



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 11th December 2019

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Present:

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

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,
B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel,
J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

Deputies N. R. Inder, M. M. Lowe,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O, M. B. E, C. J. Green, M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. McSwiggan,
D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representative S. Roberts

The Clerk to the States of Deliberation

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur); Deputy M. K. Le Clerc (indisposée);
Deputy L. B. Queripel (absent d'Ile); Deputy B. J. E. Paint (absent d'Ile);
Alderney Representative A. Snowden (absent d'Ile); Deputy M. J. Fallaize (relevé à 9h 49),
Deputy M. P. Leadbeater (relevé à 10h 08)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The Greffier: To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday, 11th December 2019, at 9.30 a.m. to consider the items listed in this Billet d'État, which has been submitted for debate.

STATEMENTS

General Update – Statement by the President of the Scrutiny Management Committee

5

The Bailiff: Good morning to you all, Members of the States.

We start with a general update Statement to be delivered by the President of the Scrutiny Management Committee, Deputy Green.

10 **Deputy Green:** Mr Bailiff, thank you very much.

The three main priorities for my committee for the remaining months of this term are as follows: firstly, the review of capital allocations within the States; secondly, the review of the regime for Access to Public Information; and thirdly, over-seeing the commissioning of an independent review of the process of the appointment of the Head of Curriculum and Standards at the Committee for Education, Sport & Culture. I will deal with each of these three reviews in turn in a moment.

15 In 2019, our main focus has been on these substantive reviews, but we have also jointly overseen the efficiency and benchmarking review of Aurigny by Nyra, with the States' Trading Supervisory Board, which was published in October. My committee felt it important to follow up on one of the key recommendations in the 2015 Scrutiny Review of Strategic Air Links by commissioning an independent review to test impartially the efficiency of the operational management of Aurigny, bearing in mind the inherent risk of an airline in public ownership becoming more inefficient over time.

20 This report hopefully allowed Members of this Assembly plus the general public to gain an objective view of the levels of efficiency at Aurigny. Given the level of public concern regarding the

25 losses incurred by Aurigny in recent times, the SMC believed that it was essential that the operational management of the States-owned, if not state-run airline, was examined in detail, and that has been done.

To return to our three key priorities. The review on the capital allocation process and the Access to Public Information regime are now progressing well towards completion within this political term.
30 The review of the capital funding process is considering the existing process in place around the allocation of capital within the public sector.

The focus here in the review is to ultimately make recommendations on improving the existing process. The review has already considered the views of a wide range of stakeholders, including current elected Members, former States' Members and relevant civil servants. This review is also
35 considering the economic impact of capital projects on the local economy together with the disadvantages of reducing public funding of capital projects. We are using the expertise of an economist to inform this review. The report will make recommendations on the existing process and it will also be published in the first quarter of 2020.

The Access to Public Information review is looking at the current Code of Practice in place in the
40 States. The review is examining the Code with a view to identifying whether there are any areas where it could be enhanced to improve transparency within Government in the future. It is considering the competing objectives of transparency, proportionality and efficiency and we hope a report on the panel's work can be published in the first quarter of 2020.

The report will include practical recommendations for improving access to public information.
45 The panel is looking both at the potential improvements that might be made to the existing Code and also at legal frameworks that operate in other smaller jurisdictions, like Jersey and the Isle of Man. A public hearing will also be held in early 2020 as part of the evidence-gathering process.

I now turn to the saga surrounding the appointment process for the Head of Curriculum and Standards. Following the States' debate in September 2019, when the Assembly decided not to
50 endorse the SMC's bid for a so-called Tribunal of Inquiry, my committee decided to commission an independent review of the appointment process.

The SMC contacted the Committee *for* Education, Sport & Culture and Policy & Resources to confirm support for an independent review on 12th September 2019. The relevant information and documentation to support and shape the independent review by an external reviewer was then
55 formally requested from both Committees by the SMC. The date requested for providing the information was originally 27th September 2019. After consultation, the deadline was then extended for both Committees until 23rd October 2019 and then again until the week commencing 4th November 2019.

My Committee was then informed once again that the information could not be provided on
60 the two further occasions and then, finally, Education, Sport & Culture committed to delivering the information albeit in a redacted form by the 13th of this month, when hopefully the information will be provided. I would like to thank the Policy & Resources Committee for supplying the information requested, again in redacted form by 22nd November.

The reasons for the delay have included concern around possible contravention of data
65 protection law and employment legislation, plus practical factors such as the availability of staff and Members and also computer issues being experienced by the President of Education, Sport & Culture. Throughout this period, the Principal Officer of the SMC and I have met with the President of Education, Sport & Culture, together with legal advisors and officers, on more than one occasion to try and find a constructive way to move the disclosure process forward.

70 The delay in the provision of the requested information will inevitably lead to further delay in the progression of the independent review by our external reviewer and in the ultimate delivery of the final report. This is unfortunate because my Committee had hoped to get an independent analysis of this issue completed by the end of 2019, which will now not be possible.

In terms of other activity, we do intend on holding a public hearing with the Committee *for*
75 Home Affairs in the first quarter of 2020 focusing on their response to progressing the

recommendations made in both the HMIC Report and in the governance review of Home Affairs by Prof. Catherine Staite.

80 Three final points. First, when the new Machinery of Government changes were introduced it was hoped that many Deputies would be involved in the Scrutiny process on a *pro tem* basis. Thus far, only a handful of States' Members – other than those on the SMC – have participated on a task and finish panel. In the future, that level of engagement, in my Committee's view, must improve if the current system is to continue.

85 Secondly, up to May 2016, a dedicated Public Accounts Committee focused considerable and valuable attention on the States' audit processes and expenditure across the States. In this political term, I believe that the level of financial scrutiny that has been possible has been somewhat limited despite our best endeavours. We would again ask for the implementation of an Audit Committee to review the performance of the external auditors and manage the relationship and contract. We also would say now is a good time for there to be a mature and thorough re-consideration of how financial scrutiny arrangements might be enhanced in the future.

90 Thirdly, we are hopeful that an enabling law will be registered in Guernsey early next year that will then pave the way for an ordinance that will enshrine new powers for Scrutiny on the statute book. Such powers will allow Scrutiny to call for papers, people and the records to help inform our work. The lack of effective powers to compel the production of documents, for example, in appropriate circumstances has proven to be a real difficulty in our work since 2016.

95 Thank you.

The Bailiff: Are there any questions, either on the contents of the Statement or any other matter within the mandate of the Committee?

Deputy Lester Queripel.

100

Deputy Lester Queripel: Sir, in my opinion, there has never been anywhere near enough effective scrutiny of organisations in receipt of States' funds. I am talking about such organisations as the GHA and Aurigny. All the reports undertaken to date are mere words on paper and fairly meaningless. So my question to the President is this: could he tell me if his Committee have any intention of applying much more regular and effective scrutiny of organisations who are in receipt of States' funds for the remainder of this term?

105

The Bailiff: Deputy Green.

110 **Deputy Green:** Sir, Deputy Lester Queripel will remember that in this political term we have jointly commissioned, together with the States' Trading Supervisory Board, an efficiency benchmarking review of Aurigny that we have had and we have also been able to touch upon a whole number of other areas.

115 In terms of the real-time scrutiny that Deputy Lester Queripel often talks about, the reality is that more often than not, the scrutiny that we undertake and indeed the scrutiny that is undertaken in any jurisdiction tends to be after the event, it tends to be *post hoc* because you are trying to analyse a set of facts. You are trying to assess the evidence in terms of what is happening.

120 If you are doing it too close to the actual policy formulation, you have not necessarily got the facts and hard evidence to actually back up what you are doing. So what we have seen this term is we have done a number of pieces of work where we have been able to assess the facts and I think that is important. But, going forwards, we always endeavour to conduct as much real-time scrutiny as possible and clearly the public hearing that we held with the former Education, Sport & Culture Committee in December 2017 was a good example of that.

125 We always endeavour to try to achieve a balance between proper, evidence-based under-the-bonnet reviews, timely public hearings and all the rest of it. But it is always the case –

The Bailiff: You are out of time. You are allowed a minute-and-a-half. You are out of time.
Deputy Gollop.

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

I am one of the few Members who have been involved in legislation and a kind of task-finish project, but I have not done the task or finished it. I would like to ask the question, given the importance to the Island and the impact, politically, it has made, why have not more meetings been held relating to Education, Sport & Culture's programme on Transforming Education, including
135 Members who are not directly members of the Scrutiny Committee, who might have investigative talents, let us say, on a wider spectrum than just the issues that caused controversy earlier in the year.

The Bailiff: Deputy Green.

140

Deputy Green: If the question is about the transformation programme, I think the reason why we chose not to hold a public hearing shortly before the debate in September was for very good reasons. It comes back to the answer I gave to Deputy Lester Queripel a moment ago. It is much better to be dealing with hard facts and hard evidence if you are actually trying to scrutinise something publicly. I think the view we came to was actually the best place for the policy letter on
145 the transformation and the two-school model to be scrutinised was actually in this Assembly. But, in the event that it was endorsed – and of course it was endorsed – there is ample opportunity both for public scrutiny and there is another role in terms of the scrutiny process, in terms of the P&R delegation of authority role.

150 Deputy Gollop is right, I suspect that there may well be a further public hearing with education on the issue of the transformation and the two-school model, going forwards, but you have got to get the timing right and I think it is all very well people saying that there should be more public scrutiny, there should be more emphasis. It has got to be at the right time and it was not the right time in September.

155

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

160 The President of the Committee said something very interesting and slightly perplexing, during his update: computer issues suffered by a President of ESC. Well that was one amongst many reasons given for the fact that the Committee have not submitted their redacted information yet. Can the President enlighten us as to what the nature of these computer issues were that it was deemed significant for him to have mentioned this in his Statement? After all, we know that our IT department in the States has sufficiently long arms that they can actually go into Deputies' email
165 accounts and retrieve certain information?

The Bailiff: Deputy Green.

170 **Deputy Green:** It is possibly a bit unfair to ask me that question, because I am not intimately involved with Deputy Fallaize's computer issues, or otherwise. What I said in the Statement, effectively, was a number of reasons as to why there had been delay and I think it was probably at an earlier stage that there were certainly issues with regard to P&R, in terms of availability of staff and one of the issues earlier on with education was the computer problem. But I think it is probably fair to say that the principal reasons why the documents have been subject to some delays, really,
175 is because of concerns about contravening data protection law and also some concerns about employment issues and that is what I set out in the Statement.

The Bailiff: Deputy Hansmann Rouxel.

180 **Deputy Hansmann Rouxel:** Thank you, sir, and I thank the President of Scrutiny for his update.
The update mentioned a lot of reviews and recommendations, in some cases practical
recommendations. In light of having brought the In-Work Poverty, with practical recommendations
and policies that could be agreed by this States, and that approach was rejected by the States and
also the Scrutiny Management review of Aurigny, having practical recommendations that were not
185 followed through, is the President and his Committee looking at ways to strengthen the ability of
Scrutiny to enforce – not enforce but encourage – movement on those recommendations, rather
than just coming back with more and more reviews?

The Bailiff: Deputy Green.

190 **Deputy Green:** That is a very good question, actually, because that kind of cuts to the very *raison*
d'être of what Scrutiny's role is in the consensus system of government that we have. We are not a
policy-making body. At the end of the day, the six Principal Committees of the States and Policy &
Resources are in the States to formulate policy.

195 Our role is to scrutinise policy, financial matters, legal matters and other matters. But it is an
extremely valid point. I think, on reflection, with regard to the In-Work Poverty Review, it was
probably wiser for us to have more Propositions for the States, for the States to note the
recommendations. But I think Deputy Hansmann Rouxel probably makes a fair point in that we
could probably be doing more to remind Committees of what our recommendations have actually
200 been and we will certainly endeavour to continue to do that.

The Bailiff: Deputy Fallaize, do you wish to be relevéd?

Deputy Fallaize: Yes, please. Thank you, sir.

205

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

210 Would the President agree with me that the new structure of government and previous revisions
of the structure of government, have consolidated the Scrutiny functions within the States very
much into the Committee, from, originally I think it was up to 11 different groups that would provide
a scrutiny function? Consequently that puts a lot of burden of work onto that Committee.
Continuing from that, will the policy letter that he mentioned, coming next year, I think for greater
powers include a request for greater financial resources to increase either the staffing of Scrutiny
215 or the ability to buy-in resources from outside?

Thank you, sir.

The Bailiff: Deputy Green.

220 **Deputy Green:** Well, sir, just for the record, the Scrutiny Management Committee was a creature
of the States' Review Committee's review in the last political term that brought together the Public
Accounts Committee, the former Scrutiny Committee and the Legislative Select Committee, now
called the Legislative Review Panel. They brought together those three arms of the scrutiny process
into one. I am not quite sure where Deputy Meerveld was going with the 11 bodies. Again, just a
225 point of correction in terms of next year, in the event that the enabling law is registered, then we
will endeavour to bring an ordinance before the States. I do not think we necessarily envisage a
policy letter, because the policy decision has already been made that the powers would be granted
to Scrutiny.

230 But he also asked about resources and the reality is that, in the event that we feel we do not
have enough resources in our budget to do specific work, then we have always got the ability to
make an application on an *ad hoc* basis to the Budget Reserve, via Policy & Resources and I have
absolutely full confidence that, in the event that we made such an application, we would not be
turned down, within the bounds of reasonableness. Of course we would like to see more resources
and investment in scrutiny but of course there are plenty of other priorities in the State.

235 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir, and I thank the President for his update.

240 In his update, sir, the President mentioned the capital process review and I look forward to the
report when it is published, I think the President said earlier, in 2020. Could I ask the President,
through you, was sufficient feedback received from Members of this Assembly, especially around
the submission of policy letters and around the timely closure of projects, which ties up valuable
funds, which could be allocated elsewhere?

245 Thank you, sir.

The Bailiff: Deputy Green.

250 **Deputy Green:** Yes. The intention is to publish the report on the capital allocations process in
the first quarter of 2020. I think, although we did receive feedback from elected Members and
former Members and civil servants, we were perhaps a little bit disappointed by the level of feedback
we received, and indeed the same would go for the other major review that we have been doing.
But nonetheless we can only work with what we have done and we have engaged with relevant
stakeholders. I have forgotten the last part of Deputy Prow's question, perhaps he could just repeat
the final point he made?

255 **Deputy Prow:** Thank you, sir.

It was around the timely closure of capital allocations and tying up funds, which could be
allocated elsewhere.

260 **Deputy Green:** Yes, this is one of Deputy Prow's specialist subjects, he always raises it in the
Budget. Yes, that is certainly something that is being looked at in the context of that review. I am
not actually on that panel but I know that is a factor that is being looked at and will possibly be
subject to perhaps recommendations, yes.

265 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

270 I would like to go back to the point about the resources and also a question of the amount of
scrutiny able to be done. Would the President agree with me that, if the Scrutiny Management
Committee had requested the £500,000 that was indicated in the States' Review Committee's policy
letter that they could have applied for, they could have done a greater deal of scrutiny? They could
have even adopted the select committee style, in the UK, of questioning, which is more in the
moment and able to scrutinise politicians and civil services to greater effect. Or does the President
believe that he thinks that P&R's view of Scrutiny being fiscally prudent is far more important?

275 **The Bailiff:** Deputy Green.

Deputy Green: It is a good question. I would say it is a balancing act, inevitably. Any committee of the States, and that includes the scrutiny watchdog committees as it were, has to have an eye on their own expenditure. We are living in a fiscal environment now where the States is really up against it in terms of public spending and it would be negative, really, if my Committee did not have some eye on the public purse.

280 If you go and ask people, do they want to pay more taxes for scrutiny, the answer is probably not. But nonetheless I think what we have done is, in a difficult fiscal environment, we have done all that we can. Yes, we could have asked for more money, but I think you have to have some sense of realism in terms of the overall environment that you are operating in.

285 But I think our record has been reasonable in the circumstances. Yes, you could always do more. I like the select committee system, I think we have endeavoured to ape that system in the public hearings that we have done but yes, of course, we can always do more. I am not saying that everything we have done is perfect, of course not. I think there are some important learning lessons for the next four years.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

295 Deputy Green will be aware that towards the end of last term a policy letter was brought to the then Assembly by the then Public Accounts Committee and Scrutiny Committee, setting out where it believed that the powers and effectiveness of the scrutiny function could be increased. Could Deputy Green provide assurance to me that in this legacy document at the end of this term he will provide an update as to how far Scrutiny Management Committee has gone in meeting the Resolutions of that policy letter?

The Bailiff: Deputy Green.

Deputy Green: Yes, that is a good question and yes, I can certainly give that assurance. That will be certainly one of the main planks of the legacy document that we have in mind, that we are beginning to work on and, absolutely, yes, I can get that done.

The Bailiff: Deputy Brehaut.

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

We have the scrutiny function, I think, because of an amendment from the late Deputy Roper, I think it was the Harwood review of the Machinery of Government. We do not have a Government and opposition, we are one and the same. Would he not agree with me that any scrutiny function that we have would be compromised, to a degree, because of the very nature of the system that we have? So it is bound to be imperfect.

The Bailiff: Deputy Green.

Deputy Green: Yes, I do agree with that. I think the problem is that we operate in a system that is somewhat suspect as a theoretical concept. We have a consensus system of government, committee system of government, and again the origins of having Scrutiny was really as a kind of counter-weight to a ministerial system of government. I think that is what my colleague, Peter Harwood, envisaged in the first place, but of course we never ended up with that. So we are where we are.

325

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

330 In the public hearings that the Committee has done, is there any progress in allowing for live, even an audio feed, or live streaming of those, to allow the public to engage with them as they are happening, instead of two or three weeks, when *Hansard* is published?

The Bailiff: Deputy Green.

335 **Deputy Green:** Yes, there is. What we have done, and Deputy Hansmann Rouxel might remember, I think it was in January of 2018, we did a public hearing in relation to the progress being made, or otherwise, on the Disability Strategy, and I think we videoed that and put that on YouTube. I think we also did that in relation to an Education public hearing.

340 But, no, she is right, I think that is probably one area where we could do better. Live streaming would be helpful, especially for those who cannot physically get to the hearing. I am not sure there would be a massive audience for watching such things but, yes, nonetheless, that is something my Committee has thought about. Our next public hearing is in the early part of next year. We will do what we can to make sure that can be done. I know there are some practical issues with it but we will see if we can find a way through.

345

The Bailiff: Deputy Gollop.

Deputy Gollop: Jersey do have live streaming of that.

350 I would like to ask Deputy Green, on behalf of Scrutiny, that Guernsey prides itself, rightfully, on being top of the list for implementing and accepting international conventions on money laundering, fiscal and financial regulation and so on. But from time to time the States also direct, for example, the Policy Council to seek the extension of the UN Convention on the Rights of Peoples with Disabilities and also CEDAW, discrimination against women. Will Scrutiny be carrying out a review of those current and past commitments and how Policy & Resources intends to resource them on behalf of the Chamber?

355

The Bailiff: Deputy Green.

360 **Deputy Green:** I would have to go away and meet with my Committee colleagues and discuss that because that is something that is not currently on our agenda at the moment. I updated the States in terms of what our priorities are. We are quite focused on a narrow set of priorities. That is how I think it should work for any committee of the States. But, in fairness, it is a good question, and I will go away and the next time our Committee meets we will have that on the agenda, we will give it some thought. I think the answer is probably not but of course it might be a matter that the next committee, in the next term, picks up.

365

The Bailiff: Deputy Merrett, and this is likely to be the last question within the 20 minutes allowed.

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

I wonder if the President would wish to comment on my question regarding the scrutiny of governance in our Government? Does the President, for example, believe that the scrutiny of governance, within our Principal Committees, should sit under Scrutiny and not under Policy & Resources who are arguably, sir, recruiting the person to do the recruitment and obviously funding it? So any comments that Deputy Green would give on that would be most appreciated.

375

The Bailiff: Deputy Green.

380 **Deputy Green:** I think that is probably right. I think ideally it probably should stem from Scrutiny rather than P&R, yes.

The Bailiff: So there is time for one more question if anybody ... Deputy Lester Queripel.

385 **Deputy Lester Queripel:** Sir, the President ran out of time whilst answering my first question; he was beginning to touch on real-time scrutiny. I would like further elaboration on that please. So the question is can the President tell me whether or not his Committee have any intention of engaging in much more real-time scrutiny in the future?

390 In other words, as events are taking place, to ensure cost notes are not out of control. I am talking of circumstances such as when the construction of States' buildings is taking place, for example. The waste transfer station cost a lot more than first envisaged. And of course we have got new schools, extensions coming up in the future. Is there any intention to engage in much more real-time scrutiny?

395 **The Bailiff:** Deputy Green.

Deputy Green: Yes. I think I said this in response to the first question, scrutiny by its very nature is concerned with facts after the event and, in order to have real-time scrutiny, really, SMC would have to be engaged at a much earlier stage in the proceedings and that is not always a given in our system of government. Although sometimes we might get access to the information, sometimes we might have co-operation from a committee, but not always.

400 Unless you have that engagement at a very early stage, it is actually very difficult, without the powers that are standard in other jurisdictions, to effect so-called real-time scrutiny. But in any event we endeavour to do what we can, as I say. I gave the example of the Education example previously in the term. Of course we try to do that but we are hindered, really, by the way things tend to operate.

405

General Update – Statement by the President of the States' Assembly & Constitution Committee

The Bailiff: We will move onto the next Statement, a general update statement, to be delivered by the President of the States' Assembly & Constitution Committee, Deputy Inder.

410 **Deputy Inder:** Sir, I am grateful for the opportunity to provide an update on the work and priorities of the States' Assembly & Constitution Committee. Members will appreciate that the Committee's main focus since my last update in February has been on progressing arrangements for the General Election 2020, and the second policy letter on this subject is on this meeting's agenda.

415 The update will therefore focus on the other workstreams that the Committee has been progressing in 2019. The Policy & Resources Committee directed the Committee to review the Code of Conduct and a sub-committee was appointed in 2019 to progress this. I am grateful to Deputies Hansmann Rouxel, Green and Paint for joining Deputies Merrett and Le Tocq on this sub-committee and for the work they have completed to date. The sub-committee has made good progress on its review report which will be presented to the Committee in January 2020. The Committee aims to present a report to the States in the months following.

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The Committee, further to direction from the Policy & Resources, is looking at the composition of the States of Election, the election process, term of office and age limits for Jurats, etc. It has formed a sub-committee comprising Deputies McSwiggan, Ferbrache and Graham to take the matter forward and is grateful for Deputy Graham's willingness to assist with this workstream. A first draft of the policy letter has been written and the sub-committee will be consulting with key stakeholders in the next couple of months before reporting back to the Committee. It is intended to present a report to the States in the months following.

Last October, the States directed the Committee to recommend to the States the purchase and use of a suitable system of simultaneous electronic voting. A market analysis of simultaneous voting solutions available has been undertaken. The Committee will be finalising the recommendations to put to the States at its January meeting and will report back to the States in early 2020.

In September 2019, Members of this Assembly attended a session on induction and training for States' Members. I am grateful for the contributions by Members and can confirm that cross-committee work is progressing well to develop an on boarding and development programme for prospective candidates and States' Members. It intends to invite Members to a further workshop in February on the proposed programme.

The Committee is under Resolution to review the role and constitution of the Transport Licensing Authority in consultation with other relevant States' Committees. However, given other more pressing priorities, reporting back to the States by December 2019 as directed, has not been possible. I apologise to the Assembly for that. Work will progress on this matter in 2020.

The Committee has been monitoring issues raised with the Rules of Procedure since its inception and intends to return to the States prior to the end of this political term with a 'wash-up' report of any changes that have been identified as required. All exciting stuff.

The Committee has started work to produce the handover document to be published as an appendix report to the Policy & Resources Committee's 'End of Term' policy letter. The Committee will be submitting a policy letter setting out the dates on which it proposes that States' meetings should be convened during 2021-24 as set out in its September policy letter on the subject.

Members will note from this update that beside the General Election workstream, the Committee has a number of ongoing reviews and reports in progress which will keep it fully occupied until the end of term. The Committee only has one member of staff and if the States allocates any further work to the Committee, unless by direction, we will simply refuse it. We just do not have enough time. We are a very busy committee and I thank you for listening to me.

The Bailiff: Before we move to any questions, Deputy Leadbeater, do you wish to relevéd?

Deputy Leadbeater: Please, sir.

The Bailiff: Thank you.

We may now have questions, but the questions cannot extend to any topic, which is part of another item of business at the meeting in question, I am quoting from the Rules. So that means any questions relating to the second policy letter on next year's General Election will not be allowed. But that apart, you are free to ask any questions on any aspect of SACC's mandate.

Deputy Gollop.

Deputy Gollop: I hope you will allow this question –

The Bailiff: Well, I may not.

Deputy Gollop: It is alluded to in the policy letter but I think it is a different workstream that Deputy Inder has just referred to and it is about training for States' Members. I think an issue that concerned many of us, compared to the good old days, pre- Zero-10, has been the lack of training

given to States' Members once elected and through their initial period. So my question is how far will the next workstream and workshop of SACC consider training for Members once they are settled into their posts, which might include *quasi*-judicial roles, might include communications skills, digital skills, leadership skills, how to participate in a committee meeting, how to do better as a President of a committee?

The Bailiff: That is certainly allowed. In fact, Deputy Inder touched on that in his Statement, anyway. Deputy Inder.

Deputy Inder: Yes, I did indeed, sir. The clue is in the name, it is going to be a workshop, so all of these suggestions that have come from Deputy Gollop can be introduced then. We are looking at aiming to have another workshop by February 2020. Our officers will be in touch shortly with Members to find a suitable date.

Out of the September meeting, two very useful things, and we are grateful, I think we had up to 26 Members that turned up to a SACC show, which has got to be a first. Out of that came, importantly, guidance notes for candidates, we have settled on that, there will be a document coming out to explain to people, for new candidates, what the role will be about and out of that as well has come the on board training, of which I believe, in the Budget, Policy & Resources gave us £55,000. So it is all going to happen, all in good time and February will be the time.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Again this is potentially alluded to but only very vaguely in the policy letter, so I hope I am on safe ground asking the question. I wonder if the President could tell us whether SACC intends to look at the issue beyond the Election of the regulation of party funding.

Thank you.

The Bailiff: Deputy Inder.

Deputy Inder: I think we are only really going to know the extent of all the success of the Election ultimately after the Election. We have got an amendment, which the Committee has made, and we are hoping that, if adopted by the States, a new SACC committee would have to come back to a new Assembly, by the end of 2020, where, if that is part of the review process, the successes of a new general election, and in that I am fairly sure funding and the like will all come up. So I think the short answer is, yes, but it will not be by this Committee. Hopefully it will be by direction of our amendment 5, if adopted by the States. I hope that satisfies Deputy de Sausmarez's question.

The Bailiff: Deputy McSwiggan.

Deputy McSwiggan: Would the President agree with me that, in addition to what he has just said, the Committee has recognised the need to ensure that the Rules of Procedure of the States and the Code of Conduct deal adequately with parties as a new entity and that the Committee has agreed that we will integrate this in our wash-up of the Rules of Procedure, before the end of this term?

The Bailiff: Deputy Inder.

Deputy Inder: Yes. Thank you for the addition to my answer and of course Deputy McSwiggan is correct.

The Bailiff: Deputy Gollop.

525 **Deputy Gollop:** Recently, at meetings and via social media, an issue has emerged again of the
need for certain amounts of parish reform in relation to encouraging candidates to stand: Douzaine,
Constable, constitutions and so on. Will SACC be looking into those issues, including whether a
code of conduct currently in force, or being improved, for States' Members, would apply to people
serving parochial office in Guernsey, whether on Douzaines as Douzeniers or Constables?

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The Bailiff: Deputy Inder.

Deputy Inder: We are with the States' Assembly & Constitution Committee. We do not really
deal with parish issues.

**Justice Review update –
Statement by the President of Home Affairs**

535 **The Bailiff:** I see no one else rising to ask a question, so we will move onto the next Statement,
from the President of the Committee *for* Home Affairs, on a Justice Review update. Deputy Lowe.

Deputy Lowe: Thank you, sir.

540 Thank you for enabling me to provide an update to the Assembly and to the wider community
on the Justice Review. This Assembly approved the Policy & Resource Plan in July 2018 which
identified the development of a Justice Framework as one of its top policy priorities.

In light of this clear prioritisation from the States, the Committee, in liaison with the Policy &
Resources Committee, commissioned Gemma Buckland a subject matter expert, to lead an
independent review of Guernsey's justice policy. Ms Buckland is the director of UK consultancy
545 service Do-It-Justice and is a highly experienced policy analyst and criminologist who until recently
worked as a lead adviser to the House of Commons Justice Committee. She has been supported in
her work by specialist crime and justice consultancy Crest Advisory.

The work was conducted throughout the course of 2019, involving extensive research and
consultation with a wide range of organisations and stakeholders across the field of justice including
550 Law Enforcement, Probation, Prison, Courts, the Judiciary, the Victim and Witness Support charity
and many other third sector organisations and individuals with a particular knowledge or role in the
delivery of justice. Workshops were also held with many, ranging from politicians to prisoners, to
gain as wide as possible understanding of the views of the community and of key stakeholders in
the operation and effectiveness of the current justice system.

555 The approach taken with the Review has been to pose a number of simple questions about the
Justice System which are: where are we now; how did we get here; where do we want to get to and
how do we get there? The Committee has received a comprehensive near-final report prepared by
Ms Buckland. It contains multiple recommendations and observations and it signals the opportunity
for major transformation in the area of justice, if the States accept the recommendations.

560 The Committee and the reviewer are in agreement that the consultation and engagement
process is not yet concluded. The next step is for the final draft to be circulated this week to the key
stakeholders and contributors to the report for them to check, on a confidential basis, for factual
accuracy.

565 The report considers justice as a whole and touches on many committee mandates and cross-
committee initiatives. The Committee therefore has decided it is more appropriate to enable all
States' Members, not just the Members already in committees, that the report be published as a
green paper using Rule 17(9) for a general policy debate in the States in February 2020.

The Committee's view is that with something so far-reaching as this report which offers a blueprint for the future of justice needs to be aired fully before the Committee seeks to make recommendations returning to the States next year for debate and approval of a States' justice policy. The Committee would like to thank all those stakeholders who have contributed so far, and that is the update on the Justice Review, sir.

Thank you.

The Bailiff: Any questions arising from that Statement? Deputy Gollop.

Deputy Gollop: Yes, I am aware that stakeholders have indeed been consulted and so have committees, but it would be good, I think, for all States' Members to have the opportunity to input into this. So my question is why have some of the meetings with Home Affairs and maybe their advisers been delayed, when we need, surely, to have those meetings as quickly and as presciently as possible?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

There is not any delay, as such. We said we would release it and have it for a February debate. It will still be a February debate. But it is important that those that have contributed, before it is published, that they check it out for accuracy, and it will be released this week, to those that have contributed, and States' Members will have it in the middle of January, when it is released, to go for the February debate.

The Bailiff: Deputy McSwiggan.

Deputy McSwiggan: If the report is to be published as a green paper to be debated in February, when does Deputy Lowe anticipate that either her Committee or her successor Committee will be coming back to the States with a complete justice policy?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you.

The Committee *for* Home Affairs, because it is so wide-ranging and because it is so important, we believe it should be all States' Members. It has got to be a States' justice policy. So when it comes in February, we will be listening and then a report will be produced, which will be, unfortunately, after the Election, but we will be working on it beforehand. But I would imagine, after probably around September/October time, it will come back to the next States.

The Bailiff: We will move on then to Question Time.

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

Church of England – Female Deans; Updates to ecclesiastical policy and synodical resolutions; effect of diocese transfer; Ecclesiastical Court reform

610 **The Bailiff:** The first Questions, from Deputy Gollop, are to the President of the Policy & Resources Committee. Deputy Gollop.

Deputy Gollop: Thank you, sir.

Sorry for the delay. I had to switch from another system.

615 My Questions are directed to Deputy St Pier and are as follows. During the mandate modification debate last month the States' report and policy letter showed, in addition to responsibilities for Treasury, Bailiwick, public remuneration and revenue service functions there is also responsibility for enacting Anglican Church Synod issues. Has legislation been updated on Guernsey to allow a female Dean of Guernsey or overseeing bishop?

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

Deputy St Pier: Sir, as the Dean of Guernsey is a priest, rather than a bishop, there are no general restrictions to the role, so there is no reason why the next Dean of Guernsey could not be a woman. The Guernsey Deanery Synod has voted in the past to welcome the episcopal ministry of women and, more recently, accepted the recommendations of the Archbishop of Canterbury's commission on the relationship of the Channel Islands to the wider Church of England, which will allow female bishops to minister in Guernsey.

630 **The Bailiff:** Any supplementary questions? You have switched your microphone off – Deputy Gollop.

Deputy Gollop: Within this perhaps Christmas theme, it was reported, perhaps inaccurately, that our sister Island of Jersey had prevented legislation, perhaps blocking a female bishop officiating. Do any such restrictions, as far as Policy & Resources know, apply in Guernsey?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I have nothing to add to my previous response and I would suggest any follow-up questions are directed to the Dean, sir.

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The Bailiff: Your second Question, Deputy Gollop.

Deputy Gollop: My second Question is what other areas of ecclesiastical policy and synodical resolutions need to be updated and amended in co-operation with the Church of England?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, in 2020, it is expected that the Church of England General Synod will be asked to consider a measure transferring the episcopal responsibility for the Channel Islands from

650 the Bishop of Winchester to the Bishop of Salisbury. The States of Guernsey will then be invited to consider draft orders in council, confirming the transfer of episcopal authority, and endorsing Guernsey canons, in other words the rules for the doctrine and governance for the Church of England in Guernsey.

655 **The Bailiff:** Do you have a supplementary on that or can we move onto your third Question, Deputy Gollop?

Deputy Gollop: My third Question is will the transfer from the diocese of Winchester to the diocese of Salisbury incur any additional legislation or rebalancing of finance?

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

Deputy St Pier: Sir, we do not anticipate any further legislation other than that which I referred to in the Answer to the previous Question. The Dean of Guernsey has advised that, given that the major cost for the Church of England in Guernsey is the provision of ministry, in other words the cost of the clergy stipends, it is not expected that there will be any significant difference in financial obligations once the diocese is transferred and once the diocese transfer has been completed.

The Bailiff: Supplementary?

670 **Deputy Gollop:** I perhaps have two supplementaries there. The first would be that, presumably, some of the legislative requirements alluded to by the President will come back to the Assembly in some form to the States' Legislation Scrutiny Committee, so I ask will they be coming back to the Assembly?

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

Deputy St Pier: Sir, yes, as I indicated in answer to the previous Question, the States will be invited to consider draft orders in council, so it would come back to the Assembly.

680 **The Bailiff:** Deputy Gollop.

Deputy Gollop: And my second supplementary, the President might not be in a position to answer, but it would be that, over the years, under the Rules, parishes in Guernsey have contributed financially to the good work of the Diocese of Winchester, which in future will be the Diocese of Salisbury. Is there any awareness that the Diocese of Winchester might owe Guernsey's Bailiwick any reserve that is left in the pot?

The Bailiff: Deputy St Pier.

690 **Deputy St Pier:** I have no such knowledge, sir.

The Bailiff: Yes, Deputy Oliver?

695 **Deputy Oliver:** Thank you, sir.

I am sorry, Deputy St Pier said that the major cost was the cost of the bishops themselves, I would have thought it would have been the maintenance of the property, or does that come from a different fund?

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

Deputy St Pier: Sir, the maintenance of the parish churches, of course, is funded from parish rates.

705 **The Bailiff:** Your fourth Question, Deputy Gollop.

Deputy Gollop: My fourth Question is how is the reform of the Ecclesiastical Court, in relation to probate processing, proceeding?

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

715 **Deputy St Pier:** Sir, the Policy & Resources Committee has been working closely with representatives from both the Ecclesiastical and Royal Courts and it is anticipated that a policy letter will be submitted to the Assembly for consideration in the first quarter of 2020, recommending the transfer of jurisdiction for probate from the Ecclesiastical Court to the Royal Court. Discussions are ongoing with the Deanery, regarding the appropriate use of any surplus funds that arise from probate, pending the formal transfer of the function.

720 **The Bailiff:** Deputy Gollop, a supplementary?

Deputy Gollop: Yes, Deputy Oliver actually raised an interesting point that some of the churches of Guernsey, including for example Trinity and the artistically endowed St Stephen's, are not paid for by parish ratepayers –

725 **The Bailiff:** Does this arise from the Ecclesiastical Court question?

Deputy Gollop: Well, ecclesiastical revenue, which could have been utilised in the past for such benefits, will no longer be there, unless I know different. So my question to Deputy St Pier is have arrangements been made in the transition period?

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

Deputy St Pier: No, I have nothing further to add other than the discussions are ongoing, sir.

COMMITTEE FOR ECONOMIC DEVELOPMENT

Encouragement and Support for Business – Encouragement and support for new enterprises in 2020; end of Startup Guernsey grants; non-digital enterprises

735 **The Bailiff:** We will move onto Deputy Gollop's Questions to the President of the Committee for Economic Development. Deputy Gollop.

Deputy Gollop: Thank you very much.

740 My first Question to Deputy Parkinson is what replacement arrangements have been developed from New Year's Day 2020 to encourage new small to medium entrepreneurs and start-up business ventures and new enterprises which benefit our economy?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, from the new year, individuals looking for guidance and support to start up or develop any type of new or scale-up business, will be able to access an enhanced offering, comprising a variety of information and resources, which will assist businesses. These include the ability to hold face-to-face meetings to discuss any aspect of business development and a variety of high quality and diverse resources, which will be available online and which will be co-ordinated by the Digital Greenhouse.

The Bailiff: There is no one rising for a supplementary, your second Question, Deputy Gollop.

Deputy Gollop: My second Question is why did the Economic Development Committee reduce or eliminate the essential grant necessary to sustain Startup Guernsey at short notice, without full consultation or consideration for transition after successful and high profile entrepreneurs' fortnights and ideathon innovations sessions.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, the Committee's decision has not been made at short notice or without due consideration, and consultation with all parties. The Committee began the review in 2018, ultimately, and after due consideration of the options, the Committee decided to end the grant funding because it felt that better value for money and greater impact could be gained for a different delivery model and approach to fostering entrepreneurship.

The Bailiff: Any supplementary questions, Deputy Gollop?

Deputy Gollop: I used to enjoy going to the start-up breakfasts, but my question is will the new model be as publicly available, as the previous format start-up.

Deputy Parkinson: I cannot promise the breakfast will be as good but certainly budding entrepreneurs who want advice can go to the Digital Greenhouse and they will be directed to appropriate resources, which could include the Chamber of Commerce across the other side of Market Square, Barclays Eagle Labs, which have established themselves in Guernsey, or the advice available through our partnership with Agilisys.

The Bailiff: Your third Question.

Deputy Gollop: My third Question is although the Digital Greenhouse hub is working hard for Guernsey and thriving, how will non-digitally based new enterprises and first-time businesses be supported especially with financial advice and even start-up grants?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, the new arrangements will be open to all business types. In fact the Digital Greenhouse has already run a first successful business accelerator programme, with Barclays Eagle Labs. Eight entrepreneurs, with businesses from food production to mentoring, education and retail, were part of the programme.

In addition, the Digital Greenhouse already has a number of key businesses it works with to provide financial advice, including Barclays Guernsey and a leading accountancy firm. Access to finance was an area lacking in the current model and so features heavily in the planning of the new entrepreneurship ecosystem and will be developed, going forward.

Deputy Gollop: I am aware that at times in the past, Startup Guernsey and its predecessors, had advice and input from financial angels, for example. Does Deputy Parkinson implicitly believe that angel investors and more conventional bank type lenders will be encouraged to be part of this new vision that he has outlined?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, my Committee is well aware that access to finance and indeed to banking, is a problem for new businesses in Guernsey and we are working with the local industry to try and resolve those problems. In terms of angel investors, clearly we will seek to continue our relationship with those individuals in our community who are willing to invest in new start-up businesses and effect introductions where we can.

The Bailiff: Your fourth Question, Deputy Gollop.

Deputy Gollop: My Question is what is the Economic Development Committee States' vision, and package of perks or measures for encouraging new entrepreneurs and ventures supporting a growing economy for, if you like, Guernsey Ltd?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: The Economic Development Strategy, approved by the States in June 2018, flagged the need to foster entrepreneurialism as a key objective. We are now delivering on this objective, with 24 initiatives running over six core areas, covering key areas of skills development, business growth and investment opportunities, events and business development groups, fostering the entrepreneur pipeline and the space required for businesses to develop, as well as bespoke advice when needed.

There is not enough time here to go into these initiatives in detail, but we are excited by the opportunities offered by the new arrangements and would like to invite States' Members to a briefing at the Digital Greenhouse on Friday, 10th January, at 9 a.m.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thanking the President for the general and specific invitation for Friday, 10th January. I would ask, as part of this overall measure of entrepreneurialship, will the Committee specifically be benchmarking other comparable sized areas or jurisdictions, as to what package of measures they facilitate for potential start-ups, which might include, for the sake of argument, skills grants, TRP reduction, use of premises, along the lines Deputy Ferbrache outlined in the Victor Hugo issue, and so on? Will States' Members be allowed to consider what options we can push forward?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, the Committee will monitor the success of the new arrangements very carefully. We have set up a light-touch co-ordinating group, so that the activities can be co-ordinated, tracked and appraised. This will ensure a collaborative approach is taken to the new arrangements. We already have a timeline of initiatives in place with scheduled delivery dates and we have set key milestones for the programme. All these steps have been taken and will be entrenched during the course of 2020, through a regime of key performance indicators.

The Bailiff: Deputy Tindall.

Deputy Tindall: Yes, thank you, sir.

845 Can the President advise if the Committee is also working with Home Affairs in establishing population management policies aimed at supporting entrepreneurs, as currently I understand the policy is just to advise individuals to set up Guernsey companies and apply for a permit for themselves?

The Bailiff: Deputy Parkinson.

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Deputy Parkinson: Well we have had discussions with Home Affairs and, clearly, population management is a key area of interest for us. We are actively interested in monitoring the operation of the population management regime and we welcome the steps that have been taken over the last year to liberalise and make more efficient the regime. This remains an area of interest. There is
855 not a specific co-ordinating group, or an oversight mechanism, but we are actively communicating.

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

860 Would the President of Economic Development not agree with me that financial success in Alderney is beneficial to Guernsey and perhaps a joint economic plan could be a way to forward these benefits?

The Bailiff: Deputy Parkinson.

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Deputy Parkinson: I am certainly willing and happy to confirm that the economic success of Alderney is vital to Guernsey and to its taxpayers and we will do what we can, at some distance, to assist with the development of Alderney's economy. I am very keen to explore opportunities, for example, with the potential new university project, and any other initiatives that we have in terms
870 of, for example, marketing the tourism product of the Bailiwick as an archipelago of islands, to support Alderney in any way we can.

The Bailiff: No one else is rising, that concludes Question Time and we will move onto Elections and Appointments. Greffier.

875

Billet d'État XXIV

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR HOME AFFAIRS

I. Independent Monitoring Panel – Appointment of Members – Miss Joanna Susan Hunter and Mr Jared Harvey appointed

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 28th October 2019, of the Committee for Home Affairs, they are of the opinion:

(a) To confirm the appointment of Joanna Susan Hunter as a member of the Independent Monitoring Panel for a period of four years with immediate effect.

(b) To confirm the appointment of Jared Harvey as a member of the Independent Monitoring Panel for a period of four years with immediate effect.

The Greffier: Committee for Home Affairs, Independent Monitoring Panel – appointment of members.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

The Independent Monitoring Panel, as we know, sir, conducts unannounced visits to the Guernsey Prison and provides reports containing their observations to prison management and the Committee, as is appropriate. The Committee is therefore grateful for the time members of the panel spend conducting visits and producing reports.

Members are volunteers, drawn from the local community, and by carrying out this role they give back to the local community. They should be praised for their selfless contribution of time and effort. From time to time the Committee seeks expressions of interest from Islanders interested in serving in this capacity. In this respect, the Committee for Home Affairs is pleased to advise of two additional ordinary members which we would wish to recommend and therefore ask the States to approve the appointments of Mr Jared Harvey and Miss Joanna Susan Hunter as ordinary members of the panel.

Thank you, sir.

The Bailiff: Any debate? We go straight to the vote, then, on the two Propositions which, as Deputy Lowe has said, are to confirm the appointment of Joanna Susan Hunter and Jared Harvey as members of the Independent Monitoring Panel for a period of four years, with immediate effect. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried and duly confirmed.

POLICY & RESOURCES COMMITTEE

**II. Election of an Ordinary Member of the
Guernsey Financial Services Commission –
Baroness Couttie appointed**

Article II.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 15th October, 2019, of the Policy & Resources Committee, they are of the opinion:

1. To appoint Philippa Marion Roe (the Baroness Couttie) as an ordinary member of the Guernsey Financial Services Commission for a three-year term with effect from 1st January 2020.

The Greffier: Article II, Policy & Resources Committee – election of an ordinary member of the Guernsey Financial Services Commission.

The Bailiff: The Vice-President of Policy & Resources, Deputy Trott.

905

Deputy Trott: Thank you, sir.

The Lord Flight of Worcester will be retiring at the end of next month after an extensive period as a Commissioner of the Guernsey Financial Services Commission. I recall fondly the conversation I had with him more than a decade ago, which resulted in his candidature.

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He has been superb and leaves his post with the gratitude of our Financial Services Committee in particular. Finding a replacement was not an easy task. However we have, in the Baroness Couttie, a lady who has a stellar CV, with extensive experience in governance, financial services and, importantly, the development of financial strategy. From 2012, until 2017, Members will note that she led the Westminster City Council. The Policy & Resources Committee asks this Assembly to elect Philippa Marion Roe, the Baroness Couttie, as an ordinary member of the GFSC, for three years from 1st January, 2020.

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Thank you.

The Bailiff: Deputy Tindall.

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Deputy Tindall: Thank you, sir.

As the finance industry, on a whole, are expected to do a broad evaluation when looking at replacements, I did ask Deputy Trott for confirmation this had indeed taken place, because obviously there is absolutely no doubt, when you see not only the CV but details that Deputy Trott has just provided that this is indeed an excellent opportunity to replace Lord Flight with a truly excellent candidate.

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But I was informed, just for completeness, that this broad evaluation has recently been taking place and that, whilst the Baroness is a like for like replacement of Lord Flight, there is also an opportunity, clearly to further gender diversity, because that was also obviously identified as desirable.

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So, for me, this is our opportunity to enable this Assembly to influence the arms-length regulator by being involved in the election of Commissioners. I felt it only right that we should take this opportunity to be able to consider these elements in order to ensure that we have the right group to enable our regulators to fulfil the requirements, it would be so important for our international reputation. So I am grateful for Deputy Trott for adding that information and therefore I have no reason not to endorse such an excellent candidate.

935

Thank you, sir.

The Bailiff: Deputy McSwiggan.

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Deputy McSwiggan: Sir, I would like a view from Members of the Policy & Resources Committee on the wisdom of appointing a Member of another Legislature, notwithstanding our close relationship with the Crown, but bearing in mind that, particularly after Brexit, the UK is likely to be increasingly a rival of ours in terms of the financial sector, what the wisdom of appointing a Member of another Legislature to the regulator of one of, if not our most important industry is. Because at the moment I am not persuaded I can vote for this appointment.

945

The Bailiff: No one else is rising to speak. Deputy Trott will reply.

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Deputy Trott: Thank you, sir.

Board evaluations are an important governance tool and most good boards evaluate regularly. The Commissioners will, assuming that the Baroness Couttie's nomination is successful, have two female members, and they will, I think interestingly, sir, also be the two youngest members of the Commission.

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With regard to Deputy McSwiggan's question, it should be noted by the Assembly that this is in effect a like for like replacement, although interestingly when I first spoke to my friend Howard Flight some dozen or so years ago about this, he had not at this stage been raised to the peerage and neither had he, at that stage, become a Member of Parliament for Arundel and South Downs. But the Baroness Couttie is, as I say, as a Member of the House of Lords, a like for like replacement and neither the Commissioners nor the Policy & Resources Committee considers there is any conflict in the dual discharge of those roles.

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The Bailiff: We vote then on the single Proposition, to appoint Baroness Couttie as an ordinary member of the Guernsey Financial Services Commission, for a three-year term, with effect from 1st January 2020. Those in favour; those against.

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Members voted Pour.

The Bailiff: I declare her appointed.

**III. Elections of a Trustee and a Member of the Priaulx Library Council –
Mrs Sandra Platt elected as trustee;
Deputy Paul Le Pelley elected as member**

Article III.

The States are asked:

1. To elect a Trustee of the Priaulx Library Council, who need not be a member of the States, to replace the late Mr William Robilliard, in accordance with Rule 16 of the Rules of Procedure of the States of Deliberation.

2., To elect a member of the Priaulx Library Council, who need not be a member of the States, to replace Deputy Paul Le Pelley whose term of office will expire on the 31st December 2019 but who is eligible for re-election, in accordance with Rule 16 of the Rules of Procedure of the States of Deliberation.

970

The Greffier: Article III, Elections of a trustee and a member of the Priaulx Library Council.

The Bailiff: In respect of these elections, Members can be proposed from the floor of the Assembly, so I propose that we deal first with the appointment of a trustee. Do we have a nomination? Deputy Soulsby.

975

Deputy Soulsby: Sir, yes, I would on behalf of Deputy Le Clerc, like to propose Mrs Sandra Platt. I should mention that I do actually know Mrs Platt as well and have worked with her.

The Bailiff: Deputy Gollop, are you seconding that?

980

Deputy Gollop: I am pleased to second Mrs Sandra Platt.

The Bailiff: Are there any nominations as trustee? No, we go straight to the vote, then, on the proposal that Mrs Sandra Platt be elected as a trustee of the Priaulx Library Council. Those in favour; those against.

985

Members voted Pour.

The Bailiff: I declare her elected. Next a member of the Council. Deputy Trott.

Deputy Trott: Yes, sir, am I allowed to say that Deputy Paul Le Pelley is the unanimous choice of the Priaulx Library Council to continue in this role?

990

The Bailiff: You are.

Deputy Trott: I am. Well that is the message, sir!

The Bailiff: You are not allowed to make a speech. It is clear from the correspondence before the Assembly that he is. You are proposing Deputy Le Pelley and Deputy Green is seconding?

995

Deputy Green: I would like to second that, sir.

The Bailiff: Any other nominations? No. We vote then on the proposal that Deputy Paul Le Pelley be elected as a member of the Priaulx Library Council. Those in favour; those against.

1000

Members voted Pour.

The Bailiff: I declare him elected and that brings us to legislation, Greffier.

LEGISLATION LAID BEFORE THE STATES

**The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit)
(Amendment No. 6) Regulations, 2019;**

The Legal Aid (Guernsey and Alderney) Rules, 2019;

The States Reform (Performance of Functions) (Public Transport) Regulations, 2019

The Greffier: The legislation is laid before the States. The Legal Aid (Guernsey and Alderney) Rules, 2019; The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 6) Regulations, 2019; The States Reform (Performance of Functions) (Public Transport) Regulations, 2019.

1005

The Bailiff: I have not received notice of any motion to debate any of those.

LEGISLATION FOR APPROVAL

POLICY & RESOURCES COMMITTEE

**IV. The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2019 –
Approved**

Article IV.

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article IV, Policy & Resources Committee – the Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2019.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, briefly, by way of explanation this piece of legislation merely deals with the technical amendments to our Income Tax legislation, which the States approved in the Budget Report.

The Bailiff: Any further debate? No. We vote then on the Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2019. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

**V. The Income Tax (Zero-10) (Company Higher Rate) (Amendment)
(Guernsey) Ordinance, 2019 – Approved**

Article V.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Zero-10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Policy & Resources Committee – the Income Tax (Zero-10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2019.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, again, possibly for the benefit of those outside the Assembly, this piece of legislation extends the scope of the Zero-10 regime to that of the regulated business of the growing of cannabis, where it has been licensed, and once again that was approved in the Budget.

1030 **The Bailiff:** Any debate? We vote on the Income Tax (Zero-10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2019. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

VI. The Income Tax (Zero 10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2019 – Approved

Article VI.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Zero 10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article VI, Policy & Resources Committee – the Income Tax (Zero-10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2019.

1035

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, briefly, this once again extends the Zero-10 regime, to the business of acting as an aircraft registry, again the subject of debate and approval in the recent Budget.

1040

The Bailiff: Any further debate? We vote on the Income Tax (Zero-10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2019. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

VII. The Asian Infrastructure Investment Bank (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2019 – Approved

Article VII.

Whether they are of the opinion to approve the draft Ordinance entitled "The Asian Infrastructure Investment Bank (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article VII, Policy & Resources Committee – the Asian Infrastructure Investment Bank (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2019.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, again, briefly, this is effectively a piece of boiler plate legislation, which is necessary when Guernsey becomes a party to some of these international organisations, in this case the Asian Infrastructure Investment Bank and, as I say, it is in standard form and the Assembly has previously approved this in principle.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I know nothing at all about the Asian Infrastructure Investment Bank. That does not stop me expounding though on it, because it came up before us on the Legislation Select Committee and I remonstrated a bit, although there was certainly at least one other Member of the Committee who said they wished there would be more opportunities like this.

It is a curious thing indeed. I could have asked Deputy Green earlier, when he was on the rostrum of the Scrutiny President's Statement why we do not, as a Chamber, do more, within the parliament or in the Assembly, legislative review and questioning. Because with the exception of myself and Deputy Tindall, there are relatively few points that are raised on this kind of material.

If one looks at this, this Ordinance specifies the Asian Infrastructure Investment Bank, confers certain privileges and immunities, to be enjoyed by the bank and its personnel, under Bailiwick law, by providing that Chapter Nine of the Articles of Agreement shall be in the force of law in the Bailiwick. It is a very brief Ordinance indeed.

When you look at the schedule of course, it puts on page six:

The Bank shall enjoy immunity from every form of legal process, except in cases arising out of or in connection with the exercise of its powers to raise funds, through borrowings or other means, to guarantee obligations, or to buy and sell or underwrite the sale of securities, in which cases actions may be brought against the Bank only in a court of competent jurisdiction in the territory of a country in which the Bank has an office ...

– which I do not think includes Guernsey –

... or has appointed an agent for the purpose of accepting service or notice of process ... Notwithstanding the provisions of paragraph 1 ... no action shall be brought against the Bank by any member, or by any agency or instrumentality of a member, or by any entity or person directly or indirectly acting for or deriving claims ...

So, effectively, any officer, any director, any person connected with the bank is free from legal process. Now I know Guernsey is signing up to this, because it is a competitive situation that other places have done, but will we be perhaps jeopardising, along with many other places, our reputation if we allow opt-outs for certain particular kinds of investment vehicle?

The Bailiff: Deputy Trott, are you speaking or are you replying on behalf of ... ?

Deputy Trott: I am speaking, sir. Interestingly, it was I who took this States' Report through the Assembly so it is probably appropriate that I should respond to that particular point.

At policy stage that matter was given considerable consideration and debated extensively. The Asian Infrastructure Bank's *modus operandi* is identical throughout the jurisdictions in which it operates, so this is by no means abnormal, and it was a condition on us being able to see their interest extended to this jurisdiction. It was a binary choice; we either accepted it, along with every other jurisdiction that accommodates this entity, or we rejected it and they would have no touchpoints. The States, at policy stage, made the right decision, as I am sure it will do in passing this legislation.

The Bailiff: Deputy St Pier may reply.

1090 **Deputy St Pier:** Sir, I have very little to add to Deputy Trott's comments other than, as I say, to reiterate that this is in, effectively, the standard form that is granting the privileges and immunities for these sorts of international organisations and I would anticipate, in due course, the States being asked for a similar piece of legislation, for example in relation to the World Trade Organisation, in due course. The States, or perhaps the next States, can expect to see that.

1095 **The Bailiff:** We vote then on the Asian Infrastructure Investment Bank (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2019. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

COMMITTEE FOR HOME AFFAIRS

VIII. The Criminal Justice (International Co-operation) (Bailiwick of Guernsey) (Amendment) Ordinance, 2019 – Approved

Article VIII.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Criminal Justice (International Co-operation) (Bailiwick of Guernsey) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article VIII, Committee for Home Affairs – the Criminal Justice (International Co-operation) (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

1100

The Bailiff: Is there any debate? Any request for clarification? No. We go straight to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

COMMITTEE FOR HOME AFFAIRS

IX. The Drug Trafficking (Bailiwick of Guernsey) (Amendment) Ordinance, 2019 – Approved

Article IX.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Drug Trafficking (Bailiwick of Guernsey) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

1105 **The Greffier:** Article IX, Committee *for* Home Affairs – the Drug Trafficking (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

The Bailiff: Again, any requests for any debate or clarification? No. We go to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

COMMITTEE FOR HOME AFFAIRS

1110

X. The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2019 – Approved

Article X.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article X, the Committee *for* Home Affairs – the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

The Bailiff: Any debate. We vote. Those in favour; those against.

Members voted Pour.

1115 **The Bailiff:** I declare it carried.

COMMITTEE FOR HOME AFFAIRS

XI. The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2019 – Approved

Article XI.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article XI, Committee *for* Home Affairs – the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

The Bailiff: Any debate? We vote. Those in favour; those against.

Members voted Pour.

1120

The Bailiff: I declare it carried.

COMMITTEE FOR HOME AFFAIRS

XII. The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2019 – Approved

Article XII.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article XII, Committee for Home Affairs – the Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

The Bailiff: Again, any debate? No. We vote. Those in favour; those against.

Members voted Pour.

1125

The Bailiff: I declare it carried. Those who wish may remove their jackets.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

XIII. General Election 2020 – Second Policy Letter – Debate commenced

Article XIII.

The States are asked to decide whether, after consideration of the policy letter entitled "General Election 2020 - Second Policy Letter" dated 11th November, 2019, they are of the opinion:

- 1. To agree that a candidate manifesto booklet containing a maximum of two sides of A4 sized paper per candidate will be produced by the States of Guernsey and delivered to all homes on the Electoral Roll.*

- 2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £9,000 (the candidate's "permitted electoral expenditure").*

- 3. To agree that expenditure by a political party on promotion of the party and its policies in an election for the office of People's Deputy is only permissible by virtue of candidates affiliated to that party assigning a maximum of 50% of their permitted electoral expenditure to the party, and that such expenditure by a political party in any election may not exceed £9,000 in total.*

- 4. To agree the following arrangements for polling stations:*

- a. to set the opening hours of all polling stations (including advance polling stations and the super polling stations) in the Island at 8 a.m. until 8 p.m.;*

- b. to establish an advance polling station at Beau Sejour Leisure Centre on Saturday 13th June and Sunday 14th June 2020;*

c. to establish a super polling station at Beau Sejour Leisure Centre on Tuesday 16th and Wednesday 17th June 2020; and

d. to establish the Parish polling stations on Tuesday 16th and Wednesday 17th June, 2020 as set out in the table at paragraph 5.14.

5. To agree that legislation be prepared to provide that an application for a postal vote should be made not less than five clear days before the date when votes may be cast at a polling station, and that the application period for postal votes is closed on Friday 5th June, 2020 for the 2020 General Election; and to make appropriate provision to give effect to the other administrative changes set out in section 6 of this policy letter.

6. To agree that one or more observers of the 2020 General Election will be appointed.

7. To approve the transfer of £550,000 from the 2020 Budget Reserve to the Royal Court budget (which funds the expenditure of the States' Assembly & Constitution Committee) to fund the costs of managing the 2020 election.

8. To direct the Policy & Resources Committee to use its delegated authority to transfer funding of a maximum of £190,000 from the Budget Reserve to the Royal Court budget to fund, if necessary, a manual count (and, if necessary, recount) of the votes cast at the 2020 election.

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

The Greffier: Article XIII, States' Assembly & Constitution Committee, General Election 2020 – second policy letter.

1130 **The Bailiff:** Debate will be opened by Deputy Inder.

Deputy Inder: Sir, I am pleased to present the second policy letter from the States' Assembly & Constitution Committee on the General Election, 2020. In April 2019, the States of Deliberation agreed the Committee's first policy letter, suggesting an amendment to the Reform Law to enable
1135 an Island-wide vote to take place in June 2020, as well as other initiatives seeking to improve how the election will run.

In September, the States approved the Projet de Loi arising from that policy letter. The purpose of the policy letter in front of Members today is to seek the States' agreement on a number of further areas to enable the General Election to run effectively. The first Proposition asks the States
1140 to agree that a candidate manifesto booklet will be collated and published by the States of Guernsey and delivered to all homes on the Electoral Roll.

Section three sets out the reasons for this initiative and the Committee believes that this proposal is a pragmatic solution to the challenges facing both the candidates and the voter in respect of communicating printed information about themselves to voters on the Electoral Roll. It
1145 assists the voter in having a single booklet to refer to when assessing potential candidates.

The Committee has also proposed that the election website should offer a digital platform for candidates to have their manifesto, picture, contact details and provide options for videos and a Q&A section.

The subject of an appropriate expenditure limit for candidates and parties was a subject of much deliberation by the Committee, as set out in section four of this policy letter. The Committee was guided by the view of the Electoral Commission, which concluded that such limits should allow
1150 candidates to communicate with voters so the voter is engaged and able to participate meaningfully in the process.

Deter excessive spending. To prevent the perception of undue influence over the outcome of the Election and not to set the expenditure so low as to detrimentally constrain reasonable levels
1155 of expenditure, which could impact on trust in the system. I am sure we will get to that later.

The Committee has been consistent in stating that its starting point would be proposing an expenditure limit that will enable a candidate to reach every household on the Electoral Roll, with

their own manifesto, should they wish to do so. This was based upon the paper manifesto traditionally being the most common means by which candidates have sought to engage with voters over the years.

Appendix three of the policy letter sets out the Committee's estimated cost of the print and distribution of individual manifestos. In order to keep the expenditure limit down, the Committee has proposed a limit that would enable the candidate to distribute a four-page manifesto to all homes in the Island, given that targeting just properties on the Electoral Roll – and it is disappointing – would push the postage costs up considerably. As set out in the policy letter, a limit of £9,000 would enable this and still retain some funds for other methods of engagement.

For the first election under this electoral system, the Committee has proposed a number of initiatives to assist both the candidates in producing and the voters in receiving information. Sometimes we miss that, sir. It is not just about the candidates, it is about the voters also. However, there may be candidates who do not wish to participate in the suggested initiatives and who intend to run an election campaign entirely outside of this, in effect, acting independently of any Government promotional material. With this in mind, the Committee believed it was appropriate to enable candidates to do this by setting an appropriate expenditure limit.

The Committee will comment on the amendments to change the expenditure limits for candidates when they are laid. It stands behind its original proposals and would caution the States against amending the limit to a figure which may limit the candidate's ability to meaningfully communicate with the voter.

When the Committee submitted its first policy letter, it had not included a proposition to limit the spending limit for parties. However, concerns were raised in advance of that debate, regarding the absence of a ceiling for political party spending in elections and the potential for inequality between political party spending.

The Committee listened to the concerns of the public and the Members, and the Committee laid an amendment directing it to propose a maximum expenditure limit for political parties in the Election, which is made available by virtue of party affiliated candidates assigning a proportion of their own allowance to the party and does not exceed the expenditure limit available to a candidate. The amendment was carried, with 35 Members in favour and only three Members against. The Committee's proposals today meet that direction.

Proposition 4 sets out the arrangements for all polling stations, the advance polling stations on the weekend of 13th and 14th of June and the super-polling stations and the parish polling stations on 16th and 17th June. As was stated previously, one of my key concerns is managing the numbers of people who will be attending the polling stations on election day.

We want to avoid lengthy queues at polling stations and we are therefore offering a range of options to vote in person to ensure that there is sufficient capacity for all registered voters to vote either in person or by post. I would like to again put on record the Committee's appreciation of the constructive manner in which the parishes have worked with it and the elections team to facilitate the two days of polling on 16th and 17th June in the parish polling stations. We are truly grateful for their support and ongoing commitment to assist in the administration of the Election and I do not think that can be understated.

The Committee is requesting a minor change to the postal voting process, to change the deadline date for applications for postal voting, for the reasons set out in section six of the policy letter. We expect postal voting to play a big role in the Election and this assumption has been supported by the number of postal votes requested to date. And this is new information: as of last night, there were 2,838 online applications to join the Electoral Roll and 2,207 online postal voting requests, i.e. over 75% of the number of people who have registered online.

We have also requested a budget to support the investigation and procurement of an automated postal vote service, to ensure the process of issuing postal votes is as streamlined as possible.

1210 The Committee investigated options for employing electronic equipment to count the votes, given the significant increase in the number of votes that are likely to be cast under the new electoral system. It is suggesting a budget is allocated to enable an electronic vote count solution is introduced, given a manual vote count would be labour-intensive and extremely time consuming. A suitable solution has been identified and the Committee has requested the necessary budget to enable this and, over the last couple of days, I believe our principal officer shared with Members a rough indication of what the machinery looks like, to give you guys an overview. Not guys, Members.

1215 The Committee believes that observers would be invited to participate in an election observation exercise in respect of the 2020 General Election. The Committee has no doubt that a number of lessons will be learned from the administration of the electoral system in 2020. An election observation assessment would evaluate the extent to which our system complies with international obligations, including obviously commitments and standards of democratic elections.

1220 This will assist the States in honing arrangements for future elections. The budget requested to support this is higher than the Committee expects the States to expend on such a mission but has included it to ensure all eventualities were covered. The elections team, working closely with the central coms team, is working to deliver a comprehensive communications plan, covering all aspects of the Election. It needs to be supported in doing so with funds to enable the plans to be delivered, as set out in this report.

1225 Section 14 of the report sets out the budget the Committee is requesting to deliver the Election. We have stated on a number of occasions that moving to an Island-wide electoral system will substantially increase the costs of the General Election and the policy letter breaks down those costs. New proposals such as electronic count solution, inviting election observers, moving to four days of polling, rather than one, seeking to accommodate an increase in the number of postal votes and expanding the website offering has naturally increased the costs of the election in comparison with previous years.

1230 The Committee has included a 10% contingency to build in flexibility for unforeseen costs. It asks the States to support the budget request made to fund the costs of managing the 2020 Election and delivering the democracy the people of this Island requested. Further to the conclusion of this debate, the Registrar-General of Electors and the elections team will continue to deliver the administrative functions associated with the compilation of the Electoral Roll and the delivery of the 2020 Election. The Committee's focus will turn to delivering the secondary legislation required to support the Election, to developing comprehensive information and guidance for candidates in setting an induction and an ongoing development programme for Members to support them in their role. We touched on that in the general update.

1235 Sir, an Island-wide electoral system was chosen for the June 2020 Election. Through the Referendum held in October 2018. The States has supported its delivery to date, through the approval of the April policy letter and the legislation in September. Whilst the Committee understands that there are some Members who view the new system with some trepidation, and probably some of the supporters of Island-wide voting in the same sort of way, it is the job of this organisation, this body, to successfully deliver this voting system. The proposals we are putting forward today are pragmatic and support having everything in place to deliver a successful general election. I encourage all Members to support the Propositions and thank you, Members and the Assembly.

1245 **The Bailiff:** We will take next the amendments and, first of all, the amendment that is being moved by the Committee itself, which I think was only circulated yesterday. It is marked as amendment 5, to be proposed by Deputy Inder and seconded by Deputy Merrett.

Deputy Inder, amendment 5.

[Amendment 5](#)

To insert the following Proposition:-

'10. To agree that, in his post-implementation review of the 2020 General Election and Island-wide voting, the Registrar-General of Electors shall seek the views of:

- Candidates in the General Election (elected and unelected);*
- Members of the General Election programme board;*
- Officers, parish representatives, and volunteers involved in the delivery of the General Election;*
- Election service providers (e.g. communications, e-count solutions);*
- The voting public; and*
- Any other consultees which he considers appropriate;*

and to direct the States' Assembly & Constitution Committee to submit the Report of the Registrar-General of Electors, together with the Report of the Independent Election Observers, as an appendix to a Billet d'État as soon as possible, and no later than one year after the General Election.'

1260 **Deputy Inder:** Sorry, sir? (**The Bailiff:** Amendment 5.) Yes, sorry. I beg your pardon. That is the one we would like to lay, sir.

I wonder if the Greffier could read out, or at least parts of it anyway?

The Greffier read out the amendment.

The Bailiff: Deputy Inder.

1265 **Deputy Inder:** Sir, just briefly, as touched on in the general update Statement, that hopefully satisfies in part Deputy Lindsay de Sausmarez's concern. It has long been the case that, further to a general election, the Registrar-General of Electors conducts a post-implementation review of the general election, or a post mortem. This will be particularly important given the new electoral system being used. The Committee has agreed to submit this amendment, formalising this review and setting out the stakeholders to be consulted.

1270 We would also like to thank both Deputies Dudley-Owen and Deputy St Pier for their representations and, personally for myself anyway, Deputy McSwiggan for taking the weight off our principal officer and managing to put the amendment together very quickly and hopefully the States and the Assembly can support what is a fairly simple amendment.

1275 **The Bailiff:** Deputy Merrett, do you second the amendment?

Deputy Merrett: I do, sir.

1280 **The Bailiff:** Any debate? Deputy Dorey.

Deputy Dorey: I support the amendment apart from one point. I wish they had brought it forward as a report to the States. I know an appendix, Members can ask for it to be debated, but I think the implication of the change to the system is so great and the fact that we are having observers that it should have been proposed as a report for the States to debate and not just as an appendix.

1285 Thank you.

The Bailiff: Deputy Merrett.

1290 **Deputy Merrett:** Thank you, sir.

Very briefly, in response to Deputy Dorey, I think I am the only Member in the past political term – but I am happy to be corrected – to actually do a motion to debate a report. It is quite an easy

process, it did not take me very long and I was very pleased that the States and the Assembly agreed with me that we should debate that particular report. So I think that is a small hurdle that can easily be amended.

Further, it is actually in the explanatory note, a new SACC could in theory bring forward as they see fit. Originally, sir, I did not think we particularly needed this amendment because it has always been the Committee's intention to do such a report in our wash-up report at the end of term but, upon reflection, considering that I do not know, or nobody can know, who will stand for election, who will get elected, who will then be eager to get onto SACC and then be elected onto SACC, with all those hurdles of the unknowns, I do think it is important that we do accept this amendment so we have actually got an outstanding States' Resolution.

I am of firm belief that, when this Assembly gives direction to a committee, they should actually deliver on that Resolution in a timely fashion.

Before I end, sir, I just want to point out, because there was a little bit of confusion earlier and I am actually quite pleased –

Deputy Dorey: Point of correction.

The Bailiff: Point of correction, Deputy Dorey.

Deputy Dorey: The word appendix is actually in the Proposition, it is not just in the explanatory note.

Deputy Merrett: So, before I sit down, earlier on I think it was alluded that this report would be back by 2020, so I was quite pleased that it was read out, because it does actually clearly say no later than one year after the General Election, which clearly will not be 2020. It could indeed be by 2021.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I am really pleased to see this amendment, though disappointed because the wording that I had in my original Proposition, through yesterday, did actually say it would be a report back to the States. However, it covers the principles that I was looking for and I am pleased to see it.

Just to pick up on a small point that Deputy Merrett has just said that she believes very strongly about the States' committees, when they are under Resolution to deliver in a timely manner, that is slightly ironic, given that her President, today, has apologised for not being able to bring back a report to the States in the timely manner. We have got to be realistic and pragmatic. We cannot do everything in the timeframes in which we are given, sometimes.

Thank you very much.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Like I am sure everyone, I support this amendment. I know there is a bullet point which acts as a catch-all, which is the final one, which is 'any other consultees which he considers appropriate', but I would like to make a suggestion on record that that includes would-be candidates, because I think that is a really important area, capturing the views of people who would have stood, were it not for certain barriers. I think that is a really essential part to be brought to light in that report.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, following on –

The Bailiff: Your microphone.

Deputy Gollop: Following on from the points Deputy de Sausmarez has made, I think a theme through the debates today – maybe we will finish today – will be very much about who are we seeking to attract as candidates. The answer is, hopefully any and everyone who is suitable and willing to be a candidate and who is a credible candidate. I take on board the point that past elections, our old formats were not perhaps as inclusive as they could have been. It was extremely difficult for some candidates with disabilities to do door-to-door canvassing but people who were fully employed or persons who were unable, via family or other commitments, to do that work were potentially excluded.

There were financial implications, there still are, for being a candidate. Some candidates have more time than others to devote to the situation of being a candidate and that in turn leads to a result, the outcome of which is the membership of the States' Assembly. So I do think a monitoring of the election will have to take on board whether perhaps the Island's diversity has been reflected in the final result, although of course the result, hopefully, will be the democratic decision of thousands and thousands of Islanders, as we expect a high turnout.

The Bailiff: Deputy Inder will reply to the debate.

Deputy Inder: Okay, Members, thank you for the general support.

Deputy de Sausmarez is absolutely right. Would-be candidates, those who have experienced it, it needs to be a fairly wide approach and hopefully a future SACC committee will recognise that. And, yes, I do not disagree, Deputy Dorey, I suppose we could have come back with a report or a policy letter but maybe the fact that we are directing a future committee, hopefully, to come back with a report, from that something might come, depending on how successful the Election is.

It is not perfect, it was done quickly, but you are absolutely right, as we are going to be gone, all of us, well not all of us, as a legislature by the end of June we know that we cannot really direct a future committee. There is a sentiment here and hopefully something will come out of it. I ask Members to support it.

The Bailiff: We vote on amendment 5. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare amendment 5 carried.

We come next to the first of several on electoral expenses, the first being amendment 2 to be proposed by Deputy Tooley, seconded by Deputy de Sausmarez.

Deputy Tooley.

[Amendment 2](#)

1. To delete Propositions 1 and 2 and substitute therefor:

'1. To agree that:

a) the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £2,300; and

b) there shall be made available by the States of Guernsey a grant of up to £500 which may be claimed by a candidate for the production and distribution of campaign materials and which shall

count for the purpose of the maximum permitted expenditure applicable in respect of the candidate; and

c) a candidate may have his or her manifesto (limited to two sides of A4 sized paper) included in a manifesto booklet produced by the States of Guernsey and delivered to all homes on the Electoral Roll, subject to the reduction of the maximum permitted expenditure applicable in respect of the candidate by £800.'

2. In Proposition 3, to delete the figure '£9,000' and substitute therefor the figure '£4,600'.

Deputy Tooley: Thank you, sir. I wonder if I could trouble the Greffier to read the amendment for us, please?

1385 **The Bailiff:** Yes. Greffier.

The Greffier read out the amendment.

The Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

1390 This amendment, like the original proposals, arises from a belief that in order to create as level a playing field as possible for candidates in an election it is necessary to place a cap on permitted electoral expenditure and, potentially, to offer some benefits in kind, which will be available to assist individuals who might not have available money to spend in advance of an election.

1395 It should never be possible for a candidate to outgun his or her opposition based purely on the financial resources he or she has available to expend. But it is our belief that the original proposals, laid in good faith, with the intention of ensuring that all candidates can communicate with the electorate in a number of meaningful ways, do not achieve anything close to a level playing field.

1400 Indeed, they permit those with deep pockets to spend sums of money, which for the average Guernsey worker represents around one third to one quarter of a year's wages. How many among us would have been able, especially as a first-time candidate, to risk so huge a sum on attempting to enter the States? How many good potential candidates will reconsider standing in 2020, depending on whether they see the spending rules as loaded for or against them? How then could we expect such a high cap to deliver a government which is representative of the Guernsey population?

1405 This amendment seeks to retain the £2,300 cap, which was set for the 2016 Election, but with some crucial differences. Because this Election is different, not just compared with 2016, but with any election I can think of in Guernsey or elsewhere. The principal additional difficulty for candidates and the one most individuals appear to have identified, is that of just how, on a limited budget, it is possible to reach all voters with your manifesto. But this is where the States' Assembly & Constitution Committee have made an efficient and cost-effective proposal.

1410 A manifesto booklet, something like a phone directory, to be delivered to all voting households, into which each candidate can insert two A4 size pages, containing the information they think it is most critical for the voter to know. SACC estimate the cost of this to the States at approximately £82,000 in the policy letter. So far, so good. Every candidate should be able to reach the voters regardless of how much money they are able to expend.

1415 But then, in order to ensure that candidates could reach the electorate independently of that States-produced booklet, SACC proposed that in addition to this each candidate should be permitted a whopping £9,000 of additional expenditure. Now £9,000 will go an awfully long way, if you have £9,000 to wager, with no guarantee of return. Let us not forget, for the average Guernsey person, for a nurse on band five entry level salary, £9,000 represents four months' gross wages.

1420 This amendment proposes, as I have said, a £2,300 cap on expenditure, reduced to £1,500 for candidates taking up the offer of inclusion in the SACC-proposed manifesto booklet, and a £500

grant, which can be reclaimed towards the expenses of running an election campaign. This, we believe, will create not an entirely level playing field, even in terms of spending power, but certainly a much fairer one.

1425 In order to assist our narrative, we have imagined three potential candidates. Annie Average, who has about £1,000, which she is able to spend; Billy Billionaire, who, without a stretch, is able to spend up to whatever limit the States chooses to set, and Chris Cashstrapped, who can only afford £100 from their tight household budget towards a campaign.

1430 Under the SACC-proposed model, Billy Billionaire has an £8,000 spending advantage over Annie Average, and almost £9,000 over Chris Cashstrapped. So what could they each do with that money that they have? Well, all three can include their summary manifesto in the States-produced booklet that goes to every household on the Electoral Roll and they can ensure that their full manifesto is on the election website, along with a short video.

1435 Then, with £1,000 to spend, Annie finds she cannot afford to print even two-page manifestos, enough for every household. So instead she prints 5,000 four-page manifestos, plus some posters and flyers, which she distributes as widely as she is able. She asks a friend to take some photos of her and she builds a free website.

1440 Billy Billionaire has also chosen to have his summary manifesto included in the States-produced booklet, because it is not costing him anything to do that, and it goes to every household on the Electoral Roll and, like Annie, his full manifesto is on the election website, along with a short video. In addition to that, he spends £500 on some billboard advertising, £300 on professional photography, £3,000 on a 10-day radio campaign, with 11 advert spots every day in the lead-up to polling day, £3,500 on printing and sending out an A5 flyer mailshot just before polling day, and spends just over £1,500 to hire a hall for an evening, including refreshments, so he can put on a public presentation about himself and his campaign.

1445 Chris' summary manifesto is included in the States-produced booklet that goes to every household on the Electoral Roll and his full, eight-page manifesto is on the election website, along with a short video. So he builds himself a free website – sorry, my computer has gone crazy – which will not go wrong, featuring some stylish selfies and lots of detailed information, and he spends 1450 £100, which is all he can afford, on some limited social media promotion.

1455 Level playing field? Likely to result in representative democracy? Or have SACC taken the problem of a difficult election race, which was to run over rough, uneven terrain, smoothed out some of the bumps, wonderful; but then proposed that we allow some candidates, those who can afford it, to head off from the start line in their Range Rovers, while others are pulling on their hiking boots?

1460 Under this amendment, what they could spend is rather different. Annie Average is allowed to spend up to £2,300 but still has only £1,000 from her own bank account to spend on her campaign. She is able to claim an additional £500 grant towards campaign expenses and does so. Her manifesto is four pages long, meaning she still cannot afford to print one per household on the Electoral Roll, so she opts into the States-produced booklet, which does not cost her any money but does reduce her permitted expenditure to £1,500, which conveniently – it is as if somebody chose these figures for that reason – is how much she has once her own budget and the grant are added together.

1465 She also takes advantage of publishing a full manifesto to the election website, along with a short video. This costs her nothing and does not affect her permitted expenditure. She prints enough two-page manifestos for every household on the Electoral Roll and enlists 10 volunteers to help her deliver them every evening for a week or two. She spends the rest of her money on some posters and flyers. Annie Average reaches the electorate meaningfully in more ways than she could with her budget, under the SACC proposals, at the same spend.

1470 Billy Billionaire is permitted to spend £2,300 on his campaign. He opts into the States-produced booklet, which does not cost him any money but reduces his expenditure to £1,500 and takes advantage of publishing his full manifesto to the election website, along with the video. He can still

1475 spend £1,500 on a 10-day, seven slot per day radio advertising campaign. Billy Billionaire can still meaningfully engage the electorate in a variety of ways, but he cannot buy the same level of advantage as he can under the SACC proposals.

1480 Chris Cashstrapped has £100 to spend on their campaign. They claim the additional £500 grant towards campaign expenses. They opt into the States-produced booklet, which does not cost them any money, and they still have £600 to spend. They choose to spend £300 on printing 20,000 one-sided A5 flyers in the UK, via an online site, and recruit enough volunteers to hand them to all households on the Electoral Roll ... They build a free website featuring stylish selfies and lots of detailed information and spend the remaining £300 on a fair bit of social media promotion, driving people to the website. Chris Cashstrapped can reach the electorate in more ways than under the SACC proposals for the same budget.

1485 Under this amendment, Billy would have no financial advantage over Annie and both would have only a £900 advantage over Chris. But, hang on, there is one more. Danny Ditherer finally decides to throw his hat into the ring, only after the campaign period has started. Or he might not have dithered, he might simply, for some perfectly –

1490 **Deputy Inder:** Point of correction sir.

The Bailiff: Deputy Inder, point of correction.

1495 **Deputy Inder:** It is not possible to put your hat into the ring after the campaign has started. You can only do it in the nomination period.

1500 **Deputy Tooley:** I apologise. Deputy Inder is of course correct and I have mis-spoken. After the nomination period has started. Or he may not have dithered, he may simply, for some perfectly valid reason, have run out of time. But he has missed the cut to include his summary manifesto in the booklet and to get a video made. But he can still get his full manifesto up on the election website and he has got £1,800 to spend, plus –

Deputy Merrett: Point of correction, sir.

1505 **The Bailiff:** Deputy Merrett, point of correction.

Deputy Merrett: The candidates, we are proposing, will all have the ability to submit their manifesto submission and anything else during the nomination period. When the nomination period closes, there will no longer be a possibility to submit.

1510 **Deputy Tooley:** Yes, that is what I am saying. He was not ready with his documentation by the cut-off time period. Whenever he had got his nomination in, he is simply not ready to send his manifesto details to the address to which they will need to be sent for inclusion in the booklet. But he can still get his full manifesto on the election website and he has got money to spend, plus a £500 grant. Acting independently of the States-produced booklet, whether by choice or because
1515 he missed the deadline, he spends £2,000 printing a four-page manifesto and £300 on social media promotion. Luckily he has got lots of friends who can help him hand out that manifesto in good time.

1520 He would have missed inclusion in the booklet because of his own dithering, or other good reason, but under the amendment it is still possible for him to get a full manifesto out to all households on the Electoral Roll, whereas under the SACC proposals, with £1,800 to spend, he could, at-best, print and hand deliver a two-page manifesto if he wanted to provide hard copy manifestos to voters.

1525 The second Proposition of this amendment relates to permitted election spending by political parties. The SACC proposal of a £9,000 spending limit for political parties is designed with the same aim as their proposals around individual spending limits. They set out to propose an expenditure limit, which would enable a candidate or a party to reach every household on the Electoral Roll with their own manifesto, should they wish to do so.

1530 Indeed, in April, when we debated the first policy letter on the election arrangements, we resolved that spending by political parties should be restricted to the same amount as potential spending by individual candidates. Why, then, are we not proposing that party spending limits should also be set at £2,300? This is because we, too, feel that it is important that a political party and, for the record neither Deputy de Sausmarez nor I are members of any political party and therefore we have no conflicts of interest to declare, we too think it is important that any political party –

1535 **Deputy Meerveld:** Point of correction, sir.

The Bailiff: Deputy Meerveld.

1540 **Deputy Meerveld:** I would argue that not being a member of a party and setting up something to actually restrict a party is a conflict of interest. Thank you, sir.

1545 **Deputy Tooley:** I would disagree. (*Interjection*) We too think it is important that any political party is able to communicate effectively with the electorate and, as we are not proposing that political parties should be permitted to utilise the States-produced manifesto booklet as a means of doing so, we recognise that additional funding might be appropriate.

1550 However we do not consider that the £9,000 limit proposed by SACC is appropriate, either. Not least because it is so very much higher than our proposed individual spending limit. Our proposal is that the limit for political party spending is set at £4,600, double that of an individual candidate. This level of funding would allow a party to do, for example, some of the following: print 27,000 A5 flyers, mailshot them to every household in the Island – that would cost around £4,000, plus spend £600 on public presentation; or print 27,000 A4, four-page manifestos and hand-deliver them to every household on the Island, plus buy a 10-day seven spot advertising campaign and spend £650 on something like social media promotion, or an event.

1555 Or they could print 27,000 eight-page manifestos and hand-deliver them to every household and spend £100 on posters. Or print 18,000 eight-page manifestos, hand-deliver them to the households on the Electoral Roll and spend £900 on childcare for party members while canvassing and attending events. Just some ideas there.

1560 In summary, the Tooley/de Sausmarez amendment is fairer and more compliant with the Electoral Commission's guidelines than SACC's proposals, because the amended proposals would allow candidates, especially those who are not wealthy, and parties to communicate with the voters independently of the States but would deter excessive spending. This would prevent the perception of undue influence over the outcome of the Election and, with the reminder that £9,000 represents four months' gross salary for many of our nurses, I would ask you to support the proposal.

1565 **The Bailiff:** Deputy de Sausmarez, do you second the amendment?

Deputy de Sausmarez: I do, sir.

1570 **The Bailiff:** Deputy Inder, do you wish to speak at this point?

Deputy Inder: Oh yes! *(Laughter)*

The Bailiff: Deputy Inder.

1575 **Deputy Inder:** I was going to go last but now I am going to go first on this one.

Sir, Members, the Committee cannot in the main – I think it is the whole of the Committee – support this amendment and I will explain why. Our first policy letter, and it is repeated in today's policy letter at 4.2 and also in the speech, proposing the level of candidates' spending limits, the Committee would be guided by the view of the Electoral Commission, which concluded that such limits should allow candidates to communicate with voters, so the voter is engaged and able to participate meaningfully in the process.

1580 Again, all of the discussion at the moment seems to be about candidates, it is not about voters. We cannot ignore the fact that the job of the candidate is to get out to the voters and the voters are part of the process. It is not all about us and it is not all about new candidates; it is about voter engagement.

1585 Deputy Brehaut, it sounds like you want to interject, if you would like to.

Deputy Brehaut: Sorry, sir, I did not mean to speak over Deputy Inder.

1590 **Deputy Inder:** I think you did.

Deputy Brehaut: My point is it is about who has the money and there is not a great deal of equity apparent in there.

1595 **Deputy Inder:** Okay, well I will get to that later and I will do some myth-busting for Deputy Brehaut. He will not listen, I am quite sure, but I will try and do some myth-busting.

The Bailiff: Deputy Inder ...

1600 **Deputy Inder:** We will see how the votes go later.

The Bailiff: He may listen. He may not agree with you but to say he will not listen is not ...

1605 **Deputy Inder:** That is fair comment, sir.

Deputy Brehaut: Point of clarification, sir. I am all ears.

Deputy Inder: Fair enough. I withdraw that. Apologies, Deputy Brehaut. And also:

... deter excessive spending to prevent the perception of undue influence over the outcome of the elections; and not to be set so low as to detrimentally constrain reasonable levels of expenditure, which could impact on trust in the system.

1610 For the moment, Members, I would like to focus on those three points. Point one, allowing candidates to communicate with voters. As stated in 4.3, our:

... starting point was to propose an expenditure limit that will enable a candidate to reach every household on the Electoral Roll.

If you look at appendix three, it lays out the cost to create and distribute a 50-gramme A4 leaflet, a two-to-four-page manifesto would cost between £6,200 to £7,400. A manifesto is the traditional means in which candidates have communicated their pitch to the voter. Putting the figure at £9,000

enables the candidate extra funds for other marketing methods over the production and delivery of such an option.

The Venice Commission's code of practice in electoral matters states that the five principles underlying Europe's electoral heritage are universal, equal, free, secret and direct suffrage. In respect of the free suffrage, it makes clear that voters must be free to form an opinion and, importantly, state authorities must observe their duty of neutrality.

Now, in the absence of an Electoral Commission, it is a very fine balance in this Assembly, some of whom are likely to stand again, some who have definitely stood before, it is a very fine balancing act between the concerns expressed in the explanatory note on the amendment and whether the States could be in danger, by reducing the candidates' and the party expenditure to a level where candidates cannot market themselves adequately, would that be seen as being partial?

For all the other reasons set out –

Sir, I will give way to Deputy Fallaize.

Deputy Fallaize: I am grateful to Deputy Inder.

Would he agree with me that we would already be pushing up against that barrier simply by having a States-produced, Government-produced booklet and limiting every candidate to two sides of A4 within it? I think that proposal is correct but would he agree with me that we are already in some risk of contravening the principle and we should not go any further in that regard?

Deputy Inder: I would say, sir, given that we have got five different Members, three of whom were certainly for Island-wide voting, two that were not, I am not overly comfortable that we are even, as a committee, sitting in the room discussing it, given the imbalance. But what I can say, without a shadow of a doubt is all five Members have actually balanced each other out and have tried their damndest to get to a point that is going to satisfy the Venice Commission, satisfy this Assembly, and try and satisfy sentiment out there in the community, certainly half of the people that did not want this form of election.

It has been a very difficult balancing act so we have done everything we can to get to this point. I will say it later, and I have probably said it already, it is not perfect but it is a hell of a lot less imperfect than the amendment that we see before us today.

Now, £2,300 was the expenditure limit to enable candidates in 2016 to reach voters in their district. The largest number of people on the Electoral Roll, for any district was, surprise, surprise, the Vale, with 5,125 on the Electoral Roll. The smallest number on the Electoral Roll was 3,267 in St Peter Port South.

The States determined a £2,300 limit for each candidate, regardless of numbers on the Electoral Roll. So, when the Electoral Roll closed for last year's Referendum, there were 31,800 people registered. A limit of £2,300 in no way enables any new candidates to market themselves with a manifesto, independent of the candidate manifesto booklet, to those people. It is not possible, absolutely not possible. *(Interjection)*

I am happy to take any interjections. None? Okay, great, that is fantastic.

Deputy de Sausmarez: Yes.

Deputy Inder: It is important to state ... sorry, Deputy de Sausmarez, I beg your pardon.

Deputy de Sausmarez: I am really happy to correct that. Of course it is possible. It is just not true to say it is absolutely not possible to get your manifesto to everyone on the Electoral Roll, as Deputy Tooley clearly explained in her opening speech. It is more than possible, it is just that SACC's proposals are based on, in my view, a flawed assumption that that also includes the cost of posting them in the manner that they think is the most appropriate. But that is not the case at all. It is just not true to say that it is not possible.

1665

Deputy Inder: Sir, I come from a marketing background. If I had a limited expenditure, and I am surprised because Deputy de Sausmarez comes from a marketing background, in fact she works for a firm that does massive distributions of mailings, so she might be embedded in the mailing industry – but if I was in a position, I had someone come to me and say, 'Look, Neil I have got a product called Me, there is already existing 38 products in a market, there is going to be a big sale in a month's time, I know 14-15 of those products are going to leave that market, I am fairly sure 14-15 of them are going to stay in and there might be another 100 products that turn up and, by the way, I have only got £2,300 to spend,' I know what I would do. I would say, 'You should have prepared yourself earlier and you should not be here with £2,300, because it is not going to work.'

1670

1675

I am not giving way, I am sorry Deputy Oliver.

I am really surprised that Deputy Lindsay de Sausmarez thinks that paper is the only way to do this effectively.

I am not giving way.

1680

Deputy Tooley: Point of correction.

The Bailiff: Point of correction, Deputy Oliver.

Deputy Inder: If it is a point of correction ...

1685

Deputy Oliver: It is not just the separate manifesto. You are already sending out a two-sided document that the States will pay for. You are not starting from zero, you have already done some marketing.

1690

Deputy Inder: Later on, I will get to effectiveness of spend and message. They are two very different things. Over the last two years people have been talking about buying an election. I will prove, from 2016, it is an utter myth. (**A Member:** Hear, hear.) Now, sir, it is also important to state that inclusion in the manifesto booklet is a service the States is providing. It is a service to both the voter and the candidate. It is not mandatory.

1695

It is perfectly possible a new candidate may decide to act entirely independently of the service of the provided and go it alone. That is a legitimate decision for them to make. For whatever reason, it is not for us to decide how they are going to market themselves, and we have already heard they are going to do half an ad here, half a page there, a radio ad. It is not our job to decide how people are going to market themselves. Our job is only to decide whether we think the expenditure limit is appropriate and of a level that we believe will do two things, to allow the voter to engage with the candidates and candidates to get themselves out. That is the only thing that we need to decide.

1700

Quite clearly, I have already said originally that our base figure effectively was using what was a traditional method because there is a chance that people might decide to send a manifesto of a shape and a size outside. We cannot preclude them from doing that but there are no two ways about it, that will get your message out.

1705

Whether it is the right message is completely different. But there are people that will choose completely other methods. We could see flat-bed A4s driving around the Island, we could see poster campaigns, people might decide just to include digital cheaply, or concentrate on radio. It is not the position of this Assembly to tell the people of this Island how they might market themselves in a future candidate. (**Several Members:** Hear, hear.) It is not your job.

1710

It is first to say that a candidate in 2020 seeking to reach probably high-on 32,000 people should be subject to same limit as a candidate in 2015 – utterly perverse – who was only seeking to be just over a maximum limit of £5,000. So we have gone from £5,000 maximum to 32,000 and the amendment effectively asking us to only allow them to spend £2,300 to a market which is effectively six or seven times the size.

1715

What is this really trying to achieve? This is not equity. This is actually likely to stop people from being able to market themselves effectively against the incumbents. I am afraid that is actually correct. If the incumbents stand today they already have, and it is true it does not always work and Deputy Lowe, I am quite sure, will refer to that later on, there is a strong danger that you will be embedding the message that the incumbent has the advantage into the system by limiting people from being able to market themselves through that glass ceiling and the glass ceiling, I have said in emails, exists in many ways.

I am not giving way, Deputy Tooley. Of course, with the new party limit of £4,600, that does not help the parties. Under this amendment, the closing sentences of this amendment do not work to enable either candidates or parties to adequately market themselves. It is not fair, it is not right, it does not work. It absolutely does not work.

Now point two, deter excessive spending to prevent the perception of undue influence. Well we have slightly touched on that before. In an email to all Members, as raised in the media, we have heard references to the likes of Billy Billionaire, going back to Deputy Tooley, as a candidate and those deep pockets would put him at some sort of advantage. Nothing like rolling out the stereotypes of Fox News to try and make an argument. Of course on the other side, we have got two sides of the other character, which plays to the victim as well.

Deputy Meerveld.

Deputy Meerveld: Thank you, Deputy Inder, for giving way.

Would Deputy Inder agree with me that the barriers to entry are not just restricted to financial means. It is also abilities. In the examples given by Deputy Tooley, in the example they shared with us, there is no publishing or layout counted into the cost so somebody standing under her example would have to be an expert in desktop publishing. They would have to be able to build their own website and they would be able to get 10 volunteers to be able to –

Deputy Tooley: Point of correction, sir.

The Bailiff: Deputy Tooley.

Deputy Meerveld: Can you put a point of correction –

Deputy Tooley: Can I point of correct a give way?

The Bailiff: It is very unusual to have a point of correction on a give way, but there is nothing in the Rules that says you cannot, so yes you can have a point of correction.

Deputy Tooley: Sir, the figures which are quoted are the figures which are given in the policy letter and not figures we have plucked from the air.

Deputy Meerveld: I am not talking to the actual numbers, I am talking about the fact that, in the examples given by Deputy Tooley, and does Deputy Inder agree there would have to be expertise in desktop publishing, they would have to be able to build their own website, they would have to be able to get 10 volunteers to spend the better part of a month stuffing envelopes? I certainly did not. And they would have to be very experienced in social media as well and I would ask of this Assembly how many Members today have expertise in desktop publishing, can build their own website, have 10 people who will spend a month stuffing envelopes through letterboxes for them –

The Bailiff: Is this becoming a speech, Deputy Meerveld?

Deputy Meerveld: Sorry.

Deputy Inder: My only response to that, really, is the other character that Deputy de Sausmarez and Deputy Tooley ... this is Danny Ditherer. If Danny Ditherer cannot get his act together, if he really is a ditherer, if he cannot get his act together, if he has not read the substantial education process that we will be going through as a committee to inform people that they should be standing, I am sorry Danny, please do not stand! If you cannot get your act together, Danny Ditherer, please do not stand, because do not play the victim if you are not prepared.

This is a serious job. It is not a jumble sale or a Next sale, where you can decide on Friday night to queue outside of Next from 4 a.m. because you might give politics a go, you need to be prepared and that is the job.

Deputy Hansmann Rouxel, I will give way to you.

Deputy Hansmann Rouxel: Thank you, Deputy Inder. As myself and Deputy Inder applied, on the same day, could he explain how he would be able to not be a Danny Ditherer?

Deputy Inder: Well actually if the result of that election was to go by, I have actually made my own argument. If you remember, Deputy Hansmann Rouxel, I lost! I was a bit more prepared for the by-election, obviously, and then I was successful. Therefore Danny Ditherer Inder made a mistake and I am afraid – I am not entirely sure I made a mistake, maybe everyone else did, but anyway (*Laughter*) – I swear, after that election, if everyone who said they voted for me had actually voted for me, I would have beaten Deputy Fallaize.

In short, do you actually want it? This is a serious job, it is not a jumble sale, it is not a Next sale, we are not here to have 2,000 people just because they happen to be of a certain diversity. You have to have a certain amount of intelligence, you have to come from a certain amount of ... I do not know what the word is. You have got to have a certain amount of drive, at least. At least a bit of drive. I will remove the word 'intelligence', a certain amount of drive to want to do this job. You do not just walk past the nomination stand and say, 'I will give it a go,' Do we actually want ...? No, I will not give way, Deputy Tooley. So there you go.

To deter excessive spending to prevent the perception of undue influence. Now on Tuesday, I shared with Members the summary expenditure figures for the 2018 and 2016 elections and to help Deputy Brehaut about this whole idea that some kind of Billy Billionaire – my god, the characterisation of wealth in an Island that has done so well, the finance industry, I think it is really quite shameful, I genuinely do, trotting out the old cards that it is the white, male, money man who is going to destroy democracy, it is really quite –

Deputy Tindall: Point of correction, sir.

The Bailiff: Deputy Tindall.

Deputy Tindall: Deputy Inder is assuming Billy is a male.

Deputy Inder: Okay, fine. So let us go for some real figures. In 2016, the table was sent to all Members and 24 candidates – and bear in mind back in 2016, and this is a general view of the results, those who got in, the winners and losers, your Top 40, counting down from number 10 – we are told time and time again that the election can be bought; you can just lay some money on the table and you can buy the election. It has been a nonsense from the day it was mentioned and I will give you some facts here and some evidence.

Twenty-four candidates spent between £900 and £1,200 and 18 were elected. That is 75% of the people that spent between £900 and £1,200 were elected. Eight other candidates spent £1,200-£1,500 and only three were elected. So that is 37%. Now there is a bit of an anomaly around the

£1,500-£1,800, where eight candidates and four were elected, that is 50%. Of course, because Billy Billionaire is going to spend £9,000, five people spent £2,100-£2,300; three were elected, that is 60%.

There is nothing in there that tells you that this Election can be bought. Nothing at all. What this does not tell you, actually, is the incumbency advantage, to be honest, because I have not got the breakdown here. There is something missing from this. But what it does tell you, that most of the people that were elected spent between, let me get this right, anything between £900 and £1,500, and you are asked to believe that a Billy Billionaire spends £9,000, him and all his mates are going to take over the democratic process of the Island, like something out of *Animal Farm*; two legs good, four legs bad, or whatever it is.

The premise that spending and success has correlation is a complete myth. It is an utter myth. As evidenced, and I know Deputy de Sausmarez is smiling, she loves her evidence. Well this is not my evidence maybe, but by the stats of the last and previous election, Billy Billionaire cannot spend limitless funds in self-promotion. He cannot do it. It does not matter about his wealth. He cannot spend limitless funds.

In fact, we have proposed a spending limit to prevent that but we are not precluding anyone from engaging and we are certainly not typecasting any future candidates. We are not doing that. This mythical beast, the 10-headed money man, cannot spend his billions on the election. He can only spend £9,000 and judging by the evidence, I would be careful there my friend, because your message, your principles, your values, what you say is far more important than your actual expenditure.

You can have the best message in the world and be heard by no one. You can have the worst message in the world, but heard by everyone, and I do not think that the people of this Island are as stupid as some Members have suggested. No, they are not, Deputy Gollop; they are not stupid.

We have effectively cobbled Billy Billionaire, we have tied his right hoof to his left hook and he cannot move. He has got a ring through his nose. He cannot spend his money. The great equaliser is the £9,000 expenditure, which would enable a candidate to appropriately market themselves entirely separately to the offering of the States. That is something we have to do. We have to give people the ability not to go into the booklet and back to what Deputy Fallaize, I think even with what we are doing now, we are sailing very close to the wind.

I do not disagree with that. I do not disagree with that. From that, we certainly cannot direct people to stay within the confines of the genuine effort we are trying to make as a committee to allow voters to engage in a single piece of literature. It is not excessive. It is a reasonable figure to enable candidates to market themselves to the entire Island. In the context of Island-wide voting it cannot be deemed to be excessive spending. No one is buying this Election.

Now on point three, sir, not to set the limit so low as to set unreasonable levels of expenditure, which could impact on trust in the system. As I have already set out, £2,300 is far too low, you just cannot do an awful lot with a district, which has effectively multiplied by seven. This is the 2016 candidate expenditure limit and when the electoral district was one seventh the size of a single district.

Now, the argument might go that, if the old parish system was one seventh the size of the current district, why didn't the Committee just multiply £2,300 by seven? Because that is not how it really works. We would then give an expenditure limit of around £16,000. It seems to follow, if you have got seven districts, one is at £2,300, multiply it by seven, give them £16,000. What was the reason for that? The reason we did not scale-up to seven is very simple. As we have seen in appendix three, the multiples of manifesto printing do not work like that. It is always the first one that is the most expensive and the run-offs, in their thousands, are progressively cheaper.

Also, you have got something that I suppose you sort of bleed across the boundaries. If you were doing one radio advert, a radio commercial on Island FM, you might have been targeting one of the parishes but quite clearly it is going out to the whole Island. You stick a poster up in a car park in Castel somewhere, anyone from the Vale, someone who drives past it, is going to see it. The

actual multiples do not work. It is not that segregated that you multiply something by seven on Island ...

So what we actually came up with was basically multiplying it by four and £2,300 multiplied by four gets you pretty close to your £9,000. That is in the reasonable bounds for people on a single district, which is seven times the size of the old parish system. It is a reasonable amount to allow people to go out and market themselves.

I am going to turn to the proposal to offer a grant to all candidates, as set out in Proposition 1(b) for a moment. The Committee chose not to offer a grant, the benefits in kind, and we opted for benefits in kind to candidates, which were generally accepted by most of the Assembly over this process of inclusion, all the discussions we have had. I think that is fairly well accepted.

Now, this amendment will place an additional financial burden on the Island, which the Committee had sought to avoid. In an election, which will already cost, I am afraid, substantially more than previous elections. If we have 100 candidates, potentially another £50,000, with the £500.

We have to ask ourselves, what is that figure likely to achieve? If the argument goes that the wealthiest will buy the election, I have already disproved that. Why on earth would you give then another 500 quid? Because all you are doing is shifting the £500 in, effectively, a straight line. If you are going to give £500 to every candidate, what is that going to achieve? Because the £500 advantage of the mythical wealth in this Island is just another £500. It is more dust in the pocket. It does not achieve anything at all.

If the same argument is that this is for those on more modest means, in an electoral district seven times the size of the original parish election ... actually strangely enough, what would have been more practical, if you understand this argument, and thank heavens it did not turn up, because nothing would surprise me, is that we do not have a means-tested election where, basically, if you are a candidate, two months in advance, you have got to expose what your wealth is and, by the way, if you have got too much money, if you look like Billy Billionaire, you are not allowed any money to market yourself. It would not have surprised me if that had turned up.

That actually makes more sense if you want to limit the expenditure than actually adding 500 quid. It just does not make any sense. The provision of a £500 grant will arguably have a limited impact on assisting candidates of limited means to communicate meaningfully with the voters on an Island-wide basis.

Deputy Fallaize, I will give way.

Deputy Fallaize: I am grateful to Deputy Inder.

Would he agree with me that this debate, to some extent, is displacement activity and that, actually, if you were really committed to trying to produce an equal playing field, where no candidate was able to gain a financial advantage, the only secure way of doing it is to have publicly funded election campaigns, 100% publicly funded? And if you are going to fall short of that then you are going to permit people to, you know the financial disadvantage between candidates, to have some bearing on the outcome of an election.

Deputy Inder: I think he is absolutely correct. The most level playing field would be the Government to sponsor it. I just shudder at the idea, myself. You are right, displacement activity is absolutely correct. The democracy, or rather the democracy that the people might not have liked at one end is not really being helped by shifting money left or right. You would have to have a completely new model. We are really just moving deck chairs around and are in real danger of limiting the new candidates to market themselves, to the advantage of the incumbents.

Through Proposition 1(c), the Member provides, arguably, an either/or respect for the production of the manifesto. It would mean a candidate featuring in the candidate manifesto booklet would reduce their expenditure down to £1,500. If the candidate opted out of the booklet, which the Committee does not wish to encourage, given the benefits of the proposal, the expenditure limit may enable them to print a manifesto that provides no assistance in the delivery

1920 of it. Many candidates may not be able to call on the assistance of family and friends in delivering it in the timeframe. It is not going to be possible.

Finally sir, perversely, the amendment would increase the expenditure limit available to the political parties in comparison to candidates and would put candidates affiliated to a party at a greater advantage. Genuinely, Members, there is literally no logic to this amendment whatsoever.
1925 To get to a position where you limit the candidates, an advantage from the same people that were whining about parties for the last two years in this Assembly, to actually give a greater advantage to a party system and limit individual candidates makes utterly no sense at all.

Members of the Assembly, the Committee's proposals do have logic behind them. I believe the logic behind the amendments proposed is well-meaning, but it is utterly flawed. Our proposals are
1930 not perfect. Now we know they are not perfect, they really are not. I have said before that we have tried to marry the likely sentiment in the States, we have matched this against various commissions, we know that it is a very fine line and something we have got to get through this Assembly and try and deliver what effectively is a successful – whatever that means – election, an effective election.

That has been a difficulty. We knew we could not go much higher than £9,000. We certainly were
1935 not going to go lower. It has been extremely difficult for us. But these amendments are just fiddling. Absolutely fiddling. They make no sense whatsoever. We are dealing largely with an unknown future. We do not know what is going to happen.

We have already told you before that we have over-compensated. We have already told you, in terms of actual delivery of the voting days, effectively, we know that we are over-compensating,
1940 and we have had to do that because what we did not want to do and I said this was an issue before, I do not want to destroy, do not want to wreck the Election by 12 o'clock on 17th June. So we have over-compensated and we will get to that debate later on. We are undoubtedly on a learning curve with the first iteration of Island-wide voting. However, this amendment is just not suitable in terms of the Committee's proposals and I would strongly urge the Committee ... Members of my
1945 Committee, and the rest of the Assembly to reject it.

Thank you, sir.

The Bailiff: Deputy Roffey.

1950 **Deputy Roffey:** Thank you, sir.

I came into this Assembly this morning thinking I felt reasonably strongly on this subject but, having listened both to Deputy Inder and the frissons of reaction around me, I think I am probably relatively sanguine compared with the rest of the States! I will focus in on this particular amendment in a minute but I think to explain my reaction to it, as others have done, I have to really explain a
1955 little bit how I feel about this whole issue, about spending limits, because you have got the background and then you judge each of these amendments against them.

I really feel sorry for SACC, because I think they have been trying to reconcile two irreconcilable things. Because what have spending limits traditionally been there for? Yes, no spending limit would ever make it even, the nurse on an entry level salary, even when it was £2,300, of which £500 was
1960 given by the States, would find it more difficult to spend the other whatever it was, £1,800, than a millionaire, whether they are called Billy I do not know where I fit in with all these categorisations. It must be like, what was it, *Wacky Races*, Peter Perfect?

The point is it never was quite a level playing field, but what it was trying to do, traditionally, was two things. One, make sure that it was reasonable enough, the envelope was big enough, that no
1965 candidate could really say they were not able to communicate in a reasonable way with all of their potential voters, while trying at the same time to make it a roughly equal playing field between candidates from different backgrounds.

Now, under the system of first of all parishes and then the seven electoral districts, that was just about maintainable. Now I have said early on, I actually really like the idea, in principle, of Island-

1970 wide voting, but I was worried that some of the practicalities would be difficult to resolve. Here I think we are hitting the first one.

1975 There is no way, when people are trying to actually get themselves noticed amongst 100 candidates to 30,000-odd people that we can satisfy both of those criteria. That is roughly equal amongst the wealthy and the un-wealthy, other than paying public States' money for all. I do not think the people of Guernsey would put up with that and I think they would probably be right not to. But, other than that, there is no way you can satisfy the two criteria of trying to have a roughly level playing field while not denying people the right to communicate in their own way, within limits, with the whole of their electorate.

1980 I like the idea of the booklet, in some ways, and in some ways it is a better option than the £500 grant, as it were, because it was probably worth far more to the person that does not have much money, to that nurse. They would probably be able to get a far bigger bang for their buck out of the booklet. But it creates a problem, because leaving aside people who are members of parties, for a second, let us look at independents. There will be three different types that we are all trying to satisfy these two competing criteria. There will be the people for whom their manifesto will be the one in the booklet and they would not dream of doing any other manifesto, that is it. They only wanted to do two pages of A4 anyway, so job done.

1985 I actually think saying, 'You can spend another £9,000 on roadside banners and adverts on the radio and television,' sounds slightly OTT to me. Why would they need to, if they are not going to produce any booklet?

1990 On the other hand you will have people saying, 'I want to opt out of that booklet because actually I have got really quite a lot of profound things to say to my potential voters and trying to squeeze that into a few little paragraphs on two pages of A4, I do not think I will be able to sell myself properly.' In which case you probably need, really, a far more generous allowance. I am not sure whether £9,000 is right, but a far more generous allowance than £2,300 that is set out in this amendment,

1995 Then of course you have the people saying, 'We will do both. I will certainly take advantage of the booklet, because why would you not, if it is free? But I am going to produce a more substantive manifesto as well.' What I do like about this amendment, I am not sure it goes far enough with the £800 difference, is the idea that there should be some differential on how much money you can spend, whether or not you choose to opt out of the booklet, because I think if you do choose to opt out, you have got a legitimate argument that, 'I am doing my manifesto my own way, I need to be able to spend sufficient money to do that.' If you are trying to get it both ways, bread and butter on both sides, I have far less sympathy.

2000 So, where am I actually coming from on any of these amendments? Because I do not think any of them ... Well, let us focus on this one first. I do agree with Deputy Inder that actually allowing a political party to spend twice as much as an individual really cuts against the grain for me. And I do agree with him about incumbent advantage. But that is, again, one of the things that some of us said was going to be an inevitable consequence of an Island-wide poll, with a huge number of candidates.

2010 Because for relatively modest sums a newcomer, whose name is not known but is talented and able and articulate could get themselves noticed in a constituency. I think we probably do have to allow them to spend considerably more to get themselves noticed Island-wide. So I am not sure that £2,300 is enough. But the dilemma is going to £9,000 definitely does really give an advantage for those people that can afford to pay.

2015 I have not decided whether to stand for election, but if I do, I would not spend anywhere near £9,000 on my campaign because I am a tight little Guernseyman, but also because my name is relatively well known. Whether that is a good thing or a bad thing, we will wait to see, if I actually stand. But I do not have to wave a flag so much to say, 'Here I am, this is who I am.' Because people, for better or worse, probably have got a fair idea.

2020 If Mr Le Page, who actually could make a very good Deputy but has not really been involved in public life, either in the States or the media or anywhere else ... I think you have got to allow them to shout out and explain who they are, otherwise they will get lost. And people who get lost in this sort of election are going to fall by the wayside, frankly.

2025 So, sir, I actually quite like the shape of this amendment, in some ways, although I do not agree with allowing political parties to spend above what an individual does. I am not sure the grant is necessary when we are doing the booklet, but the idea of a differential of the amount you can spend, whether or not you opt in or out of that booklet, I have sympathy for. But £2,300, I think, is just too low.

2030 I would like it to be enough and I have heard the arguments about how you can do it and, yes, if you have got a big gang of friends to help you out and everything else, you probably could just about do it. That is probably how I would go about doing it. If I decide to put out an extensive ...

Yes, I give way to Deputy Merrett.

Deputy Merrett: Thank you, Deputy Roffey, very appreciated.

2035 I just wondered if Deputy Roffey could just comment, because my recollection of 2016 and why I sat to the early hours stuffing envelopes was that, if we had friends or family assisting us with either stuffing envelopes or walking and delivering manifestos, that obviously is a resource. I believe, if different you can help me out, that cost of stuffing envelopes or that resource was actually included in our allowance. So therefore, even if I had X amount of people willing to – and it would not be hiking boots, sir, it would be running shoes to get across the whole Island if there were 10 of them – surely would that not be a resource and therefore have a cost implication?

2045 **Deputy Roffey:** Firstly, if I was going to have them hand-delivered by myself and a group of friends, I would not stuff any envelopes. Why on earth would you need to, you would just take the manifesto around and put it through people's letter boxes. Secondly, I do not agree with the running shoes. The Vale is one of the biggest and diverse areas. I have done it by myself, quite a few times, so times seven and you would say you have got 10 people who would need running shoes, I am not sure. Five people might need running shoes, I think 10 people could do it on a fairly leisurely basis, particularly as they would not be knocking on doors, necessarily trying to chat to everybody, because why would you if you are not the actual candidate? You would just be putting it through the door and moving on.

2050 So I think it is possible to do but not everybody has that support network.

Oh, I give way. I am not going to keep giving way because I do not feel passionately about it.

2055 **Deputy Fallaize:** I am grateful to Deputy Roffey.

No, that is not the point I think that Deputy Merrett is making. The current rules and regulations require candidates to declare not only the money they have spent but the money's worth, which has been spent on their campaign by anybody else. Now, in the past, the guidance has included, for example, if a friend builds a website for a candidate and does not actually charge them, that cannot be put down as nothing because if another candidate goes and asks that person to build a website, it would be charged at a commercial rate.

2060 So you have to declare in your election expenditure the money's worth spent on your campaign and I think what Deputy Merrett is saying is, if you have got 10 friends or colleagues out around the Island giving up their hours to hand-deliver your manifesto, their time, based on the current rules and regulations, would have to be accounted for, because that would be money's worth spent on your campaign.

2065 **Deputy Roffey:** I think, sir, the definition of money's worth has always been up for dispute, for as long as I can remember in elections. I do not think in many other countries, like the UK for instance, where there are spending limits, the fact that volunteers go around leafleting, the cost of

the leaflets are usually included. It would be unusual, I think, to say that this university student has decided to give up their Saturday and go around and it will have to be counted as money's worth. If it is, then, I think that is the rule we need to look at.

This is the last time, I give way to Deputy Inder.

Deputy Inder: I am actually trying to help you.

I have had that discussion with the principal officer, recently, regarding walking around a parish with the mum, the dad, the dog and the cat, is probably something that was kind of forgotten or did not really matter. But if we do end up with effectively red or blue or green or yellow-shirted friends or whoever, it is starting to look a little bit like organisation.

But I think what I really need to do, and this is for you, Deputy Roffey, and probably all Members, is seek some clarification from that. Because I do not think we are absolutely clear, within the Law, or as Government, what that actually means. So what I will commit to is trying to get, I will not do it now, we will seek some clarification.

Thank you.

Deputy Roffey: Sir, this money's worth thing. I have only ever had one assistant in one election and I think they were still a schoolboy at the time so I do not think I would have ... were you not, Deputy Fallaize, I am not sure! (*Laughter*) I do not think I probably had to declare money's worth on that occasion. Although it was worth a great deal to me, I have to say. So and so lives there, so and so lives there. Really helpful to have that help.

I myself submitted a draft amendment to everybody, which I thought took some of the aspects of this amendment but put a more realistic sum to it. I have had absolutely zilch interest in that, so I dropped that. I do not know how I am going to vote because one of the problems, I do not think I can vote for this one, because I think it is just too restrictive, on the smorgasbord ... I cannot talk about future amendments.

I will explain my dilemma when I get to that amendment, but what I am saying is one of the advantages of this is it gave differential rates for those that took advantage of the booklet and those that did not, whereas amendments still to come will not do that and therefore that allows me to pick a higher figure but it does not allow me to have the differential.

This one allows me to have the differential but at just too low a figure. But I also think £9,000 is too high and will give much too much of an advantage for people with £9,000, I am not talking about billionaires, just people who can comfortably spend £9,000, compared with those who cannot. I just think, yes, you cannot have absolute equality, but I have almost come to the conclusion that I will walk out of here at the end of today – maybe today? – having made a very imperfect decision but I think that is just an inherent characteristic of the election system that we, or rather the people of Guernsey, have chosen, so I am not going to beat myself up over it.

The Bailiff: Deputy McSwiggan.

Deputy McSwiggan: Thank you, sir.

There is a well-recognised phenomenon, or at least those in here who are women will definitely recognise it, that you can suggest something in a meeting, in your woman's voice, and a male colleague will go, 'Great idea, let me just repeat that in my male voice.' And everyone will listen to it.

I know how absolutely frustrating that is and so I apologise to Deputy Inder because I am going to say much of the same things that he has just said, in the hope that saying them in a slightly calmer voice might reach one or two people who were perhaps un-reached the first time. But I am sure I will not convince Deputy de Sausmarez and Deputy Tooley.

I think there is one good amendment in this bunch of amendments. Unfortunately it is not this one. But to Deputy Tooley and Deputy de Sausmarez's credit, it is the other that they are laying.

Like Deputy Roffey, I do not think that any of the amendments, or indeed our own solution is perfect but I have suspicion that that one might just be the good Guernsey fudge that we need to get us to the kind of compromise that all of us or the majority of us are happy with.

2125 So I would quite like to get through this amendment relatively quickly, put it to bed and move onto that one. Deputies de Sausmarez and Tooley say that this amendment is more compliant with the spirit of the Venice Commission than anything that SACC has proposed. I think we have got, effectively, the two poles. SACC is proposing something that would be free, but would not necessarily be fair, or not as fair as it could be. What Deputies de Sausmarez and Tooley propose is
2130 something that is fair, certainly, but is much less free and I think it goes beyond the point of unfreedom that this Assembly should accept.

The real point was embedded in Deputy Roffey's speech. If we want sensible spending limits, we probably need to divide our electorate up into electoral districts, or something. (*Laughter*) This is the challenge that we face in the context of Island-wide voting. I do want to go back to the point
2135 that Deputy Inder made and talk about the voter and the need for candidates to be able to reach voters and there are a couple of points here where I think the amendment has some significant disadvantages.

I am not going to suggest ... of course candidates should be able to put together a manifesto in whatever way suits them and at whatever length it suits them. But actually what we think suits us in
2140 terms of being able to express ourselves and fill multiple pages tends not to suit the voters so well. You will have made up your mind on the first couple of sentences and if somebody is boring you with a bible of a manifesto, no matter how good the content, you are probably going to set that to one side.

In terms of making this an election that is accessible to voters, the challenges are very different
2145 this time around to anything that we have dealt with in the past. One of the things that is helpful in these proposals, I think, is the creation of a combined election manifesto, because that does allow you as a voter to get summary information about all your candidates at a single point of service and fairly promptly after the nomination period closes.

But you have to accept that there might very well be candidates who will say, 'Actually, you know,
2150 I do not want anything to do with this States of Guernsey business. I am coming in to shake up the Government and so I am not going to associate myself with anything that is being prepared centrally.'

It needs to be possible, in order to have a free and fair election, for those candidates to be able to reach the electorate outside of the bounds of the combined electoral manifesto. And that is what
2155 we are trying to achieve with a spending limit of £9,000. Now I could probably be bargained down a couple of thousand pounds, which is why I am amenable to the other amendment, possibly more so than some of my other Committee members. But I could certainly not be bargained down as far as £2,300.

The issue, which I will come to in a second, is one of mobilising resources and that takes different
2160 ... but £2,500 will not an independent candidate properly to reach the whole of the electorate with their message. You know, we need to look at this with accessibility hats on, besides anything else. This Election much more so than any one in the past, because of its nature as well, because times are changing, is one that is likely to be digital by default. But we know that there are a lot of voters who are not online and we need to make sure that it is possible to reach those candidates in ways
2165 that are meaningful and effective for them.

So, just as we are proposing that the benefits in kind provided by the States include both a hard copy manifesto and online information, so when you were thinking about what the right spending limit should be, we had to be thinking about, effectively, those last mile voters, people that you are
2170 only going to reach if you reach them with paper copy. Because you do not know who those people are at the point of sign-up. You have got to have this failsafe that you should be able to reach any voter with that last mile, sort of, hard copy.

That is the fundamental argument for having a spending limit of around £9,000, in that ball park, It is a much bigger electorate that we need to reach and in the interests of transparency it needs to be possible for each candidate to be able to reach all voters. But I think also, in the interests of benefiting the voters, most people who responded to SACC, when we were developing this concept of benefits in kind, said, 'Do not bombard me with a lot of manifestos, I would much rather have just one summary document.'

One thing that I do not like about this amendment that I think is a disadvantage in this amendment and in the hypothetical amendment that Deputy Roffey proposed earlier is that the differential spending limits, if you opt in or out of the combined manifesto, will have the effect of disincentivising some people, who would otherwise have gone. 'I will probably just do both; a bit of one and a bit of the other.' I am happy to answer if you want me to give way? I cannot read lips, I am not good at that.

If I were standing again, and I am not, what I would probably do is put my main information, my written manifesto in the combined booklet, get a postcard out to every house and direct them to a website where they can find out more. That would be my bit of both and I suspect a lot of candidates would do a bit of both. But I think that, if given the choice between a combined manifesto, in which you are restricted to two pages, which for some of us does not feel like enough, or a bigger spending limit that would allow you to reach people on your own back, I think more people would opt out of the combined manifesto and the quality of experience for the voter would not be so good.

That is one thing that I think is a problem with this amendment that again is not such a problem in the one that follows. But I think this amendment does go to the heart of one key issue, which is that of mobilisation of resources. The spending limit is what it is because of the size of the electorate. The issue that Deputies de Sausmarez and Tooley have picked out is the fact that some people are not going to have anything like £9,000 at hand to spend. In fact, a lot of people did not have anything like £2,000 at hand to spend in the last election. Who is going to venture that sum of money when the odds of success are as they are?

The challenge is how we make it possible for those candidates to access resources at less risk than a system with a £9,000 spending allowance and no grant issues. This amendment goes part of the way in offering a £500 grant for candidates and, again, that element is retained in the next amendment. So, for Members who like that element, I would say do not vote for this one, wait for the next one!

I think that is the proper diagnosis of the problem. Were I not on the Committee and were I thinking about amendments, I would probably be looking at one that offered some kind of graded grants or loans system, to enable people to get closer to the spending limit. But I do not think that the issue of resource mobilisation should be conflated with the question of what size should this overall spending limit be.

This amendment assumes that candidates are able to mobilise certain resources, specifically, it assumes that candidates are able to mobilise the time and energy of their friends and family for a potentially quite extended period to help them reach the electorate in a way that will not necessarily cost them money.

Without wanting to judge it one way or the other, is it more or less plausible to believe that the same candidates would not be able to crowdsource funding or other practical support to deliver an election campaign within a larger spending limit. I think once you assume that candidates are able to mobilise resources from a pool of supporters, you can be relatively open-minded as to what those resources will be.

In summary, I think this amendment ... sorry, the final thing of course is the difference between the spending limit for parties and the spending limit for individuals. Having opened the amendment by saying it is aimed to create a more level playing field for candidates, I think it is then a mistake to create a different kind of uneven playing field, which the double spending limit for parties will do it. It will make it significantly easier for candidates who are affiliated with parties to reach a larger

part of the electorate than candidates who are standing wholly independently. So by its own yardstick, I do not think this amendment completely measures up.

2225 The good elements of this amendment, specifically the £500 grant and the opportunity to choose between a wider range of spending limits, are incorporated in the one that follows. The bad elements that the question of the double spending limit is moderated by the upper end at £9,000 and the cutting of your spending limit if you are included in the combined manifesto, are not in the following amendments.

2230 I will have fault to find with that one when it comes, but it is far better and I would far rather set this one aside and let us move on to debate on that one and see if we can either find some consensus around that or come down on the side of SACC's original proposals. But this one, sir, I do not think stands up and I ask Members to throw it out.

The Bailiff: It is now very close to 12.30 p.m. I propose we rise and come back at 2.30 p.m.

*The Assembly adjourned at 12.28 p.m.
and resumed at 2.30 p.m.*

**XIII. General Election 2020 –
Second Policy Letter –
Debate continued**

2235 **The Bailiff:** Deputy Laurie Queripel, do you wish to be relevé?

Deputy Laurie Queripel: Yes, please, sir.

The Bailiff: You are.

2240 Does anybody else wish to speak on amendment 2?
Deputy Ferbrache.

2245 **Deputy Ferbrache:** Sir, taking up your kind words at the Christmas lunch that the States' Members have enjoyed before in the spirit of Christmas, Deputy Tooley's speech with all the alliteration reminded me if we had gone to (e) would he have somebody either Eddie or Edie the eagle eyed who had read the policy letter correctly, would we have got as far as Gollop the gourmet? Trott the truculent, (**The Bailiff:** Or Foxy Ferbrache.) Millie the millionairess and the more we have got – where would we have got Le Pelley and St Pier are too posh because they got two names so we could not have said anything for them, but there we go. Anyway Billy the billionaire, my
2250 goodness!

I do not think that kind of alliteration did help because it did create despite the intervention point of correction we were told by Deputy Tindall about well it could have been a female Billie; I spelled it B I L L Y in my mind rather than B I L L I E, but never mind so I assumed it was Billy the male with his Range Rover and his lots of money. Actually there is nothing wrong with somebody
2255 being a billionaire. Deputy Trott might tell us about that and having a Range Rover, he will certainly be able to tell us about that! (*Laughter*) But the point in relation to all of this is she does have a valid point in that we do not want anybody to buy any election.

2260 What we did as the Committee responsible for this is we applied our minds because we had different views and the figures that we came to were, to a degree, finger in the air, there is no exact science but they had to be reasonable, and bearing in mind that it was £2,300 per district for the last election, the figure of £9,000, there is no arithmetic, you cannot multiple that by six or seven and get to £9,000. But there was a logic in it.

But I think it is a complete myth, an absolute myth, in Guernsey to say that somebody can buy an election. (**A Member:** Hear, hear.) Deputy Inder gave some figures before. Now when I stood in 2016 I was not a first time States' Member but I was a first time for a long time States or potential States' Members because it had been 16 years. So I put my name forward and I cannot remember the exact figure I spent but it was less than £700; I think it was somewhere between £650 and £675 and I was elected top of the poll, so it has nothing to do – I was a non-States' Member I was not an *in situ* States' Member, it had nothing to do – with the amount of money that was spent. So I spent less than a third of the money that we could spend. And a token grant of £500 is tokenism. What difference is that, in real terms, going to make to most people? The answer is nothing, it is going to make no significant difference at all.

Deputy Tooley was right when she says that £9,000 is a heck of a lot of money to a heck of a lot of people and I accept that and it is a high percentage of a nurse's salary, a teacher's salary, a police officer's salary, of course it is. You could do all those kind of analogies but they are false analogies because in an ideal world, frankly, I would have liked just to have the States' booklet with all the manifestos in and if you cannot put down on two A4 size what you are going to say – I know some people like putting in pictures of their grandchildren and their families and the family tomb to show they have been in Guernsey for 3,200 years, they want to do all that kind of stuff but it is unnecessary ... The people out there are pretty intelligent, most of them, and they will know in early course who they are going to put their cross by on the 16th or 17th or 9th or 10th or one of these other many days that we propose allowing if the States' agrees for the election process to take place.

When it comes down to it, to try and ascribe a set figure because somebody is poorer than somebody else. What will we do then? If somebody is better known than somebody else will we see they cannot put themselves in the media as much because the other people have got to catch up? If somebody is taller than somebody else have we got to say the other is a bit like Alan Ladd in the old films and had to stand on a box? What are we going to say? We are different, we do have different aspirations, we do have different means, and therefore you cannot create an entirely consistent and flat playing field, all you have got to do is enable enough decent candidates to come forward and enough decent people to be elected.

Again it is bit like – I found this to be consistent throughout the period of this States there were people ... Deputy Roffey was one, he was President of this Rules Committee, as I call it, some time ago. For them to come up and say that, 'Oh, well, you could do it this way, you could do it that way, do it the other way.' He did not want to do the job, he resigned from doing the job, and others resigned from doing the job. So if you elect a States' committee to do the job and it is clear that they have applied their minds consistently to the task before them shouldn't you actually trust them? Shouldn't you actually follow – I am not going to give way to Deputy Roffey, I have heard his eloquent tones before and I will no doubt hear them during the course of this States' debate again, I do not need to hear them again now.

Now in relation to that, should we not be saying that the Committee is doing their best, this is brand new virgin territory, we are going to go out to 35,000 or whatever the exact number of people is or are and if some people want to spend £7,000 or £8,000 if they can, let them. I do not actually think it would advantage them. I would doubt that when I stand if I will spend more than £1,000 because I do not think it is necessary to spend more than that to get your name forward and to let the people decide whether they are going to vote for you or not.

So all I am saying in relation to this amendment is it is well intentioned, it was well argued, but people should vote against it.

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

A Member: Hear, hear.

The Bailiff: Will those who have not yet spoken on this amendment and wish to do so please stand in their places.

2315 I see seven people standing. Do you wish to proceed with the Rule?

Deputy Lester Queripel: I do indeed, sir.

The Bailiff: Right, in that case I put to Members the Proposition that debate be –

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Deputy Lester Queripel: I would like a recorded vote as well please, sir.

The Bailiff: We will have a recorded vote then on the Proposition that debate be terminated.

There was a recorded vote.

Not carried – Pour 14, Contre 20, Ne vote pas 2, Absent 4

POUR

Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Smithies
Deputy Graham
Deputy Green
Deputy Dudley-Owen
Deputy de Lisle
Deputy Kuttelwascher

CONTRE

Deputy Gollop
Deputy Le Pelley
Deputy Merrett
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Dorey
Deputy Brouard
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley

NE VOTE PAS

Deputy McSwiggan
Alderney Rep. Roberts

ABSENT

Deputy Le Clerc
Deputy Paint
Deputy Le Tocq
Alderney Rep. Snowdon

The Bailiff: Well the voting on the guillotine motion was 14 in favour with 20 against and 2 abstentions. I declare it lost.

2325

I will call Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I have very mixed views about Island-wide voting but I am pleased that the States have accepted the outcome of the Referendum and the Committee has now very diligently, I think, been working to try to implement the best possible practical arrangements for running an Island-wide election.

2330

I always thought that the greatest risk with Island-wide voting – well one of the great risks – was that the States would do silly things in terms of the practical arrangements of it to try to respond to a very difficult set of conditions and I think that that is a mistake. I think if you have Island-wide voting you have to accept that there are certain characteristics or conditions that come with organising an Island-wide election.

2335

I think that is where this amendment falls down. I think what this amendment does not do is recognise the enormous shift between an election based on district or parish lines and an election based on Island-wide lines. To go from constituencies of 7,000, 8,000, 9,000 people to constituencies of 60,000 people is a huge change and yet the expenditure limit set out in the amendment provides for no change from that which applied under a district based system.

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Now if you think about what Island-wide voting means or does not mean, we do not know how many candidates there will be but it is quite possible there will be 70, 80, 90 candidates because there normally are in district based general elections. So you have a situation where no longer do you have perhaps five or six seats being contested between 10, 11 or 12 candidates, you have a situation where 38 seats are being contested between, 70, 80, 90 candidates. Now it is obviously going to be harder for any one individual to get themselves noticed as a candidate if they are one of 80 than if they are one of 12.

You also have the challenge that you cannot have a hustings in the same way as you can for a district based election. It might be possible to get groups of candidates in front of electors in a hustings type format but what you will not be able to do with an Island-wide election which you can do with a district based election is have all of the candidates who are going to be on that ballot paper in front of all the electors who are going to participate in that election. That is just not possible in an Island-wide vote unless we are going to put 80 candidates on a stage on one evening.

It is obviously not possible for a candidate to canvas the whole of what will be the electoral – the whole Island constituency whereas, it is possible to canvas the whole of a district or a parish at the present time, and many candidates do. Even if you were to go out every possible hour when it is light over the four or five weeks of the election campaign you might be able to get to 3,000 or 4,000 but you are not going to get to 30,000 plus. So you have no hustings in the way that the elector has been used to, you have no canvassing in the way that the elector has been used to and instead of asking the elector to choose five or six from perhaps a dozen, you are asking them to choose up to 38 from 70 or 80. That is a monumental change in the electoral system.

On top of that, what is proposed in this amendment is that the current expenditure limit which allows, by my calculations, the candidate to spend about 50p per voter on their election campaign will come down to 7p per voter. Now that in my view just does not have any logic whatsoever. We know it is an election at which it will be much harder for candidates to communicate directly with the electorate because of the reasons I have just outlined in relation to canvassing and the number of candidates and hustings and then on top of that if this amendment is successful we potentially are going to cut, very significantly, the sum which each candidate can spend promoting his or her campaign.

Now this is presented as being all about the interests of new candidates who do not have the financial means to spend anything close the expenditure limit. I think it has already been demonstrated by Deputy Inder that there is not a great correlation in Guernsey elections between how much is spent and whether the candidate is successful.

I do accept it would be possible –
I will give way to Deputy Brehaut.

Deputy Brehaut: I thank Deputy Fallaize for giving way.

Would he believe there was a correlation perhaps – I put it no more strongly than that – if we look at the Referendum result did not the group who sponsored Option A spend more than any other group and we ended up with Option A, is there a correlation there, does he think?

Deputy Fallaize: I believe that is true, but I think in terms of an election – I think theoretically it is possible to buy an election. Clearly it is if you look at American politics, they say America is the best democracy money can buy! It is possible theoretically to buy an election but I do not think it is possible at the kind of sums that are set out here in this policy letter. If it was possible to buy wall-to-wall television adverts and that sort of thing then we might be in the territory where we have to guard against elections being bought, but in any event trying to create as level a playing field as possible between the candidates in terms of their financial means is only one consideration.

You also have to consider whether you are giving the candidate and the voter the opportunity to have some kind of proper dialogue in an election campaign. Mainly it has to be about the voter and not about the candidate. (**A Member:** Hear, hear.) If the voter is presented with 70 or 80 or 90 names and does not have the benefit of a hustings and does not have the benefit of canvassing and most electors will not have the opportunity to speak to all of the candidates who are standing, it becomes even more important that candidates have a reasonable opportunity to promote themselves.

Ultimately there are two answers here. If there is such concern about expenditure limits and being able to buy elections the most obvious response is to have state funding of candidates. If you really want to level the playing field that is the way you have to go about it. The other solution is that if you have independent candidates who would be so unknown that they could not be elected then they will have to get themselves together and group themselves into an alliance or some kind of coalition when they will then be part of a platform.

Now many of us in the States are uncomfortable with that kind of approach but that is the reality of trying to run an election where you ask electors to have up to 38 votes and to make a choice between 70, 80 or 90 candidates. It is very hard to do if all the candidates are going to stand as independents. But trying to impose expenditure limits which were considered reasonable when the constituencies were 6,000, 7,000, 8,000, 9,000 people on candidates who are going to be campaigning in constituencies of 60,000 people, is plainly not the right answer and therefore I think this amendment must fall.

Thank you, sir.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

Deputy Fallaize just made a very good speech about the follies of Island-wide voting and I probably agree with a lot of what he said.

But earlier Deputy Inder made much of the fact that selection is not only about candidates, in fact it is mainly about the electors. I mean he was absolutely right about that. This Election is about voter choice and the width of that choice, not about a choice between candidates who are not daunted by the prospect of spending up to £9,000 on what Deputy Inder persisted in calling marketing and Deputy McSwiggan referred to as reaching voters.

Now I absolutely understand the concept that candidates should be able to express their erudite analysis of Guernsey's flaws (*Laughter*) and their solutions and project that to the Island, it is quite natural that they would want everybody to know how on top of the situation they are. But in my view that does not trump the idea that voters could be given the choice of a wide range of candidates and I think this amendment will enable a much wider range of candidates to put themselves forward, because I think it is undoubtedly true that this £9,000 maximum will put quite a considerable number of candidates off.

That is it really, we are faced with a binary choice. I think again Deputy Roffey, Deputy McSwiggan and virtually all the speakers were talking about this binary choice. Either you believe that a £9,000 limit is going to enable candidates to communicate with the electorate efficiently and that is the main objective or you believe that there should be as wide a range of candidates as possible from

all sorts of fields of life standing in this Election. Whether you consider that is more important because, as has been explained, you simply cannot have both.

Personally, I think it is more important that we have a wide range of candidates and people are not put off standing because of the financial commitment that would mean. That is more important than the concept of being able to issue manifestos to every single house in the Island.

So I will be supporting this amendment.

Thank you.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

I was actually going to say the same points that Deputy Langlois has just said because to me I have put diversity of candidates but it is that wide selection because for me that is what is going to get voter engagement – seeing people like themselves or with policies that they can approve and have that diversity. I do not think that having this high limit will encourage those candidates to stand.

Deputy Ferbrache said that £500 would not make a difference, well I am sorry, it does make a difference, it made a huge difference to me in 2016. I think that is something that appeals to me with this particular amendment. Because going back to the policy letter, one of the things that first struck me was that, yes, it is part of a previous policy letter in that the Committee's starting point was the expenditure limit that will enable a candidate to reach every household on the Electoral Roll with their own manifesto and Deputy McSwiggan indicated that this was in addition to the one that was going to be delivered through the States if they want to do it separately. So this would be a choice to have it not with the States' brochure, but that is not what the Electoral Commission is saying in the three bullet points in 4.2 because it says:

... allow candidates to communicate with voters, so the voter is engaged and able to participate meaningfully in the process

It does not refer to anything about manifestos. So for me there are plenty of ways, as articulated by Deputy Tooley in her opening speech, in which you can do that. For me when I was in the 2016 I actually found one of the most engaging things that I did was stand in Market Square with my balloons and my manifesto and talked to loads of people and then people would start talking about that, and that relatively speaking was free.

Yes, we have a huge number of people to get to but it is that combination of the multitude of different ways in which you can contact people and I think that is going to be one of the appeals, is the innovative ways in which people will engage which will actually assist with being elected.

So for me one of the reasons Deputy McSwiggan gave of having this choice of not going in the States' booklet, I think the States' booklet is a great idea. I hope that each manifesto is on one piece of paper that can be detached so that you can go yes, no, yes, no throughout the booklet. That would help but the point is that if you decide that you wish to not use that opportunity and that you want the money to be able to go to deliver to every household well then there is the objection to say well actually I want to deliver to every voter in every household which of course adds to the cost.

So as many have pointed out, there are discrepancies with this but I particularly like this amount, this money to assist of £500 because again going back to the Electoral Commission's second and third bullet points which say they want to:

... deter excessive spending ...

Okay it is not excessive in the US or even UK version but it is still that certain amount of money by all the candidates:

... to prevent the perception of undue influence ...

Undue influence, that is what we are talking about. There is this perception that £9,000 could have the ability to unduly influence the Election, but it is the perception of it, people have said, 'Oh, it cannot happen,' well I am sorry there is still a perception that that could happen.

2480 Then the third bullet point is it is not set too low. I do not think we are having too many problems with that, because that would:

... detrimentally constrain reasonable levels of expenditure, which could impact on trust in the system.

I do not think it is too low because for me also one benefit of this is that it is a familiar amount, it is what we had last time and therefore there is that feeling of familiarity.

2485 I personally feel comfortable with this particular amendment. As Deputy Langlois said and as I started, I think it achieves the primary thing which is ensuring a diversity of candidates rather than the actual element of engagement through a manifesto in particular.

There is one question I would like to end on though and that is in respect of Proposition 2 or part 2 of this amendment in relation to the figure for political parties. We are asked to delete Propositions 1 and 2 and substitute these new 1 and 2 and No. 2 says:

In Proposition 3, to delete the figure "£9,000" and substitute therefor the figure "£4,600".

2490 Now if I read that rightly and we approve this amendment, Proposition 3 will still be in there so we will have the option of £4,600 and £9,000 going through to the final set of Propositions. That is how I read it. I do not see that we are losing – because for me the £9,000 for political parties is actually my preference to £4,600.

2495 So I am asking if I can have advice from the Comptroller to confirm that my reading of the way the amendment is written does mean that if we approve this amendment we have the choice at the later time of these two figures, because I cannot see how, if you approve 2, then 3 falls in the final round up, and I am seeking help with this because I would like to understand, because personally if I know that I have got the choice at a later date in general debate to talk about the £9,000 versus £4,600 then I will do so then, otherwise I would be grateful for some help –

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The Bailiff: As I read it, if the amendment carries the figure £9,000 is deleted in Proposition 3 and replaced with £4,600.

A Member: Yes.

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A Member: Yes, that is what it says.

Deputy Tindall: For me it says:

To delete Propositions 1 and 2 and substitute therefor:

It does not actually say we are approving Proposition 2 which means Proposition 3 still stands –

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The Bailiff: But the amendment is in two paragraphs. The first paragraph deletes Proposition 1 and 2.

Deputy Tindall: Oh, I beg your pardon, sir, I see –

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The Bailiff: The second paragraph amends Proposition 3.

Deputy Tindall: So what we are saying is that delete Proposition 1 and 2 and substitute No. 1 and then amend No. 2. No. 2 Proposition is to amend Proposition 3. I beg your pardon, I misread

2520 that and I am grateful for that clarification, which helps me just to say that it does mean that I have difficulty with that second part simply because I do think £9,000 for the political parties is more realistic than £4,600, because that, I see, is where things will be going because there will be that support network.

2525 It leads me to explain that the expenses point which has been raised by some, an interpretation of money's worth. The Legislation Review Panel had actually set up a sub-committee, which I was not on to actually look into this, but it was put on hold pending the outcome of SACC's policy letters and that review was intended to understand and be able to articulate how people could benefit from envelope stuffers or door knockers or whatever in order to be able to put that on their expenses claim form and genuinely show exactly what their expenditure is.

2530 So for me gathering people together to support would form part of this sum of money, and that money or money's worth interpretation would need to be clarified to enable a really good understanding of what exactly you can spend the money on and how you can complete your expenses form.

I give way to Deputy McSwiggan.

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Deputy McSwiggan: I hope it gives Deputy Tindall some comfort to know that the Committee will be updating and clarifying spending guidance.

2540 **Deputy Tindall:** As I say, there were two workstreams going on, there was Legislation Review Panel, so that is reassuring certainly to our Committee who discussed it on Monday about whether or not the Legislation Review Panel should start that workstream again, so I am grateful for that.

As I say, I think that would make it extremely important to understand not only how individuals spend it but also how the political parties can spend it. But that said, having clarified the position with regard to the ... and talked myself round, I think I am happy with this amendment as it stands.

2545 Thank you, sir.

The Bailiff: Yes, Deputy Merrett.

Deputy Merrett: Thank you, sir.

2550 I think Members might find out quite how diverse our Committee is during the next, well certainly during my speech and when we speak further on this policy paper and the relevant amendments.

2555 But Deputy Ferbrache did say about trust, trust the Committee because we have got this pretty much nailed and right. I would like to believe that, I really would, but I think a Member said to me, I think the saying is making a something out of a something purse – I cannot quite remember the saying. *(Interjections)* Thank you, Members.

2560 So whereas I think we have *[inaudible]* I have come into this debate with an open mind to listen to the arguments for and against and many of these arguments for and against we have had in our Committee and we had them three to six months ago, and in fact listening to Deputy Roffey earlier on today, sir, reminded me of where I was about six months ago. So we have had these deliberations and we have come forward with what we think is right, but regarding this amendment it is not about trust, I do not think, I think it is about listening to other Members and deciding or deliberating, as we do in this Chamber ... a better idea than our own.

2565 Now I have a lot of empathy, sir, for the £500 and I would concur with Deputy Tindall because it made a huge difference to me in 2016. I was not prepared to put my family at financial risk at that point or take from my savings on the risk of whether or not anybody would even want to vote for me. I was fearful of only getting one vote actually and that was my partner! So it is a risk anyway putting yourself out there and the money did actually make a difference to me.

2570 So why wasn't I going to support it? Well it is because what SACC are proposing is a benefit in kind which is far more than £500, and in my opinion, sir, the equal platform, the platform that aids

diversity is being able to go into a joint manifesto with two sides of A4. That to me gives equitable access *per se* and the reason why I do again concur this time with Deputy Fallaize is that how will a candidate reach the electorate without Government interference or support, whichever way candidates wish to see it? Because if you do not want to be going into the manifesto booklet, if you do not want to do that, and that is actually your right not to do that, you do not have to do it, my fear ... and when we had the Annie's, the Billy's, the Chris's and everybody else earlier on all of them in theory, especially Annie and Billy, would have to opt in because there is no other way they could, under this amendment by Deputy Tooley, be able to reach the electorate either through their own personal means – in one moment, if you do not mind – because the argument was given they would not have the personal means to do that so therefore in theory Annie and Billy would have no choice but to opt in.

I will give way to Deputy Tooley.

Deputy Tooley: I just wonder if Deputy Merrett could explain how, under the SACC proposals with their level of funding, they would have a choice but to opt in.

Deputy Merrett: Under the SACC proposal we did not have Annie, Billy, Chris or anybody dithering anywhere. What we were trying to do is give an equitable platform where any candidate could go into the booklet if they choose to do so. If they choose not to do so for whatever reasons the whole basis of it was they could still reach the electorate, but it is obviously if they have the financial means to do so, but they could still get manifesto and postage to the electorate.

Of course the only other problem – I have lots of problems with Annie, Billy and Chris – but I do not know who the ditherer was – but they could all be ditherers and then Annie could have Billy the billionaire as her father who would be able to support her financially to stand.

Yes, I give way to Deputy Oliver.

Deputy Oliver: Thank you, sir.

They could only send them to the other form of manifesto if they could afford it though, so there is no help at all.

Deputy Merrett: I understand that. So what we were trying to do or certainly what I was trying to do was say, look, if you come into the joint manifesto you have got a platform, an equitable platform, where you can reach every electorate regardless of your financial means, you have got that opportunity. However, I was reluctant, and I still am reluctant, to say if you do not come into our booklet then you cannot reach anybody; regardless of whether you have got the financial means or not, you will not be able to actually do it if the cap is £2,300. If it is the intention – and I know it is a false premise and I understand the argument that everybody wants to have a paper copy delivered to them and we know from some of our consultancy that actually some people do and some people do not. I understand that, however, traditionally that is what has been done so to allow that, to have the capability to do it, I wanted to be able to do.

So I have empathy with the £500 but I cannot support it because the benefits in kind are in excess of that and I think it is reasonable. To me it is all about being able to communicate independently of the States to the electorate if you choose to do so.

But I was a bit concerned earlier by several things that several people said. But it is not up to this Assembly to deter any member of our community who may wish to stand, it should not be on somebody's intelligence or not. If a member of our community is willing to serve for four years in this Assembly then I would encourage them to do so regardless of the demographic, regardless of anything else. But that is why we really are supporting this joint manifesto which to me most Members do seem to be very supportive of.

It is up to the electorate to vote for who they consider could represent them, it is not for us to decide that. Whereas £2,300 might be, I think Deputy Tindall said, familiar, it is not familiar to

candidates that have never stood, it is not familiar – very few people have said to me since I have been elected, ‘Well, how much did you spend on your campaign?’ etc. I think I was like Deputy Ferbrache on one view that I only spent just over £600. I think I spent virtually the cap but there is a big difference between myself and Deputy Ferbrache – there are many, but I think the one that I think is most relevant is that I was not known in the public arena and Deputy Ferbrache has been an ex-Deputy and is well known in our community and I was not. So although we spent similar amounts of money I think again we are trying to compare apples with pears and of course we are talking about ourselves and what works for us and this is not about what is working for us. I want this to be about what works for the candidates and what works for the electorate.

Now then I will get to Deputy Fallaize because that was a really interesting point about publicly funding this and I repeatedly said in Committee and I will say it again now, I would not have the funds to spend £9,000 on a campaign, I would not, and I could not say to my family earning what are we on £38,000 I am going to spend this on ... my family would definitely say no and I would too.

So the publicly funding is a really interesting point which I think we should show due consideration to, but if there are 100 candidates, simple maths, that is £900,000 and quite how our community would react to spending £900,000 – a million pounds etc. on publicly supporting it ... and I think that is the thing that kept me back from saying, look, let’s just publicly fund them all, that is brilliant, let’s just publicly fund them all. Because already we know that this Election ... I am surprised actually that no-one has picked up on it, but this Election is costing *considerably* more, potentially, than any other – the figures if anybody adds them up are already quite scary. That said, I know somebody that says, ‘What is the cost of democracy?’ virtually every time I see them so it is a two-way street. But I could not, with all good integrity, come to this Assembly saying, ‘Could we have £900,000 please to publicly fund up to’ – well we could not cap the number of candidates anyway so we just say – ‘£9,000 to whoever wants to stand?’ Can you imagine that? Well, no. No, quite frankly.

So that I think was the quandary that I was in. I will continue to listen to the debate as I promised the proposer and seconder that I would. At the moment I am not minded to support it. There is nothing I have heard yet that I was not considering six or nine months ago in my own head and in deliberation in the Committee, although I will remain open minded to it and I will again just thank them for bringing this amendment to the States because, as the amendment, sursis, motion to debate, requête queen, I know what it takes to bring these things together and I do appreciate the work they put into it even if I cannot support it.

Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

We don’t half make elections complicated in this Assembly! When actually I think to be fair I want to congratulate SACC because I think the report they have done is absolutely commendable, I think it is very concise, it is very clear and I think they have done a cracking job bearing in mind it is not easy, it is a first to have all States’ Members all candidates standing for an Island-wide and there are so many differing opinions. So well done SACC, I think it is a good report.

Where I differ with SACC is on the £9,000 – (*Laughter*) I differ on a couple of points but I think you cannot turn round and sort of say everything is great and you cannot turn round and rubbish it, because I think most of it is actually very good. I differ on the £9,000 and I differ –

I will give way to Deputy –

Deputy McSwiggan: I just want to know if Deputy Lowe is confessing to being Danny Ditherer. (*Interjections*)

Deputy Lowe: That is a big word.

Anyway I want to actually just explain my views on it and why I think SACC had it right in one part of not going for a grant because I think that is just so important regarding this amendment. Of course many in this Assembly are the same people that will actually turn round and say we must have equality. Well SACC have done exactly that for you. You could not have it clearer without them coming out and saying we will spend the taxpayers' money. I keep hearing it is free; it is not free! Taxpayers are paying for this for you to have the booklet and they are actually doing that and SACC have come forward and said, yes, you have all got the same manifesto, we are printing it and we are distributing it. Hats off to SACC for doing that. It is the £9,000 that I differ on. So well done, SACC.

But again I mean we have another situation here where we have been out to consultation to the public but some do not like what actually the public are saying because when you look at 3.18 on page 7 it states:

It is clear from the responses that a majority of respondents do not wish to see lengthy manifestos as part of the booklet. 64% of respondents stated they wanted a summary of every candidate's manifesto limited to a certain length.

It goes on to say at 3.19:

43% of respondents wanted the manifesto to be one side of A4 ...

So it is all in there for you. So are we going to sort of say, okay, well that is it but it is another decision that actually we do not like. We went out and asked but we do not like it, we want to change that. Well I think if you have got a situation where we have asked the public and they want a booklet, you can have a booklet because the States' Assembly & Constitution Committee have actually listened to that and if other colleagues in this Chamber want to actually ignore that, ignore it at your peril I think because they have asked for a booklet. If you have got a booklet and some are sort of saying, oh, yes, but we will deliver, we will deliver and we will deliver and we will get friends to do it or whoever to do it. I do not think that is going to bode too well. Your choice, candidates' choice, but really I am not sure that will go down too well when you actually ask them.

I have also heard in this Assembly today as well about the telephone directory and I have heard other people saying – not in the Assembly today – but I have heard others saying, oh, it is going to be three inches, it is going to be massive.

Thank you, SACC, for circulating the data which Deputy Inder referred to this morning and I am going to refer to it, because we have got three elections on this, here, the data that he sent. 2016 which Deputy Inder referred to this morning, where 24, which was the majority, spent between £901 and £1,200, so the majority spent that – nowhere near the maximum which they were entitled to, of £2,300.

Let's go to the term before: 2012, candidates were entitled to spend £2,100 maximum. The maximum that was spent by that group during that time was £1,201 to £1,500.

If we go to 2008 where there were more candidates than 2016 and more candidates than 2012 and actually the majority spent between £301 and £600 and yet they were entitled to spend £1,400.

So the data shows that actually you do not need to be spending what you are entitled to. I think Deputy Merrett said the £600 was capped to what you could claim but you could spend more. So when you are talking about expenditure I am the same as Deputy Ferbrache, I have never got anywhere near the amount that we are entitled to spend because I do not think there is any need.

What is different this time is being proposed the £2,300 which we had last time, but hang on a minute, you do not have to pay for the printing, you do not have to pay for the distribution, it is all there, so Members have actually got, or candidates have actually got, £2,300 to go and do what they like with for adverts or whatever because there is no extra expenditure. Any candidate could just do the booklet, end of, and that is it.

Would you like me to give way, Deputy Tooley?

Deputy Tooley: I would.

2720 **Deputy Lowe:** I will do.

Deputy Tooley: Sir, I just wonder, Deputy Lowe appears to be speaking to the amendment that she will have in play and not the amendment that we have in play at the moment. The amendment that we have in play includes the booklet manifesto as part of the package and allows candidates to opt to, in effect, spend, as it were, on the benefit £800 of their £2,300 towards that. So I am a little bit confused because Deputy Lowe's speech appears to be more on her amendment which does not include the grant than it does on this one.

Deputy Lowe: Yes, I accept that, but they are so very close it is very difficult to speak on one and not the other because I am trying to sort of explain about the situation with regard to your amendment which says the same amount.

So here is the telephone directory, Members, there is the telephone directory, that is all the manifestos for the largest amount of candidates we had in 2008, so forget it. They are all there. So when you go round sort of scaremongering that it is three inches high, it is a large telephone directory, no it is not. It is there, that is it, and I have used this several times during so many debates on Island-wide voting, I was pleased I still had it. So there you go, please squash that nonsense about it is a big telephone directory and it is three inches high, that is not the case. Anybody can do that, they can go to the library like I did and get all the copies if they wish to do so.

Right next I move on to the rest of my notes here which I want to cover. Also going back to the booklet and it is sort of people are not going to want to read that. Well actually they do not necessarily read all your manifestos now. Mine might go through the letterbox, 'I cannot stand her. I am not going to read it.' We know that is the situation where some will not read manifestos currently and the same would apply for this. They will flick through, 'I do not want to read that one, I do not want to read that one,' that is their choice to do so. So I think this sort of, 'They are going to have to read them all,' well they might choose to do so, but bear this in mind, Members, we are talking possibly around 100 pages double sided, 200 maybe tops, who knows. Not that long ago there was a consultation went out for the DPA, over 300 pages, 'Please come and consult and talk with us about it, we want to know about the planning, what do you think about it?' Ah, the public can read a cumbersome document like that, they are capable to do that but when it comes to a booklet of manifestos, oh, no, they cannot do that, it is too big. Think about the consultation documents we have put out over the years, there have been many in my time, that have certainly been more than 100 pages and we have had some this term, so bear that in mind again when it is being said, 'Cannot possibly read that, you not able to do that, public cannot do that, it is too big for you.'

Right, I will move on to the next bit about new candidates and hear about disadvantaged. Okay, tell that to the 11 States' Members who lost their seats to new candidates, many of you sitting in this Assembly, you were not high profile. I had some phone calls asking about particular candidates not necessarily in the Vale but also across other districts, did I know them? What were they like? Could I recommend them? I had no idea. They were not high profile, I did not know, 'You have to ask somebody else, I cannot help you.'

So the last two elections we have seen half of the States wiped out with experienced States' Members who have lost their seats to new Members, so all this nonsense about, oh, new candidates are disadvantaged, they are not, a lot of those that lost their seats they had baggage, they stood up and they said in this Assembly and they supported something or they were quite vocal about something else nationally, the electorate did not like it, that is democracy, that is their choice, that is why we have elections.

Deputy Trott: On a point of correction, sir.

2770 **The Bailiff:** Point of correction.

Deputy Trott: We have not seen half of the States wiped out at the General Election we have seen a number of States' Members who have retired combined with a number of States' Members, a small number, who have lost their seats. The aggregate may be approaching half but it is certainly not at the ballot box.

Deputy Lowe: You saved me saying the next bit, Deputy Trott, because it is actually in here. I was about to say some through choice but actually there were a lot who actually lost their seats who were not through choice and that happens every election. It used to be when there were 57 you would lose around 8 or 10 who lost their seats, so the data is there.

But that is fine, we are also seeing as well and this is quite interesting because as I say all Members have baggage, we all do, recorded votes have been quite key, when you are listening to different people and it is –

2785 **The Bailiff:** Is this to do with the amendment?

Deputy Lowe: No I am going wider, sir, I am going –

2790 **The Bailiff:** Are you talking in general debate?

Deputy Lowe: General debate, yes, no.

The Bailiff: You have got an amendment you are laying later.

2795 **Deputy Lowe:** I can talk on my amendment because I will be placing it.

I want to speed things up, sir, so if I can actually do this now I am happy to do it on general debate and Members can decide afterwards what they want to do.

2800 **The Bailiff:** If you speak in general debate, you will not be allowed to speak in general debate later.

Deputy Lowe: Yes, I do know the Rules, sir, thank you very much, (**Several Members:** Ooh!) but I know I will not be speaking in general debate. No, I am not being rude! Sorry.

2805 **The Bailiff:** I just make it clear that you are now speaking in general debate; when it was challenged you said you were speaking on the amendment.

Deputy Lowe: No, I said I was speaking in general debate, sir.

2810 At the beginning I said I was rejecting the amendment but yes, okay, so there might have been confusion which I apologise, sir, for confusing things.

So right, I have to say though, sir, there have been Members that I have listened to their speeches and they have actually gone wider than that, but I am quite happy to accept that I would have gone wider.

2815 **The Bailiff:** A few people have gone wider when we have gone onto electronic voting, which is totally different.

2820 **Deputy Lowe:** Yes, because what I was actually about ... not electronic voting but what I was actually about to say is that certainly it has been said where they have appreciated Deputy Lester Queripel for calling for recorded votes because now they are able to see this is getting back to the

baggage of existing Members, current Members, of how they voted, whereas previously they were not recorded votes. They can see how Members voted or if they were in the Chamber or not. That is all going towards, I would suggest, people being more astute when you are talking about Island-wide voting of what they will be looking for.

2825 So then we talk about candidates being able to knock on doors, I mean that is true, it is very difficult, in fact it is virtually impossible to be able to knock on doors. Deputy Ferbrache and I both stood on Island-wide previously, I did not knock on one door because I am very much of the view that unless I can treat everybody the same I am not going to do it. It is the same as it has been, I have been asked will you be knocking on the door of the Vale; I say I will be doing exactly the same
2830 as last time, I will not be knocking on any doors. Why would I be knocking on the doors of the Vale and saying you are not important, St Sampson's, you are not important, St Saviours, you are not important up the West, I am just going to concentrate on the Vale. That to me is not treating everybody the same, and I am a great believer you should treat everybody the same. I am not going to snub the other parishes or districts just for the sake of making sure I go round to the Vale. Be
2835 down to everybody else what they want to do.

But equally when we do have elections and say we hear often about where and it has been mentioned this morning, okay, that was just to put them through the letterbox but not everybody knocks on the doors now we know that from various elections, they do not all knock on the door in their own district now, so all of a sudden it has become important you should be able to knock on
2840 the doors of the whole Island.

But equally it is a fact that many candidates over the years get family or friends to actually go and take the manifestos round and actually knock on doors and they do not want to see them, they want to see the candidate. So again unless you are able to do that I just do not see any advantage of actually getting a team of people to go round and take your manifesto, especially when SACC have got it right and are saying they are going to do it for you in a booklet.
2845

So I think I can probably cut this down, sir, because I think some of it I have actually said earlier on, although I was going to reiterate a couple of points which as I say I think SACC have got it right.

The Island is nine by five. To hear some of the speeches you would think we were living in the UK and the UK system being looked at here where they will not know the candidate, the Island is
2850 so big they are not going to know or be able to find out. I think it is just so far-fetched, it is unbelievable really, and very sad that so much negativity is actually being said about this Island-wide election. I think we should be encouraging it, it is what the public wanted, the Referendum said that. SACC have done an excellent job of bringing forward a report. There are a couple of areas I do not agree with, I do not agree with the observer having to come across and have a look; we
2855 managed with a Referendum, people would be able to sit in the gallery and have a look. I do not think we should be spending money bringing people over. If we cannot manage on this small Island with somebody observing what is going on? I think that is a sad day, the States decided that.

So I will not be supporting this amendment and I thank you for your tolerance, sir, of me going further than the amendment.
2860

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

Just one thing that keeps coming up and I did not plan on speaking but cannot leave this one
2865 part of the conversation. This idea of reaching the electorate, it is absolutely true that in the consultation people just want to be able to sift through and find somebody that they connect with and believe will do what they want to fix what is perceived to be the mess of the States.

We do need to focus on that, but it is very different to other electoral systems. In fact it is unique and what the experiment ... even our current system, the parish based system, is different, very
2870 different to the UK where you have a first past the post and the psychology of getting somebody

to vote for you is not just based on whether they like your policies, it is based on will my vote count and will this person win.

2875 That is the first thing that you do in the electorate. No, we will not have that problem in Guernsey, the same way as we do not in our current system because the electorate does not just have one vote, they have in an Island-wide, they have 38 votes and that it changes the dynamic. So it is not just about reaching and the combined manifesto booklet and no-one, despite what Deputy Lowe was trying to smear on people, no-one is suggesting that we are not going to have a combined booklet, no, that is not what the amendment was about.

2880 So having a combined booklet, yes, you can reach the electorate and, yes, the benefits in kind are a good way of providing a way of that reaching, but it is not just about reaching and specifically in the election that we are going to be facing it will be about standing out from the crowd. If you do not have a platform, if you do not have the incumbency then there is a very real issue with standing out from the crowd. So if it just about benefits in kind, and I appreciate the conundrum that SACC are trying to solve, it is not just about reaching, it is about standing out from the crowd, 2885 and with a limit of £9,000 it does afford somebody with the means an advantage and that is the fundamental point.

So I do not think we can ever get it right, and it is not as simple as some would like to believe. I want to vote for this amendment but I am swayed by Deputy McSwiggan's argument earlier that the second amendment is slightly better, however, in that we can have a choice of slightly higher 2890 thresholds. It still does not solve the issue of equity and I do not see us ever being able to have the perfect solution to this without, as Deputy Fallaize and Deputy Merrett again have said, fully publicly funded. If we took the Referendum which had a £10,000 Island-wide limit and a £5,000 grant and you had £100 candidates, I mean we have already done it Island-wide. Yes, we did that for the Referendum, we have the statistics of how much people paid for that and what promotion was 2895 completed. Yes, it is slightly different on a candidate basis, but it was an Island-wide referendum and we know that is what it cost, so publicly funding that. But I absolutely agree with Deputy Merrett and she is standing so I will give way when I am agreeing with her.

Deputy Merrett: I thank Deputy Hansmann Rouxel for giving way.

2900 I think the difference with Island-wide was that there were basically five candidates, A, B, C, D, E, whereas with the – what are we having? – Island-wide voting of course, we do not know there could be 100, 200, 300; we are expecting about 100 but there could be any and I think that is the key difference of exposure to publicly funding it.

2905 **Deputy Hansmann Rouxel:** Thank you, Deputy Merrett.

If Deputy Merrett had allowed me to complete my agreement with her then she would not have needed to give way.

Yes, that is the conundrum that we are in. You just cannot countenance spending what could be half a million pounds on giving grants.

2910 So the idea then is to provide the benefits in kind and the manifesto booklet and the website, but still I do believe we should be giving a small grant to candidates for them to use creatively to stand out, and I do not think it is fair for us having benefited from the grant and being elected then not to allow a small similar grant to new candidates.

2915 In fact I might even go as far as to say that incumbent should not be allowed the grant, that it should just be for new candidates, but again that starts to bring inequality into it and that is one way of doing it. But there is no way of making this a fair and transparent election.

I cannot see it and I am almost convinced to vote for the amendment, even though I know it sounds like it will not pass and vote again for the next amendment.

2920 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I will now take up where I left off with my interjection of Deputy Inder which was turning into a speech and I will now take the opportunity to expand on that.

2925 Several things that have been missed in this example, and I do thank Deputies Tooley and de Sausmarez for circulating their write up on this to Members because it does provide a little bit more information than was provided in the speech.

If you start looking at there are some assumptions here that are incorrect, you have Annie Average, you have Billy Billionaire, spelt B I L L Y, and Chris Cashstrapped. (*Interjection*) Right you have those three characters and you have different scenarios mapped out for them, in it you have 2930 Annie and Chris who have lower resources doing their own desktop publishing because it says in here that the prices and costs over here do exclude production, they are building their own websites, and from the speech we assume they are getting 10 volunteers to walk around the Island for them and apparently they are socially media literate. I am sorry each one of those is a barrier to entry.

2935 How many candidates, how many Members of this Assembly have all four of those skills? How many people could actually get 10 volunteers to spend a month walking around every parish stuffing envelopes through letterboxes? How many of us is capable of building their own website or desktop publishing a document and how many of us is actually on social media?

2940 Now there will be one or two people in this Assembly who can tick all those boxes I think Deputy Inder probably would, but the vast majority of us would not, and requiring that skill set of somebody trying to run their own campaign and, not only that, some kind of marketing savvy as well is a tall order.

If they get people to help them, their 10 volunteers, they get somebody to help them build a website, they get help with desktop publishing, then under our current expense rules, those have 2945 to be accounted for at commercial rates, which means that even though it has been provided for free it has to be put down as a cost and then we start to question whether they could even do all of that inside of £2,300 including the proposed printing and handling of leaflets etc.

Right so how do those candidates under this amendment possibly get their message across, raise their profile, approach people? Well let's talk about the elephant in the room associations and parties. (*Interjection*) Yes, we had to go there eventually because this is all about that issue. I would 2950 advise Annie and Chris to get together with some like-minded people and form an association or a party, aggregate their skills, and hopefully within that group they might have somebody who has the ability to build a website that could be shared by the group, they may have more than 10 people to go out and stuff the manifestos or leaflets through doors in aggregate but we come back to the 2955 new proposed aggregated total that they are allowed to spend under this amendment.

Now in the more detailed write up that we are provided by the Deputies laying the amendment they say the comprehensive option of an eight-page manifesto. Now an eight-page manifesto for a group of could be 10, 20, 30 Deputies aggregated in one group is not a lot of paper to get across comprehensive views and policies. To give you an example, the current – if I can find my bit of paper 2960 – the current Conservative manifesto is 64 pages and the Labour manifesto is 107. So say eight pages is limited for Guernsey, it is much smaller, we can have smaller manifestos but we still have effectively a party or a group marketing themselves. Well according to this the comprehensive cost of sending out a comprehensive proper option of an eight-page manifesto to everybody on the Electoral Roll using Deputies Tooley and de Sausmarez' own numbers is £15,240.

2965 I give way to Deputy Tooley.

Deputy Tooley: Sir, I wonder if Deputy Meerveld would like to acknowledge that in the UK political parties would not send out that 64-page manifesto to everyone on the Electoral Roll, they would send out a flyer or a brief leaflet listing the most critical points that the candidate in that area 2970 wanted to have known, and the 64-page version thereof would be available on line in all likelihood.

Deputy Meerveld: Absolutely, I can concede that that is one way of going about it but then we are assuming that people have an individual Annie or Chris of very limited means, have the social media and electronic ability and skills to build a website and to send out mass emails and do a social media campaign, do they have those skills. If not they get somebody to help them, the hours of that person helping them has to be charged against the campaign.

My first argument against this amendment is the £2,300 is insufficient to do that, you may well spend beyond that and, as has been pointedly made by Deputy Inder and others, we are here, we should be doing this from the electorate's perspective not ours, not the candidates, it should be how do we allow people standing to reach out to the electorate and the electorate to have the right level of exposure and access to those individuals.

Deputy McSwiggan: Point of correction, sir.

Deputy Meerveld: We have always had benefits in kind from – Sorry, I do give way to Deputy Yerby.

Deputy McSwiggan: I do apologise, it is a point of – I want to be careful that we do not misinform ourselves collectively or the general public. I wanted to be able to use the argument against this amendment that you would have to account for all your volunteers' time, but the reality is that Rule was not applied clearly and consistently in the past and it is one of the things that we will be looking at in developing the spending guidance for this Election. So that should not be the reason to rule in or rule out this amendment, it would not be fair to allow that to be argued.

Deputy Meerveld: Well even considering that point, which I mean I do not know how well it has been enforced in the past but certainly as the Rules stand that is a requirement.

The £2,300 is patently insufficient for any individual to do any kind of marketing campaign Island-wide. Even producing and putting up posters, if they just limit themselves to that, to cover the entire Island would cost more than that, especially if you went like my way and had big ones. (Laughter)

So Chris and Annie have gone off and formed a group of like-minded souls. Now under this amendment they are restricted to £4,600 of expenditure as a group. The problem is from the layers of the amendment themselves the cost of an eight-page manifesto which is not obscenely large if you are fielding 10 or 20 candidates – the cost of mailing that out to all the Electoral Roll would be £15,240, yet you only have £4,600 to spend. Therefore as a group you are still stuck in this Catch-22, you are trying to raise your profile, you have joined together to help support each other and to form a group but you do not have sufficient funds to even do an independent mail drop.

There are other ways you can promote yourself, I can see that, but what we should not be doing as an Assembly is turning around to potential candidates or groups of candidates because the world has changed, Island-wide voting is bringing forward groups, you have the Islanders, you have the 2020 Association, you have the Whigs and you have various secret societies yet to declare. But we will have groups contesting the next election and if this amendment goes through those groups would have very little capability and the individual will have very limited choice in how they can promote themselves. Whilst I have issues with the £9,000 I think it is a large amount of money and it is perceived as a hurdle to entry. Equally, I do not want to set a bar that is so little that literally you have got virtually no choice in how you can actually go about promoting yourself.

Remember even if we had a Government grant of £9,000, okay, the States is going to cover everybody's costs up to £9,000, we would still be in a situation whereby you spend the money first and invoice it back later and there are people in this Island who may want to stand who do not have the means to be able to lay out the capital first. There is no *panacea* here but we have to work in a sensible way within the limits and the constraints to meet the will of the people to give ourselves

an Island-wide voting system that allows for individual candidates and groupings and does so in a fair manner.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, thank you.

Perhaps we could have finished this debate an hour ago and we would have been none the wiser, but I think some of the arguments being put across the public want to hear on one level and on another level they will come up again probably assuming this amendment is not entirely successful in general debate and for other amendments, because they are all linked together in a way.

I have heard members of the public say in relation to some of the comments Deputy Merrett and Deputy Inder alluded to earlier, that before candidates stand for Deputy they should do an intelligence test – whether all of us would succeed or not is another matter.

But Guernsey is actually an amazingly fortunate place in not having too many barriers to be a candidate. I know one former Deputy of this Chamber wanted each candidate to have at least 10 nominators; in Jersey they have 10 or 20, they have to all be at nominations meetings. So we are relatively simple. On this matter there is every possibility that there will be the normal average of candidates standing 75, 80, 90.

Weirdly enough, I think the first election with Ministers in 2004 had the most candidates, and it can only be speculated whether this format is so good, so open, so transparent that it attracts not 100 candidates but 200, then I do not know what will happen. But we are where we are and it really will be more like a telephone book than the slimmer document that Deputy Lowe showed for our edification.

So you have that issue, the issue perhaps today is it is the choice, as Deputy Langlois put it, between two almost philosophical ideals of democracy, whether you go for allowing equality of arms for candidates or libertarian freedom.

Now I have got a couple of confessions here. I mentioned earlier when I asked Deputy Green a question after his Presidential Scrutiny Statement that he quite wisely told Members and yourself, sir, that Members are free to join Scrutiny panels and other ways of assisting Scrutiny in doing task and finishing.

Now I took up a challenge shortly. I think there was a SACC President before last was in office, Deputy Fallaize, to look at electoral expenses from a scrutiny perspective and I have been assisted in that by Deputy de Lisle and also Advocate Dunster. The thing is though that matters have proceeded so strangely, perhaps with all of these changes, that we did not get round to coming to our own view because SACC were late in publishing their policy letter and we have seen a plethora of amendments subsequently. So I am speaking for myself here although we will probably hear from Deputy de Lisle later. It is fair to say at least one of us had a fairly libertarian approach to campaign expenditure that would not be out of place in America when there are other divergences of view.

The dilemma I am wrestling with is I like parts of the Tooley/de Sausmarez amendment but not other parts. The part I am most attracted to which pops up again in a subsequent amendment should it be laid is the £500 donation to candidates which is not just in kind. Now I do not know why £500 was chosen, because £600 was the figure at the last election when I looked into it, but £500 was the figure on the list but how you spend it I do not know, you could give a free pen to every elector – whether that would be naughty or not is a matter of debate – or you could put a poster on a bus or whatever.

But moving on from that, the difficulty one has is when you compare us with other systems, and I had discussions with Deputy Meerveld on this and it will be more relevant hopefully if and when we get to the amendment on party funding, but the SACC policy letter on page 14, to help readers,

Members, gives a scenario of the Isle of Man where apparently the base figure, although their constituencies are quite small in comparison to the whole Island is £2,000 and the amount per voter if you use a base figure of 32,000 Guernsey voters and half it to make 16,000 on the grounds that the Isle of Man system allows you 50p per voter. I should explain that most UK based systems have this curious idea of a base figure and then multiplying up according to the numbers on the Electoral Roll. I think at one time our Electoral Roll had that for parish elections 30 odd years ago, but it is a different concept to the way we work because historically Guernsey would allow £2,300 for little St Peter Port South or the much larger Vale. So it was more of a blunt instrument.

But I just have a note here that there were many constituencies in the UK which actually have a smaller total population than Guernsey. Anglesey/Ynys Môn, for example in North Wales and the Western Isles in Scotland and so on, but they have a different way of assessing their Electoral Roll and compiling it and so our estimate of 32,000 on the Roll is depressingly low. But I would estimate there is between 48,000 and 50,000 adults or 16-plus people who are eligible to go on our Electoral Roll and that would completely change these figures that are perhaps misleadingly quoted in the SACC policy letter and they would of course, as Deputy Meerveld has implied, go upwards more along the lines of the money to send out more meaningful manifestos.

But going back to the text under the Isle of Man system, you would have £18,000. Under the Jersey system, at one time you could spend what you like and there were rumours of people hiring bands and hotels and all sorts of things and you see more posters there but they have a different attitude. Under this working you have come up to £6,320. Now the United Kingdom for individual candidates there is no expenditure bar really that is meaning ... well, there is, it is £19 million on the whole country – well I will come –

I will give way –

Deputy de Sausmarez: I thank Deputy Gollop for giving way.

The average limit for an individual candidate in the UK is between £10,000 and £16,000 and obviously the constituencies in the UK tend to be an awful lot bigger and more populous than Guernsey.

Deputy Gollop: Yes, perhaps I did not put that very well, Deputy de Sausmarez.

I cannot begin to describe what happens in the UK because it is extremely complicated, well because you have not only perhaps an upper cap rule but you have a difference in the individual constituency ... First of all, there are 650 individual constituencies in the UK of which some, for historical reasons, are defined as boroughs and others as county constituencies, usually in terms of geographical size and they are different. So you have a base figure, as Deputy de Sausmarez has informed us, of £7,250 plus 7p per voter in, what is it, a county constituency and 5p on a borough, on the grounds that because the borough is smaller to get around it requires less transport costs. That is where the cap, she quite rightly describes, applies which takes you to your £14,000, £18,000 because the average UK constituency is 77,000 voters on the Roll or thereabouts. Wales ones and Scotland ones are often smaller and other exceptions.

But when it comes to national expenditure on these motorway posters, on these TV adverts, on the social media, and other enterprises there is not clear limits on the parties nationally, that is a different matter from individuals in a constituency.

Deputy Tooley: Sir, I wonder if Deputy Gollop is aware that a political party is only allowed to spend £30,000 in each constituency.

Deputy Gollop: Yes, I am aware, but they can spend it on a non-constituency basis, this is where it gets extremely complicated in terms of what they can spend on just raising awareness of them not necessarily in an election period but in the year leading up to an election period or a local election campaign.

Now here the system regarding parties and associations is not clear and the figures even from Deputy Tooley's perspective and Deputy de Sausmarez' are much larger than is allowed under these proposals and is definitely much larger than in the Tooley/de Sausmarez amendment.

Now my problem here is not Deputy Langlois' dilemma, it is how do you maintain realistic expenditure with equity. It seems to me, to a degree, the solution put forward in this amendment is everybody's should be reduced to simplify it a little bit. Whereas my instinctive view is that everybody should have the chance to spend more.

Now we heard from Deputy Merrett and other Deputies that they were extremely worried at the prospect of having a more generous election, but do you know what, referenda are very blunt instruments, they sometimes go wrong, they sometimes lead to divisive societies and results, I will not go into all that, but I do not know if the public realised, maybe I am wrong, that an election under this system would have these snags and would cost a lot more to the taxpayer. I am pretty convinced many members of the public did not realise the latter point. I am certainly not saying, as Deputy Inder implied, that the electorate are stupid in any way, the opposite is true, they actually want a vision of progressive change and they want the opportunity to have a balanced selection of candidates and quality manifestos to read.

Deputy Meerveld.

Deputy Meerveld: Point of correction, sir.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I am not sure that Deputy Gollop is correct in saying this is costing significantly more than the previous election because my understanding is that the capital that was normally given in a grant is now being used to provide a benefit in kind in a directory and the £9,000 for candidates is coming from their own pockets. Therefore it is not a direct cost to the taxpayer. There might be more expenditure incurred but it is not costing the States.

Thank you, sir.

Deputy Gollop: Well, perhaps if I ... *[Inaudible]* it does go on to the point of amendment.

The issue no one is raising is if you argue, as Deputy Inder and the Committee do and the data, that people are not influenced by expenditure of candidates, I would say two things to that. Firstly, the very interesting data we were sent by SACC as Deputy Inder reinforced did not tell us who were incumbents and who weren't. But if you read the figures in a different way you see clearly that the candidates who spent round about £1,000 in some elections were more likely to get in than the budget candidates for whom £500 was a huge sum of money.

I would also add to that point that if the argument is the electorate, being so wise, is never adversely influenced by candidates or individuals with money, why do we have an Electoral Expenditure Law at all or why are we proposing to set it at £9,000 instead of £16,000? What is the rationale for that? Maybe the libertarians have a point. Maybe we should have a free market in elections whereby people could spend what they like.

The fact that SACC have not come with that view – and I think many Members of SACC would be uncomfortable with that philosophical base or perspective – shows there is a fear that elections can be manipulated by financial resources of candidates and to that end I think we will be seeing this debate very much as a test case.

I think perhaps the States' Assembly & Constitution Committee have not given due weight to the ability to think of how to help the less advantaged candidate because basically the main line of their offer quite simply is this manifesto book that they will send out. But if you happen not to begin with A or with Z and you are one of 114 candidates and you are not Billy Billionaire, you are more like Danny Ditherer – I would be Danny Ditherer because I would not have done my manifesto in

time – how do you get that out to the electorate, what impact will you make? I do not think we have considered that.

I would also say, going back to the United Kingdom, I was surprised to find out that it is a right in the UK, admittedly candidates pay a deposit for themselves to have a postal mailshot free of charge to every household in the constituency individually not with other candidates. We are not allowing that, we are saying you go in the book with all your rivals, allies, maybe even enemies and you get handed out together. I do not think that is a perfect solution. But I do not have that total confidence in this amendment either because I think it weakens the ability of candidates to put their message across. So I will perhaps wait for further elements to come up in the debate.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I am aware that actually it is nearing the end or I hope it is nearing the end of this debate and Deputy Tooley will be summing up shortly so I will not spend too long because I am sure you will pick things up more comprehensively than I will.

But I just apologise if this is slightly jumpy in terms of its structure and order. I would just like to start with the aspect of delivery that Deputy Meerveld talked about and certainly other people have sort of picked up on.

Certainly as Deputy Meerveld was speaking, Deputy Roffey was quickly doing a back of a fag packet calculation and he said that actually if he was canvassing he thinks that he and nine others could do it in 12 days or so, but actually the key difference is it is not canvassing, it is delivery. Now actually when you call the postal service they will tell you that they send out 78 posties for a morning's delivery to cover the Island's mail-drops, so that should give a better benchmark I think of the amount of human resource and you can divide that by time –

I give way to Deputy Meerveld.

Deputy Meerveld: I thank Deputy de Sausmarez for giving way.

Would Deputy de Sausmarez acknowledge that under our current rules the hours that the volunteers are putting in technically should be charged to the campaign and that somebody else would be perfectly within their rights to make a complaint against an individual who had a large force of unpaid volunteers?

Deputy de Sausmarez: Sir, I do not need to respond to that because Deputy McSwiggan clarified that very point about 10 minutes ago, so thank you.

So one of the other recurring themes through many peoples' deliberations has been this question of buying elections, and I am not going to spend very much time on this. Deputy Gollop went into a little bit more detail and gave us some different perspectives but actually I know that Deputy Tooley has got a much more comprehensive analysis and I really would ask people to listen to that analysis carefully because it is very comprehensive and professionally done actually. But basically, just to act as a little bit of a spoiler, Deputy Gollop is correct in his conclusion that candidates spending more than average do have a significantly increased chance of being elected, that is one of the take-outs, so I would ask you to listen very carefully. I always ask everyone to listen very carefully to Deputy Tooley's summing up on that point.

The SACC proposals, as well as the policy letter on the whole – I think there is much to commend SACC for. I agree with everyone who has stood here and said it is a very difficult task. I know, I have been on SACC, I completely appreciate it, possibly more than most quite how complicated and difficult this is, and I think they have done a really admirable job actually in putting together this policy letter, as they have the policy letter before this and I think what I have seen of many of the election plans, I think they are doing a great job.

I do disagree with their proposals in this point. They were perfectly within their mandate to come back to us with proposals, recommendations and we are perfectly within our mandate to suggest alternatives. So I think it is a useful debate in that.

Now SACC Members have been gracious enough to say that their proposals are not perfect and Deputy Hansmann Rouxel put it quite nicely when she said that no proposals would be perfect because we are dealing with irreconcilable issues here, there is really no way of squaring the circle or circling the square, whatever way you want to put it.

I do understand the logic that underpins the SACC proposals but for me the flaw other than the sort of logical flaw of the assumption that in order to communicate with the electorate you need to post, you need to print out a hard copy and deliver it, I hear what Deputy McSwiggan said about you do not know which people are the ones that you need to reach with a hard copy but I think she herself said there are alternatives to this idea that you need to print out a manifesto and post it or use the postal service to get it to the households in the Island.

So I think for a start the logic itself is a little bit flawed about how they arrived at that particular figure, but more importantly I think it does not fully acknowledge the political reality of what £9,000 is and that is an awful lot of money. It is a figure that I would hazard to suggest the vast majority of candidates would not be able to afford. Deputy Tooley gave us some figures about that figure as a proportion of average wages. It is really just a very big amount.

I think SACC have done a really good job with their proposals about the booklet and about the webpage and potentially the video and those benefits. Those services, as SACC called them, I think those are excellent and I completely agree with them and everyone else who says that that provides a fair platform from which people can compete.

My problem is not at all with that, in fact our amendment is very clear about retaining the benefits of those, that is an equitable thing, but where it becomes inequitable is the headroom above that and that is really what this debate is about, about whether that £9,000 on top of that level playing field gives people an unfair advantage or gives some candidates an unfair advantage over others purely based on their wealth.

What concerns me about it is that my fear is that it will create a situation that is akin to an arms race and the fact that some people – I started by saying that not many people, I do not think, would be able to afford £9,000, but I think the really crucial point is that some people will be able to afford that. I think we know that, and the fact that some people can spend that much and will spend as much as they can or a very significant proportion of that limit is what makes the rest of the race unfair. So I think it does turn it into something of an arms race and I do think the fact that even just some candidates are likely to be spending up to that limit or a significant proportion of that limit is enough to put off other candidates, especially first time candidates, from standing.

Now Deputy Inder said that this amendment limits the ability of new candidates to compete against the incumbent advantage, I think he called it, but actually if you extend the logic what he is saying is that only new candidates with considerable access to money can compete against the incumbents advantage and that is the crucial point.

So I think the important thing is to focus on the net effect of the proposals. Now in the document that Deputy Tooley and I circulated there was a table at the end of it, I am not sure if anyone got that far but we did compare and contrast the net effect of the SACC proposals with the amendment scenario and what is clear is the bits that are highlighted in green were the more beneficial. What is clear is that anyone with an average amount of money to spend or a less than average amount of money to spend in those scenarios was more advantaged by the amendment, that anyone with more than average was more advantaged by the SACC proposals. So I think it is important to keep that in perspective that this amendment provides people with less access to cash, or who are less wealthy, less of a proportionate disadvantage to those who are more wealthy.

Deputy Fallaize criticised the amendment for not recognising the difference between the district system and the Island-wide system because I think he looked at the figure, the cap, and thought well that is the same as was in 2016 and clearly they are two different systems. Now that analysis

3275 would be correct were it not for the benefits that SACC are proposing and this amendment makes very clear we would like to retain. So it is very much acknowledged that this is a different system we are just trying to reduce the inequity of the £9,000 head room.

3280 We have already touched, thanks to Deputy Gollop, on the UK limits. I think that is another helpful thing that helps put this in proportion, the fact that individual candidates in considerably bigger constituencies in the UK typically have a limit of between £10,000 and £16,000 and again I think that helps put a £9,000 limit well in proportion.

3285 Deputy Inder said a few interesting things during his speech but one of them was why would you rely on paper and I tend to agree. Just from my personal perspective I tend to think that I agree with Deputy McSwiggan's sort of proposals that you – she said if she was standing she would probably put her summary manifesto into the booklet and maybe print out a few postcards and deliver those around and drive people toward the website where they could find out vastly more, I imagine, in Deputy McSwiggan's case about her and her many ideas and so that is one different way of doing it.

3290 But I think the important thing to understand is that as the system has changed so, too, do and will the most effective methods of communication. I think that is actually quite key. So for example, I think someone mentioned it earlier in debate under a district system, no-one really seriously as far as I am aware considered using radio advertising as a means of communication because it seemed like a bit of a sledgehammer to crack a nut, it seemed a bit disproportionate if you were only trying to reach the electors in one district, but actually under an Island-wide system suddenly radio becomes a very effective means of communication and I have been talking to a commercial radio station here and they are really keen to get involved. I have put them in touch with SACC, by the way, and have explained that they really do need to talk to them. But they are very keen to do some sort of initiative and very affordable ... put together some affordable packages that new time candidates in particular might be able to access. So for example something in the region of £750
3295 would give people under these ideas that are being bounced around at the moment a sort of video that would go out to all their radio stations, social media followers, for example, and some air time and space on their webpage and things like this. So there are some really interesting ideas that are very affordable and there are different means of reaching the electorate and so I do think we have to break away from this idea that the only way of communicating with the electorate is to post people –
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Oh, Deputy Fallaize, I was waiting for the interjection, I welcome it.

Deputy Fallaize: I am grateful to Deputy de Sausmarez.

3310 Can she give this some consideration, let's say there are 80 candidates, it is okay for commercial radio stations to say we would be happy to produce packages for candidates but if 80 candidates turn up and say will you please run a series of adverts for 80 different candidates they will be playing no music and providing no news bulletins, all they will be doing for the month of the election campaign is on a permanent cycle 24 hours a day of 80 different election candidates. I mean surely the sheer number of candidates presents a massive hurdle in the way of the kinds of things she is
3315 talking about.

3320 **Deputy de Sausmarez:** Well Deputy Fallaize will be delighted to discover that the radio station has indeed thought about that very scenario and so the kind of package it is suggesting is actually very much not in the standard of traditional air time advertising that you might buy, it is not your sort of seven slots a day, seven rotations, eight rotations, on 10 days. You could do that and actually I think parties might still want to take that more traditional approach, but the kind of approach that they are suggesting is much more actually based around multi-media channels. I know Deputy Fallaize has just completely glazed over at this point. I am talking a different language as far as he is concerned, but I am sure a lot of other people will understand that actually this is something that
3325 happens in the 21st century, so there would be an element of air time but Deputy Fallaize is quite

right that it would not look like a traditional radio ad campaign of old. So he is absolutely right to raise that concern.

I give way to Deputy Merrett.

3330 **Deputy Merrett:** I thank Deputy de Sausmarez.

I am a bit concerned actually and a little bit confused as well because my understanding is that during the candidacy period the media has to treat all candidates similarly, so if they offer it to one ... The other thing I want to interject to suggest to Deputy de Sausmarez is that if they are only suggesting £500 but it is £750 just for the radio then some of the whoever there was Billie whatever
3335 her name was may not have the funds to pay the extra £250. So actually again there could be one candidate who could have more representation and ability even under their own proposals if the radio is going to be £750 and they are only proposing £500.

Deputy de Sausmarez: Deputy Merrett is right in saying that there is a self-imposed purdah by some media and the BBC certainly have very strict – (*Interjection*) Sorry, oh, yes, so the BBC it is imposed on them so it is not a self-imposed purdah it is an imposed purdah and they have to take an incredibly neutral view. But actually the whole reason I go into this conversation with the commercial radio station was because I called them up to ask that very question about whether the purdah applied and they said it does not. Deputy Merrett is quite right, there would be degrees,
3345 differing degrees by which you could just, as with everything else there is no mandatory option, there is nothing that anyone would be forced into. These are all just options.

My point is I am trying to illustrate that there are many more ways of communicating with the electorate and especially some really quite affordable ways with a big bang for your buck than have possibly been supposed in the drawing up of the original amendments. So that was really just the main point that I was trying to make.
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But yes, if I can just focus everyone's minds back on the fundamental issue which is this equity issue. If we are concerned about a representative Government do we want to create a situation where people feel as though they have a fair chance on that start line or do we want to create something of an arms race. It is a matter of political judgement, there is no right or wrong answer.
3355 I would just ask my colleagues to use their political judgement wisely.

Thank you.

The Bailiff: Deputy Le Tocq.

3360 **Deputy Le Tocq:** Thank you, sir. I will be brief.

I just want to speak to one particular issue which has been raised by a few in terms of this amendment. That is, sir, that any election, particularly where we sit in the world, is not something that is just a domestic affair looked into and observed by our population here in Guernsey but increasingly it has an effect on our reputation externally.

Sir, some of the suggestions that we can reduce spending limits to such a degree that in effect we would potentially be limiting those who could access the whole of the electorate I think are in danger of causing Guernsey's reputation externally to be under severe criticism, particularly as we will have election observers. I do not know if that is why Deputy Lowe was keen not to have the observers here but I certainly think that any report that an observer body would make would highlight that case if the spending limits were reduced to the sorts of levels that are being suggested here.
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I do think that is of concern for us, sir, and for our industry and our economy and everything that is linked to that and we need to be careful. That is why SACC, and others have pointed out and I thank them for it, came to the conclusion that the best way forward are the proposals that we have put in.
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They are not ideal, they do not sit well with all of us but in terms of finding a compromise solution for next year I think that is the best way we can move forward. It may well be that other solutions will come about as a result of our experience of putting this into practice, but I certainly, sir, could not countenance a situation where we reduce spending limits so much that we then affect Guernsey's reputation externally.

I encourage Members therefore not to support this amendment.

The Bailiff: Anyone else? No.
Deputy Tooley will reply.

Deputy Tooley: Thank you, sir.

I am going to try to reply in sort of reverse order going back, so I will start with some comments on what Deputy Le Tocq has just had to say if that is all right with everybody else.

Deputy Le Tocq is absolutely correct obviously when he says that international opinion and the way in which Guernsey is seen on the international stage as a result of its election is hugely relevant and a valid consideration and I absolutely agree.

However, I would say that international observers are just as likely to remark on a limit which is set too high to allow for genuine representation of the public as they are a limit which they consider to be set too low. Actually the UK's spending limited around elections would kind of debunk some of this theory around being able to reach the electorate because actually the limits we are proposing are well within the bounds which are considered acceptable within the UK to reach the electorate and therefore it is hard to see how they would be questioned in our much smaller community.

Having attended two British-Irish Council meetings in the last three months and several Commonwealth Parliamentary Association meetings, I can say that the subject of Guernsey's upcoming election and Island-wide voting is an incredibly hot topic both in the British-Irish community and across the Commonwealth and they are very interested to see how we manage delivering a free and fair election, but they are not in the least bit interested in how much we cap or do not cap spending, they are interested in how we possibly expect the populace on a very short space of time to choose between an incredibly large field of candidates and to treat and hold and weigh in the balance those candidates fairly, that is far more likely to occasion questions of a free and fair election.

It is the decision we have taken, we have got to deliver it, we have got to see what this delivers and if this gives the people of Guernsey what they thought they would get and what they believe they want and so on from an election, we absolutely have to deliver it, but that is the question I would say on people's lips on an international basis about exactly what reputational damage could be done to Guernsey over this Election.

Deputy de Sausmarez, obviously I would like to thank for her speech and for all her help and work alongside me in putting together this amendment. I did become a little concerned that she was doing the political parties' jobs for them then in telling them exactly how they could get the most bang for their buck in terms of their political spending.

Deputy Gollop is quite right this is a choice between two sets of ideals of democracy and I would agree with all those who have said that SACC have put together an excellent policy letter and have made what are reasonable suggestions although they are not the suggestions that I personally consider to be the right ones for spending. That call for an equality of arms that Deputy Gollop and Deputy Hansmann Rouxel and others mentioned between the libertarian freedoms and, yes, the equal ability to spend is very relevant.

I think what Deputy Gollop was trying to say when Deputy Meerveld objected was that the overall cost of this Election will be much higher than in previous elections, not the cost of supporting candidates within the election. It is the overall cost of delivering an election which operates in this way where it might require, in all likelihood will require, electronic counting, and so on. It is those costs which are escalated in this Election.

Deputy Meerveld obviously referred to individual skill sets and the barriers that that would create. I am not offering here a *panacea* which will solve all the issues of inequity across candidature and across this Election, but two wrongs do not make a right, and just because we cannot level the playing field in one direction over one issue does not mean that we should not seek to level it where we can.

Interestingly, the idea that a political party operating with £4,600 as per the amendment could not reach all the households on the Electoral Roll is erroneous because, as we showed and there is evidence from the SACC policy letter, it is entirely possible to produce 27,000 A5 flyers mail-shotted out which would cost around about £4,000, just not that A4 eight-page manifesto. However, that A4 eight-page manifesto would cost, sent to 27,000 households, around 25 trees, so any political party who is considering the ramifications of climate change might want to think about that before they decide to start sending out eight-page manifestos across the entire Island.

The 64-page one that I think Deputy Meerveld indicated he would quite like to have been able to send would of course cost about 200 trees, so again I would advise against that.

Deputy Hansmann Rouxel – reaching the electorate is what is important, people want to be able to sift through and find the candidates they think will do and fix what they think needs to be fixed and obviously that is critical. What is critical here is that candidates are able to get the messages across to those who have the time and the will and the energy to read through them but also that they are able to show how they are different, so it is incredibly important that we offer these benefits in kind which allow everybody to make that reach in to the public but it is also important that we allow room for some creativity and that is what the proposed grant is there to do.

Deputy Lowe obviously was very positive about Island-wide voting and about what she hopes will be a reduction in the amount of printed material that a candidate should circulate around.

Deputy Merrett says she is keeping an open mind and tells us that our proposals are very close to where she was six months ago. Well I am really sorry that she has been worn down over the last six months and I beg her to come back to the correct position she was in some time ago.

Deputy Tindall spoke of the diversity of candidates and the choice that that gives to the population and to the electorate. Deputy Langlois said that that is, in his opinion, more important, more important that a wide range of members of the public might feel that they are able to stand and I would absolutely agree.

Both Deputy Gollop and Deputy Fallaize referred to the individual spend per elector and, yes, under a proposal of a £2,300 maximum spend that individual spend per voter is low but that is ignoring the fact that it is possible for a cost of 2½ pence per voting household to get your two page manifesto out to everybody. So that section is if a candidate chose to take it already dealt with before you move on to what else you can spend, so I do think that that goes some way to mitigate this change, others may disagree but ...

Deputy Ferbrache said there is nothing wrong with being wealthy and I quite agree if someone could point me in the right direction I will follow him there immediately! (*Laughter*) But he also said that it is a myth that you can buy an election and I am going to challenge that in a minute but I am going to wait until I come to Deputy Inder's comments to do so. So the spending was unnecessary, that you cannot create a consistent playing field, he is quite right but I would say again that two wrongs do not make a right and you can set rules which prevent the playing field being deliberately made more difficult for some players than it is for others.

Deputy Roffey, I wanted to say that the £800 that we suggested as a sacrificial amount from spend was calculated on the basis of SACC's suggestion that to produce the manifesto would be around about £82,000 with an assumption of around about 100 candidates that divided down and assuming that some of the space in the booklet would be taken up for such things as explaining where your polling stations were and how you would go about voting, it was simply us trying to show that we were not attempting that the States would make even a notional profit over candidates. Though there is obviously another way of working this out because the cost of that

manifesto and the value of that manifesto booklet are very different in terms of what they deliver, but it is difficult to work that out in this place.

3480 Deputy Inder – (*Interjection*) got there in the end, and everybody will be relieved to know that obviously as Deputy Inder was first to speak I must be pretty much at the end.

I have not actually mentioned Deputy McSwiggan and that is only because actually I think Deputy McSwiggan and I differ very little on our feeling about where this Election ought to take us and where we ought to be just in the eventual come down of which side of this difficult argument about where you place this balance should be.

3485 Deputy Inder suggests that it cannot be possible to buy an election and he uses the figures that were circulated to highlight this. So can you buy a Guernsey election? Well I do hope not but Members will have seen the list circulated by Deputy Inder following a request for information from Deputy de Sausmarez and I, and can I take this opportunity while I remember, to thank the officers who helped supply that information; to thank the officers at St James' Chambers the Law Officers
3490 who helped us with the amendments and so on; and the various media outlets and so on who provided us with information which has helped to inform with laying this amendment and the debate around it.

Anyway Deputy Inder circulated the information that was provided to us about the number of candidates who spent various amounts during the elections of 2008 to 2016 and whether this led
3495 to their eventual success or not. Both Deputy Inder and Deputy Lowe have referred to this during the debate and possibly others have as well.

Contrary to what might have seemed at first glance to the untrained eye to be little evidence of a link between spending and election to the States of Guernsey, an economist looking at the tables referred to has confirmed that there does in fact appear to be a strong correlation between spend
3500 and subsequent success.

The average mean spend in 2016 was in the region of £1,100 which is why Annie Average or Arthur Average or whatever was given that kind of amount to spend in our examples, but the average spend of unsuccessful candidates was much lower.

Meanwhile although there has been a typical success rate across the last three elections of
3505 around about 50% and of those elections 2016 was the most competitive with more candidates per seat than at the previous two elections, the success rate for those who spend more than the average is significantly higher than it is for the main field.

Of candidates spending at the lower end, the scale that is less than £600, only 34% were elected in the last three elections. Now 34% might not sound too bad but you have to set that against the
3510 average success rate of 50% telling me almost every single one of those candidates were elected in 2008 when that represented a much higher proportion of the permitted spend.

No candidate in the lower bracket those who spent less than 25% of permitted electoral expenditure allowance was elected in 2016 – not one. If that proved true in 2020 and if we set the
3515 limits that people can spend at £9,000 then we could assume from that a necessary spend in order to be competitive of £2,200 or a month's wages for the average Guernsey worker. If we set a limit at £9,000 then we set an expectation around how much it costs to run for election –

I am not giving way.

3520 **Deputy Inder:** Okay. Well, I will go for point of correction then, sir.

The Bailiff: If it is a point of correction. Can you put your microphone on as well?

Deputy Inder: It is on, sir.

3525 **The Bailiff:** Oh yes, sorry, I could not see.

Deputy Inder: With the greatest respect and I say this with a small 'm' Deputy Tooley might be in danger of misleading the Assembly because what she said was she submitted this to an economist; she cannot have submitted all of the data to the economist which included the incumbency advantage. So the data is not only fairly one dimensional, it is absolutely one dimensional data. Now I would love to know who this economist is because, or her, I am quite happy to have a chat to him over the evening to explain a bit more depth into the data –

The Bailiff: Is this becoming a speech?

Deputy Inder: – but that is my point of correction she may be in danger of with a small 'm' misleading the Assembly with information that you accidentally gave to this so-called economist and not given them the whole picture.

Deputy Tooley: Deputy Inder is of course entitled to his opinion but that is only his opinion. I do not consider myself to be in danger of misleading the Assembly and I will – I am not going to reveal the identity of the anonymous economist, although if they want to have coffee with Deputy Inder's anonymous tank wall expert I am sure I can set that up! (*Laughter and interjections*)

This individual asked that I did not identify her (*Interjection*) or him. If we choose to set an assumption that in order to reach the population on this Island you almost certainly need to spend in the region of £9,000 then we set an assumption that it is almost impossible to do so without spending 25% of that, because that is what the figures tell us has happened historically on this Island.

Please do not set a spending limit which is the equivalent of three to four months wages for the average worker and place an assumption that somebody would need to risk a month's wages to compete.

Please vote for the amendment.

The Bailiff: We vote then on the amendment proposed by –

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Deputy Inder: Could I have a recorded vote please?

The Bailiff: – Deputy Tooley, seconded by Deputy de Sausmarez with a recorded vote.

There was a recorded vote.

Not carried – Pour 11, Contre 25, Ne vote pas 1, Absent 3

POUR

Deputy Parkinson
Deputy Lester Queripel
Deputy Hansmann Rouxel
Deputy Brouard
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Oliver
Deputy Tindall
Deputy Brehaut
Deputy Tooley

CONTRE

Deputy Gollop
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 Graham
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de Lisle
Deputy Roffey
Deputy Prow
Deputy Ferbrache
Deputy Kuttelwascher

NE VOTE PAS

Alderney Rep. Roberts

ABSENT

Deputy Le Clerc
Deputy Paint
Alderney Rep. Snowdon

3560

The Bailiff: The voting on amendment 2 was 11 in favour with 25 against and 1 abstention. I declare it lost.

That brings us to amendment 3, if amendment 3 is to be laid, to be proposed by Deputy de Sausmarez and seconded by Deputy Tooley.

[Amendment 3](#)

1. Immediately after Proposition 1 to insert the following proposition:

"1A. To agree that there shall be made available by the States of Guernsey a grant of up to £500 which may be claimed by a candidate for the production and distribution of campaign materials and which shall count for the purpose of the candidate's permitted electoral expenditure."

2. To delete Proposition 2 and substitute therefor:

2A. "2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £3,000 (the candidate's "permitted electoral expenditure")."

OR, only if 2A shall have fallen,

2B. "2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £4,000 (the candidate's "permitted electoral expenditure")."

OR, only if 2B shall have fallen,

2C. "2 To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £5,000 (the candidate's "permitted electoral expenditure")."

OR, only if 2C shall have fallen,

2D. "2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £6,000 (the candidate's "permitted electoral expenditure")."

OR, only if 2D shall have fallen,

2E. "2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £7,000 (the candidate's "permitted electoral expenditure")."

OR, only if 2E shall have fallen,

2F. "2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £8,000 (the candidate's "permitted electoral expenditure")."

OR, only if 2F shall have fallen,

2G. "2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £9,000 (the candidate's "permitted electoral expenditure")."

3. To delete Proposition 3 and substitute therefor:

"3. To agree that expenditure by a political party on promotion of the party and its policies in an election for the office of People's Deputy is only permissible by virtue of candidates affiliated to that party assigning a maximum of 50% of their permitted electoral expenditure to the party, and that such expenditure by a political party in any election may not exceed in total twice the permissible electoral expenditure for an individual candidate or £9,000, whichever is the lesser."

3565 **Deputy de Sausmarez:** Thank you, sir.

I will not make the poor Deputy Greffier read it all out. I think this is fairly self-explanatory actually. I will just outline what it says. There are actually three parts to this amendment.

3570 So the first Proposition is to add an additional element to Proposition 1 which would be called 1A and that would be the element of the £500 grant as referred to in our previous amendment which may be claimed by a candidate for the production and distribution of campaign materials and which will count for the purpose of the candidate's permitted electoral expenditure. So that is the first part of this amendment.

3575 The second part is the longest bit and that is a cascading choice which basically offers Members the opportunity to set that limit that we have been discussing at a different level. Now actually I would like to present this as fairly uncontroversial – I will give that a shot – because hopefully there is something for everyone in this one. *(Laughter)*

There is a third part to this as well and these are separate parts of the amendment I might add, and that is:

To agree that expenditure by a political party on promotion of the party and its policies in an election for the office of People's Deputy is only permissible by virtue of candidates affiliated to that party assigning a maximum of 50% of their permitted electoral expenditure to the party, and that such expenditure by a political party in any election may not exceed in total twice the permissible electoral expenditure for an individual candidate or £9,000, whichever is the lesser.

3580 So basically this third bit, this third Proposition, links party expenditure to the amount – or can link party expenditure to the amount – that Members decide upon in the cascade in Proposition 2, but it caps it at £9,000 because we did think that anything beyond that really would be excessive. So it is not a linear relationship.

3585 Now I have some breaking news as well which I think I will mention which is - I thought things could do with livening up after last time, why not – which is there is a possibility of a further amendment – *(Interjections)*

The Bailiff: Well, you can only speak to the amendment that is before the Assembly as Deputy Lowe was criticised earlier for –

3590 **Deputy de Sausmarez:** Okay, right, I will have to keep everyone in suspense then, sorry, I am not allowed to do the spoiler on that one.

So the amendment that is before Members for their consideration at the moment is one element – is the £500 grant; the second offers a range of choice on the individual permitted electoral expenditure for candidates; and the third is a formula that essentially links that expenditure with party expenditure. So I hope that makes sense. I do not think I need to go into any of the debate around why any of this –

I give way to Deputy McSwiggan.

3600 **Deputy McSwiggan:** It is only to ask Deputy de Sausmarez to clarify whether she and Deputy Tooley would be happy to allow each part of this amendment to be voted on separately with your permission, sir.

3605 **The Bailiff:** I am assuming the way it is structured is it will be either vote for the amendment as a whole or not and then only after general debate would people vote on the individual elements. That is how it is structured. *(Interjections)*

Deputy Oliver: If this goes through then does that mean you cannot debate amendment 4?

3610 **The Bailiff:** Well it is up to those laying amendment 4. Amendment 4 proposes a different figure, £2,300, so that is not one of the options in this cascade of amendments.

Deputy Kuttelwascher: Sir, I would like to invoke the guillotine Rule 26(1) –

3615 **The Bailiff:** Well I do not think Deputy de Sausmarez has finished introducing – *(Laughter)*

Deputy Kuttelwascher: I thought she had. She has sat down, sir.

The Bailiff: I think she has only given way to Deputy McSwiggan.

3620 **Deputy de Sausmarez:** So, I stand to be corrected by H.M. Comptroller but the way I anticipated it was that it has been structured in three separate Propositions rather than delete everything and insert this –

3625 **The Bailiff:** But it is just one amendment, it is not three amendments –

Deputy de Sausmarez: It is one, yes.

The Bailiff: – so it could have been an amendment to introduce the £500 grant, another amendment with the other sums, and then a third amendment with the third element.

3630 **Deputy de Sausmarez:** Okay, so all in one then. Okay have we reached a conclusion? –
Oh I will give way to –

Deputy Merrett: Thank you.

3635 I think Deputy McSwiggan's interjection and mine will be the same: if Members agree this amendment will the proposer and the seconder be agreeable to each Proposition as amended then be voted on separately if it becomes the main Proposition?

The Bailiff: It has to be. *(Interjections)*

3640 **Deputy de Sausmarez:** I think that is the idea – that they replace or they add to Proposition 1.

3645 **The Bailiff:** As I understand it, this amendment is either going to be carried or not carried. If it is carried then when we get to the end of general debate people will vote on each Proposition in the order in which they are. A vote on Proposition 1 then on 1A and then on 2A; if 2A carries we do not need to deal with the other cascades or *vice versa*. That is how I understood the structure to be and that is the way it is structured as I read it.

Deputy de Sausmarez: Great, I will go with what the Bailiff says. *(Laughter)*

3650 **The Bailiff:** The Comptroller I think assisted in the drafting of it.

Deputy de Sausmarez: That is how I envisage it. I am glad we all agree. We are going to vote on the amendment and then when it comes to substantive Propositions those choices will become available, so I hope that is clear.

3655 Anything else while I am on my feet? I will sit down.

Deputy Kuttelwascher: No, I am waiting for you to sit down.

The Bailiff: Deputy Tooley, you second the amendment?

3660

Deputy Tooley: Yes, sir.

The Bailiff: Then Deputy Kuttelwascher wants to jump up.

3665 **Deputy Kuttelwascher:** Well, I don't jump; I get up gently, sir.
I still want to invoke Rule 26(1), the guillotine motion.

The Bailiff: Well okay, the guillotine motion. I thought you were invoking Rule 24(4), but the guillotine motion, alright. **(Deputy Kuttelwascher: Yes ...)**

3670 In that case, anybody who has not yet spoken in debate and wishes to do so, please stand in your place. Does anybody wish to speak? We have four people who will speak if it does go ahead – and five, with Deputy Inder.

Deputy Kuttelwascher: I would still like to go ahead.

3675

The Bailiff: I put to you then the motion that debate on amendment 3 be terminated. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I believe that is carried. (*Interjection*) Deputy Brouard has asked for a recorded vote.

There was a recorded vote.

Carried – Pour 20, Contre 16, Ne vote pas 1, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Lester Queripel	Deputy Gollop	Alderney Rep. Roberts	Deputy Le Clerc
Deputy Leadbeater	Deputy Parkinson		Deputy Paint
Deputy Mooney	Deputy Le Pelley		Alderney Rep. Snowdon
Deputy Trott	Deputy Merrett		
Deputy St Pier	Deputy Meerveld		
Deputy Stephens	Deputy Fallaize		
Deputy Lowe	Deputy Inder		
Deputy Smithies	Deputy Laurie Queripel		
Deputy Hansmann Rouxel	Deputy Dorey		
Deputy Graham	Deputy Brouard		
Deputy Green	Deputy Langlois		
Deputy Le Tocq	Deputy de Sausmarez		
Deputy Dudley-Owen	Deputy Roffey		
Deputy McSwiggan	Deputy Prow		
Deputy de Lisle	Deputy Brehaut		
Deputy Soulsby	Deputy Tooley		
Deputy Oliver			
Deputy Ferbrache			
Deputy Kuttelwascher			
Deputy Tindall			

3680 **The Bailiff:** Well there are 20 votes in favour, with 16 against and 1 abstention on the guillotine motion. Debate is therefore terminated except that, Deputy de Sausmarez, actually the voting sequence ... Deputy Inder also has the right to speak as the President of the Committee because if I refresh my memory from Rule 26 it says that anybody who would have had the right to speak in the closing ... shall be closed subject to Rule 27, I cannot quite read the – but I am sure I am right in saying that Deputy Inder has the right to speak if he wishes to do so.

3685 Do you wish to speak?

Deputy Inder: I will forgo it, sir.

The Bailiff: You will forgo.

3690 Deputy de Sausmarez, do you wish to reply to yourself? (*Laughter*) As you are the only one who has spoken! (*Interjections and laughter*)

Deputy de Sausmarez: Members will be relieved to hear I will be brief.

3695 I think the important point to stress is what this does is it gives Members more options, this adds options in and I think the one thing that we can be clear on from the previous debate on the last amendment is that there are quite a lot of different views and SACC were generous enough to admit that their proposals might not be perfect and we know, I think, Deputy Ferbrache himself said this is a political judgement and I think this amendment gives us the democratic means by which to establish that political judgement.

3700 So I think I will leave it there and ask Members to vote for this amendment in order to put those options into play when we come to voting on the substantive Propositions after general debate.

Thank you.

The Bailiff: In that case we vote on amendment 3. Those in favour; those against.

Some Members voted Pour, others voted Contre.

3705 **Deputy Inder:** Can I have a recorded vote, please, sir?

The Bailiff: A recorded vote.

There was a recorded vote.

Carried – Pour 22, Contre 13, Ne vote pas 2, Absent 3

POUR

Deputy Parkinson
Deputy Lester Queripel
Deputy Le Pelley
Deputy Merrett
Deputy Fallaize
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Brouard
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Deputy Tindall
Deputy Brehaut
Deputy Tooley

CONTRE

Deputy Gollop
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Inder
Deputy Lowe
Deputy Le Tocq
Deputy Dudley-Owen
Deputy Ferbrache
Deputy Kuttelwascher

NE VOTE PAS

Deputy McSwiggan
Alderney Rep. Roberts

ABSENT

Deputy Le Clerc
Deputy Paint
Alderney Rep. Snowdon

3710 **The Bailiff:** Well, the voting on amendment 3 was 22 in favour with 13 against and 2 abstentions. I declare it carried.

Now, amendment 4: do you still wish to lay amendment ...? Yes, I think it will need some ... because there is not now a Proposition 2. Proposition 2 has been deleted and we have got all these 2As, 2Bs, 2Cs, 2Ds.

3715 Deputy Oliver.

Deputy Oliver: Could it not be inserted in Proposition 2A.1 so it would come before the £3,000?

The Bailiff: Well, that would require an amendment, but yes.

3720

Deputy Fallaize: There actually is not, there is still a Proposition 2, isn't there? Because if you look at the Propositions as amended, the quotation mark starts immediately before the number 2, not the 2A, 2B. So everything is still a Proposition 2, all those seven or eight options. So if Deputy Lowe wants to lay her amendment she could just put up her figure if the States prefer her figure then that would just replace all of the other figures in Proposition 2. It still works.

3725

The Bailiff: Deputy Lowe? Yes, right in that case on that basis Deputy Lowe will open on her amendment.

[Amendment 4](#)

1. In Proposition 2, for '£9,000' substitute '£2,300'.

2. In Proposition 3, for '£9,000' substitute '£2,300'.

Deputy Lowe: Thank you, sir.

3730 Well, I will be brief because we were just talking about amounts here, sir, and giving States' Members the opportunity to have a straight forward amount of £2,300 which was the same as last time. This I believe sort of makes it in the inclusivity across the board, no grant, booklet available to everybody and everybody would have the same amount of £2,300 for advertising, posters, promotion, whatever they want to do up to.

3735 So I therefore put this amendment before Members for consideration and Deputy Oliver is seconding it, sir.

The Bailiff: Deputy Oliver, you second the amendment?

3740 **Deputy Oliver:** Yes, sir.

Deputy McSwiggan: Sir, can I invoke Rule 24(4), please?

The Bailiff: Rule 24(4). Will those who support debate on the amendment stand in their places?
3745 Those who support debate?

Well, there are more than seven people standing, therefore debate will go ahead.

Deputy Ferbrache: Sir, can I invoke Rule 26(1) or whatever it is? *(Laughter)*

3750 **The Bailiff:** The guillotine motion. Will those who wish to speak in the debate stand in their places? We have three people standing. Do you wish to go ahead, Deputy Ferbrache?

Deputy Ferbrache: I am happy not to go ahead

3755 **The Bailiff:** You are happy not to go ahead

Deputy Ferbrache: Because Deputy Brehaut has not spoken all day ...

A Member: Hear, hear.

3760

The Bailiff: In that case, Deputy Inder, do you wish to speak at this stage or later in the debate?

Deputy Inder: Yes, okay, I will go ahead.

I never thought it would get to this point so I have not prepared anything.

3765 As Deputy Lowe has pointed out, it is a variation on one, well, the first amendment which is related to the policy, the substantive Propositions in the policy letter minus the grant. As far as I am aware –

Deputy Fallaize: Point of correction, sir.

3770

The Bailiff: Deputy Fallaize.

Deputy Fallaize: It is not because the grant now exists as Proposition 1A and Deputy Lowe in a sense has lost control of whether to include the grant in or not in the substantive Propositions because her amendment does not affect the Proposition 1A which incorporates the grant.
3775

So the States could reject the Proposition which incorporates the grant but that is now outwith this amendment.

Deputy Inder: I think I knew that. No, I did not.

3780 You are absolutely correct, Deputy Fallaize. In short, having not spoken to the Committee in any great detail I am fairly sure the Committee looking at all of them is possibly going to reject this as an amendment (**A Member:** Hear, hear.) so by a majority we will be rejecting this and I do not think we really want to speak about it too much.

3785 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you.

I am looking forward to Deputy Brehaut's speech, I am sure! (*Laughter*)

3790 **The Bailiff:** In that case –

Deputy Gollop: We got a bit sort of gagged on the last one, but I am kind of wanting to say I know where Deputy Lowe is coming from here I think. We forget sometimes that Deputy Lowe along with Deputy Ferbrache are the only two Members in the current Chamber who successfully
3795 won office as elected Conseillers back in 1997. Now as I recall the 1994-97 arrangements which were not dissimilar to the idea of the format of the booklet that Deputy Inder's SACC are proposing, had an introduction by the Bailiff of the day and manifestos from all of the candidates as an insert to *The Guernsey Press* newspaper but I believe candidates were able to choose their artwork.

But we move on. I was interested in Deputy Lyndsay de Sausmarez's speech, especially the ideas
3800 of radio advertising because Deputy Inder himself was a professional practitioner of the art or has been, but I dabbled in it when I was with Deputy Green's Option C campaign; and I say that because I think we need to be clear from SACC whether a commercial radio is allowed to take political advertisements, because historically they were not when they were under the Independent Broadcasting Authority –

3805 **Deputy Inder:** Again I will get some clarification but I am fairly sure what is being confused is the editorial portion versus the commercial aspect. Now quite clearly you cannot sell yourself on BBC and say that you are a fantastic new candidate because BBC does not have any commercial advertising to sit into that slot and you cannot sit there under editorial guidelines because
3810 effectively they have to keep a neutral balance, but TV broadcast and audio and visual are completely different, you can buy space, it is not different to buying space in *The Guernsey Press*. If *Island FM* want to sell either the Committee or the election team of individual candidates space they are perfectly entitled to do that, and I think that is where the confusion is. I will get clarification for you but I am fairly sure I am right.

3815 **Deputy Gollop:** Thank you, Deputy Inder.

Of course much as I might like the media to say I am the best candidate, they are not likely to do so, but we will move on from there.

3820 Basically this amendment, though, is a *status quo* amendment. It calls for the electoral district to be regarded as one electoral district which it is instead of seven but the same amount of money will be as would have been four and a bit years ago.

The only snag of course is that we have actually had inflation so in reality technically they are putting across a slightly lesser amount. I suppose you could do the sums and work out it is probably
3825 in real terms 10% less in cash. But that is the point of the amendment but I am not going to support it because it contradicts some of the other things that I have said.

What I would wish to point out here, whether this amendment is voted for or not, that we have just done a rather strange thing as an Assembly because we have cut short the debate on Deputy de Sausmarez' second amendment and yet we have actually voted for it as the main Propositions

3830 now and so that has been a game changer, in that it allows every Member of this Chamber, wisely or not, to go for a floating range of figures from £3,000 up to £9,000; £2,300 is not there. If Deputy Lowe's amendment wins I suppose that might be an argument for voting for it because at least it gives us another option but in principle I am not keen on £2,300.

3835 **Deputy Fallaize:** On a point of correction, sir, no it does not. What it does is it replaces all of the figures, £3,000 up to £9,000, which appear in what is effectively Propositions 2A to 2G with the figures £2,300. It does not add to the list of options, it just replaces all the options with only one option which is £2,300.

3840 **The Bailiff:** That was the basis on which it was laid. Deputy Oliver has said wouldn't we just insert it as 2A.1? So I understood it was being laid on the basis that it would become an extra option so the options would then be £2,000, £2,300 –

Deputy Gollop: That is what I thought.

3845 **The Bailiff:** – £3,000 and so on and that was the basis on which it was to be laid.

Deputy Fallaize: Well in which case then it needs to be amended, doesn't it?

3850 **The Bailiff:** That is why I said does it – If you wish to have an adjournment so it can be amended so it is clear and if there is confusion perhaps we do need to have an adjournment so that it is abundantly clear. Deputy Lowe, that is what I understood –

3855 **Deputy Lowe:** Yes, absolutely right, sir, but sometimes we just do a technical amendment in changing the number by just you saying it and we agree to the change in the numbers. I do not think it needs a recess just to change the number from 2 to whatever we need to change it to.

The Bailiff: Well it is not because it is not – it is inserting rather in Proposition 2 for £9,000 substitute £2,300, it is inserting another option –

3860 **Deputy Inder:** Sir, can I –? This is about the Election. I would rather we had an adjournment and did this properly rather than something done on the nod.
Thank you.

3865 **Deputy de Sausmarez:** Sir, I do not think that solves the problem. And the reason I do not think it does is because Deputy Lowe's amendment also adjusts the amount on party spend which would not be covered by an insertion into that –

3870 **The Bailiff:** Let's have an adjournment then so that people are absolutely clear as to what the amendment is.

Deputy Meerveld: Sir, if I can just interject as well I have just emailed yourself and the Greffier a revised amendment 1.

3875 **The Bailiff:** Well we are only speaking on this –

Deputy Meerveld: Well I realise that but that is in light of this debate because right now we have a pick and mix version of version 2 for levels of things we are having to do a revised amendment so there is another amendment will come through on that because of this discussion.

3880 **The Bailiff:** Okay, so we will just adjourn for however long it is going to take to make clear what this amendment is seeking to do. How long do you think you will need? Well probably 10 minutes. We will be back at quarter past five.

*The Assembly adjourned at 5.04 p.m.
and resumed its sitting at 5.17 p.m.*

Procedural

The Bailiff: Sorry, I was told that you were ready so I came in.

3885 **The Comptroller:** Sir, we are not ready yet. I would imagine –

3890 **The Bailiff:** Well is it better now that we adjourned overnight? So if people come back to their places, Deputy Meerveld I know is trying to circulate another amendment, but that has errors in it that need to be corrected before it can be – so when people are back in their places we will just formally adjourn until 9.30 tomorrow morning.

Anyway I put to you the Proposition that we rise now and resume tomorrow at 9.30 a.m. Those in favour; those against.

Members voted Pour.

The Bailiff: We will come back at 9.30 a.m.

The Assembly adjourned at 5.18 p.m.