally I do not care how many wives Henry
VIII had, or what he had done with them, but I am interested in King John who gave us our partial
independence.

3420 So we have to be very careful what we do here. This is itemising a very, very small part of
something that really the Guernsey people did not have anything to do with and knew nothing
about. So if it was part of that, the overall history of Guernsey, I would agree with it; but I am
certainly not sure about using a part of it, which is very, very bad Guernsey history.

Thank you, sir.

The Bailiff: Does anyone else wish to speak on the amendment?

Deputy Quin? No, not on the amendment. Anybody wish... ? Deputy Brehaut.

3425 **Deputy Brehaut:** I wish to speak, sorry, not on the amendment I want to speak in general debate if we ... Is it one and the same thing?

The Bailiff: Let's see if we can deal with the amendment quite quickly, and quite separately.
Deputy Sillars?

3430 **Deputy Sillars.** Just to speak on the amendment, sir?

The Bailiff: Yes.

3435 **Deputy Sillars:** Yes, I understand what Deputy Paint is referring to, and just to clarify with him I have already asked that Guernsey History be looked at being included in the current review of our curriculum. I think it is essential that we know why we are, where we are, we know we are here – I find the Armada of 1588 equally irrelevant.

But it is *why* are we here and actually we have a very exciting history. I have asked for that to be considered within the curriculum, as I feel it is the right way to do it.

3440 Thank you.

Deputy Paint: Sir, if I could just speak just a little bit, I know I have spoken already.

3445 **The Bailiff:** Is this a point of correction.

Deputy Paint: Sort of.

The Bailiff If it is a point of correction you can, if it is not you cannot.

3450 **Deputy Paint:** It *is* a point of correction.

I attended one of the schools in the place of Deputy Langlois and I got speaking to the children about various things which they were not really interested in. And the subject moved to various aspects of Guernsey, which they became very interested in. Yes.

3455 The teacher did not even know that our land measurement is different over here to what it is in the UK. She was quite shocked when I was telling the children. This is the sort of thing that I mean, as a point of correction.

The Bailiff: I think that was a give way point, but anyway
Deputy Sillars.

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Deputy Sillars: Thank you for allowing me to give way. I think.

The Bailiff: I think he was giving ... *(Laughter)*

3465 **Deputy Sillars:** That is absolutely why I would like to have the *whole* of Guernsey history included in our curriculum; but it will be reviewed by the Head Teachers, by the professionals, and looked at in the round. And, as I say, there is a curriculum review going on at the moment, but it will take a little while and I hope it will be included eventually.

3470 **The Bailiff:** Deputy Sherbourne, on the amendment.

Deputy Sherbourne: Thank you, sir.

3475 Yes, very briefly, the Education Board has actually been proactive, in the sense that there is a dearth of resource materials for teachers to refer to on this particular topic, and the Education Department has part-sponsored Dr Gilly Carr in producing school materials that will be available to local teachers to carry out work in this particular area.

3480 So I hope that gives a bit of comfort to Deputy Paint, who ... I understand where he is coming from totally, we have talked at length about this, and certainly as a member of the board I am extremely keen that structured local history is covered from the very early ages. In fact, you will find in every school, there are teachers that usually take these things on board themselves. It is one of the strengths of the Island.

The Bailiff: Anyone else on the amendment?

3485 No, Deputy Bebb will reply on the amendment, then.

Deputy Bebb: Thank you, Monsieur Le Bailli.

3490 I do not think that there is an awful lot more for me to include other than to demonstrate that the Education Department are open to discussion on these matters, and I think that they do understand; and my personal engagement with them on this matter is that they are very keen to include, and to broaden, the teaching of local history and of local matters. However, obviously, the matter that is before us today solely relates to the Holocaust and in that respect, if I could ... given that I curtailed my opening speech quite severely, because of Alderney Representative McKinley wanting to speak.

3495 In this respect, for instance the Education Department do teach about the Holocaust in relation for instance to Anne Frank, but if I may, as someone who lived in Amsterdam for a year, the extraordinary thing about the Anne Frank tale is not just the story of one Jewish girl, it is also the rape of Amsterdam, which is a very liberal city. Now, that makes perfect sense to me, but I think that in a local context for many local children, they will not understand the whole history and the being of Amsterdam and its nuances. Therefore, what I think is necessary is to bring the history back to the local perspective, in order to show how local children were deported, how we had those children who stayed here and actually dealt with them; and that is the type of teaching that I believe that Dr Gilly Carr, which the Education Department are supporting is working, in order to on this aspect of our local history, to bring that local understanding to children.

3500 Therefore they should be congratulated, and it should be welcomed, but it does actually make it clear that it should be *part* of it, and the curriculum should include the local parts of the Holocaust. I therefore hope that Members will be able to support this amendment.

The Bailiff: We vote then on the amendment proposed by Deputy Bebb, seconded by Deputy Sillars. Those in favour; those against.

Members voted Pour.

3510 **The Bailiff:** I declare it carried.

General debate, then. Deputy Perrot.

3515 **Deputy Perrot:** I thank Deputy Bebb for bringing this Requête and I think that all right-thinking people will support it. After all there is no reason why one should not support it. There is every reason why one ought to support the memory of a disgusting episode in the life of the Western World.

3520 So far as Guernsey is concerned though, I want to put a marker down. I think it very, very, very dangerous for us to sit in judgement of how people behaved 76 years ago. (**A Member:** Hear, hear.) There has been some loose talk over the years about collaboration and one of the phrases used by Deputy Bebb earlier on was the holding of a gun to the head of somebody. I would not

dream of sitting in judgement of what people said then. I do not know whether I would have had the guts then, whether as Bailiff, or some sort of person in a senior position, to start mixing it with the Germans.

3525 The trouble was, the gun to the head was not almost physically a gun to the head, it was metaphorically. Those people who had been in authority over us were threatened that their people could be punished, could die, could be deported, could be tortured; and it took a lot of bravery on the part of the Bailiff of the day, the States' Supervisor of the day, Raymond Falla and his Social Commodities Committee, the Jurats of the day – and all of the other people who until then, had been running our lives. And when there is loose talk ... I know there is talk about
3530 'Jerrybags' and one is always going to be hearing that, and that is most unfortunate, I think, now.

But then there is loose talk about collaborators, we have to bear in mind that there are people today who are descendants of these people who were in authority, and had that authority completely taken away from them by the Nazis; and one particular friend of mine, as soon as there is criticism of senior people in the Island of that day, he is completely wounded by it. We do
3535 not need to do that in order to honour this.

I would hope ... and quite clearly the Education Department has got to teach Guernsey history, it has not done it sufficiently well in the past, it has got to do it much better in the future – and this has got to be part of it. But there has to be care, there are great sensitivities here, please let's all honour those sensitivities.

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Several Members: Hear, hear.

The Bailiff: Deputy Sillars.

3545 **Deputy Sillars:** Sir, can I just carry on with Deputy Perrot's excellent speech and mine will not be anything like as good.

I think it is absolutely important what he said. By wife's grandparents for example, her grandmother was shipped down to Biberach. And what I also do not want to forget is, I went to Biberach a year or two ago – and I forget whether there were 16 or 20 – but there were a number
3550 of graves, which are well kept down there, of people who died in Biberach ... and I remember there being some young children there as well. That is all part of our history.

My wife's grandfather was a spy and was sent over to here from the UK – he is Guernsey through and through for a thousand years – but he was over here and then the submarine forgot to pick him up. It is a long story and I will not go into all of it. But he had to give himself up to the
3555 Germans, because he did not want to put anyone's lives at threat, by them looking after him. He had offers to be looked after but he just felt he could not.

So it was a very different time and I am absolutely with Deputy Perrot. I have no idea how I would have responded in that time. I know how I hope I would have done, but you just do not know.

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The Bailiff: I think it was you wife's grandfather, wasn't it? You actually said 'my grandfather'.

Deputy Sillars: Oh my wife's grandfather, sorry, thank you – and grandmother as well.

3565 **The Bailiff:** I think Deputy Quin was looking to speak, then I will come to Deputy James.

Deputy Quin: Thank you, sir.

The Bailiff: Can you put your microphone on?

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Deputy Quin: As some of you will know, I was in Biberach. I knew very little about it because of my age, but talking to my mother and other friends later, you are separated from your family and you do not know what is round the corner.

3575 I have done some work with Gilly Carr, and she has been and looked through all the information that we have. The other night I watched an old film of Richard Dimbleby at the emptying of one of the camps, and there are still Holocaust deniers – they are everywhere. And the BBC ran this thing and I struggled to believe what I was seeing from probably one of the most civilised nations in the world, the Germans, that they got to that. This last year was part of the Biberach commemorations and German people from Biberach came here and I had a long talk
3580 with them, and they could not have been nicer. They were full of apologies and in fact I believe you came to the one at Fort George, sir, at the graves with the youngsters. Excuse me, it is a bit difficult for me.

3585 Deputy Paint said about the local children. I have given talks and so have other people, to local children about the experiences – not that we saw, because I was too young, but passed down to my parents. And you will remember Gloria Dudley Owen who was in the Assembly as well, she was a fellow inmate of Biberach. One of the things that has worried me or concerned me over the years – and Gilly Carr has been very helpful on this – what did the Germans have in mind for the Guernsey people in Biberach? And she told me that one of her researchers was working in Berlin, and she would get them to look into that. Well Gilly, as normal, good to her word, she came back
3590 and said, ‘Francis, we can find *nothing* as to what the Germans intended to do with the Channel Islanders, and other people that were not only in Biberach, but in other camps.’ No idea! Would they have followed the same route? Would they do ... whatever? I do not know, we have never found out.

3595 I hope that this – and I thank the Deputy for bringing this forward – is going to be met a hundred percent.

Thank you.

The Bailiff: Deputy James.

3600 **Deputy James:** Thank you, sir.

When Deputy Bebb asked me if I would sign this Requête, I was absolutely delighted to do so. I hope that my words will give Deputy Perrot some reassurance.

3605 My motivation was, when I was working at the Castel Hospital and the office that I had was immediately above the main door, searching through an old cupboard one day I came across an amazing photograph, and the photograph showed me that the office that I was in had been an operating theatre during the Occupation. Well that was about 35 years ago and it really, really sparked my interest of what health was like in terms of medicines, dressings, etc. So over the years I did do extensive research.

3610 Guernsey archives and the staff down there were absolutely amazing. The way some of those young nurses and doctors worked during the Occupation was really quite, quite phenomenal and there are an awful lot of heroines around during that period. So my motivation was to utilise the opportunity to *remind* the people of Guernsey of the awful time that there was – as Deputy Paint said – but the remarkable work and the remarkable activities that people undertook, the amazing camaraderie really was quite remarkable.

3615 The first time I presented my paper was at a History of Nursing Conference in Vancouver and it gave me great delight to present it in Vancouver, because at the end of the Occupation in Guernsey quite a number of the nursing staff left – because they were exhausted and tired – and Guernsey, surprise, surprise, had a difficulty in recruiting in nurses. Now, there is a familiar story! So what’s new?

3620 So actually Guernsey wrote to the Home Office in England and pleaded with them to see if they could help them send some nurses over temporarily. They sent four Canadian St John Ambulance nurses to help in Guernsey, and I managed to get their service records. When I went

to Canada, the then Bailiff here, Graham Dorey, was delighted and he gave me a letter – I asked him if he would give me a letter – to take the Commander of St John in Vancouver, thanking Canada and those nurses for their help during the Occupation.

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So there is an *extensive* amount of history that local people do not know about what went on here. So it is also about celebrating, recognising what Deputy Bebb is saying, but also recognising the amazing character, the hard work as I have said, the fortitude, and everything that saw Guernsey through that Occupation period.

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Thank you.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

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I have, you may be surprised, an alternative view of the world and I celebrate that alternative view in the knowledge that my forefathers went into battle and fought for my freedom to have an alternative view – and I celebrate that.

Deputy John Gollop will remember the brilliant Jersey man Norman Le Brock, who started the Jersey Democratic Movement, and it may in origin have even been the Jersey Communist Party, but certainly the Jersey Worker's Party. Now he wanted Memorials around Jersey, around Guernsey and in Alderney, to the Russians and the Poles and those who died. Remember, during the 70's, during the Cold War, when the Eastern Bloc – which is a term my children did not understand when I spoke to them the other day – any sympathy or any allegiance to Poland or Russia, the former Easter Bloc, was seen to be almost conspiratorial.

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So the *State* – be it the Jersey States, be it the Guernsey States – were uncomfortable with what they saw which was somebody sympathetic to the Soviet Union doing anything to remember Poles and Russians who had died. Think about that, the State ... the State would rather not have its citizens remembering those who had died in such a dreadful way.

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Now, one of my most abiding memories as a child – my father died when I was almost 17 – is sat down with my father, religiously, when it was on a Sunday or whenever it was, watching the World at War; and those images on television were harrowing. They are indelible on my mind of the wretched events around the Holocaust. I would not show those to my children just yet, because I think one of my children is just too young to be exposed to that type of thing. But I never want to go there again. I never want society to ever go down that route again.

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But I am not too convinced what remembering actually achieves. I will give an example: when Deputy Tom Le Pelley was in the Assembly he used to have a box of white poppies out there – sorry I am Guernsey, so my 'o's and 'u's ... I do not mean he used to pin a spaniel on to his tunic a puppy! (*Laughter*) He would be selling Peace Pledge Union poppies and I would wear one – and it did not always go down too well with people. It was seen as provocative, confrontational; what did I have against the British Legion? When white poppies had been sold in the UK for about 95 years, that people had not wanted to wear a British Legion poppy.

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Now I give very generously to the British Legion, when the tin is out there when I am approached in the street, I would always make a point of giving. However, I choose not to wear a poppy, because those who died ... they fought for my freedom to express my freedom in that way. Also, it has become these days difficult for news presenters to not wear a poppy. For people who are being interviewed, months in advance if a TV programme is going out in November before the Armistice, people would be encouraged to wear a poppy and people, against their will, are being asked to do something that they do not do. I find that just so ironic that this fascism, almost, on dictating to people on how to remember.

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The British Legion was formed just after the First World War, it was a number of independent organisations that became the British Legion. Now I personally think that organisation has been almost co-opted by the military, because we had what were farmers, smithies, builders and carpenters who went to fight in France, who remain – and always will be – what are referred to as

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the Glorious Dead, the combatants. And their memory will always be one in the eye of the military more than the community.

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Now if, for example, we chose to remember Nagasaki and Hiroshima – and by the way, we do, Hiroshima is 6th August, Nagasaki is 9th. We have days to remember them. But who would know that we have days to remember them? Who knows that there is Hiroshima Day? So we can well choose to do what we like in the way to remember. But remembering is one thing, *actions* are quite another thing.

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Now, the Alderney Representative did obliquely refer to anti-Semitism and you have to so careful when you approach this, but there are many atrocities that happen today. There are many injustices that happen today to people. Some of them happen to be in Palestine, some of them happen to be in Gaza. There are wretched conditions for the people who live in Gaza which is an occupied country, and has been post the 1967 War.

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Now, I would hope, personally, that in remembering – and as Deputy Bebb wants us to remember Holocaust Day – there is a balance to be had here. Because the current Israeli Government and the current Israeli regime – and I know people do not like me knitting those two together – will have Guernsey down as a friend of Israel, because that is the way it operates, and personally that is not something that I want to be.

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There is nothing to not like in this Requête, and despite my observations I will not vote against it. But I want to understand what we all mean by remembering, because remembering is not enough, and it is actions. And I am afraid to say that when a vote came to bomb Syria, people voted to bomb Syria. When the demands came to deal with the refugees, people just were not so willing to do so; and when you think of the mass of refugees across the continent in the Second World War look at Guernsey's situation. Guernsey people were evacuated to the UK and were accepted – something the UK is not so willing to do today.

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So remembrance is fantastic, it is sincere and it is honest, but it is *actions* that make the difference and I would just hope that whether it is ... Guernsey is a small player in all of this, but I just hope when we get the opportunity that we make it clear that Guernsey was a small Island that was occupied and experienced great trauma and upset, and is not someone that would ever want to be associated, or complicit, with any military action anywhere in the world.

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Thank you.

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The Bailiff: Deputy Ogier.

Deputy Ogier: Thank you, sir.

I welcome the teaching of Guernsey history in Guernsey schools, as I learned more about Guernsey history on the walls of the Martello Tower than I ever learned in school. It is way after time that our children learned about the history of our Island and its development. I can tell you more about slash and burn methods in Borneo, but not when Guernsey was invaded, nor by whom, nor who our iconic female ancestors have been, or our male ones. Nor much about how Guernsey developed through the centuries. So I welcome the development of teaching Guernsey history in schools.

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But I do ask Education to give very serious consideration to the way the subject of the Holocaust is treated, and the age at which it is communicated to schoolchildren, as I still have not worked out how to break the news to my children about what happened. At 6, 10 and 11 they are still too young in my view. So I am concerned about the age at which children learn about what is amongst humanity's darkest years and most inhumane events on a scale never before seen, and which must never be seen again. I think it is right that the history of this cataclysm is taught. It is in understanding the failings of the past that you stand more of a chance of recurring events in the future, but it does need to have more than a degree of care involved, however.

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The Bailiff: Deputy Langlois.

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Deputy Langlois: Thank you, sir.

I very much sympathise with the last comments, because there is very heartfelt stuff there to do with family and your own experience.

3730 I am absolutely behind the Propositions here but just wish to give one caveat, and I need to just put the context why I am just putting a bit of a damper on one area. My parents were in Guernsey during the War and several of their siblings. and so on; and their particular age group – they were in their late teens and early 20's during the War – which is hardly the sort of time you want to live under the sort of regime that we have heard described.

3735 It was very clear to me, I was brought up with war-time stories, some with great glee and joviality about them to do with ways of outwitting the Germans in the right sort of way, and not in a deliberately harmful way, but it is how they kept going. And as the revelations of the Holocaust emerged during my teenage years much more clearly through the national media, clearly some of that came as a surprise to them, because Guernsey was so isolated in news terms, and obviously even those who in the early days had radios were picking up reports which did not include this reporting because the *BBC* did not report it, to make too much of it at the time. The earliest awareness they had – and I am sorry the Alderney Representatives have gone – was that I believe 3740 10 days after Liberation my mother led a concert party to Alderney and came back very, very shocked in terms of that experience.

3745 Now I recount that solely because I think what we are talking about here in terms of the education side, is very multi-faceted, and I would be really concerned – I was going to say upset, so probably upset as well – if this turned the whole focus of the Guernsey history aspect of it into the events which were linked with the Holocaust, if you see what I mean. It should not be a singular focus.

3750 I am echoing something of what Deputy James said, to do with the heroism in a quiet sort of way, and the heroism that Deputy Perrot described, because I think that is the exact word, and that if you are alone on this Island with an armed occupation force and you have a position of authority ... well, you know, it takes a lot to stand up to it. And I think I know the person that Deputy Perrot is talking about in terms of the memories of that.

3755 So my caveat on this is, I am concerned that the two Propositions by the States directing Education set a form of precedent – and I would like to hear from the Education Minister if he can agree with this – which could be used by the States to exert more direct political influence on the curriculum, and that I think would be unfortunate. This is an exception, it has got to stay an exception. The best place to decide school curriculum is not in this Chamber.

3760 **The Bailiff:** No-one else.

We will go through the closing speeches now, then, in reverse order.
First of all Deputy St Pier.

3765 **Deputy St Pier:** I have nothing to add, sir.

The Bailiff: Deputy Sillars.

Deputy Sillars: Sir, just in answer to the T&R Minister, the teaching of Holocaust is already in our schools, so it is already funded within the curriculum.

3770 Deputy Ogier, I absolutely agree with you, there is an age set where one can talk about these things sensible – and I have children and I have done the same. But it is the secondary, the High Schools, that we did the Anne Frank's exhibition and that was shown throughout the four high schools.

3775 Deputy Langlois, I would like it to cover all of our history and explain why and how Guernsey have got to where we are, within the British Isles. I think it is really important for everyone to understand the nuances and so it will be the whole of history. Actually as we have all said, it is actually very exciting history anyway, so I am sure it will be well teachable. And as I said in my first

speech, I absolutely agree I am against this Chamber dictating curriculum, we have got to leave it to the professionals.

3780 Thank you, sir.

The Bailiff: Deputy O'Hara.

Deputy O'Hara: Thank you, sir.

3785 Just to let Members know that the Department does in fact hold quite regular lessons and courses with the children for various schools. They will come up to the Museum and our Education Officer will go through many, many aspects, and we do try very hard. We work very, very, closely with Education, and of course the merging of the two Departments will ensure that that will get stronger.

3790 Thank you very much.

The Bailiff: The Chief Minister is not here, does the Deputy Chief Minister wish to say anything on behalf of Policy Council in reply?

3795 **Deputy Langlois:** No, nothing to add, sir.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

3800 I would like to start by making reference to Deputy Perrot's speech. I have attempted, as much as is possible, never to actually make judgement. I remember that when I read Ambrose Sherwill's accounts of what happened on that day here, as to the first Jewish Order being written into the books, who obviously was sat here listening to Abraham Lainé talk very strongly against the Jewish Order, my instant reaction was to understand that Sherwill's account seemed exceptionally human. He had every opportunity to stand, to talk against it, to actually vote and to influence the Chamber, but his reaction of sitting and listening seemed very, very human; whereas Abraham Lainé's action of speaking so vociferously against the Anti-Jewish Order seemed slightly superhuman.

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3810 Therefore I think that it is only right to realise that we should never sit in judgement, but we do need to understand what has happened. My fear is that there are so many who do not understand what happened, who do seek to portray one particular view of history. Such was the case that Dr Gilly Carr, who contacted me earlier today, and I was told that she had been shouted at in the most vociferous and the most vile terms, because she had challenged one view of someone in relation to what happened here. That goes to the question of the sensitivities: it is very sensitive, the subject matter is sensitive, and the question as to when we teach the Holocaust is a very difficult one.

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3820 Three years ago, or maybe five years ago, I cannot remember exactly, I was reading a book called *The Holocaust* by Martin Gilbert and I was reading about the liquidation of the Lodz Ghetto, and I had to stop, I could not read the whole passage. I cried, and I refused to return to the book for over a month – and that is as a grown man. Therefore I think that the sensitivities as to what we teach and when we teach it, is key. Having spoken to members of the Education Department who deal with this, they pointed out that at the moment when it comes to primary school children the narrative is very much around the evacuation of children, because that fits in and is comfortable. When it comes to secondary school children, then apparently what is currently being utilised is *The Boy in the Striped Pyjamas* as a piece of literature in the English class.

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But of course there comes a point when we have to realise that we cannot wrap our children in cotton wool. The history of the Holocaust is horrific and at some point, even if it is when you are in your 40's, you are bound to be shocked and horrified as to man's ability for horror towards another man. There is no other way to describe the events of the Holocaust.

3830 Deputy James made reference to the Castel Hospital and I think the history of the Castel
Hospital and what happened there is particularly pertinent, because of course one of those three
Jewish women did work in the Castel Hospital. Part of the reason that they were deported to
Auschwitz was because when it was known that the Nazis were going to be arriving here, the UK
3835 Government refused entry because they were not British subjects, they were foreign subjects.
Therefore, that horrible situation of being trapped, and knowing that the Germans were coming;
and it was known full well that the Germans had particularly anti-Semitic orders and anti-Semitic
ways of dealing with things.

I cannot begin to imagine the horror of knowing, as a Jewish person, that you would be here
and that you would have faced an oncoming onslaught from the Nazis. Not knowing the extent –
3840 no-one knew the extent of what was going to be perpetrated – but something was known that it
was definitely not good. So I think that in relation to the Castel Hospital, it does have a very
important role to play specifically in relation to those three Jewish women.

Deputy Ogier made reference to at what points do we have female heroines, but of course the
one person that springs to mind is Marie Ozanne, who is a local heroine, who wrote in the most
3845 strident terms to the Nazi authorities at the time declaring that their actions against the Jews and
against others, were dreadful. And she even offered herself up to be imprisoned and indeed to be
shot instead of others. These are local people, local heroines; their stories should be more widely
known. And that is what I would hope would be achieved here.

Now, Deputy Brehaut raised the question in relation to remembrance and I think it is
3850 important. And in relation to remembrance what I can say is that last year the UK Government as
part of the 70th Anniversary of the Liberation of Auschwitz, committed themselves to a project
where the memories of the Second World War would be collected and put into a digital library. Of
course with that we have memories that are subjective. What I would hope is that we would have
3855 the opportunity to collate and to understand the memories of those people here as to their
experience, in relation to the War and in relation to the Holocaust, because if we want to avoid
the atrocities of the future and of the present, let's not imagine that by not knowing the past we
are in a better position.

If we are to say 'never again' – which is a very easy term to say and a much more difficult thing
to do – it can only start by understanding how we got it wrong the first time round, or the second
3860 time round, or the third time round; but the next time round I would hope that more would be
able to be more like Abraham Lainé in order to actually stand up and do what feels like the
superhuman thing and speak up against those actions.

Members, more than anything the main reason for this Requête is because I was shocked as to
the way that I was harangued for certain things that I said, having been exceptionally careful never
3865 to be in judgement, merely to point out the history. It worries me that those people who do not
understand what happened seem to want to portray one image, there is no black-and-white there
is only a very big grey area, and if we are to understand it we have to be accepting of other
people's questioning and probing in this area. Never mind how difficult it is, that can only start
through education.

3870 Members, I hope that you will be able to support the Requête wholly.

The Bailiff: Members, the Propositions are on page 1128, and I remind you that Proposition 5
has been replaced by the successful amendment from Deputy Bebb, seconded by Deputy Sillars.

3875 Unless anyone requests otherwise, I will put all six Propositions as amended to you. Those in
favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.
Deputy Collins.

3880 **Deputy Collins:** Sir, can I just raise one matter with you which is, I know you gave an undertaking to the States a little while back, but just online I have had a look at *Hansard* and the voting records and *Hansard* goes back ... the latest file is July and the voting record is October?

Now, coming to an election there are a number of people that are interested in the way we vote and the way we have spoken –

3885 **The Bailiff:** I am not sure I have given any undertaking, but –

Deputy Collins: I thought you did a few months ago, sir, that when the new website was coming on board these things would be looked at.

3890 **The Bailiff:** Age is catching up with me, I do not remember that. *(Laughter)*

Deputy Collins: I would of course say, 'Look back in *Hansard*' to have a look', but –

3895 **The Bailiff:** If you have got any questions can I suggest you write to HM Greffier and if you wish to copy me in on that correspondence that is fine? Then we will have a look at it.

Thank you.

We will rise now.

The Assembly adjourned at 5.24 p.m.