



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Thursday, 21st May 2020

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Present:

R. J. McMahon, Q.C., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, 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, M. K. Le Clerc,
M. P. Leadbeater

St Sampson

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

The Vale

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

The Castel

Deputies R. Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,
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 Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (The States' Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller)
Deputy C. P. Meerveld (*relevé à 10h 02*); Deputy J. I. Mooney (*relevé à 14h 30*);

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States of Deliberation

The States met virtually at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Propositions in Pursuance of Rule 18

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

The Reform (Guernsey) (Amendment) Law 2020 – Debate continued

The States' Greffier: The Reform (Guernsey) (Amendment) Law 2020 – the continuation of the debate.

The Bailiff: Good morning, Members of the States.

- 5 I know a number of people indicated yesterday evening that they wished to speak, the first of which was Deputy Tooley. So I will call Deputy Tooley then if other people want to speak after her then please will you indicate again your wish to speak.
Deputy Tooley.

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

- I simply wanted to say that I still have the same concerns that I had when we debated this recently. I am very concerned obviously, as everybody else is, about the nature of our democracy when we make decisions to move elections and to chop and change them. I do not think that is entirely helped by repeating a decision to change an election even though that potentially would
15 be bringing it forward.

I am also still very concerned about the weight of responsibility that this places on the shoulders of those who advise us about public health issues in particular the Medical Officer of Health.

- I see daily pressure that is placed by lobbying groups and others on her to alter or issue different advice to that which she might initially feel comfortable with and so on. I am genuinely very concerned about what happens if in July potentially we think that a November election might be
20 possible and then we head into September and things are not looking so rosy and the pressure that is then on not to force her to in effect put her foot down and say no this cannot happen. I am very concerned about that pressure on our service and on our community in that circumstance.

- So I certainly could not support at this stage the suggestion that by July we might be ready to
25 decide that an election should be happening in November. I might be persuaded that we could do

this in the spring time but I can only see that it is likely to happen at the earliest in April and to my mind again that places a huge amount of pressure on the system for the sake of what would be effectively a couple of weeks.

But the most powerful argument for me I think in this is the fact that actually making a decision to do this now puts us in an interminable period of just before an election where people are held almost in stasis, in fear and abeyance of making decisions which might be overturned by an election almost immediately.

I think while I agree that we should always be thinking of what the electorate are thinking and so on we know that this causes in many case unhelpful pauses in what we are able to do and what Government is able to do in order to advance the wellbeing and so on of the Island, and I am really concerned that if we do that right now at a time when we are more than ever in need of decisive action and positive change to rebuild our economy and our community following this pandemic then I really am concerned that placing what would be actually a much longer lacuna than it would look like on paper over Government and the effect that that will have in our recovery.

Sir, I could potentially be persuaded by spring but I cannot be persuaded by November.
Thank you, sir.

The Bailiff: Deputy Laurie Queripel to be followed by Deputy Dorey to be followed by Deputy Paint.

So Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you for calling me, sir.

Sir, I would like to try to respond to a few points made up until now during debate particular points that were made, some of the points that were made yesterday.

Now, sir, many of the arguments made against this amendment have been, yes they have been well rehearsed, they have been well articulated and well presented, but for me they lack substance, they come with what I would term quite a large side order of pseudo logic. By way of an analogy I would say that they are rather like applying many layers of lacquer and polish to a piece of balsa wood. In other words the finish can be built up but the base material remains quite thin.

Now, sir, Deputy Fallaize is a politician a States' Member that I have a great deal of time for not only because of his political ability and prowess but he is also very hard working Deputy and of course we support the same football team as well, but I think that some of the arguments he employed yesterday fit into the category that I have just described that I have just labelled.

Firstly he said something like the States, this States will become known or in danger of becoming known as the States of revisiting decisions, but I think actually that is something that we had better get used to.

As far as I am aware we will soon be having a debate where we revisit many of the decisions previously made and projects previously approved, because we are meant to be engaging in a wide-ranging and comprehensive re-prioritisation process, where some items might be pushed off the list, some pushed down, some put on hold, some scaled back, so on and so forth.

I do not think the States potentially borrowing a great deal of money over a long term could change that. We cannot simply have a as you were reset in the wake of Covid-19 and the widespread effect it has had on our community. So as the old saying goes 'you ain't seen nothing yet', in regard to revisits, that process is something we have to undergo in the near future.

Another point that Deputy Fallaize made was, he said if this amendment is successful it will mean that not only do SACC have to bring back another policy letter to the States but they will have to bring back the corresponding legislation as well.

Now, sir, on more than one occasion in this term and in the last term, and I particularly noted this as a Member of LRP and in the last term the Legislation Select Committee, we have seen policy letters and legislation being presented to the States at the same time. Now I do not know if that will be possible on this occasion but it must be something surely that could be considered. So I do

not think there needs to be a great lag between the SACC policy letter and the corresponding legislation it might be that they could be presented at the same time.

80 Now, sir, this idea of a floating election date. Personally I have heard what Deputy Tooley has just said but I do not see that as being much of a problem either from a public or a candidates perspective.

I think that the majority of Islanders will see it as a good thing that the States are trying to accommodate an election at the earliest possible opportunity and of course in brackets we have to say it needs to be in a practical and a safe way it has to be a free and fair election also.

85 But I think if good reasons are given and not heavily lacquered but thin balsa wood reasons as to why that cannot happen I think that will be largely accepted by our community. I believe the willingness of the States a can do or trying to do attitude as opposed to cannot do will be widely welcomed in regard to this route.

90 When it comes to candidates, sir, there was some mention yesterday about will candidates be prepared if they only have a few months' notice. But as Deputy Inder said there are candidates that are raring to go now that are champing at the bit. Now one could say that if those candidates are successful after a few months of being a Deputy they might realise that life as a Deputy is not quite as simple as they think and it is a difficult and hard job to do, but at the moment they are champing at the bit. So I do not think there will be a problem in regard to candidates being ready for election
95 with a few months' notice.

I think bye-elections actually are a good measure of that. If you think about bye-elections very often candidates only have a few weeks to get ready for a bye-election and yet generally speaking you normally see three or four candidates for one seat, so I think that is a good measure of whether candidates can get ready for election at fairly short notice or not.

100 Now, sir, another Member I have great respect for is Deputy Langlois, he often makes very insightful points during debate but I am afraid it worked the opposite way for me yesterday, I was already keen on this amendment before Deputy Langlois speak but if I needed any extra persuasion actually to support it Deputy Langlois provided it – I know it was not his intention – because he gave the impression that as this Assembly goes into extra time, beyond our mandated four years
105 we will be very busy bees making lots of big decisions, potentially spending large amounts of money and doing bold things that could have long term consequences. The term legacy came to mind as he was saying that.

I do not think that is the case at all. I think we have to be far more circumspect than that, bearing in mind we will be in this extra time period. Yes we will have to help navigate the Island through a
110 difficult period by necessity certain matters will have to be considered and attended to, but setting or trying to set lots of things in stone, no, that will not be our role as far as I am concerned.

Now, sir, hindsight can be a good thing. It does not always play out that things could be changed as a result of hindsight. On this occasion something can be changed and I think changed for the better. I think it is a change that will be largely welcomed by our democracy. This is not a case off
115 flip flop government this is a case of in hindsight making a better decision and with that in mind, sir, I urge my colleagues to support this amendment.

Thank you, sir.

The Bailiff: Deputy Dorey.

120

Deputy Dorey: Thank you, Mr Bailiff.

I agree with the point that Deputy Parkinson made yesterday about the transformation in terms of number of cases of Covid-19 and it made me reflect. Did we make the right decision in terms of the Election date, but then I came back to the same points that we considered previously which
125 helped us make that decision?

One of those was the canvassing. Now we changed the date in the last term from April, the month of the Election from April to June that was due to a reflection of candidates on the

importance of canvassing and the ability to canvas in the spring time compared to the early summer. So we changed the States from April to June.

130 Now if we look at canvassing hours and I personally think that canvassing is an extremely important part of elections, I think it is important that Members have the opportunity to speak to people and one of the key times to find people in is early evening, and also at weekends. It is far more difficult to knock on people's doors and engage in conversation when the weather is cold and it is dark, and I think we would lose that opportunity for candidates to engage with the electorate
135 if we have a winter election.

If you look at the sunset times if we look at November it varies from mid-October 18.30 to 16.30 by the time the election comes round in November because the clocks go back.

I know the UK had an election in December but there is also turn out in terms of if the weather is bad and we know with Island-wide voting that we are likely to have people taking a lot longer to vote so we are more likely to have queues outside, which if the weather is bad will not encourage
140 people to participate.

There is also the important point about the Budget which was also a factor which Members considered at the last debate. Obviously our Budget is normally in early November and if we have a November election date we will not be able to have it then, so we either have to have it at the
145 end of September or well into December. I do not think with the significance of the Budget there is going to be for this year having a new Assembly just elected and having the Budget almost the first thing they consider, and it would be laid ... would not be the ideal way forward.

I also do not think one of the last things of the Members do before an election is deciding a budget is also ideal.

150 It is also just the preparation time for a budget I do not think there is enough time probably to get it ready for the end of September perhaps P&R can correct me.

So we then look at the March election date and again I believe it is too early when we are talking about sunset times from 17.30 to 18.30.

So when I look at this amendment the only viable date for me is April, May or June. I just do not think it is worth the uncertainty for the sake of having an election two months earlier than the
155 currently set June date in 2021.

So for those reasons although I understand the change in the Covid-19 situation I cannot support this amendment and I am going to stick with the decision I made earlier, and I encourage Members to stick with the decision they made earlier.

160 Thank you, sir.

The Bailiff: I am going to call Deputy Paint next, to be followed by Deputy Trott and then Deputy Smithies.

Deputy Paint, please.

165

Deputy Paint: Thank you, sir.

We are moving very quickly out of this coronavirus, thanks to the very well managed team that are handling the situation.

But after June we can only consider ourselves as a caretaker Government and it is my belief that we should not do anything that is too contrary or may be able to be unchanged afterwards. We only need to manage the Island.
170

The amendment enables us to correct yet another bad decision made last month to delay until June next year for the election. I do not believe that is right now and I did not then.

For the sake of the electorate and the voters of this Island will you please support this amendment.
175

There is an old adage that I use frequently it is better to try and fail than not try at all.

Thank you, sir.

The Bailiff: Deputy Trott.

180

Deputy Trott: Sir, may I take my jacket off?

The Bailiff: If you need to Deputy Trott yes, but I hope you are properly dressed otherwise.

185

Deputy Trott: Sir, thank you for calling me and can I join those who have already complimented you on your coronation, I am not sure that is the right word but you know what I mean, the ascendancy to the important role that you hold.

190

Sir, I am delighted to hear the views of Members who believe we are returning to normality. Sir, within the last few days the UK Government has sold Government Bonds gilts with negative interest rates for the first time ever. £3.75 billion maturing in July 2023 was sold with a yield of less than zero. So investors have paid to lend to the UK Government £3,750 million. They have paid for the privilege, sir.

195

Within the last few days the Chinese Government has bailed out Norwegian Airlines the Chinese have bought a 13% stake in Norwegian airlines, and the Chairman of the Federal Reserve, and I know that there are Members who completely disregard what happens in the United States, I think they are foolish to do so but I know that they exist. The Chairman of the Federal Reserve –

The Bailiff: Deputy Trott sorry to interrupt you but Deputy Inder wishes to raise a point of order. Deputy Inder what Rule are you saying Deputy Trott is breaking.

200

Deputy Inder: I am not entirely sure he is talking to the amendment, sir.

Deputy Trott: Oh I can assure you I am, sir, absolutely.

205

The Bailiff: Just a minute Deputy Trott. You do not get the opportunity to reply to that. So is that it that he is not talking to the amendment Deputy Inder?

Deputy Inder: That is it, sir.

210

The Bailiff: All right, well I am going to rule that an invalid point of order because I am satisfied that Deputy Trott is laying the foundation for why he is going to articulate the reasons for supporting or not supporting this amendment.

Deputy Trott to continue.

215

Deputy Trott: I absolutely am, sir, thank you for that ruling with which I agree. If Deputy Inder listens rather than broadcasts he will understand why.

220

So the Chairman of the Federal Reserve has expressed the view that the US economy could shrink by a massive 30%. This very week, sir, I have learned of 150 permanent job losses that were not known to us beforehand. So any idea, sir, that we are going to have a speedy economic recovery or that things are going to get better any time soon should be completely disabused. People really do need to understand just how significant the legacy of this crisis is for not only the largest economy in the world like the United States but also for ourselves.

Now Deputy Mark Dorey makes some very useful comments around the budgetary process and he asks for a Member of the PRC Committee to elaborate on that, which I am very happy to do.

225

Currently, Members our Budget is scheduled for the 4th November. Now if it goes ahead there will be fireworks the day after, of that we can be absolutely sure. But hang on we would be smack bang in the centre of a purdah if we were to go to the polls in November, or if there was a clear period from the end of that debate absolutely unable to hold an election in November, because if nominations did not open until after the Budget debate on 4th November which could last several days and probably will, sir, the chances of us being able to conclude nominations and get to the polls in November is extremely slim. In fact I think it is probably impossible.

230

Now the alternative would be to delay the Budget for 2021 until December which would mean that the very first thing the new Assembly did was consider the Budget, and that is of course assuming that the new Policy & Resources Committee could consider and deliver in time. It is extremely unlikely. In fact I will go as far as to say I think that is impossible as well.

Now Members may say well that is not a problem let's delay it until January. Well, we cannot because it needs to be in place before guess what the start of 2021.

Now, sir, this very morning I sought the advice of staff at the Treasury and we have been given the message that it is nigh on impossible to bring the Budget forward because this will be as I said in the last debate the most complicated Budget in our history.

Now, sir, Members have heard me say this before and I am going to say it again, I have told them that it took me six years to understand public finances, and for two of those years I was the Island's Treasury & Resources Minister.

Now Deputy St Pier is a lot smarter than me, sir, and I asked him yesterday afternoon how long it took him to understand public finances and he said about two years. The point is even if you come from a world where numeracy and finding your way around balance sheets and the like is your main focus, your main interest, understanding public finances is not something that one can acquire overnight, and I am sure all Members of the States would agree.

Yet here we would be, we would be presenting the new States with an absolute ... no way out if they would have to produce and present a Budget in December. Now I am going to support this amendment and that may come as a surprise to several Members, and then I am going to vote against 2(a) because I am not of the opinion that it is feasible to hold such an election in November 2020 under any circumstances for the reason I have given.

Let me tell all the prospective candidates that we have been hearing about, sir, how I know nothing about democracy. Well I have fought six consecutive General Elections I know a thing or two about democracy. I also know a thing or two about leadership as well, and what we are talking about hear is leadership.

Now do I think it is possible for us to hold an election in March of next year? Yes I do. Do I think it is sensible? Probably not whereas I think it is probably more sensible for the reasons others have said of the Election in April, which is a full two months earlier than we have currently agreed.

Now am I prepared to go for an April Election? Yes in extremis a March Election. But I cannot possibly agree to a November Election, sir, because it would throw this Government and this community's public finances into absolute disarray.

So Members, when you are voting for this amendment please bear that in mind and consider just what chaos could emerge as a consequence of us getting the decision wrong today.

Thank you, sir.

The Bailiff: Before I call Deputy Smithies, who will be followed by Deputy Graham and Deputy Brouard, let me just try and clarify something about this amendment and if it is carried how the voting will go on Proposition 2 as inserted.

Members of the States will not on the wording of the current amendment and the Proposition that would be inserted get the opportunity to vote separately for (a), (b) or (c), because the direction is to the States' Assembly and Constitution Committee to review the feasibility of holding a General Election and I imagine that the Members of that Committee will understand the comments that have been made by Members who are saying that paragraph (a) probably is less acceptable to them than paragraph (b) in some shape or form.

So there will not be an opportunity to vote distinctly on Proposition 2 if it were to be inserted by this amendment in respect of (a) to remove the possibility of a November 2020 election at this point. If the States' Assembly & Constitution Committee decided that it was feasible and put forward Propositions to that extent there would be a further debate at whichever meeting it is.

So I say that just for the benefit of those Members who are thinking that there would be an opportunity to vote distinctly on what would be Proposition 2(a) if this amendment were carried.

Deputy Smithies.

285 **Deputy Smithies:** Thank you very much, sir,
May I join others in congratulating you on your taking up that very onerous position that you know occupy and congratulations on making it back for another day.

I am still very much in favour of holding the election at the earliest possible opportunity. Last month I abstained. I think I was the only Guernsey Deputy who did abstain from voting for the
290 postponement of the June 2020 Election, because I was not convinced that with a real effort of will we would not have been able to hold that election even if the electorate had to be persuaded to make it by doing a full postal vote.

But as I have said before that caravan has passed and the oasis is deserted and all that remains is the barking of the dogs.

295 I will be consistent in my desire to go to the electorate at the earliest opportunity and I will vote for this amendment. Our democracy and freedom are far too important and too hard won to be derailed by the 'Wu Flu', however devastating that horrible virus may be.

I have added a short postscript to my prepared speech in response to Deputy Trott's well-reasoned but I feel misguided speech. He assumes the next States to be elected will not be up to
300 the job. Well if that is what the electorate decide then that is what we get. But I do not believe that the electorate will vote that way, and I still stick to the adage trust the people.

Thank you, sir.

The Bailiff: Deputy Meerveld, is it your wish to be relevé?
305 Deputy Meerveld?

Deputy Meerveld: Yes, sir, may I be relevé?

The Bailiff: Of course you can, we will mark you as present. Thank you.
310 Deputy Trott you are trying to raise various points at the moment. The reason I did not call you when you indicated you wanted to raise a point of order is that I am not sure that I can breach a Rule of Procedure and it was me that was speaking.

But if you have a point of correction on what was just said by Deputy Smithies then I will let you make that.

315 **Deputy Trott:** No. I have a point of order as well, sir.

My point of order is I misled the States. I told the States that I would be voting for this amendment and then I would be voting against 2(a). Because I cannot vote for 2(a) for the reasons you gave, sir, I cannot vote for this amendment and therefore I shan't be.

320 The point of correction is Deputy Smithies is suggesting that I do not think the next States is capable of delivering a budget in the timeframe allowed. It is not that I do not think the next States is capable, sir, it is physically impossible for them to do it if they are only elected at the end of November. That is the point I am making it is a particularly relevant one, sir, I hope you do not mind me empathising it.

325 **The Bailiff:** Thank you very much.
Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.
330 How good it is to be able to address you as such.

When I voted just over a month ago, I think it was, for the amendment that put back the General Election until June next year, there was one overriding reason, in fact there was only really one justification for it in my view, and that was the pandemic, the uncertainty as to the effect of the pandemic on us, the degree to which and the pace at which we would be able to emerge from it,
335 which made the whole notion of being sure that we could hold in the autumn, which was the

suggestion of the States' Assembly & Constitution Committee, it made the whole notion of that too circumscribed with doubt and dangers.

That was the only reason. There was a subtext also about where in the hiatus of Government we would be able to cope with any recovery from the pandemic if indeed recovery what was going to be an issue in the autumn.

Now those were the only reasons. I heard yesterday Deputy Charles Parkinson refer to the alleged quote from John Maynard Keynes that when the facts change, I change my view, what he did not go on to say was I think to repeat the most telling part of that quotation which was Keynes went on to say: 'What do you do?' In other words when the facts change I change my mind, what do you do when the facts change. Of course the answer sometimes is that people deny that the facts have changed.

We heard a bit of this yesterday from Deputy Fallaize and also Deputy Shane Langlois who were saying actually what has changed in the conditions, what has changed in reality, since we made that decision just over a month ago.

Now they seem to be in denial that anything has changed, in which case I think I have not been living on the same Island that I thought I was living on, because, and it does seem to me that Deputy Soulsby who has seconded this amendment agrees with me. There is a degree of clarity now about our prospects in the autumn both in terms of being able to conduct a safe and democratic election and both in terms of where we are going to be in our recovery from the pandemic that we did not have a month ago.

I think it is disingenuous to deny that. I would take it as an act of not courage but also of virtue to examine what is to me a blatantly changed situation and say does that make me change my mind, and it does.

It is true that to vote for this amendment and bring about an election in the autumn will have some consequences which are unpalatable. There has always been subtext hasn't there about when are we going to be making crucial decision about our economic recovery and that still remains. But I am coming to the view that whenever there is hiatus in Government, and whatever crew are elected to deal with it, there is never going to be an optimum time.

I did listen to Deputy Trott's speech. I think he will forgive me if I say that he is occasionally prone to hyperbole on these matters, but even allowing for that he makes a serious point, but I think my counter to that is I do not think there is ever going to be in the next 18 months a good time to hold an election from the point of view that he was arguing.

Some of the unpalatable consequences have been raised. I heard Deputy Rhian Tooley talk about putting pressure on the health authority and in particular on Dr Brink to effectively decide whether we could hold an election or not from the health point of view. I think the stage that we are in emerging from the pandemic now has minimised that danger, and I am not alone in thinking that because if anybody should be aware of that it is Deputy Soulsby herself and she of course is seconding this amendment.

I listened also and I could have written his speech for him also in a way I listened to Deputy Dorey a long term colleague of mine in the Castel and a respected colleague of mine on the Committee for Education, Sport & Culture. I knew he was going to talk about canvassing and the deleterious effect on it if we hold an election other than in the balmy days of late spring or early summer.

In an email exchange I had with colleagues last night I pointed out that actually under an Island-wide voting election although canvassing is probably a sort of feel-good element of it, in terms of making any dent into the sort of democratic engagement between candidates and populace it is going to be insignificant.

I am sure my experience was not dissimilar to others, when I stood for the first time four years ago I spent just over four weeks every single day with a break for lunch nine hours a day canvassing door to door and I just at the end managed to get round to the last household on the Electoral Roll in the Castel. In doing so I only really had effective engagement with about half of those households. So effectively I democratically engaged with half of one seventh of the electorate in Guernsey.

1/14th 7%. It is true that I left 'I called and you were not in' cards at those that I did not engage with, but in terms of having conversations although under the parish system that was a highly significant thing to do under the new system – and I think people are going to have to wise up to this – under the Island-wide voting system engaging with the public by knocking on their doors and having all those conversations in kitchens and sitting rooms and on the threshold is going to be a pretty insignificant part of the democratic engagement. I think probably candidates will wish to do it, because what else are they going to do for four or five weeks.

But as I say in terms of enhancing the democratic nature of the election canvassing is going to be totally insignificant, and only partly tongue in cheek I would argue that in many ways the darker, the wetter and the colder it is the better because more people are going to be indoors when you call and they might be so bored they might even read your manifestos.

I have always said the next election is going to be a touch the screen election and not a touch the flesh one. It is going to be conducted whether you are an old candidate, a well-known candidate, or a new candidate unknown to the electorate, it is going to be conducted by engagement through the various media and by sending manifestos by post. So I do not think whether you hold it in the dark days of November or January or February is going to make that hell of a difference, unpleasant as it might well be.

I remain of the view that we have a democratic onus on us to say look the only reason for even contemplating putting the General Election off was the pandemic, the influence of that pandemic on our ability to hold a fair and democratic election safely has now diminished, in my view, to the point where we take what is admittedly a small risk and commit ourselves to an election in the late autumn. As I say there are some unpalatable consequences to that and I am prepared to live with that.

The Bailiff has pointed out that we do not have the option of voting down 2(a) and merely voting for 2(b) I had not previously been aware of that. I hope that the States' Assembly & Constitution Committee will take note that some of us do have reservations about November but I am going to vote for the amendment.

But the Committee in its deliberations and when it comes back and makes recommendations to the States should bear in mind that there may be a possibility of a compromise here which will get more of the States' Members on side than the pure unamended amendment has the prospects of doing.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

May I too add my congratulations to your elevation to office, sir.

It is rather strange just when we want to have certainty we have now got uncertainty with an amendment such as this. I would like to align myself with Deputies Tooley and Fallaize.

I personally have had very little pushback from the public about pushing on the election, there has been some traffic through emails from a fairly small group but I am not too sure how deep or how wide that pushback is. Certainly the people that I have spoken to have quite appreciated what the States are doing and why the election is put back.

I am not sure that some of our Islanders appreciate just what a period before an election is like for politicians, it is like the black hole, not much light will come out and it will be all consuming for politicians. Understandably for politicians who are seeking re-election the main focus will then become the election when in my mind our Island's health and the economy should be where our focus is for the next six months plus, not looking over our shoulders at elections.

So please Members do not take this back to a frozen state just when we need to move quickly and make some really big decisions. So I will not be able to vote for this amendment, sir.

Thank you.

440 **The Bailiff:** Members of the States, I am pausing very briefly to see if there is anyone else, any other Member who wishes to speak. If there is not going to be – yes Deputy Hansmann Rouxel to be followed by Deputy de Sausmarez.

Deputy Hansmann Rouxel: Thank you, sir.

445 I have listened very intently to the debate so far because in the previous debate I was very much undecided and by the end I came to the reluctant decision that supporting a June election would be the most sensible. But we did make the decision to do that at a different point and Deputy McSwiggan did make an excellent opening speech laying down the logic of bringing this back, and I know that the debates have oscillated around that point.

450 But for me I think we also understand ... as each month goes by we do understand what it is like to live with this virus, and if we view an election, and I do think the point about democracy we have to understand that having the election as soon as practically possible is our goal. What we disagree on is when it is practically possible. The difficulty comes because we have not placed a policy framework around that.

455 Now if we go back to the policy letter and Deputy McSwiggan touched on this in her opening and I think it is important to go back to that point is that the policy letter because that is what we are looking at, is what is our policy of holding an election. The policy letter that was laid was laid quite quickly and did not contain the shell of policy that would allow us to look at how we can safely hold an election within a pandemic such as we are experiencing.

460 So that piece of policy work and quite rightly because that policy is being developed as we go along, as we learn more how to live with this virus, how we learn more to be in this state and all of those economic crises that are developing at the same time, all of these issues are new and developing.

465 So what is coming from Members who are unwilling to consider moving from the June 2021 is the sort of bashing together, for want of a better word, bashing together those two concepts, is that there are so many unknowns, but at the same time what we do know is democracy cannot be served if we do not have a renewal of our democratic mandate.

470 If we are to take a step back and it does fill me with a lot of concern thinking about having an election especially an Island-wide election. I think if we made a radical decision and decided to postpone an Island-wide election for four years and just went for a renewal of the parish election I think actually we would not be in this situation we could hold a snap election in July or September, but because we are dealing with the many unknowns about Island-wide voting, and having gone through the process of trying to make sure that that Island-wide election was accessible as possible. I think if you layer on what has happened with the coronavirus my concern is that a lot of the difficulties of navigating a post-coronavirus world that are adding accessibility barriers to peoples ordinary everyday life mean that when we start to look at the complexity of holding an Island-wide vote we start to lose some of those methods of accessibility.

475 So what needs to happen and is in Proposition 2(c) to some degree which directs ... allergies just sorting through my many – okay, no that was not it – okay in Proposition 2(c) you will just have to take my word for that. In the amendment it does make reference to the bringing back Propositions in whatever policy letter should SACC determine that they feel it is safe to hold an election at a date that is closer than June 2021. That they would consider the public health ramifications, I think, I trust the Members of SACC that they would be able to determine that to the best of their ability and take into account accessibility.

485 But what is becoming apparent is as we move out of the lockdown the change in circumstances for a lot of people and how they access the Island. Now if we maintain our bubble and we do move to a point where we are able to move round in our bubble I can see how we would envisage having some sense of normality and being able to access outside.

490 However, the temptation will be to start letting visitors in and the longer the period is that we push the election the less certain that bubble will be. That is why Deputy Fallaize yesterday in his speech, I think it was yesterday, mentioned having a snap election in July as being almost more

sensible even though we know logistically that just cannot work. Not only for the electorate and making it accessible and making it accessible for candidates but also I think we underestimate the amount of volunteers and the demographic of those volunteers that we will be relying on.

495 Now this brings me round to my final point which is we actually need to bite the bullet on this and if we are going to serve democracy and bring it forward as much as possible then actually we need to spend a lot more money. Because it is possible to have an Island-wide election but it will require far more resources than we are currently giving it.

500 Currently there is a pragmatic approach to it to try to spend as little as possible but actually Island-wide voting in its purest form is an expensive exercise and I think if SACC are to go away and look at this then I think they need to also be realistic about how much we rely on volunteers and the demographic of those volunteers, and how we should be spending more money on actually creating a platform that can allow us to have an Island-wide election at any point, rather than just fixating on a date.

505 In a long convoluted way that brings me to the final part of my thought process which is quite mangled I will accept, it is not eloquent, is we ... this amendment does look like it will pass and I was in the Deputy Trott camp when I was going to vote against 2(a) but that was not possible as the Bailiff has explained, but I do think that even if this ... and it does seem like this amendment will pass that SACC need to really examine the full effect of holding that election in winter and the lack
510 of ability to provide open spaces for not only canvassing but for polling stations in what is an interesting democratic experiment but nonetheless it is a massive experiment to hold the election that we were planning in June and during a pandemic it makes it even more interesting, if not difficult.

515 So I had thought I would potentially lay an amendment which took out the November date but on reflection I think we do not need to be debating this any more and actually part of the reason why we are debating it over and over again is we do not have that strong policy framework. So I would ask SACC to think about that very carefully when, if this amendment passes, before bringing any such policy letter to actually make it a very robust framework that has all of the contingencies.

520 So what would be the contingency if an outbreak happened two months prior to the Election, what would be the contingencies and all of those things which is an incredibly complicated process and I think that if it passes we do need to look at having more resources in that area. So whether it is possible for SACC and whether Deputy McSwiggan could reply to extend what this would mean for the Election team who are standing down as of our last agreement to postpone the election for a year whether that team could be kept on in order to sort out all of those logistics so that we will
525 know how we would be able to hold an election and then SACC can determine when to bring forward a policy letter.

530 So if those resources are not available how is SACC going to do this work properly and I think we need to actually, as an Assembly, bite the bullet on this and actually if you genuinely do, and we all do, want to serve democracy then actually we need to give it the resources that it requires in order to complete that full circle and provide that to the electorate.

535 If you do not want to give the resources to complete that process then do not vote for an early election and let's just leave it at June 2021. I think that is the key. It can be done but it needs the resources and right now SACC have been doing things on a shoestring. So when you wish for that democracy it needs to be supported by the resources and the cost that comes with. I think that is a small price to pay for a free and fair democracy.

The Bailiff: Deputy de Sausmarez, who will be followed by Deputy Le Tocq, Deputy Brehaut and then Deputy Stephens.

So Deputy de Sausmarez, please.

540

Deputy de Sausmarez: Thank you, sir.

I came into this debate with a very open mind but actually predisposed towards supporting the amendment. I had pretty much made up my mind and I told the proposer actually that I would be supporting it unless debate persuaded me otherwise.

545 As the debate unfolded I have become increasingly persuaded that November is just too problematic. I do not think that the benefits could in any way outweigh the significant problems that a November election would entail. I mean these arguments have been really well articulated by many other people yesterday and today.

550 But I think for me particularly the effects that it would have on the smooth, well supporting the Island through what is an incredibly important time with this establishing the recovery phase and actually making sure that that happens in a smooth and sensible way an effective way, and I am really worried by the lacuna in Government that a November election would entail.

555 I just quickly on one point that Deputy Roffey raised I think he did ask of SACC whether the time between the polling day and I think establishment of Deputies, the swearing in of Deputies could be foreshortened. I think my memory of the original debate is the time that would be needed for counting and under an Island-wide voting system I would not certainly feel in any way confident to foreshorten that time, I think we are going to need the time on the counting. So that is just one minor point.

560 But generally speaking I think the arguments against a November election have been really well articulated and I am very worried about the effect that a November election would have in material terms on Islanders, so for that reason I cannot support a November election.

I am keen as many other people are, sir, to hold an election as soon as possible but just ruling out November.

565 I was planning until the Bailiff ruled on it, which was a very helpful ruling and I thank him for that, I thank you for that, sir, I was planning to ask SACC whether a separate vote on 2(a) would be possible when the amendment becomes substantive Proposition and if that part (a) fell whether SACC would then interpret that as ruling out November as a possibility, but the Bailiff has ruled that that is not possible and so I have drafted an amendment which due to IT issues have been taking place this morning in the Royal Court has just about squeaked through I think. I have lodged an amendment which does exactly that.

570 I know a lot of people have spoken about the fact they are uncomfortable with November, they are broadly supportive of what this amendment is trying to do but they are uncomfortable with the idea of a November election and the amendment that I have lodged simply ... it copies much of this amendment that is before us at the moment but it does rule out November so it just talks about March, April and May instead of June.

575 So I hope that will give some comfort to the people who have got misgivings –

The Bailiff: A point of order is being raised Deputy de Sausmarez by Deputy McSwiggan.
So Deputy McSwiggan please.

580 **Deputy McSwiggan:** Sir, I am not sure to what extent this is a point of order and by all means rule it out if that is the case, but if such an amendment is to be laid if the seconder confirms that she would also be content might I ask you to reconsider your ruling and allow a separate vote on each part of this amendment on the understanding that SACC would take a vote against 2(a) as removing the direction to consider November.

The Bailiff: I think the difficulty with doing that which is what I tried to explain before is that the opening words of Proposition 2 if it is inserted by this amendment is

... to review the feasibility of holding a General Election in November 2020 or in ...

the spring of 2021. So 2(a) alone does not affect that.

590 The way that the amendment to which Deputy de Sausmarez has just referred will be crafted as to if Members were to support this Proposition then there would be an amendment to substitute it

with another Proposition this amendment ... There would be an amendment to substitute Proposition 2 as inserted to remove the option of November completely, and that will give the binary choice between well you have a substantive Proposition to vote on at the end, which includes November or does not include November.

That will be the way forward in my view rather than trying to take separate votes on this and then cobble together a Resolution at the end of that.

Deputy de Sausmarez, is there anything further that you wish to say?

Deputy de Sausmarez: Not really, sir.

I really do thank Deputy McSwiggan for her intervention and I appreciate being ... *[Inaudible]* myself! I did look at how the Proposition or how the Resolution would hang together if the separate parts were voted on separately and indeed one of them was voted out and I think it would have been inelegant but I think it would have at least been indicative. If you rule that that is not possible then I will certainly consider laying the amendment that I have described after this debate.

Just to be clear its effect would be to replace Proposition 2 in its entirety with the revised wording. So I think in my own view I think I am probably going to abstain on this amendment because, yes because I am supportive of some of it but not ... I am very wary of the effects of one particular part.

So other Members will obviously take a view on whether it is better to support this one and then either support or not support the following one.

But anyway I thought I would explain that that amendment is indeed the people in the Royal Court are furiously trying to work it up at the moment amidst huge IT issues, so I do thank them for their quick work. But I thought that might give some comfort to Members who have got serious misgivings about November but are broadly supportive of finding the earliest opportunity after that to hold an election.

Thank you.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff, and *felicitations* ...

I am glad that Deputy de Sausmarez has just spoken before me because she has slightly cheered me up. I was feeling very depressed with the way that this Assembly has conducted itself in recent weeks as an Assembly.

I am starting to wonder whether we need committees at all really, whether we should just deal with everything as an Assembly although we would no doubt change our minds very often on this.

I am going to try and be brief I have very similar views to my colleague and friend Deputy Trott, and if Deputy de Sausmarez lays the amendment that she has spoken of then I will support that, but I cannot support this one for the reasons already referred to.

Furthermore I am on SACC, a Member of SACC, and I was rather surprised at Deputy McSwiggan who is the proposer of this amendment underestimating thereby the amount of effort and time that is needed to put together an Island-wide voting system that is fair because if we value democracy as many of the proponents who have spoken in favour of an early as possible election have said, then we need to make sure it is democracy done in a fair and free way.

That was difficult enough in terms of the resources needed which Deputy Hansmann Rouxel has spoken to and before this pandemic.

But with things as they are now, I accept that they have improved, but who knows which direction they will go in in the future. We are again surmising these things and the necessary preparations for an election with the proviso that there might be restrictions in place even in June of next year mean that we need extra time to do that and we will need extra resourcing, this election is already costing hundreds of thousands more than elections have in the past and no doubt will do from now on.

So I think our best option is to give the option for an early spring election if June is not possible. But I could not countenance one in November for all the reasons that have been given before.

645 Thank you, sir.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir, and congratulations to you on your appointment.

650 This Assembly has had the political rehabilitation that would rival the rise Lazarus and that has been down to the ability and the decision making that has happened for some time led by HSSC by Deputy Soulsby and Deputy McSwiggan.

I think we should bear that in mind when we ... I will be supporting this amendment and I am doing so because the people that have been at the very centre of the decision making process and
655 made very difficult judgement calls believe that too is a good call and informed decision will be made and an informed judgement.

Now Deputy Fallaize said yesterday that the States once again was flip-flopping on a decision we had taken just four weeks ago, but actually four weeks is a long time with the issue that we have all been trying to deal with.

660 Certainly June felt ridiculous, but knowing what we know now, with all the work that has taken place, would October now really feel as fanciful as it did just four weeks ago? I think things have changed significantly. Deputy Soulsby's stark reminder that we were a small community potentially looking at the virus could have claimed the lives of I think she said was 1,800 people ... We are fortunately in a very good position, thankfully.

665 So we will get to a stage soon presumably where we will have committee meetings, we will get to a place soon where we will be sitting in the Assembly again won't we. I think when that type of normality, when it starts to feel normal, when we are doing the job that we are used to doing, and when those outside of Government see a working functioning Parliament then I think it does make it more difficult to resist the call for an election when there is this whatever the new normal is when
670 it appears to be business as usual.

But the one thing I think we can do at our peril if we are not careful is ignore the voices outside the Assembly. I was going to say background noise but that would be disrespectful perhaps, but when we do have campaign groups lobbying us on a regular basis. The lobbying groups I have particularly in mind I suppose when for example P&R bring policy letters that need to address some
675 of the financial issues that we are trying to deal with at the moment when that policy letter is out there and people start taking a position against it and campaigning against it I think that the people dealing with that decision making process need a fresh mandate.

That is what I think this amendment gives is the opportunity to give Members that fresh mandate, because it will not be just the external voices, it will be the internal voices too, and this
680 Assembly has suffered I suppose from a fair degree of an element of friendly fire if I can put it that way in the past, and I think we will have both external voices pushing for change saying you have no mandate as well as those internal voices.

Sir, I do not want to sound like the Ghost of Christmas Past but before this what I suppose call this Covid cohesion this Assembly struggled to come together, it struggled to be united on many
685 different issues and there were many fractures within the Assembly and I think there is a risk that if we do not have this fresh mandate, if we do not go back to the electorate in what ... the external situation is changing we are in a better position, and I think if we do not give the electorate an opportunity to give Members a fresh mandate then I think we will have another year in office which is a big deal in itself isn't it, we could potentially have another year in office with this overbearing
690 opposition to decision making. I think this amendment gives us the opportunity to deal with that, sir.

Thank you very much.

The Bailiff: Deputy Stephens to be followed by Deputy Lowe.

695 Deputy Stephens, please.

Deputy Stephens: Thank you, sir.

Whilst Deputy Trott's words are still ringing in my ears I really think it is important that I endorse some of his earlier comments. Really about the need to respect the Budget process and the physical impossibility of doing that if an election is held in November 2020.

700 It is absolutely the Treasury view that the practical issues will be insurmountable and this is not Deputy Trott's enthusiasm overspilling, as it sometimes does, it is the Treasury experts' view. It is not possible to bring the Budget forward because of the uncertain situation and the additional work that we now have to do within the Budget due to the unfolding situation and the Budget cannot be delayed. As we know the Duties are applied immediately the Budget is approved, but the new Budget overall goes live, it kicks in on 1st January 2021, and for instance that Budget needs to be agreed for public servants to be paid at the beginning of 2021.

705 So in my view November is unsafe in respect of the management of the public finances, but I am personally inclined to a spring 2020 election but I do really ask Members to reject November as an option.

710 Thank you, sir.

The Bailiff: Deputy Lowe.

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

Sir, it is an interesting debate really. I mean 24 hours ago we had some of these same Members when we were talking about the regulations and approving those, that we are virtually out of the pandemic we must be moving on do what we can as soon as we can to get our economy going. Today those same Members are saying ooh yes but hang on a minute we cannot have an election because it is too soon, can't have your cake and eat it. If it is safe enough for people to be able to go out and we are seeing that and getting our economy going it is safe enough for a General Election.

720 I am very disappointed that some Members are already saying oh can't look at November, can't look at November. We are sort of looking at now four weeks after the States' decision and how we have actually seen a huge improvement on the pandemic and we have already said how well done to Dr Brink and the team and to HSC, absolutely right.

725 So if yesterday we had two active cases, nobody in the Hospital and 20 days without an active case. That is absolutely fantastic and that has all happened within four weeks. So why are some Members saying ooh can't have November, can't have November. Of course you should keep it on the cards, absolutely it should still be in there.

730 We are hearing about oh suddenly none of us are indispensable actually because there are other people that can come along but we are hearing that they feel they are the only people that can deal with what is actually happening in the States.

735 I think I would like to congratulate Deputy Smithies and Deputy Graham for their excellent speeches, because the electorate are capable of electing people that are capable and as I say we will still have the staff as well with the expertise.

So anybody that goes on to a committee at any time and of course now how it works it is new people often on a committee because there is not the continuation that we had previously when we used to have elections mid-term so everybody could be new Members on a committee. So you use the experience of the staff who are there to advise you.

740 So again I think if there was a reason for an election in November it may be the same States' Members would go back on to those committees but equally the staff and the expertise will still be there.

745 Deputy Hansmann Rouxel said that for this to go ahead now we must have proper resources because they have been operating on a shoestring, that is absolutely untrue. The States' approved the Budget for the Election, there was a team out in and the resources, the appropriate resources

were put in place. It might be for SACC for other reasons but for the General Election all of that came to the States and there was not an amendment at any time from any other Member to say there was not enough funds being given to that team who were looking after the elections.

750 So I think Deputy Laurie Queripel said when we said about revisiting, I think we have all got to accept that this is a complete new different world and we are revisiting so you have got to get used to it, and he is right, we are looking at everything again.

But for this and sticking to what we have got before us today I fully support this amendment and I will be very disappointed if it is a case of States' Members are already looking to throw out
755 November because they are probably looking more after themselves rather than what is right for a General Election and for democracy. The sooner we can have a General Election and comply with the wishes of the public I think the better.

Thank you, sir.

760 **The Bailiff:** Members of the States, I am just pausing very briefly to see whether the handful of Members who have not yet spoken on this amendment wish to speak on it, but as nobody seems to be indicating a wish to speak I will turn to the proposer of the amendment on the basis that the President of the Committee has already spoken and invite Deputy McSwiggan to reply to the debate.

765 Deputy McSwiggan.

Deputy McSwiggan: Thank you, sir.

I will try and work through this as swiftly as I can. I am going to go through in more or less in chronological order starting with Deputy Lester Queripel's speech which seems quite a long way off
770 now already.

Deputy Lester Queripel raised a point for clarification which I think I need to answer. He pointed out that 2(b) requires SACC to come forward with a policy letter no less than six months ahead of the proposed date of the election, but if Proposition 2(a) is the preferred option and SACC comes forward with proposals for November there will in effect only be a four month gap between the
775 States having made its decision and the Election going ahead. Really that is just a function of where we are in the year, we are at the end of May now, as a number of Members have pointed out, whatever we go ahead with SACC will need some time to consider the options to do its research to have discussions with other committees and then to come back with a policy letter.

Turning it around between here and July is a pretty condensed time frame anyway and it is only
780 because we have superb officers supporting us that I dared to propose that in the first place. Although those superb officers will probably not be thanking me for having done so right now.

The other reason why it is plausible I think to propose four months at this stage rather than a six month lead in period is because we have only recently stood down the teams who were involved in working up the General Election we still have some fresh contacts with the various outside parties
785 that we were going to help us deliver it, the machinery is still warm, if you like, so it is not such a big step to get it warmed up again as it would be if we were thinking of an election at some point in the new year.

Definitely for the spring dates next year I think we need that full six month period to go from deciding to delivering the election both because of the internal logistics and because of the notice
790 that the candidates will need, but I think that we can go softer on those considerations if a November date were to be proposed.

Deputy Langlois challenged me for bringing this amendment forward and said that in his view very little had changed since the previous debate except that a degree of complacency had crept in. I mean I could not disagree more fundamentally and I suppose that fact is proven by the
795 existence of the amendment.

But what I would say is that an election just like anything else is essentially a series of transactions and interactions between people, and what we have definitely learnt in the past month or two is

how to manage those transactions and interactions in ways that minimise the health risk of contacts between people at a time when the risk of an infectious disease is prevalent.

800 To take an example people have had to go grocery shopping probably on at least a weekly basis still and we have found a number of ways of coping with that, some people have been able to order food in, others who have got to the shops have found shops that are set up for social distancing that allow one person in as another goes out that have necessary hand hygiene precautions in place and so on.

805 The reason why I pick food shopping as an example is because it is something that all of us have to do and have to do regularly and the number of places at which it is possible to do one's food shopping in this Island probably do not exceed the number of polling stations that we are likely to have for an Island-wide voting election. Particularly given that voting for such an election would take place over a number of days.

810 So we do know how to manage mass movements of people where such movement is necessary in ways that also mitigate the health risk and we have had experience of doing that and the population have had experience of having to comply with those rules, that was not the case several months ago.

815 Of course the other thing that has happened is that all of us have become a great deal more digitally literate over the last few weeks, particularly us as politicians, but the wider community as well, people who have had to transition to virtual meetings for work or simply for staying in touch with friends and family. One of the things that we have seen as a consequence of this pandemic is a lot more households that previously did not use tech on a day to day basis or for staying in touch with each other now own tech and knowhow to use it and feel probably not as at home with it as they might like to, or as some of us might be, but certainly much more at home with it than they could ever have imagined being previously.

All those are things that enable us to deliver the core transactions of a General Election so at the interaction between voters and candidates the voting and so on in ways that are safe and socially distant if that is what our situation at the time requires.

825 Sir, I think more so than any other speech in this debate Deputy Hansmann Rouxel's excellent speech really hit the nail on the head for me. She is right that SACC are going to have to really carefully consider the logistics of delivering an election either in November or early in the new year, to think about what is suitable in terms of public health measures, in terms of accessibility and so on, and to set out the contingencies for what might happen in different situations and the budget that we might need to deliver that.

830 Although she did not use exactly these words my understanding is that she will expect us to present to the States a properly critical policy letter setting out the options ahead of us if we want to press ahead with an election and the risk that we might be taking if we do so.

835 As Deputy Tindall has made the point several times I think on email rather than in the course of this debate if SACC are not of the view that it will be feasible to hold an election in November we are not advised to propose that there must be an election in November. I think if the Committees reaches that position we will be well advised to inform the States and the public of that at the very earliest opportunity because what we do not want is this hanging over people's heads for any longer than is necessary.

840 But this is absolutely a direction on SACC to go away think through the logistics, think through the contingencies and come back to the States with proposals for what is realistic.

845 Although I am certainly keen and have consistently been keen to have an election at the very earliest opportunity Members can be confident that my enthusiasm is going to be tempered by the disenthiasm, if you like, of Deputy Ferbrache and Deputy Le Tocq whose speeches made that abundantly clear. Members should not forget that they are also full Members of SACC and will make their views known and provide plenty of critical scrutiny of any proposals that come forward.

Sir, notwithstanding that Deputy de Sausmarez has ultimately fallen out of sorts with this amendment and is bringing another I do need to credit her for her intervention in the early stages of developing it because honestly my first instinct remained simply to go back to the States and say

850 well do you want a November date or do you want an early spring date rather than a June date so have the debate on the date now and she very wisely said no what we need is for SACC to go and think about how that should happen and tell us what this election looks like before we agree to have it, and I think that is a much wider and a much better position to take so I am grateful to her for her intervention on that point.

855 Sir, a couple of speeches I think Deputy Langlois's and Deputy Tooley's in particular focused on the issue of possible pressure on the Medical Officer of Health if we ... depending on what decisions we make about the date of the election. First of all she is a grown woman and can make her own decisions admirably. I think that the pandemic has very clearly demonstrated that to us all, but more fundamentally I think, sir, the point is that her role is really to advise us how, how to do this safely, 860 how much risk we might be taking if we did it then rather than then. Not to say go or no go.

She did not say do not do it in June, that was a decision of this Assembly or rather it was not her ruling that made us postpone this June's Election it was a decision of this Assembly it was not her ruling that us choose next June, that was a decision of this Assembly.

This Assembly must own its own decisions and not pass that responsibility on to anyone else. 865 But also I think not worry too much about asking of our advisors the advice that they are paid and qualified to give us. In this case the Director of Public Health is admirably qualified and demonstrably able to give us wise advice and to resist pressure and honestly, sir, I think the pressure in respect of the General Election is as nothing compared to the pressure that has been on the Director of Public Health and on the States to consider re-opening the economy or parts of the 870 economy or to keep it closed down. All these questions that we have had to face over the past couple of months.

I think there has been a tremendous amount of pressure associated with those decisions and all those involved in making them have really demonstrated their ability to handle it and to find a wise and safe balance in the interest of our community.

875 Sir, a number of Members have raised concerns about the possible effect of an amendment of an earlier election date on the efficiency or decisiveness or courage of the States. Sir, I mean we have to hold a mirror up to ourselves already and ask whether what is feared for the future is not already what happens whether considerations about electability and political popularity do not to some extent inform our decision making throughout the term and whether we are in fact as efficient 880 or decisive as it might be desirable for us to be. There are certainly some practical issues where it might be possible to speed ahead and to address some of the concerns that Members have about overall gaps in the operation of the States.

So for example the question was or the timeframe was set out yesterday in respect of the election, the swearing in and then eventually the appointment of committees. I think it was Deputy 885 Roffey who said that that is effectively a month and Deputy de Sausmarez quite rightly pointed out that the reason why we have proposed a two week gap between the General Election and the swearing in of Deputies as they will be then is to allow vote counting and possibly recounting to take place for an Island-wide election which will have far more than the usual number of votes.

I think those two weeks will remain necessary but I think that we could use that or future Deputies 890 could use that time constructively to learn the mandates of the States' committees to network with their new colleagues to get to know the characters and interests of each other and who they would be interested in putting on to committees so that the period for committee elections thereafter could then be condensed.

So there are undeniably opportunities to condense the process in certain places, it is just a matter 895 of finding the right ones and not the ones where we absolutely need to allow time for the processes associated with the election to be completed.

One of the matters that I really want to address is this question of what happens to the Budget if we have a November election. We have really seen both sides of the coin set out this morning and yesterday so I will try not to rehash those arguments too much.

900 There are some who say look the Budget process is central to everything that we do as an Assembly and it is utterly immovable and we have to respect that process and make space for it, so

an election in November simply cannot be countenanced, and a number of others who have said look the magnitude of the decisions that we are having to make in the wake of this virus in the context of recovery are so great that what is really needed is a fresh mandate, and a group of people who know that they have the support of this Island to lead its recovery in whatever direction they are minded to go.

It will be self-evident that I am more sympathetic to the latter than the former but I think also that the options that have been presented in respect of what could be done about the Budget are too limited in imagination and too bureaucratically driven and this States can do better than that.

Sir, I mean one of the things that SACC will need to do in presenting its next policy letter is absolutely thrash out that issue if we are going to recommend November so there will be lengthy dialogue with P&R and particularly with Treasury. But from a democratic perspective I think it would be not only healthy but it would give the focus to the next election that would really begin to set out a programme for the Island's recovery, if what we were to do is to have in effect this Assembly setting out an interim Budget, if you like, before our term is ended and the next Assembly endorsing or altering that as soon as or realistically as early as possible after it takes its seats.

I think, sir, that that kind of process although I offer it only as one alternative and I believe that between the collective imagination of SACC and Policy & Resources we must be able to come up with a number of others. That would be a really powerful and democratic way of using our experience to set out the road down which this Island's recovery we think needs to go and then validating that or challenging that through the process of the Election and through the new Assembly's decision making about whether that is indeed the right way forward or whether there are additional measures they need to bring in.

So, sir, I fundamentally do not agree that the Budget process is on its own a reason to rule out a November election. Members may have other reasons which may stand up to scrutiny but I do not believe that that one is. In fact I think it would be far better for the health of our democracy if we were to recognise that some of those major decisions about our finances, the organisation of our public sector, the ways in which we choose to stimulate the economy and to support the community need to be made by those who have been elected by the Island for that purpose and, sir, if we were to make a decision accordingly.

So with that in mind, sir, I ask Members to support this amendment.

The Bailiff: Well Members of the States, we now go to the vote on amendment No. 1 which is proposed by Deputy McSwiggan seconded by Deputy Soulsby. There has been a request for a recorded vote. Greffier.

There was a recorded vote.

Deputy de Lisle: They have got at least 24 –

The Bailiff: Thank you, Deputy de Lisle, for pointing that out.

I am satisfied that that amendment was carried. I will announce the formal result after we have our mid-morning break.

Can I just check with you Deputy de Sausmarez that you wish to place the amendment No. 2 now?

Deputy de Sausmarez: Yes please, sir.

The Bailiff: All right.

Well Members of the States, hopefully you have now seen that circulated. If you are struggling to find it, it is on the website.

We will now rise for 10 minutes or so and resume at 20 past or just after 11 o'clock to have our mid-morning break when I will announce the voting on that amendment and then invite Deputy de

Sausmarez to place the next amendment. I hope that most of the debate has already taken place in respect of that.

So 10 minutes or so, Members of the States.

*The Assembly adjourned at 11.12 a.m.
and resumed it sitting at 11.22 p.m.*

**The Reform (Guernsey) (Amendment) Law 2020 –
Debate continued**

Amendment 1:

Carried – Pour 24, Contre 11, Ne vote pas 4, Absent 0

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

955 **The Bailiff:** Thank you, Members of the States.

The voting on amendment no. 1 proposed by Deputy McSwiggan seconded by Deputy Soulsby was as follows. There voted *Pour* 24, *Contre* 11, there were 4 abstentions, and therefore I declare amendment 1 duly carried.

960 Deputy de Sausmarez, amendment no. 2. It probably will make sense just to have that read. Do you wish to read it yourself or shall we ask the Greffier to read it?

Deputy de Sausmarez: I can see the Greffier is raring to go, sir, so I will let him do it, I am sure he will do a better job than me.

Thank you.

965

The States' Greffier read the amendment.

The Bailiff: Deputy de Sausmarez.

[Amendment 2](#)

To insert the following Proposition:

"2. To direct the States' Assembly & Constitution Committee to review the feasibility of holding a General Election in March, April or May 2021 (instead of June 2021) and, if of the opinion that it is feasible to hold such an Election in March, April or May 2021, to bring a policy letter to the States no later than six months ahead of the proposed Election date, including in that policy letter the propositions necessary to enable a General Election to be held on the proposed date, together with information as to how such an Election could be held in accordance with Public Health advice, depending on the extent of the Covid-19-related health risks prevailing at the time."

970 **Deputy de Sausmarez:** Thank you, sir.

I am hoping this amendment will win the award for the quickest debate of the day because it has as you have already pointed out already been debated by and large. I am sure some Members may like to take the opportunity of voicing a few views but I would ask Members to keep it fairly concise.

975 Just to be clear the effect of this amendment we now have as our substantive Proposition because the McSwiggan amendment was successful we now have Proposition 2 on the table, that is in play so the effect of this amendment is successful would be to replace the one that we have just voted in and replace it with identical version except for the fact that it does not include November 2020 as an option, so it really is quite straight forward.

980 Sir I can imagine there may well be Members who supported the previous one as a better alternative to the *status quo* at the time, and may still want to support this one because they think this is turn improves it.

So there may well be people who voted against the previous amendment because they thought it was not an improvement on the *status quo* who may well be tempted to support this amendment,
985 but I think many of the arguments have already been set out. By all means if Members have any fair comments to ask please do but I would ask Members to keep debate focused. Thank you.

The Bailiff: Deputy Roffey, do you formally second this amendment?

990 **Deputy Roffey:** I formally second it and would be happy to speak now, sir, if that is convenient to you.

The Bailiff: Yes Deputy Roffey.

The reason I was pausing was just to see if anyone wanted to raise a procedural motion on it,
995 which we do after the formal seconding.

So if you wish to speak now please do.

Deputy Roffey: Thank you, sir.

1000 Sir, I think I will take your guidance and try and keep it relatively short because we have probably spent enough time speaking about ourselves in many ways.

But I suppose I take the opposite view to Deputy de Sausmarez she is really quite optimistic on the basis of she thinks she is going to get support from both wings, I suspect that this amendment is going to be attacked by both sides and therefore will struggle, but as the Mahatma said even if you are in a minority of one the truth is the truth.

1005 So I think that this is a very sound approach –

The Bailiff: Can I just interrupt you please Deputy Roffey.

Deputy Dorey wants to raise a point of order.

1010 **Deputy Roffey:** Certainly.

The Bailiff: Deputy Dorey.

Deputy Dorey: Sir, it was just to clarify the point made in Deputy de Sausmarez' speech that this would replace the amendment by Deputy McSwiggan but it does not say to delete.

I just wanted clarification because normally when a Proposition is added which is the same numbering it is then renumbered at the end so it becomes No. 3 rather than deleting a proposed Proposition.

If you want to delete a Proposition you would normally include a specific instruction.

The Bailiff: Yes Deputy Dorey that is a valid point to make.

What this amendment No. 2 seeks to do is to add a further Proposition rather than substitute the Proposition 2 that has just been added as a result of the amendment proposed by Deputy McSwiggan seconded by Deputy Soulsby.

So if this amendment were to be carried there would then be three Propositions but it would be effectively a binary choice if you like between Proposition 2 and Proposition 3 as to which one to support, if either, when it comes to the final vote.

Deputy Roffey: That was a point I was about to make, sir, that in fact this is actually just adding in a different option when we come to the substantive Propositions, it is not deleting what has been put in by Deputy McSwiggan's amendment; it is giving a choice.

I suspect, as I said, this is going to be attacked on both sides. It is interesting that Deputy Dorey popped up there because we heard Deputy Dorey earlier in another context saying well March is a useless month for an election, it gets dark too soon, it is no good for canvassing. I think those are all valid points if you were choosing the ideal month with a blank sheet of paper when to have a General Election. Nothing in this amendment suggests that March might become on a recurring basis the month when Guernsey holds General Elections.

I agree with him it is not far from my view, I know that better than most. I was first elected for this Assembly on St Patrick's Day 1982 and I think the first three elections I fought were all in March and it is not a good month for an election, but we are not here designing our ideal month for an election. We are on borrowed time, or in some people's eyes we are on stolen time, and I think really what we are trying to say is how soon can we reasonably hold an election and if it is not perfect for some reasons like the fact that it is dark at half past five in the evening that is not good enough for saying that we should just then carry on for a few more months until it becomes the perfect month.

So I think there is a difference between when you set the normal elections and when you can manage as soon as possible to limit the overtime, the extra time that the referee has added on for this particular Assembly. So I do not think that is a strong enough case for ruling out March.

On the other side we have the Deputy Lowe's of this world who say do not rule out November, I thought rather gratuitously said people are only doing that for their own sake they want to add time on. I do not know if she is in election mode already. I rather took umbrage at that because personally I was all ready to go this June and was raring to go and now I will have to think again about whether to stand if it is put back to next year. But it is not about us it is about when we can safely and properly hold an election.

I do not want to rehash the arguments before but I do think that the several months lacuna that an election brings at the back end of the summer and the early autumn, or right into the autumn, is not a good time. It is not to do with whether it is a winter month.

The UK held an election in December and they managed it, but if they tried to have one now even if everybody could push button from home and nobody needed to go to a polling station would it be the right time when we have got a new chancellor right in the middle of doing hugely complicated massive aid packages to say he may not be the bloke in charge next week it might be an entirely different person with a different party. Yes democracy might be served by that but I think the UK's attempts to recover from what is historically ... historians will look back at this and say it was one of the most traumatic economic periods the world has ever faced.

1065 So I do not want to stay in office, well I might if I stand for re-election, but I do not want my office extended any longer than necessary.

But it is not just about the Budget, I actually think the next six, eight months, the recovery package of which the Budget, some were calling for an emergency budget, that did not happen, so all of these big issues are going to be discussed between July and October. I think we should rule out November because I just think November will not work in the Island's best interest.

1070 We will go to sleep as a Government just at a time when we should be in hyper drive. But I do understand that people want to hold it as soon as possible. I think this is a good compromise but like most good compromises I suspect it will be attacked from both sides but I recommend it to the States.

1075 Thank you, sir.

The Bailiff: Deputy Laurie Queripel to be followed by Deputy Smithies and then Deputy Lester Queripel.

Deputy Laurie Queripel.

1080 **Deputy Laurie Queripel:** Thank you, sir.

I appreciate that the proposer and seconder of this amendment sincerely feel it is necessary, but in the short time I have had to consider it I just do not see the need for it at all and that is coming from a Member who is generally supportive of Deputies bringing motions and being able to make their case.

1085 But it seems interesting to me that this is coming from in particular in regard to Deputy de Sausmarez a Member who said on more than one occasion we need to trust the process and we need to trust committees to get on with their work.

1090 So if I was being kind I would say this is something of a comfort blanket for the proposer and seconder and for its supporters, but if I was being less kind I would say it is a bit of a get out clause, because all the options including this one the one that this amendment is putting forward are presented or represented in the Deputy McSwiggan/Deputy Soulsby amendment.

1095 Now, sir, if the Propositions as amended prevail let's have a look at the process that will be set in motion. Now SACC will, I am sure, consider all the issues in the most painstaking way. They will only come back to the Assembly in July recommending a November election if they feel all things taken into account it is the right thing to do. So then we will have the second stage which is another safeguard. Several stages of process the Assembly making a judgement based on what they are presented with by SACC allied to their own research and well considered judgements.

1100 So even if SACC come back with such a live policy letter it does not set the decision in stone. Members who are not convinced at that point can then make their arguments as Deputy Roffey has done just now, make their arguments known and then vote accordingly.

But proper parliamentary and democratic process will have been observed because there will be a number of phases and checks and balances built into that process.

1105 Deputy Roffey spoke about some Members going to sleep between now and the election whenever it might be I can assure him and I am sure that other Members will do the same I will be on high alert for all the time left to me in office.

1110 So I see this amendment I do not think it is not intended to do this but in a way I see this amendment as subverting good process and democracy and I just cannot see the point for it for the reasons that I have given, because we can have this debate. If that policy letter comes back in July we can have this debate then all the arguments can be made then and Members can make their judgement then. They are not, they are not, they do not have to agree to what SACC propose in July if they come back in July. They will not be committed to that. That is democracy.

But I do not see the need for this amendment. Based on those points and I am sure other Members who think like this will make additional points too to support this argument.

1115 Thank you, sir.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

1120 I hope I can make a palatable filling between two Queripels but I suspect I might annoy some of my colleagues.

I have been very disappointed by some of the arguments put forward to justify continuing the delay to the election. It is too late; it is too wet; it is too difficult; we cannot change the date of the Budget; it takes too long to count the vote; we cannot do this; we cannot do that. Well of course we can.

1125 Through you, sir, I would urge my colleagues do not be so negative, so timid, so pusillanimous, hold the election as soon as possible. We need a can-do attitude. As another speaker almost said earlier it is better to try and fail than to roll over and admit defeat before you try.

I will vote against this amendment.

1130

The Bailiff: Deputy Lester Queripel to be followed by Deputy Gollop and then Deputy Trott. Deputy Lester Queripel please.

Deputy Lester Queripel: Thank you, sir.

1135 I cannot support this amendment. I am going to stick with the Deputies McSwiggan and Soulsby, which is merely asking for a report to be laid in front of the States in July. It was not asking for Members to decide whether they wanted an election to be held in November or not.

Supporting this amendment removes the opportunity for that debate in July to even take place and thereby in my view it actually infringes upon democracy and it removes that choice.

1140 Having voted in favour of democracy and choice I have no desire at all to change my mind. I am not going to support this amendment now and I will not be supporting it if it becomes a substantive Proposition.

In closing, sir, I ask for a recorded vote when we go to the vote please.

Thank you.

1145

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

1150 As Members know, especially I think Deputies Ferbrache, Green and Le Clerc, I like my historical anecdotes and comparisons, and I have to make the point that America, United States holds elections for Congressional Representatives, Governors, referenda, Senators, Presidents, always in early November. The United Kingdom has seen at least three elections in December and just for the record in the 1920's which was a slightly chaotic period a bit like the one we have seen recently in the United Kingdom they had an election in November 1922, December 1923 and late October 1924. Three in two years. They had winter general elections with good turnouts.

Jersey until recently always had its Deputies elections in November and we have a tradition of our parochial Douzeniers and Constables being elected in November or sometimes in December. Sark and Alderney have their elections generally in December including of course the two honourable representatives present today.

1160 I do not think, in principle, a winter election is entirely a bad thing although it has certain constraints, but I think given the fact that we are likely for some time to come to be a more socially distanced society with a focus on hygiene and safety I still support the main Proposition and I am reluctant to support this watering down of an amendment.

I think it is possible to have an election scheduled for November and SACC should be given the opportunity of looking at the pros and cons of all of the issues. Otherwise if this is passed I am likely to abstain on the final vote of deferring the election until June.

1165

Thanking you.

The Bailiff: Deputy Trott.

1170

Deputy Trott: Thank you, sir.

Sir, I would like to go to the polls in September. I would like to go to the polls in October. I would also like to go to the polls in November the trouble is that two of those options are not on the table and one of those options cannot be done.

1175

What is so depressing about this debate is that it is disingenuous to our community in my view to suggest a November election can be undertaken, because it fails the test openness and transparency, and it fails the test of objective debate, and it potentially creates a car crash by our standards, even by our standards, of monumental proportions.

1180

To pass an amendment as we have just done that dangles the carrot that a November election can be undertaken when for big governance reasons which I shall go on to explain in detail it cannot is in my view the height of bad decision making. This amendment corrects that problem.

1185

Sir, when Deputy McSwiggan was summing up on her amendment she said how we have been sensible in not ignoring the advice of Dr Brink, she is a statutory official, she is at the head of her profession and her advice has been impeccable. I do not know of many who have any criticism of the States' Treasurer, or for that matter her team, because she too is head of profession, she too knows what she is talking about, and she too has been through this sort of thing on many occasions.

This is what she has told us, sir, in a normal year, in a normal year it might be possible to compress the Budget process in order to bring it forward into October, the end of October potentially.

1190

But this year the Treasury teams across the public sector advise that their recommendation is that the Budget be debated probably in December rather than November. Why? Well because the Treasury need the second quarter of ETI in order to inform the Budget and that is not available traditionally until the end of July.

1195

Now they know, sir, as we all do, that that number will be distressed, but how distressed remains uncertain. Now the expenditure budgets and all of those who sit on any of the big committees will know, sir, that the expenditure budgets are not finalised until the end of September and there is a lot of good reason for that. These things are far more complex and not as simple as some in our community might like to believe. But those of us who have been on the cutting edge, the coalface, of this realise just how much detail goes into it.

1200

Now this year the Treasury team advise us that it will look very different indeed because there will be a revised process which is almost certain to take longer. Why? Because there is a greater degree of uncertainty around a whole load of things and right now of course they do not know, and we do not know, what the States is going to decide with regards the recovery budget, which of course is material.

1205

Now, sir, budgets need to have (a) the information, then they need to be pulled together, then it has to be written, and then it has to be published, then it has to be debated. However, budgets are slightly different because there is a statutory period of four weeks between the time that the Budget is presented until the time that the States debates it, and that is for good reason, to enable the community to understand the proposals and of course for States' Members to carry out full scrutiny.

1210

Now I have almost got to the stage, sir, where I have gone past caring at what the States decides, but it is absolutely incumbent upon me as the vice-President of P&R, the Deputy Chief Minister when I am overseas, to make clear to this Assembly that you cannot have an election in November for the reasons I have outlined. Now if the States wants to go on kidding itself that it can be done and ignoring the advice of the Treasury team then so be it. But when the car crash emerges, I shall be the very first to remind this Assembly of its foolish action.

1215

The right thing to do is to be honest and support the de Sausmarez amendment which I shall be doing, sir, for all the reasons I have explained.

Thank you.

1220

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

1225 Yes I was listening to Deputy Trott and of course he is absolutely right about the Budget but of course that is about the Budget and not necessarily about the General Election. A Budget can still go ahead whether it is with a new States or this current States. People will be capable and able after as I said before hearing advice from the Treasury.

1230 I ask Members to reject this amendment. I think you are tying the hands of SACC by taking out November. Leave it in, leave it for SACC to have a look at. As I said before we have only had four weeks and look where we are already. I just think that is bad decision if we remove November.

1235 They will take everything into consideration. It is not set in stone that we are sort of saying it has got to be a November election, absolutely not, have a look at everything SACC they are capable very good people on SACC very knowledgeable, there is a lot of experience there on SACC as well and I ask Members to please reject this amendment and do not tie the hands of SACC for the report and the Propositions that have already been approved.

Thank you, sir.

The Bailiff: Well Members of the States, I am just pausing briefly to see if any other Member wishes to speak.

1240 Deputy Merrett.

Deputy Merrett: Only brief, sir.

I do feel like I failed in not speaking earlier and calling on a particular Rule just to know this on the head straight away, I do apologise I was not fast enough on this occasion.

1245 I just really simply wish to say that if Deputy Trott wishes for there to be an election in September he is free to place an amendment and to say he wishes it to be in September but that is not on the table when Deputy Trott has the position where he could lay an amendment I hope he does not for all the obvious reasons but if he did, if he feels that way then he could, and I just find that quite disingenuous that I wish it was there but it is not on the table, put it on the table if a Members wants to do that.

1250 I am not going to be supporting this amendment. I do agree I do think it will tie SACC's hands, so can we just go to the vote and move on with the rest of States' business.

The Bailiff: Deputy Fallaize.

1255

Deputy Fallaize: Thank you, sir.

1260 Really we are considering although this amendment does not because of the way it is constructed replace the new Proposition 2, which was Deputy McSwiggan's amendment, but really in what is essentially a decision between Deputy McSwiggan's amendment and Deputy de Sausmarez' amendment we are really considering whether we want to debate the whole issue of when the next General Election should take place again in July of this year.

We have debated it in April, we are now debating it in May, and Deputy McSwiggan's amendment is setting up, or Proposition 2 as it stands now is setting up another debate on it in July.

1265

Deputy Trott: I just want you to know that if you do choose not to vote for –

The Bailiff: Deputy Fallaize please continue.

1270 **Deputy Fallaize:** Thank you, sir.

I said yesterday and say again now I do not think that it does the States any credit to go around in circles debating the same issue over and over again every time it meets. April to July is a period

of three months, I think 13 or 14 weeks between the States' meetings in those months, and if Proposition 2 is approved the States would have debated this issue three times in 12 or 13 weeks. I suspect emerging with the same outcome which is that probably there will end up being an election either in June of next year or perhaps in April or May of next year.

So I think that is my first concern about Proposition 2. The point that Deputy Trott has made about the Budget is a relevant one which has been either misunderstood or misreported or misconstrued by some other speakers.

The issue is not whether this States or the next States are any better or worse at making financial decisions and determining the future of public finances. It is a much more technical or practical problem. If there is an election in November the period for nominations will have to open early in October, and then the committee elections will have to happen in December, and effectively December is a three week working month, so either the Budget will have to be considered by the States in September, which clearly is not possible, or the earliest the Budget could be considered would be January.

Even if one takes the view that the new States could meet and as its very first business in January consider a Budget, one has to remember it would not be its own Budget it would be a Budget effectively inherited from the current Policy & Resources Committee. But I do not think that it is sensible in the present circumstances of the Island to go until January, and in practice I suspect it will be February or March, without a Budget debate, but that would be the effect of trying to hold an election in November.

The third reason I think this amendment is better than Proposition 2 is because of the notice period. If the States decide in the middle of July even if the legislation is laid at the same time as the policy letter, even then if the States decide in July to hold an election in November the nomination period is likely to have to open maybe 10 weeks after the decision to hold the election has been made.

I also thought that Deputy Lowe's comment about Members' self-interest was unfortunate, but if there are States' Members who are considering or for those States' Members who are considering standing for election again I do not suppose it really matters. We could hold a snap election in four weeks probably and it would be satisfactory for those Members, but I do not accept that it is satisfactory for new candidates who are contemplating whether to stand.

The fact that they were originally expecting an election in June 2020 does not make a scrap of difference. The States having cancelled or postponed that election some of those potential candidates will have made other arrangements. Not all potential candidates are multimillionaires and/or retired who are able to drop everything and organise themselves for an election at a few weeks' notice. Some of the potential candidates will be in employment and will have employment commitments and family commitments which would make it difficult for them to stand at what for an election would be very short notice.

So I mean clearly people do not need a year, they do not need nine months, but I think it is probably reasonable to provide six months.

There has been a lot of talk about democracy in this debate and the view has been put that the only people who are concerned about democracy are the people who voted for Deputy McSwiggan's amendment.

I think this is a flawed argument because what some Members are doing here is constantly changing the date of the next General Election. Originally it was June 2020, then in was June 2021, now it might be November but it might not be November and that decision will not be made until July. Now constantly changing the date of the General Election is not an act of democracy. It is really quite undemocratic for a government or parliament constantly to change the date of the next election particularly where it is bringing the date forward and providing potential candidates with less notice than they would have had previously.

The final point I want to make, sir, is about expectations and this was really touched on by Deputy Trott. If Proposition 2 is approved and this amendment loses, or wins but then loses effectively in

the substantive votes, make no mistake about it the States will have created an expectation publicly that there is going to be an election in November.

I think the chances of that being possible are small and I think several Members who voted for Deputy McSwiggan's amendment also believe that the chances of holding an election in November are small but the expectation would have been created for a November election. I think the States does some damage when – and it is not only on this issue but it happens quite frequently where Propositions are approved which create expectations which Members know or think or either know will not be able to be fulfilled or are unlikely to be fulfilled.

So for those reasons, sir, I think November is not feasible and I also think that some Members who are trying to divide the States and wrap themselves in the cloak of democracy while accusing others who take a different view of being undemocratic do need to account for why they are not proposing an election this side of the autumn.

If the circumstances around managing the pandemic are now so benign. It is only 21st May and we were going hold an election on June whatever it was 17th so the infrastructure must be in place, why cannot an election be held in July or August or September.

Now Deputy Merrett will say or did just say in response to a not dissimilar point to Deputy Trott, 'Well, why don't you lay a proposal for that?' The point is it is the Members who are wrapping themselves in the cloak of democracy and claiming that anybody who disagrees with their view is not being sufficiently democratic who need to account for why they are not proposing an election date in July or August or September of this year.

If candidates were expecting an election on 17th June and if the infrastructure was going to be in place for an election on 17th June, and the circumstances around the virus are now so benign, why cannot there be an election in July or August, frankly no one is going to be going anywhere in August, or in September of this year.

The idea that setting an election date for next spring is undemocratic and setting an election date for November of this year is thoroughly democratic is obviously nonsensical.

So, sir, I believe being reasonable about it that a spring election is probably the earliest it is going to be feasible to hold an election. I do understand the instincts of wanting to hold an election as soon as possible and even though the spring gains only a few weeks from June which in reality does not amount to much if the term has already been extended by several months. I understand those instincts and it probably would reflect better on the States if we were effectively able to say we will hold an election as soon as possible but we will give at least six months' notice of the election date, which essentially is the idea set out in Deputy de Sausmarez's amendment.

Though I regret that the States is having to debate this issue again I will vote in favour of Deputy de Sausmarez's amendment.

Thank you, sir.

The Bailiff: I am going to call Deputy Meerveld next.

Members may have seen some comment that Deputy Trott wished to raise a point of order but a point of order can only be raised to interrupt the Member who is speaking to draw attention to a breach of Rules and I see what Deputy Trott is circulating to other Members.

So Deputy Meerveld please.

Deputy Meerveld: Thank you, sir.

I do take issue with what Deputy Fallaize was saying. At the end of the day what is undemocratic is for a Government to extend its term without justification. Now we did vote to extend our term and there was a very good justification for doing that. But as has been said by other people things have changed.

When we made this decision for a July election last year we had impending disaster in our health care system, it was looking like it could be overwhelmed, we were looking at 1,000 plus deaths, we were looking at various things. Circumstances have changed.

1375 We have a democratic responsibility to hold our election as soon as possible, and I will not be supporting this amendment because it takes off the table a July debate when amendments could come in for an earlier election if November proves to be unviable.

Deputy Trott has suggested over the chat possibly an amendment for a September election. I would support anything that has us debating and considering an election as soon as it is possible, and that is possible from the perspective of being possible within the restrictions that are currently in place for Covid-19; possible in the sense of having enough lead time for new candidates to prepare themselves and present themselves; possible in the mechanics of the governance etc. around Budget.

1385 All those things will be taken into consideration by this Assembly when we debate a policy letter brought by SACC proposing specific dates. I want to see that brought forward as soon as possible. That is a democratic thing to do. Anything that prolongs our position passed the end of our term in June has to be constantly reviewed to see when we can go back and reinstitute our standard democracy and step aside and the electorate will decide who is going to come forward.

1390 Deputy Trott makes comments about well how can a new States possibly consider the Budget, but again as Deputy Lowe has pointed out there are the officers who provide the continuity but also be is making an assumption that himself and others would not be re-elected to those spots on P&R. We cannot prejudice any of this.

We have a democratic responsibility to step aside as soon as possible after our term ends and as I say I will support anything that enables us to do that.

1395 Thank you, sir.

The Bailiff: Members of the States, if nobody else is indicating – Deputy Oliver.

Deputy Oliver: Thank you, sir.

1400 I just want to commend Deputy Smithies on his speech that the States really should be looking at this as more of a can-do attitude. I cannot remember what year it was but I think it was 2017 when the Budget figures were delayed but all the service chiefs still managed to get on with their work and the Island still ran even though the Budget was slightly delayed. So I think that the Budget, putting that in, is a little bit of a red herring. Whatever we do there will be a rough Budget but it will only by a small percentage either way that the Budget could go for the service chiefs. So I do not think that is a reason not to put the election for November.

The problem that I was worried about was more of a health concern whether we could actually physically be able to have a safe and secure and free election.

1410 I think the point that more of a safe action is that I think that I worry about people that are vulnerable and shielding. Now I know that South Korea had their election and they wore face masks, they wore gloves, they had all that precaution, which is great but I know from myself that I do not know if I would want to really turn out to an election if I was not sort of 100% dedicated to politics that I would actually want to turn out to vote. So that is the only reason why I was a bit sceptical about November. But I think that is entirely down to SACC and whether SACC actually think that that can happen safe and securely.

1415 So I am prepared by put my faith in SACC and say you choose when we can have a safe election. So I do not think it should be taken off the table.

Thank you, sir.

1420 **The Bailiff:** Well, Members of the States, as there is no one indicating a wish to speak, I will turn to the President of the States' Assembly & Constitution Committee Deputy Inder for his contribution to the debate.

Deputy Inder.

1425 **Deputy Inder:** Thank you.

The debate has gone obviously longer than Deputy de Sausmarez wanted to, but again we are talking about democracy and I think it is worth us throwing these things around if nothing else, sir, for the record. I thank those who have supported us and have said they have got confidence in SACC.

1430 I was not going to bite but when Deputy Trott says he has gone past caring what the States decide well, sir, I find that an incredible statement from the second in command up there. Well I have not been around long enough not to care about the will of the Assembly and I hope I never am and he probably does as well. Anyway.

1435 Sir, I am going to ask people to reject this amendment and stay fairly securely with the McSwiggan and Soulsby amendment and I am going to basically speak to that briefly.

These are assurances I will give the Assembly regarding the Proposition 2(a).

1440 The determination as to whether we will be able to advise the holding of the election in November will be largely down to a number of factors and they are. If two metres social distancing is part of the regulations as we go through our deliberations we will not be able to hold an November election; if gatherings are restricted in any way we will not be able to hold a November election; if individuals with flu like symptoms will be advised to self-isolate still I think it was self-isolate plus two days if I remember correctly we will not be holding a General Election in November; if older people with pre-existing health conditions have been advised to avoid non-essential contact we will not be able to hold a November election; of course importantly which was not in our original
1445 policy letter if we cannot marshal the highly valuable volunteer workforce that ultimately those that –

The Bailiff: Deputy Inder Deputy Soulsby wishes to raise a point of correction please.
Deputy Soulsby.

1450 **Deputy Soulsby:** Thank you, sir.

I would question, I do not think that it would be right that you cannot hold an election if people are shielding. I was not going to respond to Deputy Oliver's comment but there is the possibility of postal voting which is used by many of our population who cannot physically or for any other reason
1455 attend a polling station.

The Bailiff: Deputy Inder to continue please.

1460 **Deputy Inder:** Of course if we cannot marshal the highly valuable volunteer workforce all of those that I suppose are called the parish stalwarts, douzaines, if we cannot have the roadshows to extend the electoral roll, we will not be holding an election. It is as simple as that.

Now none of those factors that I have just outlined have changed since my Committee came to the Assembly advising that the 17th June election was postponed and the same factors will be applied when we as a Committee will be determining whether a November election is viable.

1465 But I suppose, sir, we will have tried deliberations will be minuted, and there will be a recommendation or not and the record will be live on *Hansard*.

I will give a further assurance, sir, to those that believe that we will put some sort of pressure on any public health individuals, we simply will not, that is not our style, I have got a Member of my Committee who is a Member of Health and I fairly sure Deputy Soulsby will not take any nonsense
1470 from our Committee demanding that we get assurances from public health committee for something that is so far in the future.

What we will do is listen carefully to the exiting of the phasing as they ... I think Deputy St Pier and Deputy Soulsby hold a meeting every Friday and all of those restrictions, and I might be able to take on board Deputy Soulsby's point about postal voting, but a fairly substantial amount of
1475 those restrictions, importantly the two metre distancing, will have to have been lifted fairly sharpish for us to consider that election. So, sir, by the grace of the phasing any future election will go.

Now of course when we look further to Proposition 2(b) and 2(c) these are probably because they are more distanced in the future are probably more likely. If things go well the virus will be eliminated from Guernsey and that is clearly likely to bring the current June 2021 agreed election is more likely.

Now I do not know if that helps you at all but that is my commitment to the Assembly, the public and our democracy.

I have just got one slight point on this and I think, and I am happy to be corrected and this is more really I am going to say a point of correction from Deputy Soulsby or Deputy McSwiggan, if I read the Propositions particularly 2(a) as they are written:

To direct the States' Assembly & Constitution Committee to review ...

That is important

... the feasibility of holding a General Election in November 2020 or in March, April or May 2021 (instead of June 2021) and:

I will read option – is that another point of correction, sir, or is that the one from before. Okay, sorry beg your pardon.

2(a), 2(a) says:

if of the opinion that it is feasible to hold such an Election in November 2020, to bring a policy letter to the States no later than July 2020 ...

Well that is a policy letter as I read it if we think it is feasible. If I am understanding correctly all of the deliberations will be done within SACC along with whatever information we may or may not get from Health then I do not think we are bringing a policy letter if we determine internally that a November 2020 election is not possible. I think, sir, it is just a statement. That is as I read it, sir, anyway.

So there we are, sir. I will be asking Members to reject the new amendment and to leave the original amendment in its entirety.

Thank you, sir.

The Bailiff: Well finally Members I turn to Deputy de Sausmarez as the proposer of amendment No. 2 to reply to the debate.

Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

It was a longer debate than I had hoped for. I hope it has been constructive in the grander scheme of things. I am not going to go through point by point. I think there were various points that were repeated. I think I will just pick up on one or two themes.

The first one which really is in response as many Members alluded to in this debate to a comment made by Deputy Lowe in the debate on the previous amendment is really about this idea that we are selfishly extending the term somehow for our own benefit and I too completely reject that argument. I think it is just awful.

I mean this is not about who – I really actually agree with Deputy McSwiggan about the idea of that principle of a fresh mandate but it really is about the mechanics. It is not about who is in the States but about how it functions.

I think certain Members particularly Deputy Fallaize have and Deputy Trott again with his contributions have underscored the pragmatic difficulties which I think are pretty insurmountable in holding a November election. So really it is about the mechanics not the people.

I think there are many things to recommend a fresh Assembly and a fresh mandate and all of that, but really I just think the problems associated with holding a November election and the effect

1525 that would have on the supporting the Island through this incredibly difficulty time and on the democratic process that is just too great. The risks are too great, and that is why I really brought this amendment to give Members the opportunity to provide a bit more certainty and that is the second theme.

1530 As Deputy Fallaize pointed out if the Proposition as now amended goes through we are likely to have to repeat Assembly like Ground Hog Day again have another debate on this yet again in July and so certain Members have said, oh it is fine if you have got concerns about November then you can thrash those out in July. But actually as Deputy McSwiggan herself pointed out in the previous ... in her summing up on the previous amendment that uncertainty itself is damaging and I think what this amendment would do is just provide greater certainty over those by removing certain risks associated with November and its problems.

1535 I thank Deputy Dorey as well for pointing out my drafting error, that is the perils of working in haste with IT issues taking place around you, but yes the effect of this amendment, he is quite right, is to insert a further Proposition. So in effect if this amendment carries there will be a choice between the Proposition as now amended and the alternative Propositions, so in effect that would give a binary choice if Members wanted between November and not November at that point.

1540 So I think we have heard enough of this particular topic I would just ask Members to support the amendment.

Thank you.

1545 **The Bailiff:** Members of the States, we now go to the vote – which will be a recorded vote as there have been a number of requests for such a recorded vote – on amendment No. 2 which is proposed by Deputy de Sausmarez and seconded by Deputy Roffey.

Greffier.

There was a recorded vote.

Not carried – Pour 14, Contre 22, Ne vote pas 3, Absent 0

POUR

Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Trott
Deputy Stephens
Deputy Fallaize
Deputy Hansmann Rouxel
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Langlois
Deputy de Sausmarez
Deputy Roffey

CONTRE

Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Meerveld
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dudley-Owen
Deputy McSwiggan
Deputy De Lisle
Deputy Soulsby
Deputy Prow
Deputy Oliver

NE VOTE PAS

Deputy Ferbrache
Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

None

1550 **The Bailiff:** Members of the States, the voting on amendment no. 2 proposed by Deputy de Sausmarez and seconded by Deputy Roffey is as follows: There voted *Pour* 14, *Contre* 22, with 3 abstentions and therefore I declare amendment 2 lost.

Members of the States, we now go into general debate, but I am aware that Deputy Trott has indicated an intention to submit a further amendment.

1555 Deputy Trott is that still your intention?

Deputy Trott: Yes, sir, absolutely.

The Law Officers have been very helpful in its construction but it will not be ready for me to place until after lunch time, sir.

1560

The Bailiff: Well Members of the States, I wonder in the circumstances, unless there is anyone who wants to speak in general debate particularly about what is Proposition 1 at the moment, whether the best solution will be to adjourn now but perhaps to reconvene at 2.15 p.m. rather than 2.30 p.m.

1565 That is the motion that I am minded to put to you is to take lunch 15 minutes early effectively and restart at 2.15 p.m.

Thank you all very much, you are voting before I even asked you to. Does good idea actually mean *Pour*?

1570 Members of the States, nobody has indicated any wish to resume at 2.30 p.m. rather than 2.15 p.m. There is a majority in favour of 2.15 p.m.

Therefore in order to give the amendment that Deputy Trott has referred to an opportunity to be prepared, submitted and circulated so you can all consider it, we will now adjourn the States until 2.15 p.m.

Thank you.

*The Assembly adjourned at 12.20 p.m.
and resumed it sitting at 2.15 p.m.*

The Reform (Guernsey) (Amendment) Law 2020 – Debate continued

1575 **The Bailiff:** Good afternoon Members of the States, and good afternoon in particular to Deputy Mooney. Is it your wish to be relevé?

Deputy Mooney: Yes it is, sir, thank you.

1580 **The Bailiff:** Deputy Mooney.

Deputy Mooney: Yes, sir, it is.

The Bailiff: Thank you very much.

1585 Well I hope Members have received, or at least had sight of, amendment No. 3, which is to be proposed by Deputy Trott and seconded by Deputy St Pier.

I invite Deputy Trott would you like the amendment to be read on the basis that it has only just been circulated?

1590 **Deputy Trott:** Yes I would, thank you, sir.

The States' Greffier read the amendment.

The Bailiff: Deputy Trott.

1595

Amendment 3

To insert the following proposition:

"3. To direct the States' Assembly and Constitution Committee to make arrangements to enable a General Election to be held in September, 2020 and to bring a policy letter to the States as soon as possible to propose a date to be fixed for holding the General Election in September, and to include information as to how such an Election can be held in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time, as well as including such other propositions as may be necessary, including in relation to the necessary legislation, to enable a General Election to be held on the proposed date."

Deputy Trott: Yes thank you, sir, and thank you to the States' Greffier for reading that out.

Sir, what do we know? Well we know than an election in November is virtually if not entirely impossible and that it would be reckless for the governance of our Bailiwick for the reasons I have twice previously explained. Which means we are effectively being asked to postpone the election or bring the election forward rather from June 2021 until March 2021 at the earliest.

This is clearly unacceptable to many. We can also see, sir, and the wider community can note that the Chief Minister and Deputy Chief Minister are proposing an election at the earliest possible opportunity, hardly the actions of a pair that wish to avoid the electorate.

Sir, a September election will just about provide for enough time for the next Policy & Resources Committee and Assembly to determine, scrutinise and agree a Budget for 2021 during December of this year.

This will ensure that our policemen, teachers, civil servants, and above all health workers can be paid in January 2021.

Sir, it is time for the States to stop pretending and in the eyes of some, in the eyes of some, sir, stop deceiving, because Members have a choice, support this amendment and we can face the public in September or reject this amendment and we will face the public in March 2021. Only this amendment ensures we face the ballot box this year.

Thank you, sir.

The Bailiff: Deputy St Pier do you formally second the amendment?

Deputy St Pier: I do, sir, and reserve my right should I have the opportunity to speak later.

The Bailiff: Well, Members of the States, Deputy Prow wishes to invoke Rule 24(4) and Deputy Inder wishes to invoke Rule 24(6).

The Bailiff: I am going to take Deputy Prow's motion pursuant to Rule 24(4) first because under that paragraph I am going to ask those who support debate on the amendment to indicate by the chat function whether they do so, because if fewer than seven Members when so invited support debate then the amendment will not be debated and no vote will be taken upon it.

A vote was taken online.

The Bailiff: Well, Members of the States, it is quite clear that Deputy Prow's motion pursuant to Rule 24(4) has been lost because more than seven Members supported debate on it.

I turn instead to Deputy Inder's motion under Rule 24(6). I can say that because this is an amendment to insert an additional Proposition which has little to do with the original Proposition which is inviting Members whether they approve or do not approve the Projet de Loi entitled The Reform (Guernsey) (Amendment) Law, 2020, that this is an amendment that goes further than the original Proposition. Therefore on this occasion it requires a majority of Members voting in favour of the motion that there be no debate on amendment No. 3 proposed by Deputy Trott, seconded by Deputy St Pier before the amendment cannot be pursued.

So can we have a fresh vote in relation to that please, starting now.

Deputy Roffey: Sir, can I just clarify, we vote *Contre* if we want the debate to continue?

1640 **The Bailiff:** Yes. The motion is that the amendment be not debated and no vote be taken thereon, so if you do not want to debate this amendment you vote *Pour* and those who want to debate this amendment vote *Contre*.

A vote was taken online.

1645 **The Bailiff:** Members of the States, it strikes me that without counting the actual votes at this point I am in difficulty knowing whether *Pour* or *Contre* won the day. Therefore in those circumstance please bear with me while I ask the Greffier to conduct a recorded vote.

There was a recorded vote.

There Bailiff: Thank you, Members of the States, that was much clearer this time and quite clearly the motion proposed by Deputy Inder under Rule 24(6) was defeated, with the majority voting *Contre* and therefore debate on amendment No. 3 continues.

Who wishes to speak?

1650

Deputy Tindall: Sir, I apologise
I raised a request of Rule 4(3).

1655 **The Bailiff:** It has been accepted by the Greffier, Deputy Tindall, and therefore it is in play.
Deputy Inder, you wish to speak straight away.

Deputy Inder: Yes, sir.

1660 Key considerations regarding a September election. Under our proposals we will be looking at having election observers coming into the Island. Well right now the Island is effectively marooned, there will be no one coming in to the Island apart from via possibly Southampton until the end of August. We need to get the counting kit here, the kit that does the final voting count, and it needs a substantial amount of training as far as I understand. Again we have had no conversation with them at all.

1665 So we have got a fair amount of people that are actually off Island at the moment. In fact I think September given all the reasons which I will not repeat regarding the social distancing all the regulations that are currently in place, I think September is less likely than November because it has got the added complication that no one can get on or off the Island at the moment or at least in running up to it.

1670 I have not had a discussion with the Registrar General obviously but looking at the date. I am going to pick a date I am going to say 10th September, so let's pretend 10th September is election day. 10th August, and this is working back, would normally be nominations a month in advance or a month behind rather under our current scheduling that would then mean the Electoral Roll would probably close by the end of July. Currently we have got 23,000 on the Electoral Roll I think. If someone wants to get up and correct me it is around that figure.

1675 Now part of this process quite clearly is getting people on to the Electoral Roll that forms part of an election. What do we normally do? We normally do mail shots, I think they do these sort of what do you call them, these sort of road shows where our electoral team go out to various supermarkets and public spaces and to encourage people to sign up to the Electoral Roll. Right now I do not know exactly what that means in terms of adding getting us closer at least to 32,000.
1680 I suspect another postal shot is likely to have more effect now quite clearly. That is going to be a heck of a lot easier.

But there is a whole communication process and looking purely at the mechanics of it I am not saying it is impossible but it is looking tight and effectively looking at this I think this is a choice isn't it rather than a – when we get to the final vote this is likely to be a choice between the existing amendments in play and this third amendment. So that effectively gives a direction.

Sir, if this is successful I think the answer is we are having an election in September.

Now I think it was Deputy Smithies who said we should have a can-do attitude and he will know as well as I do if anyone thinks he can do anything it will be me, whether it ever actually happens is completely different, but I am certainly one person who will try and do something rather than trying to do not something.

But again I have not really had any detailed conversation with the Registrar General I have got quite clearly some concerns about getting external observers to the Island, getting the kit ready. I think the – I was going to say furloughed – I think the stood down electoral team can be reinvigorated. But at the moment for all the reasons laid out in the original Proposition that advised that we should delay the June election this actually looks a lot worse than November which I am not entirely sure can happen anyway, for all the reasons that have been stated previously, and repeated *ad infinitum*.

So at the moment unless I hear anything better I will not be supporting this.

Not carried – Pour 9, Contre 27, Ne vote pas 3, Absent 0

POUR

Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney
Deputy Inder
Deputy Prow
Deputy Oliver

CONTRE

Deputy Ferbrache
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy McSwiggan
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey

NE VOTE PAS

Deputy Dudley-Owen
Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

None

The Bailiff: Members of the States, the voting on the motion pursuant to Rule 24(6) proposed by Deputy Inder was: there voted 9 in favour, 27 against with three abstentions, which is why it was declared lost.

I am going to call Deputy Ferbrache next to be followed by Deputy Lowe and then to be followed by Deputy Gollop.

So Deputy Ferbrache please.

Deputy Ferbrache: Thank you very much, sir.

Sir, Deputy Smithies it was who said before lunch let's have a can-do attitude. I fully appreciate what the President of the Committee of which I am a Member says, I know he is a can-do person and I know he will do it and he will get the support of the Committee.

Lots of people were saying, I think it was a minority, but lots of people were saying to us you shouldn't stay '*in power*' whatever that means for a day longer than is necessary. Well I think late September not necessarily the 10th September gives them that comfort.

I voted against the first amendment proposed yesterday and finalised it this morning because I thought we should have stuck to the 16th June 2021 date, but when I heard the comments that Deputy Trott, Deputy Le Tocq who proposed the 30th June date and others I was persuaded by this amendment that we could get on with it.

I abstained on the second amendment the amendment getting rid of the November date and then suggesting a date in March, April or May because I thought that was a complete waste of time but I did not want to go against because it stood a chance of getting passed in the end it failed and quite significantly.

But this an amendment that says let's get on, let's have a new States, it gets rid of the concerns that Deputy Trott said about the Budget because it would predate the Budget by six or seven weeks or thereabouts. It gives the public the chance to elect new Deputies, if that is what they wish, and all of those who were saying well there is really no democracy I heard the word democracy so many times over the last day it is imprinted on my mind forever, it should be imprinted of everybody's mind but I do not think it needed repeating by about 35 States' Members about 20 times, but anyway they did and it has gone out to the electorate and no doubt that will gain some votes if they stand for election.

But in relation to all of that in relation to all of this this is a can-do amendment, we have got a can-do President with SACC and he has got a can-do Committee, so let's can-do and vote for this amendment.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

Yes I absolutely agree with Deputy Ferbrache that you have got a can-do President and you have got a can-do Committee and we could do this, absolutely we could, but and there has got to be a but here, if that was under normal circumstances you could do it, in three clear months, absolutely you could do, but of course we have not got the norm at the moment have we.

We have not got an existing Electoral Roll, so we can do it, but we can cut out an awful lot of those who may wish to go on to the Roll because it has got to take an enormous amount of time to get out to promote and that is three clear months from today.

I see Deputy Trott put on there what about the end of September okay so that gives you four months from today to get off the starting blocks to actually get the staff involved again, take on the staff, get out there, do the promotion, get all the forms back as well of people being able to get on to the Electoral Roll. So we can do it but if you want to exclude some of those would like to be on the Electoral Roll I think we have to be very careful we are not doing that, because also we still –

The Bailiff: Deputy Lowe, sorry to cut across you Deputy Fallaize wishes to raise a point of correction.

Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I think Deputy Lowe it is to supplement the point that she is making really but she said that in terms of preparing for an election and preparing the Electoral Roll if a date was chosen towards the end of September that the Committee would have four months. Well of course that is not the case because all of the preparation for the election and the encouraging people to get on to the Electoral Roll and deal with all of those aspects has to be dealt with some time before nominations open.

1760 Even if there was an election towards the end of September the nominations would have to open probably in the first couple of weeks of August.

So I think realistically one is probably looking at two and a half months, maybe less than that once the Committee had taken this ... if it became a Resolution taking it away and decided how to go about it in practice.

1765 It was a point of correction but it is really supplementing the point that Deputy Lowe was just making.

Thank you, sir.

The Bailiff: Deputy Lowe to continue, please.

1770

Deputy Lowe: I thank Deputy Fallaize for that because that was one of my bullet points further down so I thank you because I was sort of saying four clear months if it at the end of September from starting the election process to the end of the election process but you are absolutely right because it has to close before then as well. So I thank you for that Deputy Fallaize that is really helpful.

1775

But equally as I was just about to say we are not in the norm and even if we start to kick it off the blocks and get started very quickly the social distancing situation is still there, or could still be there.

If this amendment had actually said as the other one that has already been approved to say: To direct the States' Assembly & Constitution Committee to review the feasibility of holding a General Election in September, November, March, April or May. They would have then all those options. We would know a lot more then about whether it would be feasible or not.

1780

We have not got much of a buffer, because the time would be so tight. We know that it is tight, it is achievable for November and this is making it tighter yet. So I mean I would be more than happy to have one in September but I really do not think we should be considering it if it is going to be denying people to be able to get on to the Electoral Roll and be part of that process and to be able to be part of the promotion, because we hear so often about oh it is going to favour existing Members it is not going to give people enough time, well this is even more to favour existing Members who wish to stand because it does not give an awful lot of time for candidates to get out there to get themselves known and promote themselves as well.

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I will probably support it because the sooner the better but I would prefer if it actually said to be part of the review process. So as I say I will probably support it I am not going to say yes or no at the moment I am going to hear the rest of the debate because I think it is important that we do not go down the emotive of well if we do not do it we do not sort out the Budget the staff are not going to be paid, the police are not going to be paid, oh come on take the emotion out of that, I mean that is a nonsense of course the staff will be paid.

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So let's stick to the facts and the timeline of a General Election, what is achievable, what is right for the electorate to be able to get on to the Electoral Roll, taking the important timelines which you have not got in front of you and I think we ought to because I think that would help people focus their mind about the time that is actually needed to get out there do the promotion, close the Electoral Roll as explained by Deputy Fallaize as well, and you can actually see it in black and white how tight this would be.

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So I thank you for that, sir.

The Bailiff: Deputy Gollop to be followed by Deputy Le Tocq and then Deputy Graham.
Deputy Gollop.

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Deputy Gollop: Thank you very much, sir.

Like many other Members I also publicly congratulate you on becoming Bailiff. You are actually the fifth Bailiff that I have had the pleasure of serving as a Member of this Assembly. Indeed a predecessor to those illustrious five once kicked me out of the Assembly when I was in the Public

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Gallery because I fell asleep. Well maybe I do not want to fall asleep today but it is a kind of Ground Hog.

1815 Like Deputy Trott earlier intimated I have sometimes felt a little bit disconnected from what is going on at times because part of the time I look forward to a different kind of political future but also one where perhaps the past was a different country but occasionally did things better.

1820 I do think as an Assembly we are necessarily hide bound in terms of rules, regulations, procedures, processes, the need for evidence the need for constant evaluation of data and checks and balances. There is part of me that is more attracted to a buccaneering grandstanding kind of politics that gets things done.

Deputy Inder made a lot of points earlier, many of which I would support, about the need really for an election to be fair for all kinds of candidates for all kinds of electors and take on board points such as shielding, social distancing and so on.

1825 A point he did not make but I would make is this election has been widely appraised in many quarters but at least one other leading academic in the UK has argued it could be strangest election in the world. If the election attracts publicity and maybe electoral observers I think that could be difficult if there were still travel difficulties to the Island.

1830 But broadening out this debate in terms of politics. I mentioned earlier the phenomenon of United Kingdom elections and also in Australia and New Zealand and Ireland can be held at the whim of the Prime Minister, or the whim of Parliament. We have had instead fixed electoral terms and I for one, one or two years ago, rather wished this Assembly could have an early bath and perhaps we needed refreshment of some kind. I do not know in what way.

1835 But when one thinks about that kind of question as when we should hold an election, let's look at recent precedents not only in the distant past where you had khaki elections where elections have been called by the Prime Minister of the day after a glorious victory in a war or whatever, but we have seen two elections called in 2017 and 2019 because the Prime Minister of the day the Rt. Hon. Mrs May now the Rt. Hon. Boris Johnson wished to see an election that would produce a more decisive electoral result. We all know the first one failed, and the second one after a fashion succeeded.

1840 Here we do not have just two Members putting forward a motion for an election in September these two days Members have both served us admirably as Treasury & Resources Ministers and Chief Ministers, and I would argue although they might not have envisaged this as such that this is amendment put forward by effectively our Prime Ministers, and in that context I think Members should accept their authority in this matter as well as the larger democratic arguments and actually
1845 give this amendment the benefit of the doubt and support the States' Assembly & Constitution Committee to make arrangements to enable a General Election to be held in September.

1850 I have already looked at the dates for September and if we stick to Wednesday there is no reason why we should, there are five Wednesdays in September, the 2nd, 9th, 16th, 23rd and 30th. 30th September is only one day of course before October which was our desire, some of our desire last month. Effectively we could make the election happen for 30th September which would resolve many of the early August issues and I think that would be extremely satisfactory though maybe our term is extended let's say for the sake of argument until we had all got sworn in a week or a fortnight later.

1855 I mention the dates in September to indicate that there is a degree of flexibility so I will support this amendment.

Thanking you.

The Bailiff: Deputy Le Tocq.

1860 **Deputy Le Tocq:** Thank you, sir.

Deputy Gollop mentioned Ground Dog Day, ah that great horror movie. Have I mentioned that before, I think I might have done, it is *déjà vu* all over again?

Sir, without wanting to sound tiresome because this is tiresome enough going round in circles, I will reluctantly support this amendment. That is because yes I think we could have an election in September, we could have an election tomorrow possibly, as to whether that election is fair and under the terms that we have signed up to, that is another question altogether.

However, I am a Member of SACC and if that is the will of the Assembly then obviously we will have to seek to work to it or we resign from SACC if we cannot do that, or cannot come back to the Assembly with proposals.

There are big concerns though and I think even in his support for it Deputy Gollop has raised some of those concerns and Deputy Mary Lowe certainly did. I said when I laid the amendment with Deputy Brouard on behalf of P&R to extend our term that I did so very reluctantly and here we are again I am supporting this very reluctantly partly, sir because it most definitely will benefit sitting Deputies like myself all of us by so doing for the reasons that Deputy Lowe gave.

There are I think grave concerns whichever way we go and it is one of those things which the balance of risk and the balance of responsibility that we have got and I do find this Assembly is unable to make up its mind on this, so perhaps the best thing to do is to kill it.

Thank you, sir.

The Bailiff: I am going to call Deputy Graham next as I indicated followed by Deputy Le Clerc and then Deputy Prow.

So Deputy Graham please

Deputy Graham: Thank you, Mr Bailiff.

If there are noises off they are laying tarmac outside my house alongside the gate so forgive me.

Mr Bailiff many of our colleagues are making hugely heavy weather of this. As far as getting ready for a General Election is concerned the impact so far of the epidemic, the pandemic, has merely been to delay things by two months. Two months ago in the middle of March we were all getting ready for an election on 17th June. We have effectively lost two months. So in terms of preparation for the Electoral Roll candidates psyching themselves up to get themselves known all of those pre preparations have reached a certain stage already, and effectively we are now being invited, if this amendment is successful, to address those two months of loss by delaying what would have been 17th June election until probably towards the end of September.

In other words we are getting a delay over expectations of between three and three and a half months. Now in my view there is a certain amount of leeway that we can aim off the difficulties of having laid off certain staff who were going to be participatory and having to re-engage them and all that sort of thing.

But this notion that people will not have time to get on to the Electoral Roll if anybody has not by now got on the Electoral Roll and cannot jazz themselves up between now and whenever to get themselves on the Electoral Roll frankly they do not deserve the privilege of voting in my view.

My message to Members of the States is this, let's stop this charade of pretending to be can-do people and then turning the coin over and listing a whole lot of reasons why we cannot do it.

We are a can-do Assembly let's show it, this is easily within the reach of the can-dos, and I shall support this amendment with vigour.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

Sir, I just want to reiterate what I said a few months ago. I will be standing down whatever date the election is and at the moment it feels a bit like musical chairs where we are just going round and round, and when the music stops we will give a date.

But I have got a couple of what I regard as important points that I wish to raise. So firstly I would like to say that some of the people that have lobbied us over the last couple of weeks have actually

been people that have shown an interest in standing for election themselves. So I think they have got some self interest in pushing for an earlier election date.

But the two points that I really want to raise will be the lacuna – rather than laguna that Deputy Inder was talking about – the lacuna that Deputy Roffey talked about is the thing that is of concern to me whatever date we have the election if it is this September or this November.

The reason for that will be is that we have got the recovery strategy that we need to be getting on with. I just feel that this will delay that recovery strategy. So I would like to hear from Deputy Trott and Deputy St Pier details of the timeline and the timeframe when they think the recovery strategy will be coming back to the States because I think that that is first and foremost and that should be first and foremost on all of our minds.

With regard to the Budget the Budget is already being worked on by committees at the present time. So the new Assembly whether it is elected in September or November would really just be agreeing a Budget that has already been worked on irrespective of the date of that election.

But my concern is that the lacuna will be filled by the Civil Service during this time of preparation for the election and I just wonder how much political oversight there will be on the two areas that should be first and foremost in our minds and that is the recovery strategy and that is the Budget.

Thank you, sir.

The Bailiff: I am going to call Deputy Prow to be followed by Deputy McSwiggan and then Deputy Roffey.

Deputy Prow.

Deputy Prow: Thank you, Mr Bailiff.

My comments are more of a question, sir, to the layer of the amendment and perhaps from SACC. All I would say is I have made my points clear around democracy and the fact that we have extended our tenure and therefore we need to have an election as soon as possible, with the proviso that it is a fair and safe election to have.

What my question really is, is obviously Proposition 1 is quite clear it is about approving the legislation that we need in order to have the election.

The previous amendment has inserted a Proposition 2 and the explanatory note is very interesting because it says ... this is the one that inserts Proposition 2:

This amendment provides a mechanism for the date of the General Election to remain under review ...

I will repeat that, sir,

...to remain under review, and for the States' Assembly & Constitution Committee to propose an earlier date than June 2021 if it is feasible to do so. In doing so, the Committee must consider how such an Election could be conducted in a manner consistent with Public Health advice, in respect of the possible health risks associated with Covid-19.

Now, sir, to me those Propositions and that explanatory note gives me the comfort that the SACC Committee have that flexibility to use those dates to bring about an election.

Sir, we are talking about a can-do attitude and I support that but of course it is SACC and its officers and those officers from Home Affairs that will have to be can-do roll up their sleeves and deliver.

However, sir, the wording of the amendment we are discussing now laid by Deputy Trott the wording is very different, so when we come to vote Proposition 1 as I say is quite clear, Proposition 2 gives us flexibility and gives the States, but the wording is very different in this amendment, sir:

To direct the States' Assembly and Constitution Committee to make arrangements to enable a General Election to be held in September, 2020 and to bring a policy letter to the States as soon as possible ...

With regard to the Covid-19 crisis what it says is that they must do all that:

...in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time ...

Now there is a different emphasis, a different complexion on the Proposition 2 which I believe is a much more feasible way of dealing or allowing SACC to actually conduct that.

1965 So I think there is a difference in the emphasis of the two Propositions. SACC are being asked in Proposition 2 to review the feasibility of holding a General Election whereas 3 is directing an election in September

depending on the extent of the Covid-19 related health risks prevailing at that time ...

1970 So if this Proposition is passed I think we have a dilemma. Do we ... is it either/or, can we vote for them all. I would just like to some help and guidance around those particular issues.

Thank you, sir.

The Bailiff: Deputy McSwiggan.

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Deputy McSwiggan: Thank you, sir.

Just briefly approaching the probably the same issue as Deputy Prow from a slightly different perspective. I think that if all the Propositions were passed – if this amendment were approved and then all the Propositions were passed SACC would probably take this one to be the overriding directive because its wording is firm and the deadline is sooner. So we would be working towards September certainly before we were working towards anything else and any subsequent decisions would fall out of the decision that the States had to make on that.

1980 Sir, I tend to find myself in a similar camp to Deputy Graham and Deputy Le Tocq although I am not sure the two Deputies would agree they were in anything like the same camp but just in terms of feeling that it would be good and clean to get it done and to get it done now.

1985 I am worried about some of the logistics of delivery. I think Deputy Graham is right that we have a lot of the mechanics in place but we would have to be firing on all cylinders really as of today to be delivering an election even at the end of September.

1990 I do believe there is a higher risk of an election in September falling over, if you like, than an election in November for any number of reasons, but I think what I will do is vote for this amendment to put it into the Propositions and find myself a little more time to think about it during general debate.

1995 But what I want to run past Members and get some views from Members, either in the course of the rest of this debate or please feed back by email to SACC, is about the next steps that would have to happen if September were agreed because this amendment envisages that there will be a subsequent policy letter from SACC in which we set out the September date and all the logistics of delivering an election at that point.

2000 As Deputy Inder has already said even a late September date means nominations opening probably in the middle towards the end of August so 12 to 14 weeks from today and in between then and now we need to make all these decisions about how to deliver an election, and I believe we have to have decided unequivocally in order to give people a good few weeks' notice ahead of nominations opening, even if most of us did and most people will probably not make their final decision until the very last minute.

2005 So, sir, what I am minded to suggest is if my Committee agree that SACC should put together a very brief policy letter and submit it to you under Rule 18 either in the course of this meeting or ahead of the June meeting, in which we simply set the date and with the understanding that there will be a second policy letter to follow, which again I think would require a special sitting in late June or the first week of July if we cannot hit the normal June meeting in which we set out the plans for delivering that election on that date and we set out the Ordinance that would require approval.

2010 At that point Members would be able to give it their final sanction or not.

I say that realising as I do that the legislation before us today does not in fact go to the Privy Council until its July sitting, so I am not sure whether SACC would be able to present the Assembly with an Ordinance in July, legislatively I suppose if the Privy Council rejects our legislation we have a whole box of other challenges to deal with so let's set that to one side and assume we can deal with the legislation and the Ordinance that would have to follow.

But sorry the ask that I was trying to put to Members is this, would Members be content with SACC coming back almost immediately with a proposed September date if the majority of Assembly opinion is in favour of the September election, on the understanding that a second policy letter will follow. It will probably need to be within a month which sets out the logistics of delivering that election at which point this Assembly would have to decide once and for all whether it was prepared to proceed with that September election.

So that is all I want to say at this time.

The Bailiff: I was just about to call Deputy Roffey but I see that I have got a point of procedural order from Deputy Trott and a point of order from Deputy Inder. The point of order has probably passed as Deputy McSwiggan has finished speaking.

Deputy Trott what procedural point do you wish to raise.

Deputy Trott: Well it is this procedural point, sir. We have now heard from three of the five Members of SACC all of whom have said they are going to support this amendment. I think it would be courteous to suggest to the President of SACC that he asks for a small adjournment, a short adjournment in order to be certain of what his Committee's views are, because clearly three out of the five have expressed support for this amendment, not unqualified support admittedly, Deputy McSwiggan gave an outline of what she would like to see happen, but I would suggest an adjournment for that purpose, sir.

The Bailiff: Deputy Inder what were you aiming to say?

Deputy Inder: Probably strangely enough similar to what Deputy Trott was going to say and mainly wrapped around Deputy McSwiggan's sort of commitment to us and being able to bring a policy letter very quickly. I am not entirely sure what staff capacity we have but I am quite happy to very quickly set up a Teams meet with my Committee Members if they can give us about 15 minutes.

The Bailiff: Well at the moment I am minded to call Deputy Roffey because he wanted to speak and I think it would be helpful to hear from him at this point.

It may also be helpful to hear from one of the Law Officers just on the issues that Deputy Prow raised about what votes could be cast in due course, but that might come after an adjournment if there is then a proposal to have a short adjournment.

So let me call Deputy Roffey now, Deputy Roffey,

Deputy Roffey: Thank you, sir.

This is getting slightly embarrassing the amount of time we are talking about our own electoral plans, but it is important and this has been thrown in from left field and I think we have to consider the implications.

I see real tension here because I think just about ... I am sure absolutely every single Member of the States wants to hold a General Election as soon as it is both safe and practical and in Guernsey's best interests to do so. I really regret the fact that one or two Members have hinted that other Members may not have that feeling dwelling in their heart, because I think they do.

I think those that want to leave the Assembly are probably even more gung-ho for an early election than those that do not, that has been reflected in some of the speeches and that is understandable, they have done their tour of duty.

My difficulty is I see two conflicting imperatives here. One imperative is we have to be able to hold a poll which is safe for those taking part in it which is demonstratively fair and properly prepared for, particularly as it is a brand new system of election, which I think is fraught with some practical difficulties, that is not arguing against Island-wide voting I am must say it is new, it is complex, and I am not alone amongst observers who are saying that there are going to be challenges there. So that is the dilemma on one side.

But the dilemma competing with that is what Deputy Michelle Le Clerc said which is when on earth do we have this three month effective gap in Government because I think, however you look at it, there is block of six to nine months' work for a States to do, as States to do to put in place and it is just crucially important and I do not think we can understate how important it is to get Guernsey out of the woods not just in terms of how many people are sick and how many people are dying but how we get back economically, how we make sure that we do not have poverty, that we do not have long lasting austerity, how we actually plan for the future.

Now to me there is a binary choice there, my option was to wait until next spring and say let the current team they are experienced within harness and are already preparing around it and thinking about it let then get on and did it and then have the election.

There is a counter argument which I think this amendment would sort of point towards which is okay if we are going to have a change of crew at some time do it as early as possible in the process so that that work can be done by the new lot, who will be I am sure just as capable if not more so than the current lot.

But what we do not want, what I was really worried about, about a November style election is that half way through that a change of ethos a change of team undoing the work of the first half of that block of work and actually being incredibly inefficient as far as the community of Guernsey is concerned.

So I cannot help being influenced a little bit I suppose even though resenting the fact that people are saying those who wanted to wait to the spring are undemocratic and they are just wanting to perpetuate themselves. There is a sort of feeling of well blow you then let's go for September let's even go for August or July and that will prove you wrong. It will overcome some of the problems that I am seeing as far as who oversees the recovery plan because it will then be a new lot basically. I know they will inherit the groundwork that is being done now.

I think really the lukewarm will be shooed out here: I think we do need to go one way or the other, so I can really see the attraction of this amendment even though it may be the end of my time in politics because if the nominations are open in August and if there is a currently planned it is only for a few days but I have a very long planned and extremely important to me trip away from the Island in August if we are permitted non-essential travel I will definitely be going and if that coincides with when the nominations are opened I guess sadly that will have consequences for me but that is not going to be the basis on how I vote today.

I think I have not really heard enough from the Members of SACC and the trouble is they have nearly all spoken now haven't they, maybe all of them have I am not sure, okay there may one or two to go, about what the practical issues are here. Clearly we have people, I hate to say this with Deputy Graham listening, but people of a certain age and people with underlying health conditions who may for some time to come be told to shelter themselves.

But actually I think if that was going to be the case and we were going to have the election in September, it would just have to be a really high powered drive towards postal voting, and actually I think it would benefit Island-wide voting in some ways because one of the things that worries me about Island-wide voting is long lines of people outside polling stations while people take 10 or 15 minutes to fill in a form they vote for the first 20 and then they say oh how many have I voted for let me go back and check it. I think I will probably have to take a cup of tea in there with me and make absolutely sure, or maybe have filled it out in advance, so there could be almost a hidden benefit here we could actually say it will force us to promote postal voting in a very big way which might actually reduce some of the problems with the Island-wide voting anyway.

2115 But I still do have some real fears about the practical problems of holding an election so soon with Covid-19 about. The trouble is the Committee charged with it ... we have had Deputy Inder saying it will be a bit of a push, but it can be done; we have Deputy Le Tocq saying let's go for it; we have Deputy Ferbrache saying let's go for it, and Deputy McSwiggan saying that she is attracted to it. So I am still picking up that they do not think that the practical problems are as big as I actually thought they might be, particularly if we went for something like the 23rd September rather than the beginning, with the new States maybe taking office on 1st October.

2120 But I am also worried about new candidates I think that it is going to have an advantage to the incumbents but then I think the whole new electoral system is going to do that anyway.

2125 So, sir, I really would like if you tell me there are Members of SACC yet to speak then I would really like to hear from them about the practical challenges. Because if this can be done, if it can be done safely ... It will interrupt the work that is going to be done, it will interrupt that major reconstruction programme that we were going to be working on over the next six to nine months but if we might be going to be interrupting it anyway in November I would actually prefer it was interrupted earlier in the process and that any change in personnel, any change in crew, was nearer the basement level than half way up the building, because I think that would be less damaging.

2130 So I am really guarding against being attracted by this just to say to the Island and to the few people who have been emailing us on a persistent basis that is not me I am not scared of the ballot box but that is also not responsible. I would like to go for this if it is safe but I really want the experts in this field to tell me that it is safe. Not just safe health wise but safe as far as being able to organise a fair, free and transparent election where nobody can turn around afterwards and say that really the result is in some doubt because of this problem or that problem and the States should have known that when they called for an election in the middle of a pandemic.

2135 Thank you, sir.

The Bailiff: Well, Members of the States, the position at the moment is that I have got two Members who wish to speak on this amendment.

2140 Deputy Roffey has just raised the issue about whether there is any Member of the States' Assembly & Constitution Committee who has not yet spoken and there is one and in any event bearing in mind that Deputy Inder indicated that he would quite like an adjournment to be able to talk to his Committee and take some advice at some stage, the question is whether that comes during the course of this amendment or whether this amendment ... because this is simply to add
2145 a Proposition and then you get to vote *Pour* or *Contre* or abstain on voting for it if it is added. So it could be done in the break between the conclusion of this amendment if it were to carry and moving into general debate and then considering the options if there are options before the States at the moment.

2150 But the answer to one of the questions posed is probably best given by HM Procurer if HM Procurer is within the virtual Assembly at the moment, which I see she is.

Madam Procurer would it be helpful to invite you just to clarify a couple of points about the voting pattern if this amendment were to carry and whether you could vote *Pour* for all of the Propositions and still do that consistently so that then the States' Assembly & Constitution Committee have a series of things to think about.

2155 **The Procurer:** Sir, yes I will try to assist on that point.

I had envisaged, sir, as you have just articulated, that if this amendment was passed there would then be three Propositions in play before the States and that the States would then vote *Pour* or *Contre* on the Propositions accordingly. If they voted *Pour* for all of them so that the three
2160 Propositions stayed then as Deputy McSwiggan has outlined there will then be a situation with SACC being directed to go to the States to arrange a General Election for September but also to explore the feasibility because of amendment 1 being passed for the other dates in November, March, April or May.

I would envisage because the amendment that we are currently debating requires SACC to come back with a policy letter to fix a date for September that at that stage and if they were able then practically to be able to assure the States that yes this is the date we are proposing we are going ahead with September election that they would then have an opportunity to seek to rescind the Proposition relating to March, April or May if they were actually going for a September date.

But in short, sir, I think that it could work with all the *Pour* Propositions going ahead if that is what the States are minded to do, it would then in my view be incumbent upon SACC to come back to the States and suggest not carrying out with the March, April, or May if they are going to the States to fix a September date.

In my view the onus is on SACC to come back to the States in the event that all these Propositions are passed.

I hope that assists, sir.

The Bailiff: Thank you very much Madam Procureur.

I am going to call those Deputies who wish to speak at the moment, so I am going to call Deputy Tooley and then Deputy Fallaize, and then possibly we will take an early mid-afternoon break. But if anyone else wanted to speak before that and that would give other people an opportunity to speak after the mid-afternoon break.

So Deputy Tooley.

Deputy Tooley: Thank you, sir.

I am in honesty staggered by this amendment and by what seems to be a huge willingness to vote for something which is completely unplanned and really not a wise thing to do right now, and I say that because this is incredibly attractive because of the message it sends out. It is a can-do attitude, it is not just sitting back and letting these things happen, it is saying do you know what we can go out and claim it, there is the moon we can aim for that and we might just land among the stars. There is this breathless air of let's do the show right here, we can make sets out of cardboard and hay bales and we can do it, we just need to have the right spirit and the right attitude and we can get there.

But underneath all that we are hearing that we are not sure if SACC has the capacity to produce a policy letter, it seems that nobody has spoken to the Registrar General about whether this is even vaguely feasible or possible; nobody appears to have consulted about whether we could have the external observers for an election that we all decided would be necessary for this first round of Island-wide voting. To my understanding nobody has spoken to Public Health about what would need to be placed around this.

We are in a position it appears where we could in effect decide that we will make a decision to do this in September, we will take all the other possibilities off the table and leave ourselves in a position where we are not giving the public any clear message really about when an election could take place because we are offering a promise that the majority of people seem to say in their speeches they completely believe and assume actually is not possible. It is a promise of something that would be lovely to have if we can get there so let's give it a go and we will all accept that we might not manage it.

I just do not think that is how we should be doing business as a Government. I think it is all very well when the train breaks down and the circus has got to offload and the elephant has got to get off to say let's do the circus right here. But Deputy Inder is not Mickey Rooney and Deputy Merrett is not Judy Garland and we cannot just say let's just do it, let's just get in there and make this happen. It is not as simple and straight forward as that.

I think if this amendment was adding September as another list to the things that potentially SACC could return to with a Proposition then, I think it was an unwise choice of date I will be honest, but I can see that there might be some sense in it, but it is not, this amendment potentially wipes out all those dates which seem more feasible and I just cannot believe that I am hearing people say do you know what I am not sure it is possible but I will vote for it because actually it does send that

message. There is no point sending a message if you actually deep down believe it is not really possible to deliver.

Thank you, sir.

2220 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2225 This is a bit like trying to nail jelly to a wall. Four weeks ago, I think it was four weeks ago, we had the original debate about whether the General Election should be postponed, and as I said I think earlier at some point in this debate, yesterday I think it was, I was of the view that a date should not be fixed until the circumstances around the virus became clearer. I was in a quite small minority the majority of the States wanted to fix a date.

2230 Because the view of the majority was that certainty was one of the most important factors here for everybody whether it was the current States or potentially new candidates or staff that certainty was essential.

2235 Now we are faced with the prospect I think of this amendment perhaps being approved and all the Propositions being approved which would mean that legislation would be in place in effect, once it has received Royal Assent, for an election in June 2021, there would be Resolutions in place expressing the will of the States to hold elections in November, or March, or April or May, and there would be a direction from the States to hold an election this September.

So we would have gone completely full circle from four weeks ago it was essential that there was certainty about what the date of the election should be to a new position where there would be complete uncertainty about whether the election would be in September, November, March, April, May or June.

2240 I think, sir, that underlines the complete confusion of this debate and that it is really proceedings absent of any kind of principles and we are really in the territory of just sticking our finger in the air.

I thought Deputy Trott's opening speech was interesting, it was very short, I mean it was a bit like saying, I thought, to the States okay you wanted an election as soon as possible so there. Here it is I am throwing it down on the table, and you can have it in September.

2245 I think Deputy Trott really was making a point he has argued why he thinks an election in November is not feasible, largely because of the Budget setting process, but does not like being accused by some Members of not being democratic so he comes along and says okay we will have it in September then, but he did not really make any case in his opening speech for why he thought September was acceptable.

2250 But I think it does not overcome the problems that he has identified in relation to the Budget because later in this meeting there is a proposal from the States' Assembly & Constitution Committee to fix meetings dates for September 2020 onwards. I think the proposed Budget date is 3rd November from memory when I looked at it last week, I think it is 3rd November, it is early in November. If there is an election, we are now talking about very late in September, the committee elections would probably then have to take place in something like the second or third week of October and then there would be a Budget debate early in November. Well that does not overcome the problem does it because essentially it would be a Budget either put together by this States or it would be a Budget put together by officers, but it would not allow for the commencement and completion of the Budget setting process which really was the argument that Deputy Trott was making this morning.

2260 So I do not think this amendment really does overcome the Budget problem that he has identified in the previous debate.

2265 I have said many times in different amendments that I think candidates need reasonable periods of notice I mean I accept what Deputy Graham says there was going to be an election in June, but I think the argument that because there was going to be an election in June which was then definitively postponed there could easily be one in September does really presuppose that candidates are either Members of the States or sort of sitting around waiting for the States to decide

what date the election should be. I do not think all new candidates are in that position and I think it is slightly self-indulgent to imagine that they are to be perfectly honest.

2270 But the most I think serious issue with this amendment is that it is not requiring the Committee to report back to the States, but Deputy Inder when he spoke did not really know what to make of the amendment because he had not received very much notice of it, he said that he had not had an opportunity to speak to the Registrar General of Electors.

2275 Now I cannot really conceive of the States deciding on the date of the General Election or deciding the month when the General Election should happen when the Committee responsible is coming to the States to advise that it has not even been able to discuss the matter with the Registrar General of Electors. I mean leave aside the issue of whether SACC as a political Committee can advise the States, but they cannot even convey to the States what the advice is of the senior professional statutory officer who is appointed and employed to be responsible for elections.

2280 So I have to say to the proposer and seconder of this amendment for however long we are sitting in the States together I think they have now invalidated any right they have to accuse anyone of laying an amendment on the hoof because this one is that *par excellence*.

2285 So I think the wording of the amendment is very directional, it does not seek to add September to the list of months which the States want the States' Assembly & Constitution Committee to investigate. It is very clear that it is directing that there will be a General Election in September.

I said this morning that if the States voted for Deputy McSwiggan's amendment I thought the message would be conveyed publicly that there was going to be an election in November despite the fact that the Committee was sceptical or doubted whether that was possible and was going to do its best but had to come back to the States with its considered opinion.

2290 Now we are in the position where potentially we are going to declare with absolute certainty that September will be the date of the election. I think, sir, that that is very unsafe. I mean if this was a proposal to add September to the list of dates when an election might take place I could understand given the previous votes if a majority of the States voted in favour of it, but just to declare definitively without any advice from the Registrar General of Electors, without the considered opinion of the Committee, with really no knowledge of whether the public health situation would even permit it, to decide definitively now this afternoon at literally a couple of hours' notice that the election should take place in September I think is a very high risk strategy and I think the States may risk making themselves look very silly in the event that the Committee has to come back and advise that it is not feasible to do this.

2300 I think at the very least Members who are so committed to the earliest possible date that they are prepared to go with almost any date from this point onwards, if they really must express that in a States' Resolution I think it would be better to get it added to the list of dates which SACC need to consider, rather than departing from that formula which the States were on when they voted for Deputy McSwiggan's amendment and instead declare with absolute certainty that the election can take place in September.

2305 I think Deputy Trott has made his point. I agree with him it is going to be very difficult to hold an election in November, but I think that proving Deputy Trott right on this point is one thing. I think playing around with election dates in the way we now are in order to prove that Deputy Trott was right I thank him for the invitation to do that but I am going to decline the invitation.

2310 Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

2315 Sir, I am in favour of a General Election at the earliest practical, safest opportunity, and I am currently inclined to support this amendment becoming one of the substantive Propositions, but what I want to hear from Deputy Trott when he sums up is if this Proposition passes and 2 fails what would happen if we had a setback in our recovery from Covid-19. What would happen if we saw new clusters, a second wave, community seeding? Where would that leave us?

2320 If he could answer that that would be very kind.
Thank you, sir.

The Bailiff: Well Members of the States, although we have had a comparatively short time since we resumed after lunch what I am minded to do now is to take the mid-afternoon break, make it
2325 15 minutes and resume at quarter to four which will enable the Members of the States' Assembly & Constitution Committee to at least talk amongst themselves so that either Deputy Merrett responds on their behalf or if the President prefers then he could always make a request to speak a second time.

Then we will see who else wants to speak before turning to Deputy Trott to reply to the debate
2330 on this amendment.

So we will break now until quarter to four.

*The Assembly adjourned at 3.29 p.m.
and resumed it sitting at 3.45 p.m.*

**The Reform (Guernsey) (Amendment) Law 2020 – Debate continued –
Propositions as amended carried**

The Bailiff: Members of the States, welcome back.

Is there anyone else who would like to speak at this stage on amendment no. 3?

2335 I will call Deputy Inder first and I will exercise the discretion I have for somebody to speak a second time in these exceptional circumstances where the majority of the States' Assembly & Constitution Committee had already spoke.

So I will call Deputy Inder to be followed by Deputy de Sausmarez.

2340 **Deputy Inder:** Sir, Members thank you for your indulgence.

As you know we have just had a 15, 16, 17-minute recess and the question we asked immediately and as quickly as we could, given the time, was would this be deliverable in a practical sense?

2345 There are significant concerns and I mean significant concerns from the Registrar General our existing officer and the Electoral Lead Officer mainly because they just have not had breath to come back and give this a second thought.

I think as Deputy Fallaize said it has been laid in sort of under two hours. So I will go through some of the things I mentioned in my speech as I expected. Mobilisation of people the voluntary sector who are going to help is significant, actually organising volunteers and the polling stations themselves, we have absolutely no idea what the polling stations will be doing in that period.
2350 Booking of venues, you know that we will have booked certain venues for the super polling stations we have no idea of their availability; subordinate legislation will have to be put in place and again our officers have had no time to think about that at all; again of course there is obviously the Public Health response and I mentioned that in my response to this amendment squeezing to September looks slightly worse than November.

2355 I am just going to give some quotes here: 'Very concerned about logistics'; 'Might solve for November cannot guarantee we would deliver satisfactory election in September'.

'Logistics, social distancing – the Registrar General had a serious concern about the in and out of polling stations that is people with the queues. I think she also said that postal voting has got its limitations. We have not really thought about whether we could make it postal voting only, but it
2360 certainly has its limitations.

There are basically I am going to use another quote: 'serious practical challenges'.

Again another comment was: 'need time to sit back before decision can be made' – and they have had no review of the legislation in the last two hours.

Importantly, 'it is not possible to give a cast iron guarantee that a free and fair and safe election can be guaranteed ...' – sorry, I have messed up the quote but you get the gist in September.

What we can do though, we can come back in June with some recommendations one way or another but now is not the time for us to be able to give that cast guarantee and the success of the amendment 2 if it is then voted through, sorry I beg your pardon I am running out of – which one was it the Trott/St Pier amendment I think if that goes through we are basically having an election in September and I cannot guarantee, and that was a question that was asked, whether that is deliverable in September.

Sir, that is the information that was given to us but we can commit to come back in June and go through all this again if you want.

Thank you, sir, thank you Members and thank you for the second chance.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I think following Deputy Inder, I have only this to say ...

The point that I wanted to make was that this is where my objections were all along, putting the cart before the horse by deciding a date before understanding fully the ramifications and implications of what that would involve.

I have always felt that to make an informed decision we should have the information available to us and I strongly feel that although there may well be merit in considering adding an additional date of September, it may well have benefits over November; that is beside the point. It is the fact that this amendment stipulates that the General Election will happen in September and directs SACC to come back and tell us how that is going to happen is just completely the wrong way round. It is not responsible decision making and I would urge colleagues to reject it bearing in mind all the things that Deputy Inder has just advised us of.

Thank you.

The Bailiff: Deputy Merrett.

Deputy Merrett: Only brief, sir.

I am having connectivity issues so I have been dropping in and out and I am a bit confused as to where we are, but I am grateful for being able to convene with the Committee for the five or eight minutes we managed to do so.

Members have asked I believe for a considered position of the Committee, clearly we cannot give you Members a considered position of the Committee in the time that has been allocated. I did try to contact ... I did indeed contact officers over lunch recess and did receive a reply for which I grateful, it is not as if we knew this may be coming, so I did do that.

I know Deputy Inder has given many quotes which is good but I have always tried to base my decision making on making sure they are informed and intelligence based and done with integrity and at this juncture I just cannot, I am not in a position to do that. It is a simple as that, it would not be an informed decision, it would not be intelligence based and I am not absolutely sure I would be able to do it with any integrity because I just have not got the information I need to do that.

So I am not quite sure how I am going to vote on this amendment. I think what is unsatisfactory is that Members ... I am all for Members laying amendment that they really truly believe that that is the best way forward and obviously it is a Rule 18 so they could do so, I just think it is unfortunate it was done over the recess, actually it do not ping into my inbox I do not think over the recess.

So the Committee cannot give a considered position although we did appreciate the time to meet. I cannot make an intelligence informed decision so I am not really sure how I am going to vote on this.

Part of me thinks yes if we can do it we should at least give it a go. I think if the Assembly accepts the fact as alluded to by Deputy Inder that actually we do not know because we do not, but we will

come back to you in June, if it is possible to do so, to try to give a position that the Assembly could make a more informed decision on and then if the Assembly wishes to vote for it on those very flimsy foundations then obviously the Assembly is free to do so.

2420 Really I have not got anything further to add, sir, I would just say I am trying to be brief, sir, but I am trying –

The Bailiff: Point of correction Deputy Merrett it is coming from Deputy de Sausmarez.
Deputy de Sausmarez.

2425 **Deputy de Sausmarez:** Thank you, sir, and my apologies to Deputy Merrett for interrupting her. It is just that Deputy Merrett has implied that if we could maybe vote on this amendment on the basis that if September is possible then we shall do so, but that is not accordance with the wording of the amendment itself, which does say that SACC will be directed to come back as to how an election will be held in September not whether.

2430 Thank you.

The Bailiff: Deputy Merrett to continue please.

Deputy Merrett: Thank you, sir.

2435 That is why I am saying it would be very difficult for any Member I believe to be able to vote positively for this, *Pour* for this amendment because of the reasons Deputy Inder has given.

So I will listen to the rest of the debate although I do hope it is not too much longer to be honest.
Thank you, sir.

2440 **The Bailiff:** I am going to call Deputy Le Pelley next followed by Deputy Dudley-Owen.
Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

2445 Excuse me while I just find my own mute button. Sir, I have sat through now something like about six hours of this debate and an awful lot of hours last month as well. I am not intending to stand again so what I am saying now has got no particular benefit to me.

2450 We have been bouncing around up and down backwards and forwards like a yo-yo and the idea of sort of flip-flop government comes to mind. It comes to mind at a time when I am getting a lot of emails from a lot of sort of pressure groups that are asking for a decision to be made as early as possible an election and if I might just interject it here and say I am speaking in general debate as well as on this particular amendment so you will not hear from me again until I cast my vote.

2455 But several groups have contacted me because they just want to get rid of all of us as soon as possible; others want to get rid of P&R although that I must say has changed somewhat since the rather splendid work of some of P&R and HSC people over this Covid-19, but that early on was something that was going on. I have got another massive lobby that just want to see the back of Education, Sport & Culture; some just want to get rid of anybody and everybody so that they can have a chance to get in; some want to take the places of people that are stepping down; some want to depose people. I mean there are all sorts of hares running here and all sorts of different positions. People who have got vested interests in many different ways all trying to push and pull and to get
2460 some kind of decision.

2465 I am surprised in fact that we have not actually had someone suggest that we actually choose a month between now and next June and actually put them in rank order of which month we would like to have our election. You could actually have a single transferable vote on that. I am sure we could all organise it and whichever one was the most popular one would be the one that was chosen.

We are in danger of making ourselves look very foolish. If we go into something half-cocked and it goes wrong we are going to look the biggest bunch of chumps that this Island has ever had.

I think we need to be very safe, we need to be very organised and make sure that everything is in place so things go along as flawlessly as possible.

2470 Now Deputy Inder has mentioned that there has been an invitation for off-Island observers to come and actually see how we do our election. I believe Deputy Paint went over to St Helena and actually acted as an observer, so there are people in Guernsey who have actually done this before and seen how things work and they will make up a report and submit it to the Commonwealth Society as to how the election progressed. I do not want to find that my sort of swan song is absolute
2475 ridicule in some kind of external groups assessment of an election that has been badly organised and gone very badly, been processed very wrongly.

Sir, I think I mean right from the word go I would have liked to have had the election in June of this year, I accept and understand that with the Covid-19 outbreak that that was not possible it was not safe to do, we could not have a fair and safe and secure election, and very reluctantly I agreed
2480 with the proposals that were made by SACC.

My first position was to actually go for the October time. When that was defeated I went for the April 2021 time. That was defeated and we ended up with June 2021. It was my worst position as far as I was concerned and I was voting for everything before that date if possible.

But I am getting to the point now, sir, where with all the observations that have been made and the objections to certain dates and very legitimate objections and the need for the Budget to be
2485 absolutely properly prepared and delivered and with the massive coronavirus situation that have got to be put back put in place and corrected or eased I am getting to the point now where I think we probably be better off to say that a decision has been made, people know exactly where we are standing, rather than faffing about moving up and down left and right and chopping and changing
2490 that we would do better to actually stick to June 2021 and have done with it. That is probably where I am going to go.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

2495 **Deputy Dudley-Owen:** Yes, sir.
Sir, are you able to hear me?

The Bailiff: Yes I can, thank you.

2500 **Deputy Dudley-Owen:** Good, sorry, I just needed to test that because previous debates my audio, my mic has been playing up.

Thank you very much for your first appearance as our Presiding Officer. I am very pleased to be sitting in this meeting today.

2505 I did not want to speak I really had to sort of bite my lip over the last few hours because I really have just wanted to get to the vote but I did think it was worth just a small interjection here because I have been a bit confused actually regarding the Trott/St Pier, sorry Deputy Trott and Deputy St Pier amendment that has been laid at very short notice.

2510 I did have my eyes a little bit opened by what Deputy Fallaize was talking about and did wonder whether this is a little bit of a test for the Assembly, and then noticed a tweet that has come up on Deputy St Pier's Twitter feed over well an hour ago now, which made me think that yes this probably is a test for us all actually, because Deputy St Pier has done one of his wonderful communications doing a shout out to everyone who is missing family and loved ones outside the Island.

2515 We do not know how long travel is going to be restricted or changed he said, and that got me thinking, well we do not know. I do not think he really knows. He may have a better idea than we do. But therefore isn't September really just far too early for us to be thinking about having an election when we really do not know whether we would be able to have foreign observers coming in or observers to our election coming in to oversee the process, unless of course we are happy to

ask them to do two weeks self-isolation and quarantine before they come in to observe the couple of days.

It is something that I would like to hear from one of the Members of SACC about but I do not think I will be able to because they have already spoken. I wish I had spoken up earlier.

But I think some very relevant points have been made during this debate and not least of all SACC have offered to come back in June, Deputy Inder has mentioned that, to see what work needs to be done, but then that is another month gone and it really does seem that September is far too short a time frame.

Sir, I ideally would love to get an election date in the diary as soon as possible September just feels unrealistic and I suspect that the layers of this amendment feel that way too.

Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I thought it would be useful for Members to know the – well at very short notice the views of the Director of Public Health who I contacted just now dragging her out of a meeting. She did express her concerns about September based on the timescales that we are moving now, which as members will know have been rapidly accelerated, the concerns are that if we are going to see anything, what she describes as bubbling up it will be around July and August and she does express her concerns that September will be too soon, with November there might be issues over a second wave but then things are changing rapidly on that front and just talking about various options on testing at that particular moment in time. So I do not think that is an issue because that is for SACC to look at in regard to feasibility and on the back of that advice provided by Dr Brink.

So I really just thought Members ought to know that September from a Director of Public Health point of view would be of concern.

Thank you.

The Bailiff: Well Members on the basis that ... I will now call Deputy Meerveld to be followed by Deputy St Pier.

So Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I will be supporting this amendment on the basis that it achieves one of my key objectives of having an election as soon as possible.

However, I do have reservations about it and I am disappointed by the way in which it has brought forward. What I would have preferred to have and what I have been trying to push towards and speaking for is the earliest date possible and I list previously the feasibility of physically delivering it, giving enough time for new candidates to stand, the ability to have it scrutinised and supervised, and the ability of people campaigning. There are number of criteria, plus of course you have got the States' work, Budget etc. and other issues that may conflict with this before you even start looking at Covid-19 implications.

What I would have preferred rather than an amendment that tries to ... a Proposition that binds us to a specific we will have an election in September, I would have preferred to have had it left to SACC to come back to the States with proposals for various dates having taken all these things into consideration. That is still my preference and I suspect that as other speakers have said September will end up proving to be a step too far, or a step too soon, and we will end up pushing for a later date.

But I still look forward to the policy letter from SACC assuming that we approve Proposition 2 that will come forward with a number of dates, a number of proposals, and I will still support whenever we can do this properly at the earliest possible date.

Thank you, sir.

The Bailiff: Deputy St Pier to be followed by Deputy Smithies.

Deputy St Pier: Thank you, sir.

2575 I shall be relatively brief because I think actually Deputy Graham probably spelled most of what I would want to say.

I think Deputy Inder's comments have surprised me a little. I am genuinely struggling to understand how if we were ready to go for the election in June two months ago in the middle of March why we would not be ready to go for an election in September four and a half months' away. 2580 That I think was the point that Deputy Graham made extremely well.

Now I think the question of election observers that Deputy Dudley-Owen has spoken to I do not really imagine that that would need to be a show stopper in terms of provision could be made for them to be regarded as essential workers or some kind of or some other arrangements could be made no doubt and this is an issue which is already needing to be considered in relation to those 2585 that will need to come in to the Island to support the economy as we move into the later phases of exit anyway. So I think that will be an eminently practical solution to be found to accommodate the handful of people that we need to come in to perform that role.

So the question has arisen of when the recovery strategy will come to the States. It will be discussed again an outline will be discussed or the essence of it will be put to the advisory group 2590 next week and P&R will then start work on turning that into a policy letter to bring to the States as soon as possible. I think we would certainly expect it to be whether it can be achieved by June I do not know but certainly no later than July and that is what we are working to. The difference between the two will really be about the level of detail which we determine is appropriate to go in it. I hope that answers that comment or that question that has arisen in debate.

2595 I think with that, sir, I would just encourage Members to support this and get on and make it happen.

I think the one other comment in relation to the teams that may be required to restart this process, what I can say, sir, is we do know that there are a number of public service employees who are not fully engaged in the roles that they were previously engaged in in March for obvious 2600 reasons, and quite a number of those of course have been redeployed to other areas I have no doubt that it would be possible for the organisation to stand up enough of that resource to support those that would need to organise an election in four and a half months given that we were ready to go for an election in June only two and a half months ago.

2605 **The Bailiff:** Deputy Smithies.

Deputy Smithies: Thank you, sir.

I have said enough on this subject and my views are well known so I will keep this short.

I will support this amendment but given the message from the Director of Public Health which 2610 has been relayed to us and Deputy Inder's comments I am now very dubious about this happening in September but I will, as an act of faith, support it.

The Bailiff: On the basis that no other Member wishes to speak on this amendment, I will turn to the proposer of it, Deputy Trott, to reply to the debate.

2615 Deputy Trott.

Deputy Trott: Thank you, sir.

There can be few people in our community that do not have the utmost respect for Dr Brink and I would hope that there can be few in our community, although they will not be as familiar with her, 2620 that do not hold the States' Treasurer in the same regard. The parallel team are consummate professionals.

Let's start with Dr Brink. Dr Brink is saying she cannot be certain what the position will be in September, of course she cannot, and she cannot be certain what the position will look like in November, or for that matter in March of next year.

2625 But what we do know is that we have had no new cases for three weeks. We know that for a fact because she has told us and we also know that an election on 30th September is a massive 132 days from now. It is not tomorrow or the next day, next month or even the month after, but several months away.

2630 Now that is not to disabuse the comments made by Deputy Inder I am sure there are, I know there are concerns around the mobilisation of people. I know there are concerns around venues. I know there are concerns around subordinate legislation; and there are concerns about logistics. Why do I know that because all of those concerns were known to us before, sir? Three Members a majority of the States' Assembly & Constitution Committee made clear that they would be supporting this amendment and for very good reason.

2635 Now one of the other Members of SACC, sir, I mean I sat here with a sort of wave of incredulity came over myself, sir, because Deputy Merrett ... it was an unbelievable moment in Guernsey's political history for me, because it was virtually her who asked us to move this amendment. She said it was completely unacceptable for me to say that I would like an election in September or October when there was nothing on the table, well I would like an election in September, sir, and so would
2640 the President of P&R, so we have moved an amendment.

As others have said including Members of SACC where there is a will there is a way. So of course we can have an election on 30th September assuming of course that as the amendment says that Covid-19 conditions will allow it.

2645 Now there cannot be very many people in our community, sir who right now do not believe that Covid-19 conditions will allow an election to take place towards the end of September based on where we are at the moment. That is not me being complacent, sir, that is me focusing in on the science.

Sir, Deputy Graham was the first I think, no he was not he was the second, after Deputy Ferbrache to talk about the can-do mentality and I think that is worthy of emphasis.

2650 But what is more important is an acceptance by the States that we are talking about a September election, or we are talking about a March election, we are not talking about a November election. We cannot, sir, sit here and respect the eminent views of one of our top professionals and ignore the advice of another.

2655 The ability to have a debate around a meaningful debate around a proper Budget for 2021 is not possible if we go to the polls in November, and I will not labour that point, but I will labour the point that the States is being asked to decide whether it wants to have a go, a serious go, at 30th September, or late September, or March.

The November date is a complete red herring and it surprises me that some Members have maintained their support for it notwithstanding the facts that have been presented.

2660 Deputy Tooley asked about staff availability, sir, and Deputy St Pier made clear that we do have resources available to us, resources that have become available as a consequence of the pandemic.

2665 Sir, it seems to me that this amendment gives us a choice. It is a choice between accepting now that there is a strong chance that we can make 30th September or admitting that it will be March of next year at the earliest, what I cannot accept is any Member can genuinely believe that a November election is possible for the reasons that we spent many hours this morning debating.

I hope Members will support this amendment I am even more encouraged by it as debate has progressed and I look forward to the recorded vote, sir.

Thank you.

2670 **The Bailiff:** Members of the States, we turn now to voting on amendment no. 3 proposed by Deputy Trott, seconded by Deputy St Pier and there has been a request for a recorded vote.
Greffier.

There was a recorded vote.

Carried – Pour 19, Contre 17, Ne vote pas 3, Absent 0

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

2675 **The Bailiff:** Members of the States, the voting on amendment no. 3 proposed by Deputy Trott, seconded by Deputy St Pier was there voted *Pour 19, Contre 17*, three abstentions and therefore I declare amendment 3 carried. Which means we now have three Propositions and we move into general debate if anyone wants to speak in general debate.

If there is nobody to speak in general debate then I would invite the President of the States' Assembly –

2680 **Deputy Tindall:** Sir.

The Bailiff: Deputy Tindall to be followed by Deputy Lowe.

2685 **Deputy Tindall:** Thank you, sir.

There seems to be a bit of an internet issue so please excuse me if I go in and out when I speak, I am going to be short because I have had enough of this already, well ages ago in fact.

Now we have three Propositions to consider this is when I feel I can actually talk about each of them.

2690 I will start with the one which has just been approved. I certainly cannot support this extra Proposition with regard to a definitive September date. The reason I say this is in particular because of what Deputy Trott said in his summing up which I am not going to quote because I would probably get it wrong but basically he was talking about how many days away that would be but there is a huge difference between now and then and that is the fact that our borders will be opened up. Those borders will change everything with regard to the way in which we deal with the crisis and the problems that we will face as a result.

2695 That lack of certainty over the situation that need to open the borders and the views of Dr Brink knowing these variations or possibilities we have respected her all this way through I continue to respect her judgement and I just cannot support a September firm date.

2700 If as I had asked Deputy Trott at lunchtime it could have been added as an extra choice, so September, November etc. as Deputy Inder had indicated that SACC could be returning fairly shortly with a high level informative policy letter on that that is bound to be my preference but obviously that is not how the amendment turned out to be when it was finally published.

2705 So for me I still prefer the Proposition 1, sorry amendment 1 – I am sorry I have forgotten what Proposition that has now become, but the one that was laid by Deputy McSwiggan, not to take away the information that has been provided to all of us in this debate as to the important views of our experts, but because of the way it was worded, in so far as it was for SACC to consider and only come back to the States if they felt the November date was feasible from a Public Health perspective; from a practical perspective, as Deputy Trott has referred to.

2710 I felt it was their job to come back and say if it was not feasible with all those reasons articulated. So rather than rely on this debate and this *ad-hoc* manner in which this information is being sent out to our public that they would have the chance to make it clear in a written statement, and yes that was for me I expect from the advice of our experts that it is likely that would be a statement and not a policy letter showing how the November date would be going ahead, but at least it would be more public; more friendly to our electorate; for those who have not gone on the Electoral Roll yet, for those who are shielding; for those who are worried. Because just as I say I do not think the manner of this debate has enhanced that communication.

2720 So for me the problem I have is that whilst I advocated in the original debate we had on this when we had to decide whether to postpone this year's election I wanted to have the ability to change it depending on the circumstances and to consider other solutions. As I say I do feel that the Deputy McSwiggan Proposition is the most suitable for that.

2725 However, I am having serious doubts because through this debate it is quite clear that it is either an assumption or a pressure on SACC to come back with a policy letter whatever, not if they think it is feasible. It appears that it will be the view of SACC that they have to come back and try and make it feasible no matter what the public health position is, no matter what the advice is. I find that very concerning indeed, that that pressure could even be considered let alone be put on them, but that is the way this debate has gone.

2730 So for me with that in mind and the actual discussion I am feeling more inclined to support the Deputy de Sausmarez amendment so that November is removed from that discussion so that there is a more realistic approach that can be taken by SACC so that all of those sensible, evidential and important considerations are taken into account, we understand –

The Bailiff: Deputy Tindall, Deputy Fallaize has got a point of correction.
Deputy Fallaize.

2735 **Deputy Fallaize:** Thank you, sir.

I am not sure if it is a point of correction or a point of order but the Deputy de Sausmarez amendment was defeated (**Deputy Tindall:** Oh it was.) and the Propositions were not amended so the course of action which Deputy de Sausmarez proposed to the States is now not available. I think that is right, sir, isn't it?

The Bailiff: That is right and that is valid point of correction I think.

2745 **Deputy Tindall:** I am very grateful for Deputy Fallaize because I have spent the last few hours trying to find out the outcome of that vote and I could not find it on twitter, could not find it on here and unfortunately my internet then lapsed so I could not ask Deputy de Sausmarez. So I am very grateful for that point of correction.

2750 Obviously I am now in even more of a dilemma. But I still feel that SACC should be able to come back with a proper outcome considering the feasibility of November without the need to come back with a recommendation, and more importantly without the need to repeat this most painful of two days which has been to listen to everybody talking about all of this over and over again. There are too many variables for our public health, there are too many variables for travel, and I feel in that case that I will continue to support the Deputy McSwiggan amendment and yes I happen to agree with Deputy Oliver for obvious reasons from what I have said in my speech we need to see the set of Propositions and can we please now have them on screen as I do not have internet connection.

Thank you, sir.

Deputy Mooney: Sir, may I make a point, my States' email account is down so I cannot see or use the chat function; can we establish how many people are in that position please?

The Bailiff: Well, Members of the States, there do appear to be a few technological failings this afternoon and there were a few this morning, the point that Deputy Mooney just makes. The chat function is still coming through to a certain extent, which is how I was able to spot that Deputy Fallaize had a point of correction.

If Members really are struggling then can they make some alternative means to be able to vote when we come to a vote for the time being or if there is a need for us to rise for a while, then we will potentially do so.

But let me call Deputy Lowe next. Deputy Lowe.

Deputy Lowe: Thank you, sir.

Sir, it is a question for the President of SACC really, how he is going to handle this bearing in mind the information he gave us this afternoon was that they would struggle with the advice that they have been given to see that we would have an election in September.

He then went on to say that if the States asked or directed them, they could come back with a report in June. Well there is nothing on the table to ask them to come back with a report in June, but if there was a report in June, but of course that is another month gone and the clock is ticking for September, and the advice given from those in the know at staff level and the official statutory officials have made it very clear that they believe it will be a struggle to get September but they could do an election for November. Interestingly Deputy Inder actually said this afternoon that they believed they could do November whereas this morning they were a bit apprehensive about November, but I think some of that might have been to do with more of the health issues.

So we are a bit in no man's land really. In fact it is becoming a farce. I just cannot believe, I am really disappointed that we have got two Members of P&R that came up who are so keen to have September, after several hours of debate, came up with a last-minute amendment to shove in September, without any thought or any background or any research to be able to give us timelines or anything as part of that amendment. That is not good governance and it is not good government and I am very disappointed with that.

Then we have the advice from Deputy Soulsby. This is all about Covid-19 this has been key for the whole thing for the General Election and most people, they have got a good turnout on a Friday who are tuning in to the debates to be able to listen to what is being said, the advice that is given each week –

Deputy Trott: Point of correction, sir.
I have no text facility.

Deputy Lowe: Deputy Trott says he wants a point of correction, sir.

The Bailiff: Deputy Trott, point of correction.

Deputy Trott: Yes, Deputy Lowe was lambasting Members of P&R for bringing the last amendment. She voted for it, sir! Quite extraordinary, and whilst I am speaking, I will take no lessons on governance from Deputy Lowe.

The Bailiff: Deputy Lowe to continue.

Deputy Lowe: I think Deputy Trott needs to apologise to the States for misleading them, I did not vote for his amendment. I voted against it, so let's get that one clear because I am not going to play games in a General Election, I think it is too serious.

We had advice from Deputy Inder, from the statutory officials. We had advice as well from Deputy Soulsby as this is all about Covid-19 and she has taken the advice from the Director of Public Health which we should not be ignoring. I mean the public take every word that Dr Brink says because she is honest, she gives all the details, she gives the data, she says it is our data, she has not hidden anything from us whatsoever, and that advice for me is key.

So for States' Members if they choose to go ahead with a September election in full knowledge that the director of medical advice who the public are listening to are advising that it is not appropriate in her view for September and we have got the statutory officials in the States actually saying that they do not think we can do September then I think to send the public into an area where they think we are going to have a September election and yet if SACC come back in June and say actually no we can confirm we cannot do it we are we, it just becomes a joke, but not a funny joke. You cannot play around when we are talking about a General Election it is too key.

So for me I hope Members will support ... carry on supporting the Deputy McSwiggan area which is now in the Propositions and they will reject the one that has just been approved the Deputy Trott and Deputy St Pier amendment.

Thank you, sir.

The Bailiff: Members of the States, the voting record as and when it is published will show that as Deputy Lowe has just said she did vote *Contre* in respect of amendment no. 3 proposed by Deputy Trott seconded by Deputy St Pier. In the light of that Deputy Trott, do you wish to tender an apology?

Deputy Trott: Unreservedly but I have to tell you, sir, I heard it as *Pour*, it was a genuine mistake it was a link issue, I heard it as *Pour*, that may have been compounded by the fact that she said she was intending to support it or alluded to the fact she was likely to in debate. But I do apologise, sir, on this occasion I was wrong.

Deputy Lowe: Thank you, Deputy Trott.

The Bailiff: Thank you very much.
Deputy Fallaize next.

Deputy Fallaize: Thank you, sir.
Oh sorry I just muted myself.

Sir, I want to pick up on a point that Deputy Lowe just finished on, we live in a world of Resolutions and Propositions and amendments and all these sorts of parliamentary mechanisms. Some to a greater extent than others I accept, but nevertheless, we deal with these things when we are in debate in the States. Of course the general public do not, and cannot be expected to.

So in the event what is now Proposition 3 this Trott/St Pier amendment is approved as a Resolution of the States the message that will go out from the States and will be reported by the media is that the States have voted for a General Election to be held in September 2020, no ifs or buts, there is no qualification on this Proposition; there is no report required from the States' Assembly & Constitution Committee; there is a direction to the Committee to make arrangements to enable a General Election to be held in September 2020. That, sir, is the way in which it will be reported.

Now I respectfully suggest, sir, that some of the Members who have voted in favour of it are perhaps some of them are not sure and certainly, I think, sir, I picked up in debate that many of them about sceptical about whether it will actually be possible from a logistical perspective, and from a public health perspective to hold an election in September.

Those two things are in conflict. I think the States risk the prospect now of sending out a message that there will be an election in September and then having to send out another message in June or subsequently that there will not be an election in September.

I think, sir, that is a far worse position than let's say there was a definitive judgement at some point to hold an election in November or March or April of next year or whenever it would be. Yes that would be a deferral but I think it is worse continually to change the date of the election.

I know that many Members who voted for the Trott/St Pier amendment want to send out a message that they want to hold an election as soon as possible. We all want to hold an election as soon as possible, and there are different views about when it might be possible to do that. So I do not criticise anyone for wanting to send out a message that it should be held as soon as possible, but just picking a date out of the air and imposing it not as a date for consideration by SACC but as the date definitively when there will be a General Election I think is unwise.

I think it is particularly unwise because the two professional officers whose advice on this matter is more important than any others, the Registrar General of Electors and the Medical Officer of Health where we have both been advised by the Presidents of the Committees to whom those officers report that they have serious reservations about whether it will be possible to hold a General Election in September.

Now I do not say the States blindly needs to follow their advice but I think if they are advising that they have serious reservations, this is the Registrar General of Electors, who is statutorily responsible for organising the election, if that official and the Medical Officer of Health when we are in the midst of a pandemic are both saying they have serious reservations about the capacity to hold a General Election in September. I think for the States on the back of an hour or two hours' notice to say essentially we are disregarding this advice and we are setting the date for September anyway concerns me. I think that is a very ... I think it is a commentary, sir, on the position this States has now got itself into generally and not just on this issue.

It seems to me, sir, that if the ... because bearing in mind that if Proposition 2 which is the Deputy McSwiggan amendment is approved and I have no doubt that it will be approved there will be a direction to the States' Assembly & Constitution Committee to report back to the States on the feasibility of holding elections in November or March or April or May.

Now if Deputy Inder when he speaks in general debate, closes debate, if he was to give an assurance on behalf of the Committee that it will go away and immediately give consideration –

The Bailiff: Deputy Fallaize, point of correction coming in from Deputy Laurie Queripel.
So Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

Thank you for calling me on that point of correction. I am reluctant to interrupt Deputy Fallaize because he is making some fair points, but the now Proposition 3 which was the Deputy Trott/Deputy St Pier amendment is not entirely unconditional if you look at the wording of Proposition 3 it does say:

... depending on the extent of the Covid-19 related health risk prevailing at that time ...

so if Public Health advises that actually the risk is so great that the election cannot go ahead it is possible that it might not go ahead in September.

The Bailiff: Deputy Fallaize to continue please.

Deputy Fallaize: Sir, the qualification that Deputy Queripel speaks about is about how such an election can be held, the words are:

... to include information as to how such an Election can be held in accordance with Public Health advice ...

But the first line of the Proposition is:

2910

To direct the States' Assembly and Constitution Committee to make arrangements to enable a General Election to be held in September, 2020 ...

I mean if there is any doubt about this we will find out when this is reported on by the media tomorrow, we will find out whether it is reported as the States having agreed that there will be an election in September because I would be staggered if that is not how it is reported. I mean all the nuances of qualifications in Resolutions and Propositions counts for nothing, and I think the message will be broadcast loud and clear and justifiably so that the States had agreed to hold an election in September.

2915

Now, sir, the final point I was making was it seems to me that given that the States' Assembly & Constitution Committee is going to have to come back with a report anyway on the feasibility of holding elections on future dates that if the President of that Committee gave an assurance that immediately following this debate his Committee would include in its consideration the feasibility of holding the election in September then that could be accepted by the States as the Committee on behalf of the States trying to do everything it can to come back to the States and report that a September election is possible. So that would in a sense encapsulate the will of the States, if it is the will of the States, to try to get the election held as soon as practicably possible without the need for this new Proposition 3 to be turned into a Resolution which makes it definitive that there will be a General Election in September or at least that is the way that it would have to be read by any reasonable person reading these Propositions if they are converted into Resolutions.

2925

So I urge the President of the States' Assembly & Constitution Committee to do that. I really do think – I mean my instinct actually is to vote against all these Propositions because none of them really capture the approach I would like to take, right from the very beginning my preferred approach has been for the States to agree that the election should be held as soon as possible but at not less than six months' notice and to direct the States' Assembly & Constitution Committee to return to the States as soon as they feel that that point has been reached.

2930

I do not really care whether it is October or November or December or January or whatever, I just think that we ought to hold the election according to those principles that is safe to do so and reasonable notice has been provided to all candidates and others who would have to be involved.

2935

That option obviously is not on the table so I am ... my instinct is to vote against all these Propositions, but I understand that if Proposition is defeated then there will be no fixed back stop date as it were. Proposition 2 is clearly going to be carried, but I do not think Proposition 3 should be carried, sir, and I think as I say the will of the States can be captured by an undertaking from Deputy Inder that his Committee will go away and come back quickly, it will have to be in June to advise whether September is feasible.

2940

But if the advice continues to be from the Public Health perspective and from the Registrar General of Electors perspective that September is not feasible or they have serious reservations about it, and a majority of the responsible Committee SACC actually voted against the Trott/St Piet amendment I think for the States to press on ahead in defiance of that advice on a matter such as this, sir, seems to be really quite unwise.

2945

So I think if that course of action could be followed it would not mean that the States had decided there definitely could not be an election in September because if SACC were to come back subsequently to explain how it could feasibly be done then clearly we are heading into future debates about election dates and September could be chosen at that point.

2950

But, sir, I would prefer us to go about doing it that way.

Thank you, sir.

2955

The Bailiff: Deputy Soulsby, to be followed by Deputy Oliver.

Deputy Soulsby: Thank you, sir.

I know Deputy Fallaize said he would be brief but I really will be briefer.

2960 I really would love to have the election in September, I really think that the sooner we can put this States to rest the better quite frankly.

But I just thought I would like to leave this with Members. I can tell you how going in to lockdown stopping the clocks was far easier than getting out of it. I cannot see that stopping and restarting a General Election is any different. I spoke yesterday about the impact and how we dealt with the Covid-19 crisis could impact on our international reputation and I think that argument is as equally valid for a General Election as well.

So that is all I wanted to say.

The Bailiff: Deputy Oliver.

2970

Deputy Oliver: Thank you sir.

This is no laughing matter but I am kind of chuckling to myself because so many of the States' Members are evidence, evidence, evidence, we cannot make a decision on this because we need the evidence.

2975 Well we have had Members of SACC saying now that they do not think a September election will be possible, we have President of Health & Social Care who was talking to the Public Health person and she has said that they are worried that in August, July/August there could be a bubbling out a second wave and yet we just plough on does not matter about the evidence let's just go for it, we need our September election.

2980 Now the wording of the September election it says:

'...to be fixed for holding the General Election in September, and to include information as to how such an Election can be held in accordance with [the] Public Health advice ...'

Public Health advice has said do not, but it already says we need to have an election. So therefore are we going to make the whole election a postal vote, well we could have done that for the June election this year?

2985 I just think the States as a whole is beginning to look a little bit foolish on this matter. We have almost sort of got it into our heads that we need an election as soon as possible, which is true we do, but do we need to unravel all the really good work that we have done through the Covid.

2990 There have been so many people had to go through real hardship with lockdown and to bring an election too soon could actually (a) could cause another a second wave which would be very disappointing and (b) I just think it is so rushed.

We are talking about I think Deputy Lowe and Deputy Fallaize said something like there is actually only two and half months until the Electoral Roll has to be shut. Well (a) is that enough time to get everybody that wants to be on. Secondly for the candidates themselves I know there are some arguments you might not be able to go knocking on doors around the whole Island but for many candidates that is still going to be a major part of their election campaign. Is it going to be safe for them, are we actually putting candidates at risk because we are doing this too early.

3000 I just feel that we have done so well so far and on this election, we have flip-flopped, we have gone backwards and forwards, which is fine if it is the right decision, but making a decision just based on well I want the election to be as soon as possible so let's do it for September I just think is the wrong way to go about it.

I urge Members to properly think about the September election and actually just vote for Proposition I think it was 1 and for Proposition 2.

Thank you, sir.

3005

The Bailiff: Members of the States, I do not whether some of you want to speak but have not been able to make use of the chat function to indicate that. There is a message in from Deputy

Lowe saying that she has heard that some people are unable to receive emails or use the chat function. In those circumstances although there might be some desire to rise and resume when technology permits, but given the hour of the day what I am minded to do is to say that if any Members who cannot use the chat function and cannot use email but is here then because they are participating in this session virtually then perhaps if they just simply put their camera on or speak then I will take their contribution that way.

Deputy Le Pelley, I will call you.

Deputy Le Pelley: Yes, sir, I do not want to speak I just want to make you aware that I have got no function whatsoever so I can hear you but I cannot cast any vote and I cannot request to speak or anything like that. The system has gone since 4.11 p.m.

The Bailiff: Well Deputy le Pelley the fact that you are able to make that contribution means that when we go to the vote then you will hear your name called by the Greffier and you will be able to vote.

Deputy Le Pelley: Yes indeed, but I will not be able to give a *Pour* or a *Contre* if you go *aux voix* when we –

The Bailiff: There is a request in any even for a recorded vote on all three Propositions so all of the votes will be taken as a recorded vote. So I hope that puts those Members who are concerned about being able to vote – the advice that I am going to offer you that has been offered to me because this is not me making it up, is that you just stay in the Teams call rather than dropping out and coming back in that will be better than hanging up and trying to re-enter, because apparently people are trying to rebuild something exactly what is being rebuilt I am not sure but with a bit of luck we will get sorted.

But is there any Member who cannot hear me and needs to contact somebody else to indicate that, and if there is not then is there any Member who wishes to speak before I turn to the President Deputy Inder to reply to the debate?

Well nobody is indicating a wish to speak – Deputy Tooley.

Deputy Tooley: Sorry, sir, just very briefly.

I think I still have as my overall concern in this debate the concern I had at the beginning, or one of the main concerns I had at the beginning, which is that I am concerned that in the wish the very understandable wish to bring the election forward to the earliest possible date, pressure is going to be placed upon Public Health to make decisions that they may or may not think are the very best decisions.

I am more concerned about that now as a result of the debate on the Trott/St Pier amendment because we literally heard message from the Director of Public Health that she would be very concerned, I think that was the word, forgive me if that is not quite the right wording, but that it would give rise to concern for her if we were to debate having an election or if we were to decide that we would have an election in September.

Immediately following those words almost I think there were two speakers after that but almost immediately after that the States voted to go ahead and place into the Propositions a Proposition that would go directly against the advice it would appear that the Director of Public Health is offering.

I am really concerned that in a Helter-skelter wish to make sure that this happens at the earliest possible opportunity we are risking going against the advice that Public Health are offering. I am concerned that that will continue to be the case.

I want to see the election happen at the earliest possible opportunity as much as anybody else does but my concern is not just a figment of my imagination. We have had a literal demonstration today of how that could happen. I genuinely believe we should stick with what we had originally

3060 decided as the way forward here, until such time as it becomes clear that we could do something different.

If that means people are more comfortable voting for the amendment that was originally laid and became Proposition following Deputy McSwiggan/Deputy Soulsby's amendment then at least that is us coming back to think about this again and decide again in the future when the right time is.

3065 But I genuinely think that too much pressure is going to be placed on Public Health and there is going to be too much expectation that the Island needs to deliver, and the Island needs to step up, and the Island needs to accept that we cannot just worry about health, and I think that is a really valid concern that I have, sir.

3070 Thank you.

The Bailiff: Deputy Dudley-Owen to be followed by Deputy Trott.

Deputy Dudley-Owen: Thank you, sir.

3075 I had not intended to speak in general debate I felt I had said enough, but I think that comments like Deputy Tooley's and the realisation of how many people voted in favour of the Deputy Trott/Deputy St Pier amendment really got me thinking actually, and it has got me quite worried actually that we have got our Chief Minister our Deputy Chief Minister who are now really ... they are going against the advice of our Medical Officer of Health and that really very much concerns me. Are we going to be starting a trend now? I absolutely echo the concerns of Deputy Tooley.

3080 The fact that all of the Health & Social Care Committee voted against that particular Proposition should really ring alarm bells for all us when we come to the final vote on this particular these amended Propositions. I really would ask that all Members think very carefully about the vote and the message that this sends to the population of Guernsey that we have done our bit we have now done our lockdown, we have come out of the emergency, we have done really excellently but it is okay now we can throw caution to the wind and it does not matter what Deputy Brink says any more we are out of the clear.

3085 But that is not what Deputy St Pier is going to be saying tomorrow. Deputy St Pier is going to be saying we still need to adhere to the advice that she is giving us and that is what you must do people of Guernsey, sticking together, stick to your guns, let's hold fast for a little bit longer; but that is not the message that Deputy Trott and Deputy St Pier have given today with this amendment.

It verges on the wholly reckless, in my opinion, and again I would urge Members please to vote against this in the final round of voting.

Thank you.

3095

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

3100 I will be brief. I mean 19 Members of the Assembly voted for amendment no. 3, 17 against, and I suspect the 19 who voted for it had actually dwelled on the detail within the amendment. I will read it again for Members' benefit because what the States has so far approved as a Proposition is:

To direct the States' Assembly and Constitution Committee to make arrangements to enable a General Election to be held in September, 2020 and to bring a policy letter to the States as soon as possible to propose a date to be fixed for holding the General Election in September, and to include information as to how such an Election can be held in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time, as well as including such other propositions as may be necessary ...

3105 Now, sir, there is a bit of a credibility gap developing here because we already know I believe unequivocally that there cannot be an election in November, so let's remind ourselves what we are debating. We are debating whether we should hold one in September or whether we should hold one in March or April.

3110 Now what do we know? Well I will tell you what we know, we know that on the 8th June, on the 8th June the primary schools will be going back, albeit with social distancing, and just on the Monday and Tuesday with a break on the Wednesday for deep cleaning and so on, but they will be back.

3115 We are also given a very strong indication that we will be moving to phase 4 very quickly. Now what does phase 4 allow? Phase 4 as I understand it allows people to eat again in restaurants with suitable social distancing. Members of the States, these are very material developments and they show a course of action which is significant and show that with social distancing it is possible to return to something that looks like normality. That is happening very soon on 8th June as far as the primary school children are concerned, and yet we are talking about an election one 132 days potentially away from today.

3120 One of the reasons why the CCA has done such an astounding job is because they have maintained credibility throughout. Unfortunately what is now happening is that we are stretching the realms of plausibility to their absolute extremes and the community will not buy it as a consequence of how well we have done. It is with proper social distancing of course it is a relatively simple process to undertake a General Election on 30th September or 23rd if Deputy Roffey would prefer. The point is, sir, that those that remain at risk can and will be encouraged to vote postally, posing them no difficulties whatsoever.

3130 The credibility gap it just makes no sense for us to persist with this and pretend that it is like it was the last time we debated this matter, it is not, there have been as a consequence of the very material successes of those involved a development, a changing development, a changing picture that makes the arguments of three or four weeks ago completely irrelevant in the current circumstances.

I do genuinely urge Members to get this done as someone famous in the UK has said, let's get this done, let's get the General Election done on 30th September and let's move on.

3135 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I apologise I did say when I spoke to the amendments I would not speak in general debate, but I am afraid what Deputy Trott has just said does deserve a response.

3140 Quite frankly, sir, I would much rather take advice from the Medical Officer of Health than from Deputy Trott on the feasibility of an election in September.

I think it is very dangerous to talk to an amendment that was drawn at very short notice has caused us to adjourn and for SACC to have a meeting and then to be told by Deputy Trott that in his opinion it will be perfectly safe to have an election in September.

3145 I would much prefer and I think all the other Members of Health & Social Care would much prefer to listen to the advice of the Medical Officer of Health.

Thank you, sir.

Deputy Trott: Sir, I have a point of correction.

3150 **The Bailiff:** Point of correction Deputy Trott.,

Deputy Trott: I went to great lengths to avoid that sort of riposte, sir, to make clear what the States has already voted for and that is it will:

3155 ... be held in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time ...

So the Medical Officer of Health, sir, her advice will not be ignored, her advice would be sought and I believe likely to be accommodated, but there is absolutely no attempt on my behalf or

anybody else associated with this amendment to refute her advice. Rather to embrace it and to move ahead with that in mind, sir.

3160

The Bailiff: Point of order, Deputy Soulsby.
Deputy Soulsby?

Deputy Soulsby: Sorry, the screen was covered and I could not press the microphone.

3165

Yes I would just like some clarification please with respect to Proposition 3 because although it says the election will be held in September 2020 but include information as to how it can be held to the extent under the Covid-19 health risk in accordance with Public Health advice, but what does that mean if the Director of Public Health says she advises that it should not be held. Is that possible under this Proposition?

3170

The Bailiff: I think the simplest solution at some point will be to invite HM Procureur to clarify what votes in respect of each of the Propositions will mean at some stage, and that might be the best way of dealing with it.

3175

Deputy Prow no not really is the answer to the query. You had finished I called Deputy Trott but as he made a point of correction if you want to continue your speech because a point of correction can only interrupt another Member then I will allow you to do so.

Deputy Prow: Thank you, sir.

3180

Deputy Trott when he made his speech he actually helpfully read out what the amendment which is now the Proposition said, and what it says actually, sir,

... and to include information as to how such an Election can be held [can be held] in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time ...

3185

My point is this is worded very differently to what is now Proposition 2. What I am saying is we have heard through Deputy Soulsby that currently what the Director of Public Health advises is what I am saying and continuing to say I think this Assembly should listen to her advice not what Deputy Trott's opinion of the current situation as it will be in September.

Thank you, sir.

3190

The Bailiff: Just pausing briefly but bearing in mind if no one else wishes to speak in general debate on these three Propositions I will be turning to Deputy Inder next. Madam Procureur I do not know – oh Deputy Lester Queripel, all right – Madam Procureur at some stage please if possible – but Deputy Lester Queripel.

3195

Deputy Lester Queripel: Sir, I hope you can hear me, I have had problems like others.

The Bailiff: I can hear you Deputy Queripel please continue.

Deputy Lester Queripel: Thank you, sir.

3200

Sir, I want to do things in reverse, I want to begin by summarising my speech and then make it. It is not a very long speech I am sure my colleagues will be glad to hear.

Sir, September is far too soon because of safety issues, November is not possible according to Deputy Trott because of the Budget debate, which leaves, March, April, May or June. As much as I want to retire from politics and get my life back and go out and do my own thing it seems to me that March is the date to go for.

3205

Now I want to speak a little bit about and Deputy Le Pelley touched on this when he spoke, this is public opinion, because the public are always divided, some are for things and some are against

things as we are. Now there are people out in our community who accuse us all of being corrupt and saying we were just waiting for an excuse to extend our term of office.

3210 Sir, I have been a Deputy for eight years and I can honestly say I have never ever witnessed any corruption of any kind taking place, neither have I heard any reports of corruption taking place. I realise that some out in our community will be thinking well he would say that wouldn't he, he is a Deputy. But, sir, in anticipation of that I consider that to be an insult to my integrity and an insult to the integrity of my colleagues, so I will treat it with the disdain and contempt that it deserves.

3215 That is extremely relevant to this debate, sir, because the same applies to the view of the community about flip-flop government. There are those out in the community who criticise the States for flip-flopping. Yet when it suits their agenda they want us to flip-flop.

3220 Now having said that I can see how an election next year is going to upset those who intended standing as candidates this year, and I can also see how an election next year will upset those in our community who wanted an opportunity to vote out Deputies from this Assembly that they have grown to hate. I use the word hate because I have been told by dozens of people over the years they actually hate certain Deputies. I have even been told by people that they even hate me, so as we know, sir, there are some really nasty characters out in our community.

3225 I have also been told by hundreds of Islanders that they have no intention of voting ever again because they are that disappointed and that disgusted with what they refer to as the worst States ever.

3230 Now the question I have been asking myself is should democracy prevail over health or should health prevail over democracy. I wrestled with that question for ages until the lightbulb went on and gave me the answer, the answer being – it should have been obvious actually – the answer is surely health should always be at the top of the list. After all if you have not got your health then nothing else really matters.

3235 My great concern here is that we do not know if we are going to get a second wave or not, that could happen of course, so that is focusing on the issue of safety here. Now on the issue of safety the question that gets asked all the time is when will it be safe to hold a General Election. Well as I have said in previous speeches, sir, safety is not exclusively physical, we need to take into consideration emotional safety, spiritual safety, feeling safe regarding mental health or mental wellbeing, or feeling safe economically to name just four of the areas we need to take into consideration.

3240 Now I very much appreciate we have no guarantee that we will be in a better place in September, November, or next year. But it seems to me that everything taken into consideration next March is the date to go for.

3245 So I will be voting against the SACC Propositions, I will be voting against Proposition 3 Deputy Trott/Deputy St Pier amendment and I will be staying with the Deputy McSwiggan/Deputy Soulsby amendment. But I do not see any problem actually with 2(a) I do not see any problem with a policy letter being laid before the States in June to decide whether ... with their views to decide whether it is safe enough to hold a General Election in November or not. I do not see any problem with that but of course speeches will be made for or against the actual election date being set in November during that debate, so I will have some more things I want to say in that debate, but for the time being, sir, that is me.

3250 Thank you very much, sir.

The Bailiff: Madam Procureur, I think it might be helpful if you could provide Members with the sort of clarity that is being requested so can I call you next please?

Then I will call Deputy St Pier.

3255 **The Procureur:** Yes, sir.

There are presently three Propositions before the States. The first Proposition is to approve the Reform (Guernsey) (Amendment) Law, 2020. That is quite a fundamental Proposition because if that

is not approved then all Member terms of office will come to an end on 30th June 2020, so it is important that that be approved.

3260 Just for Members information they may wish to be aware that Ministry of Justice have been incredibly helpful in saying that if this Proposition is approved quickly then there is a chance it will get to the Privy Council meeting in a couple of days' time at the end of June which is incredibly helpful. So that is the first Proposition but it is pretty fundamental otherwise Government as we know it this term of office comes to an end at the end of June.

3265 The second Proposition, sir, is to review the feasibility of the General Election in November, March, April or May as there has been considerable debate about and that is a direction for SACC to go away and consider the feasibility of elections.

The third Proposition which is the one there is some controversy over is in relation to the direction to SACC to go away and make arrangements to enable a General Election to be held and there has been some discussion as to whether that can be caveated by the Public Health advice. Well, sir, in my view it absolutely can be. Really SACC as a Committee is not dissimilar to any other committee if the Resolution of the States is passed with which it cannot comply it is incumbent on SACC to come back to the States and explain why it cannot comply, so therefore if the Public Health advice was such that it really was ... things changed between now and September impossible for a General Election to be fixed then in my view it would be incumbent upon SACC to come back to the States and make them aware of that.

3275 As to how these three play together they could be voted on separately, sir, as you have previously indicated. If they are all passed then yes there is a dilemma for SACC in terms of how does Proposition 2 then work with Proposition 3.

3280 As I explained previously, sir, in my view it is absolutely incumbent on SACC to come back to the States. Deputy McSwiggan pointed out that obviously September Proposition would need to be considered first because that would have most urgency, I agree with that, but it goes back to the point that it would be for SACC to come back to the States and if at that stage even in a couple of weeks' time they felt they simply could not meet the requested Resolution, were that to be passed, for September they would need to explain that to the States and bring it back for the States consideration.

3285 But, sir, in my view potentially the three could work together, there is an obvious potential clash between 2 and 3 but the right way to remedy that lies in the hands of SACC, sir.

I hope that that has assisted.

3290 **The Bailiff:** Well, Madam Procureur, can I just ask you whether if Proposition 3 were carried there is an absolute requirement as far as a Resolution goes for the States' Assembly & Constitution Committee to return to the States as soon as possible, whereas in respect of Proposition 2 it is in their gift as to when they return to the States because they are the ones who are assessing feasibility, and therefore there might not be a return of any Propositions if Proposition 3 were not carried but Proposition 2 were carried until possibly as late as October.

The Procureur: Yes, sir, I concur with that view. Yes.

3300 **The Bailiff:** Thank you very much, Madam Procureur.
Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

3305 I really just wanted to speak on this issue of timing and how it interacts with the likely course of the Covid-19 pandemic and how it interacts with the advice from the Director of Public Health.

Of course as others have already said this is a novel virus there is no predicted course for it, we do not know whether there will be a second or a third wave, although we do know that in similar pandemics that has been the experience, and whether that would come later in the autumn going

in to the normal winter flu season of November, December and through February and March remains speculation.

So I think we have to look forward from where we are. We are clearly in a much stronger position than we anticipated being when this was considered four weeks ago and we have to consider it in the context of the exit strategy, and the exit framework, which has guided the decisions up to this point.

I think it is a very reasonable assumption that by the time we get to September we will at the very least be in phase 5 and I think it is worth just reminding Members what that means, which is that in phase 5 it would see a return to a normal level of business activity and in terms of social connectivity it means that Islanders will be living within what is described as the Bailiwick bubble. Within phase 5 the only real constraint at that point would be in relation to travel restrictions that may still pertain to get on and off the Island with any period of quarantine for those returning or entering the Island.

So in that context the May from where we sit here heading into June in the position we are in the window of opportunity for a September election, to the extent that anybody is in a position to predict, is as good as that which may exist for next June 2021. Any other period in between remains subject to the same level of risk in relation to second waves.

So inevitably this community is going to need to continue to respond to this pandemic as it plays out over the coming weeks, months or even into years if that is the course that it takes and that may indeed effect the life of the community including any election date whether it is fixed for June next year or any other date.

So I think we have to make the decision based on the fact that we are in a much stronger position than we were, consider it in the context of what is reasonable with our own exit framework and on that basis September would be a very reasonable date to aim for.

The Bailiff: That concludes general debate, Members of the States.

Deputy Lowe you want to ask a question, who do you want to ask the question to?

Deputy Lowe: It was to HM Procureur: it was a follow-up question on the advice that she gave us. She would perhaps like to reply before we actually go to the vote because obviously Deputy St Pier was speaking so I could not ask if I could speak to her there and then because he came in quite quickly.

But I do not know if it is possible for HM Procureur if she is able to answer that either through Teams or perhaps through email to be able to assist me please. I can tell you what it is I have sent if that helps you, sir.

The Bailiff: I think it might help us all, Deputy Lowe, if you ask the question seeking clarification from HM Procureur and then we will see if HM Procureur can help.

Deputy Lowe: Okay.

Basically I was thanking her for the advice that she has just given us and that in Proposition 3 and she explained about the Director of Public Health advice as part of Proposition 3 but as we received that advice this afternoon heard that advice already how does that sit with Proposition 3 if that advice has already been received.

The Bailiff: Madam Procureur, are you able to answer that query for the benefit of all Members rather than just Deputy Lowe?

The Procureur: Yes, sir, I am.

The advice that we heard from Public Health came via if I recall correctly by Deputy Soulsby who has spoken to her on the telephone, in my view Members can quite properly take that into account when they make their decision on the voting, but nonetheless if Proposition 3 is carried in my view

it would still be incumbent upon SACC to seek direct and contemporaneous advice from the Director of Public Health at that time.

I hope that assists, sir.

3365 **Deputy Lowe:** Thank you very much.

The Bailiff: Thank you very much Madam Procureur.

There being no further debate, I will turn to the President of the Committee Deputy Inder to reply to the debate.

3370 Deputy Inder.

Deputy Inder: Thank you, sir, Members, and of course as ever, thank you to Madam Procureur for her advice.

Her advice only goes further to cement my view that Proposition 3 should be defeated.

3375 Deputies Tindall, Fallaize, Soulsby and Dudley-Owen I think you are probably as incredulous as I am that we can effectively – yesterday we were talking about the Ferbrache and Dorey amendment and we were told that there should be no input into Public Health advice from people outside the, and I will use the bubble and I do not mean that unkindly the bubble of health and those who were basically concentrating on and those who have been immersed in health. I voted against that but
3380 now that has been accepted, but that advice which Deputy St Pier and Deputy Trott agreed with they effectively told us to stay away from health, stay away from the statutory official and allow them to get on with their job. Yet today –

The Bailiff: Deputy Inder, Deputy Soulsby wishes to raise a point of correction.

3385 So Deputy Soulsby, please.

Deputy Soulsby: Yes, sir, I think I need to just that needs clarification that point. There was not the argument that advice should not be taken from others it was about where the decision making body was.

3390

The Bailiff: Deputy Inder to continue.

Deputy Inder: I added too much sauce on to that but I accept that but I think my general probably bad connection is as good as it is going to get for what is now 5.30 p.m. on day 47 of the Big Brother house.

3395

But what I found surprising today is Deputy Soulsby who is a Member of the CCA gave fairly clear advice and again I am quite happy to take a point of correction from Deputy Soulsby because I did not write it down correctly, she effectively said that she had telephoned the Director of Public Health and I believe the Director of Public Health said that August is when there is most likely to be the time when the virus might bubble up again and I think that is fair. But that is from a statutory official.

3400

Deputy St Pier said he was surprised of my resistance to Proposition 3. I do not think he should be surprised because I was listening to the statutory official from Deputy Soulsby told us that there was a danger that through effectively would be a campaign period when more people are out more people in contact with older people because it is almost natural that that would be a campaign period there is more likely to be an outbreak in that area.

3405

Of course there was another statutory official the Registrar General, he said there were significant concerns about the deliverability of the election in September.

So those are two statutory officials telling us that there are significant concerns, one concern about deliverability, practical deliverability, and the other one saying there were health risks based around it.

3410

I think from what I have heard so far all five Members of Health & Social Care are likely to vote against or have given advice to stay well clear of Proposition 3.

3415 Deputy Fallaize what has he done, he asked a specific question, he asked us I think what he said was if Proposition 3 were defeated would – excuse me, sir, would SACC consider September as part of its deliberations. Yes we would but we have been directed to consider November, March, April and May but I can give the States a – well I say commitment – because I have not spoken to the rest of my Committee but I think listening to feedback from the Committee Members I think it is fair to say that we could give a commitment that we would also consider September and come back with a judgement after looking at all issues properly.

3420 I did explain in the recess we have not looked at the issues properly but I was getting a clear message an absolutely clear message from our team which is spread across Home as well obviously that right now they could not give that kind of commitment and it does not matter how it is resourced for all the reasons I mentioned from that meeting we are not entirely clear that December would sorry I beg your pardon September would be deliverable.

3425 Deputy Soulsby and rightly so mentioned the reputational risk about September and I cannot imagine a worse position to be in, I think Deputy Fallaize touched on that, is that if we went for a September date which I know is only a couple of months past after November that extra two months if we assume every week is like a geographical billion years two months actually means everything and we might be closer to a November election delivery but even that as I have explained previously may well be unlikely.

Deputy Vitoria Oliver, I agree evidence is something that we tend to pick and choose.

3430 So, sir, Members it has been a long couple of days and a long debate. I would ask Members please to bury Proposition 3, move to the original Soulsby or whatever ... Soulsby and McSwiggan amendment and if that is then defeated can I give you all a reminder of the fair warning about the voting practices of the Reform Law if we have ever forgotten the original policy letter that if we vote *Contre* today that is going to leave us in somewhat of a difficult position.

3440 So, sir, with a bit of a ramble thank you for the last couple of days. I do not think it has been as bad as it sounds. We are the elected Assembly, we are there to deliberate, we are there to give direction, and we are here to thrash things out. I know it is annoying to some people who have got short fuses like myself I have got the patience of a panzer division most of the time but I am afraid on something as serious as democracy I think it is worth us thrashing it out.

But I would encourage all Members to bury Proposition 3 and vote for the rest of the Propositions.

3445 Thank you, sir. And a recorded vote, sir.

3450 **The Bailiff:** Members of the States, we need a recorded vote in respect of Proposition 1 there have been requests for recorded votes on Propositions 2 and 3 so we will have three recorded votes. You should all have a copy of the three Propositions in a single sheet of paper, but if not you have got Proposition 1 is the original set of Propositions, or Proposition in pursuance of Rule 18, you then need amendment 1 and amendment 3 for Proposition 2 and Proposition 3.

Greffier.

There was a recorded vote.

3455 **The Bailiff:** Thank you, Members of the States. It is quite clear that Proposition 1 has been carried. I will declare the exact voting in a moment and more importantly it has been carried by the required two thirds majority under the Reform Law, which means that the Humble Petition that you have now authorised me to despatch seeking Royal Sanction can be sent sooner rather than later, so thank you very much for that.

Can we move directly to Proposition 2 at the moment? Greffier.

There was a recorded vote.

Proposition 1

Carried – Pour 33, Contre 0, Ne vote pas 6, Absent 0

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

3460

The Bailiff: Members of the States, let me start with Proposition 1 which was carried by 33 votes in favour, no votes against, with 6 abstentions. That is why Proposition 1 was duly carried.

Proposition 2

Carried – Pour 30, Contre 7, Ne vote pas 2, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Tindall	Deputy Ferbrache	Alderney Rep. Roberts	None
Deputy Gollop	Deputy Brehaut	Alderney Rep. Snowdon	
Deputy Parkinson	Deputy Tooley		
Deputy Lester Queripel	Deputy Trott		
Deputy Le Clerc	Deputy Dorey		
Deputy Leadbeater	Deputy Brouard		
Deputy Mooney	Deputy Langlois		
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Laurie Queripel			

Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Le Tocq
Deputy Dudley-Owen
Deputy McSwiggan
Deputy De Lisle
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver

The Bailiff: In respect of Proposition 2, there voted in favour 30, against 7, with 2 abstentions. So Proposition 2 is also carried.

3465 We now go to the recorded vote on Proposition 3. Greffier.

There was a recorded vote.

Proposition 3

Not carried – Pour 15, Contre 20, Ne vote pas 4, Absent 0

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

The Bailiff: Members of the States, the voting on Proposition 3 was there voted *Pour 15, Contre 20*, with 4 abstentions. So I declare Proposition 3 lost.

So it is only Propositions 1 and 2 which have been carried.

3470 Well, Members of the States, we have gone past 5.30 p.m. But there is one item of business which is time critical today and that is Article VI which is a draft Ordinance to do with the Banking deposit compensation scheme so I am going to ask that that be put as the next item of business and then we will potentially close for today, unless anyone is desperate to continue, and we will resume where we would otherwise be tomorrow morning.

3475 Greffier.

Billet d'État XI

COMMITTEE FOR ECONOMIC DEVELOPMENT

VI. The Banking Deposit Compensation Scheme (Bailiwick of Guernsey) (Amendment) Ordinance, 2020 – Approved

Article VI

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Banking Deposit Compensation Scheme (Bailiwick of Guernsey) (Amendment) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

The States' Greffier: Article VI – Committee for Economic Development – The Banking Deposit Compensation Scheme (Bailiwick of Guernsey) (Amendment) Ordinance, 2020.

3480 **The Bailiff:** Deputy Parkinson, is there anything you want to say as the President of the Committee for Economic Development about this.

Deputy Parkinson: No, sir.

I think it is reasonably self-explanatory but I am happy to take any questions.

3485 **The Bailiff:** Is there any debate on this or can we go straight to the vote, Members? Nobody is raising anything so therefore I will put the draft Banking Deposit Compensation Scheme (Bailiwick of Guernsey) (Amendment) Ordinance, 2020 to you. Those in favour?

Members voted Pour.

3490 **The Bailiff:** Thank you very much, Members of the States, I am satisfied that that was carried with strong support. In fact I did not see any opposition and therefore I declare that Proposition duly carried.

Members of the States, it has been a reasonably long day and a reasonably long afternoon, so rather than trying to rush through a few other bits and pieces now I think we will close the meeting for today.

3495 What I am just going to forewarn you about is that tomorrow when we deal with elections and appointments and legislation we will then get to other business, which perhaps what was the heart of what was scheduled for this meeting when you last met, and I understand that there will be a motion to re-order the business being put at that time. So that is just to explain to you that once we get to the end of Article VII tomorrow morning we will then take stock and see what needs to be done in what order.

3500 So between you overnight if you could work out what that order should be that would be very helpful.

Well, I just thank you for your attendance today, I apologise on behalf of the technology side of things that we were a little bit in and out but we have made it to the close of today.

I will now invite the Greffier to close the meeting with the Grace.

The Assembly adjourned at 5.47 p.m.