



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 25th October 2018**

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D. de G. De Lisle, S. L. Langlois

**The South-East**

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,  
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**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**

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Procureur); Deputy M. P. Leadbeater (*relevé à 11h 10*)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## **PRAYERS**

*The Senior Deputy Greffier*

## **EVOCATION**

# Billet d'État XXIII

## **COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

### **X. Non-Contributory Benefit Rates for 2019 – Debate continued**

*Article X.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled 'Non-contributory Benefit Rates for 2019', dated 10th September 2018, they are of the opinion:*

- 1. To set the income support requirement rates at the rates set out in Table 1 of that Policy Letter, from 4th January 2019.*
- 2. To set the benefit limitation for a person living in the community at £750 per week and the other benefit limitation rates at the rates set out in Table 2 of that Policy Letter, from 4th January 2019.*
- 3. To note that the Committee for Employment & Social Security will return to the States with a Policy Letter addressing the future of the benefit limitation, earnings disregard and personal allowances by March 2019.*
- 4. To set the maximum rent allowances at the amounts set out in Table 4 of that Policy Letter, from 4th January 2019.*
- 5. To set the amount of the personal allowance payable to persons in Guernsey and Alderney residential or nursing homes who are in receipt of income support at £32.16 per week, from 4th January 2019.*
- 6. To set the amount of the personal allowance payable to persons in United Kingdom hospitals or care homes who are in receipt of income support at £54.18 per week, from 4th January 2019.*
- 7. To set the supplementary fuel allowance paid to income support householders at £29.54 per week, from 26th October 2018 to 26th April 2019.*
- 8. To set the rate of family allowance at £14.20 per week, from 1st January 2019.*
- 9. To set the rates and annual income limit for severe disability benefit and carer's allowance at the rates and limit set out in Table 6 of that Policy Letter, from 1st January 2019.*
- 10. That the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984, as amended,*

*shall be further amended to allow a carer's allowance to be received under that Law at the same time as any benefit under the Social Insurance Law.*

*11. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

*Amendment by Deputies Roffey and Green:*

*To renumber the existing proposition 11 as proposition 12 and to insert a new proposition 11 as follows:*

*11. To agree in principle that all of those in receipt of Income Support should qualify for Medical Support and to request the Committee for Employment & Social Security to report back to the States on the financial implications of such a reform, together with proposals for its implementation, no later than its uprating report on non-contributory benefits for 2020.*

**The Senior Deputy Greffier:** Billet d'État XXIII. Article X, the continuation of the debate.

**The Bailiff:** Yes, Deputy Yerby.

**Deputy Yerby:** Thank you, sir.

I have been rather the thorn in my Committee's side, when it has come to discussing this issue, because I am very much of the mind that this represents an inconsistency and injustice in our system that needs to be corrected. (**A Member:** Hear, hear.) I think, as Deputy Green said yesterday, what we are doing is dealing with the problem in front of us and that is of course the right and the necessary thing to do. The broader solution naturally lies in the question of access to primary care, but that is something that is going to take time and work to work out.

Meanwhile we have a situation where a number of the Island's poorest households, as we as the States have defined them, are not in a position to receive any assistance with their medical costs. If we as a States are at the same time saying that one of the pressing problems facing this Island is the affordability of primary care, one of our policy priorities for this term is sorting out access to primary care in an inexorable way, then how we can walk away from this problem and say, 'Well, actually, no, let's not change the capital rules so that everybody receiving income support can also receive assistance with their medical costs'? I think that is an inconsistency in our own thinking that we really need to challenge.

Deputy Le Clerc said, if you gave us £300,000 as a Committee and spend it where you thought the need was greatest, then we would need to look at people whose support from income support is being stopped by the benefit limitation. Of course, I completely agree with her there: the benefit limitation is another one of the great injustices in our system, because we have this formula where we work out what it is that people need to meet their day-to-day costs of living and then we say, 'But if you hit a certain stop, even though your household needs may be that much greater ...' and they are greater almost invariably because you have more children – and not lots of children; because you have two or three children or more – 'then we are going to stop the amount of support that we make available to you.'

But what is also relevant to consider is that we have a formula that does not include medical need, because we calculate ... because we deal with that separately, because we have a system that allows us to meet the medical costs of people on income support as and when they arrive. So we are simply not seeing the medical need that we are failing to meet.

There are shortfalls in the system in respect of the benefit limitation, but there are also shortfalls because of this, what I consider to be an unfair rule in respect for medical assistance. So it is not either/or; it is not playing one off against the other. Both are injustices and it is in our power to correct both.

That brings me onto the final point that I want to make, which is just one of a practical nature. The question is not really whether or not to do this; it is whether or not to do it *now*. Income support has been newly introduced. We have had it in place since July. It is bedding in well. I

thought my Committee was entirely justified, those who did not want to move on this, ahead of putting income support in place, because we knew that that would be a lot of change all at once.

45 But Members will notice that in the main body of the policy letter, there is a proposal to do what I have been calling a snagging report, which is looking at the issues that were not directly addressed by the implementation of income support, so things like whether or not we should continue to have a benefit limitation, and if so, what should it be doing; things like the fact that we give people who live in residential and nursing homes who are on welfare support a *pittance* in  
50 terms of pocket money and expect them to live off that; things like the earnings disregard and the way that allows people to improve their situation or not.

We have already committed to look at those leftover issues next year and in my opinion the time is exactly right to look at the question of medical assistance alongside that. This amendment would allow us to do that – in fact, directs us to do that – and I think it is entirely right and timely  
55 that we should do so.

**A Member:** Hear, hear.

**The Bailiff:** Deputy Tindall.

60 **Deputy Tindall:** Thank you, sir.

Whilst I did not indicate that I would speak yesterday, I feel I should briefly set out my views. I am torn between what is an inconsistency and the effect on the wider picture and the work of the Committee for Health & Social Care. I echo Deputy Yerby's views, but I also fear a piecemeal  
65 approach.

However, as I thought yesterday, there are occasions that such an approach is necessary. That was about a financial inequity, where this is in relation to the health of some Islanders. I will therefore support this amendment.

70 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, over the years I have never worried about whether we have a piecemeal approach or not, because I have seen too often senior officers, consultants and committees spend years and years and years on something, for the sake of argument, like the Corporate Anti-Poverty Programme and not actually deliver very much because they are trying to embrace a huge  
75 spectrum, rather than take it bite by bite.

I thought that the debate actually went a little bit off track yesterday afternoon. They were guilty of what I sometimes do, a kind of existential drift, because we ended up in the last hour, really, talking about the merits of a national health system for Guernsey and millions and millions  
80 in a hypothetical world being spent on easing the GP situation. We are not here to discuss that today. That is a huge piece of work that does need to come before us to consider, but it is not relevant to the Roffey amendment or the main policy letter.

Deputy Le Clerc is always trying to – I know it is like herding cats at times – get the Committee to coalesce around a single point of view. It was clear there was division, with Deputy Langlois in  
85 particularly making a very cogent case for a point of view and Deputy Fallaize and Deputy Yerby challenging it. I kind of was in the middle. I must admit, on balance, I would probably support Deputies Fallaize and Yerby.

But the issue here is that like Deputy Fallaize, I kind of like the Roffey amendment for the wrong reasons, because it is not the greatest amendment – maybe it is, in the sense that it might  
90 win – but in its construction it puts together two incompatible halves. It stresses the need of the Committee to come back with greater financial information as to the viability of the ideas, which I do accept; but the first part of the amendment, 'accept in principle', I think is potentially risky because we do not know the costs or the consequential factors.

95 So we are doing what the States often does: accepting in principle a political philosophy, rather than actually knowing in greater detail the direction of travel and whether the journey can ever be achieved. It is the kind of thing Deputy Ferbrache has warned us about over the years, when we set off on big grand strategies, and we do not really know what resources are available to achieve them. So that is the dilemma with it.

100 But Deputy Langlois mentioned the cliff edge. Well, I feel like a lemming, wanting to jump off that cliff edge, really, because I do think we need to progress this work, maybe at a faster pace than it otherwise would go. Clearly, promises were kind of made that most, if not all, people, if they qualified for income support and these people are not wealthy or particularly well off, would benefit from a fairer medical package, and that is not quite happening at the moment. The Medical Expenses Assistance Scheme was always a little bit esoteric in some ways. I sat on the  
105 Committee for six years and I still do not quite know how it is decided and what criteria are used and how it applies to dentistry.

Let's face it, there are a lot of people – especially single people out there – whose dentistry is not very good because of the affordability of dentistry. We have not talked about dentistry today; it is focused on other medical charges, but that is another issue.

110 Deputy Green, who sat next to me on Social Security for two happy years, used to say, 'Have the courage of your convictions, John – don't go with the flow!' He left just as perhaps the Committee was moving rightwards.

I will give way.

115 **The Bailiff:** Deputy Merrett.

**Deputy Merrett:** Thank you, sir.

I just wanted to highlight to Deputy Gollop that actually medical support *includes* dental care.

120 **Deputy Gollop:** Yes, I know that, but that is the point. I am not sure the medical support financially is given often to dentists or what criteria are used for essential or non-essential, and actually, Deputy Merrett's intervention – and she is a key member of Scrutiny too – only highlights the urgency, I think, of looking at this because we are not just talking about GPs, perhaps for children, definitely for single people, perhaps for older people. We are talking about other forms  
125 of health too: preventative health; health that is part of the Partnership Project; health that would be covered in other countries by a different form of mechanism, whether it be Medicare, Medicaid, national health system or whatever.

I actually might have said, 'Hear, hear' at the idea of a national health scheme yesterday. I would not, as my first choice, ever go near that because in many cases it alienates doctors and  
130 does not deliver, rations eventually and costs the taxpayer. But it is one scenario that we might have to look at. But we can perhaps avoid considering that kind of eventuality, by making progressive, pragmatic steps now.

Deputy Lowe gave one idea, which was about certain GPs acting as they perhaps did in the golden past, *pro bono*. Advocates did the same back in the 1990s and before that. I do not think  
135 that is an easy model to instantly implement, but we need to consider everything. I think the new ESS does have a good working relationship with GPs. We met representatives not so long ago and had a frank discussion around the table. I think this work does need to be progressed.

So I will support the amendment today, despite really everything else in the policy letter, barring perhaps one point, if we get on to general debate.

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

**Deputy St Pier:** Sir, I think it is worth reminding Members that of course a decision in principle does not automatically result in the allocation of funding and it cannot be seen as a way of  
145 jumping the queue for that process. The allocation of additional resources, whether it be for this



or any other service, whether new or extended, of course must follow the same process. And I think Deputy Le Clerc referred to that, when she spoke and the importance of adhering to that process, if it is not to detrimentally affect the budgetary positions of other Committees.

150 I also have some concern, sir, that there is quite a lot of tidying up that needs to go on in relation to income support, and that is addressed indeed, not only in the Committee's own policy letter, but also in Policy & Resources letter of comment as well, there is the question of the increase and abolition of ... possibly the abolition of the benefit limitation, the school uniform allowances, and so on. So all of these things need to be dealt with and I think this piecemeal approach which others have referred to is of concern.

155 I think the final point I would make, sir, is in relation to the resources point, which I think I have already addressed.

I also have policy concerns. Deputy Lowe spoke to that when she spoke yesterday: that this will require some resources to be allocated in order to look at what has been required in the tight timeframe which the amendment has set. This has not been determined as one of the  
160 committee's own priorities.

I note that Deputy Fallaize said that it probably would not require much work. But nonetheless I think we have to accept and the Committee does accept that they have a significant policy workload themselves, which they already feel is under-resourced in terms of policy support, and this would put additional pressure on it.

165 So I will be following the advice of the Committee's own President and as a result I will be unable to support the amendment, although I accept that it is well intended and I think the objectives are sound. I think the methodology for dealing with it is the one that Deputy Le Clerc, and for that reason I will be supporting the President in her decision.

170 **The Bailiff:** Deputy Le Pelley.

**Deputy Le Pelley:** Sir, thank you.

I sat on Civic, as did quite a few other Members of this particular Assembly. For two years we debated what was relative poverty, absolute poverty and the various hardships that various  
175 people were facing on this Island.

I am just going to be very short and to the point: we have been hanging around long enough to resolve this issue. If it has to come in piecemeal it has to come in piecemeal, but for goodness' sake, let's get it done!

I am going to support this amendment and I would urge everybody else to do so as well.  
180 Thank you.

**A Member:** Hear, hear.

**The Bailiff:** Deputy Inder.  
185

**Deputy Inder:** Sir, I am just going to talk about a favourite thing of mine which is about needs and wants.

There is an amount of inconsistency in the Assembly sometimes. In one report we look at spending a million pounds taking a tank wall down. There is probably £150,000 worth of  
190 environmental impact assessments.

You add those up to £304,000 – that is basically five years' worth of support for the poorest in our society, and I just do not understand how in one debate we can flippantly give away a million pounds and then wring our hands in another debate about a small amount of money in real terms for the poorest in our society.

195 Normally, I would accept in the main that we should we should listen to the President of Policy & Resources in terms of where the cash comes from and the desires of Madam Le Clerc, but just purely because I am so annoyed – well, I am not actually annoyed, I am just making it more

dramatic than I need to! (*Laughter*) – I just cannot understand how in one debate we can spend a million pounds in one area which is utterly unnecessary and the same people can come to this debate and wring their hands over medical expenses.

But I am actually agreeing with Deputy Roffey and Deputy Green who both voted to spend a million pounds to take down a wall, which is absolutely unnecessary.

**The Bailiff:** Deputy Tooley.

**Deputy Tooley:** Thank you, sir.

I am only going to speak very briefly. I have great sympathy with some of the comments made by Deputy Langlois yesterday about the fact that actually if you gave the Committee the extra money there might be better things that they could spend it on. I have huge sympathy with that because it is a note I have made ready for a speech for a requête that we believe might be coming – or we know is coming on – NICE-funded drugs. But actually, when we sold to the public the changes that were being made to the rent rebate scheme. Moving across to housing benefit, we told them that what they lost on the swings they would gain on the roundabouts; that by entering into this new scheme they would be covered for their medical expenses. If we do not agree this amendment then we are not delivering what we promised (**A Member:** Hear, hear.) to those hard-working yet struggling ordinary members of our community. I therefore cannot vote against this amendment.

This is what we told people would happen. We need to deliver on it.

Thank you.

**A Member:** Hear, hear.

**The Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir.

As you may be aware, I have been drawn to my feet perhaps. (*Laughter*)

The issue is this is not an either/or debate. Parliament, a community has to do two things. You have to look after the most vulnerable and you have to look after the asset you have, which is the only thing you have to sell, which is the environment. The reality is we do not spend enough on the environment, we do not spend enough on infrastructure and we need to spend a great deal more. In doing that we also need to spend on the community as well.

So this idea that it is an either/or – any and every community needs to do both things. For any Member of this Assembly that seeks to imply that people are not being consistent in this Chamber, I stood in this very place, reminding people that if they went for a certain option they would be spending half a million pounds on an environmental impact assessment and that is something they were willing to do and something that was voted for.

So I know the longer you are in politics, it becomes increasingly more difficult to be consistent. But please, at least have a stab at it.

**The Bailiff:** Deputy Roffey will reply.

**Deputy Roffey:** Thank you, sir.

Let me start with a confession. I am not Deputy Fallaize. When Deputy Fallaize sees a policy door locked in front of him, he hones an amendment, crafts it so that it become almost a key that you can slip into the lock and open it. I pick out some words that are more like a battering ram – there is a door in the way, let's get through it! (*Laughter*)

So we have different approaches. Maybe he is right that the wording of this amendment, if he had spent a week burning the midnight oil, he would have done a lot better than me. But it moves the debate forward, it gets us to try and tackle a fundamental problem that we need to tackle.

250 Concern has been expressed over the cost, and I understand that. I thought it was going to be £100,000; now we seem to be getting it at £300,000. But if the taxpayer does not do it, that cost does not disappear. That cost still has to be met. Deputy Merrett was quite right: it is then met by the 185 people on ... Well, maybe it is not met, because that medical help is never actually sought because they cannot afford it. But assuming that that does happen. That cost is still the same. It is  
255 met by 185 people who ... I am not sure who would complain about the term 'intolerable poverty', but it is met by people who this Assembly has decided if it were not for being on income support, those people would be in intolerable poverty. Is that the right way to go, if we are worrying about costs? 'You pay it, mate – you're really, really poor so you pay, because we cannot afford to do it.' That is the logic.

260 Deputy Langlois, who is shaking his head essentially over there, tells me this is the wrong way to go about it. There are more sophisticated ways, there are better ways. There are more joined-up ways. I got exactly the same comments from him two years ago, when in an uprating report, I tried to bring forward the idea of a personal-allowance-type system on ... It was not this one; it was the contributory system, but it was at the same time of year. He said, 'No, no, no, wait! We are  
265 working with P&R – there might be things like, I don't know, a little bit like a simplified system of tax credits.' Well, fine, but patience runs out sometimes and you have to do things imperfectly while waiting for the great intellects to come up with the thing that will subsume all of our feeble attempts with something quite remarkable. *(Laughter)*

Deputy Fallaize and Deputy Le Clerc both brought up fair points: that there are other people  
270 who can ill afford medical costs and some of them might actually just be £5 a week over the requirement rate for income support and have absolutely no capital at all. That is true. I am not claiming that this is perfect. That is another group that we need to address, and I will talk about that when I come on to Deputy Soulsby's input in a minute.

I do not quite take on your 'This is totally different from living expenses and that's why we  
275 have different capital ... Medical costs are a one-off and therefore you can dip into your savings. It is not like buying the food that you have to do every week.' Well, for me, that is maybe true: I go to the doctor once a year maybe, and it is a bit annoying having to pay £50, but that is it. I come out and that is done and dusted.

Quite rightly, Social Security have not said exactly what type of people these are, because you  
280 have respect for their anonymity, but from the stats where it is quite clearly nearly all single-person households, which single-person households tend to be on income support? It tends to be single pensioners, many of whom have chronic issues. In fact their own costs is estimating £500 a year per person. That is not somebody that goes to the doctor once a year; that is somebody who has ongoing medical costs. So yes, it is not quite the same as buying the food in. You hope you  
285 do not have to go all the time but it is not a one-off thing to justify having a different set of capital restrictions, in my view.

There seemed to be a little bit of disagreement between Deputy Fallaize and Deputy Soulsby about whether or not this broader review and I absolutely agree that we need something broader. This is no substitute for tackling the holistic issue of affordability of medical care, and in particular  
290 primary care and dentistry and other types of care as well.

I was delighted to hear Deputy Soulsby say that – I think I heard her say – early next year there would be coming forward the policy that would allow us to debate just that. We have been waiting a long time for that. One of the reasons I was frustrated that the poverty report had not come forward yet is that one of the proposals is to make sure that that happened in this  
295 Assembly. I hold judgement on exactly what it will say, but so far if I am honest I have sort of felt that the partnership of purpose has been more concrete. This might be the start of laying down some concrete and I look forward to seeing it come forward for debate.

Deputy Lowe – again, I think it has been mentioned – we are not talking about the NHS here. An NHS is talking about something with medical care being free at the point of delivery for the  
300 whole population. Now, if you can afford that, that is great. I do not think Guernsey can afford it. Actually I would still have a co-payment to stop abuse, but nevertheless the concept is great. We

are talking about 185 people who by this Assembly's definition are in intolerable poverty. That is not an NHS. That is just a humane approach to life. (**A Member:** Hear, hear.)

305 Deputy Le Clerc, I think, was slightly frustrated because perhaps these constant amendments do not recognise what they are doing as a Committee. Let me just say now – and I probably have more insight through my work on the In-Work Poverty Investigation, I think this particular Committee *for* Employment & Social Security are more focused on poverty relief than any Committee that I have seen at any time during my service in the Assembly. (**Several Members:** Hear, hear.) So I pay tribute to that.

310 Perhaps that is why Deputy St Pier has to say he is going to support the Committee by going with their President. I say, I am going to support the Committee by going with the majority of their members. (*Laughter*) I do not think they can: because they are so hard-wired to looking at poverty relief, I do not think they could actually stick with their own President on this one, even though I am sure they wanted to in many ways.

315 I do not think there is a lot more to say. I accept fully what Deputy St Pier says, that approving in principle does not necessarily carry with it funding.

I think what we are asking for is a report back inside the next 12 months on the financial implications. I am asking for a decision in principle, not to make it inevitable. There are lots of things that I think are right in principle. What I am saying is that Employment & Social Security  
320 should not even be asked to do the detailed work, unless we felt in principle this was right. In principle it patently *is* right. Whether it is affordable, we will decide when the report comes back.

Sir, there are a lot of amendments before this Assembly to get through today. Most of them are absolutely pants; this one is spot on (*Laughter*) and I hope that people will vote for it.

325 **The Bailiff:** We vote then on the amendment proposed by Deputy Roffey, seconded by Deputy Green, and there is a request for a recorded vote.

*There was a recorded vote.*

*Carried – Pour 21, Contre 18, Ne vote pas 0, Absent 1*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Tindall	Deputy Ferbrache	None	Deputy Leadbeater
Deputy Brehaut	Deputy Kuttelwascher		
Deputy Tooley	Deputy Parkinson		
Deputy Gollop	Deputy Le Clerc		
Deputy Lester Queripel	Deputy Mooney		
Deputy Le Pelley	Deputy Trott		
Deputy Merrett	Deputy St Pier		
Deputy Meerveld	Deputy Stephens		
Deputy Fallaize	Deputy Lowe		
Deputy Inder	Deputy Graham		
Deputy Laurie Queripel	Deputy Paint		
Deputy Smithies	Deputy Le Tocq		
Deputy Hansmann Rouxel	Deputy Brouard		
Deputy Green	Deputy Dudley-Owen		
Deputy Dorey	Deputy de Lisle		
Deputy Yerby	Deputy Langlois		
Deputy Soulsby	Deputy Prow		
Deputy de Sausmarez	Alderney Rep. Jean		
Deputy Roffey			
Deputy Oliver			
Alderney Rep. McKinley			

330 **The Bailiff:** Members, the voting on the amendment proposed by Deputy Roffey, seconded by Deputy Green was 21 in favour with 18 against. I declare it carried.

We come now to general debate on non-contributory benefit rates of 2019, if anyone wishes to ...

Deputy Ferbrache.

335 **Deputy Ferbrache:** Sir, I thank you for the ... *[Inaudible]*

Deputy Le Clerc is right; when we look at benefits that people seek they are not there to give them a life of Riley and when we look at the figures, for example, on page 60, paragraph 3, you will see a co-habiting couple/married couple will receive £186, non-householder 18 or over, £81 ... member of a household, and then it gives the various ages, £75 down to £38.

340 It also says at paragraph 3.25 though that:

With the ending of the rent rebate system it is now possible that a couple with 1 teenage child, living in social housing and of course being required to pay full rent, could have a weekly total requirement of £662.12.

And at paragraph 3.30:

Increasing the benefit limitation to £750 is expected to increase income support expenditure by £670,000 ...

All of that – and I appreciate the point very ably made by Deputy Le Clerc yesterday that very few people .... those are the headline figures and when you look at the amount of money that people are going to receive it is the best Guernsey can do, but it is not high in an expensive environment to live in.

345 Also, despite what public perception may be, most people do not want to be on benefits, most people would wish to be at work. There are always going to be an element, however Halcyon we may think we are, that do not want to work, but that happens in any society where there are social benefits.

350 But let's just bear this in mind too. Just bear this in mind: we are talking about £750 a week which is £39,000 per annum. The median wage, the figures that were just published today, released today, is less than £33,000 per annum; it is about £630 per week. So we are now in a situation whereby ... and we have got to look after, because we are not doing so as a States and we have got the Budget debate in a couple of weeks' time, where we are going to seek to take

355 more money away from people and if you are earning £39,000, £40,000, £45,000 a year you are not going to be able to go down the Riviera on your holidays, you might be able to go to Torquay but you will not be able to go to the South of France. You are not going to be able to buy yourself a Lotus Elan. You are not going to be able to eat in expensive restaurants. There are some that are modestly priced that you will be able to eat in, *(Laughter)* but those are the people that we have

360 got to be looking after, not just those that we are concerned about, that are suffering and we are not doing enough for them, we are putting more and more burdens upon them and to say we look at benefits for people, £750 a week, £39,000 a year, when the average earnings are much less than that is a matter of concern.

So I would ask my colleagues to think about that too.

365

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, I was a bit naughty on a previous vote in supporting, as Deputy Roffey put it, the majority of the Committee. But it should be pointed out that we do have a robust

370 Committee with two excellent non-States' members as well and lots of different advice. And on this Committee, unlike some I have been on, we get about six or seven chances to go through major policy letters, and therefore I am very supportive of everything we see before us today.

Deputy Ferbrache's point about the benefit limitation probably could be answered better by greater specialists than me, but the reality is that the benefit limitation on the higher levels only

375 kicks in in truly exceptional circumstances where there is real need, such as particular conditions of illnesses, such as lots of children, and it is not given out lightly. In fact Deputy Le Clerc was

really more or less right when she said that the requirement rate that this is based upon, the expenditure, was actually quite a mean exercise and it was far left ... less – to the right, not left – to what perhaps Loughborough University research package originally came up with.

380 I think we understand why Deputy Le Clerc made the speech she did earlier, because there is clearly just a slim majority in the States at the moment for greater welfare reform of this kind and she is between a rock and a hard place, because she has got Members, in a sense, to her left – or I might be sitting on the right to get the biscuits and the coffee quicker – on the one hand, and she has got Deputy St Pier and Policy & Resources breathing down her neck on the other. They have  
385 taken a rather robust line on income support. I would personally say a grudging line.

We only heard today further questions were asked and the worries are constantly there. Yet these people, by definition, are the most needy in our society. To be honest, they are more needy than everybody getting a larger personal tax allowance, for example. We have to balance all that. I look across the water to Jersey and see that in almost every way – we are perhaps plugging up the  
390 next debate – their Budget is more generous, but then again they do have a larger economy, more migration and perhaps the GSD. So we actually do need a much broader debate about income expenditure that we fail to take in this States in terms of fiscal reform.

But I do support this package. I think it is going in the right direction. We take a gradualist approach to most things. The point I would like to emphasise is the one area where perhaps I had  
395 misgivings relating to an anomaly, in a sense, which perhaps we do not have enough emphasis on certain kinds of disability benefits. Personal allowances really are still to kick in, as much as they could be, and that is an area I would like to see personally, more personal independence payments.

But the other question that we have talked about is the personal allowance payable to persons  
400 in Guernsey and Alderney residential homes. We do have advice that maybe £32.16 is the right amount, but I know of people in homes who might be younger than a particular age or might have lots of grandchildren, or might, dare I say it, be a smoker, despite Deputy Soulsby's best advice, or maybe have relatives in Australia – all kinds of reasons. Thirty-two pounds and sixteen is a mean amount in reality; it is not a large sum of money, it is less than £5 a day.

405 Compare and contrast that with our conservative friends across the water, the United Kingdom, where they clearly pay £54.18. Because of the massive differential, we, quite fairly, on Proposition 6 when asked to vote, set the amount of the personal allowance payable to persons in United Kingdom hospitals or care homes who are in receipt of income support at £54.18. I would say that if they were only given £32.16 it would probably go a bit further than our £32.16 in Guernsey, but  
410 no, they get an extra £22. Clearly, that is an anomaly, which is an anomaly maybe looking for another Roffey amendment one of these days. But hopefully that will not come, because we are promised in this report, having had extensive discussion all year on the topic, that more work will be done to look at the wider issues there; and I support that resolution, I support that idea.

But it is just to say we as a Committee do keep a very close eye on everything and we argue  
415 the toss, and Deputy Ferbrache and other Members can rest assured that we are not in the business of expanding our payments exponentially.

**The Bailiff:** Deputy Merrett.

420 **Deputy Merrett:** Thank you, sir.

I have always seen social benefits really as a buffer and certainly should not be advocated as a life choice. What I want to pick up, in particular, is the work requirement rule.

On page 7, 3.14, titled 'Parents returning to work,' the work requirement rule is something that I have discussed with various Deputies on numerous occasions, sir. In 2014, it effectively became a  
425 requirement for a single parent or both parents of a couple to seek work as a condition of benefit once their youngest child is seven years old. It is worth noting that this requirement is not full-time and starts at just 20 hours a week and then increases until the child is 14 years old, and the parent is then expected to seek full-time work. This, in my opinion, is overly generous and is not

compatible with other similar jurisdictions. Why should other members of our community have to go out to work, pay their tax and contributions to support someone else who is capable of working?

I very much agree with 3.14 where the Committee states it is persuaded that it is usually reasonable to expect a single parent or both parents of a couple to seek appropriate work by the time their youngest child begins school. That is five years old. I am pleased that the Committee intends to amend this policy and that they will do so within the transitional period. On social policy, I agree with the Committee, this is most definitely justified.

Thank you, sir.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Thank you, sir.

I spoke earlier about the benefit grant for primary care and the need to uplift in terms of the £12/£6 subsidy for visits of doctors and nurses. Having heard the last amendment on medical support, I chose, like Deputy St Pier, to await the promised report and the new model of primary care that Deputy Le Clerc and Deputy Heidi Soulsby said was forthcoming, and a full report would be provided to us in the very near future. So I took that stand on that particular issue.

But I would like to speak now very briefly on benefit limitation and the benefit cap, if you like, and the intention of Deputy Le Clerc and her Committee to move it up from £670 a week, which is £34,000 a year, to £750 a week, which is £39,000 a year, which in Proposition 2 of this Billet is to set the benefit limitation for a person living in the community at £750 per week. This is to address essentially the ongoing concern of 224 Guernsey families, including 722 children living below the poverty line, and for the Social Security team announcing plans to increase the Island's benefit cap to partially deal with this particular issue.

This is a large increase actually – £224 and £721 – from the 12 families and 56 children that were affected by the benefit cap limitation under the Supplementary Benefit scheme prior to income support being introduced by Social Security. The increase resulting from the withdrawal of the rent rebate scheme and the charging of social housing rents for rates. This is the result of the actual income support policy which has cost Islanders another £4 million a year from now on, and to overcome the problem created, the Committee wants to lift the benefit cap, essentially; and that, I think, is going to cost at least another third of a million.

In the UK – and I would like to just make a few points there – they have struggled with the tight work situation and the benefits trap. They introduced the Benefit Cap UK in 2010, which was fully implemented actually in 2013, to get people off benefits and into work. The cap was set at £500 a week which is £26,000 a year for a couple and £350 for a single person without children. The benefit cap rules were changed again in 2016 and that was after the reports in 2013 saying that dozens of families were receiving benefit payments equivalent to a salary of almost £70,000 a year until the implementation of the coalition's welfare cap. They say that Ministers described the move as a success, claiming that it had already encouraged almost 36,000 people to seek extra help in finding work.

So even given those benefits and the success of those measures, the benefit cap rules were changed again in 2016 and it got reduced further and set at different levels depending on whether people lived inside Greater London or outside the capital. The update affects the amount a household can get from a list of benefits. The household income for benefit claimants living outside Greater London gets capped at £384 per week, which is £20,000 a year for a couple with children, or a single person with children living in, at £257, or £13,400. For a single person without children in Greater London ... the benefit claimants are capped at the slightly higher level, £442 per week, which is £23,000 a year for couples and singles with children at £296 per week or £15,410 a year for a single person. All in the name of getting people back into work and off benefits.

480 Those are the measures that have been taken in the UK. In Guernsey, the whole benefits system appears to be going the other way. Instead of working to wean people off benefits, Social Security is working to put more people on income support and raise the benefit cap from £670 per week, £35,000 a year, to £750 per week, £39,000 a year – near double that of London where the cost of living surely cannot be that different from ours; certainly, as Deputy Ferbrache stated, 485 well above the median earnings of £32,000 a year.

Income support is now costing us over £40 million a year. Jumping the benefit cap to £750 has been estimated to increase the cost to the Island by another £330,000 a year. Judging by the success in the UK of cutting their benefit cap, we need to look again at income support policy in Guernsey, as the current system is doing no favours to the employment situation or the work 490 ethic, in my view. The Committee is proposing such a report forthcoming.

In paragraph 3.28, page 10, sir, the Committee intends to bring to the States by March 2019 a separate policy letter on the future of benefit limitation with Propositions. Pending that further policy letter we are told in paragraph 3.29 the Committee is proposing a significant real terms increase to the benefit limitation as an interim measure by jumping the benefit limitation to 495 £750 for 2019. Sir, that is Proposition 2 and I would call on the States to reject that Proposition and wait for the promised report in order to find out the costs involved.

Following the advice given to this Assembly by Deputy Le Clerc on the Roffey/Green amendment to await a full report from ESS on extending medical support, the same applies here to Proposition 2, surely. We should wait for the policy letter on the future of the benefit limitation 500 system, so that we know the costs involved. In this case the States have already awarded £4 million more a year for income support and I understand that the Proposition could cost a third of a million added to that. We need that update report on the income support scheme before a decision is made to approve Proposition 2. I asked that Members will reject Proposition 2.

505 Thank you.

**The Bailiff:** Deputy Green.

**Deputy Green:** Sir, thank you. I will be brief, as Deputy de Lisle was brief – perhaps not that 510 brief! *(Laughter)*

In fact if I can start with some of the comments that Deputy de Lisle just made, I think it is slightly dangerous to make over easy comparisons with the UK because I think it is probably fair to say that the UK does have something of a benefits culture and I am not sure that we do. Secondly, we have full employment and the UK, although its employment figures have improved 515 they are nowhere near a level of full employment. So there are differences, both socially and economically.

I think I know the drift of where he was going with that, but what I would say to Members who may be sympathetic to what Deputy de Lisle just said is that what the policy letter on the non-contributory benefits makes very clear is that the benefit limitation as it currently operates, post 520 the implementation of income support, is that the benefit limitation is a cause of considerable injustice. I mean that is what we are being told: a significant number of families and a significant number of children are impacted by the benefit limitation. That has always been the case in the past, but in the context of the income support system that has only just come in, July of this year, the figures at the time of the writing of the policy letter were 224 families, 721 children impacted 525 on benefit limitation. I think that is a good reason why the Committee is asking for the uplift in the amount of the benefit limitation.

But really we do need to get to a stage where we have to consider whether we need the benefit limitation at all, I think, if we actually are serious about tackling some of the social problems, some of the poverty that actually exists. I have always been somewhat uneasy, sir, 530 about the existence, the concept, of benefit limitation, because it does facilitate poverty in effect; and I am glad and I welcome the indication that the Committee has given in paragraph 3.28



where they flag up that they will be returning with a policy letter in March of next year. For me, that cannot come soon enough.

535 I agreed with what Deputy Hansmann Rouxel said yesterday about the definition of 'intolerable poverty'. I have made this point before; I am still of this view. We operate a number of different definitions for what poverty is and I think that is unsatisfactory, and that is something that the forthcoming report on in-work poverty and the discussions and debates thereafter should focus on. It is always unsatisfactory to have more than one definition. I know it was the work of the investigation committee that came up with the notion of intolerable poverty, and I understand  
540 pragmatically why that was done, but I still think it is unsatisfactory to have more than one kind of working definition when you are talking about these important issues.

Finally, sir, in relation to the letter of comment from Policy & Resources, there is a reference there on the third page of that, and it is the penultimate paragraph that begins, 'There is also'. I think I can perhaps quote from that:

There is also a wider policy consideration as to whether making top-up payments to claimants who *are* in full-time employment through the provision of Income Support which is funded from general taxation is the right mechanism to ensure that their income is at the level deemed necessary to meet their minimum needs and prevent poverty.

545 And this is the most important bit:

There could be an argument that the minimum wage should be increased to reduce the occurrence of in-work poverty.

And they go on:

It is recognised that this is a complex matter with inevitable advantages and disadvantages of any system adopted but there should be holistic consideration of the most appropriate policy measure.

Well, I think I can safely say, sir, that the work that has been done under Deputy Roffey and his colleagues on the in-work poverty review has very much come to the conclusion that an increase in the minimum wage policy is not going to be a silver bullet for dealing with the issue of in-work  
550 poverty. It may be part of the solution. It may be part of the solution, but is certainly not the *panacea* to the issue of in-work poverty.

Perhaps I can just quote briefly from the report that will be probably debated in January of next year, just briefly and I quote:

At the outset of its investigations several members of the In-work Poverty Panel assumed that a significant increase in Guernsey's minimum wage would have to be central to any strategy to reduce in-work poverty in the Island.

However, subsequent evidence altered this view, and we concluded in our interim report that  
555 recommendations on the level of the minimum wage can only be one component of addressing local in-work poverty. The reality is, sir, that it is the cost of housing and the cost of living and the other costs of normal life that, in effect, drive people into in-work poverty, and that is what the report will be leading on: the cost of housing, the cost of healthcare, the cost of living. Therefore the solution to in-work poverty has to be a holistic remedy which addresses all of those costs of  
560 living. An increase in the minimum wage certainly may be an important factor but it is not going to be a magic bullet in itself.

As I understand it, the majority of those who would be likely to benefit from a significant uplift in the minimum wage would be single non-Islanders on short-term contracts; and whilst nobody wants to see exploitation of anybody in Guernsey, the impact on in-work poverty levels from a big  
565 hiking up of the minimum wage would be relatively modest. So it will need proper solutions across the piece, holistic solutions, and I hope that we can debate that very soon indeed.

**The Bailiff:** Deputy Roffey and then Deputy Fallaize.

570 **Deputy Roffey:** Thank you, sir.

I was actually brought to my feet by both Deputies Ferbrache and de Lisle, but I will just for a second build on what Deputy Green was saying.

He is absolutely right. I think unless we are going to go to a minimum wage of circa £15-£20 an hour, which I do not think we can without crippling industry in Guernsey, that is simply ... not only is that only one component, it is actually a really small component of relieving in-work poverty, because the majority of people who are suffering through in-work poverty are actually being paid significantly above the present level of minimum wage. They may well be on £12-£13 per hour but have very high costs in terms of family commitments and housing and so on. So I totally agree with Deputy Green as far as the P&R letter of comment.

580 I was brought to my feet really because I think both Deputy Ferbrache and Deputy de Lisle were thinking in the past – very old fashioned thinking. There was a time when we categorised people in Guernsey into those that worked and those who were on benefits. Indeed, the whole supplementary benefit scheme was designed pretty much for people who did not work. Occasionally it was paid to people who did work on very low incomes, but it was basically designed for people who did not work. That is not the situation any more.

Deputy Ferbrache says we should be doing things for people who are working hard on the average wage, which I have forgotten what the figure was that has just come out, but £30,000-odd. Was it £33,000? Okay, picture this: Mr Guernseyman is working 50 hours a week to earn that average wage of £33,000 a year; he has a fairly large family – five children, one has fairly profound special needs so his wife cannot go out to work because she is at home carrying out the caring role. Their assessment is that they actually need £40,000 to live on because of all of those special circumstances.

What the wage cap is about, in getting it right, is making sure we can actually help those people who are helping themselves. It is not a question of, 'Oh, we're going to pay them necessarily the whole of this in benefit.' In fact the benefit scheme, as I understand it, is only applicable if those who are patently able to seek work are actively seeking work, and my understanding is the vast majority, because of our employment situation, thankfully, are helped actually into work.

So what I would say is that is the difference, I think, between us and the UK: unfortunately in the UK there are a lot of people for whom benefits are the first resort. I do not think most people in Guernsey want to be in receipt of benefits necessarily; they certainly do not want to be wholly reliant on them, because there is a satisfaction in working and contributing to our community that most people ... we have still got that philosophy in Guernsey. But what we have to make sure is that people who are doing their bit, working darned hard, but because of very special circumstances are still in poverty despite that, can be helped. I think that is what the debate around the wage cap is all about, which is why I am going to support Social Security today.

**The Bailiff:** Deputy Fallaize.

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

Deputy de Lisle draws a link between more generous benefits and an increasing work-shy attitude, if I can put it in the sort of words that Deputy de Lisle might be expected to use from time to time. But the evidence points in the opposite direction, because since Social Security has been increasing rates of benefits, since the benefit limitation has been increasing, actually, unemployment has been going down, not up. If Deputy de Lisle looks at what has happened over the last two or three years, he will not find more unemployment; he will find less unemployment. So I do not think there is any evidence in Guernsey to bear out his fears.

I also think, and every time he uses this phrase, which is quite often, I am going to challenge him: I think it is inappropriate to talk about 'weaning people off' (**A Member:** Hear, hear.) social welfare and benefits, as if they are babies who are intrinsically dependent on the state. I just think that that image is not only false, but is also offensive and Deputy de Lisle should remember that

although he is trying often to paint a picture of people who have chosen to be wholly dependent on the state, the vast majority of the people he is talking about are either pensioners or in working households. I think to talk about those people in terms of 'weaning them off' welfare is completely wrong.

He tried to open up the old debate, which I do not really blame him about, between rent rebate and supplementary benefit schemes and the new income support scheme. I do not blame him because he has been consistently of the view that previous scheme should not have been replaced by income support. But it is worth reminding the States, the reason the previous schemes were in need of reform was because they left many more people in intolerable levels of poverty, as defined by the States, and people in social housing were treated completely differently from people in the private rental sector, even though their income circumstances may have been identical.

So the other thing deputy de Lisle does – Deputy Roffey has referred to this really – is that he quotes these figures as if the States is paying benefits equivalent up to the level of the benefit limitation, when in fact what happens is that the much smaller amounts of benefits that people are receiving just stop if their income from other sources exceeds the benefit limitation. So the effect of the benefit limitation is that, as Deputy de Lisle has said, 224 families and 721 children are living in households where their income is below the level which allows them to escape what the States have defined as intolerable poverty, but the States turn off their financial assistance because their income goes above the benefit limitation.

So it is a completely illogical set of policies. The States have decided on the requirement rates necessary for a person or a household to be free of intolerable levels of poverty, but then effectively force those people back into intolerable levels of poverty by having a completely arbitrary, artificial benefit limitation. Many of these people are working families with two or three children and the effect of rejecting Proposition 2, which Deputy de Lisle is asking the States to do, is that by the end of the transitional period from supplementary benefit and rent rebate and income support, the effect will be that some of the people who Deputy de Lisle speaks about seeking to protect, who were previously recipients of rent rebate, will be worse off than they were previously. That would be the effect of rejecting Proposition 2. I do not think that is what Deputy de Lisle intends. That would be the effect of it.

There was some mention of the Policy & Resources Committee's letter of comment. I think it is worth pointing out what it actually says, rather than what it was suggested it may have said. What it actually says is, 'In light of the compelling case made by the Committee *for* Employment & Social Security and the costs of income support being lower than modelled for 2019, P&R supports the proposal to increase the ongoing baseline cost of the income support scheme by raising benefit limitation to £750 in 2019'; and earlier says, 'It is fully accepted that the formula-led classification of these benefits means that there is no option but to fully fund any additional expenditure arising as a result of demand changes.' Now, that was described as 'grudging support'. If that is grudging support, then I think the Committee *for* Employment & Social Security is happy to take it.

But I think Proposition 2 is probably the most important Proposition in this policy letter and Deputy Le Clerc probably will not thank me for saying this but there are going to have to be further increases above inflation in the benefit limitation if the States are serious about lifting all families and households in Guernsey above the level which the States themselves have determined is defined as intolerable poverty. Now, there have been significant increases in the benefit limitation in recent years, but I am afraid that if they are suddenly halted, actually more people will be dragged into levels of intolerable poverty.

So I hope the States perhaps not unanimously, given Deputy de Lisle's concerns, but otherwise I hope every other Member of the States will be able to support Proposition 2.

Thank you, sir.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, thank you.

675 Actually, it is appropriate I should follow Deputy Fallaize, in view of his comments on Policy &  
Resources' letter of comment and in particular he referred to the section that dealt with the  
proposed increase in benefit limitation. As he said, the challenge is whether it was grudging  
support. It is not grudging support. I think the language is unambiguous. P&R are not known for  
being unable to express their views clearly, either in favour of something or against something. So  
680 I think it can clearly be read in the way that was intended and the way that Deputy Fallaize  
articulated.

We have clearly expressed the view that further work needs to be done on benefit limitation as  
promised by the Committee themselves in their policy letter, before any further policy decisions  
are made in that matter. We support that position.

685 As I said in relation to the debate on the amendment, there is considerable work still to be  
done to finish the work of implementing income support in relation to the bits and pieces that sit  
elsewhere – the winter fuel allowance, the school uniform allowance and so on. We do hope that  
that will be addressed as part of the Committee's work. That is my understanding and I am sure  
that the President will confirm that when she sums up.

690 We also expressed the view in our letter that the Committee is also of the view that  
consideration should be given to the merits of introducing a policy that claimants must have a  
minimum period of residency before income support is paid. Again, I would be interested in the  
President's view on that when the Committee have had an opportunity to consider that comment  
provided in our letter, and whether that will form part of their work going forward. It is our view  
695 that that is a reasonable position to consider. It exists in many other jurisdictions and it helps to  
reinforce the social contract between the community and taxpayers' funding the benefit system,  
that benefits should only be accessible by people who are genuinely resident and have been so  
and are in need. We do feel that that minimum residency period is something that should be  
considered.

700 Finally, sir, if I ask most States' Members what the largest three spending Committees of the  
States are, typically the answers will be Health, Education and Home. Actually, of course, that is  
partly because of the way that we have structured our presentation of our reports to this  
Assembly for consideration and approval.

705 The actual, correct answer to the question is actually Health, Employment & Social Security and  
then Education in that order. Health next year, £120 million; general revenue expenditure by  
Employment & Social Security, excluding all the contributory benefits that we discussed yesterday,  
£88 million; and Education, Sport & Culture, £78 million; leaving Home at a very lowly fourth place  
at £31 million.

710 I think it is worth emphasising that because I think that has been lost previously, particularly  
with housing benefit sitting as it once did in the Housing Department and the coming together of  
housing benefit and supplementary benefit into income support, together with all the other non-  
contributory benefits and the other general revenue expenditure of Employment & Social Security  
really has highlighted the point that ESS is our second largest spending Committee.

715 Therefore that brings me to the final point, and the final point of our letter of comment, that it  
really is imperative that we find a way to consider the budget of ESS in the context of the Budget  
of the States as a whole. Actually having this separate debate as we are now doing today, several  
weeks away or a couple of weeks away from the main Budget debate, is not satisfactory. We do  
urgently need to give consideration to that and actually that, I think, is even more reinforced by  
Deputy Roffey's successful; amendment in relation to the previous matter. We should not be faced  
720 with a decision a year from now as to whether to commit an additional £300,000 in response to  
that amendment, if that indeed is the right figure, outwith all the spending pressures and  
commitments which will exist elsewhere in the States this time next year.

So it is an issue which we have discussed with the Committee for Employment and Social Security. There are some very a real practical difficulties in relation to the way the rules of debate work and so on, but I think that with a will and with dialogue, including with yourself, sir, as presiding officer, I do believe there is a way that that can be satisfactorily done. I hope that particularly in view of that amendment and the President will give her commitment when she sums up that that is something that she and her Committee will work towards so that we have a more rounded debate this time next year dealing with all general revenue expenditure in one debate.

Thank you, sir.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Yes, sir, I will be brief.

Just to say from a Health & Social Care perspective, we support the changes to the carer's allowance. I mention the carer's allowance and carers because I wanted to find a way of being able to respond to Deputy Roffey's comments earlier within this main debate to make it relevant, because I really do have to respond.

We can demonstrate partnership of purpose as far from just being words. Nowhere has this been clearer than in community care. This is resulting in people living longer at home, costing HSC more, granted, but reducing pressure on ESS. People do not want to go into care until they absolutely have to. We have been increasingly enabling them to stay at home for as long as possible and we believe that we could do even more, when we get the funding for our Reablement Project through the Transformation and Transition Fund, which is currently going through the motions.

So that supports totally the key aims of the partnership of purpose. It is not just words. Such changes are happening day in and day out through Transformation and I will be saying more on that front as we reach the anniversary of the policy letter being approved by this Assembly.

Of course, we might have been able to do even more if we had not been presented with Deputy Roffey's requête – but such is life!

So as I say, progress has been made and that has been possible – and I should say here – thanks to the support of the Policy & Resources Committee and the Committee for Employment & Social Security.

**The Bailiff:** Deputy Yerby.

**Deputy Yerby:** Sir, in counterpoint to Deputy St Pier's speech and particularly his last point, I would just ask Members to bear in mind how helpful it is today to have a clear debate on welfare policies which we can remain focused on and which is not getting too muddled up – some of us are also drafting Budget amendments frantically for a three o'clock deadline today – but it is not getting too muddled up with all the diverse policy issues that come as a consequence of the Budget. I think it would be an absolute mistake, as P&R wants to do, to bring the two things into a single creation. I think it is really mixing up mandates of Committees which have, in terms of policymaking which have financial consequences, which then need to be reflected in the Budget, with the actual Budget allocation process.

But my main focus is, as many people's has been, around the question of the benefit limitation. I thought there have to be some advantages to sitting on two Principal Committees – I sit on Health & Social Care as well as Social Security – and I said to our staff in Children's Services, 'okay, can I sit down with you and can you tell me what the human face of poverty in Guernsey looks like in 2018. What are you guys coming across in your working lives?' The majority of people who our Children's Services are involved with are among the Island's poorest families. They are among the families that this Government has committed to support through the Children and Young People's

Plan, and then there is this big disconnect when it comes to the benefit limitation, and saying, 'But can we afford to give them the support that they need even to meet their basic needs?'

It was completely by accident, I realised as Deputy Ferbrache was speaking, I happened to have the notebook with me in which I had taken notes from that conversation. There are pages and pages of dense black writing. I am just going to pick out a few of the things that I hope will strike home most with Members.

I was told that as of recently we are seeing higher and higher proportions of sibling groups with three or four children on the Child Protection Register, more so than we have in the past. It is becoming more difficult for those larger families – and they are the same families that are directly impacted by our benefit limitation.

Children living in poorer families are more likely to be underweight. They are also more likely to be overweight, because it is more expensive to eat healthily, so they have poor lunchboxes. As a consequence they also have poor teeth, often with an element of quite chronic neglect. In fact their second teeth, their adult teeth are becoming contaminated by their first, because they are not good teeth.

We are seeing teenagers coming into contact with Children's Services with real behavioural difficulties because in their childhood they did not have enough quality time with their parents or caregivers because those parents or caregivers were working long hours to try and make rent. So there is that work ethic among the poorest of families in our Island.

Again, families will come into contact with Children's Services not through any fault of their own but because the costs of medical care are so high they cannot afford them and then at some point the consequence of not accessing medical care becomes an issue for Children's Services. We are seeing families who cannot afford child care so they end up having to make some quite difficult decisions about how they do it because they cannot afford not to work. So you end up with older siblings looking after younger siblings in situations that are not necessarily safe.

We see a rise in food bank use and I can attest to that personally because I volunteer once a month at the food bank at Trinity Church and the amount of turnover there – in my first few months, I just could not believe how much people are going through. And the food bank does not have the same people coming back week after week. In fact, they are quite clear that what they are trying to do is help people get through a difficult patch. So people will come back a couple of times and then will not be able to come back for a while. But more and more Islanders are using that and our welfare services are also seeing that more of the people that we support are having to rely on food banks.

Similarly, we are similarly providing that support ourselves, so you will have families, for example, who do not have bedding. They might have one set of bedding but they do not have a change, or they do not have the plastic sheets that you need for toilet training. So we will buy bedding or clothes or food or skips when we need to, to help with rubbish clearance.

There are children in this Island's primary schools who are going to breakfast clubs to get fed. We buy nit lotion, we buy toys. We see families without toys because they have had to sell the toys to help make a bit of money to tide them over.

I could go on – I am trying to pick through this little bit carefully so that I do not say anything that is individually identifying and so I am not going to pick through any more anecdotes. But I think I have built up a suitably concerning picture about the state of poverty in this Island in 2018. Guernsey really can be an Island of two halves. Our GDP is higher than it has ever been but that has not really trickled through into average earnings. So many, many ordinary families are struggling.

But the wrong thing to do is to try and pit them against each other. One of the ways that we can make a positive difference is by continuing to substantially increase the benefit limitation, so that where that we know a family has a need, we are able to meet it. And I would ask the States to do so.

**The Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, no policy letter or set of propositions is ever perfect ... *(Laughter)* But a very real sense this is a good news story for fellow Islanders who struggle financially, and there seems to be a reluctance within the States for some reason to talk up good news stories. I think we should talk them up a lot more than we do to counter all the doom and gloom that is out there in the community.

So I rise to applaud the department and the Committee for putting forward such a forward-thinking and proactive set of Propositions before us for debate. There is an abundance of good news in this policy letter in relation to workstreams the department are currently working on and the Propositions contain an abundance of increases in benefits paid to the most needy in our community.

In particular, I am really pleased to see the increase in benefit limitation, and I am *really* pleased to see the 8.6% increase in the fuel allowance for this winter. In my capacity as chairman of the Age Concern Fuel Fund Committee, I often work with staff in the department, when we ask them to verify information provided to us by the applicants to our Fund, and I have nothing but admiration and the utmost respect for the staff at ESS. They do an extremely difficult job, often under extremely difficult and challenging circumstances.

So if I may, sir, I would like to ask Deputy Le Clerc through the chair to please thank the staff on behalf of the Age Concern Fuel Fund Committee for all their efforts and their input. It is very much appreciated indeed by our Fuel Fund Committee.

I would also like to thank Deputy Le Clerc and the members of her Committee for presenting us with what I sincerely believe is a good-news story for our fellow Islanders who have the most need out in our community, and not only because of the Propositions but also because of the good news regarding the other workstreams the department are working on, because that will bring in necessary changes to benefit the most needy of our fellow Islanders even more in the future.

I will close by quoting the Committee purpose, which is at the top of page 26 and that purpose reads as follows:

To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation.

So I have every faith the Committee do their absolute utmost to fulfil that purpose, which is why I applaud and thank them for all of their efforts.

Thank you, sir.

**The Bailiff:** Deputy Le Clerc will reply to the debate.

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

I think before I start, I just need to say some 'thankyous' and actually that thank you is to Deputy Dory. We have received some praise today as a Committee for the work that we have done on alleviating poverty in Guernsey, but I think we must remember that it was Deputy Dory and his committee that probably in the 2008 Assembly, when he was Minister of Social Security Department that really started this work, with the help of Loughborough University in coming up with the minimum income standards the Guernsey way. I just want to get on record that really it is Deputy Dory and that original committee that started that work. The baton has been passed along through various committees over the last few years, which has culminated in the reforms that we introduced in July this year. I think it is important for us to remember it was actually the work of fellow Deputies sitting in this Assembly that we are where we are today, and I thank him for that.

**(Members:** Hear, hear.)

I will go through the questions and then I will sum up at the end.

Deputy Ferbrache talked about the benefit limitation and I will go on and talk about the benefit limitation in my summing-up speech, but I think other colleagues have spoken out and

explained in great detail why we need to increase the benefit limitation to the £750 today but also there is more work that needs to be done.

I think again, Deputy Green mentioned in his speech about the problems that we have with tinkering around with the minimum wage and bringing that up to levels that would alleviate the need for top-ups. I think there will always be a need for top-ups because if we increase the minimum wage to a living wage, the economy this Island will suffer too much – but there will be more that we will bring to this debate later on in this year, when we bring the minimum wage paper and our policies at that time.

Deputy Gollop: I do not think I have got anything more. *(Laughter)* Personal allowances: he knows that is something that myself and other members of the Committee feel strongly about and that is why we are bringing this interim policy paper back in the first quarter of next year.

Deputy Merrett: we have got a work requirement rule; there will be different views on this. My personal view is that we do need to bring that age limit down. When I was on the Social Security department last term, actually the age was 12 so we have already brought that down to seven, but I think there is capacity and I am looking across at Deputy Fallaize, with the work that has been done on the pre-school that we have got the ability to bring that down further.

But I would mention at this point that we do have a lot of single parents and a lot of parents that are out there working already. So I think we must not forget that.

Deputy de Lisle: every year, Deputy de Lisle will stand up and talk about the expenditure of Employment & Social Security. The benefit limitation: the problem is, Deputy de Lisle, is that the rent rebate system picked up some of these larger families – I explained that yesterday – and now we are trying to resolve that inequity and pick it up through the benefit limitation.

I think other colleagues have spoken out about comparing with the UK. Personally, I would not want to be in the situation that the UK is in and I think they have got huge issues with their tax credits. We have seen recently those people on disability benefits, they are having to do huge refunds on that. I would not want us to go down that route and again, I think that some of the packages that they offer are so complex, people do not know how to claim. We have simplified our system. We have made it easy to make it a claim. We have made it transparent.

I think one of the things, again, that I need to emphasise is that we have the ability ... We do not have a benefits culture here and I will come on to some statistics about those in employment and claiming top-ups, but I must emphasise, we can stop the benefits for people who do not co-operate with their work requirement and we do stop those benefits. We *do* stop those benefits.

I think that brings me neatly on to some of our unemployment statistics. Our unemployment statistics for September: 274 people who have not worked during the week. So 274 - I think any other jurisdiction would be really proud of that statistic. **(A Member: Hear, hear.)** And we know of those 274, most of whom will have very complex needs, probably some mental health issues and other medical needs. We work closely with them and with our colleagues in Health & Social Care. But 274 I think is a fantastic figure really.

But if we look at the number of claimants who have worked during the week, we have got 392 people as at the end of September claiming either unemployment benefit – and that is paid out through the insurance funds – supplementary benefit only or a combination of the two: 392 people. So we have got people claiming benefits but they are top-ups. They are working hard and many of my colleagues have said – and again in my summing-up speech – I will give you some indication of how hard some of those people are working.

So I think we must remember those figures. They are very, very low figures and a considerable number of people are in work.

Deputy Green: I think I have covered most of the comments but I thank him for his support, and I look forward to the In-Work Poverty Review being released. Again, I will mention that when we come on to our minimum wage paper.

Deputy Roffey: thank you – perhaps not for your amendment, Deputy Roffey! But thank you, you have summed up the meaning of the benefit limitation.



I think it Deputy Fallaize again spoke about the benefit limitation, but I think what really is important, that we need to be looking at and again, Deputy St Pier mentioned this, we do need to review the basket of goods. The figures with ... RPIX increased them, but actually some of those items in the basket of goods are now irrelevant and we need to be including some. That is a significant piece of work and will have an effect on our income support rates and will also therefore will have a link to the benefit limitation. It is no good saying, 'This is the need', but actually not increasing the ability to receive that need. I think Deputy St Pier touched on that.

The minimum period of residency: the Committee has not spoken about that in great detail and I can see some benefits of that, but I think we also have to be really careful because we have got Alderney, for example, where their entitlement to income support is equal to that of residents in Guernsey. However, their residency requirements are very different from the residency requirements here in Guernsey. So I think we have to work carefully with our colleagues on that.

I understand that Jersey have a minimum residency, but again I think through the Children's Commissioner and some of the things that I have heard her say through the media, actually that has a detrimental impact on children's poverty and children's welfare. So I think we have to be mindful of that and we also have to think about people's entitlement to benefits when they come to the Island and when they move, that it is not all just about income support; there are other benefits as well. So I think we just have to be very careful: that is going to be a significant piece of work if we look at residency requirements and perhaps some unintended consequences of attracting people to the Island if there is not that support network for them available. So yes, it is something we will look at.

With regard to the mechanics of debating our uprating policy with the Budget, I think Deputy Yerby has explained that very well, that we have some concerns as a Committee. This is an important paper. It is the mechanics of how we would be able to deal with those amendments and actually our concerns are so great that we have actually put forward – ESS has put forward – an amendment to Proposition 41 in the Budget, because we do feel that that needs more work and more consideration.

The carer's allowance support – Deputy Soulsby has mentioned that. We have seen an increase in the carer's allowance over the last year but that is for two reasons. The reason is that we are promoting much more the ability for people to claim carer's allowance and actually there is a lot of work being done through the Carers' Working Group. But in addition we have actually seen an increase of carers claiming that allowance for younger children, for younger people, so is not necessarily about carers caring for older relatives; it is actually carers caring for younger children.

Deputy Yerby, again I thank her for her support and her passionate speech; and Deputy Lester Queripel, again thank you for your support.

I think again, I have said my thank you to Deputy Dory, but I just again want to make public the staff at Employment & Social Security and the work they have put in over the last year and 18 months in implementing the income support in July of this year. It was a substantial amount of work then and I thank them for that. (**Several Members:** Hear, hear.)

I will just come on really to my summing up, and I just would like to address some of the misconceptions that are circulate, not only in this Assembly but also on social media. I know that some of you will be reluctant to increase income support to £750. Deputy de Lisle has said that the figure is too high, that it will discourage people from seeking active employment and that in any event, the money spent on alcohol, cigarettes, etc. and items that the rest of the community cannot afford. I think I have just got to re-emphasise: there are 224 families affected by this limitation; 721 children and as Deputy Soulsby has already said, that means that towards the end of the week there is not enough money to put food in those children's mouths unless they go to the food bank. I know from speaking to some of the schools that the embarrassment of some of these parents means that they do not actually send their children to school on a Thursday or a Friday and that is why we need to increase that benefit limitation.

We would have liked to have gone further and remove the benefit limitation but I do not think this Assembly is quite ready for that. I think we need to get our ducks in a row and get our

arguments together for the policy paper that we will be bringing early next year and actually we will have better data and better evidence of income support, because it will have been up and running for a whole year.

980 I could go on, but I think actually all the arguments have been said and put across very well. I just cannot rest on the Deputy Roffey amendment, and I just want to re-emphasise that, and I will ask for a separate vote on that amendment, because I do not think that this is the right time for us to be doing that work. That amendment does not target the most in need. The benefit limitation will do and the review of the basket of goods will do.

985 I want to see what Health & Social Care bring back in their proposals of primary care next year, and if you are not happy with those proposals, that is the time to bring the amendments or bring the amendment when we bring our policy paper back on some of these reviews as I have outlined.

990 So, sir, I please ask you to support Proposition 2. That is the most important Proposition in this paper.

Thank you.

**The Bailiff:** Having heard the debate, I was going to suggest that we have a separate vote on Proposition 2. (**Deputy Le Clerc:** Yes, please, sir.) And you have asked for a separate vote on what  
995 is now Proposition 11, which is the new Proposition inserted by the Deputy Roffey/Deputy Green amendment.

Deputy Leadbeater, you wish to be relevé, I suspect? (**Deputy Leadbeater:** Please, sir.) You may be relevé.

1000 Are there any other Propositions on which anyone would like to have a separate vote? Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, a separate recorded vote on Proposition 2; did you just say we were going to have that?

1005 **The Bailiff:** I said 2 and 11 will be separate votes.

**Deputy Lester Queripel:** Can I ask for a separate recorded vote on Proposition 1 as well then please, sir? (**The Bailiff:** On 1.) And a recorded vote on Proposition 9 and 10 together, please?

1010 **The Bailiff:** 9 and 10 together.

**Deputy de Lisle:** A recorded vote on 2, please. (*Interjections*) (**The Bailiff:** Yes.) The third one, I just asked for.

1015 **A Member:** Number 2, please! (*Laughter*)

**A Member:** One and two!

1020 **The Bailiff:** Would anyone like a vote on Proposition 2!

**A Member:** What about 2?

**The Bailiff:** Should we have a vote on it! (*Laughter*)

1025 So Proposition 1, you asked for that to be recorded, did you, or just to be separate, Deputy Lester Queripel?

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

1030

**The Bailiff:** On Proposition 1?

**Deputy Lester Queripel:** Yes, please.

**The Bailiff:** So Proposition 1 is:

To set the income support requirement rates at the rates set out in Table 1 of that Policy Letter, from 4th January 2019.

*There was a recorded vote.*

*Carried – Pour 39, Contre 0, Ne vote pas 0, Absent 1*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Ferbrache	None	None	Alderney Rep. McKinley
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Le Tocq			
Deputy Brouard			
Deputy Dudley-Owen			
Deputy Yerby			
Deputy de Lisle			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Jean			

1035

**The Bailiff:** The voting on Proposition 1 was 39 in favour, no one against. I declare it having been passed unanimously. (**A Member:** Woo-hoo!)

We come now to Proposition 2, which is:

To set the benefit limitation for a person living in the community at £750 per week and the other ... [rates as per table 2] ...

A separate vote? (**A Member:** Yes.) Recorded?

**Deputy Kuttelwascher:** Sir? (**The Bailiff:** Deputy Kuttelwascher.)

1040 Once or twice in the past the Bailiff has suggested that if there is anybody who is going to vote  
against it, they can vote and the rest can all vote Pour together. It has happened before. Is it  
possible to enhance the speed of progress?

**The Bailiff:** We might see if we do that with 9 and 10 but I think with Proposition 2 there will  
1045 be a number of votes against, so let's do Proposition 2 the ... Having heard the debate, there will  
be at least one. We will do Proposition 2 the normal way.

*There was a recorded vote.*

*Carried – Pour 38, Contre 1, Ne vote pas 0, Absent 1*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Ferbrache	Deputy de Lisle	None	Alderney Rep. McKinley
Deputy Kuttelwascher			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Le Tocq			
Deputy Brouard			
Deputy Dudley-Owen			
Deputy Yerby			
Deputy Langlois			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Prow			
Deputy Oliver			
Alderney Rep. Jean			

**The Bailiff:** The voting on Proposition 2 was 38 in favour with 1 against. I declare it carried.  
We can take Propositions 3 to 8 together. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

1050 Propositions 9 and 10 were to have a separate vote. Does anybody wish to vote against Propositions 9 and 10? Nobody is rising? Does anybody wish to abstain on Propositions 9 and 10? No one is rising. Deputy Lester Queripel, do you still wish to have a recorded vote or are you satisfied that I can declare that it will be carried unanimously?

1055 **Deputy Lester Queripel:** I am satisfied by that, sir, thank you.

**A Member:** Are you sure?

**The Bailiff:** In that case, I will put it to you: Propositions 9 and 10 – those in favour; those against.

*Members voted Pour.*

1060 **The Bailiff:** I declare that Propositions 9 and 10 have been carried unanimously.

Proposition 11, I think we should have a separate recorded vote in the traditional way. So Proposition 11, Greffier. (**The Senior Deputy Greffier:** Yes, sir.) And Proposition 11, just to remind you, is the new Proposition that has been inserted as a result of the successful amendment from Deputies Roffey and Green. It is not the original 11, it is the new 11.

*There was a recorded vote.*

*Carried – Pour 20, Contre 19, Ne vote pas 0, Absent 1*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Tindall	Deputy Ferbrache	None	
Deputy Brehaut	Deputy Kuttelwascher		
Deputy Tooley	Deputy Parkinson		
Deputy Gollop	Deputy Le Clerc		
Deputy Lester Queripel	Deputy Leadbeater		
Deputy Le Pelley	Deputy Mooney		
Deputy Merrett	Deputy Trott		
Deputy Meerveld	Deputy St Pier		
Deputy Fallaize	Deputy Stephens		
Deputy Inder	Deputy Lowe		
Deputy Laurie Queripel	Deputy Graham		
Deputy Smithies	Deputy Paint		
Deputy Hansmann Rouxel	Deputy Le Tocq		
Deputy Green	Deputy Brouard		
Deputy Dorey	Deputy Dudley-Owen		
Deputy Yerby	Deputy de Lisle		
Deputy Soulsby	Deputy Langlois		
Deputy de Sausmarez	Deputy Prow		
Deputy Roffey	Alderney Rep. Jean		
Deputy Oliver			

1065 **The Bailiff:** Members, the voting on Proposition 11 – the new Proposition 11 – was 20 in favour with 19 against. I declare it carried.

That leaves only the remaining Proposition which was Proposition 11, which is now Proposition 12: 'To direct the preparation of legislation.' Those in favour; those against.

*Members voted Pour.*

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

**COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**

**XI. Transfrontier shipment of waste –  
Supplementary policy paper –  
Propositions carried**

*Article XI.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled "Transfrontier Shipment of Waste-Supplementary Policy Letter", dated 7th September 2018, they are of the opinion:*

- 1. To approve the inclusion in the transfrontier shipment of waste legislation of more detailed and clearer enforcement powers, including powers to seize waste and to enter land and carry out inspections and tests, in relation to enforcing the requirements of the 2006 EU Waste Shipment Regulation and the Guernsey legislation as set out in the Policy Letter.*
- 2. To approve the amendment of the transfrontier shipment of waste legislation to remove the reference, in the provisions relating to the preparation of a management plan for the importation and exportation of waste, to the EU Waste Framework Directive and to add a requirement for the Committee for the Environment & Infrastructure to have regard to a) the Basel Convention on the control of transboundary movements of hazardous waste and their disposal, and b) the Organisation for Economic Co-operation and Development (OECD) Decision on the control of transboundary movements of waste destined for recovery operations, in preparing that plan.*
- 3. To approve the amendment of the transfrontier shipment of waste legislation to include the grounds on which the Director may object to waste shipments into, out of and in transit through Guernsey by adopting certain grounds, with appropriate modifications, set out in the 2006 EU Waste Shipment Regulation.*
- 4. To remove the current exemption, for certain shipments of waste by the States of Guernsey from Alderney to Guernsey, from the requirement for a financial guarantee or equivalent insurance to be in force in respect of the shipment as further outlined in paragraphs 7.1 – 7.6 of the Policy Letter.*
- 5. To approve the draft Ordinance entitled "The Transfrontier Shipment of Waste (Guernsey) Ordinance, 2018 and to direct the same shall have effect as an Ordinance of the States, as set out in Appendix 1.*
- 6. Only if proposition 5 shall have been approved, to approve the proposed States of Guernsey Management Plan for the Importation and Exportation of Waste as set out in Appendix 2 to the Policy letter to take effect on 31st October 2018.*

1070 **The Senior Deputy Greffier:** Article XI, Committee for the Environment & Infrastructure – Transfrontier shipment of waste – Supplementary policy letter.

**The Bailiff:** The President, Deputy Brehaut, will open debate.

1075 **Deputy Brehaut:** Thank you very much, sir.

Guernsey has legislation to allow it and other Islands in the Bailiwick under their own similar ordinances to meet the requirements of international agreements allowing the trans-boundary shipment of waste – and that is the Transfrontier Shipment of Waste Ordinance 2002.

1080 In September 2013, the States agreed to make amendments to the Transfrontier Shipment of Waste Ordinance in line with revised EU Regulations.

Whilst legislative drafting was ongoing, it became apparent that additional changes would need to be made to mirror those within EU legislation as presented by this policy letter. These are technical changes rather than material variations in the intention or regulation of the legislation.

1085 The main difference from the 2002 ordinance is that the new Ordinance clearly gives effect in Guernsey to the current 2006 EU Waste Shipment Regulation rather than referring to the previous

1993 European Regulations in this area. This has resulted in changes to the procedures in the main body of the Ordinance to reflect differences in the 2006 EU Regulation from the previous EU Regulation, in particular, to financial guarantees or equivalent insurance required to be put in place when the waste is shipped out of the Island.

1090 The Ordinance also provides for the consent for waste shipments and other regulatory functions to be carried out by the Director of Environment and Health and Pollution Regulation and for the waste import and export plan for Guernsey to be prepared by the Committee *for* Environment & Infrastructure, rather than jointly by the Committee *for* Environment & Infrastructure and the Committee *for* Health & Social Care.

1095 In this respect I think Members might prick up their ears at this and I will stress this point. The prohibition against export of waste for disposal in Jersey has been removed as the UK's ratification of the Basel Convention is now extended to Jersey and therefore, subject to Jersey consenting to importation, this legislation allows more options for exportation of waste.

1100 The States are asked in turn to approve the supplementary amendments to those approved in 2013 to approve the draft ordinance, the Transfrontier Shipment of Waste (Guernsey) Ordinance 2018, which enacts these amendments and subsequently to approve the States of Guernsey management plan for importation and exportation of waste. This order allows all necessary changes to be implemented in a synchronised manner within one States' sitting today.

1105 Policy letters will be presented to enact complementary legislation in Alderney in November and Sark in January, to provide the most harmonious adoption of legislation across the Bailiwick as is possible. I am informed by the Director of Environmental Health, Tobin Cook, just this morning, that Alderney's Policy & Finance Committee have approved the Ordinance.

1110 With regard to refuse derived fuel (RDF) generally, we must remember it is already exported from Guernsey. I did have one email from someone saying 'cart before horse' and 'get your legislation in order before you run a waste facility with the intention to export'. Refuse derived fuel is currently exported from Guernsey because it is done so privately now.

Thank you.

**The Bailiff:** Any debate?

1115 Deputy Gollop.

1120 **Deputy Gollop:** We have considered much of this on the Legislation Select Committee and it is the kind of thing that is to a degree as much operational as it is political. But I think it does raise some questions. We heard a former, very senior Member of the States very recently questioning our policy to send our waste to Sweden rather than Jersey and whether that is environmentally effective.

1125 This legislation today, although I think we will approve it because of the work that has been done on it, further depoliticises areas of life and gives responsibility to non-elected statutory officials. That has been the trend of travel for the last 20 years and is perhaps more marked in Guernsey than in Jersey. So I think we have to be wary of that to a degree, at how far that weakens what we do because we do need a flexible waste export programme that could embrace communities close to us as well as countries in Europe. Of course the export of waste has to be properly and professionally handled and one can be confident that the regulator will do just that.

1130 I would also like to bring to the attention of the States – it is good to see Alderney Representative Monsieur Louis Jean back; Mr McKinley has gone away, I think, on urgent political business – that Alderney potentially has a little bit more work to do – the States of Alderney – in getting various insurance and other documents from Alderney to Guernsey, and whether that is something that the States of Alderney are fully prepared for and can resource, I am not sure but it would be interesting to know.

1135

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, thank you.

1140 If you think I am fiery, you want to meet the cousins! Two and a half years ago when we first  
heard that our refuse derived fuel was going to Sweden I got a call from one of them and it was  
on the day I think Jenny Kendall-Tobias was on the show and she had basically made the  
announcement, and I got a call. The phone started ringing and it was cousin number one, and it  
never ends well when he calls. He phoned up and he said, 'Have you heard the news?' and I knew  
1145 what he was talking about. He has never been happy with the Waste Strategy. I said, 'Yes'. He said,  
'They are sending it to Swindon!' I said, 'It is not Swindon, it is Sweden'. *(Laughter)* So it has  
actually ended up going a lot further than he thought it was. I think we have moved on from that  
but it does remind me, around the time there was some discussion about having a relationship  
with Jersey. I believe – and I am happy to be corrected – I think their tonnage price was a lot more  
expensive than moving it to the option that we have all agreed, and I think there were issues over  
1150 legislation. Deputy Brehaut did touch on it and I do not think I understood it completely.

I am just wondering, with this in mind, does this supplementary policy letter allow us  
potentially in the future to have a different relationship with Jersey and equally when he does sum  
up I am just wondering if any of the legislation that Jersey did not have in place at the time that  
we were discussing, if he knows whether they have moved any way forward with it for us possibly  
1155 in the future moving to their incinerator.

**The Bailiff:** Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Sir, I was involved with rubbish in the past. *(Laughter)*

1160 I can answer Deputy Inder's question. At the time, and it was emphasised again today, we still  
have to have political approval from Jersey States to do it, that is all; and it may or may not be  
forthcoming. At the time I was involved with it they did not want to know. They thought the  
chances of it actually happening were pretty low. What it is now I do not know but that is still a  
hurdle: will the Jersey States approve the importation of anybody's rubbish?

1165 Thank you.

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, as President of the STSB I signed, a few months ago now, a three-year  
1170 contract in relation to it so nothing can happen in that sense within the next three years. It is a  
contract with an English company; they choose to send it to Sweden. They may change their mind  
and send it to Swindon after they have heard ... *(Laughter)* or Skegness or some other exotic part  
of England. They could do that but at the moment it is going to Sweden, but that is their choice;  
that is the contract. But it is a three-year contract and then over the next three years I imagine  
1175 certainly STSB, Environment & Infrastructure and the States of Guernsey generally will consider  
the future options.

**The Bailiff:** Deputy Brehaut, do you wish to reply? Sorry, Deputy Trott wishes to speak first.

1180 **Deputy Trott:** As I understand the law, sir, the company would not be able to send the waste  
to Swindon – well, certainly after 29th March next year – because it only extends to EU countries,  
Jersey and EFTA countries. The UK will, as I understand it, be a member of none.

**A Member:** Ha!

1185

**A Member:** You hope.

**A Member:** Possibly.



**A Member:** Allegedly.

1190

**The Bailiff:** Deputy Brehaut.

1195

**Deputy Brehaut:** I hope we are not ... I am just getting used to Brexit. If we are leaving Swindon, 'Swexit' is just a whole new concept I am going to have to struggle with in the next few hours! (*Laughter*)

I am glad that Deputy Inder's family are still speaking to him. That is always good when your extended family still call you up!

1200

Deputy Gollop mentioned Sweden. Yes, it is exported to Sweden through the UK arrangement. The boats were running empty and I take Deputy Leadbeater's point he has made before, that an empty vessel literally burns less hydrocarbon than a full vessel, so yes it is a vessel full of RDF and the carbon footprint is there, but nevertheless that vessel was running anyway.

1205

With regard specifically to Jersey, I funnily enough was approached when I was a Member of the Environment Department by a Jersey radio show producer who had me on the line to explain that there was an ongoing conversation on Guernsey about the exportation of our waste to Jersey that Jersey people knew nothing about, and it would be wrong – because Deputy Kuttelwascher was a member of PSD at the time ... The Jersey public did not want Guernsey's waste at that time and they certainly did not want Guernsey's toxic fly ash because any agreement would have meant that they incinerate it and then they are left with the residual waste.

1210

What is changing in Jersey, remember, is they built a colossal incinerator and at the same time as building this dual-stream incinerator they tried to up their rates of recycling. So they have high recycling targets; as you will see on Channel Television they really do heavily promote recycling. At the same time they have got a very hungry incinerator – waste to energy, arguably – that needs to be kept going.

1215

So I can foresee once this contract expires with the current operator there is potential for Guernsey to export its waste potentially to its nearest neighbour, because I sense that over time Jersey will be looking for more refuse derived fuel as their, ironically, recycling rates go up and they have less refuse derived fuel on-island.

Thank you, sir.

1220

**The Bailiff:** We vote then. I think we need to take these Propositions in stages – probably take Propositions 1 to 4 first before we then approve the draft ordinance. So I will put to you first of all Propositions 1 to 4. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

1225

Proposition 5, which is to approve the draft ordinance set out in appendix 1. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare that carried.

Having approved that Proposition we can vote on Proposition 6. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare that carried.

**COMMITTEE FOR ECONOMIC DEVELOPMENT**

**XII. Legislation relating to Electronic Agents –  
Propositions carried**

*Article XII.*

*The States are asked to decide:*

*Whether, after consideration of the policy letter dated 30th August, 2018, of the Committee for Economic Development, they are of the opinion:-*

*1. To agree to the enactment of an Ordinance under section 14(1) of the Electronic Transactions (Guernsey) Law, 2000 to provide enhanced certainty regarding the legal effect of actions carried out by means of an electronic agent, as set out in paragraph 5 of the policy letter.*

*2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

1230 **The Senior Deputy Greffier:** Article XII – Committee for Economic Development – Legislation relating to Electronic Agents.

**The Bailiff:** Deputy Parkinson.

1235 **Deputy Parkinson:** Thank you, sir.

In June 2018 the Economic Development Strategy was approved by this Assembly and it included the aim to maintain and grow the finance sector. We said, 'Efforts need to be made to reboot growth where immediate opportunities can be identified. This policy letter is not so much about creating a new opportunity, but about giving certainty to an emerging opportunity which is already being exploited on the Island.

1240 The Electronic Transactions (Guernsey) Law, 2000, or the ETL as it was known, is a far-sighted piece of legislation that facilitates electronic transactions in a number of ways, including providing that contracts shall not be denied legal effect solely because there made in electronic form. After wide consultation, my Committee believes that these provisions should be extended to cover transactions effected by means of an electronic agent.

1245 An electronic agent is defined as a computer program used independently to initiate an action or to respond to actions in electronic form – I summarise the definition. Electronic agents are already widely used in a variety of business applications, e.g. in program trading. The question of how electronic agents may be used by retail customers and what protections may be required will be considered by the working group looking at the lending, credit and finance project. But of course consumers already deal with electronic agents in a wide variety of online commercial transactions

1250 These proposals will provide greater certainty as to the legal enforceability of contracts formed using electronic agents and this will enhance the appeal of Guernsey to promoters of businesses based on the new technologies. This will assist in the development of our digital economy.

I therefore commend these proposals to the Assembly.

**The Bailiff:** Any debate? No.

We can go straight to the vote on the two Propositions. Those in favour; those against.

*Members voted Pour.*

1260 **The Bailiff:** I declare them carried.

**COMMITTEE FOR ECONOMIC DEVELOPMENT**

**XIII. Amendments to the Banking Deposit Compensation Scheme  
(Bailiwick of Guernsey) Ordinance, 2008 –  
Propositions carried**

*Article XIII.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter, entitled "Amendments to the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008", dated 30th August, 2018, of the Committee for Economic Development, they are of the opinion to:-*

- 1. Amend the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 to confirm that members of the Guernsey Banking Deposit Compensation Board shall hold and vacate office in accordance with the terms and conditions of appointment which shall be defined by the Committee for Economic Development.*
- 2. Amend the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 to specify that a notice period, for members of the Guernsey Banking Deposit Compensation Board, can be stipulated in terms of appointment defined by the Committee for Economic Development.*
- 3. Direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

**The Senior Deputy Greffier:** Article XIII – Committee for Economic Development – Amendments to the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008.

1265 **The Bailiff:** Deputy Parkinson again.

1270 **Deputy Parkinson:** Sir, this is another very technical policy letter. These proposals to amend the Banking Deposit Compensation Scheme have been discussed with both industry and the board of the Guernsey Banking Deposit Compensation Scheme and they have full support of both.

1275 The proposals represent improvements firstly to the governance of the Guernsey Banking Deposit Compensation Scheme and secondly to how the scheme and therefore the jurisdiction will be viewed both domestically and internationally. Specifically they import principles of good corporate governance to terms and conditions of appointments of board members and they deal with a notice period which may be stipulated in the terms of appointment.

So that is really all I have to say about it. I hope there will not be any controversy over this.

**The Bailiff:** Deputy Gollop.

1280 **Deputy Gollop:** Sir, I think I support the policy letter, but the thing is that it is interesting that it tries to make a procedure for solid corporate governance statutory. I know the work that Deputy Trott particularly, and in a way, Deputy de Lisle did on the proposals when they came to the States in the aftermath of the banking crisis of 2008-09 which fortunately Guernsey, more so than many other jurisdictions, escaped well with.

1285 But I was interested too to hear, sir, a long interview with Deputy Dudley-Owen on the radio in which she very put across perhaps the rising need for States' Members to be professional in the way they go about things, from candidature onwards and have training. I think we are a little bit lax on our corporate governance sometimes in the Assembly, and it would be good if all Members, newer and older Members, had training on the level of Institute of Directors or  
1290 whatever, through our University college that we have heard about maybe.

I mention that because isn't it strange that we are putting in statutory periods of notice and certainty into this crucial, but to a certain extent marginal function of our society? It is possible, as we saw yesterday for people to resign instantly and be filled within a month. We could see that: on the most senior Committees, we could see – hopefully we won't! – five of our most senior politicians resign and have to be replaced instantly by people who did not necessarily have their experience or judgement.

So I think we actually do need ... I am using this as an opportunity to say if we are doing this for a special vehicles, then shouldn't we be looking at ourselves as well?

**Several Members:** Hear, hear.

**The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Thank you, sir.

Well, in response to Deputy Gollop, of course across the corporate world generally the codes of corporate governance tend to be voluntary and there is a Guernsey Code of Corporate Governance to which many companies on this Island adhere, but he is right that the changes we are proposing are to introduce statutory rules to make provision for notices and periods of appointment and so on.

As I say, I think it is just putting the scheme into good sort of corporate governance order, and I hope Members will support it.

**The Bailiff:** Members, there are three Propositions: I put all three to you together. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

## STATES' ASSEMBLY & CONSTITUTION COMMITTEE

### XIV. Amendments to the Rules of Procedure of the States of Deliberation and their Committees – Debate commenced

*Article XIV.*

*The States are asked to decide whether, after consideration of the policy letter entitled "Amendments to the Rules of Procedure of the States of Deliberation and their Committees" dated 10th September 2018, they are of the opinion:-*

*1. That the Rules of Procedure of the States of Deliberation and their Committees should be amended with immediate effect as follows:*

*(a) To amend Rule 1.(3) (under 'Dates of Meetings') as set out in paragraph 2.1 of this policy letter, replace Schedule 1 with the Schedule attached as Appendix 2 to this policy letter and amend the revised Schedule 1 to include the 2019 – 2020 States' Meeting dates agreed by the States in September 2018.*

*(b) To amend Rule 3.(5) (under 'Submission of items to the States') as set out in paragraph 3.2 of this policy letter.*

*(c) To amend Rule 4.(2) (under 'Information to include in motions laid before the States') as set out in paragraph 4.3 of this policy letter.*

- (d) To amend Rule 6.(2)(b) (under 'Hours of sitting, extensions and adjournments') as set out in paragraph 5.1 of this policy letter.
- (e) To amend Rule 9.(3) (under 'The Business of the Meeting') as set out in paragraph 6.2 of this policy letter.
- (f) To delete Rule 23.(5)(f) (under 'Policy & Resource Plan') as set out in paragraph 6.3 of this policy letter.
- (g) To amend Rule 10.(1) (under 'Statements') as set out in paragraph 7.5 of this policy letter.
- (h) To amend Rule 10.(2) (under 'Statements') as set out in paragraph 7.6 of this policy letter.
- (i) To amend Rule 10.(3) (under 'Statements') as set out in paragraph 7.7 of this policy letter.
- (j) To amend Rule 10.(5) (under 'Statements') as set out in paragraphs 7.8 - 9 of this policy letter.
- (k) To amend Rule 11.(2)(e) (under 'Question Time') as set out in paragraph 8.3 of this policy letter.
- (l) To amend Rule 11.(3) (under 'Question Time') as set out in paragraph 8.4 of this policy letter.
- (m) To amend Rule 14.(2) (under 'Questions for written reply') as set out in paragraph 9.1 of this policy letter.
- (n) To amend Rule 16.(3)(b) (under 'Elections') as set out in paragraph 10.5 of this policy letter.
- (o) To amend Rule 16.(6) (under 'Elections') as set out in paragraph 10.8 of this policy letter.
- (p) To amend Rule 17.(12) (under 'Rules of debate') as set out in paragraph 11.6 of this policy letter.
- (q) To amend Rule 19 (the section 'Motion to annul a Statutory Instrument or Ordinance') as set out in paragraph 12.3 of this policy letter.
- (r) To amend Rule 24.(1) (under 'Secondary propositions – amendments, sursis, etc.') as set out in paragraph 13.6 of this policy letter.
- (s) To amend Rule 24.(2) (under 'Secondary propositions – amendments, sursis, etc.') as set out in paragraph 13.8 of this policy letter.
- (t) To amend Rule 3.(11)(e) (under 'Submission of items to the States') as set out in paragraph 13.9 of this policy letter.
- (u) To amend Rule 24.(2) (under 'Secondary propositions – amendments, sursis, etc.') as set out in paragraph 13.17 of this policy letter.
- (v) Under 'Closure and voting' as set out in paragraph 14.3 of this policy letter:
  - (i) to delete Rule 26.(1) and renumber the subsequent paragraphs accordingly.
  - OR, if that proposition is rejected
  - (ii) in Rule 26.(1), to amend the words "the Presiding Officer shall put the said request to the vote and if the majority of the Members voting support it..." to "the Presiding Officer shall put the said request to the vote and two-thirds of the Members voting support it..."
- (w) To amend Rule 26.(2) (under 'Closure and voting') as set out in paragraph 14.4 of this policy letter.
- (x) To amend Schedule 2 entitled 'Declaration of Interests made pursuant to Rules 29 and 36 of the Rules of Procedure of the States of Deliberation and their Committees' and the accompanying Explanatory Notes as set out in paragraph 15.4 of this policy letter.
- (y) To amend Rule 37.(4) (under 'Term of office') as set out in paragraph 16.2 of this policy letter.
- (z) To amend Rule 37.(4) (under 'Term of office') as set out in paragraph 16.6 of this policy letter.
- (aa) To note the Committee will produce a guidance note providing an overview of what may or may not constitute a "direct or special interest" as set out in paragraph 17.8 of this policy letter.

2. To direct the States' Assembly & Constitution Committee to amend the Indexes to the Rules of Procedure of the States of Deliberation and their Committees, taking into account the resolutions agreed by the States of Deliberation further to consideration of Proposition 1.

**The Senior Deputy Greffier:** Article XIV – States' Assembly and Constitution Committee – amendments to the Rules of Procedure of the States of Deliberation and their Committees.

**The Bailiff:** Deputy Roffey.

1320 **Deputy Roffey:** Thank you, Mr Bailiff.

I think for the second time this morning I have to start a speech with an admission. This time it is that this policy letter deals with a whole tranche of fiddling little possible changes to the States' Rules of Procedure. Mixed in with them are a few more significant reforms.

1325 I say this because I am sure several Members will be tempted to tell SACC that this Assembly has far more important things to spend their time on than navel-gazing over their own Rules of Procedure. (**A Member:** Hear, hear.) Indeed, some Members may be tempted to speak at great length about what a waste of parliamentary time it is. (*Laughter*)

1330 With this possibility in mind, I just want to gently point out at the beginning that very few possible Rule changes originated from SACC or its members. Overwhelmingly the Committee is reacting to suggestions and comments from other Members of this Assembly.

And indeed, beyond that, of course we have seen a whole tranche more – and I am not going to get onto the amendments yet – that have been brought forward as a result of this policy letter, some of which are going way beyond the questions that are raised in this policy letter and into our whole system of government. So if anybody is addicted to navel-gazing, it is not SACC, even  
1335 though it is their job to navel-gaze; it is this Assembly that is addicted to navel-gazing. I just wanted to get that off my chest right at the beginning.

However, to some extent, I agree we should not waste too much time on debate. I think we have all read this policy letter carefully from cover to cover – I know you have. And most of us will have formed a view already on the changes that have been suggested and indeed those that have  
1340 been rejected by SACC. So I have no intention of going through them all in my opening speech.

But I will just highlight a few – let's say half a dozen of what I consider to be likely to prove the most contentious, although whether that prediction will prove correct, we shall see in due course.

The first proposal is that when a Committee President resigns, the whole Committee should be deemed to have stepped down too. (*Laughter and interjection*) In many ways, this is the most far-  
1345 reaching proposal in this policy letter. But frankly I could make a Sophist case for it either way, in favour or against.

Let's start against: against is the idea that we have a committee system and not a ministerial system. So there is nothing so special about being a president and if Members have been chosen for a political committee, why should they have to step down just because their president may  
1350 have gone for personal reasons or been elevated to a higher position in the States or resigned for ill health or whatever.

Ironically SACC itself is a classic example. I am not referring to my resignation. We have already had a classic example: our previous president resigned because this Assembly had elected him as president of Education, Sport and Culture. If this proposal had been in place at the time, the rest  
1355 of us would have been deemed to have stepped down too. Okay, we could have stood for re-election and we might or might not have not been successful, but why should we be put in that jeopardy just because our president had moved on to more important things.

So that is the case against, but I think there is an equally compelling case in favour. Most often when a president resigns it is out of frustration that he or she is not really able to deliver on their  
1360 vision for their committee's area of responsibility. For instance, a major plank of their departmental policy could have been rejected by this Assembly, and they say, 'Well, if that is what the States wants, then they should give the task to someone else to deliver it.

If that is the case and if they are out of step with the majority of the Assembly there is a strong argument for a completely fresh start. Leaving the rest of the committee in place is usually not  
1365 going to achieve that. Just as importantly, is it fair on the incoming president? If someone is elevated from inside the existing committee, maybe that is fine but if it is a new president completely from outside the committee who inherits their predecessor's team, that could be a recipe for real dysfunctionality – if that is a word.

I say that in particular because of this new-fangled tendency to give presidents by and large their chosen hand-picked team. That never used to be the case – it still is not when I am the president – but 90% of the time that is the case these days. We give the presidents that we elect the team that he or she proposes and then we say, ‘There’s no excuse if you don’t deliver. You’ve got the team you want, we gave them to you – no excuse if you don’t deliver.’ Fine. Maybe that is best for holding presidents and their departments to account. But it is not consistent with insisting that a new president at the helm has to inherit their predecessor’s team – even if that team was a million miles away from the one they would have chosen for themselves.

As I said, it is an issue that can be persuasively argued both ways. On balance SACC has come down in favour of proposing such a new rule – safe in the knowledge that this Assembly can always re-elect committee members who they think are doing a good job. It would be interesting to learn whether Members agree with us in our judgement or not.

The next proposed rule change I want to highlight is actually a complete reversal of a change made quite a few years ago. Originally Members wanting to propose amendments where the rules set out periods of notice for various reasons have five working days to do so before the start with the debate. Then, at the suggestion of a minister – or rather a president, who at the time you perversely called ministers, I don’t know why – that was increased from five to seven days. She felt that five working days was not enough to allow the departments to properly respond. Put simply, we feel that change was plain wrong: that it swung the pendulum far too far in favour of the departments with all of their in-house resources and too far against individual States’ Members who wanted to challenge those departments. So we want to restore the notice period as five working days. That does not include weekends or public holidays or whenever – five actual working days rather than seven.

Hopefully, a side effect of that would be that we see less of these pernicious requests to constantly suspend our own Rules of Procedure in order to allow amendments that have not fit to that rule to go ahead. But I have to say, sir, I am not holding my breath on that one.

Talking about things getting out of hand, like requests to suspend the rules, brings me neatly on to the Give Way Rule, which I think at times is becoming a farcical. This was brought in – it was intended, when it was brought in – (*Laughter*) No, I will not give way!

This was intended to allow the occasional, short, pithy interjection into speeches by other Members and that was intended to make debate far more alive than just a procession of set-piece speeches that nobody could possibly interrupt. I think that was a good idea; but it seems to morphed into the creation of rambling byways to a debate where multiple Members presume on a speaker’s generosity to effectively make a series of second speeches. (**A Member:** Hear, hear.)

To cure this, we are proposing a two-minute time limit on such interjections. I really want to stress this is intended as a limit and not a target. I confess that personally I wanted the limit to be one minute which is surely long enough for any pithy interjection but my Committee felt that might be too difficult to sell to the Assembly, so we went for two minutes. But I hope that my successors reserve the right to re-visit this in the light of experience.

The second reform we are proposing to the Give Way Rule is how someone wanting to get a speaker’s attention should go about doing so. Clearly, standing silently in their places is not working – probably because of the geography of this particular Chamber. It often leads to ludicrous bouts of coughing and mumbling from other Members, and pointing fingers trying to catch the speaker’s attention. Now, we do not think that either looks or sounds very good. (**A Member:** Hear, hear.)

Instead, we are suggesting that a Member wishing to intervene stands and simply says, ‘Will the Member give way?’, which he or she – the one speaking that is – can either accede to or refuse. Now, I have to say we do have one concern over this, and that is: in theory other Members could make multiple requests – verbal requests for a speaker to give way in order to hector the speaker or throw them off their stride. That needs to be monitored and if it becomes a problem, it needs to be tackled. But we are constantly describing ourselves as a ‘mature parliament’ to those

1420 outside these Islands, so I would be very disappointed if this actually became an issue and I think people would do no credit to themselves if they were seen to be behaving in that way.

The next proposal I want to highlight is the Guillotine Rule. Frankly, I think this is a bad rule and it should be done away with. Yes, I agree that sometimes debates go on for far too long, and ideally should be curtailed. But from my experience, we probably waste more time voting on  
1425 Guillotine Rules than we actually would have spent, if we had just ploughed on and finished the debate. So I would get rid of the rule. But if we keep it, then SACC is suggesting introducing a two-thirds threshold – i.e. two thirds of Members having to vote to cut debate short.

I know there are some in this Assembly who suggest that anything other than a simple majority is anti-democratic in all circumstances. (**A Member:** Hear, hear.) Fine. But exactly the  
1430 same could be said about arbitrarily cutting short debate and denying Members the right to speak. Even more so, as often those voting for the guillotine have already had their say before cutting off at the knee, through this motion, Members – often actually members of the sponsoring Committee with particular experience who have been asked to hang back in order to contribute and actually answer some of the points raised in the debate.

Perhaps an even deeper issue, a bigger issue for me is the deeply regrettable polarisation of  
1435 this Assembly into factions that appears at times to be going on. I really hope it stops, but that is probably wishful thinking. If it does not stop, then this rule is clearly open to abuse. Any factional grouping coming into an important debate calculating they have, say, 23:17 advantage in the voting intentions at the start of the debate can simply invoke the guillotine, win the day, without  
1440 the inconvenience of having to listen to any counterarguments – counterarguments which, thank goodness, still can and do sometimes change minds. I ask Members, sir, to ask themselves if their minds have ever been changed by cogent points made late on in a debate. If the answer is no, then I think they should take a long look at themselves. If the answer is yes, then they should take a long look at this rule because they are denying the possibility of that happening in some  
1445 circumstances.

Ideally, I want us to scrap it. If not, bring in a two-thirds threshold. I suspect I am pushing uphill on this one, but nevertheless it is what SACC – I think unanimously, but maybe by a majority – came to the conclusion.

The penultimate rule change that I want to highlight, amongst the plethora we have in front of  
1450 us is in respect of electing Committee members. At the moment, we simply hear a eulogy from their proposer but nothing at all from the candidates themselves. As we know that used to be the case with candidates for presidents' posts as well, but we changed that Rule some time ago, so we now hear from the candidate about why they think they are the right person to fulfil that role. We think that has been a big improvement, actually – it really has. We want to extend it to candidates  
1455 for Committee membership. However we have stopped short of bringing in a question time for elections for Committee members, as that felt to us rather OTT. So this is a step in that direction but perhaps not going too far.

Finally, looking at the time and the fact that lunchtime is fast approaching, I suppose I have to say a few words about our lunch period, even though I confess it is an incredibly minor point. Let  
1460 me start on this by acknowledging that the existence of a two-hour lunch break has created a culture whereby some Members take advantage of being together in one spot with far more time at their disposal than they need to simply fuel and stretch their legs to hold lunchtime meetings. I have no doubt that if a 90-minute lunch break is too short for that to happen, then those meetings would have to be held on other occasions. Personally I think that would be healthier –  
1465 both for the Members concerned and for States' debates. An afternoon debate is likely to be far better quality if Members have spent an hour and a half relaxing, eating, going for a stroll and getting some fresh air than if they have been cloistered in a meeting in the Royal Court Library over cheese and pickle sandwiches the whole of that time.

But the real point is that in any given lunchtime three quarters of Members of this Assembly  
1470 are not in meetings. Rather they are spinning out the time, trying to make the simple task of taking luncheon last 120 minutes – something most other workers do in half the time or even less.



You see them, don't you? Not other workers; Deputies, I mean – you see them, wandering around town like lost souls trying to fill in the long, lonely hours of a States' lunch break! Then getting back to their place in this Assembly 20 minutes earlier than they need to because they have run out of places to go. It is a waste of time – not to mention that a two-hour lunch break sends out all the wrong messages. (**A Member:** Hear, hear.)

Now, if it was down to me, this Assembly would debate for about six hours a day on a totally different pattern: two three-hour sessions. The first would be say 9.30 to 12.30 and the second would be the 3.30 to 6.30 or 4 to 7. We would work a split shift. We need to decide, sir, what this mid-session break is for, because two hours is neither fish nor fowl. If it is just to have lunch it is patently too long. But if it is to go off and do other work and hold meetings, then it is clearly too short to be ergonomic. We should move to a split-shift system on that basis – although I do realise that early evenings is a problem for the increasing number of Members of this Assembly with young families.

So may I suggest, if States want to work split shifts and do other work in between, that is great, there is some merit to that and I think SACC should probably have a look at it. But if you simply want to rise to have lunch and come back after lunch, then the idea that 90 minutes is too short is patently absurd. That said, no sleep will be lost, I am sure, amongst the current Members of SACC if the States disagree – well, not over that point, anyway.

Sir, there are lots of other proposals I could have touched on but I am not going to. I will do my best to reply with whatever comes up during debate at the end, and I suspect I will be called upon to comment on a few of the amendments as we go through the rest of this morning and this afternoon.

**The Bailiff:** As you say, we have had a number of amendments. I propose that we just simply take them in their numerical order. They are numbered 1 through to 6, and we take them in that order.

So we start with Amendment 1, to proposed by Deputy St Pier, seconded by Deputy Soulsby. It is a rather long amendment, so I hope you do not require it to be read.

*Amendment 1:*

*To insert the following Propositions immediately after Proposition 2 –*

*"3 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Policy & Resources Committee shall be constituted by "a President and 2 members who shall be members of the States".*

*4 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Committee for Economic Development shall be constituted by "a President and 2 members who shall be members of the States".*

*5 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Committee for Education, Sport & Culture shall be constituted by "a President and 2 members who shall be members of the States".*

*6 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Committee for Employment & Social Security shall be constituted by "a President and 2 members who shall be members of the States".*

*7 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Committee for the Environment & Infrastructure shall be constituted by "a President and 2 members who shall be members of the States".*

8 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Committee for Health & Social Care shall be constituted by "a President and 2 members who shall be members of the States".

9 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Committee for Home Affairs shall be constituted by "a President and 2 members who shall be members of the States".

10 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Development & Planning Authority shall be constituted by "a President and 2 members who shall be members of the States".

11 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the States' Assembly & Constitution Committee shall be constituted by "a President and 2 members who shall be members of the States".

12 To agree that, with effect from the general election to be held in 2020, instead of "a President and four members who shall be members of the States" (and without prejudice to any other provisions of its constitution), the Transport Licensing Authority shall be constituted by "a President and 2 members who shall be members of the States".

13. To direct the States' Assembly & Constitution Committee to prepare and submit for consideration by the States before the end of April 2019, a suitably worded Policy Letter and Propositions to implement any changes to the Rules of Procedure of the States of Deliberation and their Committees as agreed by the States under Propositions 3 to 12."

1500 **Deputy St Pier:** Thank you, sir.

No, I do not propose that it is read, because it is actually a fairly simple amendment, but it is worth just explaining the structure of the amendment, which is simply to give the States the opportunity on the final vote, if the amendment is adopted, to decide Committee by Committee, whether the number of Members on each Committee should be reduced from five to three.

1505 So I do not anticipate that it is necessary to have the debate on this amendment, sir, as to what is the appropriate number for each Committee. It is simply to give the States that choice. Of course, if Members choose to approve the amendment that does not of course mean that they are approving all of the Propositions which would then become substantive for the final vote.

1510 I should begin by thanking Deputy Soulsby for seconding this, but also Deputy Ferbrache, who was equally willing and eager to do so, and I know a number of others who are supportive.

I shall keep this opening speech to this amendment short. I suspect many Members will have already determined what their position may be on this, therefore just suffice by making a few comments in relation to why I believe it would be an improvement.

1515 I think it is fair to say that in this term, a number of Committees have had to persuade – not quite pressgang but not far off in some cases – to obtain the fifth member of some Committees and even quite possibly sometimes the fourth member. It has not been easy to populate all Committees readily.

1520 This is not in any way a judgement on any individual sitting on any individual Committee. It is simply a view that actually our Government could be as effective or indeed more effective with a fewer number of members, certainly on some Committees.

1525 I think Deputy Dorey has been quoted publicly as saying that I am in favour of executive government and this is a move to executive government. I think he may have been referencing conversations which were had during the last term, during the States' Review Committee, where I certainly did say that my instincts leant me towards executive government, but I accepted then and I accept now that I do not think that executive government is compatible with our system of independence. So I absolutely do *not* see this in any way as a step towards executive government.

This clearly remains a committee form of government. It is simply a committee form with potentially a smaller number of members on some Committees – not all Committees, if the States chose not to agree that reduction.

1530 I think the final point I would make is just thinking ahead to June 2020, when this could be implemented if the States were so minded and a general election. I think there is an opportunity and we need to think about this carefully in the context of the referendum as to to whom the States of Deliberation may appeal. I think there may be a cadre of potential candidates who do not necessarily want to serve on Committees. We may perhaps sniffily feel that it is our role to  
1535 serve on Committees and there should be an expectation that all Members should serve on Committees. But actually I think that if there are Committees with a smaller number of people populating them, that may enable more part-time Deputies to potentially serve in this Assembly to provide a scrutiny role and to challenge in that way. I think that could potentially open the field to a new pool of candidates.

1540 So I would list that as a final argument in favour of this amendment, sir, and with that I will open debate.

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

1545 **Deputy Soulsby:** I do, sir.

**The Bailiff:** Deputy Roffey, do you wish to speak at this point? (**Deputy Roffey:** No.)  
Deputy Fallaize, do you wish to speak? (**Deputy Fallaize:** Yes, please.) I will call you then.

1550 **Deputy Fallaize:** Thank you.

Just briefly, there are a couple of reasons I think in the main to vote against this amendment. One could pass comment on that it is not particularly germane to anything that is in the policy letter that has been put forward by the Committee and I am not sure if the States wanted to make this kind of change, that doing it off the back of this kind of amendment would necessarily be the  
1555 right way.

But I think there are two substantial reasons. The first is that if the number of seats in total available on Committees is reduced, then clearly by implication, there are going to be fewer Members with Committee seats. If you consider, there are now a few Members without seats on Principal Committees, I think that if you increase their number you risk creating a sort of built-in  
1560 opposition in the States which I do not think is healthy.

It would be possible, and I accept Deputy St Pier's point that this is not in practice or in intention any sort of move to executive government – in fact the Wales Audit Office, who did not do very much useful when they came to Guernsey, but the one thing they did that was quite useful was comment that we already have an existing system of government in effect, where the  
1565 States' Assembly is the executive – so this term 'executive' is generally misused. But I accept what Deputy St Pier says about that. However in practice I think the more Members who are sitting on Committees, since we have a committee system of government, the healthier it is. I do not think it would be particularly healthy almost by accident to create more Members who are outside of the Committee structure. I think it will just start to create a built-in opposition, and although there is  
1570 an argument for doing that, if you fundamentally change the system of government, to do it by accident I think would be regrettable.

The other reason is I think a strength of the committee system, which I have always supported in a system without parties, is that discussion around the committee table allows the committee to test its views, to have some views challenged internally. It will happen anyway. The views of a  
1575 committee will be challenged, but the narrower the membership of the committee to start with, the more likely it is that the members will not have that kind of challenge around the committee table and it will just happen in the States. I think we would end up with policy coming forward

which is not as well rounded, which has not been tested around the committee table as much and it will make it more vulnerable to challenge and defeat in the States' Assembly.

1580 That does not apply in a ministerial system. I know you might just have a minister and a deputy minister, but they tend to be part of a party or a coalition of parties who are in government who have sorted out their manifesto before the election, but to try to have this narrowing of views around the committee table in a committee system, I think would mean that policy development became less effective. If areas of Committees' mandates are best discharged with three members  
1585 rather than five, just form subcommittees. That is quite a neat way of operating more effectively.

So I do not think there is much of a case in favour of reducing the membership of Committees while we maintain a committee system of government. I am pretty sure the States will reject this amendment and I hope they will do it fairly quickly and I might just carry on speaking so that all these people who are already standing have to stand for a bit longer.

1590 **The Bailiff:** Deputy Lowe.

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

Everyone is wanting to speak on this one, I think.

1595 I cannot support a three-committee system. I just think that is too small a number. Many years ago we had, Planning as an example, there used to be nine on the committee for planning, there used to be seven on the committee for education, and so when there was a review taken over the States it was decided actually five is a good number and I agree with that.

1600 If you have got three you are going to have a president, a vice-president and a spare, and that is how it will work. I have no doubt about that whatsoever. The spare is going to be a bit left out of it to a certain extent and I do not think that is particularly healthy. I think five is definitely a good number inasmuch as you are able to have better debate within a committee, and of course it depends who you have got on your committee but I think most of us look for our committee – I know I took an awful lot of time approaching the Members that I wanted to come under Home  
1605 Affairs for the reasons that I expressed at the time. I wanted experience on there, I wanted younger people on there, I wanted some with experience of life and I am grateful that they all decided that they would come and join Home Affairs, and indeed it works well I think because we have from all areas of our community to represent Home Affairs. So I am grateful for that.

1610 For me, the exciting work is actually committee work. So if somebody wants to come in the States to just sit in here that is not a good use of any States' Member's time. If you really want to make a difference get on a Committee and do the work on the Committee, find out about the work of the States. I think to actually say that we will have people coming in because they are busy and they want to work part time that is probably not the right time for them to be coming into the States. We are a smaller number of States' Members now – 38, plus the two Alderney  
1615 Reps. We expect, I think, those that are in the States to do the work and not just to be coming for the ride and make the final vote in the States and be paid for it as well.

1620 So as far as I am concerned, I hope this amendment is thrown out. I can understand why some may feel a bit frustrated and want a smaller number and feel that things may move a bit quicker; I do not actually think that is particularly good. So I am asking Members to please reject this amendment and stick with the five that we have got.

If we were talking about the likes of SACC I could see merit in just having three on SACC. (**A Member:** Ooh!) I would scrap SACC altogether; you know my views on SACC. (*Interjection and laughter*) I am not personally against the people, (**A Member:** Separate Proposition.) but I just think if you read the Rule Book and all of this it is nonsense; we can see the state we are in now  
1625 with all of this here and we have got more to come. So I could see SACC managing on three, but Principal Committees and other Committees definitely not; stick with the five.

Thank you.

**The Bailiff:** Deputy Dudley-Owen.

1630 **Deputy Dudley-Owen:** Thank you, sir.

I have known about Deputy Gavin St Pier's feelings about this for a few months and I have always been a little bit confused about it. It was not something I felt quite comfortable about. One of the issues that I have always had about this is that, certainly sitting on two busy Committees previously myself, without enough officer support Deputies do end up doing certain work over and above really what they probably would be intended to do, i.e. getting into some of the operational. I am not going to go into detail but certainly I have had to roll up my sleeves on more than one occasion where we have been lacking support.

1640 So I just wonder who would fulfil that extra role and what would be the cost implications, because against a backdrop of 200 job role losses that we are facing in the next few years, mooted by our Chief Executive, and against a change in structure of supporting committee work, how will a reduction in the number of Members be squared against a reduction in the amount of, or the change in support that we are looking at as well from civil servants?

1645 Another issue that worries me is the quoracy and therefore corporate governance around how you act in committee, and this was one of the issues that we had with regard to the States' Trading Supervisory Board (STSB). Why Members brought it to the States to increase the numbers on that particular board was that if you do have a Member unwell or unable to make a meeting then there are only two and then in that instance you are looking at more of an executive style of committee and then you could go down to one. So where do you turn with your number for a quorum?

1650 I would like those questions answered and I am interested to hear all views because I can understand where Deputy St Pier is coming from, however it does not sit comfortably with me yet. Thank you.

**The Bailiff:** Deputy Le Tocq.

1655 **Deputy Le Tocq:** Thank you, sir.

There is a timing for all things and I am not sure this is the right time for this. I certainly think if Deputy St Pier laid his other amendment there is a timing issue with that as well. However, I do support the principle and I do it primarily actually for reasons similar to those that Deputy Fallaize painted in terms of his not supporting the principle.

1660 Sir, part of my reasoning for this is, and I suggested – and those Members who were around the last term will remember that I suggested it and supported it during the State's Review Committee time – that we could go down to three. My reasoning for that was that I felt we had a very undisciplined opposition in this Assembly (**A Member:** Hear, hear.) and it is not inevitable that as a result of this we would get a more disciplined opposition, but it would be greater focus, I think, on achieving that; because the role of those people who would not be on a committee would have to change and therefore the scrutiny role that should happen in this Assembly, which I think sadly does not happen sometimes because we do not focus on our parliamentary duty enough ... then I think that would and could improve.

1670 Obviously, it may well be linked into the formation of parties which some feel they do not want, some feel that they would like. But in my mind it is not just more disciplined policy-making that we need, it is also more discipline in terms of real arguments for and against to consider those arguments properly. I think our old committee system could benefit from being more focused in this way.

1675 So I am not sure how I am going to vote, sir, because in principle I am for it, but I think the trouble is in laying an amendment like this on top of what is actually a policy letter focused on other things, we are likely only to skim the surface and not deal with the principal issues of philosophy and purpose underneath it that are genuinely raised. I think there is an argument to be had over those things, whether the changes that will come about culturally in this Assembly and the manner and perhaps the speed at which we could move, which is often the criticism from outside of this Assembly, sir, I think there is a debate to be had on whether moves such as this –

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not necessarily in every Committee but in certainly a majority of Committees – I think there is a right time to have that debate and for us to properly give it consideration. Unfortunately, I do not think we are going to do that today.

**The Bailiff:** Deputy Meerveld.

**Deputy Meerveld:** Thank you, sir.

I am going to start off by saying something I rarely say or never thought I would say. I unequivocally agree with everything Deputy Matt Fallaize said. But I would go one step further, I would say that the laying of this amendment is not good governance. We are looking at, here, potentially very broad sweeping impacts, which I think were also highlighted by Deputies Lowe and Dudley-Owen. If you want to do this kind of change you should be going back and looking at the impact Committee by Committee and across the States as a whole, and how it is likely to play out and having a broader discussion on this issue as a policy letter in its own right. It should not be laid on the back of a discussion of changes of Rules, it should be a project in its own right.

Also you have the added danger that you are looking at a substantial change in the way that the committee structure is run and the way even the Deputies operate on the floor, if you are putting some into almost an opposition role, as Deputy Le Tocq mentioned, at the same time as trying to introduce a new electoral system with Island-wide voting with, again, lots of people questioning the impact of that and how that will affect the way this Assembly works.

So I would encourage all Members to dismiss this amendment on the basis that if this is to be done it needs to be a separate piece of work and it needs to be done properly; and again I would suggest it is something you would do after the next election once Island-wide voting has been implemented.

Thank you, sir.

**The Bailiff:** Deputy Smithies. Oh, sorry, Deputy Roffey is rising.

**Deputy Roffey:** I am happy to come in now.

**The Bailiff:** Obviously you have the right to speak whenever you wish.

**Deputy Roffey:** Sir, yes, I am foregoing my right by speaking now, if that is okay. (**The Bailiff:** Yes, absolutely.)

Can I start by saying I unequivocally agreed with every word that Deputy Meerveld just said.

There are policy letters like this one which deal with things like lunch hours and how many days' notice you have and things like that, and then there is the Harwood report and the Fallaize report and others that deal with the fundamental system of government that we have, and I feel that a fairly minor policy letter has been hijacked to having a debate without the information in front of us that we need to make that decision.

When the Fallaize proposals, if I can call them that, were adopted by this States I think all of us in SACC felt at some stage the whole system that was being put in place from the beginning of this term needed a proper review and what we felt was leave it four years and early on in the next Assembly have a look at that and see whether there needs to be any changes.

I have never been adverse to the concept that smaller boards and smaller committees can be more agile and quicker than the larger ones. Although there is the question: at what point do you actually take that before you reach an absurdity? But this is just utterly the wrong time to be doing it.

In particular – and I can say this without it being a whinge now because it will not be me – Proposition 13 in this, Proposition:

To direct the State's Assembly & Constitution Committee to prepare and submit for consideration by the States before the end of April 2019 ...

– presumably means has been signed up by about January –

... a suitably worded Policy Letter and Propositions to implement any [Rule] changes ...

I suppose they could just come back and say, 'Oh, five to three,' but they should not. If they are going to look at things like: what about non-States' Members sitting on Committees, do you still have to go with that? The point that has been raised from Deputy Le Tocq about a more organised opposition – I am not sure, opposition to what? You would need a Government to have an opposition; we do not have that system. But he is right and Deputy Fallaize is right: suddenly you would have a lot of Members without a portfolio. Should we be beefing up the formal scrutiny process in order to [inaudible] those? (**Three Members:** Pour!) These are the sort of things that would need to be considered.

Of course it is SACC's job to look at those sorts of things but what a supremely bad time to give it to them. I do not buy this, that they are going to really struggle to get Island-wide voting in time for the next election. The legislation should be re-done; as long as they do not play silly devils and complicate the thing then I think it should be able to be done. But not if we keep piling extra things on top of their back and saying, 'Oh, actually for the next two or three months we want you to spend a big chunk of your time looking at how many people should sit on a Committee. That is what we are expecting them to do.

I do think this is a response but I think the timing is wrong. The concept is right. In the next Assembly let's have a debrief on how our new committee system is working and whether it needs changing, and the number of Members of that Committee is a legitimate part.

I am not going to go on because I have heard nobody really in favour – although I have to say Deputy Lowe, if she means what she says, should vote in favour and then against all of the Propositions apart from number 11, I think it is, which is the SACC ... Yes, you said that only on SACC you would want to see three Members. (*Interjection*) You can achieve that. Sorry, Deputy Lowe can achieve that by voting in this amendment and voting out all of the Propositions apart from number 11, which would only reduce SACC. But I am not going to try to persuade her to do that. (*Laughter*) We have got a lot of amendments to get through and I do not think this one has got any traction so let's just get rid of it.

**The Bailiff:** I was going to call Deputy Smithies.

**Deputy Smithies:** Thank you, sir.

The STSB, as we mentioned ... and of course the STSB is slightly different, in fact probably very different. For two years now, I have seen how a 'two States' Members, two non-States' members' model has worked. It is now a three-two and anyone less like a spare than Deputy Kuttelwascher I cannot imagine, but there we are.

Prior to the two-two model getting underway was a one-two model, which actually worked reasonably well, even though the STSB was not actually quorate or properly quorate until Deputy Parkinson was elected. But then again it worked pretty well.

The reason I am referring to this is because part of the amendment does refer to, and I quote, 'and without prejudice to any other provisions of its constitution,' or their constitution. Of course P&R has a slightly different constitution, in that it is five States' Members and nobody else. The other Committees, the five Principal Committees and one board, consist at the moment of five States' Members and potential to have two non-States' members who are non-voting. Again, that is different from the States' Trading Supervisory Board, where the two non-States' Members are voting members.

So the proposed model – I should refer to it as a five-zero model, i.e. five States' Members, no non-States' Members ... So that for P&R and for the other Committees a five-two model. That would sort of indicate it might seem attractive to me but it does not. The existing constitutions are for the most part not actually used to their best advantage, in my opinion. We are very often told that we need more high flyers in the States of Deliberation – maybe the higher the flyer, the more

we can shoot them down, I do not know – but 10 Members of our highly talented community are actually being denied the opportunity to participate in Government by the existing Committees. For whatever reason, there are those who do not wish to stand for election as People's Deputies; I am not entirely sure why, but apart from P&R, at least six Committees and a board have between them 14 places for non-voting States' Members. STSB, as I have said, has two voting non-States' members but only four non-States' members are in place.

So before changing the number of States' Members in the Committees perhaps it is time for the Committees with the ability to appoint non-States' members ... perhaps they should be carefully considering whether they are actually missing out on a valuable contribution which those missing members could make. Of course one answer to the charge is that the Committees can call in expert opinion as and when they need it, but that rather misses out on the undoubted advantage of actually having continuity of membership to bring in a different viewpoint.

Thank you, sir.

**Deputy Lester Queripel:** Sir, I rise to invoke Rule 26(1), please.

**The Bailiff:** Rule 26(1). Will those who have not spoken and wish to speak in the debate stand in their places. I see nine people standing. Do you still wish to invoke the Rule, Deputy?

**Deputy Lester Queripel:** I certainly do, sir.

**The Bailiff:** In that case, I put to you the motion that debate be terminated. Those in favour; those against.

*Some Members voted Pour, others voted Contre.*

**The Bailiff:** I think the Contre individuals shouted louder, but I suspect there might have been fewer of them but I cannot call that. We will have to have a recorded vote.

*There was a recorded vote.*

*Not carried – Pour 17, Contre 22, Ne vote pas 0, Absent 1*

**POUR**

Deputy Ferbrache  
Deputy Parkinson  
Deputy Lester Queripel  
Deputy Leadbeater  
Deputy Mooney  
Deputy Stephens  
Deputy Meerveld  
Deputy Inder  
Deputy Lowe  
Deputy Hansmann Rouxel  
Deputy Graham  
Deputy Le Tocq  
Deputy Dudley-Owen  
Deputy Langlois  
Deputy Prow  
Deputy Oliver  
Alderney Rep. Jean

**CONTRE**

Deputy Kuttelwascher  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Gollop  
Deputy Le Clerc  
Deputy Trott  
Deputy Le Pelley  
Deputy Merrett  
Deputy St Pier  
Deputy Fallaize  
Deputy Laurie Queripel  
Deputy Smithies  
Deputy Green  
Deputy Paint  
Deputy Dorey  
Deputy Brouard  
Deputy Yerby  
Deputy de Lisle  
Deputy Soulsby  
Deputy de Sausmarez  
Deputy Roffey

**NE VOTE PAS**

None

**ABSENT**

Alderney Rep. McKinley



**The Bailiff:** The voting was more decisive than it sounded, but there were 17 in favour, 22 against. I declare the guillotine motion lost and we will call Deputy Brouard next.

1810 **Deputy Brouard:** Thank you, sir.

I must admit I do get a bit irritated with these guillotine motions. I have never been much in favour of them and I do also feel that we spend more time doing them than we actually accomplish, (*Laughter*) and I would very much ask people to take a little bit more concern of their fellow colleagues who may want to speak, even though briefly. (**Two Members:** Hear, hear.)

1815 I do not always agree with Deputy St Pier; I am probably not going to agree with him now but my speech may well help him in what I am going to ask you to do. I am going to ask you to think of your own individual Committees: imagine that you are sitting around the table in your boardroom and just think who you would like not to be there. (*Laughter*)

1820 **A Member:** Is this a game ...?

**Deputy Brouard:** If there are two that are missing then you will probably need to vote for Deputy St Pier's suggestion; if it is less than two and you actually enjoy the colour and the differences and the opinions and the impact of your colleagues, although you may not always agree with them, but each of us brings something to that table and adds to that tapestry ... I think with five, or seven when you have got non-States' members, it does that well.

1825 I also see this – and I am sure it is not, but I have this horrible sneaking suspicion that once you introduce the three I think there will be a cull on the remainder. So the ones who are not on Committee I do not think will suddenly all form into scrutiny, I think there will be another proposal that those are disposed of. (**A Member:** Hear, hear.) Some may agree, but I do not think I wish to see the numbers of States' Members reducing too much further.

1830 There is also a misconception – I think Deputy Smithies touched on it – that somehow we are going to be more efficient and quicker because there are three of you. I mean you may well be making the wrong decisions because you have not taken enough opinions into account, but the other one is, of course, if you have got two friends who are on that particular Committee, the third one is a third wheel anyway because you will be completely outvoted every single time by the two friends. You have also again got the problem that if you have got one off-Island on business and one sick either nothing happens or you are then just the executive because you will just make all the decisions.

1835 So, for a multitude of reasons and much as though I would like to keep P&R together as our five – I enjoy our debates and the colour in the tapestry – I regret I cannot appease you on this occasion.

1840 Thank you. (*Interjection and laughter*)

1845 **The Bailiff:** Deputy Yerby.

**Deputy Yerby:** Since Deputy Roffey said that he had heard no one speaking in favour of this amendment, I, like Deputy Le Tocq, find myself supporting it almost for the reasons that Deputy Fallaize set out.

1850 I value and esteem our consensus to form a government, but I think that it operates very differently within Committee because of the way that it operates within this Assembly. Whereas within this Assembly we all bring our different views to the table, they are aired in what, surprisingly, I feel is the safety of a public forum because you cannot resile from your words once you have put them out there and for that reason

1855 you have to be fairly considered and fairly honest in what you put forward – without wishing to imply there is any dishonesty at Committee; that was not what I was saying.

But somehow the public exposure adds almost, I feel, a safety net to it and it is given a very conclusive result by a vote at the end of the debate. Within Committee I feel like sometimes it

1860 works against us, it certainly works against the courage of our proposals because you start by  
trying to find a consensus between five Members that is acceptable to all five Members and then  
you add another layer by trying to find a consensus that is not only acceptable to those five  
Members but each one of those Member's view of what will be acceptable to the Assembly, and  
only at the end of that process do you get something quite whittled down from what it was  
1865 originally that you think that you will be able to put through the Assembly. Often we find that this  
Assembly as a whole is fairly willing to be bold and courageous in the policy decisions that it  
reaches through amendments, but Committees, which believe in their heart of hearts that  
something bolder than what they are proposing is the right thing to do, will have rolled back from  
that because they are cautious about what it is that they can sell to us altogether.

1870 So I think for the courage and clarity of policymaking at Committee level the three-Member  
set up rather than a five-Member set up might actually prove to be more effective. So I am  
minded to support the amendment.

**The Bailiff:** Deputy Paint.

1875

**Deputy Paint:** Sir, we are having the same problem with the Transport Licensing Authority  
which is now more or less defunct.

We have five Members and two non-States' members on it and if we had only three members I  
think it would have been a lot easier, although it might not have been quorate at times. The  
1880 simple answer to that would have been to give the two non-States' members a vote. We had two  
changes, Deputy Yerby and Deputy Tindall, who had to leave because of other reasons.

So I think there is a little bit of merit in some Committees that this could be done. Deputy  
Ferbrache wanted five Members of his Committee, he has ended up with three. Exactly the same  
with Deputy Parkinson; there are only two or three. But if, for example, the Transport Licensing  
1885 Authority was attached to one of these and a chairman was elected for that then that would be  
three and two non-States' members. Then you would have a solution. It would be separate  
completely but it would be attached to that or even P&R. So there is a lot of merit in this, but I do  
not think, to be fair, that every large Committee where different aspects of what is going on is  
delegated to different Members would work with three.

1890 Thank you, sir.

**The Bailiff:** It is now 12.30 p.m. We need to rise for that two-hour lunch hour that we talked  
about. *(Laughter)* So we will be back at 2.20 p.m.

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

**Amendments to the Rules of Procedure of the  
States of Deliberation and their Committees –  
Debate continued and adjourned**

**The Bailiff:** We continue with debate on the amendment proposed by Deputy St Pier,  
1895 seconded by Deputy Soulsby.  
Who wishes to speak next? Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Bailiff.

Deputy St Pier, in his opening comment on what I said in the media ... I think I commented on  
1900 his amendment at a SACC meeting, obviously the media were all there and picked up my  
comments from there.

I agree with the points already made about this being a substantial issue that I think should have had a requête asking for a report before any decision is made – not an amendment lodged on a Friday before the States’ debate on a report covering a relatively minor issue. This is far too important to be considered as this amendment is.

1905

But this issue was considered by the Review Committee during last term. Deputy St Pier and myself and others were Members of that Committee and under the Membership of Principal Committees, if I could just read out a couple of sentences, it said:

‘In many submissions it was held that three Members would not provide for a sufficient diverse range of opinion. Seven Members would be an unnecessary expansion and four and six Members would create the possibility of tied votes.’

So that was very high level why the Committee proposed five, which was what the standard practice was at the time. It goes on to say:

1910

It was a balance between democracy and efficiency.

I think that is what five is. It is that balance.

Following on from my points, I know he said it was not an executive government, but if this amendment was successful presumably it would require a quorate of two in order for that Committee to work, which would be just one away from ministerial government. But we would not have a cabinet, or executive government, or whatever you want to call it. But we would not have a cabinet as you would have in that system. So I think it is very dangerous.

1915

I think if you did go to having three Members you would need to balance the Principal Committees with something similar to Jersey where you have a Scrutiny Committee per Principal Committee.

1920

Also I think, as has been said, the position of non-States’ members where you would have three political Members elected and two non-States’ members, I do not think would be acceptable and I think you would probably have to reduce the maximum number of non-States’ members on a Principal Committee that was making policy.

So I ask Members to reject this amendment.

1925

Thank you.

**The Bailiff:** Deputy Soulsby.

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

1930

I should point out that this should be seen as no reflection on the Members of my Committee. I think I have the best Committee in the States, quite frankly, so it is nothing to do with that at all.

For me, I am really surprised by people having got so worked up about this amendment. For me, I just see it as a natural progression from the Machinery of Government changes that happened at the beginning of term, where we reduced the number of Deputies. It just seemed to me to make just as much sense to reduce the number of Members on the Committees. It enables Members to focus just on that Committee as well. We have some Members who are spread across various Committees who do a good job, but this means that there could be greater focus on one particular Committee.

1935

One thing that some Committee members might not experience so much as others, and those that are not on Committees will not experience at all, is there is quite a lot of cross-Committee working going on now. I reference the many meetings we have in ESS that is all members of the Committee plus a load of civil servants that will need to be there for various things. So you are talking about possibly 15 people round a table.

1940

Now the other week there was a meeting of Committee members from three Committees, P&R, HSC and ESS, and the invite went out to 25 people. That is completely impractical, it is not just a Committee meeting, it is a fact that we have got, we are working across Committees now.

1945

As I said earlier, the idea of silo mentality is not something that I can see and certainly not at political level.

Deputy Lowe talked about the importance of Committee meetings, and this is where all the work gets done, it is really great, but goodness, the States just overdoes Committee meetings. Internal meetings – it just lives by them. If it was down to me I would lock most of the doors of all the Committee meetings in the States of Guernsey and get people actually going out and talking to the people who actually will make change happen. (**A Member:** Hear, hear.) These are internal meetings – we have internal meetings, you have more officers in there. They cannot get on with what we want them to do and actually actioning all the recommendations that we have in this Assembly here.

What I would do, I mean we have all this list – this is one thing I could have done an amendment to, but quite frankly, I lost the will to live going through the Rules of Procedure policy letter itself. But one thing I would like to see is the end of the Schedule about the number of meetings attended by Committee members. (**Several Members:** Hear, hear.) It really does not reflect the amount of work that goes on. The Committee meetings just do not reflect that work at all in any way, shape or form. We should not just be talking internally, we should be going out there speaking to the people that are impacted by what we are doing and as we are doing in HSC is talking to those partners who can really help us in making the Partnership of Purpose happen.

Sir, that is me going off on one on my views on Committee meetings. But what does this mean for those people who might not be on a Committee, something Deputy Fallaize mentioned. Well Deputy Fallaize was one of the architects from the States' Review Committee that came up with changing the Machinery of Government and came up with the whole idea of a Scrutiny Management Committee getting rid of Scrutiny Committee and getting rid of PAC, which I still think was not the best idea, but creating a Scrutiny Management Committee with far more reduced numbers but with task and finish panels. Now we have not seen any task and finish panels so far. The In-Work Poverty Review is a task plan it has not finished yet, so I do not know if you can call that a task and finish panel at the moment. (*Interjection*) Well, we have not seen the policy letter, I think it is fair to say, so from our point of view we do not know it is finished. Anyway.

So for me I would see the possibility of having more task and finish panels come out of these changes and people would be freer to be able to take part in the scrutiny. They would not have problems of conflict because there might be a review that might be considered a good review to do at a particular time, those people at the same time are not conflicted. So I think that will give much more opportunity for the Scrutiny Management Committee without having to spend loads more money.

These are just some of the reasons why I thought it makes ample sense to go down from five committee (members) to three. I am amazed it has been considered such a major change, because for me it really is just a natural progression from the changes made at the beginning of the year and that is why I was happy to second the amendment and I urge Members to support it.

**The Bailiff:** Deputy Green.

**Deputy Green:** Sir, yes. I will be supporting this amendment too.

Just for clarity, I did not want to interrupt Deputy Soulsby because I think she was making a good speech, but just for the record there have been in effect two task and finish panels that have started and concluded work in this term of the States. The first was in relation to the States of Guernsey Bond, a report that was published whenever that was – it is a long time ago now. Secondly, the task and finish panel in relation to in-work poverty, which the report is essentially finished, the policy letter hopefully will be coming to the States in January.

But I absolutely accept the point that Deputy Soulsby was making. I share her concerns in that regard. I think having gone from a system where there were five political Members on the Public Accounts Committee in the last term plus non-States' members as well as nine political Members

on the Scrutiny Committee to having a situation now where there are three political Members on the Scrutiny Management Committee and two non-States' members, is a considerable diminution in personnel. I think although we have used other Members of the States, I am looking at Deputy Dorey, Deputy Tooley and others who are not on the SMC for those task and finish panels and other matters with other Members of the States who sit on the Legislation Review Panel, Deputy Gollop, Deputy de Lisle, Deputy Tindall.

The situation is that I think by going to a system of having three Members on a Principal Committee and SACC and DPA would inevitably free up more Members to be able to serve not only on the task and finish panels but also on the public hearings that we have done. Just for balance we have conducted more public hearings as a scrutiny function in this term of the States than the two Committees combined did in the last States. So although the focus has perhaps not been on the task and finish panels, the focus has absolutely been on regular interrogation of Government, Presidents and others, and civil servants in the public domain in a regular cycle of public hearings which is very much a step forward.

I do see the merit in this amendment. Like others, it is not ideal. It is not ideal circumstances to be debating such a radical departure in an amendment of this sort, and I accept that this is not in many ways the ideal way of doing it. But nonetheless I think it is a good idea. I think I know what is going to happen, sir, in this: this amendment will be defeated but actually it will almost then come to fruition in the next States' term. This is how change happens, isn't it. But it is one of those changes where the initial attempt will not get in the door but the next time it is tried almost certainly the door will open. We know that. That is how political evolution tends to happen.

I agree with all of those Members who talked about how this would be a better, more effective, more efficient tool for government.

I think some of the concerns have been slightly overblown. Deputy Dorey was saying this is a very dangerous move. I can understand the concerns but to call it very dangerous I think is hyperbole.

I think Deputy Fallaize and others were talking about the concerns about developing this built – in opposition but that is exactly a good thing I think. I do not think it is necessarily – I think he said it was an unhealthy thing – I actually think that would be a much healthier thing to have more of a dynamic of genuine testing of every single policy letter in this Assembly. If you have more people who can fulfil those roles in terms of a parliamentary scrutiny with a small 's' role, that is a good thing.

The other concern that people have spoken about is how Committees would have a much narrower base if you got three rather than five. That rather assumes that the Assembly is not going to be mindful of those kind of concerns when they elect these people to the Committee in the first place. That also disregards the fact that we have had Committees of five in the last States, and in the term before that, and indeed in this States who have five Members who you could quite easily argue have a fairly narrow range of views on those Committees. So let's not allow the rhetoric to get carried away on that, because I think ultimately it is the Assembly who will decide who these three people are and it is the Assembly's good judgement that should ensure that there is a degree of balance on these Committees of three when this – *when* this – eventually happens.

The only other point I wanted to make, sir, is that clearly I think my own view is that there needs to be a somewhat variegated approach to some of these Committees. Because although I agree with the principle generally of having fewer people on Committees, the mandates and their levels of responsibility on some of these Committees are somewhat different and it might be that a different approach would be relevant to the DPA or SACC, and indeed it might be that the Committees with perhaps the biggest, most important, most wide-ranging mandates, Education and Health for example, Employment & Social Security, may want to retain the discretion to have additional Members, but that is very much by exception. I think the general principle is that we should move towards three Members, I am almost certain that this amendment will fail but I am almost certain that in the next States this will come to fruition.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you very much, sir.

Yes, this is a very naughty amendment in many ways because it has come from two particularly senior figures, maybe supported by one or two more senior figures, but it came at the last minute before we were all sitting down to a breakfast just after you have had a major game changing vote on the way we elect ourselves through the referendum, and this has come out of the blue.

I remember that in the old days the first Harwood Report the Reshaping of Government when we met up in up in Beau Séjour for a special States' sitting and then the second Harwood Report, the Fallaize Report, the report that was between three Committees and 2011 and 2012. They were long winded exercises that went into things in enormous depth, and this change today is a very radical one indeed. It is more than just an evolution, it is game changing, and I agree with Deputy Dorey there.

That said, I heard Deputy Dudley-Owen's excellent and thought provoking talk yesterday on the radio, just after former Conseiller Roger Berry's equally interesting talk, and the conversation was very much that perhaps some Members would try to get their way regardless and I thought well maybe I am one of those people, because I have for 20 years been almost a lone voice calling for a kind of executive government. Actually I do not like the phrase 'executive government' because it brings to mind the sort of corporate executive American Stateside model that is not relevant, and these days it could be confused with the concept of a chief executive ruling us, which may be something that we would move forward a pace in the vacuum of this current structure.

What I want to see is a ministerial system of government. We have never really had it before even when we called people 'Ministers' and actually this amendment, although it does not use the word 'Ministers', would create exactly that without the name. Because, to me, a significant department of the States with three people on it would be like mummy bear, daddy bear and baby bear; and mummy bear would be the principal minister, the daddy bear is the deputy minister, the vice-president who in the case of say ESS who does a fantastic job, very much as part of the team, and the baby bear would be the assistant minister, the third member. Because the third member of this fantasy committee would in fact be junior to the other two, because you have to have a president and a deputy president. So we would have effectively a ministerial system, and that is what I want to see down the line, I must admit.

I think it is a bit silly to agree to it today because imagine how we would have to look at maybe we have got the wrong things in the wrong departments. I do think Education, possibly Health would be unwieldy in their present structures, we would have to think very carefully. I know speaking personally as the Planning Chairman, having five Members is both a blessing and not always a blessing. I think it is extremely useful for us when we have diversity and when we have open planning meetings, because quite often a Member cannot attend or a Member recuses him or herself for very valid reasons. But of course the wider the committee the longer the meetings and the more diversity of thinking there is.

I suppose one advantage of a three-Member committee or ministerial system is you hone down the thinking. As Deputy Le Clerc discovered today, some of the more minor Members on the Committee go in a different direction than perhaps they should go. This is the problem. I have always felt that even though our system has served us well for 50 or 60 or whatever years, we are seeing problems with it, and however frequently we change our electoral system or move the departments around, there is something not really working, and I think if we got quicker, faster more responsive government this is a direction to go in.

I think too Deputy Soulsby made an excellent point about inter-committee working. Maybe if in the future we have policy workers who go across the States, that could reduce the number of people in the room.

**The Bailiff:** Giving way to Deputy Fallaize.

**Deputy Fallaize:** I thank Deputy Gollop for giving way.

2105 Can he advise the States why it is that he believes that having three Members on a Committee, but the States' Assembly retaining executive functions with the same number of Members and Committees having to come to the States to get approval for major policy – can he tell us why he thinks that will result in quicker decision making and faster government than what we have now?

**Deputy Gollop:** Well, it certainly could do because the Committee meetings would be quicker. 2110 I have experienced in the States and it gets even worse, much worse, when Members sit on more than one Committee or you try to get joint committee meetings, that you can lose weeks or months trying to get all those people into the room at the same time.

Inevitably if you have a ministerial system it goes quicker because the minister, the president 2115 has more of a role in the department. I think if this change was introduced it would eliminate people sitting on more than one Committee, which I personally think would be a good thing actually.

**The Bailiff:** Deputy Green.

2120 **Deputy Green:** I thank Deputy Gollop for giving way.

Can I ask Deputy Gollop would he agree with me that if you have a three-man or a three- 2125 woman or a three-person Committee that the reason why it would speed things up is because you would be able to make decisions and bring those policy suggestions to the States all the quicker? You will still have the issues with debating things in the States, but you will be able to shortcut the process of actually formulating those proposals quicker and bringing them to the Assembly quicker.

**Deputy Gollop:** Yes, I believe Deputy Green would be proved right on more occasions than 2130 wrong and I also think in practice that the Committees would be more cohesive.

I did think Deputy Yerby made some very interesting and subtle points today that actually you 2135 could feel very alienated if you are one Member on a five-Member Committee with two non-States' members; you may be the only person of a different view from the consensus. The officers in the room as well, you might have a legal adviser and you feel like you are on planet Zog almost. I think that is a problem with our system; it actually does not always help dissent. It also means that with some Committees you end up with the lowest common denominator. What can these five or however many people agree to? That is awkward.

I know Deputy Brehaut, for example, has queried whether it is right some Members of this 2140 Assembly, or past Assemblies or hypothetical Assemblies, should act in an oppositional role rather than part of the Government, but I think that could be healthy.

I mean if we actually got some of the maths wrong in the transition of governments with 2145 respect to Deputy Fallaize and the Committee and Deputy le Tocq because we went down from 47 Members to 40 and 45 Deputies to 38. We had in the old days a Policy Council you were only supposed to sit on it if you had a role so we actually had 51 positions of Government. So 10 departments with five Members on each, plus the Chief Minister. The Deputy Chief Minister went with another role. Because we went down to Policy & Resources plus the six Principal Committees we ended up with 35 roles, plus the DPA, plus the STSB, plus the Transport. We ended up with 49 2150 political roles outside of SACC or Scrutiny. So we went down from 51 roles for 45 Deputies, to 49 roles for 38 Deputies. Now that meant that more people had to work a bit harder this term and double up. Then if, for whatever reason, Members could not deliver because of personal or other reasons then we have had further problems.

Which is why I am not unsympathetic to the idea of Deputy Green and Deputy Yerby that perhaps we made a mistake in going down from 45 Deputies. Because people who say we have got too many Deputies do not understand that we are legislature, and a local council, and a political executive all at the same time.

2155 The problem we have today is actually delivering policy easily when our Members are quite  
burdened by, in some cases overwork, but also a confusion of roles. Because I not only mention  
the decline from the 51 to the 49 but more relevantly – and I pick up Deputy Green’s point here,  
including Legislation Select which was a separate Committee in those days we had 19 political  
2160 roles on the scrutiny side of the Assembly: nine on Scrutiny, five political Members on Public  
Accounts and five on Legislation. Now we are down to just three Members plus three extra of us  
who happen to sit on Legislation. So whilst we have had more or less the same proportion of  
Members acting in a governance capacity on Government Committees, we have seen a dramatic  
reduction in the number of Members who sit predominantly in a scrutinising capacity.

I believe that if Deputy St Pier and Deputy Soulsby got their amendment passed, although it  
2165 would be actually a bit of a chunky job working it into something meaningful quickly we would be  
able to beef up scrutiny and have a more meaningful division between Members who have a  
governmental role and Members who have more of a legislative, constituency, or parliamentary  
role. That would mean perhaps that we would be able to judge more usefully who belongs on the  
upper bench and who does not. Because actually all of the schemes we have currently have a flaw,  
2170 in that Members tend to be chosen generally speaking within the first month of sitting in the  
Assembly when we do not know each other quite so well.

Yes, it has certainly come at the wrong time but I believe, like Deputy Green, that this will come  
back to us. We need to give it serious consideration. I think it would work better with the structure  
of governance as being outlined by Policy & Resources in terms of the transformational work that  
2175 the Chief Executive Officer of the States is embarking on as well.

So maybe wrong timing but we still need to support the principle.

**The Bailiff:** Deputy Le Clerc.

2180 **Deputy Le Clerc:** Thank you, sir.

I absolutely agree with Deputy Gollop, this is wrong timing. I would have sympathy for moving  
to a three Committee team, but I just think at the moment we are not in the right place for that.

Other Members have highlighted the issue with non-States’ members and we have had two  
fantastic non-States’ members on our Employment & Social Security Committee and one has  
2185 given us some great help on our investment portfolio and the other one, Andy Le Lièvre, who has  
done so much work on SWBIC and Income Support. So really valuable members and I would hate  
to lose the ability to have non-States members on any Committee that I was on.

So I just think we have not had the detail, this needs a greater debate and now is not the time.

I also think that we have not got the resources within SACC. I had made the decision to resign  
2190 from SACC before we saw this amendment and all the other amendments come through, but  
there is just the workloads on SACC. They have got to implement the Island-wide voting system;  
they have got the review of Jurats and how they are elected, and lots of other work. It is just not  
possible within the current resources that they have got to implement all the outstanding work  
and the work that may be coming along today. So perhaps when Deputy St Pier sums up he will  
2195 be able to advise where the resource will come to implement this work. I say ‘implement’ this  
work because that is the word that they have used in Proposition 13. It is not to come back and  
for us to have another debate on this, it says:

To implement any changes to the Rules of Procedure.

So my understanding is that you will be agreeing this today and SACC will just be coming back  
to say how it will work, not for it to be re-debated, and I would like that clarified please.

2200 So I urge you to not vote for this amendment and let it evolve over the changes that we will  
have in the Assembly next year.

Thank you.

**The Bailiff:** Deputy Tindall.



2205 **Deputy Tindall:** Thank you, sir.

To change one aspect of the Rules in the way this amendment seeks without setting out how the remainder of the Rules will be amended to make it work can be considered reckless.

2210 That said, I do agree with its stated purpose of enabling debate on whether the effectiveness of Government would be improved by the reduction of Members on Committees from five to three and for that I thank the proposer and seconder for laying the amendment.

2215 So this question of whether it would improve the effectiveness of Government, alone no, but whilst we are told it is not the intent of this amendment to lead to ministerial government, it may lead to unforeseen or perhaps foreseen changes to the current committee system. But that presupposes that we consider that the current system is effective or can, by this amendment, be made more effective, and that goes to the heart of my concern, as I do not.

I do not intend to rehearse all the arguments as I agree this is not the time or the place but suffice it to say that my view is that the committee system has had its day and that ministerial government is something that will be the change needed and therefore I agree with Deputy Gollop.

2220 I do not think tinkering around the edge to a lesser or greater extent which is represented by this amendment is the way forward.

Looking back at the States' Review Committee's first report in the organisation of States' affairs, it did not fully discuss the choice between ministerial government and an improved committee system because, and I quote:

... the Island and the States were unfamiliar with ministerial government.

2225 So a more general description was given of ministerial government and the report concentrated on where it would differ from the committee system. In my view a fundamental flaw. How can real consideration be given without all the information? Again similar to this amendment, in my view, it lacked the detail to enable true consideration of the issues.

2230 The minority submissions to the States' Review Committee calling for ministerial government set out what I think would improve the effectiveness of Government and that was a call for, I quote:

... clear roles and responsibly; decisive leadership; increased accountability; quicker decisions and improved co-ordination

This amendment does not achieve that.

2235 I believe if we wish to consider what would improve the effectiveness of Government we need to truly consider the options. This is particularly relevant in the light of the result of the Referendum on Island-wide voting which, for me, I read it as not just a call for a change in the way we elect Deputies but a call to change generally in the system of government in Guernsey.

2240 As many have said, what this amendment does lead to is a review of the quorum of Committees, the better use of non-States' members; stronger scrutiny function, including in my view in particular, better legislative scrutiny and perhaps even fewer Members of the States of Deliberation. Or ensuring that all Members can and do take an active part in Government.

In the round I do feel that three Members of a Committee could be an improvement to the way Committees can function, but for true effectiveness this should be combined with greater officer resource. That was the main issue I think for a delay.

2245 If there was a set of Propositions with the ramifications properly considered I would be partial to it. I would need consideration to the role of quasi-judicial committees, however, such as the Development & Planning Authority and Transport Licensing Authority and the need for recusal not only when there is a special or direct interest but also where there is probity concern because this is an added problem. Perhaps the removal of such quasi-judicial decision-making responsibilities is something to be further considered.

2250 In summary though, for these reasons, I cannot support this amendment.

Thank you, sir.

**The Bailiff:** Deputy St Pier will reply.

2255 **Deputy St Pier:** Thank you, sir.

I shall, in the interests of time and given the other amendments and businesses, be brief and merely respond to a number of the points that have been raised.

I think the debate has assumed that every Committee could and should be reduced from five to three. That is not the effect of the amendment of course.

2260 In response to Deputy Lowe, if she wishes to reduce SACC to three then she should support the amendment and then support 11 and vote against everything else.

Deputies Le Tocq, Roffey and Le Clerc said that the timing is wrong, but nobody was really able to articulate particularly when the timing would be right. So I say *carpe diem*, and I do not apologise for my impatience on this issue.

2265 Deputy Paint who has suggested he would be in favour of reducing the size of the Transport Licensing Authority, again, I would say vote for the amendment support substantive Proposition 12 and then decide what you wish to do with relation to the other Propositions.

2270 I agree with Deputy Soulsby that this is a natural progression. I thank her, Deputies Green and Gollop for their support, and I think particularly both Deputy Gollop and indeed Deputy Le Tocq, when he spoke, identified that this was a route to actually producing potentially better scrutiny with more meaningful roles. What Deputy Le Tocq described as a disciplined opposition.

Of course in relation to Deputy Le Clerc's concerns about non-States' members that is not an issue which she need fear from this particular amendment.

2275 Sir, with that, I do urge Members to support the amendment and then make a decision Committee by Committee in the main debate.

Thank you, sir.

**The Bailiff:** We go to the vote on the amendment proposed by Deputy St Pier, seconded by Deputy Soulsby. Those in favour; those against.

*Members voted Contre.*

2280 **The Bailiff:** I declare it lost.

We move to amendment 2, to be proposed by Deputy St Pier and seconded by Deputy Ferbrache.

*Amendment 2:*

*1. To insert the following Proposition immediately after Proposition 2 – "To agree that general elections shall be held every fifth year following the holding of the general election in 2020 and to direct the States' Assembly & Constitution Committee to prepare and submit for consideration by the States before the end of April 2019 a suitably worded Policy Letter and Propositions to give effect thereto."*

**Deputy St Pier:** Sir, again I shall be brief, and again I do not see the necessity to read the amendment.

2285 The criticism that has been levelled so far to this amendment is that it is inappropriate given the referendum which specifically referred to four years. Of course the Island-wide vote referendum was principally about the electoral system not about the length of the electoral term. I would suggest the only reason the electoral term was inserted into option (a) was because it needed to be in order to set it off against option (e), which had specifically come up with a different electoral term. So this does not change the Referendum decision one iota. The electoral system is and will be what was decided in the Referendum. This is merely about the electoral term.

2290

The P&R Plan process took nearly 15 months out of the beginning of this term. It will take less time out of the next term, or it certainly should take less time out of the next term, but nonetheless it will take a significant period out of the beginning of the next term. Certainly the last two or three terms there has always been a significant scramble of work and business towards the end of the term. I would suggest that we would produce more effective government with a slightly longer term to five years. They are the two closest political systems to us of course operating with independence, being both the Isle of Man and Jersey. The Isle of Man has a five-year term and has done for a number of years quite successfully. Jersey of course has moved from three to four years, which I think certainly suggests the importance of a trend for longer terms.

With that, sir, I open debate.

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

**Deputy Ferbrache:** I do, sir.

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

**Deputy Roffey:** Yes, I think I will, sir.

It was a strange thing over the last few weeks that because I was seen as the public face of the Referendum an enormous number of people came up and told me how they were going to vote and why. Peculiarly one-sided conversations because I had to be studiously neutral speaking back. But if I had a pound for every person that came up to me and said, 'I am in favour of Island-wide voting. I actually think option (e) is a far more practical way of doing it, but I am not going to vote for it because the six-year term is just too long, so I am going to vote for option (a) instead,' then I would be a very wealthy man. I have not counted exactly how many but there were lots of people.

So what happens? I would not even say year zero. Year zero minus a few weeks before we have even started to implement the outcome of that Referendum – where obviously the term of office was germane in people's voting on the day – we say 'no' having said it was going to be 38 Deputies on a four-year term, all 38 on one day, we are going to change the ground rules.

Now Deputy St Pier says it was not really about anything other than deciding on Island-wide voting. Well great, because I actually want a smaller Assembly so now I can put in an amendment, I guess, to go for 30 Members and that will not be reneged on the Referendum result because according to Deputy St Pier the 38 was not a part of it either, it was only the Island-wide voting. I do not take that.

We put very clearly five options to the States' and it was not SACC that did that, it was this Assembly. This Assembly, Deputy Ferbrache and Deputy St Pier were sitting here, if they felt that the precise terms of option (a) were incorrect and they preferred a five-year term that could have been put to the Island it would be interesting to know what the result would have been. Maybe it would have been backed anyway. Maybe not, we will never know because they chose not to do that. They chose to vote for putting a set of proposals to the Island that were adopted with a promise that if it was over 40% turnout that was the proposal that would be implemented. I think we have heard a lot about the credibility of the States, flip-flopping and being consistent. The credibility of this Assembly I think will be through the floor of this Assembly room if we actually renege on that now.

Sir, I think Deputy St Pier highlighted the real problem in his opening speech, and he has got the wrong solution to it. The real problem – it did not used to be the case but has emerged because of the way Government has gone over the last few terms – is that for the first year or so this Assembly does very little. That is the problem we ought to be solving. Not saying, 'Oh, we do very little for the first 18 months; we cannot do anything about that. Let's stick another year on the end of the term.' There must be ways of doing that.

I think the next Assembly will be better because they are not starting from complete scratch on a policy plan. They are, as I understand it, inheriting ours and adapting it as they see fit. But that if

we really want to put our minds towards tackling the problem of not getting enough done in four years, it is not to go for five years, it is to make sure that first year or so is used properly.

Sir, personally I think five years is too long anyway. I think if people elect somebody and think two weeks later what on earth did we put him or her there for. Five years is a heck of a long time. It used to be three years. We have done the same as Jersey, my first three terms in the States were three years, then it went to four, I think that was probably right. Going to five, to me, just feels like a little bit too long.

Also if you want to get leading members of our community to stand for election there are people for whom five years is too long as well, and who will say –

**Deputy Trott:** Sir, will the Member give way?

**Deputy Roffey:** Yes, I will.

**The Bailiff:** We do not have that Rule yet, Deputy – *(Laughter)*

**Deputy Trott:** I was just testing it to see if it would work, sir. *(Laughter)*

Deputy Roffey of course is misleading the Assembly because he has told us that for his first three terms he had three-year terms and then we moved to four-year terms. Well of course we did, but this one is four years and two months. So the last States decided it was better to extend the term, I think it was, so that we were canvassing in the summer. Well of course there will not be any door knocking next time round, so is he suggesting that we should go back to four years on the grounds that it will be a very different election now that it is Island-wide?

**Deputy Roffey:** I was not in the last States but my understanding was not that they decided that the terms would now be four years and two months, just that the election would be better off held in June than in April, and therefore once and once only we would add two months and then go back to a four-year term. Certainly that is how the current SACC has interpreted it. Maybe a new SACC will put a different spin on it, but I am pretty sure that that was the correct interpretation.

Sir, I also worry, as I was saying before giving way, that there are people in this community that already four years is quite a big chunk to ask from them, who are not political anoraks but are willing as a part of their life to give something back and to actually stand, for which five years might be just pushing it a bit too much and I do not think that that is particularly sensible.

But if I said about the last one, the last amendment, which was to go for three Member Committees, that really this was something fundamental to Government that was being almost the debate on the Rules of Procedure was being hijacked to do something far more substantial that actually required a report on the pros and cons in itself, then even more so with this one, and I really do not think this is something that should happen now. Yet again it is giving another report for the States Assembly & Constitution Committee to draw up over the next few months when actually it is going to be one of the busiest periods in the history of that Committee.

Sir, so, I think it is wrong in all sorts of ways. I think five years is wrong full stop. I think even if I thought five years was right, the timing would be wrong. But even more importantly I think it really would be a travesty of what we promised the people at the time of the Referendum. I just do not think this has got any legs at all.

**The Bailiff:** Deputy Le Tocq.

**Deputy Le Tocq:** Thank you.

Sir, this amendment again, in my view comes at a very bad time. It is bad timing. Although I have lots of sympathy with five-year terms and again it was something that I suggested for all the reasons that Deputy St Pier gave when the States' Review Committee looked at it.

Sir, we can have all those arguments again here but the timing is the juxtaposition just after a referendum that has asked certain questions of the public and despite the fact that I agree that the way they were worded was for the reason Deputy St Pier gave, it is not the way that the public will have felt, and we disenfranchise them and undermine the trust – what little there is – in this Assembly if we act in that way.

However, it is down to this Assembly to decide whether we change the way we structure Government, and it is absolutely right that we should do so. We did so via a Committee of the Assembly during the last term.

In my view, five-year terms make sense and they could be coupled with, for example, something that I think a large number of people in our community would approve of and would help in terms of the issues regarding what happens in the first year as we are elected at the same time. That is if we had sort of quasi mid-term elections for presidencies and membership of Committees. Now if we did that there would be overlap of terms and elections. There would be continuity likely in certain circumstances, not in other circumstances but depending on elections. But there would need to be in the middle of a term an opportunity to review how we are moving forward, how we are getting on, an opportunity for a reshuffle. That is something that I think is worthy of consideration.

However, I do not feel this is the time and place to do it in this Assembly. If we want to do that then we should have been minded to have a review and the time for that review I think is not now. It could be done in a year's time or so, it could be done at the beginning of the next term. But it certainly is not now, bearing in mind the referendum we have just had.

Sir, again I am not sure how I am going to vote on this one, because I am in favour of it, I do think that it helps our system of government particularly if we have not got a party system to have slightly longer terms; I could not agree with a six-year proposal, because firstly, I think that is too long, and secondly, I do think that it sort of smacks of the old Conseiller system and from that point of view not appropriate to do. But I do think that five years would help us coupled with a number of other things that we are not discussing today and neither do I think we should discuss.

But I do encourage SACC in the future, whoever they might be, to look at whether we could investigate properly whether terms and election terms for the senior positions should be reviewed in order to assist the processes that I talked about earlier.

Thank you, sir.

**The Bailiff:** Deputy Meerveld.

**Deputy Meerveld:** Thank you, sir.

I again find myself agreeing unreservedly with Deputy Roffey.

At the end of the day I think I should correct Deputy St Pier's mathematics. Discounting the three principles established at the Referendum were Island-wide voting, 38 Deputies, four years. On a straight average that would be 30% if you discount the four years as a Proposition, and if you do a weighted average it would still give more weight to the Island-wide voting element. The four years was still a component of that Proposition and cannot be discounted. It was agreed by the electorate days ago. We cannot in this Assembly start overturning that now.

It also opens Pandora's box: if we make one change to that referendum result, what is the next one? I think Deputy Roffey mentioned, let's have 30 Deputies; let's make it a different form of Island-wide voting. I think we are obliged as an Assembly and a States to deliver what we promised to the people of Guernsey.

I also bring up the issue I raised last time of good governance. This again is a change. It is not as dramatic as the previous amendment, but it is another change to the way the government functions. Should this be done on the back of an envelope on the back of a fairly standard set of Rule changes from SACC? Should we be trying to implement major things that would have unforeseen circumstances without properly reviewing it first? In a previous summary Deputy

St Pier suggested that nobody suggested when these reviews should happen, but actually in the previous amendment both Deputy Roffey and myself said it should be done in the next term.

Again if we are going to review the term get Island-wide voting out of the way, establish the new voting system. See how it beds down and let the new Assembly then look at what changes are needed beyond that for the subsequent term.

Thank you, sir.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** I am a bit torn on this one I must admit, like Deputy Le Tocq, because I think it is an idea worthy of consideration but it is not the right time, for the reasons Deputy Meerveld and others have said, and Deputy Roffey in terms of the Referendum result.

If you explore it with two halves of the argument, a five-year term for States' Members is generally speaking, apart from perhaps your political anoraks, all good. It is all win-win. You get an extra year of office to do things; an extra year of consideration; an extra year of income if you take the taxpayers' shillings; an extra year postponing your retirement if that is the way it is going to go; and it means you can almost spend more time doing the same thing.

It is the old argument: give a busy person a job to do. And as Deputy Parkinson – no, it was not Deputy Parkinson, it was Deputy Parkinson's very learned father the Professor – used to, say work expands to fit the space involved or something along those lines.

The point I am making is once upon a time we had three-year terms, and the States was very active in those days, now we have four-year terms. A five-year term might mean we might not do any more. Deputy Lowe remembers particularly well how busy the three-year terms were, and how a lot more infrastructure was being done then, arguably than today. Albeit the legislative burden was probably lighter.

I would argue that the problem with a five-year term is it is actually linked to accountability because over a 20-year cycle of four-year terms the electorate puts us in or out five times; under five year terms it is four times. (*Interjection*) Interestingly enough, the United Kingdom government went down that route. What happened? The current Prime Minister decided on a snap election and perhaps did not get the result she was after, but they only had a two-year term and there was a sense of frustration and there is talk of another election soon.

I would argue, option (a) was not my first choice as Deputy Green and other Members know. option (c) which had a slight nod to the old Conseiller system, albeit different in certain key respects, in terms of length of office and openness. Rather than rehearsing that again, the point I am making is the Islanders opted clearly in the context of the referendum even if a majority of the voters did not go for it because 6,000 eventually went for option (a) out of 14,000 who voted. But the winner is clearly option (a). Now option (a) in the eyes of its detractors is a high risk option. I do not necessarily agree with that but I can live with it I think. But it does require patience and solidarity from States' Members to make it work.

We saw yesterday four of the five SACC Members deciding that perhaps they did not have the passion to really go with an option that they considered arguably flawed. Now it could be that it is a flawed method because of the many factors that do not need rehearsing again, but surely if we voted today for a five-year term rather than a four-year term we would be gambling even more.

In fact there is arguably a more cogent philosophy to go back to the three-year term, because if we got a diverse mixture of candidates who could not work together, an electoral system that for some reason did not provide a coherent or meaningful result, then you would want to get rid of the Assembly and start all over again. For the 38 people elected Island-wide to suddenly be sitting here for five years is surely a bit of a folly.

So for those reasons, regardless of the intrinsic merit, I think we should at least allow the new electoral system to bed in before we decide to extend the term. So let's stick with the four-year term.

**Deputy Lester Queripel:** Sir, I rise to invoke Rule 26(1), please.

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**The Bailiff:** Will those who have not spoken in this debate and wish to do so stand in their places. You have spoken, Deputy Gollop. We have three people standing. Do you still wish to invoke the Rule?

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**Deputy Lester Queripel:** Yes, please, sir.

**The Bailiff:** I put to you then that debate be terminated. Those in favour; those against.

*Members voted Contre.*

**The Bailiff:** That is lost.

I call Deputy Merrett.

2510

**Deputy Merrett:** Thank you, sir.

I will be brief actually. Deputy Meerveld referred to three components I would like to argue that actually there are four. The Referendum said 38 Deputies, Island-wide voting, every four years. Certainly the impression was it would be by 2020. That is what we asked, a referendum was held, I have every intention of bringing that into this Assembly. I have no intention of bringing anything else in by 2020 other than 38 Deputies, Island-wide voting, every four years.

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Thank you, sir.

**The Bailiff:** Deputy Ferbrache.

2520

**Deputy Ferbrache:** Sir, I said to Deputy Lowe at lunch time that I did not intend to speak unless I was provoked. I have been provoked by Deputy Roffey so I am going to speak.

Now pre-1st May 2000 there are four Deputies in this Assembly who sat before that time. Deputy Roffey was a leader back I think in 1982 or thereabouts, then you had the class of 1994 – obviously a particularly good class who included Deputy Lowe and myself – and then you had Deputy Gollop in 1997.

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Now Deputy Roffey rightly said his first three terms were three years. My first two terms were three years, six years, but I only served three years because after I was elected as a Conseiller in 1997, as was Deputy Lowe, the States decided despite the people having given us a six-year term that that term should be reduced to three years and the Conseillers office be abolished from April/May 2000. So the States has got a history of doing that. So I do not think it need to be too prissy about this being – I am not giving way – I am not giving way because if people want to make speeches they can do so in due course. In relation to that then we have had a four-year term. So we have had a three-year term. Douzaine representatives I think were elected every year, albeit some of them have been here since about 1823, but Deputies were three years, Conseillers were six years, and then we had the four-year term from the year 2000 etc.

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Now Deputy Roffey said if he'd have had a pound for everybody who came along and said six years is too long he would have been a rich man. Well perhaps I should have said he would be a richer man, but anyway, richer not necessarily in financial benefits but in the spirit of life. But because it was just too long, just too long. Now they were not saying to him whether it should be a four- or a five-year term.

2535

Let's be honest, Deputy Fallaize who wanted to just make a little speech just now and can do as soon as I sit down and the Bailiff calls him .... Deputy Roffey and their colleagues they made the Referendum unduly complicated; it should have been a simple binary choice. Do you want Island-wide voting or do you not? It should have been as simple as that and if they had done that, in fact when you saw the actual voting of the various three of the five options were for a form of Island-wide voting –

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**Deputy Dorey:** Sir, point of correction.

2550 **Deputy Ferbrache:** If it is a point of correction of course, sir.

**The Bailiff:** Point of correction, Deputy Dorey.

2555 **Deputy Dorey:** Sir, it was not SACC that made it complicated. It was this Assembly that voted for it.

**Deputy Ferbrache:** On the recommendation of SACC and, frankly, it was a poor recommendation, and a poor decision by the States, but anyway. That is what we were foisted with.

2560 Of the 45.1% of the electorate that voted I think 68% or 69%, whatever the exact percentages were, actually voted for a form of Island-wide voting. There were three different variants but that is what they voted for. That is what the people really want.

2565 And for Deputy Roffey – and I know he does not really believe what he said in that regard – to say well of course the first 12 months the States do not do much but they could get better next time, they never have got better over all the Assemblies going back to the year dot. The first 12 months is spent learning the ropes, not doing much. The last 12 months is spent electioneering because people want to get back in the States for various reasons. So therefore you have got that middle period. One time that middle period was 12 months. Now it is two years.

2570 There is no disingenuity about saying four years to five years, people want Island-wide voting – all the States' Members elected by all the electorate, in the sense of them having the opportunity to vote for people. That is what they want. What we have got to make is an effective government.

2575 Again we have had other things. I have no intention of being disingenuous and I have said this to Deputy Fallaize a long time ago and I have mentioned it to people recently. The Chief Minister, whoever he or she is, should be elected by the public not by this Assembly, because it is a nonsense to say we know better who these people are because it is only about half the people who get in or re-stand for election who become Deputies.

We should have 25 States' Members, we should have a form of ministerial government. We should have all of those things. That is wider than today.

2580 But this is a very simple amendment. It will undoubtedly fail despite the very good speech made by Deputy St Pier and despite other contributions from people that sort of would like it but it is not the right time. I do not know why it is not the right time, I do not know when the right time will be. So even though it will fail it is something we should do today but we are not going to.

2585 **The Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Yes, sir.

2590 I rise to comment on the argument made for extending the term of the States to five years, which is that the first year or 18 months is spent rewriting the Policy & Resource Plan. I understand the concern that Deputy St Pier has expressed here because, who knows, in June 2020 some brand new Deputy with no political experience may be elected and then may be elected President of P&R and may tear up the Policy & Resource Plan and go back to square one and start all over again. That is a real possibility. It is a genuine concern. I say that as a former Chairman of the States' Strategic Plan team.

2595 Hopefully that will not happen, hopefully the next Assembly will pick up the baton from this Assembly and will take what it inherits from this Assembly and will tweak it to suit its own priorities and will make much more rapid progress.



They may be assisted, in that if in the run up to the Election political parties start to form and actually a group of Members get selected on a common platform ... because that will in turn direct the policy priorities of the new Assembly.

So I think the answer to this problem is not to extend the life of the Assembly to five years but to actually make that first year more productive. I do not think there is any reason in principle why the first 12 months should be wasted with everybody arguing about what they want to achieve.

The process will hopefully move in a direction where a clique within the States will arrive with a common programme about where they want to go. There will have been more thorough debate ahead of the Election as to what that programme should be, and hopefully the new Assembly will arrive with a greater sense of common purpose than our Assembly or previous ones have.

**The Bailiff:** Deputy Fallaize.

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

I agree with Deputy Parkinson's analysis. Whether the emergence of these alliances or parties or cliques or whatever they would be is a good thing is a different matter.

But Deputy Ferbrache having not permitted me to speak during his speech has drawn me to my feet. He said the Referendum was all too complicated and we should have just had a simple question, do you want Island-wide voting, yes or no.

Well I think it is a good job we did not have that sort of referendum, because imagine where we would be now. Based on the results of the referendum which took place, presumably 'yes' would have won. Then we would know that the public from 2020 wanted Island-wide voting. SACC currently would now be going away to start a period of work, phase of work where they would have to come back to the States to recommend the type of Island-wide voting to be implemented, and as soon as they came back with recommendations others who wanted other types of Island-wide voting would come up with their own recommendations. Probably Deputies Green and Graham would say, 'Well, no, what the public wanted really was some Deputies elected Island-wide but not all Deputies,' and some Members would say no they wanted all 38 Deputies elected Island-wide on one day, and somebody else would say no they probably wanted half the States elected every two years for a four-year term because they recognised that electing 38 on one day is too many. That is where we would be. A little bit like the question 'What is Brexit?' and the answer 'Brexit means Brexit'.

So I think it is a good job that out of the Referendum emerged not some kind of vague response, 'Yes, we want Island-wide voting but we do not know which form,' but what actually emerged was clarity that the most popular option was 38 Deputies being elected in a single constituency on one day for a four-year term, and now SACC can get on and simply implement the wishes as expressed in that Referendum, rather than having to go through all of those interminably long debates about which form of Island-wide voting should be introduced.

So I disagree with Deputy Ferbrache on that point. But I congratulate him and his colleagues – or former colleagues, if they are, I do not know – in the Islanders Association. Actually I often wondered why in the Islanders Association there was no apostrophe in 'Islanders', but I have now realised that they were not sure whether to put it before or after the 's'. *(Laughter)*

The other point is, Deputy Ferbrache says, he brought up this point about his term and Deputy Lowe's term being cut short when they were elected as Conseillers. Which of course is true. But there is a very big difference between what happened then and what is essentially being proposed now. What happened then was that in 1997 the public elected those candidates for a six-year term. In 2000 their term was cut short and the decision about what to do next was handed back to the public. It was not determined by the States. It was that the public had elected these people and then that decision was given back to the public. So if Deputy Ferbrache and Deputy Lowe – Deputy Lowe did stand again and was re-elected, Deputy Ferbrache chose not to stand, and therefore obviously was not re-elected.

2650 But that is a very big difference from what Deputy Ferbrache is essentially proposing here as the seconder is saying, 'No, we know that we have just asked the public to vote in a referendum, and we know they have just voted for an option which includes a four year term. We are not going to give that decision back to the public, we are going to take that decision away from the public and we are going to decide to remove that vote in favour of a four year term and we are going to impose a five-year term.'

2655 Having just had a four-year term approved in a referendum under the terms by which the States said they would respect the outcome of the Referendum, we are being asked in this Assembly to cast that to one side and say disregard that element of the Referendum and we will impose a five-year term without giving the public any further say in it.

2660 The Conseiller example that Deputy Ferbrache gives and what is in this amendment are completely at odds. I am very dubious about option (a) but I think almost every Member of the States is committed to approving all of the procedural Rules and the Legislation necessary to get it in place and doing everything they can to try and make it work, because that commitment has been given.

2665 But I do think that ... it is not just that the reputation of the States would be damaged if option (a) was not implemented in full – it is just that it would actually be wrong to do it. It just would not be very ethical for the States, having said if the turnout is above 40% we will implement the winning option period, now to turn around and say actually we will implement only part of the winning option. It is just not the right thing to do and for that reason alone this amendment should fall.

2670 I also think it should fall because the arguments put in favour of the five-year term are relatively synthetic arguments, actually if you want to have Government getting off to a quicker start and more of a link between what the electorate vote for and what you end up with in Government it is no good going to a ministerial system like Jersey, that will not do it. The only way is to move to a system with party politics. That is probably a debate for another day, but that is actually the only way of doing it.

**The Bailiff:** Deputy Meerveld. Sorry, Deputy Leadbeater, sorry – sorry, Deputy Leadbeater.

2680 **Deputy Leadbeater:** Thank you, sir.

**The Bailiff:** Yes, same party. *(Laughter)* Sorry.

2685 **Deputy Leadbeater:** Sir, I think if this amendment is successful today it will bring this Assembly into disrepute. The Referendum gave us clear direction: 38 Members voted in Island-wide on a single day for a four-year term. Let's not monkey around with it and deliver exactly what the electorate has told us that they want.

Thank you.

2690 **The Bailiff:** No. Nobody else.

So Deputy St Pier will ... Yes, Deputy Roffey has spoken. Deputy St Pier will reply.

2695 **Deputy St Pier:** Sir, I think there is very little to reply to in the debate other than to thank Deputy Ferbrache for seconding and for his support, and obviously to urge Members to support it, sir.

**The Bailiff:** We vote then on the amendment proposed by Deputy St Pier, seconded by Deputy Ferbrache. Those in favour; those against.

*Members voted Contre.*

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

Next we go to amendment 3 to be proposed by Deputy Tindall.

2700

**Deputy Tindall:** Thank you, sir.

I will be describing the amendment so I do not feel I need it to be read out.

**The Bailiff:** Fine, thank you.

*Amendment 3:*

*1. To insert the following Proposition immediately after Proposition 2 –*

*"After Rule 39 insert a new Rule 39A as follows:*

*"Convening of Meetings 39A A meeting of any Committee shall be convened for a specific time, date and place. The person chairing the meeting shall be present at that place."*

*In Rule 40, after paragraph (6) insert:*

*"(7) If a member of any Committee of the States who has obtained the prior permission of the person who will preside at the meeting, is, by telephone, live television link or any other means of telecommunications, in communication with the other members so that each member can hear or read what is said or communicated by each of the others, each member so participating is deemed (subject to paragraph (10) below) to be present at the meeting with the other members who are present or so participating for all purposes including the quorum and voting.*

*(8) It shall be at the absolute discretion of the person who will preside at the meeting to decide whether or not to agree to the request and in so deciding the person presiding may take into account any factors whatsoever which are considered relevant.*

*(9) A member shall not be permitted to attend from a remote location by telephone if another member has been given permission to attend that same meeting by an audiovisual link or vice versa.*

*(10) In the event that the link fails or is corrupted or confidentiality is compromised, the person presiding at the meeting shall have discretion at any point during the meeting to determine that a member who is in a remote location can no longer be regarded as in attendance."*

2705

**Deputy Tindall:** Sir, this amendment is another which seeks to bring us into the 21st century to enable us to take advantage of the ever-improving digital connectivity. In fact world-class connectivity is an aim in the P&R Plan and this is what I think we need to do here in this Assembly.

Whilst I accept that this is also an amendment which has been previously debated by the States, that was over four and a half years ago and most importantly four and a half years in relation to all things tech is a long time. Perhaps not as long as it is in politics but it does mean that the concerns raised previously seem somewhat archaic.

In the explanatory note the links are included to 2014 policy letters produced by the States' Assembly & Constitution Committee as required by the Luxon/Jones amendment. This policy letter not only discusses the views of the then SACC Members but also helped me provide the Propositions in order to enable remote attendance to be brought in. As they are well thought through these have on the whole been replicated in this amendment but with appropriate changes as the amendments were to the old procedures which were replaced by the new procedures in May 2016.

I hope my colleagues have read the policy letter as it covers many issues which are sensible such as enabling the chair of a Committee to have a veto over who can remotely attend. So in principle it is basically to enable a Committee member not to be in the room but still to be able to vote and to take part in all respects in a Committee meeting.

However, I will draw attention to the reasons given by SACC for not changing the Rules. Firstly, confidentiality. SACC felt this could be lost but a remote location all Members are subject to upholding the duty of confidentiality and that would include not only ensuring their Committee papers and the discussions at the meetings are confidential but also that they are at a location

which will maintain such confidentiality and ensure they are not distracted. It is for the president to decide if the arrangements made are acceptable to fulfil this requirement.

2730 The next reason for the Rules not to be changed is that electronic communications fail on occasion. However, those occasions continue to be less and less, and reliance is placed more and more on video conferencing, especially between Alderney and Guernsey for medicinal purposes.

Again the chair can decide if the Member is still considered in attendance, and that is why it has been included in these Propositions.

2735 The policy letter then talks about non-verbal communication. Indeed there is an element of that but there are times that non-verbal communication is taken into account during meetings – sorry, is *not* taken into account during meetings. Alternatively there are ways in which non-verbal communication can be taken into account remotely.

Similarly, the way in which Members take account of a screen to ensure full concentration is again a matter which exists in Committees now, such as during presentations.

2740 Remote attendance can involve full participation with the appropriate dynamics ensuring full and due consideration, and again it is up to the chair of the Committee to ensure this is the case, and if they feel they cannot it is in their discretion to not allow the remote attendance, or stop that attendance.

2745 The policy letter then sets out the unfamiliar statement that votes in some Committee meetings are relatively rare. In my experience all actions are agreed by way of vote, and agreed by all i.e. by consensus, and so all meetings have votes. So I cannot see how this reason for not changing the Rules holds firm.

2750 With regard to the aspect of remote attendance and legal and human rights issues, I agree that any quasi-judicial decisions, especially at open planning meetings, should be held in such a way as to ensure no human rights have been breached. However, attendance at a meeting in person does not necessarily mean that they have played a full part or are properly cognisant of all relevant considerations and they have not been influenced by extraneous considerations.

2755 I remind you that witnesses in evidence at trials can do so remotely, albeit that is a statutory requirement or ability, as is the Civil Contingencies Authority which I have referred to again in the explanatory note. But again the chair can ensure through their approval of remote attendance the appropriate level of that attendance is achieved in the meeting.

2760 Remote attendance is not something which should be seen as a first choice. It is intended to accommodate occasional and when the need arises a very useful additional means of getting decisions made. It is not in any way reducing a Member's commitment but in fact enhances their ability to be involved in all aspects of Committee work. Any reduction in physical attendance at meetings that leads to any reduction in value of that Member's contribution is not the point.

2765 I should add that I have benefited from remote attendance at a Health & Social Care Committee meeting when I happened to be enjoying Alderney Week but felt I wished to contribute to a meeting whilst there, so I was joined at the Committee's invitation at the Mignot Hospital by Alderney States' Members James Dent and Graham McKinley and we had a full and very useful discussion. Naturally my attendance was not noted, nor could I vote, but I hope all those involved felt it was productive and all participated fully.

2770 I therefore feel all the arguments previously put forward by SACC in their 2014 policy letter have been refuted. Further arguments may come out in this debate but I hope after hearing all the arguments this amendment is supported and we bring ourselves up to date with the 21st century.

Thank you, sir.

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

2775 **Deputy Yerby:** Yes, sir.

**The Bailiff:** Deputy Roffey, do you wish to speak now?

**Deputy Roffey:** I think I will, sir, yes.

2780 I think I would have a huge sympathy with this amendment – well, actually the wording in the amendment I think is flawed, but with the thrust of the amendment if I was coming to this area of governance as a virgin to the whole subject. As I am not – I spent many years serving on another board, many of them as President of the Board of the Channel Islands Co-op, and I agreed that we should allow at times people to Skype in or to video conference in or to tele-conference in, because it seemed like the reasonable thing to do. Sometimes people were stuck in England with fog, sometimes people were away on pressing business, and it seemed utterly unreasonable: in those circumstances not to let them to remotely participate in our meetings.

2785 Within a few years I came to really regret that. The mission creep was continual. It started off with people who had to be somewhere else for business or who could not get back because of the weather, before two or three years had gone we had one member that was continually requesting to Skype in from his holiday cottage in the Lake District, and the whole thing was going downhill. Not only that, me as Chair was sitting there with one person on top of the filing cabinet another person in the middle of the table. They were not really there of course, that is where they were appearing and I was almost ignoring the people in the room with trying to handle the remote participants actually taking part. I reversed that rule and decided it would not happen any more.

I really do worry that this could happen here, even though on the surface it seems quite reasonable.

2790 I also worry about some of the wording of this particular amendment. For instance, little (9) on the back page:

(9) A member shall not be permitted to attend from a remote location by telephone if another member has been given permission to attend that same meeting by an audiovisual link or vice versa.

So presumably you could have two telephone, two or three telephone people or two or three audio-visual but not a mixture of both. I do not quite understand the rationale behind that. I am sure it has got some, I look forward to it being explained.

2795 More importantly that it is absolutely at the discretion of the person chairing the meeting whether to allow it and they can use – what was the wording:

... the person presiding may take into account any factors whatsoever which are considered relevant.

2800 Okay, Deputy Tindall and Deputy Yerby are both fog bound in England, I am presiding, I know one of them is going to vote my way and one of them is not going to vote my way, so I will give permission to the one that is going to vote my way to tele-conference in and I say no, sorry, to the other one, because that is exactly what that wording means – I have got the right to do. Of course I would not do that, but I do not trust some of other Presidents not to do that! *(Laughter)*

2810 Sir, I do think there is a role for tele-conferencing. I particularly see the Alderney situation where people are trying to participate in our affairs and I am not backward looking on the use of modern means of doing business. Indeed my very last meeting as Chair of SACC will be with the Chief Information Officer on 2nd November to discuss whether or not it is practical to go for e-voting at the next General Election.

2815 So I am not coming at this as a Luddite, I am just coming at it as somebody who has been burnt by experience and says I am open minded at looking at it, but be cautious and certainly the wording of this amendment is entirely wrong.

2820 **The Bailiff:** Deputy Lowe.

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

I have had serious concerns about remote voting so it is no, no, no for me. Unlike the Vicar of Dibley who would say, 'No, no, no, yes,' I am saying, 'Yes, yes, yes, no,' in reverse, because it is

2825 dangerous. It is dangerous. Why do I say that? Picking up the last point that Deputy Roffey just said, you could be actually phoning somebody for that vote. You have no idea who else is in that room. Confidentiality goes completely out of the window because you cannot actually see through the phone who else is in that room. That is not a good route to go down when you are talking about confidential matters.

2830 Four and a half years is certainly a long time for technology, I absolutely agree with that, but what we are talking about here is something completely different. I am very much into sort of technology and I think it is great but it was said in – and indeed through the speeches as well ... but it also says in the amendment that if any people are away, like Deputy Tindall said she was in Alderney having a good time and would like to perhaps have been able to vote, well that is the choice of life. You have got the choice of whether you want to actually be in your Committee and make a vote or you go on holiday. That is a choice for all of us to make. But to be able to have that accessibility, that you can actually take a vote wherever you are during that period of time I think is the wrong way to go. You need to be in the room to be able to have a full discussion.

2835 Of course we have tele-conferencing; that is a completely different ball-game to having what we have within Committee meetings. So I do not actually relate the two.

2840 Also it says in this amendment that is okay because Civil Contingencies have got that facility. Yes, you are absolutely right they have. It has never been used. It is there if it does need to be used. But whereas Committees if they have not got enough Members to actually make it quorate the Rules already cover that, a delegated Member from P&R will actually come in and sit in the meeting to make the quorate number. So there is no excuse for any Committee to be held up because there are not enough Members sitting in that room. It is certainly nothing like Civil Contingencies. Civil Contingencies is an emergency and therefore you are sworn in by the Court, you have got all the secrecy part that goes with it, so it is not a case you can just ring in somebody who happens to be hanging around at the time to be able to make up the numbers. So there is a big difference on that one.

2850 I say, please Members, this is not a good way to go. It is a Member's choice whether they actually want to attend a meeting or not. Their priorities should be, but at times it does clash, I accept that, with holidays, you cannot be here all of the time. I know we get a long period off over summer and the Christmas period but that is Members' choice – if they want to be in the States and be here for meetings or indeed in this Chamber.

2855 I mean I have seen it several times over all the years, a Friday afternoon it can be a bit thin on the ground, because some Members want to go away for the weekend. Well again, that is a Member's choice. Can you imagine what that would be like, you have only got to go back on the voting record over several years, at times there have been around 11 that have been missing. Can you imagine all these 11 votes coming in where people are actually either at airports or they have gone on holiday somewhere and suddenly they want that facility to vote and make the decision here or at meetings?

I ask Members to please reject this amendment and we move on.

2865 **The Bailiff:** Deputy Yerby, the seconder.

**Deputy Yerby:** I really hope, sir, that no Member would recognise in themselves quite the self-interested characteristics that Deputy Lowe has just portrayed. (**Several Members:** Hear, hear.) And to a certain extent Deputy Roffey.

2870 I think it is a repeated refrain particularly when we are designing things, welfare systems, that you cannot design the system around the one or two people who are bound to play it, because of course one or two people will, that is human nature. But the vast majority of people are decent and honourable and will be bound by the rules that as a society or as a community we agree ourselves to be bound by.

2875 I think the same is true of States' Members. I do not think that we need to take an approach to each other's conduct that starts by assuming the worst. I do not think we need to assume that a

Member who is absent from a Committee meeting will be sat in a room with others who should not be listening in to the discussion if they happen to join that meeting by phone.

I also need to put on record that Deputy Tindall attending the Committee meeting when she was in Alderney Week was doing that with a very constructive purpose, because she said to the Alderney Representatives and to the Members of the States of Alderney would you like to come and join this meeting with me. So she went up to the Mignot Memorial Hospital, used our conferencing facilities up there to conference into the Guernsey HSC meeting and we were able to have a really productive discussion with Deputy Tindall and with various Alderney Representatives and Members of the States of Alderney about matters of common concern and transferred services. So Deputy Tindall's absence and remote joining the Committee at the point was of particular service to us.

Now, I myself have joined the Committee remotely on one occasion since the start of term. I was away at a health policy conference so it was business rather than holiday but even so it was high summer; I took a break from the conference, I went and sat out on the lawn on a beautiful summer's day and joined the Committee by phone for an hour and a half. It cost a packet, it was not what I wanted to be doing in that lovely weather, and there was no incentive for me to do that other than that it was a particularly critical item of business and I wanted to be part of the conversation around it.

We are not in a position where Members are paid by meeting so there is no motive, other than wanting to participate in the business of the Committee, for Members to join remotely. There is no reward to Members for joining remotely and nothing then is lost by being absent. Indeed in most of the cases where Members are away from Committee and unable to attend in person it is either because they are doing other important business or for personal reasons that were sufficiently important for them to have decided they needed to be away. In either case it is unlikely that unless there is something highly pressing on the Committee agenda they are going to want or indeed be able to attend.

So I do not believe that this is a Rule that is just going to get broader and broader in its interpretation. I do not believe that we need to look at each other as sufficiently dishonourable to take the loosest possible interpretation of this Rule and make the most of it.

I think it is getting with the modern age and I think it is very much worth doing.

**The Bailiff:** Deputy Merrett.

**Deputy Merrett:** Thank you, sir.

I think my biggest concern with the amendment is the whole security surrounding it, as in I am just concerned that people would overhear a conversation if it was held on the same day in a park or anything like that. I am really concerned that somebody could say something – not necessarily that person who is absent from the meeting on that end of the line, but people inside that meeting if they believe it is a secure environment could say something, they would not necessarily want in the public domain – well, I hope they would not, but they could, and that could be transmitted to an unknown audience and that really does concern me. So that is the first thing.

Just picking up what Deputy Lowe said – Deputy Lowe said – and I will give way if I do not quite get this right – but Deputy Lowe said you have a choice of attending meetings. Now whereas I agree with that, sir, the differentiator is that sometimes extraordinary meetings, XOs, are called, and a Member may not be able to attend either because they did not know it had been called because it had been called at a very short term. So they may not know it had been called or they may know it has been called within 24 hours and they are not able to return to the Island in that 24 hours. That has happened. I have had XOs called on a previous Committee, I have not been able to attend because I did not know about it or I could not physically get back to the Island quick enough.

So that is the only bit where I think I have sympathies for this but really only from an XO, an extraordinary meeting's point of view – that I have sympathy for. I would be happy to call into that meeting and participate but I would not expect a vote.

2930 But living in an Island community and with our transport links – we will debate that next month I am sure or later on in this debate – that would be my only caveat of actually something could work if a Member is off Island and they are unable to return through no fault of their own. So that is the only bit I have real sympathy for.

2935 So when Deputy Tindall sums up, if I could have her reassurance on the security of that digital technology connecting Members, in as, we know we are not given any additional security as in not given phones etc. we are obviously on our PCs or laptops but that is what I am really concerned about. So when Deputy Tindall sums up can she give me any reassurance of how she sees that working, how we can ensure that the person that is phoning in is not, for example, on loud speaker or is not in a position – I would like to trust Members and believe they would not – where  
2940 potentially anybody could overhear the deliberations of that Committee meeting.

Thank you, sir.

**The Bailiff:** Deputy Fallaize.

2945 **Deputy Fallaize:** Thank you, sir.

I think there is a little bit of misunderstanding about the present position. So we are not here debating whether or not a Member who is in another location can make a contribution to a meeting, because they are allowed to now. I don't know if Deputy Lowe and I are sitting on the same Committee and I am off-Island, Deputy Lowe is chairing the meeting and says, 'Do you want to contribute to our discussion or listen to our discussion?' – Deputy Lowe is laughing, this is an unlikely scenario – she could allow me to phone in or I could be phoned, and I could –  
2950 *(Interjection)* yes, cut the wire, yes. I could make a contribution to the meeting. So remote attendance with a small 'a' is permitted now.

This issue is whether the Member in a remote location who is contributing to the meeting should be recorded as having attended – attendance with a capital 'A' if you like – and whether that Member should be permitted to vote.  
2955

My view is they should not. I think that – when you are being asked to vote on a matter there is quite a lot of importance that you are actually present at the same location as the other people who are discussing the issue and making the decision.

2960 I know that that may not always be practical in commerce or in other areas of life but I do not think that that is as satisfactory as if everybody is present in the same room able not just to hear the discussion but to see the body language.

Otherwise we could reach the stage where we do not need to gather in the States' Assembly to have a debate, we could do it all remotely and we could do it all electronically. Well, that is coming later unfortunately. But I do think that there is some merit in maintaining the principle that in order to – I mean I do not really care whether the person is recorded as having attended – I mean I agree ... was it Deputy Soulsby who said those attendance records are a complete waste of time because they are so misleading? But I do think that a person who is not physically present at a meeting should not be permitted to vote on the matter and that is the difference between  
2965 where we are now and where we would be if this amendment is successful. That would be the line crossed, and I do not want to cross it.

I also think that remote attendance would become more common if the Member was permitted to be recorded as present and able to vote, I think it would become more common. I think there would be pressure on Members who are not physically present to allow themselves to be contacted.  
2975

Now there is a belief that because the States do not meet, well, for a while, it was from the end July until quite early in September, possibly we are going to end up in this position if Alderney Representative Jean's amendment is laid and accepted where the summer holiday becomes



2980 something like 10 weeks. But that is only in here. Very often Committees continue to meet. If a Committee meets all through the year it may be unavoidable for a Member to miss a meeting of a Committee to be away. They might be on holiday.

Now I think that there will be increasing pressure for that Member to find a way of telephoning in or making themselves available so that they can be recorded as present at the meeting and voting. I do not think that is a good thing. I do not think that is a good thing for the Member. So that is the first reason I disagree with this amendment.

The other reason is Deputy Tindall said that she had based the amendment on the wording of an amendment that was laid by the then Deputy Luxon in the last term. The problem is that Deputy Luxon's amendment was really quite sloppily drawn, which is, I think, why it lost.

2990 **Deputy Tindall:** Point of correction, sir.

**The Bailiff:** Deputy Tindall, point of correction.

2995 **Deputy Tindall:** The amendment was drafted on the basis of the Propositions submitted by the President and his Committee for the States' Assembly Constitution Committee which was of course Deputy Fallaize himself and his Committee. It was based on those Propositions contained in that policy letter.

3000 **Deputy Fallaize:** Yes. But what Deputy Tindall – and I mean this respectfully – perhaps does not appreciate is that those Propositions were Propositions which the Committee was directed to lay before the States because Deputy Luxon had got an amendment through at a previous States' meeting which the Committee had recommended that the States vote against, but the States did not. That was the development, the origin of this wording.

3005 There are a couple of problems. I do think that the matter being left entirely up to the chairman means that the application of the Rule is bound to be inconsistent. I can say if this amendment is successful. These days I quite often find myself at meetings that I am chairing and I can say now no Member is going to attend a meeting remotely that I am chairing. Now another chairman of another Committee may take a completely different view. Which means that the Members of the States are going to be in a completely different position in relation to whether they are permitted to attend and whether they are permitted to vote dependent on not the Rules of Procedure laid down by the States but the interpretation of the Rules by the chairman, and I do not think that that is an entirely satisfactory position.

3010 The other thing is it is really quite daft to say that any number of Members can attend by telephone and any number of Members can attend by audio-visual, but you cannot have a combination of the two. There is just no logic to that sort of position at all, and that is what is being proposed in the amendment.

3015 So for all of these reasons, sir, I hope this amendment is (un)successful although as I say in probably 90% of the meetings I attend it will not make any difference because I am not going to allow remote attendance anyway.

3020 **The Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Yes, thank you, sir.

3025 I just wanted to make a couple of comments on the other side of what Deputy Merrett was saying in regard to security. It is about how actually the other Members in the room feel as well about having someone dialling in remotely.

Certainly I know from personal experience that it fetters my feeling of being free to speak not knowing who might be with the other person who is dialling in. I chair quite a few sub-committees and I know that I would feel like Deputy Fallaize and I would not want people to dial

in and feel that pressure with those of us who are in the room not being able to speak freely or to fetter their ability to express themselves freely. So I would be very concerned about that.

Also the logistics of it, I have had people dialling in and we have to put the phone in a bowl in the centre of the table because the acoustics were not very good. We have had people dialling in where there was traffic noise and birds singing and then a band struck up in the background! *(Laughter)* So it really did get rather tedious trying to listen to this person who was saying something very interesting but it ate into the meeting. I have had another one where the phone was not working properly and so we got them up on the visual and then it crackled out. Yes, technology is very good but it is not fool proof.

We are looking at substance at the moment in Guernsey in a big way. Substance is excuse my ... it is bottoms on seats, and for me that is what the States should be. It should be people physically present within the room. If they are unable to be there marked as absent they can email contributions that can be left with Committee.

I do not feel comfortable at all that Members have said that they particularly have dialled in to Committee meetings. I am concerned about the security of that and for that reason, whilst the amendment is well intended, it is trying to pull us forward in terms technological advancement, I think this is not quite in the right direction so I will not be supporting it, I am afraid.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, I quite like the digital revolution ideas in many ways, though, despite the last speaker. I like the birds singing too, yes.

I know we can go off the point here but I remember when there was scrutiny hearings back in the day, Deputy Brehaut and others will remember at a certain hotel which was right on the flight-path so every time somebody spoke we had to wait a few minutes for the plane to stop. So you do get logistical problems. I remember too I was on a bus in Oxford during a Harry Potter tour and I got a phone call from Social Security saying you are supposed to be at an urgent Committee meeting on Friday afternoon, and I could not really participate at that point.

But actually I have been a Member of one or two Committees over the years who have been a little bit broad in their interpretation of the non-voting non-attendance rule about absent Members so maybe they have not obeyed every word of the SACC, we will never know.

But that has happened, if I am honest, and it particularly happens when you get the situation of very busy Members especially those elegant representatives from Alderney who are actually living on another Island that is not connected to us by tunnels or bridges yet but is subject to fog and the airline and seaway variables. They are intrinsically permanent Members of this Assembly and I think we have to bear in mind that Members, all of us, regularly go to other places, especially Alderney, but we have also got senior Members or maybe a slimmed down P&R in the future whose specific role is off-Island in many ways, at conferences. We do sometimes need a Member to make a contribution, actually a vote in that context.

Sometimes particularly these days Committees are struggling to find a quorum. Therefore I think I will be like the Vicar of Dibley's ... it was not the Vicar of Dibley it was the Vicar of Dibley's friend who was perhaps a bit scruffy and emotionally challenged, I remember, and used to bore people a bit. He used to say, 'No, no, no, no, yes,' and I can relate to that.

I think we should have the courage to say yes. I think the presidential veto has some issues as one or two details about this. So what if it is the president who is absent, can the president then assign ... Supposing I could not make a Planning Committee meeting, could I then assign the Presidency to my Vice-President who would then contact me while I am still on holiday in Alderney or stuck at the Airport? I do not know the answer to that. I also think it would not work at all well for something like a quasi-judicial open planning meeting. I think that would not be appropriate in this context but this is for a different kind of Committee meeting.

Most of us I have listened to today are so precious about the secrets that we have. It rivals what the Chinese and the Russians have with the cyber stuff. The reality is I could, I hope I have

not, I am not the most data secure of people, but I could put a radio or an iPad on by mistake and tape the whole meeting, or I could have it on speak or something weird. These things could happen. Yet there are many places out there – Alderney actually even record their meetings and put minutes in the Public Library and Jersey and the United Kingdom and many other places are a bit more open in allowing the media and/or the public into committee meetings of different kinds or select committees. We seem to be really worried that we have got the Crown Jewels, the greatest secrets in the world, that we are discussing. Of course we do not want them inappropriately shared but I do think we need to adapt digitally.

I support the amendment. It might need a little bit of refining in its complete state, but I think it is the way to go.

**The Bailiff:** Deputy Tooley.

**Deputy Tooley:** Thank you, sir.

I am standing to speak because this amendment, which at first I thought I would support wholeheartedly, upon which I have changed my mind.

My initial thinking was based largely on meetings into which I have called on one or two occasions and meetings into which others have called which I have been part of. Those contributions have, I think, been valuable both in the understanding that has then existed within the room and the understanding which has then gone forward rather than the important business being missed by the person who was absent.

Principally that meeting of the Committee for Health & Social Care which has been referenced by both Deputy Tindall and Deputy Yerby, a meeting at which Deputy Tindall's contribution and that of our friends from Alderney were incredibly valuable.

But I have, as I say, changed my mind and I have done so because of something which has happened in the last couple of weeks. With the final decisions that we needed to make for ESC literally needing to be made immediately, I found myself needing to be off-Island for something that I had no power to change; there was not a choice involved, I had to be off-Island. I needed to move literally heaven and earth to ensure that my travel happened at a time which meant I could attend the meeting that it was critical I was there for. I was able to change the transport arrangements and make it possible for me to be there. Had I not, I truly believe that the Committee and its officers, knowing the circumstances, would have moved the timing of the meeting.

But had this Rule been in place and had it been possible for me to dial in and make my contribution and place my vote remotely that meeting would have happened at the time it was scheduled, at a time when I was, yes, able to cast a vote, yes, having read all the papers and absolutely known what I believe was the right thing to do. I would have been making a decision at a time when I was, for personal reasons, utterly distracted from the matter which was genuinely at hand. I actually think we open up a dangerous pathway if we make this possible. Because we place Members in positions where they are having to make really very critical decisions at a time when they are not possibly wholly present. I think that is a risk.

As I say, I am hugely sympathetic to the amendment. I think it is incredibly valuable for Members to be able to dial in and participate in discussions in meetings, but actually to be the person with effectively their finger on the button making the decisions that will affect the lives of many, I do not think is really truly possible if you are not actually present, physically, mentally and everything else in that meeting room. So sadly I will be voting against this amendment.

Thank you.

**The Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, sir.

I could only vote for this amendment if Hans Solo would lend us R2D2 and we could have holograms in the Committee meeting and we had proper security as touched on by Deputy Merrett.

But I think the best points have come from Deputy Dudley-Owen about technology. Technology is there but I cannot see the technology we have got now – delays etc., people not hearing every word – I cannot see it making a positive contribution to any meeting, personally. I think in future this may be possible. With the technology we have got in our hands now without R2 droids it is not possible.

Thank you.

**The Bailiff:** Deputy Le Tocq.

**Deputy Le Tocq:** Thank you, sir.

We use technology, the current technology that we have within the States for many of our ... some of the first meetings I have had a number of meetings with politicians from La Manche and Normandy that have been done via Skype where you can actually see people and talk with them. That is very useful. Most of the Brexit meetings, for example, officers from CIBO will dial in; sometimes there are two or three doing that. It is possible to have a meeting and for people to participate. It is not easy because the current technology that we own is not the best quality, it is quite old now.

I have been in meetings elsewhere, sir, where the latest technology has been available. We have been around a desk, I have been the only person there; it has been an interview and there have been several screens and virtual people have been there. It has been around a board table and it has been very high quality. Technology is constantly changing and I do believe we are coming to a place where some of those more modern facilities will be available for us and to us.

However, I think there is a big difference with officers dialling in, as it were, for meetings where the chairman knows that perhaps three people are there on various speaker phones and the sorts of meetings that we might have externally, and a voting Member of a Committee of this Assembly. I do draw the line there.

So I think with the existing Rules – when I was Home Minister I dialled in once to a Policy Council meeting. I was actually in Prince Albert Road at the time. I was a few metres away from the meeting taking place, but it was during a very cold snap and I was actually in a line of abandoned cars and I could not get safely to the meeting. We will use it, I am sure, *in extremis*, but voting on particular issues I think we need to be in the room to do that at the moment.

I remain open minded in the future because I know in terms of business etc. those sorts of things are changing, but I pick up on Deputy Dudley-Owen's point. This jurisdiction along with others is trying to emphasise and define what substance actually means when it comes to doing business somewhere, and one of those is definitely presence, physical reality, in the room. I think, certainly for those of us who are making important decisions when a vote is taking place, so in a formal Committee meeting, I think at the moment I would err on the side of being present in the room.

**The Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Bailiff.

I also will not be supporting this amendment and I pick up some of the 2014 report when it says much human communication is non-verbal and often in a meeting you gauge the amount of support for a point you make by people's gestures, facial expressions, reactions. That would be all lost because this allows just verbal communication which cannot happen. Even with a video link this report goes on to say that it is often difficult to pick up gestures and facial expressions or for everybody to see them, so it says they are likely to be compromised to at least some extent. As non-verbal communication –

3185 I will give way.

**Deputy Le Tocq:** Thank you, Deputy Dorey. I thank Deputy Dorey for giving way.

3190 I think we have to be careful on some of those arguments, sir, and I would just ask Deputy Dorey to be careful because we do have visually impaired members of our community who may stand for election; they would not fit into the same category as that, so I think we just have to be careful of some of the reasoning of that. I am not saying that he is wrong totally on that, but I do not think we can use that as a primary reason.

**The Bailiff:** Deputy Dorey.

3195

**Deputy Dorey:** I am just picking up a point that was made in the previous report, and I accept his point but the essence is that people do pick up communication which is non-verbal, and I think we would lose that opportunity, so I will not be supporting the amendment.

3200 **The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I supported this the first time round and will do so again. I think it will only be *in extremis*. I think the fact that it remains at the discretion of the chair of the meeting to allow for the very few occasions when it is necessary ...

3205 I think Deputy Le Tocq's analysis is ... I do not disagree with it, I think it is a fine dividing line. I come down on the line of saying I am comfortable with the proposal on the basis that it will not be used very frequently.

3210 I think the arguments that were presented last time, which Deputy Fallaize was touching on – that this in some way will lead to the inevitability that we do not need to meet in this Assembly – are just nonsense. That is not the outcome of this amendment and again in the interests of improving the effectiveness of Government, I will support it.

**The Bailiff:** Deputy Tindall to reply.

3215 **Deputy Tindall:** Thank you, sir.

Just very briefly to say thank you for those who have said that they will support the amendment.

3220 I should first of all explain that I do appreciate how the wording of the Proposition came about. In fact just for clarity I would like to read the Luxon amendment which was referenced in the explanatory note, albeit by link – oh a link sorry, the irony I missed. To insert a Proposition which basically directs:

... the States Assembly and Constitution Committee to make such rule changes as necessary by the end of December 2013 so that Members of Department Boards and States Committees shall be able to participate in any Department or Committee meeting and enable it to be quorate whilst not present in person, using accepted technological methods such as, but not limited to, conference calls, video conferencing or Skype; provided that other participants can clearly hear and be heard by, all other members and other participants at the meeting, and only by prior agreement from each Board or Committee Chair Person.

As I said, the Propositions that have been used, and that was my point, were drafted by the States' Assembly & Constitution Committee in response to that direction. I hope I have clarified that point, and apologise if there was any confusion in my intention.

3225 The policy letter also includes the wording in respect of what is now suggested as number (9) subparagraph (9), and basically it gives the consideration that using two different types of tele-communications i.e. telephone or video-link was inappropriate and hence the reason why I considered that was sensible to include.

3230 The basic point here, if I may say what Deputy St Pier said, was that this is intended to be used as and when necessary and that the president's discretion is vital.

As far as Deputy Gollop's point is concerned, obviously it is the chair so if the president is not present then it would be the vice-president or if not the vice-president and so forth. So it would be the person chairing the meeting whose discretion would be needed.

3235 Similarly as Deputy Roffey mentioned, whether it would be treated differently between presidents, yes of course it would be and Deputy Fallaize raises that point.

There are different Rules now that are interpreted by different presidents such as the use of non-States' members and direct or special interest. Okay, there is committee involvement in that and there is no reason why the president cannot take their committee members' views on the point.

3240 For me, the most important point is that it is the individual's responsibility to ensure confidentiality, it always has been and always will be. That is something I am particularly concerned about because there are occasions where that confidentiality is being breached now, and it really concerns me that people will now not take that responsibility seriously when they are actually arranging such a link. It is such an important aspect. I do stress it is the individual's  
3245 responsibility, and if the president in any way or – sorry the chair feels that that is in jeopardy it is at their discretion not to allow it.

So actually considering whether someone would be, I believe Deputy Merrett said, in the park, and correct me if I am wrong, but I just cannot imagine a responsible Deputy taking that approach and doing it in the park. (*Interjections*) Responsible Deputy.

3250 Others gave experiences of their ... which I believe some were corporate scenarios when they were not actually having these extra responsibilities and the way in which those tele-communications were conducted. Again I feel that those particular examples were situations where they just would not be countenanced by someone who was chairing these particular types of meetings.

3255 Substance was referred to. Substance is about profit shifting for tax purposes and not really in respect of the type of discussions and voting and attendance.

I certainly take the point about attendance as per Deputy Soulsby's comments as to the value of noting attendance at the moment simply because of the way in which Legislation Review Panel is treated. It used to be considered as a committee that had full attendance records and now it  
3260 does not. We have tried very hard to get that changed because scrutiny of legislation – as you know, is my hot topic – I feel it is so lack of consideration so I sympathise in that regard, but this is in respect of an ability in the Rules to be able to do this *in extremis* and to be able to take into account all of the necessary safeguards in order to be able to fulfil what may become necessary.

3265 It is just as important for an individual to consider confidentiality and their ability to attend a meeting and to participate as it would be anywhere.

For that reason I do hope I have covered all the points that have been mentioned. If not in the summing up, certainly I covered quite a few in my speech. Again I thank those for the support and I urge Members to support this amendment.

Thank you, sir.

3270

**The Bailiff:** We vote then on the amendment proposed by Deputy Tindall, seconded by Deputy Yerby. Those in favour; those against.

*Members voted Contre.*

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

We move on to amendment 4, to be proposed by Deputy Soulsby.

*Amendment 4:*

*1. After Proposition 1(aa), to insert the following:*

*"(bb)(i) To insert, following Rule 26.(7), the following:*

"(8) A vote recorded by electronic equipment authorised for that purpose by the States of Deliberation shall have the same status as a vote by *appel nominal*.";

(ii) To agree in principle that, from no later than the start of the next States' term, voting within the States of Deliberation shall be by means of a system of simultaneous electronic voting along the lines envisioned in the policy letter entitled "*Simultaneous Electronic Voting in the States of Deliberation*" (Article 18, *Billet d'État XIX*, 2011); and

(iii) To direct the States Assembly & Constitution Committee to recommend to the States the purchase and use of a suitable system of simultaneous electronic voting, and any further changes to the Rules of Procedure which may be necessary, at the earliest possible opportunity within this States' term."

3275 **Deputy Soulsby:** Thank you, sir.

It will not be a hugely long speech you will be pleased to hear.

Electronic voting is one of those subjects like Sunday trading that just keeps on coming back. Indeed I believe this is Deputy Lowe's tenth debate on this subject, and I hope that just like Sunday trading today this Assembly will get into the modern age and support this amendment.

3280 Now the last time this subject was debated was four years ago and I think that we are in a very different place to where we were in 2014, for a variety of reasons. I do not just mean because some of us are sitting in different places from then. It is timely not only to debate this again but also to approve the introduction of simultaneous electronic voting.

3285 Now actually I did not vote for electronic voting last time and for two principle reasons. Firstly, we were at the height of FTP [*inaudible*] in and take a breath with a deficit and the purse strings were well and truly tied in a double knot.

3290 The other is Deputy Fallaize's fault. Back then I was persuaded, yes, that stretched resources should be spent on improving the parliamentary section of the website. As Deputy Fallaize said at the time, members of the public should be able to search by specific Member, by parish, by date of vote, by item of vote etc. and we are very confident that we can put in place those sorts of improvements during 2015 and very inexpensively. Well, four years on there have been a few improvements but basically it is all around PDFs stuck on the website. I know this is no attack on the officers, there is much more in there than there was before, but really it is not where we were promised of where we could have been at that time. So that will teach me to listen to Deputy Fallaize.

3295 So back in 2014 SACC at the time based its policy letter on the need to balance transparency and efficiency, where that balance had to be set and how it could be measured quantitatively were not really considered during the debate.

3300 Now three options for electronic voting were put forward, for every vote. That was number one. The second was only when an *appel nominal* would have been held with individual votes not being read out afterwards, and then the third which is used in other Crown Dependencies a default position would remain voting *de vive voix* anyway *aux voix* in any circumstances where at present an *appel nominal* could or must be held, then simultaneous electronic voting would be used. Members could ask for the detailed results to be read out.

3305 Now this amendment is not prescriptive, I would prefer the last option but I leave it to the new SACC to decide. For me it is the principle.

In the last four years more parliaments have brought in electronic voting. Indeed some have upgraded their systems in that time. As a jurisdiction wanting to put itself out there as a digital economy surely we must be leading by example.

3310 Indeed this amendment supports additional framework in more than one area but noticeably in section 7, Delivery of Responsive Regulation and Legislation.

Members, this is long overdue. Do we want to continue to be an analogue Assembly in a digital world? Okay, it is quaint but I think there comes a time when quaint can become irritating.

3315 Since 2014 the numbers of recorded votes have grown as has the paper used by the Greffier and Deputy Greffier. On that front, I have been recording the time each recorded vote has taken

yesterday and today and I can say categorically that the Deputy Greffier is somewhat speedier than HM Greffier. (*Interjections*) But that aside I am sure both would much prefer not having to tick boxes on a sheet of paper and I do believe that now really is the time to change and I urge Members to support this amendment.

3320

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

**Deputy Lowe:** I formally second the amendment, and reserve my right to speak, sir.

3325

**The Bailiff:** Deputy Roffey will not speak at this stage.

Anybody else want to speak or can we go straight to the vote? *Aux Voix*.

Deputy Graham.

**Deputy Graham:** Thank you, Mr Bailiff.

3330

Am I really the lone voice?

The 2020 Election is going to be a touch screen election rather than a touch the flesh election, and that to me is rather sad. (**A Member:** Hear, hear.) There are now some who are determined to depersonalise what goes on in this Assembly, turn us into a bunch of button pushers.

3335

I shall not vote for this amendment. I shall miss, for example ... there is nothing quite like a *Contre* coming from Deputy Trott booming out from (*Laughter*) the top rows there and then in contrast we have the sort of subtle very soft *Pour* coming from Deputy Yerby and then in other cases we have the unspoken but very clearly visible, 'Eeny, meeny, miny, mo, what am I going to say?' (*Laughter*) But we want to get rid of that. I really can't believe that. I mean there is very little drama in this Assembly. (*Laughter*) For goodness' sake, let us keep some of the personal contribution, and if we cannot be bothered to listen to a person's voice and really insist on pushing a button then I think I am probably glad I am not standing in 2020.

3340

**The Bailiff:** Deputy Le Clerc.

3345

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

We discussed this at SACC and we agreed that we would all go our own way on this vote because we were divided. But I will be voting *for* this amendment.

3350

I think the time has come but I would also like to ensure that when we have pressed our electronic buttons in due course that we do not have the mechanism then, as they do in Jersey, for it all to be read out in public, because that defeats the object.

3355

But I think one of the other reasons – and I may be potentially criticised for saying this – I think on some votes people are persuaded when they hear the votes of other Members, and I think as we get closer to the Election ... I think I saw some of that voting last year. So I think again electronic voting, simultaneous electronic voting, would do away with some of that influence. I think it perhaps is only a small amount but even if it is a small amount, for me I would like to do away with that altogether.

So I will be supporting this amendment.

Thank you.

3360

**The Bailiff:** Deputy Fallaize.

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

3365

I will be voting against the amendment and I say this somewhat reluctantly but the quality of the arguments put in favour of it were pathetic. (*Laughter*) The idea that we should do it to get into the 21st century or just because this is the modern era. Well so what? Why would you do something –? If you lived in a beautiful Guernsey farmhouse you would not say well this house is a bit antiquated so we had better knock it down and replace it with some modern house simply



because we need to move into the modern era. There must be stronger arguments – if we are going to do something like this there must be stronger arguments than just we now happen to be in the 21st century and therefore we have got to change the way we vote.

The problem with electronic voting is that there is not really a sound argument for it and there are two different arguments which have been put over the years. They are put at the same time but they are mutually exclusive. So sometimes it is said we need to introduce electronic voting in order to be more transparent because we have votes which are sometimes just with Members shouting out and that is not right, every single Member's vote should be recorded so they can be held to account by the electorate. Well that is fine, that is a perfectly legitimate view, but that sort of voting system would take longer than the current voting system because the votes that are currently done just by shouting out can take five seconds, would take 30 seconds or 45 seconds or however long they would take using electronic voting, which is how long they take in other parliaments of a similar size. So you can have more transparency but it will take longer than the current voting system.

Alternatively you can have a system which is quicker than the current voting system because everything which is currently done just by being shouted out could continue like that, but the recorded votes instead of going around the Chamber Member by Member could be done electronically and they would be slightly quicker. But the problem is that you would make compromises on transparency because already, I think it was Deputy Le Clerc who said hopefully that is the kind of system we would have and then there would be no provision for the way the Members have voted to be read out by the Clerk, which is what happens in Jersey.

Now that is fine. That might be fine for people whose main interest is scouring the internet to find out how their Member voted last week or last year, but what about the people who have taken the trouble to listen to the debate on the radio. Now we are going to say, 'Well, it is tough. You can listen to the debate but you will not have any idea how the Members have voted because they are just going to press a button.' The only person who will know who has voted which way is the Greffier or the Bailiff and that will be the end of it. In fact we will not even know how each other has voted unless we are going to start erecting screens somewhere in the Assembly, which we could do, but I suspect the Development & Planning Authority would have a view on that.

So what I always used to say when I was at SACC was, okay, we can have electronic voting if you want but please tell us whether you want the form of electronic voting which is going to be quicker but less transparent or the form of electronic voting which is going to be more transparent and slower. Of course the proponents of electronic voting have never been prepared to nail their colours to the mast because what they really want to do is carry on saying we need a system which is more efficient and more transparent, but you just cannot have both of those things with electronic voting.

Finally, Deputy Le Clerc spoke about the possibility that Members votes are influenced by other Members' votes as if there is something terribly evil about this. I do not understand why that is such an evil situation. We come in here, we gather to debate, presumably we allow ourselves at times to be influenced by the opinions of colleagues, so why shouldn't we be influenced by their conclusions? It is perfectly reasonable to be persuaded in debate but if you are persuaded when you find out the way someone has voted that is somehow seen to be wrong and evil. I do not get that.

Yes, it would be modern. We could tick a box and we could say we are a more modern Assembly because now rather than going around the Chamber and voting in the traditional way with French terms we press a button on our desk. Fine, if it is worth spending a few thousand pounds and doing that, we can do that. But I do not think it would represent much progress in the sense that either the outcome would be a voting system that was less transparent or a voting system that was slower than the current voting system.

So for these reasons I will vote against the amendment.

**The Bailiff:** Deputy Lowe.

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

No surprises from Deputy Fallaize. He is very consistent with his speeches but he is so wrong, so wrong, and I just wish perhaps he would get out a bit more.

In fact if he actually joined us on the cricket matches when we used to have the cricket matches, rather than petanque and table tennis, as part of the reception that we get from Jersey they take us to their States' Chamber and when you are in the States' Chamber, especially after it is just after an election, they explain to the Members there how it works. They speak to the Greffier, they speak to the Bailiff who is the Presiding Officer, they speak to many staff that are in there, and they all say it is quicker. It is quicker (*Interjection*) but – you might think they are wrong, Deputy Fallaize, through the Chairman, I am sure you mean to be saying that through the Chair – but I do not think a Presiding Officer in Jersey and the Greffier in Jersey are going to tell me mistruths. They tell me it is a lot quicker and far more efficient at having simultaneous electronic voting than they have had for years.

I mean at one time when the House Committee – it may have even just been when it was SACC because it changed, it used to be House Committee ... a report came through, one of the many 10 which Deputy Soulsby is right and there has always been the 'cannot do', 'will not have', 'too slow', 'got to ...' – all the negatives you can think about. It was £70,000, we were going to have plasma screens in here and it was going to slow things up and you would have to read out the results.

Modern technology – actually do you know what, modern technology, ping of the button, it is instant, goes straight to the Presiding Officer, which is what happens in Jersey, it is straight on the screen there, it is straight on your screens, on your iPads, or phones or whatever you have got there, so you can see. It goes to the media as well, and the media read out, so if it is 30 votes to 10 they will read out the names of the 10 who voted. So it is always the lesser amount that they actually read out the names. So that the public that are listening, and we are not talking about the whole of the Islands here because most people are out working and trying to make a living or looking after family. So certainly there are people listening on the radio and we welcome that but you cannot run a government by people that are actually just sitting at home listening to the radio or at work with the radio on. I am sure they would probably prefer to make sure that you had a vote that they could actually then look at on their screens afterwards because it is there.

Speaking of the radio, at the time the *BBC* and *Island FM* ... at that time one of the times when it came here they said it is not a problem for us because once the result is through, as normally the Greffier will read out the next item that is going to be on the Billet, they have already read out in Jersey the result because it has gone straight to their screens. So it is an absolute nonsense that it slows it up. It is an absolute nonsense that it is slower because it is not, and Jersey have got that system. So they have had it years ago and one time when I was there I think I might have been Vice-President of SACC at the time and we actually asked well working with Jersey hey-ho and this was about 10 years or so ago ... let's start working with Jersey a bit more, let's get into their system, let's see if we can copy their system, oh no, no, it is failing it does not work very well because it was a negative thing we cannot possibly do that.

Again I raised that with Jersey and this is the joy as well of our inter-Island where we are all mingling and I think the Members in the Chamber that attended the petanque and table tennis actually appreciated how much you can gain by speaking to those Members, because it is things that you would not normally speak to them about unless you were on a committee. Speaking with them there it has been said before – I will give way to you in just one moment, Deputy Graham – is that the – I have lost my train of thought now, so I will give way to you. I will re-focus on what I was going to say. Do you want me to give way to you, Deputy Graham?

**The Bailiff:** Deputy Graham.

**Deputy Graham:** Members, I just briefly wanted to share Deputy Lowe's enthusiasm for how constitutional things are done in Jersey where option (c) has been operating for a number of years very successfully. (*Laughter*)

**Deputy Lowe:** Indeed, indeed I think it probably has, but also it has been working successfully but also if we are talking about that and I will broaden it slightly and quickly before the Bailiff says I am going further than actually this amendment is that they have great faith in their electorate that on the same day they can vote for their Conseillers, well their Senators, their Deputies, their Connétables and indeed yes they can vote for [inaudible] (*Interjections*) no no this is on election day, this is on election day, sir, yes their turnout is bad, but (*Laughter*) for General Elections their turnout is not as good as ours.

But I think I have probably covered most of what I want to say. All I am sort of saying here is that, yes, it really is time that we have simultaneous electronic voting and get a system in here. I mean for those who have not been to Jersey – I use Jersey because, as I say, theirs works – they have modernised theirs, by the way, they have put in a system that has boosted the one that they have got so that it is more modernised, they are telling me. For those who have not been to Jersey before, it is the size of a credit card plaque that is actually on your desk with three buttons. It is really small, it is not intrusive, not in the way, red and blue and green. So it is there, it has worked for years and I would like to think that this States is actually going to go forward and have some form of simultaneous electronic voting and we will then have permanent records as well which will be faster, quicker and take us into the 21st century.

**The Bailiff:** Deputy de Sausmarez.

**Deputy Leadbeater:** Sir, can I try Rule 26(1), please?

**The Bailiff:** Rule 26(1). Can we have those Members who have not yet spoken and who wish to do so stand in their places? Eight people, I think. Do you still wish to go ahead? No. So Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir,

I will be brief, sir, if that is any reassurance to Deputy Leadbeater.

I was a little bit torn on this, I perhaps still am. I really appreciate the arguments going both ways. Instinctively it is something that I want to support and I think I will support it.

I do appreciate Deputy Fallaize's argument about time and transparency and one argument that I think is probably worth mentioning is that in terms of transparency I think actually more time is likely to be taken in debate by people standing up to explain their views if they know that their vote will not be read out and I think that is just a comment that needs to be made. So I do appreciate that this might not save time.

I do think the transparency issue can be mitigated, perhaps not overcome but I do think, as Deputy Lowe explained, it is something that radio commentators can read out in brief interludes, etc. I do not think that that is insurmountable or a problem that cannot be mitigated to a good degree.

But really I think what clinches it for me is one of the arguments that Deputy Fallaize used against it, which is he asked why is it okay to be influenced in debate but not by a vote, and actually this is for me the clincher. Because actually there are certain circumstance particularly in controversial votes where depending on the sequencing of that vote someone is liable to change from what they truly believe is the right way to vote and they are likely to vote against because they are unable to chicken out effectively. If they are towards the end of the voting sequence and they know that a particular Proposition is likely to win or lose then they can change their vote and not burn political capital or whatever it is and actually they may well be voting in a way that is not true to themselves, and I think actually it is that influence that I would most of all like to overcome.

I think that is the reason why I will probably support this amendment.

**The Bailiff:** Deputy Merrett.

**Deputy Merrett:** Thank you, sir.

3525 After sending Deputy Fallaize a note saying I would listen to him, I did listen to him. He asked  
for sound arguments, well I believe it will be quicker. I completely agree with Deputy de  
Sausmarez's explanation of independent voting. I think you should come to your own conclusion.  
You can be persuaded by debate, absolutely, but how you actually vote, this is your vote, if you  
cannot come to a conclusion by the time you have come to vote I think there is a serious issue, I  
3530 have to be honest. Of course all votes are recorded.

Now while I have sympathy and I do have sympathy at this point ... how people listening or if  
people want to instantaneously know how their Deputy or a Deputy has voted, I have sympathy  
for that aspect.

Deputy Lowe said it would be downloaded instantaneously, it would go on to screens; it would  
3535 go on to, I am assuming, the gov.gg website. I just cannot see that anywhere in the Propositions  
saying that that is actually what will happen. Apologies, sir, Deputy Soulsby and Deputy Lowe if it  
is in there, but I cannot see us agreeing to that on this particular amendment. If it is going to be  
downloaded instantaneously on to gov.gg or on to our devices then marvellous because in theory  
members of our community can access that instantaneously or fairly quickly. If it is not that is the  
3540 only real concern I have: just if people are listening, how do they know how their Deputy has  
voted? That is the only bit that I do have some sympathy for with Deputy Fallaize.

But other than that, my vote for this I think will be *Pour*.

Thank you, sir.

3545 **The Bailiff:** Deputy Tindall.

**Deputy Tindall:** Thank you, sir.

Discussions on this do bring back my consideration. Sorry, this does bring back my views on  
what I saw when I was visiting the Island of Malta, infamously mentioned in a speech once, and  
3550 not quite like Jersey it was actually even more incredible, it was a new government building; you  
sat up in the gallery looking down, similar to Scotland Assembly but even more in a bear pit style,  
but they had simultaneous voting. They had a card system which you put in your slot to show that  
you were actually at your seat and were able to vote. Not only that, they had TVs which basically  
were connected to voice recognition because as you spoke the camera would aim just at your  
3555 face and there was a screen on the side. So everything else going around you and also the noise  
would be cut out so the viewer was very much focused.

So that is the 21st century, in my view. I do not like the bear pit point but I do like the idea of  
actually being sort of something that the people of the community can associate with and more  
particularly the younger people of the community can associate with and that we are often  
3560 criticised of being in a room that is not particularly beneficial to these up and coming government  
processes and this is a means by which we can improve it.

Absolutely, it speeds up process of government. My experience merely in Malta was happy, but  
I have a feeling that Deputy Fallaize has never played the game of Cahoot. This is something that I  
have used and it is absolutely brilliant. I will explain briefly. There would be needed to have  
3565 screens in the Assembly, which I might add is not a Development & Planning issue because it  
would be akin to what we had at the Mignot Hospital when I was doing remote access, and that  
would be wheeled in perhaps behind Deputy Trott, Deputy Brehaut. We would all get our smart  
phones out which apparently Deputy Fallaize also has now which is incredible – he can join in,  
and –

3570

**Deputy Fallaize:** On a point of correction, sir.

**The Bailiff:** Deputy Fallaize, point of correction.

3575 **Deputy Fallaize:** I have one of those phones issued by the States' IT Department. There is nothing smart about it, I can assure you! (*Laughter*)

3580 **Deputy Tindall:** Sir, I have been misled then, in that I understood he did ... But I am assuming it is sufficient to be smart enough to be used for this particular purpose, basically you press a button, the screen shows the results within seconds of that. You can make it 30 seconds, you can make it five seconds, but everyone presses their button and the screen records the yay or nay or abstaining. So this is perfectly possible, and that's free, I might add, that is a free use. I have used it myself in training and again it is familiar to the community and to younger people.

3585 I do absolutely agree with Deputy de Sausmarez's comments about the influence in the order of voting. It is something believed in the community and therefore this is the easiest way of overcoming it. So much so that I am very much erring on the side of recommending perhaps we could do it in committee. Certainly perhaps in open planning meetings.

3590 I again endorse the point that it would add a few seconds perhaps in the sense that speeches should and could include an indication how someone intends to vote, which I think is sensible in an *aux voix* situation as well and try to do that where I can.

That leads me neatly to say that, yes, I will be saying *Pour* to this amendment.  
Thank you, sir.

3595 **The Bailiff:** Deputy Tooley.

**Deputy Tooley:** Thank you, sir.

Oh dear, I do not think the public care by what method we register our votes in the Chamber. I really think that of all the debate we have had about absolutely everything this is probably the one that has got them scratching their heads more than any other.

3600 I do think they care that we are voting ... I think the average member of the public, what they want first and foremost is for us always to vote for the thing they want and, secondly, for us always to vote for the thing we genuinely believe in.

3605 While I have enormous sympathy with the comments made by Deputy Graham, because I love the tradition of our vocal voting, I love the fact that we are still using the Norman French for that voting, I think it does make us absolutely unique, and I also think it gives an additional level of transparency because while we have the roll call at the beginning of the session it makes it blatantly obvious who is or is not in their seats at the time of voting. I think the public really like that. I think they really like the fact that when a vote goes to a recorded vote they can hear who is and is not present making representation on their behalf and I think the public like that.

3610 But I also believe that Deputy Le Clerc is right and I am absolutely convinced, it is my perception, that votes are changed on the basis of the way other people have voted previously. I do not think that that is purely as Deputy Fallaize suggests on the basis that they have been persuaded by their respect for the feelings or beliefs of another voter. I think it happens in lots of cases because on a controversial vote people do not necessarily want to burn capital if it is going to gain nothing anyway because the result is already known.

3615 My perception is that we see that very clearly when the vote is called *aux voix* and cannot be determined and then we go to a recorded vote and there is markedly one way or another (*Interjection*) because it is my perception that it is not just down to how loudly some of us shout in the Chamber, my perception is that it is because people potentially vote differently when they know their votes are recorded.

3620 Therefore I think, despite the fact that I do not like the idea of losing the tradition and despite the fact that actually I do not think – I am going to say it – I do not care whether this adds a little bit of extra time or removes a little bit of extra time, if this makes this Chamber more accountable and more transparent then that has got to be a good thing.

3625 So I will vote for it, but I do wish we could keep the vocal vote as well. I am not sure how we would manage that.

Thank you.

**The Bailiff:** Deputy Inder.

**Deputy Inder:** Sir, Deputy Lowe has made reference to the Jersey system and it being 10 years old. I am fairly sure technology will have moved on somewhat in the last – I will give way

**The Bailiff:** Giving way to Deputy Lowe.

**Deputy Inder:** I will give way to Deputy Lowe.

**Deputy Lowe:** You may not have heard but I actually said they have modernised it since, they have upgraded it.

**Deputy Inder:** Okay. I beg your pardon, Deputy Lowe.

I think Deputy Fallaize said there is nothing – what did he say – was it he said the arguments were pathetic, the arguments to install a system were pathetic. Well I do not think there is anything pathetic about political accountability.

The arguments have been made about, I suppose, efficiency within the Chamber whether it is quicker or not. I would probably agree that it may not prove to be particularly quicker but it is what happens to the data after that. If it allows our voters, or could do, to review the results of the votes immediately or over a period of time on a website that actually is navigable – and if you look at the Jersey system it is fairly simple to see how people have voted, where I do not think our current system is particularly accessible. I think that is a benefit for democracy, to be honest with you, and the argument is less about the efficiencies in here it is more about the accountability of us as Members of this Assembly.

If it is published to a database the output from that can be interrogated with the smarter system which we do not have, so that is more about web applications.

I think I have just said – I am just repeating myself – it does hold the Deputies to account.

Now I think what Deputy Fallaize said, he held his fingers up to me – Sorry, when I say that, just for the sake of people at home, it was not two fingers or the single finger, the sign he was making was the one for rubbing his forefinger, it is about the cash ultimately. In the back of the explanatory note it does suggest that:

... a suitable system of simultaneous electronic voting would be around £20,000. Previous estimates had been around £30,000.

That does surprise me. That really does surprise me. I would be surprised if that is the lowest figure we have got. What SACC could do – in my head as somebody who has come out of the IT trade, I can envisage what the system could do. I understand about data packets, it gets sent to display screens. I can see how that is done by using APR keys or XML feeds and I can see how the results could be displayed and I can understand how any of the votes can be sent fairly immediately to devices or social media, straight to, or by email. I mean the speed from pressing any of the buttons out to the wider audience, it should be able to be done fairly efficiently. But that does not sound like £20,000 or £30,000 to me, to be perfectly honest with you.

I think what SACC could do if I am reading this correctly:

While SACC are not, at this stage, being directed to purchase anything ...

This is about previous estimates. I suppose if this was adopted and I would probably take greater advice from my President. I suppose we could very simply go through on a bit of a fishing exercise and scope out what an electronic voting system is fairly quickly. We could probably put a

price attached to that and basically bring a very short policy letter to the States and ask them if they want to carry on with that.

I am turning here to Deputy Le Tocq. Last time I mentioned anything about IT I got a couple of calls about the FDS process. Apparently this FDS can sort of do anything at the moment. I wonder if maybe part of the future digital services there might be something in some system that we are about to adopt whereby through the citizens account or possibly there might be some other method via FDS where we could deliver this.

I think I would be prepared to adopt it and vote for the principle but if that £20,000 suddenly becomes £200,000 I will not be that keen on it.

**The Bailiff:** Deputy Yerby.

**Deputy Yerby:** Sir, I wholeheartedly support this amendment but my note of caution is perhaps not too different from Deputy Inder's, in that the States does not have a great track record of implementing electronic projects, and if we are committed to this then we must be prepared for a bit of a bumpy implementation and we must be ready to work through that.

I was a little bit concerned that somebody as sensible as Deputy de Sausmarez seemed to be being swayed by Deputy Fallaize's comments. I would urge Members just to set them aside. Deputy Fallaize is a special case: by the time you have forced a laptop into his hands he will accept that the modern age is a very good thing and a very useful thing, but it has to be forced into his hands. So I think it is not about the strength or weakness of the argument, it is about the lived experience. It is really for the rest of us to decide on the strength of the argument.

The important argument for me in favour of electronic voting is the deeper usefulness of the data. We in this Chamber do not need to know and the public do not need to know who voted which way immediately. If that was the case we would never have a vote *aux voix*, because that same information is lacking in an *aux voix* vote as it would be in an electronic vote in which the results were published later.

The only thing that is really critical to be read out in this Chamber at the time is the result of the vote and probably the margin by which the vote was won or lost.

But somebody like Deputy Langlois, who is forever mining the information that we have available about States' voting patterns, would absolutely love the results of an electronic voting system, because we would have a good deep reservoir of information about patterns of voting within the States, and that is much better for democracy, because although we do not need to know right now who voted what way, we do need to know for next time, regardless of whether you are a member of the public next time there is an election and you are having to decide whether Member of the States voted in ways that you found favourable or not, or whether you are a Members of this Assembly and you are having to figure out your colleagues' voting patterns on a particular issue and how you might canvas or work with them to develop that.

I do tend to agree with Deputy de Sausmarez that there might be a bit more speechifying in the Assembly but not heaps more, because many of us already do not put our feelings on the record about issues for which there is going to be a vote *aux voix*. I think what there might be a little bit more of is essentially trying to guide our colleagues on an issue where we think we might have a bit of extra knowledge.

Deputy Le Clerc is absolutely right, sometimes we base our judgements on the votes of others and with that gone, and I think it is absolutely right that it should be gone, we may need to do a bit more of that in the course of debate. But I would absolutely urge Members to support this amendment.

**The Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Bailiff.

I just take the 2014 report and read what it says about Jersey. It says:

Generally 30 seconds allowed for voting ...

Then it goes on to say:

Members are permitted to request that some or all the detailed results are read out immediately afterwards by the States' Greffier, and that is what usually happens.

Isle of Man [it says] about 30 seconds are allowed for voting and a request can be made for the results to be read out in detail.

3725 When I have listened to the States of Jersey what I hear that happens. That is likely to happen here, is that Members would want ... and I think that is quite right because if people are listening at home on the radio they do want to hear, they do want to know – I mean I have spoken to members of my family. They want to know how people vote immediately after the debate. They do not want to have to look it up. The fact they are listening by radio they do not necessarily have access to electronic devices at that point. So I think that if we do have that system –  
3730 I will give way.

**The Bailiff:** Who are you giving way to?

3735 **Deputy Dorey:** I will give way to both of them, sir. Take it in turns! *(Laughter)*

**The Bailiff:** Deputy Tindall first.

**Deputy Tindall:** Thank you to Deputy Dorey for giving way.

3740 It was actually a matter I was going to raise when I was hoping to ask Deputy Yerby to give way but did not vocalise it so she did not notice. But that said, basically I will be brief, it basically gives even more information to the public if there is in effect a recorded vote instead of an *aux voix* vote and that can be transmitted almost immediately, either vocally through radio or on a laptop.

3745 **The Bailiff:** Deputy Dorey.

**Deputy Dorey:** As I said, it does not make any difference to the point I make. People listening on the radio, I believe, want to hear how people vote and they will expect and I know they will expect somebody to ask for the results to be read out. So it is not going to save any time. Deputy Yerby said people do not need to know. Well, for example, this morning on Social Security where we had a debate on an amendment then Deputy Le Clerc was trying to persuade those who voted for the amendment to change their vote at the statutory stage. She needs to know who voted which way. She needs to then target her speech at perhaps one or two of those people and get them to change. So that is the reason why we need to know the information at that point in time, so she can immediately think about what she needs to say. So I disagree, we need to know at that point in time.

Deputy de Sausmarez spoke about people not true to themselves and they are influenced and I totally agree with Deputy Fallaize. But there is another point to that, in that I have been in a debate where I think there is very little support for a particular view because there has not been that much debate and several people have all spoken on the same view and then when you get to the vote actually you see that you are not isolated there are others and you might think, 'Oh, there is no chance of a view winning,' but actually when you see, 'Oh, there are several.' So people can vote true to themselves but they would not have done if they did not think there was much support for it. So it can go either way.

3760 The other point I would like to say is perhaps if Members just look at their desks now, if you look down and look at the amount of space you have in your desk. Because it might be okay for the presidents who have got more space, but we down here have got so little space. If you take up some more space with a gadget we will have even less and you will have to make sure you do



3770 not put anything on top of it, so I think I will not support it. It will not save time. I think if you read through the 2014 report it is going to save a minimal amount of time, and if it actually results in more recorded votes it will actually mean that it takes longer. So trying to be more efficient will not happen.

3775 I think the transparency is so important – the transparency of people knowing how you voted at that time. People say we will be able to mine the data but that is just how we store it. The data is there – I am not giving way – the data is there in the system if it was recorded in a different way people would be able to get it, but I have never had any problem. If I want to know how people have voted on a particular issue I can go to that Billet, go to that one and it has got the voting record and see how people do. I have printed out all the voting records on this last time so I know  
3780 who voted which way. So, to me, the data is available. Yes, it could be more easily available if you want to look at it by Deputy because it is just a vote by issue, but that is all: just put in a database where we do not do it now.

So I urge you to vote against this amendment and keep our traditional way, which I believe is the best way. It is transparent and it is the most efficient.

3785 Thank you.

**The Bailiff:** Deputy Brehaut.

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

3790 I think it was mid-way through the last term it was Deputy Lowe who acquired the habits to make the point, if she does not mind me saying so, of calling for recorded votes to demonstrate how long the process took. I think that went on for some time – until every Member of the Assembly got quite tired of recorded votes being called. I have to say, respectfully to Deputy Lester Queripel, he probably has the trophy in the cabinet at home now with regard to recorded  
3795 votes.

But why do they do it on Jersey? They have electronic voting on Jersey, but why do they call out the vote? Because the vote gives the accountability that you think that electronic voting gives. Because they know that the people listening at home want to know how their Deputy, Senator, Connétables voted. Now I timed, because I am out of the house, but I did time the two votes  
3800 today, as did, I think, Deputy Soulsby. It surprised me that of two recorded votes, one was one minute 18 seconds and because of a slight hesitation the other one was 1 minute 20 seconds. Now if you think what they do in Jersey, they take the vote electronically then take perhaps a minute for the vote to be given, all you are looking to do here is save seconds. The question is what do you lose in gaining those seconds? What do you lose contrarily?

3805 Now Deputy Inder said yesterday, and quite rightly so, in a question to Deputy Fallaize, he said this language is close to my heart. I know, whether Guernsey French, Guernsey Patois, Norman French or true French, it is indelible in our culture. So why don't we do away with terms like *aux voix* let's drop the *Billet d'État* –

I give way to Deputy Yerby, sir.

3810

**Deputy Yerby:** Thanks, Deputy Brehaut.

Language and our linguistic heritage is dear to my heart too but democracy dearer still, and I wonder how many people in this Chamber have forgotten struggling with *Pour* and *Contre* when they first entered the Chamber, particularly *je ne vote pas*. As phrases that not all of us are  
3815 comfortable in because it is not our native language. It is a tradition but that is a problem with our voting system.

**Deputy Brehaut:** I would agree with that entirely, but bearing in mind that other communities – I think well I know the Isle of Man, the language was dead; I think the last Manx  
3820 speaker died, so they have reintroduced the language. Guernsey I think, is it, 1% or 1.5% of the population speak Guernsey French. So why so willingly let go of something that has its place

within this Assembly. So do we drop *Billet d'Etat*, do we drop *je ne vote pas*? Shall we not refer to *projets* any more? Because you will lose that. There will be an irony, I am sure, who knows, perhaps when Deputy Lowe is Grandmother of the House in several years to come she will be showing people round and there will be these little buttons with P and C and she will say, 'Ah, well, do you know what the P stands for? Well, I can tell you, it is *Pour* because I was in this Assembly when we used to use the French language to ...' Just think about what you are losing when you give way to new technology.

It is not a jest, I am being serious about this. This Assembly more than any other should be the repository, not a museum, but we should value these very small pieces of our culture and we are looking to save seconds here during a debate. I simply do not think it is worth it.

What will be next? Do we drop the Grace, do we drop the prayer, do we remain *relevé* or not? Where will this lead? And I would ask people just to hold dear what you have got because you will lose something in this process.

Thank you.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Sir, thank you.

A few years ago we were visiting through the CPA, Tynwald, the Isle of Man House, and we witnessed there the deliberations with respect to the *Hansard* and also of course simultaneous electronic voting and we were able to actually utilise both and had demonstrations of both at that time. That was about 10 years ago, I think. One thing we did after that was to bring back to the States here what we had seen and we actually succeeded in convincing the States here to adopt the *Hansard* and bring it into use here, which was quite successful, although we were not so successful with introducing simultaneous electronic voting.

I think now is the time after having seen the success of the *Hansard* to also bring in simultaneous electronic voting and bring the Assembly here up to the modern ilk, if you like, and to successfully introduce that here. So I would be all for, and support, and would recommend to others here that we do support the introduction of simultaneous electronic voting.

Thank you.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I rise to support the amendment and in doing so I apologise to Deputies Soulsby and Lowe because my support based on my track record so far on amendments on this policy letter is clearly the kiss of death, but I do feel it is a worthwhile amendment.

**The Bailiff:** Deputy Roffey, do you wish to make what will be the penultimate speech?

**Deputy Roffey:** Yes, thank you, sir.

Although I am beginning to lose the will to tinker a little bit more.

I am sort of with – I mean I do not feel passionately about this subject, I never have, but I am sort of with – Deputy Graham. I am not quite as traditionalist as Deputy Graham because I am not quite as old as Deputy Graham! (**Several Members:** Ohh!) If that was unparliamentary I withdraw it and apologise. But I sort of do have a warm cuddly feeling about tradition, I really do, and I actually like the Guernsey French bits in here, but I would do away with them if there was good reason. Tradition for tradition's sake has never seemed to me like a particularly good idea. But there needs to be a good reason, and I am not convinced having listened to the debate today that I have really heard much of a good reason.

I am not convinced on the speed. I am sad, I have listened to debates from the Jersey States on the radio on a fairly regular basis. They come to a: 'Will Members resume their seats,' 10 seconds of silence, 'Vote is now open,' then a period of time, I don't know how long it is, 'Voting is now

closed,' read the results, somebody gets up and says, 'Can we have the *Pours*, sir,' they read them through, 'Can we have the *Contres*?' read them through. What was it you said, 1 minute 19? I do not think there is a lot of difference to be honest. I do not think we will be saving a lot of time.

Now I profoundly disagree with Deputy Yerby who says there is no need for us to know at the moment how people have voted; we may need to know later on to do any analysis. There is. You go on to debate the next related issue, you want to know if somebody is being hypocritical or inconsistent in their arguments, you want to know exactly how they voted in that last debate in order to discuss them in the next one.

As far as openness is concerned, well, my mum is as sad as me. She does not listen to *Radio Jersey* but she does listen to Guernsey States' meetings so do some of her friends. At the end of a two-day debate on assisted dying, she takes that personally, or a three-day debate on bonfires, which never existed but seems to in some peoples' minds, (*Laughter and applause*) she and her friends want to know who voted which way. I am told they can do it instantly, they can go and power up their computers; they do not have them. *The Press* might print the things they are interested in the next day, although the moment is lost. But they may not, because only *The Press* will decide.

I can give one unique insight. People have said, well, the radio report or the person anchoring the radio programme can read out who has voted what way. For six years I was that person downstairs here in the studio doing the continuity and I tell you I was quite good at it so I would not have done that, I would not have talked over the next important item that we had moved on to in order to look back and read out 18 names of who voted against something. You might do it later on in the day in your analysis, but you will not do it at the time.

So, sir, I am not sure if there are any other points I need to make. Yes, Malta systems house, brilliant, sounds expensive as well, I have to say, so I think we do have to ask how much we are willing to pay in order to come into, well let's move into the 22nd century and have holograms, I don't know.

Sir, it is really down to this Assembly. I suspect this is going to go through, and if it does then I will try to get used to the buttons. Please do not make me buy a smart phone, I am not even sure what it is really but as I say the people at home will not have the smart phones so they will not have the displays. I am just not quite convinced that we are not throwing away a bit of good tradition, a bit of drama as well. For some reason, people sitting at home ... and it is drama, and it has gone up to 10:5 and then suddenly its 11:10 the other way. As Deputy Graham says, there is not much drama in this Assembly; that actually gives a bit of a frizzle to our rather boring activities. But if we want to make them boring and just do that, fine, we will spend the £20,000 I guess and do it. I do not think we will have gained anything, and I think we will have lost a little bit of something unique.

**Several Members:** Hear, hear.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, thank you.

Thanks for the debate. It was quite interesting. I think we have heard a lot of reworked arguments from 2014, but as I say, life has moved on and I will relate to that in a moment.

Deputy Graham, I definitely respect your views so I guess one person's quaintness is another person's irritation, and I think that is where the difference comes between the two of us.

The Luddite really did come out in Deputy Fallaize today; his true colours were there. He likened this amendment to knocking down a farmhouse, a lovely farmhouse, and replacing it with a modern building, but to me it is more like replacing semaphore with a mobile phone.

It was disappointing listening to Deputy Fallaize's arguments which were the same used against bringing it in four years ago. But as Deputy Lowe has said, life has moved on, technology has moved on just in four years' time and the opportunities are even greater now.

Deputy Fallaize talked about, 'Oh, nobody is really happy to say whether transparency is more important than efficiency,' but actually I think all the proponents today for bringing in simultaneous electronic voting were talking about the importance of transparency and this is what it is about. Efficiency, I might go on to it again when I respond to Deputy Brehaut's points. But no, I do not think efficiency is the greatest issue here. I mean I have been recording votes, as Deputy Brehaut said and so far – I say so far because you can imagine what might be coming next – we have spent 12 minutes and 42 seconds on recorded votes. So even if we say there might be a slight difference, it could go one way or the other with electronic voting, I do not think that is the big issue here. It comes down to the fact that really this is about being more open and transparent.

Yes, I think the intention is because I do not think this is – the hardest bit of technology is feeding that information, as a response to Deputy Merrett, through to the website. This is what I would absolutely expect because then we can start really moving towards what Deputy Fallaize was hoping that we would do in 2015 and perhaps have real searchable results on there. I think this actually gives it that kick-start.

I thank Deputies Le Clerc and de Sausmarez for their comments. Individuals can be persuaded, we are all human after all and certainly it was very evident to myself at the end of last term that people were being swayed by others; that does exist.

I thank Deputy Tindall for her comments, especially about engaging with the younger members of our community and I think this would send a message out to say we deal with modern technology. Well, whether we can use it or not when it is in, that is another matter. But we want to be able to use it.

I thank Deputy Inder for his comments too. I bow to his better knowledge in this area I certainly do, but what I can say is I think he has made an excellent pitch to become SACC President in his speech. Should this amendment pass and I think Deputy Inder might have a shoo-in in that role as a result.

This amendment does say 'agreement in principle' rather than saying we want to spend the money now and, yes, we will need to see how much it will cost and think very carefully when that policy letter comes to the States.

Deputy Dorey references Jersey and Isle of Man. Well, we are Guernsey, we can decide what Rules we want and this is just exactly what we are doing today.

The idea of people listening on the radio gives the impression that we have got loads and loads and loads of people out there just winding round the dials listening. Well, they might be listening on radio but they are not necessarily listening on an old wireless anymore. Many people now – even my father has got an iPad and he can listen to the radio on that and on there they will be able to see future results. So they will be able to get the information and actually see the names because I think people forget that although people might be listening to the radio it is often very difficult for people to hear who is voting at any one time and often it can be missed.

So giving that excuse why we should not go digital I think is the sort of argument which says change should never happen.

Just answering Deputy Brehaut, he may be right in recording the time for how long it took people to vote, but did not take account of the time it took for the Deputy Greffier, who did an excellent job I have to say again, in adding up all the votes and then passing them to the Bailiff and for the Bailiff to announce what the result was.

But as I say, we are not talking about huge amounts of time, this is not about time, this is about getting greater transparency out there to the public and showing them that we do embrace the new world out there and showing that this is all part of what a digital economy is all about.

So I do urge Members to support this amendment.

**The Bailiff:** We vote then on the amendment proposed by (**Deputy Soulsby:** Sir.) Deputy Soulsby, seconded by Deputy Lowe. There have been several requests –

**Deputy Soulsby:** I hate to say this but could we have a recorded vote?

3980 **The Bailiff:** There have been a number of requests for a recorded vote and I am sure everybody will be watching the clock as it happens.

*There was a recorded vote.*

*Carried – Pour 24, Contre 15, Ne vote pas 0, Absent 1*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Ferbrache	Deputy Brehaut	None	Alderney Rep. McKinley
Deputy Kuttelwascher	Deputy Trott		
Deputy Tindall	Deputy Le Pelley		
Deputy Tooley	Deputy Stephens		
Deputy Gollop	Deputy Fallaize		
Deputy Parkinson	Deputy Laurie Queripel		
Deputy Lester Queripel	Deputy Smithies		
Deputy Le Clerc	Deputy Graham		
Deputy Leadbeater	Deputy Paint		
Deputy Mooney	Deputy Dorey		
Deputy Merrett	Deputy Brouard		
Deputy St Pier	Deputy Dudley-Owen		
Deputy Meerveld	Deputy Langlois		
Deputy Inder	Deputy Roffey		
Deputy Lowe	Alderney Rep. Jean		
Deputy Hansmann Rouxel			
Deputy Green			
Deputy Le Tocq			
Deputy Yerby			
Deputy De Lisle			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Prow			
Deputy Oliver			

3985 **The Bailiff:** Well, Members, the voting on the amendment proposed by Deputy Soulsby, seconded by Deputy Lowe, was 24 in favour and 15 against, and that has taken 2 minutes and 5 seconds. *(Laughter and applause)*

So we will rise now and resume tomorrow morning.

*The Assembly adjourned at 5.32 p.m.*